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BACKGROUND PAPER

The promise and perils of national dialogues

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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.

Co-hosted by the Norwegian Ministry of Foreign Affairs and HD, the Oslo Forum, is a discreet and informal annual retreat which convenes conflict mediators, peacemakers, high-level decision-makers and key peace process actors.

The following Background paper was especially prepared for the Oslo Forum 2017 and reflects events until mid-May 2017. It was intended to provide a background to guide and inform discussions at the Oslo Forum, and does not represent the positions of the Royal Norwegian Ministry of Foreign Affairs or the Centre for Humanitarian Dialogue.

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The promise and perils of national dialogues

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As peace processes become increasingly complex, mediators are confronted with the question of how to accommodate diverse constituencies. The traditional peacemaking approach of negotiations among a few leaders representing clearly defined interest groups is increasingly unable to accommodate the diversity of conflict parties and social groups with a stake in an eventual agreement. As a result, mediators, facilitators and those involved in peace process support are developing creative techniques that link the formal negotiation table with parallel dialogue tracks and promote inclusive forms of peacemaking. Conflict parties have also opted for national dialogues, which attempt to bring all military, political and civil society components under one tent to discuss the key issues facing a country's effort to end a conflict and pave the way for a political transition.

Designing peace processes requires difficult decisions on what needs to be discussed and resolved, on who needs to participate, and on what formats the parties feel comfortable with. During peace processes, agendas, formats, and participants frequently change in response to political and military developments. Flexibility and creativity are therefore essential ingredients in the success of a process. It is wise for third parties to avoid using a blueprint when they work with parties to design a peace process, and instead to create bespoke processes for each conflict.

Unfortunately, the frequent reliance on national dialogues points to a facile assumption that they can serve multiple purposes: resolve concrete disputes in the effort to end a conflict, reach agreements that would pave the way to a political transition, promote conflict transformation, and foster societal dialogue. In reality, national dialogues are difficult to manage and are, most of the time, inefficient negotiation mechanisms. Bringing disparate actors into the single process of a national dialogue in order to discuss all major issues under one timeline is often not productive.

Given the relatively small sample of national dialogues, it is not possible to draw definitive conclusions about the conditions under which they can be effective conflict resolution mechanisms. However, it is possible to argue that their strengths and weaknesses stem from the fact that national dialogues are understood as both negotiating mechanisms and vehicles for political transformation. National dialogues aim to build a shared vision for the future, while also enabling old-fashioned, elite-based deals to be negotiated with more support from communities. Deal-making and political transformation are intended to take place in one single process. In most cases, however, national dialogues either muddle through or fail.

A number of countries have held or are currently considering holding national dialogues as part of their efforts to resolve conflicts and launch political transitions. In Myanmar, a political dialogue was launched in January 2016, following the signing of the Nationwide Ceasefire Agreement (NCA) of October 2015 between the government and a number of Ethnic Armed Organisations. At different times in the past couple years, national dialogues have been considered in Libya, Syria and Ukraine and have taken place in Bahrain, the Central African Republic, Sudan and Yemen.

This paper argues that peacemakers need to have realistic expectations of the contribution that national dialogues can make to the effort to end a conflict and to launch a political transition. Specifically, it will argue

that national dialogues are well-placed to strengthen and legitimise deals that have already been struck, but not well-placed to develop elite-level trust and commitment to dialogue when none has previously been built.

What are national dialogues?

The definition of national dialogues is evolving, but they are essentially inclusive negotiation processes designed to expand participation in political transitions beyond the incumbent elites to a wide array of political, military and, in some cases, civil society groups.[2] In broad terms, 'national dialogues' refer to relatively large gatherings, of at least a couple of hundred people, which bring together diverse constituencies to discuss issues related to the effort to end a conflict and launch a political transition. These gatherings are mandated by the country's parliament and/or government, or by agreements among national leaders.[3] In some cases, conflict parties describe elite-type negotiations as national dialogues in an effort to indicate their shared will to solve problems through dialogue. Such cases include the South African and Tunisian dialogues. Sometimes, relatively small dialogues are referred to as national dialogues – for example, the Lebanese national dialogue. This paper however focuses on the larger gatherings as described above.

Despite their inclusive aspirations, national dialogues are not purely democratic processes: their participants are not chosen through direct one-person-one-vote elections but are either appointed or selected by caucus-type constituencies. As a result, this inherently privileges certain groups and identities, and claims of inclusiveness within national dialogues are often challenged by those left out. Also, in their deliberations, national dialogue processes do not follow parliamentary procedures, but design their own debating and decision-making rules. Unlike parliaments, national dialogues take decisions through consensus or 'supermajorities'. National dialogues therefore combine the characteristics of a negotiation mechanism and a democratic assembly. They tend to be more institutionalised and rule-governed than peace negotiations but less rule-based than parliaments. They aim to escape the elitism of peace negotiations without providing for a fully democratic process.[4]

An additional feature of national dialogues is that they create the political space for incumbents and oppositions to discuss without rushing to decisions. They might in fact be the only space in a peace process for doing so and can provide rare opportunities for members of the public to take part. They may extend transitions by a few months or longer so that the political and military elites can consult with each other. In this manner, they inject an additional element of deliberation to constitution-drafting processes, which may include constitutional assemblies or other deliberative bodies.

National dialogues often aim to repair the legitimacy deficit of the political process by substituting for a dissolved parliament or complementing a parliament elected through a flawed election.[5] They may also include groups excluded from parliament, such as armed groups, social movements and labour unions. For example, in Yemen, the parliament elected in 2003 no longer captured the significantly changed political landscape by 2011. Important constituencies such as women, youth and civil society groups who participated in the 2011 revolution, as well as the Houthis and the Southern movement, were not represented in the parliament.[6] The 2013 National Dialogue Conference tried to create a political process representative of the major groups without actually holding parliamentary elections. In Myanmar, given that the Ethnic Armed Organisations have not built political parties and did not compete in the November 2015 elections, the political dialogue is an extra-parliamentary process aspiring to enable their political participation.[7]

National dialogues have differed in their legal status and mandate, independence from government, inclusiveness and amount of involvement from external actors. What they have in common is the ambition of their participants to reach a comprehensive solution to the issues at hand through one negotiation process that includes several constituencies.

Deal-making or political transformation?

National dialogues are understood as contributing to both conflict resolution and political transformation.[8] They aim to serve as crisis-management mechanisms by "breaking political deadlocks and re-establishing minimal political consensus."[9] They also aim to serve as "mechanisms for fundamental change" by "redefining state-society relations or establishing a new 'social contract'."[10] There is, however, an undeniable tension between the task of negotiating deals in order to manage a political crisis or end a conflict, and the task of transforming a political culture and building the foundations for long-term peace. Although it is difficult to make a definitive argument about this, it seems that combining the two aspirations in one large process undermines rather than strengthens the conflict resolution element of the process.

The methods and techniques employed for each task differ. On one hand, when aiming at striking deals, the dialogue agenda tends to be narrow and then progressively expands, the issues under negotiation are specific, participation is limited to those who can influence these issues and the focus is on delivering verifiable outcomes that aim to build trust among the parties and ideally lead to further agreements. The goal is to make tangible progress, even small progress, in order to reduce tensions, de-escalate armed violence or simply move the process one step forward through a concrete deliverable. On the other hand, when aiming to transform a political culture, the agenda is expansive, the discussion more open-ended and participation is wide. The outcome of such a discussion is more comprehensive, and may focus on principles, policy recommendations, shared ambitions and common visions for the future.

The challenge with national dialogues is that conflict parties often use them to carry out both of the above tasks simultaneously, including in cases where elite-level negotiations have not yet generated adequate trust and commitment for a joint negotiation process. National dialogues can appear deceptively multipurpose, sometimes being seen as able to foster societal dialogue, host confidential negotiations, re-shape the fate of countries and satisfy the demands of armed groups, governments and civil society – all at the same time. The inability or unwillingness of national leaders to distinguish between the conflict resolution and political transformation functions of a national dialogue leads to national dialogues which are unable to play an effective conflict resolution role. As will be discussed below, for the two functions to be merged effectively, elite-level negotiations need to take place first and generate some level of trust, commitment to the process and the seeds of future agreements.

There are three main consequences of the failure of national leaders to clarify whether a national dialogue is intended either to resolve concrete disputes or to promote political transformation. First, when these two aims are mixed in one process, the dialogue ends up with a long, **ambitious agenda**, which includes security and other immediate concerns, as well as long-term social and economic issues. Large agendas run the risk of obscuring the pressing challenges facing the effort to end the conflict and launch a political transition and, in some cases, the lack of political will to address them. They also run the risk of the public being disillusioned, confused and unsupportive of nebulous drawn-out processes that have no clear goals.

The Yemeni National Dialogue Conference (NDC) had seemingly clear goals: to discuss the structure of the constitution-making process, define the key principles to be included in the new constitution and address questions of Saada (a predominantly Houthi region) and of the Southern part of the country.[11] However, these were extremely contentious issues which had not been discussed adequately among the relevant leaders before the launch of the NDC. The political groundwork had therefore not taken place and the difficult job of striking deals was left to the 565 diverse participants of the NDC. In addition, by the time the Technical Committee in charge of all preparations for the NDC finished its work in early 2013, there were 13 topics on the NDC agenda. Many of these had several sub-topics, including social and environmental issues, economic developments, displaced persons and the media. Behind the long and ambitious agenda of the NDC, Yemeni leaders disguised their hesitation to negotiate the real and difficult question of how they would share power within one Yemeni state and what immediate steps they were

willing to take to demonstrate their will to share power. That hesitation was partly behind the government's painfully slow progress in taking any action on the confidence-building measures recommended by the Technical Committee and reflected its intention to convince the Houthis and the Southern Movement (Hirak) that the NDC was a sincere conflict-resolution effort.

Second, the inability of national leaders to clarify whether the national dialogue aims at resolving urgent issues or promoting political transformation can lead to **inefficient decision-making**. Aiming at inclusivity, national dialogues bring under the tent a large number of participants and diverse constituencies. The advantages of this are clear for the purposes of political transformation – but not for conflict resolution. National dialogues tend to have multiple working groups to accommodate the multiple agenda items and the many participants. This diffused negotiating approach runs the risk of the working groups not coordinating with each other and becoming silos of parallel negotiations, thus rendering bargaining across issues difficult. These problems are exacerbated when leaders of organised constituencies do not invest political capital in the dialogue and when constituencies are only loosely organised and have not agreed on leadership structures. The result is a lack of coherence of the constituencies and a lack of discipline of their delegates. All of the above compound to create the illusion of negotiation when no negotiation is actually taking place.

In the case of the Yemeni National Dialogue Conference, the lack of coherence of several constituencies meant that delegates reversed their positions frequently, and presented positions that were contradictory to their parties' positions in other working groups. These and other problems led "to a set of Dialogue outcomes that lacked adequate political or military support and that were contradictory and sometimes out of line with positions negotiated politically."[12] The Myanmar political dialogue may face a similar problem due to both leadership and capacity issues. Following their participation in the first two gatherings of the Myanmar Political Dialogue in January and August 2016, the Ethnic Armed Organisations (EAOs) recognised the challenge of agreeing among themselves common positions on the five main themes and twenty sub-topic on the agenda, elaborating these positions in writing, and ensuring that their delegates understand and are able to represent the positions in a disciplined manner. They also recognised their disadvantage relative to more disciplined and better-resourced constituencies, such as the Myanmar military.

The third consequence of the inability to distinguish between the conflict resolution and political transformation functions of a national dialogue is that, in several cases, national dialogues **lack flexibility** in adjusting their procedures and linkages to other political and negotiation processes which may be taking place in the country. The all-inclusive and ambitious nature of national dialogues makes it difficult to carve out smaller, confidential tracks either among members of the dialogue or with others outside the dialogue. Such tracks tend to be perceived by participants as countering the dialogue's spirit of inclusion and transparency. Additionally, elites hesitant to engage in real negotiations with those outside the dialogue present the existence of the dialogue as a justification for failing to reach out to them. Once a comprehensive agenda and inclusive approach is put in place, it is difficult to veer off to a narrower or multi-track process.

Many Southern leaders rejected the Yemeni National Dialogue Conference (NDC) and questioned its legitimacy.[13] They objected to the Southern Question being included as one of multiple issues in a broad agenda of a large national dialogue. Parts of the Southern Movement (Hirak) in Yemen, for example, insisted throughout the NDC process that they wanted a two-party negotiation between 'the North' and 'the South', which Northern parties for the most part rejected. Arguably, a North–South negotiation was not realistic given the fragmentation in both the South/Hirak and in the North, even among the major political and military actors. However, it is worth asking whether national dialogue processes are appropriate vehicles for negotiations on high-stake national security issues before adequate progress has been achieved at the leadership level. Ideally, the Southern Question would have been explored in discreet elite talks separate from the NDC, possibly starting before the NDC was even launched. These talks could have merged with the NDC, if successful.

A similar challenge may soon be facing the Myanmar Political Dialogue. Currently, only the signatories of the Nationwide Ceasefire Agreement (NCA) participate in the Political Dialogue. Given that several armed groups which participated in the NCA negotiations have not signed the NCA, and that several other armed groups did not even participate in the NCA negotiations, it seems that the peace process will benefit from a flexible design which will combine multiple tracks with the main political dialogue.

It is possible for national dialogues to overcome the above challenges. Some national dialogues have had succinct agendas geared to resolving urgent matters and demonstrated the capacity to adjust flexibly to changing circumstances. Such dialogues usually build on elite-level trust and agreements developed in earlier dialogues, which they then endorsed or elaborated.

The Bangui Forum in the Central African Republic in May 2015 included about 700 participants and essentially cemented understandings already negotiated by the conflict parties. The Forum was preceded by the National Inter-Central African Reconciliation Forum of Brazzaville in July 2014, which led to an Agreement on Cessation of Hostilities, and a three-month phase of population consultations in early 2015. By the time of the Bangui Forum, negotiations had taken place among key parties and some common ground had been established, although there was significant controversy regarding the sincerity of the popular consultations. The Bangui Forum endorsed the Republican Pact for Peace, National Reconciliation and Reconstruction, and agreements on the disarmament of armed groups and the release of child soldiers.[14] The Forum, then, moved the conflict resolution effort a small step forward by deepening previous agreements.

The West African national conferences which took place in 1990–1993 offer relevant examples. In Benin, Congo (Brazzaville), Mali and Niger, a minimum elite agreement on the way forward existed and enabled the conferences to have clear outcomes. In other cases, however, elite agreement was missing and the conferences could not independently alter existing power balances and lead to peaceful transitions. In these cases, such as in Togo and Zaire, incumbent presidents and governments attempted to use national dialogue to give limited participation to the opposition, while keeping control of the political process.[15]

Other dialogues which have managed to contribute positively to efforts to end conflicts and launch political transitions were usually smaller than the national dialogues discussed in this paper. They were often flexible and able to adjust to changing circumstances. For example, with 23 political parties represented, the Tunisian National Dialogue was small compared to national dialogues as defined in this paper. Its participants were well-formed political parties, and its agenda included a small number of immediate concerns: to resolve the conflict about the current government, to determine an election date, and to facilitate the conclusion of the constitution-making processes. It also demonstrated significant flexibility as it was able to pause and resume negotiations depending on progress in the political process.[16]

In 1992, the Convention for a Democratic South Africa (CODESA) was quite large, with 228 participants from 19 parties. However, two of those parties were the main protagonists and CODESA had a concrete agenda: to determine the constitution-making process and the structure of the interim government. The process was flexible enough to allow for procedural changes and the formation of new forums and committees, depending on political developments.[17] The various phases of the Inter-Congolese Dialogue of 2001–2002 consisted of variable numbers of participants, ranging from 70 to about 400, and were reasonably inclusive of various segments of society, such as the government, opposition political parties, civil society and armed groups. The Dialogue had relatively narrow goals and was essentially a negotiation facilitated by a third party. It was also reasonably flexible in that different formats were utilised in its various sittings.[18]

The above examples attempt to illustrate that merging the functions of conflict resolution and political transformation in one open, large negotiation forum requires that sufficient progress has already been made in prior negotiations. Alternatively, smaller and less institutionalised dialogues, which allow for adjustments, have also been effective.

Conclusion: national dialogues and multi-level peace processes

Facing increased complexity, contemporary peacemakers are experimenting with process designs that seek to accommodate current realities. Peace processes are increasingly multi-level, multi-track and multi-party.[19] Parallel negotiations, separate tracks and multiple 'tables' of variable inclusiveness are increasingly common. Official negotiations are building stronger links with informal dialogues, often managed by discreet non-governmental mediation outfits. Mediation professionals have developed techniques that link the formal processes with larger off-the-formal-table dialogues in an effort to promote inclusive forms of peacemaking. These off-the-table-processes offer possibilities for pursuing long-term societal transformation outside official processes but in coordination with them.

Multi-track processes addressing different issues and including diverse actors lack the ambition of unified processes and comprehensive solutions. However, they retain flexibility and separation of tracks, as needed. There are of course serious questions to ask about these processes. Do the various tracks reinforce or detract from each other? Do they create too great a coordination burden? And, how can one know what they all add up to? The advantage of the multi-track approach, however, is that it gives flexibility to the main 'table' to explore issues the parties may be reluctant to include definitively in the formal agenda. It provides a critical, indeed necessary, combination of spelling out policy options while providing opportunities for conflict parties to change their positions. The flexibility also allows the main 'table' to approach some excluded groups and to bring them closer to the talks, including armed groups, civil society and other relevant social groups. Finally, the flexibility allows the main 'table' to separate issues, as needed, and to maintain confidentiality on some issues while adopting a transparent approach on others.

National dialogues, on the other hand, attempt to bring all parties and strands of the negotiation under one tent. Here, all major political, armed and social groups are included and issues are inter-connected, transparently negotiated and moving at the same pace towards comprehensive solutions. National dialogues also purport to promote social transformation while negotiating solutions to concrete problems. However, national dialogues require extensive preparatory negotiations, commitment by the country's leadership to conducting inclusive negotiations, dedicated leadership to resolve disputes and broker compromises, and realistic expectations. They can strengthen and legitimise deals already agreed but are not well-placed to develop elite-level trust, when none has been previously built.

The Achilles heel of national dialogues is the ambition of comprehensive solutions being reached through a single process. Conversely, the Achilles heel of multi-track processes is their frequent lack of direction and sense of purpose, as well as competition among third parties. The task of conflict parties and mediators is to carefully consider what needs to be discussed, what issues need to be resolved and who needs to participate, and to design processes appropriate for each particular conflict.

Endnotes

1 The author would like to thank Roxaneh Bazergan, Cate Buchanan, Christina Buchhold, Jonathan Harlander, Christina Murray and Marie-Joelle Zahar for their valuable comments on this paper.

2 The 'National Dialogue Handbook' defines national dialogues as: "nationally owned political processes aimed at generating consensus among a broad range of national stakeholders in times of deep political crisis, in post-war situations or during far-reaching political transitions", in Berghof Foundation, 'National Dialogue Handbook; a Guide for Practitioners', Berghof Foundation, 2017, available at: http://www.berghof-foundation.org. See also Hannes Siebert, 'National dialogue and legitimate change', in 'Legitimacy and peace processes: from coercion to consent', *Accord*, Issue 25, April 2014; and Jonathan Harlander, 'Supporting a national dialogue; Dilemmas and options for third parties', *Mediation Practice Series*, Issue 6, Centre for Humanitarian Dialogue, December 2016.

3 Katia Papagianni, 'National Dialogue Processes in Political Transitions', *Civil Society Dialogue Network Discussion Paper No. 3*, European Peacebuilding Liaison Office (EPLO), December 2013.

4 Ibid.

5 See also Christina Murray, 'National Dialogues and Constitution Making', *National Dialogue Handbook Background paper No. 2*, Berghof Foundation, February 2017.

6 For analysis on the Saada issue and the Houthi rebellion see: International Crisis Group, 'Yemen: Defusing the Saada Time Bomb', *Middle East Report No. 86*, 27 May 2009. For analysis on the Yemen's Southern Question and the Southern Movement see: International Crisis Group, 'Breaking Point? Yemen's Southern Question', *Middle East Report No. 114*, 20 October 2011.

7 For a concise presentation of 19 national dialogues, please see Berghof Foundation, 2017.

8 Susan Stigant and Elizabeth Murray, 'National Dialogues: A Tool for Conflict Transformation?', *USIP Peace Brief No. 194*, 23 October 2013, p.1; Hannes Siebert, 'National dialogue and legitimate change', in 'Legitimacy and peace processes: from coercion to consent', *Accord*, Issue 26.

9 Berghof Foundation, 2017, pp.21-22.

10 Ibid.

11 Article 3.2.a and 3.2.b, *Presidential Decree No. 30* (2012) on the Technical Committee for the National Dialogue Conference. Author's files.

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13 Ali Saif Hassan, 'Yemen – National Dialogue Conference: managing peaceful change?', *Accord*, Issue 25, April 2014, p.53.

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16 Murray, 2017, p.5.

17 Murray, 2017, p.11.

18 Harlander, 2016.

19 David Harland, 'War is back', *Horizons*, Spring 2016, Issue 7.

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