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Peace Agreements and Public Participation – Lessons Learned

This Bulletin aims to provide a brief overview of issues related to Palestinian Refugee Rights

Peace agreements—provisions on rights, refugees and participation: The following is the final part of a three-part series analyzing provisions in recent peace agreements. It deals with public participation. Parts I and II dealt with provisions on human rights and refugees in these agreements.

Always talked about but never included

Since the post-World War I Paris Peace Conference, Palestinians have been talked about, argued over and decided for but rarely included in any peace process.

Peace agreements are usually the result of negotiations between or among political elites followed by international assistance to facilitate implementation. It is the general public, however, who provide the best guarantee for effective implementation of peace agreements.

Agreements entail more than an end to conflict. They also address important questions related to the fundamental principles governing inter-state relations, the relationship between a state and its citizens (including human rights protections), legislative, executive, and judicial powers, good governance, and the allocation of state resources.

Public participation is therefore essential. Including the public at an early stage is critical for determining its will, not only in relation to ending the conflict, but also in determining the shape of the final peace. Public participation strengthens democratic principles and structures, expands the range of solutions to complex issues, lends greater legitimacy to agreements, engenders broad public ownership of the agreement and contributes to its long-term durability.

Recent comparative study of peace processes in protracted conflicts suggests that “where a peace process enables broad-based participation and public debate, intensely conflictual issues can be reclaimed as the normal subjects of political dialogue, problem-solving and constructive action.” This creates an environment where antagonists can more effectively resolve root causes of the conflict and ultimately take steps towards reconciliation rather than just conflict management.*

The following bulletin provides a brief review of the role of the public in the Palestinian-Israeli negotiation process and an overview of public participation in comparative perspective.

Palestinian-Israeli Negotiations

The Palestinian-Israeli peacemaking process has provided few opportunities for public participation, whether representative, consultative or direct. Historically, the Palestinian people have been denied the basic right to participate in key decisions concerning the conflict in Palestine.

During the 1919 Paris Peace Conference, following the end of WWI, for example, the major powers ignored the wishes of the Palestinian people in the selection of the Mandatory power for Palestine. “[W]e do not propose even to go through the form of consulting the wishes of the present inhabitants of the country.” For the major powers, the imposition of British rule in Palestine and the establishment of a Jewish national homeland in the country was “of far profounder import than the desires and prejudices of the 700,000 Arabs who now inhabit that ancient land.”

In 1947, the UN held consultations in the region concerning the future of the country, but then chose to ignore the wishes of the overwhelming majority of Palestinians who favored the establishment of a democratic state with equal rights for both Arabs and Jews rather than partition along ethno-national and religious lines. For the next several decades Palestinians and their leadership were largely excluded from successive peacemaking efforts.

It was not until the late 1980s that major international powers, most notably the United States, recognized the Palestine Liberation Organization (PLO) as the legitimate representative of the Palestinian people and as the designated interlocutor at the official level for peace negotiations. Peacemaking efforts, however, continued to exclude both consultative and direct forms of public participation.

Acceptance of the PLO as the body mandated to negotiate on behalf of the Palestinian people, however, came at a price. The PLO was required to forego the agenda set by the people themselves: liberation of their historic homeland and establishment of a democratic state. Palestinians were forced to accept UN Security Council Resolution 242 and the notion of 'land for peace' as the basis for a negotiated solution to the conflict.

The PLO had previously rejected Resolution 242 because it left Israel "many loopholes" for the continued occupation of the West Bank and Gaza Strip. It also ignored "the right of the refugees to return to their homes." The resolution also lacked a clear legal framework for ending the conflict. In addition, the notion of 'land for peace' always assumed that there was a mutual exchange between the parties when in reality there is and was an asymmetrical relationship with Palestinians having neither land (which Israel was to withdraw from) nor peace (which they were required to provide).

Nevertheless, and at an early stage, Palestinians attempted to create the space for their involvement in the peacemaking process through both consultative and direct forms of participation. In the early 1950s, for example, refugees organized committees to raise their demands before relevant UN bodies such as the UN Conciliation Commission for Palestine (UNCCP). After meeting with refugees in Beirut, the Commission noted that it "was impressed by expressions of these spokesmen for the return of refugees to their homes to live there in peace with their neighbors." The establishment of the PLO in 1964 constituted a new form of representative participation for the Palestinian people.

Exclusion gives rise to self-organization

Exclusion of refugees from the peacemaking process that began in Madrid in 1991 and continued in Oslo, combined with demands for better representation from their own leadership, gave rise to initiatives of political self-organization among refugee communities in the 1967 occupied West Bank, eastern Jerusalem, and Gaza Strip, inside Israel, and in the diaspora. These initiatives were as much an expression of concern about the exclusion of specific rights and demands of refugees as they were about the popular demand for better representation and the democratization of the 'Middle East Peace Process.'

A series of popular refugee conferences inside Israel followed by similar conferences across the West Bank, Gaza Strip, in 1995-1996 set out the basic principles, proposed structures, and mechanisms of a popular campaign for refugee rights. The campaign was to be a broad-based, non-sectarian, independent movement comprised of Palestinian popular organizations and initiatives (refugee and non-refugee) in the homeland and in the diaspora to pressure and lobby for the protection of Palestinian refugee rights and a durable solution based on UN resolutions and international law.

The proposed structures – popular refugee committees, popular conferences, elected refugee councils and a General Palestinian Refugee Conference held inside the historic homeland and in the diaspora each with an elected General Refugee Council – had the aim of providing a popular mechanism for the struggle for legitimate national rights, democracy, civil and human rights, not replacing the PLO. In effect, self-organization was a means to take back the

space that had been usurped from the refugees, among others. It was a means to assert their right to have rights.

Nevertheless, international actors and national leaders have been reluctant to create space for public participation in the peacemaking process. Camp David I and II, the secret Oslo negotiations, the subsequent talks over interim arrangements, and the most recent Road Map, all failed to provide scope for public participation. Representative participation was further weakened when part of the PLO political infrastructure resettled in Gaza under the terms of Oslo as the Palestinian Authority, only responsible for Palestinians in the occupied territories, and the exclusion of Palestinians outside these territories from elections for the newly established legislative council.

Moreover, these negotiations and related agreements shifted from an agenda articulated by civil society to one that was subject to political pressures. This is particularly evident in relation to the issue of Palestinian refugees. Refugees were more often than not considered as objects of humanitarian assistance rather than individuals with rights and as legitimate actors in the peacemaking process. "The refugees themselves were assessed, surveyed, quantified, classified, tested, and their living standards, housing conditions, economic and social interests became the objects of study. The refugees themselves were nowhere to be found."** Moreover, as Israeli historian Ilan Pappé, has observed, the exclusion of refugees has effectively de-historicised the conflict, which no longer has an origin, and thus no longer the necessary means and mechanisms to resolve it.

More recent unofficial initiatives, including the Nusseibeh-Ayalon plan and the Geneva understandings also fail to incorporate room for effective public participation. While these initiatives may be considered as a form of quasi-civil society peacemaking they are, in the final analysis, understandings drafted between political elites. Both present the public with, in effect, a fait accompli, a take it or leave deal, much like the one former President Clinton and former Israeli Prime Minister Ehud Barak offered to Palestinians at Camp David in July 2000. Subsequent attempts to garner popular support for these initiatives are just that, and not a serious effort to bring the public into the peacemaking process in a way that allows them themselves to shape the contours of peace.

These initiatives stand in contrast to other attempts to bring the public into the peacemaking process. In September 2000, for example, an all-Party British Parliamentary Commission of Inquiry came to the region to ask refugees how they envisioned a solution to their plight. Hearings were held in refugee camps in the West Bank, Gaza, Jordan, Lebanon and Syria. The hearings, which were later transcribed and published, constituted a form of participation through open consultation. They allowed refugees to define the parameters of a solution and elicited many creative options.

Public Participation in Comparative Perspective

There are various forms of participation that can take: the public may be represented in negotiations by political parties and/or other organized sectors of civil society. Consultative mechanisms may be established to allow the public to voice its concerns, demands, and visions for a durable peace. Individuals may also directly participate in peacemaking, providing the opportunity to both formulate and implement agreements to resolve the conflict.

Experience shows that mechanisms for public participation in peace processes do not just materialize. People have to make them happen. Nevertheless, there are many useful examples of public involvement in peacemaking processes around the world*.

In Mali during the mid-1990s, well-respected local figures organized more than 50 community meetings in areas of the country where reconciliation was most difficult. The number of participants ranged from several hundred to more than 1,000. Village elders, religious and community leaders took responsibility for negotiating local arrangements to control arms, reintegrate displaced people and fighters and other sensitive issues. These local attempts at public peacemaking, supported by Norwegian Church Aid, followed the collapse of a

government initiative to involve different sectors of Mali society in the process. Conclusions of the local meetings were eventually funneled into a broader, consolidated process.

The Convention for a Democratic South Africa (CODESA) attempted to provide an opening for some 27 organized groups, including political parties, trade unions and religious institutions, to negotiate a political settlement and lay the foundations for a new constitution. Delegates were chosen through a proportional representation list system and those selected were split into working groups around thematic issues with a rotating chair. Each group was assigned a resource person who researched and advised participants on best practices elsewhere in the world. Due to escalating violence and disagreements on the transitional process CODESA was eventually disbanded. But many of the ideas that had emerged were later included in subsequent multi-party negotiations. The public was also brought into the process over the new constitution through community-level consultation meetings held across the country. People could also contribute their ideas in written submissions dropped off at collection boxes in public locations.

In Northern Ireland, non-sectarian activists, many from the non-governmental sector, established a public forum known as Initiative 92. Its aim was to allow the general public to discuss central issues of the conflict that were otherwise raised in public discourse only by militants. Public hearings, organized by a seven-member commission chaired by an outside facilitator, were held across the country. The hearings were transcribed and published as a book which became the basis for follow-up activities aimed at stimulating public debate about the conflict and frameworks for peace.

The Guatemalan peace process also provided a significant degree of latitude for public participation. In the late 1980s the National Reconciliation Commission, comprised of representatives of 12 political parties, the government, the army and the Roman Catholic Church, organized a Grand National Dialogue. Nearly 50 different sectoral interest groups, including unions, business associations, and cooperatives participated with thematic commissions focusing on key issues of the conflict.

These talks contributed to the development of a general framework agreement. An elected assembly, which included representatives of 10 different social sectors, indigenous people and women, was subsequently authorized to draft papers on seven major issues to be resolved through the ongoing negotiations. However, the assembly began to lose influence as civil society leaders assumed new political positions and as talks assumed an increasingly bi-partisan format between the government and rebel forces.

Guatemalan refugees, moreover, organized themselves into commissions (Comisiones Permanentes) under which refugee leaders directly negotiated the terms of their return. These included public guarantee of their security; assurance of the right to return to lands; the right to organize and freely associate; guarantee that they would be subject to civilian and not military authority; and, the right to return under supervision of international observers. Refugee women subsequently organized themselves around their common objective to return to Guatemala and negotiate adequate conditions for themselves and their families. As several commentators have observed, refugees in Guatemala did not wait for peace, they helped forge it. Broad public participation also contributed to the democratization of institutionalized systems of exclusion.

In both Mozambique and Papua-New Guinea, grassroots initiatives including the involvement of church and women's groups played an innovative role in developing and implementing peace agreements as well as in helping to consolidate the peace.

Public inclusion facilitates implementation

Political negotiators are often reluctant to open up the space for public involvement in the peacemaking process. Comparative experience, however, suggests that public participation, whether representative, consultative or direct, facilitates implementation of agreements and strengthens the durability of a negotiated peace.

A peacemaking process that fails to provide for public participation may exacerbate public mistrust and undermine the legitimacy of the agreement. Consultation on the contents of an agreement after it has been negotiated and signed is likely to be of only limited value because it is difficult to incorporate substantive input into the agreement at that stage. Peace agreements negotiated without adequate public participation may in fact be a trigger for further disagreements rather than reconciliation.

Public participation also provides a safeguard against a process that merely “recycles old power to re-legitimise it through new structures.” International involvement in the peacemaking process should strengthen and compliment initiatives for public participation rather than displace local ownership of the process or shift the agenda away from the priorities articulated by civil society.

For a list of Principles to Guide Policy and Practice on public participation in peacemaking visit Conciliation Resources: http://www.c-r.org/pubs/occ_papers/PP_policy.shtml

* Catherine Barnes. *Owning the Process: Mechanisms for Political Participation of the Public in Peacemaking*. Joint Analysis Workshop Report, Conciliation Resources, 2002.

** Karma Nabulsi. *Popular Sovereignty, Collective Rights, Participation and Crafting Durable Solutions for Palestinian Refugees*. BADIL Working Paper No. 4, April 2003.