

CHAPTER 6

CONTACTS: ACCESS TO THE PARTIES

1. Approaching the Parties

Having settled upon an initial choice of 'key' parties, the consultants must consider the best means of approaching them. The job is somewhat like that of a salesman with a new product. On the one hand, there are unlikely to be many competitors, although there is now an increasing number of organisations offering facilitation services, but as yet with no problem of loyalty to existing 'brand names'. On the other, the potential 'customers' have no awareness of the benefits that the new product might bring to them. So they may be inclined to slam the door in the salesperson's face. This task, therefore, is a challenge. But it has been done, which means that it can be done again. And it is a job that must be done many times in the future, if there is to be any hope that the world's unsolved problems of protracted conflict, violence and war are to give way to more productive human activities.

The problem breaks down into a series of choices. Who should be approached as a 'representative' of each party? What is the best way to reach the chosen person? What should be said to that person, once access has been gained?

2. Representatives.

The selection of the 'best' persons to approach within a particular group or party is straightforward, at least in principle. The rule is to go to the top, because only the senior leadership can clear a request for participation in a serious problem-solving exercise. Subordinates are in no position to respond at all, still less in a positive fashion, to such an unfamiliar initiative. If they say anything, it will be 'no'. Moreover, once the decision *not* to participate is taken at a lower level in a hierarchy, there is a vested interest in preventing it being changed. The ideal is, therefore, to approach a person who can decide *without further reference*.

Going to the top level does, however, require careful research and forethought. It should, for example, not violate the principle of staying as close as possible to the grass-roots. The organization is what matters most. Within that organization, the need is to find a person *without whose approval the organization cannot act*. At times this might be some 'power behind the scenes', some unobtrusive adviser or *chef de cabinet*.

Finding the name may involve tricky detective work but not 'undercover'. Consultants can and should be entirely frank in their enquiries, following the principle of 'open communication', for problem solving has no axe to grind other than its commitment to understanding and research. But they must also be discreet. They have no secrets to keep, except the professional confidentiality that attaches to their previous casework, but media publicity for their efforts could be damaging for the persons they wish to meet. It is a delicate balance, the same one that is involved in good diplomacy.

It is necessary also to make a judgement about the strength of the leadership to be approached. Only leaders who feel themselves to be securely 'in command' will accept even the smallest risk of sanctioning contacts with 'the enemy'. So consultants must consider the levels of unity and stability within each party. If either appears to be low, then it may be necessary to direct problem-solving initiatives towards the intra-party dispute. This is consistent with a phenomenon often noted in the theory of conflict dynamics. Situations of change, stress, conflict and crisis necessarily produce a chain of political realignments and re-combinations. No conflict can be resolved unless the exercise, involves the leaders of the future as distinct from the past.

3. Making Contact.

Having selected the leaders to be approached, the consultants can move to the next stage, which requires a switch of style and operation. Choosing the right person is an intellectual activity. Arranging to talk to him or her is a practical job of work. In the nature of the problem-solving method, it has to be undertaken without any of the powers and privileges of officialdom. But decision-makers are not likely to take an enthusiastic interest in academic research project, which is what a problem-solving exercise both appears to be - and largely is. In practice, the doorway to senior members of any hierarchy (and even loosely structured political groups do tend to form leadership hierarchies) tends to be barred to all visitors by an assortment of guardians and gatekeepers.

4. Credibility.

Gaining access, then, is difficult but it is not likely to remain quite so difficult in the future. Problem solving has a huge advantage over traditional forms of mediation, and as its qualities and characteristics become

more widely appreciated, the advantage is likely to grow. It provides a new basis of legitimacy for third-party intervention; *professional social science*.

Social science has something in common, at least potentially, with the natural sciences on which the medical profession has built such a prominent and constructive role in society. Conflict theory does not stand wholly in the same relationship to communal violence, riot and war that pathology does in relation to disease, but the two do share the procedure of scientific analysis. Economists, psychologists, management consultants, cost accountants, lawyers and development specialists have begun, since the Second World War, to develop an expertise, a usefulness and also a mystique. Together, they demonstrate a potential for creating an entire range of socially useful *applications* for social science. Analytical problem solving offers a comparable basis for professionalism, because it can be carried out by consultants whose relevance consists of their formal, theoretical knowledge of conflict, its causes, dynamics and effects. Ideally, their standing is dependent upon their competence and experience as qualified researchers. In respect of any given conflict, consultants are 'neutral', in the sense of having nothing political to gain or lose by the outcome. What they have to offer is familiarity with protracted conflicts, technical analysis and prediction based upon analysis applied to other cases of conflict. They meet the representatives of parties in an academic setting of confidentiality, like professional consultants in any other field. At all times, their 'vested interests' lie in their research. They are people who want to know more, not about a particular conflict for its own sake, but about social and political processes of conflict *in general* and how this *generalised* knowledge might be able to help in finding resolutions to *particular* conflicts.

The contrast with traditional forms of mediation is fairly obvious. The great mediators of the past all possessed a rare credibility, known in the literature as *salience*. They were relevant to a particular conflict certainly, or their successes could not have occurred. But *this* was either because they possessed powers of inducement and coercion ('leverage') derived from their role as spokesmen for major states (as in the cases of Secretary of State Kissinger or President Carter) or, perhaps, international organizations (such as UN Secretaries-General Hammarskjöld or Kofi Annan); or perhaps because they fortuitously possessed, as individuals, unique achievements of wisdom, faith, persuasiveness and courage or, as representatives of uninvolved states, true neutrality. But in all cases, their authority was essentially a scarce resource.

Professional authority, however, based upon skills which can be learned, is a plentiful and *growing* resource. Institutions can be created that train people for it. In this respect, the future of collaborative problem solving as a salient basis for resolution efforts is more than promising.

5. Channels.

This foundation of confidence may be needed by the consultant when undertaking the practical task of gaining access to 'senior representatives' of parties in conflict, for this can be a thoroughly dispiriting business.

Deciding whom to contact and convince is one thing. The main issues to be faced involve answering such questions as:

- (1) What is the best way of effecting an entry to decision-making circles in the relevant parties?
- (2) Which party does one approach first? (Our experience is that it is important to make as nearly simultaneous approaches to all the key parties as is practical)
- (3) Through what channels should the initial contact be made?
- (4) Should one try to make contact through local agencies or by 'going in cold'?
- (5) How does one evaluate the advantages and disadvantages of using particular channels, and how will each affect credibility

The original technique used by the Centre for the Analysis of Conflict in the late 1960s was direct and unorthodox. It simply consisted, initially, in sending a formal invitation by mail, and following this up with a personal visit by one or two consultants. The invitation stated that an academic research project was to be undertaken and requested the participation of the parties to conflict. The consultants then had to be prepared to take time and expend such diplomatic skills as they possessed in gaining entry to the person they had come to see.

Subsequent approaches have included establishing a long-term partnership with appropriate local institutions (a university or conflict-research centre within each of the two opposing countries, communities or regions); using local contact persons to introduce representatives to senior decision-makers (the global academic network can be useful here); using channels provided by official organizations already involved with the conflict in one generally acceptable role or another (the UN, refugee and relief organizations, peacekeeping forces, local peace groups); or using the contacts made by other mediators or facilitators who have undertaken similar initiatives in the past.

With all or any of these, consideration has to be given to the pros and cons of using such channels to make an initial contact with parties locked in a protracted conflict. The problem becomes less in later stages of a multi-workshop exercise, when the consultants' continuing credibility depends, for better or worse, on past performance. Khrushchev's dictum that there are 'no neutral men' applies equally to local contacts and to international organizations, so that one needs to think carefully about even the most disinterested offers of help, advice or introduction from local institutions and individuals. One consultant once had his credibility completely and forever destroyed by entering an initial meeting with a contact who turned out to be someone perceived as a strong supporter of the political rivals of the decision-maker he wished to contact and convince.

SEE EXERCISE 6.1

6. Initial Talks with Party Representatives.

Once access has been gained, the task becomes much easier, for there is a great deal to say, most of it positive and all of it potentially convincing. Time is invariably short, however, and that constraint can only be overcome by providing a selection of supporting materials, designed to span the range of readability and sophistication. In the nature of their trade, successful political leaders everywhere and at all levels tend to persons of considerable flexibility and vision. Despite the problems of ideological conviction (and the universally held view that one's own conflict is wholly unique and not to be compared with any others whatsoever), skilled politicians tend to be somewhat less sceptical and rather more receptive to problem solving than practitioners from other fields. In our experience, they compare more than favourably in their open mindedness with many academics and with some middle rank bureaucrats.

7. Making the Case for Problem-Solving.

The case to be put consists simply of a description of the CAPS exercise and its basic aim, which is to analyse conflict in the presence and with the assistance of representative of the parties. The leader should be reassured of academic nature of the exercise and informed that an identical approach is being made to the other party or parties. To this can be added some details of the potential of the exercise, which is to explore - informally - possibilities for resolution.

There is a need to stress what problem solving is not. It is not a negotiation; it is not open in any way to the public; it is not simply another manoeuvre in the continual political jousting between the adversaries. In fact, on the surface it is not a commitment to anything *political* at all, merely a commitment to analysis and research.

SEE EXERCISE 6.2

Most importantly, to participate in the process is not to grant recognition to any other party. On this point the persuasive skills of the consultants meet their acid test. In many conflicts a given party is likely to regard at least one of the others as either wholly implacable or offensively illegitimate, or both. Phrases like: 'The only language those people understand comes out of the barrel of a gun !' or ' We will not give in to terrorism' are to be expected.

Such attitudes are fully justifiable, for both emotional and strategic reasons. Conflicts can be, and usually are, harsh and destructive. Sacrifice creates commitment and bitterness. Moreover, the role of a government is to govern, not to temporize. A constitutionally elected president or prime minister cannot be seen to be dealing with 'rebels'. That would violate his mandate. Revolutionaries are subject to similar structural pressures. They are there to change the system, not to make deals with it.

Consultants must respect these points, for they are fundamental. But they do have a clinching argument to make in response. A collaborative problem-solving exercise – because it is simply academic and unofficial - involves neither recognition nor negotiation. It is an unobtrusive framework that enables parties to meet as belligerents, as combatants in a real conflict. The conflict is the problem they have in common and the exercise gives them a chance to begin to solve it. It does not require them to give up their struggle. But it does give them an opportunity to see beyond the mere continuation of struggle and, furthermore, it offers them an opportunity to discover what the opposition might thinking about those same possibilities.

8. Overcoming Tactical Considerations.

Milder problems than that of recognition can arise from the set of tactical considerations with which a leader must properly be concerned. He or she cannot ignore the day-by-day balance of gains and setbacks to his or her ongoing struggle. A leader must be persuaded that to attend a workshop, or, as is more probable, to send an informal representative, concedes nothing in terms of the issues at stake and presents no obstacles to the attaining of an prospective tactical success that he or she may be hoping to achieve, either vis-a-vis the adversaries or within his or her own party.

In dealing with these points, collaborative problem solving has the same advantage over traditional mediation that it enjoys in several other respects. Traditional mediation is crippled by its own logic. To be effective, it must be undertaken by a person who is either *eminent* or *powerful*, but any action by the eminent or powerful has inescapable political implications. If it is effective, it is partisan. It also cannot easily be kept secret.

In contrast, a CAPS exercise has a naturally low profile. The academic setting, the 'research programme', the scholarly reputation of the sponsoring institution, can help to smooth over some, at least, of the jagged political edges. Since the 1970's, reports of 'private diplomacy' (Jackson, 1983; Yarrow 1978; Berman and Johnson, 1977) carried out by respected businessmen, by Quaker representatives and by others, have shown that there are significant benefits to the parties in the conciliating role as a 'go-between' that *non-political* individuals can create for themselves. Problem solving does not employ exactly the same techniques, but it shares some of the same advantages.

Such points can only be introduced as they arise, helped perhaps by the use of supporting arguments. These can include the growing success of problem-solving approaches at other level of society, notably in labour-management disputes, in family or neighbourhood conflicts and in intra- and inter-organizational disputes. Direct reference to what might be called 'higher' levels of success is banned, of course, by the rules of confidentiality, although over the long term that problem should begin to ease and historical cases of successful problem solving initiatives can be mentioned. The low cost of participation in every aspect, from the financial to manpower and the political, can also be heavily stress especially in relation to potential gains.

Another problem that often arises at this stage, and which is somewhat akin to that of recognizing an adversary (and, by implication, the legitimacy of some of his goals) is that leaders have frequently committed themselves to positions and strategies that initially prevent them from holding *any* discussions at all with the other party. Parties in conflict often commit themselves in such a manner as to 'paint themselves into a corner'. Declarations about never negotiating with the enemy, about not considering discussions until certain conditions have been fulfilled, or about carrying on the struggle to the bitter end, are often made at one stage of a conflict to rally support. However, they then become obstacles to dialogue and alternative policies at a later time, when circumstances change and intransigence weakens. The problems posed by such publicly repeated, and sometimes formally written, commitments is lessened, to some degree, by the informal, discreet and non-committing nature of a CAPS exercise, but they never completely disappear. Hence, like more traditional forms of third-party mediation, consultants will sometimes find the need for developing some ingenious *de-committing formula*, which enables parties and the leaders of parties to break free from the constraints on discussions that they have either inherited or imposed upon themselves.

SEE EXERCISE 6.3

In such situations, consultants, like other intermediaries, can typically be helpful in overcoming some of the difficulties the parties themselves experience in constructing a credible and straightforward offer to an adversary - one which can result in a breakthrough in an inevitably slow movement towards serious talks and to which it is easy for an adversary simply to say: 'Yes'. Third parties can serve both as channels of communication and verifiers of one party's offer to another, thus assisting at the start of a de-escalation process and avoiding some of the problems posed when parties' themselves present credible, unilateral proposals for discussions or terms for possible settlement agreements. These often are rejected simply because they come from a mistrusted adversary, rather than because of some inherent flaw in the ideas themselves.

Throughout preliminary discussions with leaders, the novelty and practicality of the exercise can be employed as background arguments. Problem solving is an intellectually stimulating activity, free from coercion, and it should lack any suggestion of the moralism that is sometimes associated with conciliation or reconciliation efforts. Essentially, it is professional and business like and it should be presented as such.

9. Acceptance and Efforts to Control.

As soon as leaders begin to think seriously about the idea participation in the exercise, they are likely to commence negotiations there and then, both with the consultants and, through them, with the other parties. They tend, for example, suggest that topics a, b and c should be high on the agenda, while x, y and z are ruled out of order from the start. Indeed, it is often plainly stated. if x, y or z are put down on the preliminary agenda, *they will not take part!*

This has to be resisted. Collaborative analytical problem solving consists involves untrammelled analysis, wide ranging discussions and a joint exploration of a common problem, not the restricted activity of bargaining from previously entrenched positions. Official negotiation *might* take place later or separately, at the parties' own initiative, but not within the CAPS workshop.

One common specified condition of acceptance is, however, to be welcomed. It usually takes the form: 'We will attend if the other party does.' If the consultants have planned the exercise correctly, they will be able to respond that the agreement has already been secured, or is about to be. In an ideal problem-exercise, approaches will have been made to the two or more parties simultaneously. The conditional acceptance signals at least an interim success. The consultants can now return home or proceed to their next port of call to carry out a similar procedure on the leaders of the other parties involved - and begin serious preparations for the first workshop.

On their return, or even before this, if an opportunity arises while they are still in direct touch with the decision-makers who have given verbal approval, however tentative, it is often helpful (it) try to obtain a written commitment from top leaders. This needs to include some statement indicating support (at least in principle) for the idea of a problem-solving exercise and for their side's informal participation therein. Such a document, it must be stressed, will be quite informal and kept wholly confidential.

The very first preparatory task therefore involves sending a formal letter of invitation to the leaders who already have been directly contacted (and alerted to the fact that normal exercise procedures involve sending such a letter). The letter will be at once a means of keeping in touch with busy leaders, another opportunity to outline the nature of the proposed exercise, a formal invitation for support and participation, and a method of marginally increasing leaders' commitment and lending their personal support to the process. Written commitments are usually more committing than are oral commitments.

SEE EXERCISE 6.4

Leaders usually reply briefly and in the affirmative, but on occasions they may have had second thoughts, or events may have occurred in the course of the conflict that make it more difficult for them to give easy assent to their party's participation in an exercise, no matter how informal or low-key.

(One scholar practitioner has written about how his particular workshop plans were disrupted by an attempted intra-party coup and the subsequent invasion of the country that was the site of the protracted civil strife by the army of a neighbouring patron. Disruptions of this magnitude seem, however, to be rare.)

Occasionally, leaders reply with a flat, if regretted negative, in which case the whole process of contact and persuasion has to be repeated at a later date and in, hopefully, more appropriate circumstances. Rather more frequently, leaders may use this occasion as an opportunity to reassure themselves further by again imposing conditions for their support and their party's participation.

SEE EXERCISE 6.5

Again, it is important to maintain the principle that *the consultants must control their own process*. This principle must always be emphasized, firmly but politely, although it is also the case that leaders' requests, stipulations and conditions must be considered carefully, and accommodated if it is possible to do so without damaging the basic integrity of the problem-solving process. Often, this can be a tricky task but once it has been accomplished to the satisfaction of consultants and the leaders the parties in conflict, it is possible to move on to the next stage the exercise - preparing for the initial workshop.

EXERCISE 6.1: Channels for Making Contact.

Background Discussion.

'Unofficial' persons or organizations who wish to undertake intermediary roles as mediators, facilitators or consultants often confront problems of access to leaders of parties in conflict not usually faced by officials from governments, diplomatic services or inter-governmental organizations. Occasionally, the practice of simply turning up unannounced and asking for an appointment with the relevant leader or government minister will work. Often it won't. More frequently, 'Track Two' practitioners make use of personal or institutional contacts to obtain - usually brief - access to key decision-makers to present their proposals and make their request for approval and support.

However, the use of such informal personal and institutional channels can present its own dilemmas, for it is seldom the case that local individuals or institutions have not themselves taken positions on, or made pronouncements about the conflict. The saying about there being 'no neutral men' applies with equal force to local personalities and organizations, particularly in the perceptions of rival leaders involved in a protracted and deep-rooted conflict. To an outsider, being introduced by a local religious leader, a university professor or a successful businessman may involve minimal bias. To insiders, the use of Dr X or Organization Y as a channel or a patron may indicate that those being introduced are likely to have particular views of the conflict, support particular viewpoints or be trying to achieve particular outcomes while undermining the possibility of others.

The choice of 'who one goes in with' can, thus, often be a difficult one. An early error can needlessly antagonize contacts in the early stages of a process, as well as causing harm in the later stages of an ongoing process.

Exercise Scenario

YOU are members of an independent research and consultancy Centre for Conflict Resolution, attached to the University of Umea in Sweden. For some time, your Centre has been monitoring a protracted civil war in the West African country of Zandia, with a view to launching an intermediary initiative involving a series of problem-solving workshops. It has established a Planning Committee to design such an exercise once an appropriate opportunity presents itself. You are the members of that Committee.

It seems clear that the core parties to the conflict are represented by the officially recognized Government of the Republic, which appears to be in control of the capital, most of the main towns and about two thirds of the rest of the country; and a coalition of insurgent groups from the remaining third of the country, known as the Azania Liberation Front (ALF). The latter are rumoured to be considering the establishment of a rival 'Interim Government of National Unity', in a neighbouring country.

There currently appears to be a lull in the fighting, and the Committee feels that a preliminary and exploratory approach might be made, as simultaneously as possible, to the two sides, mainly to see whether either or both might be willing to consider taking part in a problem-solving exercise.

It is generally agreed on your Committee that both parties will have to be approached simultaneously with a (roughly) identical proposal. At the present moment discussion has turned to how best to approach the parties, more particularly the recognized, legal Government in the capital, which is bound to be highly sensitive about suggestions it should talk with '... a set of murderous rebels...' to quote a recent statement by the Zandian President.

This initial approach is bound to be a delicate business and the means used will undoubtedly affect the Government's response, as well as that of the ALF.

There seem to be four possible avenues, each having unspecified advantages and disadvantages. Your Committee is thus discussing the following options:

- (1) A direct approach to the President of the Republic himself by sending a small mission from the Centre to outline the proposal and seek support and approval.
- (2) An approach through an ex-doctoral student of the University, who is now the country's Deputy Foreign Minister, is known to be a rather unpopular hardliner within the Government and is clearly regarded as a hawk by the insurgents.
- (3) An approach through the Vice-Rector of the National University of Zandia, who has not previously had any contacts with the University of Umea, but who is known to be a personal friend of the Zandian President.
- (4) An approach through the Swedish field director of 'Relief and Rehabilitation', a European wide, Brussels-based humanitarian organization that has been active in famine relief and resettlement work in the country, but which has been criticized both by members of the Government for '...becoming politically involved in the struggle' and by some insurgent leaders for '...acting to undermine revolutionary commitment' in disputed areas.
- (5) Any alternative channels that might be available and promising.

Exercise Task

In your role as the Centre's Planning Committee:

- (1) Evaluate the advantages and disadvantages of using any of the above channels as an initial approach to the Government side in this dispute and make a preliminary recommendation to your Centre's Director regarding the best approach to be used by the Centre (justifying your choice clearly and concisely).

- (2) In your recommendation, indicate what additional information about the various channels would be needed before any final decision about the best channel is made (i.e. What else do you need to know about any of the suggested 'avenues' before you can make a better-informed choice?).
- (3) In your recommendation, be careful to make an evaluation of the effects the use of your chosen channel is likely to have on the insurgent leaders, and how this choice might affect the way in which the Centre should subsequently approach them.

EXERCISE 6.2: Introducing the Proposal.

Background Discussion

Once access has actually been attained, whether key decision-makers will approve of and support any problem-solving exercise is frequently very much affected by the manner in which the proposal is initially presented to them by field representatives of the consultant organization.

It is often a difficult task to generate interest from, convey credibility to, and arouse interest in the project from busy and inevitably sceptical leaders of parties in conflict. They will want to know how this proposal differs from other attempts to produce a disadvantageous (to them) settlement of the conflict, initiated by well-meaning, but essentially ignorant 'do-gooders'. Why should they bother to take this seriously ?

It is, therefore, necessary to convey quickly to busy decision-makers that the proposal is realistic, credible, low cost, innovative and worth a little of their, or their underlings', time spent in at least exploring the possibilities on offer.

At initial meetings with top decision-makers, consultants will usually find that they - just - have time to make a brief introductory statement outlining their proposal and hopefully interesting the listening decision-maker enough to make him or her ask further questions about the proposal and its likely advantages and disadvantages. Often the leader's response will take the form of explaining how the proposed exercise: (a) is just' like several already suggested or even tried; and (b) will not work - usually because of the unreasonableness of the other side.

However, such reactions do indicate some level of interest, and should be taken as providing an opportunity to 'sell' the idea of the exercise by:

- (1) dealing with questions and objections;
- (2) conveying the sense that this is a process that has been tried in other conflicts - with some success - and thus is not wholly new or untried; and
- (3) reassuring the listener that the exercise is not an attempt by outsiders to impose any kind of unwanted settlement on the parties.

This second stage of probing and questioning by a decision-maker does, however, depend upon catching his or her interest in the opening moments of a meeting. An introductory statement is thus an important element in developing *credibility* for the consultants themselves, for their parent institution and for the process being proposed.

Exercise Scenario

Your Centre in the University of Umea has managed to obtain a short meeting with the President of the West African country of Zandia, where a protracted civil war has been raging between the President's Government (strongly supported in the south and west of the Republic) and a coalition of insurgent groups from the north and east, who have recently established an 'Interim Government of National Unity' in the neighbouring capital of the Samaale Democratic Republic.

The President is on a brief visit to Stockholm to seek aid and political support from the Swedish Government, and is obviously busy and pressed for time. Since you have been ushered into his room and sat down at a table with the President and his Personal Secretary there have already been two brief interruptions, and there will obviously be more.

The President looks at his watch, apologizes for the interruptions, but states firmly that he must leave in half an hour for the Ministry of Foreign Affairs ...

Exercise Task

Prepare, rehearse and get ready to deliver a brief opening statement for the President, which presents in an interesting and credible manner a proposal for a possible series of problem-solving exercises involving the parties to the conflict within the President's country.

You need to think about what information it would be necessary to convey succinctly to a political leader who confronts an insurgency (which he and his supporters will clearly regard as an illegal rebellion) and who may - or may not - be looking for a non-military means of finding a solution - but obviously for one that presents minimal danger to his own position or that of his government.

You should also recall that you and your Centre are inevitably an 'unknown quantity' to this particular decision-maker, who may or may not, let you deliver your statement without interruption.

What do you think is essential to 'get across' in these opening moments?

Make your presentation to the President as best you can. Do you also plan to have a short document to leave with the President? If so, what does it say?

EXERCISE 6.3: The De-commitment Function; Providing Fig Leaves for Parties.

Background Discussion.

Frequently, parties in protracted conflicts put themselves into a position where even meeting and talking with an adversary is difficult. Usually, this is because leaders have publicly bound themselves not to undertake certain specified actions. This often involves a public commitment never to hold negotiations with the enemy, or not to undertake talks until the adversary has clearly met certain preconditions. This usually puts that enemy in the position of responding by publicly stating, in its turn, that it has no intention of being blackmailed into making concessions before talks have even occurred !

In a CAPS exercise such commitments can usually be avoided by emphasizing that the exercise proposed cannot be interpreted as 'negotiations' or even 'talks' in any formal sense, but is an exercise in academic analysis, which may provide some new insights into the conflict and perhaps throw up some new options for a resolution.

On occasions, however, it is necessary for the consultants to suggest ways in which leaders might be able to 'de-commit' themselves from previous announcements that they will never talk to adversaries under any circumstances or until the adversary has abandoned violence, or declared a truce, or admitted past 'errors'. Only then can agreement to attend be forthcoming and the planned workshop proceed.

It should be emphasized that, if consultants do get involved in the process of de-commitment, or providing a 'fig leaf' for leaders who are 'boxed in', part of that process may well involve a preliminary check with leaders of the other side as to whether the chosen formula for de-commitment is acceptable to them. Being involved in this particular 'pre-negotiation' process can be dangerous for the consultants and should be undertaken with great caution lest they begin to appear partisan advocates for one side.

Exercise Scenario

In the early 1940s, political power in the southern European country of Lusitania was seized by a military coup, headed by General Joano de Silva. The subsequent military *junta* proceeded to establish a centralized, single-party state, modelled upon that established by Benito Mussolini and the Fascist Party in Italy. Resistance to the junta continued for a number of years, especially in the border region of Etruria, which had a historical tradition of independence, based upon cultural and linguistic differences from the remainder of the country. Resistance was put down ruthlessly by the central government, which maintained a formal 'state of siege' in the province until the late 1970s. In spite of this policy, the Etrurian nationalist party (the PNE) continued in opposition from exile, while POME, its military wing, managed to launch occasional assaults on military forces and the civil guard stationed in Etruria.

In 1982, the rule of General da Silva's successors was overthrown in a popular and general uprising throughout Lusitania, with key sections of the army backing the uprising. Elections were held, returning a left wing coalition dominated by the Lusitanian Social Democratic Alliance (ASDL). The new government's first task was to draft a new constitution, which it duly completed in 1985, subsequently subjecting the scheme to a successful, nationwide referendum. In 1986 the ASDL government was returned to power in elections held under the 1985 Constitution, although with a reduced majority.

In Etruria the 1982 Revolution was generally welcomed and many of the old PNE leaders returned from exile, although certain POME hardliners continued with 'the military struggle', at a much lower level of violence. Negotiations took place with the ASDL over Etruria's political aspirations, and in the 1985 Constitution Etruria was granted the status of an autonomous region containing four provinces under an overall regional government. The Etrurian Regional Government was granted a considerable degree of autonomy, although responsibility for the maintenance of law and order remained vested in the central government.

The PNE split over whether to accept the new autonomy arrangements, the bulk of the leadership arguing that they safeguarded Etrurian rights and way of life, other 'hardliners' holding out for complete independence. The latter, who became known as 'the Ultras' went into exile again, vowing to carry on the 'sacred struggle' through POME, which they

duly did, mounting bomb attacks on the military and police and kidnapping prominent individuals in Etruria and the country at large.

The 'Constitutionalists' remained to participate in the new Lusitanian political system but in the 1989 regional elections a breakaway group of younger politicians formed a new party, the Etrurian Popular Alliance (APE) to contest seats for the Regional Assembly. The current Regional Government is formed by a coalition of PNE and ASDL ministers, with APE and several small parties in opposition.

In early 1990, a number of 'Ultras' were amnestied by the Lusitanian central government and returned to Etruria to form a new political party to agitate for a revision of the 1985 constitution 'through non-violent and constitutional means'. This Party for True Autonomy in Etruria (PAVE) clearly retains close connections with the 'Ultras' in exile and with POME, and has been accused by PNE leaders of 'being as distant from POME as fleas are from their dog'. However, it clearly has considerable support in some areas of Etruria as it won seats in recent provincial elections and returned two Members to the European Parliament in Strasbourg during the 1993 Euro-elections.

PAVE has recently begun to call for talks within Etruria concerning a revision of the 1982 Constitution in the direction of 'greater freedom' and an end to violent struggle. The response of the main constitutionalist parties has been to hold a conference on 'Arrangements for Peace and Normalization in Etruria' and to sign an Agreement (called the 'Alva Accords') committing themselves NOT to discuss constitutional changes - or anything else - with 'elements closely associated with the current campaign of murder, violence and terror in the country' - a clear reference to PAVE.

Exercise Task

Your university Institute has decided that conditions might be appropriate to initiate a problem-solving exercise involving the parties to the Etrurian conflict, even though the current level of violence shows little sign of diminishing, particularly with national elections approaching at the end of the current year.

Through the good offices of a friend on the staff of the Bishop of Etruria, you spend an hour explaining the project to the President of the Etrurian Autonomous Region, a member of PNE and head of the PNE/ASDL coalition government. The President listens politely - if a little sceptically - to the idea, pointing out that the only real problem lies in the unreasonable goals and behaviour of the Ultras and POME -now, fortunately, 'on the run' both as individuals and as a movement.

To your suggestion of a workshop involving all the constitutional parties (including PAVE), he answers that he feels that would be impossible, given the commitments his political party - and hence the Regional Government - have made to the other parties and 'to the people of Etruria and the Government of Lusitania ...'. He suggests that you talk with his chef de cabinet and main political adviser about whether there might be any way in which 'the kind of exercise you suggest' could take place without violating such clear commitments or, he implies, even by finding some way round them.

'Personally', says the President, 'I feel we should always be willing to talk to everybody who can be reasonable - but promises are promises!'

The chef de cabinet is more sceptical than his political chief and provides details of the commitments made solemnly and publicly in the Alva Accords (see below). He suggests you might care to return by the end of the week with some suggestions for how signatories might 'justifiably and with honour be able to meet PAVE members... in one of your - what do you call them - workshops?' He ushers you out of the President's suite of offices, obviously without much hope that you will come up with any reasonable and realistic formula. You leave with the impression that - perhaps - he does not really share the President's feeling that one should talk with anyone reasonable.

Extracts from The Alva Accords: An Agreement for the Restoration of Normality and Peace to Etruria

'...Even today, ten years after the approval of the new national Constitution, certain people, going against the wishes clearly and repeatedly expressed by their society, continue to have recourse to violence as a means of imposing alternative political models which have not only failed so far to be capable of embodiment in a clear political proposal, but have also been shown to be a minority view in the elections held.

Furthermore, the unlawful and reprehensible use of terrorism, besides representing the most dramatic expression of intolerance and exclusivism, an unacceptable contempt for the wishes of the people and an assault against fundamental human rights, is continuing to bring in its wake an accumulation of disastrous consequences for Etrurian society, distorting and damaging it to a considerable extent from the moral, social, political and economic points of view ...

... we call upon those who still continue to resort to violence or seek to legitimize it, to respect the will of the people, to abandon their arms and to participate in institutional activity, by which means they will be lawfully entitled to defend their own political view by peaceful and democratic means ...

Now, therefore, we, the undersigned parties, approve the following Accord ...

... In view of the fact that the dispute that has arisen in our society between the majority of us who have opted for democratic and lawful ways and means and those who continue to resort to violence can only be settled by the cessation of that violence, we call upon those who continue to resort to violence to have regard to the majority will of

their people and renounce it as an instrument of political action, and also to join in the common task of seeking ... the most suitable ways of giving satisfaction to the aspirations shared by Etrurian society ...

... If the requisite circumstances arise for a negotiated cessation of violence, based on the clear will to bring the same to an end and on unequivocal attitudes enabling that conclusion to be drawn, we are in favour of procedures being established for discussions to be held between the competent state authorities and those who decide to abandon violence, respecting at all times the un-renounceable democratic principle that political questions must be resolved only through the lawful representatives of the will of the people ...

... In order to foster constant dialogue amongst the various political movements, to extend ways of enabling those who do not today accept the majority will of the Etrurian people to be incorporated into society, and to ensure the implementation of this Accord, we request that the Regional Assembly should continue to preside over the process designed to achieve a full return to normality in this Country...'

EXERCISE 6.4: Obtaining Formal Approval.

Background Discussion

Even after having talked directly with the leaders of key parties to the conflict and obtained their verbal approval of the exercise, it is usually a good idea to set out the nature of the project for which you seek approval, briefly and in writing; and to try to obtain a written response from the leaders at least to the effect that they do not oppose the holding of the workshop or workshop series.

The purpose of this procedure is partly:

- (1) to reiterate the details of your proposal and to reinforce what you have presented verbally to busy leaders;
- (2) to explain further and, perhaps more clearly, what you have only briefly touched upon in conversation;
- (3) to maintain contacts with leaders during the preparations stage of the workshop, which may be long-drawn out; and
- (4) to obtain a more definite commitment on the part of leaders who face an ever-changing situation concerning the conflict and its intra-party effects, and whose tendency with anything unknown and uncertain is usually to minimize risk especially to their own position.

As a rule of thumb, it is usually important to 'clear' the idea of holding a workshop, at least in principle, with all parties and factions who could sabotage it. This ideal may not be possible in many situations, however, so that one has to make do with a formal 'approval in principle' from leaders of the parties actually invited to attend the first workshop.

The letter should be a formal request to leaders to agree in principle to the holding of the workshop, and an invitation to nominate possible representatives to attend the workshop. It should also re-explain the details of the exercise and provide reassuring information to the leader to encourage participation.

A good set of principles for composing such an invitation might be those underlying Roger Fisher's conception of a 'Yes-able Proposition'.

Exercise Scenario

You have, after a lot of time and trouble, managed to talk directly with the President of Zandia while he was on a visit to Stockholm; and with the Secretary-General of the Azania Liberation Front, in the capital of a neighbouring African country.

Much to your surprise, the Secretary-General proved interested in, and enthusiastic about the idea of holding an initial problem-solving workshop on the Zandian conflict, plus the possibility of follow-up workshops. She was concerned about the site of the meetings, and to some degree about security for ALF members attending the workshops but said that these were minor matters '... with which I am sure you can deal ...' (The Secretary-General attended Oxford University and has a degree in English Literature !)

The Zandian President was less enthusiastic and kept insisting that there should be no question of any formal negotiation at '... this meeting of yours ...'. You are not sure that he has quite grasped the essential nature of the approach, the planned exercise, or the details of your actual proposal, and he seemed somewhat uneasy about the fact that you were prepared to approach ALF leadership directly after having talked to him.

Exercise Task

At the end of each meeting, you promised both leaders that the Director of your Centre would shortly write a formal letter to them, outlining the nature of the exercise that was being planned and seeking their agreement, in principle, as well as their verbal support for the process.

Your Director has asked you and the Planning Committee to draft appropriate and reassuring letters to the two leaders. Do so.

EXERCISE 6.5: Controlling the Process.

Background Discussion

In some types of third-party interventions, part of the overall procedure is to offer the parties, or the participants in a particular problem-solving exercise, the choice of which specific procedures to use; or a major part in the design of a specific process to be used in their case.

In contrast to this, the use of CAPS exercises and workshops to deal with protracted and deep-rooted conflict emphasizes that the consultants *maintain overall control over the process*, even though the latter usually consists of an extremely flexible and adaptive set of procedures.

The third party must take responsibility, and hence any blame, for the process. Credit for success must always go to the parties and participants. Therefore, it is important to keep overall control of that process, and this involves being clear about what is, and what is not, left in the hands of the parties.

One of the things that is NOT left to party decision-makers is the determination of who can and who cannot attend a workshop. This issue should not become a matter for bargaining, if this can be prevented or avoided.

Exercise Scenario

Your Umea Centre has been successful in contacting the warring parties in the Republic of Zandia and in persuading both the President of the country and the Secretary-General of the Azanian Liberation Front that the participation of 'representatives of the parties in conflict' in a series of problem-solving workshops might move the conflict nearer a mutually acceptable solution. Both were initially sceptical, and the President was particularly worried about any implied recognition that ALF participation in such a workshop might imply.

However, both agreed to approve the exercise in principle, to suggest possible participants from their party and not to place obstacles in the path of the exercise. On returning from your field trip, formal letters to both leaders, seeking their written approval in principle, were sent to Zandia and (via the capital of the neighbouring Samaale Republic) to the ALF.

Both leaders have now replied to your invitations. Somewhat to your surprise, in the light of your conversations with him, the President, while accepting the idea of the problem-solving exercise in principle, stipulates that:

- (1) He wishes to select Zandian participants himself and to issue formal invitations from the Presidential palace;
- (2) He will not permit any members of the ALF Council (the movements governing body) to participate in any of the workshops. If they do, he will ban Zandian participation;
- (3) He would like representatives of the Secretariat of the Organization of African Unity to be present as 'observers' at the first workshop.

The letter from the ALF Secretary-General is briefer but includes a strong suggestion that representatives of the Government of the Samaale Republic (a neighbouring country that has been strongly supportive of the ALF and its struggle) should also be invited as '... a party with vital interests in the outcome of our dispute with the illegitimate Zandian Government...'

Exercise Task

What do you do about these requests and stipulations, and how do you respond to the letters from the President and the Secretary-General ?

Summarize your suggestions, and the reasons for them, in a Memorandum from the Planning Committee to the Director of your Centre, and include two draft letters in reply to the President and Secretary-General.

Do you think any additional action to this written response is necessary? If so, what would you recommend?