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6

Supporting a national dialogue

Dilemmas & options for third parties

Jonathan Harlander

“**hd**”

Centre for
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Mediation for peace

The Centre for Humanitarian Dialogue (HD) is a private diplomacy organisation founded on the principles of humanity, impartiality and independence. Its mission is to help prevent, mitigate and resolve armed conflict through dialogue and mediation.

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Foreword

The Mediation Practice Series

The Mediation Practice Series (MPS) was initiated in 2008 as part of the Centre for Humanitarian Dialogue's (HD) efforts to support the broader mediation community. The series draws on feedback from mediators, including HD practitioners, who tell us they and their teams often lack adequate insight into other peace processes. In the past few years, the international community has significantly strengthened the support available to mediators and their teams. HD is committed to contributing to this effort and to the improvement of mediation practice.

Based on the shared view that mediators often confront similar dilemmas, although mediation differs widely across peace processes, HD is producing a series of decision-making tools that draw upon the comparative experience of mediation processes. Each publication in the series will give readers a concise overview of relevant challenges and options, and help them prepare for the potential demands of mediation processes.

Although these publications cannot replace practical experience, it is our hope that they can contribute to a more systematic learning process. The forthcoming publications in this series will be made freely available on HD's website and will be disseminated through our network and that of our partners. *Supporting a national dialogue* is the sixth publication in this series. It builds on the author's research on the topic as well as consultations with practitioners. The author would like to thank Roxaneh Bazergan, Christina Buchhold, Paul Dziatkowicz, Sara Hellmüller, David Lanz, Thania Paffenholz, Katia Papagianni, Giles Pitts, Christopher Thornton and Luxshi Vimalarajah. The author would also like to thank the Ministry for Foreign Affairs

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Essential points for practitioners

- There is no blueprint for national dialogues. Based on lessons learned, third parties can, however, identify factors contributing to their success and failure, as well as recurrent challenges for such processes.
- National dialogues are designed to conduct inclusive consultations to forge consensus, negotiate reforms or determine the process through which reforms will take place, and/or start a reconciliation process.
- Factors for success include the quality of a national dialogue's mandate, the political will of parties for change, and the inclusiveness of the process.
- National dialogues should avoid being perceived as ivory towers by constituencies and gain from being linked to parallel dialogue tracks and existing political processes and institutions.
- To preserve the legitimacy of the process, third parties' support to national dialogues should not replace or overshadow national ownership.
- National dialogues do not guarantee that reforms or transitions will be successful, and they alone cannot resolve all the challenges a country and society face. In addition, third parties should remember that the participants' willingness and the technical quality of a national dialogue do not guarantee a positive outcome.
- Third-party support is rarely disinterested and different parties might sometimes have opposing objectives in supporting a national dialogue.
- Clarity should be an essential principle for the mandate of a national dialogue. A mandate which is too broad risks triggering intractable debates during the process to redefine the exact terms of the mandate. A narrow mandate on the other hand might greatly limit the room for change and generate frustration among participants and constituencies.

- The selection of delegates is a highly political step in the organisation of a national dialogue and will influence the legitimacy and inclusivity of the process. Consultations are an appropriate tool to prevent tensions during the selection process.
- Decision-making rules are important and, if carelessly drafted, might result in locking a dialogue in lengthy debates, or in vetoes or boycotts due to the frustration of some participants.
- The convening of a national dialogue is a major undertaking in terms of organisation. The venue, costs, security and administrative support play a key role in the smooth development of the process.
- Outputs of national dialogues are not always tangible. Such processes are also socialising mechanisms for parties whose interactions have otherwise been characterised by mutual animosity.
- For implementation, it is very important that follow-up mechanisms are designed and agreed upon by consensus.

Supporting a national dialogue

Dilemmas & options for third parties

1 Introduction

The proliferation of national dialogues in the past 25 years has generated significant interest in such processes from political, military and civilian parties in contexts of conflict, political and social turmoil or political transition. Consequently, both local and international third parties have often been asked to provide expertise, support and/or facilitation before, during and after a national dialogue. Responding to such requests, a central challenge for third parties has been to determine how they can play a constructive role, while ensuring that the process remains nationally owned.

National dialogues are nationwide and inclusive fora intended to initiate fundamental structural and political state reforms through a negotiation process.¹ A mandate, usually provided by the incumbent government or included in a peace agreement, empowers the participants to decide upon necessary reforms. In contrast to exclusive negotiations, national dialogues are characterised by their intention to broaden participation. They provide access for parties and groups usually excluded from or under-represented in political negotiations, and thereby air demands which could otherwise fuel future discontent if they are not addressed. Consequently, religious, ethnic or tribal minorities, civil society, businesses, labour unions, women or youth are usually interested in such processes, as they see in

national dialogues an opportunity to lobby for their interests. This makes national dialogues a popular tool for structural reforms.

There is no blueprint for a national dialogue. A wide variety of national dialogues have been organised, with diverse mandates, rules of procedure, compositions and outcomes. This diversity reflects the unique political experience and needs of the society and state for which they are designed. Several approaches have been used, from the formally mandated national dialogue, with clear responsibilities and relationships with state institutions, to more informal processes. In terms of inclusion, some processes have gathered only political parties, such as in Tunisia in 2013 when 21 political parties took part in the *Dialogue National*. Other processes, such as in Niger in 1991, have included a wide diversity of participants, such as professional groups, students, religious leaders and civic associations.

This Mediation Practice Series paper will seek to provide concrete examples in order to identify key factors of success for a national dialogue and prepare third parties for the challenges that they might face in supporting such processes. Facilitators and stakeholders should however keep in mind that a national dialogue is not a ‘one-size-fits-all solution’, nor a solution in itself. Other options exist for state reforms or transitions and the enthusiasm for national dialogues which followed the Arab Spring should not hide the fact that such processes are useful only in particular contexts and, if inadequate, can do more harm than good.

2 | Why a national dialogue?

National dialogues usually happen where protagonists feel that wider consultation is critical to enable legitimate and sustainable state reforms and, sometimes, when a large enough number of influential parties favour a wide forum to identify common ground for reforms. Parties often attempt wider consultations after exclusive, elite-based negotiation formats have failed or seem insufficient to

prevent further instability. National dialogues can either replace or complement exclusive talks.

A national dialogue is only a tool at the disposal of a society contemplating fundamental reforms. To succeed, national dialogues must be accompanied by a series of steps to attenuate tensions. These can include confidence-building measures or providing relief to the civilian population through humanitarian assistance or development programmes, especially where the dialogue is expected to last for a long time. In addition, a national dialogue should not be disconnected from existing institutions and political processes and can sometimes take place in parallel to competing processes, directly influencing its development. Finally, it is essential for national dialogues not to be perceived as ‘ivory towers’ where participants are disconnected from the national and local reality. Informal or formal mechanisms for consultation can be put in place to feed more voices into the dialogue.

There is no guarantee that any national dialogue will succeed, and a dialogue’s context and objectives have a major impact on its development and outcome. In fact, numerous dialogues have failed. In Togo for example, in August 1991, President Eyadéma ordered the shut-down of radio and television broadcasts of the *Conférence Nationale Souveraine* when he found that delegates had started exploring ways of deposing him. In Guatemala, in 1989, the Grand National Dialogue was suspended due to increased safety concerns for its participants and the boycott by some key parties involved in the civil war.

Other dialogues, first praised as successful, were followed by disastrous instability or even war. In 2013–2014, the Yemeni National Dialogue Conference was praised for its inclusiveness and technical quality, but its recommendations were not implemented and the country now faces a violent conflict and deep humanitarian crisis.² This example should remind every third party involved in a national dialogue that the participants’ willingness and the technical quality of the process do not guarantee a positive outcome. Finally, other

national dialogues have repeatedly reconvened before reaching a successful solution. In South Africa, three national dialogues were organised between December 1991 and November 1993 before parties agreed on a Constitution for the Transition which eventually led to the first non-racial elections.

Third parties will often be consulted to provide technical expertise and insights related to previous national dialogues, sometimes long before the decision is made to launch a new process. In some cases, third parties will actively suggest the use of a national dialogue, particularly when other dialogue formats seem insufficient to guarantee the legitimacy of reforms to be negotiated. However, in order for such a process to remain fully nationally owned, it is the responsibility of parties to determine whether such a process is the adequate tool for what they are trying to achieve.

In what context do national dialogues take place?

National dialogues are not isolated events. They take place within a broader context: at the end of an armed conflict which led to the ousting of a government such as in Afghanistan (2002), within a post-authoritarian transition such as in Yemen (2013–2014), or following the *de facto* failure of an autocratic state, such as in Benin (1990). National dialogues are organised in states with contested, weak or failed institutions, or where institutions are deemed not inclusive enough and require reforms to increase their legitimacy.

The development of a national dialogue in such an unstable and sometimes violent context constitutes a challenge to the process. In Iraq in 2004, for example, the presence of American troops and officials during the National Dialogue Conference was denounced as directly affecting the legitimacy and independence of the process and led some parties to boycott it. During the 1989 Grand National Dialogue in Guatemala, the threats, kidnapping and torture committed against some participants, as well as the quickly deteriorating security situation, limited the participants' willingness to engage openly in the dialogue and eventually led to the termination of the unfinished conference.

Benin: domestic and international pressure to bring significant change

The financial, economic and social situation of Benin in 1989 was catastrophic: two state-owned banks had collapsed the year before; salaries, scholarships and pensions had not been paid for months; and indefinite general strikes were organised to express the discontent of students and civil servants. Additionally, a letter drafted by 11 bishops, denouncing the level of corruption and violence affecting the country and calling for democratic change, illustrated the nationwide condemnation of the regime's policies. As a result of the desperate economic state of the country, President Kérékou, who had been in power since 1972, lost the support of most political actors.

At the international level, Benin was pressured by public opinion, states and international institutions. Throughout the 1980s, protests were organised by Beninese exiles to raise public awareness within the international community about the situation in Benin. Furthermore, strong pressure came from the French Ministry of Cooperation as France was no longer willing to support Mathieu Kérékou's regime. Additionally, the dissatisfaction of the International Monetary Fund (IMF) towards the President's economic reforms, after the lukewarm results of a stabilisation loan allocated in 1987, left the regime with reduced bargaining power. Finally, heavy debt had created dependency on international actors and the lack of natural and financial resources in Benin prevented the state from having any sort of leverage.

The combination of domestic and international pressure led Kérékou both to convene the *Conférence Nationale des Forces Vives de la Nation* and eventually to accept the binding nature of its decisions. Despite his initial reluctance towards political change and attempts to crush the opposition at the end of the 1980s through political and judicial persecution, Kérékou had no choice but to accept the convening of a national dialogue which would result in the election of Nicéphore Soglo as President.

National dialogues must be preceded by formal or informal agreements such as a peace settlement, a ceasefire agreement, or confidence-building measures such as the release of political prisoners or amendments to the existing legislation. For example, the Inter-Congolese Dialogue in the Democratic Republic of Congo (DRC) was preceded by the Lusaka Ceasefire Agreement of July 1999, which in its article III-19 stipulated that a national dialogue was to be organised for a “new political dispensation and national reconciliation in the DRC.” Even before a national dialogue is decided upon, a mediator or facilitator working on ceasefire or demilitarisation, demobilisation and reintegration (DDR) negotiations might thus be requested to explore the possibility of using a national dialogue. In Myanmar, reflections on the so-called ‘inclusive political dialogue’ took place in parallel to the negotiations on the Nationwide Ceasefire Agreement signed in October 2015, which eventually included references to a future national dialogue.

International support for a national dialogue is crucial in most cases, and may be financial, material and/or technical. In addition, political pressure and/or discreet facilitation may also be required. In Yemen, for example, the support, interest and sometimes pressure from the Gulf Cooperation Council (GCC) influenced considerably the preparation and holding of the national dialogue, although the whole process unravelled a few months later. On the other hand, some criticised the United Nations for playing a limited role in facilitating the National Dialogue Conference and using national ownership as an excuse for its lack of intervention.³ Naturally, international support should not replace or overshadow national ownership of the process, which is necessary to preserve its legitimacy. Third parties need to balance maintaining national ownership and garnering international support. One should however note that third-party support is rarely disinterested and that different parties might have opposing objectives in supporting a national dialogue.

What are the objectives of a national dialogue?

The objectives of a national dialogue reflect the interests of the parties involved. However, it would be unrealistic to think that such a

process can solve all grievances, which in some cases have led to decades of conflict. Facilitators can assist parties in setting realistic objectives which can be achieved within a limited timeframe. National dialogues should ideally be chosen when they are the most appropriate tool for achieving the following objectives.

- **To carry out constructive and inclusive consultations to forge consensus.** A national dialogue can represent a unique opportunity for actors who have not been politically represented in the past to express their concerns, interests and grievances. In Benin for example, the multi-party system was introduced in December 1989, only two months prior to the convening of the *Conférence Nationale*. The national dialogue thus represented an opportunity for the so-called *forces vives de la nation* to express themselves, to galvanise the support of constituencies and diffuse concerns they might have. Such a process can directly improve the quality of debates by broadening participation but can also trigger resistance from conflict parties and powerful actors or render the debates more complex. A national dialogue enables a direct conversation between conflict parties and civil society, which other negotiation formats cannot easily offer. Third parties can help determine whether the format chosen for parties to express their interest is adequate and make sure that it does not risk creating spoilers by generating frustration. Ideally, a national dialogue should be a platform not just for expressing grievances but rather for constructive exchanges.
- **To negotiate reforms or determine the process through which reforms will take place.** In Yemen, for example, the dialogue led participants to agree on the need for the state to adopt a federal political system. National reforms can be constitutional but can also result in legislation which broadens the inclusivity of state institutions or establishes transitional institutions. Additionally, national dialogues may lay the groundwork for legislative or presidential elections, sometimes after a decision to disband the national assembly. It is therefore in the interest of stakeholders to take part in the debates defining the terms and timetable of elections but also, more broadly, to have their interests taken into account in the outcome of the national dialogue.

- **To initiate a reconciliation process.** National dialogues do not definitively solve conflicts. The exchange and socialisation elements of the process through which values and norms are being shared and assimilated, as well as the expression of past and present grievances, can work as a catharsis and, as such, may be excellent conflict-management tools. However, the gathering of hundreds of individuals with intense emotional links to the past can potentially undermine and complicate a process. In Yemen, discussions on transitional justice were particularly exhausting but eventually resulted in consensus. There is a risk that national dialogues become accusatory bodies, used in retaliation against a regime’s repression or crimes committed by parties, thereby generating counterproductive reactions. For example, in Togo the eagerness of the political opposition to press legal action against President Eyadéma certainly contributed to the President’s decision to stop the *Conférence Nationale Souveraine* in August 1991.

Naturally, the declared objectives of a national dialogue are not necessarily reflective of the actual objectives of parties. The latter often seek to reinforce their power, push their desired reforms, obtain amnesty for past crimes or gain reparations. In Benin for example, according to some commentators, and despite a mandate to bring about ‘a new democratic system’, President Kérékou intended for the *Conférence Nationale* to discuss economic issues only.⁴

3 | The mandate

The mandate of a national dialogue defines both its prerogatives and objectives. While there is no one-size-fits-all mandate, a review of past national dialogues reveals key characteristics required for it to be suitable. This section describes these characteristics.

Origin of the mandate

National dialogues often originate in a formal agreement between some of the conflict parties, such as the Bonn Agreement of December 2001 (article I, 4) in the case of the Emergency Loya Jirga in

Afghanistan or the Lusaka Agreement of July 1999 (article III, 19) for the Inter-Congolese Dialogue. Mandates can also result from an inclusive consultation such as in Togo, where the mandate of the dialogue resulted from negotiations between the government and the so-called *Collectif de l'Opposition Démocratique* (COD), which included political parties, civil society organisations and trade unions. In other cases, a mandate can result from a unilateral decision by the incumbent authority, such as in Nigeria in 2014, although discussions with other stakeholders usually precede such a decision.

The origin of a mandate influences both the legitimacy and sustainability of a national dialogue. In addition, the call for a national dialogue by the party in power, or by the parties with sufficient authority or legitimacy to do so, needs to be endorsed by the opposition or at least a significant part of it. Indeed, if an important actor refuses to take part in a national dialogue it puts the whole process in jeopardy and threatens the legitimacy of its output.

Each potential party to a national dialogue has a strong interest in influencing the drafting of the mandate as it will determine what can be discussed and decided during the dialogue, as well as the nature of its output (mandatory or not). Therefore, a consensus will need to be obtained through negotiations, often over the course of months, if not years, including consultations with the different constituencies to determine their expectations of such a process. In the case of Myanmar, more than two years of negotiations between the government and ethnic armed groups was necessary to reach the Nationwide Ceasefire Agreement (NCA) in October 2015. This determined the mandate of the 'inclusive political dialogue', later re-branded the Union Peace Conference. Similarly, third parties, using different mechanisms such as political, financial or material pressure and incentives, will also attempt to affect the drafting of the mandate.

The decision to organise a national dialogue is frequently the result of negotiations between a limited number of actors, and under-represented or small constituencies often have no choice but to accept a process which is a lesser evil than an exclusive process.

In the example mentioned above, the government of Myanmar held bilateral negotiations with 15 ethnic armed groups, thus excluding other groups, armed or not. Although only eight of the ethnic armed groups originally signed the NCA, the non-signatories were later invited to provide their input to the framework for the dialogue and to take part in the Union Peace Conference. In addition, more

Yemen: from exclusive to inclusive process

In the case of Yemen, the mandate of the national dialogue was agreed through an initiative of the Gulf Cooperation Council (GCC). Additional international actors such as the United States, the United Kingdom and the European Union convinced the opposition to take part in the process. After multiple postponements, President Saleh finally agreed to step down in exchange for immunity, and a consensus government was put in place.

An implementation mechanism was signed on 23 November 2011 by the Foreign Minister of the United Arab Emirates, the coalition of opposition groups and the acting Yemeni president, Abd Rabbuh Mansur Hadi. Among other things, the document determined the inclusiveness of a national dialogue, the topics it would discuss, and its timeframe. It also specified that the dialogue was to determine the nature and form of the political system, and the creation of a Constitutional Commission to discuss amendments to the constitution.

Although the national dialogue in Yemen included representatives of youth, women's and other civil society organisations, the origin of its mandate is to be found in the agreement between the main political actors, the General People's Congress and the National Council for the Forces of the Peaceful Revolution. It was only after an exclusive process took place that the other major interest groups were allowed to take part in the decision-making process. As a result, inclusiveness has been perceived by some parties as being a façade, with certain organisations alleging that the important decisions were taken without their input.

groups are expected to be invited later in the process. In the case of South Africa, it was the bipartite negotiations between the African National Congress (ANC) and the National Party (NP) which allowed for the Multi-Party Negotiation Process, including 26 parties, to be held between April and November 1993.

The origin of a national dialogue can thus be exclusive, although the dialogue usually extends the participation to other actors, in particular minorities and representatives of civil society. Naturally, this raises questions about the actual weight of parties that attend a national dialogue but were not included in negotiations on the mandate and rules of procedure. The role of third parties in this context is to identify the demands of the different parties and to facilitate the negotiations that are intended to include all of them in the process. Third parties can also help determine which groups could strategically be included in a national dialogue and inform negotiating parties about the pros and cons of increasing or decreasing inclusion.

Scope of the mandate

The content of a mandate can vary considerably in scope across national dialogues and will determine whether the process will be purely advisory or have executive or legislative powers. In Togo, the *Conférence Nationale* had a mandate to discuss and decide on ‘all questions of national interest’. This mandate included the power to legislate and stipulated that decisions by the *Conférence* were sovereign and legally binding. However, as indicated above, this did not prevent President Eyadéma from deciding to end the national conference as the process threatened to prosecute him for crimes committed under his regime. Mandates can also be very specific and limited, as in Iraq, where the Annex to the Law for the Administration of Iraq in the Transitional Period, issued in 2004, limited the mandate of the national conference to the selection of the members of the Interim National Council.

Mandates have indeed been extremely diverse, ranging from establishing transitional authorities to addressing past injustices and crimes,

drafting a new constitution or addressing specific regional or thematic issues. It is at the discretion of the authorities and the different stakeholders to determine what the dialogue should be expected to accomplish. Precisely because there is no blueprint, possibilities are broad, and consultations are thus essential to assess the expectations of the main stakeholders.

Clarity should be an essential principle for the mandate of a national dialogue. Ideally, the objectives and authority of a national dialogue should be clearly and positively defined for it to be efficient and to prevent competition with existing state institutions such as ministries and the legislature, and other processes, such as constitutional processes or transitional justice processes. For example, during the Convention for a Democratic South Africa I (CODESA I) in 1991–1992, members of the parliament grew more and more concerned that the dialogue would slowly take over their authority. In 2013–2014 in Libya, before the security situation worsened and while discussions on developing a national dialogue took place, some of the reflections focused on the relationship between the national dialogue and the constitutional drafting assembly. Similar questions have been discussed in Myanmar in 2016.

A mandate which is too broad risks triggering lengthy debates during the actual process to redefine the exact terms of the mandate and trigger the opposition of existing institutions and parallel processes. This opposition can represent a considerable obstacle to a national dialogue and sometimes result in its collapse or failure during the implementation phase. Implementation indeed often depends on the collaboration of institutions and other parties that did not take part in the national dialogue. Additionally, the natural tendency of a national dialogue is to try to extend its mandate as its members might perceive other institutions as illegitimate. A narrower mandate can be an efficient way to avoid the ‘inflation in prerogatives’ of a national dialogue. On the other hand, a narrow mandate might greatly limit the room for change, as in Afghanistan where the Emergency Loya Jirga of 2002 was not mandated to amend the transitional agreement, despite the eagerness of delegates to do so.

4 | How should it work?

Once the mandate has been negotiated and drafted, it is necessary to determine how the dialogue should be structured, who should take part in it, and by what rules it should operate. These clarifications are usually determined by a preparatory body and included in the rules of procedure.

Preparation

The preparatory phase of a national dialogue is pivotal as it will determine numerous aspects of the process, directly affecting its legitimacy, representativeness and efficiency. In most cases, a **preparatory committee or commission** is put in place to determine the agenda, the organs of the dialogue, the groups which need to be represented, and the selection process and criteria. In Yemen, Presidential Decree No. 30 (2012) established the creation of a Technical Preparatory Committee mandated to determine numerous aspects of the National Dialogue Conference, including its size, the delegates' selection process and criteria, the rules of procedure, budget and venue. Given its significant responsibilities, it is crucial that the composition of the committee is perceived as legitimate, representative and independent. In some cases, it was decided that the preparatory committee would include individuals from civil society.

In Afghanistan, the Special Independent Commission for the Convening of the Emergency Loya Jirga was mostly composed of academics, civil servants and civil society representatives. In Iraq, on the other hand, the High Preparatory Commission, dominated by parties participating in the Interim Government, determined the rules of procedure, the composition and the agenda of the National Conference in 2004. As a result, parties opposed to the American military presence were not able to influence the framework of the process. An inclusive commission, with representatives of political parties, armed groups and civil society, is another option as long as the commission is not dominated by one or two parties. Although a preparatory committee is not a prerequisite for success, it contributes greatly to the quality of a national dialogue.

An additional question to be clarified when drafting the mandate of the preparatory committee relates to its prerogatives. Indeed, it is important to determine to what extent a preparatory body can structure the upcoming dialogue and how much should be left for the participants to define. In the case of Yemen, certain delegates of the dialogue were surprised that the rules of procedure had been determined without their approval. Similarly, it is possible that the parties or delegates decide to reject the decisions taken by the preparatory body. In Benin, the *Conférence Nationale* denounced the limitation of its mandate and eventually declared itself sovereign.

An **agenda** is usually agreed upon by the parties involved in the process and identifies key issues of concern to the parties to be discussed. Clarifying the agenda is important but can also allow for some flexibility. If it is decided that a specific issue will not be discussed, the risk is for it to become the focus of the participants' attention outside the process and to stall discussions on other issues in the process. Nevertheless, it is necessary for parties to recognise that a national dialogue, as a one-time event with limited duration, cannot discuss every single issue that a society is facing and that they will need to prioritise.

There is no ideal **duration** for a national dialogue. The *Conférence Nationale* in Benin lasted for nine days whereas the process in the Republic of the Congo lasted for approximately four months. Other processes, such as in Zaire (and, later, the Democratic Republic of Congo) or in South Africa, were suspended and resumed on multiple occasions over several years. These examples illustrate that the success of a national dialogue is not correlated with its duration, but rather with other key factors, namely the quality of its mandate, the political will for change and the inclusiveness of the process. National dialogues which are too long, however, can also represent a risk, as the public might lose interest in the process, thus reducing its legitimacy.

A preparatory committee thus usually allows for some flexibility in the agenda and regarding the dialogue's duration, which helps the

facilitator adapt to the needs of the process. Indeed, research has shown that the lack of time might result in a strong polarisation of positions.⁵ On the other hand, in some cases participants might struggle to conclude negotiations, thus lengthening the process considerably. In Yemen, for example, the working groups requested the help of the Consensus Committee, a leadership body within the dialogue, as they were unable to reach an agreement. This example underlines the usefulness of mechanisms to facilitate decision-making and limit the extent to which negotiations can be prolonged.

Rules of procedure

The rules of procedure usually determine the structure of a national dialogue, its composition, decision-making mechanisms, issues to be discussed, principles underlying the process and the frequency of its meetings. In most cases, the rules of procedure for a national dialogue are determined by a specialised body, although in Nigeria it was the delegates who debated and then adopted the rules of procedure in March 2014. In some cases, third parties may support participants in drafting the rules of procedure.

The decision-making rules are important and, if carelessly drafted, might result in locking the dialogue in intractable debates and vetoes when full consensus is required, or trigger the boycott of certain parties if it is perceived that their opinion is systematically overruled through simple majority rule. In Yemen, the rules of procedure specified that if 90% of the members present during a working group session could not agree on a decision, it would be sent to a Consensus Committee which would work with the constituencies to bridge the gaps between views. The Committee was thus responsible for holding consultations with the delegates and constituencies in order to produce a consensus. The work of the Committee was crucial in the process, in particular for working groups which focused on highly contentious matters such as transitional justice. Where a consensus could not be reached this way, a new vote requiring a 75% majority would be organised. Similarly, in Nigeria, the threshold for votes was put at 70% in cases where a consensus could not be reached.

South Africa: decision-making by ‘sufficient consensus’

Determining the mechanisms for decision-making is a sensitive issue. In South Africa, it was decided that, in the absence of a consensus reached between the parties during the 1993 Multi-Party Negotiation Process, a ‘sufficient consensus’ should be reached for an agreement within the working groups. The planning committee had found that this was the best way to ensure the legitimacy of the process while preventing blockage resulting from the dissent of a minor participating party. A sufficient consensus was indeed reached when, in addition to a significant consensus between the parties, the major parties – the African National Congress (ANC) and the National Party (NP) – agreed on a specific issue. Despite the discontent of the overruled parties, the gains from avoiding blockage were considered to be more desirable than the risk of a stalemate. There was thus a formal equality between political parties in terms of representation, as each of the 26 parties had an equal number of delegates, but a substantial inequality in terms of decision-making power, as the ANC and NP had a *de facto* veto.

Structure

Each national dialogue is unique and adopts a structure which corresponds to its needs. However, there are some common features:

- **working groups** usually focus on thematic issues and then gather in **plenary sessions** where decisions or recommendations are voted on;
- a **presidium**, headed by a chairperson, is responsible for moderation; and
- a **secretariat** or **administration** takes care of logistical matters and public relations.

In Togo for example, the *Conférence Nationale* of 1991 was composed of five organs: a Plenary Assembly, a Conference Presidium,

a General Secretariat, a General Treasury and Working Commissions. The Yemeni National Dialogue Conference had similar organs: a Plenary, a Chairman of the Conference, a Presidium, a Consensus Committee, Working Groups, a Standards and Discipline Committee and a General Secretariat.

Working groups (sometimes called committees or commissions) within national dialogues allow more extensive and focused discussions between the different parties by reducing the number of delegates present. One challenge is coordinating the work of the different committees in order to avoid discord between them. In the case of the Constitutional Loya Jirga in Afghanistan in 2003–2004, ten committees were created with instructions to work on specific articles of the future constitution. Other dialogues had working groups focusing on thematic issues, such as in Guatemala where the groups focused on indigenous peoples, human rights and the role of the military. It is necessary for the committees not to be overcrowded and for the composition of working groups to be adjustable depending on the thematic subject debated. Thus, in the case of Yemen, the working group on the Southern Issue was composed of at least 50% of delegates from the South and the working group on Sa’adah included 15 members from the Houthis.⁶ Working groups usually elect their own **chair**, who proposes an agenda and facilitates the debates. Sometimes, working groups nominate a **rapporteur** who will report on the debates and decisions taken.

A **plenary** convenes all delegates in regular sessions to debate and vote on the decisions, proposals or suggestions submitted by the working groups. Naturally, because they bring together all delegates, plenaries convene less often than working groups and are more difficult to organise logistically. Most dialogues have established rules on what constitutes a necessary quorum, to ensure that decisions are not taken unless a minimum number of participants is present. In Togo, although only delegates could vote, observers were also allowed to attend the Plenary Assembly, which reinforced a sense of transparency.

A **presidium**, headed by a **chairperson**, is usually responsible for moderating the plenary and making sure that the rules of procedure are being respected. However, responsibilities of the presidium can sometimes be quite diverse. In the case of Yemen for example, the presidium was required to:

- facilitate the conduct of the plenary;
- formulate proposed plans and agenda of the plenary;
- represent the conference in local and external bodies;
- induct members on their roles, responsibilities and various duties in the conference;
- enforce the rules of the procedure of the conference;
- supervise the process of selection of working groups and various committees;
- follow up on the activity of working groups;
- supervise the work of the general secretariat and evaluate its performance.

A **secretariat** is usually in charge of responding to the specific needs of delegates, support staff and working groups in general. Furthermore, the secretariat will manage the documentation used during the conference, the archives and communications with the media as well as the wider public. Its staff benefits from being well prepared, trustworthy and impartial. In South Africa, the fact that the Secretariat of the first Convention for a Democratic South Africa (CODESA I) in 1991–1992 was exclusively composed of representatives of the African National Congress and National Party raised suspicions concerning its impartiality. During the Multi-Party Negotiation Process which followed CODESA II a year later, the decision to have a non-partisan secretariat, run by the so-called Consultative Business Movement, was well received by participants.

Selection process and composition

The process for the selection of delegates is one of the most important steps in organising a national dialogue, and a highly political one. The selection of delegates will influence the legitimacy and inclusivity of the national dialogue. The greater the inclusivity, the higher the

chance of strong support from all stakeholders. However, it is also true that 'casting the net' too wide risks making the process chaotic and triggering the resistance of major parties who might fear that they cannot influence or retain sufficient control over the process. Finally, while unilaterally appointing delegates is an option, third parties could remind organisers that this has often led to strong disagreements. Generally, consultation is a more appropriate tool to prevent tensions during the selection process.

In the case of Benin, President Kérékou appointed a preparatory committee in 1989 with the task of determining the agenda and composition of the *Conférence Nationale*. The preparatory committee, exclusively composed of government members, first tried to establish quotas that were too obviously in favour of the incumbent government, resulting in heavy protest from the opposition. Under the pressure of street protests and criticism from different national parties, these quotas were eventually amended, but revealed the strategic interests of both incumbent governments and opposition parties in obtaining what they considered to be a fair representation of their political weight in society.

Diversity, inclusivity and representativeness. Inclusion is a crucial and delicate matter for national dialogues because if an important group decides to boycott the process, the process will lose its legitimacy. One should distinguish between diversity, meaning the presence of a variety of parties, and actual inclusiveness, which implies that the parties are allocated actual weight in the decision-making process. Not only is it preferable for the dialogue to be inclusive, but it also benefits from being perceived as proportionally representative. For example, Al Wefaq, the largest political party in Bahrain, decided to pull out of the National Dialogue in 2011 as it considered that, with 5 delegates out of 300, it was not given sufficient weight in the process.

The **groups represented** can range from political parties and the military to religious communities, tribes, ethnic groups, women, teachers, academics, students, youth, non-governmental organisations

(NGOs), labour unions, industries and businesses. Criteria for inclusion can include the historical importance of a group, its power, its expertise, the influence of its constituency and the role it will play during implementation. In some cases, such as with small political parties, actors can also be grouped together and asked to choose their representatives. Including every group that requests to attend the national dialogue would be irresponsible because it is logistically impossible to have a society comprehensively represented in a national dialogue. Thus, certain groups might need to be excluded from the dialogue, for example because they are insufficiently representative, have perpetrated war crimes, or are suspected to have been created with the sole intention of participating in the dialogue. But the decision to exclude a group, such as former regimes and their constituencies, should be carefully weighed, as it can harm the process.

Evaluating the influence of a group can help determine whether it should be invited or not, but this can be difficult, as most national dialogues take place in post-authoritarian societies where political actors have been existing underground with little information available about their size and influence. Additional criteria for selection may be unrelated to political or professional factors; they might include thresholds for the participation of women, youth or regional groups. In the case of National Dialogue Conference in Yemen, at least 30% of the delegates had to be women, 50% had to come from the South, and 20% had to be under 40 years of age.

The **number of participants** has fluctuated significantly between national dialogues. The Emergency Loya Jirga was composed of about 1,600 members; approximately 1,100 delegates took part in the *Conférence Nationale Souveraine* in the Republic of the Congo; the National Dialogue Conference in Yemen had 565 participants; 520 members comprised the *Conférence Nationale* in Benin; and only 87 delegates took part in the Grand National Dialogue in Guatemala. While including a larger number of actors may increase the legitimacy of the process, it also creates logistical challenges if all delegates are to express their opinions. If mechanisms are not found

to allow all participants to express their opinions, they may feel like ‘window dressing’, creating frustration and eliminating any benefit of convening a larger group.

In addition to the total number of delegates, it is necessary to determine the number of delegates that each group should be allowed to have. One possibility is for groups to have a number of delegates proportional to their constituency and power, which is often difficult to assess. Another possibility is to provide each group with an equal number of delegates, as in the case of South Africa. The actual influence of the group would then be reflected in the commissions it is represented in, and the weight of its votes.

One should, however, keep in mind that the complexity of national dialogues – due to their scale in terms of inclusion – can become a challenge. Increasing participation might trigger the resistance of conflict parties and powerful actors, or render the debates more complex.⁷

Selection of representatives. Once it has been decided which groups should be represented and how many delegates each of these groups should be allocated, a variety of options is available to select the representatives. One option is to have constituencies choose their representatives directly. In this case, identifying the groups that should take part in the process and determining the number of representatives they should be allowed to have is sufficient. In Yemen, for example, while some constituencies selected their own representatives, members of other constituencies (women, youth, civil society) were asked to apply to become representatives individually and were then selected by the Technical Preparatory Committee. Another option is to organise local/regional caucuses to elect delegates. Delegates can also be directly appointed by a preparatory committee. In the case of Iraq in 2004, members of the High Preparatory Commission for the Conference (itself appointed by the interim government and dominated by its members) decided on a dual selection mechanism. Some of the representatives would be directly selected by the Commission (an approach which can be

perceived as arbitrary) while a caucus-like process would allow for the selection of the remaining representatives.

Specific criteria are usually identified for candidates to be eligible to become delegates, such as age, citizenship and the absence of

Afghanistan: a hybrid selection process

In the case of Afghanistan, a Special Independent Commission for the Convening of the Emergency Loya Jirga composed of 21 members (including professors, civil servants, representatives of civil society and a lawyer) determined in 2002 the criteria for the selection of participants and selected them through a combination of direct appointments and indirect district elections. Under the Procedures for the Elections of the Members of the Emergency Loya Jirga and the Audition of Complaints Arising from It, two-thirds of the delegates were to be elected at the district level, while another third was to be directly appointed by the Special Independent Commission after consultation with the different constituencies.

The Commission was responsible for ensuring that refugees, internally displaced persons and nomads would be represented. Additionally, representatives of civil society institutions, religious scholars, so-called ‘credible individuals’, intellectuals, women, entrepreneurs and religious minorities were to be chosen or confirmed by the Special Independent Commission.

For the indirect election, anyone could enlist as a candidate. A preliminary selection was made by local leaders from the pool of enlisted candidates. In a second phase, the selected individuals then had the task of electing the delegates among themselves using a secret, direct and free ballot. This process allowed for the selection of 1,051 delegates from 390 electoral districts. The number of delegates was to be proportional to the population of the administrative unit, and for each constituency a certain number of seats was reserved for women. A Constituency Observation Team was tasked with monitoring the process.⁸

a criminal record. Less tangible criteria, such as moral standards and commitment to the dialogue, might be identified by the preparatory committee and need to be considered by voters. In Afghanistan, for example, article 14 of the Procedure for the Election of the Members of the Emergency Loya Jirga underlined that, to be elected, members should “not have been involved in spreading and smuggling narcotics, abuse of human rights, war crimes, looting of public property and smuggling of cultural and archaeological heritage.” Naturally, enforcing such a rule was nearly impossible and relied exclusively on the honesty of the candidates. As a result, not only were death threats and bribes used widely during the dialogue but warlords were also prominently represented despite records of crimes.

The choice of the **chairperson** for a dialogue, sometimes called ‘president’ or ‘facilitator’, is a delicate decision, usually resulting from a consensus between the parties. Three fundamental criteria are the authority, legitimacy and impartiality of that individual. In the 1990s, religious personalities were most often chosen to chair national dialogues in Africa. For example, the Archbishop of Cotonou, Isidore de Souza, chaired the *Conférence Nationale* in Benin, while Mgr Philippe Fanoko Kpodzro, Bishop of Atakpame, chaired the *Conférence Nationale Souveraine* in Togo. Other public figures are also sometimes selected, such as history professor André Salifou for the *Conférence Nationale* in Niger in 1991, or Justice and Islamic Affairs Minister Sheikh Khalid bin Ali Al Khalifa, in Bahrain in 2013. The United Nations has also played the role of facilitator, with Special Envoy Moustapha Niasse during the second phase of the Inter-Congolese Dialogue for example, while retired Secretary-General Kofi Annan facilitated the Kenya National Dialogue.

External actors

One can distinguish three categories of external actors influencing the development of national dialogues: those close to one of the parties seeking to influence the outcome of the process, those providing technical expertise and those providing facilitation and discreet assistance to overcome deadlocks. Naturally, these categories are not always exclusive and can change over time.

External actors supporting national dialogues can include political or religious personalities, diplomats, experts and academic institutions, think-tanks, professional mediators, private companies and individuals, diasporas, states, international or regional organisations, NGOs or other private diplomacy organisations. The recipients of the services delivered by external actors range from the administrators of the dialogue to the officially mandated facilitators, delegates or participating groups. Most external actors, and in particular diasporas, states and regional organisations, tend to support a particular agenda and outcome for national dialogues and might have specific interests in the concerned country. As a result, the involvement of external actors in a national dialogue can sometimes threaten national ownership or be perceived as doing so.

In Iraq, for example, the influence of the United States over the Iraqi Governing Council and the broader Iraqi elite was criticised by both observers and groups such as the Iraqi Islamist Party and the Sadrist Movement. Both groups eventually decided to boycott the National Dialogue Conference. In Benin, one can note the influence of the exiled Beninese diaspora, which provided financial resources to groups and organisations involved in the transition and strongly influenced the political system chosen by the *Conférence Nationale* to replace the defunct regime. Similarly, the support of France to the transition played an influential role in Benin, a decision which contrasted with the French support to the incumbent regime of President Eyadéma in Togo, where the *Conférence Nationale Souveraine* was abruptly terminated. Keeping the process nationally owned while preventing some external groups from negatively influencing the transitional process thus represents a challenge for third parties.

At the request of stakeholders, external actors have been involved at every stage of national dialogues, ranging from discreet negotiations between a limited number of parties on the possibility of organising such a process, to supporting the preparatory committee in defining the framework of the dialogue, training the parties prior to their participation, funding the logistics for the event, facilitating debates during the process or helping to monitor the implementation of decisions and recommendations. In Myanmar, for example, a few

external actors, including the Centre for Humanitarian Dialogue, have been sharing their technical expertise on national dialogues with the military leadership, political parties and ethnic armed groups through regular workshops and presentations during the preparation of the Union Peace Conference.

In terms of roles, external actors can function as donors, observers, advisers, consultants, guarantors, administrators, facilitators, mediators and, sometimes, spoilers. The services provided range from presenting comparative options on how to structure a dialogue during the preparatory phase, to clarifications and training on the rules of procedure for delegates, support to participants in preparing their substantive contribution to the national dialogue, facilitation in liaising with other parties, or logistical support to participants. Third-party facilitators may also help parties resolve disagreements and overcome deadlocks that arise during national dialogues. In some cases, third parties will even be asked to facilitate the debates and mediate between participants. In Kenya for example, Kofi Annan and the Panel of Eminent African Personalities were mandated to mediate the National Dialogue and Reconciliation which followed the post-electoral violence in 2007. External actors can also provide access to experts or to individuals who have been involved in other national dialogues as participants or facilitators.

National dialogues are always exposed to the influence of external actors; however, some dialogues have been more exposed to such influence than others. For example, while international third parties had little involvement in the Bahrain National Dialogue, their importance was considerable during the National Dialogue Conference (NDC) in Yemen. Indeed, the United Nations and other organisations trained, supported and advised the different parties selected to participate in the NDC and many states supported the process through their embassies in Sana'a. While the role of many organisations was unofficial and lacked a mandate, the United Nations had an official role intended to complement the work of the NDC's General Secretariat. Coordinating the efforts of third parties and preventing non-constructive contributions represents a challenge for every national dialogue.

5 | The process and its outcome

The convening of a national dialogue is a major undertaking in terms of organisation. Challenges include security, loopholes in the rules of procedure, unclear agendas, delays, participants' withdrawal, political pressure, and logistical issues such as the transportation and accommodation of participants or the venue in which to hold the national dialogue.

Proceedings

The **venue** for a national dialogue can play an important role. Organisers usually consider the logistical complexity of transporting participants to the venue, the capacity of the venue and housing nearby, the symbolic and political dimensions of the venue, and security concerns. For political and security reasons, some national dialogues have been organised abroad, such as the Inter-Congolese Dialogue, which first took place in Addis Ababa, Ethiopia and was then moved to Sun City, South Africa, where it was decided not to host participants in hotels but in tents in a village to prevent them from being distracted. In the case of Yemen, the National Dialogue Conference took place at the Mövenpick Hotel, which also accommodated the Secretariat General's headquarters. The luxury of the five-star hotel, where daily rates for rooms exceeded the average monthly salary in the country, was ill perceived by a population mostly living in rural areas.

The **cost** of a national dialogue should not be underestimated. Among other things, costs include accommodation, catering, transportation and *per diems* for participants, staff and advisers; security; salaries for the preparatory committee and administration; stationery; and rent for the space where the plenary and working groups will convene. It requires both transparency and expertise to manage a national dialogue's finances appropriately and optimally. As a result of the lack of financial resources allocated to the convening of the dialogue, the first round of the Inter-Congolese Dialogue held in Addis Ababa could host only 70 delegates instead of the 320 originally intended. Naturally, this affected both the representativeness

and the inclusiveness of the meeting. Financial resources are thus usually discussed in advance and even though the concerned country should ideally bear the costs, international financial assistance has been an option in some cases. In the case of Yemen, a National Dialogue and Constitutional Reform Trust Fund was established by the government and the United Nations, whereby \$23.6 million was specifically allocated to support the national dialogue and constitution-drafting process.

Additionally, the allowance given to delegates can be quite significant. In the case of Nigeria, media reported that delegates would be paid a monthly allowance of 4 million Nigerian naira (about \$25,000 at the time), which resulted in heavy criticism of the participants' motivations.⁹ Similarly, the daily stipend of more than \$100 for delegates attending the Yemeni National Dialogue Conference triggered some controversy while the population was facing increasingly frequent power cuts and fuel shortages.

Security is also a key issue to consider. A lack of security within the premises, as well as threats targeting participants and their relatives, may discourage delegates from attending sessions, trigger the complete withdrawal of certain parties from the process, or instigate a resurgence of violence. Additionally, a context of violence can directly affect an ongoing national dialogue. For example, in South Africa, the assassination of Chris Hani, chief of staff of *Umkhonto we Sizwe*, the armed wing of the ANC, triggered fears that the Multi-Party Negotiation Process might collapse. Nelson Mandela's decision to talk to the population on television and urge restraint, as well as the swift arrest of the assassin, limited the consequences of that event and even galvanised the participants in the negotiations to reach a consensus. Conversely, in Yemen, two Houthi delegates were killed during the National Dialogue Conference, the second on the last day of the process, while on his way to the hotel which hosted the conference. The latter assassination resulted in the withdrawal of 35 delegates from the conference in protest against the lack of security and to express their opposition to the final agreement.

Informing the public is an important responsibility during a national dialogue. On one hand, a national dialogue should not be a ‘media circus’.¹⁰ By this rationale, the press was not allowed to attend sessions during the Tunisian national dialogue in 2013. The logic underlying this decision is that political actors tend to adopt a different attitude and speech in the presence of the media while closed-door events tend to allow parties to be more flexible and accept compromises. On the other hand, the opening of the debates to the media during the Multi-Party Negotiation Process in South Africa was perceived as a positive step which raised awareness and support among constituencies. In Niger, all the debates were broadcasted on public radio and could even be followed outside the country. Naturally, this should not prevent working group sessions from proceeding either entirely or partially behind closed doors.

It is important for the facilitator or presidium to clarify from the start the guidelines for participants in relation to the media and constituencies. Regardless of the option chosen, it is essential that the process appears to be transparent, or it might be rejected by the constituencies and the public in general, especially where a national dialogue results from public protests.

Outputs and implementation

Outputs of a national dialogue can include the creation of a timetable for elections, the designation of a transitional government, amendments to the constitution or the adoption of a new constitution, non-binding recommendations and, more generally, any state reforms resulting from the debates and votes. Outputs will be considered in light of the original mandate of the national dialogue. For example, despite its 1,800 recommendations, the failure of the National Dialogue Conference in Yemen to reach agreements on key issues such as the federal structure, the Southern issue and the necessary military reforms heralded the crumbling of the transitional process in the country. However, even if a national dialogue fails to complete its mandate, one should not underestimate its benefits. In Guatemala, despite the failure of the process, the dialogue provided a new experience of democratic practice and allowed

several topics to be discussed publicly for the first time. Additionally, the discussions held during the process were later used as a basis for the negotiations with the Guatemalan National Revolutionary Unity (URNG), which was eventually demilitarised in 1996.

National dialogues are socialising mechanisms for parties whose interactions have otherwise been characterised by mutual animosity. Furthermore, the participants can develop skills in negotiation, share their needs, improve mutual understanding, experience a democratic process and develop alliances. Outputs of national dialogues are therefore not all tangible. As John Clark puts it while commenting on the national conferences held in Western Africa, “national conferences may have created slightly more fertile environments for the assimilation of democracy over the long term than would have existed otherwise.”¹¹

The **implementation** of a national dialogue’s recommendations or decisions represents the final challenge for parties and facilitators and should be planned carefully during and after the dialogue. In Bahrain, for example, an implementation committee composed of nine government officials was appointed to oversee the recommendations of the dialogue. However, some opposition groups denounced the implementation as half-hearted and doubted the actual will of the king to see the dialogue’s decisions fully implemented. Political will is indeed crucial in the implementation phase and a monitoring body can oversee the process and constitute a necessary and helpful mechanism.

Whichever option is chosen for implementation, it is very important that follow-up mechanisms are designed and agreed upon by consensus. Naturally, the international community can provide political and technical support for the implementation upon request. Third parties might be asked to play the role of guarantors or to monitor implementation. While the role of guarantor tends to be symbolic, monitoring the implementation of decisions taken by a national dialogue will require human and financial resources, expertise, efficient reporting and crisis-resolution mechanisms to prevent violation or

delays from affecting the whole process. Once again, it is essential that the process remains nationally owned and that guarantors or monitors act in the interest of and in coordination with parties to the national dialogue.

Challenges

In addition to the many considerations identified above, national dialogues face a number of challenges.

Boycotts of national dialogues are frequent. For example: the Pan Africanist Congress and Inkatha Freedom Party boycotted the Convention for a Democratic South Africa I (CODESA I) in South Africa in 1991–1992, Al Wefaq boycotted the Bahrain National Dialogue in September 2014, and many political parties and armed groups boycotted the National Dialogue Conference organised in Khartoum in October 2015. A boycott can also be decided after a process has started and can have serious consequences. For example, when the African National Congress (ANC) decided to leave the CODESA I, the process unravelled as it could no longer continue without being perceived as illegitimate. Boycotts sometimes last for only part of the dialogue (Hirak in Yemen for example), and do not necessarily prevent the process from taking place, or agreements from being reached.

Approval for the process by at least the most influential parties is key to the success of a national dialogue. It is thus crucial for a third party to facilitate negotiations, secret or not, between the major actors to anticipate any issue which could lead to boycott. Issues can include the perceived lack of influence of a party in the decision-making process of a dialogue, pressure from constituencies which perceive the process as illegitimate, or disagreements with the rules of procedure, agenda or any other procedural aspect of the dialogue. Boycott represents a risk for both the dialogue and the boycotter, in terms of legitimacy for the former and exclusion for the latter, were the national dialogue to be successful. In the case of Benin for example, despite the importance of the Communist Party

of Dahomey (PCD) in the opposition to President Kérékou, its decision to boycott the *Conférence Nationale* prevented it from playing an important role in shaping what became a successful democratic transition.

Hijacking. National dialogues sometimes result from an attempt by incumbent governments and other actors to reduce the intensity of social, political or armed conflicts and legitimise their authority through a merely cosmetic process which approves decisions taken beforehand. In such cases, powerful actors try to control the preparation of a national dialogue and present a challenge for the facilitator and secretariat. Both will need to strike a balance between the interests of all groups participating in the dialogue in order to ensure a dialogue process that bridges differences and reaches a constructive outcome. In fact, certain actors (including international actors) will try to influence the preparation, proceedings and outcomes of the process through political alliance, lobbying, corruption, threat or violence. Strong rules of procedure and an independent facilitator and secretariat will thus be essential for the success of a national dialogue. In addition, if the facilitator or secretariat are perceived as partial, the whole process risks losing its legitimacy and credibility in the eyes of parties and constituencies.

Spoilers. Certain actors might use their authority, network and means to disrupt a national dialogue. These can include armed groups which may prefer to pursue a military solution, parties displeased with the format and rules of procedure of the national dialogue, or civil servants and political actors who are part of the incumbent government and who would benefit from the *status quo ante*. Methods for disruption include exerting violence or political pressure against the process and its actors, attempting to galvanise constituencies against the process, using legal and extra-legal means (inside or outside the dialogue space) to slow or stop the process or preventing the implementation of decisions made during the process.

In June 1993 for example, members of the *Afrikaner Volksfront* (AVF) and the *Afrikaner Weerstandsbeweging* (AWB) stormed the

Kempton Park World Trade Centre where the South African Multi-Party Negotiation Process was taking place. Members of the AWB assaulted delegates and damaged property in a clear attempt to threaten the process and its actors while the South African police force was ‘completely ineffective’.¹² The capacity of delegates not to react violently to provocations proved to be the most efficient way to preserve the process in this case, but additional security and legal measures might be needed in other cases.

Given the potential for spoilers to destabilise a national dialogue process, facilitators may have a role in limiting their impact, through strengthening security and/or helping the parties to identify a charismatic chair who has the gravitas and skills to withstand external pressure. One should, however, recognise the legitimacy of certain actors in exercising their right to express opposition to, or specific concerns about, a process which will result in significant transformation of the state as they know it.

6 Conclusion

National dialogues do not guarantee that reforms or transitions will be successful, and they cannot alone resolve all the challenges facing a country and society. The resistance of political actors to change, lack of support from certain constituencies or the international community, ongoing violence or lack of inclusiveness represent only a few of the many obstacles that must be overcome for a national dialogue to be successful.

Nevertheless, these obstacles, as well as the failure of some national dialogues and conferences in the past, do not make the tool itself ineffective. They rather remind us of the importance of effective facilitation and the utility of third parties more generally throughout the process. National dialogues can be useful tools in transitions to democracy, as well as post-conflict transitions, and work as a basis for conflict transformation and reconciliation. They are strong legitimisation tools which provide an additional chance for sustainability

as a result of their representativeness and inclusivity. When done well, they constitute a uniquely inclusive peacemaking mechanism for democratic transition and have considerable potential for success.

Since a national dialogue is a highly technical mechanism, skilled and experienced third parties can usefully contribute their expertise to support the development of the process and adjust it to the exact needs of the context. A central challenge for third parties will be to preserve the so-called national ownership and take into account the political, cultural and socio-economic history of the country they are engaging in.

A successful national dialogue will depend on three factors: strong political will for change, a well-crafted process, and the leverage of national and international actors to support the process and its outcomes. Third parties need to remember that each process is unique and complex, requiring considerable preparation, patience and diplomacy. Designing an effective process is thus an essential and delicate step and requires both technical and political support, which third parties can provide.

Endnotes

- 1 National dialogues are sometimes called 'national conferences'. The expressions are synonymous and are used interchangeably both in the literature and to name such processes.
- 2 For example, in 2014, the Council of the European Union underlined that “the National Dialogue has set an example in the region of an inclusive consultation process open to all and aimed at responding to the aspirations of the people” (Council of the European Union, *Council conclusions on Yemen*, Foreign Affairs Council meeting, Brussels, 10 February 2014).
- 3 “The UN should have played a role in setting agendas, focusing discussions on the issues that were initially identified and helping participants to reach decisions and to thwart delaying tactics” (Helen Lackner, *Yemen's 'Peaceful' Transition from Autocracy: Could it have succeeded?*, International Institute for Democracy and Electoral Assistance, 2016).
- 4 See Richard Banegas, *Action collective et transition politique en Afrique. La conférence nationale du Bénin*, Cultures & Conflits, 17, Spring 1995, 16.
- 5 See Michele Brandt et al. (2011).
- 6 Sa'adah is located north from the capital city Sana'a, at the border with Saudi Arabia, and has been the cradle of the Ansar Allah insurgency.
- 7 A more developed analysis of the advantages and challenges of broadening participation can be found in Thania Paffenholz, *Broadening Participation in Peace Processes*, Mediation Practice Series no. 4, Centre for Humanitarian Dialogue, 2014.
- 8 For further comments on the selection process which preceded the Emergency Loya Jirga, see International Crisis Group (2002).
- 9 See for example: *N12m National Conference Allowance is Scandalous, Totally Unacceptable – Bishop Kukah*, Sahara Reporters, 24 March 2014 (<http://sahara-reporters.com/2014/03/24/n12m-national-conference-allowance-scandalous-totally-unacceptable-%E2%80%93-bishop-kukah>, accessed 03.12.2016).
- 10 Radwan Masmoudi, President of the Center of the Study of Islam & Democracy in Washington, D.C., in USIP, *Comparative National Dialogue Approaches: Transition Processes in Libya, Tunisia, and Yemen*, 6 November 2013.
- 11 John F. Clark (2006).
- 12 Goldstone Commission, *Events at the World Trade Centre June 1993*, Commission of Inquiry Regarding the Prevention of Public Violence and Intimidation, Report on the Inquiry into the Events at the World Trade Centre on 25 June 1993, REF: GC25.

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About the author

Jonathan Harlander joined HD's Mediation Support and Policy Programme in 2014. He contributes to the conceptualisation and organisation of the Oslo Forum, a series of high-level substantive gatherings of mediators and key peace process actors. Jonathan also works closely with and supports HD's mediation teams. He conducts research and drafts briefings on a variety of mediation-related topics, including national dialogues, insider peacemakers, ceasefire monitoring mechanisms, and engagement with armed groups. Jonathan holds a BA in Political Science and Law and a Master's Degree in International Affairs from the Graduate Institute for International and Development Studies in Geneva where he specialised in negotiation and conflict resolution.



Contact

114, rue de Lausanne
CH-1202 Geneva, Switzerland

t: +41 22 908 11 30 **f:** +41 22 908 11 40
e: info@hdcentre.org **w:** www.hdcentre.org