6) Explicit political education of the public (especially the supporters of a particular party by that party) is crucial in developing their understanding of the role of parties, Parliament, as well as the need for negotiation, dialogue and compromises in the quest for a better democracy. As part of this education, keeping the public informed about discussions, negotiations, etc. is crucial to their buy-in and acceptance of the process and its outcomes.

7) Civil society should be included in this process if at all possible. Participatory processes, wherever possible, are more likely to result in public buy-in. Hence the importance of civil society participation.

8) The Parties should develop a strategy to address the problems with the media and its portrayal of politics. Perhaps one or two key media leaders could be approached to try and get their commitment to what you are trying to achieve and an accurate reflection of this commitment in the media. A solution to this issue will likely take time, increasing the importance of political education by parties in the short to medium-term.

9) Even in a process such as the pursuit of greater political space, symbolic actions and gestures can be important as a reflection of real statesmanship, leadership and a commitment to achieving positive outcomes.

10) The only prospect of success is if political parties' leaders are able to place the national interest above their party or individual interests.

to require bold and courageous leadership on the part of political parties..

2) A number of Egyptian political leaders are going to have to try and change the discourse, starting amongst the political parties, from one dominated by demonisation, to a more constructive environment of consensus-seeking, and acknowledgement of the grievances of others, in which co-operation and progress is possible.

3) A first step on this path is the agreement to meet as soon as practicable after the election to set the framework for negotiations amongst the elected parties and groupings (on as inclusive a basis as possible), and then to implement that agreed framework.

4) Once in parliament, parties and coalitions with shared principles and values should work on forming parliamentary blocs to create a vehicle for dialogue, negotiation, concessions and coordination. (To support building and managing coalitions during and after elections, Global Partners Governance has published the "Political Parties' Guide to Building Coalitions"[29],). The use of a cross-party Consensus Committee or Super Committee can be crucial to resolve differences. This would involve only a few key senior individuals who would be able to get others to support the agreed, brokered position.

5) The marginalisation of the youth movement must be considered and strategies developed to try and incorporate them in any way forward.

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[29] http://www.gpgovernance.net/publication/political-parties-guide-to-building-coalitions/

South Africans and apartheid. In another he paid a courtesy call on the 92 year-old widow of the reviled architect of apartheid, making clear that the new South Africa was a home even for those against whom he had waged armed struggle.

Despite the general success of the transition it is important to bear in mind that twenty years after apartheid South Africa does face significant challenges including corruption, violent crime, inequality, an under-performing civil service and a divisive polity in which consensus has little role.

The uniqueness of each transition warrants caution in suggesting 'lessons' for any particular country. However, in a broad sense, the following can be drawn from the papers in this volume, and the lively discussions at the conference:

In relation to the elections:

1. Political parties and groups, regardless of their participation or boycott of the upcoming election, should agree how they are going to engage during the election period, so that they can interact meaningfully after the elections.

2. This must include minimising the language of demonisation.

3. All Parties should discuss and agree on the principles of free and fair elections, to ensure electoral space is not misused by any of the parties participating and that meaningful oversight mechanisms are present

After the elections:

1) The creation of political space in pursuit of a better functioning and more inclusive democracy in Egypt is going

In addition, a number of domestic, regional and international events created a conducive environment for negotiations and enabled the main political leaders, who were of high quality, to persuade many of their supporters that negotiations were the only way to prevent bloodshed and an economic and social cataclysm.

It definitely aided the negotiation process that the ANC created a broad Front of most of the anti-apartheid organisations, so that the ruling National Party was forced to negotiate primarily with one grouping. Both sides had to make considerable concessions and compromises for a deal to be done. On the whole decisions were made by consensus but where there were deadlocks, a small number of "Super Committees" were constituted to try and resolve them. The most intractable matters were resolved in discussions between Mandela and De Klerk themselves.

Both major groups expended significant time and energy informing their supporters about the negotiations process and explaining the reasons for the compromises they made. It helped that the main constitutional negotiations were broadcast. Both the constitution-making and the electoral processes involved very high levels of public participation. The Truth and Reconciliation Commission ensured that, to a large extent, the transition addressed the issue of crimes committed during the apartheid era, in a very public way.

In addition to the negotiations, Mandela consolidated the reconciliation that characterised the transition with a number of high profile symbolic gestures. In one he appeared in the jersey of the South African captain at the final of the rugby World Cup, a sport that was associated almost exclusively with 'white'

compromises to them before later turning to explicit demands for shared services and facilities across the two communities.

The party's pre-eminent role came in breaking the deadlock over matters of policing and justice, resulting in its leader being appointed Justice Minister to take responsibility for these issues on which the main parties could not reach agreement.

Farry identifies a number of lessons from the Alliance Party's experience. These include being clear when and on what issues a smaller party can have most influence; that a smaller party has a greater opportunity to frame the terms of the debate earlier in the process; and that it is important for such a party to articulate and promote the key values and principles that should inform the outcome of the negotiations process. Finally, a smaller party needs to be realistic about the degree of influence that it can have over final outcomes and, therefore, needs to be strategic and selective about where to focus its time and resources.

The South African experience is often touted as the most successful transition from (in this case racist and economic) authoritarianism to democracy. The paper suggests that this success was due to a series of negotiation processes in the lead up to and during the main constitutional negotiations. These included secret meetings between pillars of apartheid society and the ANC in exile; national, regional and local Peace Accords to reduce political violence and myriad economic and social negotiation processes at all three levels. Given that many of the same people were involved in all of these processes, important relationships of trust were built up in a short period of time.

reality, has led to a range of political impasses. Two negotiations processes have attempted to overcome these deadlocks with success on some issues and no progress on others.

What is, however, clear from these processes is that the dialogue itself has both the ability to calm the social and security situation, while also potentially igniting it if groups try to mobilise their supporters in sectarian ways to increase pressure on the negotiations. The establishment of a culture of dialogue, of give and take, is seen as a significant, if precarious, achievement.

Northern Ireland is a remarkable example of a society deeply divided by nationality, politics and religion finding a political accommodation to end years of sectarian violence. The Good Friday Agreement resulted in a profound step-change, although it did not resolve a number of key issues of dispute, including ambiguous attitudes to the police service, the need for transitional justice to deal with the past and rigid power-sharing. These issues were partly due to "constructive ambiguity" in the final agreement, which allowed parties to interpret aspects of the agreement in different ways. This became even more apparent when the two more extreme sectarian parties came to dominate the electoral landscape, ultimately leading to suspensions of the agreement for varying time periods.

Stephen Farry's paper reflects on the role that the small cross-community party, the Alliance Party, was able to play in making progress on some of these issues, in concert with a significant intervention by the U.S. The party initially played the role of bridge-builder between the main parties, proposing

transitional moments in countries with high levels of ethno-sectarian polarisation.

The first is the need for a realistic estimation of the balance of power, together with the strongest party adopting a position of flexibility in relation to engagement with other parties. The second is the recognition of the grievances of the other side and being prepared to accommodate these rhetorically as well as in policy. It was essential for the new Prime Minister to move beyond the mutual demonisation that had characterised the election campaign and make compromises with others, while acknowledging their concerns.

By so doing, he managed to form a government out of the mayhem of the election campaign, as well as reaching agreement with the Kurds with regard to the centralisation of oil exports for 2015. When Sunnis threatened to leave the government, he took the unprecedented step of personally visiting their headquarters, something his predecessor would never have done; and he stopped the demonisation of the Kurds that had been commonplace. Consequently, Arabs and Kurds can now talk to each other, and be seen to be doing so. This is progress, but significant compromises from all will be necessary to keep the political ship afloat.

History bequeathed Lebanon religious & sectarian differences that determined social engagement and continued to be consecrated even after the civil war and the 1990 constitutional changes. However, after the 2005 assassination of Prime Minister Al-Hariri the country was divided into two blocs determined by their attitude to Syria, both comprised of Christians and Muslims one with a Sunni & the other a Shia majority. The country's constitution, designed for a different

electoral dimensions. Crucially, along with the technical dimensions of each of these was a significant participatory element, ensuring the input and buy-in of civil society and the population generally. In the technical processes both voting and consensus were used to make decisions, illustrating that consensus is not always possible. The role of a "Consensus Committee" to try and resolve particularly difficult issues was very important.

Similarly, it is noteworthy that civil society played a crucial role when two tragic political assassinations threatened to derail the transition. The national dialogue initiated by the "civil quartet" was crucial in keeping the nascent democracy on track. Parties were compelled to put the national interest above their own to ensure success.

The fact that it took a month to reach agreement on the timing of the elections reflected the difficulty of certain issues, while the signing of an ethical Charter for candidates and parties was pivotal in reinforcing the values of the transition in the eyes of the population.

The Tunisian experience emphasises how important it is to accept political parties of all persuasions, to sit around a table together and to negotiate and reach consensus where possible in the broader national interest. This ethos has continued into what is probably the most successful transition in the region.

The Iraqi experience is more fractured and complex. Kirk Sowell's piece on the chaotic formation of a government post the 2014 elections and the negotiations between the central state and the Kurdish region on the question of oil exports, highlights two key principles in high stakes negotiations during

The vast majority of successful transitions have been a consequence of dialogue and negotiation between the key political protagonists and herein lies the challenge for Egypt. Currently in Egypt political discourse between parties has been dominated by condemnation and accusations of betrayal of the principles of the Revolution. In addition, the youth movement that was such an important part of the Revolution has been largely marginalised and alienated. The consequence of the ensuing chaos is that a large section of the population started losing the will and power to participate in an inevitably long-term process for greater democracy. Other transitional experiences suggest certain mechanisms that might be useful in restoring the Egyptian path to a more stable democratisation process.

Nearby Tunisia, while in many ways very different, has some commonalities with Egypt. Sana Mersni's paper makes clear that the relative success of the Tunisian experience, to date, has been based on a commitment to dialogue and consensus-seeking involving both the government authorities and civil society. This commitment predated the Revolution with political parties and individuals opposed to the regime creating the 18 October Coalition for Rights and Freedoms in 2005, which resolved differences between Islamists and Secularists in the national interest and agreed basic principles that would ultimately inform the transition.

Immediately after the revolution, to counter fears of a return to authoritarian rule, 28 parties and organisations again created a Supreme Authority to progress the transition. The process, importantly, focused on the constitutional, governmental and

Conclusion: The continuing Egyptian transition: Lessons for the immediate challenges from the experience of other countries

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This summary chapter explores the key issues identified in each of the experiences presented at the session and how they might be useful for Egypt as the country's political parties contemplate setting the rules for debate and negotiation in the new Parliament.

The Egyptian context is characterised by mistrust between the various political players and a real fear of being seen to engage with certain political actors. The paper by the Arab Forum for Alternatives, in outlining the problems with negotiations up until the ouster of the Morsi government, suggests that dialogue between the government and other parties, as well as between parties from differing tendencies or factions, is viewed with suspicion, hostility and even criminalised in the case of negotiations between revolutionary and non-revolutionary forces and civil and Islamist currents. This situation is exacerbated by the nature of media reporting on the political process.

both issues continuing to have the potential to undermine political stability.

The party did commit to full implementation of the Agreement but stopped short of full endorsement. While progress continues to be made in the transformation of Northern Ireland, major unresolved issues and tensions remain, making further negotiating processes inevitable. These will be processes to which ongoing lessons will continue to be applied.

examination of different cases. The original proposal for this aspect to be conducted by one of the bodies directly analysing the cases did not find favour with the unionist parties.

By contrast, no real progress was made in relation to new understandings around flags and parades. The issue of regulation of flags carried particular significant for Alliance in that the party had often been the middle ground in decision-making on case-by-case decision-making, and understood the merits of a standard regime across Northern Ireland. With respect to parades, Alliance was keen to ensure an outcome to minimise the impact of protests and disorder on direct policing costs and the economy. However, neither issue was ripe enough given the attitudes and positions of other parties. Arguably, the prospects for progress on each would have been higher in a multi-dimensional process than being left to future processes with more limited agendas.

Alliance had ambitions to see wider reforms to the nature of the institutions. While not even the most imaginative institutional design can ultimately compensate for a lack of trust and partnership between parties, certain structures and mechanisms can better incentivise co-operation. The reforms that were ultimately agreed fell short of a major set of reforms, and at best constitute small, incremental steps.

Ultimately, from the Alliance perspective, the Stormont House Agreement represented good progress on some issues but something less than the comprehensive agreement that it had sought. While the breakthroughs around dealing with the past were regarded as potentially hugely significant, there was disappointment at the failure to address parade and flags, with

Alliance had previously also called for an international chair to convene a comprehensive process addressing a wide range of outstanding issues. This request was indirectly fulfilled with the multi-party invitation to Richard Haass to lead negotiations.

Much of the detail of the eventual outcome in the Stormont House Agreement around the past had been formulated in the Haass Process. In turn, many of the key ideas did emerge from Alliance proposals. For instance, the party suggested using a form of limited immunity to encourage individuals to come forward and provide information without the risk that disclosure could facilitate a prosecution while holding open the prospect of a criminal case being pursued if other evidence emerges against that individual. Alliance also proposed the creation of an Implementation and Reconciliation Group to provide an oversight mechanism to monitor the operation of what would be a wider range of different bodies and structures and to place an emphasis on the need for reconciliation in the aftermath of examining many wounds from the past.

While many aspect of the Haass proposals formed the starting point for discussion within the Stormont House process around dealing with the past, the proposal for the Implementation and Reconciliation Group had been overlooked. Alliance therefore made strong efforts to have the concept restored. Success in this regard was tempered by an over politicisation of the membership of the body in the final stages of talks. On the other hand, the potential creation of this body allowed deadlock on another aspect on how to formulate a comprehensive agreement on the past to be resolved. During the Haass process, there had been deep disagreement on how to conduct thematic reviews of evidence emerging from the

agenda, and a context in which the relations between the parties had deteriorated further.

Alliance had played a considerable role in advocating both the arguing for the convening of the Talks and had over a longer period influenced many aspects of the agenda and the potential solutions. The party wanted a comprehensive agreement across the full spectrum of issues, and felt that any major issue left unresolved could continue to pose a serious threat to political stability.

However, the party did focus the greater share on a narrower range of issues that it felt were either especially important or on which it could make a particular difference.

The party recognised the requirement to address pressing financial matters, and was keen to stress the particular opportunity that lay with addressing the financial distortions that lay with the state providing duplicate services and facilities for separate parts of the community. Alliance had been advocating financial savings from moving towards a shared and integrated society for many years. However, this idea rapidly became very ripe in the context that the other parties wanted to make an argument that there were distortions within the pattern of public expenditure in Northern Ireland in order to make a pitch to the UK Prime Minister for additional resources.

However, the matter on which Alliance most wanted to see substantial progress was dealing with the past. It had previously called for the British and Irish Governments to convene a process involving the main political parties to negotiate a comprehensive set of measures. This request had initially been received with skepticism by the Governments.

protests and public disorder on the streets that followed on the streets by Loyalists when Alliance facilitated a compromise position.

When Alliance agreed to provide the first Minister of Justice one of the conditions was that the Executive would commit to a new process for agreeing a comprehensive policy on community relations, covering matters such as education, housing, and dealing with the past. When it was clear that this process would not produce an outcome, the party withdrew from that process denying it legitimacy. However, these issues continued to be required to be addressed and ultimately resolved.

In 2013, the Executive produced a more limited community relations strategy and the leading parties decided to invite American diplomats, Richard Haass and Meghan O'Sullivan to chair an inter-party negotiation around Flags, Parades and Dealing with the Past. These talks ultimately proved to be a false dawn, with cynicism that they were only agreed to in the run up to a visit to Northern Ireland by President Obama, and that some of the parties, especially the unionists, were either not serious about the process or not ready to make agreements. Nevertheless, the Haass process was valuable in further conceptualising how agreement could be found.

The months that followed the end of the Haass process saw a limited engagement between party leaders to try to resolve those issues with little success. By the autumn of 2014, it was clear that the British and Irish Government would once again need to facilitate a process to ward off a collapse of the institutions. However, the prospects for this fresh process did not appear good with the same seemingly intractable issues from previous initiatives present but with an even wider

parties in government depended upon the outworkings of those divisions to provide their electoral strength.

Both the DUP and Sinn Fein had a choice to make between looking to the centre and trying to consolidate a partnership for mutual benefit or turning to their more extreme constituencies and trying to ward off any perceived electoral threats.

The DUP had increasingly prioritised their own position on disputed Orange Order parades and the perpetuating of tensions around the circumstances in which the UK Flag would be flown on public buildings. Sinn Fein seemed to be more interested in holding on to a strong and unrealistic anti-austerity message in the Republic of Ireland with a view to maximising their representation there in future elections, even if this meant not taking necessary decisions in Northern Ireland around welfare reform issues that could compromise their message south of the border.

Prior to the Stormont House, previous attempts had been made to find progress especially on Flags, Parades and Dealing with Past. A number of independent reports and government-sponsored initiatives to conceptualise the way forward on a comprehensive approach to the past had been unsuccessful. There had also many attempts to agree a different decision-making process and set of values on managing parades, including proposals within the Hillsborough Agreement.

While the unofficial use of flags on streets to mark out territory had been an ongoing problem, the contention over how the United Kingdom flags should be flown on public buildings was crystallised by the dispute over the Union Flag on Belfast City Hall with unionist parties inflaming tensions in advance and

resources coming from the UK Treasury, but also financial mismanagement and some other unresolved structural problems. This challenge, while less particular to a divided society such as Northern Ireland, arguably posed an even greater threat to the stability of the institutions due to the potential for the government to run out of money than the unresolved issues from the Good Friday Agreement or other communal tensions which could be more readily parked.

The fourth applied to making operation of the institutions, and whether any changes to the structures and/or rules could make government any more effective.

The final range of issues encompassed a range of other unresolved or unaddressed matters, in some cases going back to the Good Friday Agreement itself.

In the background lay the more fundamental problem in that trust and partnership between the leading parties, the DUP and Sinn Fein, while never strong, had deteriorated significantly over the prior three years since what may be probably be viewed as the high water mark of relative co-operation in the period in the aftermath of the successful devolution of policing and justice powers in 2010 and around the 2011 Assembly Election.

No government can function effectively without effective trust and partnership, nor can institutions or mechanisms be designed to work around their absence. Indeed, the political accommodation in Northern Ireland was based on the paradoxical premise that a key partnership across the parties on the extremes could be sustained and deliver, even over matters relating to overcoming communal divisions, when the main

Finally, it is also important to be realistic about the degree of influence that a smaller can have over final outcomes, and to be strategic and selective as to where to focus time, resources and lobbying.

Case Study of the Stormont House Agreement

The immediate context of the Stormont House Talks lay in the potential collapse of the devolved political institutions and the potential return of Direct Rule by the UK Government or some form of Joint Authority between the British and Irish Governments.

Political stability faced a threat from five different types of issue.

The first related to key issues of communal tension and sometimes conflict, such as disputes over rights to parading and when and where the United Kingdom flag could be flown.

The second concerned how to deal with the legacy of the past in terms of providing trust and justice for victims and a wider account of events that had occurred during the conflict, as well as committing to improved services for victims and survivors. This matter was being addressed inefficiently and somewhat haphazardly through a series of mechanisms which fell short of a comprehensive process.

The third covered a looming budget crisis for the Northern Ireland Executive, in part caused by a reluctance of the nationalist parties to follow through with the same reforms to the welfare state which had taken place in Great Britain which Northern Ireland was obliged to implement in return for the

informed the approach was taken to that most recent initiative. These lessons may be applicable to other smaller parties, particularly those organised on cross-community, centrist and/or liberal basis.

First, it is important to understand when and where a party can have most influence. Often the final stages of processes become dominated by the interaction of mediators with the largest parties and/or those parties most central to a dispute, without which agreement can neither be made nor sustained. In some exceptions, a smaller party can have influence. For example, with the Hillsborough Agreement, given that it seemed that only Alliance could carry sufficient confidence to provide the Justice Minister, the party was more influential with respect to final outcomes.

Second, and arising from this first lesson, there is a greater opportunity for smaller parties to frame the terms of debate at an earlier stage in the process, ranging from defining the key issues to be resolved, through framing the most desirable outcomes and sometimes showing where specific compromises can found to break the deadlock in certain areas.

Third, and arising from this second lesson, it is important to articulate and promote the key values and principles that should inform the shape and outcome of any negotiations process. Especially as the final stages of a negotiating process tend to become dominated by trade-offs or a reduction to the lowest common denominator of agreement, it is important to seek to counter-balance this tendency through attempting to shape the yardsticks by which progress can be assessed.

In its early years, the party was more associated with building bridges between the other parties and suggesting compromises. Over time, the party took a more clear centrist and even liberal perspective to complement its cross-community identity, and turned general advocacy for reconciliation into a more explicit demand for shared and integrated services and facilities.

Alliance is now arguably at its greatest influence to date. In 2010, it secured its first member of the United Kingdom Parliament with the election of Naomi Long in East Belfast. Also in 2010, Alliance Party Leader David Ford was elected by the devolved Assembly to serve as the first Justice Minister under the new political framework. Policing and justice powers, which went to the heart of the conflict, had not been transferred to the new local administration alongside other responsibilities in 1999. The Hillsborough Agreement finally agreed to the devolution in this regard, heading off a potential collapse of the institutions given the growing frustration of Sinn Fein at continued delays. There was not sufficient trust and confidence among unionist parties to allow the management of policing and justice to be placed in the hand of a nationalist party, and vice versa. Accordingly, the DUP and Sinn Fein settled on Alliance as the party trusted the most or perhaps more accurately mistrusted the least. David Ford was subsequently re-elected as Justice Minister by the Assembly in May 2011 after that year's Assembly Election, with the party also, for the first time, gaining a seat in the Executive through the proportionality system.

Lessons from the Alliance Perspective

Before looking at the specific experiences of the Stormont House Agreement, it is worth exploring some of the key lessons that Alliance had learnt from previous processes and how they

Despite offering much in terms of solutions, people tended to vote out of fear rather than hope, and an electoral breakthrough remained elusive.

Alliance was represented within the short-lived Sunningdale power-sharing Executive 1973-74. However, at times of political violence and intransigence, the party was increasingly marginalised.

Similarly, with talks processes and other political initiatives, despite consistently being a participant, the influence of the party has varied. Governments and other mediators have often tended to focus on the two leading parties from within unionism and nationalism as the key actors in reaching the lowest common denominator of agreement for progress to be made and the overall peace process to continue.

For example, in the Good Friday Agreement itself, there was a variety of two-party dynamics, including the UUP and SDLP over political structures, the UUP and Irish Government over new North-South structures on the island of Ireland, and Sinn Fein and the British Government on arms decommissioning and the release of prisoners.

In the initial efforts to implement the Agreement, given that the main problems related to delays on decommissioning of paramilitary weapons and adherence to policing and the rule of law, the main dynamic became between the UUP and Sinn Fein, with the latter supplanting the SDLP – even while at the time being the smaller of the two nationalist parties. Once the DUP overtook the UUP electorally, the main dynamic then became between the DUP and Sinn Fein.

and despite rhetorical commitments in its text, it omitted any meaningful process to create a more shared and integrated society through requiring reforms to education, housing and other aspects of life.

The implementation of the Agreement became characterised by a series of political negotiations, involving all of the main political parties, the British and Irish Governments and external support from the international community, most notably successive United States Administrations. These included Weston Park (2001), the St Andrews Agreement (2006), the Hillsborough Agreement (2010) and the Stormont House Agreement (2014).

Background to the Alliance Party

The Alliance Party was formed in 1970 as a new political movement to break through the political intransigence and violence that was scarring Northern Ireland. From the outset, the party was cross-community in nature including people who had Protestant, Catholic, mixed or other backgrounds, and drew its members from the then dominant, and monolithic Ulster Unionist Party, liberals, and the Northern Ireland Labour Party, plus many people fresh to politics. In bridging the communal divide in a sustained manner for over 40 years, the party is a rare example of a cross-community party having relative success in a deeply divided society.

Alliance was an early forerunner in proposing power-sharing regional devolution as the focal point for political accommodation, 'the Principle of Consent' in which the people of Northern Ireland could determine their own constitutional status, and promoting reconciliation.

some, this 'constructive ambiguity' was a source of pride for a time, but it inevitably led to problems. This was most clearly the case over what was the commitment regarding the decommissioning of the weapons of paramilitary groups.

Second, there was an insufficient challenge to the threat to the rule of law from ongoing paramilitary activity and organised crime, and the failure of all parties, including notably Sinn Fein, to give unqualified support to the police. The initial perspective of the British and Irish Government was to implicitly accept 'ceasefires' as only encompassing an end of activity directed at the 'other side' or at the state, with the temptation to turn a 'blind eye' to difficult realities. However, this position became increasingly untenable.

Third, power-sharing was overly rigid in nature. Parties were guaranteed places in government, proportional to their mandate, irrespective of their compatibility. This ran the risk of deadlock on major issues or opportunities being passed up through decision-making being too slow or inflexible. Members of the Assembly itself were required to designate as 'unionist', 'nationalist' and 'other', with key decisions requiring concurrent majorities among 'unionists' and 'nationalists' but not the 'others'. Overall these structures created mutual vetoes, didn't provide opportunities for incentives towards co-operation, and institutionalised sectarian divisions.

Fourth, while the Good Friday Agreement was comprehensive in terms of the matters it covered, it did not address every issue. At the time, any overloading the agenda could have led to collapse of the process. Nevertheless, the Agreement overlooked to provide for a process of Transitional Justice to deal with the legacy of violence and to promote reconciliation,

UUP and SDLP respectively. Furthermore, the implicit assumption was that while the Good Friday Agreement itself would lead to an inclusive form of government based on relative size of mandates, the UUP and SDLP would form a powerful axis to drive future policy and manage the extremes.

This assumption was quickly turned on its head as the UUP and SDLP failed to sufficiently forge a new beginning and they became too watchful of the more extreme alternatives on their respective flanks. Over the next electoral cycle, the DUP and Sinn Fein emerged as the largest parties within unionism and nationalism respectively. This new reality, alongside the ongoing difficulties in implementing the Agreement, led to what shortly became the new conventional wisdom that the political dynamic behind any accommodation had to include the full spectrum of parties with significant mandates, and therefore include any political force that had the capacity either through political intransigence or not disassociating from political violence to undermine progress. This led to a renewed focus on the DUP and Sinn Fein as the twin pillars for future political initiatives. This notably included the St. Andrews Agreement (2006) which led to the restoration of the suspended political institutions in May 2007, with the DUP and Sinn Fein as the two strongest parties in government; this electoral pattern has persisted to today and seems well-entrenched.

The problematic implementation of the Agreement can be traced to a number of factors.

First, some aspects of the Agreement were characterised by what was described as 'constructive ambiguity'. The meanings of certain provisions were deliberately vague to allow different parties to sign up to them for perhaps differing rationales. For

over where and when parades should occur, and the circumstances in which the Union Flag and other symbols should be flown. Associated protests have often caused considerable disruption to normal civic life, led to violence, and posed financial and other challenges to policing.

Politically the past seventeen years have been characterised by varying degrees of political stability. This included stop-start devolution between 1999 and 2002 as the institutions were periodically suspended with a return to Direct Rule by the UK Government over local affairs due to tensions between the political parties over the implementation of the Agreement, and then a longer, continued period of suspension between 2002 and 2007. While devolution has now operated for an uninterrupted period from 2007, the past eight years have also been marked by instability, potential threats to the continuance of the institutions, deadlock around many key issues, and standoffs or even disengagement between the leading parties in the coalition government.

Early efforts during 'the Troubles' aimed at trying to find political accommodation focused on building a consensus across a center ground spanning both of the main political traditions, thereby undermining the grievances that fed the extremists on either side allowing the residual terrorist threat to be addressed through security measures alone.

The multi-party talks marked a partial departure from this model in that the talks process spanned the full spectrum of political parties, although the more hardline unionist party the DUP left the process once Sinn Fein joined. However, the main dynamic in agreeing the new political structures continued to lie with the more moderate unionist and nationalist parties, the

administrations across the British Isles. The creation of these institutions was accompanied by measures to build upon the end of violence such as the decommissioning of weapons and the early release of prisoners convicted of paramilitary activities, and some steps to build a new society such a fresh commitments to equality and human rights, and processes to reform policing, security and criminal justice.

In essence, the Agreement brought together two separate objectives: the consolidation of a peace process which was essentially based around establishing a permanent end to politically-motivated violence; and finding a political accommodation for the governance of Northern Ireland.

The Good Friday Agreement itself has been hailed as a textbook example of successful peace-making, and a positive example that peace and democracy can be established within deeply-divided societies. Fundamentally, the Agreement has facilitated a major step-change in the security situation with the end of terrorist violence from both Republicans and Loyalists, the provision of devolved government, some changes in the nature of society with elements of greater sharing and integration, and an increasingly attractive environment for economic investment, culture and sporting events.

However, these successes need to be qualified in some respects. Whilst terrorist activity, including sectarian murders, has largely ended outside of dissident Republican splinters from the IRA, paramilitary violence in terms of social control of communities and organised crime has continued.

There has also been an ongoing cultural war around identity issues. Tensions have played out on the streets with disputes

segregation in many aspects of civic life, and, its most extreme, politically-motivated violence.

A full and sustainable resolution of the Northern Ireland situation would therefore involve power-sharing across political divisions, agreement on the nature of constitutional status of Northern Ireland (or at least on the process on how this could be peacefully and demographically changed), the firm rejection of violence to achieve political ends, the promotion of reconciliation and greater sharing or integration in many aspects of life, and ultimately a reconceptualisation of identity.

The Northern Ireland peace process is frequently traced to the 1993 Downing Street Declaration between the British and Irish Governments, and the IRA and Loyalist ceasefires in 1994.

Multi-party talks began in summer of 1996, with the landmark and historic Belfast Agreement, more commonly known as the Good Friday Agreement, being concluded in the spring of 1998.

The Good Friday Agreement and its Problematic Implementation

The Agreement itself clarified the constitutional position of Northern Ireland within the UK, but with all parties recognising that the people of the region could vote to change this. It further created a series of political structures, primarily a devolved Assembly and a power-sharing Executive with ministries distributed on a proportional basis across the parties irrespective of their ability to agree and implement a cohesive programme for government, alongside new structures to co-ordinate activities between the Northern Ireland administration and the government of the Republic of Ireland and also for the

Lessons on Negotiations: Perspectives of a Small Cross-Community Party in Northern Ireland

Dr. Stephen Farry MLA

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Context to the Northern Ireland Political Process

At its heart, Northern Ireland is a deeply divided society, with a clash of constructed, reinforcing identities based around nationality, politics and religion.

People are presumed to be at one time British, Unionist and Protestant or Irish, Nationalist and Catholic. While this may be accurate in many respects and especially through the prism of history, it is however a construct that is increasingly being challenged and breaking down.

The divisions of Northern Ireland have been manifested through deep disagreements over the internal nature of the state and its constitutional status, implicit control of internal territory,

one coherent and powerful opposition formation with which it could negotiate.

Of course, global developments at the time exerted pressure on the leaders of the main parties, making resolution more likely.

While the South African transition to democracy has largely been a success story, there have also been a number of problems. The pure proportional representation electoral system – in which MPs are elected on party lists and not from constituencies – does enable small parties and groups to be represented in Parliament, but it also entrenches the power of the party leadership, especially in a party as dominant as the ANC, which has won in excess of sixty per cent of the vote in each election.

This dominance of the ANC has led to a blurring of the lines between the party and the state that, in turn, has led to a less than robust legislature and difficulties in the creation of a professional, independent civil service. Unlike during the negotiations process, narrow party interest and the accumulation of power and wealth by individual politicians has, on occasion, usurped the national interest.

South Africa continues to grapple with the legacy of apartheid especially in relation to economic inequality, which still reflects the racial history of the country and has caused a major problem of criminal violence.

However, in general the democracy remains robust with a high degree of free political activity, an unfettered and vibrant media and many democratic institutions effectively fulfilling their constitutional mandates.

During the transition, South Africans started to debunk misperceptions and myths about each other. They soon learned that the benefit of engagement was in the process itself as well as in its outcomes…

Public participation through mass organisations, public debate and direct participation through the National Peace Accord local and regional Committees created a sense of legitimacy and public ownership of the process and fostered a culture of cooperation and compromise.

This was further enhanced by the Truth and Reconciliation Commission in which perpetrators of human rights abuses during the apartheid period were given amnesty from prosecution if they publicly revealed the full extent of their abuses before an audience of their victims and/or their families.

A second crucial element of the South African process was that the major political parties and the vast majority of smaller parties came to realize that they had to make substantial compromises in the national interest. The negotiations were only successfully concluded after parties and their leaders came to accept that the national good was more important than their narrow benefit or advantage. The role not only of statesmen of the calibre of Nelson Mandela and FW De Klerk was required for this but below them dozens of political leaders were prepared to put the country and its needs first.

Organisationally it was an advantage that the ANC was such a large force and that it was astute enough to incorporate many elements of the liberation movement under the banner of the Patriotic Front. This meant that the ruling party was faced with

constitution for the country, with the assistance of an international panel of experts.

Many of the people who had been involved in the drafting of the interim constitution were key to the drafting of the final constitution, which contained many of the principles enshrined in the earlier constitution. There were a few key differences: there would be a majoritarian government in the new constitution and a National Council of Provinces replaced the Senate or Second House of Parliament.

Immediately after the finalisation of the new constitution, and before it was enacted, the National Party left the Government of National Unity two years into a five year term. This change led to minimal disruption and the transition to the new constitution proceeded smoothly. Within four years the NP ceased to exist.

Crucially, there was an enormous amount of public participation in the drafting of the new constitution, resulting in significant acceptance of the constitution as the founding document of a non-racial, inclusive and united country, in an environment virtually free of political violence. Again, broadcasting of the Constitutional Assembly's deliberations played an important role in generating this buy-in.

3. **Post-Negotiations:**

The actual process of political negotiations in South Africa played a key role in uniting a society that had been divided for over 340 years. As Eldred De Klerk, a writer on the transition has noted:

unqualified franchise and a lower majority as the threshold for constitutional changes.

An election date was agreed and the first draft of an interim constitution was finalised. Ironically, the breakdown of the CODESA process, the concomitant increase in violence and pressure from the international community focused the minds of the two main parties and pushed them towards compromise.

Where there were still issues of disagreement Mandela, De Klerk, Ramaphosa and Meyer met to resolve them. This mechanism resulted in key deadlocks being broken.

The transitional institutions were established and preparations begun for the first democratic elections. Violence continued in this period with the same right wing group who had stormed the negotiations attempting to take over one of the former homelands by force. The death of four of their number had a significant impact on the country and caused a right wing party led by a former chief of the defence force to agree to participate in the new democratic process by contesting the elections. Extreme right wing groups exploded more than a dozen bombs on the eve of the elections, but the process was by now unstoppable.

On 27 April 1994 South Africa's first democratic elections took place. The interim constitution came into operation and Nelson Mandela was elected President with the former President De Klerk as one of his two Deputies. The newly elected Parliament also fulfilled the function of the Constitutional Assembly, which over the following two years negotiated a permanent new

Atop these new negotiations sat a Negotiating Council, the main decision-making body, which comprised two delegates and two advisers for each party. A Planning Committee was responsible for the day-to-day running of the talks involving the four key players from CODESA. Seven technical committees were formed to deal with the following dimensions of the transition:

- Constitutional Issues

- Fundamental Human Rights

- An Independent Electoral Commission

- Independent Telecommunications, a Broadcasting Authority and an Independent Media Commission

- Violence

- A Transitional Executive Council

- The Amendment or Repeal of Legislation Impeding Free Political Activity as well as Discriminatory Legislation

In addition, a Commission on the Demarcation of Regions was established and formal negotiations between the South African Defence Force and the ANC's armed wing were initiated to integrate them into a new Defence Force.

Over the following months, 34 constitutional principles were agreed in which the two main parties both had to make compromises: the ANC accepted that there would be 9 provinces or regions having earlier been committed to a centralised state, and the creation of a Government of National Unity for a period of five years; while the NP had to accept an

negotiations. CODESA 2 ended in failure, even though the parties were not that far apart.

An important additional reason for the failure of talks at this point was the mistrust that had developed between De Klerk and Mandela. The ANC's leader feared that De Klerk's government was actively stoking so-called "black-on-black violence" between ANC supporters and members of organisations that had co-operated with apartheid. While De Klerk got wind that the ANC was building a covert network of operatives to be used to restart the armed struggle should negotiations fail. [Ironically, it later transpired that the person master-minding this underground operation was the ANC official running the Management Committee with an NP colleague in the negotiations.]

The collapse of CODESA led to political uncertainty and intensified political violence. International organisations and governments strongly encouraged the ANC and the NP to resume negotiations as soon as possible. Mandela and De Klerk started to meet again and a few months after CODESA 2, a Multi-Party Negotiation Process (MPNP) was started to pursue the issues that CODESA had failed to resolve.

Twenty-six parties participated in the process which almost ended before it had begun when a key ANC leader was assassinated by a white right wing gunman. However, the parties decided to continue with the process, as the country teetered on a knife-edge. Two months later members of a far right wing organisation stormed the negotiations venue, driving an armoured vehicle through the glass entrance. These events increased the resolve of the negotiating parties and ironically helped push the process forward.

referendum was held in which the majority voted for the negotiations process. This strengthened FW De Klerk within his own party.

CODESA 2 began in May 1992. There were initially two areas of dispute, namely the disbanding of the ANC's military wing and the role of the public broadcaster which had acted as the apartheid state's propaganda arm. Ultimately the NP agreed to the restructuring of the broadcaster.

There were two other issues that could not be resolved by the working groups during the discussions: an interim government and the constitution. The NP wanted a non-racial interim government that would replace CODESA, and would comprise all parties in a cabinet. The ANC proposed an interim government that would last for no more than eighteen months and would have a cabinet representing various but not all parties. A key bone of contention was the NP's proposal for a minority veto within such a government. The ANC rejected this out of hand.

Working Group 2 at CODESA had to propose a constitution-making body and the core principles for a constitution. All parties agreed that South Africa would have a non-racial, non-sexist and democratic government. However, there was a debate on the percentage required for the Constituent Assembly to take decisions. The NP proposed a 70 percent majority be required for general decisions in the Assembly and 75 percent for decisions relating specifically to the constitution such as the bill of rights. The ANC proposed 66.7 percent, a two-thirds majority, on all constitutional matters. After consultation with the Patriotic Front the ANC raised its figures slightly but the NP still rejected the proposal leading to a deadlock in

Five working groups were identified to discuss:

- A new constitution

- The setting up of the interim government

- The future of the homelands

- The time period for the implementation of the changes; and

- The electoral system

Each working group comprised two representatives and two advisors from each negotiating party. In addition, a Management Committee was established with one delegate and one advisor from each of the parties. A senior official from each of the NP and the ANC guided the work of the Management Committee. Secretariat and facilitation support was provided by an organisation funded by the business community.

The key decisions in the negotiations process from this point forward were discussed and ultimately resolved by these two officials together with a senior cabinet Minister, Roelf Meyer, and a senior ANC leader, Cyril Ramaphosa, in consultation with their parties. The smaller parties were in many ways incidental to the negotiations.

CODESA 1 created the groundwork for discussions, and led to an agreement on the creation of a second phase of negotiations, CODESA 2. Two months before CODESA 2, the five working groups began their discussions in meetings over two days a week.

Even at this stage, the negotiations engendered disquiet in the ruling NP, whose parliamentarians felt that CODESA had supplanted their role. On March 17 1992 a "whites-only"

The Patriotic Front was committed to an interim government as a key element in the transfer of power, with control of the security forces, the electoral process, state media, and some areas of the budget and finance. It also resolved that only a Constituent Assembly, elected on a one-person-one-vote basis in a united South Africa, could draft and adopt a democratic constitution.

In addition to the Patriotic Front, the ANC consulted separately with the PAC, AZAPO, the predominantly "White" Democratic Party, homeland leaders, the Mass Democratic Movement, religious leaders, and the NP. From these consultations it was agreed that negotiations be scheduled for late 1991.

The Patriotic Front gave the ANC an advantage in the formal negotiations, as it had the support of a majority of organisations in the process. It also placed the issues of an interim government and a Constituent Assembly firmly on the agenda.

Formal negotiations began on December 21 1991 at the Convention for a Democratic South Africa (CODESA 1). About 228 delegates from nineteen political parties attended and pledged their commitment to negotiations by signing a Declaration of Intent. A number of parties were absent, including the PAC, an important component of the liberation movement which believed that the negotiations should take place outside the country and under the guidance of a neutral body such as the UN or OAU. The Conservative Party, which had broken away from the NP a few years before due to its opposition to any change to the apartheid status quo, also refused to participate, along with the radical Azapo.

number of processes to share responsibility between the government and liberation movement in relation to some local and regional governance functions. These included, for example, the Soweto Education Crisis Committee which comprised education officials, parents and activists working together to improve education in the country's most famous township and the PWV Economic and Development Forum which brought together economic stake-holders in the country's economic heartland to discuss a more participatory economy.

These myriad trust-building initiatives fed into the constitutional negotiating process creating a sense of participation and buy-in to the overall climate of reaching transitional solutions to the problems facing the country. As some participants took part in a number of these processes, the negotiators built up relationships and, on occasion, created an environment of mutual problem solving.

In the lead up to negotiations political leaders had to ensure that their supporters bought in to agreements made. The ANC and some other groups held numerous meetings in their branch structures. It was of great benefit that some of the negotiations were publicly broadcast.

In a strategic master-stroke, just before the start of formal constitutional negotiations, the ANC convened a meeting of more than 400 delegates representing ninety-two organizations to launch the Patriotic Front, a loose alliance of those parties which had held an anti-apartheid position. It also included some black political structures that had previously collaborated with the NP government.

democratic movement led by the UDF inside the country convened a Conference for a Democratic Future, attended by more than 6 000 delegates from around the country representing 2 000 organizations. The Conference resolved to intensify pressure on the government to commit to genuine negotiations.

On the 2nd of February 1990, President De Klerk opened Parliament by announcing that the government was unbanning the ANC and all other liberation organisations, freeing their political leaders including Nelson Mandela, allowing free political activity and initiating constitutional negotiations.

The issue for negotiation was, for the liberation movement, the end of apartheid and the granting of full rights to all the country's citizens. The National Party, on the other hand, still clung to the hope that they could somehow retain control of the political system.

2. Negotiations:

Post-February 1990, bilateral pre-negotiation talks took place between the main parties to determine the nature and shape of the negotiations process. The main parties agreed that they did not want international mediation which they felt had not gone well in Zimbabwe or Namibia. They were committed to a South African driven process.

At the same time progress was made on the development of a National Peace Accord (NPA) to try and reduce the levels of violence in the society. National, regional and local peace committees were established. Alongside this were a large

At this stage, the government proposed a new constitutional dispensation based on a federal or confederal structure that would enable black people to be co-opted into the political process as far as the cabinet. They further proposed the establishment of a national council to negotiate a new constitution for consideration by the "White" Parliament.

This was rejected by the liberation movement, as it was still race-based and would see "Whites" and the NP maintain ultimate power. However, the movement, in addition to its long-time demands for the release of political prisoners, free political activity, the unbanning of political organizations, and universal franchise, demanded the negotiation of a new constitutional dispensation with the true representatives of the people.

Crucially, in late 1988 South Africa's intransigent President fell ill, to be replaced by FW De Klerk. Despite a political career on the conservative wing of the NP, De Klerk had, due to global and domestic realities, accepted the need for real change. He offered a more inclusive constitutional vision than his predecessor but crucially still ruled out a one-person one-vote system which he believed would lead to domination by the majority. This too was rejected by black leaders, who insisted that it was only in an environment of free political activity that meaningful negotiations could take place.

In October 1989 De Klerk's government agreed to release a very small number of ANC leaders, as a means to assess how the country would respond to a freer political environment.

While "White, Coloured and Asian" South Africans participated in elections to their respective Parliaments, the mass

committees that were organised on virtually every street of the country's "African" townships and informal settlements. Many observers feared that a bloodbath was imminent between intractable enemies.

Internationally, tightening of financial and trade sanctions creating unease amongst the domestic business community, as well as a military defeat in Angola piled pressure on the apartheid state. The decline of the Soviet bloc deprived the liberation movement of numerous historical financial backers. The easing of the Cold War diminished tensions in the region and globally, further facilitating a conducive environment for negotiations.

During this period, a non-governmental organisation began to organise secret visits between leading South Africans (including senior businesspeople, journalists and other opinion formers) and the ANC in exile. These meetings started to erode the mistrust that existed between the white establishment and the ANC.

These initiatives, in the context of the domestic and international environment, created a reality in which both of the major protagonists, despite decades of great hostility, were more willing to negotiate than they had been.

Discussion about the constitutional future of South Africa had first started secretly and informally between a still imprisoned Nelson Mandela and a senior Minister in the apartheid government in 1985. These discussions created controversy within the ANC, some of whose leaders feared that Mandela would conclude an agreement with the apartheid state without consulting the organisation.

The media and free speech were severely curtailed and draconian security legislation was used to thwart any opposition to apartheid. Anti-apartheid activists were regularly jailed, banned and even killed.

The opposition to apartheid was led, from exile and political prisons such as Robben Island where Nelson Mandela spent most of his 22 years in jail, by the African National Congress (ANC), the Pan Africanist Congress (PAC) and a number of smaller groups such as the Azanian People's Organisation (Azapo). These organisations were all banned and many of their leaders had been forced into exile or jailed by the mid-1960s. Mandela was sentenced to life imprisonment in 1964 for treason, after the ANC's peaceful protests had been met with deadly force by the state causing the ANC to initiate a small-scale armed struggle against apartheid. The trade union movement played an important oppositional role within the country, along with certain churches.

The majority of South Africans sought a fundamentally different political and economic dispensation in which they would have equal political, legal and economic rights. In the 1980s the apartheid state adopted a strategy of reform and repression: Parliaments were created for "Coloured" and "Asian" people, which were subordinate to the "White" Parliament.

In response during the 1980s the liberation movement began a campaign to render the country ungovernable. Numerous internal civic organisations were created under the umbrella of the United Democratic Front (UDF). Strikes, protests, non-payment of service charges and other civil action led to greater repression from the apartheid state. The state's National Security Management System was set against street

their most basic rights. With the advent of apartheid in 1948, the system of racial discrimination was codified and brutally enforced.

"Whites"[28] who comprised about 12% of the population owned over 80% of the land and controlled every aspect of the country's political and economic life. The vast majority of "Africans" were citizens of tiny, remote homelands or "*bantustans*" according to their tribal heritage. Those who resided outside of these homelands had to live in racially designated Group Areas and work only in allowed jobs. Group Areas and job opportunities were further stratified according to ones degree of blackness with "blacks" of Asian descent and those of mixed race (so-called "Coloureds") living in their own areas and qualifying for jobs reserved for them. Every aspect of society was determined by race with separate amenities, shops, schools, public transport, sports leagues, etc. for the different race groups. Contact between the groups was largely restricted to a supervisor-worker relationship in the workplace or the home in the case of domestic workers. Relationships or marriage across the colour line was prohibited by legislation.

Most crucially, "non-White" South Africans were denied the right to vote for government at any level and were disadvantaged by the legal system as well. "White" South Africans were able to vote for a Parliament, which made decisions about every aspect of the lives of all South Africans. For many years there was only one Member of Parliament in opposition to the apartheid-enforcing National Party (NP).

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[28] This distasteful racial nomenclature of apartheid is used only to describe the (absurd) nature of South Africa pre-democracy.

Cross Party Negotiations: The case of South Africa[27]

Andrew Feinstein

About the author:

Andrew Feinstein was an ANC Member of Parliament in South Africa and worked as part of the Secretariat of the negotiations process that led to the first democratic elections in 1994.

The South African transition from a racially based authoritarian dispensation to a one-person, one-vote democracy has been amongst the most successful transitions of the modern era.

Key to this transition was a series of bi- and multi-party negotiations that took place from the mid-1980s until the signing of a new constitution in 1996. These negotiations were tough and difficult, facing many obstacles along the way. However, they ultimately delivered a functioning multi-party democracy and did so with limited loss of life.

The author, before becoming a Member of Parliament after the first democratic elections, worked as part of the group that facilitated the main multi-party negotiations.

1. Pre-Negotiations Context:

South Africa had been colonised by European powers in 1652, since which date the indigenous inhabitants were deprived of

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[27] In addition to the author's own experience in the negotiations process, this paper draws on the excellent resources of the South African History Online Institute (http://www.sahistory.org.za) and Conciliation Resources (http://www.c-r.org)

Part Two: International Experiences

While Abadi has fallen short of Sunni demands in terms of legislation, he has changed the tenor of the nation enormously and also made some changes to security tactics, such as ending the bombing of Sunni-populated cities as if they were a foreign country. When Sunnis recently threatened to withdraw from the government over the lack of progress, Abadi visited their political headquarters personally, something Maliki would never have done. Abadi neither has the ability to pass all their demands, nor needs Sunni support to sustain his government, but the gesture went over well.

The same is true even more so with the Kurds. Abadi's policy views on oil policy are identical to Maliki's, but he ended the demonization of the Kurds and extended military cooperation to them. Instead of talking about Kurdish oil policy in accusatory terms, speaking of Kurds as if they were a threat to the country, Abadi has spoken about the issue in terms of justice, saying simply that since Basra, which produces most of Iraq's wealth, can't sell oil on its own, neither can Kurdistan. Making the present deal work will require a commitment to give-and-take, but at least Arabs and Kurds talking to one another is no longer a problem, so that process can at least be discussed.

majority's demand to centralize oil revenues, at least for 2015. While this agreement is already showing problems in implementation, the Arab majority's opposition to Kurdistan having an independent export policy is so strong that, regardless of the inherent merits of Kurdish arguments about their own unique history and culture, as long as they are part of Iraq compromise will be essential.

On the other hand, Hayder Al-Abadi has shown himself at least somewhat more compromising than his predecessor, and certainly more so than the Shia numerical majority requires. With the Sunnis he made what now still appears to be a good-faith promise to push reform legislation on de-baathification and the security services. This reform process has been slow and two recent bills on these topics bear the imprint of needing Shia approval in the cabinet. But the effort to meet them part-way is clear.

The second set of dual principles is the need to understand the grievances of the other side and adjust to this recognition rhetorically as well as on policy. On sectarian relations, the last election was so polarized because all the major blocs ran campaigns based on mutual demonization. Maliki portrayed Sunnis in the political process as allies of al-Qaeda, and Sunni leaders went overboard in saying the government was simply waging "war on Sunnis" without recognizing that Shia civilians suffered from terrorism as well. An analogous dynamic played out north and south, with the incumbent prime minister engaging in saber-rattling against the Kurds while Kurdish leaders refused to acknowledge that many ordinary Arabs resented them acting like an independent state.

became clear that the Kurds had blinked. The budget contained one key federal concession – the Peshmerga would be funded from the defense budget on a proportional basis. With the Kurds fighting the same Sunni jihadist enemy the Shia were, this was an easy compromise. But Article 1 was clear on revenues from KRG exports – "all revenues actually accrued are considered final revenues to the account of the state public treasury." And Article 10 included a sanctions provision similar to that in the 2013 which had caused the Kurds to boycott parliament in the first place. For 2015, at least, the "Kurdish oil issue" was resolved.

Lessons from Iraq's Coalition Formation

While Iraq's government formation is in some ways unique to the country's configuration, there are two sets of principles which may be inferred as lessons learned. The first and most important is the need for a realistic estimation of the balance of power, combined with the strongest party adopting flexibility from a position of strength as a prudent policy. Part of the reason for the failure for the Sunni protest movement of 2013, as well as the insurgency that followed, was an overestimation of Sunni Arab power – leaders of the moderate wing of the protest movement, who neither advocated nor wanted an armed insurgency, nonetheless framed their demands for reform in expansive and absolutist ways. A demand for total abolition of de-baathification is one example, and a demand for "balance" within the security forces on the incorrect assumption that Sunnis were the demographic majority – when they are in fact about a quarter of the population – is another.

Similarly, the oil exports deal came about because the Kurds, their region's economy on the brink of insolvency, accepted the

All three elements were implemented by the two sides, and on December 2 the cabinet voted to endorse a partial deal which provided for the KRG to export "no less than" 250,000 bpd through the federal system, for it to begin exporting 300,000 bpd from Kirkuk through its infrastructure to Turkey but on behalf of the federal system, and this in exchange for a Baghdad to begin providing funding for Kurdish Peshmerga forces on a proportional basis from its own defense budget.

Yet still the deal was not complete, as this did not clarify whether the KRG could export amounts above these numbers independently, and the deal would not have the force of law without being codified in the budget. Furthermore, both sides appeared to be holding the line oil exports. On the one hand, Abadi reiterated on multiple occasions the inadmissibility of independent KRG exports. And with all Shia parties except ISCI supporting a hard line on the issue, this gave the Kurds little room to maneuver.

On the other hand, Kurdish leaders seemed to be digging in as well. Senior leaders, including Prime Minister Barzani, had repeatedly stated that the KRG would never again sacrifice independent exports. KRG Minister of National Resources Ashti Hawrami declared in mid-December at a conference in London that Kurdish control of exports is "our red line. Don't expect to negotiate."[26]

Rhetoric notwithstanding, the cabinet passed a new budget on December 22, with Kurdish ministers voting in favor, and it

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[26] "Hawrami Draws 'Red Line' for Baghdad Oil Talks," Iraq Oil Report, December 18, 2014.
http://www.iraqoilreport.com/news/hawrami-draws-red-line-baghdad-oil-talks-13794/

Abadi not only supported Maliki's centralist policy on oil exports, but he was one of the policy's architects. He helped mold the 2013 budget which provided for a cut-off of budget funds for the KRG, and when the Kurds began independent exports in December 2013, he publicly blamed the deficit on their lack of contribution to the federal budget. During the 2014 election campaign Abadi gave several interviews in which he criticized the Kurds for exporting outside the federal system.

Yet there were two signs Abadi would seek reconciliation with the Kurds. One was the appointment of Adil Abd Al-Mahdi of ISCI as oil minister; ISCI has long been known as the Shia party closest to the Kurds. Two, Abadi brought about an abrupt rhetorical change, bringing to an end efforts to portray the Kurds as allied with Sunni terrorists or as enemies of national unity (as Maliki did). And the Kurds reciprocated by taking up government ministries in October, although Abadi had still not agreed to their demands.

Abd Al-Mahdi got the compromise ball rolling during a November 13-14 trip to Irbil in which he reached an "ice-breaker" deal with KRG Prime Minister Nechirvan Barzani and Deputy Prime Qubad Talabani (both men scions of the dominant families in the two traditional ruling parties). The deal involved three elements: 1) resumption of Kurdish exports through the federal system at 150,000 barrels per day, 2) a payment of $500 million, and 3) commitment by Barzani to renew negotiations in Baghdad.[25]

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[25] Abd al-Mahdi press release on Agreement with Kurdish leaders, November 14, 2014.
https://www.facebook.com/Adil.Abd.Al.Mahdi1/photos/a.709426362455240.1073741858.233558516708696/843490612382147/?type=1&permPage=1

In the end, the Abadi government limped into office. The "National Covenant" received 177 votes, over the 165 needed for an absolute majority. But when he began submitting individual ministers, the first two, Mutlak and the Kurdish leader Hoshyar Zebari as deputy prime ministers, they failed to get an absolute majority, only a simple majority of the 289 MPs present. When some MPs began to object, Speaker Jiburi noted there was a Supreme Court precedent for allowing for a simple majority vote,[24] and moved forward. After Zebari, Jiburi stopped announcing vote counts and simply declared that there was a "clear majority" raising their hands for each candidate. Abadi swore in that night.

Abadi Completes His Cabinet – the Kurds Reconcile

After the election of Abadi's government on September 8, the Kurds – to whom Abadi gave a deputy prime minister position, the Finance Ministry, the Culture Ministry and the Migrants Ministry – refused to swear in, having not agreed to take the positions. The reason was simple – the "National Covenant" merely referenced outstanding disputes between Baghdad and Irbil as topics for discussion with no concrete commitments.

As noted, the April elections took place in a context of complete political breakdown between Baghdad and the Kurdistan region. Furthermore, Abadi's record while chairman of parliament's Finance Committee gave no reason to expect a change in policy.

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[24] The precedent had concluded that the Iraqi constitution's use of the phrase "absolute majority" only meant a true absolute majority if the phrase "absolute majority of the number of its members." This is very questionable, since elsewhere the constitution uses the phrase "simply majority" or "majority of those present," so "absolute majority" would seem to mean precisely that. But the precedent was useful for forming this government.

with his own confidence vote.[23] Although the document referenced all key demands by both Sunnis and Kurds, and even included time-limits in some cases, provisions were either framed in flexible terms (committing "to review" or "to reconsider" this or that policy), or were vague. For example, the document said the government would "move forward on bills" related to a public amnesty and reform of de-baathification, but lacked specifics on what the bills would entail, meaning that their actual content still had to be negotiated after Abadi was voted in. But an agreement to negotiate further on their priorities was the best the Sunnis could get.

So with the 30-day constitutional deadline for forming his government approaching on September 10, Abadi went forward the evening of September 8, and parliament turned into a circus. Many MPs were objecting or even yelling out of turn, as it was clear Abadi had not completed ministerial negotiations. The Kurds were not even present at first, but Abadi went forward, in some cases changing the names of nominees from what had been agreed hours earlier and nominating some candidates for posts they did not want. For example, after an MP from Basra complained there were no ministers from his province, Abadi changed the line-up and added two. Shahristani had been dissatisfied with the Higher Education Ministry, having wanted the Foreign Ministry, so his faction vocally rejected the post, but Abadi simply said "I am the prime minister-designate" and nominated him anyway. He also nominated several Kurds without their agreement.

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[23] Abadi Government "National Covenant" presented to parliament on September 8, 2014.
http://www.ikhnews.com/index.php?page=article&id=129654

put aside ideological differences and form an all-Sunni Arab "Union of Nationalist Forces" coalition for negotiations.

To make matters worse for Sunni leaders, scandal hit them in late May, when Maliki's reelection was still possible, as talk emerged of Nujayfi-ally Jamal al-Karbuli, leader of the *al-Hal* faction in *Mutahidun*, holding an "open market" to purchase MPs on Maliki's behalf. Karbuli had a reputation for running the most corrupt political organization in Iraq. So the rumors would have been believed anyway, but on May 26 Abdullah Al-Jiburi, a Sunni on Allawi's list who is also a former Diyala governor, gave an interview in which he said he was present at the meeting – the "open market" – and began to give names of figures from both Nujayfi and Mutlak's lists negotiating the cost of their vote.

Mutahidun suffered a further embarrassment after Abadi's nomination when Sunni media began focusing on claims that Salman Al-Jumaili, a senior Nujayfi ally who had not received enough votes to win a seat in April, was using his position on the negotiating team to get a ministry. This forced Nujayfi to briefly jettison him from the negotiations.

Sunnis did have one trump card – given the insurgency, and insistence from American officials that the new government be inclusive in order to get military aid, Abadi had to have Sunni ministers. With Shia holding an absolute majority of the seats, nothing required this constitutionally. But a Shia-only government was not going to work.

So Abadi agreed to a 20-point "National Covenant" as a coalition agreement which he would present to parliament simultaneously

Aside from Maliki and Abadi, the only other candidate who appears to have had a serious chance at the nomination is Jaafari, the former Prime Minister who would become foreign minister in the new government. Shahristani clearly wanted the position, but lacked support. ISCI's Zubaydi, a former interior and finance minister, was floated early on, but they and the Sadrists settled on Ahmad Chalabi as their joint compromise candidate. Yet Chalabi remains controversial and has bad relations with many in the SLC. According to leaks from Shia sources in those crucial days, the ISCI-Sadrist tandem switched their support to Jaafari as a further compromise, but Shahristani backed Abadi instead. With the SLC having more seats than all other Shia factions combined, only Abadi could break a sizeable portion of the SLC from Maliki, and all factions, pressured by the deadline Masum had already extended, moved behind Abadi.

Abadi Forms a Government – Sunnis Join, the Kurds Hold Out

There had never been a question that the Shia parties would be nominating a Shia candidate, and the most Sunni and Kurds could do would be to indicate strong opposition to a candidate in order to influence the process. This is indeed what Sunnis did during the May-August period, with figures associated with former Speaker Nujayfi's *Mutahidun* most prominent in emphasizing uncompromising opposition to Maliki.

Once it became clear Maliki would be replaced, the key factor framing the Sunni Arab factions stance toward prime minister-designate Abadi was their political weakness. As noted, the alliance of Sunni Arab and secular Shia MPs had declined from 101 (of 325) to 75 (of 328). This weakness led to Nujayfi and Mutlak, the outgoing Speaker and Deputy Prime Minister, to

Maliki then engaged in a gambit which, in retrospect, seems absurd in its futility. Having given an address earlier in the evening to condemn Masum for violating the constitution, Maliki held another event, this time with SLC MPs, which he called the "*Dawa* Party Bloc" (this is the first time the term was ever used). Maliki reiterated that Masum had no legal alternative but to nominate him; Khalaf Abd Al-Samad Khalaf, a former governor of Basra, was both the only other person to speak and the only prominent SLC figure to appear. Khalaf, as head of this new bloc, claimed he had 43 MPs supporting Maliki's nomination, with several others out of contact; the video showed 29 MPs with them.

Notable for their absence among those who had not supported Abadi were *Badr* leader Hadi Al-Ameri and Vice-President Khudayr Al-Khuzai. So even if Maliki had been able to cobble together a bare majority of the SLC's 105 seats, this would have given him about one-sixth of all MPs, with every other faction in parliament ardently opposed to him. And the Supreme Court, as noted, had already refused to order Masum to nominate him.

So in the end Maliki was able to rely on a faction of *Dawa's* MPs plus a large portion of the independents and small parties within the SLC who had been dependent upon him. But the next day, August 12, Ali Shamkhani, head of Iran's National Security Council, publicly welcomed Abadi's nomination. Abadi endorsements from Iranian proxies, most importantly the *Badr* Organization, followed immediately afterward. But the divisions created by the formation of this coalition, within *Dawa* and between *Badr* and other SLC factions, would live on after the government was formed both in the allocation of ministries and the formation of policy, especially security policy.

2009 Supreme Court precedent holding that constitutional time limits did not include holidays (Iraq had been on holiday due to Ramadan the week previous).

Then on August 13, in one last fit of resistance, Maliki accused Abadi of treason, darkly hinting that neighboring Sunni states were behind his nomination. He even had one of his surrogates within the SLC, Hanan Al-Fatlawi, appear on state television and claim that "Saudi Arabia is financing this coalition." In fact the US Embassy in Baghdad was a key mover in talking up Abadi's candidacy, but Saudi Arabia, the region's most hated country in Shia eyes, made a better foil. But the momentum was unstoppable, so shortly before midnight on August 14, with Abadi and other SLC leaders at his side, Maliki gave a national address reiterating his defense of his right to a third term but announced that, for the good of the country, he had decided to withdraw his nomination.

Abadi's Initial Coalition – the Shia Parties

The dramatic moment came on August 11 when President Masum held a televised designation ceremony with Abadi and in the presence of Speaker Jiburi as well as the leaders of the Shia factions which were part of his nominating coalition. They were Shahristani; Dhiya Al-Asadi, the leader of the Sadrist bloc, Baqir Al-Zubaydi of ISCI, former prime minister Ibrahim Al-Jaafari, and Ammar Al-Toama of *Fadhila*. The group issued a document declaring the number of seats contributed by each: 50 seats from the SLC (38 SLC seats assigned to Abadi, with Shahristani representing an additional 12); Sadrists, 34; ISCI, 31; Jaafari, 6; and *Fadhila*, 6. This gave Abadi 127 MPs as his nominating bloc, a minority of 328 but a clear majority of the 180 Shia MPs.

a prime minister-designate, and so Maliki's own *Dawa* Party decided to ask Ayatollah Ali al-Sistani for an opinion. And in a handwritten letter, Sistani told them they needed to pick someone new, but without indicating who that alternative should be. Sistani is Iraq's most senior Shia cleric, his action broke the impasse, and *Dawa's* governing board, all members except for Maliki himself, then voted to pick a new candidate.

Maliki chose not to make a graceful exit. On August 6 he gave an address in which he asserted that President Masum had no choice but to nominate him. His argument was that since the SLC had been the largest bloc after the election, and no larger bloc had nominated a candidate, Masum was constitutionally obligated to choose him. But on August 7, the Shia parties met and Maliki demanded they nominate him, and then walked out when they refused. And Masum simply ignored Maliki's demand.

About this time Hayder Al-Abadi emerged as a dark horse candidate. A *Dawa* Party member since the 1970s who spent his exile years in Britain, Abadi had been a chairperson of parliament's Economy Committee (2006-2010) and Finance Committee (2010-2014). His credentials as an Islamist and opponent of the Baathist regime were impeccable.

So on August 11, Masum nominated Abadi, and then Maliki gave a speech arguing that Masum had violated the constitution and claimed that the Supreme Court had ruled in his favor (it had merely reiterated its previous, March 2010 decision, and Maliki's logic appears to have been that since his own interpretation of that decision was the correct one, the Court was validating him by reiterating it.) Maliki also argued that Masum violated the constitution in a second way, by exceeding the August 7 deadline. But Masum was able to fall back on a

The wild card within the SLC itself was Deputy Prime Minister Hussein Al-Shahristani, who had dominated oil policy since becoming oil minister in 2006 and barely disguised his belief that he would make a better prime minister than Maliki. And he led one of the four key factions within the SLC.

The Fall of Mosul & Maliki's Last Stand

A four-day offensive by IS June 6-10 that culminated with the collapse of the army in the defense of Mosul shocked the nation. Indeed other heavily-Sunni units elsewhere in northern Iraq quickly disintegrated. While Maliki tried to blame the catastrophe on a "conspiracy" driven by disloyal elements in the army, the image of a strong war leader he had created through control of state television and other media evaporated.

This emboldened Maliki's rivals. The SLC factions had voted unanimously to re-nominate him two weeks previous, but Shahristani was the first to break. The constitutional deadline for parliament meeting was on July 1, although they only managed to elect a new speaker, Salim Al-Jiburi of Nujayfi's *Mutahidun*, on July 15. Maliki himself was still struggling to shore up support, and on July 4 issued a statement saying he would "never back down" from a third term. Shahristani immediately had an ally publicly distance him from Maliki, and on July 8 himself appeared on *Al-Mayadeen* and refused to endorse the prime minister.[22]

After electing a Speaker, parliament also elected a new president, Fuad Masum, a Kurd. Shia parties were still deadlocked with a deadline of August 7 approaching to choose

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[22] Interview with Hussein al-Shahristani, al-Mayadeen, July 8, 2014. https://www.youtube.com/watch?v=O7Wy1XiDl

strategy seemed to rely on accepting the basic premises of the insurgents while arguing against their tactical choice for war.

As for the Kurds, their total increased from 57 to 62, as follows: the Kurdistani Democratic Party (KDP, 25 seats), Patriotic Union of Kurdistan (PUK, 21), Gorran (9), the Kurdistan Islamic Union (KIU, 4) and the Kurdistan Islamic Group (KIG, 3). While they retained strong internal differences, Kurds were united in their demands vis-a-vis Baghdad. Other seats were won by small parties and candidates filling minority seats.

The seven-week period between the election results and the collapse of the army in the north in Mosul on June 10 was essentially an intra-Shia drama. While Shia coalitions ran against each other in the election, the legal right of blocs to form an umbrella coalition after the election in order to nominate the prime minister-designate meant that it was inevitable that they would reestablish the National Alliance (NA) Shia Islamist bloc which had formed the government in 2010. And with Maliki's SLC having just over half of all Shia seats, the only real question was whether his Shia rivals, but inside the SLC and out, could resist the sense of inevitability he was trying to create.

Sadr's movement, a long-time opponent, held firm against Maliki. ISCI, on the other hand, initially held firm, but as the results showed them coming in somewhat weaker than they had expected, they began to soften their tone toward a third Maliki term, which they had previously called a "red line." And Maliki ratcheted up the pressure, giving a national address on May 21 in which he called on the state media commission to investigate acts of "treason" for "questioning" the "successes" of the military.

Since the breakdown of negotiations over a federal oil law in 2007, the KRG had begun signing contracts with oil companies on its own, contracts Baghdad consistently held to be illegal. When the KRG began independent oil exports through Turkey in December 2013, Maliki cut off the region's budget payment the following month. The Kurds then boycotted budget votes in parliament over its highly centralist bent and their main Sunni allies, Nujayfi's *Mutahidun*, sided with them. As of Election Day there was no 2014 budget.

Election Results & Early Coalition Maneuvering

Unsurprisingly, the April 30 election produced a polarized parliament, with Shia Islamists winning an outright majority for the first time; winning 180 of 328 seats, (they won 159 of 325 in 2010). Maliki's State of Law Coalition (SLC) won 95, picking up another ten afterward with the merger of several small parties. Maliki's two key Shia rivals, the Sadrist faction of Muqtada al-Sadr and Ammar al-Hakim's Islamic Supreme Council of Iraq (ISCI), won 34 and 31 seats, respectively. Former Prime Minister Ibrahim Al-Jaafari's bloc won six seats, as did the *Fadhila* Party, an independent Sadrist faction.

For Sunni Arabs and secular Shia the election was a catastrophe, with their combined total – Allawi's secular Shia faction ran together with Sunni factions in 2010 – falling from 101 seats to 75. While Nujayfi's *Mutahidun* emerged as the largest faction, it fell from 45 seats to 27. Allawi's bloc obtained 21, and Mutlak's bloc won 11. While Sunnis credibly alleged voter suppression depressed their vote, likely a greater factor was that Sunni areas of the mixed provinces were war zones. Furthermore, with Nujayfi bloc echoing the rhetoric of the insurgency, their

The largest Sunni bloc, the *Mutahidun*, led by Speaker Osama Al-Nujayfi, framed their campaign in the most counterproductive manner possible, ignoring the fact that terrorist attacks were being launched against Shia from Sunni areas while portraying government actions in the worst possible light. Their main coalition conference on April 14 framed government security operations as an all-out war against Sunnis, and Nujayfi predicted that Maliki's reelection would lead to a Sunni "genocide."

Both during the campaign and for weeks afterward the television channel most closely associated with *Mutahidun*, *Baghdad TV,* echoed insurgent propaganda in its news coverage, often referring to them as "revolutionaries" and highlighting government military operations as "random shelling of civilian populations," while ignoring Sunni attacks on Shia. Other Iraqi channels watched by Sunnis, as well as the pan-Arab *Al-Jazeera,* were also openly pro-insurgency. Meanwhile, Shia factions were united behind the war effort, meaning Maliki's sputtering military operations faced no real criticism in television channels watched by Shia voters.

Aside from Nujayfi's Mutahidun, two other coalitions with substantial Sunni elements include Deputy Prime Minister Salih Al-Mutlak's Arab Coalition and former Prime Minister Iyad Allawi's Nationalist Coalition. Mutlak's bloc, as its name suggests, was heavily focused on opposing the Kurdish. Neither man had much credibility – Mutlak's closeness to Maliki was fatal, while Allawi, a secular Shia politician himself, was mainly associated with Sunni figures, and his failed interim government (2004-2005).

The country's security crisis and Sunni-Shia sectarian split was paralleled by an Arab-Kurdish split over control of oil exports.

a coalition of Shia factions desperate to get rid of Maliki and Sunni factions weakened by the election as well as the domination of the insurgency by its most extreme element. While a Shia majority would have allowed Abadi to form a government without Sunnis, the exigency of war and state collapse pushed him toward compromise.

A settlement with the Kurds took longer, but in December 2014 Abadi clinched an oil export agreement which, if implemented, will benefit both sides economically while facilitating security cooperation in the current war. While Kurdish leaders accepted a centralization of oil export revenues they vowed not to accept, the deal gives them financial breathing room for 2015 while postponing a move to declare independence.

The 2014 Parliamentary Elections: A Polarized Choice

The April 30 parliamentary elections took place under the worst possible environment, with ethno-sectarian polarization at a high. The political polarization coincided with a Sunni insurgency that followed a year-long Sunni protest movement. Protest leaders focused on Sunni grievances while generally ignoring terror attacks against Shia.

This made the protests unpopular among Shia, and Prime Minister Maliki arguably began his reelection campaign with his December 28, 2013 military raid against a symbolic protest site near Ramadi, Anbar. Terrorist attacks by the jihadist organization now called the Islamic State (IS) – it then used the name Islamic State of Iraq & al-Sham/Levant (thus ISIS or ISIL) – had been steadily increasing over the past two years. Order broke down entirely in Anbar after Maliki's raid.

Cross-party relations in the Iraqi Government Formation of 2014

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Preface

Iraq's April 2014 parliamentary elections took place in an environment of extreme ethno-sectarian polarization, with a Sunni insurgency against a Shia-dominated government and a breakdown between Baghdad and the Kurdistan Regional Government (KRG) over oil exports. With Shia energized by the war and many Sunni areas off-limits for security reasons, Sunni participation dropped and the losses of Sunni Arab and secular Shia factions led to a Shia Islamist parliamentary majority for the first time. The fall of Mosul, Iraq's largest predominately-Sunni city, to terrorists in June set the stage for the fall of Prime Minister Nuri al-Maliki, whose campaign strategy of using sectarianism to rally Shia votes had worked well and might otherwise have led to his reelection.

Maliki's replacement by Hayder al-Abadi as the candidate of the Shia majority soothed but did not resolve the country's deep divisions. Abadi, who belongs to the same party as Maliki but has a more professional political style, was able to put together

It should also be mentioned that the dialogue at its different stages succeeded in defusing the internal dispute that almost led to a new civil war in 2008.

Negative Experience

Negative experiences are mainly related to exploitation by the parties of the principle of dialogue in order to delay the dispute's resolution or to evade their responsibilities.

The most dangerous thing in dialogue is the failure to find a solution, with all that this may bring in terms of direct impact on the streets.

In the stages of dialogue, as a way to put pressure on the other group, each faction may try to increase its requests and mobilize the citizens in an ideological and sectarian way in order to take advantage of this pressure in the negotiations.

It must be noted that the different parties tried to apply such pressure, but this constantly had negative consequences for everyone—including the faction that adopted this strategy. For this reason, Lebanon suffered numerous security spasms, in addition to the previous problems that kept recurring. To this day, the groups have not managed to elect a President of the Republic, despite the expiration of President Suleiman's term, thus witnessing a repetition of the problem, which occurred at the end of President Emile Lahoud's mandate. Such is the situation also for the formation of the government and the issue of the "third guarantor". These are problems that keep happening and dialogue cannot always put an end to them.

The discussion table at Baabda Palace tried to emphasize this point. Then President Michel Suleiman believed he brought together what was called the Declaration of Baabda, a consensus of all parties on non-interference in the Syrian crisis.

No actual implementation of this declaration took place, leaving the possibility for each party to intervene in this crisis.

Three: Lessons Learned and Post-Negotiations Experience in Lebanon

<u>Positive Experience</u>

The main lesson learnt is that dialogue is not optional; it is mandatory to resolve disputes between the various parties.

Despite the fact that many points such as the International Court have not been resolved, dealing with this topic resulted in some calm from all sides, since Lebanon's dues were paid in indirect ways, inasmuch as the funding happened, the court is on-going, and the controversy has been neutralized.

Dialogue in itself is a success for the groups involved. It allows confirmation of the possibility of communication between the parties, and it distances the spectre of social and security instability. Positive consequences on the street are clearly visible when a serious dialogue starts between the conflicting parties.

Perhaps one of the positive outcomes of this dialogue is the creation of a culture of dialogue. This is probably what pushed everyone from the Future Movement and Hezbollah to start a serious dialogue to ease the Sunni-Shiite tension. This contributes effectively to the fight against the *takfir* practice, which feeds on internal differences in the closest country to the Syrian conflict and to the ambitions of groups professing *takfir*.

The lesson learned here is that it's not enough to reach agreement between parties despite their differences; there are factors and conditions that might be beyond the control of those parties.

Formation of the Government and the Guaranteeing/ Obstructing Third

Since the establishment of 8 and 14 March blocs, this point has become the main theme that preceded the formation of any Lebanese government. The discussions were unable to issue final principles to solve this matter due to the absence of a clear constitutional solution in the country's constitution.

At any rate, the Doha agreement managed to ensure a third guarantor, compatible with the presidency and the election law as noted above.

Defence Strategy

The discussion repeatedly touched upon the subject of defence strategy. Sometimes, the interlocutors tried to make some progress, and, at other times, they stopped the dialogue because they believed that debate on this point was not serious.

Suffice it to say that this issue was not purely internal, but rather relates to the Arab Palestinian conflict and the regional struggle as a whole. It is perhaps for this reason that an agreement on this point hasn't been reached yet.

Self-distancing from the Syrian Conflict

The idea of distancing from the Syrian conflict emerged at the beginning of President Najib Mikati's government, who tried to disown any intervention on Syrian territory.

As regards, the electoral law, discussions were tense due to its sensitive nature; as it has a direct impact on the identity of the upcoming parliamentary majority. Here again, despite the difficulty in agreeing, constituencies were divided based on consensus, though both parties couldn't anticipate the results of the parliamentary elections based on that law accurately. That is yet another piece of evidence that all rival parties, at the end of the day, are ruled by the agreement.

Syro-Lebanese Relations

The dialogue succeeded in establishing the principle of a diplomatic exchange between Lebanon and Syria, with the opening of the Syrian embassy in Beirut in December 2008. This was the first diplomatic exchange between these two countries since their establishment.

Palestinian Weapons outside the Camps

The dialogue also managed to make the decision to withdraw Palestinian weapons outside the camps.

Despite the practical lack of implementation of this resolution, the principle was adopted, while the topic of Palestinian arms inside the camps was not addressed.

As for the reasons behind why the agreement reached was not implemented, this is due to the state's incapability to carry out the agreement as there was no full coordination with the Palestinian forces from one hand, and due to the security unrest in Lebanon, they couldn't open any internal issue that could lead to disagreement or conflict; thus they postponed the implementation of the agreement.

International Court

Despite the emergence of signs of agreement on the issue of the International Court, the opposing parties asked the Court for some time before the establishment of this court, or at least to present an official request for its formation.

The discussions did not succeed in solving this issue. The Special Tribunal for Lebanon was established in accordance with Security Council resolution 1757 of May 30, 2007. To this day, the court constitutes a point of contention among the Lebanese.

Presidency of the Republic and Electoral Law

The discussions, held in March 2006, did not reach a solution about the fate of the then-President Emile Lahoud, who remained in the Baabda Palace until the last day of his term.

As for the election of a new president, it was a difficult issue which wasn't solved until the Doha conference through a series of integrated dialogues that also included the election law. The consensus about a president was reached with General Michel Suleiman, while the agreement on the principles of the election law was approved by Law No. 25/2008, on the basis of which elections took place in 2009.

That consensus was the result of big concessions from the two main parties, as each party conceded its presidential candidate, which was deemed an impossible thing before initiating the dialogue. Thus with that concession, each party guaranteed that the other party's candidate wouldn't reach the presidency. That was the price both parties paid, and hence Micheal Awan agreed not to run for presidential elections and so the 14th of March bloc candidate agreed as well.

8. Self-distancing after the Outbreak of Syrian Conflict

This last point imposed itself on the agenda of the *Baabda* Palace dialogues, so the positions of the Lebanese parties with regard to the Syrian Revolution were addressed. There was, and still is, a major split on the definition and identification of its main causes and responsibilities. The aim behind this point was an attempt to prevent Lebanese intervention in the Syrian conflict.

The Future Movement—and behind it the March 14 group—supported the Syrian Revolution, considering the Syrian regime unjust to its people, so they sent aid to the Syrian Revolution's actors. On the other hand, Hezbollah started fighting alongside the Syrian regime, not considering what was happening in Syria as a revolution but as the expansion of the power of *takfir*[21] in the region.

These were the eight points around which the different parties engaged in the various stages of the dialogue. But who are these parties?

Two: The Negotiation Process and its Results

These two points are linked to each other, since the development of the negotiation process is linked to the outcomes of the parties meeting at the same table.

Referring to the issues under negotiation, we can observe that in some cases the decision was easier than others. We will highlight here the results of the negotiation for each of the points mentioned above:

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[21]   In Islam, *takfir* indicates the declaration that an individual or a group is a non-believer.

As is known, the electoral system and the division of constituencies can establish and define the space of the political group that will win the elections in Lebanon.

The expansion of constituencies and percentages was in the interest of the March 8 bloc, in contrast with March 14, which wanted small groups of voters. In addition to this, there was the problem of the Christian representation, who tried to obtain an election law that allowed Christians to choose their representatives. This is related to the division of constituencies and to the electoral system to be adopted.

7. <u>Defence Strategy</u>

This topic is closely associated with Hezbollah's weapons. Disagreement over the issue of Hezbollah's weapons emerged after the Israeli assault on July 12, 2006, which lasted for 33 days. The March 14 Force believed that Hezbollah had made a unilateral decision for the Lebanese people and plunged Lebanon into a very cumbersome and costly war.

On the contrary, Hezbollah, and behind it the March 8 bloc, believed that the Israeli war was premeditated in any case and that the operation carried out on July 12, 2006 only accelerated events.

Whatever the case, the issue of Hezbollah's weapons emerged as a result of this dispute—what used to be called defensive strategy. It was a key item on the discussion table that began in 2006 and which saw a second phase in 2008 at the *Baabda* Palace. Naturally, there wasn't enough space to address and solve this point in the Doha dialogues.

the foundation of special relations between the two countries; however, there was no diplomatic representation, so the time limits for the Syrian withdrawal were not respected. Thus, this point was also one of the topics addressed by the dialogue.

4. Palestinian Weapons Outside the Camps

There are known to be approximately 400,000 Palestinian refugees in Lebanon, the majority of whom live in a series of camps across the country, with the rest living outside the camps.

Palestinian weapons are another issue. Therefore, the issue of confiscating Palestinian weapons was explored, starting with those arms located outside Palestinian camps.

5. Formation of the Government and the Guaranteeing/ Obstructing Third

This point emerged strongly in the Doha discussions. If we go back to the text of Article 65 of the Lebanese Constitution, we find that the Cabinet's decisions on fundamental issues need a two-thirds majority of the Council of Ministers. Moreover, according to Article 69, the withdrawal of more than one-third of the government's members leads to its resignation.

As a result, the forces of what was then the opposition demanded to have more than one-third of the government positions so that they could actively participate in decisions, especially since their representation in the Parliament exceeded this percentage. In return, the majority wanted to rule on its own, because they had a member majority in the Parliament.

6. The Electoral Law

Following the March 8 bloc's opposition to the formation of a Special Tribunal for Lebanon, the question of the formation of this court emerged as one of the items of national dialogue.

2. Presidency of the Republic

The second point of dialogue was about the presidency. At the beginning of the dialogue in 2006, the President was Emile Lahoud. President Lahoud belonged to the March 8 bloc. He faced a vicious attack by the March 14 Force, which pushed for his resignation. President Lahoud refused to resign, and the issue of the presidency consequently emerged as one of the items of national dialogue. However, this item gained greater importance at the end of President Lahoud's term, when another president was not elected and the constitutional deadline for this vote was due.

Article 49 of the Lebanese Constitution requires the presence of two-thirds of the members of Parliament to elect a President of the Republic, and since there was no group with such a majority on its own, the March 8 bloc refused to attend the presidential election sessions in order to reach an agreement on a consensual president.

Therefore, the issue of the election of the president emerged as an essential item on the agenda of the discussions, which were held in Doha.

3. Syro-Lebanese Relations

This is another point that was addressed in the discussions. The Taef Agreement, which put an end to the Lebanese civil war, touched upon Lebanese-Syrian relations. On one hand, it set a timeline for Syrian troops' withdrawal from Lebanon, as well as

3. Syro-Lebanese relations

4. Palestinian weapons outside the camps

5. Formation of the government and the guaranteeing/ obstructing third

6. Electoral law

7. Defence strategy

8. Self-distancing after the outbreak of the Syrian events, the so-called declaration of *Baabda*

We will briefly explain these topics below.

1. <u>The International Court</u>

The problem of the International Court emerged when the March 14 Force asked the Court to try those responsible for the assassination of former Prime Minister Rafik Hariri.

As mentioned above, the determination of responsibility for the assassination of former Prime Minister Rafik Hariri divided the Lebanese people into two factions, one which accused the Syrian regime and one which refused to anticipate the investigation. This latter group also refused to internationalize the issue and to involve foreign parties, thus maintaining the commissions of inquiry should be either Lebanese or Arab.

However, the then parliamentary majority as well as the majority in the government insisted on the formation of this court, which did not establish the significance of the parameters at the time.

However, our subject today will not be confined to those dialogues, but will also address the national dialogue sponsored by the President of the Republic of Lebanon, which began on 16/09/2008, because both dialogues are linked, largely, to the same topics.

We will discuss below these three stages and we will try to explain them in parallel with each other, analysing the essence of the issues under negotiation.

Issues under negotiation

As indicated previously, identifying the issue under negotiation is not an easy matter. Will the parties be willing to clearly state what they want or what they want to negotiate? In other words, will one party acknowledge what the other one actually wants?

We clearly imply that political parties aim at getting the maximum amount of power in the State. Returning to the aforementioned division, the March 14 Force sought to get a legitimate monopoly on decision-making power after winning the majority of seats in Parliament. On the other hand, the March 8 Force sought to preserve its right to an effective opposition.

Hence, this conflict of opinion generated many consequences. If we take into account the three stages of dialogue, which are the dialogue that began in 2006 and ended in the so-called Doha agreement and finally the dialogue at the presidential palace in *Baabda*, we can summarize the points of disagreement around which the dialogue evolved in the following way:

1. International Court

2. Presidency of the Republic

dialogue. It has been demonstrated to the Lebanese people that long years of war cannot end with a winner, but need to end with a dialogue. Perhaps this is a sufficient argument to bring everyone to the discussion table, especially in the face of closed political horizons

Therefore, in the dispute over the legitimacy of the President of the Republic, the conflicting parties met at the invitation of the Speaker of Parliament, Nabih Berri, on March 2, 2006.

This indicates that the sharp division in the country required, at least formally, bringing the different parties to one table.

Dialogue sessions continued until July 12, 2006, when Hezbollah kidnapped two Israeli soldiers in order to exchange them for Lebanese prisoners. A violent Israeli war on Lebanon followed, which led to significant destruction, a crippling siege on the Lebanese people, and the evacuation of foreign nationals from Lebanon.

After the end of the Israeli aggression, new deeper signs of disagreement over unity emerged on the Lebanese scene. Differences evolved and worsened, leading to severe security turmoil and armed clashes in several areas of Beirut and other regions, including what came to be known as the events of May 7, 2008.

These events had a significant impact, which almost led to the outbreak of a new civil war in Lebanon. Thus, the parties agreed to go to another country, which then hosted the dialogue between the Lebanese people, dialogue that ended in what is known as the Doha agreement.

Muslim-Muslim nor Christian-Christian division). Thus, dialogue has become incumbent on all parties because there are no solutions in the Constitution that they can rely on.

Motives behind Supporters and Opponents of Negotiation

As in any other negotiation process, there are supporters and opponents, and the reasons behind opposition or acceptance may vary according to the interests of each group.

Negotiation has two sides: the first one concerns connecting and gathering the conflicting parties. Once this is done, the tension in the street is automatically relieved, leading to an improvement in the security, social and political situation. The second concerns the attempt to reach an agreement on the disputed issues.

The main reason to reject negotiations is often the belief of each group that negotiations would not lead to a result, and that the other party is just trying to gain time while not being serious about the negotiation process.

In addition, accepting the principle of negotiation puts the two groups in a difficult situation in the eyes of their audience. After categorical statements that reject the ideas and arguments of the other group, and after claiming that each group refuses dialogue or negotiation of any or all the points of disagreement, it is difficult for the group to go back to the discussion table and convince its audience of the reasons behind its return, with all that this could mean in terms of political loss.

On the other hand, the arguments of those who call for dialogue are simple and logical. In a country of compromises like Lebanon, conflict cannot be solved in any other way but

controversies with the Christians of March 14, whether with the Lebanese Forces Party or the independents within March 14, some of whom also aspire to the presidency.

Therefore, the conflict within the Christian parties was between the FPM (Free Patriotic Movement), on the one hand, and the rest of the Christian parties, on the other hand

The Lebanese Constitution, since before the emergence of the entity as mentioned above, has tried to solve a sectarian conflict between Muslims and Christians. It has constantly tried to avoid the conflict between the two main sects by proposing solutions such as the equal division of the Parliament and the Council of Ministers between Muslims and Christians.

However, this Constitution did not offer solutions to political problems between the two major political parties that included both Muslims and Christians. Besides that, the new political divisions became more complex with the existence of a Sunni Muslim majority in the March 14 bloc and a Shiite majority in the March 8 one.

This means that if the March 14 bloc won the parliamentary elections, according to the general political logic, this bloc would govern the country on its own. But this fact, although true in many countries, cannot be implemented and applied in Lebanon.

Accepting the March 14's authority means having a government in which the Shiites are marginally represented in the State. The opposite would be the case for a March 8 victory: the marginalisation of the Sunni majority.

The Lebanese Constitution does not address this issue (because it offered solutions to the Muslim-Christian division, not the

It must be noted that, since the start of the Lebanese crisis with the assassination of former Prime Minister Rafik Hariri, both March 14 and March 8 have undergone changes.

However, the initial division of these two forces was as follows: March 14 included the Future Movement (the movement that followed President Saad Hariri, a Sunni Muslim), the Lebanese Phalanges (following President Amin Gemayel, a Maronite Christian), the Lebanese Forces (ascribable to Samir Geagea, a Maronite Christian), and some independent Christians and Shiites. We can include in these forces Minister Walid Jumblatt, who later mediated between March 14 and March 8.

As for March 8, it was mainly Shiite bipartite with the *Amal* Movement (headed by President Nabih Berri) and *Hezbollah* (headed by its General Secretary Sayyed Hassan Nasrallah), and included also the Free Patriotic Movement (headed by President Michel Aoun, a Maronite Christian), the *Marada* Movement (headed by Minister Suleiman Frangieh, a Maronite Christian), the Democratic Party (headed by Minister Talal Erslan, Druze), as well as a group of independent Sunnis.

Mainly, the problem of the 8 and 14 March blocs lies in the unbalanced sectarian representation within each of them. In March 14, there is no heavy Shiite majority. Conversely, the March 8 bloc lacks a heavy Sunni majority.

This issue actually relates to the dispute between the Future Movement and Hezbollah, while the other parties often had a mediating role.

Inside the Christian parties, the majority of Christian votes go to the Free Patriotic Movement, headed by Michel Aoun, who aspires to obtain the presidency. Here, too, there were wide

by the family of former Prime Minister Rafik Hariri, to reject evidence from other parties.

Those events of the 8th and 14th of March were the basis for the emergence of today's 2 main political blocs in Lebanon.

This sets the stage for our discussion in this paper, in which we will try to explain the three stages of dialogue between those two blocs.

Dialogue Stages between 8th of March Bloc and 14th of March Bloc

One: Preliminaries to Dialogue and Negotiations

Parties involved and the nature of their relationship

As previously explained, two large blocs emerged in Lebanon, creating a sharp political division which also resulted in a social division.

The very next day after the assassination of Prime Minister Hariri, political forces gathered at the martyred President's house, claiming that Syria was behind the assassination. This claim was rejected by some political forces and supported by others so, this assassination was at the basis of a change in the traditional political alliances.

Perhaps the most important aspect of this new division is the fact that it became political rather than sectarian. The March 8 parties included Muslims and Christians and so did the March 14 parties, and perhaps this is where the problem lies.

But the question posed is, of whom are those parties composed? Do they include various parties, or are all the forces within them homogeneous groups who share equal interests?

It cannot be said that this system was essential to internal stability. However, this structure is what prevailed, withstanding the various constitutional amendments—despite the fact that the Lebanese Constitution itself states in its introduction, added in 1990, that the abolition of political sectarianism is a main national goal and shall be achieved in accordance with a gradual plan, set out by Article 95 of the Constitution. Although the abolition of political sectarianism has been a necessity since 1992, when the first parliamentary assembly after the constitutional amendments was elected, this has not been achieved yet, and all indicators show that it will not be achieved.

The Lebanese Constitution created a structure for the relationship between Muslims and Christians, so that competition for jobs and political centres happens within religious communities, not between them. This prevents, at least in theory, a collision between these communities.

It should be noted that many attempts at dialogue were made during the Lebanese civil war, which lasted between 1975 and 1990. However, the last one of them in the Saudi city of *Taef* managed to put an end to this war.

The situation in Lebanon was stable until 2005, more specifically until February 14, 2005 when the former Prime Minister Rafik Hariri was assassinated in a massive explosion, which led to the emergence of a drastic conflict in Lebanon regarding responsibility for this assassination.

In a large demonstration on March 8, 2005, some political parties tried to acquit the Syrians of this assassination and rejected political accusations against the Syrians. In a counter-demonstration, other parties gathered on March 14, 2005, led

whereas peasants were mainly Maronite Christians). Hence, the religious character of this social division facilitated the drawing of borders between individuals on a religious basis.

This situation continued with the declaration of the State of Greater Lebanon in 1920, after the end of World War I, and the beginning of the French Mandate in Lebanon.

The first Lebanese Constitution of 1926 consecrated this state of sectarian division in Lebanon. Article 95 divided political centres and offices in the Lebanese State "for the sake of justice and equity".

Naturally, this general context created a sectarian system in Lebanese political life, in such a way that the Lebanese citizen came to belong to his sect first, and the State second.

The 1943 post-independence Lebanese Constitution preserved the sectarian division of the State's core offices. Despite repeated attempts, this division prevailed even after the end of the Lebanese civil war and was consecrated in the constitutional amendments of 1990.

They consolidated the state of division in the Parliament (with half of the seats going to Muslims and the other half to Christians) and proportionally among the two sects and the regions (Article 24 of the Constitution). So did Article 95, which divided the Council of Ministers and the main offices of the State in the same way.

By constitutional custom, the Presidency is given to a member of the Maronite Christian community, the second main office that is the President of the Parliament, to a member of the Shia community and finally, the Prime Minister's office to a Sunni Muslim.

power, and the second is to ensure the existence of a space for dialogue between citizens through political parties. To achieve that, parties should be in harmony with the aspirations of most of the citizens, through which the institutions that include those parties are the normal places to solve disputes instead of the streets.

This last remark in particular, serves as an introduction to the Lebanese reality. The nature of the Lebanese political and constitutional system leads to social instability. This has been the case since ancient times, going back before the founding of the Lebanese political entity as it is known today.

Historical Roots of Divisions in Lebanon

During Ottoman rule, Mount Lebanon seceded adopting the *Kaymakami*[19] system, so that each religious group had its own system of government. This system, which was founded in 1842 and lasted until 1860, failed to establish security and social stability in Mount Lebanon and ended in a civil war followed by the establishment of the *Mutasarrifate* system[20] between 1861 and 1918. This system was based on the distribution of power between the various religious factions to which the individuals living in Mount Lebanon belong.

The two aforementioned systems were a foreign product, which considered the disagreement to be of a sectarian nature. However, the controversy was actually feudal, rather than sectarian. But the feudal divisions coincided with religious divisions (feudal lords were predominantly Muslim and Druze,

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[19]   Or *Alqaimqametin* system.

[20]   Or *Almtsrvip* system.

Political Parties and the Negotiation Process: Lebanon

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A social environment that allows the various parties in the State to communicate with each other is probably the most prominent feature of political life and its democratic development.

In this case, communication may take several forms and can be either direct or indirect.

Even if a bipartisan system prevents direct communication, since every group is trying to show that the ruling party has failed to fulfil what was promised during the campaign and therefore communicating negatively and through the media, this public criticism is part of the democratic game. The disruption of direct communication does not constitute a problem in the State. In other words, the interruption of direct communication between the main parties doesn't create an existential problem to the State as long as the differences are confined to a democratic framework.

What is important in our Arab world is the existence of political parties that are capable of doing two important things: the first is to ensure a realistic and efficient possibility for succession of

between the different political families of a different or even contradictory nature. The first session of the elected Assembly of Representatives of the People was characterized by an environment of wide consensus that led to the election of the Speaker and his two deputies.

Lessons learnt from Tunisian experience:

The most important lessons learnt from the Tunisian experience focus on three main issues:

- o Electoral legitimacy remains incapable of withstanding challenges, no matter how strong it is—especially in light of a fragile and constantly changing transitional phase as well as an unstable security situation. The Tunisian experience has proven that supporting electoral legitimacy with a consensual legitimacy strongly contributes to resolving political crises and overcoming problems and difficulties.

- o Accepting political parties regardless of their different thoughts and orientations through dialogue and sitting around one table and conducting negotiations is a very important and fruitful approach. It proves that consensus and rapprochement can be achieved between different and sometimes contradictory political parties through dialogue and negotiations, which can also create a common ground for co-existence between them to put the homeland's interests on top of all priorities.

- o Despite the novelty of the different political forces, the fragility of their political heritage and their partisan institutions, they have significantly benefited from the consensus and dialogue experience. Consensus has become a term used within political parties themselves, as proven through the latest legislative elections where the majority of Tunisian political parties in their electoral campaigns underlined the importance of maintaining consensus as a way to dialogue and communication

the Republic, the President of the National Constituent Assembly, and the President of the Independent High Authority for Elections, as well as number of representatives of civil society organizations and local and international media outlets.

There is no doubt that the great social and political support provided to this charter represents a very important step in the course of political development in Tunisia and contributed to the consolidation of concepts and basics of political practices that are governed by the people's will, away from any form of violence, terrorism or exclusion.

The different parties that signed this charter were also keen on guaranteeing that it possessed a follow-up mechanism. The charter stipulated the establishment of a "follow-up committee" that would be responsible for setting the dialogue's framework and coordination between the different parties as well as issuing and publishing reports on commitment to the charter's terms or breaching them. The charter was also concerned with the funding of the elections, given the importance of funding's role in affecting election results or distorting their outcome. The charter underlined the importance of transparency with regard to the funding of the elections and fully rejected any foreign funding of competing parties, calling for the respect of expenditure limits set by the law in electoral campaigns.

It was very important that political consensus from the constitution to the government and the election law culminated with an ethical consensus represented in the electoral charter of honour that enhanced particularity of the Tunisian experience.

In order for the consensus to be a comprehensive one, it was essential to ratify a draft law that included these points of consensus and that explicitly specified when the legislative and presidential elections would be held.

The National Constituent Assembly's General Legislation Commission was entrusted with this task and a draft law was formulated for this purpose, over which consensus was reached among the political parties within the assembly before it was ratified. This gave the Independent High Authority for Elections the chance to start the actual preparations for the elections after all dates and deadlines were specified.

- **The ethical framework**

The ethical framework is as important to the election process as the legal and institutional frameworks, because it guarantees its fairness, credibility and transparency.

On July 24, 2014, a "Charter of Honour of parties, coalitions and independent candidates for elections and referendums in the Republic of Tunisia" was signed between 23 political parties in Tunisia with participation of the civil quartet sponsoring the national dialogue. This charter, the result of dialogue between political parties with the help of the Centre for Humanitarian Dialogue headquartered in Geneva, aims at conducting a transparent, fair, and democratic election process which can achieve the highest rates of credibility and satisfaction.

It also aims at containing conflicts and fighting terrorism to preserve civil peace.

The signing of this charter was a landmark development in Tunisia and was carried out in the presence of the President of

The consensus committee carried out its duties in parallel with the plenary session and studied all disputed matters within the law, especially the issues of public funding, the representation of women and youth, and other issues.

The political parties succeeded in maintaining a number of points of consensus previously reached among them, including the voting system based on lists through the adoption of proportional representation. This system allows a wider representation (especially of small political parties), and guarantees a minimum degree of pluralism.

- **The time frame**

Setting a date for the presidential and legislative elections was a very sensitive political matter, where possible consensus had to be sought.

The national dialogue was once again entrusted with this task, and political parties met to conduct deliberations in this regard, especially to settle the issue about separating the legislative and presidential elections or holding them at the same time. Discussions and negotiations lasted for more than a month to reach consensus over the decision to hold the legislative elections separately from the presidential elections, and the decision was announced by the General Tunisian Labour Union's Secretary General in May 2014.

Deliberations kicked off once again after that, to decide whether the parliamentary elections would be held prior to the presidential elections or vice versa. After long negotiations the national dialogue agreed to hold the parliamentary elections first.

- **The institutional framework**

Elections cannot be held in Tunisia without the existence of a High Authority for Elections that guarantees credibility and transparency of the electoral process. After formulation of the updated basic law of the authority, there were plans to elect its nine members, but they could not be implemented due to the assassination of MP Mohammad Al-Brahmi, after which the National Constituent Assembly suspended its work.

Later (and as part of the national dialogue initiative) it was agreed to continue with election of the nine members of the High Authority for Elections, and it was actually carried out during the ratification of the constitution.

In order to reach consensus, the authority's members conducted various deliberations and consultations—especially since the election process requires a majority of two-thirds of the assembly's members, which is a reinforced majority that needs the widest consensus possible.

- **The legal framework**

Holding fair and transparent elections essentially required drafting an election law that guaranteed free, democratic, and multi-party elections. The National Constituent Assembly's General Legislation Commission, which consists of the different political orientations, vowed to look into the election draft law and held long sessions where its members tried to reach the widest consensus possible.

In order to guarantee a positive environment for the ratification of the election law, consensus sessions were held between members of the different political blocs within the assembly.

convince their MPs of the consensus which had been reached in order to grant confidence to the consensual government.

In order to further enhance consensus and to protect the transitional track, it was agreed by the political parties to raise the majority of votes required to withdraw confidence from the government and to apply the concept of reinforced majority (super majority). Confidence was thereby granted to the new government on January 28, 2014, with a majority of two-thirds of the National Constituent Assembly's members.

After consensus was reached over the constitutional route and the government route, it was essential to reach consensus over the electoral route to safely complete the transitional phase and to culminate the previous consensus with the elections, as well as to set up constitutional institutions—namely, the Assembly of the Representatives of the People and Presidency of the Republic.

3. The Electoral Route

The success of the different political parties as well as civil society organizations in reaching previous consensus remained insufficient until they managed to reach consensus over the electoral route. The electoral route needed four main frameworks in order for the first elections after the new constitution's drafting to be held in the country.

- ✓ Institutional framework
- ✓ Legal framework
- ✓ Time frame
- ✓ Ethical framework

The national dialogue's main goals were: accelerating the ratification of the new constitution, resignation of the government, appointment of a technocratic government to run the country for the remaining time of the transitional phase, and setting a date for the elections and approving members of the Independent High Authority for Elections. These goals could be achieved by the different parties despite the disagreements and obstacles witnessed in dialogue sessions and *Nedaa Tuounes'* or Renaissance Movement's threats to withdraw from the dialogue at different stages, in addition to the stance adopted by the Congress for the Republic. It refused to get involved in what it called any track parallel to the legitimate track that can be considered a coup against legitimate constitutions of the state, despite the fact that President Munsif Al-Marzouqi attended the inauguration session.

The Renaissance Movement accepted the road map that was among outputs of the national dialogue, although one of its most important terms was resignation of the government headed by the Renaissance Movement and handing over power to a technocratic government. The Renaissance Movement accepted all terms of the road map, putting Tunisia's interests above all narrow partisan interests.

It was not easy to reach consensus over a new head of the government and it required negotiations and long sessions between the different political parties to nominate Mehdi Juma as Prime Minister.

This consensus was not sufficient to overcome the crisis, and political parties taking part in the national dialogue and represented in the National Constituent Assembly had to

and unrest, and following which the head of the government (who is also a leader of the Renaissance Movement) called for the formation of a national unity government, which contributed to containing the unrest.

After a series of deliberations and negotiations, the new government was formed, containing individuals who were entrusted with sovereign ministries, especially the Ministry of Interior, Defence, and Foreign Affairs.

Following that, Tunisia witnessed a fleeting period of stability which ended on July 25, 2013, another decisive day in Tunisia's history as it marked the assassination of a second politician, namely Mohammad Al-Brahmi, a member of the National Constituent Assembly.

Tunisia's political crisis reached a deadlock, with thousands of people taking to the streets and staging protests in Bardo Square in participation of the different political parties opposing the ruling troika government in the so-called "*Dégage*- sit-in".

A national dialogue was approved and was launched on October 5, 2013 at the initiative of the civil quartet sponsoring the dialogue made up of the Tunisian General Labour Union –UGTT (*Union Générale Tunisienne du Travail*), Union for Commerce, Industry and Handicrafts, the Lawyer's Union (*Union Tunisienne de l'Industrie, du Commerce et de l'Artisanat*), the Tunisian League for the Defence of Human Rights (*Ligue Tunisienne des Droits de L'Homme*) and the National Commission for Lawyers in Tunisia (*Ordre National des Avocats de Tunisie*), in addition to most of the components of the Tunisian political scene from the authorities and the opposition.

Consensus contributed to the drafting of a new constitution for Tunisia that preserves the civil nature of the country based on the concept of citizenship, sovereignty of the people, and superiority of the law. It also underlined the Tunisian people's keenness on sticking to their Arab and Islamic identity as well as their openness to all human cultures and high universal values. The constitution preserves rights and freedoms and sets a balanced political system of Tunisian particularity.

It is important to emphasize that the previous consensus was not easy to reach between political parties of sometimes completely different visions that span from the far-left to the far-right, but it was also not impossible to find meeting points between them.

2. The Government Route

After the elections held on October 23, 2011 that led to the formation of the National Constituent Assembly, the Assembly formulated a temporary system of public authorities on December 10, 2011, according to which the government was formed. It consisted of the three parties that won the majority of the parliamentary seats. These are (in respective order): The Renaissance Movement, the Congress for the Republic, and the Forum for Labour and Liberties. The opposition announced that it would not take part in the government due to the existence of what it considered partisan quotas.

The government assumed its responsibilities amid complicated social and economic conditions as well as an unstable security situation. The actual crisis in Tunisia may have started on February 6, 2013 with the assassination of Chokri Belaid. It was an incident after which the country witnessed intense difficulty

provisions and chapters were especially tailored to serve the interests of certain parties and were dominated by the majority's will.

Some of them boycotted public sessions for the discussion of the draft constitution and the atmosphere inside the assembly was tense in general.

It was essential to find a solution that respected the opinions of opposition MPs and where thorough discussions of a number of disputed points from the constitution could take place; thus, the "Consensus Committee" was set up. It consisted of all political parties represented in the assembly as well as individual members and members who did not belong to any bloc.

This committee undertook its duties during the public discussion of the draft constitution and resumed its work after that. It also played a role during the discussion of every chapter of the constitution and reached an important consensus.

It is important to point out the fact that the formation of this committee was not stipulated by the rules of procedure of the National Constituent Assembly, which is why the rules of procedure were amended to include it. It was stipulated that consensual chapters of the draft constitution reached by the committee should be immediately voted on without prior discussion, which facilitated the ratification of the constitution in a short time.

The Consensus Committee contributed to the drafting of a true consensual constitution approved by 200 of the 217 total members of the National Constituent Assembly. The constitution was ratified with almost unanimous consensus in a historic session held on January 26, 2014.

The constitution's chapter on local authorities was considered the best chapter in terms of formulation and consistency of ideas and chapters.

- **The participatory mechanism:**

The participatory mechanism in the drafting of the new Tunisian constitution enabled Tunisian citizens both inside and outside the country to discuss the draft constitution and to submit suggestions in this regard. The National Constituent Assembly organized national dialogue sessions to discuss the constitution with civil society organizations in the beginning, then within the different bodies with citizens and also abroad with Tunisians living in foreign countries.

Despite the importance of the technical and the participatory mechanisms, they remained insufficient to contain all differences and to overcome fears of the possibility of drafting a constitution tailored to serve a certain party. Therefore it was essential to seek the widest consensus possible on the constitution and in particular to establish a framework for negotiations and dialogue which would allow the convergence of views and to reach settlement and wider consensus.

- **The dialogue and consensus mechanism:**

Reaching an important consensus like the one reached on the constitution was not an easy process, especially in light of the diversity of the political scene within the National Constituent Assembly.

When the draft constitution of June 1, 2013 was issued and was subjected to public discussion in the plenary session, a number of opposition MPs rejected it and believed that some of its

Tunisia—in particular, to protect the transitional track and the emerging democratic experience.

The drafting of the constitution followed three main mechanisms, respectively:

-Technical mechanism

- Participatory mechanism

- Dialogue and consensus mechanism

- **The technical mechanism:**

The drafting of the new Tunisian constitution at first underwent a technical mechanism and thus six constituent committees were set up, each consisting of 22 members from the different political parties and from independent members. Each committee was responsible for the drafting of one of the constitution's chapters.

Working environments differed within the committees according to their issues and dimensions of the discussions conducted within them. They sometimes gave rise to tension in discussions of a political nature, such as the committee on the executive and legislative authorities and the relationship between them. Disagreements were mostly settled through voting that did not result in the majority defending one or another idea. This is why consensus was sometimes difficult if not impossible to reach.

In contrast to this specific committee, the working environment within other committees like the Public and Local Groups Committee was good and did not need to resort to the voting process, as consensus was the only mechanism applied.

Democratic Alliance Party (*L'Alliance démocratique*), *Nidaa Tounes* Party, the Democratic Movement Party (*Courant Démocrate Tunis*) and *Wafa* Movement.

Dialogue and negotiation routes in the Tunisian experience

Consensus or negotiation and dialogue consisted of three important routes in Tunisia. Their respective order is as follows:

1. The Constitutional Route

2. The Government Route

3. The Electoral Route

1. The Constitutional Route

The constitution is not only a legal document that contains declarations on rights and freedoms, a general view of the ruling system, and a social contract that organizes citizens' relations with each other as well as with the ruler, but also is a comprehensive participatory track where all forces within society—such as political parties, civil society and citizens—take part, without any form of exclusion or alienation of any component or group, even if it is a minority.

Constitutions drafted in transitional phases are characterized by the fact that electoral legitimacy is not sufficient unless all disagreements are resolved. This is why it needs to be enhanced and supported by a consensual legitimacy or a dialogue that leads to the convergence of different views, where all parties are ready to compromise not for the sake of the opposing party or to serve narrow partisan interests, but for the benefit of

and political negotiations (because of the poverty that has dominated the political scene for more than 20 years), and despite the young experience of political forces and the fragility of their political heritage, the Tunisian political parties succeeded in reaching consensus over important issues. Before discussing that consensus and how it was reached, it is important to explain the landscape of political parties in Tunisia.

The political scene within the National Constituent Assembly was formed of the following:

- Tunisia's Renaissance Movement with an Islamic frame of reference, which won the majority of parliamentary seats and formed the government together with two other political parties of liberal orientation: The Congress for the Republic and the Democratic Forum for Labour and Liberties.

- Opposition parties within the Assembly mainly consisted of the Democratic Progressive Party, with a centrist leftist orientation and which was later turned into the Republican Party, as well as the Democratic Modernist Pole Party (*Pôle Démocratique Moderniste*), a social liberal party, Afaq Tunis *(Afek Tunis)* or Horizons of Tunisia, with a liberal orientation; the Tunisian Communist Workers' Party (*Parti Communiste des ouvriers de Tunisie*), a communist Marxist party; and the Initiative Party (*L'initiative*), which is among the centrist leftist parties.

- Other parties were formed within the assembly by a number of MPs who defected from the blocs and parties they were running for during the elections, such as the

was mostly characterized by its fragility and the fear of returning once again to totalitarian rule. This is why on March 15, 2011 the Supreme Authority for Achieving the Goals of the Revolution, Political Reform, and Democratic Transition was formed, consisting of 28 political parties and national organizations. Among its most important decisions was the issuance of two decrees: the first concerned the establishment of the Independent High Authority for Elections, and the second the electoral law that provided the framework for the election of the National Constituent Assembly (Assemblée Nationale Constituante), which was entrusted with the task of drafting Tunisia's new constitution.

Tension was sometimes witnessed at the coalition's sessions along with the withdrawal of some political parties, like the Renaissance Movement due to the absence of a climate of dialogue and consensus. However, despite some disagreements, consensus and exploration of means to converge views were the main characteristics of the coalition's performance.

After the October 23 elections, and the great weight they granted to some political parties against the minimal weight they granted to others, this cycle was the beginning of a rift between political parties between which relations were once based on dialogue and consensus. The reason behind this is that the transitional phase or the constituent phase as well as the ruling experience sometimes provided an opportunity for disagreements to arise, but in the end consensus dominated the scene.

Despite the weakness of political forces, due to the absence of a climate of freedom and the absence of a culture of consensus

formed in 2005. The Coalition at that time consisted of a number of political parties and figures who opposed the former regime. It brought together almost all opposition parties, i.e. The Democratic Progressive Party (*Partie Democratique Progressiste- PDP*), the Democratic Forum for Labour and Liberties (*Forum Démocratique pour le travail et les libertés*), *Ennahdha* Movement (Renaissance Movement), the Congress for the Republic (*Congrès pour la République- CPR*), the Tunisian Communist Workers' Party (*Parti Communiste des ouvriers de Tunisie*) and the Unionist Nasserist Movement in Tunisia (*Mouvement unioniste nassériste*), in addition to a number of independent politicians.

Despite differences between these parties, common features were more dominant and in its founding statement, the coalition criticized the deteriorating situation in the country, especially with regard to freedoms.

The coalition itself set up the 18 October Collective[18] to settle disputed issues, especially between Islamists and Secularists. The discussions and consensus led to the issuance of a number of declarations on the relationship between State and religion and on freedom of belief, conscience, women's rights, and gender equality.

The 18 October Coalition of Rights and Freedoms was a real forum for dialogue between the political parties, contributing to the convergence of different and sometimes contradictory views among the various political families.

After the December 17, 2010 –January 14, 2011 revolution, the country witnessed from January 15 a transitional phase that

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[18] Or 18 October Collective Dialogue Forum.

Political Parties and the Negotiation Process:
The Tunisian Experience as a Model

Sana Mersni

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Introduction

It is not an easy or simple process to conduct negotiations and to reach consensus and settlements between different political parties or between members of parliament. At first, consensus seems to be ideal and easy to reach; however, it is actually very difficult to reach, especially when dealing with political parties that hold different conceptual, economic, and sometimes social visions.

The Tunisian experience was characterized by consensus and dialogue; those were the means that Tunisian politicians used to deal with their differences and the various crises that almost ravaged the emerging Tunisian democracy, revolution, and Tunisian Spring.

Consensus and dialogue were actually not newly applied concepts in Tunisia, but they rather emerged before the revolution as there was a common ground for dialogue between political parties with different orientations and visions represented in the 18 October Coalition of Rights and Freedoms (*Collectif du 18 octobre pour les droits et les libertés*) that was

constitution, for example, will lead nowhere. Therefore, negotiations and compromise should be based on common ground or they will be temporary solutions that would soon collapse.

In Egypt, there is a civilian constitution and basic rules that control the political process. This means that circumstances allow negotiations to be fruitful and help in the current case of political and social tension—whether they take place between the new authority and its opposition or among the opposition.

Successful experiments, such as those in Eastern Europe and Latin America, employed public pressure to reach agreements with the authority and established democratic regimes.

A key aspect in the problem of the Egyptian experience is that most of its political powers that participated in the revolution criminalized negotiation and the reaching of agreements and compromises between the factions and Mubarak's regime or among themselves. The same was repeated during the rule of the Muslim Brotherhood, who rejected making any change or concessions to opposing factions—as was the case in Tunisia— and held tightly to its monopoly of power.

It is important to note that a significant part of the problematic political situation in Egypt can be attributed to the missed chances of negotiations towards reaching a middle ground, which then lead to repeated crises in the political situation. Insisting on dissolving the National Democratic Party and disposing of its reformist leadership that led it after the January revolution resulted in its members being recycled to other Egyptian parties and also the return to the political arena of figures, who were accused of corruption and against whom the Egyptians revolted.

Negotiations and compromise are two essential conditions to the success of any democratic and political process, when an agreement is reached on a number of principal rules that control the process of negotiation of a civilian constitution and the peacefulness of the political process. Without reaching an agreement on the principal rules, no negotiations will succeed because they will be among opposing rather than merely different parties. Negotiations that take place between parties that do not believe in democracy, the political process, or the

opinions about the constitutional draft, they weren't fruitful because the Brotherhood insisted on its own vision for the constitution. They insisted that time was not a factor compared to the importance of having a consensual constitution, issuing a group of national forums so as to reach agreement related to central issues such as social justice, retribution for the martyrs, ensuring that the disagreement wasn't on the place of Sharia law but rather on guaranteeing social and economic rights for the citizens, and committing the State to its role in this guarantee. Various political factions participated in these meetings, including the three unsuccessful presidential candidates: Hamdeen Sabahi, Abdel Moneim Abu El-Fotouh, and Amr Moussa. In contrast to previous meetings, these meetings were remarkable for being public. This was considered a positive step. However, these meetings led nowhere as they didn't result in changing any of the positions of the Brotherhood. This resulted in the public uprising of 30 June and the subsequent army intervention on 3 July which led Egypt into a new phase of its political history.

Conclusion

In general, it can be said that successful democratic change has been accomplished by those who have employed successful negotiation techniques between opposing political parties, whether between democratic parties and the non-democratic authority or among the various opposing political parties, so as to open a path for building democracy. Unsuccessful change experiments are the ones that have relied on revolutionary exclusion and political isolation and gave their leadership special immunity, be it revolutionary, religious, or racial immunity, so as to place them higher above negotiations.

boycotted by a number of large political parties at the time. It occurred immediately before the second round of the presidential elections in 2012, which was won by Mohammad Morsi. The context leading to the agreement was an attempt to reach an understanding with Mohammad Morsi and his assistants to protect the revolution from attempts that they referred to as counter-revolutionary.

This meeting faced strong attacks from various civilian factions that considered the participants as partners in the crisis and the prevailing catastrophe with the Brotherhood ruling the country. They also attacked the participants as being the ones behind the Brotherhood's rise to power and rule of the state.[17] This attack came after the Brotherhood retreated from their pre-election positions and agreements similar to the Fairmont Agreement. It also came as a reaction to the Brotherhood's exclusion of others when making crucial decisions and as a reaction to the Brotherhood's refusal to meet with members of the National Front after Morsi's election as president.

- **Meetings to no avail**

Presidential discussions during Morsi's rule:

These were a group of discussions that Mohammad Morsi had with a number of politically influential personalities. These meetings came after the meetings and preparations of the constituent assembly in 2012 and after the constitutional draft of that time. Those personalities included Amr Moussa, Hamdeen Sabahi, and Abdel Moneim Abu El-Fotouh. Though the meetings were intended to explore the participants'

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[17] In Arabic: Hassan Nafeah: Fairmont, and what do you know about Fairmont. Al-Masry Al-Youm Newspaper. 20.4.2013 http://is.gd/NgZdZp

Relevant to this event, Burhami pointed out that previous attempts were made to reach an understanding between the various political parties in relation to the presidential elections. One such attempt revolved around Burhami having previous contact with presidential candidate Ahmad Shafik prior to the start of election campaigns. The contact was about knowing the possibility of the Salafis supporting Ahmad Shafik in the elections. The response from the Salafis was a refusal to give support because they were unable to support any candidate who was not Islamist.

Similarly, Burhami pointed out that there was a third attempt to reach an understanding before the presidential elections in 2012. This was made with a number of the leaders of the Military Council to demand that they be responsible for the Egyptian bloodshed.

The main problem with these attempts was that they were presented to the public as leaks and were viewed as opportunistic and disappointing to the supporters of these currents. They were also presented as evidence that these currents had ties to the former regime and that the attempts were made in violation of the trust of the revolutionaries, the revolution itself, and general principles. The media played a significant part in the way these attempts were presented.

3- The Fairmont Agreement

This was an agreement that resulted from a meeting between the Muslim Brotherhood and various political powers that later came to be known the National Front for the Protection of the Revolution. Mohammad Morsi was the presidential candidate and represented the Brotherhood in the meeting. It was

according to the attackers, how the two had little political knowledge since the president (Morsi) was the one controlling any relevant decisions.[15]

2 -Ahmad Shafik and Yasser Burhami

This was an event in which leaked information revolved around some kind of contact or an attempt to reach an agreement between the then-presidential candidate Ahmad Shafik and Yasser Burhami, the deputy Salafi Call party official (*Al-Da'wa Al-Slafaya*) in Alexandria. This took place just before the presidential election in May–June 2012 and was said to be about reaching an agreement and understanding around a group of principles if Ahmad Shafik won the elections. The principles were: no revenge was to be taken on the Muslim Brotherhood if Shafik won, including the Brotherhood in the government; the prime minister was to be assigned from the majority which was dominated by the Brotherhood, emphasizing their stance from the Islamic *Shari'a* law; the importance of including Sharia law in the constitution; the issue of deleting some Quranic verses from textbooks; and the issue of Christians and not giving them too much in a way that the Salafis thought would make them more influential in society than themselves. At the same time, Al-*Nour* Party and the Salafi Call (*Al-Da'wah Al-Salafiya*) party were in constant contact with the various political groups (including public figures such as Abdel Moniem Abu El-Fotouh) in an attempt to guarantee the centrality of *Shari'a* and to ensure that no other Islamic entities would be dissolved.[16]

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[15] Ahmad Mansour "Secrets of the meeting between Amr Musa and Khairat El-Shater. Al-Shorouq Newspaper. 10.6.2013. http://is.gd/YICcq2
[16] In Arabic: The truth of Shiekh Yasser Burhami's visit to Ahmad Shafik prior to announcing elections results. Youtube. Wednesday 26.9.2012 http://is.gd/xOKg3k

representative of the Salvation Front at Ayman Nour's home to discuss and debate the crises facing Egypt, including the 'Renaissance Dam' in Ethiopia. The meeting was met with attacks in the Egyptian media. The Chairman of *Ghad Al-Thawra* party, Ayman Nour, came forward to state that his arrangement for the meeting was a result of a request made by Amr Moussa to meet Khairat El-Shater. This was denied by Amr Moussa and his close circle stating that his presence was related to a matter relevant to national security and that the meeting was arranged without his knowledge or request. Opposition to the meeting included an array of accusations towards Ayman Nour and his party which called the meeting a trap and an ambush made by *Ghad Al-Thawra* party. The *Ghad Al-Thawra* responded that it hadn't taken this step without Amr Moussa's personal request to prevent bloodshed before the 30 June protests.

This was accompanied by a massive attack by political groups and public figures on Ayman Nour describing him as a politically isolated figure and stating that what he was doing was an attempt on his part to break his political isolation while seeking a political role.[14] He was described as well as a figure whose political career ended with the end of the former regime.

Such attacks were not limited to the Islamists, but also were carried out by public figures and media figures related to Islamists. They commented that the meeting took place for no other reason than Amr Moussa and Ayman Nour obtaining political gains in the regime because both believed that Khairat El-Shater had control over the regime and Morsi. This reflected,

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[14] Waheed Hamed confounding Amr Moussa and Ayman Nour after meeting Khairat El-Shater to end the 30 June protests. YouTube. 5.6.2013. http://is.gd/CQuJnt

treason became prominent and a war of statements began in which each party or current accused others that declared or became known for seeking to reach an understanding with the regime on any issue. Such accusations included misinterpretation of stances, as was seen in the case that happened with Al-*Wafd* party, which declared its acceptance of the El-Salmi's document—the drafter of which was one of the party's leaders—except for some articles such as number 9 and 11 which were the cause for rejection of the document by other parties.

Instead of discussing visions and presenting alternatives, the political groups became accustomed to throwing accusations of treason at each other and 'politically trading on the revolution'. At the same time, these accusations were far more frequent than the citizens attacking and rejecting the groups. The accusations made by the civilian groups toward the Military Council included claims about the council's submission to the threats of the Islamists and the Muslim Brotherhood during the transitional stage and claims regarding certain understandings, or political deals, between the two parties which guaranteed Mohammad Morsi's presidency and a safe exit for the Council and its members.[13] This agreement was crowned with Tantawi and Anan's honorable exits.

"Forbidden" Meetings:

1- Amr Moussa and Khairat El-Shater

These meetings were presented in the form of leaks about a meeting that included Khairat El-Shater as representative of the governing regime at the time, and Amr Moussa as a

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[13] A safe exit before Morsi's rule. Al-*Wafd* Newspaper. 16.10.2012
http://is.gd/Ns6N8H

Amr Moussa. Those rejecting it announced in a press conference their intention to protest against this document to prevent it. They also called for protests against what they viewed as increasing the powers of the SCAF[10], and demanded that the Military Council leave power. Those rejecting it further accused those accepting it of spreading public misinformation and of being loyal to the Military Council and the former regime. That was evident in a speech by Ayman Nour, chairman of Al-*Ghad* party.[11] Simultaneously, Islamist powers and their media focused their attack on the idea that the document was a product of the secular and civic powers that are in coalition with the "*Feloul*" (the remnants of the former regime). The Islamists, in their accusations towards the founding committee and the process of writing the constitution,[12] also accused them of disrespecting the parliamentary elections, abandoning the will of the citizens as evidenced by the March 2011 referendum, attempting to control the upcoming parliament, and imposing more 'secular' restrictions.

Many political groups organized different protests against the document. These powers included the Muslim Brotherhood, the Salafist Front, various Islamist groups, Al-*Wasat* Party, *Ghad Al-Thawra* Party, the revolution youth coalition, the 6th of April Movement, and the Egyptian current.

This document seemed to encourage many political groups to start on counter-accusations instead of holding discussions towards agreeing, rejecting, or amending it. A discourse of alleging

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[10] Supreme Council of Armed Forces
[11] Opposing constitutional draft, Aljazeera website 3.11.2011 http://is.gd/4tMS3n
[12] El-Salami document.. the interests of the secularists and the West first. Elmoslim website http://almoslim.net/node/15427

his immediate resignation and the return of power to the Egyptian people. They stressed as well that they rejected the dialogue, which they referred to as comical. They described the dialogue which Omar Suleiman called for and organized as being made up of caricature parties fabricated by the regime itself and as being a chance for Omar Suleiman to disseminate his ideas before the media so as to deceive the Egyptian people without achieving the demands of the protestors in Tahrir Square and other squares. They insisted that Mubarak step down before anything.

- **The Supreme Military Council Stage: which negotiation?**

There were a number of attempts to reach agreement and establish communication between the various political powers and actors during the authority of the Supreme Council of Armed Forces (SCAF). The attempts varied from addressing general guidelines of the future system and the political process (as was the case in the El-Salmi's document) to an array of measures relevant to the transitional stage during that time, as was the case in the electoral laws and the laws related to commencing civil and political life.

1. **Ali El-Salmi's Document**

This was the document presented and adopted by Ali El-Salmi (Deputy Prime Minister during Essam Sharaf's cabinet in 2011). It gained the approval of Al- *Wafd* Party, Al-*Tagamu* Party, and the Egyptian Social Democratic Party. It contained a group of principles that came to be known as meta-constitutional to be included in the Egyptian constitution. The principles were strongly rejected by other political factions such as the Muslim Brotherhood, Al-*Wasat* party, and other public figures including

the revolution's youth and civil currents maintained their original rejection of negotiation with the regime and considered the political powers that negotiated as traitors to the demands of the masses and as working to divide their unity.

There were attempts to form coalitions and to unite demands to reach an agreement with the regime. Such attempts include the National Coalition for Change which included a number of parties: Al-*Wafd*, Al-*Tagamu*, and the National Association for Change. The coalition defined four goals: Mubarak's stepping down; forming a national unity government; calling for the formation of a committee to write a new constitution for the country; and dissolving the parliament.

A sub-committee was formed and was delegated the task of negotiating and managing revolutionary issues. Its members included Mohammad Elbaradie, Ayman Nour, Hamdeen Sabahi, George Ishak, Abdelgaleel Mustapha, Magdi Hussain, Mohammad El- Beltagi, and Mahmoud El- Khudeiry.[9] This coalition accepted negotiations with Omar Solieman after Mubarak announced his intention not to run for office in the next elections, to meet the demands for constitutional and jurisdictional amendments, and to bring to justice those responsible for the chaotic security situation. At the same time, a number of youth factions were late to join the negotiations with Omar Solieman—such as the 6th of April movement, which indicated that the intelligence tactics that Omar Suleiman followed in dealing with the protestors in Tahrir Square were not acceptable. The movement also indicated that they did not accept the road map drawn by Omar Suleiman and demanded

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[9] The national change coalition negotiates the regime Al-Ahram Newspaper 2.2.2011 ،http://is.gd/HacnwB

some political powers, especially the youth, refused to negotiate before Mubarak's stepping down. These included the 6th of April youth movement that announced a refusal to enter negotiations before Mubarak left the political arena, a transitional national coalition government was formed before drafting a new constitution, the parliament was dissolved, and those responsible were brought to justice for the death of hundreds in Tahrir Square.[6] Also, it should be noted here that some parties changed their stances regarding negotiations, such as the Muslim Brotherhood which at first rejected negotiations and dialogue with the government before Mubarak's stepping down but later moved to showing a willingness to sit with the vice-president to hear his offer and reach an understanding.[7]

Contradictory as it is, the Brotherhood attacked the negotiations that political parties such as Al- *Wafd* and Al-*Tagamu* made, and insisted on not going to negotiate before Mubarak stepped down.[8] The Brotherhood later started negotiations with the regime without the pre- condition of Mubarak's stepping down as a priority.

What is remarkable about this overview of negotiation attempts is the oscillation of the stance of political powers between the position of rejecting dialogue and agreement with the political regime at the beginning of the events and, later on, the position of preferring to negotiate. At the same time, a wide current of

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[6] The 6 of April movement rejects dialogue with Omar Solieman. Al-Youm Al-Sabea Newspaper, 5.2.2011 http://is.gd/zZw7Sh

[7] Omar Solieman meets representatives of parties and youth of 25th January. CNN Arabia ،http://is.gd/5UDttK

[8] The opposition relies on the constitution in Mubarak stepping down. CNN Arabia ، http://is.gd/LiXK8b

one-on-one basis. An example of this could be the meeting between Omar Solieman and some representatives of the youth protesting in Tahrir Square (including Abdulrahman Youssef and Mustafa Al-Naggar) to hear their demands. Also, there were meetings with the different traditional political powers such as the parties of Al-*Wafd* and the Nasserists and with political but non-party figures such as Al-Sayed Al-Ghadban, the spokesperson of the National Change Movement. Also, there were separate meetings between a number of representatives of political parties, such as Sameh Ashour as a representative of the Nasserist party meeting with Major General Omar Solieman.

It should be noted here that there were constant attempts to communicate and negotiate between the different political factions and the political regime within the first 18 days of the revolution. During this period the first efforts to communicate can be summarised. The governing political regime attempted repeatedly to open communication channels with the various political factions so as to reach an understanding to end the protests and respond to the demands of the protestors. Then, Major General Omar Solieman was delegated as vice-president to undertake the task of opening communication channels and contacting the various political powers in the form of a series of meetings and gatherings with the political parties that included Al-*Wafd* Party, Al-*Tagamu* Party, the Nasserist Party, the protesting youth such as Abdulrahman Youssef and Mustafa Al-Naggar, and the Muslim Brotherhood. Solieman's meetings at the time also included what came to be known as the Committee of "wise men", which included a group of public figures that was supposed to play the role of mediator between the demanding protestors and the old regime so as to reach an agreement out of the crisis. It should be noted here as well that

stepping down without having a replacement for him from within or from outside of the regime. It also led the country down a chaotic path in which the 1971 constitution was abandoned and in which parliamentary elections took place before agreeing on a constitution. The elections were won by the Brotherhood, who designed a non-consensual constitution that only fit the Brotherhood and was not satisfactory to the other political parties and a wide array of the Egyptian people.

The cause of the confused route that Egypt entered onto can be traced to the lack of a culture of negotiation and dialogue with the old regime and with the different political parties. That is because the chaos that the country experienced for three years led in the end to the retreat of the reformist discourse as a result of the growing fears of the collapse of the state and creation of a state of chaos similar to what is happening in other countries in the region. A wide current among the public came to reluctantly accept (whether explicitly or implicitly) a non-democratic system, for the mere reason that it has reached the conclusion that no alternative exists besides chaos and the collapse of state institutions.

This paper will address the most significant dialogues in Egypt from the January revolution until the fall from power of the Muslim Brotherhood:

A negotiation attempt between Omar Solieman and political factions (February 2011)

During this period, no Single meeting between the vice-president and director of the Egyptian intelligence, the late Omar Solieman with the political factions, but there were a series of meetings and gatherings with political powers on a

political settlement, whether it be between revolutionary powers and others or between civil and Islamist currents, to the extent of criminalizing the mere idea of dialogue and negotiation. That is despite the fact that all of the successful democratic changes in eastern Europe and South America, and in Spain and Portugal in particular, have relied on the idea of dialogue and negotiation between opposing political groups. There, condemnation and appraisal are relevant to the outputs of the dialogue and do not target the dialogue per se.

In fact, most of the actions of the political powers in Egypt with the idea of "negotiating with the opponent" since the January revolution have been, for the most part, condemnation of campaigns and accusations of treason and abandoning the principles of the revolution without seeking the results of any dialogue. Probably, the situation would have been better now if Egypt had entered a reformation and negotiation path after the January revolution, aimed at amending the 1971 constitution; negotiating to keep the National Party in power but expelling the corrupt members from its leadership along with keeping it to its natural level of representation under free elections (around 30%); accepting a reforming alternative from within the regime of Mubarak when the leadership of the party, following public pressure, was undertaken by the reformist Hussam Badrawi.

All negotiation paths were aborted under the pressure of the revolutionary coalitions to the point where the National Party was dissolved and its members, both good and bad, took to different parties and the public pressure for reformation and democracy fell back.

In fact, refusing the notion of negotiation to reach settlements led in the end to abandoning the constitution and Mubarak's

The Problem of Negotiation in Egypt

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Introduction

Negotiations between the State and the opposition started as if they were an impropriety that needed to be hidden from public opinion; that is because they were linked repeatedly to political deals and not explained in terms of agreements on specific issues that would be presented to the public. More often than not, such negotiations were condemned before they started by different political factions that were only united by virtue of being the opposition, despite their ideological discrepancies. Examples would be the dialogue between some of the youth of the revolution with Omar Solieman, the former director of the intelligence during the reign of the former president Hosni Mubarak, or with the former Prime Minister Ahmed Shafik. These dialogues were faced by revolutionary attitudes from many youth powers that foiled the dialogues before their start. Also, the dialogue between Amr Moussa and Khairat Al-Shater (the Muslim Brotherhood's strong man) that took place weeks before the fall from power of the Brotherhood, was considered a crime and treason against the civic current by many.

It has become common and widespread within the Egyptian political arena to criminalize the notion of negotiation and

absorbed. Authoritarian regimes accord legitimacy to political actors based on the extent to which they agree with the regime. Under democracy, that legitimacy comes from the willingness of the public to vote for parties. It is in the interests of all the political parties to accept and encourage that division, but create a political system for managing those differences within parliament. In short, the notion that you can be loyal to the nation, but fundamentally disagree with the policies of the government should be a cornerstone of the new political settlement.

the nation itself. Rulers actively encouraged such perceptions by demonising particular politicians, activists and parties. Under such circumstances, the liberal and secular political parties found it hard to present a nuanced opposition to the governing authorities and were frequently accused of co-option. This meant that the only meaningful opposition came from outside the political system, usually in the shape of Islamist parties such as the Muslim Brotherhood, who were portrayed as a danger to the nation's stability.

Unsurprisingly, given this context, relations between political parties after the various uprisings were weak. And, suspicions about the motives of the various political parties were reinforced by the various roles they played in the overthrow of the previous regime. In Egypt, for example, the absence of the Muslim Brotherhood during the revolution was regarded as evidence of its collusion with the armed forces, the liberal parties were often regarded as having been co-opted by the previous regime, and the newer parties were seen as unknown revolutionaries.

The functioning of the political system depends on each of the political parties recognising that although they may have fundamentally divergent views about how the nation should progress, this difference is the basis of democracy. The responsibility for emphasising this lies with parties themselves. As Tom Lodge states in on South Africa, there is little advantage in treating your electoral opponents as enemies; instead, parties should stress what they want to achieve, rather than remind supporters about past hatreds.

The stability of the system will depend on the degree to which those parties previously regarded as enemies of the state are

The events in these countries throughout 2011 and 2012 emphasise the idiosyncrasies of those regimes, and the limited capacity of the strategies to manage change. But the key point for all was that political participation was only possible within distinct limits set by the rulers.

Second, that strategy of managed reform also depended on an active manipulation of either the system or the political actors, or both. In many countries, the institution of political parties were either rendered entirely illegal or else certain political parties were banned, for example on the basis that they were religious parties - as has been the case in an obvious attempt to undermine the Muslim Brotherhood. Where political parties were active the electoral system was frequently manipulated in order to ensure that the regime always enjoyed a majority in parliament. This was reinforced by a strategy of dividing any nascent opposition at an early stage, either by providing certain sections of society with favourable policies or by directly bribing independent and opposition politicians to secure their vote. In short, the political and parliamentary dynamics were poorly developed. Where parliamentary blocs did exist, they lacked the discipline and cohesion to organise the parliament effectively. As Daniel Brumberg notes, the survival strategies for autocratic rulers were designed to prevent the emergence of any effective political society, allowing them to split the opposition, and undermine the effectiveness of the political parties as a whole.

Third, the strategy also prevented any conception of 'loyal opposition'. In many states it was, and still is common, for the ruling King or President to be regarded as synonymous with the nation. Therefore, it was not possible to oppose the government, or its policies, without being regarded as against

targeting and demonising them. Although every country in the region has its own particular history, there are, generally, three elements to this ruling strategy, first, 'managed reform'; second, suppression of political society; and third, the absence of any concept of a 'loyal opposition'.

First, the ability of ruling monarchs or presidents across the region to hang on to power for so long has been ascribed to a strategy of 'managed reform'. In other words, in an effort to secure the legitimacy of the regime, its leaders would engage in a pro POLITICAL PARTIES in DEMOCRATIC TRANSITIONS DIPD page 87 cess of gradual political liberalisation, whose pace and content is determined by the ruling autocracy. This would often involve institutional reform and the impression of political change, but without the transfer of any substantial power. It was thus an exercise in top-down management characterised by 'guided pluralism, controlled elections and selective repression'.[4] Countries such as Bahrain, Egypt, Jordan, Kuwait, Syria, and Yemen, were regarded as 'liberalising autocracies" which were, "liberal in the sense that their leaders not only tolerate but promote a measure of political openness ⋯ but they are autocratic in that their rulers always retain the upper hand ⋯ with their ultimate reliance on the supreme authority of the monarch or president, liberalised autocracies provide a kind of virtual democracy".[5]

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[4] -Brumberg, D. (2002) "Democratization in the Arab World: The Trap of Liberalised Autocracy", *Journal of Democracy,* Vol. 13. No.4, P. 56.

[5] - Brumberg, D. (2003) "Liberalization Versus Democracy: Understanding Arab Political Reform", Democracy and Rule of Law Project, Working Paper No. 37 (Washington, D.C.: Carnegie Endowment for International Peace), P. 3.

The period of transition provides the most extreme stress test of political parties’ internal structures and of their ability to respond to the concerns of voters. Although the political dynamics will vary from country to country, managing these sorts of tensions is an issue for all political parties.

Overcoming Antagonism: Inter-party Dialogue in the Arab World

The need for inter-party dialogue and engagement in transitional states is arguably greatest at the very moment when parties are least suited to conducting it. The months immediately following the overthrow of the previous regime require concerted negotiation between the political parties over the shape of the constitution and the allocation of powers between organs of the state. Political parties should be the principal vehicles for conducting this discussion, reflecting the interests of different sections of society in those negotiations.

Yet, aside from the practical problems of party development outlined above, there is very little common basis on which the political parties can build. The key political players are likely to be unfamiliar with one another, and a limited democratic culture or few norms governing such interaction, the period is frequently marked by distrust and uncertainty about others’ motives. The low levels of trust mean that negotiations can resemble a zero-sum game, in which any win for one political party must inevitably result in the loss for another. Such an atmosphere is not conducive to constructive political debate.

In the Arab countries, such uncertainty and distrust is partly a legacy of the previous regimes, which emphasised the divisions amongst the political movements, and which frequently sought to undermine public confidence in certain political actors by

hard to see how these groups would not quickly take on the characteristics of parties once they started competing for power, including the various familiar negative attributes, such as self-interest, corruption, and combative rivalries"[3]

And, although citizens may not be particularly endeared to political parties, they do recognise the role that they perform. For example, in a region that has experienced considerable political upheaval in recent decades, the 2011 *Latinobarometro* poll showed that across 18 countries, 58 per cent of the public now believes that democracy would be impossible without political parties.

Political parties play a particularly important role during the transition and consolidation phases of the democratic cycle. During these periods, political parties have to make the system work and start to deliver on some of the expectations that the public has invested in them. In the early phases of transition, citizen expectations of parties and politicians are exceptionally high. Yet, it is also at this point when political parties are least equipped to respond to these expectations. At this stage, parties are often poorly-rooted in the societies they seek to represent, equipped with few resources, and faced with a multiplicity of tasks involved in solidifying their internal structures and policy platforms; establishing their membership, campaigning and representative machinery; and distinguishing themselves from other political parties in the public mind. Faced with such pressures, parties are likely to fall short of popular expectations.

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[3] -Carothers, T., (2006) *Confronting the Weakest Link: Aiding Political Parties in New Democracies,* (Washington, D.C.: Carnegie Endowment for International Peace).

be critical in the establishment of the quality and durability of the new political settlement.

Political parties play a – perhaps the – pivotal role in providing the vehicles to mediate between different shades political opinion, aggregate public opinion, and provide policy alternatives for governing. As the Danish Institute for Parties and Democracy (DIPD) has noted, parties "articulate visions of how society should be shaped and how resources should be utilised."[2] Yet, in many parts of the world, political parties are in a troubled state. They tend to be amongst the least trusted institutions, often plagued by perceptions of corruption, and vulnerable to the suspicion that they are guided more by the pursuit of power than ideology or principle. The performance of the party system itself often reinforces a sense of public disillusion and emerging democracies tend to suffer either from a fragmentation of political parties, which hampers effective government, or dominance by one party which excludes a wide range of opinion. At the same time, the relevance of political parties is being challenged by new forms of political activism that allow individuals to articulate their support for single issues rather than having to buy into a platform of policies which characterise political party representation.

Political parties are not only essential; they are inevitable. As Thomas Carothers has suggested, *"If the political choices presented to citizens were merely a scattering of individuals not organised in groups, it is hard to imagine how a government made up of such non-associated individuals would function coherently. If the political choices were ordered in groups, it is*

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[2] -DIPD (2011) "Strategy 2011-2013: Political Parties in a Democratic Culture" (Copenhagen: Danish Institute for Parties and Democracy).

fluidity, fluctuation and unpredictability. Descriptions such as the *Arab Awakening* provide useful shorthand, but do not capture the diversity of experience and expectation that exists amongst the people of the region. The wave of protest touched many states, and most obviously resulted in the removal of entrenched autocratic leaders in Tunisia, Egypt, Yemen and Libya. Yet the subsequent trajectories in these four countries emphasise the extent to which the process of transition is determined by specific local and contextual factors.

The widely recognised danger is that the overthrow of an authoritarian regime does not mean that democracy is inevitable. Although a country such as Egypt is clearly in transition, it is by no means clear *what* it is transitioning to. The challenge for analysts, political practitioners and international agencies keen to foster the spread of democracy is to draw out the critical lessons from these experiences. The distinctiveness of each country's experience means that there are no templates for political change. Rather, the most useful insights are likely to come from understanding the factors that shape political behaviour and the way in which people, political actors and institutions interact with one another in the establishment of the new system.

In this process, political parties are key. They provide the principal bodies for representing and articulating public concerns, and will be central to the negotiation of new political structures. Their organisation and effectiveness will go a long way to determining the dominant political culture, and provide the basis upon which different sections of society engage with each other. In short, the performance of the political parties will

The Crucial Role of Political Parties in Democratic Transition[1]

Greg Power

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The massive political upheaval within the Middle East and North Africa since the start of 2011 has brought new levels of interest in how countries transition from authoritarian regimes to democracy. The suddenness, speed and scale of that change has made analysis particularly difficult, as does the fact it occurred in a region almost entirely untouched by democracy. As recently as 2010 the prospects of meaningful change appeared extremely poor, with the *Journal of Democracy* that year publishing an article under the searching title, ʻWhy are there no Arab democracies?ʼ Most academics and analysts have been more concerned with finding reasons for the ʻArab exceptionalismʼ that had prevented democratic politics from taking root, almost assuming the inevitability of stasis in the region.

From Authoritarianism to Democracy:

Events since have overturned many long-held assumptions about the Middle East's capacity for representative politics. Where the region's politics were once conditioned by deadening certainty, they are now more characterised by

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[1]This chapter is the summary of the Introduction and Conclusion of the Report on "Political Parties in Democratic Transition", Published by the Danish Institute for Parties and Democracy, 2012.

Part One: Experiences from Arab Countries

Within this long-term process, cross-party dialogue takes different forms at different stages. But the role of political parties and groupings is always fundamental. At some stages, formal cross-party negotiation may be impossible, and the role of parties is to attempt to move the political discourse towards a climate where dialogue is even possible. In these cases, parties have an important responsibility with regard both to their own members and to the public to acknowledge the possibility of dialogue with the other, despite what are often deep social or historical divisions between them.

Where a formal cross-party dialogue process is in place, the papers identify several factors, which increase the chances of a successful outcome. Firstly, all parties must agree on the mechanism for negotiation itself, even where they may have sharply differing ideological views. Secondly, parties must recognise the need for compromise in the greater, national interest, and sometimes a shift in policy. Importantly, this approach needs not only to be adopted and endorsed by leaders – parties must be prepared to expend time and effort persuading their 'grass roots' members and supporters of the benefits of compromise and the higher purpose. Finally, negotiation must have a defined and agreed objective – 'negotiation for negotiation's sake' is rarely a productive process.

Political transition and dialogue are a long-term commitment. Global Partners Governance has been providing assistance for parliaments and political parties to pursue this process effectively for many years, and is pleased to support this publication, in cooperation with the Arab Forum for Alternatives in Cairo, as one small stage in that process.

Foreword:
Cross-Party Relations and Political Transitions: Negotiation and Compromise

Dr. Sue Griffiths

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Political Parties have a duty to the public to work together in the interests of the political system as a whole. Although it is important for parties to have distinct political positions, they must be ready to compromise and to reach political settlements at times of transition and serious conflict. Nevertheless, some political parties can see negotiation and compromise as a sign of weakness, particularly at times of crisis and upheaval in the political system.

The papers in this volume tackle the relationship between parties during transitions, the perceptions of parties towards each other, how dialogue between parties evolves and how parties have played an effective mediating role during transitions in a number of countries in the Middle East, North Africa and beyond.

Each country's reform process is, of course, unique. It is shaped by its own social, economic and political influences, as well as other factors: outbreaks of violence, the nature of the media, public opinion and the extent of external international pressure. There is no template for transition, but these papers illustrate the long-term nature of the reform process – four years so far in the case of Tunisia and Egypt, 12 in Iraq and a decades-long process of reconciliation in South Africa and Northern Ireland, which is still continuing today.

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