

Democratizing peacemaking processes:

strategies and dilemmas for public participation

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In countries torn by war, peace processes are more than a means to end armed hostilities. They offer opportunities for developing the road map towards a peaceful future by addressing the underlying issues generating conflict and developing new 'rules of the game'. As such, peacemaking can be a political process for social change. The character of this process, including who participates – to what degree, at what stage, and in what capacity – the agreements reached and how they are implemented can all create opportunities for structural changes in governance, human rights, security and development policies, as well as shape the relations between those engaged in conflict.

The prevalent strategy for negotiations to end internal wars is to bring together the representatives of the combatant groups (governments and armed insurgencies) – typically with the assistance of an international mediator and often behind closed doors in a foreign location – to reach an agreement that satisfies at least the minimum demands of the negotiators. Many wars have been ended through this approach and it has resulted in some sustainable agreements. Yet it rarely provides opportunities for those who did not take up arms – including other political groupings, organized civil society or the wider public – to have a voice in shaping the agreements or endorsing them. Although the end of hostilities is likely to be met with widespread feelings of relief, some may feel alienated from an agreement that is not 'theirs'. This may be the case if 'enlightened leaders' reach a deal that goes beyond the realm of what is acceptable to more conservative public opinion. Alienation may also be intensified if the agreement is seen as more about 'dividing the spoils' between those willing to use violence to access power than about promoting social inclusion and equitable development. Nor has the process itself helped to strengthen democratic forms of decision-making or provided space for different social and political groupings to jointly make agreements to address the issues that divide them. This is a particular concern in situations where the government and the armed groups lack a strong social support base and thus neither are seen as legitimate representatives of public interests. All too often, the implicit message is that violence pays.



This publication explores alternatives to the 'elite pact-making' approach to peace negotiations. It documents and analyzes a range of experiences where non-combatant activists asserted the right of the wider public to participate in the negotiated processes to shape their country's future. In so doing, to varying degrees they were able to influence the shape of the process, the agenda of issues addressed, the substantive agreements reached and their implementation. In most cases they brought the talks process further into the public sphere, enabling a wider range of people to contribute suggestions and follow the negotiations. With greater transparency, the public was better able to understand – and potentially accept – the reasons for the compromises reached. Furthermore, the processes marked a historic moment of change in each country and helped to establish the value of public debate and democratic processes as the legitimate response to conflict.

This is the first edition of *Accord* to document a number of experiences in different countries in order to better understand a specific cross-cutting theme in peacemaking. In doing so, the coverage of the overall context of each peace process is necessarily limited. Yet by focussing on mechanisms that enable public participation, the variety of cases offer important comparative insights into a little documented approach to peacemaking practice.

In this context, 'mechanisms' are a definable and typically time-bound procedure or process to engage representatives of a range of sectors and identity-groups to deliberate the substantive and procedural issues addressed in the negotiations. The mandate of the mechanism is likely to vary. At the 'maximalist' end of the continuum, it may be a deliberative body whose agreements have legal force; at the minimalist end, the mechanisms are primarily consultative with outcomes treated as recommendations. Each of the mechanisms documented existed in the 'public sphere': wider audiences were aware of them and had opportunities to contribute. As such, they may be widely reported in the media, issues could be meaningfully debated in public and representatives have opportunities to consult with constituencies. Thus they are characterized by features that increase the transparency and accountability of the process. These mechanisms are different than, though potentially complementary to, the types of civil society peacemaking roles fulfilled by non-partisan individuals and agencies acting as quiet intermediaries, process facilitators, and trainers to support constructive dialogue amongst the main protagonists or to create a social environment conducive to peacemaking.

For a volume of a hundred pages, we have had to select cases from a much wider pool of experiences worldwide. In reviewing the diversity of experiences documented

here, it becomes clear that there are no uniform formulas that can be transplanted elsewhere because the impetus for activating genuine participation is deeply rooted in the fabric of each society. But it is hoped that the reader will find numerous stimulating ideas as well as cautionary tales to inspire efforts in other contexts and to inform peacemaking policy and practice more generally.

Representative, consultative and direct participation

A central question guiding this project has been to examine how the interests, aspirations and values of different constituent elements of a society can inform the political negotiations. The cases reveal several basic modes: *representative participation* through political parties; *consultative mechanisms* where civil society has an opportunity to voice views and formulate recommendations; and *direct participation*, where all interested individuals engage in a process of developing and implementing agreements to address the conflict.

In South Africa and Northern Ireland, the political negotiations engaged all the political groupings with a requisite degree of public support that were willing to participate in the talks. In both cases, key actors realized that an agreement was not likely to be sustainable without the involvement and consent of all the other parties. Therefore there was no serious attempt to limit the negotiations by engaging exclusively with only the main armed opposition groupings. This was partially because political parties represented constituencies that would be likely to work against an agreement if they were completely excluded from the process. Furthermore, each society had a political tradition that helped to shape the more democratic structure of the peace process. In each place, there was a well-developed system of multi-party politics rooted in the vibrant political cultures of the different communities and many parties had processes for consulting members and affiliate bodies. These factors increased the potential for parties to serve as a channel of constituency interests and values; they could both represent prevalent opinions and help to 'bring along' their supporters in the process.

Nevertheless, there are likely to be limits to the degree that political parties reflect public interests and a consequent need to ensure that the negotiations are not commandeered by political elites to make deals that promote their own vested interests without regard to broader public concerns. In both processes, there were debates over the relative degree of influence each party should have in relation to the size of its support base. In Northern Ireland, this was addressed by holding elections for parties to the negotiations; furthermore, the agreement had to be endorsed through a public referendum. While perhaps not designed to do so, this system also provided opportunities for those outside the

political mainstream to participate. As Kate Fearon describes, a cross-community group of women civil society activists formed the Northern Ireland Women's Coalition to contest elections, mobilizing a sufficient constituency to win a seat at the negotiating table and consequently helping to ensure that the talks engaged with a wider range of views. As Eldred De Klerk documents, South Africans developed a two-stage process whereby all parties, regardless of the size of their support base, could participate in negotiations to determine the rules guiding the transition and the core constitutional principles. This was followed by public elections for delegates to a Constitutional Assembly which was in turn influenced by a public participation programme eliciting almost two million submissions. Negotiations in both places resulted in substantial and widely supported political and constitutional reforms. Furthermore, politicians who were forced to work across the conflict divides were better prepared for future cooperation in a more inclusive political system.

The Guatemalan peace process and the Philippines National Unification Commission (NUC) demonstrate a different mode of civil society participation through consultation processes. Enrique Alvarez and Tania Palencia Prado analyze Guatemalan efforts to end decades of war through negotiations that were spurred, in part, by church leaders on the government-appointed Commission for National Reconciliation that sponsored the Grand National Dialogue. It created an unprecedented space for non-combatants to discuss the structural causes of conflict. The participants identified key issues that were later incorporated into the official negotiating agenda. In response to the demands of civic activists, the UN-mediated bilateral negotiations between the government and the guerrillas were accompanied by a Civil Society Assembly. It included representatives from the diverse – and sometimes antagonistic – organized sectors of society to discuss the substantive issues and reach consensus on recommendations to the negotiators. The final accords, which addressed an ambitious range of issues, reflected most of their proposals. Yet the power of the pro-peace accord groupings was weak relative to those in support of the status quo. Implementation of some of the most significant provisions was impeded by a 'no' vote on a referendum for constitutional amendments. After decades of repressive authoritarian rule that inculcated fear and constricted the development of organized civil society, including representative political parties, the links between civic leaders and the wider public were relatively weak. Furthermore, the Assembly's tight timetable meant that, with notable exceptions, participants were unable to promote an informed understanding amongst the public of what the accords meant and generate sufficient support for the long-term reform they implied.

President Fidel Ramos of the Philippines appointed the NUC in 1992 to help revive peace talks with a number of armed opposition groups and to produce recommendations for a process towards a 'just, comprehensive and lasting peace'. Miriam Coronel Ferrer describes how, together with civil society organizations, the NUC hosted a country-wide consultation process involving both sectoral representatives and, in some cases, interested members of the public. It helped to revive interest in and support for a peaceful resolution of several violent conflicts, whose specific concerns would be addressed in bilateral negotiations between the government and the armed groups. The process resulted in a set of principles guiding the peace programmes of successive governments. Yet, as most of the conflicts continue and key recommendations were not implemented, some are sceptical about the commitment of those who control the state to substantial reforms.

One conclusion from the Guatemalan and Philippines experiences is that consultation processes – while providing a valuable opportunity to identify issues and build consensus – may be weaker forms of participation than the 'representative' model. At worst, they can be a superficial public relations exercise; at best, they can be an opportunity to contribute ideas to the political debate while strengthening the legitimacy of different elements of civil society to have a voice in policy-making.

The Malian inter-community meetings, the Mogotes Municipal Constituent Assembly in Colombia and South Africa's local and regional peace committees all reveal another mode of participation based on the direct involvement of members of the public in localized peacemaking. In each of these cases, local civic leaders instigated and managed processes engaging all interested community members in developing and implementing agreements to address the aspects of a conflict within their control. In Mali, a number of attempts by the government to negotiate a political settlement with the armed movements leading a separatist insurgency in the north resulted in agreements that failed to stop the fighting. Instead previously inter-dependent communities began to fracture along new lines of conflict. Kåre Lode describes how a group of non-governmental facilitators, drawing on traditions of community decision-making, stimulated a comprehensive series of locally-led inter-community meetings throughout the north that resulted in localized ceasefire agreements and strategies for addressing the main sources of conflict. The cumulative effect of this process was consensus on development priorities, an end to the war and the space for national reconciliation.

As Monseñor Gomez Serna describes, the citizens of Mogotes, Colombia were vulnerable to various armed groups and subject to corrupt authorities that promoted the interests of local elites. Inspired by the idea of popular

sovereignty and triggered by the kidnapping of the local mayor by an armed group, citizens mobilized in protest to reclaim the local government. They created a Municipal Constituent Assembly based on principles of direct democracy, formulated an integral development plan, and created a community independent of all non-state armed groups. Mogotes thus became one of the first of Colombia's numerous 'zones of peace'. Although unable to address the conflict at the national level, they have created spaces of relative peace and begun to model a new kind of politics and governance.

In South Africa's deeply divided and segregated society, escalating political violence threatened the process of negotiations and devastated many communities. To address this problem, the political parties – in a process distinct from and prior to the constitutional talks – negotiated the *National Peace Accord*. As Chris Spies documents, it mandated a system of national, regional and local violence monitoring and mitigation structures, including regional and local peace committees that involved local people from differing backgrounds in proactively mediating disputes and facilitating localized agreements on the conduct of political events. By de-escalating conflicts at the local level, they made an important contribution to stabilizing the country so that the national negotiations to decide the political future could progress.

In each of these three cases, local people engaged in processes to create a 'pragmatic peace' with others in their community so as to enable co-existence and work proactively towards mutually beneficial peaceful development. A significant factor was the scale on which they operated: by working at a community level, local leaders could facilitate processes that engaged hundreds and even thousands of people in face-to-face, direct political dialogue. Those who participated in these processes tended to feel ownership of the agreements reached and a degree of responsibility for their implementation. While the disputes might continue, new mechanisms were created for managing them peacefully. Although the agreements were not legally-binding contracts, the process created a general atmosphere of social pressure on those involved to cooperate in abiding by these agreements.

Creating a forum for participation

One of the interesting questions explored throughout is how the spaces for public participation were created and whether the origins of a mechanism shape the quality of participation that occurs through it. None of the mechanisms were inevitable or automatic; the space for public participation in official peacemaking is rarely offered and reluctantly given. As Quintin Oliver explores, each grew out of an activation of existing social forces and was situated within the overall context of a political

The right to participate: some UN instruments

Group	Instrument
General	Universal Declaration of Human Rights, Article 21
	International Covenant on Civil and Political Rights, Article 25 (Adopted 1996)
Women	Security Council Resolution 1325. (S/RES/1325) On Women, Peace and Security
	UN Convention on the Elimination of All Forms of Discrimination Against Women (Article 7)
	UN Declaration on the Participation of Women in Promoting International Peace and Cooperation
	Beijing Platform for Action (A/52/231)
Minorities and indigenous people	International Convention on the Elimination of All Forms of Racial Discrimination (Article 5.c)
	UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious, and Linguistic Minorities (Articles 2.2 and 2.3)
	International Labour Organisation's 1989 Convention Concerning Indigenous and Tribal Peoples in Independent Countries, No. 169 (Articles 4,6,7,14,17)

transition process. They emerged through the particular constellation of actors and circumstances leading to peace negotiations; the expectations and resources implicit in the country's cultural and political traditions; the vision and operating style of the leaders; and – most importantly – the capacity of those outside the combatant parties to demand a role.

In most cases the peace process was entwined with moves toward democratization. Leaders seemed to view participatory processes as a way to strengthen their democratic credentials. Once the space for involvement was opened, well-organized civil society activists could shape the nature and scope of their involvement and, in many cases, assume increasingly influential roles. In each of the cases, organizers used existing social structures or cultural traditions as the source of inspiration and legitimacy. Where there was a tradition of community decision-making, notably Mali, this was activated to create a space for peacemaking. In places where there was a tradition of mass movement politics, notably South Africa, this became the channel for participation. In many places, church leaders were prominent and able to draw on their legitimacy as 'moral authorities' to initiate processes leading towards peaceful social change. But other organized sectors of society were equally crucial.

Although the most important ingredient in each process was the activation of those involved, each mechanism needed a variety of financial, technical, and practical resources to implement it. In most cases, the financing came principally from domestic sources with additional support from foreign donors (especially from 'friends of the peace process' countries). Strategic and administrative support came from a variety of sources, often from civil society. The Consultative Business

Movement seconded staff to facilitate and administer negotiations in South Africa; the facilitation group for the Malian inter-community meetings was convened by a trusted person from Norwegian Church Aid; Catholic bishops played crucial leadership roles in both Guatemala and Mogotes, Colombia.

The cases reveal the valuable role that can be played by international actors, whether governmental, inter-governmental or non-governmental. They can help to create the space for the mechanisms, both literally (by sponsoring or hosting meetings) and politically (by encouraging governments and armed groups to open out the process to other groups). The Guatemalan experience also highlights the importance of helping to guarantee the personal safety of participants. This is a task that state security forces may be unable to perform – especially if they have been complicit in violations – and international monitors or even peacekeepers may be necessary to create an environment secure for participation.

The right to participate

Public participation in peace processes should also be understood within the wider context of the right to effective participation in governance. To the extent that negotiations go beyond agreements on the specific means for ending the hostilities to address questions involving the state structure, political systems or the allocation of resources, they become a form of political decision-making. International human rights standards guarantee everyone the right to participate in the conduct of public affairs and specifically promote the rights of women, indigenous peoples and members of minority groups to participate effectively in political

decision-making. As such, these international standards can be understood as putting an obligation on governments and inter-governmental organizations to promote opportunities for effective participation in peace processes.

This raises questions about the responsibility of international mediators – particularly those representing the UN or other international organizations. Marrack Goulding explores some of these issues and comments that most governments have traditionally viewed peacemaking as a quintessentially governmental activity, an assumption that has carried over to inter-governmental organizations. International mediators have tended to see their role as that of directing the negotiation process. Most require a high degree of confidentiality to be effective in their role, which tends to focus on brokering deals between the combatant parties. Some would view the idea of opening the process to a wider array of parties to be a risky and unnecessary complication to their central task of ending the war. As each of the processes documented here reveals, there is a time and a place where private dialogue is necessary to move the process forward and external intermediaries can play an invaluable role in assisting it. Yet the challenge nevertheless remains: if the leaders of the combatant parties do not promote inclusion (possibly because of their interest in consolidating their own position), do the international sponsors of a process have an obligation to create opportunities for broader participation, at least on decisions that could restructure the state and governance systems and the policy priorities? Furthermore, are there opportunity costs inherent in deferring participation until after an agreement has been reached? These are issues in need of further debate in international peacemaking circles. Such debate should be tempered by awareness that it is the people of conflict-affected societies that must themselves ultimately own the process of political change if it is to be responsive to their needs.

Representation, accountability and inclusion

The problem of scale means that it would be difficult for every member of a society to meaningfully participate directly in negotiations at the national level, although there may be more scope at the community level. Thus there are a number of potential dilemmas concerning the accountability and representativeness of the participants, particularly in the political representation and consultation type processes where leaders may not have been able to engage or communicate effectively with their members and the wider public. Several methods were used to help address this in the political representative model: delegates were chosen through public elections and referenda were organized on the

agreement to ensure both a constituency mandate and consent to the agreements reached. The consultation mechanisms did not include such formal measures; yet although influential, the participants were not charged with the responsibility of making legally binding agreements about their country's future. More salient criteria might be whether they truly represented the diversity of public interest and opinion and whether they were able to generate a broad social consensus in support of the process and the agreements reached.

It seems that peace processes can create opportunities for enabling an array of previously subordinated groups to have a voice in shaping arrangements that will allow them to participate effectively in the future. This opportunity may be lost, however, if they are marginalized and excluded because they have not entered into armed struggle. Because each of the processes documented here enabled wider participation, they afforded greater opportunities for those traditionally at the social and political margins to have a voice. Yet their inclusion was not guaranteed; in most cases, they had to claim their right to a role in the process. For example, an early intervention by a female delegate in South Africa's CODESA negotiations shamed the mostly male party representatives into introducing systems promoting gender representivity. Mayan communities in Guatemala organized to have a major role in the Civil Society Assembly and promoted a landmark agreement recognizing their identity and rights. Yet there may be other obstacles to effective participation. Attention is needed to ensure that the format does not disadvantage certain participants, particularly those who have been excluded previously from political processes. Training and strategic advice can help; as can ensuring that the design and format of the process do not mirror exclusionary social structures.

Legitimate process: legitimate outcomes?

In many of the experiences, there were tensions around the mandate of the mechanisms and how it connected to public expectations on one hand and to broader political decision-making on the other. Some of the processes that attempted to engage large numbers of the public throughout the country – such as the Philippines NUC, South Africa's public consultations on the constitution or Mali's regional 'concertations' – were interpreted by some analysts as a kind of 'window dressing' to give an acceptable public face to deals that would otherwise be made in private between elites. Nevertheless, each process elicited a range of views that may have influenced decision-makers and also took the political debate out of the capital and into spaces accessible to ordinary people. In addition to the instrumental dimension of influencing decisions, they also had an important symbolic value: people felt that they were

being included in politics, often for the first time, and were able to take part in shaping their country's future. Opening the process also provided opportunities to shape the negotiating agenda so as to prevent those who led the armed conflict from imposing the terms of peace on the population as a whole. All the case studies indicate that the participatory mechanisms succeeded in widening the range of issues addressed to reflect the scope of public concerns and generally contributed a greater depth to the debate.

These processes did not take place outside of *real politik* considerations but rather resulted from an awareness that reaching consensual solutions offered the best hope for a durable peace because no party could dominate unilaterally. In most cases, primacy was given to making decisions consensually, avoiding vote-based decision-making as unnecessarily divisive. Smaller political groupings were able to make a significant difference to the outcomes when they organized effectively and articulated coherent and persuasive analysis and proposals. Thus by including them at the table, these more participatory processes became a *de facto* forum for some degree of power-sharing. Nevertheless there were in-built constraints on the issues that the processes could meaningfully address – especially in places where the power of those who controlled the state had not been altered fundamentally during the course of the conflict or the negotiated transition. In most cases, for example, the process did not result in redistribution of wealth, despite the fact that addressing this inequality was often cited by both the armed movements and civil society as a central goal.

Several authors indicate that a peace agreement marks the beginning of a process, not its end. The challenges of implementation are frequently under-rated; too often implementation mechanisms are resourced inadequately and the momentum generated by the negotiation process can be easily lost. Although participation can lead to a greater stake in the agreement and a commitment to implement it, this should not be taken for granted. In some cases acquiescence to an agreement by certain groups may have been a tactical manoeuvre that did not entail a willingness to defend it – or at least abide by it – when the time came to implement the more difficult provisions. Furthermore, a number of attempts to institutionalize participatory mechanisms in implementation phases floundered, squandering the potential to generate increased political accountability. But even in places where there have been implementation difficulties, it has been impossible to ignore the agreement altogether – in part because the process for reaching it was accorded broad public legitimacy. Agreements have remained alive in public political discourse at least as aspirational guidelines and pro-agreement activists continue to use them as a 'base-line' for their political agendas.

People-centred peacemaking

War-torn societies are typically fragmented, with deep divisions that become the fault lines along which conflict is organized. In these circumstances, any political participation may be risky and public debate highly polarized by anger and fear. Yet the experiences documented here reveal that peace processes can provide opportunities for a degree of social and political reconciliation through the act of making and keeping agreements. There are two facets of this potential: the substantive content of the agreements reached and the methods of the process itself. Effective participation mechanisms made a difference both in the quality of agreements reached – characterized by a range of provisions to address the underlying causes of conflict – and, in most cases, the legitimacy with which these agreements were viewed by the public. Furthermore, the processes helped to promote transformation of relationships impaired by conflict; through discussions aimed at developing greater understanding and striving towards a consensus on how contested issues should be addressed, enemies were slowly transformed into collaborators in peacemaking.

It seems that where a peace process enables broad-based participation and public debate, intensely conflictual issues can be reclaimed as the normal subjects of political dialogue, problem-solving and constructive action. It therefore becomes a defining moment in the transition from one political order to the next and can potentially generate moves toward a more participatory and democratic political system and society.

