"Self-Mediation" Structures & Procedures of National Dialogues

Managing Complexity, Breaking Deadlock and Building Consensus

Perhaps the most outstanding characteristic of National Dialogues, as seen from a planning and facilitation perspective, is its bewildering complexity. In Burma the Panglong conference that met for the first time in January 2016 consisted of 900 representatives from the government and army; ethnic minorities and 18 armed groups; and more than 90 democratic parties/groups. In Yemen, the National Dialogue Conference had 565 representatives, representing political parties and movements, ethnic representatives, women and youth, 50% to represent the South and 30% women. Not only is the sheer size of such meetings intimidating, but more so the range of political interests, the depth of distrust, the seeming irreconcilability of competing interests and issues, and the fragility of the arrangement that must hold all together.

It is accepted that, given the homegrown quality of National Dialogues, there will and should be no one-size-fits all answer to the above questions. There seems to be an almost naïve assumption that dialogue will be successful if only protagonists can be brought into the same room (or hall). This is not the case, as the list of National Dialogues that did not have any lasting impact is considered, as in Iraq, Afghanistan, Egypt, Togo, Yemen, Bahrain, Swaziland, Sudan – to name but a few.

The following dynamics regarding planning for and managing National Dialogues deserve ongoing attention:

1. Many National Dialogues fail because of political capture. This happens when the ruling party or external actors seek to control the outcome of the process by exerting undue pressure on who to include, the formulation of the agenda, and the procedures adopted. What options are available for facilitators when faced with political capture? What rules of engagement need to be in place to ensure a level playing field?

2. The inclusion of the military, armed or highly radicalized groups that may resort again to armed resistance or violent disruptions, is a particularly complex and important issue. It is important to understand the drivers and root causes behind radicalization, but also how to engage in dialogue with radicalized groups given circumstances of international policies and sanctions. It is equally important to understand the dynamics of changing the "instruments" of dealing with

existential conflicts (from military tools to dialogue tools). This is an acute dilemma faced by facilitators of dialogue. Ongoing reflection and research is very critical.

3. The process of fostering confidence in dialogue as a viable option needs much attention. Military actors in particular must be convinced to move their conflict from the battlefield to the dialogue table. It implies the existence of a "table" that inspires confidence and promises better alternatives to military strategies. But what precisely does confidence-building entail? What does confidence-building mean in a context of terror attacks, drones and clandestine or open external support for military options? Is a "mutually hurting stalemate" indeed a precondition for successful talks?

4. Interference in or pressure by external actors add to the stress placed on National Dialogues. The management of external actors therefore poses considerable challenges to the facilitators of National Dialogues. At the same time, few National Dialogues could take place without some form of external support, whether political, technical or financial. It is important to develop a better understanding of risks associated with undue external interference, but also of international indifference. It may also imply the development of codes of conduct for INGOs who seek to provide support, but without consideration of what is already in place and without respect for the principles of collaboration and national ownership.

5. Essential elements that need to be agreed on in the initial dialgue framework agreement that precedes the start of the National Dialogue, include: criteria for inclusive participation; mandating of dialogue structure and outcome, and establishing formal links to constitutional, governance and change instruments; inclusive political managing structure(s) and accountability mechanims; decision-making procedures; core principles and values; agreement on its purpose, objectives and what it is intended to change and agree on – developing an inclusive broad agenda framework; appointment of a multi-partial, non-stakeholder-driven secretariat and management; financial and administrative responsibilities; etc.

"Self-mediation" procedures and design elements in National Dialogues

One of the many consistent patterns in failed or weak formal National Dialogue processes is the absence or under-development of deliberate, integrated and coherent designs of "self-mediation" components and procedures. We will outline a few here for discussion:

a. The strategic process, dialogue roadmap and facilitation strategy that is implemented has been shown to have a determining impact on the outcome of dialogue processes. There are various matters in need of ongoing discussions and joint learning in this respect, including:
   - The most appropriate and contextual infrastructure for the talks, including the formation of management and facilitation task teams, the structure of the table (or conference room), facilitation strategies, committees, expert panels, and procedural rules.
   - Consistent and structured practices regarding the generation of options (research, consultations, comparative studies, stakeholder proposals, hidden messages, technical committees, drafting committees, etc.)
   - The procedures, techniques and structures for decision-making, deadlock-breaking and consensus building (One Text, technical experts, options generation, indabas, dialogue circles and trees, interactive multi-track processes, etc.).
   - Decision-making arrangements (full consensus, sufficient consensus, voting for consensus, 2/3 majority, or a scale or combination of options).

b. The role of shared knowledge creation to enable dialogue participants to operate from a basis of credible and jointly owned knowledge is increasingly recognized. Attention to this aspect would include:
   - identify information gaps;
   - Structured and systematic ongoing mapping of stakeholder proposals, positions, interests; their common ground and differences (to feed into the facilitation strategy design and One-Text decision-making process)
   - enable joint knowledge creation and "fact discovery";
   - move from "facts and perceptions", to "facts and facts" — acknowledging and seeing each other's realities;
   - technical information and common understanding of conceptual frameworks and systems;
   - jointly developing inclusive agenda frames that acknowledge the needs, hopes, brokenness and expectations from all sides;
   - Ongoing joint conflict assessment and facilitation strategy development by Secretariat, Facilitation Task Groups, Technical Committees and Consensus-building bodies.

c. The National Dialogue should also enable <u>people's voices</u> to be heard. This includes linking tracks 1, 2 and 3; welcoming and respecting submissions from the public; and ensuring a constructive media policy.

Working towards a working definition of formal National Dialogues – evolving common understandings from past two conferences:

Following the discussions and reports from the Helsinki National Dialogue Conferences in 2014 and 2015, some shared understandings have emerged that we cover in this section. There remain, however, significant areas that needs joint reflection and research to capture the extent of these instruments' extraordinary complexity. The recent publication of the Berghof/Swisspeace handbook for practitioners, the HD publication for third parties support, and the ongoing development of the Peace and Dialogue Platform have all contributed significantly to the evolving body of knowledge emerging from these processes.

In order to define formal National Dialogues a number of distinctions were made during the past conferences. First, a National Dialogue is a highly inclusive process involving, as far as is possible, the complete spectrum of political diversity in a society. It is therefore to be distinguished from processes, often conducted by external mediators, that engage only with armed actors or the most prominent protagonists.

Second, the objective with National Dialogues is to arrive at a new constitutional dispensation or a fundamental re-organisation of the political and statutory landscape. It can therefore be distinguished from, for example, international mediation interventions that have the intention to achieve a very specific political or military settlement (such as, for example, SADC's mediation of the crisis in Madagascar) that do not necessarily require a substantive revision of the constitutional foundation of a society.

Third, these dialogues, as in Myanmar, South Africa, Yemen and Lebanon, have a formal character, meaning that they are set up in order to impact on the statutory landscape and that have, therefore, to feed into formal legal procedures. They are therefore to be distinguished from informal or Track Two dialogue processes.

Fourth, formal National Dialogue processes, especially those that have been successful, may not be restricted to a once-off event, but may evolve through different formats and conclude in a constituent assembly. In both South Africa and Nepal the National Dialogue took a decade to produce a new constitution, relying on different iterations of the dialogue platform across this period. In some countries, such as Lebanon, a National Dialogue platform has been established to pursue ongoing dialogue in the aftermath of a political settlement.
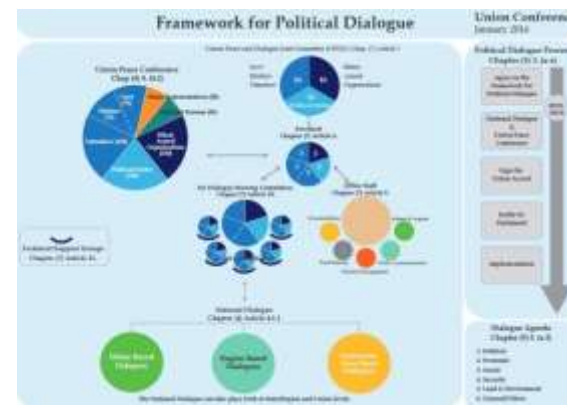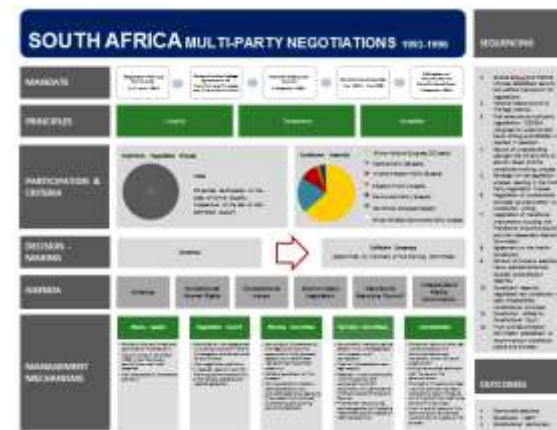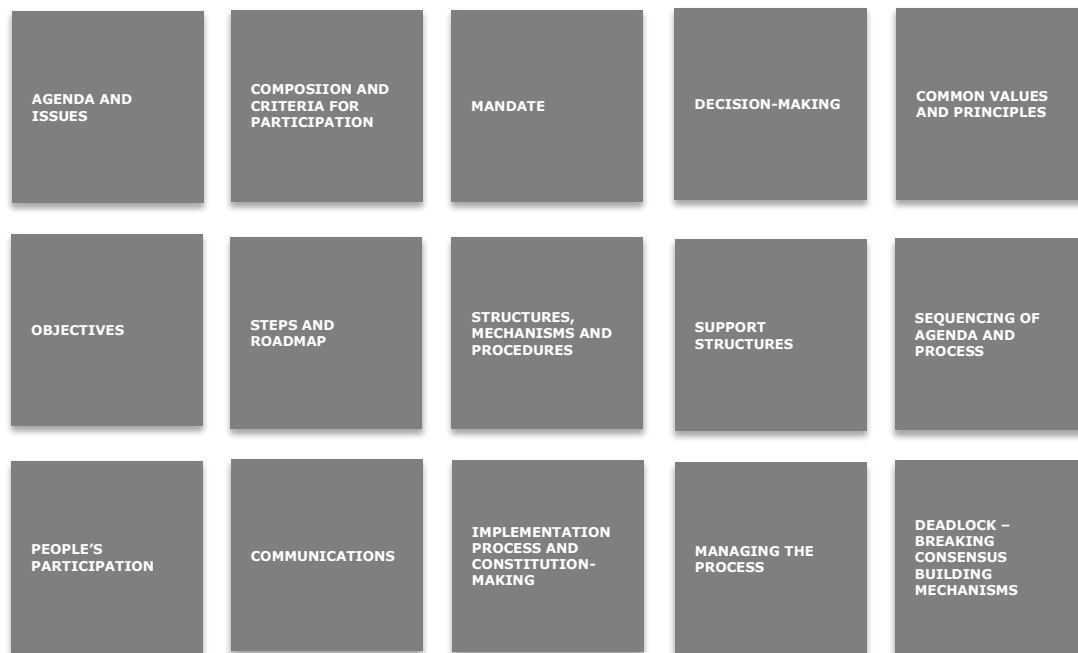
Fifth, and very important, National Dialogues are homegrown and self-managed processes. In Myanmar 5 stakeholder groups from more than 90 parties, government, army and armed groups designed their own dialogue frameworks. Collectively, they spent the last two years negotiating the final dialogue and change instruments. While national stakeholders may accept external support in some or other form, a National Dialogue is not mediated by external actors nor designed to meet international interests or concerns. It is, first and foremost, a national attempt at solving its own contradictions. Part from its formal constitutional role, the National Dialogue also becomes a shared space for reconciliation and to develop common visions for their future.

A working definition of a National Dialogue is, therefore, that it is a formally mandated process of political dialogue that is inclusive, self-mediated and aimed at forging broad consensus in a highly diverse and polarized society on the values, principles and rules that should govern peaceful co-existence. A National Dialogue may take place at various stages of a peacemaking process and need not take place in the same format. It is therefore an open, adaptive process that should be defined by its broad objective and thrust and not by the particular format it takes.

_____

The questions and considerations for this session include:

- what are the planning, management, facilitation, shared knowledge and procedural measures that must be in place in order to manage the complexity of National Dialogues?
- what are the key structural and "self-mediation" elements that needs to be built-into formal National Dialogues to enable consensus-building, common understanding of issues, and deadlock-breaking?
- National Dialogues as third-party instruments for mediation; and National Dialogues as sovereign "self-mediation" instruments;
- comparing negotiation, mediation and dialogue across tracks.

National Dialogue Tool Design *Peace & Dialogue Platform (CC)*

AGENDA AND ISSUES	COMPOSIION AND CRITERIA FOR PARTICIPATION	MANDATE	DECISION-MAKING	COMMON VALUES AND PRINCIPLES
OBJECTIVES	STEPS AND ROADMAP	STRUCTURES, MECHANISMS AND PROCEDURES	SUPPORT STRUCTURES	SEQUENCING OF AGENDA AND PROCESS
PEOPLE'S PARTICIPATION	COMMUNICATIONS	IMPLEMENTATION PROCESS AND CONSTITUTION-MAKING	MANAGING THE PROCESS	DEADLOCK – BREAKING CONSENSUS BUILDING MECHANISMS

One-Text Negotiation Tool *Peace & Dialogue Platform (CC)*

The one-text process is a systematic, collaborative, multi-stakeholder approach to negotiations, technical task groups, national dialogues and constitution-making. This approach allows parties in a negotiation to collectively explore common ground, identify their difference, generate options, work towards consensus-building, and finally agree on a single text. This process is called one-text because literally one text is drawn from stakeholders' perspectives and identified common ground.

The One-Text Negotiations Tool facilitates the development of a "One Text" document allowing stakeholders to track their respective positions, identify common ground, note their differences and pave the way to the generation of options.

STAKEHOLDER POSITIONS	COMMON GROUND	DIFFERENCES	OPTIONS	→	ONE TEXT
○ ⬭ □ △	X X X X	X Y Z Z X X Y Z X	X Y Z: – A – B – C		X X X X X X X X X
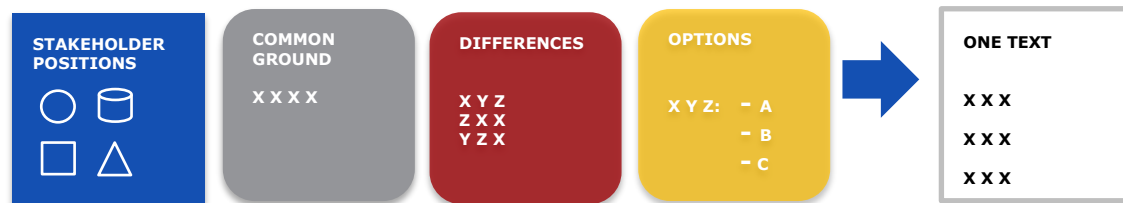
STAKEHOLDER POSITIONS

STAKEHOLDER 1	STAKEHOLDER 2	STAKEHOLDER 3	ETC.
ISSUE 1			
X Y Z	Z X X	Y Z X	
ISSUE 2			
Y Z X	XYZ	Z X X	