

Civil Society and Peace Negotiations: Why, Whether and How They Could be Involved

By Thania Pfaffenholz, IUED University of Geneva

Darren Kew, University of Massachusetts

Anthony Wanis-St. John, American University¹

I. Introduction²

Citizen participation in political decision-making is one of the pillars of democracy. However, the involvement of civil society in Track I peace negotiations is still shunned by negotiators because of the difficulties of fostering cooperation when large numbers of parties are at the negotiation table. In practice there is a tendency to limit involvement at the peace table to only the armed parties. On the other hand, participation of civil society gives peace negotiations, and thus the entire peace process, more legitimacy and has contributed in many cases to the sustainability of the peace agreement, as recent empirical research suggests.

The objective of this brief policy paper is to provide answers to the question of why, whether and how civil society could be involved in peace negotiations. We will also present and analyze different options to involve civil society into peace negotiations, including the advantages and disadvantages of each approach. At the end of the text we will also present a short questionnaire for mediators' decision making on the issue.

II. Understanding Civil Society

Civil society is typically defined as the vast array of public-oriented associations that are not formal parts of the governing institutions of the state: everything from community associations to religious institutions, trade unions, nongovernmental organizations (such as human rights groups, relief organizations, development organizations, and conflict resolution groups), business associations, and professional associations such as the Bar or accountants' associations. Civil society groups must also be civically minded, and it is important to note that civil society is much more than NGOs, even though NGOs are the main interlocutors for international cooperation.

In order to involve civil society into peace negotiations, it is therefore important to understand who belongs to civil society in a specific case and how civil society structures have been changed due to the armed conflict as a means of understanding who eventually could and should be involved, and also depending on the history of civil society in a particular country.

¹ For more information you may contact the authors
paffenholz@ipw.unibe.ch, darren.kew@umb.edu, wanis@american.edu

² This policy paper summarizes results of two research projects done by the authors and presented at the International Studies Association Conference in San Diego in March 2006. For more information also on references see these two papers from Paffenholz and the one from Kew/Wanis-St. John under: www.isanet.org/archive.html.

III. Civil society involvement in peace negotiations: assessing the linkage to sustained peace and thinking about who to invite

A growing body of research indicates that, although excluding civil society groups may be “tidy” for peace negotiations that are already complex enough, the absence of their interests at the negotiating table can prove fatal to the negotiation of the peace agreement and its implementation during the post-conflict peacebuilding phase (Lederach 1997, Paffenholz 2006). From Oslo to Arusha, the focus on elite interests in peace negotiations leaves the populace at large without perceived stakes in the agreed peacebuilding frameworks, undermining the ability of governments and transitional authorities to reach a sustainable peace. In fact, a recent study found strong evidence that peace negotiations characterized by high civil society involvement have enjoyed sustained peace in the peacebuilding phase, while most negotiations with low civil society involvement resulted in resumed warfare (Wanis-St. John & Kew 2006 – see Appendix I for a sampling of cases). Some authors (Berman 1997, Carothers 1999) warn that civil society has its own contradictions and problems, but overall we see that involving these groups can help to bring greater public representation into negotiations, and the absence of civil society groups from the peace process significantly undermines the chances that an agreement will lead to sustained peace.

But should civil society groups have seats at the negotiation table? Research findings indicate that the more democratic and broadly representative that the parties are, the less that civil society needs a direct seat at the table. In South Africa, for instance, both the apartheid government and the ANC had wide credibility with the factions of the country they sought to represent, and held the democratically elected mandates of those populations, such that a civil society seat at the table was not necessary. They also negotiated within an open political environment with strong media presence and political cultures of regular consultation with civil society groups that were on their respective sides.

Consequently, this suggests that mediators and international intervenors need to utilize a democratic scale in deciding to what extent they will invite civil society groups to have a seat at the table, such that the less democratic the Track I parties, the more that civil society participation should be sought. Undemocratic Track I parties may resist the inclusion of civil society actors in peace negotiations, and civil society groups in those cases will likely be dependent upon the leverage of the mediator(s) to gain access to the talks.

IV. Practical options for civil society engagement with peace negotiations

In the following section we briefly present and analyze different options to involve civil society into peace negotiations. The options principally vary according to the degree of civil society’s involvement and proximity to the negotiation table and are:

- inviting civil society representatives directly to the negotiation table;
- installing a parallel civil society forum with a consultative mandate;
- involving civil society through effective communication channels;
- negotiating with civil society only when Track I negotiations are stalled.

A. Civil Society at the negotiation table

The most direct form of participation is having civil society representatives at the table. If, as recommended above, mediators assess that Track 1 parties are not sufficiently democratic, then they should consider several elements in involving civil society groups:

1. *Who to involve:* Several characteristics of civil society groups are important in choosing which groups are to sit at the table:

- *Representation:* Widely representative groups are strong potential partners to join a negotiation. These include trade unions, business associations, student unions, and the like, but also be representatives of civil society coalitions. The democratic structures of these groups foster wide membership participation and promote the strong inculcation of democratic political culture.
- *Needed expertise:* Other groups are good candidates to join mediation because they can offer specific expertise that could help reach agreement and improve the outcome. Such groups include conflict resolution NGOs or humanitarian organizations, or business associations with knowledge needed to rebuild the economy.
- *Potential spoilers:* Civil society groups that could have a significant role in undermining an agreement or fomenting instability in the peacebuilding phase should be considered for inclusion in the mediation.
- *Potential to create political parties:* If rebel movements, government forces, and other combatants are to disarm and join the political process by transforming into political parties, they not likely to represent the larger populace or be inclined toward needed social change. Mediators could invite participation of effective coalitions of civil society groups to augment the new political parties, or to create additional parties to offer the public more alternatives, and to facilitate consensus and representation.

Examples of civil society direct participation in negotiations vary. Negotiations in 2003 to end the resumed warfare in Liberia included important representation from Liberian NGOs and community associations, producing a successful democratic transition. The 2003 agreement stands in stark contrast with the 1996 negotiations to end the Liberian civil war, which were dominated by the political factions and militias and resulted in renewed warfare and regional instability under the Charles Taylor-led government. After the collapse of the first peace agreement in Congo-Kinshasa in 2000, UN mediators invited a range of Congolese civil society groups to join the negotiations over a new framework, including trade unions and human rights groups.

2. *Advantages of direct civil society participation:*

- *Increased Public “Buy-in” to the Peace Process:* Civil society groups can bring greater public involvement in the process, which improves its legitimacy, accountability, and the public’s investment in the process, such that it will likely lend greater support to making it work. In short, civil society groups help to create a new social contract through the peace process.
- *Checking and Balancing Track One Actors:* Civil society groups can serve as a counterweight to the interests of political elites at the table, and help to ensure that broader public interests are negotiated. In addition, potential spoilers could be moderated or better engaged with the presence of some civil society groups.
- *Specialization and Expertise:* some groups can offer specific expertise that could help reach agreement and improve the outcome.
- *Local Knowledge:* Local knowledge and deep contextual understanding of barriers and opportunities to making peace at the local level enable civil society groups to have an impact through creating or supporting bottom-up processes and through engendering societal ownership of the peace agreement.

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- *Richer Set of Interests:* More accountable, representative players at the negotiating table provide mediators with a greater set of interests from which to create value and develop innovative, comprehensive solutions to stuck negotiations.
- *More Effective Public Communication:* Civil society groups that are party to an agreement can also help to explain it more effectively to their constituents than Track 1 actors, and can engage their assistance in implementation.
- *Healing societal divisions:* Civil society groups can surface key social issues necessary for broken societies to rebuild. Moreover, democratically structured civil society groups can help to bring together disparate social cleavages within their organizations to negotiate new understandings and to teach new ways of interacting with each other. Civil society can be the “laboratories” of peace programming that can spread new social norms throughout post-war communities.

3. *Disadvantages of Giving Civil Society a Seat at the Table:*

- *Noise:* Civil society groups present at the table could increase the complexity of a mediation to the point that they could reduce the possibility of reaching an agreement. This complexity could result from sheer numbers, or from the content of demands and material introduced by the groups into the mediation.
- *Lack of Coordination:* Civil society groups could create implementation problems if they are sufficiently disorganized and/or hostile or competitive with one another and with the Track 1 parties.
- *Lack of Expertise and Preparation:* Civil society groups may be unsophisticated negotiators, sidetracking the mediation or forcing the mediator to spend more time coaching the parties.
- *Uncivil Society:* Not all organizations are well-intentioned, and some could be potential spoilers or fronts for hostile elements of the political elite.

4. *Managing the Disadvantages:*

Most international mediators are no strangers to complexity, which is the root of most of the disadvantages of having civil society groups at the table. Large group mediation tactics and problem solving workshops have much to offer in this regard. In addition, mediators could break the process into sub-groups working on key issues, with relevant civil society groups focusing on issues of most relevance to their constituencies. Recent peace talks in Nigeria’s Ogoni region, for instance, moved from plenary sessions to working groups, with unions and development NGOs tasked with negotiating development plans with the government, conflict resolution groups working with the military on security issues, and so on, whose recommendations the plenary would then debate as a whole thereafter.

5. *Convincing the Track I Parties to Include Civil Society:*

When Track I parties have refused to seat civil society groups at peace talks, mediators have usually had to use their leverage to bring them into the negotiations. Mediators can list civil society participation as a condition for the mediator’s involvement, or they can try to negotiate this entry with the parties prior to or during the talks themselves. Parties often do not have a general objection to civil society involvement per se, but instead balk at specific groups they see as enemies or out of their control. One solution is to budget a specific number of civil society invitations for each Track I party to name, and then allow the mediator to invite a number of (local) groups as well, which the mediator can then use to include key organizations that can help to obtain a more sustainable agreement.

B. Parallel Civil Society Forums

In order to overcome the dilemma of having too many people at the negotiation table while still giving the negotiation process more legitimacy and sustainability, the creation of a parallel civil society forum seems to be an interesting alternative: Parallel to the official Track I negotiations an official representative civil society body is created, with a consultative mandate. The civil society representatives discuss the same agenda as the Track I representatives or can even add to the negotiation agenda. Practically, the following issues need to be considered:

- *Representation:* the parallel civil society forum is a fairly representative body, perhaps even consisting of elected representatives of civil society at large.
- *Timing and sequencing:* The sessions of the forum should best take place prior to corresponding Track I negotiation rounds, however, it is also possible to have them in parallel (see examples below), depending on the specific negotiation process.
- *Mandate of the forum:* prior agreement on the form in which it will exercise leverage over the Track I process is needed. This can range from more consultative to more binding.
- *Procedures:* The functioning of the forum needs to be worked out prior to its installation (see examples below).
- *Coordination and communication:* It is important to agree on official coordination mechanisms between the civil society body and the Track I negotiations. Communication with the public needs to be strategic and integral to the forum. Depending in the specific case, it is probably best to have a forum that permits two way communication between tracks: not only can the forum provide inputs to track I negotiators, but these can also call upon the forum to build on public pressure for peace negotiations in case they are stalled.

An official parallel civil society forum was in place in Guatemala during the peace negotiations from January 1994 to December 1996. There had been a number of conditions conducive to the establishment of a parallel civil society forum (ASC): First, civil society exerted a great deal of pressure over years to be heard and have an impact. Second, civil society managed to get organized in an effective way. Third the guerrilla group in Guatemala, the URNG, hoped to strengthen itself by gaining political support from civil society. Fourth, all parties including the mediators hoped for more legitimacy by involving civil society.

Another example comes from the Afghanistan negotiations of 2001. The reason for establishing a civil society forum in parallel with the official negotiation process was to give the process more legitimacy. In contrast with the Guatemala case, civil society involvement did not come from within Afghanistan but was initiated externally by the UN. Two think-tanks (one Swiss and one German) were asked to facilitate the process in which approximately 150 civil society representatives from Diaspora groups and internal Afghan groups were invited. The influence on the official process was limited. Nevertheless it put pressure on the official parties to come to agreement and the influence of civil society on the implementation of the Afghanistan peace agreement was much higher than for the Guatemala case.

Parallel civil society forums have a variety of advantages:

- They can avoid the problem of multiplying the number of actors at the main negotiation table and the consequences thereof;

- Enhance the legitimacy of the peace process for the process through representation and participation;
- Enhance sustainability of the peace agreement by increasing the buy-in of civil society at large;
- Facilitate the consideration of difficult issues on the official negotiation agenda that the official negotiators may wish to avoid;
- Provide a forum for civil society groups to practice democratic procedures
- Provide additional bargaining power for negotiators when their negotiation positions are aligned with civil society demands;
- Provide an alternative channel of negotiations in case Track I gets stalled in combination with public pressure for peace negotiations (discussed as a separate option below)
- Provide subject-matter expertise from civil society to principle negotiators
- Avoid ‘reactive devaluation’ problems in which principle negotiators tend to discount any concession or proposals made ‘by the other side’

Nevertheless, there are concerns about the parallel forum for civil society participation. They can also:

- Be hijacked by elite civil society groups that seek to dominate the process to the exclusion of others
- Damage legitimacy in case the process is not sufficiently representative of the population
- Be ignored, sidelined or dismissed by principle negotiators
- Be co-opted by principle negotiators who use civil society to promote their own narrower negotiation agendas that do not necessarily serve social needs
- Be inefficient in their elaboration of shared concerns and agreed-upon negotiating positions and interests
- Fail to attain the desired unity and organization necessary for effectively influencing the Track I negotiations
- Be subject to ‘divide and conquer’ strategies of the principle parties
- Fail to maintain unity and engagement in the implementation phases of peacebuilding

For example, during the Afghanistan negotiations the UN mediators tried several times to influence the agenda of the civil society forum’s discussions in order to serve directly the purpose of the Track I negotiations, which could have been a danger to the legitimacy of the entire process. Moreover, the civil society forum almost failed to produce any recommendations for the Track I negotiations as the time frame for the discussions was far too short. Moreover, the civil society groups were as divided as the Track I conflict parties.

C. Participation through effective communication channels

The most basic level of civil society participation in peace negotiations when they are not present at or parallel to the table is by means of communication with the Track 1 negotiators. By this we refer to communication in both directions: from principle negotiators to civil society and from civil society back to negotiators. It is comparatively easy for principle negotiators and their political leaders to communicate to the public. However, to open a channel from the public to the negotiators is more difficult. The main objective—from the negotiators’ perspective—is to gain more legitimacy for the process in involving the public. While this option is rarely exercised, it can have a great deal of value, especially if implemented early on in a negotiation process when public opinion may need to be influenced in favor of a turn away from conflict to cooperation.

Possible options for communicating from the negotiation table to the public:

- Creation of a “Peace Secretariat” through which negotiators communicate agendas, results, shared positions and common approaches through media work (homepages, press conferences, etc.).
- Holding joint press conferences of the conflict parties or the parties with the negotiators/mediators.
- Sending in teams of ‘barefoot’ communicators to the field in order to inform people in remote areas in order to build support for peaceful resolution of conflict.

Possible options for communicating public opinions back to the table:

- Conducting public opinion polls (official or private, partisan or joint)
- Official or non-official discussion forums
- Providing interactive communication spaces (webpages, workshops, etc..)
- Referendums regarding specific issues.

At various phases of the peace negotiations between Israel and Palestine the two parties would occasionally make use of communication strategies. Most of these have been from the negotiators to the public and often came too late in the process to influence public opinion. Had they been timed differently, the results may have been otherwise. During the Congo peace negotiations in 2003 the negotiators created a website which informed the public and all interested parties about the important issues with regard to the negotiations. Another form of communication to the public is through radio broadcasts such as Radio Okapi in Congo. It is however important that such broadcasts are perceived as neutral sources of information.

Some advantages of communications strategies for civil society participation include:

- The portion of the population that is ambivalent or opposed to peaceful resolution of conflict may be persuaded that peace is desirable
- Negotiators strengthen their peacemaking mandate as the public integrates the pro-peace message
- The innovative use of combinations of media channels (web, television, radio, and print) may have broader reach than only one alone
- Civil society gains experience measuring public opinion and influencing it.

Some disadvantages of communications strategies include:

- Communication from public to negotiations is difficult to organize and time consuming
- The impact of civil society preferences may be reduced given the non-binding nature of communication strategies
- Communications strategies may be used by ‘uncivil’ society—those opposed to peaceful resolution
- Delicate elite consensus and concessions may be undone by strong civil society preferences, thereby weakening an agreement or progress toward it
- The public may perceive real differences between elite communications and the realities on the ground (as in the Palestinian-Israeli case) such that they lose confidence in negotiations and conflict resolution

Negotiators who opt to ‘spoil’ peace processes may make use of the same mechanisms to strengthen their anti-peace mandate.

D. Civil society negotiations when Track I negotiations are stalled

Track I peace negotiations can stall temporarily. When this happens, civil society can pick up where official negotiators left off, and even produce draft agreements, position papers and other outputs that official negotiators may use when their negotiations are resumed. The Geneva Accords between the PLO and Israel may be an example of such a civil society negotiation since none of the negotiators was in a position to officially commit their leadership, since the Israelis were the party out of power and the Palestinians were not official PLO negotiators, and the process included academics and other content experts.

Several advantages can emerge from this substitute process, including:

- It is better than no process at all
- Creates entry points for Track I negotiations if and when they restart
- May be closer to public interests since few or no officials are involved, assuming that the civil society groups are themselves fairly representative of key constituencies.

At the same time, important disadvantages should be noted, including:

- Such negotiations lack legitimacy and cannot commit the principle parties
- They are too easily dismissed and denied by official decision makers and negotiators
- Anti-peace process parties may more easily dismiss and denounce such civil society initiatives.

V. Conclusions

This brief study has presented a number of options for greater involvement of civil society in peace processes, as well as the advantages and disadvantages of such a role.

There is empirical evidence that the involvement of civil society into peace negotiations makes agreements more sustainable. Consequently, it is not whether or not to involve civil society, but how. In particular mediators must address the core dilemma of having too many people at the table.

It is necessary to analyze each peace negotiation and choose a suitable solution to fit the process. If civil society participation at the table is not feasible, then a parallel civil society forum in combination with an effective communication policy could be an alternative model.

It is necessary to prepare the ground for such a forum to be implemented prior to the start of the negotiations, so as to arrange for it to be an integrative part of the negotiations.

A negotiator's questionnaire:

1. Clarifying whether civil society should be involved

- How democratic are the conflict parties? 1
- How legitimate and representative is the process? 2
- Has there been a tradition of civil society in the country? 3
- Has civil society changed due to the conflict situation? 4
- What are the main important representative groups to the involved? Are there representative bodies? 5

2. What form of involvement?

- **Direct seat at the table** for civil society groups
 - when Track I parties are undemocratic and/or do not represent significant sectors of society and 6
 - the situation is suitable for enlarging the number of participants at the table. 7
- **Parallel Forum** for civil society groups
 - when Track I parties are undemocratic and/or do not represent significant sectors of society but also in case of fairly but not sufficient representative Track I actors and 8
 - a situation that is not suitable for direct involvement at the table. 9
- **Public Communication Strategy** to be combined with all forms of involvement
- **Civil Society without Track One** actors in case of stalled negotiations. 10

3. Whom to involve?

Choose civil society groups based on:

- *Representation:* Widely representative groups 11
- *Needed expertise:* Groups with specific expertise that could help reach agreement and improve the outcome. 12
- *Potential spoilers:* Civil society groups that could have a significant role in undermining an agreement or fomenting instability in the peacebuilding phase.
- *Potential to create political parties:* Coalitions of groups that could form augmenting or alternative political parties to the Track 1 parties.

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