Conciliation Resources
Accord

an international review of peace initiatives

Owning the process
Public participation in peacemaking

Featuring South Africa, Guatemala and Mali

Issue Editor | Catherine Barnes

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Owning the process

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A wall mural painted by children, Guatemala, days before the signing of the peace agreement, December 1996.

Source: Edgar Romero/AFP

Foreword

Ed Garcia

People have waged peace in the midst of war in diverse situations throughout the world. Crafting a viable peace is the work of many hands, involving different sectors of society and spanning generations. Peacemaking thus requires a marathon mentality. Success is rare and, to the perceptive, seldom permanent, since advances on one front often bring about a new set of challenges or change-generated conflicts. This volume shares the experiences and lessons learned by practitioners reflecting on their work of many years. They stress the primacy of local peoples and their indigenous capacities and acknowledge the need to complement the work engaged in by both governments and inter-governmental institutions – indispensable ingredients in building peace that is both viable and durable.

The cases in this publication constitute ground-breaking work. Confronted by enormous obstacles, church people and business leaders linked up with politicians to advance a difficult process that led to South Africa's negotiated transition and the end of the apartheid system. A diverse array of organizations and institutions in Guatemala – representing indigenous peoples, churches, unions, women's groups and others – collaborated to advance citizens' assemblies that articulated an agenda for peace and forged viable though imperfect agreements in negotiations between government and guerrillas.

In Northern Ireland, women from different communities organized to have a voice in the framing of an accord and its painstaking enforcement. In Colombia and the Philippines, people continue their efforts to build territories where non-combatant citizens' rights are respected in regions where the military and armed opposition are locked in combat. These experiences are but a few examples. While they do not provide blueprints for guaranteed success, they nevertheless reveal alternative paths or ways of taking further steps in situations that at times seem utterly without ways forward.

Even the brave efforts of governments or inter-governmental organizations have at times floundered on the hard realities of protracted conflicts. In Israel and Palestine, the *Oslo Accords* – though initially celebrated as a breakthrough – have failed to halt the escalation of violence that is deepening the divide, the bitterness and the mounting loss of lives. The Northern Ireland *Belfast Agreement*, forged with the support of the governments of the United Kingdom and the Republic of Ireland, finds itself continually challenged as inter-community and inter-party relations break down, demonstrating that even the best efforts of government leaders constantly face constraints and limitations. It may be that if people own the process, they will work hard to ensure viable outcomes and overcome the inevitable obstacles that arise once the agreement is in place. The earlier we engage in the task of building the social infrastructure of peace, the sooner societies will come closer to another reality where the dignity of difference is celebrated, political tolerance observed and a just peace becomes possible.

Moreover, waging peace in the current climate characterized by the global 'war on terrorism' presents a daunting challenge. In past decades we have witnessed humanitarian disasters, monstrous massacres and seemingly unending wars in many regions of the world. However, in the aftermath of the tragic events of 11 September 2001, the work of citizens on many fronts to bring about a just peace has become more difficult and the field for their participation greatly reduced; yet increased involvement is more imperative than ever. As governments form alliances to act against a perceived common scourge of 'terrorism', pre-eminence is given to military means of resolving disputes. Such approaches have tended to undermine efforts to address the specific grievances at the heart of intractable conflicts in diverse contexts. They have taken actions that can erode respect for the rule of law and advances in the fields of human rights, while making negotiating efforts even more difficult.

In working for peace, process and outcome walk hand in hand. Unless people own the process and help shape sustainable outcomes, it will indeed be difficult to provide human security or a meaningful future. Unleashing more violence or launching full-scale war does not guarantee a comprehensive security where men and women feel safe or communities secure. Security that is people-centred responds to the deepest yearnings of the young and the old alike and is shared even by those across political divides. It may be only where people and their communities put their hands to the task of building a more inclusive peace that the possibility of a human security addressing common concerns becomes less distant.

In the end, the experiences of people who have tried to build peace and remain undaunted are a source of hope. This publication may seem a modest step, a small contribution from people whose thoughts are captured within two covers. However, for those who have lived or still live amidst violent conflict, hope perhaps is the hour's need in the marathon journey called peacemaking.

Building on his own experience in the 1986 'people's revolution' in the Philippines, Professor Ed Garcia has spent years promoting and supporting popular participation in peace processes in Africa, Asia and Latin America. He is a Senior Conflict Advisor at International Alert in London.

Democratizing peacemaking processes:

strategies and dilemmas for public participation

Catherine Barnes

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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.

South Africa's negotiated transition:

context, analysis and evaluation

Eldred De Klerk

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"We, the people of South Africa, recognise the injustices of our past... [and] believe that South Africa belongs to all who live in it, united in our diversity. We therefore... adopt this Constitution as the supreme law of the Republic so as to heal the divisions of the past... [and] to improve the quality of life of all citizens and free the potential of each person."

– Preamble, South African Constitution

From the mid-1980s until 1996, South Africans at all levels of society engaged in an extraordinary process of negotiating a transition from a repressive and discredited apartheid state based on racial segregation to a constitutional state with a justiciable bill of rights and a legitimate democratic government. Yet despite profound political changes, South Africa is still a divided country; over 340 years of colonialism and apartheid has not been undone in eight years. Issues of ethnicity, identity and racism are part of the nation's psyche. Although the government has made significant progress in addressing some basic human needs by building houses and health clinics and supplying clean water, the gap between the 'haves' and 'have nots' is still increasing. Up to 22% of the population is infected with HIV/AIDS. Frustration of fundamental needs – as manifested in poverty, unemployment, crime and socio-economic woes – are the underlying causes of ongoing deep-rooted conflict. Despite these difficulties, political violence is largely absent. It is safe to say that the dialogue processes at the heart of the transition helped to establish a culture of peaceful negotiations, entrenching and affirming a habit of constructive cooperation and coexistence, politically as well as economically. Yet determined action to fulfil the promise of the Constitution's preamble remains necessary; otherwise the dream could explode.

European colonization and the apartheid state

Numerous peoples have long inhabited the territory that comprises contemporary South Africa: indigenous Khoisan groups, Bantu-speaking groups, and more recently those with European origins, Indian and Malay backgrounds, Jews and those of mixed ancestry classified

by the South African state as 'coloured'. The process of negotiating South Africa's democratic transition in the 1990s was challenged with transforming a state structure founded on principles of segregation and inequality that gave members of these groupings differential status.

The apartheid system had its roots in 350 years of religious, land and labour conflicts. In 1652, a group of Dutch settlers landed in the Cape of Good Hope and gradually established a rigidly stratified colony based on slave labour from Africa and Asia to farm the productive lands. The British gained control in 1795, with many Dutch-speaking Afrikaners fleeing further into the interior where they established new colonies. Over the next century, the British conquered the remaining African kingdoms and expanded their control to subsume the new Afrikaner 'republics'. They also controlled many of the lucrative gold and diamond mines, worked mostly with indentured Indian labourers. The British suppressed the Afrikaner Boers rebellion from 1899-1902, deploying a scorched-earth policy and interning Afrikaner and African civilian communities in camps where thousands died of hunger and disease.

With the inauguration of the new Union of South Africa in 1910 – comprising the former British and Afrikaner controlled territories under the British monarch – the Afrikaners gained predominance and were decisive in shaping a constitution based on white supremacy.

Successive legislation was passed introducing racial segregation, reserving almost all land for white ownership and progressively excluding the African, Asian and 'coloured' populations from political participation. The South African Native National Congress, which in 1923 became the African National Congress (ANC), was formed shortly after the Union of South Africa to oppose racial discrimination, extend the franchise and gain equality. Their demands were rejected by successive governments.

After the Afrikaner extremist Nationalist Party assumed power in 1948, they began to systematically extend the policy of apartheid to promote the economic and political power of Afrikaners, resulting in one of the world's least equitable distributions of wealth. People were segregated into racially defined group areas and whole communities were displaced from areas designated as white only, with 'pass laws' used to control the movement of non-whites. The majority demand in South Africa came to be for a political system based on the principle of 'one person, one vote'. Slogans such as 'power to the people' and 'the people shall govern' called for the creation of a system of governance where all citizens could vote. This was not a challenge to the prominence of the South African state but rather the specific uses to which state power were deployed.

South Africa

Acronyms

ANC	African National Congress
AWB	Afrikaner Resistance Movement
AZAPO	Azanian People's Organization
CBM	Consultative Business Movement
CODESA	Convention for a Democratic South Africa
COSAG	Concerned South African Group
COSATU	Congress of South African Trade Unions
CP	Conservative Party
IFP	Inkatha Freedom Party
LPC	Local Peace Committee
MPNP	Multi-Party Negotiating Process
NP	National Party
NPA	National Peace Accord
NPC	National Peace Committee
NPS	National Peace Secretariat
PAC	Pan-Africanist Congress
RPC	Regional Peace Committee
SACC	South African Council of Churches
SERD	Socio-Economic Reconstruction and Development
SWAPO	South West African People's Organization
UDF	United Democratic Front
ZANU	Zimbabwe African National Union

Congress of the People and the Freedom Charter

Drawing on Mohandas Gandhi's earlier campaigns to promote the rights of South Africa's Indian labourers, in 1952 the ANC and the South African Indian Congress organized a mass civil disobedience campaign that broadened the base of organized resistance. In 1955, five years before it was banned, the ANC convened a Congress of the People to develop a Freedom Charter for all South Africans. The charter articulated not just what they opposed but also what they stood for. It shaped the development of political thinking, formed the foundations for a pro-democracy movement and influenced the negotiations in the 1990s. It was a unique experience of mass participation in a political visioning process amidst hostile political circumstances and shaped the implicit expectation for public participation in creating a new South Africa.

Preparations began in 1953 as hundreds of activists organized meetings and house-to-house canvasses to alert South Africans to the project. Ordinary citizens were asked the open-ended question: "what needs to change in South Africa for you to enjoy full and abundant lives in terms of country, community and individual?" The organizers learned that if they wanted people to participate, they needed to meet them where they lived, worked and played. This lesson became a powerful operating principle for the democracy movement that emerged in the 1980s. The organizers were instructed not to write demands on behalf of the people but rather to collect and collate the perspectives they heard; to enable processes that allowed the dispossessed and disempowered to find their own voice rather than see themselves as representatives who could 'speak for' the people. Communities also nominated delegates to represent their group at a mass gathering and collected money for their travel.

The government tried to impede the Congress as it became obvious that the process was gathering momentum: meetings were banned, gatherings disrupted by the police, and materials confiscated or destroyed. Despite a police cordon on 26 June 1955 in Kliptown, Johannesburg, the Freedom Charter was written, based on the deliberations of the 2,800 delegates who had gathered on a dusty patch of ground to debate the results of the consultations. Its central principle was that: "South Africa belongs to all who live in it, black and white, and no government can justly claim authority unless it is based on the will of the people."

Anti-apartheid struggle

Popular resistance increased in the 1950s and in 1960 the government outlawed the ANC and its rival, the exclusively African Pan-Africanist Congress (PAC). In the

face of massive repression, the ANC decided that solely peaceful protest was ineffective and in 1961 formed an armed wing, Umkonto we Sizwe (known as MK). Opposition leaders, including Nelson Mandela, were imprisoned for life in 1964 and others fled into exile.

In June 1976, police responded to a student protest in Soweto by shooting at and killing children. It sparked a revolt that rapidly spread throughout urban black townships. Government forces killed hundreds of protesters that year and the growing Black Consciousness movement revitalized activism. In 1982, attempting to curtail the continued uprising, Prime Minister P.W. Botha implemented constitutional reforms that split the NP, leading to the formation of the Conservative Party (CP). Botha's reforms continued the logic of divide-and-rule to maintain control and the 1983 Constitution created a Tricameral Parliament with separate chambers for white, coloured and Indian representatives. The latter were offered a degree of authority over the affairs of their community, while the white chamber retained power to decide national issues and could veto decisions by the other chambers. Africans were granted township councils and nominally independent 'homeland' governments.

The reforms made the reality of political exclusion all the more stark. They spurred the development of a cross-community popular opposition movement to resist co-option by the tricameral system. The new United Democratic Front (UDF) was an ANC-affiliated umbrella organization that drew members from across South African civil society, including religious, community and professional organizations. It linked with the mostly black and ANC-aligned Congress of South African Trade Unions (COSATU) to form the Mass Democratic Movement, which endorsed the Freedom Charter as its guiding document. Throughout the mid-1980s, a series of urban uprisings, strikes and consumer boycotts combined with the ANC's strategy of economic warfare, industrial sabotage and attacks on government targets to bring the country to a standstill. The government responded by repealing some apartheid laws while imposing a national state of emergency. Most political activity was banned, over 30,000 were arrested, thousands killed, and key political activists assassinated by the security forces. Yet as the country became increasingly ungovernable, some NP leaders began to realize that incremental reform would be unlikely to contain the conflict over the longer term.

Incentives for negotiation

A combination of internal and external factors created conditions that led both the ANC and the NP towards the realization that their aims might be best met through political negotiations. The apparent problems of governing South Africa by apartheid were compounded by inherent economic inefficiencies. Although the social and political objectives of apartheid were to confine

Sequence of mechanisms

1955	**Freedom Charter** A statement of principles to guide the pro-democracy anti-apartheid movement is drafted, through an ANC convened Congress of the People
1989 8 Dec	**Conference for a Democratic Future** A gathering of the Mass Democratic Movement is held to develop a common approach based on the ANC's Harare Declaration for negotiations leading to a new constitution drafted by an elected constituent assembly.
1991 June - Sept	**National Peace Accord negotiation** Negotiations involving representatives from political parties, business and church associations lead to an agreement signed by 27 political, trade union and government leaders that creates national, regional and local peace structures.
1991 - 1992 Dec 91 - May 92	**Convention for a Democratic South Africa (CODESA)** Negotiations are held to decide the rules guiding the transition and a new constitution, involving 19 parties and more than 400 negotiators organized in working groups. It starts with an opening plenary (CODESA I) and finishes with a final plenary (CODESA II) that marks the breakdown of the process.
1992 26 Sept	**Record of Understanding** The ANC and the NP sign an agreement on the process to negotiate an interim government and interim constitution.
1992 -1993 April 92 -Nov 93	**Multi-party Negotiating Process** Negotiations involving 26 parties to draft an interim constitution, with administration provided by the Consultative Business Movement.
1994 27 - 29 April	**General elections** The first non-racial, democratic elections are held for parties to form the transitional government and choose delegates to new parliament and Constitutional Assembly.
1994 - 1996 May 94 - Oct 96	**Constitutional Assembly and public participation programme** 490 members from 7 parties draft a new Constitution with inputs from a massive public participation programme. The final text of the Constitution is adopted 8 May 1996 and an amended text. is approved on 11 October 1996.
1996 10 Dec	**Constitution signed into law** President Nelson Mandela signs the Constitution into law in Sharpeville. It comes into effect on 4 February 1997.

black South Africans in separate territories, the industrializing economy needed their labour in the 'white' urban areas. These contradictions were compounded when Botha declared a state of emergency in 1986 that prompted international banks to suspend loans to South Africa, precipitating an immediate 50 per cent drop in the currency's value and creating severe capital scarcity. This was exacerbated by the increasingly widespread economic sanctions and embargoes on South African companies and goods – which also had significant symbolic political impact. These factors convinced many in South Africa's influential business community that it was necessary to seek a more dramatic solution to the conflict.

External political developments also influenced the government and the ANC. In the global context of decolonization and expanding civil rights, apartheid South Africa had been treated as an international pariah for decades. Yet the Cold War confrontation had combined with South Africa's profitable investment environment to encourage many Western governments to support the National Party government as an ally. As the communist governments in Eastern Europe collapsed, this polarization eased and Western allies began to pressure the government to reform. The peace processes in neighbouring states and their rapprochement with the South African government meant the ANC was cut off from some of its previous bases. From the mid-1980s the Soviet Union and many African governments put increasing pressure on the ANC to negotiate a political resolution to the conflict.

Negotiating the transition

From the early 1980s, there were a number of quiet initiatives by civil society intermediaries to open lines of communication between influential people in the ANC and NP. They facilitate the initial exploratory 'talks about talks' and, by encouraging the development of personal relationships across the lines of conflict, helped to build confidence in the potential for a negotiated settlement. In the mid-1980s, Nelson Mandela began preparing for the possibility of negotiations. Soon the ANC and NP began to explore options through a series of secret exchanges. Elections in 1988 brought F.W. De Klerk – a pragmatic reformist – to the presidency. In December 1989, the Mass Democratic Movement held a meeting where its 4,600 delegates passed a resolution in support of the ANC's Harare Declaration setting out the preconditions for negotiations – thus providing consent for the new strategy.

A historic breakthrough came on 2 February 1990 when De Klerk opened parliament with a speech announcing the unbanning of political organizations, the release of imprisoned political leaders and conditions free for political activity. This step laid the foundation for a return of the exiled ANC leadership and talks between the estranged political and social leadership on all sides of the conflict. The stage was set for formal negotiations.

Although the ANC was the largest of the opposition political groups, it was composed of sub-groupings. There was also a range of separate political formations – some of which opposed negotiations – that comprised the anti-apartheid movement together with the ANC. There were a number of political groupings within the white population, ranging from radicals opposed to any form of negotiations to people who supported a democratic transition to full equality. There were also a number of parties that had formed around the different homeland governments or to represent specific ethnic group interests – such as the Transvaal Indian Congress. Of these, the largest was the Inkatha Freedom Party (IFP), led by Chief Mangosuthu Buthelezi, which drew its support primarily from the Zulu community. As an ethnic and regionally-based party, it tended to be conservative and realized that a state based on some form of ethnic federation would favour its interests more than even a minimum degree of majority rule. As the process developed, it partnered with Afrikaner conservative parties in an effort to strengthen their positions. Although the ANC and NP were the engines that drove the negotiation process – and it was inconceivable that agreement could be reached without the consent of these key parties – the proliferation of political groupings that together drew support from large numbers of South Africans had to be represented in the talks if the process and its outcomes were to be seen as legitimate.

Owning the process

The ANC drew lessons from watching its counterparts in the peace negotiations directed by international mediators in both Zimbabwe, where ZANU was forced to dilute its major objectives, and in Namibia, where SWAPO was shut-out of the negotiations. It was determined to seize the initiative while it had full support from allies and to avoid international mediation. The NP had found the experience of US and British pressure in the Namibian negotiations to be humiliating and it too was eager to avoid international mediation.

Thus South African leaders, with the assistance of civil society peacemakers and technical experts from home and abroad, slowly constructed an inclusive and principled process for managing the multiple transitions to a post-apartheid State, followed by a power-sharing transitional government, and finally a new constitutionally-mandated state structure and governing system. The process moved from the initial secret talks between NP and ANC representatives; to the post-February 1990 bilateral pre-negotiation talks between key parties to determine the shape of the negotiation process; to the initial multilateral negotiations between political parties to develop the 1991 *National Peace Accord* (NPA) to address the political violence; to formally

constituted multi-party negotiations to agree the rules for a transitional government and key constitutional principles; and finally culminated in an elected Constitutional Assembly with an ambitious public consultation programme to draft the new Constitution. From its secretive origins, the process became slowly more open to public scrutiny and, in some cases, direct participation.

There were two main facets of the multi-party process: constitutional negotiations to create a new set of rules to govern the state and the NPA structures to prevent violence (much of which appears to have been instigated by some of the political parties). Although distinct, they interacted in important ways. Many of the party representatives involved in negotiating the NPA were also involved in the constitutional negotiations. The collegial relations formed in the NPA helped with the later negotiations, as did collaborative problem-solving techniques introduced by the business and church facilitators in the NPA process. The national, regional, and local structures set up by the NPA to address the problems of political violence appear to have both contributed toward stabilizing the country during the transition and to creating spaces where South Africans could meet to address specific conflict issues in their community. At times when the constitutional negotiations were suspended, the national NPA structures remained active and continued to provide a channel of communication between the signatory parties that retained oversight of the process. The transition would doubtless have been much more difficult if either of these facets was missing.

The negotiated processes that guided the transition were rooted in the mass political organization that had emerged over almost a century of struggle, as well as in the political organizations of South Africa's white population. Both had evolved representative political parties with systems to hold leaders accountable to their members and constituencies. During the negotiations, political leaders had to pay careful attention to bringing along their supporters when making agreements. The South African public had the opportunity to witness much of the later negotiations through media broadcasts. Many of the political parties consulted frequently with members to gauge their reaction to proposals and to identify issues of continued concern. There were opportunities to contribute ideas and comment on the draft Constitution and to participate in peacemaking through the local and regional peace committee structures of the NPA. It seems that these strategies greatly increased both the sense of public ownership of the terms of the transition and gave legitimacy to the new state structures that emerged from the process.

During the transition, South Africans started to debunk misperceptions and myths about each other. As trust increased, they began to make the political compromises necessary for a mutually acceptable future. They soon learned that the benefit of engagement was in the process itself as well as in its outcomes. Those involved gained a sense of the reasons why specific compromises were necessary and a commitment to ensuring the success of agreements reached. And to this end all stakeholders – and as many people as possible – needed to be engaged and the process as transparent and accessible as possible. The parties learned these lessons well and over time the negotiating forums became increasingly open. In so doing, the process itself created conditions for a radical change in South Africa's formerly exclusionary and secretive political culture and helped to create a more truly democratic state and society.

South Africa's National Peace Accord:

its structures and functions

Chris Spies

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South Africa's transition to democracy in the 1990s was not as peaceful as is often characterized by the outside world. For much of the twentieth century, the anti-apartheid movements relied on non-violent activism to challenge the state based on white supremacy, institutionalized segregation and discrimination. This shifted in the 1960s, when some embarked on an armed struggle to force the government to abandon its policies, which was in turn met with violence by the state security structures. In the absence of resources and mechanisms to manage conflict at all levels of society, competition and mistrust within and between communities often flared into violence. When the official negotiations began in 1990, battles for power surfaced and political violence escalated dramatically – with a 307 percent rise in fatalities from 1985 to 1991.

To respond to this crisis, South African political parties negotiated the 1991 *National Peace Accord* (NPA) aimed at preventing violence. It created an unprecedented country-wide network of structures to implement the agreement by addressing the behaviour of political parties and the security forces, issues related to justice, and conflict management through participatory processes of localized mediation and monitoring coordinated at the regional and national level. Although aimed at ending the violence, its principles and structures provided an important safety net for national negotiations. Later, politicians knew that even when they walked out of the constitutional negotiations, they retained their common commitment as signatories to the NPA, which provided a mechanism for channels of communication to remain open.

Finding an acceptable convenor

By 1990, many South Africans were deeply concerned by the violence and the risk it posed for derailing the prospect for constitutional negotiations. Despite the urgency, it was unclear who would be acceptable to initiate a process to address it. Most South Africans had no faith in President De Klerk's National Party (NP) government and it was widely suspected that the state security structures were complicit in the violence.

The churches made the first initiative. In November 1990, a national conference involving all but two Christian religious groups marked a historic moment towards reconciliation. The Dutch Reformed Church – seen by many as the 'National Party in prayer' – confessed its guilt and acknowledged its role in apartheid. Moved by this confession, delegates formulated the *Rustenburg Declaration* denouncing apartheid, calling for a democratic constitution and more equitable distribution of wealth. They urged the churches to condemn all forms of violence and decided to convene a peace

conference.But the March 1991 offer by the South African Council of Churches (SACC) to convene a peace conference met with a negative response from the Inkatha Freedom Party (IFP), which perceived the SACC as supporting the ANC and therefore an unacceptable convenor.

Around the same time as the church initiative, a group of progressive business leaders from a number of large corporations formed the Consultative Business Movement (CBM) to develop an informed response to the deteriorating situation. After a series of discreet meetings with key leaders, the CBM gained credibility as a potential facilitator in both the NPA and constitutional negotiations.

Under increasing pressure to respond to the political violence, in April 1991 President De Klerk announced a peace summit for late May involving political, church and community leaders. Although welcomed by the IFP, the ANC and others rejected it as a propaganda ploy. They argued that the government lacked credibility to convene such a process unilaterally. Alarmed, CBM and senior church leaders decided to use their combined influence and credibility to move the process forward. They called an emergency meeting, inviting leaders of other key business associations and the Congress of South African Trade Unions (COSATU). Through back-channel talks, they developed a formula with the key political leaders that allowed the government summit to be seen as a component of an ongoing and independently-convened peace conference involving all parties and organizations.

Designing a process

Although the SACC, the ANC and a number of others stayed away from the May summit, the delegates were able to express their views on the causes of violence and introduce proposals to end it. The conference appointed Louw Alberts, co-chair of the Rustenburg Conference, to act as facilitator of a second peace conference. He was mandated to form a 'facilitating committee' capable of convening a more representative gathering. The ANC welcomed the summit outcome and proclaimed the peace process back on track.

Alberts consulted immediately with SACC General Secretary Frank Chikane and others in the *ad hoc* business/church group on the principles and process for establishing a representative facilitating committee. Chikane agreed to consult with the anti-apartheid movements, while Alberts consulted the government, businesses and the IFP. Within the week, agreement was reached on the membership of a 13-person committee drawn from the church and business community under a rotating chairperson.

The facilitation committee judged that the main political leaders should not conduct the negotiations directly because they would become mired in positional bargaining and find it difficult to make concessions needed for an agreement to address the violence. Instead, Alberts decided to involve junior representatives in a quiet forum designed to encourage consensus building. The facilitators would consult with the main parties and shuttle between them to determine acceptable proposals that could be the basis for a negotiated solution.

The committee initiated the process with a low-key preparatory meeting in late June. It attracted almost 120 appointed representatives from all the political groupings except three white right-wing parties. It was the first time that the NP, ANC, and IFP met to discuss the violence and was the first time that the Pan-Africanist Congress (PAC) agreed to participate in negotiations involving the government. After a tone-setting speech by Archbishop Desmond Tutu, the facilitators established ground rules. They then led the delegates through a non-evaluative 'brainstorming' process on the causes of violence and possible ways to address them. After grouping these factors into themes, the delegates decided to appoint a preparatory committee to consider the issues and to establish working groups to draft proposals. It was agreed that nine additional members, three each nominated by ANC, IFP and NP, would join the existing members of the non-partisan facilitating committee to form the preparatory committee. They would then consult with the other relevant parties and organizations, report on progress in August and work toward convening an inclusive forum leading to a binding agreement.

Reaching agreement

The preparatory committee appointed five working groups mandated to develop consensus proposals on the key themes. Every group comprised three representatives each from the government, ANC and IFP groupings, plus one religious and one business representative from the committee. The CBM provided administrative support, with financing from the government. The groups were formed to address five topics: (1) code of conduct for political parties; (2) code of conduct for security forces; (3) socio-economic development; (4) implementation and monitoring; and (5) process, secretariat and media. After a series of deliberations, negotiations, reviewing draft agreements and receiving feedback, the committee decided to hold a high profile National Peace Convention on 14 September 1991. Finally, under considerable pressure and only hours before the Convention, the final drafts were compiled into a single text that would become the *National Peace Accord*.

The Convention was a tremendous occasion, bringing together the senior political leadership for the first time along with representatives from other political parties, leaders of the 'independent homeland' territories, traditional leaders, churches, trade unions, business groupings, the media and the diplomatic corps. The Accord was signed by 27 political, trade union and government leaders. It marked a breakthrough revealing that deep-seated differences would not prevent the various parties from working with each other to address common concerns.

Yet a number of significant stakeholders with more radical views did not agree to sign the NPA. The PAC and the Azanian People's Organization (AZAPO) declined to sign because they were unwilling to be part of any structure that included the government, yet they indicated their support for the spirit and objectives of the Accord. On the right, the Conservative Party (CP), the right-wing Afrikaner Resistance Movement (AWB) and Herstigte Nasionale Party did not attend or sign. Three of the homeland governments also refused to sign; Ciskei signed but later withdrew from implementation. But the majority committed themselves – at least on paper – to implementing the Accord.

NPA's aims, principles and objectives

The NPA created the first institutionalized peacekeeping and peacemaking instrument for South Africa. Most believed that it was the political parties - some of them NPA signatories - that were the key instigators behind much of the political violence. The agreement mandated the signatories to monitor each other's compliance with specified codes of conduct. Political parties and organizations had to condemn violence publicly, prevent members from promoting or using any form of violence, cooperate with the authorities to prevent violence at political events and assist the police in investigating and apprehending violators. There were also detailed standards and operating procedures for the security forces, particularly the police.

The agreement was rooted in a number of basic values. It promoted democratic principles of good governance, mutual responsibility and accountability. It explicitly recognized the fundamental rights and freedoms of conscience and belief, speech and expression, association, movement, peaceful assembly and peaceful political activity. These commitments were especially significant given the history of authoritarianism and political intolerance.

Recognizing poverty as an underlying condition that combined with intense political rivalry to be a driving force behind some of the most extreme violence, the NPA provided for social and economic reconstruction and development intended particularly to benefit and

involve those communities affected by political violence. It also acknowledged the need for urgent rehabilitation and reconstruction in violence-affected areas and stressed the principle of involvement to defuse tensions within communities.

NPA implementation structures

The agreement specified implementation mechanisms creating a structure based on national, regional and local committees to facilitate violence prevention and specialized committees to address key themes. These structures were financed mainly through the national budget, with additional support provided by the private sector and foreign aid agencies. By 1993, its annual budget was over USD $ 12 million – a budget that did not reflect the significantly larger in-kind contributions made by volunteers and organizations donating their staff and support services. The budget was initially administered by the Department of Justice. In mid-1993, frustration with bureaucratic delays and a misperception that financial management indicated government control led to its transfer to the National Peace Secretariat.

National-level structures

Several structures were created at the national level. The 60-person National Peace Committee (NPC) was composed of representatives from all the signatory parties and members of the preparatory committee, co-chaired by business leader John Hall and Bishop Stanley Mogoba. Its role was to oversee the implementation of the agreement as a whole and to resolve any political obstacles to its smooth functioning. It was also mandated to monitor compliance with the codes of conduct for political groups. The NPC was supported by an independent National Peace Secretariat (NPS), chaired by Advocate Anthonie Gildenhuys, which implemented its orders and was responsible for establishing and coordinating the regional committees. After considerable negotiations, representatives of five political parties and a representative of the legal profession, as well as a representative from the Department of Justice were selected to staff the seven-person NPS. Several positions were left open in the hope that the non-signatory parties would decide to join the agreement. The Department of Home Affairs' Directorate of Internal Peace Institutions provided the NPS's infrastructural support. Both the NPC and NPS operated by consensus.

Also established at the national level was an independent, five-person Commission of Inquiry (Goldstone Commission) to investigate the nature and causes of political violence and intimidation, identify those responsible and suggest remedies. It comprised respected senior members of the judiciary and legal profession under the leadership of Justice Richard Goldstone. They investigated specific past events as well

South Africa's National Peace Accord structures

National structures

National Peace Committee (NPC)
Representatives of signatory parties. Oversaw implementation, monitored compliance with Code of Conduct for political groups and dispute resolution.

National Peace Secretariat (NPS)
Representatives of 4 major political parties. 1 person from the Peace Directorate & chaired by independent advocate. Charged with establishing and coordinating RPCs.

Commission of Inquiry Regarding the Prevention of Public Violence (Goldstone Commission)

Police Board

Local and regional structures

Regional Peace Committees (RPCs)
1 per province, 11 nationally. Representatives of political and religious groups, business, unions, local authorities, police and defence forces, LPCs and other stakeholders.

Local Peace Committees (LPCs)
Approximately 260 nationally. Membership reflected composition of community. Accountable to RPC.

Peace Monitors
Approx. 15,000

Socio-Economic Reconstruction & Development Committees. 1 per region to broker development projects

Police Reporting Officers. 1 per region

Special Criminal Courts (created in many localities)

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as situations likely to trigger violence, such as demonstrations or the upcoming elections. A Police Board was established to make recommendations for more effective policing, improved police-community relations and policy changes.

Regional-level structures

Eleven Regional Peace Committees (RPCs) were established around the country, except in the four independent homeland territories that were not NPA signatories. Each RPC comprised representatives of political and religious organizations, unions, business and industry groups, local authorities, security forces and other relevant organizations. In some regions, the process of forming the RPC replicated the conflict dynamics of the country and called on all the NPS's mediation skills before they could be constituted. They were charged with preventing violence in their region by using a number of approaches, including mediation, monitoring, and facilitating preventive action. They reported to the national structures on the causes of violence, coordinated activities in the region and established networks of local committees. They made decisions by consensus. In particular, they established Socio-Economic Reconstruction and Development (SERD) committees to broker development projects aimed at preventing or reducing violence. Also at the regional level were Police Reporting Officers nominated by the Bar Association and appointed by the Minister of Law and Order. They were responsible for investigating allegations of police misconduct and supervising the police department's own Complaints Investigation Unit – which many suspected was incapable of impartial investigations.

Local-level structures

In each region, a number of Local Peace Committees (LPCs) were established, eventually totalling more than 260 across the country. It was intended that membership in each LPC would reflect the composition of that community and involve representatives of key stakeholder groups. Their function was to promote trust and reconciliation at the grassroots, mediate conflicts, facilitate agreements on the operation of local public political events, promote compliance with the agreements reached and liaise with the local police and judiciary, and implement national and regional initiatives. They reported to their RPC. In many areas they became involved in coordinating the 15,000 trained peace monitors drawn from all sectors of society. The volunteer LPC members were trained in dispute resolution, meeting facilitation and negotiation skills and were compensated for out-of-pocket expenses. In some areas, the LPCs worked closely with the SERD committees to address economic development in their community. In a few regions, special Justices of the Peace capable of launching their own inquiries into the violence complemented the LPCs' work. Also at the local level were Special Criminal Courts established by the Department of Justice in cooperation with the local legal profession. They were intended to process unrest-related cases more swiftly and effectively than the existing courts and operated with special rules guiding evidence and procedures.

Responding to political violence

The NPA agreement was a major breakthrough that helped to create the space for parties to engage in negotiations to decide the political future of South Africa. Although the aims of the NPA were probably appropriate to address the violence and many of its goals were achieved, resource limitations and political turmoil meant that they were unable to end the violence or resolve the diverse conflicts. Yet the participants deserve credit for working relentlessly for peace amidst growing cynicism over a continuing dirty war perpetuated by some of the same parties who were signatories to the NPA. The peace committees helped to open channels of communication; legitimize the concept of negotiations; create a safe space to raise issues that could not be addressed in other forums; strengthen accountability; equalise the power balance; and reduce the incidence of violence.[1] It is, of course, impossible to know what the consequences might have been in the absence of the NPA and its structures. Although statistics reflect an increase in the number of political fatalities for the period 1991-1993, it is widely agreed that the levels of violence were reduced in many areas from what they would have been without these structures.

At national level, NPA structures contributed towards encouraging and nurturing a culture of tolerance and non-violence. It created an expectation that the signatory groups would have to comply with the code of conduct. Although problematic in practice, it gave leverage to NPA staff and volunteers to encourage political leaders and the police to live up to their undertakings; many responded positively so as not to be seen in opposition to the accord.

The NPA helped to shift the institutional cultures and behaviour of both the South African Police (SAP) and the South African Defence Force (SADF), both of whom lacked public credibility. The SAP interacted with ordinary citizens and international observers who cared deeply about human rights and the values underlying the NPA and were exposed to constructive problem solving processes. Further, many NPA staff and volunteers used the Police Reporting Officers to consistently report alleged offenders, holding the police accountable for their actions for the first time in decades. The process played an important role in stimulating the SAP to adopt a community policing approach.

At the local and regional levels, the committees successfully managed tensions between major political actors by facilitating forums for debate and decision-making. Tensions at the local level were addressed within the communities as far as possible. When local peace committees were unable to resolve conflicts, the RPC assisted them. They were often asked to help mediate specific conflicts and helped to broker local peace agreements on key issues of concern. They were also instrumental in crisis management and violence prevention. For example, after the revered militant leader Chris Hani was assassinated in April 1993 and mass demonstrations were planned throughout the country, the committees were instrumental in forming 'joint operations communications centres' with the ANC and police so as to mitigate the potential for violence. On this and other occasions, the deployment of peace monitors to witness public events and position themselves between the hostile forces was often effective in moderating behaviour and increasing accountability. International observers complemented the efforts of local monitors. Although unable to prevent all fatalities, in retrospect it seems likely that they helped to stabilize the situation at a very vulnerable moment in the peace process.

In addition to this direct work, the NPS sought to stimulate a pro-peace public constituency. They formed a subcommittee responsible for marketing and a media

department. They cooperated with South Africa's top advertising agencies in a peace promotion campaign, developing logos and peace messages and working with musicians to develop a popular peace song. They helped the media to highlight positive stories instead of the usual sensationalist horror stories.

Assessing the shortcomings

Despite the many evident contributions made by the NPA, there were a number of shortcomings. Perhaps the central one was that the NPA structures dealt mostly with the symptoms of violence rather than its underlying causes. Its limited capacity to promote socio-economic reconstruction and development was notable. It was also unable to transform the violent conflict in the transport sector or to implement gun control measures and reduce the number of weapons, which may have enabled the post-1994 crime wave. Yet the processes it fostered opened space for South Africans to discuss these larger issues and to seek ways to address them.

The NPA was an agreement between the signatories but because it was not enforceable through the courts, the NPC could not use the legal system to sanction those who violated its code of conduct. Despite the need to make amendments to update the NPA, the National Peace Convention was never reconvened after the original event – in part because the political parties were busy positioning themselves for elections. In retrospect, some consider that the NPA was a success despite the political parties rather than because of them; yet without the principled support of these parties, the regional and local peace committees could not have operated.

There were also shortcomings in the administration and implementation of the NPA structures. One of the most significant was the disparity between regions and localities, with some RPCs more effective than in others. Throughout the country, there were far more LPCs in rural areas and an insufficient number in urban areas. The marketing arm tended to overlook the important medium of radio, which has the widest reach in the country. Instead they concentrated on expensive television campaigns and the print media, which reached a disproportionately wealthier and more educated audience. Furthermore, although the NPA advocated inclusiveness, it was clear that men dominated the peace structures at the management level and only one woman served on the NPS. When they were formed, almost all the RPC chairs were white men – despite the transparent election and appointment procedures. These tendencies were largely reversed at the level of staff and volunteers and most of the RPCs and LPCs reflected the demography of the communities they served.

From September 1994, soon after the elections, the new government started closing down the peace structures

without stating its reasons. This decision was possibly taken in the belief that the new Constitution provided democratic mechanisms at all levels that supplanted the need for the NPA structures. Furthermore, the NPS always saw its role as interim and short-term. Yet in many places the LPC's 'peace office' had become a valuable resource for local communities: they were places to discuss vital issues and where telephones, a fax machine and a rapid response vehicle were available to people who needed them most. After the closure of the NPA structures, these resources were no longer available. The KwaZulu Natal Provincial Legislature was the only provincial government that arranged for the continuation of a peace committee. Valuable data including the records of monitors, peace committee members, minutes and reports were lost because of a lack of coordination and a rigorous research programme. The huge investment in human resources through training programmes and exposure to unique peacekeeping activities was dispersed as retrenched staff dashed to find employment, leaving the closure of NPA operations in the hands of a few officials of the Department of Home Affairs' Peace Directorate.

In addition to all its more formal achievements and shortcomings, there was also something less tangible that occurred through the joint efforts of those involved in the NPA structures. The exposure of tens of thousands of people to conflict resolution methodologies made a difference in the way many chose to respond to conflict. The experience of working in a diverse team with competent and committed people was a life-changing experience for many and may have contributed to a deeper shift in South Africa's divided society. As Susan Collin Marks, a key figure in the Western Cape RPC, observed in *Watching the Wind*:

"South Africans had never met one another before like this, face-to-face, and over time we learned to turn away from our habit of fearing one another and instead begin to face our common problems and jointly find solutions.… As former adversaries found one another's humanity throughout the country, so the foundation began to be built for a place where we could one day all be human beings together." (2000, page 16)

It would be fair to attribute much of the success of South Africa's peaceful elections to the ordinary women and men who came forward to make a difference.

[1] For further information, see . Ball, Nicole and Chris Spies. Managing Conflict: Lessons from the South African Peace Committees. (Washington, D.C.: US Agency for International Development, Center for Development and Evaluation: 1998)

South Africa's multi-party constitutional negotiation process

**Catherine Barnes and
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". . .It is therefore important that as we put our vision to the country, we should do so directly, knowing that people out there want to be part of the process and will be responding, because in the end the drafting of the constitution must not be the preserve of the 490 members of this Assembly. It must be a constitution which they feel they own, a constitution that they know and feel belongs to them. We must therefore draft a constitution that will be fully legitimate, a constitution that will represent the aspirations of our people".
– Cyril Ramaphosa, Chairperson, Constitutional Assembly,
24 January 1995

South Africa's diverse political parties – some of which had a broad membership base and numerous affiliated civil society organizations – were at the centre of the negotiations to decide South Africa's political future culminating in a new Constitution. Although contested at times by the Inkatha Freedom Party (IFP), South Africa's leaders chose to design and negotiate the process by themselves without the guidance of an international mediator. The leadership of the two most powerful parties – the African National Congress (ANC) and the ruling National Party (NP) – were the most influential in both instigating and shaping the negotiation process and deciding its substantive outcomes. Throughout the long transitional process, they and the other parties engaged in a range of bilateral talks, seeking to resolve differences or make alliances to advance shared goals. Nevertheless, the main process was organized around formally constituted multi-party negotiating forums that allowed smaller political groupings to voice their perspectives and help shape agreements. Over time, these forums became increasingly open to the media and thus under public scrutiny. Many of the political parties used their membership structures to consult with their constituencies on key issues in the negotiations and to 'bring them along' in the process, thus involving them indirectly in the negotiations and creating the foundations for a more inclusive representative democracy.

Deciding the principles and structure of the negotiation process was as contentious as the substantive issues to be addressed within it. The ANC wanted a unitary state that would be a powerful instrument capable of transforming the conditions wrought by apartheid, while at the same time building in safeguards to protect rights from illegitimate state intervention. From the outset, it demanded an elected assembly to draft a new constitution. It argued that a democratic state can only be built on a firm democratic basis; the people, through their elected representatives, must write their own constitution. The NP and other smaller parties representing minority constituencies feared that an elected assembly would negate the purpose of negotiations and result in majority rule without constitutional safeguards to protect effective minority

participation in political decision-making. They instead proposed a multi-party forum where all political parties – without regard to their electoral support – would agree by consensus to a new constitution subject to popular approval through a referendum. This dispute was eventually addressed through the formula of first holding a multi-party constitutional conference where all parties, irrespective of the size of their constituency could participate as equals to decide core constitutional principles and the structure of a transitional government. Then the public would elect the parties to form a power-sharing transitional government and the delegates to an assembly that would draft the final Constitution. The multi-party conference was called the Convention for a Democratic South Africa (CODESA) and, after that forum collapsed, the Multi-party Negotiating Process (MPNP). These formally constituted mechanisms became increasingly open to public scrutiny, creating the precedent for the transparent and consultative constitutional drafting process. This helped to provide widespread public legitimacy for the process to create what has become known as the 'new South Africa'.

CODESA: first attempts to negotiate the transition

At the end of November 1991, after repeated postponements, an All-Party Preparatory Meeting involving most political parties and homeland governments was held to plan CODESA's structure and working methods. Importantly the delegates agreed to the procedure of 'sufficient consensus': the convention should seek consensus but, if it proved impossible, the chair would decide whether there was sufficient agreement to allow negotiations to proceed. Since an electorate did not mandate the parties and the process was designed to be as inclusive of parties as possible – no matter how small their support base – it was agreed that no decision would be taken on any matter unless the government and ANC, at the very least, were in agreement. Nonetheless, agreement between only the ANC and government was considered insufficient for a decision to be taken. Although the IFP in particular felt aggrieved by this principle and others contested its appropriate application at various points during the negotiations, this method created an incentive for the moderate parties committed to reaching an agreement not to be held hostage by the extremes.

On 20 December 1991, 238 delegates from the 19 participating parties together with nearly 1,000 international observers gathered for the first plenary session, CODESA I. Although most political groupings participated, the Conservative Party (CP) on the right and AZAPO and the Pan-Africanist Congress (PAC) to the left boycotted it. Women comprised only about 5 per cent of the delegates. Appalled, parliamentary veteran Helen

Suzman intervened to point out the imbalance, highlighting the parallels between gender discrimination and racism. Most of the parties thereafter made efforts to increase gender representivity in the negotiations. The plenary was mostly a ceremonial occasion to mark a formal commitment amongst the participating parties to negotiate a settlement. The delegates agreed a Declaration of Intent to guide the negotiators toward creating a 'united, non-racial and non-sexist state' protected by a Bill of Rights, with multi-party democracy based on universal adult franchise and a proportional representation electoral system. They also agreed to form CODESA as a standing institution to facilitate a negotiation process.

CODESA's management structure and operations

The first plenary established five working groups to address key issues and a Management Committee to oversee the process; it also decided that the second plenary session would take place in March 1992. The Management Committee was responsible for the overall political guidance of the process and consisted of one delegate and one advisor from each party. To assist its work, a secretariat and Daily Management Committee were established, with administrative staff seconded by the Department of Constitutional Development and the Consultative Business Movement The Management Committee established several sub-committees to address important substantive issues. The first addressed the representation of traditional leaders and others who applied to participate. Traditional leaders were eventually accorded special, but not equal, representation in the negotiations channelled though four provincial delegations.

Each party could nominate two delegates and two advisors to each working group. The five working groups were created to address: (1) creation of a climate for free political activity; (2) constitutional principles; (3) transitional arrangements; (4) future of the 'independent homeland' states; (5) timeframe and implementation. Working groups sat two days a week and Parliament sat the other three days. Each group had a steering committee to manage the agenda and work programme. Groups prepared interim reports tabled to the Management Committee, which would eventually table agreed proposals at the CODESA plenary for approval and ratification. CODESA soon became the most important site of political activity and its regularity helped to generate collegial working relations between the negotiators.

Although the public was invited to make submissions on constitutional principles to the working groups, CODESA made little attempt to either educate the public about its work or elicit the views of important groupings on the

substantive issues; delegates and their advisors were the primary figures to develop options and negotiate agreements. Some CODESA members later criticized its lack of transparency and the South African Communist Party's Joe Slovo noted public perceptions of a "mysterious cabal". Initial moves to open negotiations to the press, however, were interrupted by a collapse of the process. It also became apparent in retrospect that the structure of developing substantive proposals through working groups created impediments to developing integrative 'packages' of agreements across issues. It furthermore meant that successes in one group but not in another placed strain on the entire process – particularly as no deadlock breaking mechanisms had been envisioned.

Breakdown of the CODESA process

By March 1992, the progress of the working groups halted. Facing intense criticism from conservatives that the NP did not represent white voters, President De Klerk called a risky referendum to gauge the support of the white electorate. The NP won an overwhelming victory, confirming that the majority of whites supported a negotiated settlement. With its position greatly strengthened, the NP returned to the process determined to hold its line against the ANC's insistence on installing an interim government in the near future. To pressure the parties to reach agreement in the working groups, the Management Committee set 15-16 May as the date for the second plenary session in order to ratify agreements to guide the next phase.

Yet by early April the process was beginning to flounder; parties were unable to reach a common formula on interim governance and the principles for creating the new state political structure. They agreed on the formula of a transitional government and assembly to draft an interim constitution but disagreed over the percentage of votes needed to adopt the constitution and contested the role of a potential second parliamentary chamber. The NP wanted a system that would give it an effective veto and maintain its relevance as a political force, whereas the ANC feared it would be forced to live indefinitely with an interim constitution. The day before the plenary, Working Groups 1, 3 and 5 had reached agreement but Working Group 2 on constitutional principles remained deadlocked. The NP tabled a new proposal and the ANC called a consultation meeting for the 85 unions and political, religious, and student organisations in the Mass Democratic Movement to finalise its position. Yet at the two-day 'CODESA II' plenary, tensions between negotiators escalated under the glare of television cameras and journalist interviews. Repeated adjournments were called in the hopes that Working Group 2 could devise a breakthrough. But it never emerged and the parties agreed to convene another plenary at a later point.

Many observers thought the NP's refusal to compromise was due to its over-estimation of its power following the March referendum. After the failure of CODESA II, the ANC decided to demonstrate its power through the use of a 'rolling mass action' of coordinated strikes and street demonstrations with the aim of forcing the government to agree to an interim government, despite fears of fuelling the political violence. In mid-June 49 people were killed in the ANC stronghold of Boipatong. This time Mandela held De Klerk personally culpable and suspended all talks – both bilaterally with the government and multilaterally through CODESA.

The business and international communities immediately voiced their concern. Over the following weeks there were a number of initiatives to bring in an international mediator. In mid-July, the UN Security Council held an unprecedented two-day debate on South Africa that resulted in the appointment of a Special-Representative of the Secretary-General, Cyrus Vance, to investigate the violence and make recommendations on restarting talks. This soon led to the creation of a 50-member UN observer mission and support for the National Peace Accord (NPA) structures. The NPA was the only multi-party forum to remain operational throughout this period and provided continuity and a space for party representatives to meet when other avenues for communication were blocked, helping to stabilize the political conflict.

Multi-party Negotiating Process

After CODESA's collapse, De Klerk and Mandela exchanged memoranda and the NP considerably softened its demands. By August 1992, the ANC had agreed to establish a 'channel bilateral' for maintaining quiet dialogue, nominating Cyril Ramaphosa to hold talks with the NP's Roelf Meyer. They made considerable progress and on 26 September Mandela and De Klerk held a summit to sign the *Record of Understanding*. They agreed on the principles of an interim government at the national and regional levels empowered by an interim constitution. They also agreed on a formula for an elected assembly that would serve as an interim parliament and draft a constitution based on principles agreed in prior multi-party negotiations. They agreed that to improve efficacy, in future negotiations, the ANC and NP would first reach agreement on a bilateral basis before going to other parties for multilateral negotiation: in sum, others could either agree to be a part of the process or be left behind.

The agreement appalled most right-wing parties – sparking the IFP and CP to join with a number of homeland governments and Afrikaner parties to form the Concerned South Africans Group (COSAG). They rejected the principles outlined in the agreement and demanded it be scrapped. In the following months, Buthelezi threatened secession but the move was met with intense diplomatic pressure that revealed his isolation. The agreement also surfaced fault lines within the NP and the ANC over both tactical and substantive principles. The pro-negotiation faction within the NP leadership was eventually able to predominate. The ANC engaged in consultations with constituents and eventually committed itself to a positive-sum negotiating position based on a transitional period of power-sharing, thus decisively moving away from a maximalist, zero-sum strategy aiming at the immediate elimination of the NP as a political force.

Towards the end of the year, ANC and NP teams met for several days in a secluded game lodge – an atmosphere that proved conducive both to developing political formulas and humanizing the working relationships. At a similarly structured meeting in January and successive bilaterals thereafter, they formulated a joint negotiating position to guide their participation as a bloc in a future multilateral forum. The COSAG members became increasingly aware that if they did not participate in such a forum, they would have little influence on the outcomes. By January 1993 they agreed to resume multi-party talks but wanted to have a voice in the creation of the new negotiating forum – even if many of its terms had been predetermined by the ANC and NP. A Negotiation Planning Conference was held in early March, where the political parties were able to restructure the process and address some of the previous objections to CODESA. Agreements reached in principle in the earlier forum would be a guide but were non-binding. Reluctant to use the name CODESA and unable to agree to a new one, on 1 April 1993 what became known as the Multi-party Negotiating Process (MPNP) opened at the World Trade Centre. It convened 26 participating parties comprising political groupings, national and homeland government representatives and traditional leaders. For the first time the PAC, CP and Volksunie participated; only the far-left AZAPO and several extreme Afrikaner parties refused to join.

MPNP structures and working methods

There were a number of innovations in the MPNP structure. The highest decision-making body was the 208-member, 26-party, parliamentary-style plenary. But the process was focused around a Negotiating Council that met three to four days a week to develop agreements that would be ratified by the plenary, which met whenever necessary. The Council was composed of two delegates per party – at least one of whom had to be a woman – and two advisers. The original idea for a Negotiating Forum situated between the Plenary and Council was deemed unnecessary and its responsibilities instead devolved to the Council.

Instead of presenting their views orally in the Council, parties prepared written submissions that were first considered by a series of issue-specific Technical Committees consisting of non-party political experts appointed by the Council. They drafted reports that sought to take everyone's views into account, seeking compromise formulas and methods for breaking deadlocks. Their reports were considered by the Planning Committee, which drafted resolutions for consideration by the Council. The Planning Committee assumed most of the same roles as CODESA's Management Committee. It consisted of 10 Council members, appointed in their personal capacities rather than as party representatives,

CODESA's structures

Working groups

Creation of climate for free political activity	Management Committee (38 members - 2 from each party)	CODESA II (plenary)
Constitutional principles		
Transitional arrangements	Secretariat Administration (Secretarial services, travel, convention management, finance)	Daily Management Committee (7 members)
Future of TBVC states		
Timeframe and implementation		

Sub-committees

- Declaration of Intent
- Participation of Traditional Leaders
- Gender Advisory Committee

and was chaired on a rotating basis. It tended to set the overall negotiating agenda and oversaw the work of two non-partisan commissions on the demarcation of regions and on national symbols. The process was administered by the Consultative Business Movement, which provided an independent secretariat and administrative support.

Although the Plenary continued to make decisions by 'sufficient consensus', strategies to address the substantive details of the negotiations were developed in the Technical Committees and the tough political decisions were worked out in the Negotiating Council. Bilateral bargaining behind-the-scenes complemented these formal processes.

Violent attempts to derail the negotiations

Shortly after the MPNP began, an extremist group assassinated the popular militant leader Chris Hani. Amidst the outpourings of grief, anger and frustration that threatened to engulf the country in protest and violence, Mandela appealed for calm; the leadership recognized the killing as an attempt to derail the n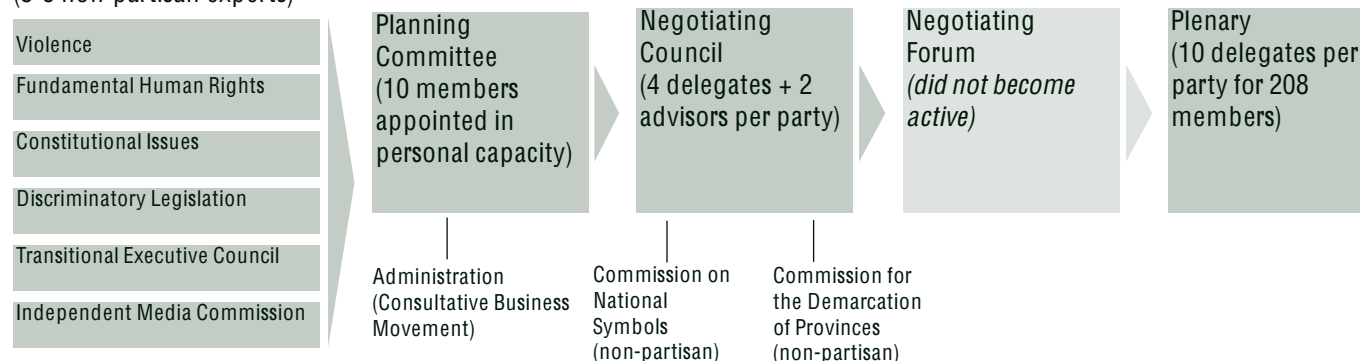egotiations. The ANC, NP and other moderate parties realized that they needed to move quickly to reach agreements that could begin to bring home the fruits of the transition, most visible of which would be the country's first non-racial democratic elections. To expedite the process, the Negotiating Council agreed a new Declaration of Intent, noting the urgent need to reduce violence and inspire broad public confidence in the process and a clear vision of the milestones marking the transition process. Senior leaders in the CBM, alarmed at the uncertainty inherent in protracted negotiations and the escalating instability, met with key political leaders to demand swift settlement; a demand underscored shortly afterwards by a similar initiative from the COSATU labour movement.

At the beginning of June 1993, the Negotiating Council agreed to set the election date for 27 April 1994. The plenary had to ratify the date, which generated tremendous pressure to bargain over the principles guiding the constitution-making process. To keep the COSAG alliance in the process, the ANC made the significant concession to structure the state on the national, regional and local levels, which would each have democratically elected governing bodies. Yet when the ANC and NP blocked the IFP's demand for a debate on a federal constitution, the COSAG group staged a walkout. Although most parties eventually returned, the IFP and CP remained largely outside the process. Following an MPNP decision to reject an Afrikaner homeland, several hundred white paramilitaries stormed the negotiating chambers at the World Trade Centre in late June, roughing up the delegates. Though shocking, it mostly served to undermine the image of the perpetrators. When the Plenary – minus most of the COSAG group – finally ratified the election date, it sparked a wave of

Multi-party negotiating process structures

Technical Committees (5-6 non-partisan experts)

Violence	Planning Committee (10 members appointed in personal capacity)	Negotiating Council (4 delegates + 2 advisors per party)	Negotiating Forum (*did not become active*)	Plenary (10 delegates per party for 208 members)
Fundamental Human Rights				
Constitutional Issues				
Discriminatory Legislation				
Transitional Executive Council				
Independent Media Commission				

Administration (Consultative Business Movement)

Commission on National Symbols (non-partisan)

Commission for the Demarcation of Provinces (non-partisan)

violence throughout the country. Yet throughout this period, the ongoing violence appeared to deepen the moderate parties' commitment and bound them further to the negotiation process.

From July to August, the MPNP engaged in intense negotiations over various draft interim constitutions and the structure of the Transitional Executive Council that would be the central governing authority. The IFP, the Afrikaner AWB and their allies – now regrouped as the 'Freedom Alliance' – continued to reject the process. They demanded a summit of select leaders to negotiate the final constitution prior to elections. Violence escalated amidst 'war talk' by both the far left and especially the far right. Nevertheless, in the early hours of 18 November 1993, the Negotiating Council adopted a comprehensive package agreement – including an electoral act and the interim constitution giving legal basis for the transitional institutions and specifying non-negotiable constitutional principles – that became the basis for South Africa's democratization pact.

The leaders were careful to leave the door open to the PAC, AZAPO and the Freedom Alliance to join the agreement and in the following months sought to bring them on board. Nevertheless there were real fears that the right-wing forces would organize armed resistance leading to civil war. Furthermore, there were fears that South Africa's future would be deeply compromised if major constituencies were not represented in the elections which would choose parties for the transitional government of national unity and delegates to the assembly that would write the final constitution. If they were not involved in the process, they might then work to undermine it.

In the first months of 1994, there were numerous bilateral meetings with the IFP and AWB to prevent a boycott of the elections and to bring them back into the constitution-making process. In March, the ANC and IFP agreed to international mediation led by former US Secretary of State Henry Kissinger. Although disagreement over the terms of reference meant the initiative never got off the ground, it effectively fragmented the Freedom Alliance bloc. In March, the ANC reached agreement with the newly formed Afrikaner-based Freedom Front on how they could pursue an Afrikaner 'volkstaat' (a self-governing entity) through the constitutional process. Civil unrest in the Bophuthatswana and Ciskei homelands led the government to reincorporate them into South Africa. With the conservative bloc in disarray, the ANC, NP and IFP concluded an agreement several days before the elections, whereupon the IFP agreed to participate. Then the Freedom Front also agreed to take part. In the end, all the main political parties participated in the elections held 27-29 April 1994. Despite some minor squabbles, logistical and registration problems, and queries over the

absolute accuracy of the results, the elections were remarkably peaceful and brought out the overwhelming majority of the eligible public to cast their vote.

Constitutional Assembly structures and working methods

The Constitutional Assembly consisted of both houses of the newly elected Parliament: the National Assembly and the Senate. Its 490 members were drawn from seven political parties, represented proportionally in accordance with their share of the vote. To prevent indefinite delays, there were numerous deadlock breaking measures and delegates had to finalize a draft within two years. The new constitution had to comply with the 34 principles agreed in the MPNP and pass by a two-thirds majority vote; failing this, it would have to pass the assembly by a simple majority and then be put to a national referendum to pass by a 60 per cent majority. The Constitutional Court would test the text approved by the Constitutional Assembly and thus serve as the only and final arbiter on whether it complied with the agreed principles.

One of the remarkable features of the process was the level of consensus achieved, despite the disparity in the proportion of seats held by the parties – with the ANC at almost 64 per cent, the NP a little over 20 per cent, the IFP almost 10 per cent and the remaining four parties comprising the remaining 6 percent of the seats. After years of multi-party negotiations, in which the parties had experienced a steep learning curve, the Constitutional Assembly was able to crystallize a consensual approach. It was based on both the flexibility of the major players who were committed to seeking 'win-win' agreements and the design of the negotiating structures that generated workable proposals. The level of camaraderie amongst the negotiators and skillful administrative support enhanced these attributes to create a conducive environment. Although the IFP ultimately withdrew from the process, the Constitutional Assembly voted overwhelmingly in favour of the final amended text on 11 October 1996.

The Constitutional Assembly was guided by a set of values that were manifest in mechanisms for public participation built into the process. The Assembly's work was organized to satisfy three fundamental principles: inclusivity, accessibility, and transparency.[1] To ensure inclusivity, it was agreed that the constitution had to be the product of the ideas of all the major elements of society, grouped as three categories of role players: the represented political parties; parties outside the Constitutional Assembly together with organised civil society; and individual citizens. To encourage accessibility, the parties agreed that it was not enough to merely invite submissions; it was necessary to solicit views proactively. Transparency was promoted by

allowing all meetings of the Constitutional Assembly and its structures to be open to the public and all materials – including minutes, reports and submissions – made accessible through the internet. Furthermore, the new constitution would be drafted in plain speech so that ordinary people could understand it, translated into the eleven main languages and disseminated through a massive public education programme.

The structures

Six theme committees of 30 appointed members each were formed to address subsets of the 34 constitutional principles. The committees respectively covered: (1) the character of the democratic state; (2) the structure of government; (3) the relationship between levels of government; (4) fundamental rights; (5) the judiciary and legal systems; and (6) government institutions. The main function of the theme committees was to ensure the inclusiveness of the process by receiving the views and submissions of all the role players. The committees were therefore the initial interface between the Constitutional Assembly and the public. A technical committee consisting of three to four experts supported each theme committee and various *ad hoc* expert committees were appointed to address specific subjects.

The Assembly created a Constitutional Committee as the main negotiating and coordinating structure, comprising 44 members appointed by parties in proportion to their representation and including their chief negotiator. This helped to ensure that the smaller parties, who did not have enough representatives to always field members in the theme committees, were not disadvantaged. The Constitutional Committee's smaller size and ability to meet frequently made it the most important element of the decision-making structure. It formed a Management Committee charged with managing the day-to-day process of the negotiations – including the important task of ensuring the structures worked according to plan in order to meet the timetable deadline. When it became clear that certain issues were the subject of serious disagreement in both the large theme committee and Constitutional Committee forums, a ten-member sub-committee was established to address these topics – with a membership that varied according to the issues under discussion. The Assembly also established the Commission on Provincial Government to oversee the creation of this new governing system and the Volkstaat Council to enable proponents of this idea to develop proposals for establishing a Afrikaner self-determining entity constitutionally. An independent panel of constitutional experts was established with the primary aim of helping to resolve conflicts, avoiding deadlocks between parties and providing advice on technical issues.

Public participation programme

To enable public participation, the parties swiftly agreed a three-phase work programme that included a first phase of activities to elicit issues to be considered in preparing a draft, followed by a second phase where the public would be invited to comment on the draft text, and a third phase when the Constitutional Assembly would finalize and adopt the new Constitution.

The first phase started in December 1994. A Media Department was immediately established to initiate print, radio and television programmes about the work of the Assembly, as well as a national advertising campaign. Much of the messaging was based on the slogan 'You've made your mark, now have your say'. Agencies were commissioned to conduct a survey to assess the penetration of the campaign after three months, which revealed areas in need of further attention and resulted in a Constitutional Education Programme.

Once the negotiators in the theme committees reached agreement on the areas to be covered, they placed advertisements in major newspapers inviting submissions and organised workshops and consultations with affected sectors to elicit views. Every South African was invited to share their thoughts by sending written submissions, making oral statements at a public meeting, phoning the Constitutional Assembly talk line, or using the internet. Through a face-to-face outreach programme, the Assembly, assisted by local civil society organizations, targeted communities that would find it difficult to access information through print or electronic media – particularly in remote areas or communities with low literacy rates. For many of these, it was the first time they were able to interact directly with their elected representatives. It elicited nearly 1.7 million submissions – most of which were in the form of signatures on petitions – and more than a thousand workshops, briefings and meetings reaching approximately 95,000 people.

The submissions were collated into reports, noting the convergence of ideas and agreements as well as contentious issues and ideas for addressing them. The submissions soon generated a long list of new issues, sparking an important debate over which issues should be addressed in the constitution and which should be addressed through ordinary legislation. This dilemma was partially addressed by the panel of constitutional experts, which drafted criteria for considering the issues for inclusion. Of the 13,443 written submissions – ranging in size from a few handwritten lines to printed reports over a 100 pages long – about 10 per cent were from organizations, about 0.6 per cent from political parties, and the vast majority from individuals. Yet a disproportionate share of the submissions were from the well-educated, the middle class, and professionals,

academics and political activists. This posed dilemmas about whether the submissions should be regarded as representative and the weight they should be given in the context of negotiations between democratically elected parties. In a country with such enormous disparities in education and access to information and other resources, issues of representativity were at the forefront of concern.[2]

In the first phase, responses were copied and sorted by the secretariat and then forwarded to the experts in the relevant technical committees. They collated the subjects and prepared summary reports for consideration by their theme committees. Yet the vast quantity of input created a major challenge in information management – particularly for Theme Committee 4, charged with addressing the rights issues that were the main subject of the submissions. It seems that the submissions from organizations with links to parties or with specialized knowledge of the issues were given serious consideration. Submissions from individual citizens were not utilized systematically by the drafters in the first phase, in part because of the sheer volume of material and in part because some issues were seemingly unrelated to the negotiating agenda.

In the second phase of consultation, during December 1995 and January 1996, over four million copies of the working draft constitution were distributed in the second phase of consultation, along with explanatory articles and graphics. The draft attracted about 250,000 submissions that were more focused and better processed. They were summarized and linked to specific articles in the constitution, making them more accessible to representatives negotiating a revised draft, thus increasing the probability they would be considered.

The Constitutional Assembly deliberations were open to the public and well covered by journalists. But in the late stages of negotiations, when time was running out and agreement still elusive, the parties held frequent bilateral and multilateral meetings in private. This move was criticized by some civic organizations and the media particularly objected to the closure of multilateral meetings. Yet privacy enabled the negotiators to make concessions without being revealed in the media as betrayed their constituencies; privacy also reduced the temptation to publicly score points in the ongoing debate – an experience that revealed some of the tensions between the needs of principled negotiations versus those of constituency politicking.

The Assembly was concerned to create an awareness that would help make the new Constitution a reference point for all South Africans on the foundation of their democracy. It disseminated 7 million copies of the final document in all 11 official languages, accompanied by an illustrated popular version. There were few opportunities for formal debate between the Assembly and the public, yet there was significant informal discussion among South Africans, both in public and in private. Surveys indicated that a quarter of all adults had discussed the Constitutional Assembly and related issues with friends or family. The constitutional debate and the previous negotiations helped to legitimize and underscore the importance of democratic processes as the way to address political conflict. CASE's survey also indicated that the public participation initiatives helped to create a strong sense of ownership of the Constitution among the public, the majority of whom felt they had an opportunity to contribute its creation – despite some lingering scepticism amongst those who perceived they had the most to lose in the new system.

Conclusion

The promise of CODESA and the MPNP was for political access and power to all South Africans and for a political machinery to achieve this promise. The mechanisms employed relied on the broad membership base of the political parties and their reach into the grassroots of South Africa's diverse communities as the principal means of opening up the transition process to public involvement. The caution is that this mode of channelling and enabling popular participation has historically been viewed by the ANC as a means to bolster the role of the state under its leadership, rather than as an independent force, potentially contradicting, challenging, or forcing it to rethink its policies. The post-1994 political scenario has seen government and civil society start a productive and co-operative relationship in the fields of service delivery and, to a lesser extent, in policy-making. Yet today, many in government see civil society's 'watchdog' role as a thorn in its side. Nonetheless, South Africa is among the few countries in the world where the ruling party openly expresses a commitment to civil society participation – a factor that can be used by civil society to strengthen its role. As in the turbulent times of apartheid, civil society in post-1994 can continue to be a force for making the government of the day accountable to its constituencies. Now that South Africa has created a system of government enabling all citizens to vote and gain access to power, the challenge is to organize people to influence the way power is conceptualized and exercised. This is the challenge for public participation today.

[1] For further information, see Hassen Ebrahim. The Soul of a Nation: Constitution-Making in South Africa. (Cape Town: Oxford University Press, 1998)

[2] For further analysis, see as Siri Gloppen South Africa: the Battle over the Constitution (Aldershot, UK: Dartmouth Publishing Company, Ltd. 1997)

South Africa Key texts

National Peace Accord

[Opening preamble, contents, chapter 7 and 8 and signatories]

To signify our common purpose to bring an end to political violence in our country and to set out the codes of conduct, procedures and mechanisms to achieve this goal.

We, participants in the political process in South Africa, representing the political parties and organisations and governments indicated beneath our signatures, condemn the scourge of political violence which has afflicted our country and all such practices as have contributed to such violence in the past, and commit ourselves and the parties, organisations and governments we represent to this National Peace Accord.

The current prevalence of political violence in the country has already caused untold hardship, disruption and loss of life and property in our country. It now jeopardises the very process of peaceful political transformation and threatens to leave a legacy of insurmountable division and deep bitterness in our country. Many, probably millions, of citizens live in continuous fear as a result of the climate of violence. This dehumanising factor must be eliminated from our society.

In order to achieve some measure of stability and to consolidate the peace process, a priority shall be the introduction of reconstruction actions aimed at addressing the worst effects of political violence at a local level. This would achieve a measure of stability based on common effort thereby facilitating a base for broader socio-economic development.

Reconstruction and developmental actions of the communities as referred to above, shall be conducted within the wider context of socio-economic development.

In order to effectively eradicate intimidation and violence, mechanisms need to be created which shall on the one hand deal with the investigation of incidents and the causes of violence and intimidation and on the other hand actively combat the occurrence of violence and intimidation.

The police force, which by definition shall include the police forces of all self-governing territories, has a central role to play in terminating the violence and in preventing the future perpetration of such violence. However, the perception of the past role of the police has engendered suspicion and distrust between the police and many of the affected communities. In recognition of the need to promote more effective policing, a commitment to sound policing practices and a co-operative relationship between the police and the communities are necessary.

This Accord is intended to promote peace and prosperity in violence-stricken communities. The right of all people to live in peace and harmony will be promoted by the implementation of this Accord.

The Accord is of such a nature that every peace-loving person can support it. The Accord reflects the values of all key players in the arena of negotiation and reconciliation.

The implementation and monitoring of the Peace Accord represents a crucial phase in the process to restore peace and prosperity to all the people of South Africa.

Noting that the majority of South Africans are God-fearing citizens, we ask for His blessing, care and protection upon our Nation to fulfil the trust placed upon us to ensure freedom and security for all.

Bearing in mind the values which we hold, be these religious or humanitarian, we pledge ourselves with integrity of purpose to make this land a prosperous one where we can all live, work and play together in peace and harmony.

The signatories have agreed upon;

a Code of Conduct for political parties and organisations to be followed by all the political parties and organisations that are signatories to this Accord;

a Code of Conduct to be adhered to by every police official: to the best of his or her ability, as well as a detailed agreement on the security forces;

the guidelines for the reconstruction and development of the communities;

the establishment of mechanisms to implement the provisions of this Accord.

The signatories acknowledge that the provisions of this Peace Accord are subject to existing laws, rules and procedures and budgetary constraints. New structures should not be created where appropriate existing structures can be used.

This Accord will not be construed so as to detract from the validity of bilateral agreements between any of the signatories.

We, the signatories, accordingly solemnly bind ourselves to this Accord and shall ensure as far as humanly possible that all our members and supporters will comply with the provisions of this accord and will respects its underlying rights and values and we, the government signatories, undertake to pursue the objectives of this accord and seek to give effect to its provisions by way of the legislative, executive and budgeting procedures to which we have access.

Committees

CHAPTER 7

National Peace Secretariat, Regional And Local Dispute Resolution Committees

7.1. It is clear from the aforegoing that sufficient instruments exist to investigate violence and intimidation and to bring the perpetrators thereof to book. Insufficient instruments exist however to actively combat violence and intimidation at grassroots level. It is therefore proposed that committees be appointed at regional and local levels to assist in this regard. These committees will require national co-ordination.

7.2 In order to provide management skills, budgetary commitment and statutory empowerment and sanction, State involvement is essential.

7.3 A National Peace Secretariat

7.3.1 A National Peace Secretariat shall be established, comprising at least four persons nominated by the National Peace Committee and one representative of the Department of Justice. Further members, up to a maximum of four, may also be appointed.

7.3.2 The function of the National Peace Secretariat will be to establish and co-ordinate the Regional Dispute Resolution Committees and the Local Dispute Resolution Committees.

7.3.3 The National Peace Secretariat will take decisions on a consensus basis.

7.3.4 The required financial and administrative resources of the National Peace Secretariat, and the other bodies established by it, will be provided by the Department of Justice.

7.4 Regional and Local Dispute Committees

7.4.1 Peace bodies are to be established at both regional and local level, to be styled "Regional Dispute Resolution Committees" (RDRC) and "Local Dispute Resolution Committees" (LDRC) respectively.

7.4.2 Just as the Commission will gain its legitimacy from its composition, reflecting the interested and relevant organisations, the RDRCs and LDRCs will gain their legitimacy by representing the people and communities they are designed to serve.

7.4.3 The areas of jurisdiction of the RDRCs shall be decided by the National Peace Secretariat until such time as statutory provision is made.

7.4.4 RDRCs will be constituted as follows:

7.4.4.1 representatives from relevant political organisations;

7.4.4.2 representatives from relevant churches;

7.4.4.3 representatives of relevant trade unions, industry and business in the region;

7.4.4.4 representatives of relevant local and tribal authorities; and

7.4.4.5 representatives from the police and the defence force.

7.4.5 Duties of RDRCs shall include the following:

7.4.5.1 attending to any matter referred to it by the LDRC, the National Peace Secretariat or the Commission;

7.4.5.2 advising the Commission on matters causing violence and intimidation in the region;

7.4.5.3 settling disputes causing public violence or intimidation by negotiating with the parties concerned and recording the terms of such settlements;

7.4.5.4 guiding LDRCs in their duties;

7.4.5.5 monitoring current applicable peace accords and future peace agreements entered into in the relevant region and settling disputes arising from them;

7.4.5.6 informing the National Peace Secretariat of steps taken to prevent violence and intimidation in its region including breaches of Peace Agreements; and

7.4.5.7 consulting with the relevant authorities in its region to combat or prevent violence and intimidation.

7.4.6 The communities within which LDRCs are to be established should be identified by the RDRCs.

7.4.7 LDRCs will be constituted by drawing representatives reflecting the needs of the relevant community.

7.4.8 Duties of the LDRCs shall include the following:

7.4.8.1 attending to any matter referred to it by either the Commission or the RDRCs;

7.4.8.2 creating trust and reconciliation between grassroots community leadership of relevant organisations, including the police and the defence force;

7.4.8.3 co-operating with the local Justice of the Peace in combating and preventing violence and intimidation;

7.4.8.4 settling disputes causing public violence or intimidation by negotiating with the parties concerned and recording the terms of such settlements;

7.4.8.5 eliminating conditions which may harm peace accords or peaceful relations;

7.4.8.6 reporting and making recommendations to the relevant RDRCs;

7.4.8.7 to promote compliance with currently valid and future peace accords and agreements entered into in the relevant area;

7.4.8.8 to agree upon rules and conditions relating to marches, rallies and gatherings; and

7.4.8.9 liaise with local police and local magistrates on matters concerning the prevention of violence, the holding of rallies, marches and gatherings.

7.5 Justices of the Peace

7.5.1 It is proposed that additional Justices of the Peace be appointed after consultation with the relevant parties and the LDRCs. The purpose of the Justices of the Peace will essentially be to promote the peace process at grassroots level and to assist the LDRCs in their activities.

7.5.2 Duties of Justices of the Peace shall include the following:

7.5.2.1 investigating any complaint received from anyone pertaining to public violence and intimidation, except where legal processes of investigations instituted by the South African Police, other police forces, the

Commission, the RDRCs, the Police Reporting Officer or a commission of inquiry are dealing with the relevant matter;

7.5.2.2 mediating between relevant parties to a dispute by negotiation;

7.5.2.3 applying rules of natural justice when issuing an order which will be fair and just in the particular circumstances in order to restore peaceful relations;

7.5.2.4 referring facts constituting an offence to the relevant Attorney-General;

7.5.2.5 in co-operation with parties and in consultation with the LDRCs acting as the ears and eyes of LDRCs and reacting in urgent cases;

7.5.2.6 in all matters relating to public violence reporting to the LDRCs; and

7.5.2.7 to pronounce as a judgement the terms of a settlement reached at LDRCs or RDRCs, provided that the terms of such settlement are executable.

7.6 RDRCs, LDRCs and Justices of the Peace shall be empowered to:

7.6.1 request the presence of any person with knowledge of any acts of violence or intimidation to give evidence;

7.6.2 request that any person in possession of any relevant document or other evidentiary material put the same at their disposal; and

7.6.3 protect the identity and safety of anyone assisting the relevant body as contemplated in 7.6.1 and 7.6.2 by excluding the public and/or media from its proceedings or by limiting access to its documents or reports or by prohibiting the publication of the contents of any of its documents or reports.

7.7 The National Peace Secretariat shall assist RDRCs in the exercise of their duties.

7.8 RDRCs may limit the number of members of a LDRC taking into account the prevailing circumstances in the community.

7.9 RDRCs shall determine the boundaries of the area constituting the jurisdiction of LDRCs within their own areas of jurisdiction.

7.10 The National Peace Secretariat and the Commission will advise on the policy to be applied to and by the RDRCs and the LDRCs and the management of the said bodies.

7.11 Members of the RDRCs, LDRCs and Justices of the Peace not in the full-time employment of the State shall be entitled to remuneration and allowances to be paid by the State.

7.12 RDRCs and LDRCs shall appoint chairmen and vice-chairmen to represent the RDRC or LDRC concerned for a period of one year.

7.13 RDRCs and LDRCs shall furnish the National Peace Secretariat, the Commission or the relevant RDRC, as the case may be, with any information required by such bodies.

7.14 In view of the lack of effective peace promoting mechanisms at grassroots level it is urgent that these proposals be implemented as soon as possible. Because of the said urgency, it is agreed that the proposals be implemented on a voluntary basis at the outset. In order to give permanency and effectivity to the proposed structures it will have to be given statutory recognition as soon as possible. This should also ensure that the structures be funded by the State. In drafting the required legislation there should be wide consultation including with the National Peace Committee. The proposed legislation will also be published for general information and comment.

7.15 In order to ensure the proper functioning of the LDRCs, it is necessary to:

7.15.1 give them high status in their communities for their role in the peace process;

7.15.2 compensate the members of LDRCs for out-of-pocket expenses for attending meetings; and

7.15.3 train the members of the LDRCs in conciliating disputes, running meetings, negotiating skills, etc.

Chapter 8

National Peace Committee

8.1 Composition

8.1.1 Those political parties and organisations currently represented on the Preparatory Committee shall constitute the National Peace Committee together with representatives drawn from other signatory parties where the National Peace Committee believes such inclusion will give effect to the National Peace Accord.

8.1.2 The National Peace Committee shall appoint a chairperson and vice-chairperson, who shall be drawn from the religious and business communities.

8.2 Objective
The objective of the National Peace Committee is to monitor and to make recommendation on the implementation of the National Peace Accord as a whole and to ensure compliance with the Code of Conduct for Political Parties and Organisations.

8.3 Functions

8.3.1 The functions of the National Peace Committee shall be, inter alia, to:

8.3.1.1 perform those functions imposed upon it by the National Peace Accord;

8.3.1.2 receive and consider reports by the National Peace Secretariat and the Commission;

8.3.1.3 decide disputes concerning the interpretation of the Code of Conduct for Political Parties and Organisations;

8.3.1.4 resolve disputes concerning alleged transgression of the Code of Conduct for Political Parties and Organisations;

8.3.1.5 convene a meeting of the signatories in the event of an unresolved breach of the National Peace Accord; and

8.3.1.6 recommend legislation to give effect to the National Peace Accord.

8.4 Powers

8.4.1 The National Peace Committee shall have the following powers:

8.4.1.1 promote the aims and spirit of the National Peace Accord;

8.4.1.2 convene a meeting of the signatories where necessary;

8.4.1.3 amend the constitution of the National Peace Committee;

8.4.1.4 negotiate and conclude further agreements to achieve the objects of the National Peace Accord.

8.5 Meetings

8.5.1 The National Peace Committee shall elect a chairperson who shall not be a representative of any of the signatory parties.

8.5.2 Meetings shall take place on a regular basis at a date and time agreed to in advance.

8.5.3 Urgent meetings shall be convened by the chairperson on not less than 48 hours' notice in writing to the authorised representatives;

8.5.4 The service of written notice of a meeting at the specified address of the authorised person shall constitute due notice.

8.5.5 An urgent meeting shall be called by the chairperson on a written request of one of the signatory parties to the National Peace Accord.

8.6 Voting

8.6.1 All decisions shall be by consensus.

8.6.2 In the event of a dispute over the interpretation of the National Peace Accord, the failure of the National Peace Committee to achieve consensus at the meeting at which the dispute is raised or at such further meetings as agreed, the dispute shall be referred to expedited arbitration in the manner set out in paragraph 9.4.

8.6.3 In the event of a breach of the National Peace Accord not being resolved by consensus at a meeting of the National Peace Committee, the chairperson of the National Peace Committee shall convene a meeting of national leadership of the signatories within 30 days of the meeting.

Signatories

African National Congress

Amalgamated Union of Building Trade Workers of South Africa

Confederation of Metal and Building Unions

Congress of Traditional Leaders of South Africa

Congress of South African Trade Unions

Democratic Party

Dikwankwetla Party / QwaQwa government

Federation of Independent Trade Unions

Ximoko Progressive Party / Gazankulu government

Inkatha Freedom Party

Intando ye Sizwe Party

Inyandza National Movement / KaNgwane government

KwaNdebele government

KwaZulu government

Labour Party of South Africa

Lebowa government

United People's Front

Merit Peoples' Party

National Forum

National Party / Government of South Africa

National Peoples' Party of South Africa

Solidarity Party

South African Communist Party

United Workers' Union of South Africa

Guatemala's peace process:

context, analysis and evaluation

Enrique Alvarez with

Tania Palencia Prado

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The peace accords finalized in December 1996 brought a formal end to a war that had lasted intermittently for 36 years. They included almost 200 substantive commitments that, if fulfilled, would bring significant changes to the structure of the Guatemalan state and society and go some way towards addressing issues that many believe are the underlying source of protracted conflict. The scope of the accords was due partially to several mechanisms that enabled representatives of organized sectors of civil society to discuss problems largely untouched in public discourse for decades. Through these discussions and subsequent lobbying efforts, civil society representatives helped to shape a negotiating agenda and then contributed proposals on how to address substantive issues. The peace process was entwined with moves toward democratization beginning in the mid-1980s; it helped to create the space for peacemaking and was, in turn, strengthened by social mobilization around the peace process. These domestic trends were supported by international pressure and involvement. Yet despite the potential in the accords, it has proven exceedingly difficult to consolidate the process. Implementation has been either slow or blocked and the necessary constitutional reforms were defeated in a national referendum. Nevertheless the experience laid the groundwork for potential change to a more inclusive society, both by providing an opportunity for those outside the established elite to voice their opinion in the policy arena for the first time and by raising expectations for a more participatory democratic state and society.

Conflict and war

Guatemala is composed of four main peoples speaking at least 23 languages. Approximately 60 per cent of the population are part of the 22 ethnic groups comprising the Mayan people who, along with the Garifuna and Xinca peoples, have experienced systematic oppression for the past five centuries, including forced labour until the mid-twentieth century. Yet a Ladino (*mestizo* people identifying with Spanish cultural heritage) elite has dominated a state that denied this diversity and monopolized political, economic, and ideological power. Social exclusion has been compounded by the socio-economic structure. In this predominantly agrarian society, 65 per cent of the fertile land is owned by 2.1 per

cent of the population, creating the basis for profound inequality. Furthermore, with the lowest tax rates in Latin America, the state has had few resources to provide even basic services or to support development. The old landed families have exerted disproportionate influence on governance and the military has considered itself as the guarantor of the state and defender of the existing social order and intermittently installed military rulers. With the exception of a brief democratic opening from 1944-1954 that was crushed by a US-sponsored invasion, citizens were largely excluded from political participation until the mid-1980s. These factors led to a weak state, incapable of responding to the needs of most of its population.

The armed insurgency originated initially in the ranks of the military in reaction to the 1954 counter-revolution and subsequent repression. In 1960 a group of officers instigated an unsuccessful uprising and fled into exile. They later joined with other groups, including the small communist party, to develop a leftist guerrilla movement. In the 1970s, large numbers of Mayan activists joined and their communities subsequently became vulnerable to the military's counter-insurgency campaigns. In early 1982, the various insurgency groups united in the Unidad Revolucionaria Nacional Guatemalteca (URNG).

In response to the URNG's effectiveness, Gen. Efrain Ríos Montt presided over a 'scorched earth' campaign in the highlands. According to the report of the official Commission for Historical Clarification, this campaign resulted in the genocidal massacres of some Mayan communities, with the annihilation of more than 440 villages, the death of up to 150,000 civilians from mid-1981 to 1983, and the displacement of over a million people. Unions, popular organizations and political opposition groups were eradicated and many activists assassinated, 'disappeared' or exiled, leading to the decimation of their organizational structures.

The army's counter-insurgency campaign greatly weakened the URNG. Sensing its tactical advantage and facing international isolation in the midst of an economic downturn, the military took steps to return the country to civilian rule. In 1984, the military called a National Assembly to promulgate a new constitution. In the 1984-85 general and presidential elections, the most progressive contestant – the centre-right Christian Democratic party led by Vinicio Cerezo Arévalo – won amidst a relatively high voter turnout. Many interpreted the result as a rejection of authoritarianism and militarism. Although the military retained the balance of power, civilian authorities governed the country thereafter. Some Guatemalans see this period as the beginning of the democratic transition, whereas others identify the signing of the accords almost ten years later as the real turning point. Yet the greater political openness from the mid-1980s led to important changes and, eventually, movement towards promoting a peaceful settlement to the armed conflict as the army gradually lost much of its control over the process.

Moving toward peace

These domestic events were highly influenced by global and regional developments. The 1979 victory of the Sandinista revolution in Nicaragua meant that much greater attention was given to the revolutionary movements in El Salvador and Guatemala, thrusting the region into the centre of the polarized dynamics of the Cold War with high levels of US intervention. Several Latin American countries realized that they should support a resolution of the Central American conflicts independent of US involvement. In 1983, Colombia, Mexico, Panama and Venezuela formed the 'Contadora Group' that, for the first time, recognized the political origins of the wars. The new civilian government of President Cerezo soon adopted a policy of 'active neutrality' identifying the underlying causes of the regional conflicts as distinct from the East-West confrontation.

Guatemala

Acronyms

ASC	Civil Society Assembly
CACIF	Coordinating Committee on Farming, Commercial, Industrial and Financial Associations
CNR	Commission for National Reconciliation
COCIPAZ	Civil Coordinator for Peace
COPMAGUA	Coordination of Organizations of the Mayan People of Guatemala
CSC	Civil Coordinating Sector
FRG	Guatemalan Republican Front
GND	Grand National Dialogue
INC	National Consensus Forum
MINUGUA	United Nations Mission for the Verification of Human Rights
SEPAZ	Secretary of Peace
UNAGRO	National Farming and Ranching Union
URNG	Guatemalan National Revolutionary Unity

Within this context, Central American presidents gathered in Esquipulas, Guatemala in 1986 to discuss regional peace issues. They agreed to increase economic cooperation, to oppose the US-supported 'contras' fighting the Sandinista government and to promote the democratic reconstruction of the region. In August 1987, the presidents met again at Esquipulas II. Adopting a modified version of Costa Rican President Oscar Arias' regional peace plan, they signed an agreement articulating the principle of democracy as the prerequisite for conflict resolution and detailing standards that each government was expected to fulfil to promote peace.

It was initially difficult to implement the Esquipulas II agreement in Guatemala, where both the URNG and the army demanded that the other fulfil certain pre-conditions before negotiations could begin. The URNG maintained an ambiguous position: it supported the provision for a national dialogue but simultaneously demanded the removal of counter-insurgency measures. The army's position was more radical: the guerrillas would have to disarm before engaging in dialogue. Neither envisioned initiatives to involve civil society in the debate. Yet in de-emphasizing military strategies, the Esquipulas II meeting helped to stimulate the development of new social groups in favour of peace, largely spearheaded by religious organizations, who slowly generated public pressure for dialogue.

Yet Guatemalan society lacked a unified voice on how to achieve peace; nor did it have a civil, economic or political leadership that could envision peacemaking as a road toward national cohesion in the future. The principal dividing lines were between the powerful establishment groupings – the chamber of commerce, the agrarian-export oligarchy and the military – versus the popular movements including peasant associations, trade unions, indigenous people, and cooperatives. The latter tended to ally with other, mostly urban, social groupings – such as the opposition political parties, most church groups, universities and research centres, and small industries – to discuss and promote the social changes they believed necessary to end the war and build peace. Most of the popular groupings were, however, relatively new and had weak links with broad social constituencies and the wider public. Nevertheless, these more progressive groupings became the national engine enabling peace talks.

The Catholic Church played an important leadership role in stimulating public opinion in favour of both a national dialogue and 'humanization of the war' through trying to find solutions for structural problems. Partially at the instigation of church officials, the government-formed National Reconciliation Commission (CNR) convened a Grand National Dialogue in 1989. It provided the first formal opportunity for civil society to articulate their diverse perspectives about the war and identify the

substantive issues later incorporated into the negotiating agenda. A significant outcome was the increased expectation that wider society should be involved in the negotiations. It helped put the conflict into the sphere of politics and to de-emphasize military 'solutions'. The following year, the CNR held talks with the URNG in Norway, under the auspices of the Lutheran World Federation. The negotiations resulted in the signing of the Oslo Accord in March 1990, committing the parties to a political solution to the conflict. The next significant contribution of civil society was to recognize the URNG as a legitimate party to the negotiations. This came out of the series of five meetings (the 'Oslo consultations') held between the URNG with each of the five sectoral groupings following on from the Oslo Accord. These consultations in turn paved the way for official negotiations between the government and the URNG, initially mediated by a Guatemalan Catholic bishop and – after those talks broke down – subsequently by the United Nations.

During the early years of peace talks, particularly between 1991-93, the establishment groupings were gripped by internal struggles over the issues of reform that were increasingly integral to the peace process. Within the military, there were divisions between the 'hard-line' members and the 'constitutionalists', with the former deeply opposed to talking with the URNG and the latter more open to the negotiation process. While most within the business and agro-export elite demanded a military response to the URNG, some recognized the need to modernize and improve Guatemala's international image. Yet virtually all were reluctant to discuss, much less address, the social problems that were included on the negotiating agenda. When President Serrano attempted to suspend the Constitution in May 1993, however, the business sector joined with the other social groupings and with the military's constitutionalists in an impromptu National Consensus Forum to successfully prevent the coup and demand democracy. For the first time, there was visible national consensus on the fundamental value of a democratic system of government.

This experience led to conditions that re-invigorated the peace process, with the military generally favouring negotiations. In 1994, bilateral talks between the government and the URNG – mediated by the UN and supported by key countries in the 'Group of Friends' – resumed again in earnest. They agreed to create a Civil Society Assembly (ASC) involving the diverse sectors of organized society to discuss the substantive issues on the negotiation agenda and provide recommendations to the negotiators. Most of the ASC's recommendations were incorporated into the final accords – thus making civil society a vital, if non-decision making, presence in the negotiations.

Sequence of mechanisms

Date	Mechanism
1987 Aug	**Esquipulas II** Central American governments agree a framework to promote peace in the region.
1997 Oct	**Commission on National Reconciliation (CNR)** Body appointed by the government to oversee implementation of Esquipulas agreement.
1989 Feb - Oct	**Grand National Dialogue** Talks sponsored by CNR with participation of 47 civil organizations with 84 delegates; excluded the URNG and boycotted by army, government and business elites. The GND comprised 15 working commissions to discuss substantive issues related to the conflict.
1990 March	*Oslo Accord* CNR and URNG agree to consultations between URNG and Guatemalan society.
1990	**'Oslo consultations'** : URNG meetings with various sectors are facilitated by the CNR and observed by a UN representative
27 May - 1 June	El Escorial, Spain: Delegation of 10 political parties – URNG promises not to interfere with elections and parties commit to holding a National Constituent Assembly and need for constitutional modifications.
31 Aug - 1 Sept	Ottawa, Canada: Business sector (CACIF) – Separate communiqués are signed expressing commitment to negotiations.
24 - 26 Sept	Quito, Ecuador: Religious groups – emphasis on need for national consensus and respect for human rights.
23 - 25 Oct	Metepec, Mexico: Unions & popular organizations – joint declaration that peace must be based on transformation of structural problems generating conflict.
27 - 28 Oct	Atlixco, Mexico: Academics, Cooperatives, Small Businesses – joint declaration asks CNR to organize a similar process between sectors and government.
1991 April	*Mexico Accord* Government and URNG agree a negotiating agenda & process; no formal role for civil society in the peace negotiation process.
1993 May - June	*Instancia Nacional de Consenso* (National Consensus Forum) A broad coalition of civic and establishment groupings is formed to resist President Serrano's attempted 'self-coup' and restore democracy.
1994 Jan	*Acuerdo Marco (Framework Accord)* Establishes UN-mediated bilateral peace negotiation.
1994 May	**Civil Society Assembly (ASC)** The ASC is formed, comprising 11 sectoral groupings. They are convened in an assembly chaired by Bishop Quezada to prepare consensus documents to feed into the bilateral negotiations.
1996 29 Dec	*Agreement on a Firm and Lasting Peace* Final agreement signed by the Government and URNG that brings the 10 previous accords into effect.
1999 16 May	**National Referendum** Electorate votes on constitutional amendments to incorporate the peace accords; but with only 17% turnout, the amendments are rejected.

Yet after fulfilling its original mandate, the ASC began to fragment. Amidst accusations about the progressive sectors' dominance, representatives disagreed over whether the ASC should define a new role to maintain its voice in the peace process. Ultimately, the debates within the ASC did not carry over into significant influence on implementing the accords – although some sectors continued to exert influence in both society and politics.

Furthermore, the ASC was not the only civil society channel for influencing the talks. The main business association, the Coordinating Committee on Farming, Commercial, Industrial and Financial Associations (CACIF) had refused to join either the ASC or the earlier Grand National Dialogue, though it did hold talks with the URNG in the Oslo consultations. When the negotiators discussed the agenda on socio-economic and agrarian issues, the CACIF successfully lobbied against key ASC recommendations. They were able to substitute many of their own recommendations for inclusion in the final agreement – a source of great disappointment for many of the ASC members, who eventually endorsed it nonetheless. Many believed that this compromise marked a national consensus for reform.

Challenges of implementation

By the end of 1996, the negotiators had concluded six substantive and five operative accords. These agreements mapped steps for ending the military confrontation and set forth guarantees of reforms to address some of the underlying social and structural issues, grouped into accords on: human rights; a truth commission; the resettlement of refugees and displaced people; the identity and rights of indigenous peoples; the socio-economic and the agrarian situation; strengthening civilian power and the role of the armed forces; and reform of the Constitution and electoral system.

A variety of mechanisms were created to support implementation of the accords, with the UN given an overall monitoring role. An Accompanying Commission *(Comisión de Acompañamiento)* was created as the highest body for interpreting the content and spirit of the accords and facilitating their implementation in accordance with the agreed schedule – which only it could change through the unanimous decision of all members. The Commission comprised two representatives each from the government and the URNG, one from the Congress, and four 'notable' citizens, with the UN Mission head as an observer. It had no enforcement powers but operated instead by working with the other bodies. These included 'paritarian (equally representative) commissions' of government and sectoral representatives to discuss issues related to the implementation of specific provisions in the accords. There were also 'non-paritarian commissions' with only civil society representation. However none of these

commissions were given any decision-making authority and there were no defined channels to translate their advice into public policies. Furthermore, the administrative body charged with overseeing the process, the Secretary of Peace (SEPAZ), was not given decision-making power over the national budget or the policies and programmes of government ministries. It therefore had few instruments to make changes to fulfil the provisions. Implementation relied instead on the government to initiate programmes and Congress to pass legislation.

Although many of the provisions were implemented more or less according to the agreed timetable, the most far-reaching provisions have yet to be fulfilled. There have been a number of particularly problematic areas. The biggest setback was the failure of the referendum to amend the Constitution. Constitutional amendments were needed to establish the agreements as 'accords of state' rather than reversible political agreements; without them, the government lacked the legal basis for reforming the army or the judiciary and for implementing many of the provisions of the indigenous rights accord. After two and a half years, the struggle to make those changes was lost.

It was initially anticipated that thirteen key provisions would be incorporated into the Constitution. To do this, they would need to be approved by a two-thirds majority vote in the Congress and then by the electorate in a national referendum. The process first stalled in a lengthy congressional drafting process, where parties used the opportunity to add 37 other items – many on issues designed to give them partisan advantage. The eventual referendum required voters to respond with a simple yes or no vote to four sets of questions that incorporated 50 different reforms. Many analysts believe that this design was inherently confusing and therefore conducive to a 'no' outcome. The government did not undertake a public education campaign to inform the electorate about the proposed changes, although the UN mounted an extensive dissemination effort. Initial opinion polls suggested most of the electorate did not know about the reforms or were undecided – but an overwhelming number of those who did know about it claimed they would vote in favour. Then a highly effective 'no' campaign was mounted by conservative sectors and the private media. The pro-reform forces conducted a generally lacklustre campaign only shortly before the vote – although the indigenous sector was more effective in reaching their constituency. In the end, with a turnout of only 17 per cent of the voting age population, the 'no' vote prevailed. With significant variations between rural and urban areas, the outcome was largely decided by voters in the capital; the greatest variation was between Mayan-majority regions returning a 'yes' vote and Ladino-majority areas – where the war was not experienced directly – voting against the changes.

This defeat was compounded by the failure to implement tax reforms needed to provide domestic financing to implement many of the accords – particularly the socio-economic provisions. The Accords specified that Guatemala's tax base would be raised to twelve per cent of GNP by 2000. Despite early optimism that many in the industrial and agro-export sector recognized the need for reform, they effectively blocked it. The government seemed reluctant to alienate its conservative support base by pushing through reforms, nor did it mobilize support from sectors that would benefit most. The government of President Arzú, who won power in 1996, introduced a package of property tax reforms in 1998 but dropped them after public protest and asked to re-schedule implementation of this part of the Accords. In response, from 1999-2000, the Accompanying Commission, with the participation of all the social sectors, convened negotiations of a 'Fiscal Pact' to create a new tax structure, as well as the political and institutional reforms needed to implement the accords. The pact was signed in May 2000 and approved by the heads of the executive, legislative and judicial branches of government. The necessary legislation was, however, diluted in the congress, which only approved a partial tax reform, leaving this important aspect of the peace agreement unfulfilled.

Despite these setbacks, the Accompanying Commission tried to keep the process moving. In addition to convening the Fiscal Pact process, in August 2000 it initiated a process to agree a new timetable for implementing the unfulfilled provisions – culminating in a Presidential Act signed that December in a ceremony witnessed by 12,000 people. When this also failed to achieve tangible results, a number of members resigned. Although the Commission continues to exist in form, it has almost no influence. Today the accords have no status as legal obligations of the state; the legislative agenda necessary to make them such has not been supported by the majority of Congressional representatives.

The November 1999 elections were dominated by the far-right Guatemalan Republican Front (FRG) party founded by Gen. Ríos Montt, thus putting those strongly opposed to reform in power. A new, leftist party partially comprising former URNG members also gained seats. Although it may become an important political force, thus far leftist groups have not been effective thus far in promoting and enacting the accords – in part because they were unable to lead a political or social movement to support implementation.

Prior to and during the peace talks, Guatemalan civil society leaders developed the capacity to influence the negotiations. But after the accords were signed, this experience and capability was not channelled effectively – partly because there was no institutional mechanism to enable it formally. Instead, each sector tended to concentrate on its own interests, creating a social vacuum incapable of formulating or promoting an overall peace agenda. Paradoxically, with internal social sectors weakened, the international community has become the only actor with sufficient leverage to keep the peace agreement on the national agenda.

Conclusions

In the early years of the new century, Guatemala is experiencing a critical transition. The new dispensation has not been consolidated in part because the old military and economic structures that generated conflict are largely untouched. The rejection of the constitutional reform package revealed the weakness of the pro-peace social movements and their ability to mobilize broad public constituencies to take a stand. It demonstrates the profound challenge of supporting a negotiated transition to a democratic and egalitarian society in a country traumatized by decades of war and centuries of institutionalized racism. Yet against the long history of authoritarianism and systematic exclusion, the involvement of representatives of diverse sectors of the Guatemalan public in defining the substantive agenda of the peace talks and in shaping the accords that emerged from them was ground-breaking. Especially significant was the crucial role played by Mayan organizations, who made progress in legitimizing their voice and issues in the mainstream of Guatemalan politics and social discourse. With sufficient continued pressure for change, it is likely that the process and events that led to the signing of the Accords will, despite all the difficulties along the way, come to be seen as a turning point in Guatemalan history.

The Grand National Dialogue and the Oslo consultations:

creating a peace agenda

Enrique Alvarez

During the late 1980s, Guatemalans representing a diverse range of interests and perspectives were convened in several processes to discuss the causes of the war and identify strategies for transforming it. Although these processes did not lead to a definitive settlement, they mobilized public involvement in peacemaking, set out a range of complex issues to be addressed in bringing a negotiated end to the war and helped to create public support for negotiations between the government and the *Unidad Revolucionaria Nacional Guatemalteca* (URNG). The Grand National Dialogue and the series of meetings known as the 'Oslo consultations' between representatives of specific social sectors with the URNG together played a vital role in shaping the pre-negotiation phase of the Guatemalan peace process and set a benchmark for later participation in drafting the peace accords.

Commission for National Reconciliation

In August 1987, Central American presidents at the Esquipulas II meeting agreed to the 'Procedure for the Establishment of a Firm and Lasting Peace in Central America' that included provisions to end support for irregular military forces; a ceasefire and amnesty for insurgent groups; national dialogue to promote peace and democratization; and a National Reconciliation Commission (CNR) to verify implementation of the accords. In September and October, the newly-elected government of President Cerezo moved to implement the agreement. For the first time, the government engaged in direct talks with the URNG in Madrid but the meeting was inconclusive. The government and military maintained that the agreement specified dialogue only after armed groups laid down their arms, which the URNG refused to do. It instead demanded a purge of the army and the creation of demilitarized zones as its condition for negotiations.

Cerezo also convened the Guatemalan CNR. It comprised two government delegates, including the Vice-President; two representatives of the eleven legal political parties, including future president Jorge Serrano; two prominent citizens; and Bishop Rodolfo Quezada Toruño from the Guatemalan Bishop's Conference. Bishop Quezada became the President of the CNR.

The Esquipulas process had the effect of catalysing the Catholic Church to take a proactive role in promoting peace and addressing underlying structural problems. It called for a national dialogue on the war, which Bishop Quezada took up by persuading the CNR to develop a mechanism to enable it. His efforts were complemented by diplomatic pressure from neighbouring governments, who urged Guatemala to comply with the commitments to national dialogue made at the summit. Although Quezada initially advocated greater government participation, in Guatemala's deeply polarized society the

diversity of representatives provided a degree of independence that helped increase the effectiveness of the CNR. Nevertheless, the CNR worked closely with the government to design and implement the Grand National Dialogue (GND), which became a reality within the year.

The Grand National Dialogue

On 1 March 1989, the CNR inaugurated the GND with representatives from various political, social and economic sectors in Guatemalan society. The aim was to identify and promote consensus on the major topics of concern to peacemaking. In contrast to later mechanisms, the GND was not structured as sectoral dialogue because the sectors as such were not yet organized. Yet the process involved a diverse social mix , with 84 delegates representing 47 organizations as participants. There were full delegations from: the government; political parties; media organizations; churches; refugee groups; cooperatives; the Unity of Popular and Labour Action; the Council of Labour Unity; the Guatemalan Human Rights Commission; the University Student Association; the Worker/Owner Solidarity Movement; the Federation of Small Businessmen and Producers; the Education Federations; and the National University of San Carlos.

Several key sectors were absent. The government refused to allow URNG participation until it decommissioned, although Bishop Quezada agreed to read URNG documents into the official record. The formerly exiled political opposition associated with the URNG was only allowed limited involvement based on a 'voice but no vote'. At the other end of the political spectrum, the GND was boycotted by the military and several right-wing political parties as well as the Coordinating Committee of Farming, Commercial and Financial Associations (CACIF) and the National Farming and Ranching Union (UNAGRO), who together represented the interests of large businesses and landowners. They claimed that the GND was unrepresentative and would be susceptible to manipulation. Others were concerned that the exclusion of the URNG and its political allies indicated that the government wanted the GND to be only a 'cosmetic dialogue' with strict limits on the issues addressed and the breadth of participation. They saw it as a forum to help legitimize the Christian Democratic government of President Cerezo and his policy of active neutrality in order to end Guatemala's international isolation. Furthermore, it is notable that neither women's nor Mayan organizations were represented, in part because a history of discrimination and exclusion meant their voices and organizations were not widely acknowledged by those with established authority.

The participating organizations identified the issues they wanted discussed. Out of a large initial list, fifteen topics

were accepted and classified into four main areas: (1) support and reinforcement of the democratic system; (2) organization and participation of citizens; (3) quality of life; and (4) economic policies. Representatives of the participating organizations made proposals on the topics they considered a priority, which were then discussed in plenary session by delegates from all the participating groups. Bishop Quezada led this process on behalf of the CNR, which supported him throughout.

It was anticipated that the process would be structured with an opening and a closing plenary session – at an undetermined future date – but most of the actual dialogue would take place in fifteen working commissions, each of which was mandated to address a specific agenda issue and to prepare written proposals. After the opening plenary, progress was slow. By late April, none of the working commissions were functioning and several of the participating groups had not appointed their representatives. Gradually, however, they formed and began to present their papers to be debated.

The diversity of themes addressed in the GND reflected the different interests of those represented and their expectations regarding strategies to end the war. A common thread that emerged from the discussions was shared concern about the continued militarization of the country, despite the civilian government. It was the first time in decades that Guatemala's underlying structural problems were discussed in public and therefore posed considerable safety risks. Without basic personal security guarantees, there were constraints on the openness of the dialogue. Bishop Quezada tried to offset this threat through private meetings with influential figures. Yet neither the government nor even the military had complete control over the forces opposing change in the country, who had their own operating dynamics and determination to pursue their own agendas.

The working commission on human rights presented a set of proposals that included the abolition of the paramilitary Civil Defence Patrols and the resolution of land problems of Guatemalan refugees. The proposals attracted considerable opposition. Soon after, numerous participants from popular sectors and opposition groups began to receive death threats. The reluctance within the GND to discuss continuing human rights violations against its delegations began to undermine the effectiveness and legitimacy of the process. In June 1989, nine of the university student leaders were detained by the security forces, one of whom – Ivan Gonzalez – never appeared again. Thereafter a number of other GND members were kidnapped and tortured. With security deteriorating rapidly, in October the CNR decided to disband the GND, leaving the process unfinished.

The GND nevertheless had a number of important outcomes. It was the first time that the problems

generating armed conflict were discussed openly in the public arena. Although it did not result in conclusive outcomes, the analysis was vitally important several years later when it helped to define the official negotiating agenda between the URNG and the government. Furthermore, it set the stage for the involvement of the public and transformed the closed characteristics of the negotiations. The demands for political negotiation stopped being the exclusive concern of the parties directly involved in the conflict, who started to realize that a solution to the armed confrontation had to involve civil society. The social participation that the GND enabled decreased the perception of the conflict as a purely military issue and gave it a political nature. It was a powerful impetus for the URNG and the army to end their manipulation of the peace process as part of their war strategies. Furthermore, the dynamic of discussing and negotiating proposals was highly significant given Guatemala's authoritarian political traditions. It helped to stimulate the beginnings of democratic culture. The safety issues that constrained the GND – and ultimately led to its closure – were eventually addressed in the 1994 human rights accord that mandated a UN human rights mission. This became a key factor in helping to decrease the levels of repressive violence to enable a climate for civil society involvement in peacemaking.

The GND was also a turning point for Guatemala's religious organizations in the peace process. With the exception of some of the new fundamentalist evangelical groups, they found a common voice and became an integrated sector so that their perspectives would have greater recognition and authority. The GND also supported the re-emergence of the popular movement that had been severely weakened by the murder, disappearance and exile of its leaders during the war. In general, throughout the GND, representatives of political parties displayed a greater capacity to participate in discussions and to elaborate proposals. However the GND provided important skills-building experience for participants from diverse social organizations who were better prepared to participate effectively when the Civil Society Assembly was later formed. As a consequence, organized Guatemalan society changed from being a spectator to being an active force in the peace process.

The Oslo Accord

Despite these developments in the role of civil society in peacemaking, the late 1980s witnessed a virtual stalemate in the talks between the government and the URNG – each of whom continued to insist that their preconditions be met before engaging in negotiations. Yet the failure to make significant progress continued to hurt Guatemala's international image. At the beginning of 1990, conscious of the elections later that year, President Cerezo indicated a willingness to engage in exploratory talks without preconditions. In February he appointed Bishop Quezada to the newly created post of conciliator.

The first major breakthrough came during a secret meeting in Oslo, Norway in March 1990, facilitated by Paul Wee, the Assistant General Secretary of the Lutheran World Federation. For years Wee had sought out Guatemalan military and URNG leaders in the hope of getting them to talk to each other. This helped to develop a high level of rapprochement between the groups. After months of shuttle diplomacy, a URNG delegation met with a CNR delegation led by Jorge Serrano in a government-owned chalet outside Oslo, with their expenses paid by the Norwegian government. After a number of days, they signed the Oslo Accord – that created a framework for negotiations that would last, despite stops-and-starts, for the next six years.

Sectoral consultations with the URNG

The Oslo Accord was based on the premise that peace would result from a participatory and stable democracy. A main provision was to call for dialogue between the URNG and different sectors of society. From late May to late October 1990, a series of five meetings – each lasting several days – that became known as the 'Oslo consultations' were convened by the CNR outside Guatemala to fulfil this agreement.

The consultation process was designed as a series of sectoral meetings for both practical and political reasons. The CNR recognized that it was not feasible to have all the sectors involved in the same meeting. For example, both the military and the URNG – though for different reasons – wanted the business sector to participate in the consultations; yet the social groups did not have much trust in this sector. They believed that meetings would need to be relatively small if they were to address the underlying challenges Guatemala faced. The CNR also wanted to take advantage of the sectoral work initiated during the GND. Bishop Quezada chaired each consultation meeting and helped to ensure that they were conducted in an open and respectful manner. The UN Secretary-General also sent his personal representative to observe the meetings. The agendas were left open so that the representatives of each sector could use it as an opportunity to present their views and to recommend strategies to end the armed conflict.

The meetings were held outside Guatemala in part because the URNG remained banned but also because the CNR realized that in-country meetings would be under military intelligence surveillance that could inhibit open dialogue. The host governments covered most of the costs and made the logistical arrangements. Initial plans to hold a meeting in the US were abandoned when

visas for some of the URNG commanders were denied; it was subsequently moved to Canada.

The first meeting was held in El Escorial, Spain with a delegation from ten political parties. In their joint declaration, the URNG promised to not interfere with elections and the political parties agreed to support a National Constituent Assembly. It seemed to indicate that the URNG was preparing itself for the transition to constitutional politics. The second meeting was held in Ottawa, Canada with the business sector represented in the CACIF – a dialogue that would have seemed unthinkable previously. Although they did not agree a joint statement, the URNG and the CACIF later issued separate communiqués expressing their commitment to further negotiations and recognizing the goodwill of the other in the search for peace. The third meeting was held in Quito, Ecuador with religious groups. Their joint declaration emphasized the need for national consensus and respect for human rights. The fourth meeting was held in Metepec, Mexico involving representatives of unions and popular organizations. Their joint declaration emphasized that peace must be based on the resolution of underlying structural inequalities. The final meeting was held in Atlixco, Mexico and involved representatives of academic organizations, small businesses and cooperatives, and professional bodies. Their declaration reaffirmed the Oslo Accord and its consultation process and asked the CNR to convoke a similar dialogue process between the participating sectors and the government. The social groups also asked the government and the URNG to initiate a dialogue to end the war and address the country's underlying problems; their involvement in peacemaking was in turn recognized by the URNG, who asked them to keep participating.

With the exception of the Ottawa meeting with the CACIF, the resulting declarations called on the parties to hold direct negotiations urgently. They emphasized that all social sectors should participate in defining the institutional and constitutional reforms and recognized that human rights, social injustice and development issues must be addressed. The Oslo consultations reinforced a tendency that had emerged in the GND. It created a political space where ideas about important social issues could be expressed; it crystallized the demand that these themes be included in negotiations in a way that did not necessarily correspond with the views of the main protagonists. As one direct outcome, the URNG demanded that the negotiations distinguish between substantive themes (such as state reforms and changes in the socio-economic structure) and operative themes (such as a ceasefire or demobilization).

The Oslo consultations resulted in significant changes to the political dynamics of peacemaking. Both the army and the URNG wanted to use the consultations to

promote their interests. The army – which perceived the URNG as a defeated force – assumed initially that the URNG sought an honourable face-saving way out of the conflict. It also assumed the URNG would be subjected to intense scrutiny by the various sectors. For its part, the URNG leaders did not see themselves as conceding anything through the process. Instead they saw it as an opportunity to openly express their voice and their proposals for resolving the conflict, while at the same time isolating war proposals of the army commanders. In retrospect, it appears that the URNG calculated correctly. Almost immediately, the army was marginalized politically. It responded by trying to stop the process after the first meeting with the political parties and the next meeting, which was with the business sector, was almost cancelled because of the army's pressure. Yet the momentum for the process had become unstoppable.

An indirect outcome of the process was that several sectors enhanced their internal organization after the Oslo consultations. During 1991, the organizations that met in Metepec formed what would later become the Civil Sector Coordination (CSC). The groups that met in Atlixco formed the Civil Coordination for Peace (COCIPAZ). The former tended to share positions with the URNG, whereas the latter tended to be more independent. These bodies were to play an important role in lobbying for greater civil society participation in the formal peace negotiations in the years to come. Yet several sectors were still divided by serious political disputes. Civil society reflected these polarizations, with the labour and popular organizations appearing closest to the URNG and the private sector closer to the governmental forces. There were no direct efforts to discuss these differences and these sectors operated in isolation from each other, with few efforts to even establish communication channels between them. Paradoxically, both the military and the URNG became involved in the activation of these civil society sectors as each sought to create alliances and win their support. The Oslo consultations also effectively laid the the groundwork for the participation of the sectors in the Civil Society Assembly.

The Oslo consultations and the GND helped to bring about a transformation in public opinion in favour of a negotiated process to end the armed confrontation – even amongst those who had been most staunchly opposed to recognizing the URNG. Furthermore, many began to perceive the war as resulting from deeper underlying structural problems and the URNG as a manifestation of these problems rather than as the primary cause of the conflict. The issues identified and discussed through these processes were later incorporated into the official negotiating agenda and eventually helped to shape the agreements reached.

The Civil Society Assembly:

shaping agreement

Enrique Alvarez

The Oslo consultations in 1990 created momentum for direct peace negotiations between the government and *Unidad Revolucionaria Nacional Guatemalteca* (URNG). The process was put on hold, however, during the run-up to the presidential elections at the end of the year. Jorge Serrano – a centre-right, pro-negotiation candidate and a member of the Commission of National Reconciliation (CNR) – won the elections. He removed key hard-line figures in the military high command and soon organized direct negotiations. Bishop Rodolfo Quezada Toruño continued as mediator, accompanied by a UN observer.

In April 1991, President Serrano issued his 'Initiative for Total Peace' in advance of the first new round of talks in Mexico, which gained the support of the conservative sectors of civil society. After three days of talks, the URNG and government agreed to the *Mexico Accord* that specified an 11-point negotiating agenda incorporating many of the recommendations of the Oslo consultations, including the idea of addressing both substantive and operative themes. Although influenced by these earlier civil society inputs, these negotiations did not involve civil society representatives – a pattern that continued throughout the Serrano period. In July, a second round of talks was held in Queretaro, Mexico where they agreed on the principle of democratization as the means to reach peace through political means. Later that year, however, negotiations on human rights stalled as the government and URNG hardened their positions and no agreement was reached during the next three rounds of talks. By late 1991, popular organizations were protesting their exclusion from the talks but their demands were largely ignored. Human rights violations increased and protests met with an increasingly authoritarian response. Nevertheless, new organized sectors – including women's, indigenous and community based groups – began to articulate perspectives that were often ideologically independent of the left.

In mid-1992, the URNG issued a new peace programme modifying its positions but the government mostly rejected it. By the end of the year, however, some progress has been made on freezing the development of Civilian Defence Patrols and on the terms of return for refugees from Mexico. In early 1993, both the URNG and President Serrano announced new peace plans that were mutually rejected and Bishop Quezada declared the negotiations at an impasse.

'*Serranazo*': civil society takes a stand

In early May 1993, the leader of the government negotiating team broke off peace talks. Several weeks later Serrano suspended the constitution and attempted to dismiss the legislature and judiciary – an attempted coup known as the *Serranazo*. Although supported by the military high command, his moves met with stiff

opposition in Guatemala and internationally. Congress and the Constitutional Court declared his moves illegal; international donors suspended aid and applied diplomatic pressure. Civil society organizations from across the political spectrum quickly mobilized a broad multi-sectoral forum, the *Instancia Nacional de Consenso* (INC) – or National Consensus Forum – to oppose the coup. In early June, the popular organizations called a general strike and the INC presented a list of prospective presidential candidates. Serrano fled after senior military commanders withdrew their support. In June, the Congress elected the popular organizations' nominee, Human Rights Ombudsman Ramiro de León Carpio, as interim president.

Over the next six months, President de León initiated a process of constitutional reform. Yet when pressured by political and private sector elites and the military, he gradually excluded popular organizations from talks on constitutional issues and toned down his initially radical proposals. He made few efforts to renew peace negotiations – claiming that they were not a priority for his government, despite his previous involvement. In July, he issued a new peace programme that dismantled the CNR, suspended Bishop Quezada as conciliator (who had long been seen by the military as too 'pro-URNG'), and installed a new governmental peace commission (COPAZ). He planned to separate the substantive from the operative themes in the negotiations. Civil society would be responsible for addressing the substantive issues in a new Permanent Peace Forum, whereas the URNG and the government would negotiate a settlement on the operative issues related to the conduct of the war. This would mean that the URNG would effectively become one amongst multiple political forces and would not negotiate issues related to social or state reform with the government. These proposals were rejected by the URNG and the impasse continued.

Throughout this period, popular organizations became increasingly vocal in demanding participation in the peace process. Grassroots popular and indigenous organizations viewed the peace process as an arena for discussing issues unaddressed in the formal political arena. During the *Serranazo*, these popular forces mobilized to play a role in mainstream national politics for the first time in decades. Through the INC, they had participated alongside established groupings such as the CACIF in demanding democracy and they were now unwilling to be sidelined in future peace talks.

Framework Accord

By late 1993, with considerable pressure from the international community and UN involvement, the government and URNG were preparing to resume formal negotiations. Communication had been eased through several unofficial 'ecumenical encounters' sponsored by

an alliance of international church bodies including the Lutheran World Federation. They convened civil society representatives, the government and the military in foreign cities to engage in informal dialogue and help to re-establish communication.

In early January 1994, the government and URNG met in Mexico City for UN-moderated talks and concluded the *Framework Accord for the Resumption of Negotiations*. They reaffirmed the 11-point negotiating agenda in the 1991 *Mexico Accord* and agreed to a structure and procedure for UN-mediated negotiations. It established a formal role for the 'Group of Friends' – comprising the governments of Colombia, Mexico, Norway, Spain, the United States, and Venezuela – to assist the UN and witness the agreements. They agreed the talks would be private and only the Special Representative of the UN Secretary-General (in the person of Jean Arnault), who would issue public information. They envisioned a process lasting a year, marking the expectation of an accelerated negotiating process.

The Accord noted the specific contribution of the sectors participating in the Oslo consultations and the general role of society in achieving peace and reconciliation. It called for an assembly "open to the participation of non-governmental sectors of Guatemala society, provided that their legitimacy, representative character and lawfulness have been recognised." This Civil Society Assembly (ASC) was mandated to discuss the substantive issues addressed in the bilateral negotiations and to formulate consensus positions on the six of the seven main topics from the Mexico Accord: (1) strengthening civil society and the function of the army in a democratic society; (2) the identity and rights of indigenous people; (3) constitutional reform and the electoral regime; (4) the resettlement of those displaced by the conflict; (5) socio-economic conditions; and (6) the agrarian situation. The last two topics were eventually merged into one. The agreement specified that any ASC recommendations or guidelines on these issues would be considered by the negotiators but were non-binding on them. The ASC would, in turn, review the final agreements signed by the parties on substantive issues and could endorse them "so as to give them the force of national commitments, thereby facilitating their implementation," but the ASC did not have the power to veto those it did not endorse.

The *Framework Accord* proposed Bishop Quezada as the ASC president, who would be assisted by an 'Organizing Committee' consisting of representatives of each of the sectors that participated in the Oslo consultations and "representatives of the Maya people." The ASC's work would be synchronized to discuss the substantive issues with the timetable for the bilateral negotiations so that it would not delay the negotiating process. Although the official negotiations were to be held in secret, it was understood that Jean Arnault would work with Bishop

Quezada to exchange information necessary to coordinate the work of the ASC with the negotiations.

The ASC's mandate seemed to indicate that the CSC and COCIPAZ – the coordinating councils that had been formed by the sectors in the Oslo consultations in Metepec and Atlixco respectively – had been successful in convincing the government to create a mechanism for civil society involvement in the process. The government had been reluctant previously to formalize any role for the public in negotiations, presumably perceiving it as a URNG manoeuvre to strengthen its position by including sectors with similar points of view. There is little reason to believe that the UN or any other external actor advocated a formal role for civil society. Many ASC participants believed that the government accepted the ASC because it assumed that the diverse sectors would not be able to reach agreement on common positions and thus would be ineffective. Furthermore, if it ignored these organizations altogether, the legitimacy of the negotiations might have been weakened. However the ASC's mandate meant that civil society would not have a formal place at the negotiating table; they would have a voice, but not a decision-making vote. As Quezada later observed, the ASC could have been seen as a 'consolation prize' for being excluded from direct participation in the negotiations. The challenge was therefore to make its influence as effective as possible.

The Civil Society Assembly (ASC) in action

The ASC's minimal budget was funded primarily by members of the Group of Friends, particularly Norway. Earlier, they funded the newly created 'Fundación Casa Reconciliación', which financed the CNR and built a meeting house. The ASC used this infrastructure and had a budget for a small administrative staff, for refreshments, and for publishing ASC proposals. Each of the participating sectors sought their own funding to participate, some of them receiving both financial and technical support from international donors and partners.

The Framework Accord provided only vague outlines for the structure of the ASC. In the following months, Quezada and the Organizing Committee began to shape it and devise a methodology to involve the large number of organizations wishing to participate. They decided to structure the ASC through sectoral groupings. The Accord specified the inclusion of at least six sectors: the five from the Oslo consultations (political parties, religious groups, trade unions and popular organizations, the CACIF and the Atlixco grouping) as well as Mayan organizations. After some debate, however, they also decided to invite five more sectors: women's organizations, other non-governmental development organizations, research centres, human rights groups, and media organizations.

At this point, the economically and politically powerful business elite's CACIF withdrew from the ASC, claiming that it comprised illegal and unrepresentative façade organizations. CACIF later sought to influence the government team directly and may have weakened the effectiveness of the ASC on socio-economic and agrarian reform issues. Nevertheless the ASC also included participants from far-right political groupings – including the Frente Republicano Guatemalteco (FRG), the political party led by former president General Ríos Montt. Yet it was the involvement of indigenous' and women's sectors that was particularly monumental in the dynamics of Guatemalan society and politics.

Each sector had its own organizational structure for internal discussion to define priorities and formulate proposals, as well as enable members to discuss and approve the outcomes of ASC plenary sessions. Each sector chose ten delegates to represent them in the ASC. Each sector elected their delegates according to the sector's own statutes and financial resources. Most worked behind closed doors, with the exception of the indigenous organizations that convoked 'Great Assemblies' convening representatives from throughout the country. The popular and trade union sector had probably the greatest challenge in reaching internal consensus – with the URNG's political influence on some member organizations affecting the internal dynamic.

Mayan leaders initially demanded direct representation at the negotiation table on the topic of indigenous rights. They objected to a process whereby approximately 60 per cent of the population would be characterized as a 'sector' of civil society. The indigenous sector formed the Coordination of Organizations of Mayan People of Guatemala (COPMAGUA) comprising over 200 different groups, including the four most representative coordinating groups – although there were no delegates from the Garífuna or Xinca peoples. It created a space where they could develop a common platform, despite their political and ideological differences and the variations in the ways they had suffered during the conflict. Throughout the process, COPMAGUA maintained a unified voice in the debates, despite any lingering internal disputes. They encountered difficulties due to the historical prejudices of a deeply racist society implicit in the ASC debates. Differences in underlying cultural assumptions – particularly regarding values and perceptions of time – challenged discussions intended to develop solutions to problems. A significant political prejudice stemmed from the belief that the indigenous people would take 'revenge' once they gained power and space. Yet it was the first time in the country's history that racism, marginality and exclusion were discussed in such a heterogeneous forum. As a consequence, drafting the document on 'Identity and Rights of Indigenous Peoples' was the most complex topic on the ASC's agenda.

Guatemala's Civil Society Assembly

Sectoral Groupings: each sector develops position papers and chooses ten delegates for the ASC

ASC Commissions: two delegates from each sector are assigned to topical Commissions; each Commission produces a preliminary synthesis paper on the topic.

Political Parties

Religious groups

Metepec (TUs and popular organisations)

Atlixco (academic, small businesses, cooperatives)

COPMAGUA: Mayan organisations

Women's organisations

Development NGOs

Research Centres

Human Rights groups

Media organisations

CACIF
drops out of process

Role of civil society and the army in a democratic society

Identity and the rights of indigenous people

Constitutional reform and electoral system

Resettling refugees and IDPs

Socio-economic and agrarian reform

ASC Plenary Session. All delegates debate the synthesis papers until members agree a final **Consensus Document** for each of five agenda items

ASC Consensus Documents are transmitted to the Government-URNG Bilateral Negotiations for consideration.

The Negotiators, with assistance from the UN mediator and the Group of Friends countries, draft Accords on each of the substantive and operative negotiation agenda items.

The five substantive Accords are transmitted back to the ASC for deliberation and possible endorsement.

Women had played important roles in the re-development of civic movements in previous years but their participation was concentrated in human rights organizations. The invitation to the women's sector meant that women's organizations with different political and ideological views were able to explicitly discuss gender issues for the first time in Guatemala's socio-political history. The sector was initially isolated within the ASC, with many of the largely male-dominated organizations from other sectors treating them with disdain. Yet within the year their policy documents became key discussion points and they were seen as a force for tolerance. The priority of the women's sector was promoting equality and improving the status of women in the framework of political solutions to the conflict. Although gender issues were not on the negotiating agenda as such, they were able to introduce provisions in the accords that addressed or were sensitive to gender issues. In addition, women participated as delegates in most of the other sectors. Although most had no experience in formal activism on gender issues, their involvement generated spaces for discussion and helped to ensure that proposals articulated by the women's sector were given serious consideration.

Another factor that contributed to the work of the ASC was that the security situation had improved after the Comprehensive Agreement on Human Rights in March 1994 created the United Nations Mission for the Verification of Human Rights (MINUGUA). Their presence gave important support to social organizations, whose members felt less vulnerable than they did during the Grand National Dialogue. It also enabled a leftist party clearly related to insurgent groups to contest the November 1995 general elections.

Reaching agreements

The ASC was formed in April 1994 and formally inaugurated the next month. Throughout April the sectors prepared themselves and the operating procedures were finalized. In addition to the challenge of forming a cohesive structure and securing participation, the ASC had to develop working methods to reach consensus documents on some of the most challenging issues in Guatemala's history under pressure from a tight deadline of December 1994. This timetable involved preparing an average of one document every month. To achieve these ambitious targets, every sector developed its own proposals for each of the five substantive topics.

They could work on several topics simultaneously because each had twenty members and could organize separate working groups for the different topics.

Separate topical commissions, with two delegates per sector, were formed to work on each of the five substantive topics. They were charged with compiling a draft document incorporating the various positions articulated by every sector. Each commission had to reach consensus on the positions while preparing the draft or note any continued disagreements. These drafts were then debated in ASC plenary sessions until final consensus was reached. In practice, during plenary sessions new areas of disagreement often emerged and were further debated. Sometimes internal disagreements between members of the same sector surfaced and informal alliances formed across sectors between delegates with similar perspectives. These disputes were understandable given the magnitude of the issues discussed and the deep divisions within Guatemalan society reflected in the ASC. Nevertheless, the ASC was able to formulate a consensus position on each of the five topics of their mandate before their deadline. In practice, the need for consensus tended to result in the ASC adopting a 'lowest common denominator' proposal, thus possibly encouraging weak positions on the issues.

In general, the ASC process forced Guatemalan social organizations to cooperate with each other, reducing the intense fragmentation and mistrust that had often characterized relations in the past. It provided opportunities to strengthen integration within sectors and communication between sectors. Bishop Quezada's leadership transmitted confidence, respect and credibility and was a key element enabling the ASC to operate effectively. Although Quezada had more authority than ordinary members, it resulted more from his natural influence than a formal rule. He was able to mediate the

ideological differences that later proved disruptive to the ASC's work after his resignation in late 1994. The Organizing Committee members were elected by each sector and their diverse and representative characteristics were another factor that generated confidence in the process. The Committee also made decisions by consensus, with all very important matters passed to the ASC plenary.

Delegates worked very long hours and devoted themselves to making the process work and to ensuring their sector's effectiveness in promoting its aspirations. There were no arrangements to train ASC delegates in negotiation or consensus-building as a part of preparation for the process – although some individuals had experience from their previous work. Some of the less experienced sectors, such as the popular organizations, had advisors who had worked with them for years. Many had gained experience in formulating proposals and negotiating through their earlier participation in the Grand National Dialogue and the Oslo consultations. They were subsequently more effective in the ASC process. Nevertheless, political inexperience initially led the ASC to present unrealistic demands. Yet they soon began to produce more credible proposals. The ASC also organized meetings with the URNG and government negotiators to lobby for its positions and initiated regular information meetings with the UN team and representatives of the Group of Friends countries.

Perhaps one of the clearest indicators of the success of the ASC was the inclusion of many of its proposals in the official peace accords – in fact most were adopted directly by the negotiators. Some of the most significant areas where the ASC's positions were ignored had to do with socio-economic and agrarian reform and particularly the issue of land redistribution. This was partially because of the influence of the CACIF in directly lobbying the

government and refusing to accept the ASC's recommendations. This failure left a lasting sense of disappointment amongst many, particularly as most viewed these as the most important structural problems that needed to be addressed to transform the underlying conflict and promote justice. Nevertheless, amidst some internal controversy, the ASC eventually endorsed it and the other accords from the bilateral negotiations.

One of the major weaknesses of the process, however, was ensuring that the wider public were aware of developments in the ASC and in the official negotiations. It was difficult for those not linked to organized social sectors to have any interface with the process. Although a media sector was included in the ASC, they were not very active or influential and it was difficult to disseminate accurate information through the media – a factor perhaps compounded by the tendency of the army and the conservative owners of media organizations to portrayal of the ASC as a mouthpiece of the URNG.

Re-defining the mandate

The *Framework Accord* did not envision an ongoing role for the ASC. After their proposals were delivered in late 1994 and the negotiations stalled, some members suggested new roles. Some sectors, particularly members of the Atlixco grouping, believed that the ASC should remain strictly within the bounds of the *Framework Accord*; others felt that the ASC could play an important role in consolidating the peace process. This debate coincided with the resignation of Bishop Quezada in late 1994 – due principally to internal political divisions within the Guatemalan Episcopal Conference over their role in the peace process.

The ASC was strongly affected by these developments. There were tensions over the revised mandate and functions of the mechanism. A majority decided to influence the Guatemalan transition by situating the ASC as 'a political reference point of consensus in civil society' by taking positions on national issues based either on the ASC's existing documents or through a new consensus-building process. With these decisions, however, most members of the Atlixco sector withdrew from the ASC, arguing that it was dominated by leftist groups and was insufficiently representative of the public. Furthermore, although the sector representing political parties was not especially influential in the ASC, after Bishop Quezada resigned, only the small political parties remained.

Although there was a general effort to maintain the ASC as a mechanism of permanent discussion, two further factors contributed to its decline. Firstly, some members from the trade unions and popular organization sectors decided to create the New Guatemalan Democratic Front as a political party to contest the November 1995 general elections. The identification of key ASC figures with this

leftist party meant that the ASC lost some of its perceived political autonomy. Furthermore, when several became congressional candidates, they resigned from the ASC and their organizations failed to propose substitute delegates – thus depriving the ASC of important delegates. Second, many members felt deeply dissatisfied with the process when the ASC endorsed the *Socio-Economic Accord*.

Throughout 1995 and 1996, one of the most hotly debated issues was whether the ASC should be involved in the verification and implementation of the peace accords. Yet from mid-1996, it was clear that neither the government nor the URNG wanted to give the ASC a formal role in implementation. The issue eventually became irrelevant, as the ASC lost its influence to the point where it was so marginalized that it dissolved. Therefore the ASC as an institution had no role in implementing the accords – although some of the former delegates participated in commissions as representatives of their own groupings. Thus the experience of inter-sectoral discussion and negotiation was not deployed in the implementation phase of the process.

Conclusion

In general, the Grand National Dialogue, the Oslo consultations and the subsequent Civil Society Assembly were significant in defining the official negotiation process. They were crucial in identifying the underlying causes of the armed conflict, as well as the substantive issues that would need to be addressed to end it and build peace. The armed forces tolerated these three processes in order to change their negative image and end the isolation that resulted from it – a calculation that partially backfired on them. Nevertheless, each of these processes both relied on and expanded the limited but important political openness begun by the military in 1985 with the National Constituent Assembly.

Despite the fragmentation, atomization and confrontation inherent in Guatemalan society, the ASC became a historical milestone because of the capacity for dialogue, negotiation and agreement between the different sectors that participated in it. Unfortunately, in the process of implementing the agreements, the signatory parties to the peace accords did not define or assign any role to the ASC. This contributed to a process of decline that had started with the slow pace at the negotiation table, the participation in politics of some of its members, the withdrawal of the president of the ASC by the Episcopal Conference, and lasting disappointment about the *Accord on Socio-economic Aspects and the Agrarian Situation*. These developments contributed to a mixed legacy for these innovative experiences in civil society involvement yet it is likely that the peace process would have been very different – and probably much less comprehensive – without them.

Guatemala Key texts

Basic Agreement for the Search for Peace by Political Means (Oslo Agreement)

In the city of Oslo, Norway, the delegation of the National Reconciliation Commission (CNR) of Guatemala, acting with the full support of the Government of the Republic of Guatemala and in the conciliatory role attributed to it under the Esquipulas II Agreement, and the delegation of the Unidad Revolucionaria Nacional Guatemalteca (URNG), with the full support of its General Command, having met from 26 to 30 March 1990 expressly for the purpose of finding ways to bring about a peaceful solution of the nation's problems by political means, and recognizing that this objective is fundamental to the achievement of reconciliation between Guatemalans and to the solution of the nation's problems, do agree to initiate a serious process which will culminate in the attainment of peace and the enhancement of functional and participatory democracy in Guatemala.

The two delegations shall, by mutual agreement, proceed to exercise their good offices.

Good Offices

In accordance with the spirit of the Esquipulas II Agreement, the National Reconciliation Commission shall take steps to facilitate and sustain the peace-seeking activities to which this Agreement refers, through its good offices and the appointment as Conciliator, by agreement with URNG, of Monsignor Rodolfo Quezada Toruño in his capacity as Chairman of the National Reconciliation Commission.

It shall be the function of the Conciliator to propose initiatives to all the parties, to facilitate and sustain dialogue and negotiation and to impart momentum to that process, and to analyze whatever similarities or differences there may be between the positions of the parties. He shall be entitled to propose initiatives and solutions for discussion and agreement and shall perform all other functions required for the proper fulfilment of his commitment.

The National Reconciliation Commission and the Unidad Revolucionaria Nacional Guatemalteca agree to request the Secretary General of the United Nations, Dr. Javier Pérez de Cuéllar, to observe the activities to be carried out and to act as guarantor of compliance with the agreements and commitments entered into upon signature of this document.

Activities to be carried out:

The two delegations agree to launch activities which will generate conditions permitting the definitive attainment of peace and the enhancement of democracy.

(a) A meeting shall be held between representatives of the political parties of the Republic of Guatemala and representatives of the Unidad Revolucionaria Nacional Guatemalteca. The National Reconciliation Commission and the Unidad Revolucionaria Nacional Guatemalteca shall, by mutual agreement, decide the conditions under which this meeting will take place. The parties shall make the efforts required for the meeting to be held in the second fortnight of May 1990.

(b) The National Reconciliation Commission shall, by mutual agreement with URNG, create the mechanisms required for the convening, preferably in June 1990, of the necessary meetings between the Unidad Revolucionaria Nacional Guatemalteca and representatives of the country's popular, religious and business sectors, as well as other politically representative entities, with a view to finding ways of solving the nation's problems.

(c) Talks with a view to achieving a political solution of the internal armed confrontation shall be held, on a date to be established by mutual agreement between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, between representatives – with decision-making powers – of the Government of the Republic, the Guatemalan Army and the General Command of the Unidad Revolucionaria Nacional Guatemalteca. The National Reconciliation Commission shall take part in these meetings for purposes of confirmation and verification, in accordance with the functions attributed to it under the Esquipulas II Agreement.

Signed in the city of Oslo this 30th day of March 1990.

Framework Accord

For the Resumption of the Negotiating Process between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG)

The delegations of the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, having met at Mexico City from 6 to 9 January 1994 under the auspices of the Secretary-General of the United Nations and as guests of the Government of Mexico, have reached the following agreement on the framework for the resumption of the negotiating process aimed at achieving a firm and lasting peace:

I. Agenda for the negotiations

The parties shall negotiate on all the items included in the general agenda set forth in the Mexico Agreement. The parties shall together decide on the scope of their undertakings, all of which shall be subject to verification.

The Government and URNG undertake to be appropriately represented in the negotiations by high-ranking delegates so that political agreements consistent with the constitutional order can be entered into, without restricting their power to conclude agreements on institutional and constitutional reforms.

II. Moderation of the bilateral negotiations

The parties have agreed to request the Secretary-General of the United Nations to appoint a representative to

serve as moderator of the bilateral negotiations between the Government and URNG. The parties agree that the moderator may make proposals to facilitate the signing of a firm and lasting peace agreement.

III. Society at large

The two parties recognize the contribution of the sectors which, pursuant to the Oslo Agreement, have participated in the meetings with URNG held at El Escorial, Ottawa, Quito, Metepec and Atlixco. These meetings have given an impetus to the negotiating process in Guatemala. The participation and contributions of these sectors have helped to make possible the start of direct negotiations between the Government and the command
of URNG.

The parties agree that Guatemalan society continues to have an
 essential role to play in the achievement of peace and in the process of reconciliation.

Without prejudice to other machinery and forums, whether temporary or permanent, for promoting national reconciliation, the parties agree to promote the establishment of an Assembly open to the participation of non-governmental sectors of Guatemalan society, provided that their legitimacy, representative character and lawfulness have been recognized. The Assembly shall meet during the negotiating period and shall have the following functions:

(i) To discuss the substantive issues for the bilateral negotiations, i.e. items (ii) to (vii) of the general agenda contained in the Mexico Agreement, with a view to formulating positions on which there is consensus;

(ii) To transmit to the United Nations moderator, the Government of Guatemala and URNG the recommendations or guidelines resulting from its deliberations. These recommendations and guidelines shall not be binding and shall be aimed at fostering understanding between the parties. The Assembly shall discuss the substantive issues on the basis of a timetable that is synchronized with the dates set for the bilateral negotiations and shall not delay the conduct of the bilateral negotiating process;

(iii) To consider bilateral agreements concluded by the parties on the substantive issues and endorse such agreements so as to give them the force of national commitments, thereby facilitating their implementation. However, if for any reason a bilateral agreement is not endorsed, the agreement shall continue to be valid.

The parties agree to request the Episcopal Conference of Guatemala to appoint the President of the Assembly, considering for this office the conciliator, Monsignor Quezada Toruño. The President of the Assembly shall be assisted by an organizing committee. The Committee shall be composed of representatives of each of the sectors which participated in the Oslo process, together with representatives of the Maya people.

The President of the Assembly shall have the following functions:

(i) To convene the Assembly;

(ii) To organize its deliberations
 with the assistance of the Organizing Committee;

(iii) To promote the formulation of consensus recommendations regarding the substantive issues;

(iv) To transmit to the United Nations moderator and to the parties the recommendations and guidelines that result from the Assembly's deliberations and to participate in special meetings of the bilateral bureau convened to this end by mutual agreement between the parties;

(v) To receive from the United Nations moderator the bilateral agreements on substantive issues signed by the parties, put them before the Assembly and promote their endorsement by it.

IV. Role of the countries constituting the group of friends

The parties request the Governments of Colombia, Mexico, Norway, Spain, the United States of America and Venezuela to form a group of friends of the Guatemalan peace process. The friends will be kept duly informed of the progress and content of the negotiations between the parties, and will have the following functions:

(i) To support, through their actions, the representative of the Secretary-General of the United Nations in order to facilitate the negotiating process;

(ii) To give greater certainty and firmness to the commitments entered into by the parties in their capacity as solemn witnesses to the agreements arrived at in the course of the negotiating process, when the parties so request.

V. Procedures

(i) Disclosure: the parties agree that the bilateral negotiations will be conducted in the strictest secrecy in order to ensure that they are carried on in an atmosphere of trust and seriousness. They agree that the only public information on their conduct will be that made available by the representative of the Secretary-General of the United Nations. For purposes of coordination with the work of the Assembly, the moderator and the President of the Assembly will draw up appropriate rules to permit exchanges of information that do not impair the secrecy necessary for the work of the bilateral bureau.

(ii) Time-frame: the parties express their commitment to arrive at a firm and lasting peace agreement within the shortest possible time during 1994. In this context, they undertake to demonstrate the necessary flexibility for successful negotiation of the general agenda.

(iii) In the context of their efforts to facilitate the negotiating process, the parties have recognized the desirability of resorting to all measures that will be conducive to rapprochements and agreements between them, and declare themselves ready to respond to the requests made by the moderator in this respect.

VI. Verification mechanisms

Verification is a vital element in ensuring compliance with and respect for the agreements. Consequently, the parties reiterate that all the agreements must be accompanied by appropriate national and international verification mechanisms. The experience and authority of the United Nations confer a high degree of reliability on international verification by the Organization. The two parties agree to request the United Nations to verify all the agreements, in both their substantive and their operational aspects.

Mexico, D.F., 10 January 1994.

Mali's peace process:

context, analysis & evaluation

Kåre Lode

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Between June 1990 and March 1996, Mali experienced a separatist war in the north. Initially mobilised through regional solidarity, the conflict slowly fragmented along inter-ethnic lines and violence tore apart inter-dependent communities. Attempts to address the conflict began in 1991, with government-sponsored initiatives to reach an acceptable negotiated solution with the armed groups. Yet one of the striking features of the Malian experience of peacemaking is that the negotiated agreements between government representatives and the armed factions were unable to bring the conflict to a conclusion. Instead, the initial negotiations actually exacerbated the conflict dynamics. Although later talks created the political terms for peace, without the involvement of local guarantors of the settlement at the community level, implementation floundered and peace remained elusive on the ground. It was only when thousands of people throughout the north engaged directly in inter-community peacemaking that the path to national reconciliation opened. The involvement of all those most affected by the conflict in open and inclusive decision-making meetings was able to achieve what official political negotiations could not: a transformation of the conflict and consolidation of peace.

Approximately 65 per cent of Mali's land area is desert or semi-desert, except the fertile Niger River basin in the south and east. Despite being rich in human creativity, it is economically one of the poorest countries in the world. The northern part of the country is deep in the Sahara desert and is inhabited principally by Tuareg nomads, Arab nomads and merchants and the Songhoy sedentarists of the Niger River basin. These communities together comprise approximately ten per cent of Mali's overall population of more than eleven million. Although a modern professional elite exists in the capital and provincial towns, the majority in the north are grounded in traditional society. However, there are important divides in the north, where the variations in ethic, social and occupational roles between the nomads and sedentarists inevitably reflect in the characteristics of civil society. Despite some tensions between these communities, their complementary economic activities have traditionally provided incentives for conflict resolution. Throughout the north there is a strong sense of inter-dependence based on mutual belonging to each

other and the land that underpins relations across ethnicity and other social divides. Awareness of this inter-dependence underpins the community approach to adopting collective decisions – a quality mobilized effectively for peacemaking.

Social exclusion and sources of conflict

Armed conflict in the north can trace its lineage to several earlier rebellions. Hard-hit by French colonial rule, Tuaregs revolted unsuccessfully in 1916. Mali gained its independence in September 1960 after a short period of union with Senegal. Prior to independence, many in the north advocated the creation of a trans-Saharan state and most felt marginal to the political processes leading to Malian independence. In 1963, a Tuareg uprising in the northeast was decisively repressed by the army, which poisoned wells and used aerial bombardment among other tactics. Many fled northwards to Algeria but a residual bitterness remained amongst Tuaregs that was reciprocated by the army's distrust of the community.

In 1968, Col. Moussa Traoré overthrew the post-independence government of Modibo Keita and installed a highly centralized and repressive military regime that appeared more interested in maintaining its control than promoting development. The north was extremely marginalized, with the nomads especially excluded. Communities in the north could not manage local affairs according to their traditions and needs. Northerners – especially nomads – held virtually no positions at any level in the government, administration and army and southern officials rarely understood or appreciated northern cultures. There were few development programmes that targeted the north and hardly any infrastructure for education, health and communication. The government did not address basic issues facing northerners, such as frustration over traditional land and water use rights.

The north was particularly hard hit by the droughts of 1972-73 and 1983-85. Insufficient relief efforts, often perceived as deliberate neglect, led many to flee to neighbouring countries. Many northern migrant men became soldiers in Libya's 'Islamic Legion' and received sophisticated military training and experience fighting in Chad and in Lebanon. A few joined POLISARIO and fought in the Western Sahara. These experiences stimulated the belief that it was acceptable and possible to solve important problems through the use of force. Some aspired to use this experience to address the problems of marginalization of northern Mali. This aspiration was compounded by the widespread feeling of hopelessness for their future among the north's younger generations. These perceptions were translated into action when most Malian Tuaregs were expelled from Algeria and Libya in the late 1980s due to deteriorating economic conditions in the host countries. The new confidence in their military capabilities combined with protracted grievance and a lack of perceived alternatives to be the crucial ingredients in sparking a well-organized armed revolt.

Mali

In June 1990, a small group of Tuaregs attacked a military post, effectively announcing the start of the rebellion. They then hit hard at government and military targets. The army responded with brutal violence against both Tuareg and Arab civilians. The number of casualties is unknown but it is clear that the brutality of the army's retaliation resulted in popular support for the insurgency. Soon thousands of young men had joined the rebels. Despite their hopes of support from Libya, the armed movements were mainly financed with local resources and with money sent from individuals living abroad.

Tuaregs in the People's Movement of Azaouad (MPA) initiated the revolt. Azaouad is a name that traditionally designates a huge zone north of Timbuktu. The insurgency movements used it to designate the three northern regions, Gao, Kidal and Timbuktu, which cover some two-thirds of the national territory of Mali – though the region is called simply 'the North of Mali' in later peace agreements. After the army's reprisal attacks, they were soon joined by Arabs who organised their own Arabic Islamic Front of Azaouad (FIAA). The rebels had the support of all ethnic groups in the north for at least the first year. In this period, the main divide was between the north and the central government. Northern solidarity transcended any local inter-ethnic tensions over resources or social differences.

Early negotiation efforts

The Traoré regime was under mounting international and domestic pressure for democratization when the insurgency emerged. President Traoré realised that a swift military victory was impossible, making the possibility of a negotiated settlement more attractive. The Algerian government was concerned with internal security and feared an uncontrollable situation on its southern border that might draw in the disaffected Tuareg population in Algeria. It became very active in supporting peace initiatives to address the conflict in Mali. Within Mali, President Traoré began to pursue strategies to influence the northerners. First he turned to a traditional chief who was comparatively close to his government, Intallah Ag Attaher, for mediation. However, the northern 'youth' viewed the traditional leadership as part of the repressive regime and ignored Attaher. In 1994, they kidnapped him and it became evident that the revolt was not only against the military regime but also against the traditional domination of the Tuareg aristocracy.

The army continued to suffer a series of humiliating defeats and the insurgents recognised that they could negotiate from a position of military advantage. Traoré devoted more time in late 1990 to the Tuareg insurgency than to containing the pro-democracy movement that was gathering momentum in the south. Aware that he needed to stabilize the situation quickly and return troops to the capital, he entered into direct negotiations

with the MPA (and later the FIAA) with Algeria's assistance. On 6 January 1991, they signed a peace agreement in Tamanrasset, Algeria. The agreement satisfied the core demands of the movements, including a very high percentage of development funds allocated to the north; integration of nomads into the army, other 'uniformed services' and in all levels of the administration; and greater regional autonomy for managing local affairs according to cultural customs.

But Moussa Traoré had gone too far and did not dare to publish the exact terms of the *Tamanrasset Agreement*. The opposition was furious at the perceived capitulation of the army and the rumour that the concept of 'autonomy' had been agreed. Although many of the new political parties, students, trade unions and other civil society groups had supported the northern rebellion initially because it threatened the authoritarian regime, many thought Traoré had jeopardised the country's integrity with the agreement. Furthermore, Songhoy communities had not been represented at the Tamanrasset negotiations and many worried that the agreement would install Tuareg dominance in the north, thus fuelling suspicion and tensions within the region.

In March 1991, amidst frequent demonstrations that were violently suppressed, Gen. Adamou Toumani Touré overthrew the regime in a military *coup d'etat*. He formed a transitional government to guide the country on its way to democracy. Yet the new regime did not consider *Tamanrasset Agreement* legitimate and made few moves towards implementing it. Under pressure from civil society, in August 1991, the new government hosted a National Conference in Bamako to discuss the future and draft a new constitution.

Although northerners participated in the National Conference, it was not intended as a forum to address the conflict and the insurgency was not on the agenda. Yet on the second day, the 192 northern delegates – men and a few women with positions of status in their communities – met to discuss the situation. They decided to form a commission to follow up on the issues addressed in the *Tamanrasset Agreement*, where the grassroots had not been represented. The general complaint was of insufficient information and a perception that neither the government nor the movements encouraged popular involvement. Many Songhoy were also negative, believing that the *Tamanrasset Agreement* failed to pay serious attention to their particular needs. At this stage, however, it was difficult for local civil society to act. Continued violence was exacerbated by the transitional government's inability to control army troops stationed in the north, who wanted to show that they could command the situation. As the army's atrocities against civilians mounted, two new and more aggressive movements

Sequence of mechanisms

1990 June	**Rebellion begins** People's Movement of Azaouad (MPA) and Islamic Arabic Front of Azaouad (FIAA) attack military targets in north.
1991 Jan	*Tamanrasset Agreement* The widely condemned agreement between Traoré and the MPA and FIAA is signed; the People's Liberation Front of Azaouad (FPLA) and the Revolutionary Liberation Army of Azaouad (ARLA) are formed shortly after.
1991 March	**Transitional Government** Traoré overthrown by military coup; a new pro-democracy transitional government that rejects *Tamanrasset Agreement* is installed.
1991 29 July - 12 Aug	**National Conference** The transitional government hosts a gathering of delegates from all over Mali to develop a new constitution, providing an opportunity for northern participants to discuss peacemaking.
1991 25-27 Nov	**Preparatory meetings for *National Pact*** **Segou:** government officials, leaders from the armed movements and civil society meet to draft the basic document to guide negotiations.
10-13 Dec	El Golea, Algeria representatives of the armed movements meet to develop a common platform United Movements and Fronts of Azaouad (MFUA).
15-17 Dec	Mopti: civil society participants are involved in MFUA - government negotiations; the parties agree on the principle that the solution should be sought within the framework of a single state.
1991 - 1992 Dec - March	*National Pact* A series of meetings in Algiers concludes in the *National Pact* but key stakeholders are left out and implementation proves difficult.
1994 Aug	**Regional concertations** Government-sponsored meetings are held throughout the country to engage the wider public in discussion of political priorities; they help to consolidate democracy and consensus on need for a peaceful resolution to conflict in the north.
1994 Nov	**Inter-community meetings** 37 meetings are self-organized throughout the North with support from Norwegian Church Aid, resulting in localized ceasefire and peace agreements.
1996 22 March	**Consolidation meeting** Unsuccessful attempt to follow up on the community meetings.
1996 27 March	**'Flame of Peace'** A national reconciliation ceremony is held, marking a final conclusion to the war with decommissioned weapons destroyed symbolically in a giant fire.
1997 Oct	**Follow-up meetings** A series of inter-community meetings is held to follow up on earlier developments, resolve outstanding disputes and address ongoing decommissioning issues. They feed into the national process of decentralizing government.

emerged: the Popular Front for the Liberation of Azaouad (FPLA) and the Revolutionary Army for the Liberation of Azaouad (ARLA).

Negotiating the *National Pact*

In late-1991, President Touré's transitional government opted for a new negotiating strategy with the northern insurgency movements. Algeria was asked to play an active role in the peace process and Edgar Pisani of France and Ahmed Baba Miské of Mauritania, known for their personal skills and impartiality, were invited to assist in bringing the movements into negotiations. Previous government-led peace initiatives had provided few opportunities for significant civil society participation. In advance of entering into negotiations in late 1991, there were a series of preparatory meetings to formulate positions, consolidate the northern forces and develop a negotiating framework.

In November 1991, an initial meeting was held in Segou involving representatives from the government, the armed movements and a few civil society leaders selected by the government, who jointly agreed the basic negotiation process and agenda. This was followed by a meeting of representatives of all the armed movements in El Golea, Algeria in December where they created a common platform and formed the United Movements and Fronts of Azaouad (MFUA). The government and the MFUA met in Mopti a few days later and they soon agreed to a ceasefire. The talks involved representatives of neighbouring governments as well as prominent civil society figures, who were influential both with the government and the MFUA negotiators – although it was not an event where civil society participated in its own right and on its own initiative. A significant substantive outcome was the MFUA's agreement that a solution should be sought within the framework of the existing Malian state. Independence for the north was no longer seen as a viable option.

This series of preparatory meetings was followed by a series of four negotiation meetings in Algiers from late December 1991 until March 1992. The Algerian government, accompanied by Pisani and Miskié, played a key role in facilitating the talks and mediating agreements. The delegates at each meeting agreed new elements that culminated in the preparation of what became known as the *National Pact*, which was signed in Bamako between the MFUA and the transitional government in April 1992. The agreement was based on four key points: peace and security in the north; national reconciliation; special initiatives to promote socio-economic development in the north; and according the north a special status within the framework of the unitary state of Mali. It also envisioned a new 'Commissioner for

the North' to oversee implementation, who would be appointed for a five-year renewable term and operate directly under the president's authority.

After the signing, interim President Touré admitted the systematic neglect of the development of the north as the primary source of the conflict, thus taking a courageous step towards peace. Many thought this would bring the conflict in the north to a decisive conclusion in advance of the elections for choosing a new democratic government. But it soon became clear that – like the *Tamanrasset Agreement* before it, although for different reasons – the *National Pact* would be difficult to implement.

Implementation problems

Two months after the signing of the *National Pact*, Alpha Oumar Konaré was elected as President. Until late-1994, the threat of a military coup remained an active possibility, making it a priority for the new democratic government to gain control over the army. There were a number of problems. Discipline and leadership within the national army and its relations with the government were problematic. Although some soldiers and officers supported democracy, most soldiers had no experience of civilian rule. Many in the army believed that the government had capitulated to the demands of the northern insurgency – forced in part because the army had been denied the necessary weapons to defeat the movements on the battlefield. These issues of legitimacy were compounded by internal discipline problems. Soldiers stationed in the north had organized a type of union; they rejected the army's command structure and refused to take orders from senior officers. Local units continued to fight their own war, effectively blocking the implementation of the demilitarization and integration provisions of the *National Pact*. The weak government found it difficult to address this serious problem within the army.

The northern armed movements were also affected by indiscipline and fragmentation. Although they had a common federative structure in the MUFA, they continued to be composed of four groupings, each loyal to their own leaders and drawing on their own social support base. The combatants were largely self-reliant; their movement provided neither their weapons nor a salary. In the beginning, most were idealistic. But as the years passed, they became increasingly autonomous and unconstrained by orders, including those concerning their commitments in the *National Pact*. In addition to the four main groupings, there were a number of smaller armed groups that never had substantial influence in the peace talks. Some of these were essentially armed bandits acting independently and uninterested in peace.

1. Bambara Maonde	13. Talataye	25. Hamakouladji
2. Gossi	14. Inazzar	26. Dofana
3. Madiakay	15. Tedjerert	27. Temera
4. Bahondo	16. Ber	28. Atta
5. Gabero	17. Ouata-gouna	29. Tamalet
6. Hamman Koira	18. Aguelhok	30. Egacher
7. Tin Aouker	19. Diré	31. Toya
8. Almoustarat	20. Ibiket	32. Agounni
9. Agharous	21. Iminass	33. Akirche
10. Amasrakad	22. Tinahama	34. Lerneb
11. Anou Zigréne	23. Djébock	35. Tehergui
12. Tin Kar	24. Tidermêne	36. Sehene
		37. In-Tilit

Map designating inter-community meetings that took place in northern Mali, October 1995 - March 1996

Furthermore, many sedentarist communities felt uneasy about the *National Pact*. They were not represented at the various negotiating tables and suffered increasingly at the hands of the insurgency movements.

In addition to these obstacles, there were few resources to implement the substantive provisions in the agreement regarding socio-economic development. International donors showed little interest in Mali and the peace settlement. Of those that did make pledges to support the *National Pact* with investments, few fulfilled their commitments. Local communities needed to adapt the agreement to their situation but insecurity made it difficult for local civil society to act. Thus there was little in the way of a 'peace dividend' and it was difficult to make any substantial changes in living conditions.

The *National Pact* process in 1991 and 1992 did, however, succeed in reaching important political agreements of lasting importance. Yet they were ultimately insufficient to transform the dynamics of the conflict and generate peace. First, it became clear that the neighbouring countries wanted stability in Mali and were willing to provide support for initiatives towards peace. This helped to de-escalate mistrust and diminish the idea that the conflict could be sustained with external support. Second, all actors realised that their enemies wanted a peaceful settlement of the rebellion, provided that their main objectives were met. Third, through the various negotiations, the actors agreed on the basic parameters and conditions to build a political settlement that could foster durable peace, as expressed in the *National Pact*. Fourth, although the government expected to be in charge of the process, top-level civil society actors used their strength and creativity to become involved. From this time, the pattern began to shift so that civil society assumed an instigating role that was increasingly owned by local-level actors and eventually government officials and top civil society leaders became observers of a process led by others. These were all extremely important steps towards peace. The *National Pact* was not the end of the conflict, nor even the beginning of the end; but perhaps it was the end of the beginning.

Civil society takes the lead

Although 1993 was a relatively quiet year, the intra-northern conflict dynamics had been changing and by 1994 there was considerable inter-factional fighting between the movements that in turn fuelled inter-ethnic

tension. It seemed clear that the government could not bring the violence to an end unilaterally. In June 1994, under severe domestic pressure and facing a potential coup d'état, President Konaré announced a series of regional 'concertations' (consultations) to engage the public in debate on the country's future. Although the concertations were not peace initiatives, they engaged the public and helped to consolidate democratic rule by breaking the control of well-organized political voices in the capital and generated a broader public consensus on the need to bring a peaceful conclusion to the conflict in the north.

By October 1994, the government was on an information offensive with unprecedented levels of openness about events in the north. Furthermore, the army was under civilian control – in part because its influence had diminished when it proved unable to defeat the northern movements militarily. Although the movements were also growing weaker and appeared to want peace, they did not know how to achieve it. They understood that there was no military solution and they were under heavy pressure from local civilians who wanted peace.

The foundations were eventually laid by Konaré's encouragement of civil society peacemaking initiatives. In November 1994, the first inter-community meetings began in the north, involving traditional and movement leaders in the negotiation of local ceasefires. At the time, there was no functioning government administration and the army did not control the area. The President

wisely realized that the grassroots had taken the lead in seeking to end the fighting and decided to support them. On 2 November, the President visited the northern districts of Gao and Kidal, where he insisted that attacks by insurgents could not be used by the army to justify reprisals against civilians.

In late 1994, Konaré announced that there would be no new government initiatives "until we have given time for civil society to work out a solution." To this end, he organized the withdrawal from the north of the military units who had committed atrocities and confined many other units to barracks. He insisted that regional authorities should support – but not interfere with – the work of civil society. These were very clear signals to northerners to assume their responsibility and lay the foundations for their own future by taking the initiative. Civil society did not let the opportunity pass. What followed was a series of self-managed inter-community meetings throughout the north creating localized peace agreements among inter-dependent communities, leading to the voluntary disbanding of the movements, the resolution of local disputes, and social reconciliation.

Reintegration and national reconciliation

While the inter-community meetings were bringing a decisive end to the armed confrontation, the government was working on a programme for decommissioning weapons and demobilizing and reintegrating the combatants from the movements. The

government assumed the primary political, organizational and financial responsibility for the initiative and was assisted by the leadership of the movements and the United Nations Development Programme (UNDP).

Throughout the conflict, inter-governmental organisations and NGOs had played a number of roles, though to a lesser degree than in many other contemporary wars. The UNDP, in particular, played an important enabling role. In 1994, Tore Rose became the UNDP's Resident Representative and developed strong relations with the new Commissioner for the North, Mohamadou Diagouraga. Both were open-minded, creative and cooperative – and were extremely positive towards civil society initiatives. Their close working relations enabled them to coordinate the international community's efforts to support the peace process, lay the foundations for comprehensive development in the north and support post-conflict peacebuilding through ongoing inter-community meetings. They were also central actors in two international conferences where donors discussed conditions for their contributions to demilitarization programmes and heavy investment schemes for the north. These conferences were viewed by the movement leaders as a kind of guarantee of the process, encouraging them to dissolve their movements.

The president was alert to the need to consolidate the transition politically through a powerful symbolic event to mark national reconciliation. The UN-supervised disarmament programme had collected close to 3,000 arms from demobilized combatants. It was decided to hold a ceremony on 27 March 1996 in Timbuktu, organised jointly by the Commissariat of the North and the UNDP. Close to 10,000 spectators gathered to watch these weapons burn in a giant 'Flame of Peace' bonfire, where the president received the announcement of the dissolution of the five movements in a statement read by Zeïdan Ag Sidalamine, leader of the Popular Front of Liberation of Azaouad. This event marked the decisive end to the war. Although the challenges of building a just and lasting peace continued, it was a powerful moment in shaping the historic memory of modern Mali.

Conclusions

After the secretive January 1991 *Tamanrasset Agreement*, the public felt excluded and suspicious. After the 1992 *National Pact*, certain sections of the population – notably the Songhoy sedentarists – continued to feel excluded. Many were uncertain whether the movements were sincere and unconvinced that the government was strong enough to provide security and ensure a peaceful transition. Community leaders – particularly at the grassroots level – felt they had no role in creating the peace agreement and were unprepared to take action in support of it. This only began to change in 1994. The regional concertations helped to consolidate the democratic transition and to build public support for peace in the north. But it was not until local northern civil society leaders, with the government's encouragement and support from a group of facilitators, took a primary role in peacemaking at the community level that the peace process began to consolidate. The inter-community meetings involved all concerned in developing shared strategies to address conflict-generating problems and in creating a united front against those who used violence. They reached localized agreements that finally enabled implementation of the official demobilization programmes and the political agreements in the *National Pact*. The experience paved the way for post-conflict peacebuilding and laid the foundations for self-managed development programmes and local self-governance that have begun to address the problems that were initially at the root of the conflict.

The regional concertations process:

engaging the public

Kåre Lode

Conflict continued after the signing of the *National Pact* in 1992. But after the relative calm of 1993, crisis escalated in 1994. Devaluation of the sub-regional currency by 50 per cent that January led to economic crisis with high inflation and increased unemployment. Student strikes, demonstrations and riots threatened the government. Violence escalated in the north to the degree that the government and the armed movements appeared to lose control. In May, the Songhoy sedentarists launched the Ganda Koy Self-Defence Movement that was supported by elements in the army aspiring for a northern ally. Many feared that Mali was on the brink of a full-scale civil war and the risk of a military coup was great.

In these conditions, it was difficult for the recently-elected civilian President Alpha Oumar Konaré to choose a course of action. He could not afford to provoke the army, the students, the trade unions or the northern movements. In a speech on 28 May 1994, he resisted pressure to arm self-defence groups but recognized that the situation had become intolerable and that the national army should be mobilized to put an end to the insurgency. He also reiterated that he would not accept an ethnically-based solution and that Mali's national unity would be preserved. But the political pressure in the capital from groups with close relations to Ganda Koy continued and created an extremely difficult situation for the government.

Facing an escalating political crisis, the president turned to the Malian public to find a path out of the crisis. In a speech on 8 June 1994, he said:

"…*Faced with the numerous disturbances and the violence, both physical and verbal, which have characterised the past two years, I could have chosen alternative policies to those of dialogue and consensus. … As a modern State, Mali needs to add to its ancestral heritage of dialogue a modern institutional infrastructure which demonstrates that there is a real democratic process taking place… With this in mind, I shall ask my government to organise a series of regional 'concertations' in which every current of opinion will be able to express its views. Each participant will be invited to contribute to the debate, seeking to define solutions for tomorrow's problems. Our purpose will exclude systematic opposition to the ideas of others; nor will there be room for narrow sectoral demands. The government will bring to the discussion both its point of view, and its proposals for change: and together we shall seek the necessary consensus to achieve the transformations which we have started.*"[1]

To implement this plan, the government organized a series of public meetings that were held throughout the country during the last two weeks of August 1994. Seventeen meetings were held in all, with some regions hosting two or three meetings to accommodate larger

populations or because of greater geographical distances. The objective was to listen to the people in order to understand their frustrations and hopes and to bring the political dialogue out to the provinces, thus generating inputs from new social and political forces as a counter-balance to the political elite. The focus was to generate alternative issues for the political agenda, rather than to discuss the situation in the north – although this situation was also discussed.

Participation in the concertation process was open to whoever wanted to come and everyone could speak. All levels of the society were involved: traditional leaders, students, women, youth, the unemployed and professionals met with government ministers, local parliamentarians and leaders of the administration. It appears that women and the youth were very active in the meetings in most areas of the country. In the north, however, the sedentarists ruled the villages and cities. Due to increasing inter-ethnic tension caused by insecurity, very few nomads participated.

When creating the concertations the government did not set out any expectations about how it would use the ideas generated through the process. It was an open discussion and there was no agenda for any of the meetings; rather the format was adapted to local needs and customs. The concertations were not decision-making bodies but created the opportunity for a form of national 'brainstorming'. The participants formulated many recommendations that were given to the government to consider. The meetings lasted from two days to a week, depending on the length of time needed for all participants to speak but most occurred over three days. Each concertation was guided by a facilitator and the participants sought to reach consensus on the recommendations. The regional meetings were summed up in a national concertation in Bamako, where the doors were open for whoever wanted to come. All those able to attend from the regional meetings participated and they were joined by representatives of the government, the Parliament and civil society.

By bringing the political discussions out to the provinces, the government effectively ended a situation where well-organized northern sedentarists monopolized the political discussion. The regional concertations took place in the short period in 1994 when the ethnic conflict between Ganda Koy and the other armed movements was at its most violent. The *National Pact* was heavily criticized throughout the process. The peace agreement was seen by many Songhoy as giving undue advantages to the nomads. Given the context of limited resources, they feared they would lose out if it were implemented. Yet the government continued to insist that the agreement remained the basis for lasting peace.

Although many issues concerning the country as a whole and other more specialized concerns were discussed, an important outcome for the north was a general national consensus about the need for fair treatment of all the groups in the north. It opened the way for northern peacemakers to begin the process of consulting and then mobilizing civil society. It also strengthened President Konaré's position and added legitimacy to his government, which enabled it to act more decisively. The support that the government obtained for a peaceful solution probably strengthened its position *vis-à-vis* the army in a situation where a military *coup d'état* was a distinct possibility.

Nevertheless, it is difficult to assess the importance of this experience. Many in the north do not consider the regional concertations to have made a significant contribution to bringing peace to the region. Perhaps the broader significance was that the government built support throughout the country for resolving the northern conflict through a consensual process. It helped to strengthen the civilian government's position in relation to the army, which tended to favour a military 'solution' to the conflict. It was also significant that the process was based on mechanisms deeply rooted in Malian cultures, where serious problems are discussed in public by all who think that they are concerned or who think that they can make a contribution towards a consensual solution. It was innovative for the government to draw on this tradition at a time when it was in the midst of political crisis. It may have helped to shore up the democratic transition, in which public legitimacy and involvement can be an important force for sustaining a vulnerable system. It may also have helped to open the political space for public involvement in peacemaking that was soon mobilized in the inter-community meetings throughout the north.

[1] Quoted in Poulton and Ibrahim (1998: 106)

Inter-community meetings and national reconciliation:

forging a pragmatic peace

Kåre Lode

By late 1994, local civil society leaders in northern Mali had reached a common understanding that if they did not take responsibility for their own affairs, they would continue to be exploited by politicians, administrators and the armed movements. Faced with these dilemmas, traditional leaders began to initiate peace talks in their communities. The process began with a few meetings that convened influential figures from the community and the movements. The success of these meetings led to a gradual systemization and expansion of the peacemaking process. It grew organically because those who had been living with the violence took ownership and were aided with some of the strategic and financial resources needed to do so effectively. The cumulative outcome of dozens of meetings involving thousands of people throughout the north was stability, the foundations for national reconciliation and a greater sense of empowerment for local self-governance.

Meetings to end the violence

The village chief of Bourem initiated the first inter-community meeting in November 1994. Nomad chiefs from across the area gathered and agreed to contribute to peace by motivating the people under their influence. These traditional leaders succeeded in bringing their constituencies along with them. This initiative sparked a number of similar meetings based on activating traditional conflict resolution methods. A second Bourem meeting was held on 11 January 1995 and resulted in a local truce to end the fighting. Other meetings were held in January in Gao, in March in Menaka and in April in Ansongo. These meetings involved representatives of the Ganda Koy and the Popular Front for the Liberation of Azaouad, headed by Zeïdan Ag Sidalamine. The Ansongo meeting also included the Revolutionary Army for the Liberation of Azaouad. A final meeting in this series took place in Aglal, just across the river from Timbuktu, which ended fighting in Timbuktu Province.

The main result of these initial meetings was to create localized ceasefires between the movements, ending the organized violence by late April 1995. Civil society had managed to put an end to the insurgency and succeeded where the army, the movement leaders and the government had all failed. Yet combatants and civilians remained heavily armed – with some turning to banditry as their livelihood – and social and economic life was dysfunctional. Fear was widespread and approximately 150,000 refugees remained abroad. Clearly many issues had to be addressed to develop a lasting peace.

The government was, however, pleased with the process and attempted to maintain the momentum. From 13-25 May 1995, several governmental commissions, each headed by a minister, travelled through northern Mali. Their objective was to listen to the people and appraise

remaining tensions. The commissioners were impressed that local communities seemed ready to take the initiative. They encouraged civil society to continue efforts by organizing a reconciliation process to help economic and social life to resume and thus create conditions that would facilitate the demobilization and disarmament of the combatants. Although well-intentioned, the members of the governmental commissions did not understand the difficulties in initiating local action after a century of authoritarian government that had severely repressed all initiatives of this kind. Local communities needed guidance from people they trusted and a strategy they could adapt to direct their action. Consequently the governmental commissions achieved no immediate results.

Nevertheless, efforts continued. In early September 1995, a meeting was held in Mbouna – a historically significant location for peacemaking – involving communities west of the Niger River. There were more than 2,500 participants, including 85 who represented Malian refugees in Mauritania. It was the first meeting where reconciliation between the communities was the main topic. It was organized with German support by a group of key persons in civil society in the north and a representative of the Commissariat for the North. The meeting marked a turning point in relations across the north and deepened the consensus on ending the war. Yet it was not an ideal setting for a generalized process of reconciliation: it was too expensive, too big, and too difficult to chair and some felt it did not have the right leadership. The lesson many drew was that a generalized process needed to rely on a local leadership.

Facilitation group

Despite bringing violence to a halt, local communities were unable to proceed to the next phase. Up until this point the meetings had been self-initiated – though they had received some financing from the government and NGOs – and community leaders had not felt the need for a more systematic strategy. But the time was ripe for external guidance in order to proceed from an objective of stopping the violence to a more creative goal. A small group of experienced civil society leaders formed a facilitation group to provide guidance for locally-led initiatives. They elaborated a strategy for managing the current situation based an analysis of the recent experiences of adapting traditional skills for peacemaking. The facilitation group emerged out of a partnership between local actors and Norwegian Church Aid (NCA).

The NCA had been involved in northern Mali since 1984, when it started a relief project in Gourma as a result of a call for help from the Malian government. They soon became the biggest external agency in the north. In

1987-88, the operation became an integrated rural development project and over time NCA developed strong relations with people who were to take top positions on all sides of the conflict. Two senior staff members, Zahabi Ould Sidi Mohamed (FIAA) and Zeïdan Ag Sidalamine (FPLA) became general secretaries of their movements. Another senior staff member, Mohamed Ag Erlaf (a member of the MPA), became minister in the transitional government 1991 and remained in various ministries until 1999. Whereas all other international NGOs discontinued their activities for long periods of time during the war, the NCA remained and carried out activities based on the policy "as much as possible, where it is possible, whenever it is possible." This policy had a heavy cost and seven Malian staff members were killed. Yet NCA's operations were highly valued and it was generally trusted by all parties.

In April 1994, Zeïdan Ag Sidalamine called his former NCA colleague, Kåre Lode, to ask for assistance: "We are in a promising process towards peace, of which we should not lose control. I want you to be 'the oil in the works'." They needed a respected outsider to add credibility and money from a reliable NGO to support the process and turned to Lode because of their own history of personal relations and trust. When approached by Zeïdan, Lode could immediately give a positive answer knowing that NCA would take care of the budget and his current employers in the Norwegian Missionary Society would accept any involvement in the peace process.

The first step was to form a facilitation group consisting of Lode, Zeïdan, UNDP Consultant Ibrahim Ag Youssouf, and two people who had served in the Commissariat of the North, Abacar Sidibe and Aghatam Ag Alhassane. The four Malians in the group were men who were respected for their integrity. Each had practical experience with the earlier inter-community meetings and these experiences became the basis of the facilitation group's peace process strategy, with Ibrahim and Zeïdan as the main contributors. Kåre Lode met with the newly appointed Commissioner for the North, Mohamadou Diagouraga, who was both open to innovation and supportive of civil society initiatives. After discussing the plan with him for approximately half an hour, Diagouraga gave Lode a free hand to proceed with the programme, on the sole condition that he was kept informed of the progress. His support was invaluable and on several occasions he protected the process against officials and parliamentarians who sought to control it.

The process began with an inter-community meeting in Gourma, which used the facilitation group's basic design. Its immediate success created a widespread demand for meetings elsewhere as the strategy responded to a deeply felt need. The process seemed to release unstoppable social forces for change. Yet the NCA had

insufficient funds to support additional meetings and it seemed politically risky for it to be responsible for the entire process throughout the north. Instead, by joining with other donors, including the Canadian, German, and Swiss development agencies and by obtaining funds from the Norwegian Ministry of Foreign Affairs, they created a 'Fund for Reconciliation and Peace Consolidation in Northern Mali' (FAR-Nord). Lode became coordinator with the other facilitators' continued involvement, joined by representatives of the consortium partners. In response to demand, a total of 37 community meetings were organized across the north with the support of the fund.

Inter-community meeting strategy

The meetings were designed for communities who shared the same territory, were dependent on the same resources and shared the same market place, so that they could discuss the problems caused or aggravated by the war. This organizing principle ignored the official administrative subdivisions created in the colonial era that were designed to divide and control previously strong and inter-dependent communities. As there was no official or other obvious leadership structure on this level, the facilitation group selected organizers for each inter-community meeting based on an assessment of the individual's integrity, position in the area and capacity to convene such a meeting. This was important because in Mali the glue that binds society together is personal relations and trust; people do not deal with a 'representative of something' but rather with a person.

The facilitation group developed a list of problems stemming from the war and asked the communities to develop generally accepted solutions so that their economic and social life could function again. These included: how to verify information before taking action; a common approach towards armed bandits; strategies for reintegrating demobilized fighters and refugees; processes for collecting and controlling firearms; and solutions to conflicts over land and water use rights. The facilitation group cautioned the communities to avoid discussing issues where the solution was not within their control, as it would divert the discussion from the main issues and led to disempowered frustration.

The facilitation group also formulated the categories of people who should be involved in decision-making roles. These included: all traditional leaders, all religious leaders and all leaders in the emerging modern civil society including women's and youth groups. Local politicians, representatives of the government administration, the armed forces and development organizations could only attend as observers. These guidelines made it possible for the communities to renew their traditional dialogue so as to repair relations, without the 'assistance' of intermediaries who might usurp the process.

Some funds were received from NCA but they were insufficient to cover all the costs. This meant that the organizer had to find financing elsewhere, typically from within the community. NCA decided not to require accounts of expenditures, instead insisting that the money should be controlled according to local customs for the use of common resources. This involved a significant level of trust but also underscored the central responsibility of the organizers, who would have to live with the consequences of the meeting's success or failure. The organizer was asked to ensure that decisions were recorded in official minutes, with the signatures of the official representatives to prove all the communities had attended it. This document served as the *de facto* 'receipt' for the NCA funds. The facilitation group's conditions were listed in a contract between the main organizer and Lode that formed the legal basis for the meeting. It was co-signed by two witnesses, with God invoked as a witness with this sentence at the end of each contract: "May the almighty and the all merciful God bless the efforts of his humble servants – Amen." Because religion had not been misused in the rebellion, it was an obvious connector in the reconciliation process.

The organizers did not accept all details of the facilitation group's strategy. Most added two elements. First, they discussed development issues – usually by making long lists of aspirations without any indication of priorities or roles for local participation. The local communities did not yet have the capacity to formulate strategies for local economic development, yet in many places it marked the beginning of a more responsible attitude towards development issues. It was also significant because the lists indicated a growing interest in education on all levels and on promoting the status of women. Second, they tended to issue open invitations to participate in the meeting. This had the positive consequence of increasing the representativeness and legitimacy of the meeting. It also indicated the strength of the organizers' commitment because they had to fund the additional costs of accommodating more people. Despite the facilitation group's encouragement, participants representing groups such as women and youth played a more marginal role than traditional leaders at this stage in the process. But marginalized occupational groups – such as blacksmiths – and individuals with a strong personality, including women and young people, had important positions in some localities.

Inter-community meetings in practice

There was considerable preparation in advance of each meeting. For each meeting, the main organizer travelled for several weeks around their region to discuss the process with key people, trying to convince them to participate with a positive attitude and to address any obstacles to their involvement. This sometimes included settling long-standing disputes. They generally discussed

the issues and identified the positions likely to be taken so that the organizer could begin to understand the main substantive issues that needed to be addressed.

Each meeting was attended by between 300 and 1,800 people. As there were too many people to have long meetings, they generally took place over one or two days. The meetings were typically opened by a plenary session with formal speeches, a presentation of the outline of the procedures, and selection of members for the topical commissions. Each commission consisted of ten to thirty members who were assigned to formulate proposals on the main topic areas. Most often, there were commissions on development and on security, and sometimes a third commission on another topic. A proposal on the topic was usually put forward by the main organizer, who in the course of the preparatory consultations had carefully taken into account a balance between the positions of all types of groups and professions in the area. The proposals were then deliberated in the commission while most of the participants gathered in small groups, settled private problems and found partners for planned projects. Periodically, commission members consulted relevant others as required. The general approach was to seek solutions to problems on all levels. The meeting was concluded with a final plenary meeting to approve or modify each commission's proposals.

The meetings were never chaired by outsiders. The main organizer generally formed a group of 'wise men' to chair the meetings and who shared the responsibility between themselves. Members of the facilitation group were occasionally present at the meetings but refrained from trying to use too much influence. The inter-community meetings also provided an opportunity for people to address outstanding conflicts and feelings of enmity, where they found persons who could mediate. Often they used readings from the Koran that exhorted believers to reconcile and forgive.

All decisions were made by consensus. If somebody understood that there was no hope for consensus behind their position - but was not willing to accept a public defeat – they would 'happen' to be absent at the conclusion. It would be considered inappropriate for them to raise the issue again after this stage. Yet the organizers felt that there were no constraints to people making last comments or objections in the final plenary. Usually, however, this session did not last long because commission members had already looked for compromises between the known positions of the influential figures. There were some occasions when the plenary rejected the commission's proposals. Then they needed the time to develop an acceptable agreement.

Outcomes of the meetings

The participants in each meeting chose members for a follow-up commission to carry out the decisions. In some respects, these commissions could be seen as the first relatively democratically elected bodies in rural northern Mali. Yet they did not have much money for follow-up activities and were hampered by the need to rent vehicles to travel long distances to meet with important figures. Yet they did their best and approached local authorities, when such authorities were available in the area, to settle specific problems. They sought to implement strategies to resolve local disputes over land

and water resources and in some cases they negotiated with bandits and combatants from the movements. In most cases they found a solution.

Although there were variations in the conclusions of the different inter-community meetings, the overall pattern was surprisingly similar. There was overwhelming agreement that the authority of the state should be restored based on the principles of equality and justice. The process of talking together and developing shared proposals helped to break down the wall of distrust between groups and individuals. In most places, there were also significant practical outcomes. Market places reopened immediately; armed robbery was dramatically reduced; and numerous combatants were convinced that the peace was real and consequently joined the demobilization camps and turned in their weapons. In many areas, inhabitants began to implement the new strategies for resolving long-standing community disputes, thus significantly reducing tensions.

Yet the process met with some resistance from those with an interest in maintaining the status quo. For example, leaders of the refugees in Burkina Faso tried to stop the process because they made considerable amounts of money by inflating the number of refugees and embezzling the surplus funds. Because the inter-community meetings were not organized around the electoral districts, parliamentarians were not formally part of the process. Some feared a loss of influence because until that time they could claim to be the exclusive representatives of the people, whereas the inter-community meetings had empowered another group.

Consolidation and follow-up meetings

After the success of the inter-community meetings, some thought it would be useful to consolidate the process and assist it into the next phase. The aim was to develop a strategy for immediate follow-up to the six inter-community meetings that had been organized in the Gourma area. Yet these 'consolidation meetings' were a failure and only one took place. The principal problem was that the initiative did not emerge out of the felt need of the communities but was promoted by the facilitation group. This lack of community ownership was compounded by an inadequate strategy. This was evident when the participants focussed on discussing per diems and travel costs, mostly because they did not view it as their own meeting. This contrasted sharply with the inter-community meetings when money was never contested, despite the need for organizers to gather considerable local resources. The facilitation group had to recognize that it was not the right moment and not the right approach. It was a powerful lesson that reminded the group of their role as facilitators rather than as leaders.

Local communities had taken the lead; they would decide when and how the next steps would take place.

It seemed that most communities needed time to absorb their experiences. Their first goal was to participate in the national Flame of Peace reconciliation ceremony. They then needed time to implement the decisions made at the first round of meetings, to reflect on recent events and to identify issues to address in the next phase. It took approximately a year and a half of analysis and preparation before the time was ripe for a follow-up process. But the cooperation between the facilitators and the communities had created a mutual trust and respect that lasted during this time.

After a period of reflection, in 1997 local leaders approached the Commissariat of the North to ask for permission and financial support for a process to address their basic problems in post-conflict peacebuilding. Their plans revealed the need for a new round of consultations and a new determination to participate in the decision-making process. Virtually all wanted to understand and influence the national process of political decentralization. Most also sought solutions to resolve local conflicts that might lead to serious violence and many wanted to address the increase in armed banditry affecting their communities.

The Commissariat wanted to encourage these efforts and asked the UNDP for support in the context of its 'Good Governance' programme. The Commissioner called upon the facilitation group to become involved, along with a few new facilitators and joined occasionally by a representative of the Ministry of the Interior. Their role was to elaborate a strategy and decide on the appropriate amount of economic support for each meeting. The new programme began in October 1997 and was based on a similar approach to the initial round of inter-community meetings. They aimed to: reinforce inter-community ties and dialogue in order to continue to repair the social ties that had been torn away by the rebellion; improve the local security situation through a voluntary disarmament of the civilian population; promote consensual solutions to local conflicts over land and water resources; and reinforce the process of democratization and decentralization. The programme structure was highly diverse. It included four massive meetings in the border areas with Mauritania, Algeria and Niger involving participants from communities on both sides of the border in order to reinforce security in the border areas. It also involved 95 local community meetings and 11 reconciliation missions – consisting of small groups of influential persons who worked with the protagonists to develop workable solutions to problems, mostly regarding resource disputes.

Outcomes of the follow-up meetings

The meetings proved highly effective for resolving resource disputes. The lesson drawn by the facilitators was that only those whose lives depended on these resources should participate in the decision-making; others should only be present as observers. The meetings also served as a training ground for participatory democracy. Every time local communities organized a successful meeting, their self confidence grew and they became increasingly aware that the decisions belonged to them. The national leadership was also shown that local democracy was viable.

The meetings were also valuable as processes for promoting reconciliation. The inter-community meetings served as unofficial local 'truth commissions'. Participants had a forum for stating their concerns in public before deciding whether to forgive each other. For example, at one meeting a participant raised an issue that implied strong criticism of someone who worked for United Nations High Commission for Refugees. The latter tried to stop the intervention by requesting: "Let us turn that page once and for all" to which the answer was: "yes we shall turn it but first we need to identify exactly the content of the page to make sure that both of us shall turn the same page."

These follow-up meetings also addressed the ongoing challenge of disarmament and in two places they collected weapons on a large scale. Many northerners insisted that they had bought the weapons during a time when the state could not guarantee security and they wanted to be refunded for their purchases. Yet through these meetings, they agreed that payment for weapons exchange would be directed instead to their community through the financing of development activities, instead of personal payments. Although the Belgian government sponsored a programme to do this, some remained reluctant to hand over weapons because of ongoing security problems. Nevertheless, there was significant progress toward voluntary disarmament.

Institutionalizing the outcomes

One of the most significant underlying causes of the war was the under-development of the north. Based on the experiences of the inter-community meeting process, since 1997 a number of development programmes that cover large parts of the north have been based on the principle of local responsibility. Some international donors have relinquished control over rural development project financing, although they retain some input into the way the money is used. The approach goes well beyond an advanced participatory method to the actual transfer of responsibility for all aspects of management to local communities and their newly-elected municipal councils. Members of the facilitation group played key

roles in helping to design and manage it. NCA was one of the first donors to develop this approach – resulting in a 90.5 per cent increase in funds available for direct project financing after they ceased their own operational activities. (It is worth noting NCA is considered to run its project very well.) The French government, followed by some UN agencies and the European Union also used these principles to guide their financing of large development programmes in Gao and the Timbuktu province. In each of these projects, formal responsibility for managing the budget is shared between communities, associations or individuals, and the council. In a context of limited material resources, it can be more efficient – as well as empowering – for those most directly affected by projects to have responsibility for them.

Between 2000 and 2002, there has been a new round of organized inter-community meetings, with more than a hundred conducted or planned. The initiative was a continuation of the former follow-up programme, with the same group of facilitators who saw that support of this kind would still be necessary for a year or two. The financing came from Norway (75%) and the Malian government (25%). In many respects the meetings have similar objectives to the other follow-up meetings but there are some new elements. Of the fifty meetings organised in 2001, ten were organized by youth for youth and fifteen were organized by women for women. These sector-specific meetings have resulted in new issues for the public agenda, with potentially lasting significance for shaping inter-community relations.

Delicate social processes such as peacebuilding typically need continual nurturing. Yet the previously flexible Commissariat of the North has been replaced by a new highly bureaucratic structure. An informal and creative approach towards dialogue with local communities is no longer possible and community generated recommendations are less influential in policy-making. The new municipal councils are well informed, however, and it would be difficult for them to disregard the recommendations from the meetings. Inter-community meetings have become part of the local strategy for managing local affairs and most communities now have sufficient experience to conduct meetings without a central group of facilitators.

The success of the Malian experience of peacebuilding relied on equality of respect for modern analytical approaches and traditional knowledge based on the experiences of several generations. It emerged out of a dialogue between tradition and modernity on one hand and between north and south on the other. If one partner tried to dominate the process, it did not work. All participants learned to have a personal interest in the success of others, which became the heart of the process of conflict transformation.

Mali
Key texts

The National Pact: a summary

[An English translation of the summary published in: Ag Mohamed, Coulibaly & Drabo: Nord du Mali – de la Tragedie à l'Espoir, Bamako 1995, pp. 13–14]

Chapter 1. Guiding Principles

The Pact is 'the framework in which a just and ultimate peace in the North of Mali will be restored and a national reconciliation between all Malians will be achieved'. Furthermore, the Pact is a 'solemn commitment' and the clauses of the agreement between the two parties are irreversible.

However, it is also stated that there is a disagreement between the two parties as to the appellation of the Northern part of Mali. The Government wanted to use the administrative expression '6th, 7th and 8th regions' whereas MFUA insisted on the term 'Azawad' (French: 'Azaouad').

Waiting for the population to decide through the decentralized structures, the parties agreed to use the expression 'North of Mali' in the document.

Chapter 2. On Ultimate Cessation of Hostilities and the Settlement of Problems Caused by the Situation of Armed Conflict

A final ceasefire is to take place at 00.00 hours on the day following the signature of the Pact. In addition the following proceedings are to take place within a period of 60 days after the signature of the document:

(i) total integration, based on individual and voluntary acceptance and on the competence of the combatants of the MFUA, into the various uniformed bodies of the Government, the establishment, for a period of one year, of special units of the armed forces, made up of a majority of integrated combatants of the MFUA,

(ii) the establishment of a local security corps (police, gendarmerie, local guards), made up of all sectors of the local population,

(iii) the establishment of special units of the army, composed mainly of members of all sectors of the local population,

(iv) a considerable, gradual and appropriate reduction of the armed forces in order to obtain withdrawal of the majority of troops,

(v) the establishment of a commission for the cease-fire,

(vi) the starting of a programme of repatriation of displaced persons,

(vii) the establishment of a development- and reinsertion fund well as an indemnisation- and compensation fund for military and civil victims from the two parties signatories to the document,

(viii) the establishment of an independent commission of investigation.

Chapter 3. Particular Status for the North

On the basis of a new system of administrative subdivisions, the populations will organize local and interregional assemblies. These assemblies will in particular be responsible for the organization of affairs in the rural and urban communities. They are to define and promote a programme for economic, social and cultural development, to be responsible, through people selected for this purpose, for the control of forces and of activities connected with maintaining order on the local and regional levels.

A Commissioner for the North of Mali, reporting directly to the Head of State, is to be appointed for a period of five years. The appointment may be renewed. This person will be responsible for the implementation of the National Pact.

Chapter 4. Public Acknowledgment of Solidarity and National Unity in the North of Mali

The following steps have been decided:

(i) to launch a special programme of development in the North of Mali; this programme is to last for 10 years, organized in two consecutive programmes of five years each;

(ii) a particular and exceptional effort from the Government in order to integrate senior members of the MFUA and other persons from the North of Mali into the central high command of the national defence and of other security structures as well as in the public and semi-public administration;

(iii) to set aside four seats in the National Assembly for displaced persons from the North of Mali, in addition to one or two seats for representatives of the Malian population from the North, 'residing abroad'.

Chapter 5. Sub regional Cooperation for Peace and Development

Mention is made of the efforts to be undertaken by the Malian Government towards the sub regional organizations (including the organization of Saharian States), international institutions and friendly countries, in order to obtain the support needed for consolidation of the peace process and for socio-economic progress.

Chapter 6. Schedule of Implementation of Resolutions of the Pact and of National Reconciliation

The schedules decided upon in the proceeding chapters are here summed up in detail – from the 24 hours given for the implementation of the ceasefire, to eight months for implementation of the new administrative and municipal subdivision.

Chapter 7. Guarantee for Implementation of the Pact

A commission for follow up and implementation of the Pact is to be set up within 15 days of the signature of the document. The Government and the Coordination of the MFUA will each appoint four members, and the period of function for the commission is to be one year.

Signed in Bamako, April 11, 1992

For the Government of the Republic of Mali

The Minister of the Administration of the Territory in charge of relations with the CTSP and the Associations

COLONEL BREHIMA SIRE TRAORE

For the Coordination of the United Movements and Fronts of Azawad ZAHABY OULD SIDI MOHAMED

The President of the Transitional Committee for the Welfare of the People LT-COLONEL AMADOU TOUMANI TOURE

Contract

Concerning the organisation of an inter community meeting on reconciliation and consolidation of peace between Kåre LODE, the Norwegian Church Aid's consultant for reconciliation in the Gourma and Mr. Nokh ag Attia, nomad chief and Tuareg notable of the Province of Timbuktu

Article 1. Preliminary conditions
1.1 The two parties have realised that, in the frame of reconciliation, and in order to create a steady climate indispensable for lasting peace in the area indicated below, such a meeting is wanted and decided upon by the civil population involved,

1.2 The two parties have realised that owing to the losses during the long period of insecurity, the population needs financial support to facilitate the physical organisation of the meeting,

1.3 After long discussions and after having listened to advice from several resource persons, the two parties agree on the following principles:

- the meeting should not discuss any subject or problem that is beyond its competence,

- the meeting should discuss relevant subject that are results of the period of insecurity, to which immediate and consensual solutions have to be found, in order to permit the communities concerned to start a normal way of life again, a life that is favourable to social and economic development and a lasting civil peace, in particular:

- a common attitude towards reliable information;

- a common attitude against theft and other sorts of banditry;

- the socio-economic reintegration of demobilised combatants in the every day life of their communities;

- the reintegration of returned refugees;

- the disarmament of the civil population;

- a consensual management of economic space and the areas of attach;

- the role of various social groups in the process of restoring and consolidation of peace in the area;

- any other subject of the same nature decided by the participants of the meeting.

1.4 The communities of Binga and Gourma, zone 1, should be represented at the meeting by:

- the notables and traditional chiefs,

- religious authorities

- women

- youth

- old people

1.5 The following groups will be invited as observers:

- the political parties that are represented at Bambara-Maoundé, the place of the meeting;

- the local administration;

- the partners in development (NGOs).

1.6 In order to facilitate the organisation of the meeting and to make it possible to make valuable decisions, the number of official participants should not exceed 100 persons.

1.7 The meeting, that should last maximum two days, will take place at Bambara

Maoundé between the 8th and the 15th of October, 1995, both dates included.

1.8 The committee of organisation and the presidium should consist of people of good reputation representing all the communities concerned.

1.9 The minutes, signed by the members of the presidium, will be made by the end of the meeting. These minutes should contain the following items:

- the names of the participants and the names of the communities they represent;

- the decisions;

- the people responsible for carrying out the decisions of the meeting.

Article 2. The obligations of the parties

2.1 The NCA's consultant commits himself to pay to Mr. Nokh ag Attia, an amount of FCFA 2.500.000 (3.350 dollars) to be used as follows:

- lodging of participants 1.500.000

- transport and miscellaneous 500.000

- information and motivation 500.000

This amount is the total support from NCA for the inviting, organising, and carrying through a successful meeting.

2.2 Mr. Nokh ag Attia commits himself to:

- be responsible for the organisation and do whatever is possible in order to make sure that the meeting will take place with the:

- dates;

- place;

- representation;

- organisation;

- agenda as stated above

- give to the NCA, not later than 10 days after the meeting, the formal required proofs of the expenditures, and

in particular:

- the minutes of the meeting;

- indications of the origin of the participants if not stated in the minutes.

2.3 The two parties commit themselves in all their proceedings to work towards a

consolidation of the peace and a social solidarity in order to reach a sustainable development.

2.4 Any disagreement over this contract will be settled between the parties concerned.

Signed in Bamako, September 22, 1995
MR. NOKH AG ATTIA
MR. KÅRE LODE
Witnesses
IBRAHIM AG YOUSSOUF
ZEIDAN AG SIDALAMINE
MAY GOD THE ALL MIGHTY AND ALL MERCIFUL BLESS THE EFFORTS OF HIS HUMBLE SERVANTS. AMEN.

Mogotes Municipal Constituent Assembly:

activating 'popular sovereignty' at a local level

Monseñor Leonardo Gomez Serna

Monseñor Leonardo Gomez Serna was the Bishop of the Diocese of Socorro and San Gil from 1996 until 2001. Currently the Bishop of Magangue, he is involved in various national peace initiatives and is a founding member of REDEPAZ

Colombia has experienced protracted violent conflict for much of its history and there have been efforts to address it for almost as long. The recent period of the conflict dates from the emergence in the early 1960s of a number of leftist guerrilla movements waging a 'popular struggle' against the state. Despite the attempts of successive administrations to bring the situation under control, the last few years have been marked by an upsurge in violence. The two main leftist guerrilla groups, the *Fuerzas Armadas Revolucionarios de Colombia* (FARC) and the *Ejercito de Liberacion Nacional* (ELN), as well as a growing number of right-wing paramilitary formations have attempted to consolidate their power throughout the country. Violence is particularly widespread in rural areas, where armed groups routinely intimidate and target local communities as they seek to expand their control. To date, over 35,000 people have died in a conflict that has displaced more than two million people inside the country.

Leftist armed groups frequently claim that they are fighting to secure major social, political and economic reforms that will wrest power away from corrupt political elites and benefit the majority of the population. As such, they have historically targeted and attempted to gain control of local authorities. The state tried to address this through efforts in the 1980s that were subsequently consolidated through the promulgation of the new national Constitution in 1991. The new Constitution requires the direct election of departmental governors and mayors as well as municipal council officials, with the aim of increasing their legitimacy at a local level. However, constitutional reforms have ultimately done little to affect the culture of patronage and corruption that runs through Colombian politics and the violent tactics of the armed groups have continued.

In a context where national level efforts to address the conflict have failed to halt violence, citizens of the northeastern town of Mogotes sought to address these challenges by developing local-level strategies for public participation in ending violence and creating a new political culture in their town. Their efforts had impact far beyond their own immediate surroundings. Amongst the first of the 'zones of peace' to be established in Colombia, the experience of creating new structures of local government in Mogotes has been a source of inspiration to communities who have replicated similar processes in their own municipalities.

The occupation of Mogotes

During the run-up to local elections in October 1997, intimidation, kidnapping and sometimes assassination of government officials were common guerrilla strategies. As with other small towns in rural Colombia, the population of Mogotes, a municipality of 13,000

inhabitants in the department of Santander, has long been vulnerable to the actions of both leftist and right-wing armed groups. Strategically located in the eastern Andes, the outlying areas of the municipality are used as a corridor by these groups as they travel between their mountain bases. Within the town itself, the majority of the population suffered the consequences of political exclusion, with local government controlled by a small circle of powerful individuals who looked after their own economic interests at the expense of public services and development. On 11 December 1997, shortly after the elections, political violence took a new turn. The ELN entered the town of Mogotes and kidnapped the newly-elected mayor, denouncing his administration as corrupt. Three policemen and two civilians died in the one-day siege.

Despite the climate of fear generated by the heavy ELN presence around the town, the citizens of Mogotes mobilized in protest. With the support of the leadership of the local Catholic Church, they began a series of public demonstrations and prayer vigils, demanding the release of the mayor and an end to armed violence. After several days of campaigning, they were joined on 20 December by a diocesan solidarity pilgrimage of priests, nuns and lay people, led by the Bishop of the Diocese of Socorro and San Gil. They arrived in Mogotes and congregated in the centre of the town, issuing a public statement in which they rejected the ELN siege, the kidnapping of the mayor and the political corruption at the root of the violence. They encouraged the local population to defend the real interests of democracy.

Developing the Municipal Constituent Assembly

In addition to public protests, the citizens began to organize themselves to reflect on the new situation. Earlier in 1997, as a result of a 'pastoral plan' developed by the diocese, new ecclesiastical groups had been created. Each comprised between eight and ten families, who met weekly to pray and to reflect on the problems facing the community. Following the siege, each group met to discuss the crisis. The analysis of all the groups was pooled and led to the identification of three overall problems that had culminated in the occupation: poverty, violence and administrative corruption.

With the support of the Church, the community developed proposals for a 'project of liberation' in response to the problems. This project, still ongoing some five years later, has three components: a plan for integral and sustainable human development to combat poverty; a strategy to build a 'community of peace' and reduce violence; and a commitment to the recovery and expression of the sovereign power of the people in order to root out corruption. These responses were inspired by

their understanding of the liberating words of the Gospel studied by the ecclesiastical groups during bible sessions, as well as by a strong local tradition of resistance and popular mobilization that had its roots in the colonial period. They were also encouraged by the notion of 'popular sovereignty' as a basis for the exercise of power as enshrined in Article 3 of the Colombian Constitution, which states: "Sovereignty rests exclusively in the people, who are the source of public power."

Unwilling either to accept the remnants of the corrupt local administration or the dictates of the ELN, the people of Mogotes developed a strategy to implement their 'project of liberation' themselves. With the support of experienced teams of pastoral animators from the Catholic Church, the population was divided into 18 local assemblies based on the ecclesiastical groups in different zones of the town and surrounding countryside that formed the municipality. These local assemblies then elected 180 delegates to form a Municipal Constituent Assembly. The large number of delegates ensured the inclusion of a diverse array of political sympathies and interest groups, including members of trade unions, non-governmental organizations, business leaders and local officials. Approximately two-thirds of the delegates were women, with young people actively encouraged to participate in the politics of their town through involvement in 'young peacebuilder' initiatives. The new Municipal Constituent Assembly of Mogotes (AMC) was inaugurated on 6 April 1998.

The AMC is mandated to monitor the implementation of the municipal development plan and to supervise the functions of municipal management. AMC plenary sessions take place on the first Monday of the month. The sessions are chaired by the three-person Presidency that performs the functions of president, treasurer and secretary. The meeting agendas are based on reports, analysis and reflection on everyday events, including the management of the town's authorities and the mayor's office. All AMC delegates are required to consult with their local assemblies prior to the sessions. Decisions in the AMC are made by consensus, although when this is not possible a system of majority voting is used. The AMC is guided by an 'operational committee' comprising 13 delegate representatives of different social groupings including the Church, the business sector, teachers, health service personnel and representatives of the rural areas. Its role is to oversee and evaluate the work of the AMC and to ensure the functioning of the local assemblies. It is also responsible for public information about the workings of all the structures.

Building support for the process

Despite the clear popular momentum behind the process, the AMC has had many enemies. Families of the previous administration issued violent threats and spread negative propaganda. The armed groups have also posed a continual danger to the ongoing development of the process by attempting to disrupt the proceedings for their own interests. So far, despite some isolated incidents, an ongoing process of community dialogue with representatives of the guerrillas and paramilitaries has persuaded them to accept the process and not to besiege the town.

The AMC leaders have also sought to strengthen their position by enlisting support at regional, national and international levels. They promoted their process extensively in the surrounding region, encouraging support and solidarity from provincial and departmental level 'peace working groups' in the area. National reaction to the process was at first mixed, with the government of President Ernesto Samper unsure whether to recognize the new organizational structures. However, following assurances from the Catholic Church that they supported the new mechanisms and that they reflected the will of the people, the Santander Governor gave formal recognition to the new Assembly and attended its inauguration. The Bishop of Socorro and San Gill also intervened personally and held meetings with the national and departmental authorities and with the Commander of the Colombian army. He assured them that the process was not a front for guerrilla activity – as had been alleged – but a genuine movement of the people to recover their power. Finally, the new leaders invited representatives of the international community to visit the town and see the situation for themselves. Thus ambassadors from eight countries visited Mogotes in 1998 and subsequently offered financial support for some small development projects that had been identified by the community.

Successes of the new administration

One of the first successes of the new Municipal Constituent Assembly was to secure the release of the kidnapped mayor from the ELN. However, in an effort to break with the corruption of the past, the Assembly informed him that they were not prepared to reinstate him and asked him to resign. When he refused, the population began silent marches and prayer vigils. Finally, the AMC organized a popular referendum throughout the municipality; when the results demonstrated that 95 per cent of the town demanded his resignation, the mayor conceded. The AMC then developed a new political and ethical code of conduct for future mayors and asked the national government to organize fresh elections. They replaced the title of 'mayor' with

'manager' to indicate that the purpose of the role was to ensure the implementation of the people's wishes. The subsequent elections passed smoothly with Jose Angel Gualdron emerging with a majority of votes. The result was recognized by the National Election Council and Gualdron was inaugurated.

The Assembly has also begun to change the culture of local politics. The large number of delegates to the AMC – which now stands at 230 – has substantially broadened political participation in and responsibility for local affairs. Extensive consultations in the local assemblies formed the basis for an integrated plan for development, peacebuilding and democratic governance that reflects the wishes of the population beyond the assembly. When the first manager's term expired in 2001, all candidates wishing to stand for election had to accept the plan for the municipality as the basis for their work. During the election campaign, assembly members accompanied all candidates to the constituencies, encouraging them to listen to the requests of the people rather than deliver lengthy speeches.

The AMC has strengthened accountability through changes to local electoral law and increased reporting requirements. It introduced new regulations obliging the manager to present his work for evaluation by the Assembly every twelve months. Permission to continue in office for the full three-year term is granted subject to a positive evaluation of the work undertaken during each year. The manager is also required to report to the AMC every three months, which then delivers a public report on its activities.

The AMC has also made significant progress in implementing the integral development plan at the heart of its project of liberation. The Assembly has built consensus on development and governance issues, begun to implement new agricultural projects and succeeded in improving the distribution and management of municipal resources.

The process of recovering popular sovereignty in Mogotes has served as a catalyst for community reconciliation in a previously polarized and violent society. As people have become accustomed to discussing their problems openly, incidents of violence have decreased considerably. Furthermore, the experience has offered local people a chance to participate in a peaceful process of political change and succeeded in involving young people, the future of the community, in the peacebuilding project. These experiences have underpinned the efforts to build a community of peace.

Perhaps most significantly, the experience of Mogotes has provided inspiration to other communities around the country. Often called the 'laboratory of peace', Mogotes was awarded the first National Peace Prize in Colombia in 1999. The municipality is now one of hundreds of zones of peace throughout the country and the inspiration behind the development of Municipal Constituent Assemblies elsewhere in the departments of Antioquia, Santander, Tolima and Huila. The Diocese of Socorro and San Gil also stimulated the development of a national network, the *Red Nacional de Iniciativas por la Paz y contra la Guerra* (REDEPAZ), which serves as the technical secretary to the Coordinating Committee for the Peace Territories and Communities. REDEPAZ runs a national 'hundred towns of peace' project to strengthen and support their activities throughout Colombia.

Challenges and problems of popular sovereignty

Considerable challenges lie ahead for the town of Mogotes. Development potential is circumscribed by the inability of the state to invest sufficiently in the social capital of the community. In retrospect it is clear that more could have been done at an early stage to encourage external investment in economic development. The prevalence of violence, combined and entwined with recent escalations in the armed conflict,

has an impact on attitudes at the community level and requires constant attention. Similarly, the traditional political culture of patronage and corruption is deep-rooted. All these challenges require the creation and implementation of ongoing, long-term strategies for peace, development and community reconciliation. In addition, there is the underlying need to ensure that the mechanisms they have created are able to continue stimulating the active engagement of all sectors of local society, which is a necessary precondition to sustaining popular sovereignty.

It has been five years since this experience started. Although it is not yet sufficiently consolidated, the people of Mogotes recognize that, despite the difficulties, it has been a very positive step in advancing the integral development of the community and in enabling authentic democratic participation in local politics. While meaningful progress towards peace continues to elude Colombia at a national level, local populations in Mogotes and elsewhere are exercising their popular sovereignty and building their own peace.

Northern Ireland Women's Coalition:

institutionalizing a political voice and ensuring representation

Kate Fearon

Kate Fearon is a founder member of the Northern Ireland Women's Coalition and was an advisor to its delegation to the Belfast talks. She currently directs the National Democratic Institute's political party programme in Sarajevo.

Conflict has been a feature of life in Northern Ireland for centuries. It has shaped a society that is deeply divided socially and politically and where the space for real cross-community engagement has been constricted. It dates back to the time when mostly Protestant settlers from England and Scotland moved to the area, partially displacing the mostly Catholic indigenous Irish inhabitants. In 1921, when part of Ireland was granted limited independence, the six northern counties remained under British jurisdiction. The aspiration of some to a united Ireland (the 'nationalists' and 'republicans') and the determination of others to remain joined with Britain (the 'unionists' and 'loyalists') has been at the heart of the conflict ever since. Later, the conflict manifested itself powerfully around the issue of civil and human rights. The modern 'troubles' started in the late 1960s when demonstrations began for basic rights such as housing. After response and counter-response, the initially peaceful civil rights movement escalated into violent struggle, which lasted from 1970 until the late 1990's.

By the mid-1990s, it was increasingly recognized by both the British government and republican paramilitaries that the conflict could not be won through military means. After decades of various peace initiatives and growing cooperation between the British and Irish governments to sponsor joint efforts, a process for all-party talks began in June 1996 based, for the first time, on the assumption that: 'if you are a part of the problem, then you need to be part of the solution'. Representatives to the talks would be chosen through public elections with the intent of including the parties associated with paramilitary groups in formal political negotiations for the first time. In an attempt to ensure that the elections would result in delegates from all the main communities, the government developed an electoral system that offered participation based on relatively few votes. The number of seats would be assigned through a two-track system. The 18 territorial constituencies would each elect five representatives. Through a 'top-up' system, they would be joined by two representatives from each of the ten most successful parties across Northern Ireland as a whole. This enabled 110 delegates to participate in the peace process. Although the format enabled delegates outside the mainstream parties to participate in talks, there were no specific arrangements for the participation of other organized sectors of society. What follows is the story of a group of women rooted in civil society who organized to ensure their voice would be heard in the political negotiations and who became a channel for bi-communal civil society involvement in the official peacemaking process.

Forming the Northern Ireland Women's Coalition

The Northern Ireland Women's Coalition (NIWC) was initiated by women with long histories of engagement in civil, human and workers' rights. Many were leaders in the community and voluntary sectors; others were teachers, university lecturers, professionals, and home workers. They included unionists and nationalists, as well as those who did not define themselves in either of these categories. They felt it necessary to take the gigantic step from the non-governmental sector to the political arena because they believed that the incumbent political leaders either ignored or refused to take seriously the issue of women's representation and participation in the peace negotiations.

At first, under the aegis of the Northern Ireland Women's European Platform (a formally constituted organization that still exists), the NIWC leaders lobbied for the existing political parties to include women in their candidate lists. When this action was effectively ignored and the government published its ideas for the electoral system, they decided to form a political grouping to contest the elections. Not all women's groups supported this idea. Some believed it would be difficult to sustain the bi-communal nature of the coalition over such contentious issues as policing because cooperation would require too many compromises. Despite these concerns, the NIWC attracted support from most groups.

Around 150 women attended the first meeting. Subsequent meetings regularly attracted up to 60 people. Twice-weekly and then weekly meetings were held in Belfast to debate positions and were facilitated by rotating chairs. Equality, human rights and inclusion were adopted as the coalition's three core principles and a principled approach became key to guiding and evaluating the development of positions. Another useful practice – and unusual in Northern Ireland – was that participants were encouraged to take their 'identity baggage' into the room with them. They were expected to acknowledge differences up front, rather than to 'be polite' and leave them outside the door.

The NIWC estimated that if they could win approximately 10,000 votes across Northern Ireland, they would be eligible for the two seats offered by the top-up layer. Their strategy was to organize women through all their various networks and contacts to gain the necessary threshold of votes. The NIWC initially had no money. A community college provided rooms and several individuals made donations. When it became clear they would not be able to pay for a bulk order for printing campaign materials, an anonymous donation and the generosity of politically sympathetic printers resolved the problem.

Other parties and the media initially dismissed the NIWC. Yet it gained one per cent of the vote and finished as the ninth most popular political party. It thus secured two seats in the negotiations, where its delegates had the status of full participants. The Democratic Partnership and the Labour Coalition were the other civil society groupings to contest the elections – with the latter winning sufficient votes to join the negotiations.

Participating in negotiations

During the talks, the larger parties were entitled to three seats at the table, supported by three back-up members; whereas the smaller parties were allocated two seats with three in back-up. For the purposes of voting, however, the parties were entitled to all the seats obtained through the constituency elections in addition to their two automatic 'top up' seats. While the other delegations at the table were overwhelmingly – and initially exclusively – male, the NIWC delegation was exclusively female. These demographics meant that male voices were heard more frequently during the negotiations. The NIWC delegates challenged this dynamic by ensuring that their perspectives were heard and by confronting delegates who monopolized the debate.

The NIWC was careful to ensure that both nationalist and unionist women were at the table at all times. The team of ten women who supported them with political advice and analysis was similarly balanced. Delegates were selected at an open meeting of the NIWC, drawn from those who had been on the regional candidate list. One hurdle the delegates encountered was the attitude of the other elected representatives. The NIWC delegates had assumed initially that they would be treated with respect as equal negotiating partners. Although some grew to respect the NIWC's contributions, others showed disdain. The delegates learned to develop a 'thick skin' and not to take rejection personally. Instead they tried to maintain their focus on the bigger picture and to make strategic allegiances when and where possible.

The NIWC concentrated initially on making recommendations for procedural issues, such as amendments to the Rules of Procedure that governed the day-to-day operation of the talks and suggestions for agenda items and the order in which they should be discussed. They were sensitive to how these matters linked with process issues and were attentive to the underlying relationships between participants. They worked to promote an inclusive process and to prevent a small number of delegates getting drawn into a destructive spiral of blame that could harm the general negotiation ethos. They were later able to broaden the negotiating agenda to include such issues as victims' rights and reconciliation. The NIWC produced high-quality position papers and tried to model a fresh

approach to politics based on cooperation, non-competitiveness and a willingness to share ideas. While most parties did not regard the NIWC as a political threat, some of the nationalist mainstream politicians may have perceived the NIWC policies as encroaching on their terrain, which had traditionally been based on strong advocacy for human rights and equality. Thus, even though the NIWC included many women from a unionist background, the agenda it agreed and articulated was one that would be recognized as more traditionally nationalist – at least until the smaller loyalist parties also began to adopt this political ground.

They remained true to their NGO roots and kept their feet firmly in both the world of electoral politics and in the world of public activism. This happened on two levels. First, there was a monthly meeting of the full membership of the Coalition. They discussed positions on forthcoming agenda items and provided information to the membership about developments in the political process. The meetings provided opportunities for the membership to inform the representatives of their perspectives on the process. Because the membership was bi-communal, they provided guidance on approaches acceptable to either or both communities. Second, the NIWC maintained regular contact with a range of community and NGO leaders on specific issues under discussion. The NIWC was careful not to portray itself as having all the answers and gave serious consideration to the views of those consulted. These inputs from both the membership and from these networks meant that the NIWC was confident that its positions could command cross-community support.

After a year, the NIWC decided to formalize some of its decision-making procedures and confirm its status as a political party. It developed a constitution that provided for the annual election of a 12-15 member executive committee to make policy decisions, which consisted of two representatives from each county plus the publicly elected representatives as ex-officio members. Additionally, there was an option to co-opt additional members if necessary to maintain the cross-community balance of members. Monthly meetings continued to be open to the full membership, which supplemented the decision-making process as necessary.

Promoting the Belfast Agreement

After deliberating for 22 months, the negotiators concluded the *Belfast Agreement* in April 1998. Before it could take effect, however, it had to be endorsed through a public referendum. The NIWC played a key role in promoting the Agreement. Few parties were as unequivocal in their support and no other political party worked as closely with civil society leaders. The NIWC was able to speak simultaneously to a number of constituencies: nationalist and unionist, organized civil society and individual members of the public. Members helped prepare a 'user friendly' version of the Agreement, using plain speech to make it more comprehensible. NIWC representatives spoke at public debates and organized debates amongst their own members. The NIWC supported the civil society-led "Yes" Campaign. As a political party, NIWC was entitled to free postage for sending a piece of literature to every voter. They put their own message on one side and gave the "Yes" Campaign the other side to print with its own message and logo.

The referendum on the *Belfast Agreement* was passed by 72 per cent of the Northern Ireland electorate – an event of massive historical and political significance. It created the new Northern Ireland Assembly, which would govern through a power-sharing executive on issues of economic and social concern. It established the North-South Ministerial Council to formalize links within the island and a British/Irish Council to formalize relationships amongst all the representative bodies in the islands. It proposed a range of measures that addressed the political and constitutional dimensions of the Northern Ireland conflict – though not necessarily the more internalized social and socio-psychological dimensions.

Assessing the outcomes

The involvement of the NIWC in the political negotiations had consequences for both the peace agreement and the dynamics of politics in Northern Ireland. Some of the issues the NIWC put on the agenda – such as victims' rights and reconciliation – became touchstone issues in the referendum campaign. It is arguable that if the agreement had not addressed these concerns, many people could have voted against it and thus jeopardized the greatest opportunity for peace in 30 years. The NIWC also initiated the idea of a Civic Forum as part of the Northern Ireland Assembly so as to institutionalize opportunities for broader public participation in politics – a proposal eventually incorporated into the agreement. The NIWC worked hard to protect and nurture the agreement during the implementation period. At times they helped to mobilize civil society to protect the agreement and at other times collaborated with political parties in joint efforts to promote it.

One immediate impact of the NIWC was that the issue of women's political participation was placed firmly on the map of electoral politics. Women delegates from other political parties began to attain higher profiles within their parties. When the Northern Ireland Assembly finally appointed ministers, two out of ten were women. The NIWC also contributed to de-mystifying the political process, which was one of its original goals. The NIWC's

involvement in the negotiations not only facilitated and promoted women's participation, it also demonstrated the possibility that civil society can participate in and influence formal political negotiations. It revealed that politics is not necessarily the exclusive preserve of customary politicians; groups other than those advocating exclusively a nationalist or exclusively a unionist perspective also have a place at the decision-making table.

The founders of the NIWC never intended it to become a permanent political party; yet it is becoming one, in part because the public has endorsed its longevity through elections. Elections to the new Northern Ireland Assembly in 1998 presented additional challenges. NIWC's delegates had to be elected directly from multi-member constituencies, rather than winning seats due to their overall proportional vote through the accumulator system used to elect delegates to the negotiations. Yet after an effective campaign, two candidates won seats from their constituencies. These Assembly members have since attempted to build cooperation with the smaller pro-Agreement parties.

The *Belfast Agreement* created a top-heavy executive. It is likely that the four largest parties, representing mirror images of nationalism and unionism, will form a permanent governing coalition. A mature democracy demands a constructive opposition to critique the government. The NIWC has now assumed this role. Elections scheduled for May 2003 will provide a key test of both the *Belfast Agreement* and the NIWC. If and when a political re-alignment comes to Northern Ireland in the future, the NIWC will play a vanguard role – in its current form or in another.

The NIWC cannot claim the dominant role in negotiating the *Belfast Agreement*, which is a collective achievement of all the parties and governments involved. But it can claim a key role in changing, at least temporarily, the culture of politics in Northern Ireland. It brought solutions to the table that recognized and worked to accommodate difference, instead of throwing up obstacles based on those differences.

Philippines National Unification Commission:

national consultation and the 'Six Paths to Peace'

Miriam Coronel Ferrer

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The Philippines has experienced decades of armed conflict involving a number of different movements with distinct grievances and aspirations – including self-determination struggles (notably Cordillera and Moro Muslim movements), a communist/leftist insurgency and, in the 1980s, a rebellion by a segment of the national military. In July 1992, newly elected President Fidel V. Ramos announced new peace initiatives, starting with an expanded amnesty program and the decriminalization of communism as an ideology. The initiatives were rooted in Ramos' realization of the need to achieve political stability and national unity to advance his economic development agenda. Ramos had begun exploratory talks with the Moro Islamic Liberation Front (MILF) while on the campaign trail. After his presidency was secured, the Moro National Liberation Front (MNLF) and the Organization of the Islamic Conference initiated conciliatory overtures at the same time as the more radical Abu Sayyaf Group was emerging, thus indicating the need to urgently address the situation in Mindanao.

The more progressive sectors of society were highly critical of Ramos' focus on amnesty – with those closely associated with the national democratic left perceiving the amnesty as an enticement to surrender. A number of influential civil society peace advocates, including some bishops, quietly advised the President to situate amnesty within a broader peace process. In September, Ramos appointed a National Unification Commission (NUC) to create a comprehensive and participatory consultation process and develop strategies for engaging in exploratory talks with all the armed groups.

The NUC's mandate was to produce: "a viable general amnesty program and process that will lead to a just, comprehensive and lasting peace" and it was given a budget of 12 million pesos (US$600,000). The NUC's task was to hold consultations with all concerned sectors, including rebel groups – particularly the MNLF and the Communist Party of the Philippines-National Democratic Front-New People's Army (CPP-NDF-NPA) – as well as the Philippine military and police. It was initially asked to produce recommendations in 90 days but ultimately took ten months to complete its work. In addition to its political negotiation efforts, the NUC's legacy was its extensive programme of public consultations. The resulting recommendations were integrated to produce what many consider to be the classic framework guiding Philippine peacemaking: the *Six Paths to Peace*.

NUC composition and framework

The NUC was composed of a chair and eight members. President Ramos appointed Haydee Yorac, the liberal and feisty University of the Philippines law professor and former elections commissioner, as NUC chair and the secretaries of the justice and defence departments, a

Catholic bishop, and the leader of the Protestant National Council of Churches of the Philippines (NCCP) as commissioners. They were joined by four designated members of congress, two of whom were known to have friendly ties with the Left, while the other two were retired military generals. Also created were a Technical Committee to provide expert professional assistance, a Secretariat headed by a female executive director that provided administrative support to the NUC, and an eight-member Council of Advisers. This advisory body included an ex-president, an ex-senator, a retired ambassador, two former leaders of the old Communist Party, and – at the prompting of MNLF chair Nur Misuari – two prominent Muslim leaders.

The Commissioners and Advisors covered a fairly wide spectrum of ideological orientations and Haydee Yorac enjoyed the public's respect. More than 90 per cent of Filipinos are Christians and the churches have always been a moral and political force in the country. Involving the churches' leaders – and, in Muslim areas, Islamic religious leaders – also meant being able to mobilize resources nationwide and gain widespread acceptance.

The NUC apparently had the ear of the President. Because other public officials were also engaged in contacts with insurgents, the NUC asked Ramos to make it clear that only the NUC had the authority to engage in exploratory talks. The NUC issued policies and guidelines intended to promote coordination and limit the role of other authorities so that they could establish contact but not engage in actual negotiations.

Though the NUC met with key insurgency leaders, it was an *ad hoc* advisory group rather than a negotiating panel. It reviewed initial agreements between insurgent groups and government emissaries, pursued exploratory talks, issued safe conduct passes and recommended next steps to the President. For example, when the MNLF refused to hold talks in the country, the NUC suggested a compromise strategy of 'shifting venues' whereby meetings would be held in multiple countries including the Philippines. The NUC also improved and monitored implementation of the President's confidence building measures, such as the amnesty programme. The NUC conducted its work discreetly but issued regular press statements and reports to inform the public of developments in the process.

The NUC developed an operational framework that exceeded the expectations of the President's critics. It aimed to create a community-based vision that would guide the development of a programme to forge a new social contract for a just, equitable, humane and pluralistic society. It wanted to bring about: "principled and peaceful resolutions of the armed conflicts, with neither blame nor surrender, but with dignity for all

concerned". Its most high-profile efforts were the public consultations it conducted intensively from November 1992 to March 1993, which served as a mechanism to broaden public participation in defining a national peace programme.

Mandate and participation

The NUC consultations were intended to discuss: (1) participants' perceptions of the causes of the armed conflicts; (2) their proposals for how government and rebel forces should end them; (3) the issues they deemed relevant to the peace process; (4) the specific programmes, reforms, and entities that could implement proposals and promote peace; and (5) what their own group could do to promote peace. The NUC identified twelve key issues relevant to peacemaking: electoral reforms; human rights; political parties; dismantling of private armies; administration of justice; protection of the environment; socio-economic reforms; autonomy and cultural integrity; provisions for victims of armed conflicts; economic components of national unification; disposition of forces and armaments; and amnesty. They then asked participants to identify additional topics that should be included in the peace programme.

To ensure that it was a truly national process, the consultations were structured through a series of meetings at three levels: provincial, regional, and national. The NUC issued the 'Manual of Operations for the Conduct of NUC Public Consultations' to guide the process and its Secretariat was given overall responsibility for organizing the national and regional consultations. The Secretariat was assisted by an Advisory Group with representatives of the NCCP, Catholic Bishops' Conference of the Philippines (CBCP), the department of local governments and the National Coordinating Council for Local Governance. The NUC Secretariat and the Advisory Group designed the consultations process, appointed two members nominated by the NCCP and the CBCP to each Regional Convenors' Group (RCG) and monitored the conduct of the provincial consultations. The RCGs in turn identified the three core convenors for each of the provinces under their coverage. The Provincial Convenor Groups were required to have a minimum of four members, including the governor and representatives from an NGO and a people's organization as well as a religious leader. Each province could expand membership depending on the number of relevant sectors and different religious groups.

The NUC consulted with national formations, including large multi-sectoral coalitions such as the National Peace Conference and the People's Congress. These groups were responsible for pre-consultation activities among their networks and submitting proposals and documents to the NUC Secretariat before the consultation. The Regional and Provincial Convenors' Groups organized meetings at their respective levels and received and

collated peace proposals. Considerable flexibility was allowed at the provincial level because of the diversity in local conditions. Each PCG designed its own pre-consultation mechanisms, with some conducting municipal-level pre-consultations and others arranging sectoral meetings. These events channelled into a provincial consultation, where participants selected their ten representatives to the regional consultation.

The RCGs convened the regional consultations, which the NUC attended. Provincial representatives delivered their respective reports and an open forum followed each presentation. The body was then divided into workshop groups to fill in a matrix that was later consolidated into the regional report. In all, 71 provincial and 14 regional consultations were held and covered almost every province, including Muslim Mindanao.

The NUC identified 24 sectors whose representatives should be invited to participate, along with representatives from local and central government, the judiciary, police and armed forces. These included: women's organizations, child advocates, civic groups, cooperatives, the differently-abled, teachers and researchers, professional associations, farmers, fishermen, indigenous cultural communities, urban poor, media, labour, business, religious groups, social-development NGOs, cause-oriented and political organizations, issue-specific groups and groups of former rebels. In Mindanao communities with sizable Muslim populations, the representatives were also drawn from Muslim social, political and governing bodies. Furthermore, the RCGs jointly with the police and armed forces were authorized to issue safe-conduct passes to combatants that wanted to attend the regional consultations.

Religious and other civil society personalities and groups had leading roles in the consultative structures created. This meant that both practically and symbolically these consultations were led by civil society, rather than the government, at the local and regional levels.

The 'Six Paths to Peace'

In July 1993, the NUC submitted its report. It acknowledged that profound poverty and inequality were at the root of the country's conflicts and concluded that to achieve a just and lasting peace, at least six paths must be pursued simultaneously. The first was pursuit of social, economic, and political reforms aimed at addressing the root causes of armed struggle and social unrest. The second path was consensus building and empowerment for peace through continuous consultation at the national and local levels. The third was peace negotiations with armed groups. The fourth path was implementing measures for reconciliation, reintegration of former combatants and rehabilitation of those affected by the conflict. The fifth was conflict

management and protection of civilians. The sixth path aimed to build, nurture and enhance a positive climate for peace. The NUC also made recommendations on a set of 'do-ables' as specific measures that the government could immediately implement to partly address a root cause of the conflict. The document, in effect, legitimized and validated the long-existing demands of social movements and progressive sections of civil society: the need for comprehensive reforms to address structural inequalities and achieve lasting peace. President Ramos accepted the NUC recommendations and adopted them as the basis for his declared peace strategy.

That September, the Office of the Presidential Adviser on the Peace Process (OPAPP) was created to assume the advisory and coordination functions of the NUC, whose official term ended in June 1993. The OPAPP followed up on the set of do-ables with the relevant government agencies. In addition, Government Peace Negotiating Panels were constituted for talks with the CPP-NDF-NPA, the Moro groups and the military rebels. The momentum and confidence gained between the parties through the NUC-led process combined with national and international interest to make a contribution to the peace talks. The government signed comprehensive peace agreements with the military rebels in 1995 and with the MNLF in 1996. A ceasefire agreement was also reached with the Moro Islamic Liberation Front in 1997. Formal talks with the National Democratic Front opened in 1995 and in 1998, shortly before the end of President Ramos' term, an agreement was signed but remains inoperable.

Issues and controversies

The NUC consultation process and outcomes had some detractors. Some leftist groups chose not to participate fully in the process. In Negros Occidental, they held a picket outside the building where the consultations took place. Statements and articles written by groups associated with the National Democratic Front after the NUC's work was concluded continued to reflect their distrust of the Ramos administration's peace overtures – and even revealed an ideological resistance to amnesty and reintegration programmes because they might undermine support for armed struggle. Pro-independence elements in the Muslim population continued to hear an unbending stance on sovereignty and territorial integrity in subsequent statements of the President. Some doubted that the process or outcomes would be relevant to their priority needs. Furthermore, some local government officials were alienated by the civil society-driven process. The NUC had to issue a memorandum in December 1992 requiring city mayors' inclusion in the PCGs. The NUC secretariat's executive director later indicated her belief that because some local governments did not own the outcome, they did not have much commitment to its implementation.

From a procedural perspective, some found the multi-tiered structure of consultations repetitive and tedious or dismissed the exercise as a reiteration of grievances and demands expressed in previous forums and earlier negotiations. Sometimes the discussions lost focus and participants raised seemingly unrelated concerns, such as pornography and family values. The NUC admitted that it did not attempt to undertake a strict scientific sampling and there might have been some sectoral bias in the results. One scholar queried whether it would have been better to leave the question on the issues for inclusion in the national peace programme open-ended. The NUC also noted that the quality of the consultation results varied considerably. They indicated time and logistical constraints, the degree of organization of the province and region and the level of awareness of the population to be among the factors affecting the consultations.

Assessment

Despite the dissatisfaction of some, the NUC's publicity and the nation-wide flurry of activities raised public awareness of the issues and mobilized active support for the peace process. Political negotiations were put back on track. The wide-scale consultative process also stimulated the emergence of a national network of peace convenors, peace advocates and peace groups. This network and the groups that emerged continue to participate in both government-led consultations and non-governmental programmes and campaigns.

To date, the *Six Paths to Peace* remains the operational framework for the Philippine peace processes. However, the subsequent administrations of Joseph 'Erap' Estrada and Gloria Macapagal Arroyo have revealed that the voices of OPAPP and peace advocates are heard only if the President is willing to listen. Inside government, the OPAPP has to counter the influence of a military establishment schooled in Cold War ideology and corporate interests unreceptive to the structural reforms identified through the NUC consultations as necessary for peacebuilding. These are the recommendations that have been the most difficult to implement.

The NUC exercise also helped institutionalize public consultations as a regular part of governance. Inspired by the NUC's success, government and civil society groups have used subsequent consultations – or 'summits' – to address specific issues like economic development, poverty and crime. Consultations that enable direct interface with government have generated more pressure to deliver results. But consultations alone are not enough. If held repeatedly but without substantial outcomes, participants become cynical about the purpose and the sincerity of those engaged. This soon overrides the usefulness of the process as a mechanism for building consensus. Instead, consultations should be cumulative and be seen as such – building from the outcome of the previous ones – rather than merely repetitive. Government and society must consistently follow through with the changes identified through these processes if a just and sustainable peace is to emerge, even if only block by block.

Public participation and international peacemaking

Marrack Goulding

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I n 1986, as the UN's newly appointed Under-Secretary-General for Peacekeeping, I gave a talk to an American religious group visiting UN headquarters in New York. At the end, someone asked whether I thought NGOs had a role to play in the UN's efforts to maintain peace and security. I answered with an unequivocal 'no'. The United Nations was an association of governments; NGOs could help to relieve hardship but had no role in the negotiation and implementation of peace settlements. Thus was manifested the ignorance and arrogance of the new appointee.

I would not give the same answer today. Since the end of the Cold War, non-state actors have played an increasingly important role both in the conduct of conflict and in its resolution. International NGOs have proliferated and have become an accepted part of 'the international community' – although their quality varies and there are unanswered questions about their accountability. Within countries, the institutions of civil society have also acquired a recognized role, both in the resolution of internal conflicts and as a channel for public participation in peacemaking.

Public participation: normative, efficient or a nuisance?

Nevertheless, ambiguities remain about how far public participation in peacemaking is viewed either as normative, in the sense that the people have an inherent right to participate in efforts to maintain peace in their countries; or as pragmatically desirable, because it contributes to the efficiency of peacemaking; or as a nuisance, which governmental peacemakers would prefer to avoid.

The preamble to the United Nations Charter begins grandiloquently "We the Peoples of the United Nations determined to save succeeding generations from the scourge of war ..." but it ends on a different note: 'Accordingly, our respective Governments ...do hereby establish an international organization to be known as the United Nations'. The UN has always been an organization of governments and will so remain. It is only slowly and reluctantly that governments have conceded

to civil society a role in peacemaking, which almost all of them see as a quintessentially governmental activity. Very few have been persuaded to give civil society access to peacemaking, whether for normative or efficiency reasons. Progress has been due to pressure from below, not wisdom from above; to accumulated precedents, not generic decisions.

With the variety of forms that both 'international peacemaking' and 'public participation' can assume, it is impossible to define general prescriptions for an ideal relationship between international peacemakers and public participants. Each conflict is unique. In each case the peacemakers – be they international, national or a mixture of the two – have to judge how they can best help the protagonists negotiate a peaceful settlement. The points at issue should (but do not always) include the potential scope for public participation in that process. What seems to emerge from recent experiences of peacemaking is that there may be greater scope for public participation when the peacemaking is led by national actors rather than international organizations.

Why have international peacemakers made rather limited use of public participation? It may be helpful if, as a superannuated peacemaker, I offer not a political scientist's treatise but a practitioner's impressionistic

answer to this question. There are three possible explanations; they are not mutually exclusive. First, as already mentioned, few governments are positive about greater public involvement in peacemaking. Second, international actors may undertake, or be permitted, a mediatory role only when national peacemaking efforts have failed. In these cases, the society may be so polarized that public participation is difficult to manage without enlarging existing divisions, thereby making the search for peace even more difficult. Third, international peacemakers tend to be ill-informed, at least initially, about the country where they aspire to mediate peace. This may obscure their perception of the advantages that they and the process itself can gain from public participation.

Confidentiality versus public participation

The process of converting a situation of armed conflict into one of stable peace is long and complicated. In most cases where international peacemakers are in the lead, there are four phases. First, overture, when a third party or parties ('the mediator') persuades representatives of the armed combatants ('the parties') to enter into negotiations for a peaceful settlement of their conflict. Second, negotiation, when the mediator helps the parties to work out an agreement ('the settlement') that is, for

each of them, a better option than continuing the war. Third, implementation, when the mediator (or another third party) helps the parties to implement the settlement (what the UN calls 'multi-functional peacekeeping'). Fourth, peacebuilding, when various actors (including the parties, the mediator, international institutions and/or national institutions) undertake long-term efforts to consolidate the peace and, especially, to address the root causes of the conflict – which may have been only superficially addressed in the settlement.

Overture is a phase when confidentiality is particularly important, especially in internal conflicts. As with preventive diplomacy, success is most likely if the media are not aware – or are only vaguely aware – that an effort is being made to persuade the parties to negotiate. The barriers to negotiation are usually immense. The government has been at war with what it typically perceives as a gang of armed criminals and is now being urged to enter into a negotiation with those criminals. Even worse, it has to accept that for the purposes of the negotiation, it and the 'criminals' will be treated as political equals. It will not be granted preference or privileges simply because it is internationally recognized as the country's government. If the mediator is sufficiently skillful, the government will be persuaded to see that a negotiation on the basis of political equality is an inescapable pre-condition for peace. It is understandable that its leaders will insist that they need private time to convince core supporters that such negotiations are the right course. Premature revelation of the concessions made will not advance the cause of peace. While the mediator recognizes that confidentiality is a political necessity at this stage, he or she may nevertheless chafe at not being able to announce positive developments impartially before the parties put out their inevitably one-sided views.

Confidentiality also impairs the mediator's ability to engage with civil society as a source of information about the nature of the conflict and its underlying causes. In recalling the UN peacemaking and peacekeeping enterprises in which I was involved, I am often shocked to realize how little we actually knew at the outset about the conflicts into which we were about to insert ourselves. But consultation with in-country experts is usually precluded during overture. At that stage the overriding objective is to convince the parties to accept mediation and that requires a high level of confidentiality.

Confidentiality remains an important factor in the negotiation phase but is a less absolute one. Because the negotiations are known, both civil society institutions and the general public want to be informed and to contribute their ideas to the negotiators. This can be of value to the mediator, especially if civil society is well organized and there is strong public support for compromise and reconciliation.

Constraints nevertheless remain. One is that the international mediators may not be interested in contributions from civil society. Another is that the parties may not want their negotiating positions revealed to their own supporters or to the other side – let alone to the public at large – until they are ready to disclose them. The mediator must therefore be very discreet. Another can be the need to protect what Alvaro de Soto, the former Personal Representative of UN Secretary-General to the Central American Peace Process, calls 'the integrity of the mediation': there should be only one mediator; the mediator must have overall control of the negotiation; the mediator can enlist others, whose help can be of great value, but they must never take an initiative without the knowledge and approval of the mediator. A free flow of information about the negotiation increases the risk of unwanted initiatives and the confusion that they can cause. A desire to control the negotiation process can thus lead the mediator to insist on confidentiality.

There are, however, powerful factors that can incline the mediator towards openness and public participation. One is the need for information. The mediator is a stranger in a foreign land and may need to test ideas with local people in order to judge how they will be received. Another factor is that civil society institutions can help create the climate for successful peacemaking. If they are to play this role, however, the mediator may have to take them into her or his confidence about the kind of agreement that seems likely to emerge. In so doing, the mediator risks incurring the ire of the parties for violating confidentiality of the negotiation.

International mediators often find it necessary, however, to violate confidentiality on a lesser scale. They may, for instance, find that their mediation is being damaged by excessive secrecy. At one point in the El Salvador negotiations, we learned that some *Frente Marti Liberacion Nacional* (FMLN) field commanders were suspicious that their political demands were not being promoted with sufficient vigour by the FMLN negotiators in Mexico City. Because this occurred at a time when the negotiators were making significant progress, both the FMLN leadership and the government saw the need to reassure these field commanders. The UN was allowed to bring several commanders from the field (where fighting continued) to Mexico City to witness the negotiations for themselves.

The mediator faces a similar dilemma when an important social sector aligned with one of the parties is misled – often deliberately – about the likely contents of the emerging settlement. In Guatemala, when it became clear that the business community was alarmed by an impending agreement, the mediator was able to assure the employers' organization that they had been misinformed. He thus opened himself to the charge of breaching confidentiality but judged it to be a necessary

risk. Such are the judgments that international mediators must make. A similar risk is justified if a mediator concludes that an important sector of society has to be brought into the process, either because its involvement will help the mediator or because it is capable of undermining an eventual settlement if it is excluded from the negotiation.

Whose peace process is it?

Another important factor in favour of openness is the need for citizens to feel a sense of ownership of the settlement. Given sensitivities about sovereignty, the impression must be avoided that it is being imposed on them by foreigners. They should be encouraged to feel that it contains elements that they have contributed. Civil society institutions can help the mediator meet this need. In Guatemala a procedural agreement between the parties established a Civil Society Assembly (ASC), whose primary functions were to put proposals to the negotiators and to debate and endorse the successive agreements that were negotiated between the parties. The ASC brought the negotiation much further into the public domain than had been the case in El Salvador. The negotiators were under a brighter spotlight. This sometimes deterred the parties from conceding points, for fear of offending their supporters, and may have made the process longer than it would otherwise have been. Yet there is power in the argument that this was a price worth paying to enable Guatemalans to feel that they were playing as large a role as the foreign mediator in moulding the settlement. Public debate about its contents also enhanced the transparency and accountability of the process. In short, in each negotiation there is a trade-off between the tidiness of controlled confidentiality and the political advantages of giving the public a role in the process and thereby a sense that, at least to some extent, it belongs to them.

In internationally-led peace processes, civil society comes into its own in the third phase, implementation, and even more so in the fourth phase, peacebuilding. The settlement has been negotiated and accepted by the parties; the international community has endorsed it; the fighting has ended; hope and optimism prevail; national reconciliation and reconstruction can begin. In reality, the picture is rarely so rosy. Usually, significant elements in society – and sometimes even one of the primary parties – are opposed to the settlement or doubt that it can be made to work. Diehards are ready to use violence to interrupt its implementation. Sometimes there are ambiguities or unaddressed elements in the settlement that generate tension between the parties and necessitate re-negotiation.

By the time the implementation phase is reached, there has usually been more foreign involvement than local society wants; the time has come for it to assert ownership of the peace process. One of the lessons the UN learned in the 1990s is that the shelf-life of its political presence shortens with remarkable speed once a settlement has been signed. The UN mediator may be a local hero on signature day but the message comes very soon thereafter that it is time to go home. That message will almost always come from the government; it will probably come too from the general public, which is tired of the presence of well-paid and sometimes arrogant foreigners. It will not necessarily come, however, from all segments of organized civil society. Some may recognize an ongoing need for an impartial mediator to help resolve differences between the parties on how to implement the settlement.

In these situations, public participation becomes critically important. Popular support is needed to ensure that the process can withstand post-settlement squabbling and the assaults of its opponents. The questions then are how, and by whom, can the public be mobilized. The ideal conveners are long-standing, non-aligned local institutions. Often, however, in war-torn countries these institutions do not exist and have to be created. The creation can be done as part of the settlement. In El Salvador the agreements included the establishment of a 'National Commission for the Consolidation of Peace'. But it was a very official institution and did not have the advantage of being perceived as an independent arbiter of peace – distant from the negotiation but supportive of its outcome – in contrast to, for example, the churches in the Namibian process.

In both the implementation and peacebuilding phases, therefore, external support may be necessary to develop civil society institutions to consolidate peace. But this is not a function for foreign governments or intergovernmental organizations. Instead international NGOs can play an important role in helping local people to build and strengthen their own NGOs and other civil society institutions. Though they may be foreigners, they too are representatives of civil society. This may make them less threatening and more acceptable as agents of peace in a country beginning to re-establish its own national identity and pride after years of civil war.

The conclusion to be drawn is perhaps that peacemaking is yet another field in today's world where there is a need for more positive exploration of the advantages to be gained from partnership in the pursuit of common objectives shared by governments and their peoples. But, as in other such fields, the mechanisms of this partnership have to be very carefully designed. Whoever the peacemakers may be, there will remain the need to strike the right balance between confidentiality and the engagement of civil society in what will always be a delicate process.

Developing public capacities for participation in peacemaking

Quintin Oliver

Quintin Oliver has worked in the Northern Ireland peace process as an NGO activist and latterly a political lobbyist. He ran the successful "YES" Campaign in the 1998 referendum on the *Belfast Agreement*. He now runs the political consultancy 'Stratagem', and an international referendum group 'Politicks'.

In 1991, as the conflict in Northern Ireland raged, I was part of a small group of what might be called 'intellectuals' with various positions in civil society (organized labour, NGO sector, academia, journalism) who met to agonize over the eternal question: "What is to be done?" We hit upon the idea of inviting a commission of outsiders to come and hear from ordinary people about life in Northern Ireland and to make recommendations on new ways of tackling what seemed to be an intractable problem. We had a strong economic and social agenda, not entirely divorced from the constitutional question about our Irishness and/or Britishness. Initiative 92, as the project became known, gave birth to the first halting steps of a new form of civil society engagement with what became known as the Northern Ireland peace process.

We approached Torkel Opsahl, a Norwegian human rights lawyer, to chair the commission and invited others to serve alongside him. The same group managed the organizational framework, the fundraising and the promotional aspects of the commission's work. This involved taking the initiative into the lanes, streets and by-ways of Northern Ireland to hear what local people felt and to nudge hitherto recalcitrant political blocs to engage in some sort of process beyond violence. The initiative culminated in the compilation of a report that was published, launched and disseminated among the political parties and the wider public.

We all agreed that we must not stop with the publication of a book and therefore arranged for a one-year extension to the project to disseminate and animate the results through an extensive follow-up programme. Of course the first IRA ceasefire of 31 August 1994 was not a direct consequence of the process we initiated. But with the benefit of hindsight, many observers pinpointed our contribution to creating an atmosphere of greater participation in debate, easing the situation and softening the edges of the conflict.

I remember feeling alienated as a civil society practitioner when the talks process chaired by Senator George Mitchell began; the talks were taking place behind closed doors (however understandably), but I wanted to help

Quintin Oliver at the start of the 'YES' campaign for the Belfast Agreement referendum.

Source: Harrison Photography

the process along by assisting with explanation, communication and elaboration of the key principles of any accommodation then being negotiated. Another role soon opened up. The UK government of John Major had promised a 'triple lock' before any negotiated agreement could take effect: the parties to the negotiation must agree, the two supervising governments (the UK and Ireland) must agree and then the people must agree through a referendum held simultaneously on both sides of the Irish border. The referendum created the opportunity for civil society players to organize a "YES" Campaign. So we did and thereby contributed to the 81 per cent turnout – massive by UK and Irish standards – and the 71.2 per cent vote in favour of the agreement.

Yet the resoundingly endorsed *Belfast Agreement*, signed on Good Friday 1998, was not the end of the story. Again blessed by hindsight, we can see that it was only the end of the beginning. Its implementation was – and remains – critically contested, again requiring the engagement of players other than elected political representatives to help 'oil the wheels' of the process. And so we are still involved as observers, commentators, activists, trade unionists, business people and NGOs.

This personal vignette shows three distinct phases in my modest contribution to recent events in Northern Ireland: preparation for peace, the formal negotiations and implementation/consolidation. In Northern Ireland, the drive toward negotiations came principally from internal actors. Simultaneously, however, external pressures from the United States – sometimes stimulated by the

influential Irish diaspora – and the European Union added urgency to the dynamic. The principal political parties, as selected by the electorate, were responsible for negotiating an agreement. Civil society's role was to help prepare society for change.

This process reveals some elements in the developmental sequencing of political participation by the public in a wider peace process that I would like to explore in more detail, drawing on experiences in Northern Ireland and elsewhere. Hindsight often makes it possible to chart a linear progression between these phases. At the time, however, it may often feel more like a zig-zag, as initiatives break down, interested parties position themselves in a way that offends others, fears and apprehensions increase the contested territory – and often spark violence – and a curious, if not confused, electorate express their apprehension or alienation from the process.

Preparation

If civil society organizations and a broader proportion of the overall public are sufficiently prepared to engage in peacemaking, it can both create a climate conducive to negotiations and help to ensure that the social infrastructure is developed for their voices to be heard at formal peace talks. As the Northern Ireland example shows, there are typically combinations of internal and external influences that encourage representatives of armed combatant groups to come to the negotiating table. These influences interact with civil society roles in

complex ways. The role of external brokers and mediators can be helpful but only if the process is itself 'owned', sooner or later, within the conflict area. Here there is a neat balance between the role of catalyst and the role of guest facilitator.

Often external forces have an overt role. Sometimes they come from countries with considerable influence on the conflict. In Northern Ireland this was exemplified by US Senator George Mitchell, economic envoy and then chair of the formal talks process. There are also governments whose diplomatic corps are well known for their impartial observers and mediators. For example, the 'Oslo Process' is a term used both by Israelis and Palestinians and by Guatemalans. In both cases, the Norwegian government supported civil society facilitated 'talks-about-talks' between representatives of the combatant groups leading to a substantive negotiation process. In Mali, the Norwegians provided support when Norwegian Church Aid was asked to help with the inter-community meetings that eventually brought peace.

In other cases, internal actors are more important. In South Africa, the immense mobilizing capacity of the United Democratic Front allied to Nelson Mandela's ANC was a powerful force motivating the transition from apartheid. A joint business and church led initiative enabled the 1991 *National Peace Accord* process to be firmly rooted in civil society but connected at the same time to the key power-brokers. In the Philippines, the agenda for peace talks emerged following a July 1992 initiative by newly-elected President Fidel V. Ramos to create a National Unification Commission (NUC) mandated to hold consultations with all concerned sectors at the provincial, regional and national levels. The NUC worked together with local actors so that the consultations at the local and regional levels were led by civil society, both practically and symbolically, rather than the government. Often called the 'laboratory of peace', the community of Mogotes, Colombia established a unique Municipal Constituent Assembly using classic 'bottom-up' mobilization techniques. In the context of ongoing and widespread violence, community members initiated a peaceful process of political change at the local level. Mogotes is now a 'zone of peace' that has inspired hundreds of others throughout the country.

These examples indicate that the mechanisms for public participation in peace processes can be extremely important. Yet they do not occur unless people make them happen. This typically involves a substantial degree of both advocacy, to ensure that their voices are heard, and mobilization to generate the capacity to create opportunities – whether proactively or reactively. The preparatory phase is thus a time for mobilizing voices, formulating substantive agendas, designing processes and developing a popular constituency of interest to support and engage in conflict resolution. Sequencing,

however, is critical. For example, consulting civil society on the contents of the peace agreement after it has been negotiated and signed can be difficult and sometimes counterproductive, especially if substantive input is no longer sought or possible. Power-brokers may seek to marginalize civil society voices after initial consultations so as to dominate decision-making and reconsolidate their control in the post-agreement period; caution must be exercised to ensure they do not dictate the process.

In addition to preparing processes, it is important to emphasize the significance of preparing people so that they feel comfortable and are able to participate fully and make effective contributions. Alienation and frustration can otherwise set in very quickly. Participation may be impaired if the environment is exclusionary because of over-reliance on unfamiliar procedural rules, for example, or a formal style that intimidates those with less experience.

Participation in formal political negotiations

There are a number of dilemmas regarding who sits at the negotiating table: representatives of the armed groups? Political parties? Organized civil society? This question can become a knotty problem. Are politicians not representatives of the people? Are they not entitled to negotiate the best deal and then sell it to their constituencies of interest? How can civil society, essentially and inherently representative of particular interests, play a helpful and supportive role?

In Northern Ireland the multi-party talks leading to the *Belfast Agreement* took place behind closed doors. Although the public was aware of the process, there were few official channels to allow input into the content of the agreement being drafted. This created a degree of concern amongst organized civil society and also created a barrier to 'bringing along' the public in support of the Agreement. This was exacerbated by selective leaks amongst the actual participating parties to 'spin' their side of any particular argument in order to gain political advantage. This made the task of selling the agreement to the public in the subsequent referendum, scheduled for only six weeks after the Agreement was signed, all the more difficult.

By contrast, the South African model took an alternative route to write a new constitution. The Constitutional Assembly deployed a multi-track approach. The negotiations deployed a representative decision-making model with elected party representatives negotiating on behalf of the members of political parties, which held them accountable. This was complemented by broad public consultation on the contents of the new constitution so that everyone would feel that they had an

opportunity to articulate their perspectives, interests and ideals. There were high levels of awareness about the process and a broad feeling of ownership over the constitution that finally emerged.

Sometimes the overlap between civil society and the formal political process can be seen as an opportunity. For example, to ensure that women would be present at the negotiating table in Northern Ireland, a cross-community group of women from civil society formed the Northern Ireland Women's Coalition to contest the elections and won a place at the talks. Alternately, engagement in official politics can be a threat to civil society's effectiveness, as was the case when Guatemala's Civil Society Assembly (ASC) was weakened at a critical moment by the exodus of civil society leaders to assume new political roles.

Here, the distinction between organized voices and wider public opinion may be helpful in differentiating the levels and tiers of involvement. Even within organizations, some members or groupings may feel disenfranchised or overlooked, stimulating them to work outside their authorised organizational structures. Many will also use the press, such as the letters columns of newspapers, to create the mirage of participation.

Sometimes, public participation can be critical when a formal process falters or breaks down. Civil society activists can nudge key actors back into a peace process, as was seen in Guatemala, Mali and the Philippines. They can also help to create or maintain a climate conducive to negotiations. In South Africa the local and regional peace committee structures underneath the *National Peace Accord* were able to help stabilize the situation in April 1993 after the assassination of the ANC activist Chris Hani. NPA structures also contributed to the creation of conditions where a negotiated political transition could take place, by facilitating communication and modelling non-violent approaches to the myriad manifestations of the political crisis.

Implementation and consolidation

Senator George Mitchell, after signing off on the *Belfast Agreement*, is said to have observed: "poor souls – now the real trouble begins!" He was observing that regardless of the difficulty of the negotiations, the implementation often can be even more difficult. It is important to build a broad constituency of support for the process, not just for the piece of paper that was negotiated.

Those who want to derail the agreed package often can do so through selected acts of violence or political vandalism. Hard-line factions within armed groups may feel aggrieved that their principles were diluted to achieve the necessary accommodations and those left

outside the process can spot the moment to disrupt it yet further. The challenge can be to encourage them to realise that they are better off inside the process than in the wilderness seeking to damage from outside – or to ensure that they are so far outside that they can do it no serious harm.

Marrack Goulding observes the difficulties of an active civil society role in the post-settlement phase if the institutional capacities are weak. A salutary lesson can be drawn from Northern Ireland, where the agreement mandated that a civil society voice could be institutionalized in the new governing Assembly through a formally structured Civic Forum. Although agreed by the participants at the talks, incorporated into the agreement and endorsed by the people in the referendum of May 1998, the Civic Forum was stillborn. It was effectively starved of resources by the 'real' politicians and hampered by a cumbersome electoral college mechanism of appointment. It has failed to excite interest or notice: organized civil society works around it, the politicians ignore it, and the press do not trouble with it.

At the time of writing in autumn 2002, the Northern Ireland process has run into further difficulties with a breach of trust between the four main political parties operating devolved governance under the 1998 Agreement; a crisis that led to the suspension of the Northern Ireland Assembly by the British Government. As a fierce 'blame game' takes place, the public feel generally disillusioned and alienated from the process. Perhaps there should have been structural mechanisms to bind the communities into the new governing system; perhaps the political parties succumbed to temptation in seizing the spoils of agreement for themselves, without reflecting on how its roots must extend into local communities in order to underpin the fragile settlement.

It seems that unless the people are closely involved, through their representative organizations and through organized public opinion, any agreement can merely become a dry letter. The power of the people is beautifully exemplified by Mogotes, where the population organized non-violent direct action to force the resignation of their corrupt mayor. In Mali, political negotiations were not in themselves able to provide the foundations for peace. It was only when communities took responsibility for resolving the conflicts affecting their regions that peace was achieved and the conflict transformed. The conclusion here is that 'bottom-up' and 'top-down' travel in different directions and cannot be neatly corralled together. The jigsaw of relationships requires sensitivity and flexibility in order to give appropriate place to each and dampen neither's independence or autonomy. To do so effectively is a challenge for all governments and civil societies.

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The Accord series

Accord: an international review of peace initiatives is published by Conciliation Resources (CR). It provides detailed narrative and analysis on specific war and peace processes in an accessible format. The series is intended to provide a practical resource for reflection for all those engaged in peacemaking activities.

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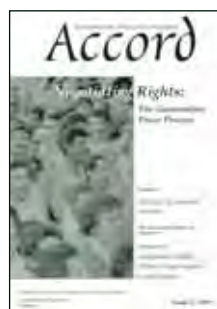
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Issue 5 | 1998

This publication documents issues around the signing of the 1991 *Paris Agreements* which officially "brought to an end" Cambodia's long war and the violent collapse of the country's governing coalition in July 1997. The experiences suggest the need for a rethinking of international responses to Cambodia's problems, with a greater emphasis placed on monitoring and supporting the functioning of its constitutionally-mandated political institutions. Includes pieces on elections and power sharing; Buddhist activism; international disengagement and constitutional safeguards.

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The Mozambique issue of Accord documents the diverse initiatives which drove the parties to a negotiated settlement of the conflict as well as illustrating the impact of changing regional and international dynamics on Mozambique. Articles analyse the role and methods of the states in the peace process; the impact of financial and diplomatic 'sticks and carrots'; the role of church-based mediation; and grassroots initiatives for justice and reconciliation.

Compromising on Autonomy: Mindanao in Transition

Issue 6 | 1999

The GRP-MNLF 1996 *Peace Agreement* was a milestone in many ways: all previous attempts to negotiate an end to the 24 years of civil war had failed. Although implementation of this Agreement has so far failed to bring an end the violence, the efforts and innovations in peacemaking in Mindanao are invaluable examples to those engaged in comparable conflicts around the world. The publication contains analysis on Islamic diplomacy, civil society roles and development as peacekeeping.
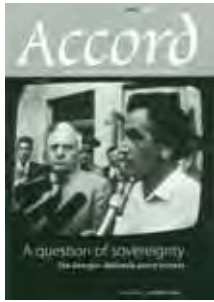
A question of sovereignty: the Georgia–Abkhazia peace process

Issue 7 | 1999

Following the outbreak of war in August 1992 and the ensuing humanitarian crisis, Abkhazia and Georgia have embarked upon a faltering peace which is the focus of the issue. In exploring the background and issues at the heart of the conflict - the Abkhaz demand for sovereignty and why Georgia refuses to grant it - Accord 7 provides a unique insight into a political stalemate and points towards possible avenues out of deadlock.

Russian language edition available from CR and published on www.c-r.org

Striking a balance: the Northern Ireland peace process

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The signing of the *Belfast Agreement* in Northern Ireland in 1998 was the result of long and arduous negotiations to end thirty years of sectarian violence and political stalemate. Accord 8 explores the factors that led to the negotiations and outlines the impact of history on current aspirations. Describing the development of an environment for peace, it analyses the complex underlying forces and those aspects of the Agreement that have facilitated the process or caused problems with implementation.

Discussion pack, which accompanies the issue, and Russian language edition also available from CR

Paying the price: the Sierra Leone peace process

Issue 9 | 2000

The *Lomé Peace Agreement* of July 1999 sought to bring an end to one of the most brutal civil wars of recent times. Sierra Leone, its regional neighbours and the international community are currently faced with the daunting task of moving from a crisis of effectiveness and credibility to re-establishing an environment for sustainable peace. Accord 9 explores earlier attempts to bring the conflict to an end and in doing so seeks to draw valuable lessons.

Politics of compromise: the Tajikistan peace process

Issue 10 | 2001

With the break-up of the Soviet Union, conflict began to escalate in Tajikistan and by 1992, this Central Asian republic was engulfed in civil war. Accord 10 describes the aspirations of the parties to the conflict and documents the negotiation process leading to the *General Agreement* of June 1997. It looks at the role of the international community, led by the UN, as well as of local civil society, in reaching a negotiated peace settlement.

Russian language edition available on www.c-r.org

Protracted conflict, elusive peace: initiatives to end the violence in northern Uganda

Issue 11 | 2002

Since the mid-1980s, the internal conflict between the Ugandan government and the Lord's Resistance Army has become linked to larger geopolitical interests - in particular the conflict in southern Sudan. While a meaningful peace process remains elusive, this issue documents significant peacemaking initiatives undertaken by internal and external actors. It analyses the impact of civil society initiatives, traditional reconciliation processes and the child rights agenda on the dynamics of the conflict and attempts to find peace.

Weaving consensus: The Papua New Guinea - Bougainville peace process

Issue 12 | 2002

The *Bougainville Peace Agreement* of 2001 brought an end to the most violent conflict in the South Pacific since the Second World War. Accord 12 documents peacemaking efforts from the preventative attempts at constitutional accommodation in the 1970s up to the final negotiations. It describes an indigenous process which drew on the strengths of Melanesian traditions as well as innovative and enabling roles played by international third-parties.

Future issues

Conciliation Resources is currently developing publications on the Angolan peace process and on the conflict and peace process in Colombia. Updates of a number of previous issues are also being prepared.

conciliation resources

Conciliation Resources (CR) was established in 1994 to provide an international service and act as a resource in the field of peacebuilding and conflict transformation. CR's principal objective is to support the activities of locally-based groups working at community or national levels in preventing violent conflict or seeking to transform armed conflict into opportunities for social, political and economic development based on more just relationships.

In striving to attain that objective, CR:

- assists organizations in developing innovative and sustainable solutions to short- and long-term problems related to armed conflict;
- involves previously marginalized groups in community and national peacemaking and peacebuilding processes;

- helps strengthen civic capabilities for dialogue, problem-solving and constructive action locally, nationally and regionally;
- contributes to the local and international development and dissemination of conflict transformation practice and theory.

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A poster goes up in Belfast's Shankhill Road, 18 May 1998, four days before the referendum.

Owning the process:
public participation in peacemaking

The process for making a transition from war to peace provides the opportunity to agree new political, constitutional and economic arrangements to address the causes of conflict. Often these decisions are made exclusively by representatives of governments and combatant groups – who do not necessarily represent the interests of diverse constituencies in the wider public. This first thematic publication in the Accord series documents approaches developed by governments and civil society in order to open the process to a wider range of participants. It reveals strategies for democratizing peacemaking through three basic modes of participation: representation through political parties, direct participation and public consultation. The opportunities for participation succeeded in widening the range of issues addressed and resulted in broadly legitimate agreements. Furthermore, the processes themselves strengthened the capacity for inclusive political participation in future governance and facilitated a degree of political reconciliation.

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