

# CONFLICT MANAGEMENT FOR PEACEKEEPERS AND PEACEBUILDERS



CEDRIC DE CONING & IAN HENDERSON



**CONFLICT MANAGEMENT FOR  
PEACEKEEPERS AND PEACEBUILDERS HANDBOOK**

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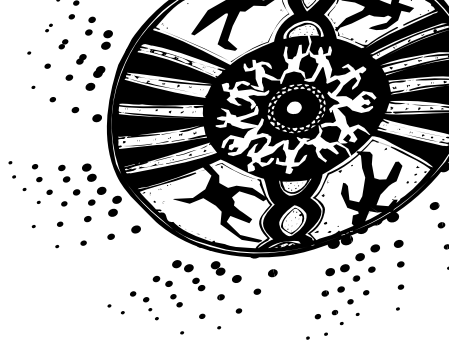
‘Transforming conflict: Seeking African Solutions to African Challenges Through a Participatory Learning Process’ (2002), written by Kim Jones, LandMark; ‘Training in Negotiation’ and ‘Training in Mediation’ (2004), written by Ian Henderson; and ‘CIMIC in UN & African Peace Operations’ (2006), edited by Cedric de Coning.

ISBN: 978-0-9802704-3-3

Illustrations by Wendy Robinson

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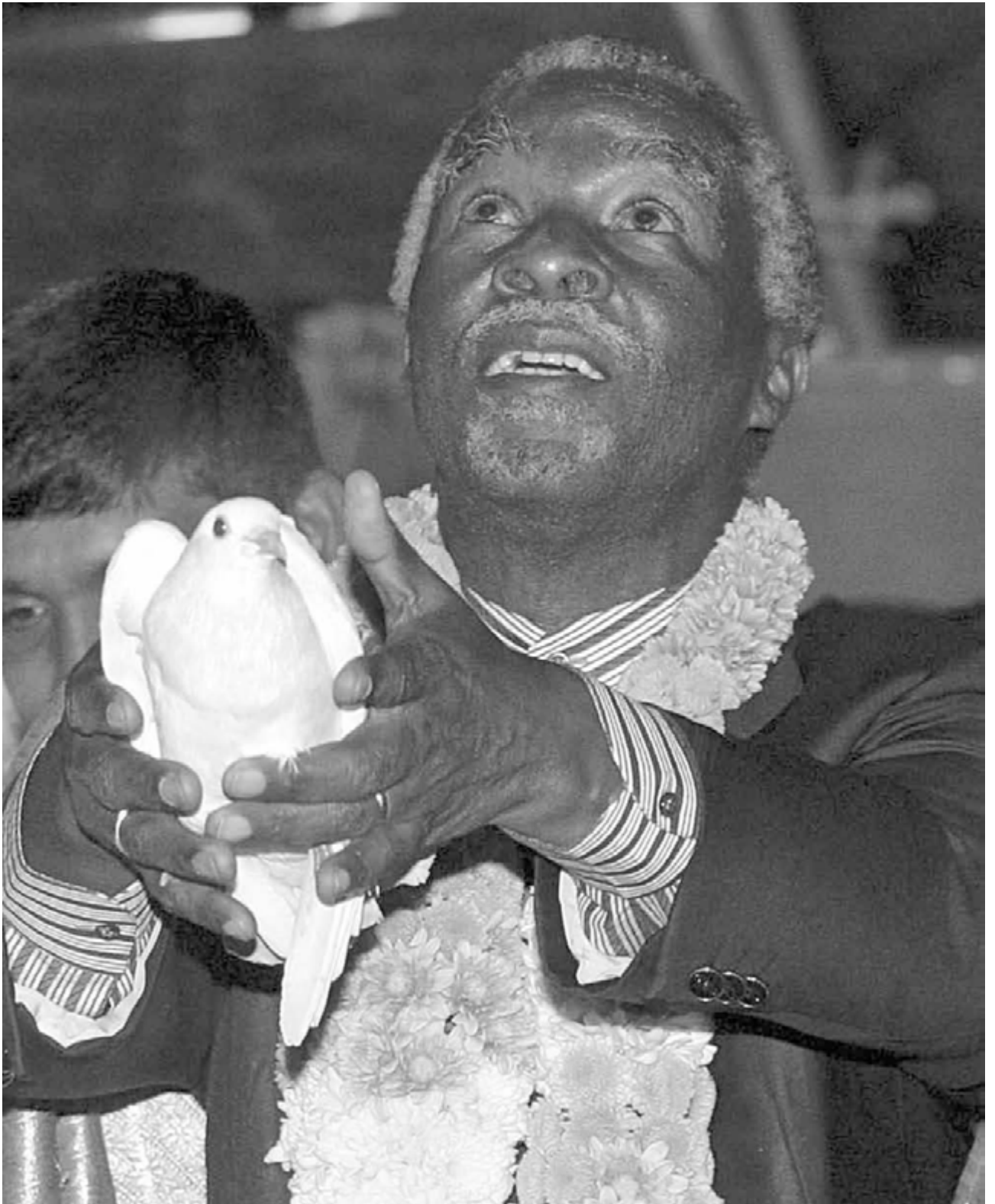




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*President Thabo Mbeki of South Africa releases a dove symbolising peace at a cultural festival.*



# 1

## How to Use This Handbook

If you are reading this handbook, it is likely that you are already involved in a peace operation of some kind, or that you are anticipating such a role in the future. This handbook has been designed as a practical guide, to assist you in dealing with conflict in a peacekeeping environment. It is aimed at all kinds of participants in peace missions – from military or police officers to civilian mission personnel and humanitarian aid workers.

The skills and approaches contained herein are generic – thus they are applicable whether you are coming from a military, police or civilian perspective. They are based on the core principle that, in the vast majority of conflict situations, a non-violent approach can be applied to dealing with conflict. This applies both to situational crises and to the resolution of long-term, deeply-seated conflict problems on a local, regional or even international scale.

This conflict management methodology builds on the experience of over a decade of conflict management training and experience in Africa, but is specifically designed to meet the needs of civilian, military and police peacekeepers in contemporary complex peace operations.

The handbook is designed to give you a broad-based introduction to all aspects of conflict management – from understanding, assessing and analysing conflict, through to the practical application of negotiation and mediation skills to intervene in conflict. It also looks at how important communication skills are in dealing with conflict, and offers some practical advice for working with interpreters.

However, this handbook is also intended to support your ongoing learning and study. There is much in the handbook that will only be touched on briefly, and you will need to read further to understand the concepts in more detail. There is a resources section at the back to assist you with this. You will find that repeated reference to the handbook will greatly assist your continuing development as a conflict management practitioner and mediator.



**ABOVE:** A child soldier in the DRC. A core priority of any peace mission is to secure the safety and well-being of vulnerable groups – especially women and children.

**BELOW:** Modern peace missions involve people from a range of different disciplines including military personnel, police and civilians, such as humanitarian workers. The buzzword is ‘cooperation’ – it is critical for all parties to work together to ensure the mission’s success.



This handbook is intended primarily as a companion guide to an ACCORD experiential training programme – where you will learn much from your encounters with other trainees, as you put your learning into practice in a simulated environment. However, if you are not able to attend an ACCORD Conflict Management for Peacekeepers course, this handbook will still be of much use for self-study.

It is suggested that you use the handbook as a workbook – write notes to yourself, complete the exercises and reflect on your experiences. There is a lot of detailed information packed into these pages – feel free to skip some sections and refer back to them as appropriate. This is particularly true of the mediation section, since mediation is an advanced-level conflict management skill.



The most vital information in each chapter is immediately accessible in the **Overview** sections. In a few pages, the overview will put the information that follows in a framework. By reading all of the overview sections first, you can get a general sense of what we are trying to convey, and absorb the most important information. You can also refer back to the overview section frequently for revision, or when you need a quick reminder.



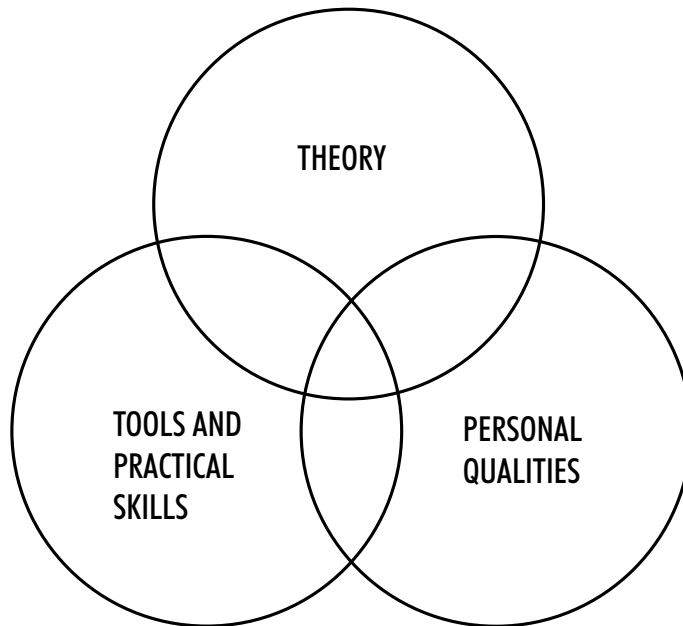
Throughout the handbook you will find action-oriented **How To** sections that offer practical steps on what to do when dealing with conflict, for instance, the steps to follow when negotiating. You may wish to memorise these sections, or even copy them and keep them near to hand as a quick-reference guide.



The **Theory** sections are designed to give you background information, to help you understand the theory behind our practical approaches to conflict management, and to guide you towards further study. While this handbook is primarily a practical guide to dealing with conflict in the field, we also offer some theoretical understanding to deepen and broaden your knowledge, and encourage further growth and education. The list of resources at the end of this handbook is designed to assist you to start exploring this exciting field further.

## The Learning Process

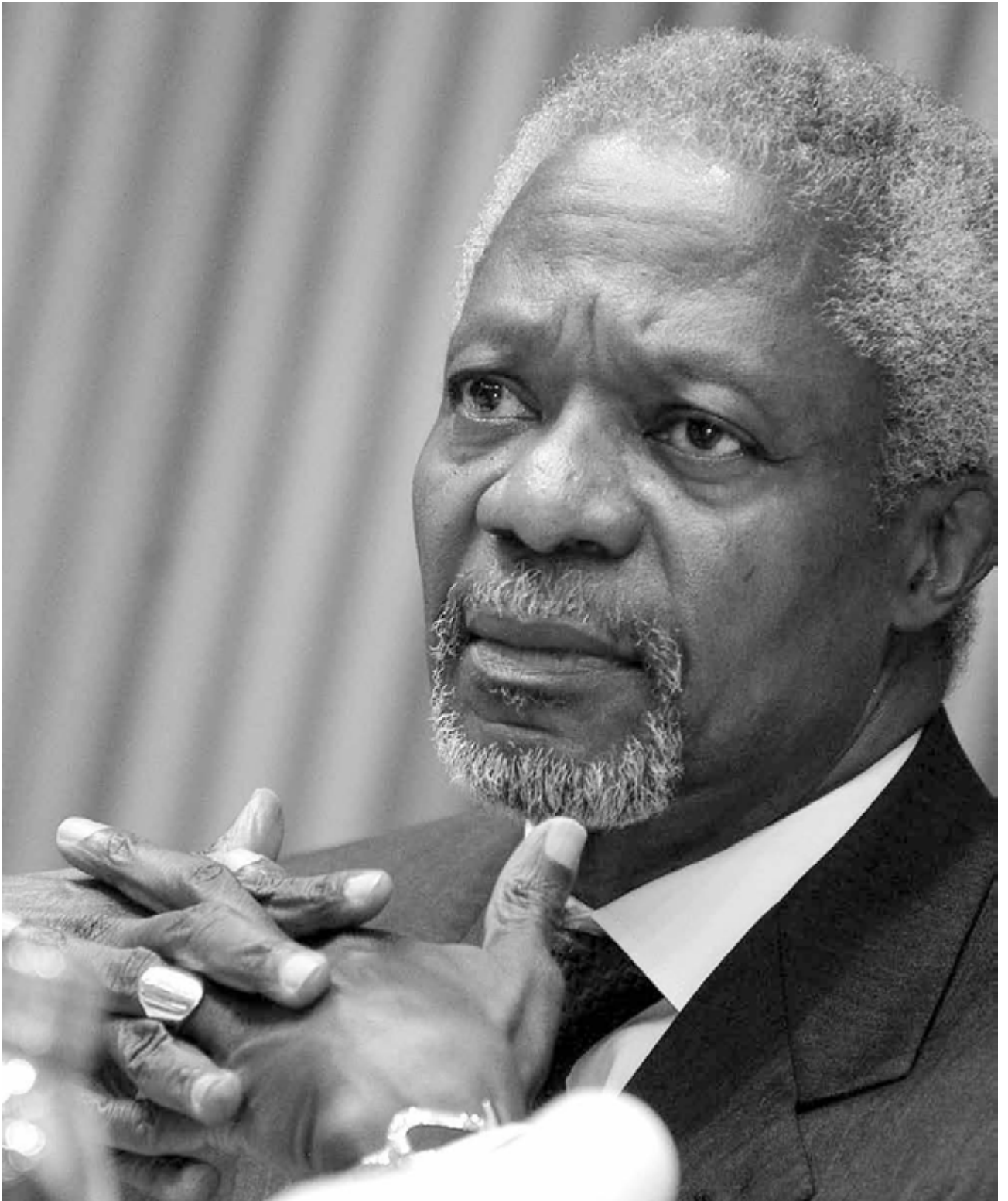
Conflict management is a life skill, not just a theoretical exercise. Learning to become an effective conflict manager is thus a multilayered and multifaceted process – which includes learning theoretical knowledge, together with skills and practical tools. It will also challenge you personally, and will require growth and change in the way you see yourself and the way you see your world. This ‘learning map’ can help you to record key information that has made an impact on you as you work through this handbook. **Theory** refers to principles, concepts and ideas; **Tools and Practical Skills** describes practical approaches to resolving conflict – things you would do; **Qualities** are the internal attributes, such as compassion, openness and understanding, that you need to develop and enhance to be effective at intervening in conflict.



### HOW TO USE THE LEARNING MAP

Make a copy of the map on a large piece of paper, and write key information that seems important to you in the circles, or with arrows running into the circles. If one circle seems empty, then think about which areas you need to focus on to develop that area.





*He has been criticised by some, but Kofi Annan has done much as an African head of the UN to put African issues on the global political map.*





# 2

## Introduction

Since the end of the Cold War, the nature of intra- and interstate wars has changed dramatically. On the one hand, a more positive understanding of peace – focused on social justice – has emerged. On the other, violent conflict has increasingly impacted on civilians, with a dramatic associated increase in the scope of humanitarian tragedies. This is forcing the international community to change the way it responds to conflict. We are witnessing a shift in the type of interventions undertaken by the United Nations (UN), and by regional bodies such as the African Union (AU).

Peacekeeping is thus a concept in flux, as the world within which it operates changes rapidly. This chapter is designed to equip those entering the peace mission environment with a functional understanding of key concepts and terms such as conflict prevention, preventive diplomacy, peacemaking, peacekeeping and peacebuilding.

### KEY THINGS TO LEARN

- Get a grasp of the political landscape within which peacekeeping does its work
- Understand key concepts in peacekeeping
- Understand the importance of coordination in a peace mission



## The New Conflict Paradigm

As in so many other fields, the changing world order has fundamentally altered our perception of peace and conflict. During the Cold War era, our understanding of peace and conflict used to focus on the absence of war in the context of the nation state. The end of the Cold War allowed a more positive understanding of peace – as an individual centred presence of social justice – to reclaim the stage.

Most peace researchers are, however, more comfortable with studying conflict than peace. As a result, the study of peace has been intrinsically linked to how we understand violence. For most, peace is still defined as the absence of violence, but our understanding of violence has considerably developed and broadened over the years. For Johan Galtung, for instance, violence does not only mean direct physical violence, but also structural violence, cultural violence and environmental violence. He has broadened the concept of violence beyond direct physical violence to include institutional or systemic violence caused by an unjust system such as apartheid, the cultural legitimisation of violence against others, and violence to the environment. Peace should be understood holistically as a state free of violence in all these spheres. (Galtung, 1985: 141-158)

Our understanding of conflict has also changed. In most of the conflicts that have occurred since the end of the Cold War, the traditional distinction between soldier and civilian has become almost irrelevant. In the new conflict paradigm, civilians have become both the targets and the instruments of war. The growing impact of civilians on conflict and, indeed, of conflict on civilians, has resulted in almost all post-Cold War conflicts being closely associated with massive humanitarian tragedies.

The changing nature of conflict has also changed the way in which the international community has responded to conflict. In the 21st century, the focus of international conflict management is increasingly shifting from peacekeeping, which is about maintaining the status quo, to peacebuilding, which has to do with managing transitions (Barth Eide et al, 2005). Most UN peace operations since 1989 have, in effect, been peacebuilding operations in that their focus was on supporting the implementation of comprehensive peace processes, which included classic peacebuilding tasks such as Disarmament, Demobilisation and Reintegration (DDR), justice sector reform, organising elections, training and restructuring new police forces and facilitating the transition from interim to transitional, and eventually to democratically elected, governments.

The development from peacekeeping to peacebuilding has emerged as new, mostly civilian, dimensions were added to traditional military peacekeeping mandates. These new dimensions were aimed at assisting the host country to sustain the momentum of the peace process, by supporting transitional arrangements; establishing new, or reforming existing, national

institutions such as the defence force, police service and the judiciary; assisting with the organising of elections; supporting constitution drafting processes; and facilitating restorative justice initiatives. The civilian dimension of peace operations is thus closely linked to the peacebuilding nature of modern complex peace operations.

The United Nations has identified four major areas of action in pursuance of peace: preventive diplomacy, peacemaking, peacekeeping and peacebuilding. Preventive diplomacy seeks to resolve disputes before violence breaks out, peacemaking and peacekeeping are required to halt conflicts and preserve peace once it is attained, and peacebuilding is aimed at preventing the recurrence of violent conflict. These four areas together represent the UN's comprehensive response to violent conflict and its holistic approach to peace.

Throughout this introduction the terms 'peacekeeping', 'peace operations' and 'peace missions' are used to refer to UN and AU field missions that may incorporate all four of these spheres. In fact, in Liberia, Sudan or Burundi, and in most of the new UN and AU peace missions, all four of these dimensions are addressed simultaneously. The one does thus not necessarily follow on the other, nor do they occur in a specific sequence. Preventive diplomacy, peacemaking, peacekeeping and peacebuilding should thus rather be seen as different dimensions – each focusing on a slightly different angle – of the same peace process or conflict management system.

## A HOLISTIC APPROACH TO CONFLICT MANAGEMENT

Violent conflict is inevitably political. Even in cases where competition over scarce resources – for example, water – is the primary cause of the conflict, the parties would normally have organised themselves in some kind of political formation to affirm their claim to the resource. In order to manage that dispute, one needs to find a political solution that will satisfy all the parties to the dispute, that even if all their interests are not being met, they

### UN AREAS OF ACTION TO PURSUE PEACE

The United Nations has identified four major areas of action in pursuance of peace: preventive diplomacy, peacemaking, peacekeeping and peacebuilding.

**Preventive diplomacy** seeks to resolve disputes before violence breaks out.

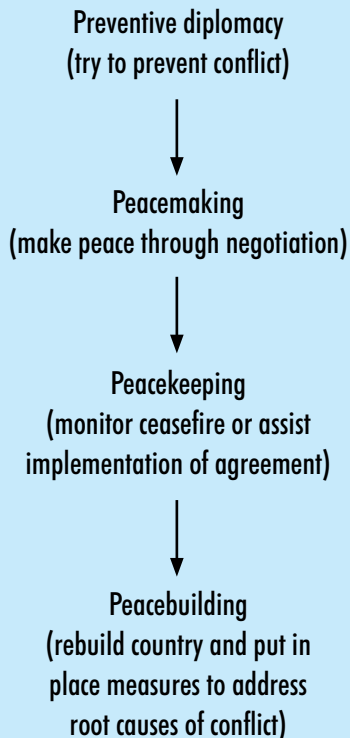
**Peacemaking and peacekeeping** are required to halt conflicts and preserve peace once it is attained.

**Peacebuilding** is aimed at preventing the recurrence of the violent conflict.

These four areas together represent the UN's comprehensive response to violent conflict and its holistic approach to peace.



## STAGES IN THE PEACE PROCESS



## PREVENTIVE DIPLOMACY

Preventive diplomacy is not limited to the pre-conflict stage, but continues throughout steps to deal with conflict, as the conflict flares up and new conflicts emerge.

have achieved the most fair, just and sustainable settlement to their dispute possible under the circumstances.

The UN and AU responses to conflict, in its simplest form, are first to prevent conflict (preventive diplomacy); if that fails, the next step is to make peace (peacemaking) by gathering all the parties around the negotiation table; if a ceasefire or an agreement is reached, the UN or AU would often deploy a peacekeeping mission to monitor the ceasefire and otherwise to assist with the implementation of the agreement; and lastly, the UN or AU will assist to rebuild the country with a specific focus on addressing the root causes of the conflict, so as to ensure that the conflict does not reoccur (peacebuilding).

As said above, this would be the UN or AU peace process in its simplest form but, in reality, many of these dimensions are in progress at the same time. Preventive diplomacy, for instance, does not only occur in the phase before violent conflict breaks out. There would be various efforts to prevent instances of violent conflict, and an overall effort to keep the peace process on track. Similarly, many conflicts are not singular events. Instead, they go through cyclical phases and, although the UN and AU may be busy with implementing a previous agreement, a new conflict may break out. Peacebuilding may thus be a post-conflict activity in theory, i.e. it occurs in a later phase of a peacekeeping mission, once stability has been restored. In reality, however, conflict may break out again and the peacebuilding efforts underway at that point may become preventative, in that they are aimed at trying to stop the reoccurrence of the conflict.

## CONFLICT PREVENTION AND PREVENTIVE DIPLOMACY

Everybody would agree that prevention is better than cure, and almost every conference, seminar and international meeting held over the last decade or more that has discussed peacekeeping would have stressed the importance of improved preventative action. It is easier said than done, however, and despite many attempts to come up with an improved preventative response, very little has been achieved to date.



***UN peacekeepers patrol in Buedu, Sierra Leone, in July 2002. Sierra Leone, known for some of the decade's worst war crimes, was keeping a fragile peace as its neighbour Liberia spiralled into more intense fighting. Liberia's rebels had waged an insurgency for three years, but had recently stepped up attacks against President Charles Taylor's government. The heavy toll on civilians in the fighting posed a threat to the stability of other countries in the region, including Sierra Leone. There were about 50 000 refugees in Sierra Leone, according to the World Food Programme, and 100 000 internally displaced people in Liberia. Sierra Leone, which at the time had the UN's largest peacekeeping mission, with 17 300 troops, was recovering from a ruthless 10-year war.***



***The cost of war is high: refugees crowd along the banks of the Akagara River at the border of Rwanda and Tanzania in May 1994. Hutu refugees fled to Tanzania in order to escape reprisals by Tutsi rebels.***

The preventative process works as follows. Various early warning systems and mechanisms indicate that a certain situation is about to get out of hand. The UN or AU reacts by focusing more resources on the trouble spot. These include increased humanitarian assistance, and perhaps more focus on human rights monitoring and education, if that is appropriate. At the overall diplomatic level, the UN Secretary-General or the Chairperson of the AU Commission is likely to dispatch a fact-finding mission or a special envoy. These actions are designed to focus special attention on the problem by dedicating certain specific resources to it, and by creating the impetus for special reports on the situation to be developed for the Secretary-General and the UN Security Council – or, in the case of the AU, for the Chairperson of the Commission and the Peace and Security Council. The special envoy or fact-finding mission visits the conflict situation and surrounding countries, meets with as many of the relevant role players as possible, and makes an assessment of how the UN or

AU can best try to alleviate the problem. The UN Security Council or the AU Peace and Security Council then formulates a response that covers as wide a range of actions and areas of action as possible. These may include various humanitarian, rehabilitation, recovery and reconstruction actions, perhaps a specific human rights monitoring and education programme, and normally a peacemaking role for the special envoy.

All of these actions are aimed at preventing the conflict from escalating or, if a violent conflict has already broken out, are designed to limit its impact on innocent civilians, and to try and stop the violent hostilities as swiftly as possible. The special envoy, supported by a number of political affairs and support staff, is thus essentially busy with diplomatic-type activities that engage the various parties and other relevant actors, such as civil society, neighbouring countries and organisations, in dialogue. This is likely to take the form of shuttle diplomacy and may, in some instances, include some form of mediation or joint negotiations, with the aim of achieving some kind of formal agreement.

Successful conflict prevention is not often reported, because the situation was averted or resolved before it became violent – and thus newsworthy. It is also difficult to say that a situation would have become violent before it actually happens, and it is thus very difficult to say for certain that a specific initiative was successful in preventing conflict. It is generally agreed, however, that many conflict situations could have been avoided had there been timely preventative intervention, and everybody is in agreement that prevention is much more effective – and much cheaper – than peacekeeping.

The dilemma with conflict prevention is that the political will to allocate the necessary resources to prevention is often lacking, because the decision makers are not yet convinced of the seriousness of the situation until it is too late. Very often, the political leadership in a country about to experience conflict is unwilling to read the early warning signs themselves, and their friends in the international community are too embarrassed to act against the wishes of the country's leadership.

## PEACEMAKING

The UN or AU would describe peaceful diplomatic efforts towards achieving a ceasefire or peace agreement as peacemaking.

The immediate focus is on achieving an agreement that will end the hostilities. Once that has been achieved, more time and effort can be dedicated to achieving a comprehensive peace agreement over a longer period.

## PEACEKEEPING

Peacekeeping is the monitoring and facilitation of the observance of a ceasefire agreement. It includes assistance with other aspects, such as some form of election or popular consultation, human rights investigations, humanitarian relief and/or the rebuilding of certain state and physical infrastructures.

Civilians are increasingly involved in UN peacekeeping missions.

In exceptional circumstances, the UN may deploy a preventive force (preventive deployment) even before violent conflict has broken out, as it did in Macedonia in the earlier days of the conflict in former Yugoslavia. In this case, it appeared highly likely that the conflict would spread to Macedonia, and the UN decided to deploy a force on the border to act as a deterrent. This approach was successful in that particular set of circumstances, and the conflict did not spread to Macedonia. This was the only case of a preventive deployment until now, but it is not unlikely that this tool may be used again in future, provided the necessary political will exists to undertake this potentially costly – both financially and politically – step.

Preventive diplomacy is not, however, limited to the pre-conflict stage. In any conflict situation – either prior to, during a formal peacekeeping mission being deployed, or even after a mission has withdrawn – there would be various instances where a smaller dispute erupts within the larger conflict. This may be between two of the parties, in a certain zone or location within the larger conflict area, or even between two allies – as was the case recently between Rwanda and Uganda, when a dispute erupted between their forces within the Democratic Republic of Congo. In such cases, a dispute will require special attention by the UN to prevent it from escalating into violent conflict or, if violence has occurred already, to prevent its further escalation. There are many ways in which preventive diplomacy can be undertaken, and many actors – civilian and military – that can play a role. At its core, however, it requires a person, or persons, with political and diplomatic skills who can negotiate (or perhaps mediate, depending on the circumstances) with all the parties to the conflict, to de-escalate the tensions or achieve an agreement to resolve the specific issue at hand. This may be a land dispute between villagers in East Timor, a dispute over the use of a bridge between Serb and Albanian residents in Kosovo, or a dispute over the position of a border crossing point between Ethiopia and Eritrea. But, large or small, the point is that conflict prevention and preventive diplomacy initiatives continue to take place throughout the conflict cycle.



## PEACEMAKING

When a violent conflict has broken out, the focus will be on bringing an end to the violent conflict, that is, achieving a ceasefire. The UN or AU would describe these peaceful diplomatic efforts towards achieving such a ceasefire or peace agreement as peacemaking. The immediate focus is on achieving an agreement that will end the hostilities. Once that has been achieved, more time and effort can be dedicated to achieving a comprehensive peace agreement over a longer period. The immediate goal is to stop the fighting so that the suffering of the people and the destruction of the environment, economy, property and infrastructure can be halted.

Peacemaking efforts take place at all levels, but those at the highest level naturally attract the most attention. Depending on the nature of the conflict, these efforts may include several neighbouring heads of state or government representatives, as well as representatives of regional organisations. Recent high-profile peacemaking efforts – such as the Lusaka process in the conflict in the Democratic Republic of the Congo, the Dayton peace process for former Yugoslavia and the Lomé process in Sierra Leone – are examples of this kind of high-profile multilateral ceasefire and peace agreements. However, many others may occur only between the parties themselves and the mediator or facilitator, such as the Arusha Burundi peace process, led by former president Nelson Mandela. In this case, most of the actual negotiations took place in a number of committees, each facilitated by experts in those fields. The progress made in the committees was summarised and agreed in plenary and, from time to time, milestones were solidified in high-profile meetings attended by the principals of the parties to the conflict, regional heads of state and other dignitaries.

The peacemaking aspect of the peace process thus refers to the negotiations between the warring parties, usually with the aim of achieving a ceasefire agreement. This is essentially a diplomatic effort, but it may be supported by various other efforts, such as the threat of military intervention, or sanctions against all or some of the warring factions. The process normally deals with establishing trust, agreeing to issues to be discussed and the

## PEACEBUILDING

Any actions undertaken by the UN in a conflict situation, which are aimed at addressing the root causes of the problem so as to prevent a reoccurrence of the conflict once the UN presence is scaled down or phased out, are referred to as peacebuilding.



**June 2003: A boy watches as UN peacekeepers from Uruguay drive through Bunia, the capital of Ituri province in the Democratic Republic of Congo. French troops arrived in Bunia in June under a UN mandate to secure the city, which had been plagued with a wave of ethnic killings. The war in the north-eastern Ituri province had claimed 55 000 lives so far, leaving thousands homeless and living in refugee camps.**

format and process in which talks will unfold, getting the parties to the table, mediating the actual talks, achieving and formalising the agreement, and implementing the agreement. Although it is a diplomatic, and therefore a civilian-driven process (although that civilian may be a retired officer, as has been the case with some special envoys), many other disciplines should inform the process. ‘Lessons learned’ studies have found, for instance, that peace agreements fail because politicians have agreed to ceasefire provisions that were impossible to implement on the ground. Special envoys should thus ideally be supported by a range of specialists, including military specialists, who can advise them on the practical aspects of ceasefire implementation.

## PEACEKEEPING

Once a ceasefire agreement, in whatever form, has been reached, the UN or AU may be called on to monitor and facilitate the observance of the warring parties to the ceasefire. It may assist with other aspects, such as some form of election or popular consultation, human rights investigations, humanitarian relief and/or the rebuilding of certain state and physical infrastructures.

As the demands for these political and humanitarian tasks has grown, the UN has increasingly turned to civilian experts in these fields and, as a result, modern peace missions have large numbers of civilian personnel. This was not always the case, certainly not to the extent, size and proportionality that is typical of peace missions today. One of the ways in which this change has manifested itself is in the management of modern peace missions. Since 1989, appointing a civilian head of mission, normally in the form of a Special Representative of the Secretary-General (SRSG) in UN missions, has become the norm.

A typical management structure in a classical peacekeeping operation would see a force commander at the head of the operation. A typical modern peace mission, in contrast, will be headed by a civilian SRSG for UN operations, or a Special Representative of the Chairperson of the Commission (SRCC) for AU missions. The SRSG/SRCC is normally assisted by one or more deputies (DSRSG/DSRCC). The SRSG/SRCC will have a Mission Management Team, comprising the divisional heads of all the components that make up the peace mission. These will differ from mission to mission, depending on the specific mandate and circumstances, but a generic Mission Management Team can be said to include, apart from the SRSG/SRCC: one or more DSRSGs/DSRCCs; a force commander; a chief military observer, if there is a separate military observer mission; a UN/AU police commissioner; and several heads of substantive civilian components, such as Political Affairs, Civil Affairs, Human Rights, Public Information, Electoral Affairs, etc. The last member of the Mission Management Team is the head of Mission Support, also known in some missions as the director of Administration or chief administrative officer.

In contemporary peace missions, the various dimensions are intimately interlinked to form a holistic web, network or system of interrelated and mutually supportive functions that have a combined, collective and cumulative impact on the peace process.

## PEACEBUILDING

Any actions undertaken by the UN in a conflict situation, which are aimed at addressing the root causes of the problem so as to prevent a reoccurrence of the conflict once the UN presence is scaled down or phased out, are referred to as peacebuilding. In its simplest

form, peacebuilding is those actions aimed at preventing a recurrence of the conflict. These are normally longer-term developmental aspects such as physical infrastructure projects, agricultural development projects, health systems, etc., but also often include the disarmament, demobilisation and reintegration of former combatants. In some conflicts, such as in East Timor, this can include preparing a new country for independence, which means new civil servants, new judges, new teachers, new police personnel and new soldiers needing to be selected and trained, laws and systems needing to be put in place, and an overall political framework needing to be developed.

The UN talks of two types of peacebuilding, namely preventive peacebuilding and post-conflict peacebuilding. Preventive peacebuilding is those efforts dedicated to preventing a conflict from developing into violent conflict, whereas post-conflict peacebuilding addresses the rebuilding of physical infrastructure, state systems and civil society organisations.

Peacebuilding is a complex system that consists of multiple short-, medium- and long-term programmes that simultaneously address both the causes and consequences of a conflict. In the short term, peacebuilding programmes assist in stabilising the peace process and preventing a relapse into violent conflict. In the long term, peacebuilding programmes, collectively and cumulatively, address the root causes of a conflict and lay the foundations for social justice and sustainable peace. Peacebuilding systems require a coherent and coordinated multidimensional response by a broad range of internal and external actors including government, civil society, the private sector, international institutions and agencies, and international non-governmental organisations. These actors undertake a range of interrelated programmes that span the security, political, socio-economic and reconciliation dimensions of society. Peacebuilding starts when hostilities end, usually marked by a ceasefire or peace agreement. Peacebuilding ends when a society can sustain its transition without external support, and it is replaced by a sustainable development period.<sup>1</sup>

Successful peacebuilding operations evolve through three broad phases, namely the stabilisation phase, the transition phase and the consolidation phase.<sup>2</sup> These phases should not be understood as clear, fixed, time-bound or having absolute boundaries. One should anticipate considerable overlap in the transition between phases, and regression is possible, in which case a specific system may switch back and forth between phases (UN, 2004).

## **MISSION COORDINATION AND COHERENCE**

The overriding lesson from all of the modern peace missions undertaken to date is clear: there is a need to improve coordination and cooperation among all the various multidisciplinary elements in a modern UN peace mission, and to do so during all the phases of the mission,

that is, during the planning phase, during the execution, and at all the levels of the mission – strategic, operational and tactical.

We need to understand the new conflict paradigm as one where peacemakers are confronted with continuously evolving complex conflict systems. To manage them, we need to develop an equally complex conflict management response – one that addresses the conflict system holistically and in a coordinated fashion. Hence the modern peace mission formula that combines military, police, humanitarian and various other disciplines in one integrated effort to achieve one combined and interrelated objective – a meaningful and lasting peace, normally described in mission terms as the ‘end state’.

The most significant failure of modern peace missions, with their complex mix of political, civilian and military personnel and objectives, has been their inability to integrate these various components into a single holistic effort.

The need for synergy between the political, civilian and military contingents in modern peace missions also extends to the multitude of non-UN international organisations and NGOs, which have become part of the reality of any modern complex emergency. The success of each is dependent on the success of the other. Any factor that impacts negatively on any of the elements of the overall mission, whether it is in the political, military or humanitarian areas, eventually impacts negatively on the mission itself. If one element fails, e.g. the election in Angola during UNAVEM II, then everything achieved in the other sectors will be meaningless. One of the major challenges – if not the major challenge – of modern peace missions is thus the overall management and coordination of such a complex, integrated and multidimensional operation.

## Notes

<sup>1</sup> This definition of peacebuilding was first formulated by Cedric de Coning and Senzo Ngubane for an ACCORD study on *Peacebuilding in Southern Africa*, commissioned by JICA in 2004. It was subsequently further refined by De Coning for NEPAD’s *African Post-Conflict Reconstruction Framework*.

<sup>2</sup> There are various different interpretations of these phases, but most convey the same essential progression from violent conflict to normalisation, e.g. the Association of the U.S. Army and Centre for Strategic and International Studies (CSIS) in Washington D.C. published *Post-Conflict Reconstruction: Task Framework* in 2002, in which they identify three stages, namely the initial response, transformation and fostering sustainability.







# 3

## Your Personal Context

In a peace mission you will face conflict – of that there is no doubt. And this conflict will take place at many different levels: with co-workers, in the mission structures and between military and civilian sectors – not to mention in the host communities. You are also likely to experience inner conflict as a result of the challenging circumstances and feeling isolated and far from home.

But this will not be a new experience for you – we all have a lifetime’s experience in dealing with conflict. And we have developed certain built-in mechanisms for dealing with conflict that work for us at some levels, but may be dysfunctional at others. Most of us are afraid of conflict, and withdraw from it to some extent, even in situations where it may be better to confront the situation and deal with the conflict directly.

This chapter will help us look at our personal background and context and identify our built-in styles of conflict handling, and which areas of our personal style need to be further developed.

### KEY THINGS TO LEARN

- Gain a deeper understanding of ourselves
- Self-assess our experience, skills and knowledge as a basis for further learning
- Understand the different personal attributes that contribute to effective conflict management
- Understand that there are different archetypal responses to handling conflict, and that they may be appropriate at different times



## OVERVIEW

## Personal Styles of Dealing with Conflict

Every person has an individual way of handling conflict that has grown out of a lifetime of experience with conflict, and is also a product of **our own cultural and historical background**. Developing our capacity to handle conflict – both personally and professionally – involves examining what works well, and what needs to develop further in our approach. This is a journey of growth that will last a lifetime.

### FEAR AND AVOIDANCE

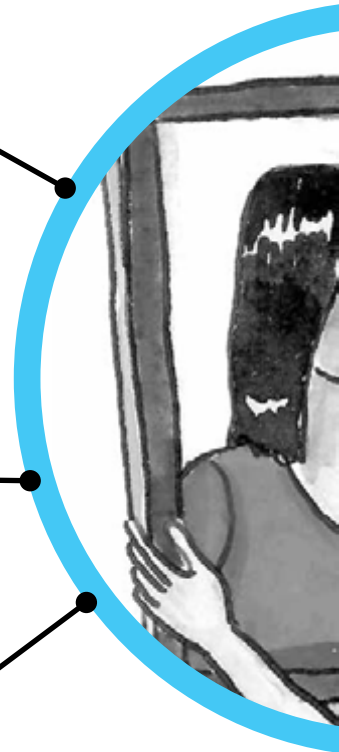
Fear of conflict is a very natural response – most of us avoid dealing with conflict unless necessary. Gaining a better understanding of conflict, seeing its positive value and practising tools to deal with it will help build our confidence to manage conflict in the future.

### EXPERIENCE

We all have a lifetime of highly valuable experience in dealing with conflict. It is important to be ourselves, but we may have learned some destructive patterns in the past that are not helping us, and can be changed through training and understanding.

### MY CULTURE MAKES ME WHO I AM

We are a product of our cultural, geographical and historical make-up. Within that diverse and unique background is a wealth of resources. For instance, only recently have traditional approaches to conflict handling really been recognised and accorded importance. It is important to invest in becoming familiar with our traditions, and learning to value them.



## WHAT IS MY PERSONAL STYLE?

Are you aware of the way you respond to conflict, and why? Our ability to assert our needs and our openness to the interests of others will affect our programmed responses. Maturity in this area is having the flexibility to choose an appropriate approach to the situation, rather than simply acting out a programmed response.

## ARCHETYPAL RESPONSES

There are some basic archetypal responses to conflict – from withdrawing, through compromising, to joint problem solving. Each approach may be appropriate in certain circumstances, and learning to identify which approach to use under what conditions will help us to become conscious of why we may typically default to one type of response.

## WHAT IS YOUR ROLE?

The role that you play in the peace mission will impact on the way you handle conflict – you may have to fulfil a specialist role or act under a very strict set of guidelines. How much flexibility can you create for yourself to deal with conflict within these boundaries?



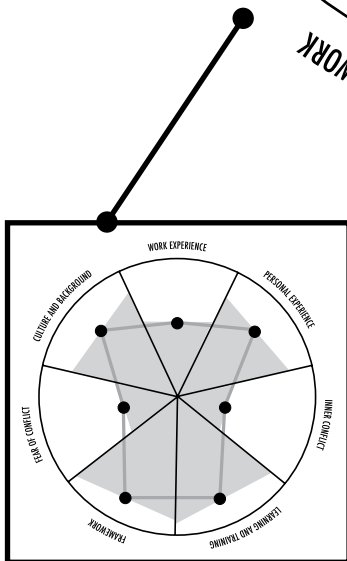
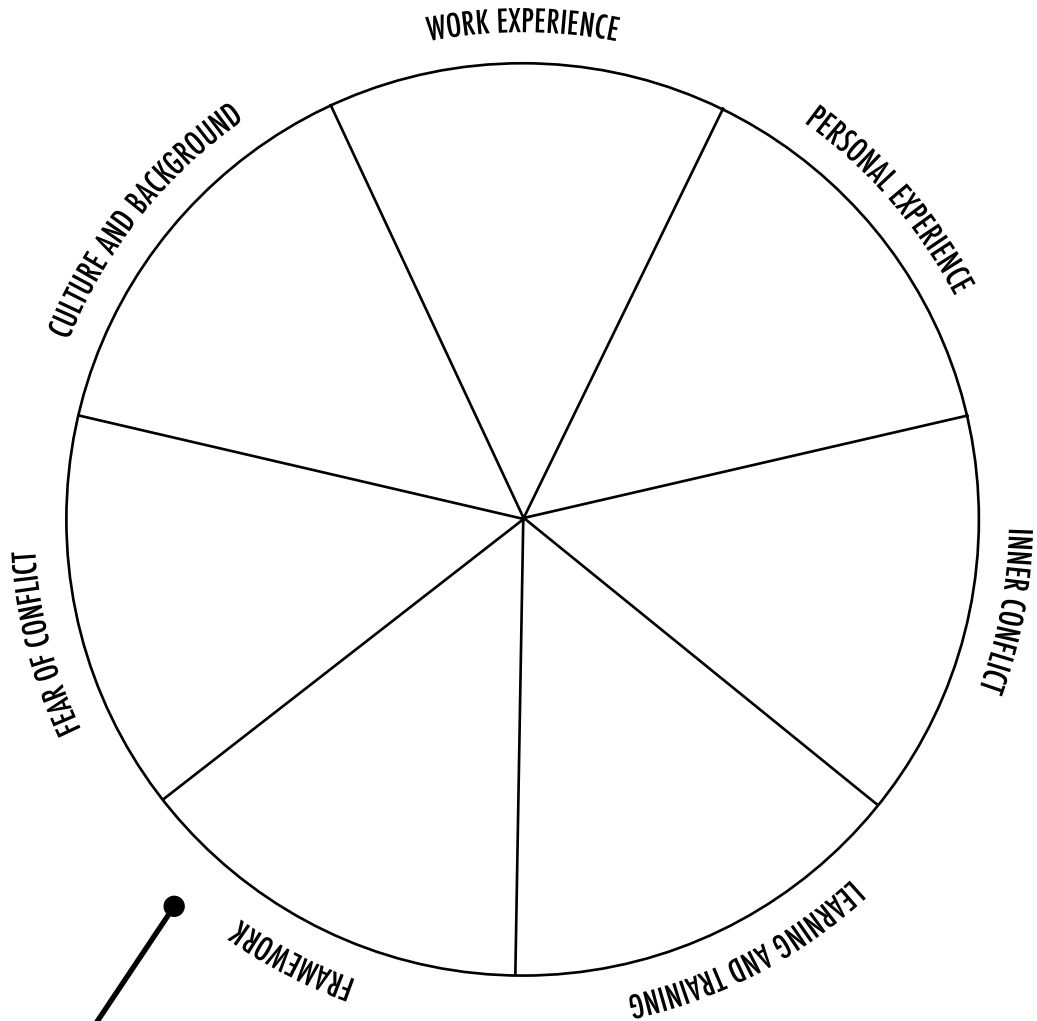


## Personal Conflict Map

You are already part of – or are likely soon to be part of – a peace mission, where dealing with conflict is one of the challenges that will determine whether this is going to be a constructive experience for you. Are you prepared? This handbook offers many tools, insights and approaches to help you, but it may be good to start by getting a sense of how well equipped you are so far.

Fill in the conflict map on the opposite page by shading in each segment, on a scale of 1 to 10. If the description describes you well, then shade in most or all of the segment, from the centre outwards. If it doesn't – you are, in fact, the opposite – then leave it blank, or shade it a little. Decide for yourself where on the scale you are.

- ✳ **Experience at work** – I have a lot of experience of dealing with conflict successfully at work; I am utilised as a resource to help others resolve conflict; when I have difficulties with others, I am able to resolve them and have a constructive work relationship.
- ✳ **Personal life experience** – in my family and with close friends I can deal with difficulties well, and have harmonious relationships; I don't have long-standing problems with people; I am seen by those close to me as someone who can resolve problems.
- ✳ **Inner self** – I am good at facing and dealing with inner conflict around difficult choices and things that have not gone the way I wanted them to in my life; I don't repress or avoid things within myself; I understand all parts of myself pretty well.
- ✳ **Learning and training** – I have undergone training in conflict management; I have read books and papers on different ways to handle conflict; I know the theory of how to handle conflict.
- ✳ **Framework** – I have a personal framework for dealing with conflict; when facing a conflict situation in my mind, I can consciously imagine what steps to follow and what to do; over the years I have refined and developed my personal approach, and it works quite well for me.
- ✳ **Emotional response** – I am not so afraid of conflict; when facing conflict, I am relatively comfortable with dealing with it, even though I know it can be difficult; I don't avoid conflict – I would rather deal with it.
- ✳ **Culture and background** – I am a person who knows my culture and history; I know about traditional methods for dealing with conflict in my family and culture, and I have integrated them into my personal approach; I see myself carrying on with my cultural rituals and practices.



Once you have shaded each segment, mark a dot in the middle, as on the example shown, and connect the dots to make your own personal ‘conflict spider’. The spider should ideally make a balanced circular shape – if yours is a lopsided or spidery-shaped, like the one shown, then the areas with little shading will demonstrate to you the areas on which you need to work.

As discussed on page 8, learning to handle conflict is a multifaceted process of never-ending learning. This handbook will assist you on that journey. Part of the learning is about **theories and thinking**, part of it is about **tools and skills**, and part of it is about **personal transformation** and internal change.





## CONFLICT HANDLING EXPERIENCES: SELF, HOME AND WORK

We all have a wealth of ‘conflict management’ experience, built up over years of dealing with conflict at many levels in life. Honestly evaluating where our approach is working for us, and which areas we find difficult or problematic, is the first step towards improving our capacity to deal with conflict. It is helpful to think of a conflict system where all the levels are interconnected – our capacity to deal with our own inner conflict, for example, helps us to be sensitive and empathetic to the needs and perspectives of others in our work environment.

### Learning and Training

A tremendous amount of research and writing has been done on conflict and its effective management. A lot is to be gained from reading and participating in training in conflict handling – particularly when exposed to perspectives and approaches that one might not otherwise have been experienced. Start with this handbook, and then look at other sources listed in the **Resources** section from page 183.

### Framework

Conflicts are complex, unpredictable phenomena. Dealing with conflict effectively requires a **systematic approach**, particularly under stress and pressure. Internalising a system, which one tests and refines over time, and adapts to your personal qualities and circumstances, can greatly enhance one’s capacity to respond effectively to conflict.

### Emotional Response

Many people fear dealing with conflict. Withdrawing from conflict can be a legitimate response – for instance, when potential for violence is high. However, if our fear of facing conflict leads us to avoid dealing with it at all costs, and in all situations, then **avoidance can carry a high cost in perpetuating conflict**. Gaining tools and confidence to deal with conflict can be an important part of overcoming our fear of it.

### Culture and Background

Many cultural backgrounds have rich traditions, developed over centuries, for dealing with conflict – but globalisation and the destruction of the fabric of traditional societies means we are losing these resources. Through reading, research and talking to the elders in your family and community, you may be able to regain access to some of these resources.



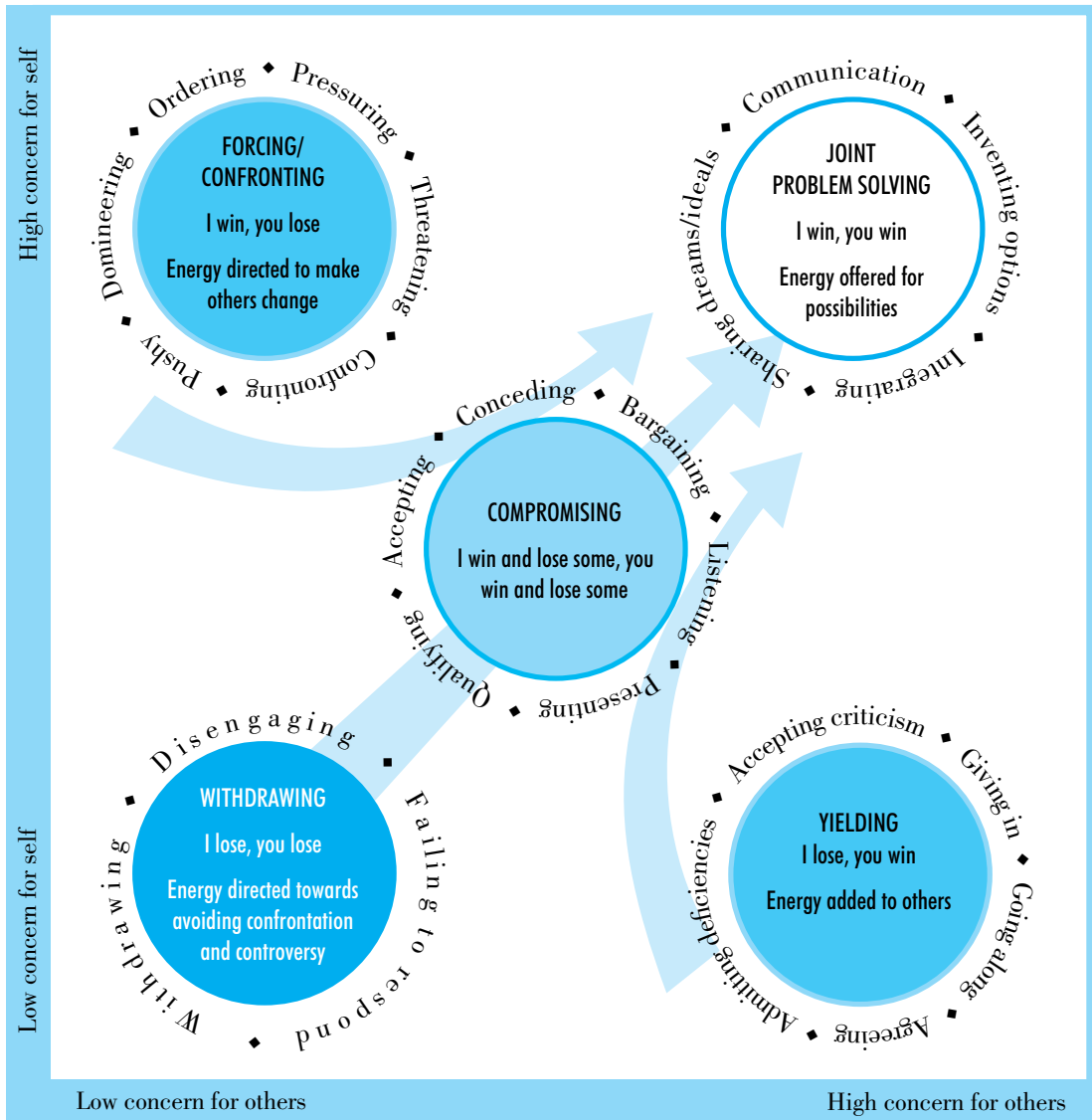
***A United Nations Peacekeeper escorts a mother and child from the Mille Collines Hotel in Kigali, Rwanda, May 1994.***



## THEORY

## Archetypal Responses

There are five basic ‘archetypal’ styles that we use when responding to conflict. Each style may be appropriate under certain circumstances, and we should make a **conscious choice which approach to use**.



**Source:** Thomas-Kilman (1974) adapted by Radford, Glaser and Associates (1991) for Miedzinski and Steadman (1993: 8).

STYLE	IS APPROPRIATE WHEN...	IS INAPPROPRIATE WHEN...
Withdrawing	<ul style="list-style-type: none"> <li>• the issue is trivial</li> <li>• the relationship is insignificant</li> <li>• time is short and a decision is not necessary</li> <li>• your only power is to block the other person by not dealing with the issue</li> </ul>	<ul style="list-style-type: none"> <li>• you care about both the relationship and the issues involved</li> <li>• you use this style habitually for most issues</li> <li>• negative feeling may linger</li> <li>• others would benefit from caring confrontation</li> </ul>
Yielding	<ul style="list-style-type: none"> <li>• you really don't care about the issue</li> <li>• you have no wish to block the other person</li> </ul>	<ul style="list-style-type: none"> <li>• you are likely to harbour resentment</li> <li>• you use this style habitually in order to gain acceptance</li> <li>• others wish to collaborate and will feel like enforcers if you simply accommodate them</li> </ul>
Forcing/ confronting	<ul style="list-style-type: none"> <li>• a life-threatening emergency looms</li> <li>• you're sure you're right, and being right matters more than preserving relationships</li> <li>• the issue is trivial and others don't really care what happens</li> </ul>	<ul style="list-style-type: none"> <li>• collaboration has not yet been attempted</li> <li>• cooperation from others is important</li> <li>• this style is used routinely for most issues</li> <li>• self-respect of others (losing face) is affected and is likely to have long-term consequences on your relationship</li> </ul>
Compromising	<ul style="list-style-type: none"> <li>• cooperation is important, but time or resources are limited</li> <li>• finding some solution, even less than best, is better than a complete stalemate</li> <li>• efforts to collaborate will be misunderstood as forcing</li> </ul>	<ul style="list-style-type: none"> <li>• finding the most creative solutions possible is essential</li> <li>• you can't live with the consequences</li> </ul>
Joint problem solving	<ul style="list-style-type: none"> <li>• the issues and relationship are both important</li> <li>• cooperation is important</li> <li>• a creative end is important</li> <li>• reasonable hope exists to meet all interests</li> </ul>	<ul style="list-style-type: none"> <li>• time is short</li> <li>• the issues are unimportant</li> <li>• the goals of the other person are incompatible with your mandate and/or principles</li> </ul>

## WHAT IS AN APPROPRIATE RESPONSE?

As part of a peacekeeping mission, you probably do not have complete freedom to respond to a conflict situation in any way that you want – you may need to follow protocol, lines of authority, and policy and guidelines. You may also have to consider the safety and security of civilians or team members in a dangerous situation.

Select your response to a conflict according to the particular demands of the environment in which you find yourself. A joint problem-solving solution may not always be the most appropriate response.



**Rebel soldiers from Liberia's main rebel faction, Liberians United for Reconciliation and Development (LURD), sit in the back of a pickup truck cheering a ceasefire on 5 August 2003 in Monrovia, Liberia.**



# 4

## What is Conflict?

Conflict is both something in which we all have extensive experience, and also something of which we are generally afraid and have few skills.

We will look at definitions of conflict from a number of different perspectives.

Normally we think of conflict as something that should be removed as quickly as possible. This chapter will introduce positive aspects to conflict, and help us to begin thinking about how conflict can be used constructively to bring growth, awareness and change to our lives, or the situations we have been tasked to manage.

### KEY THINGS TO LEARN

---

- Have a deeper understanding of what conflict is and how it works
- See the value in conflict – how it can transform and bring about change in a positive way, if handled appropriately
- Exchange ideas and share experiences with other participants in a training, or co-workers on your team





## OVERVIEW

## What is Conflict?

At one level, we are all very familiar with conflict. Conflict is generally viewed as an undesirable negative force in society, to be eradicated as we come across it. And yet, conflict can also be a painful, or uncomfortable, stage of a system undergoing a process of change, and offers the **potential to transform and bring about positive growth**, if handled appropriately.

### A DEFINITION

Conflict is a state of human interaction where there is disharmony or a perceived divergence of interests, needs or goals. There is a perception that interests, needs or goals cannot be achieved due to interference from the other person or people (ACCORD).

### CHARACTERISTICS OF CONFLICT

Conflict is between people, and is a state or relationship that is characterised by disharmony. Sometimes conflict can exist in a latent or 'underground' state for long periods of time but, when it emerges, it manifests as competition over perceived limited resources, and involves some level of confrontation – which may escalate to violence. Unmanaged, conflict can eventually escalate into widespread destruction and devastation.

### CONFLICT CAN BE POSITIVE

Conflict offers the opportunity for resolving unbalanced power relations. It can lead to greater awareness and growth; it is a way of solving problems... these are some of the positive outcomes of conflict. Conflict is an immutable force of society – we have the choice to view it positively and work constructively with it, or to view it negatively and avoid or repress it.



## LEVELS OF CONFLICT

- Inner conflict is the conflict we face on a daily basis over difficult decisions, over frustration, anxiety and anger at the world not being as we want it to be.
- Interpersonal conflict occurs in an office or team environment, and is a common feature of diverse international teams working together in a peace mission environment.
- Intergroup conflict can occur between the military, police and civilian components of a peace operation, between aid organisations, or between factions in a community.
- Intrastate conflict involves conflict between different parties attempting to wrestle control of part or all of the country.
- Interstate conflict is between countries, or may involve several countries in a region. A peace mission in one country may find that a number of neighbouring states are playing a role in the conflict by supporting one or more factions.



## OPTIONS FOR RESPONDING

We can deal with conflict along a continuum, from informal discussion through negotiation and mediation to the use of force. As we proceed further from negotiation, the parties lose control of the process and the solution, the role and agendas of external parties increases, and the human cost of conflict rises.



## What is Conflict?

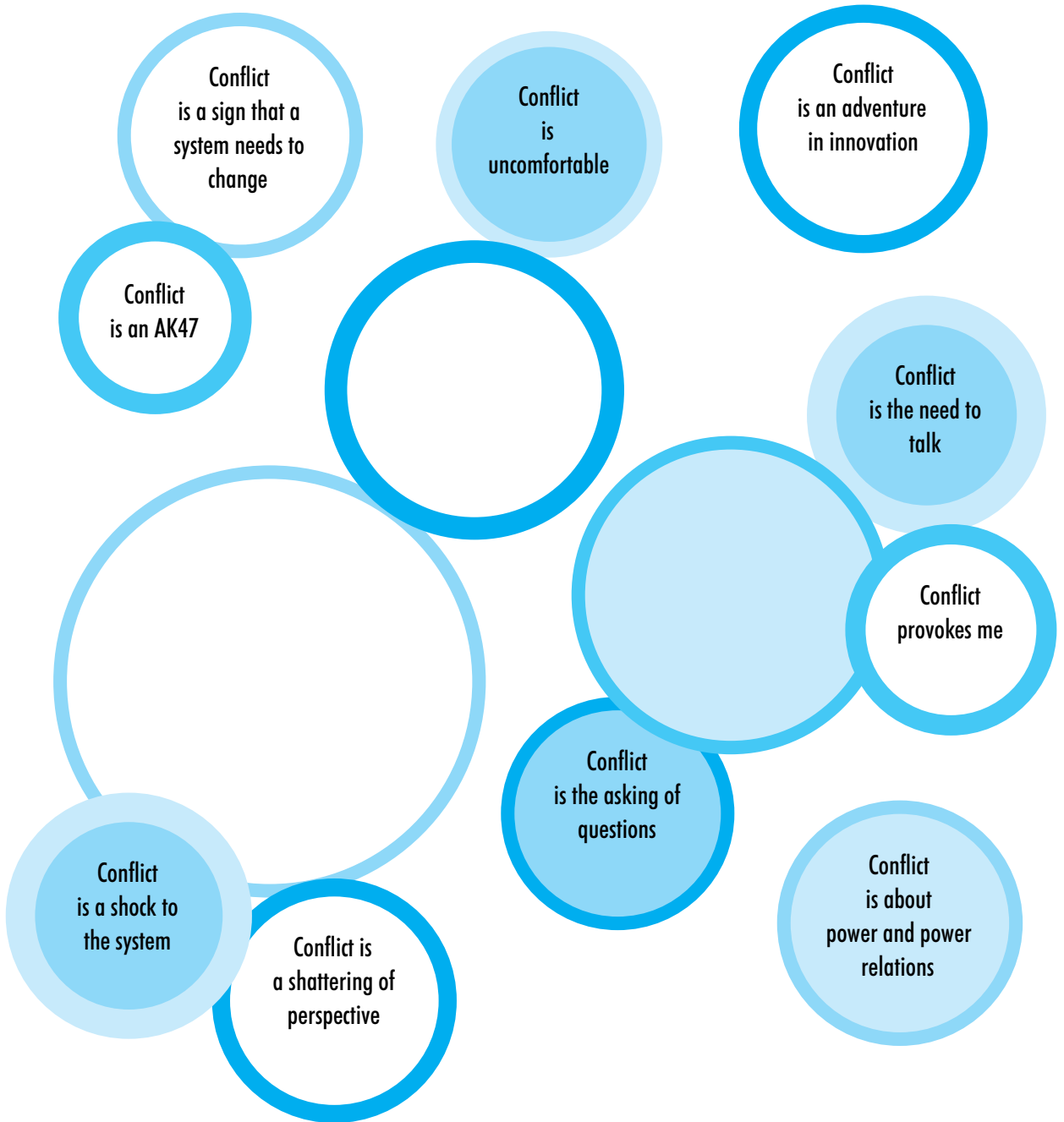
Throughout our lives, we all become experienced in dealing with conflict (even if that means avoiding it at all cost). All human beings experience conflict as a large part of our human existence.

- ✳ Conflict involves **people**: it is a state of human interaction between two or more parties (or even two or more parts of ourselves).
- ✳ Conflict is a state of human interaction where there is **disharmony**.
- ✳ It emerges when parties **compete** over perceived or actual goals, values or interests.
- ✳ It occurs when parties **confront** each other with opposing actions and counter-actions.
- ✳ It is an indicator that something is changing, has changed or **needs to change**.

### CONFLICT DEFINITIONS

- ✳ Conflict is a state of human interaction where there is disharmony or a perceived divergence of interests, needs or goals.
- ✳ Conflict is a form of competitive behaviour between people or groups. It occurs when two or more people compete over perceived or actual incompatible goals or limited resources (Boulding, 1962, cited in CDR, 1986: 2).
- ✳ A social conflict exists when two or more persons or groups manifest the belief that they have incompatible objectives (Kreisberg, 1988: 2).
- ✳ Conflict is an outgrowth of the diversity that characterises our thoughts, our attitudes, our beliefs, our perceptions, and our social systems and structures. It is as much a part of our existence as is evolution (Weeks, 1994: 7).

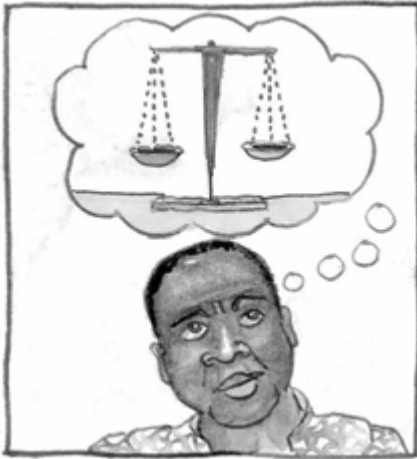
But is thinking of conflict analytically, as a theoretical construct, the only way to think of conflict? Our rich cultural traditions have, through the ages, handed down wisdom and insight in the form of metaphor, story or myth. These parables offer us a ‘sense of knowing’ – they resonate at a non-intellectual level, and yet we somehow feel ‘connected’ with the truths they contain. In the process of training future peacekeepers how to handle conflict, we have asked them to give us some metaphors that describe what conflict is for them. These are their responses (and we’ve left some empty spaces to fill in some of your personal metaphors).




**THEORY**

## Types and Levels of Conflict

We encounter different levels of conflict – from interpersonal through to intergroup and interstate conflict. How does this play out in a peacekeeping environment? Here are some levels of conflict that you may experience on a typical peacekeeping mission.



### INNER CONFLICT

Internal conflict is something that we continue to face on an ongoing basis around difficult decisions, for example, having to do things because of our jobs that we do not like or with which we do not necessarily agree; having to get along with people we find difficult; or dealing with the isolation and separation from loved ones while on a mission.

The challenges and stresses of the peace mission environment may exacerbate aspects of your own internal conflict, and that is something to expect and for which to prepare. Many of the tools presented in this handbook also apply to dealing with inner conflict – in fact, internal conflict could be seen as a conflict between different parties within, or different parts of, ourselves.



### INTERPERSONAL CONFLICT

Life on a peacekeeping mission mirrors what you experience in normal social life, and the same type of intra-office conflicts can occur as one would expect in any normal work situation. In fact, the peacekeeping context can be especially susceptible to intra-office conflict, because it is a highly dynamic environment. The situation is typically quite tense, often dangerous, mostly multicultural and multilingual. There is a high turnover of personnel and everything is temporary (your office location may change, your boss may change, the name of your unit and its location within the larger structure may change, everybody is on short-term contracts, etc.).

This highly dynamic situation causes a strange microsocial system, where there are few incentives for investing in long-term social stability. There are thus few external social control mechanisms (peer pressure, codes of conduct, etc.), and everyone is more dependent on themselves to maintain acceptable social behaviour.

In this environment, people working in the same office may have conflicts over how to carry out a task (often culturally influenced), or they may compete for positions. Because structures of authority are often unclear (positions may remain vacant for months, and someone from a lower level of seniority may be appointed to act in that position), there is more room for open competition over and/or rejection of management. Or people may compete for tasks that are perceived to be the most prestigious (that would bring them into contact with senior managers such as the SRSG, or that may result in travel – either internal, i.e. into the field if the persons are at the HQ, or perhaps even internationally, i.e. to a training course or meeting outside the mission area).

#### CONFLICT OVER MANAGEMENT

**The head of office (P4) is going on leave, and one of the three P3s in the office (Rogers, Nkuhlu and Ndiri) will be appointed Officer-in-Charge (OIC) in her absence. The one P3 (Rogers) has acted as OIC in the past when the P4 has been away, and expects to be appointed as OIC. However, a new P3 (Ndiri) has joined the office since the last time the P4 has been away, and as the P4 has more confidence in the leadership abilities and experience of Ndiri, she appoints him as OIC.**

**Rogers is disappointed and furious, and decides not to cooperate with Ndiri. In fact, Rogers actively undermines Ndiri and complains to everyone that is willing to listen that Ndiri has only been appointed as OIC because the P4 and the OIC are of the same gender/race/religion or language group.**

#### CONFLICT OVER OPPORTUNITY

**An office head informs her staff that there is an opportunity for one person to attend an ACCORD Civilian Peacekeeping and Peacebuilding Course in Durban, South Africa, in two months' time. This results in fierce competition among some of the staff, who would like to be chosen for this training opportunity and the foreign travel. They constantly compete amongst each other for tasks that may put them in a position to impress their manager, and some try to discredit their colleagues.**

**When Sanchez is selected, the other staff who thought they had a chance are very disappointed, and one of them tells everybody that Sanchez has only been selected**



because she has used a friend in the office of the SRSG, who is from the same country as she is, to put pressure on her boss to select her for the position. The other staff in the office believe this story, and everyone shuns Sanchez before her departure and for months after her return.



## FEAR OF CONFLICT

Most people are terrified of conflict, and would rather avoid it – they deal with it only as a last resort. To be an effective mediator or conflict intervener in a peace mission, you will have to learn to accept conflict and deal with your own internal apprehension around conflict. A first step is to learn to deal with conflicts in your own life. This will help you to be neutral when assisting other people with their conflicts.

## INTERGROUP CONFLICT

This is the level of conflict between interpersonal conflict and conflict that occurs on a national or international level. It can include any kind of conflict, such as conflict between the military, police and civilian components of a mission, or between aid organisations working in the peace mission. Conflict within a community, or between factions in one geographical area that doesn't necessarily impact on the national conflict, would also fall under this level.

### CIVIL-MILITARY CONFLICT

One of the factors that complicates peace operations is the large number of different organisations and institutions that work alongside one another. These organisations have different mandates and operating cultures, and this often creates tension among them. For example, an NGO based in Goma (DRC) is driving three trucks from Goma to Bukavu to deliver shelter items to an IDP camp. On the way they come under attack by unknown gunmen, but two trucks manage to escape and reach Bukavu. In Bukavu they report the incident to the UN. The UN peacekeeping force sends a platoon to investigate the incident and to search for the missing truck, but the commander of the peacekeepers in Bukavu is furious with the head of the NGO. He argues that they should have informed the UN before they left Goma, so that the UN peacekeepers could have provided them with an escort. The NGO argues that they are an independent humanitarian actor and that they prefer not to make use of military escorts. The commander argues that the NGO only wants to cooperate with the military when they are in trouble.



#### COMMUNITY CONFLICT

Two neighbouring villages near the town of Rumbeck in Sudan have been in conflict over their allegiance to the local chief. One of the villages wants to break away and create their own chieftaincy. They argue that they originate from another clan that was forced to move into their present location two generations ago, and that they are therefore not part of the same clan system as their neighbouring village. They should thus have the right to have their own chief. The existing chief in the neighbouring village claims that his ancestors allowed the people from the neighbouring village to settle on their land, on the condition that they accept the authority of their chief. He argues that, if they want to appoint their own chief, they have to move off their land.

This dispute has been going on for years, but seems to have worsened during recent months. Over the past weekend, a soccer match between youths from the two villages ended violently, and one boy died. There are now rumours that the village of the boy that has been killed is planning to attack the other village. You are the local UN Civil Affairs officer, and you realise that if this situation is not resolved, the violence is likely to spiral out of control.



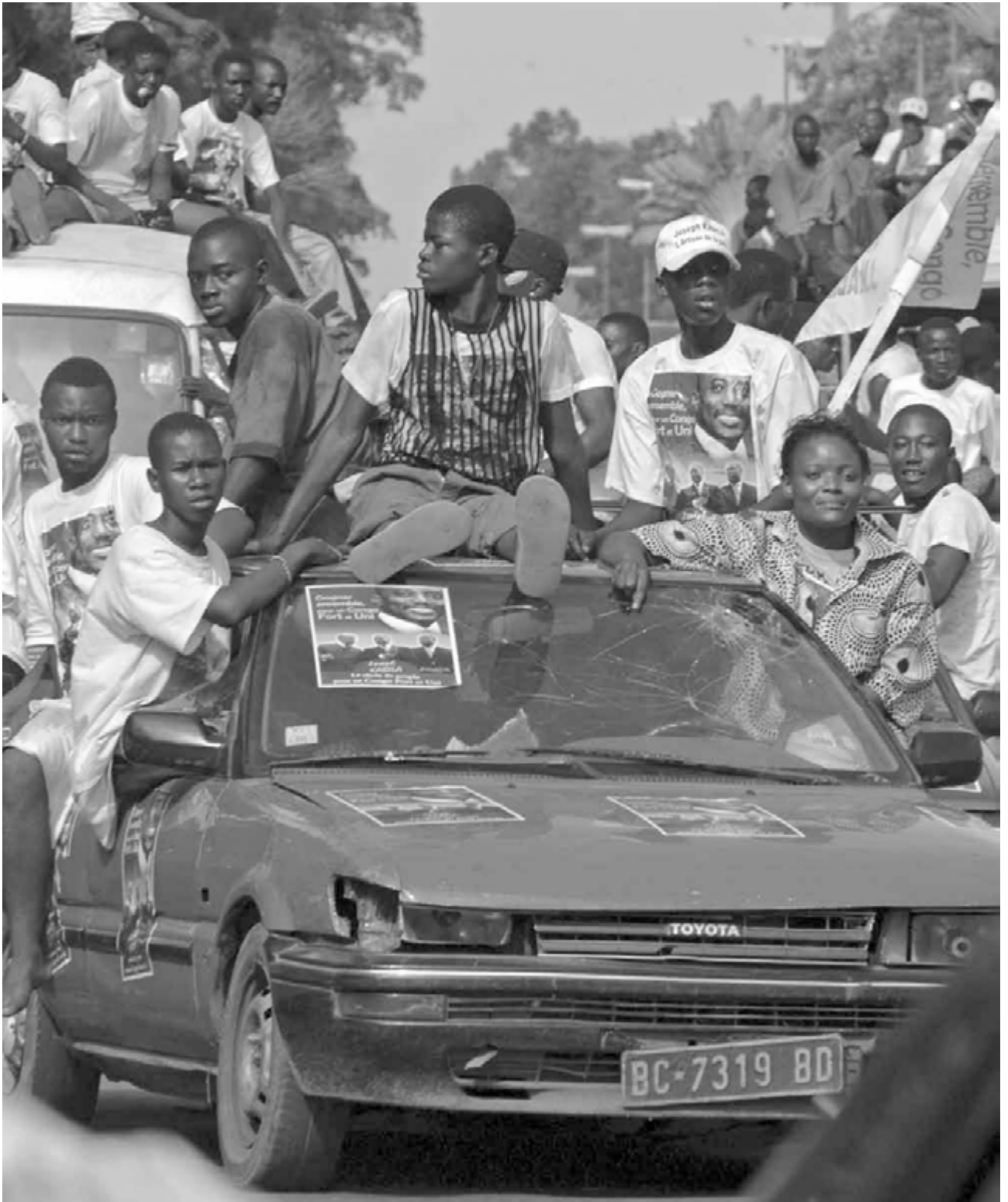
## INTRA-/INTERSTATE CONFLICT

The main focus of the peacekeeping mission is to **manage conflict between the warring parties** within the state (intrastate) or between states (interstate). You may not be at a senior level of command on the mission, and may feel that you personally have no direct impact on the outcome of the conflict, beyond fulfilling your role in the mission. Sometimes, however, a local or regional issue can impact the course of the conflict nationally, as the following example shows.

### POST-CONFLICT ELECTIONS

**The first post-conflict election in Sedonia is critical for the future stability of the country. There was no clear winner in the first round of the presidential elections, and there is now going to be a run-off between the two frontrunners. Both candidates have booked the same stadium in one of the provincial towns for a major political rally this coming Saturday. Apparently the person responsible for the bookings accepted a booking from the Freedom-All Party on Monday. He was sick on Tuesday and a colleague of his, unaware of the Freedom-All Party booking, accepted a booking from the National Congress Party. The error was discovered on Wednesday when both parties paid deposits for the hiring of the stadium. However, as both camps have already announced their rallies and spent money on printing posters and on radio and newspaper advertisements, neither is willing to change their plans.**

**The double booking has snowballed into a major stand-off between the two parties, and the national police and AU mission are concerned that it may lead to violent clashes between the supporters of the two sides, if it is not resolved soon. You are the electoral advisor in the AU Mission in Sedonia, and you have been asked to meet with the two parties to try and resolve the situation.**



**Supporters of President Joseph Kabila parade down the main boulevard of the capital, Kinshasa, in the Democratic Republic of the Congo, October 2006.**



## Conflict Can be Positive

Conflict is often seen as negative. But conflict can:

- \* **create an opportunity for balancing the power** within a relationship or the wider society, and the reconciliation of people's legitimate interests;
- \* **lead to greater self-awareness** and understanding, and awareness of diversity and differences between people, organisations and societies;
- \* **lead to personal, organisational and even systemic growth** and development;
- \* act as a useful medium for **airing and solving problems**;
- \* allow for different **interests to be reconciled**; and
- \* **foster unity** within groups.

### WHY SEE THE POSITIVE ASPECTS OF CONFLICT?

We should see the positive sides of conflict so that we do not:

- \* **avoid dealing with conflict**;
- \* see conflict only as a **battle between incompatible self-interests** and desires; and
- \* see the conflict in terms of **absolute differences**. This colours the whole relationship and ignores the healthy, more positive aspects of the relationship.

Conflict is **not good or bad – it simply 'is'**. It is a **facet of everyday human experience**. The natural systems of nature also involve conflict at many different levels – whether it be one animal eating another for survival, or competing for leadership of the herd, which leads to selection of the strongest genes for future generations.

As we observe life, and conflict's role in growth and change, we become aware that conflict is often necessary. It should not be suppressed, but rather worked with and channelled. However, there is evidence all around us, wherever we are in the world, of the **devastating impact of unrestrained or unmanaged conflict**. This handbook should assist you to play your part in the management and resolution of conflicts as you encounter them in the peacekeeping environment.

The examples on the next page illustrate the kinds of positive outcomes that can emerge from handling conflict constructively in a peace mission environment.

### SCHOOL RECONSTRUCTION

During the UN Mission in Sierra Leone (UNAMSIL), one of the battalions thought that it may be a good idea to assist the community with the reconstruction of a school in their area of responsibility, which was destroyed during the conflict. They started discussing the idea with the local community, with the intention of ensuring that the community choose which school should be reconstructed. They soon realised that their enquiries had resulted in a dispute between two neighbouring villages over which school should be reconstructed.

After some time, it transpired that the school reconstruction dispute was actually just a symptom of a long-standing dispute between the two villages, about the utilisation of an area of grazing land that separated them. The peacekeepers decided to assist the community with the reconstruction of both schools, but they asked them to set up a committee, with representatives from both villages, that would manage these and other community projects undertaken with the support of the peacekeepers in future.

Through the process of working together on the school reconstruction project, and later on a bridge reconstruction project, the two villages were able to establish such a positive cooperative relationship that they were eventually able to resolve the grazing dispute as well. The initial heightened tension brought about by the school reconstruction dispute thus generated a process that eventually resolved the underlying dispute.

### CROWD CONTROL INCIDENT IN EAST TIMOR

In one of the 13 districts of the UN Transitional Administration in East Timor (UNTAET), considerable tension developed between the UN police officers from the West and those from Asia. The Western police officers thought the Asian police officers were not assertive enough when dealing with the local community, whilst the Asian police officers thought that the Western police officers were too aggressive. It all came to a head when they had to deal with an angry crowd.

The Western police officers immediately took the lead, as they usually did, and formed a line that blocked the advance of the crowd. The Western police officers had their hands on their holstered weapons and loudly demanded that the crowd stop their advance. A tense stand-off ensued. The young local men in the front of the crowd were angered by the aggression of the UN police, and felt that to protect their honour and to show that they were not scared, they should challenge the police. Some started picking up stones.



The Asian police officers originated from a neighbouring country and, understanding the local language and culture, were able to read the crowd and realised what was happening. They walked forward, through the line of Western police officers, and started chatting informally with the crowd. They joked and casually tried to find out the grievances of the people. This immediately removed the tension between the police and the crowd.

The Western police officers realised that, through this action, the Asian police officers peacefully resolved a situation that could otherwise have turned violent. After this incident, the relationship between the Western and Asian police officers changed. They recognised that they had different styles or cultures of policing, that each had its own merit, and that the Asian style was better attuned to dealing with the local community in East Timor. Addressing the external conflict thus helped the police to resolve their own internal problems.

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## How Can We Respond to Conflict?



Resolving conflict through the use of force is always a last resort. Parties to a conflict will generally try to use less ‘costly’ methods to achieve their aims. The **Conflict Management Continuum** on the opposite page shows a range of options for resolving conflict.

### DECISIONS BY THE PARTIES

#### INFORMAL DISCUSSION

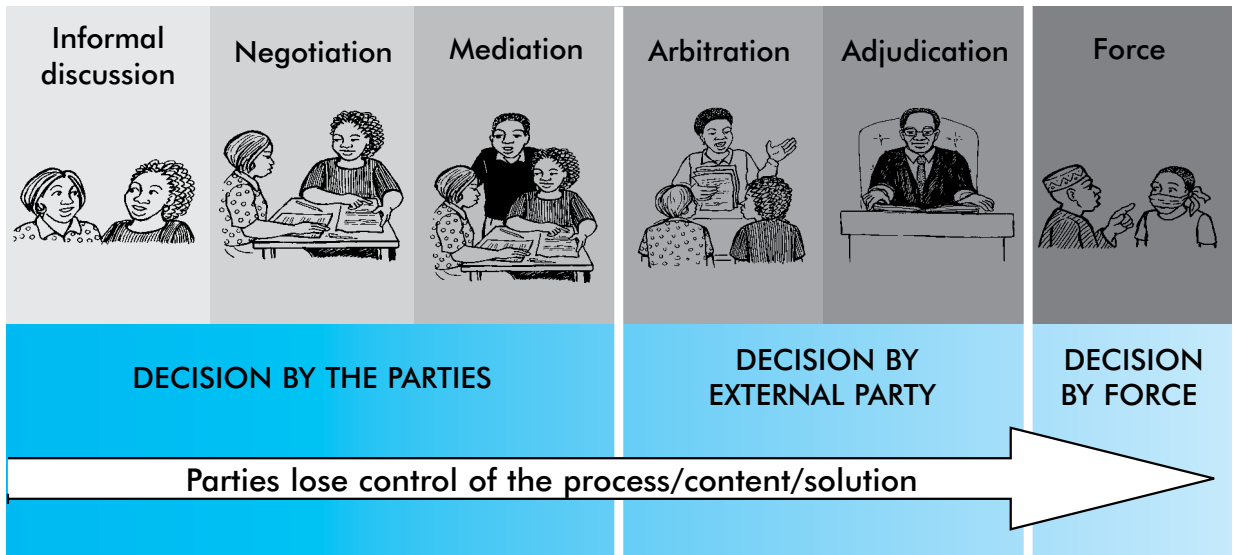
An unstructured process, where parties attempt to resolve their problems on their own (also useful to prepare for formal negotiations).

#### NEGOTIATION

An informal or formal process, where parties actively talk about their conflict for the purpose of reaching agreement and bringing resolution to their problems.

#### MEDIATION

A ‘facilitated negotiation’, where an independent third party **helps parties** to come to the resolution of their problems, but does not decide on their behalf.



*Do you understand the differences between these different ways of dealing with conflict?*

## DECISION BY EXTERNAL PARTY

### ARBITRATION

Parties jointly commit to a third party making a decision about how to resolve the conflict, which will be binding on all parties. This is often used in industrial or business conflicts.

### ADJUDICATION

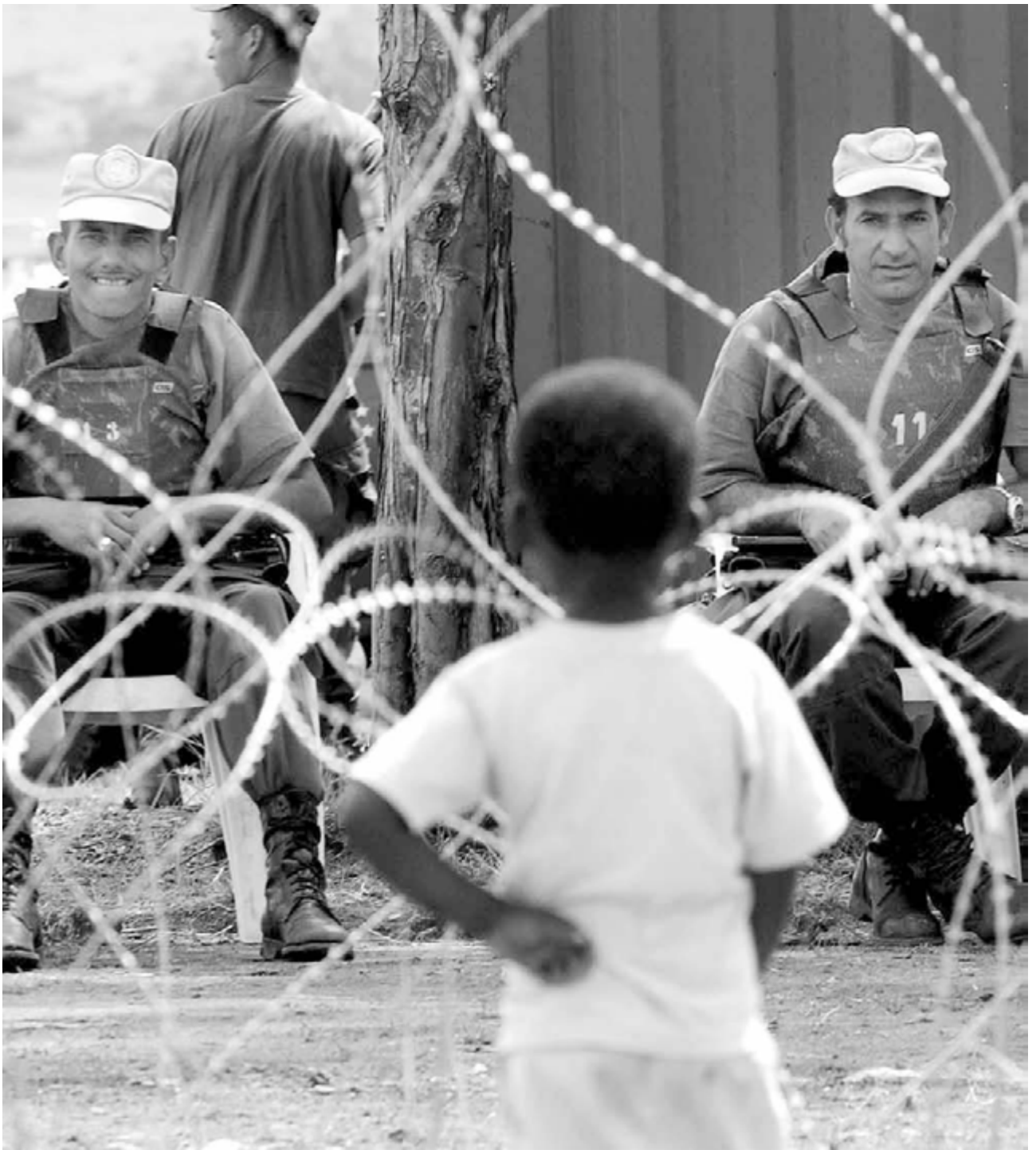
A legal process, backed up by the power of institution – e.g. a medical board governing doctors, or a court governing society. The ‘adjudicator’ makes a decision for the parties, which is binding on the parties.

## DECISION BY FORCE

### FORCE

A last resort, and often the **most destructive, costly way of resolving conflicts.**

Use of force can lead to loss of life; destruction of property and the social order; massive financial costs associated with the financing of a war and a peacekeeping intervention; and the loss of trade, resources and functioning economic systems.



***A young boy looks through barbed wire at three Uruguayan UN peacekeepers at a refugee camp in Bunia, Democratic Republic of Congo. Troops arrived in Bunia under a UN mandate in June 2003, to secure the provincial capital of Ituri province and prepare for a multinational force. The area had been plagued by a wave of recent ethnic killings between two rival tribes: the majority Lendu and the minority Hema.***



# 5

## Understanding Conflict

This chapter will enable you to understand the complexities of conflict, as you are likely to encounter it in a peacekeeping operation.

Most conflicts have a confusing and interconnected web of causes, and involve a network of actors other than the two or more parties immediately implicated in the dispute.

This chapter will offer some tools to help you prepare for any kind of conflict intervention. It will help you to understand the conflict's root causes, to identify the needs and interests of parties, to understand what role they play in a conflict, and to see how factors like culture and power influence the conflict system.

### KEY THINGS TO LEARN

- Gain a deeper understanding of how conflict functions, what causes it and what possible outcomes it can have
- Gain skills to analyse a conflict and prepare for a conflict intervention
- Understand what stage a conflict is at, so as to prepare an appropriate response
- Learn tools that are applicable to conflict negotiation and mediation



## OVERVIEW

## Understanding Conflict

Any successful intervention to change or resolve a conflict requires that you **understand clearly what is going on in the conflict**, and its root causes. If you are mediating an international conflict, this would be done in detail by a large team of analysts. When facing a confrontation with a colleague, you may make an assessment in five minutes in your head... but the core principles remain the same.

### A QUICK ASSESSMENT

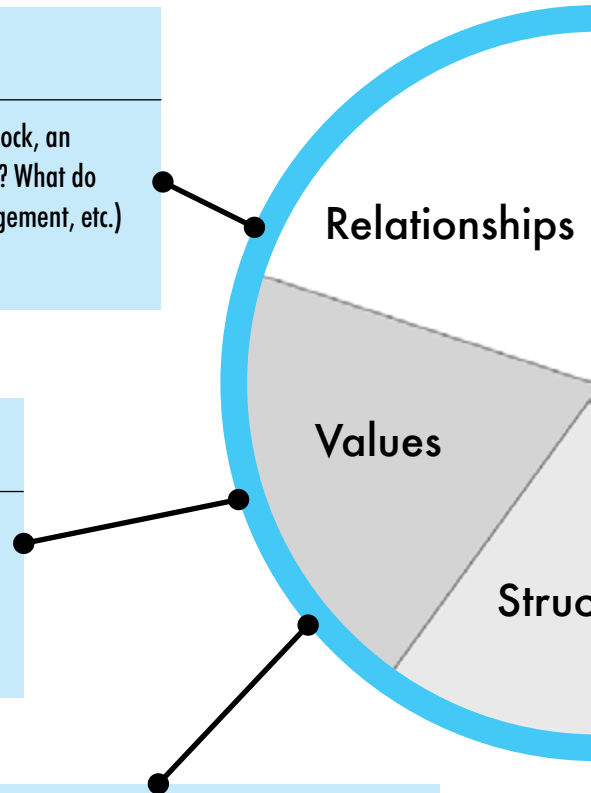
Even in a short-term confrontation, such as with rebels at a roadblock, an assessment of the conflict is important. With whom are we dealing? What do they want (interests)? Are there factors (structural – rules of engagement, etc.) that will affect our range of options for dealing with the conflict?

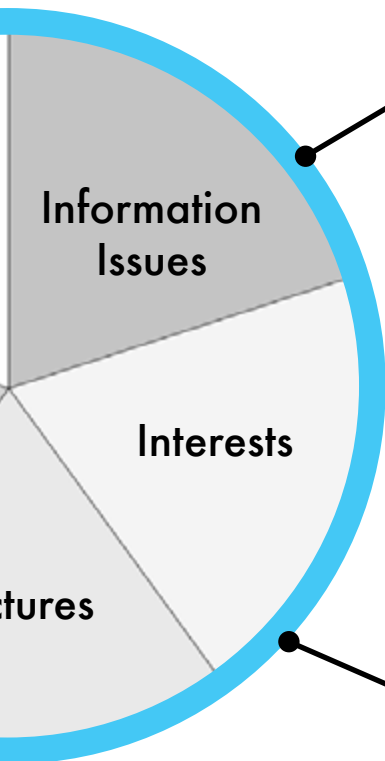
### A MIND MAP OF THE CONFLICT

By applying a simple methodology, which looks at the story of the conflict, the parties, the causes, and assesses how close the conflict is to crisis point, we can quickly decide on an appropriate approach to handling the situation.

### EXAMINE THE PARTIES

- The parties have personalities, values, interests, needs and a context, which will affect how they respond in the conflict.
- The primary-secondary-peripheral framework can help us order the parties in a useful way.





## UNDERSTANDING THE CAUSES

The circle of conflict can help us to identify and analyse the root causes of the conflict, to understand better at what level intervention in a conflict should occur. Most conflicts will have causes in each segment of the circle – understanding them will help us know with what we are dealing.

- Relationship aspects: the breakdown of relationships and interactions between parties; stereotyping; demonising; poor communication.
- Information disputes: contested versions of 'the truth'; lack of information; different views on what is relevant.
- Interest aspects: all parties have interests – how do these compete, and what interests lie behind their demands/positions?
- Structural issues: the political, economic, geographical, financial and legal frameworks in which the conflict occurs – how do these various constraints impact the conflict?
- Value conflicts: different ways of viewing the world; cultural frameworks; conflict at the level of what makes us who we are; the deepest level of conflict, and the most resistant to change.

## HOW CLOSE TO CRISIS?

Making an assessment of what stage a conflict is at is critical to an effective intervention. The closer a conflict is to crisis, the greater the potential for mistrust, suspicion, misunderstanding and violence, and the more complicated negotiation will be. The stakes will be higher.



## THEORY

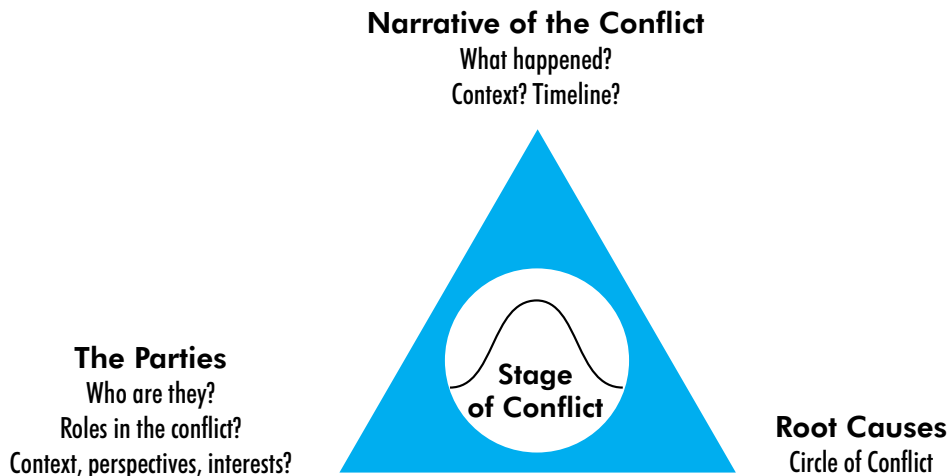
## Assessing a Conflict

Whether you are preparing to intervene in a conflict (in a mediator or third party role), or whether you are a party to a conflict (for instance, you are negotiating the release of UN soldiers being held hostage), if you want to have an impact on the conflict you need to make an assessment of the conflict – and if you are planning a significant intervention, you need a **deeper understanding** of the conflict.

Conflict analysis is part of the preparation for resolving a conflict. Analysing a conflict means coming to terms with the history of the conflict (the story), looking at relationships between parties and understanding their historical and cultural context, and understanding some of the root causes. This analysis will help you to:

- \* get an understanding of who the **parties** are, and how they function – and some insights on how best to get them to work together. It will also give you some insights on how to deal with significant parties who may be outside the formal mediation process;
- \* tell which aspects of the conflict need attention, what causes them and how to address them; and
- \* start drawing up a **conflict map and potential options for settlement**. Even though the mediator does not determine the outcome of a negotiation process, they should have an idea of where resolution of a conflict may potentially be found.

Once you have a conflict map, it is also important to assess what stage a conflict is at – is it in the process of escalation, or is it a full-blown crisis? This will inform us of the appropriate action to take, and who should take it.





## NARRATIVE OF THE CONFLICT

You can't make a meaningful intervention in a conflict if you don't know what has happened. The narrative should provide:

- \* a **factual account** of what has happened;
- \* **background and context**; and
- \* a **timeline** of events.

Bear in mind that this story is likely to be highly **contested** by the parties to the conflict – with each having their **own version** of what has happened. These differences will actually help to highlight the parties' interests and the root causes of the conflict. Be careful not to compromise your neutrality by showing support for one party's version of events. Spend as much time as possible talking to parties, including parties other than the primary parties involved in the conflict, and doing background research.

## THE PARTIES

List all of the possible parties to the conflict – including those that seem less important. Parties should then be placed in a **framework** that identifies how they are involved in the conflict. Links should be drawn between the parties to identify their relationships, and their common and opposing interests.

## ROOT CAUSES

The **Circle of Conflict** tool can be used to identify the root causes of a conflict. All of the potential root causes in each sector must be identified. When analysing root causes, it is important to consider the involvement of all parties, not just the primary parties. Getting this information is going to take substantial **research** – including talking to the parties (if possible) and consulting experts. Obviously, this level of detailed preparation will only be indicated in situations where extensive negotiations or mediation are at stake.

## AND IF YOU'RE FACING A CRISIS?

You are a company commander. One of your soldiers has been 'arrested' by villagers, having accused him of raping a local girl, and if he is held overnight you fear he may be killed.

Now is not the time for in-depth conflict analysis, but how do you intervene? Your rules of engagement prohibit the use of force.

Such crises are commonplace on a peace mission. However, before acting, you always make an assessment, even a rapid intuitive one based on apparent information learned through your senses.

This chapter is designed to give you a framework. You may conduct your 'analysis' in a matter of seconds, but it is best carried out according to a framework, and by asking the right questions. Once you have learned it, challenge yourself to analyse a conflict you have faced in the past, using the model, in under one minute. Surprised at the results?



## HOW TO

## The Parties

- \* Get information **from the parties** themselves wherever possible.
- \* If primary conflicting parties are not accessible, then **experts** who seem to know the parties should be approached.
- \* Several different people on different sides need to be spoken to in order to get a **variety of perspectives**, and to cross-check accounts.
- \* **Direct observation** of behaviour can also be used and, in some cases, the preferences (positions and needs, or interests) of parties can be inferred.

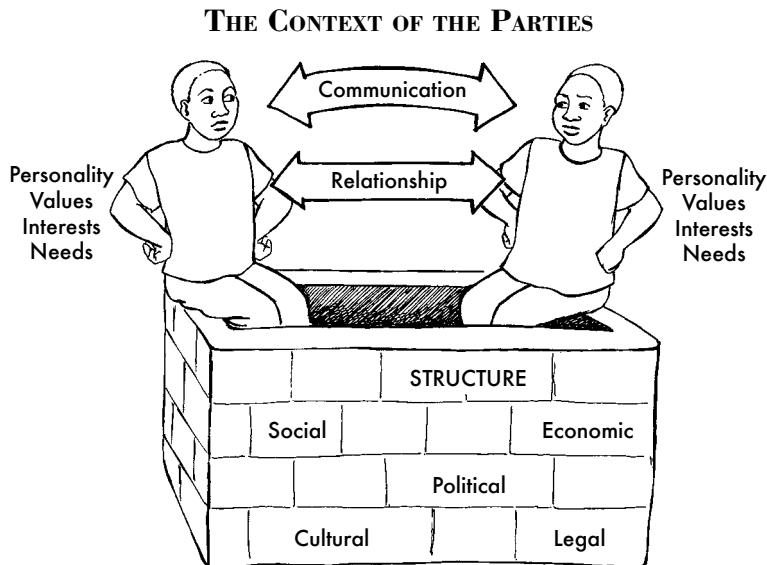
## BACKGROUND AND CONTEXT

All conflicts have a context within which they happen, and usually a history.

The conflict situation will be impacted by:

- \* the **personalities and personal perspectives** of the individuals involved; and
- \* the **social, cultural, political, economic, and/or religious context** within which the conflict is set.

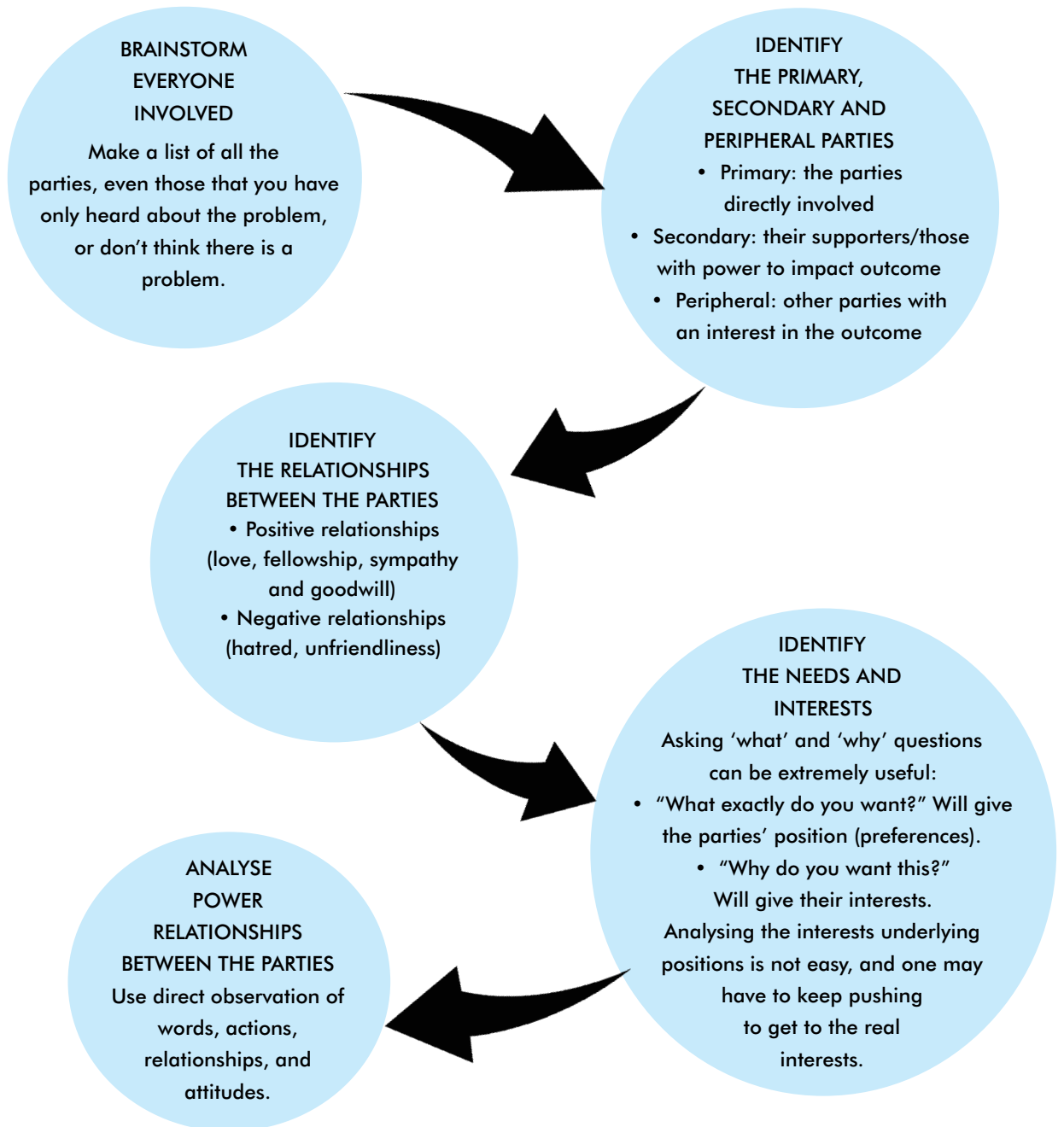
The context can affect the interests, position, power, rights, feelings of, and outside pressures on, the parties.





## TOOLS FOR IDENTIFYING AND ANALYSING THE PARTIES

Here is a process you could use to identify parties and their interrelationships.





## HOW TO

## THE 'UNIMPORTANT' PARTIES

The **peripheral parties** – those outside the circle – may not seem significant to the negotiation process, but they are very important to bear in mind.

They can have a marked positive or negative impact on your progress in the negotiation – for instance, by supporting the other side, or by providing your side or the mediator with resources.



## SORTING THE PARTIES

After brainstorming all the possible parties to the conflict, you will need to sort them to understand how they relate to one another and the conflict. Place them within this framework of concentric circles by deciding whether they are primary, secondary or peripheral to the conflict, as follows:

- \* **primary parties** – those directly involved; the people who you need in the room to resolve the conflict;
- \* **secondary parties** – those directly affected by the conflict; those with the ability to destabilise an agreement with which they don't agree; and
- \* **peripheral parties** – those on the outside, who still have an interest in the outcome of a conflict, and those affected by the conflict (everyone who has a stake in its outcome).

**Source:** V. Gounden, ACCORD.

## REAL WORLD PERSPECTIVE

Identifying the parties individually, clearly separating them out, and placing them in this framework, or social network, will greatly assist to establish the relationships between the primary parties and the rest.

This analysis may prove to be a 'reality check' for parties who have unrealistic expectations of the outcome of a negotiation process, or an unrealistic assessment of their own BATNA (Best Alternative To a Negotiated Agreement – a tool for assessing the strength of parties in negotiation, and for evaluating any potential agreement against a party's options outside the negotiation).

***The victims of a conflict are also parties to a conflict, and should be considered in your analysis – normally, they would be considered secondary parties.***

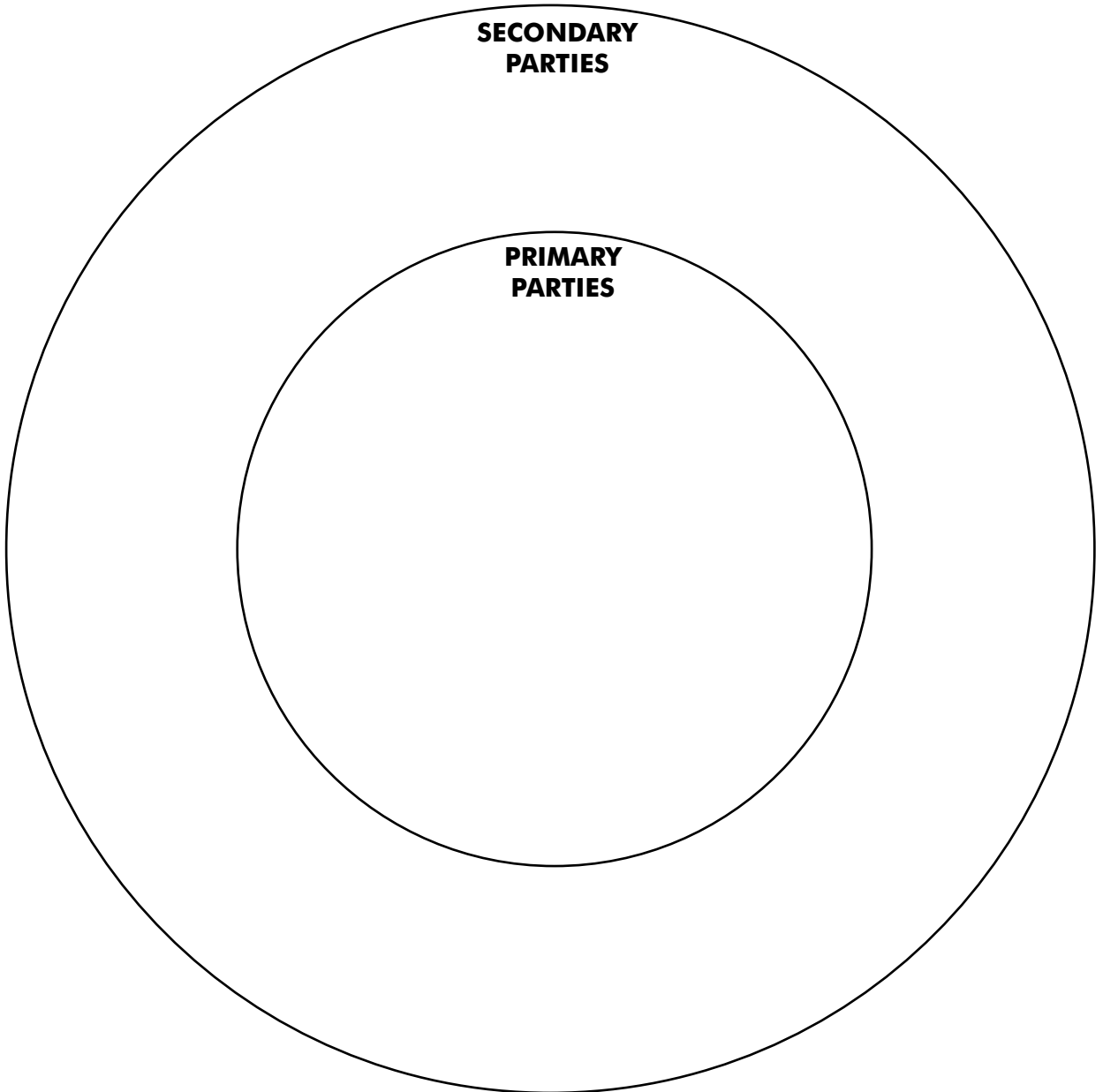


**HOW TO**

**PERIPHERAL  
PARTIES**

**SECONDARY  
PARTIES**

**PRIMARY  
PARTIES**

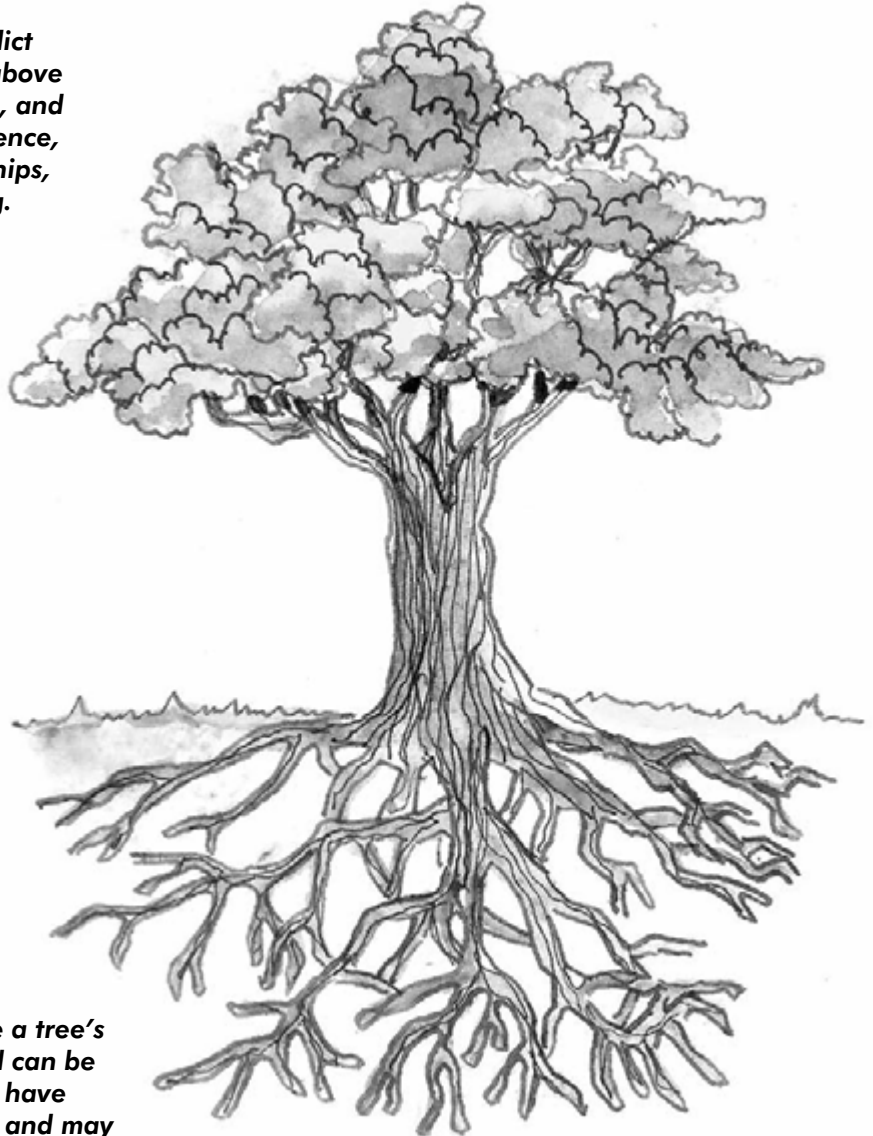


**HOW TO**

## Causes of Conflict

Ask the protagonists to any conflict what its causes are and you will get a multitude of different answers. Conflict is a complex phenomenon, and its causes are sometimes deep rooted and long term, much like the roots of a tree that extend deep into the ground.

***The consequences of a conflict are visible – they manifest above ground as the fruit of a tree, and present as disharmony, violence, the breakdown of relationships, and other forms of suffering.***



***The causes of a conflict, like a tree's roots, are often hidden, and can be deep seated. Some conflicts have long-term historical causes, and may be part of a cycle of ongoing conflict.***

All conflicts are ultimately a matter of **competing interests**. Each party sitting around a negotiation table will have a number of needs or interests motivating them, or underpinning the positions that they take in the conflict. These interests may be for security, food or shelter, for health care, for money or power, for the needs of a broad base of supporters, or for the narrow interests of those taking part in the negotiation process.



When you look at the parties in a conflict negotiation, try to look ‘behind’ their positions or demands to understand their **needs or interests**. This will give you some insight into the real driving forces behind what they are saying. It will also give you some idea of what conditions need to be met for the conflict to be resolved favourably.

But how do we understand these causes of the conflict in more depth? How do we make sense of those ‘hidden’ causes of the conflict, and what can we do with them? The **Circle of Conflict** on the next page is a useful tool to deepen our understanding of a conflict.

## NEGOTIATION

Analysing conflict effectively is a key first step in preparing for a conflict negotiation – read more about negotiation from page 69.



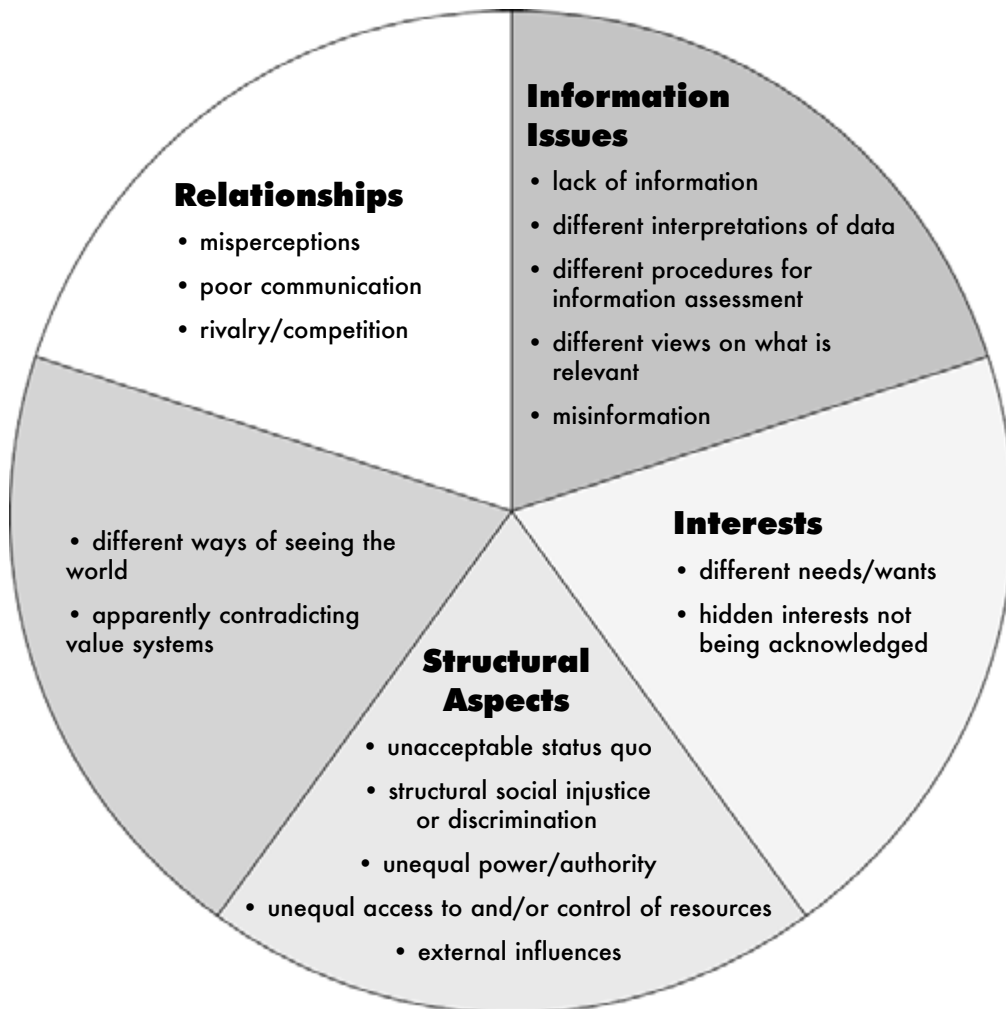


## HOW TO

## THE CIRCLE OF CONFLICT

The **Circle of Conflict** is a tool to assist in identifying the causes of a conflict. A common misconception is that a conflict should have one cause, or fit in one segment of the circle. Most conflicts will actually have causes in every sector of the circle – although some sectors will tend to dominate.

By asking questions (such as those on the opposite page), you can tell if there is an aspect of the conflict that is caused by relationship or information issues, for example. It may, however, be structural issues that prevent each side from exploring and fulfilling their interests without experiencing conflict with each other.



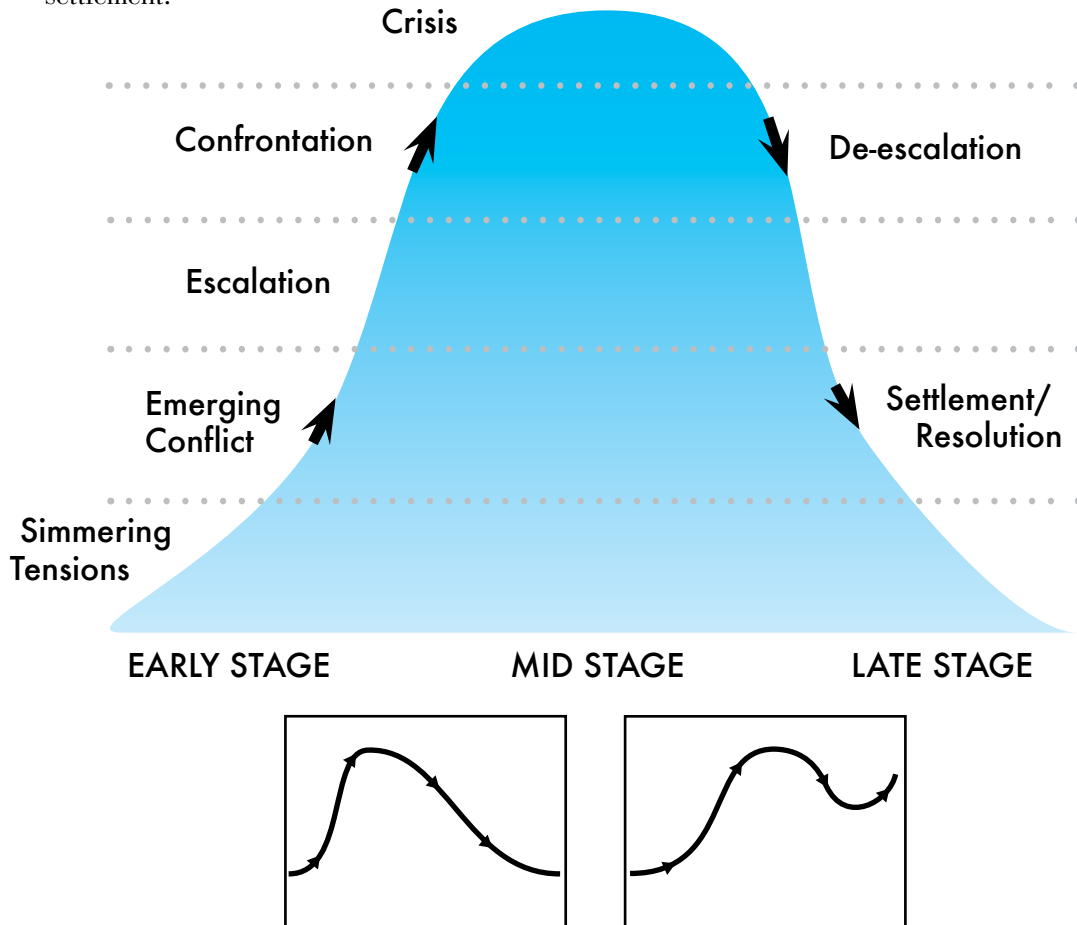
CAUSES	QUESTIONS TO ASK	ANSWERS
Relationship conflicts	Are there key personalities who are in conflict? Do stereotypes and misperceptions of one group by another play a big role? Is one person/group isolated or stigmatised?	
Information conflicts	Does each side have a very different view of what's happened? Is there dispute over 'facts and figures'? Does one side have control of the media? Is there poor communication between the sides? Is critical information missing?	
Structural conflicts	Are there rules and regulations that are causing the conflict? Does one side control communication, transport, power, resources, etc.? Are resources limited? Is one side much better resourced? Are there geographical difficulties – distance, poor transport network, etc.? Problems with authority/management structures?	
Interest conflicts	Do the parties want different things, which are perceived as being mutually exclusive? Are interests hidden? Are interests being addressed in substantive, procedural and psychological areas? <ul style="list-style-type: none"> <li>• over substantive issues such as money, physical resources, time, etc.;</li> <li>• procedural issues (how to resolve something); or</li> <li>• psychological issues (perceptions of trust, fairness, desire for participation, respect).</li> </ul>	
Value conflicts	Is the conflict about religion or cultural customs? Are the belief systems of both sides incompatible? Does the social system allow for divergent beliefs?	



## THEORY

## Stages of a Conflict

There are usually distinct phases of a conflict, but these might not always be in the same order. Moving from one stage to the next is not always the result of a single event or factor. These stages are usually present in a conflict: A conflict may not move smoothly through these phases, and a single conflict, especially one that takes place over a long period of time, may have several episodes of escalation and de-escalation. A conflict that was apparently settled may also flare up again, and go through another cycle of escalation, de-escalation and settlement.



In real life, no conflict resolves as simply as this bell curve model shows. The de-escalation phase may be much longer than the escalation phase; a conflict may escalate again after appearing to resolve; or a conflict may have numerous mini flare-ups in the process of resolution.

**Source:** This model is an adaptation of Michael S. Lund's 'Life history of a conflict' model (Lund, 1996: 38).

### PEACE MISSIONS AT WHICH STAGE OF A CONFLICT?

Most peace operations are established after the signing of a ceasefire to assist the parties to a conflict to implement the agreement, and they are thus, by definition, post-conflict operations that take place during the DE-ESCALATION STAGE.

However, some are deployed as peace enforcement operations to create stability. For instance, the West African operation in Liberia in 2004 (ECOMIL), was deployed when the situation was still very tense in the midst of the CRISIS STAGE.

Many others, such as the UN Organization Mission in the Democratic Republic of Congo (MONUC), have to manage ongoing fighting among some factions, even though they have been deployed after the signing of a ceasefire agreement.

Sometimes different areas of the same mission are at different stages of a conflict. One can say, for instance, that for most of 2004 and 2005 the eastern part of the DRC (Ituri and the North and South Kivus) was in the CRISIS STAGE, whilst the western part of the DRC was in the SETTLEMENT STAGE. Similarly, one can say that, in 2006, the UN Mission in Sudan (UNMIS) that operates in southern Sudan was dealing with a situation in the SETTLEMENT STAGE, whilst the African Mission in Sudan (AMIS) that operates in Darfur in western Sudan is dealing with a situation that remains in the CRISIS STAGE, as violence continues despite ceasefire agreements having been entered into between some of the factions.

Within a given mission, even although the overall situation may be categorised as being in the DE-ESCALATION or SETTLEMENT STAGES, you may find a situation in your specific area of responsibility where there are SIMMERING TENSIONS, for instance, between two rival warlords, each with his own supporters. This situation may ESCALATE into EMERGING CONFLICT or even open CONFRONTATION, and you may have to use various conflict prevention and conflict management techniques to try and prevent the dispute from ESCALATING into violent conflict, or to manage the conflict in such a way that you minimise its consequences on innocent civilians and the peace process as a whole, and to bring it to an end as soon as possible.

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## HOW TO

## EARLY WARNING SIGNS

Tracking a conflict is important in that it helps you to know:

- \* **when** to respond;
- \* **what response** is needed; and
- \* whether a conflict is likely to escalate from simmering tensions to confrontation or crisis, and if early intervention can prevent escalation from happening. This process is known as **early warning**.

Early warning systems for conflict involve predicting and monitoring the political, social, economic, environmental and military pattern of events in an area of potential conflict, which could lead to an outbreak of conflict. A useful tool is the **Continuum of Relationships**. It uses behaviour patterns to identify whether a conflict is likely to escalate or erupt in the near future.

## CONTINUUM OF RELATIONSHIPS

RELATIONSHIP	INTEREST GROUPS ENGAGE IN:
Cooperation	<ul style="list-style-type: none"> <li>• Resource trade-offs</li> <li>• Creating value</li> <li>• Agreement of process</li> <li>• Mutual respect</li> </ul>
Emerging Conflict (Competition)	<ul style="list-style-type: none"> <li>• Challenging the status quo</li> <li>• Disagreeing over allocation of resources</li> <li>• Testing and stretching existing processes</li> </ul>
Escalation	<ul style="list-style-type: none"> <li>• Angry exchanges in the media and other public forums</li> <li>• Boisterous public meetings</li> <li>• Positional claiming stances</li> <li>• Challenging public processes</li> </ul>
Confrontation	<ul style="list-style-type: none"> <li>• Viewing the status quo as not representative</li> <li>• Engaging in demonstrations and/or lawsuits</li> <li>• Regarding public processes as unfair</li> </ul>
Crisis	<ul style="list-style-type: none"> <li>• Attacking the status quo</li> <li>• Disrupting public order</li> <li>• Provoking incidents and unrest</li> <li>• Traumatizing policy decisions</li> <li>• Regarding public processes as illegitimate</li> </ul>

## CONTINUUM OF RELATIONSHIPS IN PEACE MISSIONS

The escalating tension among the different political parties and groups leading up to the genocide in Rwanda is a classic example of the Continuum of Relationships.

During the UN Assistance Mission to Rwanda (UNAMIR) in 1993 and 1994, the worsening relations between, and increased tensions among, the different political groupings was clear to those in the UN mission. One could trace how former COOPERATION between the Hutu and Tutsi communities changed, especially during the colonial period, into COMPETITION. And how, as a result of the competition for political power, the post-colonial history of Rwanda was punctuated by several periods of ESCALATION, CONFRONTATION and CRISIS, with the 1994 genocide only the latest, but most horrific, of these series of tensions.

With hindsight, and as a result of the UN experience in Rwanda and elsewhere, and with the insight gained from related research, we can now identify these various stages of increased tension, captured here in the Continuum of Relationships. For each type of relationship, there are various indicators that can assist one with identifying the stages.

One of the dilemmas of conflict analysis is that one can not predict, as a fixed causal value, that increased tension at one level will necessarily result in violent conflict. For instance, Burundi, Rwanda's southern neighbour that has a similar ethnic make-up, experienced ethnic tension at almost the same level as in Rwanda, but the conflict in Burundi did not reach the same intensity as that in Rwanda. Although each situation is thus different and needs to be treated on its own merit, the Continuum of Relationships is a useful tool to assist you to identify a conflict system where a dispute is escalating through worsening stages of conflict.

## ASSESSING THE CONFLICT

If you are called in to mediate a conflict – whether at the community level in a peace mission, or at an international level – the first step is to assess the stage of the conflict. The way you approach a mediation, how you structure it, and what contingency plans you make for dealing with developments inside or outside of the actual mediation process, will depend very much on how close the conflict is to crisis. The Continuum of Relationships is an effective tool in this analysis. Read further about mediation from page 111.



***Ivorian President Laurent Gbagbo (R) and Ivory Coast rebel leader, Guillaume Soro, shake hands prior to talks in March 2006, at the presidential palace in Abidjan. In a demonstration of how easily negotiations can be derailed, the Ivorian rebel group, New Forces (FN), suspended its participation in disarmament talks on 8 August, in protest over the 'changing of the rules' relating to the population census prior to the presidential elections, due in October.***





# 6

## Negotiate to Resolve Conflict

When parties to a conflict communicate with the aim of reaching an agreement that will reconcile their respective interests, this process is called negotiation.

Negotiation may be spontaneous and informal, for example, when trying to pass through a roadblock, or it may be highly structured and planned, for instance, South Africa's CODESA talks. There are, however, underlying similarities in the process.

Typically the negotiation process entails adversaries attacking each others' unattainable demands, and gradually conceding to a compromise position that both can accept. Such agreements are often unsatisfactory to all sides. Rather, we suggest an interest-based approach, where wise agreements are found through a multifaceted process in which parties acknowledge and try to meet each others' needs. In the process, relationships are preserved and agreements made sustainable.

### KEY THINGS TO LEARN

- Understand the role of negotiation in managing conflict
- Understand that there are different approaches to negotiation and that there are some advantages to an interest-based approach
- Learn key steps to the negotiation process
- Understand the role of power in negotiation (including the concept of BATNA)
- Learn how to handle stalemates, deadlocks and dirty tricks



## OVERVIEW

## Negotiating to Interests

When you want to achieve a sustainable solution to a conflict (that is, when you want to resolve or transform a conflict), talking is the only option. Effective negotiation will help you through conflicts with belligerent parties, in the field, and even in your own team.

### INTERESTS VS. POSITIONS

Interest-based negotiation means uncovering the interests behind a party's stated position, or demands, and finding a broad-based, creative solution to meet as many of the needs as possible. The emphasis is on sustainable solutions to problems.

### FOUR PRINCIPLES

1. Separate the people from the problem
2. Focus on interests, not positions
3. Invent options for mutual gain
4. Insist on objective criteria

### WHEN TO NEGOTIATE

Do not become trapped in succeeding in a negotiation at all cost. Sometimes, dignified withdrawal is the best option under the current circumstances. Safety and security of your staff and civilians should be a first priority.

### BATNA

Assessing the 'Best Alternative To a Negotiated Agreement' is a good way to evaluate a potential settlement and to understand the power of parties in a negotiation.



## STAGES IN NEGOTIATION

There are four generic stages in a negotiation process.

### 1 PREPARATION

- Analyse and understand the conflict and plan strategically for negotiation
- Build relationships with other parties

### 2 OPENING

- Introduce each party
- Agree on the agenda
- Identify issues and decide on the order in which they will be discussed

### 3 SUBSTANTIVE PROCESS

- Act and think creatively
- Jointly generate multiple options for settlement
- Assess options against objective standards

### 4 CLOSURE AND AGREEMENT

- Select best options for settlement
- Agree on preferred options
- Write formal agreement and agree on implementation

## DEADLOCKS

Resolve blocks in negotiation by returning to interests; increasing the size of the pie; using a 'set aside'; or changing the dynamics in the negotiation.

## DIRTY TRICKS

Don't assume that negotiators will operate in a principled manner. Your best defence against lock-in, good cop/bad cop, decoys or escalating demands is to expect them, expose them and return the negotiation to interests.





## THEORY

### WHERE WOULD YOU USE THESE SKILLS ON A PEACE MISSION?

- To get through a rebel-controlled roadblock
- To secure the release of some of your staff who have been taken hostage
- To deal with colleagues who have different standards or approaches to yours
- To work with community leaders to decide where a new school, or other service, should be located

### WHEN TO WITHDRAW?

- There is a vast power differential between parties
- The other parties are negotiating in bad faith
- There is a security risk, and safety of negotiators or other engaged civilians is at risk

## What is Negotiation?

Negotiation is a common way for people to resolve problems and deal with conflict. It happens when people wish to **talk to each other to find a solution to the problem**. Sometimes negotiation is very informal, and it happens within everyday situations. It can also be a formal method of conflict resolution used to resolve interpersonal, intergroup and interstate conflicts.

Negotiation:

- \* happens when there is a **problem**, a **conflict of interest** or a common concern between parties;
- \* is appropriate when the parties have a more or less **even power balance**, because each group has something the other wants;
- \* happens when the parties want to reach an **agreement**;
- \* is an **interactive** process; and
- \* requires parties to **identify the issues** of a conflict, **educate each other** about their needs and interests, come up with **possible settlement options** and **bargain over terms** of a final **agreement**.

If you are from a military or police background in a peace mission environment, you may be unaccustomed to relying mostly on negotiation to resolve conflict – but, in most cases, the use of force will be outside of your mandate. A peace mission takes place in a context of conflict, and you should expect to encounter conflict on many levels – both within the mission structures, and in the field.

In both this chapter, and the following one on mediation, we shall outline basic principles and present an action-oriented approach to using negotiation or mediation to resolve conflict. This will then be followed by an in-depth discussion of deeper principles underlying these approaches. Refer back to these in-depth sections over time, as your experience increases, to enhance your skills and deepen your insights.



## When to Negotiate

When facing a conflict, or a crisis situation, your first step should be to assess whether to attempt to negotiate to resolve the confrontation, or whether to make a dignified withdrawal – if that is possible. **Safety and security** of staff and civilians should be a first priority. Do you need to negotiate to ensure safety, or will withdrawal be a better option?

Negotiations succeed best when there is a **balance of power** between the parties – each of the parties should have something the other needs, or they should need to cooperate for each to achieve their goals. It can be futile to try and negotiate with someone who is vastly more powerful than you in any given situation, unless you have no other option. There may be times when it is best to leave a dispute unresolved, until you can find a way of influencing the power relations at play in a given situation.



**THEORY**

## FEAR OF NEGOTIATION?

Negotiation is something most of us do on a daily basis. But, if thinking of negotiating still brings you out in a cold sweat, you're among friends. This handbook should help you conquer your fear of negotiating. Practice makes perfect.

## A NEW APPROACH

Don't write off an interest-based approach as inappropriate too quickly. You will be surprised at how widely it can be applied.

Good negotiators become effective after years of practice. You can, too. Even interest-based bargaining still requires a **firm approach** – being clear about your interests, and having them met. It is not a 'soft approach'.

## MAKING A TACTICAL WITHDRAWAL

During a West African peace operation in Liberia (ECOMIL), a WFP convoy, with an escort by ECOMIL, was trying to negotiate its way through a roadblock maintained by a rebel group. The WFP person responsible for the convoy realised that her arguments were not having any effect. The rebels manning the roadblock were under the influence of alcohol and drugs, and she realised that it was impossible to have a rational negotiation with them.

One option was to use force, but for reasons both strategic (implications for other WFP convoys in rebel-held territory over the coming days/weeks) and tactical (potential for civilian casualties), this was not the best option in this situation. She decided that it was better to return the convoy to its point of origin (the harbour). She reported the situation to her higher HQ and requested them to communicate with the higher HQ of the rebel position. Negotiations then took place, once more at the highest level with the rebel leaders, and they instructed the persons at the roadblock to let the WFP convoys through.

One of the lessons from this example is that one should guard against getting caught up in the 'negotiation trap', where you feel you have to reach an agreement just because you are 'in a negotiation', and that stopping short of reaching an agreement is admitting failure. Reaching a bad agreement is a greater failure than reaching no agreement. In 99% of the situations in which you will find yourself, the issue does not have to be resolved in the next few hours. Tomorrow is another day, with new opportunities. The situation may change, or you may have found a new way to change the dynamics of the situation.

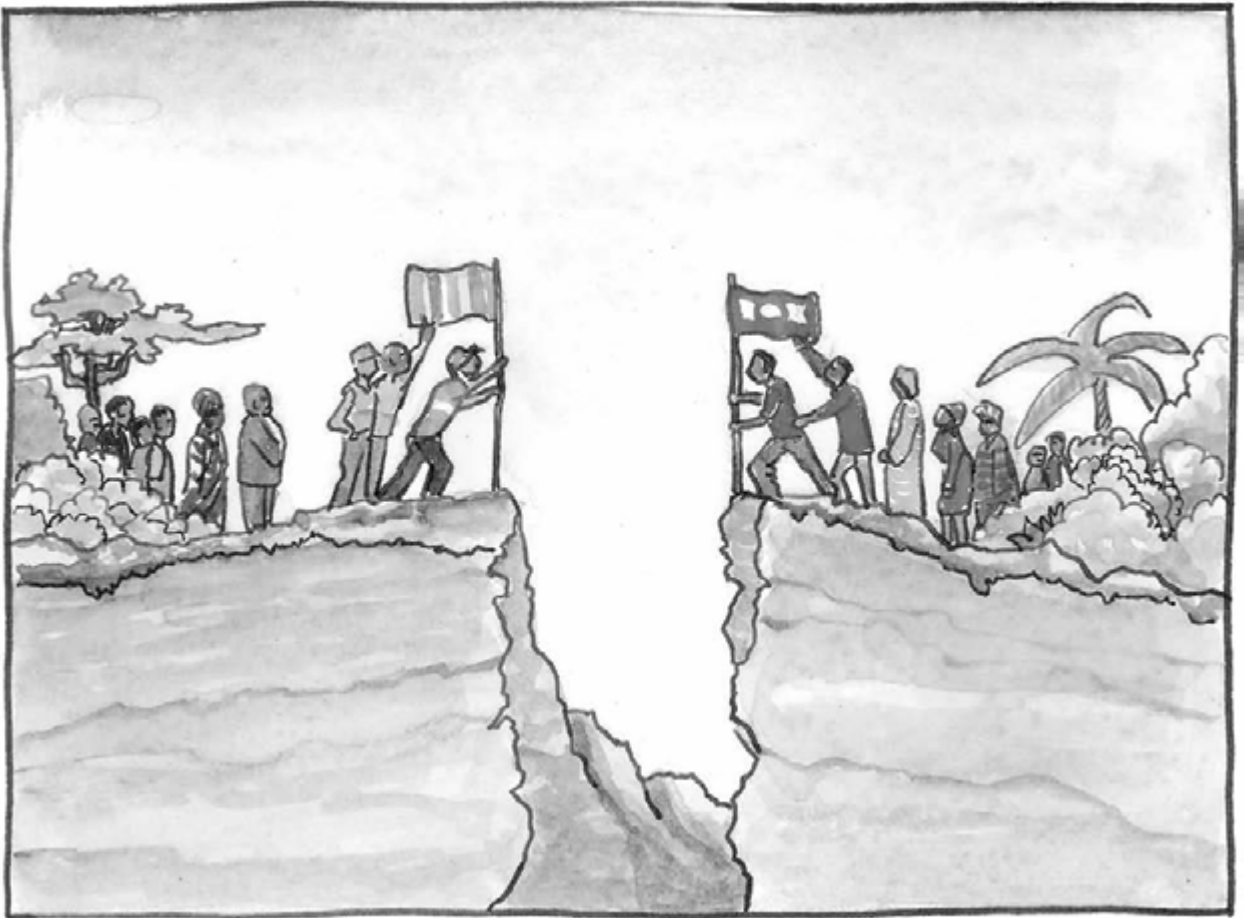




## Approaches to Negotiation

The typical approach to settling disputes by negotiation is that of **positional bargaining**. We're all familiar with this approach: opposing parties make demands (take up a position) and then haggle and **bargain** until they reach an agreed **compromise position**, somewhere in the middle of their opposing demands – for example, bargaining over the amount of money that will be paid for release of hostages.

But is this way of negotiating the best approach to resolving conflict, or even the only way of going about it?



*Traditional approaches to negotiation, especially in a highly volatile conflict situation, can quickly lead to the parties staking out inflexible positions, between which there lies an unbridgeable divide. Are there any other alternatives?*



## WHAT'S WRONG WITH THIS APPROACH?

Conventional negotiation approaches imply giving away as few compromises from one's opening position as possible, and deceiving the other party as to one's true views. It involves stacking up a number of composite decisions against each other so as to have bargaining power, and **slowly giving away concessions** in small increments.

### An Inefficient Approach

A number of strategies and tactics is used to make this process more effective. Parties are encouraged to hide their real interests and to stake out extreme positions at the beginning of a negotiation, to minimise the risk of losing too much in the process. The back-and-forward bargaining process is often **slow**, and there is a **risk of no agreement** being reached.

### Unwise Agreements

Positional bargaining tends to be an adversarial approach to negotiation that **locks parties into positions**, ties egos into positions so that 'saving face' becomes more difficult, and where parties' real interests are given less and less attention in the struggle to 'win' by achieving maximum concessions from the other party.

## NEGOTIATION APPROACHES IN A MEDIATION

One of the potential roles of the mediator is to train and educate the parties on how to negotiate effectively. This opens the opportunity to present a principled or interest-based negotiation approach, and increases the chances of an effective mediation. Read more on page 120.

### Endangered Relationships

Positional bargaining is a test of will, and puts **outcome above relationship**. Being 'nice' is no solution – it makes one vulnerable to someone who is playing 'hard' in a bargaining situation. In large multilateral negotiations, positional bargaining becomes even more complex, and derailing the negotiations becomes easier for a party that is not getting what it wants.

## FINDING AN ALTERNATIVE APPROACH

Harvard professors Fischer and Ury's seminal book, *Getting to Yes*, changed the face of negotiation the world over. They argue that the positional bargaining approach to negotiation is inefficient at solving problems, and that the agreements reached in that way are often poor compromises for everyone – and don't last.

They argue that any method of agreement should be judged by three criteria:

1. it should produce a **wise agreement**, if agreement is possible;
2. it should be **efficient** – bringing a problem to resolution quickly; and
3. it should **improve, or at least not damage, the relationships** between the parties.

They suggested an alternative, which has since been called by a variety of names, including: principled negotiation, negotiation on the merits, interest-based bargaining or joint problem solving.

There are **four basic principles of this approach** to negotiation:

1. **PEOPLE**: separate the people from the problem (this may be highly foreign in a communal context, but suggests finding ways to maintain and build relationships while, at the same time, resolving problems);
2. **INTERESTS**: focus on interests, not positions;
3. **OPTIONS**: generate a variety of possibilities before deciding what to do; and
4. **OBJECTIVE CRITERIA**: insist that the result be based on some objective standard.

We believe that this interest-based approach is the most sustainable method of negotiating, particularly in a highly-charged conflict environment, but it involves quite a different way of thinking about negotiating, which you will learn in this handbook. It can be used in many different scenarios, however, where:

- ✱ negotiation will take place between **strangers**;
- ✱ there is **no future relationship**;
- ✱ there is only a **single issue** at stake, such as price; and
- ✱ the **process** of considering interests or options is considered too slow or costly...

...then simple positional bargaining may be the quicker and more appropriate approach.



## THEORY

## BEST ALTERNATIVE TO A NEGOTIATED AGREEMENT (BATNA)

When negotiating using a traditional positional approach, each party decides before beginning (and revises during negotiations) what their **bottom line** is going to be. They accept they will make concessions on their demands, but this is the point they will not cross.

In a positional bargaining situation, where there is no overlap between the bottom lines of opposing parties, this can mean only one thing – the negotiation will deadlock.



**Utilising BATNA in negotiations means being aware at all points in the process what your best alternatives are to the current proposed agreement.**

An interest-based approach suggests, instead, that parties consider their **Best Alternative To a Negotiated Agreement (BATNA)**. BATNAs exist in the real world, not in fantasy-land. It is the **best actual, real alternative** the party has at that point.

### A ROADBLOCK BATNA

An unescorted WFP food convoy is caught in an unexpected rebel roadblock. The rebels are demanding food supplies and are threatening violence. If they refuse to let the convoy go, the convoy's BATNA is either to try to escape and risk attack; to radio for help and hope to keep the rebels engaged long enough for troops to arrive; or to hand over food and suffer the consequences of breaking policy.



Before beginning a negotiation, a party must know its BATNA, as it determines its power in the negotiation. At every point in the negotiation, it must revise its BATNA, as any agreement – or potential agreement – should be compared against the BATNA to assess whether it is a viable agreement. If you are a rebel group and the agreement is a ceasefire proposal, your BATNA is to continue fighting. But how strong is that BATNA? If you suspect you may lose, because you have run out of ammunition, then it may be a very weak BATNA, although it is stronger if the other side doesn't know this. BATNA is not a static concept.

**No party will accept an agreement when it has a better option outside of negotiations.**

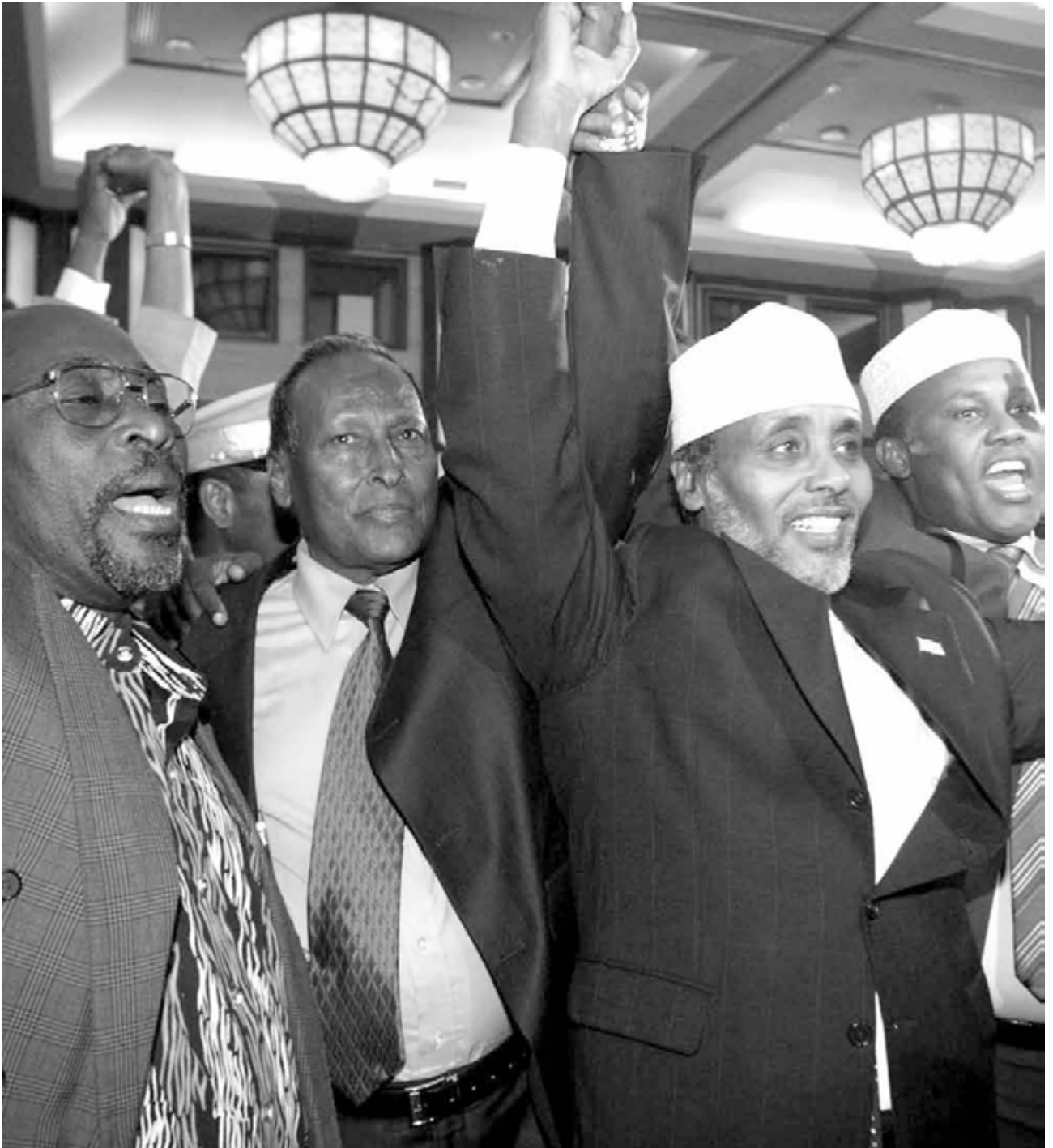
### And the Other Side?

Before you enter negotiations, try to step into the shoes of the other party. What options does it have if it fails to secure a deal in this negotiation? This will tell you a lot about how strong its position is in the negotiation, and may help you to understand its BATNA.

**Negotiations are ultimately about power.** Parties accept negotiated solutions because they don't have the power to gain everything that they want – for one or more reasons. A party can increase its power in a negotiation by improving its BATNA, or by weakening the other party's BATNA.

### THE OTHER SIDE

It is important to keep monitoring both your own BATNA, and that of the other side, throughout a conflict negotiation. If the other side's BATNA is strengthened through developments outside of the negotiation process, its approach to the negotiation may change.



***Somali leaders including (L-R) Maulid Man, leader of the Bantu; Abdullahi Yussuf, leader of the Puntland administration; Abdulkassim Salat Hassan, President of the Somalia Transitional National Government (TNG); and Hussein Aided, leader of the Somali National Alliance, celebrate on 4 January 2004 during peace talks held in Nairobi, after the opening of the leaders' retreat. Kenyan President Mwai Kibaki, whose country hosted the latest round of peace talks, challenged the fractious Somali leaders to pursue peace and end the "senseless war" in the Horn of Africa nation.***



## Stages in Negotiation

Before beginning any kind of negotiation, it is important to weigh up the **conditions for negotiation** – this includes making some kind of assessment of whether or not negotiations can be effective. Is there sufficient balance of power? Is there sufficient motivation on the part of the parties (yours and the other side) to reach agreement?

It is generally agreed that there are four identifiable stages in the negotiation process:

1. **preparation** – identify and analyse the conflict; conduct research; contact the other parties, explain intentions and build relationship; plan strategically;
2. **open the negotiation** – introduce the parties; define issues and set agendas;
3. **explore interests and find solutions** – act/think creatively; identify interests; jointly generate multiple options for settlement; assess options against objective standards; and
4. **closure and agreement** – select best options; combine and extend options; make concessions; reach agreement; write the formal settlement; agree on the implementation steps/process.

On the following pages, we will outline a straightforward action-oriented approach for conducting negotiations in the field. We will go into detailed background information underlying this approach, and will give more direction for a structured negotiation process. You may wish to come back to this information at a later stage.

### STAGES IN MEDIATION

Mediation can be seen as 'facilitated negotiation'. The stages in a negotiation process correspond closely with those of the mediation process, although the mediator also needs to think about some additional steps, such as the mediator's entry, and how to deal with the process when it looks likely to deadlock or break down. See page 122 onwards for more information.



## HOW TO

## Action-oriented Negotiation

This section is designed as a quick reference to get you started on using negotiation skills. For a deeper understanding of the principles behind the steps, read the in-depth section that follows, but the flowchart (opposite) will get you started.

### 1. PREPARATION

- \* Even in a crisis confrontation, you must make an **assessment** of the situation – primarily to decide whether negotiating is the best option, or whether it is possible to make a strategic withdrawal. The **Stages of Conflict** model will help you to assess the stage of the conflict – if it has reached crisis, negotiation may not be the best option.
- \* Use the **Circle of Conflict** to help you understand some of the **root causes** of the conflict. In time this thinking will become internalised, and you will be able to assess quickly where the causes lie – but the model offers you a structured analytical framework with which to start.
- \* Assess your **BATNA**, and attempt to assess the BATNA of the other parties.
- \* **Plan** how, when and where you would like to hold the talks, and what approach you would like to use.

### 2. OPENING THE NEGOTIATION

- \* Introduce yourselves to the other parties, and make a brief **opening statement** outlining how you understand the problem, and how you would like to proceed, and ask the other parties to do likewise.
- \* Make a list of the issues to be discussed, and formulate some kind of **agenda** that outlines in which order you will discuss the issues.
- \* This is the time to agree on any **rules** for the talks – who will chair the meetings, will notes be taken, when will the meetings end, how confidential the discussions should be, etc.
- \* Decide whether a **third party** or facilitator/mediator will be necessary.



# HOW TO NEGOTIATE TO RESOLVE CONFLICT

## QUESTIONS TO ASK

What is causing the conflict? Broken relationships? Misinformation? Different value systems? Rules, policies or control of resources? Competing needs or interests? (See **Circle of Conflict**)

How close is the conflict to crisis? Are you familiar with the warning signs?

What lies behind the demands/positions? Ask why? Ask what needs the other party has, and what will satisfy those needs?

When inventing options, don't evaluate too early – allow all possibilities to come out.

Does the proposed agreement offer you a better option than your BATNA? If not, continue negotiating...

Are there objective standards that can be applied? Are others dealing with similar problems?

## THINGS TO WATCH OUT FOR

Conflict or confrontation

Assess the situation

Can safety be assured?

If not, withdraw from the confrontation, if possible

Present your issues and listen to the issues of the other parties

Allow the other party (and find ways yourself) to express painful feelings

Demonstrate the ability to listen to and understand the other parties, and to encourage them to do likewise, or the negotiation may derail

Attempt to shift the negotiation from demands to needs/interests

Argue about demands and the negotiation will get stuck and deadlock, or parties may give up

Generate possible options for how to solve the problem – be creative

Generate as many options as possible, to try to meet the needs of all parties. Limited solutions lead to a 'winner takes all' situation

Reach agreement – meeting needs (write down if appropriate)

Does the agreement meet some external standards? Is it something that will hold up over time, if relevant?

Decide how the agreement will be implemented or monitored

## Opportunity for Emotional Venting

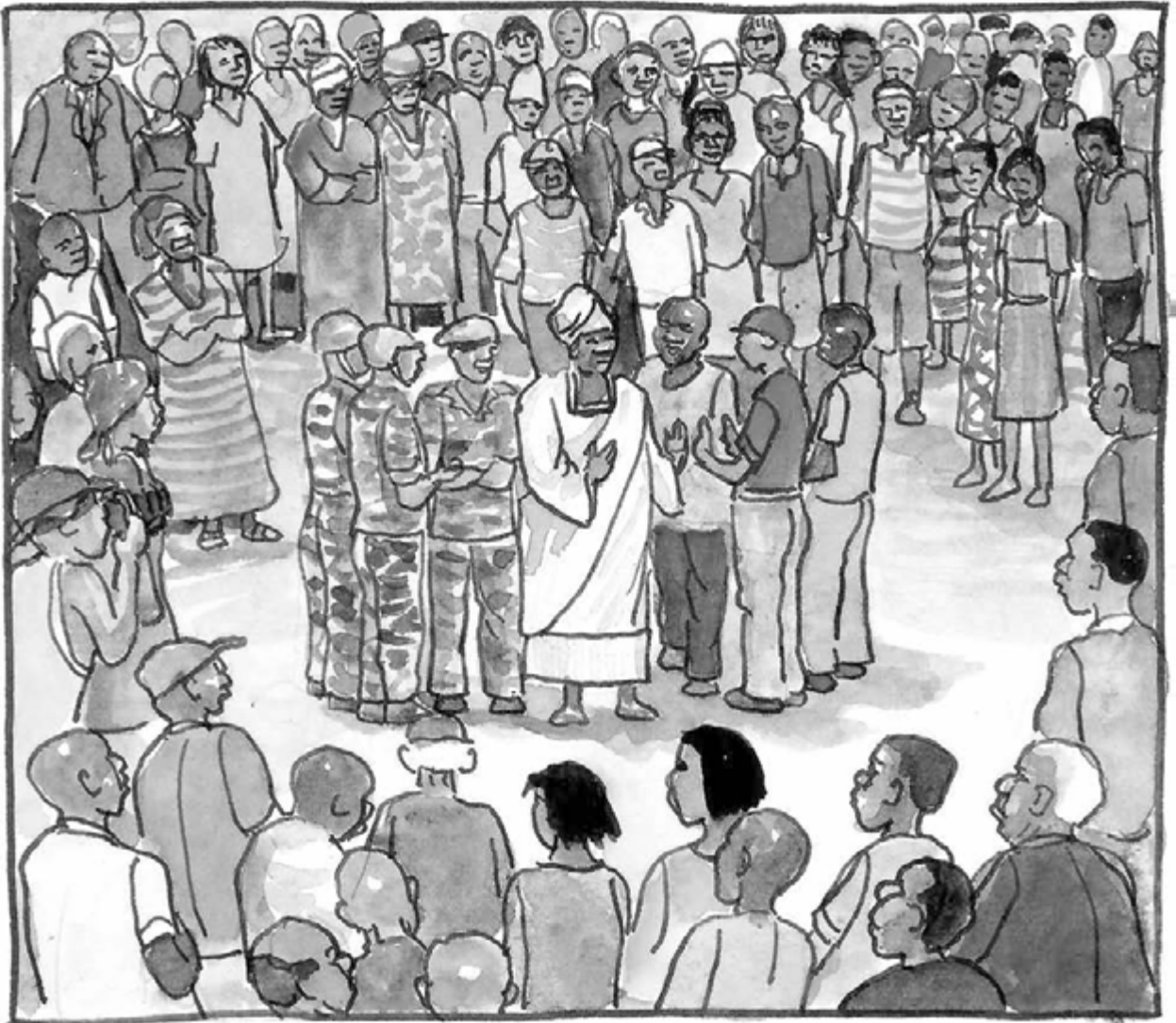
- \* Conflict negotiations of any kind are generally **emotionally charged**, and if there is already a history of violence, loss or destruction, the parties involved will be looking for a chance to vent their feelings and be heard by the other parties.

## 3. EXPLORING INTERESTS AND FINDING SOLUTIONS

- \* Try not to get caught up in a war of confrontational, escalating demands. Articulate your **needs and interests**, rather than demands or positions, and attempt to educate the other parties on why you have those needs.
- \* When they state their positions, ask probing questions as to why they hold those positions, and attempt to **understand their deeper interests**. Repeatedly check that you are correctly interpreting their needs.
- \* If the talks become **deadlocked**, use a different approach (change of venue, different negotiators, take a break, relook at interests) to get the process moving again.
- \* Once the needs of all parties have been put on the table and acknowledged, begin a process of creatively trying to come up with **all possible options** for settling the dispute. Encourage options that may seem silly, irrelevant or unrelated – sometimes these can lead to really constructive solutions.
- \* Match up a **range of settlement options** to the needs of the parties and see if a settlement can be found that meets most of the needs of the parties, even if their original demands are not met.
- \* Assess the potential agreement against your current **BATNA** to evaluate whether it is an acceptable agreement.

## 4. CLOSURE AND AGREEMENT

- \* Does the agreement stand up against **objective standards**? If an unfair or unjust agreement is reached because the one party is more powerful than the other, or for reasons of expediency, it is unlikely to stand in time.
- \* **Formalise** the agreement as is appropriate – this may or may not involve a written agreement.



***Negotiations in a peace mission setting may have to take place in a public place, if that is the cultural practice of the community in which you find yourselves. Consider how this will affect the dynamics of the negotiation.***

- ✳ Decide how the agreement will be **implemented and monitored**. Who will do this?
- ✳ Will any special arrangements need to be made for negotiating parties to ‘sell’ or **report back** the outcome of the negotiation to their constituencies? Should any special arrangements be made with the media?



## HOW TO

## An In-depth Look at Negotiation

If you have developed some confidence with the negotiation process, and are ready to take a more detailed, in-depth look at it, then you are ready to read this chapter.

### Preparation

Your effectiveness in a negotiation is going to depend to a large degree on how well you prepare. Before entering a negotiation, answer the following questions (and prepare to do a lot of research and analysis to get the answers).

1. **Why do we have a conflict?** What are its root causes? Who is involved, and with whom do we need to reach agreement?
2. **What are our interests?** Do we have multiple interests? Which are most important? Can we describe them very specifically and clearly? Does all of the team feel the same way?
3. **What are the interests of the other parties?** What do we know about the other parties, and how do we find out what we don't know? Are there hidden agendas? What is their BATNA?
4. **What is our BATNA?** What is our best alternative to reaching agreement in this negotiation? Is this option realistic and achievable? Have we researched it thoroughly?
5. **What approach do we intend to use in these negotiations?** Do we understand how to use an interest-based approach in this negotiation? Have we practised brainstorming and generating options for mutual gain?
6. **How do we expect the other parties to approach the negotiations, and how will we deal with them?** Are we equipped to deal with dirty tactics? Do we know where stalemates and deadlocks may arise?
7. **What objective standards can help inform settlement?** Are these standards in our favour? Is there likely to be dispute over standards?
8. **How do we expect a satisfying agreement to look?** What issues will need to be dealt with from the beginning? How might the other side explain and justify such an agreement to their constituencies? Consider drafting a framework agreement.



## Opening Negotiations

There are many different ways to start and run a negotiation process. Here are some recommendations to get you started:

- ✳ **introduce** negotiators and their teams to each other;
- ✳ allocate time for a brief **opening statement** by each side, where parties can state their understanding of the problem, and how they would like to proceed;
- ✳ discuss what **approach** will be taken in the negotiations;
- ✳ discuss whether an **outside facilitator** or mediator will be necessary to assist the process;
- ✳ set an **agenda** or process for the negotiations, or talk about how you will do this as the first stage of the negotiations;
- ✳ decide who will **chair** the negotiations and take notes, or record key decisions (both of these roles may be shared by the parties);
- ✳ decide on the **venue, date and times** for the rest of the negotiation process;
- ✳ discuss any **interim measures** (e.g. cessation of hostilities) that may be necessary while negotiations are in process; and
- ✳ decide on any policies around **confidentiality** and talking to the media (if appropriate).

### WHAT SHOULD AN OPENING STATEMENT LOOK LIKE?

An opening statement should introduce your side, and give an overview of how you understand the problem, and how you would like to approach negotiating a solution to the problem.

An example of an opening statement can be seen on the next page.

#### OUTSIDE FACILITATOR

An outside facilitator in a negotiation context is typically called a 'mediator'. For more information on mediation, please go to page 111.

#### THE MEDIA

The media and other important parties outside of the negotiation need to be considered, even though they will not be taking part directly. These parties should form part of your pre-conflict analysis, and would be considered secondary or peripheral parties. See page 58 for more information.

**POST-CONFLICT ELECTIONS**

**Opening statement for meeting with representatives of the Freedom-All Party:**

**Mr. Thusi, Secretary-General of the Freedom-All Party, ladies and gentlemen, thank you for agreeing to meet with me at such short notice. I am Mr. Burkhal, the electoral advisor of the AU mission in Sedonia. Ambassador Vari, the Special Representative of the Chairperson of the Commission, has asked me to convey his best wishes to you.**

**As you will appreciate, he is extremely concerned about the current level of tension between the Freedom-All Party and the National Congress Party, and he feels that it is the AU's responsibility to try and find a solution to the unfortunate double booking of the stadium this Saturday. As I am sure you will agree, the current situation is untenable. If we do not act decisively to end the stand-off in the next few hours, we may not be able to prevent violent clashes erupting between the supporters of the two parties tonight.**

**The people of Sedonia have invested so much in peace over the last three years, we cannot disappoint them now, at the 11<sup>th</sup> hour. We cannot allow violence to return to Sedonia. Both parties have committed themselves to a peaceful election campaign and have signed the electoral code of conduct.**

**The AU is willing to assist both parties to resolve this situation. If you so agree, I am willing to devote myself to finding a peaceful solution to this problem, and I am prepared to continue to meet with both parties, until we find a way out of this dilemma that is acceptable to both sides.**

**Firstly, we need to find out if you would like the AU's assistance in this manner? And if you do, I would like to hear if you have any ideas as to how we can resolve this problem.**

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*A voter walks to cast his vote in the presidential elections in Monrovia, Liberia, November 2005.*





## HOW TO

## Exploring Interests and Finding Solutions

An interest-based approach to negotiations is based on four key principles:

1. separate the **people** from the problem;
2. focus on **interests**, not positions;
3. invent **options** for mutual gain; and
4. insist on using **objective criteria**.

These principles are designed to address relationship, procedural and substantive issues in negotiation.

### SEPARATE THE PEOPLE FROM THE PROBLEM

In any negotiation you are dealing with human beings – people with deeply-held values and ways of seeing the world, strong feelings and different backgrounds. **In a conflict, relationships often turn destructive** – parties demonise each other and fail to recognise each other as human. You can't always know how the other side will respond, what will affect them... and the same applies to you.

The human element in a negotiation can be its downfall or its key success factor.

- \* If people are hurt, frustrated and have their backs against the wall, they will cause a negotiation to fail.
- \* If they have a positive relationship, where trust has been built up and enhanced over a long period of time, they will work hard to see a negotiation succeed.

Often, ongoing relationships are essential to the success of negotiation – and to the implementation of agreements that will succeed. Most cultures place a very high value on relationships – in many traditional justice systems, it could be argued, relationships are valued over revenge, and the healing of community is prioritised over the punishment of wrongdoers.

### Substantive Issues and Relationships

Often the actual issues that are being negotiated, and the relationship between the parties become mixed up. If things get really bad, problems in the relationship can **become an issue** in the conflict. The **Circle of Conflict** shows that relationship issues can become a root cause of a conflict. Good negotiators will 'separate the people from the problem'.

There are three areas that will impact negotiations: perception (perspective), feelings and communication.

## GETTING TO INTERESTS

You've probably all heard the story about the orange. Two people are arguing over an orange – both want it and are about to agree to cut it in half, when a wise woman walks past. Asking a few questions, she discovers that the one wants the rind, to use in cake icing, while the other is thirsty and wants to drink the juice. So they are able to divide the orange so that both get what they want.

And you've probably dismissed it, saying that it's a sweet story, but that life is not often like that – most often, we all want the same thing.

In its simplicity, however, this story reflects a truth about many negotiations. Since the parties put forward positions, and these positions often seem to contradict each other, they tend to get **locked in** to the positions, and to think and talk in terms of positions. They assume that the solution is to find a position that falls somewhere between their two positions. Often the process gets stuck.

### Look Behind Positions

What lies **behind the positions**? Positions are like lines drawn in the sand – they do not tell us why the line is there, or its purpose. Because the positions are contradictory, we assume that the interests must be, too.

The **need to get to interests** is clear – what is less clear is how to do it. Positions are clear and accessible; interests are sometimes deeply buried and may be unexpressed.

Understanding the other side's interests is just as important – and difficult – as understanding your own.

### Using the Circle of Conflict

The **Circle of Conflict** (see page 62) will assist in this process by placing root causes of the conflict in context. Root causes are related – separating out relationship, information, structural and value-based causes will help to clarify the interests of parties.

Remember also to include secondary and peripheral parties, and not simply to focus on primary parties in the negotiation process.

**Ask ‘Why?’**

Examine each position taken and ask why this position has been taken – this will probably expose one or more of the party’s interests. When you get to an answer, keep asking ‘why?’ to find out if there are further interests beneath this one.

**Ask ‘Why Not?’**

Why is the other party refusing to comply with your requests, as put forward in your positional statement?

**Each Side has Multiple Interests**

Any one position may conceal a large number of different interests.

**Basic Human Needs Make for Powerful Interests**

Most political conflicts at community, national and international levels are about meeting basic human needs, including:

- \* security/safety;
- \* economic well-being;
- \* belonging/community/ethnic identity; and
- \* self-determination/political control.

**INVENT OPTIONS FOR MUTUAL GAIN**

Interest-based negotiation is fundamentally a creative approach to negotiation. Rather than simply using power and leverage to reach a compromise solution that gives away less of your demands than that of the other party, this approach says we should find a wide ‘package’ of solutions that meets a range of interests of the parties.

**INSIST ON OBJECTIVE STANDARDS**

Any agreement that doesn’t meet external standards will be seen as unjust at a later stage, and could be compromised. This applies to inter- and intrastate conflicts as much as it does to intergroup or interpersonal conflicts.



***Ivory Coast rebel leaders during a news conference announcing the suspension of negotiations with West African mediators in October 2002.***



## HOW TO

## Stalemates and Deadlocks

True deadlock in negotiation is actually very rare. There are three kinds of obstacles you may experience in negotiation:

- \* **impasse** – you are in complete disagreement over one issue, and it threatens the negotiations;
- \* **stalemate** – both sides are still talking, but are unable to make any progress towards solution; and
- \* **deadlock** – the negotiation process has so frustrated both sides that you see no point in continuing with the process any longer.

An impasse in negotiations is frequently misunderstood to be a deadlock, but normally there are many things you can do to keep the negotiations moving forward.

Obstacles are a feature, and often a strategic tool, of positional bargaining – at some point the parties will become locked to their positions, with neither party willing to make further concessions. An interest-based approach makes deadlock less likely, since most of the negotiations are concerned with understanding interests, and then finding a range of solutions to meet the interests.

### REAL-LIFE NEGOTIATION DEADLOCKS

During the negotiations leading up to the Lusaka agreement that formally ended the war in the Democratic Republic of Congo, there was a debate as to whether the different rebel groups engaged in the conflict should participate as equals with the various heads of state from the different countries that were engaged in the conflict. In the end, the deadlock was resolved when everyone accepted that, in order for the conflict to be resolved, all the parties to the conflict – regardless if they were a state party or a rebel group – had to be part of the peace process.

There have been many similar experiences at the tactical level, where rebel commanders on the ground have walked out of negotiations, or refused to start negotiations, when UN peacekeepers refused to address them as ‘general’ or ‘colonel’ or whatever rank they may have chosen for themselves. This may seem petty, but imagine a scenario where a 50-year-old real colonel from a peacekeeping mission, with perhaps 32 years of experience, training and education, has to salute a 15-year-old rebel child soldier, who is a self-styled ‘general’, and one can start to understand the dilemma. At the same time, we know that for negotiations to work

the parties must be treated equally, and negotiations will not work if the 50-year-old colonel lectures the 15-year-old ‘general’. At the end of the day, this is about power relations in any given situation – if the UN peacekeepers need to reach an agreement with the rebels, and the representatives of the two sides are the colonel and the rebel general, then they need to find a way of recognising each other as ‘equals’, in the sense of each being the official representative of their respective parties in the negotiation process.

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## UNDERSTAND THE CAUSES OF CONFLICT

Conducting a full conflict analysis prior to engaging in negotiation is vital. The **Circle of Conflict** should help you to identify where the **root causes** of the conflict lie. Are there relationship issues that need to be managed? No solution may be found if broken relationships are not healed. Is there contested data about the conflict? Have value conflicts been addressed in the settlement options?

## GO BACK TO INTERESTS

If you have got stuck arguing about concessions that will bring the parties to agreement, it may be helpful to stop the process and **go back to talking about interests**. Each of the parties may give a summary of how they understand each others’ interests, and how they see the current settlement options meeting the other side’s interests and their own.

A restatement of interests could help to focus the negotiation, bring an element of realism to the bargaining, and remind the parties that a workable agreement – that meets the needs of both sides – should be found.

## EXPAND THE SIZE OF THE CAKE

The classic cause of blocks in negotiations is where parties become **polarised around one decision**, with neither prepared to back down. If this happens, the best option is to go back to brainstorming creative options for settlement.

This is about **increasing the range and scope of options**, and seeing if there’s not some way to get around or beyond the single contested decision.

## THE SET ASIDE

When you reach an impasse, simply **set aside** that issue and continue with the negotiation process. This is amazingly effective – the contested issue can be readdressed from a **different point of view** later in the process. Create momentum by addressing some minor issues first.

## CHANGE THE DYNAMICS

If a stalemate has been reached, do one of a number of things to change the dynamic in the negotiation and get it going again:

- ✳ **change the negotiators** (if you are working in teams, there may be a personality issue);
- ✳ **change the time or venue or take a break to allow tension to ease and the negotiators to gain a sense of perspective** (change the ambiance in the room); or
- ✳ conduct some kind of exercise or discussion to **ease tension** – and take the focus away from the contested issues.

### DRC HIGHLY EMOTIONAL CAR ACCIDENT

There comes a moment in any negotiation when the parties are ready to reach an agreement. This is normally after parties have had an opportunity to vent their emotions, had sufficient time to argue their positions, been able to build confidence in each other and the process, and after they have reached a stage where they accept that the only way to resolve their situation is through reaching a mutually acceptable agreement.

For instance, during the UN Organisation Mission in the Democratic Republic of Congo (MONUC), a UN military convoy was once involved in an incident where a young child was killed in an accident with one of the UN trucks. The UN officer in charge of the convoy wanted to apologise for the accident and make arrangements for an investigation, which may have resulted in compensation being paid to the family if the UN were found to be at fault. However, he realised that the situation was far too tense, and that the family and community were too emotional in the hours immediately after the accident, to be able to make a rational discussion. He decided that it may be best to allow the situation to cool down before attempting to negotiate a mutually acceptable process to investigate and resolve the accident.





*Often parties negotiate under the perception that they are competing for access to limited resources. Sometimes, the potential for a positive outcome to the negotiation can be significantly increased by exploring how the 'spoils' of negotiation can be expanded, or even shared. Remember that parties normally take part in negotiations because they are unable to 'win' what they want outside of the process.*

## Making the Cake Bigger



**HOW TO**

In any negotiation situation, **choices may appear limited** – there seems to be no way to ‘cut the cake’ so that everyone is satisfied. The choice is most often seen as the choice between winning and losing, and no side is prepared to lose. Often the only creativity that is brought to the process is on how to split the difference between opposing positions.

A key skill for good negotiators is learning to ‘increase the size of the cake’. This means **inventing new options, and increasing the range and possibility of settlement**. It’s not ‘our problem’ or ‘their problem’ – rather, by seeing one shared problem, we increase the potential for solving it.

We can consciously use different perspectives to think about, or approach, a conflict problem in a number of different ways:

1. by consciously ‘stepping into’ the different perspectives/roles – e.g. now we are going to use some **creative thinking** and focus only on coming up with creative solutions to the problem, without judgement; and
2. by becoming aware of which **perspectives** (or ways of looking at the problem) are being provided or allowed, and which are being excluded.

## PRACTICAL BRAINSTORMING

Some recommendations for using brainstorming in a negotiation process.

- ✳ **Clarify purpose** – decide what you wish to get out of the session.
- ✳ **Few participants** – too many people taking part can derail and confuse this process; under 10 is a good number. If there are more people, divide them into teams, with each group incorporating people from all the parties.
- ✳ **Representation** – ensure that all the negotiating parties are represented in the process.
- ✳ **Change environment** – a new physical space will make a statement about new ideas, and help to suspend judgement.
- ✳ **Informal** – any place that creates a relaxed, happy environment will assist a move away from structured thinking to a creative, right brain approach.
- ✳ **Facilitator** – you may want someone to coordinate and encourage this process.
- ✳ **Record** – write down all ideas, in full view of everyone.
- ✳ **Off the wall** – encourage creative, unusual, ‘out of the box’ thinking. Even seemingly ridiculous ideas can lead to, or be developed into, highly useful ones.
- ✳ **No criticism** – strongly enforce the no criticism approach. You are gathered to generate ideas, not break them down; don’t start evaluating or grouping ideas until you’ve finished generating them.

## FORMULATING RECOMMENDATIONS

After completing the brainstorming session, you will probably have a huge range of ideas – from the conservative to the wild, from the achievable to the ridiculous. **Circle the best ideas**, and consider if it may be appropriate to group some ideas with others.

Start to discuss how the ideas can be **worked into settlement options**. It can be a good idea to bracket ideas – to develop stronger and weaker versions of the same idea – to counter possible responses from the rest of the negotiation teams.

To facilitate the brainstorming process, make it clear that all proposals are tentative, and that discussion of an option in no way indicates commitment to that position.

## REPORTING BACK

If the brainstorm group is representative of a wider forum, it will be necessary to **share the results** of the session with the negotiating teams. Those presenting the recommendations and proposals should include representatives from all the negotiating parties.

Rather than just presenting solutions, they should be shown in **context**. Where did the ideas originate? How do they fit together? Which are stronger and weaker versions of the same proposals?

Separate sessions might be appropriate next, for the parties to consider the options and formulate offers for settlement.

## AROUND AND AROUND

Accept that this may be a circular process that is repeated many times. Success will **build confidence** in the process, and will encourage parties that they can find workable solutions to the conflicts.

## What if They Use Dirty Tricks?

There are many approaches to negotiation strategy, and your opponents in a negotiation may not use a principled or ethical strategy in their dealings with you.

There are three steps for returning to a principled approach of negotiating when the other side seems to be using an unethical approach:

1. **recognise** the tactic;
2. **raise** the issue explicitly; and
3. **question** the tactic's legitimacy and desirability.



HOW TO

## UNETHICAL NEGOTIATING PLOYS

Here is a guide to spotting unethical gambits, as used by the other parties, and some ideas on how to counter them.

### Refusal (or Preconditions) to Negotiate

Lawyers often say: “Accept this offer, or I’ll see you in court.” What can you do when the other side refuses to negotiate altogether?

First, recognise it as a possible **negotiating strategy** – a variation on this is to set stringent conditions for negotiation, with the point of getting some concession before you enter negotiations.

Second, talk about their refusal to negotiate – through third parties if necessary. And, rather than attacking them, find out **what their interest is in not negotiating**. Will they be criticised for it? Or do they simply believe that no agreement can be reached?

Suggest an **alternative strategy**, perhaps using intermediaries. Insist on using principles – how would they feel if you also used this approach?

### Higher Authority (or Ambiguous Authority)

Sometimes people are not above lying in a negotiation. It is a very common negotiation strategy to say that a decision cannot be made without being approved by a higher authority – such as a boss, a partner, a committee, members, or even ‘the people’. This may be true, and it may not.

It is a very effective strategy, because the other party can then return after ‘checking’ with the higher authority, and ask for a better deal. You will also have to work much harder to convince the person to represent your proposal positively to the higher authority.

If you are confronted by this strategy, try the following:

- ✳ appeal to the person’s **ego** – get them to admit that they are empowered to make a final decision themselves;
- ✳ get their **commitment** to recommend to the higher authority; and
- ✳ structure an agreement with a **qualified ‘subject to’ close**.

The other side may like you to believe that you both have authority to make concessions, when only you do... which means that you are the only one who is going to make compromises on your positions.

To avoid getting caught out, enquire about the other side's **authority to make decisions**. It is a legitimate query, and if their decisions have to be tentative or conditional, then make yours so as well.

## Good Cop/Bad Cop

This is a form of psychological warfare intended to gain concessions by getting the 'victim' to disclose facts or make concessions to the 'good cop', to avoid being attacked by the 'bad cop'.

An overt response would be to draw attention to the gambit, expose it and make it clear you aren't going to be manipulated in this way. A less confrontational approach would be to treat the two people in the same way, i.e. ask the same questions of both, and treat their offers in the same way.

## The Decoy

The other side can use a decoy to **take your attention off the real issue** in the negotiation. In response to this gambit, **stay focused and isolate the objection**: ask if there's anything else with which the other side has a problem, and introduce a demand of your own.

## Escalating Demands

For every concession a negotiator makes, they may **raise another demand, or even reopen issues** you thought were already settled.

Once you recognise this practice, draw attention to it. If this doesn't stop it, take a break to avoid making any concessions you will later regret. Insist on principle again, and when you return to the negotiations, anyone interested in settlement will be more serious and less likely to use this tactic.

## Extreme Demands

Sometimes a negotiator will open with a ridiculous demand, hoping that when a compromise position is reached, it will be closer to their side of the range than yours. The goal is to lower your expectations. So, in a wage dispute where inflation has been determined at 8%, the company will claim poor returns and offer workers a 3% increase, hoping to settle somewhere around 6%.

Bringing the tactic to their attention works very well here. Instead of coming out with your own extreme demand, **ask for principled justification of their position** until it looks ridiculous even to them.

## Lock-in Tactics

There is a well-known story of two dynamite trucks hurtling towards each other at high speed down a one-lane road. As they approach each other the one driver, in full view of the other, rips his steering wheel off and throws it out of the window. The other driver now faces a difficult choice between an ‘explosive meeting’ and driving their own truck into a ditch on the side of the road. This is a parody of an extreme tactic designed to make it impossible to yield. Paradoxically, you **strengthen your bargaining position by weakening your control** over the situation.

In response, you may choose to **reframe** the position, e.g. by restating it as a **goal** rather than a final demand: “We see that it is Party A’s desire to have three seats in the cabinet.” Or resist the lock-in on principle: “It is our negotiating principle to yield to reason, not pressure. Now let’s talk about the merits of the problem.”

## Take It or Leave It

A close associate of the lock-in is the ‘take it or leave it’ offer. This is a common approach in negotiation, but it does not encourage joint problem solving. A possible response is to **ignore it, and continue negotiating** – perhaps by introducing other solutions. Then, if a new agreement is reached, try to find face-saving ways of getting the other party out of their ‘take it or leave it’ position.

### LAND CLAIM

**In a land redistribution claim, the land commissioner may say to the landowner: “Transfer of 50% of the farm was your offer before we talked about the new inhabitants assisting with the management of livestock on the combined grazing area. Can we reconsider this in light of the new circumstances?”**

## EXPECT IT

It may be reasonable to expect that, at some point in a negotiation, the other side will choose not to act in a principled, honourable and honest way at all times. Rather than resort to such tactics, we suggest that you refer to the core principles of the interest-based approach. By remaining committed to a principled approach, you provide leadership through your example. You may choose to highlight this at the beginning of the negotiation, and consciously discuss the ‘rules’ by which the negotiation will be run. The other party will be less likely to use these tactics if they are aware that you will spot them and not bow to their pressure.



HOW TO

## Agreements

The purpose of entering into a negotiation process is to reach an agreement. This is the agreed outcome of the process, and for it to hold, it needs to be a strong agreement. Here are some ideas about what makes a **strong agreement**.

<b>STRONG AGREEMENTS ARE:</b>	<b>WEAK AGREEMENTS ARE:</b>
<b>Substantive:</b> they define specific tangible exchanges like money, prisoners, bodies, equipment, services or labour.	<b>Procedural:</b> they define a process by which a decision has to be made.
<b>Comprehensive:</b> they include a resolution of all issues in the dispute.	<b>Partial:</b> they do not include a resolution of all issues in dispute.
<b>Permanent:</b> they resolve the issues in dispute for all time.	<b>Provisional:</b> they may be temporary decisions that could be changed in the future.
<b>Final:</b> they include all the details in their final form.	<b>In-principle:</b> they include general agreement, but the details remain to be worked out.
<b>Non-conditional:</b> they provide for the ending of the dispute, without insisting on future conditions.	<b>Contingent:</b> they state that the conclusion of the dispute is conditional upon additional information, or future performance by one of the parties.
<b>Binding:</b> people agree to be bound by, and adhere to, the terms of settlement – often to the extent that they identify consequences if the agreement is not followed/implemented.	<b>Non-binding:</b> the agreement is a recommendation or request, to which none of the parties promises to adhere.

## WRITING AN AGREEMENT

Ideally, agreements should be written down, as this:

- ✿ **clarifies the points** on which the parties agree;
- ✿ defines **what has been agreed**;
- ✿ is a **permanent record** of the settlement;
- ✿ defines **what is required in future**; and
- ✿ creates **standards** by which the parties' compliance with the agreement can be measured.

## ORAL AGREEMENTS

Agreements don't always have to be written. Depending on the **oral tradition** of parties, or their levels of literacy, it may be necessary to find other ways of recording an agreement: perhaps in song, in a symbolic story, in a sculpture or statue, in a ceremony or event.





**Celebration rituals in communities... TOP: A bull, symbolising peace, is slaughtered in welcome at the airstrip in Thiet, Sudan, in March 1999, as Dinka and Neur chiefs arrive for a peace conference. ABOVE: Traditional dance, Bamenda, Cameroon.**

## Who Should Write the Agreement?

Settlement agreements are usually written by one or more of:

- ✿ one of the parties;
- ✿ the parties in joint session;
- ✿ a sub-committee of representatives of the parties;
- ✿ the mediator or facilitator (sometimes with the public recorder); and/or
- ✿ the lawyers of the parties.

### EXAMPLE OF A WRITTEN AGREEMENT

**Negotiated agreement between the Freedom-All and National Congress parties of Sedonia (see page 44):**

**In the interest of ensuring a peaceful and orderly election, and in adherence to the Electoral Code of Conduct, it is hereby agreed that:**

- **both parties to this agreement will cancel their bookings to hold political rallies at the national stadium this coming Saturday 4 September 2005;**
- **the National Stadium Authority will refund the deposits that both parties have paid in this regard;**
- **the Freedom-All Party will arrange an alternative rally at the East Side Soccer Stadium on 4 September, from 14h00 to 17h00;**
- **the National Congress Party will arrange an alternative rally at the Western Acres Show Grounds on 4 September, from 14h00 to 17h00; and**
- **both parties will participate in a joint press conference at the offices of the Independent Electoral Commission (IEC) on 3 September, from 13h00 to 14h00.**

**At the press conference, the head of the IEC will announce the agreement reached. Thereafter, the respective secretaries-general of the Freedom-All and National Congress parties will each make a short statement, which will be limited to urging their followers to respect the agreement reached by their parties, and calling for peace and calm.**

**Signed by both parties, the head of the IEC and the representative of the AU.**

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## HOW TO

## Negotiating in Teams

In a complex negotiation, or one involving groups or factions of many people, you may find yourself negotiating as part of a team of people. It is vital that you discuss what **role** each person in the team will play. Below are some possible roles that will need to be covered.

You may choose to assign these roles to individual people. Alternatively, be aware that one person may be responsible for several of these roles at different times:

- \* **leader** – the role of leading and coordinating the team; deciding, or helping the group to decide, which course to take; maintaining the group and deciding which roles are needed or missing;
- \* **strategist** – develops strategy for how to approach the negotiations;
- \* **primary negotiator** – does most of the talking in the negotiations;
- \* **supporting negotiator** – speaks for the team if the primary speaker is not present, or is unable to speak for some other reason;
- \* **note taker** – keeps notes about what is going on (in detail, or just of important decisions, depending on the needs of the team);
- \* **researcher** – finds out anything the team needs to know during the course of the negotiations;
- \* **observer** – monitors what is happening, and keeps the team informed of how the team is doing and what is going on in the other team; looks for signs of increased emotions; watches body language and other channels;
- \* **protocol officer** – focuses on the relationship between the parties; meets and greets people; tries to build warmth and cooperation between parties; and
- \* **counsellor** – listens to team members when they need to speak through their feelings; helps release emotional pressure.

### NEGOTIATING ALONE

If you are negotiating on your own, it is important to be aware of the different roles you will be carrying at different times. Also, most of the roles listed above will need to be managed – negotiation is about thinking on your feet and keeping a very strong sense of perspective about where you are, and what you are doing.

## DEALING WITH EMOTION

During the course of a negotiation process, it is highly likely that you will need to have a process or mechanism that will allow you to **vent or release strong emotions**. Facing the difficult issues underlying the negotiation, particularly if you are negotiating with parties that you feel have done painful things to you, can raise anger, sadness, stress or many other strong emotions.

Before the negotiation starts, think about how you will deal with emotions during the negotiation. Having a plan in place means that you don't have to think about it – when the pressure valve blows, you simply have to carry out the plan you already have prepared.

- ❖ If you are **negotiating alone** – have someone ready to offer you support, like a counsellor, friend, colleague or family member. This should be someone who is not involved in the conflict, and will help you to process the emotion and go back to make a positive contribution to the negotiations.
- ❖ If you are **negotiating in a team** – talk about how you will support each other by watching out for team members 'losing it', how you will cover each others' roles if necessary, and what strategies you will use to process emotions – will this be done within the team, or with support from outside people.



***Negotiations to resolve difficult conflicts can be very emotional and exhausting. Try to ensure that you have the support you need in the process.***



## HOW TO

## Energy, Stress and Motivation

Negotiating, particularly in multifaceted, long, drawn-out negotiation processes, can be **exhausting...** and **very stressful**. When tired and frustrated, you are more likely to make concessions to get the negotiation finished. You are also less likely to have the mental alertness and awareness to spot unethical gambits by the other side, and to respond positively or creatively to the challenges of obstacles and stalemates in negotiations.

Here are some ideas for **maintaining energy** in negotiations.

Set up an energy scale for yourself, and use it to evaluate your current state. **Stop at regular intervals**, and give yourself a rating, out of five, on each of these criteria:

- ✱ How tired am I feeling?  
(1=ready to fall asleep — 5=bouncy and excited)
- ✱ How is my body feeling?  
(1=tense and restless — 5=comfortable and relaxed)
- ✱ How annoyed am I with the other party?  
(1=want to shoot them — 5=we can work together)
- ✱ Can I remember what the last five speakers said?  
(1=sorry, what? — 5=yes, all of them)
- ✱ How much do I want this to finish?  
(1=where's the exit? — 5=let's stay till we find the solution)
- ✱ How is my concentration?  
(1=thinking about other things — 5=focused and present)

Add the scores together. If you score less than 10, request an **immediate break**; if you score less than 20, be aware that your energy is dropping, and let the other party know that you would need to take a break at some time in the near future, and agree on a time to do this.

### WHAT TO DO IN A BREAK?

Find out how to re-energise yourself – try some of the following suggestions.

- ✱ Get **'into your body'** – try taking a walk, or doing some stretching (if you've never done yoga, ask someone who has to show you some good stretches you can use). The switch in 'channels' away from speaking, listening and thinking will energise your mind.



- ❖ Try **singing, shouting or humming** (provided you are out of earshot of the other side). Listen to some tranquil music that you have selected in advance to relax you.
- ❖ Try some **breathing** exercises – concentrating on your breath as you breathe slowly and deeply in and out. This will relax you and increase the oxygen flow to your brain and vital organs.
- ❖ **Eat or drink something energising.** In negotiations, stay away from sweets, heavy carbohydrate snacks and caffeinated drinks like tea, coffee or Coca-Cola – these will temporarily raise, but then also lower, your energy reserves. Rather stick to fruit or fruit juice, and small protein snacks – these will help maintain your mental energy and focus. At meals, eat lightly and focus on salads and small portions of protein, not large carbohydrate portions like rice, potatoes or maize.
- ❖ **Dump emotions** – find a neutral party (preferably not someone in your team, whose anxiety will be further increased) on which to dump your feelings or emotions. Perhaps call a friend, counsellor or confidant, who will be primed beforehand simply to listen and receive your feelings, without criticism or challenge.









# 7

## Mediation in Peacekeeping

Mediation is ‘facilitated negotiation’ – where a third party is brought in to assist the conflicting parties to reach their own agreement, rather than an imposed solution.

It can be a formal or informal process, but the principles remain the same. In a peace mission, you may be called on to fulfil the role of a mediator – for example, with work colleagues or between disputing factions in a community.

This section will provide the practical tools you need to fulfil this role. A large part of effective mediation comes down to personal presence and communication skills. It is an art form – one that will take years of practice in which to become proficient, but it is a skill that will serve you well your life through, in a wide variety of situations.

### KEY THINGS TO LEARN

- Understand what mediation is, and when it can be appropriately used
- Understand the key mediation concepts of neutrality and impartiality
- Learn how to share a mediation role with another person, as co-mediators
- Develop a plan for mediation, from start to finish



## OVERVIEW

## The Independent Third Party

When there are too many parties, or where parties want to negotiate but the conflict is too severe for them to do it without outside help, a mediator will be brought into the process. This is generally an acceptable, impartial, neutral third party who will **assist the parties to reach their own agreement** (not impose an agreement) – think of it as ‘facilitated negotiation’.

### ABOUT THE MEDIATOR



The mediator should have big eyes to watch the parties and assess body language, big ears to listen well, a small mouth to talk little, and a large body to absorb criticism. Becoming a good mediator is about developing presence, but there are skills that can be learned.

### ADVANTAGES OF MEDIATION

The intervention of a third party holds many advantages for a negotiation process. A mediator helps parties to come to their own resolutions. This raises the possibility of mutually satisfactory outcomes, offers greater control and predictability of outcomes, and offers the opportunity to resolve relationship issues. A solid agreement should hold over time.

### KEY PRINCIPLES

The mediator can be present only as long as the parties agree to his/her role; parties are helped to come to a resolution, a solution is not forced on them; there must be a high degree of confidentiality.



## STAGES IN MEDIATION

There are four generic stages to a mediation process:

### 1 PREPARATION

- Entry of mediator to the process
- Conflict must be analysed and understood by mediator, and a strategy developed

### 2 OPENING

- Clarity over role and approach of mediator (may be training or agent-of-reality aspect)
- Agenda must be carefully constructed
- Care given to location and design of physical space can ensure success
- Ground rules for process management
- Opening statements set tone

### 4 CLOSURE AND AGREEMENT

- Reach agreement
- Consider operational steps
- Encourage evaluation and monitoring procedure
- Encourage 'ritual' celebration of agreement, if appropriate

### 3 MEDIATION PROCESS

- Where possible, utilise an interest-based approach
- Venting of emotions, if necessary
- Probe parties' needs, and try to assist them to see behind fixed positions
- Use separate meetings where needed, but proceed with caution
- Use representative working groups to focus on specific areas under negotiation
- Manage energy and take care of own needs
- Help parties to generate a wide range of options for settlement
- Suggest One Text for complicated settlements
- Assist parties to see the costs and benefits of options for settlement





## ARE YOU A MEDIATOR?

Most people have some experience of being mediators, whether in your family or work context, or in your community or neighbourhood. Mediation is thus both a formal and an informal process – anyone can potentially be a mediator.

Reflect on these experiences – they will help you in your quest to learn the formal art of mediation. What did you do well? What went wrong? What did you find difficult?

Learning to be a mediator is a process of integrating your personal experience and insight with skills, techniques and theoretical approaches that you learn.

## What is Mediation?

Mediation happens when the parties involved in a conflict want to negotiate to find a solution, but are unable to come together and reach agreement without the **assistance of a third party**. Mediation can be used in an international border dispute, in a community dispute, or between colleagues who can't work together.

In most cases, mediation:

- \* involves **two or more parties**;
- \* occurs under the **invitation of the parties** to a conflict;
- \* involves an **acceptable, impartial and neutral third party**, whose role is to assist the parties to reach their own mutually acceptable agreement, and who has no authoritative decision-making power;
- \* happens when there is a problem, a **conflict of interest** or a common concern between parties;
- \* is appropriate when the parties have an **uneven power balance**;
- \* can only occur when **parties are willing to negotiate**;
- \* happens when the **parties want to reach a joint agreement**;
- \* is a **verbal, interactive** process; and
- \* requires the mediator to **assist parties** to identify the issues of conflict, educate each other about their needs and interests, come up with possible settlement options, and bargain over terms of a final agreement.

Mediation can have different 'flavours' in different contexts – it may have a therapeutic angle (e.g. in the case of community mediation), it may have a legalistic undertone (e.g. in a labour or contract dispute), or it may have a statesmanship quality (e.g. in an international political dispute).

## WHAT CAN MEDIATION LOOK LIKE IN A PEACE MISSION ENVIRONMENT?

There is a fine line between facilitation and mediation in a peace mission environment, where you may be called upon to play all kinds of facilitation roles around varying levels of conflict.

Civil Affairs officers, military observers and/or military units may, from time to time, be called on to hold meetings with the local community to convey information about the peace process, and to receive feedback from the community on certain proposals. These meetings are sometimes held with a small group of community leaders, but they are also commonly public meetings that are open to all to attend. Even meetings that the peacekeepers intend to be small and private may end up being public, because there may be a different understanding of privacy within the local community. Peacekeepers are thus likely to find every possible space on the floor taken up by children and other curious members of the local community, and many others may be crowded in the doorway and windows.

Negotiations in these settings take on the form of 'meeting facilitation'. Although, in essence, it may still be a negotiation between the peacekeepers and the local community leaders, with the aim of reaching agreement on a specific issue, the form it takes may end up being more akin to the peacekeepers chairing a large public meeting. However, we use the term 'meeting facilitation' to emphasise the fact that chairing in this context should not be confused with the control exercised by the chairperson of a boardroom-style meeting. In this context, the person at the head of the table manages the process with great sensitivity to all the constituencies present, and has to ensure that everybody who wishes to make a contribution is given the opportunity to do so. At the same time, they must subtly steer the discussion towards a conclusion, by frequently summarising progress and by identifying the major issues that need to be addressed, without overly dominating the process.

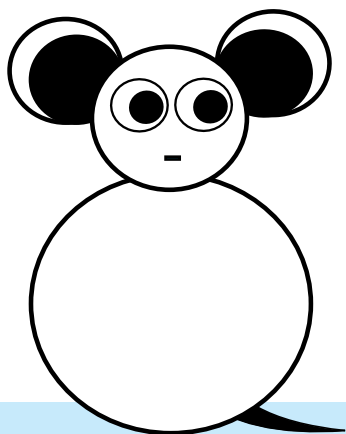
One problem that peacekeepers are likely to encounter is that it is difficult to accommodate all the views that may be expressed at such a public meeting. The skill of the facilitator lies in understanding which views represent popular sentiment and which don't, and this will depend largely on the way the crowd, and respected leaders, react to the various contributions. One would also take into account subtle intimidation, where silence and indifference conveys a negative, but suppressed, reaction. Another challenge is that the counterparts that the peace operation expect to interact with may not be in place. For instance, during the African Mission in Sudan (AMIS) in Darfur, military observers met with the local community and expected that one of the people present would be the leader of the local women's group. When such a person was not present, the peacekeepers expressed disappointment. At the next meeting, there was such a representative present, but the peacekeepers were now unsure if the person was there only to meet their expectation, or whether she really represented the women of the community. Further investigation revealed that there was no women's association in the local community prior to the arrival of the peacekeepers, but that one was now being established because the expectation was raised by the peacekeepers.



## THEORY

## MEDIATION IN A PEACE MISSION?

Mediation is an advanced conflict management skill, but it can also be applied simply in daily life. This chapter presents a detailed approach – to start, concentrate on the core principles and fill in the details as you become more experienced.



The mediator has big eyes in order to assess body language, big ears in order to listen actively, a small mouth so as not to speak too much, and a large body to absorb criticism.  
**Source:** J. Sachane, ACCORD.

## The Right Approach

A mediator or conflict intervener needs many attributes to handle a mediation well. ‘Meta skills’ are the **attitudes and personal skills** that a mediator brings to the use of any tool or technique and, as such, are more important than any strategy or technique. Meta skills include attitudes such as **compassion, neutrality** and **detachment**.

Individuals and groups of people respond first to your meta skill, and only second to the strategy or technique. The same technique applied with different meta skills can have very different results.

You cannot simply be trained in meta skills. Rather, they develop over time through a process of awareness, inner work and growth and maturity.

One way of summarising the skills of a good mediator is the mouse diagram on the left. To improve your communication skills, refer to Chapter 8 on page 153.

## Principles of Mediation

The following section outlines some of the key principles of mediation.

## ADVANTAGES OF MEDIATION

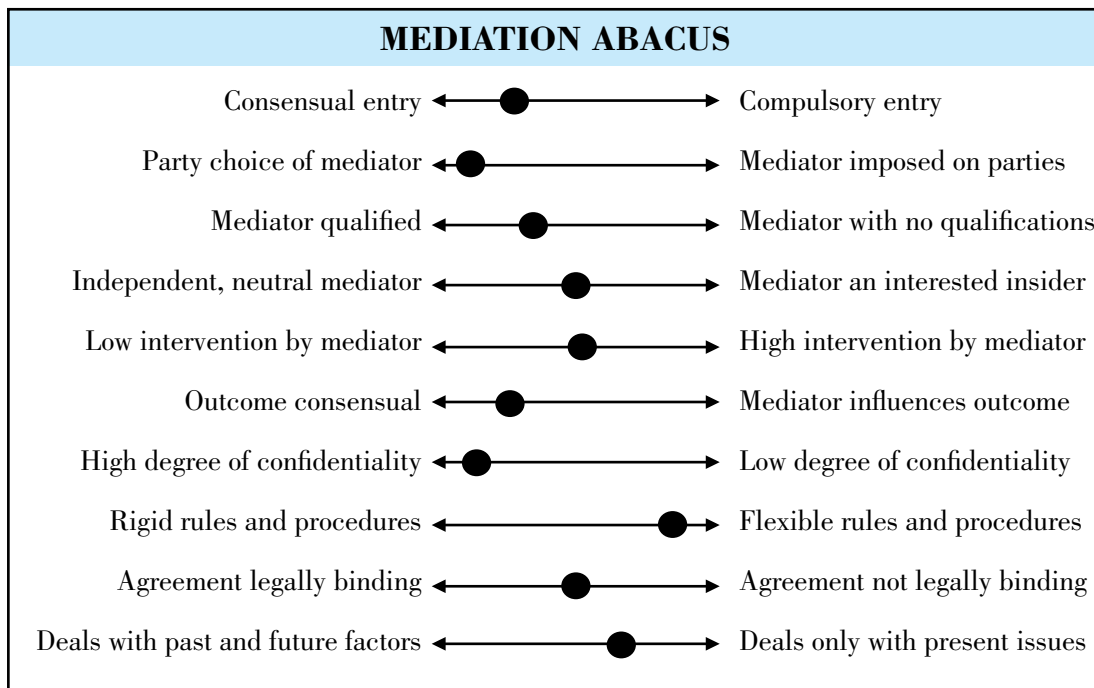
There are many advantages to using mediation where appropriate conditions exist.

ADVANTAGE	REASON
Mutually satisfactory outcomes	Parties are generally more satisfied with solutions that have been <b>mutually agreed</b> upon, rather than those imposed by a judge or arbitrator.
High rate of compliance	Parties who have reached their <b>own agreement</b> are generally more likely to comply with its terms.
Comprehensive and customised agreements	Mediated settlements can address both legal and extra-legal issues. The parties can <b>tailor the settlement</b> to their particular situation.
Experience of creative problem solving	Mediation teaches people <b>practical problem-solving</b> techniques that can be utilised to resolve future disputes.
Greater control and predictability of outcome	Parties who negotiate their own settlements have more <b>control over the outcome</b> of their dispute. Gains and losses are more predictable in a negotiated or mediated settlement than they would be if a case was arbitrated, or went before a judge.
Personal empowerment	People who negotiate their own settlements often <b>feel more powerful</b> than those who use lawyers to represent them. Mediated negotiations can provide a <b>forum for learning</b> about and exercising personal power or influence.
Resolves relationships	Many disputes occur in the context of relationships that will continue over future years. A mediated settlement that addresses all parties' interests can often <b>preserve a working relationship</b> , in ways that would not be possible with a win/lose decision-making procedure. Mediation can also make the termination of a relationship more amicable.
Workable and implementable decisions	Parties who mediate their differences are able to attend to the <b>fine details of implementation</b> . Negotiated or mediated agreements can include specially tailored procedures for how the decisions will be carried out.
Decisions that hold over time	Because of these above reasons, mediated settlements tend to <b>hold over time</b> and, if a later dispute arises, the parties are more likely to use problem solving to resolve their differences than to pursue an adversarial approach.



## MEDIATION ABACUS

The mediation abacus represents some of the variable features of mediation.



(Wade, 1994: 5)

## THE VARIABLES

- \* **Entry** – parties should consent to mediation. However, sometimes pressure is put on parties to participate in a process, particularly if there are many parties and some of the smaller, less powerful parties are resistant to mediation.
- \* **Choice of mediator** – the parties should choose the mediator. If it is a complex conflict with a range of parties, the bigger, more powerful parties will tend to have more say.
- \* **Qualifications** – in a Western, business framework training and formal qualifications of the mediator are important. In a traditional community context age, experience and gender would often be considered more important.
- \* **Independence** – an ‘interested insider’ can have more commitment to seeing a conflict resolved, and thus be trusted to invest more in the process.



- ❖ **Intervention** – if parties are poorly educated in the negotiation process, or if emotions are very strong or the potential for violence is high, the mediator may play a much stronger interventionist role in the process.
- ❖ **Outcomes** – the parties should have control over the outcome of the mediation, but the mediator may play ‘agent of reality’ to assist in reaching a workable agreement.
- ❖ **Confidentiality** – is normally critical, for parties to trust the mediator and the process.
- ❖ **Rules and procedures** – confident, experienced mediators will be happy to allow the process to be responsive to the needs of the parties.
- ❖ **Legal issues** – a contract will be required to make a mediation settlement legally binding. In a peace mission, the law normally plays a very small role in the resolution of conflict.
- ❖ **Past, present and future** – the more contained a mediation can be, the greater chance of reaching agreement. If past issues need to be dealt with, however, the mediation will not be successful unless they are addressed.

Factors that influence the variables include:

- ❖ the resources of parties (time, funds, expertise);
- ❖ the degree of hostility between parties;
- ❖ the mediator’s experience and preferences;
- ❖ the bargaining strength of parties;
- ❖ the facilities/amenities available; and
- ❖ the needs and wishes of parties.

## PEACE MISSION MEDIATION EXAMPLES

Most peace operations have been deployed to monitor some or other form of ceasefire, and the military observers and military commanders will commonly be involved in meetings between the parties to the conflict, to manage the implementation of the ceasefire.

This often occurs in a forum called a Joint Monitoring Commission (JMC) or a Joint Ceasefire Commission. At the national level, the JMC is usually chaired by the force commander, and at sector level by the sector commander or, in some cases, by the senior military observer in the sector.

These JMCs are, in a sense, an ongoing mediation forum in that you typically have two or more delegations representing the parties to the ceasefire agreement, and the peacekeepers as the mediators that facilitate the meeting and steer the parties to agreement.



## Role of a Mediator

We have already said that a mediator is an **acceptable**, **impartial** and **neutral** third party in conflict negotiation. The mediator could play a variety of different roles and functions to assist parties to resolve the dispute. These roles include:

<p>The <b>opener of communication channels</b>, who initiates communication, or facilitates better communication if the parties are already talking.</p>	<p>The <b>legitimiser</b>, who helps all parties recognise the rights of others to be involved in negotiations.</p>	<p>The <b>process facilitator</b>, who provides a procedure and often formally chairs the negotiation session.</p>
<p>The <b>trainer</b>, who educates novice, unskilled or unprepared negotiators in the process.</p>	<p>The <b>resource expander</b>, who provides procedural assistance to the parties and links them to outside experts and resources – such as lawyers, technical experts, decision makers, or additional goods for exchange – that may enable them to enlarge acceptable settlement options.</p>	<p>The <b>problem explorer</b>, who enables the people in dispute to examine the problem from a variety of viewpoints, assists in defining basic issues and interests, and looks for mutually satisfactory options.</p>
<p>The <b>agent of reality</b>, who helps build a reasonable and implementable settlement, and questions and challenges parties who have extreme and unrealistic goals.</p>	<p>The <b>scapegoat</b>, who may take some of the responsibility or blame for an unpopular decision that, nevertheless, the parties are willing to accept – this enables them to save face and, where appropriate, gain the support of their constituents.</p>	<p>The <b>leader</b>, who takes the initiative to move the negotiations forward by procedural or, on occasion, substantive suggestions.</p>



# Becoming a Mediator

Is mediation an art or a science? Are you a born mediator, or can you learn to be one? Can you grow from being an ineffective mediator to becoming a highly effective and sought after mediator?

## THE KEYS TO GROWTH

There are three important skill areas that will make you a good mediator:

1. you should have **knowledge of the theory and process** of negotiation and mediation;
2. you should have the **mediation skills** of planning, organisation, analysis, communication and intervention; and
3. you should have the **attitudes and personal approach** for mediation, including an acceptance of its philosophy and ethics.

Becoming a really good mediator is a lifelong journey... one where you will slowly gain the experience, confidence and maturity that will make you a great mediator in whichever context you choose to work.





## HOW TO

## Mediation Steps

During a mediation, you will not necessarily announce the start of each phase of mediation to the parties. Rather, this framework is to give you (as a mediator) some **internal reference point** as to where you are in the process, and to ensure that you do not leave any important stages out.

There are four main phases in the mediation process:

- ✧ **Phase 1: Preparation**
- ✧ **Phase 2: Opening the mediation**
- ✧ **Phase 3: The mediation process**
- ✧ **Phase 4: Closure and agreement**

<b>PHASE 1: PREPARATION</b>	
<b>Stage 1:</b> Mediator's entry	How is the mediator brought into process? Initial trust building and educating role of mediator Promote rapport between parties and increase their commitment to the mediation
<b>Stage 2:</b> Collecting and analysing background information	Collect and analyse data about the background, people, dynamics and substance of conflict Identify primary, secondary and peripheral parties Complete Circle of Conflict analysis of causes of conflict Verify accuracy of data to minimise the impact of inaccurate or unavailable data
<b>Stage 3:</b> Strategy design	Prepare the mediator's design for intervention Assist parties to be aware of and assess various approaches to conflict management and resolution, and then to select an appropriate approach with which they are comfortable Important that the parties' approaches are coordinated
<b>Stage 4:</b> Set-up	Location Determining the physical space
<b>PHASE 2: OPENING THE MEDIATION</b>	
<b>Stage 5:</b> Beginning the mediation session	Establish open and positive tone Establishing basic ground rules and behavioural guidelines Opening statements by parties Where appropriate, assist parties to vent emotions

<b>Stage 6:</b> Defining issues and setting an agenda	Present ways of setting agenda, allow parties to choose approach Identify issues by: <ul style="list-style-type: none"> <li>• allowing parties to make presentations</li> <li>• identifying areas of concern to parties</li> <li>• identifying areas of agreement</li> <li>• defining and ordering the issues</li> </ul>
<b>PHASE 3: THE MEDIATION PROCESS</b>	
<b>Stage 7:</b> Uncovering hidden interests of the disputing parties	Once the substantive, procedural and psychological interests of the parties have been identified, it is important that the parties are educated about each other's interests
<b>Stage 8:</b> Generating options for settlement	For parties to begin generating constructive alternatives that might contribute to final settlement, they must be encouraged to develop an awareness of the need for options, and simultaneously be encouraged to lower their commitment to positions or sole alternatives
<b>Stage 9:</b> Assessing options for settlement	The interests of the parties must be reviewed to see how those interests can be met by available options Parties can be helped to assess the costs and benefits of selecting options
<b>Stage 10:</b> Final bargaining	This stage involves reaching agreement
<b>PHASE 4: CLOSURE AND AGREEMENT</b>	
<b>Stage 11:</b> Settlement and operationalisation of agreement	A mediator should check that parties identify appropriate procedural steps to put the agreement into action – to 'operationalise' the agreement Parties should be encouraged to consider establishing an evaluation and monitoring procedure, formalising the settlement and creating an enforcement and commitment mechanism

## COMMUNITY DISPUTE MEDIATION ON A PEACE MISSION

It is not uncommon for peacekeepers to be called upon to mediate community disputes, especially in situations where there are no local authorities in place.

For instance, a UN Civil Affairs officer, a military observer or a military commander, e.g. a battalion commander, may be called upon to mediate a dispute between two villages or communities.

# HOW TO MEDIATE TO RESOLVE CONFLICT

## Questions to Ask

What is causing the conflict? Broken relationships? Misinformation? Different value systems? Rules, policies or control of resources? Competing needs or interests? (See **Circle of Conflict**)

How will you treat secondary and peripheral parties outside of the mediation, such as the media?

How close is the conflict to crisis?  
Are you familiar with the warning signs?  
How will you handle safety and security if the conflict erupts in the mediation context?

What lies behind the demands/positions?  
Why? What brought the party to that position? Broaden discussion beyond narrow demands

When inventing options, don't evaluate too early – allow all possibilities to come out

Try to assess parties' BATNA – if they have better options outside of the mediation, they will not hold to the agreement

Are there objective standards that can be applied? Are others dealing with similar problems?

## Things to Watch Out for

Invitation to mediate

Collect background info and analyse situation

Check that all the parties support the choice of mediator – if they withdraw their mandate, the mediation is over

Open: careful choice of space and seating; make opening statement and clearly outline process

If violence potential is high, consider security, access to the mediation venue, and entry and exit arrangements

Invite parties to make opening presentations and present issues – use to set agenda

Treat parties with neutrality (don't bring in your personal position or feelings) and impartiality (treat all parties fairly and equally)

Acknowledge demands and positions of parties, allow parties to state feelings

Create safe space for parties to vent emotions – this is a good reason for separate meetings, but they can also be used to probe for interests, educate parties, discuss confidential issues  
Take care to treat parties equally and maintain confidentiality

Probe for interests behind positions

Generate possible options for how to solve the problem – be creative

Generate as many options as possible, to try and meet the needs of all parties  
Limited solutions leads to a 'winner takes all' situation

Reach agreement – meeting needs (write down if appropriate)

Decide how, and by who, the agreement will be presented to external parties and constituencies

Decide how the agreement will be implemented or monitored

Confirm confidentiality of what was discussed and how agreement was reached



## Preparation

The amount of preparation that is done prior to the beginning of a mediation depends on the complexity of the mediation.

- ✳ Sometimes you may meet the parties for the first time and get information about the conflict at the first session – e.g. a marital mediation may begin with meeting the parties in a joint session.
- ✳ An international mediation, such as the 2003 Inter-Congolese Dialogue at Sun City, South Africa, where ACCORD acted as strategic advisors to the mediation team, will involve huge amounts of research and preparation.

In general, **the more preparation done, the more likely the mediation is to succeed.**

How do you prepare for a mediation?

1. Understand the **history of the conflict** – what has happened, and to whom? Who has done what? What is the state of relationships between parties?
2. List **all of the parties** to the conflict, and understand their roles with respect to the conflict, their influence over future decisions and potential settlement, their relationships with each other, and the balance of power between the parties. Decide how to manage those parties that will not actually be present in the mediation process. Think ahead.
3. Analyse the **root causes** of the conflict.
4. Understand where the key parties stand in relation to the upcoming mediation – what is their best alternative to the potential negotiated agreement (**BATNA**), and how much power will they thus leverage within the mediation process?
5. Plan for **entry** into the mediation. What mediation strategy will be used? What role will the mediator play? What approach to negotiation will be encouraged? When and where should the mediation begin? What resources will be needed?

## MEDIATOR'S ENTRY

The recommended way for the mediator to enter the process is through a **joint invitation** of the parties. The mediator will still have to develop trust and educate the parties about the process, but the mediator's entry into the dispute is not likely to be challenged.

In cases where one of the parties invites the mediator, or where the mediation is initiated by someone other than the disputing parties, the mediator will have to engage in much diplomacy and tact to get the agreement of the other parties, and will have to spend a lot of time educating the parties about the mediation process, and the role of the mediator.

## ARRIVALS AND DEPARTURES

Parties arriving at a mediation will be uncomfortable, nervous and possibly suspicious of the process that is about to start. Here are some guidelines to allay fears and create the best possible environment for the mediation.

1. **Plan in advance** what is going to happen, so that you are not caught unawares, and have a contingency plan should anything not go as planned.
2. Be early, and available to **welcome** parties in a calm and professional manner.
3. Escort each party to a **waiting area** outside the room, and avoid any impression of having spent a significant amount of time with one party before the mediation begins. Have separate waiting areas if the parties have a history of hostility or destructive interaction.
4. Take parties into the mediation area **together**.
5. If there has been high emotion or tension in the mediation venue, or a history of violence between parties, allow them to **leave separately**. Allow the 'victim' or threatened party to leave the venue first, and give them enough time to depart before allowing the other party to leave.

Even after the mediation is established (multi-day mediations), follow the same procedures every time the parties meet.

Have you had **previous contact** with the parties? If not, you may want to exchange small talk and pleasantries with the parties to put them at ease and lighten the tone heading into the mediation.



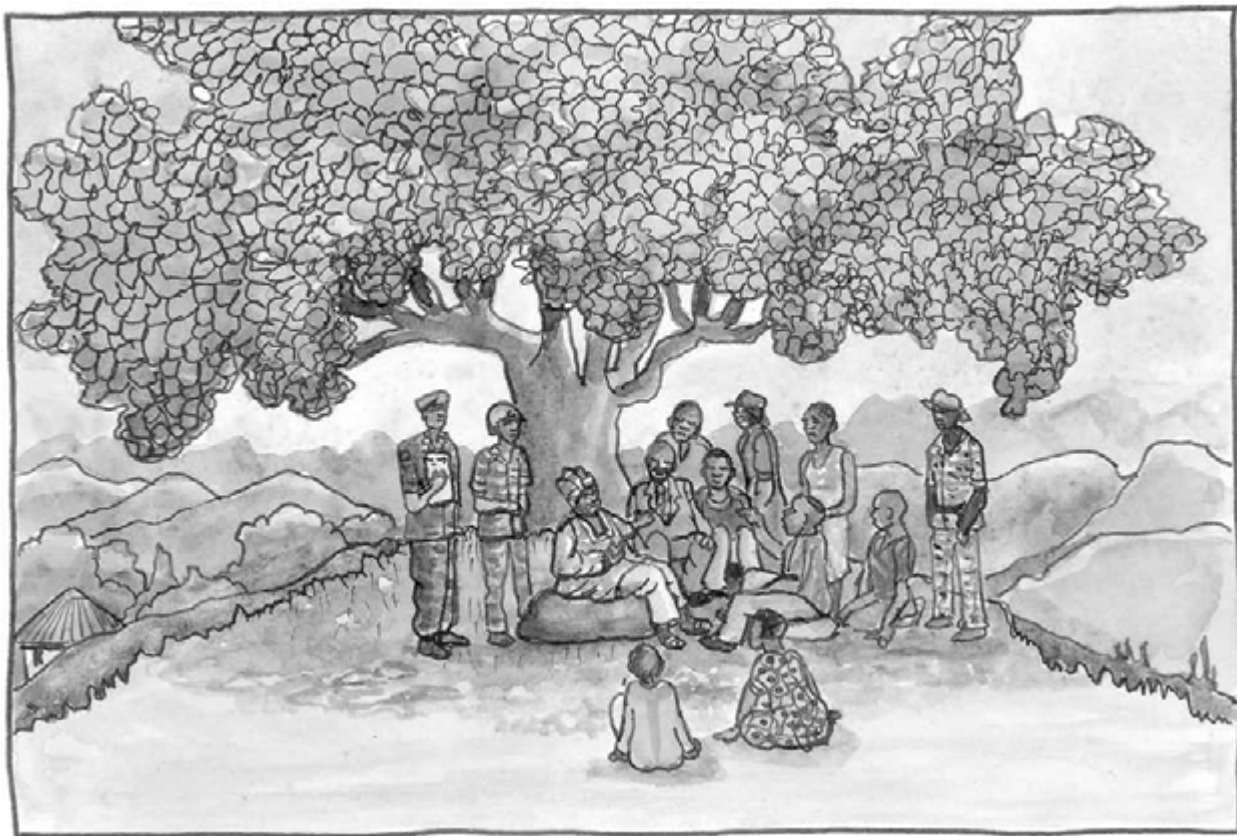


*Dinka and Nuer chiefs are treated to a warm welcome as they arrive for a peace conference between their two tribes in Wunlit, Sudan, in March 1999.*

**HOW TO**

## SEATING AND PHYSICAL SPACE

The physical space arrangements of the mediation can be hugely **symbolic**, and much care should be taken with designing a seating plan. If there are a large number of parties or negotiators, or a high level of tension between parties, the seating plan may become an item for negotiation.

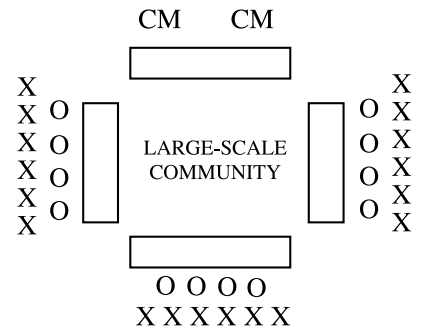
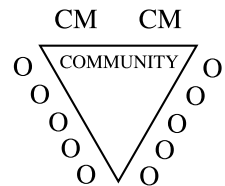
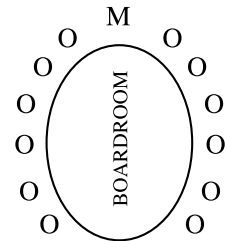
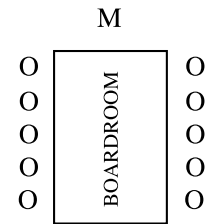


*In Africa, a well-known place under a large tree, or next to a large rock, has often played a hugely important symbolic role in community conflict negotiations for centuries. Such places should be considered as venues for mediation.*

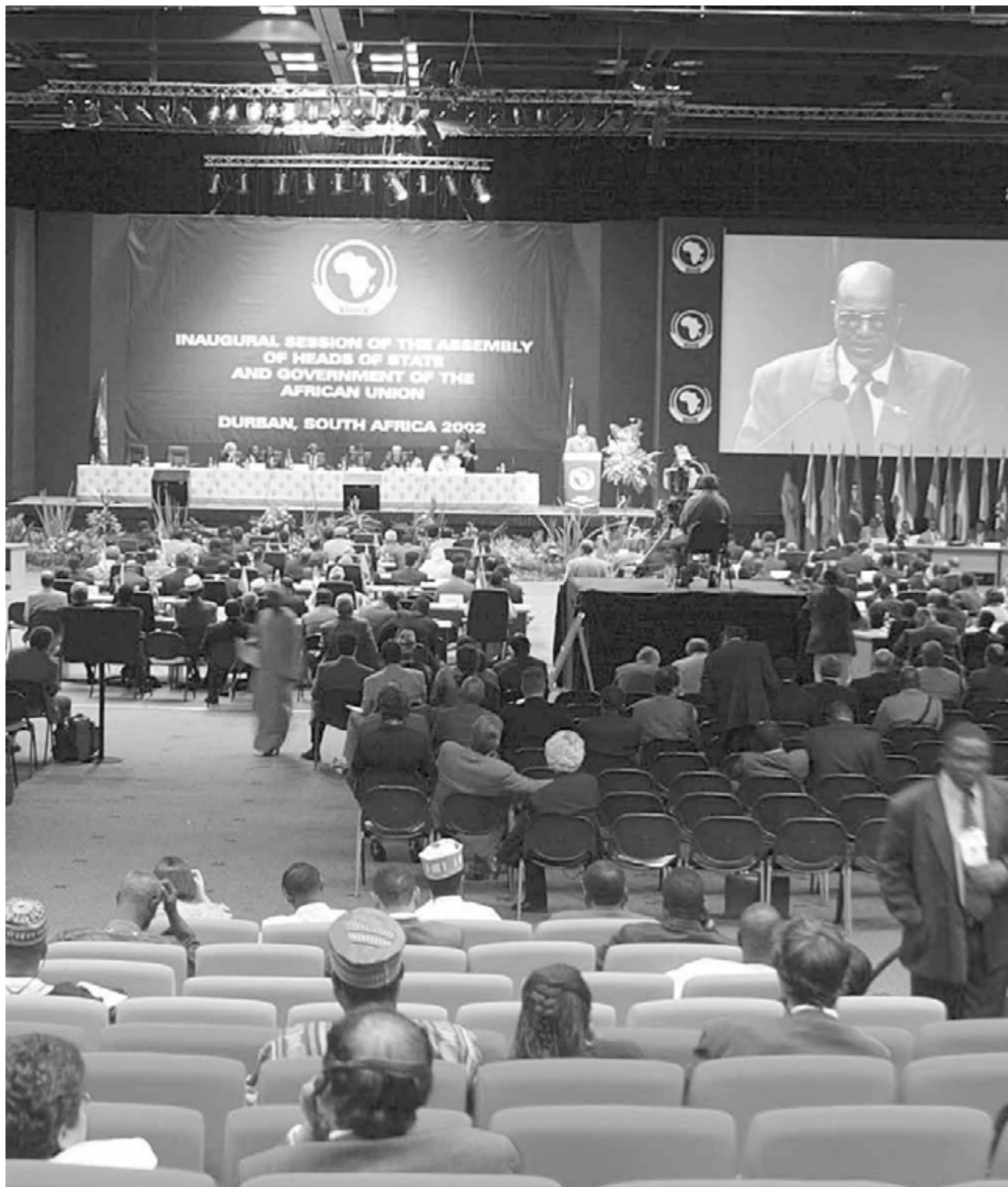
There are several key principles to bear in mind:

1. each distinct party should have a **separate and equal** amount of physical space in the negotiation venue;
2. the mediator should be **equidistant** from the parties, and **nearest the door**, to allow some control over access to and exit from the venue;
3. in **high-conflict** disputes, negotiators should face the mediator; when there is more **cooperation**, the parties can face each other;
4. seating parties across rectangular tables symbolises polarised, competitive behaviour; round tables dilute differences and make parties more collaborative; and
5. if a party is **fearful**, they should be placed closer to the door.

It is possible to make minor adjustments to seating during a mediation (or during breaks) to reflect a shift in the process – e.g. to turn the negotiators to face each other more (and thus interact more directly) if they are making progress and are working better together.



M=MEDIATOR CM=CO-MEDIATOR  
O=PARTIES X=SUPPORTER



*Sudan's President Omar Hassan El-Bashir addresses members at the closing of the inaugural summit of the African Union in Durban on 10 July 2002. African heads of state signed protocols to set up key institutions, including a peacekeeping body.*



## GROUND RULES

It is important to establish mutually-agreed ground rules to guide the mediation process. Ground rules should focus on principles, process and the handling of emotions. They should be written up on a flipchart and displayed prominently in the room.

Here are some examples of ground rules:

### Principles

- \* Joint commitment to the mediation process
- \* Respect for the mediator's authority

### Process

- \* No interruption of speakers by the parties
- \* Cellphones off
- \* Time deadlines to be observed

### Emotions

- \* Refrain from using offensive words for other parties
- \* People should be allowed to say how they are feeling openly
- \* People will be allowed to take a break if they are finding the process emotionally overwhelming

It is important to facilitate the parties choosing their own ground rules – there are no objective standards that ground rules should meet. Parties are more likely to respect the rules if they have chosen them themselves, and are then publicly committed to them.

### ESTABLISH TRUST

Remember that the parties may be highly suspicious of the mediator as they begin the mediation – you will have to **establish trust** with the parties.

### WRITTEN RECORDS

Are the parties **literate**? Be careful of how you use written records of ground rules, agendas and agreements – people with strong oral traditions may be suspicious of such an approach.



# The Opening

## MEDIATOR'S OPENING

No matter how much contact has occurred between parties and the mediator, a **formal opening** should be made by the mediator, to set the tone, explain what will happen in the mediation and establish trust. It should be under 10 minutes, and should include:

1. **commending** the parties on the choice of mediation;
2. reminding parties that they have **freely chosen** to be present;
3. explaining the **nature and objectives** of mediation;
4. explaining the **approach to mediation and negotiation** that is to be utilised in the session;
5. clarifying the **roles** of the mediator and the parties;
6. explaining that the mediator will act in a **neutral and impartial** manner;
7. explaining the **order of proceedings**, and the possible use of **separate sessions**;
8. proposing some basic **ground rules** or guidelines for the mediation, and soliciting others from the parties;
9. reminding the parties that the mediation is **confidential**; and
10. clarifying that the parties have the **authority to settle** the dispute, and any special conditions for the settlement/agreement.

Invite the parties to commit, or recommit, to the process as it has been outlined by the mediator – this will remind the parties of the voluntary nature of the process, and that they need to commit to the process for it to be successful.

## PARTIES' OPENING

Next, allow each party to make a **short presentation**. No interaction should be allowed – each speaker presents an uninterrupted dialogue. The mediator should limit the time allowed, so that other parties do not feel excluded, and they can be reassured that there will be time for a full airing of problems, and a detailed discussion of all points, later in the mediation.

How the mediator phrases the focus of the presentation will have an impact on what is said. Here are some options:

- ✳ “describe the facts of the event” – they are likely to narrate a self-justifying story;
- ✳ “state what you would like to achieve” – positional claims will be made; and
- ✳ “talk about concerns” – needs and interests that are important to the parties will be spoken about.

There are a number of options for responding to the presentations:

1. **don’t respond** – move on to the agenda;
2. the **mediator summarises** presentations – checks the accuracy of what was heard, acknowledges the emotion behind the content; or
3. **parties summarise each others’ opening** presentations – this demonstrates that they are hearing each other.

## WHY SHOULD PARTIES MAKE PRESENTATIONS?

- ✳ To allow an **unthreatening introduction** to the mediation, where there is no opportunity to engage with and debate positions.
- ✳ To **inform mediators** about the nature of the dispute (if they haven’t previously researched the conflict).
- ✳ To construct a **list of issues** on which decisions are needed.
- ✳ To allow each side to **state their problems** in an emotionally safe environment.
- ✳ To allow some **venting of emotion**.
- ✳ To give disempowered parties the chance to hear their own voices, and **build confidence** within the parties.

### ESTABLISH TRUST

There are no fixed rules on how to deal with these openings – or, in fact, with any stage of the mediation.

We give you these principles as a guide, but you will need to make an assessment of how tense the situation is, how ready the parties are for full openness in their dialogue, and how confrontational you can be as mediator. Building experience by practicing these skills is the key.





## HOW TO

## Setting the Agenda

Agreeing on an agenda may sometimes take longer than the actual negotiation itself, because this is where negotiation starts. In agenda setting, parties can begin to establish themselves in the negotiation process, and put emphasis on the issues that they feel are important. The agenda-setting process can thus be **highly contested**.

Decide up-front what approach you are going to use (sometimes the agenda may be agreed on before negotiations begin). Alternatively, select a couple of approaches, present them to the parties, and allow them to make a choice on how they want to go about setting the agenda.

### IDENTIFY AREAS OF AGREEMENT

The mediator should attempt to **identify areas of agreement** to get the mediation off to a good start, e.g. “We are all trying to stop the killing on the ground”; “The business partnership has been successful in the past”; “Both parties are trying to avoid a costly legal battle”.

This reminds highly conflicted parties that there is some common ground, and fosters a climate of consent.

METHOD	WHAT IT ENTAILS	HOW AND WHEN IT WORKS
Ad hoc development	One party proposes an item, the other party or parties concur, and the item is discussed until a conclusion has been reached.	<ul style="list-style-type: none"> <li>• Promotes jockeying between parties for placement of agenda items at particularly opportune moments</li> </ul>
Simple agenda	Issues are taken one at a time in the order proposed by one or both parties. Each item is dealt with and settled separately.	<ul style="list-style-type: none"> <li>• Works in low conflict situations</li> <li>• Is not applicable when the order of issues is important, or issues are linked</li> <li>• Does not allow for trading of concessions on multiple linked issues that may be necessary for settlement</li> </ul>
Alternating choices of items	The parties alternate which chooses the topic of discussion.	<ul style="list-style-type: none"> <li>• Allows the parties to proceed, and often inhibits the development of deadlocks</li> <li>• Rarely works for long, as one or more parties invariably insist on breaking the order</li> </ul>

METHOD	WHAT IT ENTAILS	HOW AND WHEN IT WORKS
Ranking according to importance	Parties pick the one or two most important items for each of them and place them at the head of the agenda. The remainder of the less important items will follow suit.	<ul style="list-style-type: none"> <li>• Depends on the parties being able to agree on the most important issues and their order</li> <li>• Best used when no claims or counterclaims are made, or no offence has been alleged</li> </ul>
The principled agenda	The parties jointly establish general principles that form the framework for settlement, and then work out the details of how these principles will be applied to specific agenda items.	<ul style="list-style-type: none"> <li>• Works only where the parties are willing and able to negotiate at a fairly high level of generalisation or abstraction, and where they are willing to defer decision-making on minor issues until later in the bargaining process</li> </ul>
Less difficult items first	The parties identify issues where the probability of agreement is high, and discussion and settlement will probably not take a long time. These issues are often small, self-contained, less emotion-laden, and not symbolic in comparison to other topics that might be discussed. These 'easy' items are placed at the beginning of the agenda and alternated with more difficult items.	<ul style="list-style-type: none"> <li>• Assures agreement on some issues early in negotiations</li> <li>• Promotes a habit of agreement</li> <li>• Provides for a reserve of agreements that the parties will be reluctant to lose, as the result of an impasse later on</li> <li>• Provides agenda items that can be dropped or traded later as a demonstration of good faith</li> </ul>
Building-block or contingent agenda	Parties identify the issues that must be dealt with first, and which may lead to agreements laying the groundwork or foundation for later decisions.	<ul style="list-style-type: none"> <li>• Fairly complicated and dependent upon a high degree of party coordination</li> <li>• Prevents deadlocks caused by incorrect sequencing of issues</li> </ul>
Trade-offs or packaging	Parties formulate combinations of issues and offers, in return for concessions from the other parties. Issues may be traded one for another, in a way that attains some equivalence of exchange. Trading can also be conducted on an issue-by-issue basis, so that total issues are eliminated in exchange for dropping other issues.	<ul style="list-style-type: none"> <li>• Demonstrates a willingness to trade issues and meet the other party's needs; induces an opponent to generate alternative packages; demonstrates that some concessions are possible if they are linked with specific gains; often eliminates some of the hard work, at least for one party, of producing settlement options</li> <li>• May be seen as a way of railroading through an unfavourable settlement, or denying a party the chance to participate in consensus or settlement building</li> </ul>



## HOW TO

## GETTING TO INTERESTS

**Getting to interests** is not always a simple process. Parties sometimes hide their interests. You will need to become good at asking questions. For help in asking open questions, read the chapter on Communication.

## CLOSURE

Start thinking about **closure** – what kind of agreement you would like – from the very beginning. It may also be preferable to prepare a draft agreement in advance, which you can keep modifying as negotiations progress.

# Getting to Interests

When we discussed styles of negotiation, we said that an interest-based approach was the preferred approach to handling a conflict negotiation. The key principles of this approach are:

1. **PEOPLE:** separate the people from the problem;
2. **INTERESTS:** focus on interests, not positions;
3. **OPTIONS:** generate a variety of possibilities before deciding what to do; and
4. **OBJECTIVE CRITERIA:** insist that the result be based on some objective standard.

## SEPARATE THE PEOPLE FROM THE ISSUES

The **Circle of Conflict** shows us that relationship issues are only one kind of root cause of a conflict. It would be very unlikely for a conflict to be only about relationships deteriorating – there are normally additional reasons behind this.

But conflicts and their resolution have to be filtered through a ‘people interface’. Separating the people from the problem means dealing with the relationship issues separately from the root causes of the conflict. This is not always easy, however, particularly in a communal context where people are not used to thinking of people and issues separately. Bear in mind that the principle behind this is to maintain and build relationships between the parties, while still addressing the concerns that divide them.

The African principle of *ubuntu* is about being people-centred – African, and indeed many traditional approaches to conflict resolution, promote integration and healing above justice and retribution. The ‘separate the people’ principle suggests that we promote harmony and healing while, at the same time, being ‘hard’ on the problems or issues we are facing that have brought the parties into conflict.

## SHIFT FROM POSITIONS TO INTERESTS

Interest-based negotiation is about getting to the interests **behind** the positions, and coming up with creative, broad-based solutions that meet as many diverse interests as possible. As a mediator, how can you help the parties put forward their own interests, and understand each others' interests?

### ASK 'WHY?' AND 'WHY NOT?'

Sometimes getting to interests is as simple as **asking**. Be careful to frame this asking as a request for further information, and not as an attack or criticism.

When the parties put forward a position, ask them why they have put forward this position, and **what it is that they need**. If their answer appears to have underlying interests, keep asking the question, to get a deeper understanding of their needs and interests.

The other side of this is to ask 'why not?'. If a party rejects a proposal or request from another party, ask how that proposal negates their needs – what would they need to have their interests met?

## JOINT CONFLICT ANALYSIS

An approach you can consider is to introduce a **training element** to the mediation. Suggest the parties jointly analyse the conflict, and that the insights gained from the process will be helpful in bringing resolution to this conflict.

Take the parties through the parties' analysis and the Circle of Conflict. Pay special attention to what parties list as structural, interest and value conflict, and what different perspectives come out between the parties.

## COMMUNICATION

The **Communication** section in Chapter 8 of this handbook provides you with a number of communication skills to improve your ability to listen to and understand the parties, see different perspectives and separate data from interpretation.

You may wish to share some of these skills with the parties.





## HOW TO

## Generating Options for Settlement

Most often, negotiation seems to come down to splitting a small cake – and there’s never enough cake to go around. You have managed to assist the parties to get to an understanding of the interests behind their positions – now your task is to help them to generate a **broad range of creative options for settlement**, and to assess how well these options meet the needs of the parties.

### PRACTICAL BRAINSTORMING

You need to create a range of options for settlement, taking into account the interests raised by the parties. Here are some recommendations for using brainstorming in a mediation process:

- \* **clarify purpose** – decide what you wish the parties to get out of the session;
- \* **few participants** – too many people can derail this process; under 10 is a good number. Suggest that the parties select representatives for the brainstorming session;
- \* **change environment** – a new physical space will make a statement about new ideas, and help to suspend judgement. Any place that creates a relaxed, happy environment will assist a move away from structured thinking to a creative, right brain approach;
- \* **record** – write down all ideas, in full view of everyone;
- \* **off the wall** – encourage creative, unusual, ‘out of the box’ thinking. Even seemingly ridiculous ideas can lead to, or be developed into, highly useful ones; and
- \* **no criticism** – strongly enforce the no criticism approach. You are gathered to generate ideas, not break them down; don’t start evaluating or grouping ideas until you’ve finished generating them.

### FORMULATING RECOMMENDATIONS

After completing the brainstorming session, you will probably have a huge range of ideas – from the conservative to the wild, from the achievable to the ridiculous. Circle the best ideas, and consider if it may be appropriate to group some ideas with others. Start to discuss how the ideas can be worked into settlement options. It can be a good idea to bracket ideas – to develop stronger and weaker versions of the same idea – to counter possible responses from the rest of the negotiation teams. To facilitate the brainstorming process, make it clear that all proposals are tentative, and that discussion of an option in no way indicates commitment to that position.



***Delegates from the Dinka and Nuer tribes sign a peace agreement, using thumbprints, at the conclusion of a peace conference between the two tribes in Wunlit, southern Sudan, in March 1999. A 1991 split in the rebel SPLA group – largely along tribal lines – had led to conflict between the two groups. The SPLA had been fighting the Muslim-dominated government in northern Sudan.***



## HOW TO

## Separate Meetings

Separate meetings between the mediator and the parties on their own can be a **highly effective tool** in mediation. Some mediators view the separate meetings as the most important feature of mediation, but there are a number of concerns to bear in mind that could jeopardise the process.

### PURPOSE OF SEPARATE MEETINGS

- ✳ To allow parties to **raise issues** they would be uncomfortable raising in the joint sessions.
- ✳ To allow space for **venting** of emotions with the mediator, without jeopardising the main negotiation process.
- ✳ To allow for the mediator to probe **parties' bottom lines**, BATNAs and hidden agendas.
- ✳ To create an opportunity for the mediator to **coach** parties in communication and negotiation techniques.
- ✳ To provide space for the mediator to '**reality check**' with parties, and apply more pressure for settlement than would be possible in the joint sessions.

### TIMING AND CIRCUMSTANCE OF SEPARATE MEETINGS

- ✳ **Before mediation starts** – in the process of researching the conflict and preparing for the mediation.
- ✳ **Early in mediation** – to probe for extra concerns and issues that haven't been raised.
- ✳ At **deadlock** or breakdown – to change the dynamics of the negotiation, and analyse problems with each party separately.
- ✳ If **one party has become disempowered** or another party is dominating, and it can't be resolved in the joint sessions.
- ✳ To create a risk-free environment for **generating settlement options**.
- ✳ When parties are showing a **shortcoming in negotiating skills**.
- ✳ If **requested** by the parties.

## PITFALLS AND CONCERNS ABOUT SEPARATE MEETINGS

- ✳ The **power of the mediator** is considerably enhanced – this may detract from the parties making their own decisions. Mediators must be very careful with their exercise of power and control.
- ✳ Can engender **suspicion** about what the mediator is saying to the other parties, and threaten principles of neutrality and impartiality.
- ✳ Mediators may be **influenced by parties** in the separate sessions.
- ✳ May be an inadvertent **breach of confidentiality** by mediators, because not enough note is made of what is said in private and communal sessions.
- ✳ Too many separate sessions will **enhance the divisions** and separateness between the parties.

## SAFEGUARDS FOR SEPARATE SESSIONS

- ✳ **Equality** should be maintained – always meet with all parties, and for the same length of time.
- ✳ Separate sessions should be kept relatively **brief**.
- ✳ Reassure participants that the sessions are **confidential**.
- ✳ Give the **other party** some kind of task to perform, while the separate sessions are underway.
- ✳ Avoid any kind of hint, on return to the joint sessions, of any developments or decisions from the separate sessions, as this **could compromise confidentiality**.





## HOW TO

## Climate Report

A climate report can be very useful to bring **awareness** to the group as a whole, on where the mediation process is at that point. It recognises and validates all positions.

### WHY CLIMATE REPORT?

The climate report does not interpret, but comments on and recognises what is happening in the room. It helps to bring awareness to the process, and clarity to the parties.

### WHEN TO CLIMATE REPORT

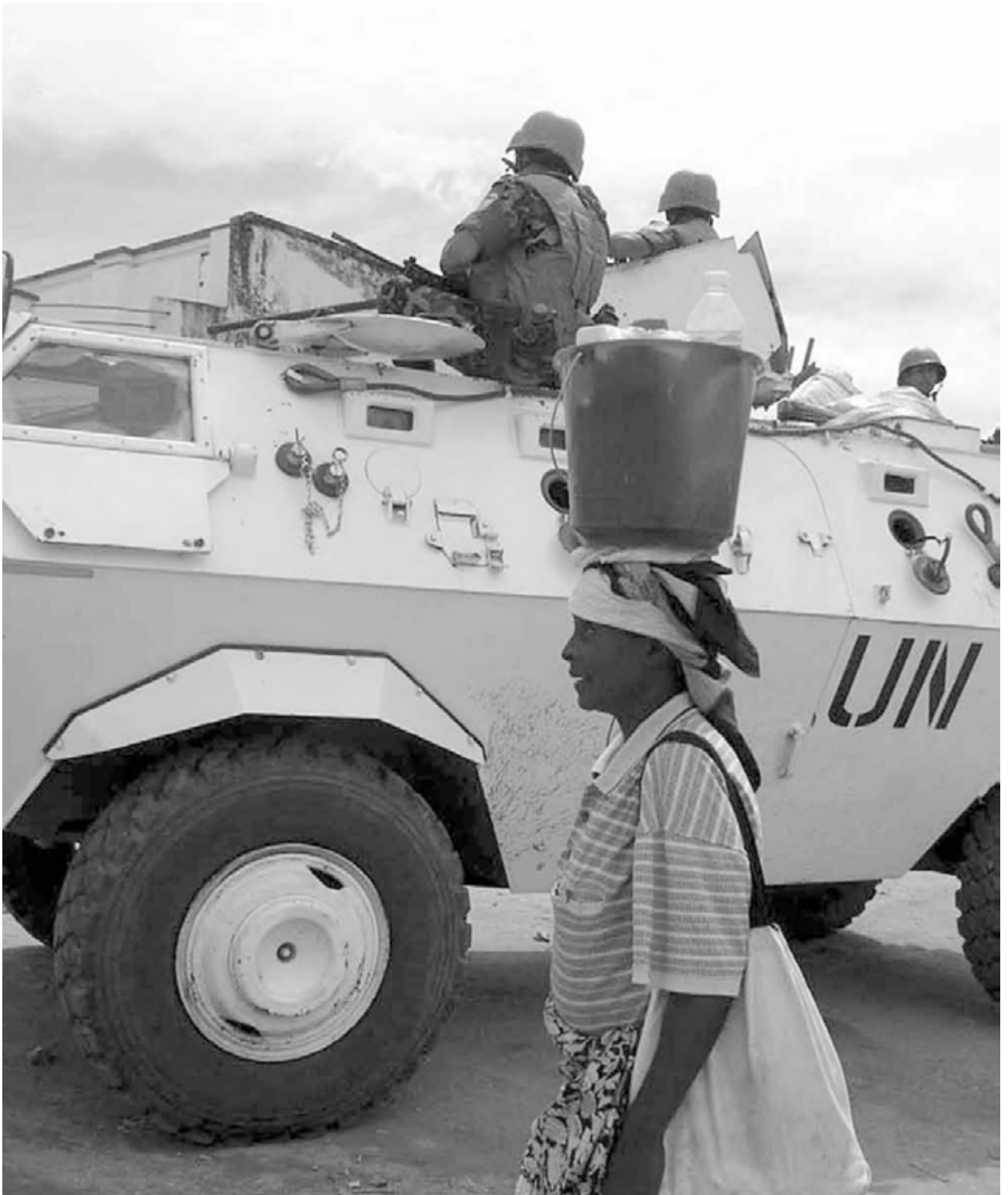
- \* If there are **many different views** in the room, and it has become confusing for the parties.
- \* If some perspectives are being **put down and not heard**.
- \* If the parties are **cycling** – that is, going around in circles and repeating the same issues or perspectives.
- \* If parties are locked in a **polarised/adversarial** position.

### HOW TO CLIMATE REPORT

1. **Stop** the mediation process, and suggest that you give a round-up of where the process is, and what is being said.
2. **Summarise and cluster** the roles/perspectives in the room – present the full range of issues on the table.
3. Focus on **data – don't add your interpretations**.
4. Ask the group if there are any **other issues** that have not been recognised or noted.

The climate report must be done from a neutral position, so that all perspectives or views feel recognised, and the mediator is not seen as validating certain views and repressing others.

By bringing awareness to the mediation process, it will help parties to gain perspective and enable them to decide how to proceed in a more constructive manner.



***A MONUC armoured vehicle conveys peacekeeping soldiers on patrol in Bunia, Democratic Republic of the Congo.***



## HOW TO

## Helping Parties to Make Offers

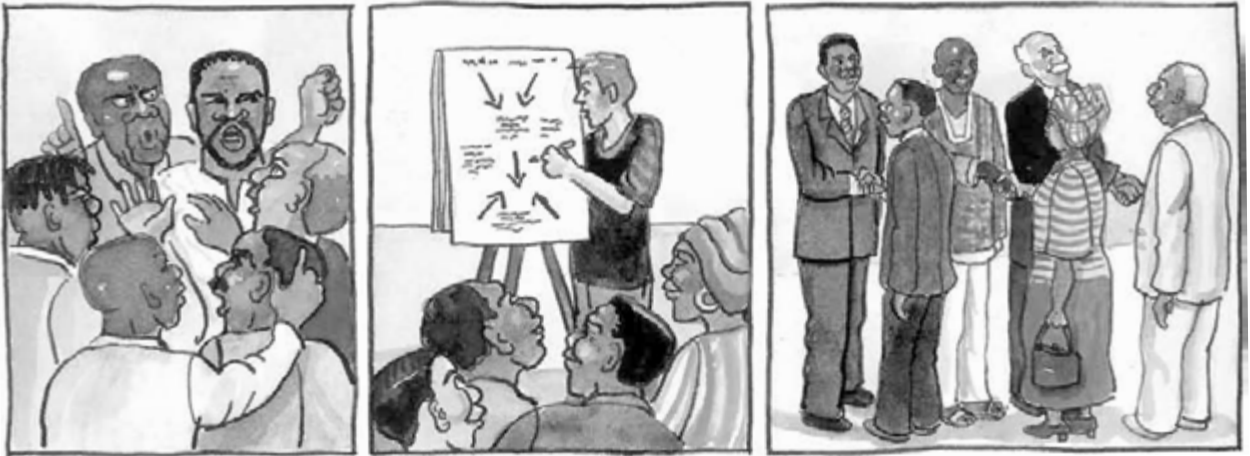
Mediators often help parties to make offers that will be acceptable to the other side. There are some elements to keep in mind when facilitating this process.

- ✧ Prepare the party making the offer to restate all parties' interests (with the others' first), present a proposal, and identify how it is **mutually beneficial**: "You need... and what I need..."
- ✧ Help the party to decide when the **best time** is to make the offer. Prevent premature offers, or offers that are too late, after damage has occurred to the relationship.
- ✧ Help the party to present a worst-case settlement offer first, then present a more favourable offer. **Contrasting** an unacceptable offer with a more acceptable one makes the latter offer look more favourable.
- ✧ Assist the parties to make **contingent offers**: "If you give me this, then I'll give you what you want."
- ✧ Help a party make an offer that involves a **risk** for themselves. Risk taking by one party often induces the other also to take risks.
- ✧ Help a party to decide **who**, in a multiperson team, should make the offer, and **to whom** the offer should be made. Multiperson parties may have members who are either more or less responsive to offers made by the other side.
- ✧ **Test** out a party's offer in the caucus before it is made in the joint session. A variation is for the **mediator to claim** the offer as his or her own idea, so that it is not tainted by its source or prematurely identified as a proposal from the other side.
- ✧ Help a party to be **psychologically prepared** to accept an offer from the other side. Discussing feelings, raising doubt about positions and discussing possible settlement options can all prepare a party to accept another's offer.
- ✧ Allow parties to present only offers that have previously been identified in the caucus as being **mutually acceptable**.
- ✧ Make an offer for a party to **'save face'** or control destructive behaviour.



## Agreements

The purpose of entering into a mediation process is to reach an agreement. This is the agreed outcome of the process, and a way forward for implementing the agreement. For an agreement to hold, it needs to be a **strong agreement**.



### WRITING AN AGREEMENT

Agreements should be written down (if appropriate), as this:

- ✧ **clarifies points** on which the parties agree, and **defines** what has been agreed;
- ✧ is a **permanent record** of the settlement;
- ✧ defines what is **required in future**; and
- ✧ creates **standards** by which compliance with the agreement can be measured.

Settlement agreements are usually written by one or more of:

- ✧ one of the parties;
- ✧ the parties in joint session (or a sub-committee of the parties);
- ✧ the mediator or facilitator (with or without the public recorder); or
- ✧ the lawyers of the parties.



## HOW TO

## One Text Procedure

In a classical positional bargaining situation, the parties have separate sets of proposals. As the proposals get ‘traded off’ against each other, the parties become more entrenched, and their differences get accentuated. The mediation can also become highly complex, and can deadlock easily. The **‘One Text’** approach to mediation is a different approach, which can be very **useful in a complex mediation context**.

The One Text procedure **combines the parties’ needs and interests into one proposal**, which the parties can jointly attack, modify, develop and finally own. How does it work?

### STEP 1: FIND OUT ALL YOU CAN ABOUT NEEDS AND INTERESTS

**Ask about the parties’ interests** – what they want or need. Make it clear that you are not asking either party to give up a position; rather, you are exploring the possibility that you may be able to make a recommendation to them.

#### LAND CLAIM

**A land claim advisor is called in to resolve a dispute between a rural community (victims of forced removals) and the land’s current owner.**

**The advisor asks about both parties’ needs and interests. What they want to do with the land, and how much land is needed for farming activity? How much access is needed to water? Why do they need access to roads – what kinds of vehicles will need to get in and out? What are their concerns about security, and what will they need to protect against?**

**At this stage, the advisor is exploring the possibility that she might be able to make a proposal, but even that is uncertain; rather, she is just trying to understand their needs and interests.**

### STEP 2: CRITICISE THE LIST

Develop a **list of the wants and needs** of the parties, and ask them to criticise the list. It’s hard to make concessions on positions, but easy to criticise.

# HOW TO RUN A ONE TEXT MEDIATION

## QUESTIONS TO ASK

Are there many parties?  
Are the issues multiple and complex?  
Will they accept a strong intervention  
by the mediator?

What do you want?  
Why do you want this?  
What will you do with it once you get it?

Does this reflect how you feel?  
What else do you need?  
What did we miss out?

Ask the parties to criticise and improve on  
the proposal, not to accept or reject it at this  
stage

Does the recommended proposal improve  
on the BATNA of each party? If not, continue  
amending and developing the proposal

Explain that this is the best possible solution  
given the process – ask the parties to accept  
or reject the final proposal

Conflict or confrontation

Assess the situation

Explore needs and interests thoroughly

Invite the parties to criticise the list of needs

Make a draft proposal on how to meet the needs

Revise and amend the proposal several times

Make a final proposal

## THINGS TO WATCH OUT FOR

Do all the parties support your  
intervention, and are they willing to  
accept a strong mediator role?

Allow the parties to express painful  
feelings  
Demonstrate the real ability to listen  
to and understand the parties –make  
it clear that, at this stage, you are just  
trying to understand needs and interests

Make it clear that you are not asking  
parties to give up their positions, but are  
just exploring the foundation for making  
a proposal to them

Encourage parties to see the process –  
the proposals are not final solutions at  
this stage, and are to be worked on and  
developed

If you come to a final proposal too  
quickly, the parties will be tempted to  
reject it – they must feel that the process  
has been thorough

## LAND CLAIM

The advisor returns with a full list of needs and interests, which she puts forward for criticism by the parties... security on the farms, access to water, stability of relations between the returning community and existing labour force on the farm, the hectares needed for cattle rearing, etc.

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**STEP 3: DRAFT PROPOSAL**

Taking into account the amended list of interests, present the parties with a **draft proposal** on how to meet the interests that have been listed. Acknowledge that it has severe shortcomings, and **invite criticism and amendment**. No-one's ego is tied to the proposals and, instead of being forced to abandon positions, the parties now work jointly on one proposal that can be presented back to them by the mediator.

## LAND CLAIM

A week later, the advisor returns with a rough plan for the partitioning of the land, some proposals for how to manage water, security and transport on the land, and some initial figures for what kind of payout the existing owner could expect for the land he is selling.

She might say, “Personally, I am dissatisfied with this plan, but I thought before working on it further, I would get your criticisms.” The parties are invited to critique the plan and make adjustments.

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**STEP 4: PROPOSAL REVISIONS**

Take into account the criticisms and **amend the proposal**, bringing it back for further rounds of criticism and adjustments.

**STEP 5: FINAL PROPOSAL**

When the proposals have been through many cycles of revision, the mediator then presents it to the parties as their **best effort**.

## LAND CLAIM

After a number of rounds of proposals and critiques, the list of changes will have shortened. Finally, when she feels she can improve the plan no further, the advisor says, “This is our best option. I have tried to reconcile all of the interests that have been brought to me, as best I can. Many of the issues I have resolved using standard agricultural planning, legal precedent and the accumulated experience of our land claims programme throughout the rest of the country. This is the best I can do, and I recommend that you accept this plan.”

The parties then only have one decision to make: ‘yes’ or ‘no’. In making that decision, they know exactly what they are going to get, and what is contained in the proposal.

## ONE TEXT AND MULTIPARTY MEDIATIONS

As a technique for **limiting the number of decisions, reducing the uncertainty of each decision and preventing the parties from getting locked into positions**, this approach works very well.

It is a great help for negotiations involving two parties and a mediator. It is almost essential for large multilateral negotiations: 30 countries cannot constructively discuss 30 different proposals – there needs to be some way to simplify the decision making process.

You do not need anyone’s consent to start using a One Text procedure, simply prepare a draft and ask for criticism.





## Co-mediation

For **large-scale mediations**, in particular, co-mediation (two or more mediators) offers many advantages. Co-mediation, however, challenges the mediators to understand each other, prepare well, and be highly aware of how they are working together and what their effect is on the parties.

### ADVANTAGES

- ✳ **Division of labour** – the different roles of mediation can be shared, e.g. chairing sessions, note taking, listening, supporting parties under attack.
- ✳ **Skills and expertise** – multiple mediators bring a range of skills to the table, e.g. language ability, cultural understanding, therapeutic skills, specialist or subject knowledge, mediation experience.
- ✳ **More ‘eyes and ears’** – the mediators can be more observant of the different messages and dynamics, particularly in large groups.
- ✳ **Fatigue** – mediation is an exhausting process; co-mediators can cover for each other and balance each others’ natural energy flow.
- ✳ **Positive modelling** – multiple mediators can model problem solving, listening, constructive communication, negotiation and respect for the parties. This suggests that these processes should be made overt between the mediators.
- ✳ **Debriefing and support** – mediators can support each others’ debrief, provide a safe environment for the release of emotion, and monitor each others’ loss of neutrality and impartiality.
- ✳ **Training** – a junior mediator can be mentored and supported by a senior mediator in the practice of mediation.

### DISADVANTAGES

- ✳ **Negative modelling** – if mediators handle conflict between themselves poorly, it will perpetuate further conflict within the group.
- ✳ **Manipulation** – mediators have to be highly aware of the potential for parties to play themselves off against each other.

- ❖ **Ethics** – multiple mediators can consciously, or unconsciously (through a bad cop/good cop routine), use their power to manipulate parties into concessions or settlements.

## PREPARATION

Co-mediation requires careful planning and extra preparation. The following should be taken into account:

- ❖ How will **roles and responsibilities** be shared?
- ❖ When, and for what reasons, should the **process be stopped** for the mediators to hold a separate meeting, if necessary?
- ❖ How will **stressful or unexpected situations** be handled?
- ❖ Under what conditions should mediation be **terminated**?
- ❖ How will the **mediators communicate** – without the knowledge of the parties, if necessary?
- ❖ How will a **dangerous or potentially threatening situation** be handled?
- ❖ How will the other mediator handle it if they feel that their partner has done something wrong or **acted inappropriately**?



***A Sudanese People's Liberation Army soldier shakes hands with a Dinka tribesman in the Nuba mountains, Sudan, in 1997. Despite the debilitating effects of one of Africa's longest civil wars, the Christians and Muslims in the remote Heiban region's hills lived peaceably together under the control of the SPLA, both groups fiercely independent and proud of their religious freedom and cultural traditions.***



# 8

## Communication in Conflict Situations

Often, the only tool we have for resolving a conflict is our ability to talk things through. One half of the key to good communication in a conflict situation is the ability to ‘hear’ clearly what the other party is saying (and often what they are not saying), in a way that makes them feel heard. The other half is to communicate clearly what you want to say, in a way that will allow the other party to hear and understand your message – and that encourages them to be sympathetic to your needs and wishes.

Good communication in conflict situations eases tension, builds trust, strengthens relationships and makes people feel at ease, because they are mutually understood. At the same time, it remains firm on important points.

When you encounter conflict in a peacekeeping situation, it is often in the context of crisis or extreme tension. Peacekeeping often takes place in a cross-cultural environment, where there will be additional barriers to mutual understanding and trust.

### KEY THINGS TO LEARN

- Become aware of where your strengths and weaknesses lie in how you communicate in a conflict situation
- Gain a deeper understanding of how people see problems differently, and how important it is to have an awareness of your own perspective in a conflict
- Learn some methods for lowering tension and communicating effectively
- Learn about some cultural differences in communication
- Learn some basic facilitation skills



## Resolving Conflict is All About Good Communication

In most cases, the only tools you have to resolve conflict are your communication skills. Good communication is more about listening than talking, and is about being sensitive to the cultural context in which you find yourself.

### WE ARE ALL PEOPLE

Sometimes we become so caught up in ideologies and positions that we forget that all conflicts are between people. Conflicts can be resolved when people treat each other with respect, understanding and tolerance. Your role as a peacekeeper is to set an example in this area, and create a tone for effective working between yourselves, the parties and the communities in which you are working.

### LOUDER THAN WORDS

Non-verbal communication can be much more important than what people say. This is particularly important in traditional contexts and, if you are a foreigner, you may not understand the signs.



## ACROSS CULTURES

Peace missions take place in cross-cultural environments, and peacekeepers are usually, by definition, foreigners. Become sensitive to what aspects of your presentation, dress, habits, communication and values are culturally bound, and how they will be seen by people in the culture in which you are working. Do everything you can to avoid offence, and to build trust and respect.

## GOOD LISTENING

The key to being a good conflict intervener is having good listening skills. This is partly about helping parties to feel safe, to feel understood and to feel respected, and partly about not assuming that you know the solution to the conflict. Reflective listening is a high-level skill whereby you can help the parties get to the core issues underlying the conflict quickly, and find solutions themselves.

## OPEN-ENDED QUESTIONS

When you do talk, use open-ended questions to find out information – this is a style of questioning that keeps conversation flowing, helps to avoid dead-end 'yes' and 'no' answers, and also helps parties to feel comfortable and heard.





## Improve Your Communication Skills

Communication is your primary tool as a conflict intervener. Your skills in this area are critical. An experienced mediator will do a lot **more listening than talking**.

A good conflict intervener will listen to a party in a conflict in a way that **makes them feel heard, validates them, allows them to feel understood, elicits the information that is needed, and keeps communication open**. Sometimes, all that is really needed for a conflict to be resolved is for the parties to feel that they have been really heard and understood by the other party. If there is a third party present, it is even more important that the parties feel heard, to build trust.

The good mediator will also communicate in a way that is direct, honest and open, with clarity about what they are trying to say, and no double messages.



### REFLECTIVE LISTENING

Being a really good listener is an art form – and becoming good at the art is one of the skills needed to become an effective conflict intervener. Many people in conflict situations are confused, and cannot see their issues clearly. Reflective listening is like holding up a mirror to them, and you will be amazed at how effective this simple technique can be. It has a therapeutic quality, and may assist people to become aware of their own ability to solve their problems and attain greater clarity about what they want.

The approach will also give people a deep sense of feeling heard, which will build trust between parties and the intervener.

#### How to Listen Reflectively

Reflective listening is a **non-directive** style of listening. It involves listening carefully to what someone is saying for the ‘weight’ in their words, and reflecting it back to them. It **does not involve asking questions, introducing your own views, or solving problems** in any way.

Reflective listening is about listening to the other person at a deep level, following the flow of the conversation, and allowing the person to lead you to where they want to go.

The following steps should be followed:

1. **Listen attentively** to what the person is saying, **without interrupting, directing or passing judgement** in any way. Culturally appropriate indications of attention can be given, e.g. maintaining eye contact.
2. Try to listen for the one thing that has **‘weight’** – where they are expressing strong emotion or opinions about which they feel strongly.
3. **Reflect** that one thing back to them, using different words, amplifying the emotional content of the original message. Concentrate on feelings.

#### EXAMPLE

**Party:** “... And so those cheating managers didn’t do what they said they would, after telling us for so many hours at the meeting the day before that they would help us out... they never keep their word...”

**Response:** “So you’re feeling betrayed?”

4. Focus on the data, or information given, and **don’t interpret** what you think the person was trying to say.

If you emphasise the wrong thing, or even get your reflection wrong, don’t worry – the person will bring you back on track or correct you, and you will still achieve your objective.

You will be amazed at how effective this simple technique can be, although it needs a lot of practice to become effective at finding the one thing in everything that the person is saying that has most weight.

In a conflict mediation, people can become highly emotional, and this approach can be very calming and reassuring. A person receiving good reflective listening will feel completely heard.



### LISTENING SKILLS

Being a really good listener is an art form – and becoming good at the art is one of the skills needed to become an effective conflict intervener.

### REFLECTIVE LISTENING

Reflective listening is an appropriate tool to understand deeper issues, and build relationships with the parties.





## HOW TO

## OPEN-ENDED QUESTIONING

When you need to find out specific information from the parties, using **open-ended questions** will assist you greatly to keep the discussion open and get more information. Close-ended questions can be answered with a ‘yes’ or a ‘no’, and will shut down discussion; an open-ended question **invites more than just a specific response**.

Here are four approaches to asking open-ended questions:

### 1. Repeat the question

They say, “You are not sensitive to our needs.”

You ask, “You feel that we are not sensitive to the needs of your group?”

Very often, they will come back with a more complete explanation of how they feel, and why; if they can’t substantiate it, they may back down.

### 2. Ask for feelings

They say, “My manager shouted at me today.”

You ask, “How did that make you feel?”

Maybe the response you will get is, “I was really embarrassed and felt bad, but I probably deserved it – I was two hours late for work.”

### 3. Ask for reactions

They say, “The UN says children from surrounding villages must attend our school.”

You ask, “And what’s your reaction to that?”

Instead of assuming their statement is final, your question may bring out some further information, e.g. “I can see that it’s necessary for those children to receive an education – but we want to keep our own teachers at the school.”

### 4. Ask for restatement

They say, “You cannot pass through this roadblock.”

You say, “I don’t see why you say that.”

Instead of repeating the words, chances are that they will come back with a more detailed explanation of the problem.

Don’t worry if the talking seems to take a circular route – the repetition can be frustrating, and it may seem as if you are going nowhere – but the person will eventually be able to tell you what they want to say.

Open questions invite participants to relate their own feelings, perceptions, needs and desires, or an account of the facts in their own words. They are often what, when and how questions. Closed questions already have evaluative content and invite the participant to agree with the facilitator’s own conclusion.



## NONVIOLENT COMMUNICATION EXCHANGE

The Centre for Nonviolent Communication has developed an approach to communicating in a conflict situation that is designed to **de-escalate** tension and conflict potential while, at the same time, allowing parties to communicate clearly about their needs.

Nonviolent Communication (NVC) acknowledges that **feelings** play an enormously important role in conflict situations. If someone is feeling angry, frustrated, insecure or frightened, these potentially very strong emotions cloud the substantive issues behind the conflict. The conflict quickly becomes focused on the emotions, rather than the original issue.

NVC allows emotions to be expressed, and received by the other parties, while simultaneously focusing on substantive issues. It works perfectly if both parties to the conflict are practising it, but it is also effective when one party is communicating ‘violently’.

### How Does it Work?

Each time you speak, follow the following guideline:

1. **‘When I see/hear that you...’**  
Acknowledge what the other party has said, trying to recognise what is important in what they are saying (they will feel heard).
2. **‘Then I feel...’**  
Acknowledge how you are feeling. Are you frustrated that they are not hearing you? Glad that your problems are being taken into consideration?
3. **‘My need is to...’**  
State clearly what you need to get the problem resolved – so that they can understand what is motivating you in the conflict, and what you need to reach resolution. Keep restating it.
4. **‘And my request is...’**  
Very often, people in conflicts do not make clear requests of what they want from each other – sometimes they don’t even know. Keep this down to one or two things. What is most important to you?

Try to express clearly what is going on inside of you, without blame or judgement.



## HOW TO

## WORKING IN MULTINATIONAL TEAMS

Being part of a peace mission involves being thrown together for a short period of time in a team with strangers from many parts of the world, and having to get along, live together, and work effectively to achieve the aims of the peace mission.

There is huge potential for conflict – since you will have diverse understandings of the way things should be done, may speak different languages and may have different cultural and religious practices, and thus interpret many things differently. And you may well be in a highly pressured or stressful situation.

Dealing with conflict on the mission is not just about the warring parties – you may experience the most conflict at home or at work. Dealing with conflict becomes a daily process of building harmony and peace in your new ‘family’.

## A MANTRA FOR ORGANISATIONAL PEACE

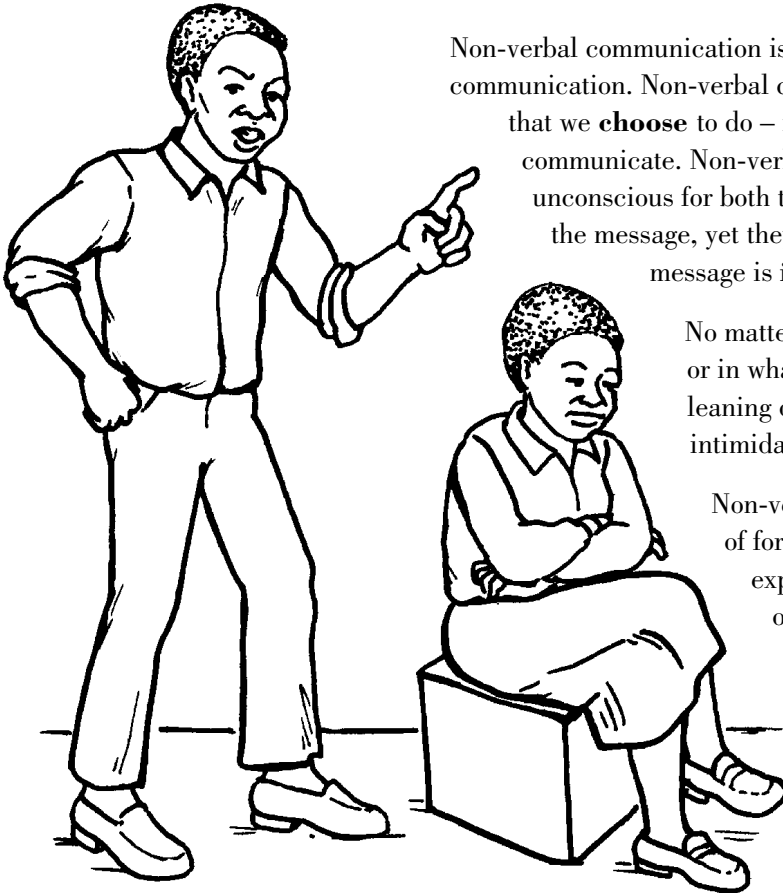
Ten things you can do to contribute daily to peace within yourself, your family and your organisation.

1. Spend some time each day **quietly reflecting** on how you would like to relate to yourself and others.
2. Remember that all human beings have the **same needs**.
3. Check your **intention** to see if you are as interested in others getting their needs met as your own.
4. When asking someone to do something, check first to see if you are making a **request or a demand**.
5. Instead of saying what you **don't** want someone to do, say what you **do** want the person to do.
6. Instead of saying how you want someone to be, say what **action** you'd like the person to take, that you hope will help the person to be that way.
7. Before agreeing or disagreeing with anyone's opinions, try to **tune in** to what the person is feeling and needing.
8. Instead of saying ‘no’, say what need of yours **prevents you from saying ‘yes’**.
9. If you are feeling upset, think about **what need of yours is not being met**, and what you could do to meet it, instead of thinking about what's wrong with others or yourself.
10. Instead of praising someone who did something you like, **express your gratitude** by telling the person what need of yours that action met.

A peace mission can be a very pressurised, intense place to be. Taking some time at the beginning or end of each day to focus on such a mantra – or one you've written for yourself – can assist greatly to cope with the stresses of life in such a context, and enable you to be more effective in your work.



## Non-verbal Communication



Non-verbal communication is a very powerful form of communication. Non-verbal communication is not something that we **choose** to do – it happens whenever we communicate. Non-verbal messages are often unconscious for both the sender and the receiver of the message, yet they affect the way in which the message is **interpreted**.

No matter what words are being spoken, or in what tone of voice, if the speaker is leaning over you, you are likely to feel intimidated.

Non-verbal messages take a number of forms: they can be a facial expression, or the way in which one of the parties positions his or her body in relation to the other. It is important to be aware of the non-verbal messages you may be sending in any communication. You should also be aware that different cultures have different ‘rules’ about body language.

### CULTURAL RULES

An NGO visited the king of a traditional society, where they were working in education. Before delegates could meet with the king, they were briefed for one-and-a-half hours by the king’s aides about what they could and could not do in his presence. For example, crossing your legs in front of the king was absolutely forbidden.



## THEORY

## CULTURAL DIFFERENCE

In Western culture, looking people in the eye is seen as a sign of being honest and straightforward, and avoiding looking someone in the eye is interpreted as a sign of weakness or deceit. In many traditional cultures, it is considered impolite and a sign of disrespect for a younger person (or person of lesser status) to look an older person (or a person of higher status) in the eye.

## CULTURAL AWARENESS

Culture is acquired through the **process of socialisation**. We learn relative values and appropriate behaviours from our fellow community members. One level of culture deals with obvious, or observable aspects – clothing, language, food and so on.

There is another level, which we cannot always see, and which includes our **shared ideas, beliefs and values**. These usually become apparent when people from different social systems interact.

Our modern world is increasingly multicultural. Individuals do not embody a single culture, but have often been influenced and formed by multiple cultures. Underlying group identity also has a strong impact on the way we experience culture – age, gender, class, profession and religion all affect who we are as human beings.

Culture colours everything we see or do. It is impossible to leave our cultural lenses behind during our interactions. Our perspective and experience is a filter through which we interpret events.

## Making Judgements

Human beings frequently make generalisations about, and attribute characteristics to, people. We create stereotypes. When we do this with cultural groups, there is a danger of developing negative stereotypes, which leads to prejudice.

A cycle of prejudice begins when we start judging other cultures by our own set of standards, to define the world around us. Lack of knowledge or an unwillingness to learn can result in an unintentional conflict, or misunderstanding.

The prejudices are often based on imperfect information and are normally filtered through an individual's background and experience. The only way to break this cycle is to be aware of cultural differences, and try to understand their origins.



**HOW TO**

## CROSS-CULTURAL COMMUNICATION MATRIX

How aware are you of the ‘rules’ of your own culture, and of other cultures? Take a little test by completing the table below. Should people maintain eye contact when speaking in your culture? Does this depend on seniority, age or gender? Name two other cultures with which you are familiar – do the ‘rules’ vary in those cultures? In the empty spaces at the bottom of the table, fill in some other non-verbal signals of your choice. How confident are you that you know how to act with respect, and without causing offence, in a strange culture?

<b>NON-VERBAL</b>	<b>YOUR CULTURE</b>	<b>OTHER CULTURE</b>	<b>OTHER CULTURE</b>
Eye contact			
Facial expressions			
Silence			
Personal space / distance			
Age and gender			

### CALLING SENIORITY INTO QUESTION

It is easy to make mistakes that can have a long-term impact on your credibility and acceptance in a community, and one thus has to be very careful when working in a foreign cultural environment. One such example came in January 2000, during the early days of the UN Transitional Administration in East Timor (UNTAET), when an international staff member scolded a local staff member for taking some food without first asking. The reaction of the local staff member was very aggressive and almost violent.

The international staff member only realised much later that the reason why the local staff member reacted so aggressively was because he was the oldest person among the local staff in that office. He was therefore respected for his seniority, and was the de facto leader in the group. The public scolding by the international staff member made him lose face (honour) in front of the other members of the local staff and, by extension, the local community. He was thus defending his honour and his place in society. Because of his position of seniority among the local staff, and because the other staff did not want to be disloyal and disrespectful to their elder, the relations between the international staff member and all the local staff was strained for months after this incident.

The international staff member learned a valuable lesson in cultural awareness and conflict resolution. She realised that, should such an incident occur again, she would convey her concern or grievance to the person in private, and in a manner more respectful to their status within the local community.

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When working in a culturally diverse environment as peacekeepers, we have to question our own cultural expectations carefully to avoid stereotyping or forming prejudices against other groups.

### Cultural Specifics

Language is culturally specific. Cultural undertones always exist when a person is speaking in English and it is not their native language. You may not always understand, and may have to ask the person to repeat themselves, or express themselves in a different way. Idiomatic language should be avoided as much possible.

Humour can be good, but be aware that humour does not easily cross cultural boundaries. What is considered humorous in one culture can easily cause offence in another.

Body language is very important, as it conveys a lot of things that you do not say. Different gestures have different meanings in different cultures. A smile will, however, never be misunderstood. A polite handshake between people of the same sex is accepted in most cultures.

### A SENSE OF HISTORY

Cultural sensitivity is especially important during the more ceremonial parts of a negotiation or mediation process, and thus especially the opening and closing sessions, and any sessions that involve the community or an outside audience. For instance, during the UN Mission in Sudan (UNMIS), military observers were called upon to resolve a dispute between two villages. The one village wanted to break away from the other and create its own chieftaincy. The military observers gathered the leaders of the two villages together on a given day, and a large crowd assembled to observe the proceedings. When the first side had the opportunity to give their side of the story, one of the elders rose up and gave an account of the history of the village by reciting an epic poem that was conveyed in song. This lasted more than an hour, and was almost impossible to translate, as it was rich in idiom.

The military observers did not understand why it was necessary to recount the whole history of the village, and would have preferred it if the proceedings focused on the problem at hand, but wisely decided not to interfere with this introduction. They correctly assumed that it was part of a cultural ritual that was necessary to get the negotiations off the ground in a proper order. Mediating such conflicts requires much patience and understanding, and it is almost always best to follow the lead of your local hosts. If they don't seem impatient, alarmed, upset or frustrated by a certain action, neither should you.

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# 9

## Using Translators and Interpreters

Due to the multinational nature of peace operations, most peacekeepers will not be able to communicate with the local people of the host country in their own language. The UN will typically employ local people as language assistants to help peacekeepers with translation and interpretation.

This chapter provides some guidance on how to work with interpreters, and how to make use of an interpreter in a negotiation or conflict situation. It will help you to understand the cultural context that creates the need for interpretation, and to understand the roles and importance of interpreters.

It will also include practical information and the 'dos and don'ts' of working with interpreters.

### KEY THINGS TO LEARN

- Understand the cultural context that creates the need for interpretation
- Understand the importance and roles of interpreters
- Learn basic approaches to working with interpreters
- Be familiar with the 'dos and don'ts' of working with interpreters





## OVERVIEW

## When You Don't Speak the Language

Most peacekeepers are, by definition, foreigners. Often you will not speak the languages spoken by the parties to the conflict, and will need to operate through an interpreter. This person will be your interface, through which you experience the conflict, and you will have to base decisions on the information they provide. Working effectively with your interpreter is critical.

### COMMUNICATION 'NOISE'

When two people communicate, any message passes through filters of culture, language, preconception and ideology, and is interpreted by the listener. It can pick up 'noise', or misinterpretation, along the way. Understand that when this happens through an interpreter, the potential for misunderstanding is multiplied.

### RESPECT

Treat your interpreter with respect – both in person, and in front of the community in which you are operating. This will enhance the potential for cooperation.

### AMBASSADORS

For peace missions to be successful, they must be well received by host communities. Interpreters see the insides of the peace mission, and are thus the frontline ambassadors for the mission in the community. They represent the interests of the community, not the mission, though, and you should behave in front of them as you would in the community.



## TRAINING

Many interpreters in peace missions are not trained translators and interpreters, but people from the local community with language skills. Be clear about what you expect, and how you wish them to perform their duties.

## GOOD PRACTICE

- Use short sentences
- Look at the other party, not the interpreter
- Ask for word-for-word interpretation, not a summary of the general meaning
- Address confidentiality

## CROSS-CULTURAL AWARENESS

Peace missions take place in cross-cultural environments, and peacekeepers are usually foreigners. Become sensitive to what aspects of your presentation, dress, habits, communication and values are culturally bound, and how they will be seen by people in the culture in which you are working. Do everything you can to avoid offence, and to build trust and respect.

## CULTURAL IDIOM

Cultural idiom and jokes are translated with difficulty, and often lose their meaning or can be wrongly interpreted. Keep communication clear, simple and neutral.





## Negotiating in Another Language

### ISSUES TO CONSIDER

- Language reflects culture
- Expect misunderstandings
- Position of interpreter in society (at home)
- Danger for interpreter

### BRIEF THE INTERPRETER

- Short sentences
- Physical position of the interpreter
- Look at the other party, not the interpreter
- Interpret word for word what is said
- Do not analyse (the interpreter may explain the culture or context where necessary to you, in addition to interpretation)
- Respect confidentiality

Our languages are **extensions of our cultures**. It requires great cultural sensitivity and knowledge of both culture and language to be able to translate correctly not only the words, but also the content, emotion and meaning of the words, when interpreting a conversation between two people with different languages and cultures.

Most interpreters in peace operations are not professionally trained interpreters. They are people with some knowledge of the mission language (for example, English) and the local languages, and have been hired by the UN as language assistants. Very few language assistants would have received any formal training in interpretation. This does not mean that they are not dedicated; just that they are not professional interpreters, and one should thus work with them with that understanding.

It is thus quite possible that much of what you are saying to the other party is not being conveyed and understood in the same way that you said it or meant it. Much of what you understand about what is being said by the other party may also not be very accurate.

Assume, therefore, that there may be a lot of **misunderstanding and misinterpretation**. If something sounds out of context, or does not make sense, double-check it for accuracy through paraphrasing or repetition.

Remember to allocate twice the expected amount of time when conducting a meeting, negotiation or mediation with interpretation.

### EXAMPLE

**During the early stages of the UN Transitional Administration in East Timor (UNTAET), food was distributed in response to food shortages in certain areas of the country. As the situation improved, this**

was changed to **Food for Work and Vulnerable Feeding** campaigns. At one of the meetings, where **UNTAET and World Food Programme (WFP) officials** were explaining this change in programming to the local community through interpreters, it was clear that their explanations were not understood, and caused confusion.

After some time, they realised that they used words such as ‘vulnerable’ and ‘programmes’, which were not familiar to the interpreters, and did not have readily obvious meanings in the local languages that were being used by the interpreters.

Through this experience, the UN officials learned not to use UN or humanitarian jargon when speaking to the local community, but instead always to use easily translatable concepts. They also learned to make sure, beforehand, that their interpreters were familiar with the subject matter about which they were going to talk. Where relevant, they also explained concepts with which the interpreters were not familiar, so that they could figure out beforehand how best to explain these in the local language.

## Practical Steps

It is unlikely that the language assistant assigned to your section would have received any formal training as an interpreter. It will thus be helpful to tell the interpreter what you want them to say, and how you want them to act.

- ❖ Try **not to show disrespect** towards the local country, religion, people, leaders, culture or food in front of your interpreter. Also, do not show disrespect to any of the parties in a conflict situation in front of your interpreter.
- ❖ Think of the interpreters and other local staff as your **ambassadors** to the local community. Interpreters are normally influential in their communities, because they are more educated than most others. Interpreters and other local staff stay within their own communities and one can thus expect that they will be asked by family and friends about their experience of working with the UN. One should also take this into account in terms of their personal safety, and not expose them to situations that may result in reprisals against the interpreter.
- ❖ Brief the interpreter of the **physical position** you want them to take, e.g. half a foot behind you, on your right-hand side when standing and talking, or seated to your left when sitting down.



**HOW TO**





***Treat your translator with respect – they are members of the local community, and their loyalties will lie with the local community before the peace mission.***

- \* Look at the person you are speaking to, not the interpreter. Maintain **eye contact** (or show that you are focused on the other person in whatever way may be culturally appropriate under the circumstances) when the other person is talking, even if you don't understand the actual words.
- \* Brief the interpreter to repeat **verbatim** what is being said, not to give you a summary or evaluation.
- \* Brief the interpreter **not to analyse**, clean up, value-judge or edit what is being said. What the interpreter can do is to explain the culture or context, where necessary. They should make a clear distinction between the interpretation and the contextualisation.

- ❖ To avoid miscommunication, you should make the work of the interpreter as easy as possible by:
  - using **short sentences**, and encouraging others to do the same;
  - not using **technical terms and abbreviations** (where this is unavoidable, discuss the terms with the interpreter beforehand so that they can look them up in a dictionary, and prepare an appropriate word or phrase in the local language);
  - not using **culturally specific idioms**; and
  - not using **jokes**.

## KEY PRINCIPLES

Negotiating is a difficult business at the best of times. Negotiating across a language barrier only makes things more difficult. Ideally, find people on your team who can speak the language of the other side, or ask them to do the same. If that is not possible, you may have to use an interpreter.

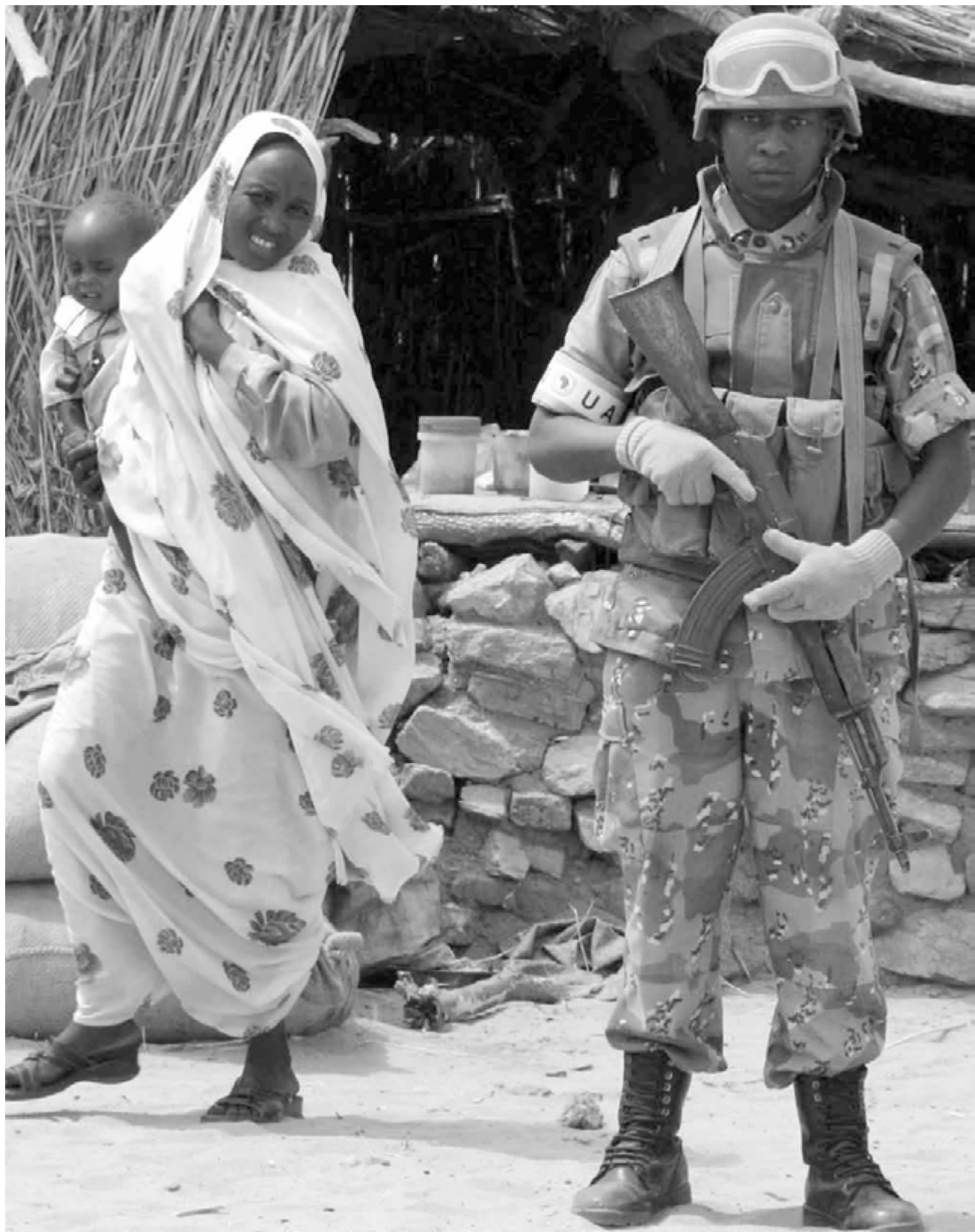
These are some principles to bear in mind:

- **Interpreters are real people**, not machines. Apply the same principles to them as you would to yourself – allow them to take breaks, work in comfortable conditions and recognise that they may absorb stress and find the process difficult, just as you do.
- Ideally, **each side should have their own interpreters** – expecting one neutral interpreter to represent the discussion to both parties places the interpreter in a powerful position, which may be abused.
- **Show your interpreter respect and appreciation**, and they will be more likely to respect the very powerful position they are in, and translate carefully and consistently.
- Make it clear to the interpreter that **their role is simply to communicate** what the other party says, and vice versa. The first sign that the interpreter has lost neutrality is that they answer the other side back and engage in discussion, without translating what is going on. If finances allow, it may be valuable to have a back-up interpreter checking that the translation is correct.
- **Simultaneous translation** is generally more accurate and relies less on the summarising skills and memory of the interpreter, but requires special facilities for large groups. However, it requires parties to speak slowly and clearly, and to restrain their emotional expression.



THEORY







# Glossary of Terms

**4Rs:** Repatriation, Reintegration, Rehabilitation and Reconstruction.

**ACCORD:** African Centre for the Constructive Resolution of Disputes.

**AMIB:** African Mission in Burundi, the African Union peacekeeping operation in Burundi (2003-2004).

**AMIS:** African Mission in Sudan, the African Union peacekeeping operation in Darfur, Sudan (2004-).

**AMU:** Arab Magreb Union (north African sub-regional organisation).

**AU:** African Union (replaced the Organization of African Unity – or OAU – in 2002).

**CAP:** Consolidated Appeals Process, the funding mechanism for humanitarian emergencies used by OCHA.

**CCA:** Common Country Assessment.

**CHAP:** Common Humanitarian Action Plan.

**CIMIC:** Civil-Military Cooperation. The NATO definition of Civil-Military Cooperation (CIMIC) is the coordination and cooperation, in support of the mission, between the NATO Commander and civil populations, including national and local authorities, as well as international, national and non-governmental organisations and agencies (NATO, 2000: 1). The EU definition of Civil-Military Cooperation (CIMIC) is “the co-ordination and co-operation, in support of the mission, between military components of EU-led Crisis Management Operations and civil role-players (external to the EU), including national population and local authorities, as well as international, national and non-governmental organisations and agencies.” (EU, 2002: 9).

**Civil Affairs:** In the UN Peace Operations context, Civil Affairs refers to the civilian component responsible for civilian governance issues. In transitional administration missions, such as UNTAC, UNMIK and UNTAET, the Civil Affairs component is responsible for the civilian administration. In other missions, this component is responsible for liaison and coordination with local authorities and civil society. Civil Affairs in the UN context is a civilian function, and should not be confused with Civil Affairs in the USA CMO doctrine. In the US military context, Civil Affairs (CA) are designated Active and Reserve component forces and units organised, trained and equipped specifically to conduct civil affairs activities and to support civil-military operations (USA, JP 3-57, FM 41-10 and JP 1-02). Civil Affairs Activities are activities performed or supported by civil affairs that (1) enhance the relationship between military forces and civil authorities in areas where military forces are present; and (2) involve application of civil affairs functional speciality skills, in areas normally the responsibility of civil government, to enhance conduct of civil-military operations (USA, JP 3-57, FM 41-10 and JP 1-02).

**Civil-Military Coordination:** The UN DPKO definition of Civil-Military Coordination is “the system of interaction, involving exchange of information, negotiation, de-confliction, mutual support, and planning at all levels, between military elements and humanitarian organizations, development organizations and the local civilian population to achieve respective objectives” (UN, 2002: 2). See also CMCoord.

**Civil-Military Operations (CMO):** In the United States military context, CMO are the activities of a commander that establish, maintain, influence or exploit relations between military forces, governmental and non-governmental civilian organisations and authorities and the civilian populace in a friendly, neutral or hostile operational area, in order to facilitate military operations, to consolidate and achieve operational US objectives. Civil-Military Operations may include performance by military forces of activities and functions normally the responsibility of the local, regional or national government. These activities may occur prior to, during or subsequent to other military actions. They may also occur, if directed, in the absence of other military operations. Civil-Military Operations may be performed by designated civil affairs, by other military forces, or by a combination of civil affairs and other forces (USA, JP 3-57, FM 41-10 and JP 1-02).

**Civil-Military Operations Centre (CMOC):** In the United States military context, a CMOC is an ad hoc organisation, normally established by the geographic combatant commander or subordinate joint force commander, to assist in the coordination of activities of engaged military forces, and other United States government agencies, non-governmental organisations and regional and international organisations. There is no established structure, and its size and composition are situation-dependent (USA, JP

3-57 and FM 41-10). The USA term Civil-Military Operations Centre (CMOC) is most closely related to the NATO term CIMIC Centre.

**CMCoord:** UN Humanitarian Civil Military Coordination (UN CMCoord) is the essential dialogue and interaction between civilian and military actors in humanitarian emergencies that is necessary to protect and promote humanitarian principles, avoid competition, minimise inconsistency and, when appropriate, pursue common goals. Basic strategies range from coexistence to cooperation. Coordination is a shared responsibility facilitated by liaison and common training (OCHA, 2003: 5). Officers deployed by OCHA for this purpose may be referred to as UN CMCoord officers.

**CMLOs:** Civil-Military Liaison Officers deployed by DPKO.

**CO:** Commanding Officer, see also OC.

**Coherence:** Coherence implies an overall state of mutual consistency among the different policies and actions of various agencies (Oxford Dictionary). In the peace operations and peacebuilding operation context, coherence can be understood as the effort to ensure that the peace, security, humanitarian and development dimensions of a post-conflict intervention in a particular crisis are directed towards a common objective (De Coning, 2005).

**Complex emergency:** A humanitarian crisis in a country, region or society where there is total or considerable breakdown of authority, resulting from internal or external conflict, and which requires an international response that goes beyond the mandate or capacity of any single and/or ongoing UN country programme (IASC, 2004: 5).

**Conflict management:** The long-term management of intractable conflicts and the people involved in them, so that they do not escalate out of control and become violent.

**Conflict prevention:** Action to prevent disputes from arising between parties and prevent existing disputes from escalating into conflicts, and to limit the spread of the latter when they occur. Similar to preventive diplomacy.

**Conflict resolution:** The process of resolving a dispute or a conflict permanently, by providing each sides' needs, and adequately addressing their interests so that they are satisfied with the outcome.

**Conflict transformation:** A change (usually an improvement) in the nature of a conflict – a de-escalation or a reconciliation between people or groups. Unlike conflict resolution – which denies the long-term nature of conflict – or conflict management – which assumes that people and relationships can be managed as though they were physical objects – the concept of conflict transformation reflects the notion that conflicts continue for long

periods of time, changing the nature of the relationships between the people involved, and themselves changing as people's response to the situation develops over time.

**Coordination:** Making things, people and parts function together efficiently and in an organised way (Oxford Dictionary); the organisation of the activities of two or more groups in such a way that each may work more efficiently and be aware of what the other group(s) are doing (Collins Dictionary); the management of inconsistencies (Malone & Crawston, 1992).

**Cooperation:** Working together for a common purpose (Oxford Dictionary).

**DDR:** Disarmament, Demobilization and Reintegration. The process during which combatants are disarmed, demobilised and reintegrated back into the community. In the UN Mission in the Democratic Republic of Congo (MONUC), the DDR process is referred to as Disarmament, Demobilization, Repatriation, Resettlement and Reintegration (**DDRRR**) to accommodate the fact some of the combatants had to be repatriated to their country of origin, whilst others wished to be resettled rather than to be reintegrated back into their original communities. In Liberia, this process is known as **DDRR**, for Disarmament, Demobilization, Rehabilitation and Reintegration. Each country may thus use a slightly different version to address their specific needs.

**DPKO:** United Nations Department of Peace-keeping Operations.

**DRC:** Democratic Republic of Congo (former Zaire or also referred to as Congo-Kinshasa).

**DSRCC:** Deputy Special Representative of the Chairperson of the (African Union) Commission. See SRCC.

**DSRSG:** Deputy Special Representative of the (United Nations) Secretary-General. See SRSG.

**EAC:** East African Community.

**EC:** European Commission.

**ECHA:** United Nations Executive Committee on Humanitarian Assistance.

**ECCAS:** Economic Community of Central African States.

**ECOMOG:** ECOWAS Ceasefire Monitoring Group.

**ECOWAS:** Economic Community of West African States.

**Enforcement:** Enforcement actions occur when the UN Security Council authorises the use of force to restore a breach in the international peace under Chapter VII of the UN

Charter. The objective is to restore peace in cases where one party has been identified as the aggressor, and/or to undertake punitive measures against a country that, in some other way, is in contravention of international norms. Enforcement is different from peace enforcement, in that impartiality is not a factor in enforcement – as the aim is not to make peace between conflicting parties, but to act against a party that has been identified as the aggressor.

**EU:** European Union.

**Humanitarian action:** The objectives of humanitarian action are to save lives, alleviate suffering and maintain human dignity during and in the aftermath of man-made crises and natural disasters, as well as to prevent and strengthen preparedness of the occurrence of such situations. Humanitarian action should be guided by the humanitarian principles of *humanity*, meaning the centrality of saving human lives and alleviating suffering wherever it is found; *impartiality*, meaning the implementation of actions solely on the basis of need, without discrimination between or within affected populations; *neutrality*, meaning that humanitarian action must not favour any side in an armed conflict or other dispute where such action is carried out; and *independence*, meaning the autonomy of humanitarian objectives from the political, economic, military or other objectives that any actor may hold with regard to areas where humanitarian action is being implemented. Humanitarian action includes the protection of civilians and those no longer taking part in hostilities, and the provision of food, water and sanitation, shelter, health services and other items of assistance, undertaken for the benefit of affected people and to facilitate the return to normal lives and livelihoods (Principles and Good Practice of Humanitarian Donorship, endorsed in Stockholm in June 2003).

**HC:** Humanitarian Coordinator, UN coordinator of humanitarian community at country level.

**Humanitarian coordination:** The systematic utilisation of policy instruments to deliver humanitarian assistance in a cohesive and effective manner. Such instruments include: strategic planning; gathering data and managing information; mobilising resources and ensuring accountability; orchestrating a functional division of labour; negotiating and maintaining a serviceable framework with host political authorities; and providing leadership. Sensibly and sensitively employed, such instruments inject an element of discipline without unduly constraining action (Minear & Chellia).

**Humanitarian space:** The independence, flexibility and freedom of action necessary to gain access and provide assistance to beneficiaries in a humanitarian emergency. It is achieved through acceptance and adherence to the humanitarian principles.

**HQ:** Headquarters.

**IASC:** Inter-Agency Standing Committee.

**ICRC:** International Committee of the Red Cross.

**IDP:** Internally displaced person (as opposed to a refugee, because the former has not crossed an international boundary).

**IFOR:** Implementation Force (NATO force in Bosnia Herzegovina).

**IGAD:** the Intergovernmental Authority on Development (a sub-regional organisation in the Horn of Africa).

**IMTF:** Integrated Mission Task Force.

**IO:** International organisation.

**MDGs:** Millennium Development Goals.

**MLOs:** UN agencies may deploy Military Liaison Officers (MLOs) to focus on specific sectoral and operational civil-military issues.

**MNF:** Multi-National Force, a reference to any grouping of countries or a coalition of the willing that come together to undertake a joint operation. A MNF is normally associated with peace enforcement operations authorised by the UN Security Council. See Peace enforcement.

**NATO:** North Atlantic Treaty Organization.

**NGO:** Non-Governmental Organisation.

**OAU:** Organization of African Unity (transformed into the African Union in 2002).

**OC:** Officer Commanding. See also CO.

**OCHA:** UN Office for the Coordination of Humanitarian Affairs.

**OECD:** Organization for Economic Cooperation and Development.

**OSCE:** Organization for Security and Cooperation in Europe.

**Peacebuilding:** Peacebuilding is a complex system that consists of multiple short-, medium- and long-term programmes that simultaneously address both the causes and consequences of a conflict. In the short term, peacebuilding programmes assist in stabilising the peace process and preventing a relapse into violent conflict. In the long term, peacebuilding programmes, collectively and cumulatively, address the root causes of a conflict and lay the foundations for social justice and sustainable peace.



Peacebuilding systems require a coherent and coordinated multidimensional response by a broad range of internal and external actors including government, civil society, the private sector, international institutions and agencies and international non-governmental organisations. These actors undertake a range of interrelated programmes that span the security, political, socio-economic and reconciliation dimensions of society. Peacebuilding starts when hostilities end, usually marked by a ceasefire or peace agreement, and typically progress through three stages, namely a stabilisation phase, a transitional phase and a consolidation phase. Peacebuilding ends when a society can sustain its transition without external support, and it is replaced by a sustainable development period.

**Peace enforcement:** Peace enforcement usually occurs in a hostile environment where consent is absent, but where the United Nations Security Council, often out of humanitarian considerations, authorises the use of force to protect non-combatants and humanitarian aid workers, and/or to enforce compliance with internationally sanctioned resolutions or agreements. Peace enforcement is normally associated with Chapter VII of the UN Charter, entitled Acts with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression. The most important factor in both peacekeeping and peace enforcement is the impartiality of the peacekeepers. See Enforcement and Peacekeeping.

**Peacekeeping:** Peacekeeping is when the United Nations or others bodies are authorised to deploy military, civilian and police personnel to monitor the implementation of a peace agreement or ceasefire. Key prerequisites are consent, impartiality, and minimum use of force. Peacekeeping operations of this kind are normally associated with UN Security Council authorisation under Chapter VI of the UN Charter, entitled The Pacific Settlement of Disputes. The UN Agenda for Peace (UN, 1992) defines peacekeeping as a field mission, usually involving military, police and civilian personnel, deployed with the consent of the belligerent parties to monitor and facilitate the implementation of ceasefires, separation of forces or other peace agreements.

**Peacemaking:** Process of brokering an end to conflict, principally through mediation and negotiation, through diplomacy and with peaceful means.

**PKF:** Peacekeeping Force, the military component of a UN Peace Operation.

**Preventive deployment:** Interpositional force to deter violence in a zone of potential conflict.

**Preventive diplomacy:** Action to prevent disputes from arising between parties, prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur. Similar to Conflict prevention.



**PRSP:** Poverty Reduction Strategy Plan.

**RC:** Resident Coordinator, most senior UN representative in any country responsible for coordinating the UN Country Team.

**SADC:** Southern African Development Community.

**SRCC:** Special Representative of the Chairperson of the (African Union) Commission. See DSRCC.

**SRSG:** Special Representative of the (United Nations) Secretary-General. See DSRSG.

**UN:** United Nations.

**UNCT:** UN Country Team.

**UNDAF:** UN Development Assistance Framework.

**UNDG:** UN Development Group.

**UNDP:** UN Development Programme.

**UNHCR:** United Nations High Commissioner for Refugees.

**UNICEF:** United Nations Children's Fund.

**UNJLC:** United Nations Joint Logistics Centre.

**WFP:** World Food Programme.



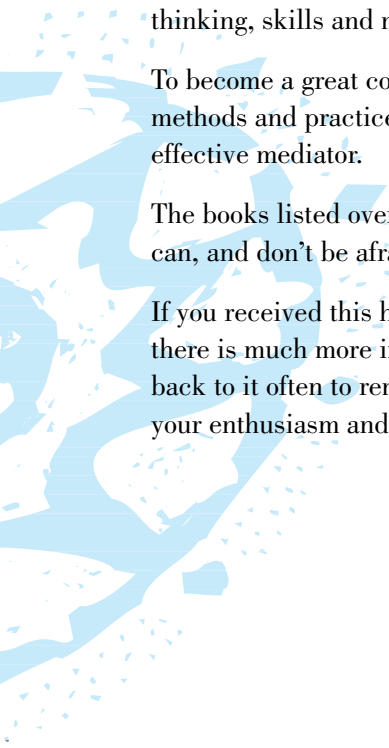
# Resources

Learning is a lifelong process... this may have been your first exposure to conflict management thinking, skills and methodologies, but it is just the tip of the iceberg.

To become a great conflict intervener, you need to understand the theory, learn the skills, methods and practices, and develop the meta skills, personal qualities and presence to be an effective mediator.

The books listed over the page are a good place to start. Read as much on the subject as you can, and don't be afraid to practice, practice, practice.

If you received this handbook as part of a conflict management training, then remember that there is much more information in this handbook than could be covered in the training. Refer back to it often to remind you of what you have learned, brush up on your skills and keep up your enthusiasm and interest in the field.



## Bibliography and Reading List

- Anstey, M.** 1993. *Practical peacemaking: a mediators handbook*. Cape Town: Juta
- Anstey, M.** 1999. *Managing change: Negotiating conflict*. Cape Town: Juta
- Avruch, K., Black, P.W. & Scimecca, J.A.** 1991. *Conflict Resolution: Cross-Cultural Perspectives*. Westport, C.T.: Greenwood Press
- Ayindo, B., Doe, S.G. & Jenner, J.** 2001. *When you are the Peacebuilder: Stories and Reflections on Peacebuilding from Africa*. Harrisonburg, VA: Eastern Mennonite University
- Barth Eide, E, Kaspersen, A.T, Kent, R. & von Hippel, K.** 2005. *Report on Integrated Missions: Practical Perspectives and Recommendations*. Independent Study of the Expanded UN ECHA Core Group, Oslo: NUPI
- Berman, E.** 1996. 'Towards a Future for Civilian Peacekeeping Training: The UN Perspective' in IDP Monograph Series, No. 5, July 1996, Pretoria [Major issues for the training of UN civilian specialists]
- Boulle, L. & Rycroft, A.** 1997. *Mediation: principles, process, practice*. Durban: Butterworth Publishers
- Communication/Decisions/Results (CDR) Associates** 1986. *Decision making and conflict management: an overview*. Boulder, Colorado: Communication/Decisions/Results (CDR) Associates
- Crocker, C.A. & Hampson, F.O. with Aall, P.** (eds). 1996. *Managing Global Chaos: Sources of and Responses to International Conflict*. Washington, D.C.: US Institute of Peace
- Crocker, C.A. & Hampson, F.O. with Aall, P.** (eds). 2000. *Herding Cats: Multiparty Mediation in a Complex World*. Washington D.C.: United States Institute for Peace [This volume includes a collection of 21 first-hand accounts of mediation in Europe, Africa, Asia, Central America and Latin America]
- Dallaire, Lt. Gen. Roméo.** 2004. *Shake Hands with the Devil: The Failure of Humanity in Rwanda*. London: Arrow Books
- De Coning, C.H.** 2004. 'Coherence and Integration in the Planning, Implementation and Evaluation of Complex Peacebuilding Programmes' in *Conflict Trends*, Issue 1/2004, April 2004, p. 41-48. Durban: ACCORD
- De Coning, C.H.** 2005. 'Civil-Military Coordination and UN Peacebuilding Operations' in *African Journal on Conflict Resolution*, Vol. 5, No. 2, December 2005, p. 89-118

- EU**, 2002. *Civil-Military Co-operation (CIMIC) Concept for EU-Led Crisis Management Operations*. ESDP/PESD COSDP 67. Brussels: European Union
- Fischer, R. & Brown, S.** 1988. *Getting Together: Building a Relationship that Gets to Yes*. Boston: Houghton Mifflin
- Fischer, R. & Ury, W.** 1981. *Getting to Yes: Negotiating agreement without giving in*. Boston: Houghton Mifflin
- Galtung, J.** 1985. 'Twenty-five years of peace research: ten challenges and some responses' in *Journal of Peace Research*, 22(2), pp. 141-158 [Johan Galtung, the father of Peace Studies, traces 25 years of developments in peace research]
- Galtung, J.** 1990. 'Culture violence' in *Journal of Peace Research*, 27(3), pp. 291-305 [In this article Johan Galtung, who introduced the concept of structural violence, adds the concept of cultural violence, to add to our understanding of peace further]
- GHD**, 2005. 'Principles and Good Practice of Humanitarian Donorship' in *Humanitarian Exchange*, No. 29, March 2005, p. 7
- Harris, G.** 1999. 'The cost of armed conflict in developing countries' in Harris, G.T. (ed.) *Recovery from armed conflict in developing countries*. London: Routledge
- Hooper, R. & Taylor, M.** 1999. 'Command from the Saddle: Managing United Nations Peace-building Missions' in *Fafo Report*, 266. Oslo: Fafo (Institute for Applied Social Science) [Report of the forum on the Special Representatives of the Secretary-General. Good overview of the role and challenges facing SRSGs]
- IASC**, 2004. *Civil-Military Relations in Complex Emergencies*. June 2004, UN Inter-Agency Standing Committee (IASC). New York: United Nations
- Independent International Commission on Kosovo** (2000). *The Kosovo Report*. London: Oxford University Press [Attempt to undertake independent analysis of the conflict in Kosovo and to research the lessons to be learned from the conflict – see [www.kosovocommission.org](http://www.kosovocommission.org)]
- Kriesberg, L.** 1998. *Constructive conflicts: From escalation to resolution*. Lanham: Rowman & Littlefield
- Lund, M.S.** 1996. *Preventing Violent Conflicts: A Strategy for Preventative Diplomacy*. Washington D.C.: United States Institute for Peace
- Malan, J.** 1997. *Conflict Resolution Wisdom from Africa*. Durban: ACCORD
- Malone, T. & Crowston, K.G.** 1994. *Toward an interdisciplinary theory of coordination* (Technical Report No. 120). Cambridge, MA: MIT, Center for Coordination Science
- Mayer, B.** 1987. 'The dynamics of power in mediation and negotiation' in *Mediation Quarterly*, 16: 1987

- Mc Hugh, G. & Bessler, M.** 2006. *Humanitarian Negotiations with Armed Groups: A Manual for Practitioners*. New York: United Nations
- Miall, H., Ramsbotham, O. & Woodhouse, T.** 1999. *Contemporary Conflict Resolution*. Cambridge: Polity Press
- Miedzinski, K. & Steadman, F.** 1993. *Dispute resolution training for Lawyers for Human Rights*. Johannesburg: IMSSA
- Mindell, A.** 1988. *City shadows*. London: Routledge Inc.
- Mindell, A.** 1989. *The year 1: global process work*. London: Routledge Inc.
- Mindell, A.** 1992. *The leader as martial artist*. New York: Harper Collins Inc.
- Minear, L.** 1997. 'Humanitarian Action in Peacekeeping Operations' in *Journal of Humanitarian Assistance*. Accessed at: <http://www-jha.sps.cam.uk/a/a016.htm>, posted on: 4 July 1997
- Minear, L. & Chellia U.** 1992. 'UN Coordination of the International Humanitarian Response to the Gulf Crisis'. Thomas J. Watson Institute for International Studies, Occasional Paper 13. Providence
- NATO**, 2001. 'NATO Military Policy on Civil-Military Co-operation (CIMIC)', CIMICWG 001-00, WP(MC411). Brussels: NATO
- Ngwane, G.** 1996. *Settling Disputes in Africa: Traditional Bases for Conflict Resolution*. Yaounde: Buma Kor House Publishers
- OCHA (UN Office for the Coordination of Humanitarian Affairs)** 1994. *Guidelines on the use of Military and Civil Defence Assets in Disaster Relief*, May 1994. Geneva: OCHA
- OCHA (UN Office for the Coordination of Humanitarian Affairs)** 2001. *Use of Military or Armed Escorts for Humanitarian Convoys*, September 2001. Geneva: OCHA
- OCHA (UN Office for the Coordination of Humanitarian Affairs)** 2003. *Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies*, March 2003. Geneva: OCHA
- Renner, M.** 1999. 'New world disorder: the roots of today's wars' in *Global Dialogue*, 1 (2), pp. 99-109
- Rubin, J.Z., Pruitt, D.G. & Kim, S.H.** 1994. *Social Conflict: Escalation, Stalemate and Settlement*. New York: McGraw Hill
- Rupesinghe, K.** 1994. *Ethnic Conflict & Human Rights*. Tokyo: United Nations University/ Oslo: Norwegian University Press

- Thomas, K.W. & Kilman, R.H.** 1974. *The Thomas-Kilman conflict mode instrument*. Palo Alto, C.A.: Consulting Psychologists Press
- UN** 1992. *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping*, A/47/277, 17 June 1992. New York: United Nations
- UN** 1996. *Multidisciplinary Peacekeeping: Lessons from Recent Experiences*. Lessons-Learned Unit, Department of Peacekeeping Operations. New York: United Nations
- UN** 2000. *Report of the Panel on United Nations Peace Operations*, A/55/305, 12 August 2000. New York: United Nations [The so-called Brahimi Report gives a very insightful overview of the current state of UN peacekeeping and what needs to be done to improve it]
- UN** 2004. *Report of the UNDG/ECHA Working Group on Transition Issues*. UN Development Group (UNDG), New York
- Wade, J.** 1994. *The Terminological Debate*. Australian Dispute Resolution Journal. Australia: Lawbook Co.
- Weeks, D.** 1994. *Conflict Resolution*. New York: Putnam
- Weeks, D.** 1994. *The Eight Essential Steps to Conflict Resolution*. New York: G.P. Putnam & Sons
- Zartman, I.W.** (ed.) 2000. *Traditional Cures for Modern Conflicts: African Conflict 'Medicine'*. Boulder, Colorado: Lynne Rienner Publishers

## WEBSITES

- African Centre for the Constructive Resolution of Disputes (ACCORD) – <http://www.accord.org.za>
- Alliance for International Conflict Prevention and Resolution – <http://www.aicpr.org/>
- Association for Conflict Resolution – <http://www.acrnet.org/>
- Centre for Conflict Resolution – <http://www.conflict-resolution.org>
- Dialogue Webpage for Conflicts Worldwide – <http://www.dwcw.org/>
- The Centre for Non-Violent Communication – <http://www.cnvc.org>
- European Centre for Conflict Prevention – <http://www.conflict-prevention.net>
- Intractable Conflict.org – <http://www.beyondintractability.org/iweb/>
- Program on Negotiation at Harvard Law School – <http://www.pon.org/>
- Search for Common Ground – <http://www.sfeg.org>
- United Nations – <http://www.un.org/>



***ACCORD's flagship project is the Africa Peace Award – a biennial celebration of respect for human rights, good governance and the peaceful settlement of disputes on the continent. Here President Thabo Mbeki of South Africa hands over the 2006 award to President Nkurunziza of Burundi, on behalf of his country, in recognition of the progress made by that nation in bringing civil war to an end and establishing democratic governance.***



# About ACCORD and the TFP

The African Centre for the Constructive Resolution of Disputes (ACCORD) is a non-governmental conflict management institution that works throughout the Continent in the field of conflict prevention, management and resolution. Established in 1992, ACCORD has, through its work over the last fifteen years, developed a comprehensive peace model, officially recognized by the United Nations in 1996 as a viable model for Africa. The model is based on four pillars: intervention, education and training, research, and networking.

The core of ACCORD's work in the education and training sector is conflict management training. Within its Peace and Security Unit (Training for Peace, Civil-Military Coordination and Peace-building Coordination), Angola and Burundi Country Programmes, Gender, general Conflict Management and Tertiary Institutions Programmes, ACCORD trains a cross-section of stakeholders in conflict resolution strategy, methods and systems. It has trained over fourteen thousand (14 000) people in conflict management skills throughout the Continent. ACCORD's intervention and training activities are supported by a Research Department.

Between 2007 and 2012, ACCORD will focus on encouraging dialogue towards the prevention, management and transformation of conflict, with the aim of affecting a paradigm shift towards dialogue.

ACCORD has developed a successful track record over its fifteen-year history, working with former President Nelson Mandela in facilitating the role of civil society in the peace process in Burundi and with former President Masire on the DRC. ACCORD has also worked in preparing rebel groups for the negotiation process in Burundi, facilitated by the South African Government. In September 2005 ACCORD was the first African NGO in the history of the United Nations Security Council to address the Council. In 2003 ACCORD opened its first country office in Bujumbura, Burundi, where ACCORD has been involved in contributing towards the peace process since 1995.



A flagship project of ACCORD is the Africa Peace Award, a biennial event that honours an individual, group or country. The award is based on three criteria: (1) the protection of, and respect for, human rights; (2) peaceful settlement of disputes; and, (3) good governance of public affairs. The first Africa Peace Award was presented to the Community of Mpumalanga (KwaZulu Natal) in 1993, the second to then President Nelson Mandela in 1995, and the third award was presented to the Nation of Mozambique in 1997. The fourth Africa Peace Award took place in June 2000 and was awarded to the Nation of Nigeria. The fifth Africa Peace Award was presented to the Children of Africa, with a special focus on the children of the DRC, in June 2003. The sixth African Peace Award was presented to the Nation of Burundi in June 2006.

ACCORD is planning the construction of a permanent Conflict Prevention Centre, which will serve as a neutral site for dialogue and the building of sustainable peace. The Centre will be a residential mediation, training and research facility that will provide a peaceful setting and a comprehensive range of services that can accommodate high level conflict interventions, continuous training and research. The Centre would also be a venue for policy makers, academics and practitioners to gather on a regular basis to discuss conflicts, formulate policy and evolve practical responses to conflicts in Africa.

A range of material is available from the ACCORD offices, including its quarterly magazine Conflict Trends, books and occasional papers. In 1999 ACCORD brought out the first African Journal on Conflict Resolution (AJCR) on the Continent, and it is now published biannually.

ACCORD's Board of Trustees, headed by H.E. Ambassador Sibusiso Bengu (the former South African Ambassador to Germany, and former Minister of Education), comprises Professor Jakes Gerwel (Chair, Mandela-Rhodes Foundation and the former Head of the Office of former South African President Nelson Mandela); Madam Graca Machel (President FDC, Mozambique); Professor Wiseman Nkuhlu (Chairperson, Pan African Capital Holdings and the former Economic Advisor to President Mbeki), Professor Jairam Reddy (Director, United Nations University International Leadership Institute), Ambassador Billy Modise (former South African Ambassador to Canada and former South African Chief of State Protocol), Mr Josias de Kock (Chief Financial Officer for Premier Foods and a former Chief Risk Officer for Sanlam) and Mr. Vasu Gounden (Founder and current Executive Director of ACCORD).

For detailed information on ACCORD's programmes please visit <http://www.accord.org.za>.

## THE TRAINING FOR PEACE IN AFRICA PROGRAMME

The Training for Peace (TFP) in Africa programme is an international training and research programme commissioned and funded by the Royal Norwegian Ministry of Foreign Affairs. Its primary purpose is to contribute towards capacity-building within the broader ambit of peace operations at the practical and conceptual level in Africa. The main programme activities consist of training of civilian peacekeeping and peacebuilding personnel, research and publishing, and policy development. Although the programme primarily focuses on the civilian aspects of these activities, its target groups include personnel within relevant ministries, the military sector, the NGO sector, the police and judicial sector and the media.

There are four main partners involved in the programme. They are the Norwegian Institute for International Affairs (NUPI), and two South African institutions, namely the African Centre for the Constructive Resolution of Disputes (ACCORD) and the Institute for Security Studies (ISS). Both ACCORD and ISS are involved in training as well as research and policy development, while NUPI is mainly committed to overall programme coordination and research. Since 2004, the programme's expansion into West Africa has seen the addition of the Kofi Annan International Peace Keeping Training Center (KA IPTC) to the TFP partners. TFP is also associated with AFDEM – an organisation running a civilian standby roster in the region – which screens, includes, tracks and helps deploy personnel trained through various TFP activities.

One of the courses developed by the TFP Programme at ACCORD is the Conflict Management for Peacekeepers course. It was first developed in 1997 as a natural combination of ACCORD's conflict management and peacekeeping interests, and ACCORD has conducted more than 50 Conflict Management for Peacekeepers courses, for over 1 500 peacekeepers, since then. Most of these courses were conducted as a module of a UN military observers, civilian police or other such peacekeeping courses, conducted at either the SADC-Regional Peacekeeping Training Center in Harare or the Peace Support Training Center in Nairobi. The Conflict Management for Peacekeepers course has also been a standard module within the TFP Civilian Peacekeeping and Peacebuilding (CPPC) courses, and has been conducted as part of several DPKO United Nations Training Assistance Team courses, as part of pre-deployment courses and as an in-mission course in, for instance, the UN Mission in Ethiopia and Eritrea (UNMEE), and the mission in Liberia (UNMIL).

This handbook is an attempt to capture these experiences, and the content has thus been developed and refined for over a decade. ACCORD is grateful for the feedback from all the course participants and resource persons over the years, which has helped to shape and refine this training resource, and will continue to improve it over time.

**This handbook has been designed as a practical guide and training tool. It is meant to assist all types of practitioners to deal with conflict in a peacekeeping environment, including military officers, police officers and civilian peacekeepers and peacebuilders – such as political affairs, civil affairs, human rights observers and those working in mission support. It is also intended for those working alongside peace operations, such as humanitarian and development workers, election observers, and others.**

**The skills and approaches contained in this handbook are based on the reality that in the vast majority of conflict situations, peacekeepers who are deployed have to rely on their personal communication and negotiation skills to manage a wide range of conflict situations. In some cases they deal with ad-hoc crisis situations, such as negotiating their way through a roadblock or calming an unruly crowd. In others they may deal with long standing community conflicts or the resolution of national-level long-term and deeply-seated conflicts. Some peacekeepers may be better prepared for this than others.**

**This conflict management methodology builds on ACCORD's experience of over a decade of conflict management training and experience in Africa, but is specifically designed to meet the needs of civilian, military and police peacekeepers and peacebuilders in contemporary complex peace operations in Africa.**



**This handbook was developed under the auspices of the Training for Peace in Africa programme, and funded by the Government of Norway.**