National dialogue and legitimate change

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This section of Accord 25 explores how national dialogue processes deal with deep-rooted and protracted conflict through state reform and constitutional change. The cases in this section together with others contribute to a mounting body of experience suggesting that strong and inclusive national dialogues based on national ownership and political inclusion hold immense potential to facilitate fundamental, sustained and just change.

Uprisings around the world over the past three decades have seen mass people’s movements claiming back their history from autocratic and oppressive powers. New political forces and popular movements have been redefining nationhood, innovating new forms of representative government and reconsidering the nation-state concept. And many among them have been diligently working to transform and advance their societies from within.

The role of non-state actors has also grown as they have struggled to protect minority rights and fight political and economic oppression. Many non-state actors have been barred from negotiation processes by state antagonists or dominant international actors. This exclusion has often accompanied a counter-terrorism agenda and has been applied selectively, despite the fact that many non-state actors are credible and legitimate representatives of groups that have suffered state oppression and discrimination. Non-state actors have often resorted to armed struggles because states have refused to listen and address grievances through dignified mechanisms and credible processes.

Accompanying the rise of these movements has been the evolution of inclusive and participatory mechanisms for change. In particular, processes of national dialogue have developed as in-country tools for political transformation, whereby local and national peacemakers and concerned parties work together to resolve their conflicts through the creation of joint instruments and supporting peace infrastructures.

Emergence of national dialogues

National dialogues have been used in one form or other for several centuries, but recently there has been a profusion of public consultations or political dialogues that go by this name. National dialogues and constitutional change processes are today taking place or evolving in Nepal, Burma, Tunisia, Egypt, Yemen, Lebanon, Morocco and Jordan, and are gradually emerging in Libya, the Basque Country and Syria.

Several forms of national dialogue have developed from change processes. The Yemen and Burma processes discussed in this section are formally mandated national dialogues. As two of the most significant current examples of such processes, they emerged after civil wars, successful people’s uprisings or resistance, a ceasefire (13 signed agreements in the case of Burma), or a peace accord (the Gulf Cooperation Agreement in the case of Yemen). These formal processes are mandated to develop constitutional frameworks as a basis for a new constitution to be adopted by their countries’ parliaments. The third case in this section, from the Basque Country, can be described as an informal national dialogue that has been incrementally building foundations for change and will
hopefully result in a formal process that can effect desired constitutional and political reform.

In all three cases the existing constitutional frameworks and mechanisms were not acceptable or were defective and needed to be changed through inclusive extra-constitutional decision-making mechanisms that represented parties both inside and outside the constitutional representative bodies (parliament and government). A major challenge that each of these processes has faced has been how to link change processes to existing constitutional bodies and stimulate real structural reform.

Looking at the issues on the agenda and the work of the various committees and bodies, mandated dialogue structures have not only provided new constitutional frameworks to address the root causes of conflict or constitutional failures, but have also served a much broader function: to provide spaces and instruments for reconciliation, developing joint visions between former enemies, and slowly evolving an understanding of the needs, perceptions and perspectives of the “other”.

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We have seen in the case of Yemen and other historic examples such as South Africa and Nepal that dialogue structures are by their nature vulnerable and imperfect instruments. In Yemen some of the key issues were not yet resolved as the National Dialogue Conference reached the end of its mandated period at the end of 2013. The outstanding disagreements will require a restructured mechanism.

In South Africa, the Convention for a Democratic South Africa – the formally mandated multi-party forum for negotiations – failed twice before it delivered a final framework at its third attempt. And in Nepal, although multi-party talks were chaotic and unstructured, senior leaders from all parties nevertheless negotiated directly for weeks until they reached agreement on the challenges they faced. To the leaders in these transformative dialogue processes who carry the burden to deliver peace on behalf of the people or the ideals they represent, peace and dialogue structures are temporary symbols of hope and an alternative to armed conflict.

To ensure formal dialogue structures function well, and to create a conducive environment for breaking deadlocks, generating options and jointly creating innovative solutions, a number of safety nets or peace support structures have been developed to backstop national dialogue processes. In Burma the stakeholders established joint ceasefire monitoring and peace structures; in South Africa they developed the National Peace Accord structures; in Nepal the parties and government created a Ministry for Peace and Reconstruction and an informal dialogue forum – Nepal Transitions to Peace; and in Lebanon the parties created the Common Space Initiative as a permanent knowledge-based dialogue structure to address root cause issues and advise the formal National Dialogue process.

The case study on the Basque Country in this section describes the role of the Social Forum as an informal dialogue structure formed initially to resolve immediate issues, but which has also created the foundations for a future formal dialogue and which would be ideally placed to function as a safety net for any ongoing process.

Authentic national dialogues as mechanisms for legitimate change

In the midst of serious conflicts or deadlocks, national stakeholders are often tempted to adopt or explore “good models” that have worked in other countries. Good models, however, can be deceptive, as it is not always clear how these models evolved and what the nuances and particularities were in the context in which they developed.

Sometimes we would be better served by learning from our own and others’ failed models and experiences. Further, many cultures in the world have practices, rituals and assets that they have drawn on for centuries to survive. Building on and strengthening cultural assets in societies in conflict is as important for developing a good national dialogue as drawing on best practice models from relevant international experiences.

The most effective dialogue and peace structures are those that are carefully designed by national stakeholders themselves to collectively address their conflict and broken constitutional instruments. They are the authentic structures and common spaces that have grown into an “immune system” that strengthens a society from within.
National Dialogue Process Tool

**Key Common Elements of National Dialogues**

- Mechanism bringing all major political decision makers and stakeholders together after serious conflict or when constitutional bodies (e.g., Parliament, Government) and constitutions fail to address needs, rights, and expectations of all groups and communities
- National dialogue constitutes political representation and reflects all major interest groups in society
- National dialogue is a non-constitutional entity that functions best when it is linked to existing constitutional bodies or interim structures to guarantee implementation
- National dialogue results in decisions and binding frameworks for political reforms and constitutional changes
- National dialogue table, process, decision making, and implementation mechanisms are determined by the parties themselves
- National dialogues are mandated by participating political stakeholders and parties

**Anatomy of a Peace Process**

- Consensus
- Voting by simple majority
- Voting by 2/3 majority
- Other process procedures

- Immediate demands and needs
- Ripeness and capacity of participants
- Consensus/Long term policy issues

- Northern Ireland: Mitchell principles
- Lebanon: Suleiman constants
- South Africa: Codesa principles
- Sri Lanka: One text shared values

- Mandated issues
- Identify relevant common national issues and priorities
- Related root cause issues
- Addressing "acceptable" issues
- Addressing "conditional" issues
- Framing / Re-framing
- Sequencing

- Political representatives
- Confessional / Religion
- Ethnic
- Gender
- Historical
- Power / Balance
- Economic
- Security / Arms
National dialogues hold the potential to reinforce constitutional, state and political reform processes with joint knowledge creation and comprehensive approaches to reform and transformation. Key political reform issues can be addressed if national dialogues based on national ownership and political inclusion involve participation of all key stakeholders. There is scope for national dialogue instruments to be developed beyond the current frameworks by using integrated multi-disciplinary assessment and diagnostic frameworks for process design and conflict analysis. Many informal and formal dialogues have wider process and change impacts beyond their intended purpose, such as for reconciliation among the participants.

National dialogue processes share some common elements:

» They are mechanisms to bring all major political decision-makers and stakeholders together after serious conflict or when parliament, government and the constitution itself fail to address the needs, rights and expectations of all groups and communities.

» They can constitute political representation and should reflect all major interest groups in society.

» They are non-constitutional entities that function best when linked to existing constitutional bodies or interim structures in order to guarantee implementation.

» They develop and decide on binding frameworks for political reform and constitutional change, and the process and decision-making and implementation mechanisms are determined by the parties themselves.

» They are mandated by participating political stakeholders to effect constitutional change.

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