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# *In Theory*

## Civil Society and Peace Negotiations: Beyond the Inclusion– Exclusion Dichotomy

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*Civil society is generally seen as an important actor in peace processes. But when it comes to reaching an agreement during peace negotiations, much of the current debate is centered on the question of including or excluding civil society. Although most researchers argue that civil society participation makes the process more sustainable and democratic, most practitioners emphasize that enhanced civil society participation makes it more difficult to reach a peace agreement.*

*I argue that practitioners and theorists must both move beyond this dichotomy and, instead, focus on the variety of ways in which civil society actors can be included in a given negotiation process. To this end, I present in this article a comprehensive overview of nine models of inclusion, from most to least direct involvement of civil society, supported by illustrative case studies. Analysis of these models suggests that it will be possible to broaden the participation of civil society in peace negotiations without decreasing the negotiations' effectiveness.*

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**Key words:** negotiation, mediation, armed conflict, war, peace process, civil society, participation, inclusion.

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## Introduction

While many studies have confirmed the important role of civil society in peace processes (Belloni 2001; Orjuela 2003; Aall 2007; Paffenholz 2010), the particular role civil society organizations play has been a relatively neglected topic in the literature of peace negotiations. Moreover, although most researchers have argued for inclusion, mediators and negotiators have tended to favor the exclusion of civil society groups from peace negotiations (Chuffrin and Saunders 1993; Fisher 1997; Saunders 1999; Barnes 2002, 2005; Hemmer et al. 2006; Bell and O'Rourke 2007; Wanis-St. John and Kew 2008; Lanz 2011; Nilsson 2012).

Instead of discussing the advantages of civil society inclusion or exclusion, I will instead strive to focus my attention on how and under what conditions inclusion can work. Recent research supports my contention that this shift in focus is timely and necessary: in a recent quantitative study assessing eighty-three peace agreements between 1989 and 2004, Desirée Nilsson (2012) reported that including civil society actors into peace settlements substantially increased the durability of peace. In addition, the United Nations (U.N.) has recently highlighted the need to find innovative approaches to civil society inclusion in mediation (UNSC 2009; U.N. General Assembly 2011). To address this need, I present in this article the first comprehensive overview of possible ways to include civil society into Track One peace negotiations. I describe and explain nine models of inclusion ranging from most to least direct involvement using illustrative case studies. These models are not mutually exclusive as more than one model can occur within a peace process. Analysis of these models suggests implications for practice and an agenda for future research.

In this article, I focus on the role of local civil society groups from within conflict contexts rather than on outside international nongovernmental organizations (INGOs) — this is not a discussion of the role of INGOs as principal mediators. Civil society is understood to comprise organizations that take voluntary collective action around shared interests, purposes, and values and that are distinct from those of the state, family, and the market. It consists of a large and diverse set of organizations such as trade unions, professional associations, human rights groups, faith-based organizations, research institutions, social movements, and peace-building NGOs, as well as traditional and community groups.

This article is structured as follows. First, I explain the methodology applied, followed by a review of the current debates in the literature. The subsequent section presents and analyses nine models of civil society inclusion, including illustrative case studies. The article then concludes with a summary analysis of these models, followed by a discussion of the implications for practice and an agenda for further research.

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## Methodology

I developed nine models of civil society inclusion in peace negotiations by analyzing the relevant negotiation literature and case study research, supplemented with data collected via group discussions and interviews with mediation practitioners. I conducted four semi-structured group discussions: at a session at the Oslo Forum, a yearly retreat for international mediators (<http://www.osloforum.org>) on June 22, 2011; at the African Mediators' Retreat in Zanzibar on November 25, 2011 (<http://www.osloforum.org/retreats/oslo-forum-africa-11-africa-mediators-retreat>); at a seminar at the Norwegian Ministry of Foreign Affairs on December 8, 2011; and at Conciliation Resources, an international peace-building NGO in London on November 16, 2011. I asked semi-structured questions to groups of fifteen to thirty people. Additionally, I conducted five semi-structured interviews. In total, 105 participants, a third of whom were women, took part in the research. The questions asked about models for including civil society in peace negotiations and how those models functioned. The participants were self-selected according to their interest in the topic. They included:

- ten U.N. or African Union high-level mediators;
- twelve government special envoys or ambassadors;
- twenty-nine diplomats involved in mediation;
- ten members of official mediation teams;
- twenty-five private, nonofficial international mediators;
- five members of negotiation teams including one principal negotiator; and
- twelve civil society representatives.

The participants spoke on condition of anonymity; hence, in this article, I refer to the interviews and group discussions generically by type of data and date only (e.g., "Group discussion Oslo Forum 2011 June 22" or "Interview on July 23, 2011").

I selected the case studies used to illustrate the models based on the available literature and suggestions made by mediation practitioners. The sample is therefore not representative, and the case studies serve solely as illustration. A systematic case study selection and analysis is left to further research.<sup>1</sup>

## The State of the Debate: Civil Society and Peace Negotiations

Overall, civil society plays a limited role within the peace negotiation literature. When discussed, the focus generally lies on the various arguments

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for civil society inclusion or exclusion. These accounts are supplemented by a relatively small number of studies that have surveyed the functions of civil society in peace negotiations, the impact of inclusion on reaching and sustaining agreements, the coordination between tracks including the transfer of results from Track Two to Track One negotiations,<sup>2</sup> and the enabling and disabling context of these processes. (Each of these debates is presented in the next section.)

According to the literature, the main reasons for excluding civil society from peace negotiations relate to the difficulty in reaching a peace agreement between the primary parties to the conflict. In addition, practitioners find it difficult to choose which civil society groups should participate.

First, mediation practitioners generally argue that broadening participation in negotiations unnecessarily complicates the process of reaching an agreement (Group discussion Oslo Forum, June 22, 2011; Nilsson 2012). According to this view, increasing the number of parties involved will lead to an increase in the number of positions, and communication and trust building will be less effective (Wanis-St. John and Kew 2008; Zartman 2008). Moreover, practitioners have pointed to the fact that the primary objective of (pre-) negotiation talks is not to include all groups but, rather, to get the major combatants to the table. Thus, excluding civil society groups is therefore not seen as something that contradicts aims of the negotiations (Group discussions, Oslo Forum, June 22, 2011 and Zanzibar Retreat November 25, 2011). In their analysis of game theory-oriented negotiation literature, Bruce Hemmer and colleagues (2006: 131) found that the “focus of analysis has been on dyadic negotiations between representatives of large collectives, rather than negotiations between whole societies or social groups, involving networks of many actors.”

Some diplomats have also expressed skepticism about the general usefulness of problem-solving workshops and other Track Two activities that tend to include civil society groups. Cynthia J. Chataway (1998: 281) described some of the attitudes of American diplomats toward Track Two activities, “Track One has little time, has to act fast, and can only take in what is immediately relevant and useful; Track Two often does not know when this is, or what exactly is needed, or how to frame it.” Hence, tension can emerge between the exclusion that can make reaching an agreement easier, and the inclusion that can help institutionalize the peace agreement within society to make it more sustainable.

Second, even when mediators judge inclusion of civil society in peace negotiations desirable, it is often difficult to convince the conflict parties to agree to do so, usually because the belligerents are often unwilling to share power with additional groups, especially when those groups do not represent their own constituencies or positions (Interview with member of mediation team, September 2, 2011 and group discussions, Oslo Forum June 22, 2011).

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Third, even when mediators believe that civil society inclusion is a valid option and convince conflict parties to enlarge participation, identifying the appropriate groups can present a problem (Interview with member of mediation team September 2, 2011 and group discussions, Oslo Forum June 22 and Zanzibar November 25, 2011). This seems to be especially true when there are no strong, representative civil society groups available. In these situations, mediators run the risk of including only groups that echo the positions of the conflict parties or are the loudest in voicing their demands. As a result, civil society participants may not be representative and, instead, simply reinforce one (or more) of the conflict parties or reflect elite views (Wanis-St. John and Kew 2008).

In contexts in which civil society is weak and unrepresentative, the challenge of selecting representatives, as well as managing the process of including them, can be considerable. It often requires extensive research and on-the-ground outreach capacity that is not always available to the mediators (Interview with members of mediation team September 2, 2011 and group discussions, Oslo Forum June 22, 2011).

In the peace negotiation literature, the main reasons for including civil society groups are either normative or concerned with the effectiveness and sustainability of peace agreements. While most of the literature emphasizes normative goals and sustainability objectives, mediators themselves tend to emphasize issues of effectiveness.

According to the normative arguments, participatory peace negotiations are an important and logical long-term step toward building democracy (Hemmer et al. 2006; Bell and O'Rourke 2007; Lanz 2011), even a moral obligation (Wanis-St. John and Kew 2008), and an international responsibility based on the "right to participate" (Barnes 2002).

Most arguments, however, evolve around issues of sustainability. First, civil society actors often seek to address the underlying causes of the conflict beyond the immediate interests of the belligerents (Saunders 1999; Barnes 2005; Group discussions, London November 16, 2011). Civil society inclusion can therefore be crucial in avoiding the problem of "spoilers" (Nilsson and Söderberg Kovacs 2011), those diverse parties who can derail peace if they believe their interests are not being represented by the other parties at the table. Therefore, potentially opposing groups may need to be included to ensure that their constituencies do not feel excluded, their views are represented, and they do not oppose concessions made by the parties on their behalf (Lieberfeld 2002; group discussions, Oslo Forum June 22, 2011 and Zanzibar November 25, 2011).

Second, involving more groups in the process can help ensure the inclusion of broader public interests in the negotiation agenda. This can lead to a greater sense of ownership and reduce the risk that excluded parties will resort to violence to gain access to negotiations (Barnes 2005;

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Hemmer et al. 2006; Chigas 2007; Wanis-St. John and Kew 2008; Group discussions, London November 16, 2011).

Third, engaging civil society in the various stages of the peace process can promote higher levels of accountability among the conflict parties, and a sense that the negotiations have greater legitimacy, which can lead, in turn, to a shift in public opinion about the process (Chataway 1998; Wanis-St. John and Kew 2008; Lanz 2011; Group discussions, Oslo Forum June 22, 2011 and Zanzibar November 25, 2011; Nilsson 2012). Accountability is particularly relevant during the implementation stage, when civil society's critical watchdog function can place pressure on the conflict parties to maintain their commitments. But to ensure adequate participation in monitoring mechanisms, corresponding provisions must be included in the agreement (Interview with mediation team member, September 2, 2011; Lanz 2011).

Fourth, civil society organizations can offer expertise and local knowledge. They can support the mediators by providing analysis of the conflict and the peace process. If they have been involved for a long time, they may act as the institutional memories of the peace process. This can be especially important in unclear conflict environments in which mediators can get caught up in, and confused by, conflicting agendas (Barnes 2005; Group discussions, London November 16, 2011).

Fifth, high-level civil society initiatives (Track Two type programs, such as problem-solving workshops) can provide opportunities to test out new ideas, conduct joint analysis, or contribute to changes in the political culture on each side (Kelman 1996: 12-13; Chataway 1998).

Last, Nilsson found in her statistical analysis that the involvement of civil society in peace negotiations has made peace agreements more durable (Nilsson 2012). Contrary to many practitioners' claims, she also found that including civil society actors is in fact not uncommon — one third of the peace accords that she assessed had at least some kind of civil society involvement. Moreover, she found that peace negotiations that included civil society participation also were more likely to include the participation of various political parties. Out of the eighty-three peace agreements she examined, twenty-eight included civil society participation, and twenty-two also included one or more political parties. In sum, she concludes that civil society inclusion does have a positive effect on the sustainability of post-settlement peace. At the same time, she acknowledged that her statistical analysis did not capture the number of civil society actors involved nor how they were included (e.g., inclusion models).

Another debate in the literature has concerned the different functions that civil society participants can perform in peace processes. These are: protection, monitoring, advocacy, socialization, social cohesion, facilitation, and service delivery (Paffenholz 2010). According to an in-depth comparative study of twelve cases, the relevance of these functions can differ

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tremendously pending on what particular phase the peace process may be in (Paffenholz 2010). During the negotiation phase, research suggests that three particularly relevant functions are monitoring, advocacy, and facilitation (Barnes 2005; Paffenholz 2010).

*Monitoring* is important, especially during the implementation of peace agreements. Its focus can be on either the agreement's main modalities or specific issues and provisions. Human rights violations generally take up a large part of the agenda.

*Advocacy* is critical to put pressure on the conflict parties to reach an agreement or add important issues to the negotiation agenda. Before and during negotiations, the focus of advocacy is typically to lobby the main armed conflict parties to join the negotiation table or to come to an agreement and to make sure that certain issues appear on the agenda. Advocacy can be conducted informally or publicly, using media campaigns and mass action, and can either support or oppose the peace agreement.

Similarly, *facilitation* mainly evolves in support of negotiations. It can take the form of back channel talks by governments, INGOs, NGOs, or business leaders. Facilitation seeks to help the parties reach agreement by building trust or developing proposals and ideas for solutions and compromises.

A number of studies have attempted to assess the impact of civil society inclusion on Track One peace negotiations. Anthony Wanis-St. John and Darren Kew (2008) reported correlations between including civil society in negotiations and the sustainability of peace agreements. Using a much larger sample than Wanis-St. John and Kew in her article mentioned above, Nilsson (2012) confirmed that civil society inclusion could enhance the duration of peace following a peace agreement. My (Paffenholz 2010) assessment of twelve in-depth case studies revealed that while civil society organizations were often effective in getting issues addressed during negotiation or in post-agreement agendas, they typically did not manage to maintain involvement after the peace agreement was reached. When they engaged in monitoring, however, they were often very effective. My study (Paffenholz 2010) also showed that the strongest impact of civil society involvement on negotiations occurred through mass action outside of the negotiation arrangement.

A number of studies explicitly assess the impact of conflict resolution workshops on Track One peace negotiations. This debate is examined in the conflict resolution literature under the terms "transfer" (Fisher 2005), "dissemination" (Cuhadar and Dayton 2012), or "coordination" (Nan and Strimling 2006). Ronald Fisher (2005) wrote that these workshops helped prepare the ground for negotiations and develop new ideas. Maria Jessop, Diana Aljets, and Betsie Chacko (2008) concluded that civil society organizations can have greatest impact on peace negotiations if they have already been involved in pre-negotiations, while Esra Çuhadar (2009) found that

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these initiatives had a greater impact when they focused on outcomes other than peace such as water management. Most researchers agree that the more closely the workshop participants cooperate with Track One negotiators and mediators, the greater their impact on the negotiations will be (e.g., Kelman 1996; Fisher 1997; Lieberfeld 2002; Çuhadar 2009; Cuhadar and Dayton 2012). Contacting official mediators and negotiators and bringing key people from Track Two initiatives to participate in formal negotiations can also be successful transfer mechanisms (Çuhadar 2009).

The context in which civil society organizations participate in peace processes can also determine their effectiveness (Paffenholz 2010). In general, the greater the violence in the conflict and the more repressive and less democratic the state, the more limited the space for civil society action will be. The positions taken by mass media and powerful countries (especially from the region) can also help enable or disable civil society participation.

Of course, the membership and characteristics of civil society groups themselves, including diaspora organizations, can also influence their impact. The more polarized and dominated by radical tendencies they are, the more difficult it becomes for them to pursue a common cause. Moreover, men from dominant groups in society (ethnic, religious, castes, etc.) hold most of the leading positions in civil society organizations at the expense of other groups (Paffenholz 2010).

## Models of Inclusion

Some studies have explicitly or implicitly discussed different models of civil society inclusion (Barnes 2005; Paffenholz, Kew, and Wanis-St. John 2006; Bell and O'Rourke 2007; Chigas 2007; Wanis-St. John and Kew 2008; Conciliation Resources 2009; Lanz 2011). Supplementing these models of inclusion with those discussed by mediation practitioners (Group discussions, Oslo Forum June 22; London November 16; Zanzibar November 25, Oslo December 8, 2011), I have categorized and further developed nine models of civil society inclusion in peace negotiations with the goal of describing the full range of options for the involvement of civil society in Track One negotiations, from the most to the least direct form of participation. These models are:

1. *direct representation of civil society groups at the negotiation table*, either as their own delegations to the negotiations or as members of official delegations;
2. *observer status*, with no official roles but a direct presence during the negotiations;
3. *official consultative forums that run parallel to official negotiations*, and that are endorsed by the mediators and negotiators;



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4. *less formal consultations*, that lack official endorsement from all the stakeholders;
  5. *inclusive post-agreement mechanisms* that involve civil society groups in the implementation of peace agreements;
  6. *high-level civil society initiatives*, nonofficial Track Two facilitation initiatives that take place in the pre-negotiation phase or parallel to official negotiations and that use a problem-solving approach;
  7. *public participation*, involving the broader population via public hearings, opinion polls, “town hall” meetings, or signature campaigns;
  8. *public decision making*, via referenda and other electoral forms that put major political decisions to binding public vote (e.g., terms of peace agreements, constitutional reforms); and
  9. *mass action*, campaigns, demonstration, street action, protests, and petitions.

I note that these models are not mutually exclusive. In fact, in most peace processes more than one model occurs. For example, in the negotiations to resolve the post-election violence in Kenya in 2008, there have been semi-formal consultations (Model Four), as well as the involvement of civil society actors in many post-agreement commissions (Model Five), which held huge public meetings (Model Seven), and there has also been a constitution reform referendum (Model Eight) as part of the implementation of the peace agreement. In the Inter-Yemini dialogue that started in 2013, different political and societal groups participate in the negotiations (Model One); one civil society group also has observer status to monitor the process (Model Two); and a number of international NGO conduct conflict resolution workshops to help some groups prepare their positions (Model Six).

### ***Model One: Direct Representation at the Negotiation Table***

In this model, civil society representatives can be party to negotiations either on their own or as part of another actor’s delegation (Barnes 2005; Paffenholz, Kew, and Wanis-St. John 2006; Wanis-St. John and Kew 2008). This is the most direct form of participation and gives civil society players the same status as the main conflict parties. The objective of direct representation is to contribute to a more democratic decision-making process by increasing the legitimacy and representativeness of the peace negotiations. The main function of civil society groups within this model is advocacy: enabling civil society to directly raise issues and, possibly, build in provisions for a more democratic post-agreement architecture. This might also encourage different constituencies to “buy-in” to the peace process, thus strengthening sustainability of any possible agreements (Paffenholz, Kew, and Wanis-St. John 2006).

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The greater number of groups that are present at the table, however, the more complex and challenging it can be to reach an agreement that satisfies all parties. To address that issue, mediators can resort to sub-working groups to break up big numbers of participants, with the respective civil society groups focusing on issues most important to their constituencies (Wanis-St. John and Kew 2008).

Nonetheless, convincing the conflict parties to make room for civil society can be difficult. While the conflict parties often do not have a general objection to civil society involvement *per se*, they balk at specific groups they see as outside of their realm of influence. In situations in which mediators have more leverage, they might also list civil society participation as a condition.

Another delicate issue is whether so-called “hardliners” should be included or not. In some negotiations, international norms (e.g., “we don’t negotiate with terrorists”) or the political concerns of powerful actors do not allow for the inclusion of a key party to the conflict (Lanz 2011); for example, such groups as Hamas, Al Shabaab, and the Taliban have been excluded from negotiations. In such situations, mediators have tried two approaches that involved civil society actors: in the Afghanistan negotiations in 2001, mediators involved more democratic civil society groups to make the process more legitimate in the absence of the Taliban. But in the Darfur negotiations in 2009, civil society representatives of militarized Arab groups were deliberately included in the negotiations in order to ensure their acceptance of the agreement (Interview with mediator on November 13, 2011).

### ***Case Study One: The Democratic Republic of the Congo***

The 1999 Lusaka Ceasefire Agreement provided for the revival of the Inter-Congolese Dialogue in 2002. The U.N. mediators brought together the Congolese Government in Kinshasa, the armed groups, and the unarmed opposition, but also insisted on the participation of civil society representatives (Les Forces Vives) to ensure broad societal consensus in the negotiations. To this end, Congolese civil society groups elected representatives from each of the country’s eleven provinces to attend the talks. Mediators managed the complexity of working with large groups during the negotiations by forming thematic working groups. Civil society representatives were included in every power-sharing component of the agreement and gained several positions in the transitional government. Conflict protagonists often consulted with civil society in parallel discussions after the agreement was reached. Overall, the civil society representatives successfully integrated the concerns of civilians in the final agreement and reminded belligerents about the urgent need for peace.

The conflict parties questioned the legitimacy of the presence of unarmed civil society representatives, particularly women, at the table.

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However, of the 340 delegates to the process, forty were women, and additional women were granted observer status as experts. During the talks, civil society representatives also did not function as a unified group but represented multiple ideologies and viewpoints. And, unfortunately, some civil society representatives were co-opted by negotiating parties via monetary gifts or promises of future political positions.

In sum, giving nonbelligerents a role to play not only in the peace process but also in the future government was a positive step, but civil society's role as a voice for peace was jeopardized by power-sharing games as well as by the civil society representatives' limited bargaining power during the negotiations.

***Model Two: Observer Status***

Instead of participating as an additional party at the negotiation table, civil society groups could instead have observer status. This is a common approach for facilitating civil society inclusion, and was used, for example, in peace negotiations in Liberia (2003), Burundi (2000), Sierra Leone (1996), and the Solomon Islands (1991). The objective of providing observer status to selected civil society groups is to strengthen the effectiveness and sustainability of agreements. The main function performed by civil society observers is (back channel) facilitation. In some cases, it has also enabled civil society groups to take an implementation role (Group discussions, Oslo Forum June 22, 2011; London, November 16, 2011; Zanzibar, November 25, 2011, and Oslo, December 8, 2011).

Participating as observers can have distinctive advantages. By being in the room where negotiations are taking place, civil society actors will become well informed about the negotiation agenda and thus able to act as "watchdogs," advise mediators and the conflict parties when needed, and form alliances with other observers to facilitate the eventual agreement. Similar to the first model, observer status also allows civil society representatives to keep up the pressure on the conflict parties and lobby for a continued role for civil society during the post-agreement phase.

Observer status does pose challenges, including selection and "sidelining." Because only a few groups can be granted observer status, selecting appropriately is crucial to making sure that their participation is meaningful. In many cases, the groups that are included will have already achieved legitimacy from their work in the prenegotiation period.

"Sidelining" is another obvious risk. Because of the inherent powerlessness of observer status, there is no guarantee that chief negotiators, mediators, or other, more powerful parties, will listen to or heed any particular observer group.

***Case Study Two: Liberia***

In the face of the reluctance of both rebels and the Liberian government to negotiate, the Women in Peacebuilding Network (WIPNET) spearheaded

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the “Women of Liberia Mass Action for Peace Campaign” in 2003. Representatives of the group met with President Charles Taylor to convince him to attend peace talks and used their own personal and family networks to directly and indirectly encourage the rebels to participate.

But, as the 2003 Accra Peace talks progressed slowly, and the threat of violence escalated, several women’s organizations came together and sent representatives to monitor the proceedings and to remind the conflict parties of the civilian costs of war. Other civil society representatives such as the Liberian Bar Association, the Inter-Religious Council for Liberia, and the Liberian chapter of the Mano River Women’s Peace Network (MARWOPNET) were also invited to participate as official observers to the negotiations.

During the negotiations, women’s groups inside (observers) and outside of the negotiations engaged with the conflict parties to influence the peace agreement. Protesting against the slow pace of the negotiations, women outside of the talks staged a sit-in, blocking the doors of the building in which the negotiations were taking place until the parties came to an agreement. This pressure gave civil society representatives on the inside greater leverage to push for an agreement. MARWOPNET’s effectiveness at the negotiation table strengthened the group’s reputation and legitimacy and led to its enhanced participation in peace processes in Sierra Leone and Guinea.

The events in Liberia demonstrate the potential power of civil society observers to help negotiators reach a sustainable agreement. The combination of participation by strong civil society groups *inside* and *outside* the negotiations helped strengthen their influence on the agreement.

### ***Model Three: Official Consultative Forums Parallel to Negotiations***

Forums comprising civil society groups can act as consultants to the negotiation process—provided that the mediators and the negotiation parties officially endorse them. The mandate of such a forum can be specified by the mediator, the conflict parties, or by the civil society groups themselves. In most cases, the consultative forum would follow the same agenda as the official negotiations, but it could also add issues to the negotiation agenda.

Official consultative forums typically have three objectives: democratization, effectiveness, and sustainability. Civil society players participating in such a forum will typically advocate for an agreement as well as for the inclusion of specific relevant issues on the negotiation agenda. In some cases, participants of official forums can also provide back channel facilitation and monitor the negotiations (Barnes 2005; Paffenholz, Kew and Wanis-St. John 2006; Wanis-St. John and Kew 2008; Lanz 2011).

On the one hand, conducting an official forum avoids the problems associated with having too many civil society actors at the main negotiation

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table, while still providing opportunities for groups with a broad set of perspectives to be heard, which lends the process more legitimacy. It can also help facilitate the discussion of difficult issues and provide an alternative channel for negotiations if official negotiations stall and give civil society groups the opportunity to practice democratic procedures.

A disadvantage of this model, however, is its distance from the negotiation table. Further, these forums risk being hijacked by civil society groups that seek to dominate the peace process or exclude others. And, if the selection process is not sufficiently representative, the legitimacy of the forum could be damaged and its usefulness reduced.

Despite its mandate as an official forum, it can also be ignored, sidelined, or dismissed by the principle negotiators, or co-opted by one or more of the main parties, which may seek to use civil society to promote their own agendas. Finally, forum participants could also fail to attain the unity and level of organization necessary to effectively influence the official negotiations.

The experiences of civil society groups involved with peace processes in Guatemala and Afghanistan indicate that consultative forums require a strong chairperson or external facilitation support, capacity building, and coaching. Moreover, in order to ensure civil society input, regular formal or informal communication between the official negotiation and the civil society forum is necessary.

### ***Case Study Three: Guatemala***

The Civil Society Assembly (ASC) in Guatemala was formed in 1994 to gather civil groups into one platform to give nonbinding recommendations to both the Guatemalan National Revolutionary Union (URNG) and the government. The ASC was a representative, elected body that comprised political parties, religious groups, unions, academic institutions, small and medium-sized enterprises, journalists, development NGOs, women's groups, and indigenous and human rights organizations; it existed for the entire two years of the peace negotiation process. Such a forum could be established because civil society in Guatemala was effectively organized and had exerted considerable pressure for peace over the years. Moreover, the URNG hoped to gain political support from civil society, and both conflict parties were keen to secure the legitimacy that civil society involvement would confer.

Working in a consensus-oriented way, the forum produced recommendation papers on all the relevant issues under discussion at the negotiation table. The sequence of the papers was designed specifically to have an impact on the Track One negotiation process and, throughout its existence, the ASC was extremely successful in getting important but neglected issues placed onto the negotiation agenda. As a result, most of its recommendations were taken — directly or indirectly — into account by the negotiating parties.

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An assessment of the peace agreement's implementation ten years later, however, indicated that the issues placed on the agenda as a result of the ASC's work were not effectively implemented, partly because the state neglected these provisions and partly because civil society participants split into different interest groups, which hindered the monitoring of the agreement's implementation. This example thus illustrates the strength of consultative forums in placing issues onto the negotiation agenda but also the need for there to be continued civil society involvement in monitoring and implementation.

#### ***Model Four: Consultations***

The fourth model of civil society involvement, consultations occur when the main negotiation parties are either not ready or not willing to accept a closer civil society involvement in official negotiations or when mediation teams do not have the ability to provide other options for civil society participation (Interview with mediation team members on September 2, 2011). The objective of consultations is to make the negotiations more effective and mobilize civil society to put pressure on the conflict parties. Within these consultations, civil society participants function as advocates and, to a lesser extent, monitors.

Although they are not officially part of the negotiations, these consultations can still enable diverse voices from the population to be heard and can also inform civil society actors about the negotiation process. They not only allow the mediation team to better understand the conflict dynamics and the critical negotiation issues, but they also allow the mediators to gain insights into people's needs, ideas, and visions and to determine which players should be involved in shaping the post-agreement agenda, thus increasing the sustainability of the agreement. Of course, in comparison with an official consultative forum, these consultations occur at a greater distance from the negotiations and are a more limited use of civil society's potential.

#### ***Case Study Four: Kenya***

When former U.N. Secretary General Kofi Annan failed to persuade the conflict parties to agree to an official civil society consultative forum in 2008, he decided to engage directly with a broad array of civil society actors. The mediators sought to develop a sense of people's expectations, their view of the conflict and its possible resolution, as well as the ways in which they could maintain pressure on the parties. Annan and his team thus met with the civil society actors for two and a half days before the actual mediation started, and Mozambican politician Graça Machel, also part of the mediation team, met regularly with women's organizations.

Although the different women's groups were originally extremely divided over the conflict issues, they were able to develop a common position. During the course of the negotiations, members of the mediation

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team continued to meet regularly with Kenya's civil society leaders, who presented them with option papers on a range of subjects. The mediation team eventually came to regard such informal exchange meetings as essential to the negotiation process.

### ***Model 5: Inclusive Post-Agreement Mechanisms***

Creating post-agreement mechanisms for the implementation of a peace agreement is crucial in shaping the post-agreement period and, consequently, the future of the country. Overall, finding roles for civil society groups to play in implementing the agreement can promote democratization and make agreements more sustainable. Thus, the main functions of this model are monitoring and advocacy.

Many peace agreements include provisions for including civil society in implementation mechanisms, ranging from general to specific (Bell and O'Rourke 2007). Some peace agreements also include provisions for civil society to inform the population about the agreement. In Somalia, for example, the 1993 agreement included a provision stipulating that civil society delegations would travel to all parts of the country to educate people about the agreement. Some agreements even provided seats for civil society representatives in national legislatures, as was the case in the Philippines in 1996, Burundi in 2000, and Liberia in 2003.

Selecting the appropriate civil society representatives to participate in post-agreement institutions is a critical step. In many agreements, the selection is left to the negotiation parties (if it is mentioned at all), but this can create problems by consolidating social divisions. There are exceptions, such as Liberia or the Democratic Republic of Congo, which left the selection to civil society itself. In Kenya, the 2008 agreement explicitly stated that implementation commissions must be representative (geographically, ethnically, religiously, and by gender). The posts for commission members were publicly advertised and subject to further vetting by parliament.

Furthermore, it is equally important to ensure a critical watchdog function for civil society outside the official mechanisms. In the Philippines, for example, a local NGO monitored the cease-fire agreement between the parties.

As a rule, general provisions are rarely effective. In cases in which provisions were more specific, civil society groups had taken an important role during the negotiations, which supports the idea that negotiations need to include discussion of the details of the implementation and monitoring provisions (Lanz 2011).

### ***Case Study Five: Liberia***

The Liberian case demonstrates the importance of negotiating detailed provisions for the post-agreement period during negotiations. The 2003 Liberia agreement provided for the establishment of a new Human Rights

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Commission to work directly with local human rights groups and civil society organizations to monitor and strengthen human rights in the country. It also provided for the establishment of a Governance Reform Commission whose membership included candidates nominated by civil society and reserved seven out of seventy-six seats in the National Transitional Legislative Assembly (NTLA) for civil society. Of these seven seats, three were set aside for women.

In recognition of the work of women in the peace process, the Transitional Government also gave members of the WIPNET posts within the government (one woman even became deputy foreign minister) in addition to the National Human Rights Commission and the Truth and Reconciliation Commission. After the transition period ended in 2006, civil society groups continued their roles as advocates and watchdogs, participating in various national and U.N. forums in the country.

### ***Model Six: High-Level Civil Society Initiatives***

High-level civil society initiatives can take place before or parallel to the official negotiations. These may be outside-supported problem-solving workshops or private facilitation initiatives undertaken by well-respected civil society leaders from within the country, also referred to as insider mediators. Both seek to strengthen the effectiveness of the negotiations, provide facilitation and, depending on the case, advocate for specific issues to be included in the agreement.

The problem-solving workshops are unofficial and generally not publicly known. They bring together representatives close to the leaders of the conflict parties and offer them a space for discussion without the pressure to reach agreement. The selection of workshop participants is therefore crucial.

This model has been extensively explored by researchers (see Schiff 2010 for a good overview) under a variety of different labels: “unofficial diplomacy” (Volkan, Montville, and Julius 1991), interactive problem solving (Kelman 1996), interactive conflict resolution (Fisher 1997), sustained dialogue (Saunders 1999), Track Two diplomacy (Montville 2006; Nan, Druckman, and Horr 2009).<sup>3</sup> These workshops can last as long as several years and are generally organized and facilitated by INGOs or academic institutions, sometimes in cooperation with local partners. When belligerents refuse to meet, these workshops may be the only common meeting space. Here, civil society representatives can pick up where the official negotiators leave off — exploring alternatives, producing position papers, and even drafting agreements that can function as starting points for official negotiations. But for official mediators, making effective use of these workshops before, during, and following the formal start or restart of the negotiations can be a major challenge.

In addition to participating in high-level workshops, in many peace processes trusted local civil society representatives take on important roles



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as facilitators or mediators between the conflict parties (Mason 2010). They are usually closely connected to the parties and are seen as having moral integrity. In South Africa before and during the negotiations to end apartheid, Archbishop Desmond Tutu was a famous “insider mediator” and Thabo Mbeki and Jacob Zuma, anti-apartheid leaders who later became South African presidents, participated in various problem-solving workshops (Lieberfeld 2002: 359).

### ***Case Study Six: Georgian–Abkhaz Conflict***

In the Georgian–Abkhaz conflict, twenty dialogue workshops took place over a period of seven years from 2000 until 2007. The so-called “Schlaining” process, named after the venue of the workshops in the Austrian village of Schlaining, bridged the gap between the official Track One negotiations and civil society peace initiatives. Running parallel to formal negotiations it provided a secure, confidential opportunity for influential actors on either side of the divide to engage with one another. The workshops involved one-hundred Georgian and Abkhaz interlocutors, facilitated and organized by a British and a German INGO in partnership with a range of Abkhaz and Georgian NGOs.

During plenary discussions in small working groups, participants analyzed all essential Track One issues. This enabled them to test ideas (and their potential reception) in ways that would eventually be incorporated into the political negotiations and make them more effective. They established communication with the mediators of the formal negotiations and the facilitators met regularly with the U.N. Special Representative and other senior U.N. staff in Tbilisi, Sukhumi, and New York.

These interactions, as well as regular meetings with representatives of the “Group of Friends” of the Secretary-General, enabled the facilitators to better understand the constraints on the formal process. Although the Schlaining process ended in 2007, reflecting an increasingly difficult political context and the hardening of positions at the official level, the process fostered the generation of ideas, relationships, and communication across the conflict divide.

### ***Model Seven: Public Participation***

Public participation as used here refers to activities that seek to connect large segments of the population with Track One peace negotiations.<sup>4</sup> Such activities could include public hearings, citizen panels, and opinion polls (Rowe and Frewer 2000). Generally, the results of such initiatives are non-binding. In practice, civil society groups are typically the main actors within public participation. Civil society groups either mobilize people for public participation, facilitate the dialogue between the negotiations and the people, and constitute generally the majority of consulted people.

Public participation can be a powerful instrument to put pressure on the conflict parties and help sustain the peace process. Its main objectives

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are democratization and creating public “buy-in” and legitimacy for the peace process. People want to have a say in the processes that determine their lives (Hemmer et al. 2006), and public participation offers them this opportunity. It also helps mediators and negotiators better understand the public’s opinions and needs, which in turn inform the negotiation agenda (Group discussion at Oslo on June 22, 2011). Moreover, civil society participants hope that generating buy-in will enhance the sustainability of the agreement (Paffenholz, Kew, and Wanis-St. John 2006).

Public participation can take place during negotiations and/or during the implementation of the agreement. For example, years after signing the Comprehensive Peace Agreement (CPA) between North and South Sudan, the two parties are still negotiating (sometimes even fighting) about specific unclear or open issues. In this context, public hearings have been organized in a number of states to give people an opportunity to voice their opinions about the CPA, which were then conveyed back to the negotiating parties and mediators.

### ***Case Study Seven: Colombia***

During the peace negotiations in Colombia between 1998 and 2002, the parties agreed to ensure civil society participation and involved twenty five thousand people in public hearings. The objective of these talks was to reach agreement on reforms for a new Colombian state, allowing for progress through political, economic, and social change that would lead to social justice and conserve national unity at the same time. The public hearings focused on debating such critical issues as economic growth, job creation, income distribution, and social development and were broadcast on television. Reports prepared at the end of each public hearing were presented to the government and the chief rebel group, the Fuerzas Armadas Revolucionarias de Colombia (FARC). The peace talks failed, but the public hearings enhanced citizen involvement in the process.

### ***Model Eight: Public Decision Making***

Such public decision-making processes as elections and citizen referenda are standard features of democracies. Following an armed conflict, peace agreements and/or new constitutions often need to be ratified by the electorate.

Public decision making, which is binding, seeks to provide democratic legitimacy to the process, ensuring public support and the sustainability of the agreement. A vote in favor of the agreement gives decision makers a mandate to continue the process and gives them leverage over hard-line constituencies in their own camps. A vote against the agreement blocks its implementation and usually puts the process on hold.

A number of peace agreements have been put to referendum: in Cyprus, for example, Turkish Cypriots overwhelmingly accepted the U.N.-mediated Annan plan, while Greek Cypriots rejected the plan, putting the

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peace process on hold. In contrast, in 2010 the voters of Kenya overwhelmingly ratified a new constitution that initiated substantial changes in power and democratic decision making in the country after the post-election violence in 2007. Though civil society is only one part of the electorate, civil society has a crucial role within public decision making as the case study from Northern Ireland demonstrates.

### ***Case Study Eight: Northern Ireland***

Although the parties to the Northern Ireland conflict were the key participants in negotiating the Good Friday agreement in 1998, neither was ready to put its full weight behind it for fear that it would not be supported by their constituencies. Shortly after signing the agreement, a group of Northern Ireland citizens launched the “Yes” campaign in support of the peace deal in the upcoming referendum. Using a marketing firm to help design an effective logo for the pro-agreement camp, they equated “yes” with “move forward,” whereas “no” came to signify “dead end.” The campaign was able to present the agreement as a fair political accommodation between unionists and nationalists, especially targeting those most likely to tip the balance between success and failure — Belfast unionists and first-time voters. To this end, the handshake between the leaders of the two conflict parties, David Trimble and John Hume, at a concert by rock band U2 proved particularly effective.

Despite their initial insistence on maintaining balance in reporting, the media eventually also came to support the peace deal. Public opinion polls further informed the political parties of the views and opinions of the population. Overall, civil society played an important role in rallying public support for the negotiated peace agreement, which was endorsed via referendum.

### ***Model Nine: Mass Action***

Mass action by citizens’ groups in the form of street protests or signature campaigns can mobilize significant numbers of people. Most mass action centers around a common goal of national interest such as the end of authoritarian rule or war (Paffenholz 2010: 386–389). Mass action can also take the form of targeted campaigns advocating the inclusion of relevant issues in the peace agreement. It may create a general pro- or anti-peace agreement atmosphere. In Nepal in 2006, for example, three months of mass demonstrations put pressure on the conflict parties to end the conflict and the authoritarian rule, paving the way for a Comprehensive Peace Agreement. (In contrast, the case of Sri Lanka, described below, demonstrates the power of a pro-war movement.)

It is not easy for mediators or negotiators to influence mass mobilization. It is therefore crucial for the Track One set up to constantly monitor the developments in this area as mass action is a very powerful instrument that can both support or challenge a peace process (Group discussions,

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Oslo Forum 22 June, 2011). As the case of Sri Lanka demonstrates, mediators do need to better analyze and understand the motivation behind mass action and prepare adequate response strategies.

### ***Case Study Nine: Sri Lanka***

In Sri Lanka, popular mobilization efforts are typically undertaken by groups advocating a particular nationalist or ethnic cause. Examples include anti-Christian agitation during British rule; violent anti-Tamil riots in the 1950s, 1970s, and 1980s; and the Sinhalese nationalist mobilization against attempts to negotiate peace with the armed separatist movement, the Liberation Tigers of Tamil Eelam (LTTE) during 2002 to 2009.

During the 2002 peace process, the demonstrations *against* peace negotiations and the Norwegian mediation — often carried out by Buddhist monks — became more frequent and louder than were the demonstrations in support of the peace process. The popular support for the military victory over the LTTE in 2009 demonstrates the power of the pro-war movement the facilitators and the international community had greatly underestimated.

## **Conclusion and Directions for Practice and Future Research**

Civil society has been playing important roles in peace negotiations, albeit in different forms. Statistical evidence (Nilsson 2012) has demonstrated that inclusion has positive effects on the duration of peace agreements. Thus, my concern in this article is not *whether* civil society should be included or not but, rather, *how and under what circumstances* this can be accomplished most effectively. To this end, I have identified several different models of civil society inclusion in peace negotiations.

Ranging from the most to the least direct involvement of civil society, the nine models of civil society inclusion that are not mutually exclusive are:

1. direct representation,
2. observer status,
3. official consultative forums,
4. consultations,
5. inclusive post-agreement mechanisms,
6. high-level civil society initiatives,
7. public participation,
8. public decision making, and
9. mass action.

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Understanding the variety of ways in which civil society can be included is crucial for practitioners who can use this knowledge to work to broaden participation without reducing the effectiveness of the negotiation process. These models are presented to encourage mediators, negotiators, conflict parties, and civil society leaders alike to discuss and contextualize options for inclusion.

This study is exploratory. Useful further research could include studying these models in a greater number of cases, examining their impact on the sustainability of peace agreements, and exploring the role of various context factors as well as the selection process and history of previous involvements.

It is also important to look at other potentially excluded actors (e.g., political parties, hard-line groups, business organizations, etc.) or assess which model works best in which contexts. Most of the current negotiation literature treats civil society primarily as an object of inclusion or exclusion and the decision to include or exclude is attributed to the mediators or the principle negotiators. Inclusion, however, is often the initiative of civil society groups, and powerful mass action is mostly out of the mediators' control. Mediators and negotiators should therefore consider civil society as an actor in its own right rather than a passive object of inclusion or exclusion. How to broaden participation in Track One peace negotiations to include greater civil society participation thus deserves more attention in the literature and practice of negotiations.

## NOTES

1. The case studies are informed by ten semi-structured interviews (May 2011 to December 2011) whose participants included four members of mediation teams, two nonofficial mediators, three civil society representatives, and two Ph.D. researchers supplemented by a number of country-specific studies: Rogier (2004) for DRC; Nilsson (2009) and Atoubi (2010) for Liberia; Kurtenbach (2010) for Guatemala; Posso (2002) for Colombia; Belloni (2010) for Northern Ireland; Orjuela (2003) for Sri Lanka; contribution by Jonathan Cohen (Conciliation Resources) for the Georgian-Abkhaz conflict.

2. Track One refers to the official process and Track Two refers to unofficial processes that work prior to, during, or after official negotiations, mostly with participants close to the track One actors. See also next endnote.

3. The early pioneers of this approach mainly worked with participants close to Track One. Over the decades, the scope of participants and levels of engagement were broadened. Paffenholz (2010) therefore refers to first- and second-generation conflict resolution.

4. Public participation is different from "public peace process" as described by Harold Saunders (1999). He refers to a citizen Track Two process as described under Model Six. Conciliation Resources (2002) uses a broader meaning for "public participation" and makes no differentiation between various models of inclusion.

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