

Civil Society and Peace Negotiations: Confronting Exclusion

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Abstract

The fact that civil society groups play important roles in post-conflict peacebuilding has entered the mainstream of international conflict resolution dogma. Rarely do local civil society groups get a seat at the negotiation table for peace accords. Although the exclusion of civil society from peace negotiations may streamline the process, the absence of civil society voices and interests at the negotiating table can negatively impact the sustainability of a peace agreement during peacebuilding. Surveying a wide variety of different peace processes, a strong correlation was found between active civil society participation in peace negotiations and the durability of peace during the peacebuilding phase. Cases in which civil society groups actively engaged in peace negotiations seemed to enjoy more sustained peace in the peacebuilding phase. This holds true also for cases in which civil society groups did not have a direct seat at the table, but did exercise significant influence with the negotiators because they were democratic actors. War resumed in many cases not characterized by direct or indirect civil society involvement in the peace negotiations. No claim of causality is made; the sustainability of peace surely rests on causes as complex and dynamic as the initiation of war does. However, these findings do call attention to the need for further research to understand the special impact that civil society inclusion at the peace table may have.

Keywords

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Introduction: Inclusion and Exclusion in Peace Negotiations

The participation or influence of civil society organizations in various phases of peace processes has become more visible in recent years. However, neither

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international mediators nor disputing elites have thrown open the doors of most peace negotiations and local civil society groups still have to struggle to get in. In fact, numerous critical peace negotiations are structured on the explicit exclusion of these groups and other selected parties. Yet, civil society is increasingly unlikely to remain quietly on the sidelines of international conflicts.

In this article, we explore a limited but fundamental question facing international mediators: has it mattered over the past two decades if civil society groups were directly present *at the table* in peace negotiations? We look for correlations between civil society's direct involvement in these negotiations and the sustainability of peace agreements that were reached. Is there a relationship between having civil society groups as direct participants in peace negotiations and the quality of peace that ensues after an agreement is reached? Peace processes are broader phenomena than peace negotiations, and civil society groups are a tremendously diverse collection of social organizations. These negotiations are, however, arguably the pivotal moment in such processes. We seek to examine first whether the participation of civil society groups of *any* type is correlated with the sustainability of agreements reached within those processes. Once such a correlation is established and its parameters better understood, we can then raise the questions of why such participation mattered and whether different types of civil society groups might have greater impact than others. Based on these results, we can better advise international mediators as to whether and how they should involve civil society groups in peace negotiations.

Just as international mediators have devoted their attention to Track I actors, scholarship in international negotiation has historically tended to focus on the roles of governing elites and interactions among them. In international and internal conflicts, the scope has broadened to include armed non-state actors who use force to get a seat at the negotiation table. But other kinds of groups also make their presence felt in international negotiations of all kinds and theory has been catching up with practice.¹

Civil society seems to be confronting its exclusion from elite-driven peacemaking. The dynamic of exclusion corresponds to many needs in negotiation, among them the desire of principals to manage their internal hardliners (Walton & McKersie 1991: 382–391), the reluctance to reveal to constituents that one is negotiating *with the enemy*, coupled with the corresponding need to talk to the enemy to seek out political accommodations and deescalate conflict (Rubin, Pruitt & Kim 1994: 182–191), the need to build trust with counterparts (Colosi 1986: 245–250) and the need to avoid agreeing to the preconditions that conflict parties often demand of their adversaries (Kriesberg 1992: 90–105). In short,

research interests and conflict resolution practice focus on the relationships among civil society, democracy, conflict resolution, and ethno-religious conflicts in Africa.

¹ In Volume 4 of *International Negotiation* (issues 2 and 3, 1999), the roles and impact of NGOs on a wide variety of international negotiations were explored comparatively.

when parties in conflict recognize their need to talk to the enemy even while there is ongoing confrontation or violence, they go to extremes of exclusion and engage in secret talks: what Henry Kissinger (1979: 138) called “back channel” negotiations (Pruitt 2006). While practitioners have relied on exclusion and secrecy to achieve what they considered breakthroughs, these do not come without a price. The reasons for secrecy and exclusion in negotiation have feedback effects (Wanis-St. John 2006) and as the stakes of the negotiation get higher, the effects of exclusion seem to be more damaging to long term projects such as peace. The Palestinian-Israeli breakthroughs in 1993 at Oslo, for example, so lauded at the time, were predicated on secrecy and exclusion. Their peace process began showing signs of distress immediately however and had completely disintegrated by early 2001. While the causes of its failure are many, we would argue that the ongoing exclusionary negotiations contributed to it by cutting short the mobilization of a pro-peace constituency on each side, which in turn contributed to implementation failures, particularly with regard to the constantly renegotiated Israeli troop withdrawals from 1996 to 2000 (Wanis-St. John 2006).

When such promise yields to such catastrophic failure, scholars and practitioners of peace and conflict resolution should ask whether or not the exclusion relied on by negotiators and mediators is worth the risks it may pose to the attainment of peace. Although excluding civil society groups may streamline peace negotiations that are already complex enough, the absence of their voices and interests at the negotiating table can prove fatal to the peace agreement during the post-conflict peacebuilding phase. From Arusha to Oslo, the focus on elite interests in peace negotiations often leaves the populace at large without perceived stakes in the agreed peacebuilding frameworks, weakening the ability of governments and transitional authorities to reach a sustainable peace.

Civil society groups can help bring greater public representation into negotiation. Civil society, however, speaks with many voices and stands in the shadow of domination by political elites. Civil society is not uniform; it comes in many organizational forms, it can have varying degrees of autonomy from the state, and sometimes it can even serve as a substitute for the state when governments fail to serve their population’s needs. Disturbingly, civil society can also decay into “uncivil” society, political militancy, and can even blend into insurgency, especially in conflicts where little or no attention is paid to gaining popular support for peace. Thus, we need to address the question of which civil society groups should participate in peace processes.

Many peace agreements of the last two decades were negotiated and mediated on the basis of incrementalism, avoiding the underlying conflict issues and concentrating instead on minor confidence building items. While this is a time-proven way to gain momentum in negotiations, critical failures at the earlier stages of a peace process may prevent the parties from ever negotiating on their most difficult issues. While itself problematic, incrementalism combined with

weak public support or indeed public opposition to agreements may prove fatal to peace. This has given rise to support for the notion that civil society has a role to play not just after conflict, but also in the efforts to end it through negotiation.

What alternatives exist for getting civil society a seat at the table in peace negotiations? If such access is unworkable, what sort of increased attention should be paid during peace talks to crafting a role for civil society in the peacebuilding phase? How can international mediators better ensure that publics are indeed stakeholders in peace negotiations through the vehicle of civil society groups, yet avoid negotiations that are so unwieldy as to prevent reaching agreement? Looking at case material from a range of peace agreements over the last 15 years, we seek a general correlation between civil society involvement in peace negotiations and the durability of peace thereafter. Does direct participation for civil society groups in these negotiations correlate with durable peace agreements? Is there a point beyond which greater public buy-in through civil society groups' presence or impact on negotiations adversely affect peacemakers' ability to get an agreement?

We find that durable agreements do indeed feature direct civil society participation in peace negotiations, particularly in conflicts characterized by undemocratic elites. We also found that in negotiations among democratic elites, civil society can participate effectively by influencing their respective political representatives and these agreements seem to be as durable as those featuring high civil society participation alone. This suggests a hierarchy of preferential partners for mediation: the ideal parties for durable peace agreements are democratic elites without civil society groups at the table, but with regular civil society influence on those elites. If elites are not democratic representatives, then direct civil society involvement in peace negotiations may increase the durability of agreements reached.

In the sections that follow, we examine civil society's roles, purposes and definitions, and the ways in which it can impact politics and governing elites. Then we outline the roles that civil society can and do play in peace negotiations. Additionally, we examine what the negotiation and conflict resolution literatures say about the inclusion of additional actors at the negotiation table. Then, we examine some case evidence regarding what has been gained by the inclusion of civil society at the negotiation table. This is complemented by a consideration of what has been lost by not having civil society groups engaged in peace processes dominated by undemocratic elites. We conclude by considering avenues for further research and considerations for practitioners.

Civil Society: Building Structure and Culture

Civil society is a controversial subject from a number of angles. Some analysts have argued that it is more of a normative term for policymakers than a useful analytical construct, while others lodge it within the historical experience of

Western capitalism (Cohen and Arato 1992). Much of the debate has moved from definitional arguments, such as whether or not there is African or Muslim civil society – clearly, both exist (Ake 1991) – to more pragmatic discussions over the potential impacts of civil society groups on democratization, peace building, and social change (Putnam 1993, Howell and Pearce 2001). After a heady period in the late 1980s and early 1990s, when civil society groups and movements seemed capable of sweeping authoritarian governments away, enthusiasts of civil society have grown increasingly tentative as to how much these groups can contribute to lasting social and political change (Carothers 1999/2000).

The sweeping range of this discussion can be seen as reflective of the complicated nature of civil society itself. 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 civic-minded, in that their purpose is to promote the interests and perspectives of a particular sector of society, but not all issues for all sectors, generally within a lawful framework.

Civil society groups may promote a single universal issue, such as human rights, or represent a range of issues for a limited sector of the population, such as ethnic interest associations, but they do not seek to articulate the universal range of issues or appeal to the scope of population that political parties do, nor does civil society seek to capture the state like political parties (Diamond 1999). Moreover, civil society groups typically do not utilize violence or destructive methods as do militias or racist groups. Nor do civil society groups exist to engage directly in business activity, although they may raise funds for their activities using business methods. The boundaries of civil society, however, are clearly gray and porous, in that some civil society groups can evolve into political parties, while others may occasionally employ or associate themselves with violent or uncivil methods. Some uncivil actors can grow more civil with time.

Consequently, civil society is “the middle sphere,” (Cohen and Arato 1992, citing Hegel) an intermediary political space between the state and the individual that both balances and augments the power of the state and creates avenues for individuals of like mind on specific issues or concerns to promote them toward the state. Although civil society and the state play essential balancing roles, it is important to note that they are also symbiotic and part of an organic whole. Political elites need civil society groups to gain public support for their policies, check political rivals, provide expert advice and get elected in democratic political systems. Civil society, for its part, is deeply dependent upon a strong state to function and provide some order among the host of competing interests articulated by civil society groups (Berman 1997). Consequently, civil society flourishes

in democratic states and is a necessary player in democratic development (Diamond 1999). Yet civil society also exists under authoritarian periods and because of its dependency upon and vulnerability to the state, it can be influenced or targeted by political elites toward undemocratic ends.

The impacts of civil society generally fall into two categories. The first is *structural*, in the sense that civil society groups themselves provide organization to public interests, articulate them into the governmental realm and protect them when government oversteps its prerogatives. In addition, civil society activity helps to shape and strengthen the structures of the state by providing greater public input into government functions and policymaking and, in doing so, civil society helps to give legitimacy, support and accountability to political actors. Through such activity, civil society groups can promote democratic development over time and undermine authoritarian rule.

The second major impact of civil society groups is *political-cultural*, in that their actions help to disseminate civic values – often called social capital (Putnam 1993) across the polity at large – and demonstrate democratic behaviors for both political elites and the public (de Tocqueville 1956). Moreover, when individuals participate in civil society groups, they can learn a range of democratic values and behaviors, particularly when the organizations are themselves democratically structured (Kew forthcoming). Without widespread subscription to generally recognizable democratic values, young democratic political structures are hollow and subject to the predatory inclinations of elites schooled under authoritarian periods, while mature democracies that lose such values can erode from within, beset by similar predation and centrifugal forces (Putnam 2000, Skocpol 1996). Although civil society groups may overtly preach democratic values to their members, the central vehicle for the inculcation of these values in most cases is experiential: group members are subjected to some measure of democratic process within the organization and learn the values in this fashion or have the democratic values they already possessed reaffirmed. Consequently, the more democratically structured the civil society group, the more democratic the experience of members and the more such values they learn or reinforce.

In failing or collapsed states, civil society may still perform these structural and political-cultural functions. Amid hostile, ambivalent or absent state actors, however, civil society may have a more restricted scope of activities and thus a significantly limited impact. Cooptation by predatory elites is an omnipresent problem, and as physical insecurity grows, civil society groups can find themselves increasingly and literally in the line of fire, as the ‘moderate middle’ becomes increasingly untenable. Nonetheless, civil society groups in these circumstances can also carry some of the burdens of the state, providing a measure of health care, education, housing, and other essential services to targeted elements of the population. Civil society groups can also provide temporary havens for future political elites or their advisors who can rebuild the political structures or provide expert advice needed to restore a state.

Moreover, civil society groups – particularly democratically structured ones – can be democratic ‘safe areas’ that provide a political space where democratic values are protected and propagated to some degree, while the larger polity suffers authoritarian and/or anarchic decline. Individuals do not, however, spend all their time in civil society organizations and the daily experience of authoritarianism or anarchy promotes its own values that can spread within civil society as well, such that the dominance of democratic or undemocratic political-cultural values is a constant struggle.

The civic values promoted by civil society are important not only for supporting democracy, but as the basis of promoting peace-oriented norms across war-torn societies. If we compare democratic political-cultural values with the norms underpinning many transformative conflict resolution models, we find that they are virtually identical, such that efforts that promote one promote the other (Kew forthcoming), providing the basis for the normative consensus that healthy polities require that disputes should be settled peacefully.

Transnational civil society groups can provide important lifelines for civil societies at risk. Not only can they provide material and financial assistance, but they can also be important political allies that open channels to foreign governments and the global media. In addition, transnational civil society groups can also help local civil society groups in buttressing democratic political cultural space by demonstrating such values themselves and by providing avenues for democratic experiences through joint projects and invitations to join international forums. Generally speaking, however, transnational civil society actors are dominated by the NGO sector and consequently are biased in favor of working with local NGO groups, as is the case with Western government donor agencies. Western trade unions have also generally kept to their own when working in developing countries and foreign religious institutions have also typically focused on co-religionists in target countries. Important cases of cross-sector transnational civil society collaboration do exist however and donors appear to be moving toward encouraging such broader networks. Examples include the emergence of civil society groups that promote public health issues in the midst of conflict and across enemy lines. Such work typically brings together local *and* international health organizations and medical practitioners, as well as local and international conflict resolution practitioners – rather than each working in isolation from the other (World Health Organization 2002).

Civil Society Roles in Peace Negotiations

It has been proposed that civil society contributes to peace processes through representative participation, consultative mechanisms and direct participation (McKeon 2004; Barnes 2002; Pfaffenholz, Kew and Wanis-St. John 2006). Mediators in international conflict are beginning to contemplate such roles for civil

society in their interventions, although this is often limited to consultation and post-conflict peacebuilding. Civil society groups themselves get organized and pursue various avenues of influence and participation in the transformation from conflict to peace. Nevertheless, government and militant leaders, political party heads, warlords, and the usual cast of political elites driving the main forces in dispute – the ones with the guns – still get the lion's share of attention from international mediators.

Why consider civil society in the first place? Because civilian populations bear the brunt of war's brutality, regardless of whether the conflicts are interstate or intrastate, and civil society offers an important potential conduit for the public interest. By some estimates, up to 90 percent of war casualties are among civilians as wars become more about attacking populations than armies fighting each other (Shaw 2005, Kaldor 1999). Thus, a moral reason for their inclusion in strategies of peacemaking arises. How can those who suffer disproportionately and unjustly during war be legitimately excluded from the peacemaking? Increasingly, civil society organizations themselves have posed this question. Prescriptively, one Ugandan author noted that "armed conflicts invariably inflict untold damage and sufferings on the civilian population who are often seen as helpless victims. The people's needs and interests are rarely respected by those locked in the armed conflict. More than ever, civil society needs all the support it can get to participate in finding lasting solutions that can positively shape the country's destiny and institute mechanisms that can protect the people against abuses of power" (Obita 2000).

Generally speaking, there is an emerging consensus on strong roles for civil society groups in the post-conflict peacebuilding phase. Former UN Secretary General Kofi Annan consistently painted ambitious roles for civil society groups in rebuilding broken societies and called for UN peacemakers to have "greater consultation with and involvement in peace processes of important voices from civil society, especially those of women, who are often neglected during negotiations" (UN Secretary General's High Level Panel on Threats, Challenges and Change 2004: 38). Indicative of the wider literature, Prendergast and Plumb (2002) argue that "alongside the top-down implementation of the peace agreement, concurrent bottom-up processes aimed at constructing a new social contract and healing societal divisions" are necessary in order to attain a durable peace. Civil society groups' "local knowledge and deep contextual understanding of barriers and opportunities to making peace at the local level" enable these groups to "have an impact through creating or supporting these bottom-up processes and through engendering societal ownership of the peace agreement."

There are several ways by which civil society groups currently engage with peace process negotiations.

Track II Practitioners

Civil society groups are sometimes active in Track II diplomacy initiatives, where their task is to supplement Track I negotiations among the political elites by engag-

ing key secondary actors across the conflict divide to support a peace process. Occasionally civil society groups cajole Track I actors when the process stalls and sow the seeds of interpersonal and intergroup reconciliation via the reduction of psychological barriers to conflict resolution (see for example Montville 1987; McDonald 1991; Saunders 1985; Fisher 1989; Kelman 1992, 1996). Our findings here coincide with and affirm the value of this critical peacemaking work, while also exploring the ability of civil society to jump from Track II to Track I, something the seminal scholar/practitioners of Track II work also anticipated and sometimes encouraged. Track II work, it must be acknowledged, has tended to explicitly seek out elites who are poised to become policymakers or even negotiators who participate unofficially. Nevertheless the practice of Track II work has also spread horizontally to directly engage communities and other civil society groups across the conflict divide.

Temporary Intermediaries

In the absence of Track I negotiations, however, civil society groups are sometimes seen as potential temporary actors who can keep lines of communication open across the conflict divide when the primary channels are closed. Dean Pruitt (1994) explains how intermediary actors can form communication chains between government and factional leaders when they are not talking, (a theme that is built on by Susan Allen Nan's piece on inclusive networks in this issue). These communication chains provide important links for messages to be sent, but they also help to build confidence between Track I leaders as the chains expand at both ends to include the highest decisions makers and then contract at the middle to exclude the original facilitators who are no longer needed (Pruitt 1994). Crocker, Hampson, and Aall (1999) note that civil society initiatives "helped pave the way for negotiations at a time when there was no contact between the government and opposition." They further comment that civil society groups can "usefully serve as components of a wider intercommunal process of 'constituency building,'" since they "can open up new avenues for dialogue where none existed before and generate new ideas that feed into the broader political debate."

The implication, however, is still that civil society will revert to a supporting role or Track II once the governmental or primary factional leaders are again engaged in the peace negotiations and empowered to make decisions and policies that favor peaceful resolution of conflict. In some cases, however, civil society groups play a more robust *mediation* role, as the Inter-Religious Council of Sierra Leone did (see Jessop-Mandel, Aljets and Chacko's article on the IRC SL intermediary work in this issue, as well as Koroma 2007).

Membership in an Official Delegation

Track I negotiating teams occasionally include civil society representatives picked

by the government or faction in question, such as trade union or religious leaders, NGO activists, academics, and so on. Civil society representatives typically do not take leading roles in such negotiations. The Middle East peace process has been one of the most exclusive negotiation processes in contemporary conflict resolution practice. And yet, Israeli and Palestinian negotiating teams have made limited use of civil society representatives to facilitate initial breakthroughs, provide input to official negotiators and participate at the table. Somewhat paradoxically, in the absence of a comprehensive peace agreement, ex-official negotiators and civil society representatives from both sides actually drafted a model agreement and publicized it with the help of transnational civil society – the so-called Geneva Accord of 2003 (Wanis-St. John 2006).

Inclusion of Civil Society-led Delegations

Another way that civil society groups impact the negotiation table is when they are invited to join as separate parties to the conflict in their own right. Track I negotiators or mediators typically extend this invitation because the civil society groups in question are seen as providing a formal representation role; they are perceived as delivering the support of a sector of the population that is necessary for a viable agreement or the flipside of that argument: they are seen as potential spoilers – that is, they are believed to be in a position to undermine significantly any agreement that might be reached (Stedman 1997).

After the collapse of the DRC's first peace agreement in Congo-Kinshasa in 2000, a range of Congolese civil society groups, including religious groups and human rights groups, pushed hard to make their influence felt on international mediators as well as on the warring factions (Naidoo 2000). During its path-breaking mediation in Mozambique, the Community of Sant'Egidio involved churches, religious organizations, labor unions, and other interest groups that "played a crucial role in channeling and expressing civil society's position" (Bartoli 1999).

These avenues for direct civil society involvement in peace negotiations are all predicated upon the actions or inactions of traditional Track I actors, such as governments, insurgents or international diplomatic interveners. Civil society groups may win themselves seats at the table through their ingenuity or utility, but access to the table is invariably controlled by the more powerful parties who dominate the state, society, and the instruments of violence at odds in the conflict.

Thus, another way that civil society impacts peace processes is in influencing the negotiators without actually being at the table. This indirect mode, with all of its variations is currently the most prevalent way by which civil society gets a role in peace processes. Influence is attained by lobbying democratically elected representatives, rallying public opinion regarding elements being negotiated, privately

approaching parties at the table, providing expert advice or support on key positions advocated by parties at the table, enlisting transnational civil society groups for support, and pursuing a range of other informative or influential roles. During the South African negotiations to end apartheid, for instance, the African National Congress worked in alliance with the Congress of South African Trade Unions (COSATU), and “COSATU was critical to mobilizing the crowds on which the ANC counted in its use of mass action” (Lyman 2002: 82).

In the Shoes of the Negotiators and Mediators: Ocham’s Razor vs. Societal Buy-In

The Imperative of Exclusion

Why would negotiators and mediators seek to prevent representatives of civil society from being present at peace negotiations? Classical diplomacy, European-style, was conceived and practiced as an elites-only club. The momentous decisions of war and peace were made behind closed doors. The shrouding of classical diplomacy in secrecy generated strong reactions against the exclusivity, especially in the aftermath of World War I, and Woodrow Wilson’s Fourteen Points were an important echo of the increasing clamor for more democratic accountability in diplomatic negotiations of war and peace. And yet, Wilson too adhered to the classic practices. The aftermath of World War II, the creation of the UN system and the unraveling of colonialism, all helped to give license to conference and multilateral diplomacy. But the difficulties of drafting and agreeing on texts in these more participatory contexts helped lead to a backlash against conference diplomacy’s extreme positionality and a renewed desire for dealmaking behind closed doors, insulated from what Morgenthau (1978) called the “degeneration of diplomatic discourse.”

Civil society participation at the peace negotiation table – in theory – is predicted to disturb the already murky waters of multiparty negotiations. In theories of negotiation, the game-theoretic approach has generated analyses that move sequentially from two-party games (or negotiations) to n -party games. The work of Robert Axelrod (1984) analyzed the emergence of cooperative patterns of interaction between two ‘selfish’ players in a competitive environment and predicted that two parties could more easily generate cooperative behaviors as long as the possibility of a longer-term relationship between them existed. A norm of reciprocity emerges partially because players can sanction each other over the long run if one of the players defects. Axelrod subsequently (1997: 7–41) observed that “the straightforward extension of the Prisoner’s Dilemma to an n -person version will not sustain cooperation very well because the players have no way of focusing their punishment on someone in the group who has failed to cooperate.”

Paradigms such as the ‘tragedy of the commons’ and the Stag Hunt help us to understand the difficulties of collective action problems, of which multiparty negotiations are an example (Axelrod & Keohane 1985). Hence, optimal negotiated outcomes based on cooperation and reciprocity become more difficult to attain as the number of parties exceeds two, especially under conditions of interdependence among the parties tempted to make individual choices that may result in collectively and individually suboptimal outcomes.

Spector’s (1994) decision analysis perspective on multiparty international negotiations makes clear that the formal evaluation of tradeoffs among issues and parties (with shifting party preferences) is difficult to arrive at even with analytical expertise. Such evaluation would be likely to elude intuitive, heuristic approaches to negotiation especially as the numbers of parties and issues begin to rise.

Groups making a joint decision (analogous to a multiparty negotiation) can be hampered by the degree of disorganization that grows with the increase in the number of parties. This leads to disagreements about the purpose of the negotiation, divergent approaches to process, different levels of commitment to the negotiation at hand, and inconsistent ways of sharing information or arriving at a decision – all of which impede agreement (Raiffa, Richardson, Metcalfe 2004).

Furthermore, more parties means more positions on the different issues at stake and even the possibility that some preferences may be so divergent as to preclude any possibility of agreement. Similarly, with the addition of more parties, the possibility that a ‘spoiler’ – a party with a vested interest in preventing agreement – may have been introduced into the group also increases. Although having spoilers inside the ‘big tent’ of a negotiation may increase the chances of convincing them of the gains of constructive participation, it may also provide them greater opportunities to sabotage the process.

A related difficulty in multiparty negotiations concerns the progressive deterioration of effective communication. Time for discussion may not increase even though more parties are at the table. Some parties may be distributive and claim more than their ‘share’ of time, drowning out other voices present at the table. Struggles to control the agenda may ensue. Interpersonal conflicts among the parties may be more likely as the numbers increase. Some parties, conversely, may withdraw or be overshadowed by more aggressive counterparts. With additional parties, additional information gets introduced to the negotiation process even though individuals’ capacity for processing the information does not improve. Raiffa, Richardson and Metcalfe (2004) referred to this as cognitive overload. They also warned that a free-rider problem may arise as some parties opt to let others take responsibility for data-gathering, discussion and decisionmaking.

Finally, adding parties to a negotiation can permit the creation of competing coalitions whose preferences preclude any optimal creating or sharing of value, pushing a comprehensive, inclusive agreement (such as that required for a peace

accord) still further away. Not infrequently, the presence of multiple parties contributes to the tendency for each to exaggerate its preferences to such a degree that *no zone of possible agreement is found*. In short, there are numerous reasons why parties might be more likely to arrive at suboptimal outcomes in their negotiations, or fail to reach agreement at all, as the number of parties increases.

A Countervailing Imperative of Inclusion

But that is not the whole story. Groups are known to have at least the potential to bring a richness and diversity of input, resources and perspectives to a task such as negotiation. It is the management of the richness that may be critical to the success of the negotiation. Of particular interest to those who study organizations and negotiations, it is believed that participation in decisionmaking is correlated to greater amounts of acceptance and support for the decision arrived at – ‘buy in.’ Thus, more participation may lead to more ‘buy-in.’

Conflict resolution research, both descriptive and prescriptive, has proposed that negotiated agreements – especially peace agreements – are insufficient by themselves. A fuller transformation from conflict to peace requires more multi-level approaches that incorporate other sectors of societies attempting to build peace, not just political elites who negotiate and sign agreements. Lederach (1997) has eloquently described the multiple layers of peacemaking needed for transformation; a pyramidal structure of actors and corresponding peacebuilding activities, with political elites at the pyramid summit, civil society elites in the middle, and grassroots civil society and the affected population itself at the base of the pyramid. Lederach explicitly prescribed members from the middle and grassroots levels to work with and influence those at the apex. He highlights the role of people and networks that connect his different levels of peacemaking, in a kind of vertical integration of peacebuilding activities.

Albin (1999: 384), in exploring the impact of NGO participation in key international negotiations (not peace processes per se) argued that “it no longer makes sense automatically to exclude or discriminate against actors simply on the grounds that they are not states.” Possible reasons to include NGOs in a negotiation process include their possession of technical expertise and credible data (Corell 1999: 197), their ability to influence official parties to adhere to principles and espouse creative solutions, and their ability to focus public and media attention on the parties if they waver. They can go so far as crafting position papers for less capable official negotiators (Kempel 1999: 415). They can also create momentum and consensus against (or for) any official party’s position if it suits them (Short 1999: 488).²

² We recognize that NGOs are not synonymous with civil society, but can comprise one aspect of it.

Negotiation analysis literature, in its consideration of multiparty negotiations, paid attention to the emergence of “blocking” coalitions (Sebenius 1995) – parties who band together to block agreement. In theory as well as in practice, inviting like-minded parties *in favor of agreement* to the process could be part of a strategy of outflanking a blocking coalition by amplifying a “winning” coalition. Civil society groups in favor of peaceful settlement could indeed play such a role at the table if they help empower other peace-oriented negotiators.

Civil society can assure that peace negotiations – even when they are elite driven – adopt what Brenk and van de Veen (2005) call a “people-focused peace agenda.” Whether by lobbying and influencing the tone, topics and processes of negotiation or providing substantive input on specific terms of settlement, there is an agenda-setting role that can be of great value to peace. Belloni (2008), in considering the virtual absence of women and civil society voices from the 1995 Dayton negotiations on Bosnia, calls attention to women having borne the burden of the war and the consequent need to incorporate their concerns into an agreement. We should not assume that armed parties and states will negotiate an accord that exceeds their own minimum demands. Elite driven peace processes can completely ignore the very people on whose behalf the peace is ostensibly negotiated.

Beyond agenda-setting, civil society participation in peace processes can also help set in motion dynamics that result in greater accountability from the combatant parties as they transition from negotiation to peacebuilding, a period where peace is imperiled by implementation failures. Belloni’s critique of the Dayton Peace Agreement (2008) raises the possibility that inclusion of civil society in peace negotiations may help in the transition to post-war democracy, perhaps by contesting the monopoly of power wielded by the armed parties that sustained the conflict. This in turn may prevent elites that just signed an agreement from subsequently dragging their feet or actively undermining implementation.

Some case analysis suggests yet another benefit of civil society engagement in peace processes. Some armed conflicts are simply not amenable to de-escalation from the top. Local leaders, grassroots civil society and traditional authorities may have more sway over fighters than national or international leaders. In the conflict within Mali, the charity Norwegian Church Aid saw many of its local affiliates join either the government or the several rebel groups. NCA found itself able to facilitate secret contacts among its former affiliates, but also helped distribute peacemaking far more broadly by helping local people arrange a series of ceasefires (Brenk & van de Veen 2005). Intriguing possibilities arise from this example as we witness the modest peace gains in Iraq that local tribal authorities achieved on their own and with external facilitation in 2007 (USIP 2007). Peace indeed may be negotiated from the ground-up.

An Initial Look at the Evidence: Civil Society *Now* Assures Peace *Later*?

A comprehensive answer to the question of what civil society involvement has offered to peace processes requires intensive analysis of the many cases of peace negotiations around the world in recent decades and the many different roles that civil society groups have played in each one. As a preliminary research step toward those ends, we propose a basic framework of comparison for more than twenty different peace negotiations over the past 15 years across Africa, Asia, Europe, and Latin America. How did civil society's level of involvement in these negotiations reflect upon the sustainability of the peace? Does greater civil society involvement in peace negotiations correlate with sustained peace in the peacebuilding phase?

Our goal was not to discern direct causation, but rather to establish whether any relationship exists between civil society participation in peace negotiations and the durability of peace settlements. We took an introductory sample, balancing for region, types of actors engaged and conflict outcomes. We did not distinguish between peace negotiations that were mediated and those in which the parties negotiated primarily without outside intervention.

As discussed above, three general levels of civil society involvement in peace negotiations are apparent from the case materials. Civil society groups may be direct participants in the negotiations themselves. They may have significant influence with the parties that are participating in the negotiation. Alternatively, civil society groups may have neither a seat at the table nor substantive access to the parties doing the negotiating. Consequently, this suggests three possible levels to rate the civil society role in specific peace negotiations:

- *High*: Civil society groups (or coalitions) actually had a seat at the table in the peace negotiations
- *Moderate*: Civil society groups did not have a seat at the negotiation table, but clearly had influence on the parties that were at the table
- *Low*: Civil society groups did not have a seat at the table, and had little or no access or influence upon the parties to the negotiation.

These civil society roles were correlated with the overall outcomes of peace negotiations in the peacebuilding phase. Again, we proposed three possible general answers:

- *Sustained peace*: The peace agreement in question has managed to hold since it was signed, and implementation has progressed, even if there have been stumbling blocks. Peace and democracy may not be fully consolidated, but the major parties have not resumed armed hostilities, and the country appears to be moving generally toward political and economic development, reconciliation,

- justice, military demobilization and integration of insurgents, disarmament, and emergence of norms of peaceful resolution of social conflict. Sustained peace does not, however, mean that the country no longer has any problems. (Violence and conflict may indeed emerge as a post-war crime wave.)
- *Cold peace*: Armed hostilities have not resumed since the peace agreement, but the country is locked in an unstable, cease fire-like status quo that could relapse into violence. Economic and political development issues are not on the agenda, as parties are preoccupied with security and power politics. Alternately, there may be on-again-off-again progress on economic and political development issues, but these are eclipsed by the security concerns. Armed factions remain mobilized rather than disarmed or integrated, even if they are not actively shooting. Cold peace may also be characterized by the presence of interim peace agreements and an emphasis on step-by-step incrementalist negotiations that are not making progress toward final settlement.
 - *Resumed war*: the parties have left the path of peacemaking and peacebuilding and resumed significant armed conflict. The resumption of hostilities is more than just a momentary breach of the peace. Negotiations, if they occur, are focused primarily on reaching a new ceasefire rather than on the substantive issues of peacebuilding.

Table 1 presents our findings in summary form.

*Table 1: Civil Society Roles in Peace Negotiations**

<i>Country</i>	<i>Agreement Year</i>	<i>Civil Society Role</i>	<i>Peacebuilding Outcome</i>
Guatemala	Guatemala City, 1996	High	Sustained peace
Liberia II	Accra 2003	High	Sustained peace
Mozambique	1992	High	Sustained peace
Sierra Leone II	2000 Abuja Ceasefire Agreement	High	Sustained peace
Bosnia	Dayton 1995	Low	Sustained peace
Burundi I	1995 Convention of Government	Low	Resumed war 1995
Burundi II	2000 Arusha Accords	Low	Resumed war (until 2002 and 2006 ceasefire agreements)
Burundi III	2006 Comprehensive Ceasefire Agreement	Low	Cold peace
Democratic Republic of the Congo I	Congo-Kinshasa 1999	Low	Resumed war 2000
Ethiopia-Eritrea	Algiers 2000	Low	Cold peace
Israel-Palestine	1993	Low	Resumed war 2001

Table 1: (cont.)

Country	Agreement Year	Civil Society Role	Peacebuilding Outcome
Kosovo	Rambouillet, 1999 not signed by Serbs/FRY	Low	Resumed war 1999, secession 2008
Liberia I	Abuja 1996	Low	Resumed war 2000
Nepal	2005 12-point Pact	Low	Resumed war 2006
Nigeria (Niger Delta)	2004 Niger Delta agreement	Low	Resumed war 2005
Rwanda	1993 Arusha Accords	Low	Resumed war and genocide 1994
Tajikistan	1997 General Agreement	Low	Cold peace
Democratic Republic of the Congo II	Congo-Kinshasa 2003	Moderate	Cold peace
El Salvador	Chapultepec 1992	Moderate	Sustained peace
Macedonia	2001 Ohrid Framework Agreement	Moderate	Sustained peace
Northern Ireland	1998 Good Friday Agreement	Moderate	Sustained peace
Sierra Leone I	1999 Lomé Peace Agreement	Moderate	Resumed war 2000
South Africa	1994	Moderate	Sustained peace
Sri Lanka	2002	Moderate	Resumed war 2005
Sudan (south)	2004	Moderate	Cold peace

* Case study references are available upon request from the authors.

Discussion of Findings and Implications

As Stedman (2002) demonstrates at length, clearly not all cases require the same solutions, and “civil wars may vary in ways that affect implementation success; for example, in the number of warring parties, the war aims of the parties, balance of military power, size of the country, numbers of combatants, level of death and destruction, and residual state and economic capability.” What worked in South Africa is not necessarily appropriate in Tajikistan, and civil society roles in these conflicts have differed. We can, however, discern some common relationships between civil society involvement in peace negotiations and the sustainability of peace agreements, and use these general relationships to raise some specific questions about developing the roles of these groups.

First and foremost, we see that *all the negotiations characterized by high civil society involvement have resulted in sustained peace* in the peacebuilding phase among the cases we have considered. Civil society groups had active roles in these

peace negotiations, which made them prominent stakeholders in the process and in the peacebuilding phase that followed. Guatemalan NGOs, for instance, not only spurred the eventual holding of peace talks, but also took an active role in tabling proposals for political reform and post-conflict justice and reconciliation. 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. Sustained peace does not mean that serious problems have ended. Numerous concerns plague post-conflict countries including organized crime, domestic violence, and new manifestations of social injustice, much of which is exacerbated by the challenges of demobilizing, disarming and reintegrating former fighters. Nonetheless, the state of war is ended and these countries are currently on trajectories toward democratic development and future consolidation.

Strikingly, *most of the cases of low civil society involvement experienced a resumption of warfare*. Of those that did not return to war, Tajikistan, Burundi, and Ethiopia-Eritrea – are in “cold peace” and somewhat tenuous. Only the Dayton negotiations for Bosnia had little civil society involvement and achieved sustained peace, but at the price of a dramatic, ongoing commitment of troops and resources from the international community, and American and European governments in particular. NATO committed over 60,000 troops to the initial intervention, followed by a gradual troop reduction; significant European troop levels still remain. Kosovo followed a similar pattern, in that the exclusive peace process led to resumed hostilities in 1999, which were only stopped by NATO intervention. The presence of international peacekeepers since that time has enforced a cold peace, which could not have been sustained without strong international military enforcement. The scenes of Serb rioting in the days following Kosovo’s declaration of independence in February 2008 reinforce this conclusion. Bosnia and Kosovo together point to a dire tradeoff that mediators may face: exclude civil society to get an agreement, but face robust, expensive, and long-term peacekeeping commitments.

The rest of the cases of low civil society involvement in peace negotiations are characterized by the classic elite bargaining scenario, with leaders of the principal governing and/or resistance factions cutting deals without much involvement from society at large, and in some cases, without the participation of other elites. The 2004 negotiation in Nigeria’s Niger Delta is indicative in this regard: after local militias in the Niger Delta threatened portions of the nation’s all-important oil industry and invaded a local state capital, forcing the governor to flee, Nigeria’s president opened direct negotiations with the militia leaders. A deal was struck that included amnesty for the militias in exchange for disarmament, followed by

reintegration. After some progress in disarmament, the government allowed the program to lapse, and the militias rearmed with more sophisticated weaponry and have resumed their local attacks on oil installations. Their stated goals have also increased: some of them now claim that they intend to drive the multinational oil companies out of the region and install a sovereign local government. The Palestinians and Israelis, after three years of progress in negotiation from 1993 to 1996, began to experience a steady return to violent confrontation. Failures on each side to broaden its civil society support for peace, (not to mention bring civil society into the negotiations) contributed to the empowerment of anti-peace process political parties on each side, which caused many delays in the Israeli withdrawal of troops from Palestinian population centers and the deferment of a permanent status agreement. All of this contributed to the complete unraveling of the peace process.

Even instances where civil society groups tried to get a seat at the negotiation table but were locked out saw their peace agreements collapse later. Consequently, even if civil society is active and engaging the Track I actors but is kept from the table, the agreement suffers, which lends further credence to the importance of participation. In the case of Nepal during peace negotiations in 2003, “civil society organizations tried their best to lobby and pressurize the conflicting parties to make the peace process meaningful [but] . . . they were not given enough roles and press coverage. The process became a closed door business of key players from the government and the Maoist leaders” (Kattel 2004). Fighting resumed shortly thereafter between the government and the Maoists.

Half of the cases of *moderate civil society involvement also saw sustained peace*. These cases were dominated by the traditional role of civil society, articulating public interests to state and quasi-state (such as separatist) actors who then engage in the negotiation, but civil society groups are largely absent from the negotiation itself. A notable exception to sustained peace was Sri Lanka where, despite a hopeful ceasefire agreement in 2002 in which civil society groups had moderate involvement, armed confrontations steadily degraded the political negotiation process. This culminated in the government formally renouncing the ceasefire that neither side was abiding by in early 2008. Congo’s “cold peace” also appears fragile, as does Southern Sudan, but growing civil society participation in the current peacebuilding phase in both countries raises the hope that future rounds of negotiation will include greater civil society participation.

Yet civil society’s influence has been felt in Northern Ireland, where some groups actively lobbied negotiators in a democratic fashion, and where the conflict parties themselves seemed committed to a democratic exit from the conflict. In South Africa, both the apartheid government and the African National Congress sought regular counsel with groups in civil society even as they sought to create a more inclusive democracy for the post-apartheid era. The Northern Ireland and South Africa cases point to a potentially important finding; the instances of

moderate civil society involvement that correlate with *sustained peace* saw generally democratic (or democratizing) parties dominating the negotiation, upon whom civil society groups could exercise some influence. The *cold peace* cases of moderate civil society involvement, on the other hand, were negotiated by undemocratic actors in the case of southern Sudan and Congo.

Overall, therefore, we see that high or moderate civil society involvement in peace negotiations appears to be strongly correlated with sustained peace in the peacebuilding phase. These findings suggest that a strong relationship exists between direct and indirect civil society participation in peace negotiations and successful peacebuilding. We openly acknowledge that there are many other influences on the outcome of a peace process. Yet the prevalence of dismal outcomes in peace negotiations that exclude civil society and that are dominated by parties that are not open to substantive civil society input suggests a testable hypothesis: the absence of civil society groups from the peace process significantly undermines the chances that an agreement will lead to sustained peace.

The stark contrast in Liberia between the outcomes of the 1996 Abuja Accords and the 2003 Accra Agreement is telling in this regard. After early roles in the 1996 peace process, Liberian civil society groups were excluded and deals were made among the factional armies leading to the emergence of Charles Taylor as president the following year. Taylor's predatory government teetered for several years before collapsing in resumed civil war. The 2003 peace process, on the other hand, saw strong civil society participation, with the groups even signing the final agreement as witnesses (NDI 2004). Credible elections followed, leading to the emergence of Ellen Johnson-Sirleaf as president, who has governed with broad civil society input and has begun moving Liberia forward. The two series of negotiations for Sierra Leone similarly illustrate this point.

Clearly, it matters that civil society groups have a direct or indirect role in peace negotiations and excluding them tends to undermine the peacebuilding phase. But does it make a difference if civil society groups are direct participants in the process (high involvement) or simply channeling their views through Track I actors (moderate involvement)?

Part of the answer to this question may be indicated by the finding that the cases of moderate civil society involvement that saw sustained peace seem to be dominated by democratic negotiators, while the high civil society involvement cases saw generally undemocratic party negotiators. This suggests that the critical factor in this regard is the degree of representation and accountability of the negotiating parties: *the more democratic and broadly representative the conflict parties, the lower the need for civil society to have an actual seat at the negotiation 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 they held democratically elected mandates of those populations. 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.

If, however, the key parties to the negotiation are primarily undemocratic, such as the warlords of Liberia or the Nepalese government, then a seat at the negotiation table for key civil society groups appears to be *an essential contribution* to sustaining peace. In these cases, not only do civil society groups give voice to broader segments of the population whose interests are not well represented by the Track I negotiators, but civil society's presence also pressures Track I actors to function in a more democratic fashion and perhaps to take actions to address the public interests that they purport to represent. These actions may lead to public commitments that political elites may find difficult to ignore in the peacebuilding phase, especially with the onset of the elections that are now a standard part of international peacebuilding models. Civil society actors may also bring greater democratic experience from their own internal workings if they themselves are democratically structured and/or have expertise on critical issues that can help craft a better agreement.

Mediators and international intervenors may benefit from utilizing a democratic measurement in deciding to what extent they will invite civil society groups to have a seat at the table. If the key Track I parties are democratic and broadly representative of the main sectors of the society in question, then civil society groups may be more comfortably relegated to supporting roles, so that the mediator and/or the negotiators enjoy the greater simplicity of fewer bargainers at the table. If, however, Track I parties do not hold such wide democratic mandates, then civil society groups are excluded at great peril. The Bosnia anomaly in our data set points to the only other evident alternative for international intervenors: a massive and longstanding troop and funding commitment to enforce a peace about which the parties themselves were ambivalent. The Kosovo case presents a similar lesson. In that case, however, the Rambouillet negotiations failed (where Dayton 'succeeded') and preceded the NATO intervention and subsequent peacekeeping force presence. Internal tensions between Muslim and Serb Kosovars erupted into violence within Kosovo despite the international stewardship of Kosovo.

In addition, these findings raise the question of substantive participation: if civil society is at the table, does it matter what they do there in terms of impacting the sustainability of the agreement? Does it matter if civil society groups are gregarious participants or sitting quietly while Track I actors dominate the negotiation? The cases reviewed in this study that featured direct civil society participation in the peace negotiations provided highly active, substantive roles for these groups. These roles centered on 1) adjunct mediation, in which civil society groups encouraged Track I actors to join and follow the mediation process; 2) actual mediation, in which civil society groups mediated among the parties, and 3) public interest advocacy, in which civil society groups in the negotiation promoted

the interests of their specific sector (such as labor) and/or the interests of the broader population.

Liberian civil society groups played similar roles in the 2003 Accra Accords. In Mozambique and Sierra Leone, civil society groups actually initiated peace talks and served as initial mediators among the warring parties. After initial processes in Tajikistan and Sierra Leone, civil society mediators moved to adjunct, supportive roles for UN mediators, while Sant'Egidio in Mozambique saw the process through to completion. The organizational capacity, relationships, strategies and skills of the highly participative civil society groups strongly supported their impact.

The political orientation of civil society groups at the table must be queried. Does the level of impartiality of civil society organizations present in a peace negotiation impact the sustainability of an agreement? If civil society participants are clearly aligned with one side, they will certainly be viewed as hostile by the other side, but does this detract from the sustainability of a deal if one is reached? For instance, Burundi's long, slow and painful peace process included modest attempts to build public support, but also suffered from the de-legitimization of traditional civil society and the exclusivist ethnic politics of contemporary civil society groups, some of which tried to gain access to the negotiators primarily to further sectarian agendas. McClintock and Nahimana (in their article in this issue) argue that in Burundi's case, and one could perhaps add Rwanda as well, the inclusion of ethnic civil society groups in the peace process would only have polarized the peace process more. This raises the overarching question of whether deeply ethnocentric groups are really *civil* and whether their participation is too divisive. On the other hand, these are exactly the groups that need to be persuaded that peaceful coexistence is the way forward and some kind of engagement might be transformative for them and the peace process overall. Civil society participation in the 2003 Sun City Inter-Congolese Dialogue included a mix of groups that were clearly associated with particular factions amid other organizations such as religious groups and peace movements that spanned these divides.

Further Research and Practice

Several themes of future inquiry emerge from our present research. Further work is needed on the *kinds* of civil society actors that should be part of a negotiation, the best *activities* they might undertake and the *timing* of their intervention, among others.

If negotiations involving undemocratic Track I negotiators require civil society involvement, then *which* civil society groups need to be at the table? Stedman's warnings regarding the deep differences in each case must figure strongly here, but again, the democratic yardstick seems an appropriate starting point. Some of

the cases seem to suggest that widely representative civil society groups, such as trade unions, business associations, some ethnic organizations, and women's advocacy groups, are the most critical participants, when they have democratic structures that foster wide membership and inculcate democratic political culture. Other groups, like conflict resolution NGOs or humanitarian organizations, may provide specific expertise that is important for reaching agreement and crafting more successful elements of the peacebuilding process.

Questions regarding timing of civil society campaigns to influence or access the negotiation table, as well as the question of what kinds of civil society groups could be privileged with such influence, are clearly important. There are after all many unrepresentative organizations or groups that simply do not espouse peace and justice norms or that advocate for only a small group within society. Additional cases could also be added that would enrich the diversity of the data given here.

Clearly, the direct participation of civil society groups in peace negotiations is strongly associated with the sustainability of subsequent peace agreements and their exclusion is associated with failed agreements, except when the Track I negotiators are democratic actors responsive to broad constituencies or when the international community is willing to fund robust peacekeeping and state-building. Mediators may choose to limit civil society participation to reduce the complexity of peace negotiations and thus facilitate a deal, but in doing so they may be sacrificing future peace at the altar of expediency. If Track I actors are not representative of the populations in question, then civil society can offer not only skills to reach a more comprehensive deal, but also voices for the public interest that may prompt greater societal stakes in the deal that is reached.

Mediators and other interveners in international conflicts should aim to foster greater civil society empowerment as part of conflict prevention, peacemaking, and post-conflict peacebuilding work. The value of civil society engagement in peacemaking and peacebuilding comes from traditional and contemporary expressions of civil society, intentionally organized to influence negotiations. Advocacy skills, democratic organizational structures and negotiation skills emerge as essential civil society capacities worthy of local and international support.

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