6 Considerations for the design and preparation of national dialogue processes

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Introduction

National dialogues are negotiating mechanisms designed to include several constituencies during political transitions or post-conflict periods. In some contemporary conflict settings, the traditional peacemaking approach of negotiations among a few leaders representing clearly defined interest groups may be unable to accommodate the diversity of conflict parties. Such conflicts include situations where multiple armed groups are active, state institutions have fragmented, or incumbent regimes are being challenged and oppositions not well-organized. It is therefore sensible to design peace processes that seek to accommodate the diversity of actors.¹

National dialogues usually include a minimum of a couple of hundred people and bring together diverse constituencies, such as political parties, armed groups, militia, members of government and parliament, civil society organizations, professional associations, religious institutions and leaders, tribal leaders, and prominent citizens. The defining characteristics of a national dialogue are: large; inclusive of various constituencies; addressing multiple national issues; and mandated to offer recommendations and in some cases take decisions.

The ambition of national dialogue is to move away from elite-level negotiations by allowing diverse interests to participate. National dialogues are not purely democratic processes: their participants are not chosen through direct one-man-one-vote elections but are either appointed or selected by caucus-type constituencies that are smaller than the total population of voting age. Also, national dialogue processes design their own debating and decision-making rules. National dialogues try to escape the elitism of peace negotiations, but do not provide for a full-fledged democratic process.

There are three inherent tensions in designing national dialogue processes, which influence their legitimacy and effectiveness. The

first tension relates to their size and composition. How large should national dialogues be? What constituencies need to be included and how should their representatives be selected? A second tension relates to the power and mandate of national dialogues. What is their relationship to existing state institutions like parliaments and governments? Finally, a third tension inherent in national dialogues, and related to the second one, is the question of their independence. Should the decisions of national dialogues be ratified by existing institutions or should their decisions be final? These tensions are usually resolved through negotiations among the key political actors. These negotiations are by definition messy and difficult. Often, key political actors agree on a set of principles that should govern the transition, which they then seek to consolidate through an inclusive national dialogue. In other cases, the above tensions are resolved during the dialogue process itself, while in yet others they lead to the failure of the dialogue.

The preparatory process

The preparation of a national dialogue process can often be lengthy and is central to its success. Typically, a widely representative committee is established with the responsibility to prepare all aspects of the dialogue. The appointment of the preparatory committee can be highly contested and often results from extensive negotiations. The composition of such a committee and the process through which it is negotiated influences whether it is accepted as legitimate by the various political forces.

Once in place, the work of the preparatory committee is itself a negotiation process which can be lengthy and can lead to an agreement on a clear mandate for the dialogue, if such an agreement is not already in place. Typically, the preparatory committee is responsible for: defining the criteria for participation in the dialogue and the process through which the participants will be selected; supervising the selection process; drafting the outline of the dialogue agenda; establishing a support structure for the duration of the dialogue, usually in the form of a secretariat; and preparing all the administrative and logistics aspects of the dialogue including venue, security, and other aspects.

In Yemen, a 25-member Technical Committee (TC) was established by Presidential Decree in July 2012 and worked for more than six months. The TC had the mandate to prepare all aspects of the National Dialogue Conference (NDC) but “in no way anticipate or prejudice the substantive work and outcomes of the Conference”.² The November 2011 Implementation Mechanism had defined the constituencies to be represented in the NDC, which were also included in the TC. These

constituencies included the political parties which signed the 2011 agreement that ended the conflict as well as the other constituencies listed in the agreement, including the Houthi Movement, youth, civil society, and women. The TC was boycotted by the Southern Movement (a political movement with secessionist elements in the Southern part of the country), although some persons linked to it agreed to join the TC.

The TC worked until February 2013 and published a detailed report which included records of its discussions on the key issues related to the preparation of the NDC.³ The most important products of the TC's work were the Rules of Procedure for the NDC, which included the NDC's decision-making procedures and the relationship between the NDC's plenary and its working groups. The TC also decided the division of the NDC's 565 seats among the various constituencies. These decisions consumed several months of negotiation.

In Benin, president Kerekou appointed a diverse preparatory committee to decide the conference's agenda and composition. The committee identified the groups which would be allowed to participate in the conference, and specified how many representatives they would each be allotted. Subsequently, each group chose their own delegates. The 500-member conference included both representatives of the government and the military as well as Kerekou's enemies in political exile (Heilbrunn 286). It also included representatives of all trade unions, religious leaders, voluntary associations, women's groups, several former heads of state, and a variety of public figures (Nwajiaku 429; Wiseman 86).

In Niger, in 1991, a 68-member preparatory commission was established in order to decide the mandate and composition of the national conference. The composition of both the preparatory commission and the national conference were debated extensively. The 1,204 delegates to the national conference represented political parties, trade unions, professional groups, and civic associations. Both the conference and its elected presidium included many members of the trade unions and the student movement ("Niger National Conference Postponed"; "Niger Further Details"; Gervais 93–94). In Mali, the conference was appointed by the transitional government and was attended by 1,800 delegates including representatives of the newly created political parties, religious groups, trade unions, women's groups, students, and peasant representatives (Wiseman 88).

The selection of participants

Given that the goal of political dialogues is to generate society-wide consensus on major reforms that a country needs to adopt, it is important

that as many political, military, and social groups as possible are included in the dialogue. Most political dialogues include the main political parties, armed groups, and civil society organizations. In some cases, professional associations and state institutions are also included. Most dialogues ensure the representation of women, youth, and marginalized groups.

The following are some considerations in deciding the composition of a political dialogue:

- What groups have sizable constituencies and can claim to be the legitimate representatives of these constituencies?
- What groups have the power to influence the implementation of any decisions the political dialogue may take?
- What groups have a track record of working in an impartial and non-partisan manner to solve some of the country's problems?
- What groups have creative ideas on how to solve the country's problems?
- What groups have expertise and knowledge on the issues discussed by the dialogue?

Based on the above considerations, a combination of political, military, state, and civil society actors is likely to generate a wide consensus. In order to achieve this representation, political dialogues often reserve a sizable number of seats for independents, civil society actors, expert professionals, women, and youth.

The method adopted for selecting the participants of national dialogues is closely scrutinized by social and political actors. In the absence of direct elections where every adult has the right to cast a vote, designing a representative, legitimate, and efficient selection process is difficult. Also, questions inevitably arise about the authority and legitimacy of those developing the selection method. Ultimately, the composition of national dialogues has resulted from lengthy negotiations among the key political forces.

The selection method for the dialogue participants is usually developed through a several-step process, which is typically contentious. First, a political agreement is reached, often through the work of the preparatory body, on the constituencies which are to be included in the dialogue. These constituencies might include political parties, civil society, regions, religious leaders, ethnic groups, minorities, and professional associations. Identifying the constituencies may be straightforward in some countries where the main social and political groups are clear. In other cases, though, introducing certain groups as constituencies with the right to be represented can be contentious. In Yemen, for example, some argued that independent youth, women, and civil society

were not separate constituencies but should rather be subsumed under political parties. However, these three groups were listed in the 2011 peace agreement and ultimately it proved difficult to prevent them from participating in the dialogue as separate constituencies.

As a second step, the preparatory body agrees on the sub-categories belonging to each constituency. For example, a number of decisions need to be taken on how to sub-divide the constituency of “political parties”: does it include only parliamentary parties or also extra-parliamentary parties, does it include older parties or also newly established ones? In Iraq, the debate over the representation of political parties in the national conference was vigorous. Out of the estimated 1,200–1,400 participants in the Conference, 144 seats were given to political party representatives according to a formula which placed parties in three categories based on the number of years since their establishment. The oldest parties received six delegates, the other categories three and one. This was understandably disputed. Leaders of new parties argued that, in the absence of elections, it was impossible to evaluate party strength and that the criterion was arbitrary. Furthermore, choosing which of the more than 150 Iraqi parties to include was a formidable challenge (Papagianni “National Conferences in Transitional Periods” 326).

The third step in determining the composition of a dialogue process is to decide its size. In some cases, political actors prefer large dialogues of several thousand persons. In general, such large dialogues tend to have few decision-making powers as it is difficult to discuss in detail the key issues facing a country within a gathering of thousands of persons. In other cases, political actors propose very small dialogues of 100 or 200 persons in order to ensure that they engage in detailed discussions, including on constitutional principles. This option usually makes it difficult for the dialogue to be inclusive and to serve as a negotiation vehicle that differs from the elite-dominated negotiations. The size of the dialogue then is a balance between the needs imposed by inclusion and efficiency.

The fourth step in selecting the participants is to design the actual selection methodology of the dialogue participants. There are several methodologies to be considered which may be grouped under three categories:

1. Appointment of the dialogue participants by the preparatory body and/or the executive or parliament of the country (in cases where they are involved in the process).
2. Self-selection by the identified constituencies of their representatives to the dialogue.
3. Regional/local selection processes through caucus-type gatherings.

In some cases two or even three of the above were combined. The difficulties with the first approach are linked to legitimacy. Even if the preparatory body is well-respected, appointing the dialogue participants might be perceived as over-stepping its powers. The second approach of self-selection by the constituencies themselves carries the benefit of real representation for the chosen constituencies. Constituencies which are well organized may be able to agree on their representatives to the dialogue relatively easily. However, the approach does not work well in the case of divided constituencies or of constituencies which are not well-organized. Constituencies such as “civil society”, “women”, “religious leaders”, or “regions” may not be able to easily agree on their representatives. In these cases, the risk is that one faction or a handful of individuals select the representatives for the whole constituency.

The delegates to the 2004 Iraqi national conference were chosen through two selection processes. About 548 of the delegates were selected through a provincial process designed by the High Preparatory Committee (HPC), while the rest were appointed by the HPC. In each of Iraq’s 18 provinces, the HPC appointed a provincial committee responsible for selecting the participants of a provincial meeting, which elected the province’s delegates to the conference. Persons interested in participating in the provincial meeting submitted applications to the committee. Each provincial meeting consisted of 20 times more persons than the number of delegates elected by that province. Twenty-five percent of the delegates of each province had to be women. The committees had three to four days to carry out their task: one or two days to inform the public and receive applications to attend the meeting, and a similar time for deliberations and choosing participants (Papagianni “National Conferences in Transitional Periods” 325–326).

The rest of the Iraqi national conference delegates were appointed by the HPC, whose 100 members automatically got seats in the conference. Initially another 360 national, appointed delegates were planned, of whom 144 would be members of political parties, 72 representatives of civic organizations, 70 tribal leaders, and 74 other personalities.

The mandate

National dialogues benefit from a clear and manageable mandate, and a well-defined relationship to ongoing political processes which is negotiated prior to the commencement of the dialogue. The mandate is

usually negotiated among key political, social, and military actors and endorsed by the relevant existing state institutions. These negotiations and endorsements ensure that major actors are committed to the dialogue and agree on the goals of the dialogue. This strengthens the legitimacy of the dialogue and reduces the possibility of disagreement, once the dialogue commences, regarding its goals and powers.

In cases where negotiation among all major groups and endorsement by the widest possible number of actors and institutions does not occur, there is a risk that some groups refuse to participate in the dialogue or may actively undermine it.

Those responsible for preparing political dialogues negotiate the following questions:

- What will the dialogue discuss?
It is important that the list of issues to be discussed by the dialogue is manageable and not over-ambitious. A long list of issues may lead to some of them not being properly discussed.
- What powers will the dialogue have?
A political dialogue may have the power to provide recommendations which other existing institutions (e.g. parliament or government) can adopt or reject. Alternatively, the dialogue may take decisions which other institutions are required to accept. A hybrid model would give a political dialogue strong decision-making powers, but would also give other institutions the authority to discuss the dialogue's decisions before endorsing them.
- How will the dialogue relate to existing institutions?
National political dialogues usually do not formally report to existing state institutions during their deliberations. However, in some cases, representatives of the government or parliament participate in the dialogue. This allows these institutions to follow developments within the dialogue and may encourage them to implement the dialogue's decisions.
- How long will the dialogue last?
Given that national political dialogues attempt to address contentious and complex issues, they need enough time to discuss everything on their agenda, negotiate the needed reforms, and reach agreements. At the same time, dialogue processes may lose momentum and direction, if they last too long. Therefore, those who design and prepare political dialogues need to agree on a duration which allows for adequate deliberation without risking losing momentum, direction, and attention by leaders and public.

The working method

Most dialogues tend to divide their work between plenary meetings and working groups. Given that the plenary may include several hundred participants, in-depth discussion tends to take place in working groups. As a result, most of the substantive work of a political dialogue may take place in working groups.

This means that working groups need to be carefully designed and usually follow a set of considerations:

- Working groups usually have balanced representation in order to ensure that their proposals are accepted by all constituencies participating in the dialogue.
- Working groups have clear rules of procedure in order to ensure that they function efficiently and effectively.
- Political dialogues benefit from clear rules outlining the relationship between the plenary and the working groups.
- Political dialogues usefully rely upon a mechanism which facilitates regular communication among the various working groups and ensures that most participants are aware of developments in most working groups.
- National dialogues benefit from a mechanism which tracks developments in the various working groups and ensures the cohesion of the dialogue's proceedings.
- Political dialogues benefit from a conflict resolution mechanism which assists the members of working groups to overcome disputes and reach agreements.

Political dialogues which last a few months tend to meet a few times in plenary form, while their working groups may meet daily for extensive periods of time and reconvene after short breaks. In general, political dialogues tend to meet and work intensively.

Planning and support

The preparation of political dialogues is a highly political and contentious process. The question of who contributes to the preparation of the dialogue is contentious and may influence the legitimacy of the dialogue. There are usually three considerations regarding the participants of the preparatory process:

- The preparations of a national dialogue benefit from the active participation and support of the leaders of all key constituencies. High-level support of the preparations ensures that the decisions of the preparatory process will be implemented.
- Ideally, all relevant constituencies should participate in the preparations of the political dialogue. This ensures that the decisions taken are perceived as legitimate by most constituencies.
- The preparations benefit from technical and expert support which may not be available among those responsible for the preparations.

National dialogues are complex events and require detailed administrative preparations and logistical planning. These preparations can be contentious and political. For example, the selection of the venue(s) for the dialogue is often not only a logistical task, but also a political one due to security and symbolic considerations. Also, the establishment of administrative and expert support structures for a political dialogue can be a political task as the constituencies participating in the dialogue may wish to influence these structures. It is therefore advisable that the administrative planning is given great attention and, if possible, is carried out by the same body preparing the political aspects of the dialogue.

Political dialogue processes need extensive administrative, logistical, and expert support. This support tends to cover the following areas:

- Logistical issues: transportation and accommodation of participants; servicing of the venue(s); and security.
- Secretarial issues: note taking; information sharing among the dialogue participants; management of documentation; and archiving.
- Expert support: advice on technical and substantive issues through presentations by experts, submissions of papers, or seminars; and, training.
- Media relations and public outreach: providing footage to the media, managing a website, organizing public information campaigns, setting up information points throughout the country, preparing debates on television, etc.

Usually, a secretariat capacity is established prior to the launch of the political dialogue.

Public awareness and participation

When the public is well-informed about the discussions taking place during a political dialogue, the dialogue is likely to be trusted and to

enjoy greater legitimacy. Therefore, transparency and information sharing strengthen the legitimacy of a national dialogue process. When designing a public information and awareness-raising strategy, it is important to ensure that the information reaches as wide of a spectrum of society as possible. For example, if a country has high rates of illiteracy, information needs to be shared through media that reach the illiterate population. Similarly, if in certain parts of a country certain information media are not available, the appropriate media need to be identified.

Additionally, the public could be engaged in the discussions of the political dialogue. This may take place through large town hall gatherings or smaller meetings with specific constituencies. It may also include the submission of proposals to the dialogue by civil society and other groups.

Political dialogues benefit from a dedicated body, usually located inside the secretariat supporting the dialogue, which carries out the various public information and participation activities.

Conclusion

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.

Notes

- 1 For various definitions of national dialogues, see: “National Dialogue Handbook”. See also Murray; Siebert; Harlander; and Papagianni “National Dialogue Processes”.
- 2 Presidential Decree no. 30 (2012) on the Technical Committee for the National Dialogue Conference (author’s files).
- 3 “Final Report of the Technical Committee to Prepare for a Comprehensive National Dialogue Conference” (author’s files).

Bibliography

- Gervais, Myriam. “Niger: Regime Change, Economic Crisis, and Perpetuation of Privilege”. *Political Reform in Francophone Africa*, edited by John F. Clark and David E. Gardinier, Westview Press, 1997, pp. 86–108.

- Harlander, Jonathan. "Supporting a National Dialogue; Dilemmas and Options for Third Parties". *Mediation Practice Series*, no. 6, Centre for Humanitarian Dialogue, Dec. 2016.
- Heilbrunn, John R. "Social Origins of National Conferences in Benin and Togo". *The Journal of Modern African Studies*, vol. 31, no. 2, June 1993, pp. 277–299.
- Murray, Christina. "National Dialogues and Constitution Making". National Dialogue Handbook Background Papers, no. 2, Berghof Foundation, Feb. 2017.
- "National Dialogue Handbook; a Guide for Practitioners". Berghof Foundation, 2017, www.berghof-foundation.org.
- "Niger Further Details on National Conference". BBC Summary of World Broadcasts, 23 July 1991.
- "Niger National Conference Postponed". BBC Summary of World Broadcasts, 27 May 1991.
- Nwajiaku, Kathryn. "The National Conferences in Benin and Togo Revisited". *The Journal of Modern African Studies*, vol. 32, no. 3, Sept. 1994, pp. 429–447.
- Papagianni, Katia. "National Conferences in Transitional Periods: The Case of Iraq". *International Peacekeeping*, vol. 13, no. 3, 2006, pp. 316–333.
- . "National Dialogue Processes in Political Transitions". Civil Society Dialogue Network Discussion Papers, no. 3, European Peacebuilding Liaison Office (EPLO), Dec. 2013.
- Siebert, Hannes. "National Dialogue and Legitimate Change". "Legitimacy and Peace Processes: from Coercion to Consent", Accord, no. 25, Apr. 2014.
- Wiseman, John A. *The New Struggle for Democracy in Africa*. Avebury, 1996.