

Managing Complexity in Negotiations:  
All Inclusive National Dialogues: The cases of Congo and Egypt

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“Broadening Participation in Political Negotiations and Implementation”

# Introduction

By focusing on bringing an immediate end to armed conflict, negotiated peace settlements may neglect to address sources of conflict other than the immediate grievances between the belligerent parties. This is often manifested in exclusive negotiations, featuring only the leaderships of the belligerent parties. Exclusion can lead to a number of deleterious effects. The structural inequalities that provoked the initial conflict may persist, leading to the emergence of other armed groups and the resumption of conflict. The focus on armed belligerent parties may create a perverse incentive for other aggrieved groups to take up arms, or to escalate the scale of their violence, in order to gain access to the negotiations and the distribution of power and resources in the peace settlement. In addition, war to peace transitions are frequently transformative moments in the history of states, leading to new forms of political organization. Negotiations may therefore represent a unique opportunity to address issues of poor governance and corruption, structural violence and inequality, including gender violence and inequality, and to achieve sustainable reconciliation for past wrongs – all of which affect populations far beyond the belligerent parties.

Nevertheless, mediators and negotiators continue to favour the exclusion of civil society and other actors from negotiations (C. Barnes, 2002; Catherine Barnes, 2005; Fisher, 1997; Nilsson, 2012; Wanis-St. John & Kew, 2006). Mediators and negotiators may feel that including actors other than the main belligerent parties: complicates the process unnecessarily, provokes hostility from the belligerent parties, and disperses power among groups without a broader constituency.

Recent research has challenged these assumptions by demonstrating a correlation between the inclusion of additional actors other than the main conflict parties and greater durability of peace settlements (Nilsson, 2012); however, Paffenholz has shown this only applies if included actors were able to influence the process (Paffenholz 2015). The recently concluded “Broadening Participation”<sup>1</sup> project at the Centre on Conflict, Development and Peacebuilding of the Graduate Institute of International and Development Studies in Geneva has investigated the relationship between including more actors alongside to the main (usually armed) negotiation parties and the impact on the quality and sustainability of peace and transition agreements, and their implementation. This study analysed 40 in-depth qualitative case studies using a comparative case study approach applying both qualitative and quantitative methodologies of data analysis.

The Broadening Participation Project (BP Project) research identified seven modalities of inclusion adapted from Paffenholz (2014), as well as a collection of process and context related factors which enable or constrain the influence of included actors. The objective of this paper is to apply the research framework to two African cases of inclusive negotiations, the Inter-Congolese Political Negotiations

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<sup>1</sup> The project’s full title is: “Broadening Participation in Political Negotiations and Implementation”, for the rest of the report it will be referred to as the “Broadening Participation” project or research. The project has been funded by the Governments of Norway, Switzerland, Germany, Finland, and Turkey. For a summary of the project’s overall research findings for all actors see: <http://graduateinstitute.ch/files/live/sites/iheid/files/sites/ccdp/shared/Docs/Publications/briefingpaperbroader%20participation.pdf>

concerning the parties to the conflict in the Democratic Republic of the Congo from 1998-2003, and the 2011 Egyptian National Dialogue.

In analysing the enabling and constraining factors of these two cases, this paper aims to demonstrate first, that the “Broadening Participation” Framework is a valid framework to analyse the dynamics of Inclusive negotiation processes and second, describe some lessons for mediators to support these processes.

The paper begins with an outline of the theoretical basis of inclusion in national dialogues, then introduces the methodology of the Broadening Participation project. The main body of the paper applies the BP Project framework to the two case studies.

## The Theory of Inclusion in National Dialogues

According to the literature, the main reasons for preferring exclusive peace negotiations are that negotiators and mediators are focused on bringing the primary belligerent parties to the table. There is a perception that additional actors multiply the number of positions, adding to complexity and reducing the likelihood of reaching agreements. In addition, practitioners find it difficult to choose which civil society groups should participate (Paffenholz, 2014c). There may also be a level of discomfort about including certain kinds of actors, such as groups branded as terrorist or criminal, or actors with a poor record of respect for human rights. Nevertheless, inclusive processes are growing in prominence as a means to sustainably resolve longstanding conflicts.

Where inclusion is preferred, this is for a mixture of normative and pragmatic reasons. For advocates of norm-based inclusion, inclusive peace negotiations are morally obligatory (Wanis-St. John & Kew, 2008), or else desirable because they promote a culture of democracy in the long term (Bell & O'Rourke, 2007; Hemmer, Garb, Phillips, & Graham, 2006; Lanz, 2011).

From a pragmatic perspective, a greater diversity of actors allows for the raising of issues beyond those that concern the belligerent parties (Barnes, 2005; Saunders, 1999). This can allow for genuine social change that addresses the causes of a conflict, rather than providing an opportunity for the belligerent parties to forge a power-sharing arrangement that satisfies their own constituencies. Engaging the broader population can promote a sense of investment in, and ownership of, the process, leading to increased public support for peace (Chataway, 1998; Lanz, 2011; Wanis-St. John & Kew, 2008).

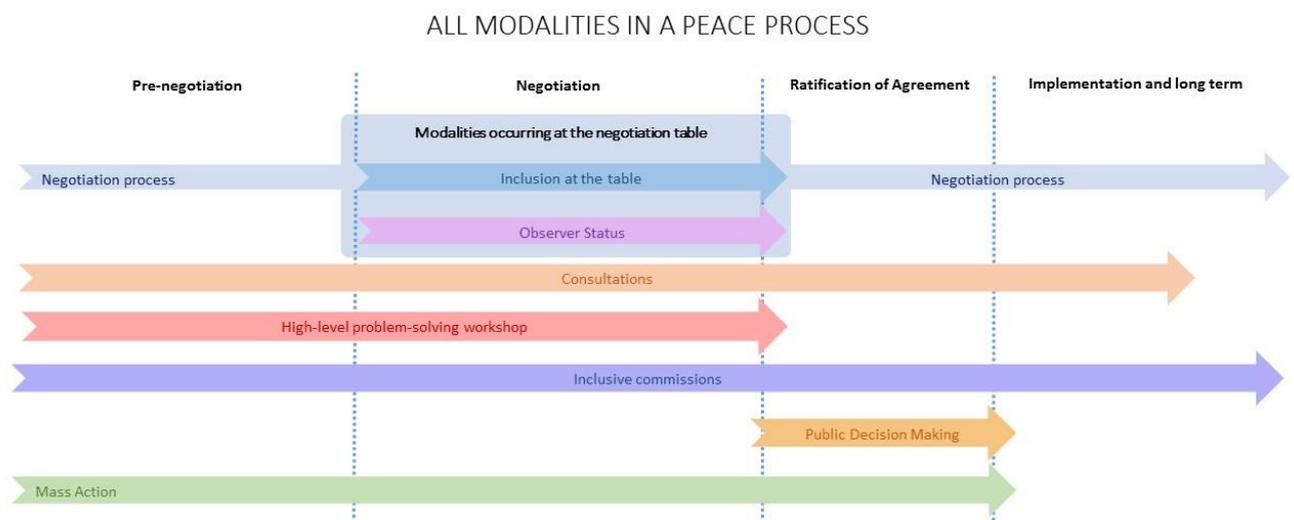
Inclusion may provide an opportunity to negate the problem of spoilers, either by allowing these actors to voice their opinions from within a process (Lieberfeld, 2002; Nilsson & Söderberg Kovacs, 2011), or else by providing increased space for moderate factions within the belligerent parties to consult and build support for rapprochement. Inclusive processes also reduce the incentive for sidelined parties to resort to violence in order to gain access to negotiations (Barnes, 2005).

Included actors may be able to hold the belligerents accountable, either through providing an opportunity for the broader public to know about the process, or by directly lobbying the track 1 actors (Lanz, 2011). This role is particularly important in the post-agreement phase, where many of the provisions negotiated in the agreement can disappear before being implemented.

Paffenholz (2010, 2014a, 2015) has developed a series of modalities which describe the various possible components of an inclusive process. These were first developed as nine modalities (Paffenholz, 2013, 2014a), and then refined to seven (Paffenholz, 2015). The modalities include.

- 1) Direct representation of additional actors at the negotiation table, either:
  - a) As their own delegations to the negotiations or
  - b) As members of official delegations;
- 2) Observer status, with no official roles but a direct presence during the negotiations;
- 3) Consultations: including
  - a) Official consultative forums that run parallel to official negotiations, and that are endorsed by the mediators and negotiators;
  - b) Unofficial consultations, that lack official endorsement from all the stakeholders;
  - c) Public consultations involving the broader population via public hearings, opinion polls, “town hall” meetings, or signature campaigns;
- 4) Inclusive commissions;
- 5) High-level problem-solving workshops;
- 6) Public decision making: via referenda and other electoral forms;
- 7) Mass action: campaigns, demonstration, street action, protests, and petitions.

Inclusive National Dialogues are a variant of modality one in which societal actors are included as delegations to the track 1 negotiations. A negotiation process can be broken up into four phases: the pre-negotiation phase, when support is built for a negotiation and the structure of the process is debated, the negotiation phase, a brief phase in which an agreement is ratified or rejected, and the implementation phase. The following graphic illustrates the various phases in which modalities were identified in the BP project.



## Methodology

The “Broadening Participation” project (BP Project) was designed to investigate inclusion in peace processes and political transitions. Inclusion (or participation) was defined as taking part in an inclusion

modality in either official or non-official roles. The project aims to present a dynamic understanding of inclusive negotiations, establishing the effects of broader inclusion on the quality and sustainability of peace and transition agreements and their implementation. In doing so it turns the focus of debate away from the inclusion-exclusion dichotomy that has characterized research and policy debates, addressing instead *how and under what circumstances* inclusion can or cannot work effectively.

A comparative case study approach was applied to analyse the data using both qualitative and quantitative methods. A first sample of 19 cases was investigated and coded using an exploratory grounded theory approach to identify patterns. In this first analysis it was found that simply increasing the participation of actors in terms of numbers had limited explanatory power to the rate at which agreements were reached or implemented. Instead, when included actors were able to influence the process it increased the rate of agreements reached and/or implemented, leading to the insight that “quality participation” is needed, rather than participation *per se*. As a consequence, the research team developed an assessment framework to rate the influence of included actors within a negotiation, and/or an implementation, process. Included actors were identified as exercising three types of influence:

- influence on the quality of agreements (defined as their capacity to successfully push their preferences during the peace/negotiation process),
- influence on sustainability (the extent to which included actors are able to contribute to the implementation of the agreement, often through post-agreement bodies) and,
- influence in pushing for the commencement of negotiations or the signing of an agreement, often with mass mobilisation or joint action inside or outside the negotiations.

Importantly, the influence of included actors was not always positive. Included actors were found to also found to exert a negative influence, occasionally blocking the inclusion of important provisions in an agreement, pressing for the resumption of violence, pushing against the negotiation process and working against the implementation of components of the agreement.

The exploratory-grounded theory approach also revealed a collection of factors common to multiple cases, which enabled or constrained included actors to wield influence within inclusion modalities. These factors are grouped into process factors and context factors. Process factors refer to aspects of the design of inclusive processes, or else strategies employed by included actors within inclusion modalities, which enable or constrain their influence over the outcome. Context factors refer to features of the context over which included actors have little or no control, but which may impact their ability to wield influence within a modality.

The next section summarises the process and context factors found to have had the greatest effect in enabling and constraining the influence of included actors in the two cases under study.

## Enabling and Constraining Process Factors

The project found that the degree of influence included actors were able to wield over a process was enabled and constrained by a set of factors that were common across cases. The BP project has found that on average cases in which included actors were able to wield a greater degree of influence were more likely to see an agreement reached, and more likely to see agreements implemented. Both of these relationships are statistically significant. Process factors identified in all cases were: decision making, procedures and criteria of selection, transfer, support structures for included actors, coalition

building and joint positioning, and inclusion friendly mediators. These factors are presented in more detail below:

**Decision making procedures** refer to the formal structure through which decisions are taken in an inclusion modality and a final outcome is reached. Decision making procedures are essential as they can negate the benefits of inclusion by side-lining included actors or marginalizing their contributions (non-binding inputs). For example, in almost all National Dialogues, despite widespread consultation with all groups, ultimate decision-making power rested with a small group of already-powerful actors.

**Procedures and criteria of selection** determine whether included actors will effectively represent their constituencies. Selection procedures refer to how representatives are chosen from within their constituency; whereas selection criteria refer to how demographics, organizations or constituencies are identified for inclusion. The following selection procedures were identified: invitation, nomination, election, the advertisement of positions, and open participation. Selection criteria often specified demographic features, most commonly ethnicity, gender and geographical location. Included actors were also chosen because they were expected to support the positions of one or other of the belligerent parties, or due to their high levels of expertise, education or esteem.

**Transfer** refers to the transfer of information from other inclusion modalities to the negotiation table. Transfer strategies are essential in ensuring that the inputs of included actors make their way into agreements. This is particularly relevant for inclusion modalities further from the negotiation table such as consultations, high level workshops, or commissions. Transfer strategies include: handing over of reports to negotiators or mediators; direct exchange with mediators, advisors, or negotiators; participation of mediators in consultations or problem-solving workshops; public statements; press releases; visible peace messages; and lobbying for the international or regional community's attention.

**Support structures for included actors** during negotiations can substantially enhance their influence on the negotiations. For example, when included actors had access to expert support during negotiations, such as assistance in drafting contributions to agreements, they were more effective in making differentiated and quality contributions.

**Coalition building and joint positioning:** Where included actors were able to find sufficient common ground, the pooling of influence behind a single position or agenda was found to be a highly successful strategy. Conversely, where included actors seemed to have a high degree of influence in the structure of the negotiations, division within the included constituency undermined this influence.

**Inclusion friendly mediators:** mediator (and facilitator) support is an essential component of an inclusive process. Mediators can lobby for inclusion, set time aside for included actors, make sure they are appraised of the progress of negotiations, they can also gather input from included actors and pass this on to the negotiation table.

## Context Factors

Context factors refer to issues outside the control of the included actors, and usually mediators and negotiators too. The most relevant context factors found by the research were: elite support/resistance, the political interest of regional actors, public support, preparedness of included actors, provisions for inclusion in prior agreements, as well as flexible and targeted funding.

**Elite support/resistance:** National elites are an important political constituency, with a stake in the established constellation of power in a society. Elites may oppose either specific provisions or else the participation of a particular group (e.g. women). Where elites oppose a particular political agenda, they

are often content to bide their time during the negotiations and focus on undermining the related provisions at the implementation stage. Elite resistance constitutes a major headwind for included actors.

**The political influence of regional actors** is decisive for peace and transition processes and has often been more important than that of international actors. This is especially true when regional actors feel their core national interests are at stake.

**Public support:** Public support is one of the key elements of any successful peace agreement. The national public may oppose an agreement because they do not view it as a good agreement, or because they are not informed about, or not engaged by, the negotiation process, or else out of a general antipathy to peace which is sometimes observed. Public support is also somewhat endogenous to the process, in that inclusive negotiations can generate support for the process, as well as for implementation. Even when the main armed parties to conflicts are able to conclude agreements without public support, ratification and implementation seldom works.

**Preparedness of included actors:** Preparedness refers to the organizational readiness to meet the formal requirements of participation in a negotiation process. Preparedness can be generated by included actors' prior experience with organization, a tradition of organizations in a specific context, or else from targeted training and support strategies.

**Provisions for inclusion in prior agreements:** Where inclusion is provided for in the structure of the negotiation or implementation, it is far more likely to be successful. This is even more effective where the amount of participation is specified, as in the case of quotas.

**Funding for inclusion** can enable included actors to meet together to enable coalition-building and to reach remote negotiation venues in order to more effectively lobby the process in person. Funding can also be allocated to facilitate the expert support structures discussed above.

## Two case studies of inclusive national dialogues: the Democratic Republic of Congo (1999-2003) and Egypt (2011)

### The Second Congo War and the Inter-Congolese Political Negotiations

The overthrow of President Mobutu Sese Seko's regime in 1997, after the First Congo War, began more than a decade of horrendous conflict involving the Democratic Republic of the Congo and most of its neighbors. International pressure to end the conflict began almost as soon as the Second Congo War broke out in August 1998 (Rogier, 2004). Following a year of international pressure and the arrival of a military stalemate, the Lusaka Ceasefire Agreement was signed on July 10<sup>th</sup>, 1999 by the DRC, Angola, Zimbabwe, Namibia, Uganda, Rwanda, and later by the Rwandan-backed Congolese Rally for Democracy (RCD) and the Ugandan-backed Movement for the Liberation of Congo (MLC) in August.<sup>2</sup> Chapter V of the Lusaka Agreement provided for the Inter-Congolese Political Negotiations (ICPN), a National Dialogue tasked with structuring a new political administration during the transitional period,

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<sup>2</sup> The RCD rebels initially consisted of Mobutu's former troops and residual troops from the ADFL who organized an attempt to overthrow President Kabila, gaining the direct support of Rwanda, Uganda, and Burundi (Naidoo, 2000). The MLC was formed by Uganda in November 1998 to counterbalance the RCD's influence, which was rapidly growing at that time. The leader of the MLC, Jean-Pierre Bemba, gathered soldiers from Mobutu's former troops. In early 1999 the RCD split into the RCD-Goma and the RCD-ML (Naidoo, 2000).

with the inclusion of “the political opposition as well as representatives of the *forces vives* [civil society]” alongside the Government of the DRC, and the main rebel groups (RCD and MLC at the time) (Rogier, 2004). Inclusion in the Inter-Congolese Political Negotiations<sup>3</sup> encompassed an instance of modality 1 inclusion, as well as a high-level problem solving workshop (modality 6).

The ICPN spanned from the Lusaka Agreement in 1999 to the signing of the Final Act in Sun City in April 2003, and was supposed to have addressed three important issues. First, it was to agree on a transitional government authority which included the unarmed opposition and civil society; second, to develop a draft constitution and lead to free and fair elections; and third, to establish a national defense force that disarmed and reintegrated members of the various armed groups involved in the dialogues.

### Process Design:

On December 16<sup>th</sup>, 1999, the Congolese Parties appointed former President of Botswana, Sir Ketumile Masire, as a facilitator (Whitman, 2007; Rogier, 2004). The preparatory meeting in Gaborone was commenced by Presidents of Botswana and Zambia with an attendance of Congolese delegations (International Crisis Group, 2001). At the meeting, the delegations decided on the designation of five working committees led by mostly external actors: the Legal and Political committee led by the facilitator Mustapha Niassa, the former Senegalese Prime Minister; Defense and Security committee, led by Gen. Abubakar, former Head of State of Nigeria; Economics and Finance committee led by Ahmedou Ould-Abdallah, former UN Secretary-General’s special envoy for Burundi; the Society and Culture committee, chaired by Mrs. Ellen Johnson-Sirleaf, then a top-rank UN civil servant from Liberia, and the committee for Peace and National Reconciliation, chaired by the former Minister of Foreign Affairs in Benin, Albert Tévoedjré.

**Funding:** Funding was an ongoing issue during the ICPN. The first two meetings in Gaborone and Addis Ababa had to have separate fundraising initiatives. Rather than the 330 delegates agreed upon, Masire limited participation in the Addis Ababa talks to only 80 (15 from each delegation, rather than the 62 originally planned), citing financial constraints (Boshoff & Rupiya, 2003, p. 33; Carayannis, 2009, p. 9). This led the government in Kinshasa to allege that the Addis Ababa meeting should be regarded as a technical preparatory meeting, rather than an official session of the ICPN (Boshoff & Rupiya, 2003, p. 33), which left the process effectively stalled. A major turning point occurred when Laurent-Désiré Kabila was assassinated by one of his guards on January 16<sup>th</sup>, 2001 and his son, Joseph Kabila, officially became the new President. Whereas Kabila Sr. had been deeply opposed to several features of the ICPN, and had done everything in his power to obstruct the negotiations, Kabila Jr. was more open to negotiations than his father had been.<sup>4</sup>

**Procedures and criteria of selection** were an early issue of dispute. Masire and the facilitation team were only able to visit some areas of DRC in order to supervise the selection of *forces vives* actors for

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<sup>3</sup> I refer to the entire process as the Inter-Congolese Political Negotiations as this is the terminology used in the Lusaka Agreement, and because it seems to better encompass the diversity of formats better than the term dialogue.

<sup>4</sup> See Europa World Plus, accessed 12/20, 2013, <http://www.europaworld.com.ezproxy.library.tufts.edu/entry/cd.hi>.

inclusion, due to security and funding constraints. In addition, the dependence of the provincial governors on the same belligerent parties involved in the ICPN, in the context of the ongoing conflict, may have undermined their ability to put forward legitimate candidates for inclusion (Boshoff & Rupiya, 2003).

The Addis Ababa attempt was aborted after 3 days, after disputes over inclusion of other stakeholders including the Mayi Mayi, religious orders, traditional chiefs, and other opposition groups (Rogier 2004, p.29). The Kabila government delegation felt the Mayi Mayi could be easily manipulated, and therefore their inclusion would weight the dialogue in favour of Kinshasa. Kinshasa was the first delegation to withdraw support for the Addis Ababa dialogue attempt after its effort to include the Mayi Mayi was opposed. In addition, when the ICPN was resumed in Sun City, South Africa on the 25 of February 2002,<sup>5</sup> the MLC initially boycotted the talks, complaining that the Kabila government was stacking the negotiations with false unarmed opposition parties included only to support the government's position.

As noted earlier, included actors (according to the BP Project's definition) in the ICPN were: civil society, the unarmed opposition, women's groups, and secondary armed groups. Although all participants were supposed to have equal status in the dialogue, the main warring parties dominated negotiations. The influence of non-primary armed groups varied. RCD-ML and RCD-National were included in a political movement called Congo Liberation Front (FLC), which aimed to assemble them with MLC under Ugandan backing (International Crisis Group, 2001).

**Coalition building:** The unarmed opposition actors tried to enhance their influence by cooperating with the main warring actors. One of the unarmed oppositions, the UDPS, was in "regular contact" with the RCD-Goma and supported their decisions (International Crisis Group, 2001). Other oppositions also "courted" the main rebel groups (International Crisis Group, 2001). When the international community supported newly succeeded President Joseph Kabila, the MLC, the RCD-Goma, the UDPS and the FONUS (another unarmed opposition) created an anti-government coalition titled "Union of Congolese forces for the full respect of the Lusaka Agreement and for the holding of the Inter-Congolese Dialogue" (UFAD) (International Crisis Group, 2001). Civil society representatives were basically marginalized, and consulted by the main belligerents only after agreements had been reached.<sup>6</sup>

## Women's participation

Women were relatively influential in the ICPN compared to other included groups. Their influence was aided by three process factors:

### **Support structures for included actors:**

Ten days prior to the beginning of the ICPN negotiations in Sun City, Women as Partners for Peace in Africa-DRC (WOPPA-DRC), Femmes Africa Solidarité (FAS), the Nairobi Peace Initiative (NPI) and the

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<sup>5</sup> After the failure of the Addis Ababa ICPN dialogue, UN Secretary-General Kofi Annan initiated an informal meeting in New York in 2001 including only the three main warring parties in order to discuss the representation issues and restart the dialogue (Rogier, 2004).

<sup>6</sup> Gouzou, Jérôme and Ylse van der Schoot. Unpublished report for Civil Society in the Democratic Republic of Congo: A study commissioned by the Swedish International Development and Cooperation Agency (Sida/Asdi), Life & Peace Institute.

United Nations Development Fund for Women (UNIFEM) organized a negotiation training workshop in Nairobi (Whitman 2007). Included actors were 64 female participants representing the government in Kinshasa, rebel groups, civil society, and the convening organizations (Whitman, 2007; Wijeyaratne, 2009). This occurred in the context of one of the first peace negotiations to be concluded after the UN Security Council adopted its first resolutions on the role of women in the field of international peace and security (SC/RES/1325/2000) in October 2000.

**Coalition building and joint positioning:** At the beginning of the women's workshop in Nairobi, the participants "stuck to representing their 'group' or party position. Over the course of four days, positions softened, with women abandoning party alliances and working together for a common agenda. Women from civil society and the churches played a bridging role between the government and rebel group participants" (Wijeyaratne, 2009: 36). The participants at the training agreed on "a declaration and plan of action for all women" at the meeting and submitted the document to the facilitator, Sir Ketumile Masire (Whitman, 2007, p. 40). Also, UNIFEM, one of the organizers, had a meeting with the facilitator and discussed how to enhance women's participation in the Inter-Congolese Political Negotiations (Whitman, 2007). This represents an example of combined **transfer** strategies, which were found to be more effective overall.

This common positioning lasted throughout the first Sun City Dialogue, with women generating a daily leaflet called the "pensée du jour" (thought of the day), and holding a press conference on International Women's Day (March 8, 2002) to advocate for a construction resolution to the dialogue and for the end of violence against women in the conflict (Bouvier & Bomboko, 2004, p. 106). Women also staged a hunger strike to protest the stalled negotiations in the first days of March 2002 (Bouvier & Bomboko, 2004, p. 106).

The results of women's influence in ICPN were, first, the Ministry of Women's and Family Affairs was included in the transitional administration (Global and All-Inclusive Agreement on the Transition in the DRC, 2002). Second, the social, cultural and humanitarian commission led by Ellen Johnson-Sirleaf made recommendations requiring the creation of rehabilitation centres for war-affected women and young girls, the achievement of 30% participation of women in all national level negotiation process, the modification of "all laws or customs that may discriminate against women or contravene international legal instruments relating to women" and the increase of the marriageable age of girls to 18 (Whitman, 2007: 41). These recommendations were contained in the Final Act signed in Sun City in 2003 (The Final Act, 2003).

**Regional interest:** The conflict in the DRC was substantially a regional phenomenon. One of the most direct causes of the war was the interest of Rwanda and Burundi in maintaining political influence in Kinshasa and in combatting the rebel groups staging attacks on the two states from Congolese territory. A major reason why the Sun City agreement was greeted with renewed violence in the Eastern DRC was the marginalization of the RCD, which ignored the goals of Rwanda to increase its influence in the DRC (Carayannis, 2009).

The RCD-Goma desired to overthrow Kabila and was supported by Rwanda, which had the same interests (Naidoo, 2000). The RCD-ML gained the support from Uganda, which desired to change the DRC's leadership (Naidoo, 2000). Allies of the DRC government intervened for different reasons. Angola

was again motivated by security reasons regarding the UNITA (Prunier, 2006).<sup>7</sup> Namibia was “more or less obliged to follow the lead of its Angolan patron” (Prunier, 2006, p. 109) and Zimbabwe intervened for economic interests (Prunier, 2006).<sup>8</sup>

The escalation of violence by Rwandan and Ugandan backed forces after the partial agreement in Sun City led the UN to appoint two new special envoys, former Senegalese prime minister and seasoned politician Mustafa Nyasse, and former Eritrean diplomat, Haile Menkerios, to mediate a new process. This led to the Global and Inclusive Agreement on Transition in the Democratic Republic of Congo signed by all parties in December of 2002, and the Final Act signed in Sun City in 2003, which affirmed many of the provisions of previous agreements, and established the so-called 1+4 transitional government of national unity in 2003 headed by Kabila as President, with four vice presidents: Bemba representing the MLC; Abdoulaye Yerodia Ndombasi, the *Parti du peuple pour la reconstruction et la démocratie* (PPRD); Azarias Ruberwa, the RCD/Goma; and Zahidi Ngoma, representing the unarmed opposition. Cabinet positions were distributed among the constituencies above, as well as the *RCD-Kisangani-Mouvement de libération* (RCD-K-ML), the *Mayi Mayi*, and civil society. Civil society was to hold two ministerial positions, three assistant minister positions, and the chair of the five post agreement commissions: the Commission on Ethics and the Fight Against Corruption, the Truth and Reconciliation Commission, the National Electoral Commission, the Higher Authority on the Media, the National Human Rights Commission (Lemarchand, 2007). The elections provided for in the Final Act were implemented in July 2006 and “went relatively smooth[ly]”.<sup>9</sup> However, hopes nurtured by the elections in 2006 were soon scattered, when conflict broke out after the elections in 2006 between the CNDP (*Congrès National pour la Défense du Peuple*, National Congress for the Defence of the People) believed to be supported by Rwanda and the government in Kinshasa. Because of the large-scale displacement of refugees, it is difficult to reliably estimate the death toll for these wars. However, a prominent study estimates that 3.9 million people died as a result of the war between 1998 and 2004 (International Rescue Committee, 2008).

## The 2011 Egyptian National Dialogue

Inspired by the Tunisian uprising of December 2010, massive protests took place in Egypt from 25 January 2011. The population was discontent with Mubarak’s decades of repressive rule, accusing him of defrauding the 2010 elections, and with the socioeconomic conditions in Egypt. Refusing to meet the population’s demands, Mubarak sent army tanks and troops to impose a curfew on the population. Despite several episodes of violence, the arrest of many people including members of opposition groups, journalists, and youths, as well as the death of more than 800 protesters, demonstrations continued until Mubarak eventually resigned from power on 11 February 2011. Power was then transferred to the military with the Supreme Council of the Armed Forces (SCAF) taking charge of the interim government and assuming full executive and legislative powers. Already on 31 January the army had declared that they would not use violence against the protesters (International Crisis Group, 2012).

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<sup>7</sup> See also above, details from Armed Conflict Database.

<sup>8</sup> See also above, details from Armed Conflict Database.

<sup>9</sup> See Uppsala database, accessed 11/29, 2013, [www.ucdp.uu.se/gpdata/gpcountry.php?id=38#](http://www.ucdp.uu.se/gpdata/gpcountry.php?id=38#).

In March, Egyptians adopted constitutional amendments through a referendum, which led to an election process.

From the end of March 2011, the SCAF organized a National Dialogue process that aimed at bringing together all relevant political and societal forces into a multi-party inclusive negotiation process. The National Dialogue fits into the first modality of inclusion presented in the previous section as direct representation at the negotiation table. The process had background support by the UNDP.

Following decades of emergency rules preventing non-governmental political activity, the National Dialogue aimed at gathering for the first time the opinion of a broad range of political factions from all sections of the population, in order to discuss their agenda instead of continuing the demonstrations. The National Dialogue aimed at discussing the following five key themes: democracy and human rights, social and human development, economy, media and culture, and foreign relations.

The National Dialogue was meant to be an inclusive first step towards jointly designing the political transition and future of the country, yet it started with many flaws from the onset. The first session of the Dialogue was held on 30 March 2011 and was led by the Prime Minister's deputy, Yehia El-Gamal, illustrating the government's influence on the process. This first session drew heavy criticism, not only because of its poor planning and organization, but also because of the selection of participants. Many important figures did not participate in the first session, including Mohamed El Baradei, and there was also criticism about the absence of a strong Christian presence.

The process was ill designed from the beginning. Youth coalitions, as well as key political parties such as the Wafd, Nasserist and Tagammu parties, denounced the first session on the grounds that it was lacking any pre-defined agenda and objectives (Daily News Egypt 2011a). The Muslim Brotherhood also refused to attend the first session because of its non-constructive nature (Daily News Egypt 2011b). Arguing that the National Dialogue arrived too late, many participants resented the fact that constitutional amendments were passed before the start of the process and took it as a proof of the lack of government commitment to the process of constructive dialogue. In addition, the National Dialogue was not well communicated at first (even though it was later broadcast on TV), which contributed to the variable degree of public support for the dialogue.

As a result of these dynamics, the second session of the Dialogue was postponed, so that the changes could take place to accommodate the main criticisms. In April, Prime Minister Essam Sharaf replaced Yehia el –Gamal as the head of the National Dialogue and appointed Abdel-Aziz Hegazy, an 88 year-old former Prime Minister under Sadat (from 1973 to 1975) as the new chair . Sharaf claimed that this move would prevent unwanted interference and limit the role of the government to logistical and financial support (Samak 2011). Hegazy, however, did not enjoy much more trust than his predecessor. In a sense, his appointment also illustrated the disconnect between the Government and the National Dialogue on the one hand and the popular movement on the other. In the second round, which ended at the end of May after a 3-day conference, more groups accepted to participate, and more than 500 people were invited, but still with minimal youth representation. On the first day of the conference, dozens of members from the April 6th movement and from the Youth Revolution Coalition walked out because members of the NDP were (again) invited (Shalaby 2011). Overall, the National Dialogue was thus more inclusive on paper than in reality, as it was still controlled by the old elites.

**Decision making:** The 2011 Egyptian national dialogue, though inclusive, had a highly elitist decision making procedure, dominated by military elites. There was no prearranged obligation on the part of

the SCAF to respond to the decisions of the working groups, and in fact these recommendations were entirely ignored. Thus, notwithstanding the internal problems within the national dialogue and its working groups, the effectiveness of the modality to challenge the established structure of power or the interests of military elites was severely constrained. In addition, the leaders of the working groups, who were responsible for finalizing and transferring the results of each group, were chosen by Hegazy based on his own assessment.

**Procedures and criteria of selection:** The Egyptian national dialogue was hampered by opaque and controversial procedures of selection. The selection was done on a personal and by-acquaintance basis, with attendees complaining of being invited only a few hours before the start of the session and of not having enough time to speak (Daily News Egypt 2011a). Even more problematic, several members of the former ruling National Democratic Party (NPD) were invited, including its former secretary-general, Hosam Badrawy. This move was condemned by youth coalitions, the Wafd party, and the Muslim Brotherhood. In addition, one of the reasons behind the refusal by the Youth Revolution Coalition to join the first session was that its members were invited as individuals rather than as representatives of the movement (Samak 2011). The leaders of the working groups were chosen by Hegazy based on criteria unknown to the public.

**Transfer:** One of the major weaknesses of the Egyptian national dialogue was the transfer from the dialogue to the military leadership, in which there was no obligation on the military to act on, or even respond to, the decisions of the national dialogue. In addition, Hegazy chose how this transfer was to occur. The result was that the SCAF would then decide on how to move forward with the recommendations, and it is argued that the content of most reports (including the final one) was disregarded by them.

## Findings

Although the two case studies featured in this report were both inclusive, they were situated in very different contexts and demonstrated very different structures and objectives. Analysing these differences presents a number of findings. Ultimately the Egyptian national dialogue can be assessed as counterproductive, contributing as it did to the erosion of optimism about participatory democracy that was initially generated by the uprising. Furthermore it was directly responsible for diminishing trust between important political actors, such as the Muslim Brotherhood, and the Supreme Council of the Armed Forces (SCAF).

The primary shortcoming of the Egyptian national dialogue was that it was never taken seriously by the political elites in power, who dealt with it as if it were a simple formality, rather than a genuine modality of participation. Consequently, several important groups, notably youth groups, boycotted the process. The lack of political will afforded to the national dialogue was manifest most clearly in its poor organization and design, which included decision-making procedures easily permitting the SCAF and its allies to negate the contributions of included actors where these diverged from the SCAF's own vision. Additionally the procedures and criteria of inclusion were inadequate, undermining the trust of included actors in the process. The lack of political will afforded to the national dialogue was manifest most clearly in its poor organization and design. The public broadcasting of the Dialogue added to the overall mistrust. Importantly, while the process was supposed to help in shaping the future of the

country, important laws on political participation and political parties were passed before their implications were discussed in the National Dialogue (Shalaby 2011). This reflected a more general trend in Egypt in 2011, namely the fact that there was no negotiation over basic rules and procedures; instead the quick rushing-through of major constitutional changes was the norm. Moreover, it can be argued that even those actors capable of providing constructive support to this process were also passive, failing to utilise their potential influence to positive effect. UNDP, for instance, could have potentially acted as a credible third party yet played no facilitation or mediation role and only provided logistical and technical support.

In sum, despite the fact that the second round of the dialogue was supposed to avoid the undue influence on the process by the interim government, the SCAF maintained control on the outcomes of the Dialogue. Due to its structural and procedural flaws, the National Dialogue created significant distrust and scepticism, ultimately ending up perceived as a “talk show with low representation” unable to contribute to constructive conflict resolution (Daily News Egypt 2011a). The population condemned the presence of remnants of the old Mubarak era and did not “buy” the discourse that the Dialogue would lead to change; it saw the process as being undertaken for the sake of appearances and to provide a certain impression to the outside world. Indeed, the SCAF, as leader of the process, saw the Dialogue as a mere formality and as a strategy to legitimize their future actions to the Egyptian society and the international community.

On the other hand, in DRC, the Inter Congolese Political Negotiations were concluded with the consent of all parties, with almost all of its provisions eventually implemented: the transitional government was formed in June 2003, elections were held, a constitution was written and the army (somewhat) integrated. And yet, the ICPN can hardly be heralded as a success when in the years since its conclusion, the eastern regions of the Congolese state have continued to experience some of the most deadly violence seen in the world since 1945 (Boshoff & Rupiya, 2003). This is partly due to weaknesses in the agreement itself, and partly due to the highly adverse context in which it was conducted. The 1+4 government structure has been criticised as inappropriate for the Congolese context as it was inconsistent with prior Congolese traditions of governance (Mangu, 2003), and unworkably inefficient due to the high number of potential veto points (Moffett, 2009); however, it is hard to imagine how negotiations to end the conflict in the DRC could have been concluded without a similarly expansive power-sharing arrangement. Others, such as Autesserre (2010), have argued the process was fundamentally misconceived, neglecting as it did the local level conflicts at the heart of the national conflict.

Included civil society actors, in particular the *forces vives* and the unarmed opposition, received a fairly even dispensation in the eventual settlement, though at the expense of aligning their objectives closely with those of the belligerent parties. However, due to selection procedures which flowed along existing relationships of power and patronage, this may have been a desirable outcome for these actors. The included group that best managed to harness the opportunities of their position was women, who achieved a number of important concessions in the agreement.

## Conclusions

Inclusive peace process, and in particular inclusive national dialogues, are increasingly prominent in the approach of peacebuilders to achieving sustainable peace and reconciliation in highly divided societies. By bringing a wide range of societal actors together to negotiate on a relatively even footing, national

dialogues aim to avert the complexities of other inclusive processes, in which decisions and results must be transferred to the negotiation table. The Broadening Participation project has found that the formula of more actors closer to the table is not sufficient to guarantee an inclusive process will bring a representative range of views to be heard, and give included actors a chance to influence the agenda. The BP project has sought to develop a framework to explain the other factors aside from proximity and numbers which enable or constrain the influence of included actors.

Both the processes studied in this paper brought large numbers of actors together from a variety of demographics and political constituencies, and both were far more inclusive than institutions of governance in the recent past in either country. Yet, neither process succeeded in resolving the fundamental issues driving the conflict the dialogue was supposed to resolve. The BP framework provides a lens for classifying the activities of included actors, and for conceptualising the strategies they employ to exercise influence. In addition, the selection of key actors in both cases was conducted according to existing relationships of power and patronage, limiting the capacity of included actors to act as a legitimately independent voice. Thus the BP project shows that simply “adding additional actors and mixing” is no guarantee of sustainability and quality, instead it has highlighted the complexities of inclusion and identifies the areas that need to be addressed to achieve the benefits sought from inclusive processes.

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