

## Peace Processes, Secret Negotiations and Civil Society: Dynamics of Inclusion and Exclusion

**Anthony Wanis-St. John\***

American University, School of International Service, International Peace and Conflict  
Resolution, 4400 Massachusetts Avenue NW, Washington, DC 20016 USA  
(E-mail: [wanis@american.edu](mailto:wanis@american.edu))

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In this special issue of *International Negotiation*, we explore the various facets of inclusion and exclusion in peace processes. Negotiations among the parties involved in a war are among the most critical and sensitive of all bargaining processes. The internal and international wars of the post Cold War era have claimed millions of lives, most of them civilians already living in challenging environments of human development. This alone makes peace negotiations a topic worthy of sustained academic and diplomatic attention. Peace negotiations, even when they result in agreement, may not definitively resolve the underlying conflict issues and, worse still, they may not mark an end to the violence. The outcome of a peace process therefore is not necessarily peace, even if the principal parties sign a peace agreement before applauding global leaders and gratified mediators. Despite all our knowledge and experience with structuring the substance and process of peace negotiations, they resist predictability.

Two quite different examples illustrate the challenges of peace negotiations. In Rwanda and Palestine-Israel, as in several other cases, peace processes have faltered or even failed completely *after* peace agreements were signed.<sup>1</sup> The Rwandan peace process was designed in part to stop the civil war that had erupted in late 1990 and prevent its further escalation while also creating a more inclusive government and society (Jones 2001). The Hutu-led government resisted regional attempts for a ceasefire and its most hard line ministers instead created and armed two extremist militias, the *Interahamwe* and the *Impuzamugambi*. Moderate Hutu parties were secretly in touch with the rebel Rwandan Patriotic Front (RPF) to coordinate efforts to bring the ruling party to the negotiation table (Khadiagala

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\*) Anthony Wanis-St. John is Assistant Professor, School of International Service, International Peace and Conflict Resolution Program, American University, Washington, DC.

<sup>1</sup>) See Stedman, Rothchild and Cousens (2002) who review many cases where peace agreements have been negotiated and analyze the post-agreement implementation challenges.

2002: 470). The process, when it began in June 1992, encompassed two ceasefire agreements that were quickly violated.

Unrelenting official mediation and several complementary side efforts led to the final Arusha Accords of August 1993. Jones (2001) acknowledges that the talks had been expertly facilitated and mediated, but also notes that the RPF increased its negotiation leverage with battlefield victories and eventually succeeded in having the CDR (*La Coalition pour la Défense de la République*, an extremist Hutu faction linked to the *Interahamwe*) removed from the Hutu-led government delegation at Arusha and banned from the future power-sharing government. Hardliners had been marginalized and comprehensive agreements for the new Rwanda were in hand. And yet, the result was not peace at all. Mob violence, assassinations of pro-Arusha moderate Hutu leaders and ethnic killings of Tutsis worsened in the post-Accord environment as the extremist and hardliner spoilers systematically orchestrated the derailment of the peace train.

The commander of the UN forces helping to implement the Arusha Accords, Gen. Romeo Dallaire, warned the UN Department of Peacekeeping Operations of an impending “extermination” campaign against Rwandan Tutsis in his January 11, 1994 cable.<sup>2</sup> Neither the major powers nor the UN gave heed to the warning signs; indeed, the US, France and the UN Secretariat were complicit in weakening the UN mission (Dallaire 2003). Nine months after the Arusha Accords were signed, the genocide began, and the CDR and its associates could be found at the vanguard of the genocide. Rather than building peace, these extremist factions grasped at power by derailing the Arusha Accords, killing off Hutu moderates and arming civilian militia while simultaneously planning for the genocide and carrying out preliminary massacres (Jones 2001: 82, 112).

The first major breakthrough in the Palestinian-Israeli peace process came with the September 1993 Declaration of Principles and mutual recognition letters between the Palestine Liberation Organization and the Israeli government. While the signing ceremony was held on the White House lawn, the United States played no role in the breakthrough which came about with secret Norwegian facilitation. PLO-Israel negotiations were thereafter conducted as secret, “back channel” negotiations that led to interim accords covering security cooperation and the withdrawal of Israeli troops from the West Bank and Gaza (Wanis-St. John 2006). A permanent status agreement covering the main issues of the conflict was supposed to be reached by December 1998.<sup>3</sup> But the interim agreements proved problematic to implement and the permanent status negotiations failed

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<sup>2</sup> The fax from General Dallaire entitled “Request for Protection for Informant,” to Maj. Gen. Baril, DPKO, January 11, 1994. At <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB53/rw011194.pdf>.

<sup>3</sup> The Declaration of Principles was signed September 13, 1993 and entered into force October 13, 1993. It provided for a small initial withdrawal of Israeli forces from parts of Gaza and the West Bank city of Jericho within two months of entry into force (December 1993) (Art. I, Annex II). This withdrawal would signal the start of the five year interim period (Art. V), during which time the permanent status

by early 2001, practically assuring the immediate return to violence. After 2001, international and regional diplomacy was limited to mere crisis management. The secrecy that had characterized the Palestinian-Israeli negotiations was predicated on exclusion.

In both of these cases, peace negotiations were strongly characterized by *exclusion*, whether of key individuals, political parties, military figures, political leaders or civil society. In both cases, political factions and parties were excluded on the assumption that they would impede agreement if involved. In both cases, civil society was marginalized from the negotiations and from the implementation phases. In raising the concern for exclusion, I do not seek to minimize the immense destructive capacity of parties arrayed against a peace process or to endorse their uncritical inclusion. In both cases, however, excluded parties found that popular and political support against peace was relatively easy to mobilize and the vital central coalition in favor of peaceful coexistence withered away at critical moments. Civil society in Rwanda became complicit in the civil war and the genocide. Civil society in Palestine and Israel seems to waver between support for extremism and support for negotiated coexistence. Naturally, there are other causes for the failure of something as complex as a peace process. Decisions by one party to deliberately not implement provisions of an agreement, for example, can lead to reciprocal moves and the end result is not hard to foresee. Nevertheless, it seems unsatisfying to be faced with a simple dichotomous choice of either including or excluding parties perceived to be intransigent at the negotiation table.

Systemic considerations of peace processes are needed which look at the inter-relationships between elites conducting negotiations, parties marginalized by those negotiations, the potentially vast and diverse civic sphere and its connections to both the population at large and political elites, as well as the dynamic engagement of the international community. This issue of *International Negotiation* is a modest attempt to delve into some of the relatively unexplored parts of this system.

The lack of popular and even elite political support for emerging peace processes may be linked to civil society's marginalization from a peace process. Might a strong civil society role in inclusive peace processes offset some of the drawbacks of back channel peace negotiations? Would exclusion be linked to the emergence and empowerment of spoilers? Would inclusion be linked to sustained peace? My colleague and I have hypothesized that increased civil society involvement in peace processes would translate into more sustainable peace in an early working paper (Wanis-St. John and Kew 2006) and in this issue.

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agreement was to be negotiated and completed. *Israel-Palestine Liberation Organization, Declaration of Principles on Interim Self-Government Arrangements*, September 13, 1993. USIP Peace Agreements Digital Collection.

Those with experience in mediation of conflicts understand the unwritten principle that success relies in part on assuring that the principal parties to the conflict are the only parties invited to the mediation. The principals are the ones who can veto an agreement – or sign it. But the multiplication of parties at the table can exact costs on the process. International conflict mediators seem to prefer marginalizing all except government factions and armed groups to maximize the chances of getting an agreement. Given the fact that both of these cases of failed peace negotiations followed a signed agreement (in fact, many agreements in the PLO-Israel case) – the question of systematic exclusion bears further scrutiny.

### **At the Table: The Fewest Parties Needed or the Broadest Possible Coalition?**

In contrast to the selective or systematic exclusion so often practiced by international diplomats and principal parties to a conflict, practitioners and scholars of peacebuilding have been studying and advocating for the merits of public participation. Some of this research has been limited to recognition of the vital role the public plays in the creation of a peaceful society *after* an accord is signed. Increasingly, it is recognized that public participation need not be limited to post-conflict peacebuilding. But the public at large is unwieldy; it may be too fractious and numerous for concerted, purposeful and sustained action. Mediators cannot simply invite the public to rounds of peace negotiations as if they were a festival.

It is through groups organized in the civic sphere that public participation can be realized. The concept of civil society *inclusion* in peacemaking is thus threading its way through the discourses of academics, think tanks, national diplomats, international organizations and most important of all – civil society groups themselves who clamor for a voice, a role, and even a seat at the negotiation table to work on ending the conflicts that have caused them so much suffering.

An emerging consensus on the role of civil society in peace processes generally underplays the difficulties of inclusion at the negotiation table while normatively advocating for grassroots participation in peacebuilding. This results from two opposing needs: the need to produce negotiations that include the minimum number of factions/participants required to get agreement, and the need to create the broadest possible support among the population and political parties for a peace process. One approach to reducing the number of negotiators at the table (and thus potential spoilers) involves the use of secret negotiations. On the other hand, secrecy and exclusion seem antithetical to the need to maximize civil society support for a negotiated end to violent conflict and sustaining the transition to peace and coexistence. A tension can emerge between the exclusion needed to make peace and the inclusion needed to embed the peace in society after a violent conflict, especially if what negotiators and policymakers do in one sphere (peacemaking) undermines what happens in the other sphere (peacebuilding). Creative ways to manage and perhaps overcome that tension are called for. The cases ana-

lyzed in this issue call attention to the various ways this has been dealt with – sometimes successfully, sometimes less so.

### **Prescriptive Advice and Policymaking Relevance**

Peacemakers cannot rely on negotiation advice and theory that maximize the chance of agreement while neglecting or reducing the probability of successful implementation of that agreement. In a peace process, this simply implies that people will die again if violence resumes. One of the key conditions in peace processes is the incrementalism that underlies the process. Parties negotiate continuously, but typically begin with relatively easy framework agreements and only in later stages commit themselves to real concessionary moves. If they stay ahead of their spoilers and engage civil society creatively, while also implementing agreements as they go, then incrementalism succeeds. But sometimes the exclusion that is needed for early agreements to be signed is counterproductive at the implementation stages. Under such conditions, civil society at best exercises no influence on the peace process. At worst it might be mobilized against peace with ‘the enemy’ and ultimately may try to exercise a veto on the ongoing peace process. This unintended but predictable consequence of policymaking on questions of peace and war need not be inevitable.

The resulting dilemma for international negotiators appears to be how to contain, engage, marginalize or convert potential spoilers sufficiently to attain breakthroughs, and still progressively engage civil society in the process of conflict transformation so that peace agreements ‘stick’ and generate increasingly popular and political support. A conflict should move forward toward social transformation rather than backward into disintegration and violence. Of course, civil society can also be out ahead of political decisionmakers in the quest and desire for peacemaking, but their engagement and role is still worthy of exploration to draw out the best lessons we can for peacemakers around the globe.

Thoughtful moves encompassing both inclusion and exclusion at different times may have to be strategically and flexibly deployed in peace processes, in contrast with the opportunistic and ad hoc ways in which peace processes have unfolded.

### **Possible Research Questions**

Several interrelated research questions have significance for the international negotiator as well as the international negotiation scholar. Many of these were addressed by the contributing authors in this issue.

1. What effect does *secrecy* have on peace negotiations and on civil society among the parties to a violent conflict? Does the effect change over time in a peace process?

2. What are optimal roles for civil society in the negotiation and peacebuilding phases of international conflict resolution?
3. How can civil society's support for peace be nurtured and maximized so as to preclude the emergence (or minimize the influence) of *uncivil* society and political movements against peace?
4. Can civil society also help foster an environment that promotes effective implementation by the principal parties?
5. Can negotiators be protected from spoilers without neglecting the need to win over internal, domestic, popular and other constituencies to support moves for peace?

### **This Issue**

This issue of *International Negotiation* seeks to create knowledge useful to academics, negotiators and civil society movements as civil society ventures out into the realm of international peace negotiations, even as negotiators continue to bargain in the shadows. The cases have been chosen to explore some of the most violent conflicts around the globe in the last decade. Each author employed unique approaches and inquiries, which permitted the cases to be analyzed without being constrained by an imposed framework. While this approach presents challenges for systematic comparison, it is hoped that this issue will generate further interest in exploring the interconnections between peacemaking, secrecy and open engagement, with the ultimate goal of supporting peacemakers wherever they are.

There are six conceptual and case articles and a review essay in this collection, including the co-authored article by Anthony Wanis-St. John and Darren Kew, entitled: "Civil Society and Peace Negotiations: Confronting Exclusion." This article is a broad survey of more than twenty peace processes and the role civil society played in each. Insights about the positive impact civil society engagement can have on sustainability of peace are offered. We also consider that a seat at the table is neither always possible nor always necessary. Under some circumstances, civil society can support peace by effectively influencing responsive negotiators.

Dean G. Pruitt, in "Back Channel Communication in the Settlement of Conflict," analyzes with great clarity several advantages conferred by back-channel communications conducted by principal negotiators or through intermediaries. He draws on a number of insights derived from his knowledge of the peace processes in Northern Ireland, South Africa and Palestine/Israel and other cases, and cautions that exclusion, combined with narrow, short-sighted agreements, can damage the durability of agreement.

Jonathan Zartman, in "Negotiation, Exclusion and Durable Peace: Dialogue and Peacebuilding in Tajikistan" insightfully explores the dynamics of peace proc-

ess and an innovative way by which certain participants in that peace process reached beyond the exclusionary negotiations that ended the civil war but did little for democratization, development or the creation of a more inclusive society in the Central Asian republic. Selected achievements of the Inter-Tajik Dialogue are reviewed, as is the re-emergence of traditional Tajik civil society as a force in peacebuilding.

Elizabeth McClintock and T rence Nahimana, in “Managing the Tension between Inclusionary and Exclusionary Processes: Building Peace in Burundi,” have written an elegant historical analysis of the peace process in Burundi, including the parallel back channel and front channel negotiations that sought to put an end to the genocidal violence and create a power-sharing government there. McClintock is a long time conflict management professional and Nahimana is a civil society and political figure in Burundi, and both worked on peacebuilding projects there. These authors caution against the exclusionary social dynamics underlying most conflicts which could be caused by the inclusion of ethnic civil society groups that have questionable peace credentials and no agenda beyond their sectarian interests.

Maria Jessop, Diana Aljets and Betsie Chacko co-authored “The ‘Ripe Moment’ for Civil Society,” and analyze the positive and little-reported role of the Inter-Religious Council in Sierra Leone (IRCSL). This religious civil society initiative progressively offered more and more to the belligerents in Sierra Leone’s tragic war. The IRCSL began with peace and justice advocacy, proceeded to facilitate communication, and finally acted as a mediator between the government forces and rebels, helping to lay the groundwork for the eventual Lom  Accords. The authors argue that early engagement by such civil society groups may actually hasten the ripening of the conflict for settlement.

Susan Allen Nan, in her intriguing piece “Conflict Resolution in a Network Society,” asserts that in a network conceptualization of society, members of a population may all be (to greater and lesser extents) connected to a peace process. She explores the emergence of peacebuilding networks of organizations and individuals around the world while also noting that networks themselves may be inclusive or exclusive, according to the inclinations of network members, and that important consequences for peacemaking and peacebuilding flow from the networks that intersect with such efforts.

Lastly, Daniel Lieberfeld contributes a valuable review essay, “Secrecy and ‘Two-Level Games’ in the Oslo Accords: What the Primary Sources Tell Us.” He reviews the published memoirs of Palestinian and Israeli negotiators to understand the motivations for their historic reliance on secret channels to negotiate. Lieberfeld focuses on the domestic pressures facing international peacemakers – pressures great enough to drive peace negotiations virtually underground in a quest to insulate themselves from those who would be spoilers. The architects and principal negotiators of this peace process describe how much they came to rely

on the secrecy of the back channels to create the trust and space for agreement. They also acknowledge what little they have done to build public support for their peace negotiations. Based on this review, Lieberfeld offers his critique of the assumptions underlying the secret negotiations, some of which, he argues, provided incentives for spoilers to disrupt the process through violence.

Several of the articles and the review essay would seem to collectively affirm the need for and value of conducting some peace negotiations in secret, at least in select moments and for discrete purposes. But agreements reached, whether in Northern Ireland, Palestine-Israel, Tajikistan or Burundi, have to be implemented and often herald many further negotiations. Secrecy and exclusion become progressively less helpful as peacemaking breakthroughs begin to blend into the tasks of peacebuilding and implementation, where popular support is critical. Civil society, certainly not monolithic or static, may be a catalyst to the principal parties as in Sierra Leone, or may need to be courted by them as in the Middle East peace process. In these cases and others, both observations may be true simultaneously. Several of the articles also point to the valuable conflict resolution roles civil society groups can play (if they are not mere proxies for the conflicting parties) ranging from providing inputs into the negotiations, building popular support for peaceful transition, pressuring principal parties to be accountable, and even setting the table for parties and mediating among them.

It should be noted that research on the civil society-peace process nexus is still relatively new, and will undoubtedly grow as the practice expands. More case studies and more formal frameworks for comparison are desirable. In contrast with the more robust literature on Track II efforts and *interactive conflict resolution*, for which we now have systematic analyses of how these approaches effectively transfer over to Track I negotiators (Fisher 2005), civil society is a far more diffuse and pluralistic phenomenon. It will take further effort to document and evaluate the engagements of civil society with elite negotiators and vice versa. Additional discussion about inclusion and exclusion should be rich, informed and nuanced, rather than simply driven by classic or contemporary practices. It is our hope that the research presented here will inspire deeper and broader research as well as reflection among practitioners so that these most critical of bargaining processes – peace negotiations – can be optimally configured and actually deliver that most precious of global commodities: peace.

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