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*WPF report 19*

# **MEDIATING DEADLY CONFLICT**

## **Lessons from Afghanistan, Burundi, Cyprus, Ethiopia, Haiti, Israel/Palestine, Liberia, Sierra Leone, and Sri Lanka**

An interpretive report of an International Meeting organized by  
World Peace Foundation

### **Edited by Dana Francis**

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# Introduction

*By Dana Francis*

When mediation of a deadly conflict fails, people die. And, most often, they are not the same people responsible for starting or inflaming the conflict. Civil wars, genocide, and ethnic conflicts have touched nearly every region of the world during the post-Cold War era. Yet, despite the high stakes involved, there have been relatively few attempts to examine mediation results systematically and apply lessons learned from one conflict to another.

In an effort to meld theory with practice, the World Peace Foundation invited approximately twenty-five negotiation experts to share lessons from the field and from the growing body of theoretical literature on mediating deadly conflict. Its September 1997 conference brought together an impressive group of negotiators, a full list of whom can be found at the back of this report. Among them, they have negotiated some of the most intractable conflicts of this generation, including Afghanistan, Burundi, Cyprus, Ethiopia, Haiti, Liberia, the Middle East, Sierra Leone, and Sri Lanka. Their lessons are reflected in the following edited transcript. The decision to publish a transcript rather than a summary report was made so that the full flavor of the mediation experiences could come through in the narrators' own words.

The nature of conflict, its causes and solutions, are topics that invite much debate. Rubin traced the origins of conflict to the point at which the interests of different parties diverge.<sup>1</sup> Huntington takes a more culturally-based approach, seeing conflict forming along the fault lines between cultures and civilizations.<sup>2</sup> Ethnic conflict is a particularly intractable form of conflict that taps into people's most basic fears about their safety and future. Good mediators understand the history and causes of any conflicts that they are trying to resolve. Ambassador Howard Wolpe, who is negotiating in Burundi, described the particularly difficult mix of fear, resource scarcity, and ties with Rwanda that feed the conflict in Burundi. Resolving such multi-layered conflicts requires time, patience, understanding, empathy, creativity, and a host of other qualities.

Although each negotiation or mediation is unique, there are some universal lessons that can be drawn. Listen to both sides. Understand people's fears and concerns. Create opportunities for the parties to get to know each other away from the negotiating table. From Robert Pastor came the lesson that it is often difficult to find the right balance between the use of diplomacy and the use of force. Pastor, who helped to negotiate Haitian President Jean-Bertrand Aristide's peaceful return to power, said that the United States' willingness to send troops to Haiti was enough to make the Haitian military leaders take the negotiations seriously. President Clinton's decision to put the warplanes in the air before the negotiations were completed, however, nearly doomed the talks.

From Wolpe, participants learned that it is hard for parties to let go of their fears and defensiveness for a set of abstract future benefits that come without any guarantees or

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<sup>1</sup> Jeffrey Z. Rubin, "Some Wise and Mistaken Assumptions About Conflict and Negotiation," in J. William Breslin and Rubin (eds.), *Negotiation Theory and Practice* (Cambridge, 1995).

<sup>2</sup> Samuel Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York, 1996).

means of enforcement. Lawrence Susskind, who both teaches and practices negotiation, suggested that mediators build a set of escalating benefits and payoffs into agreements so that parties understand exactly what is expected of them and what the rewards of compliance could be.

Other conference participants shared lessons that include the following:

- Sometimes international forces and external events can propel combatants in an internal conflict toward resolution. Roger Fisher, Harvard Law School professor and author of several well-known books on negotiation, has written about “ripeness,” the notion that conflicts have a point at which they are ripe or ready to be resolved. Mediators and the international community, however, do not need to just stand on the sidelines waiting for a conflict to ripen. They often can hasten the ripening process by their involvement with the parties. And conflicts may not be ripe for final resolution, but they are always ripe for some action.
- As long as either side in a conflict believes that it can win militarily, it is difficult to reach a negotiated settlement. Negotiated settlements involve compromise. Military dominance can take away the need for compromise and give the winning side the power it seeks. Related to military dominance is the difficult question of whether mediators should insist upon a cease-fire before embarking upon negotiations. Weighing against a cease-fire is the argument that parties feel vulnerable if they are asked to give up their option to fight. On the other side, however, is the reality that it is difficult to talk calmly and rationally while in the midst of war. And it is always hard to rationalize the continuation of killings.
- Social events outside the negotiating chambers often lead to more important breakthroughs than what happens during the official talks. One of the fundamental rules of negotiation is to get into the shoes of the people on the other side of the divide. Listen to their stories. Try to understand why they feel the way that they do. Figure out what it is that they really want. Sometimes such discussions are stilted in a formal setting, but happen more easily in social situations when people are relaxed and unrehearsed. It is easy to demonize an adversary from afar, but hard to do once a personal relationship is built.
- It is important to involve all parties, even extremists, in talks. The outliers from opposing sides tend to neutralize each other within negotiations, but if they are excluded, they can derail any subsequent settlements.
- Trust and understanding are the bywords of a successful negotiation. Unless the parties trust each other and the mediators, it is difficult to move beyond stereotypes and achieve any real understanding of each side’s fears and hopes. Mediators can build trust with the parties by being painstakingly fair and honest. Trust between the parties can be slowly built when each side begins to fulfill promises, no matter how small.

- Engaging mediators who are from the region in conflict can be a double-edged sword. Mediators from neighboring countries often have the advantage of knowing and understanding the issues and players. But they are often hampered by their own biases, ethnic ties, and personal stakes in the outcome. In Africa, for example, countries are becoming increasingly involved —both militarily and diplomatically —in the affairs of neighboring states. Those regional players have filled a void left when the West’s interest in Africa dwindled in the wake of the Cold War. But the regional states also are not neutral and have their own agendas when mediating.
- A related point is that many mediators, including those not from a region, are biased or have their own interests. The United States sometimes becomes involved in mediations simply to promote peace and democracy, but other times it participates because it has very clear economic, strategic, or political interests in an outcome. It cannot, however, clearly favor one side during negotiations if it wants to gain the trust of both parties. Sometimes that is impossible for a large power, such as the United States, to achieve. Often, small non-governmental organizations are more successful at maintaining neutrality. Such was the case with the religious Community of Sant’Egidio in Italy, which was able to broker peace in Mozambique where mediators who were perceived as biased had failed.<sup>3</sup>
- Most negotiations take a long time, and mediators have to be prepared to stay for the duration. Negotiations have life cycles that include moments of great progress followed closely by stalemates and setbacks. Sometimes, a mediator can be very effective simply by staying involved and being there when the moment is right for a breakthrough.
- Manipulated and coerced agreements are bound to fail. Negotiators must make sure that both parties feel ownership over a pact and are not just signing it to please the mediator. Representatives from each side must be able to sell the agreement to their constituents back home. If they concede too much at the bargaining table, the people whom they represent will not support the pact. Israeli Prime Minister Yitzhak Rabin and Egyptian President Anwar Sadat are among those who lost their lives because they were perceived as having ceded too much to the opposing side.
- There is a difference between conflict resolution and conflict settlement. A resolution leaves all sides satisfied that the core issues have been resolved. A settlement stops a conflict but does not necessarily resolve the underlying issues. A settlement is successful in changing behaviors, but a resolution goes to the further step of changing attitudes. Peacekeeping is an example of conflict settlement, but not necessarily conflict resolution. Peacekeepers can physically stop parties from fighting, but without resolution, the conflict is likely to flare up again the day the peacekeepers depart.

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<sup>3</sup> See Cameron Hume, *Ending Mozambique’s War : The Role of Mediation and Good Offices* (Washington, 1994).

- Although conflicts are often seen as clear-cut battles between two opposing sides, there is often as much dissension among the members of each side as there is between the two sides. An effective mediator has to help each side achieve unity or else risk having a settlement sabotaged by dissenting elements within a side. “There is a need to work within each side as well as across the divide,” said negotiator Eileen Babbitt.

Along with these lessons came wonderful anecdotes from the field. Pastor described ripping a hastily-written agreement out of his computer in Haiti and racing downstairs right into a mob of machete-wielding soldiers. He was so focused on getting the agreement to the parties, and the soldiers were so surprised to see him, that no confrontation occurred.

Peter de Vos talked of arriving in Liberia as the new American ambassador and being summoned by Liberian President Samuel Doe to present official credentials, which he did not have. Bombs were going off in the capital city, and both de Vos and Doe were wearing dirty T-shirts and jeans. When de Vos explained that he did not have official documentation to present, Doe told him just to hand over an empty manila envelope and pretend that everything was as it should be.

The United States, as the only remaining superpower, walks a delicate line in international negotiations. It has the economic leverage and military muscle to enforce agreements that many other countries cannot. Yet, it is seen by many countries as too willing to interfere and impose its will on other states. Said Herman Cohen, former U.S. Assistant Secretary of State, “What the superpower does or fails to do is now the most important element in conflict resolution in the world today.”

Yet, despite the key role of the United States, traditional diplomatic talks between governments are being supplemented increasingly by non-governmental or “Track 2” negotiations. Most conflicts are intersocietal as well as intergovernmental, and therefore need to be addressed at levels other than just elites. Herbert Kelman, Donna Hicks, William Weisberg, Eileen Babbitt, and other Track 2 practitioners described their approaches of bringing together business people, journalists, professionals, community leaders, and others from different sides of a conflict to talk about their perceptions, concerns, and desired settlements. Although such people do not have the authority to sign official agreements, they often can reach out to both policy-makers and the general public in an effort to build consensus toward a settlement.

Distinctions were drawn between negotiation, mediation, and facilitation, but the general lessons often were the same. Negotiators usually represent one side or the other in a conflict, while mediators are generally third parties that try to bring the two sides together. Facilitators are similar to mediators, but play a less active hands-on role. Often, the lines are blurred, with mediators becoming negotiators and vice-versa.

The definition of success in mediation differs from conflict to conflict. Fisher says that any pact should be evaluated on three criteria: It should be wise, it should be efficient, and it should improve relations among the parties.<sup>4</sup> Perhaps the most important is the third. Many

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<sup>4</sup> Roger Fisher and William Ury, *Getting to Yes : Negotiating Agreement Without Giving In* (New York, 1991).

mediators at the conference conceded that the problems in the countries where they worked are far from over, but things have improved since mediation began.

There were broad areas of consensus among the conference participants, but there were also many issues on which there was healthy debate over the best approach. For example, some participants believed that mediators must always be honest and forthright, while others argued that a good mediator should occasionally shade the truth to reach a desired end. Another disagreement concerned the point at which being sympathetic to a party's point of view turns into appeasement. The style of former President Jimmy Carter was a particular lightning rod for that issue. Some lauded his efforts to understand the fears and concerns of even the most despotic leaders, while others believe that it is wrong to engage and sympathize with certain people.

Clearly, there is more work to be done in bringing home the lessons from mediation and negotiation efforts around the world. More case studies need to be written up so that they can be used as teaching tools for others interested in conflict resolution. Fisher said that mediators and negotiators often can bring new approaches and ideas to the table that people involved in the conflict are too close to it to see. James Jonah, who negotiated in Sierra Leone, spoke of the need for outsiders to bring creative solutions to longstanding problems. For example, he said that proportional representation would be a better governance system in Sierra Leone than a winner-take-all arrangement. But such solutions often result from collaboration between those involved in the conflict and those from the outside who have distance and different perspectives.

The need for taking a systematic approach to conflict resolution is urgent. Without the ability to draw lessons from past successes and failures, each conflict will be resolved on an ad hoc basis. And the stakes in terms of lost lives, productivity, and well-being are too high to simply depend on luck and circumstance. Pastor was among those who argued for a coordinated and informed approach to conflict resolution. He said, "When you're skating on thin ice, I've learned that it's time to stop hoping for a breakthrough."

# Haiti

## Restoring Democracy to Haiti

**ROBERT PASTOR:** Exactly three years ago today, I was in a very small room with three other individuals whose names are much more widely known than my own. The four of us were sitting around a secure speaker phone, and on the other end of that telephone was the President of the United States, [Bill Clinton]. He said, “President Carter, I want you out of Haiti right now. Senator [Sam] Nunn, you are to leave right now. General [Colin] Powell, you are to get out of Haiti right now.” And I said, “What about me?”

The answer was that I needed to stay. You all know the essence of that negotiation. It was the most intense negotiation that I’ve ever participated in or witnessed. The President of the United States had, in effect, asked three individuals to go to Haiti and, in twenty-four hours, persuade the Haitian military to leave power and permit the restoration to his office of President Jean-Bertrand Aristide. In effect, that credible threat of force merged very neatly with an extraordinary act of diplomacy, producing the desired result.

On the face, you would say this is exactly the way mediation should work. Frederick the Great [eighteenth century Prussian king] wrote, “Diplomacy without force is like an orchestra without a score.” President Theodore Roosevelt said, “Diplomacy is utterly useless when there is no force behind it.” Hans Morgenthau wrote, “Diplomacy without power is feeble, and power without diplomacy is destructive and blind.”

As students of international relations, we have all learned that lesson, and this seems to be a perfect example of the adept use of diplomacy combined with a credible threat of force. It was not. The Haitian negotiation is a perfect example of why these adages are so difficult to translate in the modern world into effective instruments for pursuing both national and international interests. Indeed, this particular case was made even more beautiful, if you will, because the action that was ultimately taken was legitimized and approved by the UN Security Council. It was an international intervention on behalf of restoring constitutional government. And it worked. But it didn’t happen the way that theory predicted.

What I’d like to do is try to explain how it actually happened, so that we can really learn lessons. I identify ten lessons that will be productive for other cases in the future. The tragedy of Haiti is not this final achievement. The tragedy of Haiti is that for two-and-a-half years we practiced diplomacy with empty threats, and we followed that by roughly three months in which the President of the United States decided to use force without diplomacy. And only by the sheer persistence of former President Carter and a fair amount of luck, and a number of other reasons that are not completely evident —because they’re in the mind of the president, and I don’t believe that we know exactly what his reasoning was —it came together. But I think it was almost by accident that it did so.

In December 1990 Haiti held its first free and fair election. Jean-Bertrand Aristide won with two-thirds of the vote. The 1990 election did not happen by accident; for the four years before that, since President Jean Claude (Baby Doc) Duvalier had fled Haiti, the military had promised elections but had never delivered.

In the summer of 1990, the Carter Center, the United Nations, and the Organization of American States (OAS), accepted invitations from the provisional government of Haiti to

monitor and, in effect, to mediate that country's electoral process. The election was permitted to happen largely because the United Nations decided to send security observers to fill the vacuum that was not filled in 1987 when the military stepped in to abort the elections. The 1990 election was a disaster administratively, like most subsequent elections in Haiti. But the result was so one-sided, we had a "quick count." It was obvious who had won the election, and that permitted a peaceful transfer. Fortunately, the only one of thirteen candidates who refused to say on the eve of the election that he would accept the results if he lost, happened to be Aristide —the one who won. So the international community was very fortunate that this great experience in democracy worked so well.

Seven months later, Aristide was overthrown in a coup, that, as far as I can determine, was not fully planned. Indeed, very little in Haiti is fully planned. It happened more by accident and indirection. But there is no question that by the time that Aristide was overthrown, the fissure between the masses that supported him and the small elite that acquiesced in his rule had widened to the point that this small elite was, at best, willing to submit to a military takeover and, at worst, had conspired with the military to ensure that takeover.

This event occurred just three months after the OAS had accepted a sparkling resolution in Chile, called the Santiago Commitment, whereby the nations of the hemisphere pledged that when constitutional government was interrupted, foreign ministers would immediately come together to decide upon the appropriate inter-American response. Three months later, the inter-American community was put to the test. Its members met in Washington. They appropriately condemned the Haitian coup, and sent a team of foreign ministers to Haiti, although most of them knew nothing about Haiti. Haiti is what I call a political Galapagos Island. It was the second independent republic in the hemisphere, and because it was the first black republic, it was isolated from the world. It evolved politically in rather unique forms, and, as a result, almost no other country in the hemisphere really understands Haiti. The foreign ministers who went there proved that was true by offending and provoking — and being provoked and offended by —the Haitian military. The ministers came back very angry about what had happened, immediately called for a trade embargo and a strengthening of sanctions, and viewed themselves as judges, as opposed to problem-solvers. This is one of the problems of the OAS and sometimes of international organizations. That began the slide, starting in early October 1991, that continued all the way until 1994.

There were many efforts to negotiate, and each failed. At one moment in December 1991, the Bush administration was handed an opportunity from CARICOM [Caribbean Community and Common Market], and specifically from Prime Minister Michael Manley of Jamaica, to join in a multilateral force to threaten the military credibly. This would have been a way to strengthen diplomacy, but the Bush administration was not interested in it at that moment.

President Bush had already proved his manhood with two invasions. He was about to get into a very stiff election campaign and he saw no point in invading Haiti, particularly because his administration had solved the problem, as it had initially defined it, which was to stop Haitian refugees from coming to the United States. So the issue was contained for a while while negotiations occurred. Bill Clinton, running for president at the time, made some very strong comments about Bush's policy of sending refugees back. I know because I wrote a draft of those comments. I told National Security Advisor Tony Lake at the time that

if Clinton were to win that election, we might regret the remarks, and we would need to be prepared for what might happen.

Indeed, Clinton did win the election. But even before taking office, though presented with a dozen options on how to handle the refugee issue and the broader democratic issue in Haiti, Clinton chose the one that I didn't even draft as an option —to continue the Bush policy on refugees.

Precisely because the nature of the Democratic Party's constituency was different from the Republican constituency, he needed to deal with Haiti as a long-term, democratic problem, but at first he didn't see that. It is true that he tried, but his efforts didn't get very far. They produced agreements that unraveled even before they were to begin.

In October 1993, as part of one of those agreements, the U.S.S. Harlan County was about to land security forces in Haiti. This was, unfortunately, soon after the tragedy in Somalia. When thugs in Port-au-Prince protested, the ship turned around and departed. They had called the Americans' bluff. This was an important moment in which the administration considered very serious action, but then decided that it wasn't ready for those actions, so it made a series of empty threats, calling into question the credibility of the president.

Finally, in July 1994, the UN Security Council passed Resolution 940, which authorized member states to take whatever actions necessary to restore the constitutional government of Haiti. It was an unprecedented decision on the part of the United Nations. In my judgment, it was a very powerful and positive statement on the part of the UN, and gave, for the first time, legitimacy to military action.

On September 15, the President went on national television and said that all diplomatic options had been exhausted, and that if the Haitian military did not leave power immediately, it would be thrown out. The truth is that for six months before that, there had been no diplomatic options considered. Talks had stopped between the United States and the Haitian military. The Haitian military sensed that something more serious was coming, but not being really sure how serious, they began contacting a wide range of actors, including former President Carter.

Since the 1992 U.S. election, the Carter Center had been in touch with Aristide, who had become a member of the Council of Presidents, based at the Carter Center, and who had visited us many times. But I also had been in touch with the military. Both had asked us to be involved at different points in time, but we had not, because the Clinton administration preferred that we not get involved at all. But these efforts became much stronger, of course, during this time. And during that last week, before President Clinton's speech, there was a series of discussions with both the military and Aristide. Finally, several hours after the President gave his address, he called Carter and asked if he would consider a mission. We had already been in touch with Senator Nunn over an extended period of time. And Senator Nunn had been in touch with General Powell.

The next afternoon at 5, President Clinton finally authorized the three of them to go the following morning at 7. Carter asked me to go with them. Between 5 p.m. and 7 a.m., I had to construct the strategy and a schedule. At 2 a.m. I was called, while I was still doing it, by a senior official in the administration with a very serious report that had come from Haiti. The report said that the Haitians would take military action against the team coming in, and that we were not invited and not welcome, and that our plane would not even be able to land. This, to me, was a clear sign that the administration had not had any contact

whatsoever with the key Haitian officials, and that the source of the information they were getting was very wrong, as it in fact proved to be.

We received talking points, which were, more accurately, threats toward the military. The administration's objective was to negotiate with the Haitian military, but only about its money, thinking that that would be its only interest. All of the reports that we had received beforehand about the Haitian military's point of view proved to be completely inaccurate. The military leaders were coming from a very different direction. They never raised issues related to exile or money in any of the negotiations. They saw themselves as representing, in effect, the elite, protecting the country against a leader who they felt would destroy the country as they knew it.

Within two hours of our arrival in Haiti, the three American leaders were able to communicate effectively that an invasion would occur if the negotiations failed. Up until that moment, the Haitian military had not believed that the United States would invade. There had been too many bluffs in the past. They did not believe it until Carter, Nunn, and Powell said that although they all were against an invasion, the American people would support it when it occurred. And when Powell described in extraordinarily vivid detail exactly how it would happen, there was no longer a question in their minds.

After putting the threat on the table, the three Americans put it aside, never to use it again throughout the rest of the negotiations. Instead, they listened and worked through a series of points that together made up the final agreement. We had a deadline of noon on Sunday. And by noon, we achieved the principal purpose: agreement on the part of the Haitian military to allow the entrance of U.S. military forces. There were a lot of other things that were needed, but the three negotiators felt, correctly, that everything else would follow from that agreement.

The negotiations took place not only between the three Americans and the Haitian military in Port-au-Prince, but also between the administration and President Aristide in Washington. And President Aristide proved very difficult. As it turns out, I suspect that the reason was that he actually wanted an invasion to occur; that he was hoping for the absolute destruction of the military without him having to take the blame for that happening. He had positioned himself so well that he almost blocked an agreement.

After 12 o'clock tiny details began to hamper the whole process. Neither Washington nor the negotiators in Port-au-Prince really understood what was going on with the others, precisely because those two centers of negotiation were not connecting very well. We knew that there was great urgency in the president's voice that we get out. We did not know that the countdown for an invasion had already begun.

By noon on Sunday, September 18, the U.S. invasion checklist was advanced, and we should have left Port-au-Prince. But, of course, the small details kept us there. Later I discussed with our military officers, including General Hugh Shelton, now the Chairman of Joint Chiefs of Staff, what their perception had been. Shelton was on an aircraft carrier offshore that was responsible for the first wave of troops and planes going in to Haiti. He said that every time they got down to a major threshold in their checklist, they'd turn on CNN and see us walk in and out of one of the meetings, and they would all scream at the television set, "Get out of there!"

There was a critical moment at 4 p.m., when General [Philippe] Biamby, who was the number two man in the Haitian military forces, came into the negotiations and said that he had intelligence that the 82nd Airborne was getting into its parachutes and was about to

depart for an invasion. He said that the negotiations were over, and he was taking General [Raoul] Cedras who was the commander-in-chief, out of the room, and the talks would end. He grabbed Cedras and began to leave, and Carter at that moment grabbed Cedras back and made as strong a case as he possibly could to end the negotiations once and for all. He wanted a signing of the agreement. It was a very, very tense moment. Carter then asked me to stay with the military and make small talk while he went to speak to President Clinton.

He came back and he had a critical idea, which was to move the venue of the negotiations to the presidential palace, where the provisional president, Emile Jonassaint, who had been appointed by the military, would assume the leadership of the Haitian side. We had decided early on to test Jonassaint's interest in such an agreement and found that he was ready for it. Carter then took Cedras with him to the presidential palace with Nunn and Powell, and left me to finish typing the agreement on my computer, with Biamby and the others shooting their guns off in the room. I said, "Guys, do you mind keeping it down, I'm trying to finish this agreement?" I finished typing it, and raced down the stairs.

Just to give you a sense of the mood, for that whole thirty hours, more than 2,000 military "attachés" [Haitian paramilitary militiamen] were screaming at us at high pitch, waving their machetes right outside of the headquarters, trying to intimidate us. That kind of noise can wear you down after a while. Well, I was so out of it, I raced downstairs with the agreement and my computer under my arm, right into a crowd of thugs. They were, fortunately, as surprised as I was, and more interested in Carter, Nunn, and Powell's car than in me.

At the presidential palace, Jonassaint asked the military, "Can you defend us against attack?" Cedras said, "No." Jonassaint said, "In that case, I'm signing this agreement," at which point half of his cabinet resigned. Cedras would not sign the agreement. It was obviously a very tense moment. And it was even more tense because the negotiations with Washington were also very difficult at that moment.

In the end, the agreement was signed. Carter, Nunn, and Powell left, and I remained to brief the ambassador and the joint chiefs of staff and to set up required meetings the next day, between the U.S. and Haitian militaries, to permit the U.S. entry. The problem was that the embassy and our military didn't believe that the agreement would work. They had actually postponed the invasion until the next morning, not canceled it. I tried to explain that the invasion was the option that wasn't chosen, but I didn't have much leeway. I called Carter on Air Force One as he was flying back and tried to explain it to him, and he spoke to President Clinton the next day. Unfortunately, that conversation was intercepted and played on CNN, which created other problems.

It was very hard to reach Cedras to set up a meeting between militaries, and in the end I was only able to reach him because I called his wife and told her that if he did not agree to a meeting in 45 minutes, 3,500 American troops were going to land at the airport with twenty helicopter gun ships. I had her repeat that back to me and we set up the meeting right away. During the meeting, we were able to work out the details. We got to the airport just as the helicopters were landing. General Shelton had the courage and the foresight to understand the situation, despite advice to the contrary, and came in to complete the talks with Cedras. The agreement, though people were extremely skeptical of it at the time, did hold.

## **Lessons from Haiti**

What lessons can we draw? First, the old adage about the connection between diplomacy and the use of force is right. The proper connection can change the balance of decision-making in a manner that can compel military leaders to reconsider their options in ways that can fulfill an objective without the use of force. I think a far more interesting question, however, and this is the second point, is to ask why it is so difficult and rare to put these two elements together; why it was so difficult to permit the president credibly to threaten force for the two-and-a-half years before then, even though the cost of noncredible threats was his own prestige. And, similarly, why was it so difficult to begin negotiations credibly after he had made a decision to use force?

These are the really powerful questions. The answer lies in the concept of democratic peace. Democracies do, in fact, find it difficult to employ force unless their direct security interests are threatened. That, of course, was not the case in Haiti. Therefore, it was not easy for the president to cross that threshold and credibly threaten, because to threaten force credibly means you have to be prepared to use it, and that moment had not yet arrived. Many other unfortunate embarrassments would have to occur before the president was prepared to do so.

The other side of that equation, and my third observation, is: Why, after you make that decision, can't you negotiate? Why, for a six-month period preceding the entry of U.S. troops, were there no serious talks with the military or with Jonassaint? And, here, again, I think the democratic element answers that question. As a democracy moves closer to the use of force, it has to demonize its adversary. It's far harder to talk to its adversary. I think that happened in the Haitian case, and it's happened in other cases.

Imagine Israel negotiating with Hamas after the suicide bombings? Or the United States negotiating with Libya? We're about to sanction a U.S. congressman for just speaking with Libyan President Muammar Qaddafi. That is part of the democratic equation, which is both solution and problem on this issue.

A fourth point I want to make is that every good negotiator understands that an effective negotiation obviously involves the ability to listen to the other side and to convince the other side that you are listening. The United States was very fortunate that it had three negotiators who were extremely effective at communicating to the Haitian military that they were respectful and they were serious and interested in listening. The basic lesson is that a good mediator needs to get into the shoes of his adversary. This is very well understood, but the problem sometimes for the government, particularly when an issue becomes as controversial as this one, is that it's easier for government officials to try to get under the skin of the adversaries than to think about ways to get into their shoes.

A fifth lesson is the importance of a deadline. We all know Samuel Johnson's famous saying about how knowing that you will die in a fortnight concentrates your mind. There is no doubt that the Haitian deadline served its purpose very effectively. There also is a need to drive toward closure. Carter is extremely good at that. In fact, Nunn and Powell both made that point publicly when they returned to the United States. Carter has a way, as he gets close to the end of a negotiation, of driving through to close an agreement by keeping focused on the major elements of agreement. It is not easy, because the digressions and the diversions are numerous at that particular point in time.

A sixth lesson is that in terms of trying to affect a negotiation positively, one needs to make a critical distinction between the threat of force and the use of force. I think that the

use of force almost destroyed the Haitian negotiations. I think it was counterproductive. On the other hand, the threat, credibly communicated, was enormously effective. When Biamby came into that room and said that he had information that an invasion had begun, that was an example of the counterproductive use of force.

The three negotiators were successful because they displayed the threat, they showed that it was convincing, and they never brandished it again. They put it aside, and they allowed enough space to develop so that negotiations could proceed. The actual use of force almost destroyed negotiations and, in the end, created a very real problem for both the United States and Aristide. A change in the venue to the presidential palace made it very difficult for Aristide to have anything to do with the agreement. The one thing that Aristide had been clear about was that we should not recognize the Jonassaint government. But at that moment in time, it was clear that the military would not sign, and that we had to go to a fall-back option.

Seventh, Haiti is a case in a special category. It's a case of a military leadership that had become isolated from the world. The only way to move the military was by credibly threatening force. There are many other kinds of cases of effective mediation. Indeed, most of the work that I do at the Carter Center is election mediation, where you bring all the sides to accept neutral electoral rules of the game. These cases are of a very different order, and force is not really relevant.

To seal the agreement, an eighth point, it's often necessary to communicate something very important symbolically to the other side, but that something may come back to haunt you. In this case, it was Carter's statement to Cedras, which he then made publicly. He said, "If you cannot accept the agreement, I can assure you that there is no way to stop the invasion. If you can accept the agreement, that will be an honorable decision, and I can assure you that I will be at your side and will express my gratitude and admiration for your decision."

You may recall, after the event, Carter seemed to have gone too far in terms of complimenting a person whom President Clinton, on the eve of this event, had criticized very severely. But this was part of the agreement that had been made. Similarly, Powell made it clear that if Cedras stepped down, Powell would make sure that it was with full military honors. Again, that proved difficult to implement once Aristide was back in the picture, but it was an essential element to complete the negotiations.

Ninth, it's important to have an exit strategy. Again, this is almost never really seriously considered. The administration had never asked, on the eve of the departure of the team, "Carter, Nunn, and Powell, what will you say if this negotiation fails?" I, myself, had, in a very heated dialogue with Carter over three months, repeatedly asked that question of him. And four out of six times he agreed that he would, in effect, not only condemn the Haitian military, but endorse the invasion. But the administration never nailed its team to an exit strategy and, as a result, found itself in a very awkward position. When these three individuals found that they had reached an agreement that was satisfactory, but in which President Clinton wanted some other elements or, indeed, wanted to stop the talks and get the team out of the country, it proved very awkward.

The final lesson is the importance of building partnerships that sustain the agreement. Again, this was not really done in the case of Haiti, because there wasn't very much planning, but I think it's very important that it be done.

In conclusion, let me say that when you're skating on thin ice, I've learned that it's time to stop hoping for a breakthrough. Secondly, most of these lessons point to the fact that democracy is both the solution and part of the problem. We haven't adequately thought through how to fit the basic elements that we understand are essential to effective diplomacy within a democratic context. That's part of the long-term struggle within the United States, and I think that we still have a long way to go. Winston Churchill, of course, once said that Americans always choose the right option. And I think Haiti proved that was the case. He also said, however, that it is only after the Americans exhaust all the other alternatives.

**LAWRENCE SUSSKIND:** The ten lessons are provocative, particularly in light of the details of the story as you told it. I want to raise four thematic questions in reaction to both the story and the lessons and hope that they become useful starting points for a broader conversation. The relationship between democracy and diplomacy is an important one with which to start.

I'm not sure that it's so clear what democracy requires with regard to the behavior of its diplomats and the behavior of its negotiators. That is, you seem to imply that in a democracy, we're hesitant to announce the use of force if our interests are not directly threatened. You implied that once the decision to use force is made, a process of demonization of the other side is necessary to win support from the population at large. I'm not convinced —although I do agree that that's the way this story unfolded —that you can make those connections.

Is it important for the leaders in a democracy to have majority support for what they propose to do, or does the mere fact that the leadership has been elected give it latitude to do what it wants, even if there's no popular majority behind something that it wants to do? In one respect, you would imagine democracy would require that majority views dominate while minority concerns are protected. But I'm not sure democracy, in that sense, requires a majority to be supportive of the actions that its leadership wants to take, even if they involve the use of force or other kinds of sanctions. So I'm reflecting on the question you raise and suggest that it's an important theme for everybody: what does democracy require of its leadership and its negotiators with regard to the use of force or to taking action that could have serious repercussions?

What are the minimum requirements? If you're right, those minimum requirements may shift from the period in which you are threatening force to the point at which you are actually using force, but I'm not ready yet even to accept that as the major distinction. We have to look across many democracies to try to make a general statement, even though I think that your case is terrific for raising the question.

The second theme is, to me, a different one. It doesn't hinge on the democratic context being the dominant consideration. It has to do with the use of threats, as distinct from the use of force. The way you summarized Carter's comments seems to confirm what Thomas Schelling has taught us all for a very long time, which is: if you are playing a game of chicken in a car with somebody else and you want to win —meaning to get them to turn away while you're going forward —what you need to do is yank the steering out and throw it out the window and say, "It's not under my control any more, you'll have to move."

The notion of tying your hands, binding yourself, clearly giving up your options as a way of forcing the other side to give up theirs sounds, at least in part, like what you were

underscoring as an effective workable strategy. One says, “This invasion has started” or “It’s inevitable, there’s nothing I can do, but I can stand here with you when they arrive and do my best to protect you.” I wonder whether we need to be somewhat more elaborate in our description of the kinds of threats which will work under what kinds of circumstances. I think we ought to be very worried about that model of threats which gives us very little room to maneuver if we discover halfway through that it’s not working.

Can there be a pyramiding set of threats, a nested set of threats, where you throw out one and you still have more, as opposed to all-or-nothing type threats? Not in the sense that you couldn’t call the threat back, but that you would lose your credibility so badly if you called it back that you couldn’t go on as a negotiator? In certain circumstances we need to do things that cause the other side to give up false hopes that they might otherwise have had. Roger Fisher has done a good job of teaching me, over the years, not to think in terms of threats, but instead to think about ways of convincing the other side that the wonderful options that they thought that they had available to them are much, much less likely than they think. The more you can educate participants about the extent to which the good choices available to them really aren’t available, the more leverage you will have, because one source of power is having a good alternative for yourself while the other side has none.

The third theme is the distinction between negotiators and mediators. At one moment in Haiti the three Americans turned from being negotiators to mediators. I’m willing to explore the possibility that we could define these three as mediators, although from almost everything I heard you say, it sounded more like they were agents on behalf of one side and were acting as negotiators for that side. On the other hand, Eileen Babbitt and I, some years ago, spent a long time trying to parse out the different roles that intermediaries play at different stages of conflicts. There’s a lot of similarity between some things that some other parties do, even quite partisan actors, along the way in a negotiation, that have the quality of bringing the parties closer to a zone of agreement than they could do on their own.

Forget pure definitions. Are there functions, in this story and others, that intermediaries, even partisan intermediaries, can play that help warring sides deal with their differences in a way that produces an effective or an efficient resolution or forestalls violence or warfare to the point where there’s more room to maneuver? If so, what are the important distinctions between and amongst the ways that these various kinds of actors in different stages of conflict can play useful mediative roles?

Finally, we’re doing some work at the Program on Negotiation at Harvard University on the use of agents in negotiation. And I guess I’m more comfortable with your story as a story about the role of agents in negotiation, agents on behalf of partisans, than I am thinking about them as “neutrals” or as intermediaries. One of the things that’s coming out of the work on the role of agents has to do with the calculus of control between a party and a party’s agent.

We’ve looked at instances in which it helps a party to have very little communication with its agent, not to tell the agent very much about what’s really going on, and to send him out there to try to maximize the advantage to the party. If it works, great; and if it doesn’t, disavow him. The relationship between agents and parties in different arenas is very intriguing, because you can see very different kinds of results when agents’ interests are aligned with parties versus occasions where agents’ interests are not completely or predominately aligned with the interest of parties.

I'm wondering what your case tells us about the extent to which parties ought to structure the relationship with their agents in ways that advantage them by manipulating those agents in ways that don't give them an authentic or authoritative insight into the priorities, concerns, tradeoffs, and probable actions of the principal. We could look at different stages in negotiations and see points at which you'd want the agent to have more authoritative insight into the interests of the principal and more power to speak on the principal's behalf. But I take your story to be an instance in which it may have been useful for President Clinton not to tell everything to his agents, in this case, all three of them.

You said that it turned out that a lot of the intelligence you had wasn't right. Maybe that was intentional. Maybe it was very useful not to have this trio be too well-informed about some things, and to have them informed about others. Perhaps that was managed. Even if it wasn't, it's a good question, about whether you want, purposely, to send people to represent you who only know certain parts of the objective, and thus can only be drawn into the conversation in ways that imply only certain kinds of commitments. We can use this story as a story about what it is to mediate. We can use this story to ask questions about principals and agents, and in a diplomatic context, what you want them to know, not know, be able to commit, and not commit.

**ROBERT PASTOR:** The last point is easiest to dispose of. The intelligence that they gave us not only was not part of a strategy, but it was proof that they really didn't have a clue as to what was going on, because the bottom line of the intelligence was, don't go.

At 2 a.m. they were communicating this information to me, when we were supposed to be on a flight at 7 a.m. It proved that they were completely unaware of any conversations that we had had.

These conversations were shared, of course, with the president, but obviously not with the community that sent the report, and so they really didn't know what was going on. As to the question of the use of force, this was a very hard decision for President Clinton. To understand the situation fully, you have to appreciate the political context.

It was certainly not unique to President Clinton. Ambassador [Diego] Cordovez can tell us about a very similar case in Panama under President Bush. In both cases, you had diplomacy and force completely separated from each other. They were not part of a coherent strategy. In both cases the principal target of the threats had heard so many empty ones that Noriega did not believe any of them.

I just read through Noriega's memoir and he didn't believe, at all, that the United States would ever invade. Even though, of course, publicly he was accusing the United States of preparing to invade, he didn't believe it, and he really didn't prepare for it. The Haitian military didn't believe it, either, until the moment that the negotiators really made it clear.

I know Noriega a bit, too. I think that if Noriega had been absolutely convinced that U.S. troops were about to invade, he would have negotiated a lot more seriously than he did for those final three or four months. It's a tragedy that we didn't put those two sides together. It has a lot to do with the nature of the democratic political envelope within which diplomats are charged to work.

Second, you talked about pyramiding threats, which we used to refer to as "escalation." The real problem is that we never think through how to implement those threats credibly beyond the economic realm. We're very good at implementing economic sanctions and threats, but if economic sanctions are not having any effect on the ruling elite we don't really

think about where to go from there. There is a large gap when you move from sanctions to military force.

Finally, your comment about my slipping back and forth between calling them negotiators and mediators is very perceptive and accurate. This was a unique team that was able to play both roles effectively at different moments in ways that I don't believe the Haitians were fully cognizant of. When they slipped from being negotiators representing President Clinton to being mediators representing some middle point, they helped draw the Haitian military out to accept the hard fact that they had to go and Aristide had to return.

That was the bottom line, and that was something that they simply couldn't stomach until they realized that the nature of their political space had changed unalterably, and that they almost had no other choice. But even at that moment the use of force actually evoked their defiance and almost destroyed the agreement.

**JAMES JONAH:** As someone who has been involved for a long time in negotiations, I think my perceptions are a little different. Carter has developed an image of being an appeaser, which can be useful but not decisive. I have come to see appeasement as a very dangerous element in negotiations. You refer to some of the nice things that Carter said about the military, which were very surprising to some people. He has said good things about people who are known to be butchers in places like North Korea, Iraq, and Liberia. Haiti was the point at which Carter emerged, really, as an appeaser in negotiations. He believes that the bad guys always have to be involved in negotiations, and he plays a useful role in encouraging them. But I am absolutely convinced that appeasement is not good in the long run.

**DONNA HICKS:** I'd like to take that just a step further. I was involved in a very small conference at the Carter Center about three months after the negotiation that you described. Ambassador Harry Barnes [director of the Carter Center's negotiations program] had a very good idea, which was to try to bring together members of the human rights community with the conflict resolution community to see if they could bridge some of the gaps. President Carter was invited to this meeting, along with two or three of us from the conflict resolution community and, also, about five of the directors of major human rights organizations in the United States. I can tell you that the conversation was not a pleasant one, because the human rights directors were very concerned about the fact that President Carter had granted amnesty to General Cedras.

**EILEEN BABBITT:** I wonder whether there is a role that an agent can play, separate from a principal, in being able to extend a hand to someone who is not considered a nice person, which then leaves the principal free to dissociate from the person extending the hand. It also allows some agreement to be reached, for which the agent takes the heat. Even if people are not too happy with the agreement, it is then able to be built upon.

**DIEGO CORDOVEZ:** Any one of us who has had to deal with the United States realizes that there are sometimes problems arising from a lack of a unified policy. At the end of the Falkland/Malvinas War, the British ambassador in Washington was asked to testify before a commission set up in the House of Commons. When asked, "What was the position of the United States government in this case?" He said, "Look, I am now retired, so I can be very

blunt. In the United States, there are four governments. So which one do you want me to refer to?"

Now, Noriega, when he was in Panama in the middle of that crisis, was getting hundreds of messages. And he kept telling me, "Look at this, I got a message from the State Department. The other one was from my friends in the CIA and they set me up." He also had a little bit of a Saddam Hussein syndrome in the sense that he felt that if he were attacked and he survived, he would, at least internally in Panama, be perceived as the winner. So he felt that there would be an invasion and that he would somehow survive, and he thought he had arranged militarily for that to happen. But the problem, quite frankly, was that the group that subsequently became the government was convinced that if the negotiations failed, then there would be an invasion. And so they stopped negotiating seriously. And, of course, the invasion came and the [new leaders] were sworn in at an American military base. They were proved right.

**HERMAN COHEN:** I think this leads to a lesson learned, which is that the Haitian scenario could not have been pulled off by three guys from Venezuela. It had to be representatives from the superpower. The lesson learned is that what the superpower does or fails to do is now the most important element in conflict resolution in the world today. How long this will last, I don't know. I think it goes all the way to Congo-Brazzaville or Burundi.

**ROBERT PASTOR:** A lot of things about the amnesty question were completely misunderstood. The particular amnesty provision in the agreement was the same amnesty provision that was in the Governor's Island Accord [a 1993 U.S.- and UN-mediated agreement to ensure Aristide's return to power] that had been approved by Aristide. The only reason that it had not been fully implemented is because the Haitian parliament had not approved it. But before I went to Haiti, Aristide told me that that provision was all right and still was active. So it was a classic case of Aristide trying to get the best of both worlds, which he did most of the time. The amnesty provision was not the problem.

The broader question that James Jonah raised about Carter's style, and the image that was communicated, is important. There's no question in my mind Carter went overboard when he returned to Washington. He should not have said much of what he said. And, in fact, one of the reasons that I agreed to go to Haiti with him was that I was hoping to dissuade him from doing what he had done in Korea. But I was asked to stay in Haiti to implement the agreement on the ground. When Carter returned, the first thing he did was to go to CNN.

It would take me a while to try to explain his psychology. But you put it very well. There are times in which it's enormously effective and times in which it's very undesirable. I have seen him enough times in these very tense moments to see both. He can be extraordinarily effective in communicating and getting across to people. He's very good, again, at focusing on the objective. What was the objective in Haiti? It was very clear. Aristide in, military out. U.S. troops in with no casualties. That was our mission.

Ultimately, President Clinton faced the prospect, with Republican opposition, of American casualties, which might explain why he decided to send the three negotiators. There were a lot of complaints, but the objective was clear and it was accomplished. There's also no question in my mind that it was a result of skillful diplomacy by three extraordinary

individuals backed up by a credible threat. Absent that, the most likely outcome would have been invasion by the United States. We would have obviously prevailed very quickly, but there would have been thousands of Haitians dead and many Americans, as well. It would have taken a long time to mop it up.

That morning after the negotiations, when I was riding through the streets with the ambassador and a general from the joint chiefs of staff and the ambassador for a meeting with Cedras, the general pointed out to me exactly what he had expected the city to look like the day after the air assault —which buildings would be blown out, how many casualties they were estimating. That was the most likely outcome, and it did not occur. It didn't occur, in part, because of the style that these three brought to the negotiations.

It's too bad that Carter fashioned an approach that some people interpret as appeasement, even though I think that it's an inaccurate perception. I'm aware, obviously, that some people have interpreted a lot of his comments in that way. I think Herman Cohen is absolutely right. The negotiation in Panama could not have succeeded if three Latins had done it. The United States had to negotiate. Latin American countries did not. They did not sort out their objectives clearly. Latin American countries were very unhappy, for reasons that I think were somewhat justified, that the objectives of the United States seemed different than theirs. The United States did not accept the election as a point of departure, and so conceded too much to Noriega. The United States has to sort out its objectives, and there has to be an American participating.

Now, whether the American is a government official or whether he or she should be outside of government is a fair question. I know the arguments on both sides. They're powerful ones. But in certain cases, there are ways to use the model of Haiti and to clean it up, to minimize some of the negative fallout, and make it a more effective instrument for the United States.

**ROBERT ROTBERG:** There's also an argument that there are special cases in which negotiations could only be done without the Americans. What James Jonah did in Sierra Leone could only have been done by him alone and could only have worked in that situation.

**DIEGO CORDOVEZ:** In Haiti, I don't blame the United States, I blame the Latins. The Latins were a total disaster in that situation. I was representing my government when that resolution on democracy was adopted by the OAS in Santiago. I knew that it would not work, because the Latins talk about integration, but there's no political integration in the region.

Second, the United States could have orchestrated its policy on Haiti a little bit more with the Latins. But, as I say, the response was absolutely incredible when they went to clear the draft of the U.S. resolution of the Security Council with the Latin American group. There were three speakers. There was no real consultation. I have the feeling that when the United States goes through the motions, sometimes, of consulting the Latin countries, those countries don't respond. And some other times, of course, they are very offended because the United States doesn't consult. This is something which has to be worked out to avoid similar situations in the future.

**JAMES JONAH:** Did this lead to a stable Haiti or is this just a kind of camouflage and a soft landing? Did it solve the basic problem of Haiti or are we likely to see it later?

**ROBERT PASTOR:** The basic problem of Haiti won't be solved in our lifetime. The question is whether the situation, as a result of this negotiation, left Haiti better off than before, and the answer is, unequivocally, yes. Haiti has serious problems right now [1997], but they're nothing compared to the problems that Haiti suffered under the Duvaliers, Cedras, and military dictatorship. They are problems of a very poor, illiterate, underdeveloped country trying to come to grips with a more popular system of government under certain rules. The answer is that the situation in Haiti is not good, unless you compare it to the last 200 years of Haitian history, and then it's marvelous.

The alternative in Haiti is a very brutal, repressive, military dictatorship. That's been the history of Haiti. Compared to that, everything is better in Haiti today. People are not frightened. But who knows for how long? You can't assure this on a permanent basis, unless there's a sustained involvement by the international community.

The point of the Haitian experience is that the United States woke up, hopefully, a few other nations in the hemisphere. Just because you close your eyes doesn't mean a problem goes away; it comes back to haunt you in one way or another. Anybody who has worked on Haiti for any lengthy period faces frustration continuously.

Under Cedras, there were about 3,000 to 4,000 people killed. It was a dismal, brutal situation. I think there's more security, but they have a long way to go. The international community has to continue playing some role. At base, the problem in Haiti is that you have a very small elite that controls a large amount of the resources. They are not fully in power right now. They no longer have an instrument that they had used for a long period of time, which is the military. When the foreign military forces withdraw [in 1998], that economic equation will assert itself politically in some form, and we will have a less humane and civil government. But the hope is that one can postpone that as long as possible and give Haiti a chance.

**PETER de VOS:** I'm suggesting that we are in a non-conflict, preventive mode. We intervened because we had Haitians arriving in the United States. That was politically a very unacceptable situation. The United States, took the initiative to address the situation. I think that Aristide was not a force for stability, and was not a force for democracy, which was the aegis under which we went in there. Maybe the intervention was politically wise in this country, but in the long run, I'm not sure that we're going to achieve the objective of restoring or instituting democracy.

**ROBERT PASTOR:** I don't think there's any question, in the post-Cold War period, that fear of refugees in some ways has replaced fear of communism as a motivating spark for U.S. intervention. But it's not sufficient as an explanation. Two other elements are involved when the U.S. decides to use its force.

The president is under pressure over a considerable period of time and finally feels compelled to resolve it, in part, because his very prestige is at stake. In Panama, on Dec. 20, 1989, when the president decided to invade, it was partly because of the reaction to the failed coup in October. The decision to invade in Haiti was a reaction, in part, to the failure of the U.S.S. Harlan County [the ship carrying peacekeeping troops that was prevented from docking at Port-au-Prince]. President Clinton's very prestige was at stake.

Another assumption is that the intervention conceals an ulterior purpose, which is U.S. hypocrisy. I don't believe it. I think professions of supporting democracy were quite sincere. Aristide wouldn't be my choice; he's not a full democrat. But it's not our choice. He was the choice of the Haitian people. Under Aristide, the people are much better off than they were under any previous government. And though he has made a lot of bad decisions, and he continues to influence the government in unfortunate ways, that system is better than the one before.

It's quite true that this government may not last. It may be all thrown out the window, but that can't be an adequate reason for the United States to throw up its hands and forget about Haiti. We can't do that. We are a part of the same Caribbean area. So I don't disagree with your points about the frustration and the ambiguity of the intervention, but you still have to ask, "What's the alternative?" and I think the alternative was worse if we didn't negotiate.

## **Burundi. Ethiopia, Liberia, and Sierra Leone**

### **The End of the Ethiopian War**

**HERMAN COHEN:** This story about Ethiopia begins at the start of the Bush administration when, for the first time in living memory, there was no requirement to pursue Cold War objectives in foreign policy, so that we could be a bit creative. We decided at the level of the State Department's Africa Bureau that development was the highest priority in Africa.

Since the economic side of development was being well-handled by the World Bank and the International Monetary Fund, we decided that the best value-added we could contribute was in conflict resolution. In early 1989, there were four major civil wars in Africa: Angola, Mozambique, Ethiopia, and Sudan. We had the leisure of not dealing with these as crisis management issues, because they had been all going on for so long. We could take a few weeks to think about how we would address them.

Ethiopia was at the bottom of our list because we didn't think we had much capability there. Our relationship with Ethiopia was much the same as it was with Cuba under President Fidel Castro. We barely talked to each other, and Ethiopia was a pariah state. Cuban troops were there. We didn't even have an ambassador in Addis Ababa. We hadn't had one for a long time. We didn't see what we could do, so we decided to concentrate on Angola.

But something happened at a higher level that forced us to become more interested in Ethiopia. President Bush had a policy of collaborating very closely with the Gorbachev regime in the Soviet Union, and the two governments decided to collaborate on regional problems in Africa, Asia, and Latin America. We were instructed to get very close to our Soviet counterparts and to work with them, so I became very close to my Soviet counterpart in African affairs. He told me that the Soviets needed our help, because they had two major commitments in Africa — in Ethiopia and Angola — and both were much too expensive for them. They wanted to divest themselves of those commitments, and they looked to us for help.

After we explained to the Soviet representatives that we didn't have much influence in Ethiopia, they said that they would arrange for relations between the United States and

Ethiopia to be improved. They asked if we would make an official, high-level visit to Ethiopia, to get the ball rolling. This caused a certain amount of debate in Washington, because conservatives in the White House thought that it was a bad idea to legitimize the Ethiopian regime, especially since it employed Cuban troops.

But the policy of collaborating with the Soviet Union prevailed, and I made a high-level, high visibility visit there in August 1989. It was a red-carpet visit, filled with hugging and reconciliation. But one thing that it taught us was that we in fact had a great deal of leverage over the Ethiopian government. Ethiopia's need for the Soviet Union to mentor it during war was diminishing, and it was looking for a new mentor to help it make peace.

Our plan developed. A two-pronged war had been going on there for thirty years. The people of Eritrea were fighting for independence, and the people of Tigre province were fighting to overthrow a repressive, Stalinist regime. We told the Ethiopian government that the United States was willing to improve relations with it if it would do the following things: Undertake a peace negotiation; improve its human rights record, which had been horrible; and rid itself of Stalinist economic policies and adopt free market policies. We also addressed the issue of the 20,000 Ethiopian Jews who were being prevented from emigrating to Israel. The Ethiopians said that they would try to make progress on all those issues. They asked us to play a mediating role in their war with Eritrea. We were very skeptical. We didn't think we really should do that. So we gave them former President Carter's telephone number. He started a mediating effort there, and we decided to use that period to understand the situation more fully.

We started making very intensive contacts with the rebels, whom we had not known very well, in places like the Sudan, Kenya, and Britain. They all called themselves Marxists. We followed Carter's efforts very closely. They started in the fall of 1989, and went on for about nine months, in various places, mainly Atlanta. Each time participants would go to Atlanta, they'd stop in Washington to talk to us and we came to know the government and the rebels very well. The Carter negotiations never got beyond procedural issues. They bogged down totally on process.

Our analysis led us to conclude that the Ethiopian government really was not serious about looking for a new political accommodation. As far as they were concerned, negotiations were just another way of making war. They were looking not for a peaceful solution, but for another way of continuing the war. We did not go public with this conclusion. We kept quiet. But after Carter's attempt failed, both sides came to us and asked if the United States government would take over the mediation.

We had to make an important decision, knowing that the Ethiopians really weren't very serious. But we decided to keep quiet about that and see what would happen. We agreed to take over the mediation, but we used our leverage as a superpower to move the process farther than Carter had been able to take it. We rejected procedural issues. We refused to be involved if the Ethiopians were intent on arguing about them. We wanted to tackle substantive issues immediately. That shocked everybody, but they agreed to do so.

After the initial discussions, we found that the parties were really not getting anywhere, so we started giving them homework. We told them to put down on paper their ideas for a solution to the Eritrean secessionist problem, and to think about what sort of compromises could be reached. The participants then started giving us written responses, which we found very useful.

When the parties met with us in Washington, we arranged many social events where the two sides could get together. Many of them had gone to the same schools and they all spoke the same language. We found that informal mingling to be very useful. We also included military and juridical people in the discussions, so that they could make contacts and receive useful suggestions about how to handle the military problems of a cease-fire and an eventual settlement. By making contacts, they also received useful intelligence about the status of the war and the psychology of both sides.

We began our involvement in late 1990. By January 1991, the war, which had been stalemated for about ten years as a low-key, guerrilla insurgency, suddenly started going badly for the government. The rebels in both Tigre and Eritrea provinces started to make advances, capture territory, and win major victories. These events had an impact on the negotiations. Slowly, the Ethiopian government started to increase the concessions that it was willing to make.

Similar to the Palestinians over the years, the Ethiopians were willing to concede at this point what they should have conceded five years earlier, when doing so might have worked. But the rebels, sensing that the military momentum was on their side, started making greater and greater demands. We pushed the Ethiopians, above all else, to try to move toward a loose confederation with Eritrea, giving Eritrea maximum autonomy. But the Ethiopians failed to respond usefully, so we decided in February 1991 to provide our own framework.

We prepared a framework document, which, in effect, set out the basis for a solution. It called for a very loose confederation between Eritrea and Ethiopia for a minimum of five years, after which time the Eritrean people would decide by referendum whether to remain in Ethiopia or leave. During those five years, the Ethiopian government could demonstrate its ability to give the Eritreans maximum autonomy within a confederation. If they could prove that they were sincere, maybe the Eritreans would vote to remain Ethiopian. We thought that we would make headway on that negotiating front, but the military situation became so desperate for the government that, toward the end of April, we realized that Ethiopia would lose the war. The desperate Ethiopian government finally agreed to discuss power sharing. Since Ethiopia was going to lose the war, we decided to shift gears and try to bring the war to a soft landing. We were able to do so by virtue of the fact that we were so heavily involved in the mediation. They looked to us, essentially, to work out the final days of the war for them.

We were right there in the midst of it. We had a final meeting in London on Memorial Day 1992, when the rebels were at the gates of Addis Ababa. We had asked the rebels not to go into Addis Ababa, and to wait until we could reach a final settlement on how the war would end. But we got a distress call from our chargé in Addis, saying that the city was in chaos, the retreating soldiers were beginning to pillage, there was no discipline, and there was no command structure. The chargé asked if we could do something about the situation.

We conferred with the Tigrean commanders. Because we had gotten to know them so well over the previous year, we knew that they were disciplined people. In all of the areas that they had taken over during the war, there had been no pillaging, no molesting of civilians, and no taking away of property. Their soldiers were perfectly disciplined, so we were perfectly happy to encourage them to enter the city of Addis Ababa to restore law and order, which they agreed to do, and to try to calm the population of Addis, which certainly did not look upon this arrival of the Tigrean army with great enthusiasm.

We went on Voice of America and the BBC to explain that the United States had encouraged the rebels to go in, and that everyone should remain calm. Entry into the city was fairly smooth. Afterward, we had a meeting in late May among all the rebel groups to decide what to do about the future of Ethiopia. We talked about human rights, democracy, and other issues, and they agreed to have an all-parties conference in July. They asked me to announce it to the press, thinking that an announcement by the United States would give it real clout.

We used our leverage with the Eritreans to force them not to declare their independence immediately, which they could have done. We said that it would be too much of a trauma for Ethiopia if they did that, so they should wait three years. We threatened to withhold recognition if they declared independence immediately. Because they needed U.S. recognition, they agreed to wait three years.

When we announced this agreement, I got into trouble with Washington. Our policy throughout two decades had been to maintain the territorial integrity of Ethiopia. The Organization of African Unity believed that no colonial boundaries should be changed, because doing so would just set off chaos if boundaries were renegotiated. We supported that policy. So when I announced, on behalf of the negotiating groups, that there would be a referendum on independence in Eritrea three years hence, journalists picked up on this policy change very quickly, knowing that our position was not to dismember countries. They asked if the United States had changed its policy. I said that we had not changed our policy, but we believed in the right of the Eritrean people to self-determination, and we supported the referendum.

My comments made the headlines. Washington is five hours behind London, so as soon as Washington woke up, people saw my comments, and I got a call from Secretary of State James Baker asking me to verify my remarks. I did so. Baker said that he was in deep trouble because the Germans were trying to persuade the United States to recognize the right of Bosnia, but not Serbia and Croatia, to receive independence, and our policy was to keep Yugoslavia intact. "If you support secessionism for Eritrea, what is that going to do for me?" Baker asked. "Why do we have to be consistent," I asked. "Why can't we have separate policies?" Baker slammed the phone down. I thought that my diplomatic career was over. Fortunately for me, the journalists did not see my approach as a problem for Croatia and Serbia, and they didn't call attention to the contradiction. So Baker calmed down after a few days.

What lessons did we learn from third-party intervention in Ethiopia? Because we had no direct interest there, I call it a third party intervention.

The first lesson was that the issue of legitimacy is very important. It can be manipulated, especially by a superpower. Granting and withholding legitimacy can provide leverage. I think that we used it effectively with both the government and the rebels. The rebels gained a great deal of self-confidence when we started talking to them and inviting them to the State Department. They felt better about things. They were less defensive, and less paranoid, and we were able to bring them into a legitimate negotiation.

Second, we found it useful to bring other people into the process. We brought in the Italians, the Israelis, and Carter. It gave us the ability to stand back a bit, to examine how the protagonists would perform without our direct involvement. When we did get involved, we knew a lot more about their tactics and their state of mind. We thought that it was not a good idea to try to monopolize the negotiations, but to bring in other actors.

Third, we kept all sides at the table by giving them homework, encouraging them to think, and asking them a lot of questions. We didn't browbeat them, and they felt comfortable with us. We never demonstrated any U.S. interest, except in peace. None of them ever got the impression that we had a separate agenda for Ethiopia, and we did not.

Fourth, rejection of procedural issues was a very useful tactic. Carter had a reputation for sometimes getting too involved with details. He was obsessed with procedure, and the more the Ethiopians discussed procedure, the more he got into it. We refused to discuss procedural issues. They were taken aback, but they accepted that, and they got right into substance.

Fifth, we ignored the true intent of the Ethiopians. We knew that they really wanted to pursue the war and they were looking for other ways to replace Soviet arms deliveries. They were hoping that we would encourage the Israelis to supply arms to them, because of the Ethiopian Jews. We could have just blown the whole thing up and said the Ethiopians want to pursue the war, but we decided to ignore it and just pursue it as if we were ignorant of their intentions. I think that was useful, because it got to the point where we were able, at some later point, to pick up on fast-breaking events. Later, of course, having been involved for about eighteen months, we were in a position to influence the outcome.

I think sometimes that it's important to become involved in mediation and negotiations even though there may not be much hope for a solution. When something unexpected happens, you're in a position to influence events. If we had dropped out earlier, because the Ethiopians were insincere, we would not have been in that position.

So the sixth lesson is patience. After twenty years of stalemate, why did the Ethiopian army suddenly collapse? It started to collapse around the end of 1990 or early in 1991. After the war, we did a postmortem. We asked military people and high-level political people in the old regime, after twenty years of stalemate during which the guerrillas weren't getting anywhere, why did your side suddenly start to collapse? They said that as soon as the Americans took over the mediation, the troops in the field believed that the war was going to be over soon, and they did not want to be the last to die before the war ended.

The psychological impact of the United States taking over the mediation was very important, and had unintended consequences. The final lesson is that when the thousand-pound gorilla, the U.S. superpower, gets involved, we have to understand that others may react in unexpected ways.

### **Searching for Peace in Liberia**

**PETER de VOS:** Let me take you back to where Herman Cohen was in late 1989 and 1990. In 1989, there were rebellions and civil wars going on in Africa and elsewhere, but none that really inspired the United States to become involved. On Christmas Eve 1989, a young man by the name of Charles Taylor came across the border from Côte d'Ivoire and attacked a little border post in Liberia, killing some people. News of the attack made a back page in the *Washington Post* and the *New York Times* with a story that there had been a little something on the border between Côte d'Ivoire and Liberia. As 1990 progressed, there were more and more of these incidents and, finally, in the springtime it became apparent that there was an active rebellion going on in Liberia. I maintain that what happened in the next seven years, between 1990 and 1997, was predictable because Liberia had been a state, but never a nation.

Former U.S. slaves and freed slaves went to Liberia beginning in the 1820s and settled the coastal areas. They became known as the Americo-Liberians. They imposed a southern U.S. culture on the indigenous inhabitants, who became known eventually as the Congos, or the country people. That situation existed until 1980.

President William Tubman had run the country with a pretty firm hand from the 1930s until 1960. President William Tolbert took over and began to try and integrate the country people into the Americo society. Unfortunately, in 1980, some army sergeants who were Congos thought that they could run the country better than the Americas. They killed Tolbert and shot his cabinet ministers on Monrovia's beach a couple of days later.

Sam Doe, an uneducated corporal, became president. But when Doe threatened to befriend Libya, the United States decided to back him to secure his loyalty. For the next several years, Liberia was an American client. As the civil war picked up in 1990 in Liberia, the international community looked around and said, "Well, America, it's yours."

I was nominated as ambassador to Liberia in the latter part of 1989, when it was a peaceful, wonderful place that everybody in the Foreign Service wanted to go to. It's a large post, it was going to make my career, and I said, "Thank you very much." But our processes are such that it takes about nine months to a year for an ambassador actually to get to a post. As I sat in Washington watching what was going on in Liberia, I saw a gradual deterioration. The sands were running out. As we in Washington were looking at the growing civil war in Liberia, and as Taylor began to move further through the country, I was sent to nearby Sierra Leone. We decided that it would be a good idea if we could get the various parties together to see if we couldn't head this thing off before it really got terrible.

As I started talks between the contending parties in Freetown at the U.S. embassy, the State Department told me very definitively not to mediate, but to facilitate. I wasn't quite sure what a facilitator was, but I presumed that it meant you brought people together and locked them in a room and told them to behave themselves. That's exactly what happened. Taylor sent a very high-powered group to negotiate. The Doe government also sent a high-powered group. And for two weeks we sat there and chatted and talked and pushed. We came up with an agreement that both sides accepted. It stipulated that Doe would leave, elections would be held, and both sides would share power. Of course, neither of the delegations had any authority whatsoever to negotiate. When they went back to check with their principals, the whole thing fell apart and the war continued.

I was finally confirmed as ambassador, and proceeded to Monrovia on the very last airplane before the airport closed. My orders as ambassador were not to get the United States involved in the Liberian civil war. In April 1990, we had a Marine amphibious reaction group (MARG) floating off the horizon in order to evacuate American citizens if things deteriorated quickly. It sat there from April until June 1990. The commander of the MARG was desperate to come ashore and take up military positions. MARG had several officers ashore as liaisons, and the commander said, "Let's go today, ambassador. Let's get them in here today, ambassador." But I kept saying, "No, no, no, we don't want to get the U.S. military involved." Washington certainly didn't want to get the U.S. military involved.

As Taylor's troops came closer and closer to Monrovia, we tried, once again, to mediate. Assistant Secretary Herman Cohen came to Liberia and tried to talk to the Doe people, as well as to a new face on the scene, Prince Johnson. We all knew Taylor, because he had been part of the Doe administration earlier in 1980. We knew Doe. But we had never heard of Johnson. He came out of the woodwork. He was a lieutenant in Taylor's army in Libya,

when it was training there. Johnson came back to Liberia and started his own rebel group. As Taylor came in from the west, toward Monrovia, Johnson was in the Bong Mines in the northeast. He came storming in from the east. Both converged on Monrovia at the same time.

We were unable to get them to sit down and talk. We were able to get Taylor to stop just short of Monrovia, so as not to decimate the city. I read later —and I don't know if it's true —that perhaps we should have let him take the city, and it would have stopped a lot of what came later. I'm not sure that that would have happened.

Ethnic feelings were so strong that Doe's repression when he took power in 1980 was not unexpected. He put his own group, the Krahn, in power, and attacked a lot of other ethnic groups, the Gios and the Manos especially. Taylor ran out of gas, just as he reached Monrovia. He was unable to take the Krahn area, the Doe stronghold. Johnson had come in and taken the port of Monrovia, so he had control of the city's food supplies.

Then, all of a sudden, Johnson switched sides. He said, "The real bad guy here is not you, Doe, the real bad guy is Taylor. And so I'm going to come up and see you, Doe, and I have lots of food." Doe didn't have any food, but he had lots of ammunition. Johnson loaded some trucks and took food up to where the Doe people were in the presidential mansion. They made a pact. Together they were going to defeat Taylor.

In the interim, we heard rumblings that the West Africans were disappointed that the United States had not gone in militarily. The Liberians, of course, blamed the United States. The West Africans started getting together. Initially we laughed. We said, "My goodness, the Nigerians and the Ghanaians, they're going to get together and do what? They're going to intervene militarily in Liberia?"

Within a week we changed our position. We decided that it was an opportunity and we should support them. And lo and behold, the Economic Community of West African States (ECOWAS) which created ECOMOG, the West African force, came into Liberia. They were challenged by Taylor. Bullets, mortars, rockets, and bombs flew back and forth. Still, there was not enough military force to bring about a settlement in Liberia, but we did have essentially a stalemate. It wasn't a truce because there was fighting going on from time to time, but it was a stalemate.

That led about a year later to the Liberians deciding to have another conference. They said, "Let's see if we can't form a joint government, a government of national unity and shared power." By this time Doe had been killed, and Amos Sawyer had been chosen as the fellow to represent the government of Liberia versus the people of Johnson and the people of Taylor. The conference went on and on and on and on and on. It became obvious that they were not going to get anywhere, because neither side really thought that it had lost. As long as you think you can win militarily, you can talk, but you're really talking in order to prolong the effort to retain or to gain power. It was obvious on all sides.

That fell apart. And eventually, after many, many other efforts, they began to meet at Yamoussoukro in Côte d'Ivoire. Again, they reached agreements that were never kept, and the process continued and continued. The fact of the matter is that they finally all ran out of gas. After six-and-a-half years of negotiation, fighting, and persistence by the West Africans, the Liberian factions finally came to the realization that the only way they could get together was to have a real negotiation. And that's what finally happened in 1997, when the election occurred.

For me, the lessons of Liberia were essentially that, first, although the United States can influence events as a superpower, it cannot dictate them. In Liberia, the West Africans were the main force behind what happened. I think that the United States can facilitate things. I think that it can mediate. It's good to have a presence because all of a sudden something might happen that is unforeseen, and you are then in a position to be able to react to it.

Second, I think that military force is terribly important. As long as any party thinks that it can win militarily, I think a negotiation just isn't going to work. I think the participants are not ready to settle until they're just too weary. If you look at Mozambique, if you look at Angola, that's what's happened.

A third important lesson is to know the players. We knew Doe, we knew his people pretty well. We knew Taylor, but we didn't know his people. We didn't know who was backing him, initially. And we didn't know Johnson at all. It was only after a long period of time that we got to know these folks, and that we were able to have the relationship that you need in order to talk frankly and to provide the suggestions, one way or another, to bring them to the table.

I recall the first time that I met Taylor, and it was pretty obvious to me that the hatred of Doe and his Krahn, which made up about 70 percent of the population, was great. I asked Taylor, "Why not have an election?" This was in 1990. I said, "You're going to win. There's no question that you'll win hands down." He looked at me and said, "Peter, I don't trust the Nigerians and I know that I don't trust Mr. Doe. It won't work." I think he was right in retrospect. In 1990, it would not have worked. It worked beautifully in 1997.

### **Bringing Peace to Sierra Leone**

**JAMES JONAH:** In 1992 we had an extremely popular coup d'état in Sierra Leone. It brought in a group of young military officers. The head of state was twenty-six years old, and he was the eldest of the group.

Three days after the coup, I received a telephone call from the leader, Valentine Strasser. He said that they would like me to guide them. They were not aware of my restrictions as an international civil servant with the United Nations, a job which led me to decline the offer. But I brought it to the attention of the UN secretary-general, who said, "Let me think about it." The next day he called me and said, "Look, this is the future of your country. I, as secretary-general, can request you to assist them. So if you can help them, you can go ahead." I began to give them some advice.

In 1993, Sierra Leone's leaders were under severe pressure from the European Union and Western powers either to commit themselves to civilian rule or to end military rule by elections. They said that they would like me to take over as the prime minister. In light of my conversation with the secretary-general, I said, "Yes, I would do that." Subsequently, they took certain actions which frightened me. They started killing a lot of people, including about twenty-one military officers, and they began to arrest editors. I felt that such actions were contrary to all of my principles.

I said, "I cannot work with you in that capacity, but I do not want to disappoint you. So if we can carve out a neutral rule, which would make me independent of you, I am prepared to leave the United Nations and come and help you." To my surprise, they give me *carte blanche* and said, "Why don't you make it official?" So I was able to go in with a very strong hand. I was completely independent. I insisted that all the members of the military council must accept the conditions under which I went.

When I arrived in Sierra Leone at the beginning of 1994, I discovered the military mindset in Africa. The leaders had agreed that the solution in Sierra Leone would be like that in Ghana. It was called the Ghanaian solution. As a UN coordinator on elections, I had opposed the Ghanaian election, which had just occurred, because it seemed to me that it was a farce. Lt. Jerry Rawlings had just changed his uniform and was going to be elected as president. I would not support the military in Sierra Leone changing its uniform to run in an election. This was a complete shock to them. But because I had such an independent control, they had no choice when I made my policy known.

This made me an enemy of all the leaders of the region. They saw me as a man who had been out of Africa too long, who had internalized too much of this American nonsense about democracy. They thought that the best thing to do was to find a way to get rid of me. When I realized that, I decided to develop allies in civil society, such as women's groups, students, labor unions, and newspaper editors. I began to speak with them and I found them all extremely enthusiastic. This provided a very strong base of support.

On the governmental level, I went to Sierra Leone in 1994 with a very strong opinion that it would be foolhardy for anyone to rely on the United States. First, I knew that there was no domestic support for U.S. involvement in Africa. Second, Sierra Leone is a very small country. It has no strategic importance. With the end of the Cold War, there is no interest in the United States in what happens in Sierra Leone.

I told many of the Sierra Leoneans in the civil society groups that we had to reduce conflict on our own. They said that it could not be done. I said, it could. Luckily for us, I found two key players whom I had not anticipated. The first was the United Kingdom, which had no economic or strategic interest, but was extremely loyal to Sierra Leone. Then, also to my great surprise, the European Union took a very strong stand. Because I had worked for so long in the United Nations, and because I had played so many roles around the world, I knew almost all of the leaders in the world. So it was easy to get support.

I began to have difficulty with the military, even though I was brought to Sierra Leone by the military, and I was perceived initially as a friend of the military. But then I said we could not allow the military to change uniforms to run in civilian elections. That was the first major dispute between myself and the military. Second, the military wanted to ban political parties, as in Ghana. I said that the decision must be left to the people.

Another point of dispute was the timing of the election. This became very difficult to resolve, because at that time the military began to use force. Because there was no parliament, I suggested that we convene a national conference. The debate at the national conference centered around the question of whether we needed to end the civil war before we changed to civilian rule. I said, "No, because if we make that decision, then there would be no elections in Sierra Leone." The military and the rebels would test us. The people supported my position.

Another lesson which I learned from South Africa, and from Mozambique, since I was involved in elections there, is that in Africa it is not wise to use the first-past-the-post system in elections. The most important issue in African elections is to decide who has the legitimacy to govern. Often there are different ethnic groups vying for power. The only way you can resolve this problem satisfactorily is by elections. But even in a genuine election, one part of the country or one ethnic group will dominate parliament.

So for the first time in West Africa, we did what had been done in South Africa and Mozambique, and created a governance structure based on proportional representation.

That was a big issue. Even our British allies were not keen on us doing so. But the people said they would accept proportional representation, so that no side would feel left out. Luckily, the election confirmed that decision.

Toward the end, the military still did not want to give up power. So what did they do? They formalized their alliance with the rebel movement. And a week before the election they said that there would be peace talks. We were faced with a dilemma. They said, "Now the war has been going on for so long, now is the time for peace. Why can't you postpone the election, just for a while, until we make this peace?"

I took a very strong stand. I said that if we were to appease them now, there would be no elections. And how do you guarantee that after you postpone your elections, there will be peace? That was the beginning of the peace talks. Quite often, African leaders believe that they can just use the constitution the way they want to. We said, "We want to establish a lesson for Africa." President Tejan Kabbah and I had been in the United Nations for twenty-five years. We were convinced that despite all of the difficulties of the democratic system, it was the only way open to Africa. We have tried everything else, including one-man rule, and one-party rule.

The end result was that the military and the rebels staged another coup d'état on May 25, 1997. It has not been a catastrophe for the legal government. Why? Because of all the efforts that we made, because we went through a very clean election, and because of all the commitments we made, the entire world stood behind us. Africa, for the very first time in its history, unanimously condemned a coup d'état, and said that no one should recognize it. It had never happened before in Africa. ECOWAS also condemned the coup. We believe that eventually [by 1998, in fact] we will get the new leaders out, because this coup has no support in the country. Months after the coup, the shops had not been opened. Schools had not been opened. Banks had not been opened. This is, again, a very unique situation in Africa.

So the lesson, first of all, is that Africans should be able to work out their own problems. They should not try to rely on outside powers to do so. Second, I think we should be aware in negotiations of the characters of the people with whom we are negotiating. I say this, because there are certain periods when you can negotiate with certain leaders. But people like Foday Sankoh, and even Charles Taylor, are leaders, in my view, who are motivated less by ideology than by commerce. That is why, even though I know we are about to have elections in Liberia, I am not so sure that an election will produce a stable Liberia.

I also believe that those who urge African countries to move toward democratic rule should be able, in a crisis, to help. We have not really gotten that kind of help from the United States. I think this is one way one can look at how you can end conflict, but we should be very careful that we don't just buy peace and then create problems for the future.

### **Negotiating in Burundi**

**HOWARD WOLPE:** Let me begin with a list of the key characteristics of the Burundian conflict and of the peace process that has evolved around it and then move to the lessons unhappily learned from a lack of success at this stage of the game.

First of all, I doubt that I've ever encountered anywhere on the African continent a conflict that's more intractable and difficult. There is a combination of an apartheid-like social and political structure inside Burundi of minority dominance and majority exclusion from virtually all institutions, and a genocidal history on both sides within the region

(looking at Rwanda and Burundi as a regional entity). That combination has produced remarkable levels of fear, of insecurity, and of preemptive violence. Each side is convinced that if it doesn't kill first, it will be killed.

Second, there is remarkable resource scarcity. Burundi is densely populated, impoverished, and landlocked. As a consequence, control of the apparatus of state government, on the one hand, and control of land resources, on the other, represent very high-stakes competition.

Third, the ethnic organization of the conflict in Burundi is not culturally based, but is more class and caste based. The Tutsi and Hutu speak the same language and have the same cultural history. There has been a tremendous amount of intermarriage. The intensity of the conflict today is a product not of traditional patterns of competition and cleavage, but of recent impacts of colonization and democratization. We continue to see, at least in much of the media, the old images of tribalism, and assertions that the current conflict is the product of ancient antagonisms. It's very seldom true anywhere on the African continent, and it's certainly not true in the Burundian case.

The physical proximity and the mixing and the intermarriage of parties to the conflict has elevated substantially the constant sense of tension and insecurity. People do not live in physically separate areas that would at least provide some space periodically between moments of conflict. Instead, they all live very near each other. I visited some of the displaced persons camps. People are afraid to return home, because they know that the people they perceive as having been the killers of their mothers, fathers, brothers, and sisters are still there. There is a sense of constant tension and insecurity.

Another characteristic of this conflict is the constant mutual feedback between the conflicts in Burundi and the conflict in Rwanda. The Tutsi/Hutu conflicts in these two countries have taken very different courses, and one makes a terrible mistake in extrapolating from one situation to the other. Nonetheless, each conflict has really fed back into the other. Every time there's a genocide in one country that creates a political psychology and dynamic, it increases the level of tension and conflict in the other society.

Another characteristic is that because of the destabilizing consequences of these conflicts regionally, all of the nearby states and leaders have been energized in an effort to try to find solutions. The principal Burundian peacemaking effort was established by the regional states and the Organization of African Unity (OAU).

The first democratic election in Burundi took place in February 1993, bringing to power the first freely-elected Hutu president. In October 1993, he was assassinated, triggering a terrible wave of communal violence in which many Tutsi were killed by Hutu. Then the Tutsi-led army came in and killed many Hutu.

There was then structured what came to be known as the Convention of Government, which was an effort to try to bring Tutsi into a political system that would have greater stability, but, in the eyes of many Hutu, represented a total rolling back of the victories that they had won democratically in the election. In effect, what the convention did was to create a Hutu political majority, but the reality was that the Tutsi, who had total control of the military and total control of the civil service, of the economy, and of educational institutions, were still in charge. But there was a pretense of power-sharing.

The regional leaders were enormously troubled by the tremendous refugee flows coming from both Burundi and Rwanda. They chose Julius Nyerere, former president of Tanzania, to be the facilitator of a Burundian peace process. He made some stabs at an initial effort to

bring together the internal political parties within Burundi, but he was unsuccessful. He asked the regional leaders to come together at Arusha on one occasion. With President Yoweri Museveni of Uganda playing the key role, pressure was placed upon the then Hutu president and Tutsi prime minister and defense minister to ask for a military intervention of the regional states so as to provide an opportunity for some security to be established that would then permit a serious kind of political dialogue to take place. Extremists on both sides became very nervous at the prospect of this military intervention, even though it would have been consensual and would have been negotiated in terms of its detail.

One thing led to another, there was a lot of instability, and then Maj. Pierre Buyoya came back in as president. He had been president under a previous military regime, and was, in fact, the president who brought Burundi into a democratic election and then lost that election. At that point, another regional summit took place at Arusha. I went to that summit and it was a fascinating event, because there were very diverse characters from Zaire, Rwanda, Tanzania, Uganda, Zambia, and, I think, Eritrea. They came together and produced a remarkable document, which condemned the military coup.

There was a great deal of passion and an ideological dimension behind that condemnation. The attendees really did not want a pattern of military rule, like that of West Africa, to begin to spread to the eastern part of the continent. For many other reasons, there was contempt for the continuance of Tutsi control within Burundi. A decision was made to condemn the coup. But at the same time, they crafted their document in a fashion that contained recognition, on a de facto basis, of Buyoya as the principal interlocutor in the negotiating process that they wanted to encourage. They decided that they would impose unspecified sanctions. But they also laid out a set of conditions that, if met, would permit the lifting of sanctions. If a serious negotiating process were to begin, the sanctions would be lifted.

It was a remarkable document. I was amazed, as were representatives of the European Union. We congratulated all of the leaders on what they had produced, and reported dutifully back to our respective governments. I then discovered that there was incredible consternation back in Washington about the regional decision to impose sanctions.

At one point I was told to go back in and try to urge the leaders to change that decision; otherwise the United States would have to oppose sanctions. It was a very problematic suggestion. The United States had refused to put a single American soldier on the ground, and the Europeans were not prepared to enter into the region. We had been urging Africans to assume their own initiative and leadership, and they had done so. The sanctions that were being imposed were to be imposed by the regional states. They were not even asking the international community to do so. To oppose sanctions would have sent terribly mixed messages to the Burundian government, and also would have invited a North/South conflict.

The good news is that the United States finally managed to support the regional decision. The Belgians, likewise, reversed their initial opposition to sanctions and ended up being supportive. That set in place the current Arusha process. We developed a two-track operation. One track was the formal, public Arusha process, facilitated by Nyerere. A second track had been initiated before Buyoya came to power, by the Community of Sant'Egidio in Rome. It had been very deeply involved in providing a second track on the Mozambique peace process, and it includes remarkable folks. I worked very closely during the last year with Don Matteo Zuppi of Sant'Egidio, who is extraordinarily skilled at what he does.

In Rome, we received the two key armed belligerents: the government and the CNDD [National Council for the Defense of Democracy], which is the largest of the three principal armed rebel groups. They began to negotiate, with the goal of trying to find a way to agree to a suspension of hostilities. The Rome two-party talks were not designed to address the fundamental political issues, other than in terms of “general principles” that might undergird an agreement to suspend hostilities. Once a suspension of hostilities agreement was reached, an all-parties negotiation with Nyerere as the principal facilitator would be launched. One other element of this particular peace process has been very close collaboration among international envoys. A club of envoys has emerged, including representatives from the European Union, Belgium, South Africa, Canada, the United Nations, and the OAU. Nyerere has periodically brought us all together to develop a consultative approach to make sure that we are giving the same messages to both parties.

In spite of the consultation, things have not been proceeding very well. Until March 1997, we thought we were making some headway. In March, in Rome, we secured an agreement on a framework for negotiations between the two sides on a suspension of hostilities agreement. There seemed to be emerging an incipient partnership between the CNDD and the government of Burundi that gave us some hope. But then a number of things happened to slow the progress, the most significant of which was a change of military balance. Fighting in eastern Congo ended up costing the CNDD its rear base of operations in Congo.

Suddenly the Tutsi felt much more powerful politically. The army was committing terrible atrocities against the Hutu civilians. The CNDD was trying to show that it was still a force, so the fighting escalated for a time. Some of its own military activity was targeted at hometowns of key military and political figures.

Buyoya, in an effort to secure the relaxation of sanctions, took secret agreements and showed them to regional leaders, who kept questioning whether he was really serious about negotiations. Sanctions were relaxed, but from the CNDD standpoint, they had not even been recognized yet as a principal interlocutor in the process. In an effort to show that they were still around, they ended up releasing these documents to the public, and that created enormous vulnerabilities for Buyoya back home. He hung tough and went public, saying, “Yes, we have been in Rome, we are talking to the CNDD.” Now mind you, these are people who in the Burundian context have all been demonized as genocidists. But Buyoya hung tough, and he and his government went around the country in a campaign to justify the need for negotiations, even with the armed rebels.

He also took the position that he could not return to this private secret negotiating process until Nyerere had convened an all-party meeting. We had hoped to convene such a meeting on a sequenced basis, but it now became necessary to do so instantly, because all the other parties were paranoid about what was going on in Rome. They weren’t there and they wanted to make sure that they were at the table. He was particularly under challenge from the extremist Tutsi elements inside Burundi.

During the summer of 1997 we tried to initiate an all-party umbrella process, which would then provide an opportunity to continue the discreet talks to try to obtain a suspension of hostilities agreement. Unfortunately, in late August, when we thought that we finally were going to have the meeting, the government asked for a postponement of a few weeks.

One of the demands the regional states had made was that the speaker of the National Assembly, who was the only legitimate constitutionally-elected figure from the old system,

and a Hutu, be allowed to participate. But he is under investigation by prosecutors. The Tutsi are convinced he was involved in genocidal activity. There has been tremendous resistance from the Tutsi to the idea that this man should travel while he is under investigation. Buyoya decided to allow him to travel, nonetheless. Other controversial figures inside Burundi also were given permission to travel. But, at the very last moment, that became ammunition in the hands of the more extremist elements within the government. Buyoya asked for the postponement, feeling that he couldn't go forward. That's where we were as of September [1997].

Nyerere told the regional leaders that his own credibility had been attacked by Buyoya and by the Tutsi, who alleged that he was pro-Hutu. There have been new tensions between Tanzania and Burundi, because many of the rebels now operate from Tanzanian soil. The government did not want to go to Arusha, because it was no longer viewed as a neutral location. Nyerere believed that he had become an obstacle to peace and therefore he was going to recommend to the regional leaders that they find a new facilitator and a new venue, but try to sustain the peace process.

When the summit came together, the regional leaders decided that they had had it with Buyoya, with the government, and with this affront directed at Nyerere and at Tanzania. Their perception was that a year after Buyoya had come to power, the army had increased in size from 15,000 to 40,000. The Tutsi believe that they're within reach of a military victory. The government does not appear to be serious about negotiations. The regional leaders took a very hard line, insisting on Nyerere's continuation as facilitator, on the next meeting taking place in Tanzania, and on the suspension of all trials. The government had earlier executed half a dozen people, so Buyoya could show that he was not being soft on the "genocidists."

We are struggling to get the negotiating process back on course. The tragedy is that at the very moment that there has been this very hard-line regional reaction to the regime, there have been some things happening beneath the surface that are more encouraging. Some cooperation has begun to emerge between internal Hutu elements and Buyoya. Because Buyoya hung tough on the issue of negotiation with the armed rebels, his own personal esteem has risen in the eyes of some of the Hutu elements. Even the CNDD has been anxious to return to the discussions in Rome with Buyoya. Initially they weren't excited about him as their interlocutor, but now they see him as the ideal interlocutor. Buyoya has said he will come back to Arusha, the Burundians will accept Nyerere as the facilitator, but the government cannot and will not allow the speaker to travel this time, and they will not suspend the trials. Nyerere has said that he has no intention of resuming a negotiating process under such conditions. [In June 1998, Buyoya was elected president of Burundi by the National Assembly.]

Let me offer some lessons learned from this experience to this stage.

First, when the mediation mechanism is structured by states that have an interest in the conflict and is led by a regional leader, the task of facilitation is very seriously complicated by regional political dynamics. Nyerere's greatest asset is his intellectual comprehension. He is one of the most intellectually astute individuals I've ever known. He understands Burundi, and he understands the situation, the subtleties, and the dynamics. He also enjoys remarkable moral and political stature throughout the region, and has the confidence of the regional leaders. However, his own history as a regional leader, his identity as a Tanzanian, and the perception of many that he has pro-Hutu tendencies, has greatly complicated his

task. One of the ironies, of course, is that even the Hutu at one point were equally critical of Nyerere for different reasons. Nyerere would argue that he is not anti-Tutsi, that he is anti-apartheid. There is a great deal of paranoia and irrationality in the perceptions formed during conflict situations.

Second, the ripeness of a conflict for resolution is very much a function of the balance of forces on the ground. In Burundi, events in eastern Congo very suddenly undermined the military capacity and credibility of the rebel forces, leading to diminished enthusiasm of the Tutsi political military elites for the risk-taking that is required to bring parties to the negotiating table.

Third, there is a very huge difference between manipulated agreements, on the one hand, and agreements that are owned by the parties to a conflict, on the other. Only the latter are sustainable. Yet oftentimes the immediate political exigencies place a premium on producing something, even if doesn't have any real substance, is cosmetic, and has no lasting import. The corollary is that unless people are prepared for the long haul and are cognizant of what's required to build agreements that can last, external parties may quickly tire of the effort and succumb to "facilitator fatigue," which is a bit like donor fatigue.

Fourth, resolving the issue of trust is essential to all successful conflict resolutions. It may be useful to resolve process questions before getting into issues of substance. It's helpful to have the parties in conflict more self-conscious about such questions as the importance of trust, how one develops trust, the situational basis of different perceptions, and the creation of counterproductive self-fulfilling prophecies.

Someone made the observation that in Burundi, when someone says a piece of paper is white, the next person will say, "No, it's black." But that's not the real problem. The real problem is that Person A will say, "Person B says it is black, because that person has a hidden agenda." The notion that people might have sincerely held different perceptions, coming off of their different experiences, is totally foreign and is not comprehended. It takes time to build trust. Given the history of death and violence and killing in Burundi it's not surprising that no one trusts anyone. But unless you're prepared to at least open the door to testing the possibility that someone might be trustworthy, then you end up in a vicious circle with no end. That's the kind of discussion in workshops that I think would be very useful to break loose some of this process.

Fifth, international collaboration, if it's genuinely participative, allowing for brainstorming and some real consultation, can be very helpful in reducing mixed messages and developing concerted action and support for the negotiating process. That's been one of the best parts of what we have done. We have really avoided confusion that could otherwise have existed in our relation with the European Union and other African actors.

Sixth, one of the most difficult challenges is to neutralize the deal-breaking power of extremist elements. That is the fundamental problem in Burundi. Unless we can figure out a way of bringing those folks who keep undermining agreements into the process, there's no hope.

Seventh, another obstacle oftentimes is the internal fragmentation of the sides in conflict. In the case of Burundi, though we talk about the Tutsi/Hutu divide, the Hutu and Tutsi are as bitterly divided regionally as ideologically. Oftentimes, what we find is that the principal leaders are much more concerned about their colleagues on the same side of the ethnic divide than they are about the folks across the way.

Eighth, in a process that involves multiple political actors, it's important to create a formal negotiating framework that is as inclusive as possible. Within this inclusive umbrella, substantive negotiations will generally require the kind of discrete meetings between a more limited number of key players.

Finally, effective facilitation involves not only trust-building between the parties in conflict, but trust-building between the facilitator and the parties. That takes time. At this stage in Burundi, both parties are so distrustful of the world that it's very difficult to have them develop much confidence in anyone. I think Sant'Egidio has helped with that, because it spent a lot more time listening than trying to dictate. I think that we've been successful also, but it's largely because we've spent hours and hours and hours, so that when we get together with the parties, we're almost friends.

You have to be very, very careful that you're saying exactly the same things to both sides while bringing a lot of very tough messages. But the parties have come to understand that we're giving the same messages to both sides. Consistency is terribly important.

### **Lessons from the African Cases**

**EILEEN BABBITT:** It is important to highlight potential and actual coordination and collaboration between official efforts and nonofficial efforts. In the Ethiopian case, such coordination provided a way for the U.S. government to bring other third parties in to observe how the interaction between the disputing parties was playing out. It also gave the U.S. government some distance and some time to decide what the best strategy would be for it to come in, which is an interesting integration of nongovernmental and governmental activity.

It's not clear to me if there was any cognizance of that opportunity in the Liberian or Sierra Leonean cases. In Burundi, there has been a lot of nongovernmental effort, particularly by Sant'Egidio, which has intervened also in Mozambique and other places. Nongovernmental organizations can often be more effective than government officials in building trust among the participants in a negotiation.

A second observation is that there is a need to work within each side as well as across the divide. It brings up the issue of how you deal with the extremists in each camp, and whether there is some way that mediators or third parties can work more explicitly within each side. It might be more possible for pressure to be put on the extremists from within their own side, rather than from someone from the opposite side. We're seeing this now in the Israeli/Palestinian conflict and others around the world.

A third issue is the importance of the third party being an insider versus an outsider. One example is the role of the United States as an outsider and its importance in leverage and potential contribution versus the role of regional organizations and regional and local leaders. It is important to consider under what circumstances each might be most effective.

The fourth issue is coordination among groups involved in negotiating and mediating conflicts. I'm heartened to hear about the coordination going on among the special envoys, for example, in Burundi. I have wondered what problems it might create for a country or a conflict region to have special envoys coming in from different places in terms of knowing who it is that you're talking to and who is speaking for whom.

I know there have been difficulties with contact groups in the past, because often the representatives from the various countries are promoting the special interests of the

governments that they represent. It is sometimes hard for the contact group to speak with one voice, and, therefore, it's hard for its members to mediate collaboratively. It sounds as though a coordination of special envoys works better.

**LINCOLN BLOOMFIELD:** On the American policy front, clearly the focus on Africa has become very optional again. It became a front-burner set of problems for the United States in the 1980s, particularly at the height of the Cold War. Herman Cohen and Peter de Vos both spoke to actions in a very activist period, when America would commit diplomats, resources, and energy to problem-solving, usually on a short-term basis.

The United States is not going to be a very useful intervenor at any level, in any conflict, as it was—let's say was not—for a few years in the early 1970s, after the Vietnam disaster. I see a great disinclination to get involved, either at the power end or the activist end, except rhetorically. There's a push to transfer responsibility to regional organizations. The United States isn't going to do much, the Europeans aren't going to do much, and the United Nations isn't going to do much, so maybe the time has come for the regions to take responsibility. ECOWAS is an interesting precursor. But a third party needs objectivity. It also needs power. Hans Morgenthau defined influence as the reputation for power.

Yet, one can look at former President Carter in Haiti; the Pope in the Beagle Channel dispute; President Teddy Roosevelt in Portsmouth, N.H. [Russo-Japanese War]; and the Sant'Egidio people. There are obvious cases where you don't have to have power. If conditions are ripe, you may just need to be there. But judging when conditions are ripe is a difficult question. Exhaustion of the parties may be the most important factor, historically and empirically. Conflicts often end when there is a recognition that neither side is going to win or, alternatively—and the conflict resolvers don't like this—one side absolutely crushes the other. Finally, like the real estate agent's mantra of location, location, location, a mediator has to consider timing, timing, timing.

**ROGER FISHER:** The advice that I would give would depend on the diagnosis of the problem and on some general notion of what has to be done. First, communication is crucial. If there's no communication, it's very hard to focus on anything else.

Second, establish a relationship, build trust, and know the people. Put yourself in their shoes, know what their interests are, and know what your own interests are. Clarify what it is that people want to know. Sometimes you can help and sometimes you will have to probe very deeply to find out what the parties are really interested in. Is it diamonds, is it reputation, is it being honored? Then as you brainstorm about options, it will give more ideas of what to do.

I believe warnings are more effective than threats. You don't say, "This is something I can threaten or not threaten," but, rather, "I'm predicting that if this doesn't happen, I won't be able control my constituents, they're going to go ahead with this, and this is going to happen."

What a mediator like James Jonah brings to a situation is ideas and knowledge and standards. I think we have to organize in some way the tasks that either a negotiator or a mediator is trying to perform. Then you ask, what is it you need to do those tasks, and who can do it best under the circumstances?

**DIEGO CORDOVEZ:** I would like to address the issue of multiple mediators. When I was appointed recently for the Cyprus mediation, I was told that there would be something like ten or fifteen others, and there are. I was terrified. But my experience has been rather good, because in the case of Cyprus, they all recognize that this will have to be a UN settlement. The parties would never accept anything else. They have recognized that I play the role of carrying the brief, so to speak, or the dossier. They have been very helpful, and have been an important source of information.

A UN official sometimes doesn't have access to information that governments have in the bilateral context. Therefore, if I want to know what the Turks or the Greeks are thinking, I can approach some of these people who have varying degrees of closeness to those governments. My co-mediators all wanted to be in the room during the negotiations. This I did not allow because I felt that, given the personalities of my interlocutors, my interlocutors would rather lecture the mediators than negotiate with each other. So we have agreed, and they have been very good at this, that I brief them immediately after each session or whenever I feel that there is something important to tell them. In return, they brief me on their conversations, which are held outside the room, because the Turks and the Greeks are not in the room. They carry on bilateral discussions with the guarantor countries and others, and keep me informed.

**HERBERT KELMAN:** I think one needs to differentiate between the roles that different kinds of third parties play and can play effectively. Multiple third parties become problematic when they are competing with each other. To some degree, there is a competition, but I think that the important thing to emphasize is the potential complementarity. Different third parties have different strengths, and different weaknesses. If we think about this creatively, we can find ways in which they can reinforce each other rather than create obstacles for each other.

I'm cognizant of the role of force and threat of force and so on, and I'm not saying that we can do away with it. But it is more important for unofficial third-party mediators to get each party to a point where it can understand the concerns and the constraints of the other party.

**LAWRENCE SUSSKIND:** What are the measures of success we ought to talk about in all these stories? Is cessation of the battle the appropriate measure of success of interventions? It's possible to take all of the cases and say, yes, they succeeded, peace broke out and it lasted a short time, and it was even worse the next time the hostilities resumed.

When we talk about diagnosing when and how to bring different kinds of official or unofficial parties in, part of that has to reflect some measure of success that we're committed to. Maybe from the UN standpoint or the regional standpoint, cessation of hostilities will do just fine. And if you can get to that, terrific.

If I go back to preconditions, ripeness, and the prospects for mediation, and I only measure mediation as a cessation of hostilities, I may be overlooking important realities. If, for example, over time things get harder and harder and harder in Africa, because of certain precedents, directly or indirectly set, to get agreements to stop hostilities in earlier times, is that what we want to measure primarily or only as success?

How can we talk about the tradeoff between short-term success and longer-term success in terms of capacity-building, precedents that are set, criteria that are honored, and relationships that have durability?

**JAMES JONAH:** Perceptions by the parties of the mediator are very important. The military in Sierra Leone tried at least five times to kill me. The last attempt was a public bombing of my house. They wanted to kill me, but they did not want to leave their fingerprints. They were convinced beyond any shadow of doubt that I was an American CIA agent. And that belief on the part of the military, that I had enormous support from the United States, was very, very important. When we dealt with civil society groups, the meeting place was the U.S. Information Center. That gave an impression to Sierra Leoneans that the Americans were behind us. We met regularly, almost daily with the European, U.S., and UN ambassadors to decide who would say what to the military. We coordinated. We decided, you go there or you say that or I say that. And it was very, very effective, because we really had a common goal.

When we talk of regional organizations, the only one that has real muscle is ECOWAS, and that is because it has Nigeria. But Nigeria has a very bad reputation. Many of the Western countries do not like Nigeria. It's a difficulty in Liberia. It's a difficulty in Sierra Leone. But as somebody said, isn't it contradictory that Nigeria is not democratic, it denies democracy, but it becomes the guardian of democracy in Sierra Leone or Liberia? How can Nigeria promote elections in Liberia so vigorously when it is not doing so at home? That may have a very interesting impact.

For example, the opposition in Nigeria has come to the conclusion that it wants its government to get involved in Sierra Leone, because the opposition believes Sierra Leone will hold the Nigerian government to democracy at home later on. There is no understanding, unfortunately, in the Western world about that outcome.

There is also the reality that mediation is exhausting, not only for the parties, but for the negotiators. ECOWAS was exhausted in Liberia. It wanted to dump Liberia, and it didn't care how, even if it required armed attack. Quite often you don't get the most suitable negotiation. In Bosnia, for example, the United States was trying to get rid of a difficult problem as quickly as possible.

The U.S. attitude toward sanctions at times is baffling. The United States, when it perceives that it is in its own interest, will push everybody in the Security Council to impose sanctions. The United States tells other countries that sanctions are very important against Cuba, very important against Libya, and very, very important against Iraq. Then it comes to Burundi, and the United States says, "No, no, no, you cannot do that."

**HOWARD WOLPE:** When I was asked to take on the Burundi assignment, my first question was: Why would anyone think that America would be remotely helpful or relevant to Burundians? I was amazed when I got out there to discover that it was precisely because we had no interest that we could be helpful.

The peculiar thing in the Burundian context is that there's a love/hate relationship in terms of the response of the various parties in the region to the United States and to the West being involved. On the one hand, there is the desire for the Western states to be engaged, in the sense that our engagement can mean additional leverage. We envoys have played multiple roles in the mediation process. When the Rome talks were in process, I

would be always in Rome, usually with one or two of the other special envoys. We would be constantly coordinating strategy and consulting with Don Matteo [of Sant'Egidio]. We were not in on the meetings themselves, but by prearrangement, we would meet with the various parties and talk about trying to work through problems or apply pressure in one direction or another.

The second kind of function that we were performing was informational because we all were able to share different kinds of information, based upon our own respective conversations. Third, we were part of a broader consultative effort with Nyerere to try to coordinate the overall process. When there was tension between the Rome track and the regional state process of Arusha, we facilitated and brought the parties together.

On the other hand, there is a desire for African ownership and, therefore, some real sensitivity to outside intervention. For example, there's less enthusiasm about the Rome process than there is about the regional process. Yet the regional process engages people who are perceived as having a bias or having an interest in the process itself, which compromises the credibility of that regional structure to handle a neutral mediating process.

In terms of measuring success in the Burundian case, there are two answers related to U.S. policy. The reason that we are engaged is that we are desperately concerned that Burundi not become another Rwanda. The United States wants to head off another genocide, and recognizes the critical importance of having a negotiating process in place to begin to try to get the parties engaged at the table.

The fact that there has not been that kind of communal increase or intensification of violence is some kind of success. But the reality is that none of the fundamental issues have been dealt with. One of the reasons that I think there's less Burundian government capacity now to move into negotiations is precisely because the military equation has changed. So we are really between a rock and a hard place.

That was one of the reasons that I had been supportive of the sanctions regime. I recognized it was the only tool that was in place to provide some meaningful pressure on the regime. In the absence of that, there is now growing pressure in the region to talk about military engagement through third-party intervention. It's not imminent. It's going to take time to produce.

But in the Burundian context, that kind of military intervention has potentially devastating consequences in terms of the genocidal dimension of conflict there. So we continue to try to resist that and to try to argue for further negotiations. The avoidance of violence and killing is our central goal. The longer-term goal is to enable the parties to reach agreements about power sharing and security arrangements that can provide some confidence for the future.

**JAMES JONAH:** In Sierra Leone, the issue was legitimacy. Many of the problems in Africa stem from competition over who should govern. We have not yet devised a better means than to go to the people and let them decide. Now we have too many issues involved.

First, there was an issue of removing the military from government. Then we had the civil war. Until 1994, nobody knew that Foday Sankoh [leader of the rebel Revolutionary United Front] existed. The first time they were able to identify that he existed was when he took the initiative to ask to speak with me over the radio. We spoke for 45 minutes. The military was threatening me, saying, "Get out of the country or you will be killed."

Sankoh kept saying he had no interest in government. He said all he wanted to do was to remove the military, and that political elections were not his strong suit. I told him that the only way we could remove the military was through elections. It was only toward the end of the process that he began to talk about getting involved in elections.

The central issue for the country was how to end military rule. I was not involved as an individual in the negotiation, because I was convinced that it was a farce. We must look at some of these wars differently. The reasons Afonso Dhlakama [leader of Renamo] was fighting in Mozambique were quite different. Dhlakama had vigorous tribal support. People like Taylor had none. His was purely a commercial interest.

Dhlakama was a mystery figure. He was South African agent, but nobody knew. My firsthand encounter with Dhlakama was a big surprise to me, because the agreement in Mozambique was signed at the very moment the elections were concluding in Angola. I met him the first time when [UNITA leader] Jonas Savimbi was announcing the results of the election. The first thing that he said to me was, "I want to assure you, I will not be able to accept it."

I said, "What do you mean?" He said, "If I sign this agreement, you can be sure I'm going to seek full implementation. This will not be a game." I couldn't believe what I was hearing. And frankly speaking, he kept his word. It occurred to me that no matter what you give him, it's meaningless. He has been given everything he wanted. All he wants now is to control the whole province where there are diamonds. Why should the world community support such an individual? I don't understand. What kind of peace are you looking for? What kind of success?

Last year, people began to needle Robert Mugabe [President of Zimbabwe and chairman of the OAU in 1997-98] about the oddity of the OAU condemning the coup in Sierra Leone and having in the midst of the OAU someone like Buyoya. Mugabe was mad. I said, "But who told us to stop, not to remove Buyoya?" He said, "You, the Western powers, said, 'This is a democrat; this is a man America can deal with.'" It has been over a year now and the man is still there.

I have serious doubt about Buyoya's credentials. I know him very well and he's a personal friend of mine. But I discovered after former [Burundian] President Melchior Ndadaye was killed that, in fact, he never thought he would lose the election and he never accepted the results. But he's the man that we were told was a democrat and could lead. We lost sight of the principle of somebody removing an elected government. If you go through the process and elect somebody, you shouldn't allow anybody to remove that person. The people will remove that individual (through elections) if that individual is not performing.

**HERMAN COHEN:** Working within each side as well as between sides, we used the technique of introducing mid-level military people, lawyers, and bureaucrats to mingle with their opposite numbers on both sides. They were able to ferret things out and influence the parties.

Also, we used the technique of having a lot of social events during negotiating sessions. Although people would be very rigid and stick to prepared scripts during a negotiating session, at a cocktail party they could mingle with each other and sometimes get down to real business. In the negotiations toward the independence of Namibia, extremists were brought in from South Africa, Cuba, and Angola. They had a lot of fun screaming at each

other, but they tended to neutralize each other, and I think that had a very good impact. If you keep extremists out, then they're festering out there, and they can do a lot of damage.

All civil wars have a regional context. If there were no regional context, there would be no civil war because the flow of arms and other types of support have to have a regional context or else the wars would dry up. We made a list of everybody who had some potential influence or real influence on the Ethiopian civil war, and we were ceaseless in keeping contact with them for two reasons: One, to prevent them from doing damage, and, two, to ask them sometimes to do something useful, like pick up the telephone and call one of the protagonists to try to get some deadlock broken. In Ethiopia, to give one example, we were constantly seeing the Egyptians, the Kenyans, the Sudanese, and the Saudis. It was a constant round of travel and talking to these people in various locations, just to make sure they were on board and weren't doing any damage. And it was true for every conflict in which we got involved.

While working on all of these conflicts, one thing I came to feel was important about the United States being involved was the element of moral guarantee. The United States will never say, "If you sign an agreement, we will guarantee that nobody will violate it, and we will send troops." But the element of moral guarantee, having the United States looking over the parties' shoulders while they sign an agreement, is extremely important psychologically. We've seen this to be true in every conflict in which the United States has been involved. My fear is that the style of the first Clinton administration, especially the very soft approach of Secretary of State Warren Christopher, eroded that guarantee, especially in Bosnia. But I think the element of moral guarantee is coming back now with Secretary of State Madeleine Albright, who seems to be more assertive.

Finally, cessation of hostilities is a very important point. We never, never asked for a cease-fire in any of our work. Cease-fire always comes last. This may sound cruel because people are dying —they're shooting at each other —but cease-fire is one element of bargaining. That's where I fault Mohammed Sahnoun [UN special envoy to Somalia] in his efforts. He always asks for a cease-fire first, and that complicates everything, because somebody always benefits from a cease-fire and somebody else loses.

Now, the broader question is, does cessation of hostilities really do the trick? After you sign an agreement, the question that arises is: Have they signed because it's just a continuation of warfare in another form, or have they really signed on to a new political accommodation? That's where analysis has to come in, and that's where it frequently fails. It failed in the Arusha Accords with Rwanda, where clearly both sides signed on in order to continue the war. In Mozambique, it was just the opposite. Both sides signed on in order to have a new political accommodation.

It is the content of the agreement that's important. I think mediators have what they call a signature obsession. They often believe that it is important to sign something and then go home and claim victory. What are they signing? Is it really implementable? Do they really mean it? In the implementation stage, you can find out pretty quickly what their true intentions are, and you have to be ready to pounce on it.

**HOWARD WOLPE:** Suspension of hostilities has been one of the most difficult questions for all of us who have been involved in the Burundian negotiation. Herman Cohen is quite right. One of the reasons that we use the term "suspension of hostilities" now and not cease-

fire is precisely to make clear that we're not asking anyone to give up their right to hold onto arms or to take up arms until there's a political settlement.

In the context of the Burundian problem, with levels of fear so widespread, it's not a question of localized battlefield conflict, it's throughout the society. The struggle has been to try to get folks willing to talk in the midst of that insecurity. By getting the two principal parties together to talk about a suspension of hostilities we sought a means of enhancing levels of security that would permit the dialogue to go forward. But we also understood that Leonard Nyangoma [national chairman of CNDD] and the CNDD could not simply lay down arms, they had to have something to carry back home. We fashioned a notion of the articulation of a set of principles with respect to the big issues, such as the constitution, the army, and judicial reform. The expectation was that both sides would put their names on a piece of paper committing to a certain set of principles that would leave obscure the details of a new constitution and the details of the arrangements. Those things would await the all-party process that was to follow.

I don't know if that's a workable solution or not, but that's the dilemma we're struggling with. Because the levels of violence are so great and the fear and insecurity is so great, you almost have to have those fears subside substantially in order to build sufficient confidence to allow the process to go forward. I share James Jonah's view that we should condemn military takeovers of democratic governments. Buyoya, for all of his good intentions, is very much a Tutsi politician and not a national politician. Although he intellectually comprehends that Tutsi survival depends ultimately upon a negotiated framework rather than on military force, his principal concern is survival. He doesn't have much capacity to understand Hutu perspectives in this process, and he may not be able to manage this process through to a successful conclusion.

One thing that I feel after a year of involvement is that coerced solutions are a dead end for Burundi, given the history of the society. There's a whole cultural dimension in terms of Tutsi traditional dominance. There is the extraordinary scarcity of resources in the competition that has emerged around control of the state machinery. There is the total preoccupation with the prospect of genocide and extermination by both groups.

Until you can begin to build and repair some of that and develop sufficient confidence through whatever countervailing power mechanisms are established, I don't think you can have lasting stability. An effort simply to assert the kind of legalistic institutional imperatives of the illegitimacy of the military regime and therefore return to a restoration of democracy is a guarantee for ongoing genocidal levels of violence.

**ROBERT ROTBERG:** Robert Pastor said that if things didn't happen quickly during the Haiti negotiations, there were consequences which were probable. Did you have some kind of clout in Ethiopia which made it work?

**HERMAN COHEN:** We controlled all of the food going into Ethiopia. It was very important. In fact, we had some theorists in Washington saying, let's cut off all food assistance to Ethiopia. That will end the war. My answer to them was that the United States never says no to hunger. But we found that negotiating on food aid and where it went gave us a lot of leverage over the military on the negotiating side.

**ROBERT ROTBERG:** Do you have any leverage in Burundi?

**HOWARD WOLPE:** Not really. Nothing that I would regard as substantive at this stage.

**ROBERT ROTBERG:** Tanzania has all the leverage, because it controls routes?

**HOWARD WOLPE:** One of the problems is that the states in the region are trying to pretend they have leverage, but with the collapsing of the sanctions regime or the divisions and the application of that regime, they're beginning to look like a paper tiger, which is part of Nyerere's frustration.

**ROBERT ROTBERG:** Kenya is your problem?

**HOWARD WOLPE:** Both Kenya and Tanzania are. There's an enormous amount of smuggling and breaking of the sanctions, even within Tanzania, despite the greater commitment of the government itself to the sanctions regime. There is an open border with the Congo now.

**LINCOLN BLOOMFIELD:** I would recommend that crisis managers and conflict resolvers write on the blackboard 100 times that a cease-fire is not conflict resolution, it's conflict suspension. It doesn't end until the dispute is resolved. That little syllogism is very hard to deal with, both at the United Nations and in the United States, where for decades the impulse has been to avoid instability by rushing in after it's too late and trying to stop the shooting.

**DIEGO CORDOVEZ:** I had a very interesting conversation with Richard Holbrooke [U.S. special envoy to Cyprus] on the difference between a mediation when there are hostilities and when there are no hostilities. Of course, without hostilities, the sense of urgency disappears. In Cyprus, we have a very interesting situation. There are no hostilities because the UN troops are there, and they have been there for more than thirty years, longer than any other UN peace force.

I have never totally supported the concept of conflict management. In Cyprus the United Nations stopped the hostilities in 1964, but left the conflict alive. Sometimes it's the only thing you can do. The dilemma is: Aren't you thus prolonging the conflict forever?

**EILEEN BABBITT:** Is it morally better to leave the troops there or to pull them out?

**JAMES JONAH:** Fortunately, that is for the Security Council to say. I think it depends on the theater of operation. In the Middle East, at the height of the Cold War, when the possibility of drawing the big superpowers into conflict was ever present, it was important to have troops there. Secretary of State Henry Kissinger, in October 1973, prolonged the conflict so he could have leverage over the Israelis.

In Somalia, there was constant fighting in Mogadishu, no one could deliver any food, and people were starving because for more than six weeks there was continual bombardment. At least you need a temporary respite to be able to take in some supplies.

**PETER de VOS:** What is success? I think it depends on the timing of the issue and the particular conflict. It's great to be in Washington and London and the United Nations and elsewhere, and sit there and debate: should we have a cease-fire or not? When you're on the ground and the bombs are going off, you want that cease-fire. That's exactly what happened in Liberia.

I recall getting instructions to tell Taylor to halt the war. I went to Taylor and Doe and Johnson and got a cease-fire agreement. It didn't last, obviously. Six months later the fighting started again. But it was an awfully nice thing to have those guns quiet for a short period of time. I think that's a measure of success in Liberia. Later on, it broke down, and then they went into the larger process.

On the role of third parties and NGOs, it again depends on the area and the individuals involved. In Liberia we didn't have too many outsiders who were really involved. Initially, it was the United States and then it became an ECOWAS process. ECOWAS was really hurt, because the Anglophone and the Francophone countries in ECOWAS disagreed about what approach to take.

In Somalia, it was a little bit different, when Mohammed Sahnoun and I were there. We worked very, very closely together. We were the only operatives in this awful war zone. Unfortunately, Sahnoun got fired and we introduced the military, and I didn't like that idea. But, initially, we worked at getting people to start talking to each other.

The issue of legitimacy is also important, and it came home to me when I arrived in Liberia. I arrived on a Friday, and on Saturday morning Doe sent word that he wanted me to come see him. I went under armed guards with bombs going off. He was in a dirty T-shirt and dirty jeans, as was I. He said, "Ambassador, I want you on Monday to present credentials." I said, "I'm sorry, but I don't have credentials." He said, "Well, that's all right. Just give me an envelope."

I went around and when I met Taylor, it was the same thing. When I met Johnson, it was the same thing. [President Amos] Sawyer and I initially were great friends. But when I would not present credentials to him I became his worst enemy. He thought I was the worst person in the world, and it was personal. The legitimacy issue is a very real one.

**HOWARD WOLPE:** I'd love to hear more discussion on the question of sanctions. There's been a huge debate internally within our own government and the international community, about the role and the kind of circumstances that prevailed in Burundi.

**ROBERT ROTBERG:** In Liberia, after ECOMOG had failed, and then succeeded and failed again and then succeeded, the anecdotal story is the recent elections are directly a result of Major-General Victor Malu, ECOMOG's Nigerian commander, deciding that he was going to achieve a success.

So clearly there was a Nigerian policy at the top — not an ECOMOG policy at that point — but a Nigerian determination to do something vaguely similar to what we were trying to do in Haiti to impose elections and make sure they work. And General Malu was sufficiently able to use his force and, in a sense, to mediate.

**JAMES JONAH:** In Abuja in the last major summit, we developed a timetable, an idea which I sold to the ministers, as the envoy of the UN secretary-general. At every stage you review it. That worked.

**ROBERT ROTBERG:** In the Rhodesian negotiations the mediator, Lord Carrington, was clearly a mediator part of the time, a negotiator part of the time, and an agent for a result that he wanted. The flip side of building trust was that he had command of information. He knew what the contending parties were saying to themselves. He had the ability through British intelligence to tap the telephones and all communications, and he knew what the other sides were bringing to the table each day, so he could prepare a strategy. Is this something which is important?

**HERMAN COHEN:** I would say that's useful, but more important, as Roger Fisher said, is getting to know the parties personally, getting to know what's in their psyches and what motivates them, what drives them. We found that the Tigré People's Liberation Front were not Albanian Marxists, but just a bunch of young guys looking to overthrow a repressive regime.

The moral persuasion argument is not unimportant. These guys all seem to want the sanction of the United States and get concerned when we threaten public condemnations. They want to have us as a guarantor of the process. They use that term all the time, and I had to spend some time making sure that they understood that we did not mean, by that, an actual guarantee. The informational exchange is important. We're the only power that has the capacity to finance the degree of travel and face-to-face involvement necessary. And sometimes just carrying messages back and forth becomes a very critical role in the process.

But one of the things that's really been very discouraging, from my standpoint, is how few intelligence assets we have in that part of the world. When I tell people how little we really knew about what was going on in the Congo, for example, and the same is true of Burundi, they're startled. The fact of the matter is we have virtually no hard intelligence coming out of that area.

**JAMES JONAH:** This question of intelligence annoys me. In Rhodesia, I believe the crucial factor was the Anglo-American proposal in the country. It was not the negotiations in London. When Kissinger forced the South Africans to stop supporting Rhodesia's UDI [Unilateral Declaration of Independence], that was a key decision. But in the London discussion, where there was fair intelligence, the South Africans came out of the talks with a conviction that the elections would be won by Bishop Abel Muzorewa [leader of the United Party] and Joshua Nkomo [leader of Zimbabwe African People's Union]. There was no doubt in anybody's mind that Mugabe would lose the election. It turned out to be the reverse. That is why the Namibian negotiations slowed down, because the South Africans said, if we can be so wrong in Rhodesia, we can never take the same risk in Namibia.

**DIEGO CORDOVEZ:** I have always felt that the solution that is arrived at is usually the only one possible at that point.

**ROBERT ROTBERG:** Ripeness may not be there that day, but you're trying to achieve momentum.

**LINCOLN BLOOMFIELD:** The data on negotiations comes from people who, like this group, looked back and said what worked and when. They did not say what they tried to do

before that didn't work, which is an endless tale. I think what's wrong with this particular conversation is that it's too undifferentiated. We've got a phase model.

If you are in a hostility situation, if you're fighting, what this evidence says is that these were the conditions that prevailed when we were finally able to get the fighting to stop. It did not say what you had to do before the fighting broke out in terms of conflict anticipation and prevention.

It's an endless argument and the reality is that governments and the United Nations simply do not pay attention sufficiently until the blood starts to flow, and then you're in the situation when either someone has got to win or both sides have to be exhausted, according to this data, for the fighting to stop. It has nothing to do with resolving the underlying issues, which should have been done before the fighting began.

**LAWRENCE SUSSKIND:** When you have a case and you look back at the kinds of intelligence that comes from the stories, if you discover that the balance of power is never even at the point at which you can get the cease-fire, or that when you get the cease-fire as your objective in Phase 1, you may in fact be losing an opportunity to make a deeper or more elaborate set of trades because you've given up.

If you look back at all the phases, you'd say, "We missed an incredible opportunity to dig into the substantive issue—we could have gotten something and given something—because we emphasized the success by Phase 1 as the cessation of hostilities." If the result you want is not just the end of the hostilities, but whatever happens in the later phases of really resolving the dispute, it may be that it's much more important to think about what gains are given to both sides than what pain is inflicted upon them.

Every time people use the term "force," I understand how it allows you to get a resolution because you get into a hurting stalemate or too high a cost of going on. But shouldn't there be an equal emphasis on what other parties, particularly the United States as a superpower, could offer to create a set of benefits that go with a new state of affairs, which is a new equilibrium? There's been no mention of the benefits, gains, or rewards side.

**JAMES JONAH:** I think Kissinger followed the technique, throughout all of his negotiations, of laying out benefits, rewards, and punishments. Every agreement that Kissinger made had an elaborate benefit involved. I got to a point where I decided that this was a very dangerous thing to do. The reason that Egypt and Israel are getting billions of dollars in U.S. assistance is because of the Kissinger negotiations.

Vietnam is another case where Kissinger promised substantial economic aid, which was never delivered. If you talk to the Vietnamese, they'll tell you of their bitterness. In Sierra Leone I asked for an exit strategy for the military. And what did we do? We gave them all scholarships to the United States. And this coup was supposed to be a reaction to that, because the first goal was money and scholarships.

**HERBERT KELMAN:** The point is not providing gains in the sense of rewards, but gains in terms of establishing a new relationship to which the parties will be committed, and which will then lead to an improvement in their lives.

I think the examples you gave of Kissinger's techniques involve the use of gains as the opposite of punishments, which doesn't move toward a new relationship.

**ROBERT ROTBERG:** Improvements in lives doesn't mean necessarily improvements in the commonweal. It can mean improvements or affixing the gains that have been made on the ground for leaders.

**HERBERT KELMAN:** For the superpower to come in and say, if you do what we want you to do, we'll give you X number of weapons or X million dollars for economic development, is not the same thing as pointing to the gains that can accrue to both parties from commitment to a genuine agreement, which changes their relationship.

**HOWARD WOLPE:** In the Burundian context, there's no question that part of what has been missing in terms of the overall articulation is trying to develop in some tangible fashion what a peaceful Burundi could experience, or what a peaceful Rwanda could experience in terms of the benefits of a broader economic interaction, of a reopening of development assistance, generally.

Having said that, there's a reason that it doesn't happen to the degree that you would like it. One is that it's in the future, and, therefore, much more abstract. Folks are much less willing to make behavior changes based upon some future anticipation, when they're faced with the immediacy of whatever factors are compelling their behavior now.

It is the negative sanction that can be immediately applied. It's a short-term/long-term kind of distinction that makes the future benefits much less persuasive and much less relevant, oftentimes, than what can be done in the immediate term. Another option is to offer immediate benefits, to say, "If you stop fighting, we'll pay right now." But that ends up being played into the power equation of the moment in ways that are very destructive.

**LAWRENCE SUSSKIND:** I think that if you reward that behavior, you reinforce it forever. I agree completely. But there is some merit in the concept of linkage, which is what Jonah is really, I think, attacking with Kissinger. I understand the negatives that it creates, but I also think that it can work to the extent that there are some principles that you can wrap it around. You can create nearly self-enforcing agreements that don't require each side to hit the other again to make things happen. You shouldn't eliminate the possibility of contingent agreements where you say that if you get to this next stage in the relationship, we will help with something specific. And then if you get to that point, we'll help with the next item.

It's worked out with all kinds of parties. It's important to be totally transparent. The principle is one you're willing to have thrown back at you again and again. You've stated it. My work is in the arena of environmental negotiation, and there isn't going to be an agreement on climate change unless there's going to be assistance in some form to the developing world to implement its share of the agreement.

**ROBERT ROTBERG:** And the more specific one can be in laying out what the future might hold, the more credible those sets of future rewards become.

## **Afghanistan, Cyprus, and Sri Lanka**

### **Sustaining the Peace in Afghanistan**

**DIEGO CORDOVEZ:** Without going into the history of the Afghan conflict, I will talk about the lessons that I learned as the UN mediator. I want to ask you to remember the context in which I had to deal with the Afghan situation. It was the last regional conflict of the Cold War. But as a UN mediator, I was also operating within the Cold War framework of the United Nations, which meant a paralyzed Security Council. I didn't have the backing of any resolution of the Security Council. The only resolution that had been tabled had been vetoed by the Soviet Union.

Moreover, at that time, an international official like me was not allowed to become involved in any internal aspect of the situation. My mandate was to get the Soviets out, period. I was told in the U.S. State Department and in all European capitals: "If you get the Russians out, everything will then fall into place." You see what has happened. At the beginning it was the West which was slightly interested in some kind of internal political solution, but without any involvement of the UN mediator. When the Soviets realized that leaving things as they were would be a disaster, they became interested, but then the West said, "No, no, that must be a pretext not to leave." So just don't do anything, let them go, and then we will see.

You may recall President Reagan's dictum of "never say never." I will give you ten "nevers" for a UN mediator.

The first "never" is that one should never give up, because in this particular case and in most cases, the mediator is the engine of a negotiation. My interlocutors were Kabul, Islamabad, Washington, and Moscow. In Washington and in Moscow, there were very great differences of opinion about the situation. They were in a way paralyzed, so I was the only one who could push them into doing something.

Certainly, from time to time I would scare them. And this is when I realized that somehow they were interested. At one point I was about to throw in the towel. I said I would not go to Moscow on a scheduled trip because of the Russians' lack of movement. I then realized that they were interested because they were upset that I had not gone.

There was a confrontation in Moscow between the civilians and the military, particularly after [First Secretary Mikhail] Gorbachev came in and decided that he would withdraw. I always felt —and this is what kept me going; otherwise I should have committed suicide — that the Russians were interested in getting out. But it is only when Gorbachev came that concrete steps were taken. He then encountered members of the military, who said, "We are not going to leave if it is going to appear that we are leaving in defeat." I kept pushing and he was eventually able to force the military to accept the settlement and withdraw their forces.

The second "never" is never lie, which may seem obvious, but it isn't. In a case of proximity talks the temptation to twist a little bit what the parties are saying is great. I only lied in connection with the names each called the other. When one side told me, "Tell those crooks that...", I would repair that and say, "those gentlemen." But other than that, I never changed anything, because it is amazing in international relations how people talk to each other behind the back of the mediator.

Although the Soviet Union and the United States had a very tense relationship and they were supposed to refuse to talk about the Afghan conflict, they were, in fact, talking about it. So if I had said something to one or the other, they would have been able to compare notes. I was told to be careful about what I said to the Afghans because there were ministers of the Communist regime in Kabul who went regularly to Peshawar for dinner. Peshawar was the

center of the resistance movement. The best thing to save your credibility is always tell the truth, the whole truth, and nothing but the truth.

My third “never” was never to let them draft agreements, particularly in the context of United States/Soviet relations. I said, “I prepare the drafts. You negotiate.” Because the moment you have one of these parties, who are so emotionally involved, begin to produce drafts, you are never going to be able to change a comma.

I remember throwing a paper back and forth because they would say that they had a revised version of one of my paragraphs. They would say, “Here it is.” I’d say, “No, no, please.” And, finally, sometimes I would take the paper with the understanding that it was just a written comment on what I had drafted.

The fourth “never” is never fail to develop a personal relationship with your interlocutors. Social interactions are absolutely essential. I will mix this with other “nevers,” but it is really when you develop a personal relationship that you start to know what in the United States is called the “bottom line” of your interlocutors.

When the interlocutors say, “I think we could accept that, provided that ...,” you know what they want. But they only say that when you go for coffee, when you have dinner, when you have a personal relationship. And sometimes it is the only basis on which you can get a concession.

A lot of people say that my most difficult interlocutors were the United States and the Soviet Union, over Afghanistan. But my most difficult interlocutors were Col. Muammar Qaddafi of Libya and particularly, Dom Mintoff, Prime Minister of Malta when I mediated a problem between their countries about the continental shelf. You cannot imagine how difficult these people were. It was impossible to negotiate a solution. The only thing to do was to convince them to submit the dispute to the International Court of Justice. The Court issued a ruling which made history, because it changed the rules about the Meridian Line.

When we had finished drafting that agreement and everything was ready, I asked Mintoff where we were going to sign the agreement. Mintoff said that it should be signed in Malta because we had gone three times to Libya, and this idiot—which I changed to “gentleman”—had never been in Malta. I went to Qaddafi and said, “Would you go?”

He said, “It’s out of the question. Me, go to Malta? Impossible.” So we continued to talk. I said, “Please promise me this: Next time you have to make a trip, you make a stopover in Valletta, the capital of Malta. You sign the agreement and you continue your trip.” He said, “Okay, for you, I will do that.” I went back to Mintoff and said, “If he comes to the airport, you have to be at the airport to sign this thing.” He said, “Okay.” That was done exclusively on the basis of personal relationships.

Almost a year elapsed and suddenly I read that Bruno Kreisky, the Chancellor of Austria was organizing some meetings about the Middle East, and that Qaddafi had been invited to Vienna. I sent a message to Qaddafi, “Your Excellency will recall that you promised me...” I received no reply, but two days later I read in the *New York Times* that Qaddafi had flown to Vienna to meet with Kreisky, and that “on the way to Vienna he had made a stopover and signed an agreement with Malta.” It is absolutely essential, to have the possibility of discussing an arrangement like that on a personal basis.

Another “never” is never ask a question if you don’t know the answer. That is a lawyer’s rule. In many cases, it can be absolutely a disaster, particularly in formal meetings if you ask the wrong question. This is why I attach so much importance to the personal relationship,

because in a more personal context you can even pretend to be totally ignorant about the subject and ask all kinds of questions and get some very interesting answers.

The sixth “never” is never surprise the parties with press statements. In the days of the Cold War, nothing would annoy the Soviet Union or the United States more than to see details of a negotiation in a newspaper, because that meant that their intelligence service had not worked, that their ambassadors were no good, all kinds of things. So don’t surprise them, unless it is part of the technique that you have already developed.

Never take anything for granted is my seventh “never.” The number of times the parties promise to deliver something, which in fact they cannot deliver, is really amazing. To act on assumptions about what the U.S. or the U.S.S.R. would say and do would have been extremely dangerous. They liked to be unpredictable.

Eighth, never delay when it can be avoided, but never precipitate a move if you are not sure of the results. This question of delay and precipitation is, in international relations, in general, and in a negotiation, in particular, extremely sensitive. Even among my assistants, I had a good balance between those who were “delayers,” and those who wanted immediately to react to everything. One of the most difficult aspects of mediation is to know when to take certain steps.

Ninth, never jump to conclusions, particularly if something happens which is inconsistent with a scenario. The Afghani negotiations were a mixture of “shuttle diplomacy” — when I went to Kabul and Islamabad and to Moscow and Washington — and negotiation meetings in Geneva. One of the things that I always suggested was, let us analyze very carefully everything that happens, because everything that happens, particularly those things that happen unexpectedly, are in fact, those which may have a very positive effect at the end. So I always said, let us think, analyze, and wait, because most of the surprises that the interlocutors deliver are with a certain intention which may not always be positive.

The last “never” is never allow the parties to derail your master, fundamental, principal structure. I feel very strongly that a mediator, once he examines the facts, and the background, and the interlocutors, and so on, has to have a basic strategy. He has to try to get the parties to start filling the blanks, so to speak, and moving in the same direction.

In the case of the Afghan negotiation, I made an extremely difficult decision, and fortunately I was proven right, that we had to leave the troop withdrawal to the end. I came to the conclusion that it was impossible to get the Soviets to withdraw unless everything else was in place. It was extremely difficult because, leaving aside all kinds of details, the *quid pro quo* was stopping interference by Pakistan and the United States.

I had to get the Pakistanis and the Americans to agree to every single detail of a document on noninterference, which would start at a certain date which was to be agreed upon with the Russians. It was not easy. We had many problems but I never changed my master plan, which in the end worked.

### **Easing Civil War in Sri Lanka**

**DONNA HICKS:** What is the role of the third party in a protracted ethnic conflict when the parties are not talking to one another? What do you do when the level of mistrust is so high, and the fears that the parties have of each other are so profound that they’re embedded in their own identities? Our approach is the interactive problem-solving approach developed by Herbert Kelman for his work in the Middle East.

We are now talking about unofficial approaches. We've had some wonderful insights from the official level. Kelman's approach is an unofficial approach to ethnic conflict resolution, and it's based on a scholar/practitioner model in the sense that we engage in the practice of interactive problem-solving, but also in theory-building and in research. We also are constantly rethinking and analyzing and reanalyzing our techniques, our intervention strategies, and our theory-building. The practice and the theory-building each inform the other.

To give a brief overview of the Sri Lankan conflict, the Liberation Tigers of Tamil Elam (LTTE) have been fighting for a separate state in the north and in the eastern provinces of the island of Sri Lanka since 1983. The Tigers claim that they are the sole representatives of the Tamil people. This is a national struggle, given that the Sinhalese and Tamils have distinctly different cultures, and distinctly different languages and religions. The Tamils believe that the Sri Lankan government has systematically discriminated against them for decades.<sup>1</sup>

In 1987, the Indian government intervened to try to monitor a cease-fire between the Tigers and the government. That intervention failed, and the Indian troops withdrew in 1990. Between 1990 and 1994, the Tigers used this opportunity to strengthen their liberation movement. They recruited a number of young people, both men and women, even children, into their movement. They gained support from expatriates living outside of Sri Lanka, in particular in Canada, Europe, and the United States.

In 1994, Chandrika Bandaranaike Kumaratunga was elected president of Sri Lanka. She is considered a moderate, and there was tremendous hope that she would have the power and the mandate of the people to restart the peace process. She did well in her initial attempts. In November 1994, a cessation of hostilities was declared, and formal negotiations were initiated in January 1995. The president sent a delegate of hers to Jaffna, the headquarters of the LTTE, to begin talks.

The government agreed to lift partially the embargo that had been in place since 1990 on medical supplies, fuel, and generators. That was a tremendous move on its part, in the sense that the government was always fearful that these supplies could be taken and used by the Tigers and might actually never reach the people whose suffering they were intended to relieve. But after five months of calm, the LTTE blew up two naval vessels in Trincomalee, in eastern Sri Lanka. That event restarted the war. Violence escalated throughout 1995. It was marked by a major government military offensive in Jaffna.

The LTTE retaliated by detonating a bomb right in the heart of Colombo, blowing up a major bank and killing more than 100 civilians. That event changed the psyche of the Sinhalese in the south, because they were at that point terrified of even taking their children to school for fear that one of these random bombs was going to kill them. The violence escalated until April 1996, when the government decided to launch another major military offensive and retake Jaffna. The Tigers fled into the jungle and reorganized themselves south of the Jaffna peninsula.

At the same time that the government decided to take over Jaffna, it began the development of a devolution package. There was a Parliamentary Select Committee appointed by the president to try to come up with a political way of resolving the Tamil

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<sup>1</sup> See *Sri Lanka's Civil War and Prospects for Post-Conflict Resolution* (World Peace Foundation, Cambridge, MA, 1998).

problem by devolving power to new regional councils. The government had a two-pronged strategy. One was a military strategy to try to wipe out the Tigers entirely; and the second was to develop the devolution package.

Since then there have been bloody, bloody battles in the district where the Tigers are headquartered. President Bandaranaike has stated an interest in talking to the Tigers because the government's military approach hasn't been all that successful. But there are still many, many obstacles to a negotiated end of the conflict.

First, the parties don't believe that negotiation is possible. Each party is deeply convinced that the other party is acting in bad faith. Whenever we go to Sri Lanka, we are asked: Do you think that the other party is sincere? Is there a genuine interest in peace on the part of the Tigers or on the part of the government?

Second, there is a tremendous military momentum. The predominant belief among the Sinhalese is that if only the Tigers could be annihilated, then the Sinhalese could negotiate with the more moderate Tamils in the south, the devolution package would be accepted, and the war would end. There's tremendous public support for this military strategy.

One of the most difficult obstacles that we face is that there is a powerful history of betrayal and mistrust. In 1965 and in 1956 there were two pacts that were promised by a member of the Tamil community and the Sinhalese president to develop a federated state with equal opportunity for both the Tamils and the Sinhalese, but those agreements were never implemented. The government feels that the Tigers were responsible for breaking the cease-fire.

Another obstacle that has challenged us greatly is intergroup divisions on both sides. On the government side, there's a strong history of the opposition party trying to undermine all of the work toward peace that the current government is engaged in. There's been tremendous work on the part of the British Foreign Ministry to bring together the opposition party and the government.

On the Tamil side, there's probably even more of a challenge, because the Tigers really believe that they're the sole representatives of the Tamil people. But there's a whole group of southern Tamils that doesn't agree with that proposition, and is much more moderate in its thinking. The Tigers in the north feel that the Tamils in the south are traitors; that they're trying to sell out by negotiating an end to this conflict through the devolution package. It's a very serious problem of intergroup divisions on the Tamil side.

Another problem is that the LTTE leadership is inaccessible. [LTTE leader] Vellupillai Prabhakaran is holed up somewhere in the jungle. No one ever sees him. It's very difficult to talk to him, and it's difficult to get to his delegates. William Weisberg and I tried. We went north to try to meet with the LTTE leadership in 1995, which we were able to do. But the problem with trying to put together a workshop is that the leadership in the north feel very strongly that they don't want anyone speaking on their behalf. If anybody engages in negotiations, it has to be the top leadership. It can't be the second-tier group of people, with whom we normally work. It can't be people close to the leadership. They want to speak on their own behalf, because they feel that nobody knows these issues as well as they do.

Lastly, there's a lack of international pressure. Nobody really cares about Sri Lanka in the international community. There are no national interests that would provoke a superpower or any of the Western countries to intervene and try to help bring an end to the conflict. Our challenge has been to come up with a suitable analysis that we could draw on in crafting our

own project, and also to come up with the right process that could contribute to creating the conditions for a successful negotiation.

**WILLIAM WEISBERG:** There are certain assumptions in our work, the first of which is that there are core or basic human needs that must be met in order to find long-lasting resolution to protracted ethnic conflict. Although military and other kinds of power play a role in these conflicts, we also try to emphasize the element of basic human needs. That includes identity, security, and autonomy. When we speak to the Sinhalese and Tamils, both community leaders and political leaders, the two major themes that come up over and over again are a Tamil desire for sufficient autonomy to protect themselves from persecution, and a Sinhalese fear of losing their identity and security through Tamil separatism.

In 1983, after some military personnel were attacked by radical Tamils, there were riots in the capital, and though Tamils and Sinhalese have lived side by side, the Sinhalese residents took their neighbors out and burned them. There's a tremendous trauma in Sri Lanka's recent history. The Tamils talk about needing autonomy in order to feel protected from persecution. On the Sinhalese side, the theme that we hear over and over is fear: a threat to their identity and security from this encroaching Tamil presence in the context of a separatist movement. It's one thing if there's a concentration of Tamils living in the northern peninsula, which isn't very fertile land, and they were just to say, we need our own federal state within a confederation. But it's not that clean and simple.

Two complicating factors are, one, that the Tamil population is mixed in throughout the country. And, two, granting greater autonomy to the Tamils makes the Sinhalese fear that their bastion of Sinhala Buddhism is threatened, as is the core of their own country and their own being. The presence of Tamil Nadu in India across a short sea, is also difficult. Tamil Nadu has 50 million Tamils, which is more than the population of Sri Lanka.

A second element we look at is the social psychological processes that perpetuate a conflict by reinforcing distrust. Even when there appear to be solutions that would meet some of the basic interests of the two parties, they often have not been able to get together, or the possible agreements unravel for several reasons. For example, even during the cessation of hostilities two years ago, you would hear each side say that the other side was not serious about talks, because it was continuing to build militarily.

The LTTE would say that the government is continuing to increase its military budget. The Sinhalese would say that the LTTE is continuing to maneuver its cadres in the north and east. These things were true. But there was no recognition that both could still be trying to defend themselves and, also, possibly have some interest in negotiation. There is a group idea that the other side is really only out to get them. This enemy image gets perpetuated and makes it difficult for the two sides to move forward. Solutions to these conflicts must be arrived at interactively. We're not great believers in a situation of protracted ethnic conflict and the utility of shuttle diplomacy —of meeting with one group in one place and one group in another, or having action and reaction. It has to do with the parties' deep mistrust.

Let me give you an example. Two years ago, during the cessation of hostilities, the Tigers had been asking for an international mediator pretty consistently, and the government had resisted such a thing. But during the cessation of hostilities, the president said, "I have an idea. Here is the name of a French mediator who can help us." This in many ways could be seen as a concession to the Tigers. They had been calling for an international mediator. Here the president just suggested one. What do you think the result was?

The Tigers were completely offended. They said, “You’re going to dictate to us, one of your old pals from the Sorbonne is going to come in, we don’t know who he is, and we don’t trust him.” There was no interaction regarding what the procedure should be. Because of that, it was open to different interpretations, and it actually had a boomerang effect. The same was true in the talks with the government. The president would send one of her trusted, informal advisors, a religious leader, for example. She seemed purposely to choose people whom the Tigers had liked in the past. These were people who were somewhat sympathetic to the Tamil cause. What was the reaction of the Tigers? “The president doesn’t take us seriously at all. She’s sending her architect and her priest to come and see us, instead of senior diplomats.” And, again, without planning and interacting about what the negotiations should be like, the negotiations were a terrible failure.

A third point is systemic analysis. To us this means many things, but the thing we want to highlight is looking at a conflict on three levels. In conflict, we must look at intraparty tensions and how those must be addressed for a lasting solution. The party in power in the government and the opposition party constantly undermine each other as they try to make progress in peace talks. On the Tamil side, it’s a very difficult situation because there are moderate Tamil parties as well as the LTTE, which is more radical. There has been a very nasty internecine struggle for the last twenty years.

The third level is the international or regional level. In this case India has a lot of influence over what will happen.

The final point of our analysis is about the contributions that nonofficials can make in protracted ethnic conflict. We looked to nonofficial dialogue, and by nonofficials. In our case, we’re talking about people who are either advisors to decision-makers, have some influence with decision-makers or have some influence with important constituencies in the body politic. They have influence, which is one reason we’re interested in them, but they’re not as constrained as are government or official decision-makers. They’re allowed to experiment a little more.

We’re trying to work with nonofficials to lay the groundwork for official level talks. We got involved in this conflict because we were asked to facilitate dialogue among expatriate Tamils, Sinhalese, and Muslims. This was several years ago. Since then, we’ve been expanding these dialogue groups to include nonofficial leaders from Sri Lanka itself. Our project at the moment is to persuade a nonofficial group of people close to the government and close to the LTTE to talk about what each party could do within its own political constraints to indicate meaningfully to the other its readiness to talk.

In the absence of talks, how do you even signal that you might be ready to talk? How can this be done within your own internal political constraints? The president can’t just decide tomorrow to go out and say, “Okay, we’re starting talks,” because she sent these boys into battle and lost a lot of blood over the idea that you can’t talk to the Tigers, you have to do battle. What could the parties do in the absence of trust to start talking?

We usually gather a team from both communities that represents a variety of points of view. We try to get people aligned with different factions. It’s difficult on the Tamil side, once again, because the Tigers are reluctant to sit with anyone else. It’s one of the challenges of our work at the present time. We try to get these interactive groups together because of our belief that solutions will only come through interactive dialogue, through working together, through getting ideas on the table and having others respond to them. So long as they continue to put forward proposals, even proposals that they think are responsive to the

other side, without talking to the other side, the proposals are suspect and they get immediately dismissed.

A final reason we're working with nonofficials is that the officials are just not ready to sit down and talk. Once officials sit down and talk, we can think more about the complementarity between a nonofficial and official process. But right now, the goal is really to lay that groundwork for the official talks.

In summary, the lessons are:

One, there has to be attention to underlying needs and fears to resolve protracted ethnic conflict.

The second lesson is that the dialogue, the negotiation, must be an interactive process, because a messenger can't bring one party's reality to the other. Only when you're sitting face-to-face, talking to that other side, does it become vivid. You understand their political constraints. You begin even to care about them.

If you're just a messenger, carrying ideas back and forth, the words get dismissed, they get put in the most negative possible context. We believe in face-to-face interaction. That is what we believe might help them start to envision this conflict as a joint problem. By envisioning it as a joint problem, it gives them the opportunity to come up with ideas that might be responsive to both parties and both communities.

The third lesson is the contribution of nonofficials to this process, because of their lack of constraint. Another conclusion is that it's very important at the official level to employ some sort of third-party process. The previous talks were a failure for a number of reasons. In addition to the ones I've mentioned, there was a big issue about getting supplies to the north for humanitarian relief. According to the Tigers, the generals were intercepting the supplies and selling them. According to the generals, the Tigers were intercepting the supplies and using them only for their troops and not allowing them to get to the people.

A third party would automatically have brought in some monitors and other mechanisms. The two sides never even discussed such a possibility. We believe that there needs to be some sort of third party, and we believe that a nonofficial joint group might be able to outline conditions that would be acceptable to both sides in a third-party intervention. That is, the government has been reluctant to include any third party. The Tigers, because it suits their interest, would like an international mediator to bring a lot of pressure to bear on the government. We don't think that the two sides will agree about what kind of third-party process might be utilized unless they're brought to the table by some facilitation process.

Finally, a point about the role that academics can bring to this kind of conflict resolution that diplomats are constrained from bringing. There is something nonthreatening to the parties about saying, "Come to Harvard University, sit and talk to each other." It is almost like an academic exercise. It doesn't have all the weight of entering into negotiations, because it's not. It's an exploratory exercise, and that brings with it some of the benefits, in and of itself, that we think complement the official mechanisms that we also believe in very strongly.

### **Lessons from Afghanistan, Cyprus, and Sri Lanka**

**RONALD FISHER:** The situations we're talking about are the number one problem in the world in terms of human, economic, social, and political cost. These situations involve intractable, ethnopolitical conflict. Ted Gurr and others have used the term ethnopolitical

because it's those two elements together [ethnicity and politics] that really seem to put the monkey wrench into dealing with conflict.<sup>2</sup>

I use an iceberg as a simple analogy for both intractable ethnopolitical conflict and for third-party intervention. In this kind of conflict, on the surface we have the behaviors, the actions, and the kinds of things that boggle the mind and damage the heart. These attempts to influence escalate the conflict beyond what outsiders perceive as any kind of reason. We can go down in that iceberg and start, as conflict analysis people do, with the positions of the parties (the offers, the demands at the table), the underlying interests (the reasons for the positions), the underlying concerns, and the basic needs and the fears that go with them.

Along with that analysis, deeper in the iceberg, coming from the discipline of social psychology, I agree with some of the comments that have been made in terms of the importance of misperceptions, hostile attitudes, a lack of accurate and open communication, and a lack of the relationship qualities that we believe need to be there for people to resolve conflicts or disputes. Mistrust puts great constraints on the people who want to deal with conflicts, especially when violence reaches the level it has in many of these situations. People carry traumas for ten, twenty, thirty years before they may even be expressed in the presence of someone from the other side. Trauma has incredible power over these individuals.

Another element that is important is the cultural analysis that may be required in many situations to understand how each party deals with conflict and relates to the other. We can conceive, as others have indicated, of a culture of conflict that is embedded in each society that dictates our practices, our beliefs, and our institutions for dealing with conflict. When two or more parties come together, these cultures may not mix too well. I appreciate, at the level of international diplomacy, that a metaculture has developed in which people usually follow the same understandings and rules. This is extremely valuable.

An official mediator needs to be sensitive to cultural norms, but they can't be brought and put on the table. That's not part of their analysis. I'm becoming increasingly convinced that social anthropologists who say that conflict resolution needs to take culture seriously have something to say to us. And we might start listening, because cultural factors may be toward the bottom of the iceberg.

Another difficulty that exists for an official third party is: Do you work around all of these social-psychological elements or do you work through them? I was impressed that at one point Howard Wolpe said, "Yes, work through these perceptions," and he had done so through interaction with members of the two parties. But, traditionally, in mediation, the strategy is to be cognizant, be sensitive, but to try to work around such problems in the hope that achieving a settlement will then help alleviate some of the relationship difficulties. The difficulty we face is that by the time you work around the misperceptions, the hostile attitudes, the very deep emotions, the relationship problems and so on, one wonders if it's not an almost impossible task to get to where you want to be.

One of Diego Cordovez's "nevers" is never give up. I marvel at the tenacity of the people who have worked on the Cyprus conflict. When we talk of a conflict being ripe, I'm reminded of John Burton, one of the people who pioneered this field of conflict resolution, who said that the problem is not that it's ripe, but that it's rotten. And that's the difficulty we're facing.

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<sup>2</sup> Ted Robert Gurr, *Minorities at Risk: A Global View of Ethnopolitical Conflicts* (Washington, 1993).

A few words about the iceberg of third-party intervention, which came more to my mind today: On the surface we have official mediation, particularly of international organizations, the United Nations, the regional organizations and state powers. But the world is changing. Constraints have been lifting. The Cold War has ended. The United Nations is now focusing on internal conflicts, whereas ten years ago, it would not. The United Nations would say, we don't move in, it's clear in the UN Charter. The current willingness to focus on internal conflicts represents an important advance.

To the official processes, we add interventions such as dialogue facilitation, conflict analysis or interactive problem-solving workshops, and reconciliation work, which we see is more and more essential during settlement phases. We have a lot going on now within that iceberg. The need for coordination mentioned by Eileen Babbitt is growing by leaps and bounds. We need some kind of institutional structure and processes by which the actors concerned with a given conflict can exchange ideas about what they're doing. That would call for some hard decisions, like deciding that mediators shouldn't be involved sometimes.

What we now need, in terms of theory building is more induction from these complex sets of interventions that are going on. Cameron Hume has a book, for example, on resolution of conflict in Mozambique.<sup>3</sup> We need more study of official and the unofficial cases so that we can learn from and start to do some inductive theorizing about what works where. We have some really good ideas on the table here and in some writings about guidelines for negotiations, the dos and the don'ts — especially what never to do. Maybe there are some that are concerned with what always to do. I'd like to know the "always."

We need to put it all together, to gain an understanding of how one iceberg merges with the other, then we can be more effective in getting where we want to be. That, to me, would be through multiple, coordinated, phased interventions that involved both the political and the public levels. The responsibility of the leaderships and the societies in these situations is paramount. Those of us who deign to intervene from the outside need to respect that, but need to say, "What can we legitimately and usefully offer?"

There are a whole range of potential complementarities. Unofficial processes are useful in the prenegotiation phase. We're now seeing more interventions, including Herbert Kelman's work, that I would call paranegotiation. We see the great need in places like the former Yugoslavia for post-settlement and reconciliation work. We're just starting to scratch the surface of what really needs to be done.

**LINCOLN BLOOMFIELD:** I was struck by the Sri Lankan case and the summary that security, autonomy, and trust were three key factors. I thought immediately of some other cases that are very similar; Cyprus being one, Palestine being another, Bosnia being another, and even Canada/Quebec. The question I pose is: In ethnic territorial conflicts, where the territorial separation is at least partially visible, what does settling the conflict mean?

Secretary of State James Baker once said that Yugoslavia must keep together. President Bush, in Moscow, said the Soviet Union must keep together. They said those things because, culturally, Americans are still traumatized by their own civil war. I think this is very deeply embedded in the models that Americans carry into all of these conflicts.

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<sup>3</sup> Cameron Hume, *Ending Mozambique's War: The Role of Mediation and Good Offices* (Washington, D.C., 1994).

James Jonah reminded us what was said when Katanga seceded from the Congo. The Africans said that if you permit secession, there are going to be 2,000 countries in Africa. I think we ought to test the assumption which Americans lay on others, that territorial integrity, which is a phrase that comes out of the UN Charter and the League of Nations Covenant, is an ultimate value. That's a 100-year-old precept that we live by, and I'm asking that we challenge it. What difference would it make if there were 300 states? But what's changed since Article X of the League of Nations Covenant in 1919 is that some very small political entities are proving, in an age of computer-based telecommunications and global trade, to be viable.

Some years ago in Cyprus I visited Rauf Denktaş [leader of the Turkish Cypriots], who is a very tough character. He said, "Okay, professor, you've been here for three days, you must know everything about Cyprus, like all these other visitors. What do you recommend we do?" I said, "I think you should build the highest wall you can between you and the Greeks." He said, "What? How could you possibly say that? Everyone else who comes says, 'You must get together on sewers and schools and start chatting with each other and communicating.' Why do you tell us to build walls?" I said, "It's very simple. I happen to be living in Switzerland." When I told that story when I got back to Geneva, the Swiss were very insulted. Why don't we at least be aware of the unconscious models that we are imposing on these issues when we talk about solutions?

**PETER de VOS:** When Cordovez listed his "nevers," it seemed to me that he really wanted to tie down absolutely everything beforehand. He wanted to dot the i's and cross the t's, and never proceed until he knew the answers. I think in some cases that's probably true, but it seems to me in other cases you have to be imaginative, you have to take risks, and you have to advance things. When you're going between parties, sometimes you have to stimulate the discussion a little bit. I think that a mediator is not just a messenger. He's one who is creative. Sometimes you have to misinterpret your message on purpose.

**DIEGO CORDOVEZ:** Never misinterpret the message.

**PETER de VOS:** Who asked you [Hicks and Weisberg] to get involved in the negotiations or to get involved in Sri Lanka? I know absolutely nothing about Sri Lanka, but as you were talking, it occurred to me that much of what you said pertains to Colombia. In Colombia, as far as I'm aware, nobody genuinely wants a negotiated solution. The government obviously does want a solution that leaves it in place; but the rebels don't want a solution. It's not to their advantage. I'm not sure, judging from what I've just heard, if that's the case in Sri Lanka, also. Maybe no side really wants a solution. It's big business in places like Northern Ireland. Governments want solutions, but there's a lot of money involved. There's a lot of making careers out of it involved. And there's not always the desire for a solution.

**DONNA HICKS:** The expatriate community asked us to come and facilitate a dialogue with them and to do a problem-solving workshop in New York with expatriate Tamils, Sinhalese, and Muslims. After conducting several workshops, they realized that the process needed to be taken to the island; that they could do relatively little while sitting in New York. The real problem-solving needed to be taking place among the Tigers and the Sinhalese in Sri Lanka.

**WILLIAM WEISBERG:** As to whether the parties in Sri Lanka want a solution, I think you'd have to ask what solution. I think both parties really do want a resolution —I'm talking about the mainstream level leaders —but they just can't get together on what that resolution should look like. There are elements on both sides that would press for not resolving the conflict. There's a lot of suspicion that there are people making a lot of money off of the war in the south, and so there are arms dealers and others who have an interest in not resolving it.

The Tamil Tigers have survived as a liberation struggle and as a guerilla movement, and many people question whether they'd be ready to make the transition to civilian leadership. But I'd say it's too cynical to think that the parties don't want some solution. They just want different ones. When we talk about alternatives to unification in Sri Lanka there are two problems.

One is practical, because the populations cannot easily be divided. There would be significant pockets of each group interspersed among the other, and that complicates the matter practically. Psychologically, the majority of Sinhalese would have a lot of difficulty coming to terms with the Tamils as a persecuted minority.

**DONNA HICKS:** There's an entrenched feeling by the Sinhalese majority that if you give up anything, that's just asking India to come in, because the Sinhalese feel, in the context of the entire subcontinent, that they're the persecuted minority. I'm skeptical that the government of Sri Lanka wants a resolution to the conflict. The more investment they put in the war, the harder it is to get out of it. They're going to have to face demilitarization, which is a very scary concept when you have such a heavily armed population. The government troops are primarily poor kids from the south with no other employment options. What are you going to do with this group that is trained militarily?

The Sinhalese fear of India coming in and completely overwhelming the Sri Lankans is a topic that has come up in our discussion in the workshops, and we've actually made significant headway. The Tamils say, "I understand that you have this fear, but it's just preposterous. We don't want anything to do with India."

This is a perfect example of how the parties could talk about these fears and get some reassurance from each other if this were an interactive process. It's an opportunity to check out assumptions.

**DIEGO CORDOVEZ:** In a negotiation like the one in Afghanistan, when you have as interlocutors the Soviet Union and the United States in a Cold War context, what started as a bilateral negotiation between Pakistan and Afghanistan ended up being a negotiation between the mediator and the four interlocutors. They were not negotiating among themselves, because that was simply impossible in practical terms. The superpowers had too many constraints.

In the United States there was a very serious problem between the administration on the one hand and the Congress on the other. I remember my American interlocutor saying things like, "My God, this is going to be leaked by the White House tomorrow if we don't get the Soviet answer by tonight." The Soviets, as I said before, had enormous difficulties between the civilians and the military.

To a large degree, I think we had an agreement on withdrawal because of that little plane with a German pilot that landed in Red Square [May 28, 1987]. Gorbachev inflated the incident, and said that this was gross negligence on the part of the military. He asked how this could happen, and so on and so forth, and fired all the guys who were against the Afghan settlement. In such circumstances, it was impossible to expect the Russians to have a reasonable discussion of alternatives. We had to have a plan, and it was a plan that had to be developed on the basis of a very cold analysis of what was possible. In those cases, the mediator becomes the main negotiator and negotiates something which he thinks is possible. That is why I say that negotiation consists of making the necessary become possible. This was really the essence of the last two years of the process.

**HERBERT KELMAN:** You, as a UN mediator, can't take the risks that we, as academics can. We can fail because we're just "disposable" mediators. We can take more chances, do more things, because we're disposable. The United States and the UN are not quite as disposable.

**PETER DE VOS:** Have you run into the problem of non-negotiable demands and, if so, how did you handle them?

**DIEGO CORDOVEZ:** There are a number of ways. One is just to forget about it that moment, not to talk about it and hope that the person making the demand will forget. Sometimes they forget. When they don't, you can respond to the demand in such a way that it becomes difficult for the one who has made the proposal, or take advantage of that fact to include a quid pro quo, which is going to be more expensive for him.

I had a case involving border problems, which are extremely emotional. For at least four years the Pakistanis were hoping that in the process of settling the question of the withdrawal of foreign troops from Afghanistan, they would get the border accepted at the Durand Line [boundary established in 1893 between Afghanistan and what is now Pakistan]. So they made a proposal which was totally unacceptable to the Afghans. I drafted a response that was totally unacceptable to the Pakistanis. But doing so was fair, because that's one of the things you have to be very careful about, not to appear unfair. The only way to solve that particular problem was to withdraw both demands.

**HERBERT KELMAN:** I usually cope with the problem by insisting on reciprocity.

**RONALD FISHER:** Your comments indicate the combination that is required to move to a mutually acceptable settlement. Certainly a sense of strategy and some clever ideas are one thing. Another one is the difficulty, which was mentioned earlier, of in some way persuading the parties that they can move into the future. Often the difficulty is that the status quo is less risky and therefore more acceptable. The question is what kinds of political processes and structures will manage that kind of situation in the long term. I do mean manage in the sense that ethnopolitical conflicts are not ultimately resolvable. For example, we need to say that the Canada/Quebec situation is not resolvable and somehow move on.

We need to get more creative at what I call the "far end" of conflict resolution. That includes structures like electoral systems, which were mentioned as important in Sierra

Leone. It's arrangements like confederations or federations. It's elements like power sharing and autonomy. There are quite a few examples and there's some leading-edge work being done. This is where the political scientists can do the field a good turn by increasing the range of options, so that parties can see that these fundamental needs can, in fact, be met within a workable relationship with the other side. The alternative, which I find scary and unacceptable, is homogenous ethnic enclaves all around the world saying, "We're a state." It may come to that, but that's going to take much pain and adjustment, because in most of these situations, there are multi-ethnic states in which the populations are interspersed. If you take the size of the political unit down, all you do is change the playing field.

Quebec, if it separates from Canada, will have a large Anglophone minority. It's going to have exactly the same problem Canada has on a smaller scale. Rampant ethnic fractionalism is chaos, and it's not good human relations.

**EILEEN BABBITT:** I'd like to go back to the question that was raised about whether learning is possible, not just on the part of the mediators, but on the part of the peoples of these different conflicts, as they reflect or know about or can learn about what's happening elsewhere. Diego Cordovez seemed to say that it was not possible, that such learning is an American concept that may not be exportable.

Have people who are working on these various conflicts — particularly ones in which it's not just conflicts between leaders, but conflicts between peoples — found places in your mediation efforts where bringing up instances of successes from other places was useful and, if so, how did that work? I'm thinking about Burundi and wondering if it is open to learning from South Africa, and how we might facilitate that kind of learning process.

**HOWARD WOLPE:** In Burundi, the tension that we've all been struggling with is between trying to develop confidence-building steps to allow people on both sides to talk to each other — and at times almost giving up on the futility of that, given the ongoing war — and trying to jump start the conversation by throwing out or trying to engage in the discussion of the end game, so as to begin to get people thinking more about the possibilities of the future. Frankly, we haven't been very successful at either.

My conclusion at this point is that you must have two levels operating at once. You have to introduce into the process methods that are designed to encourage conversation and trust-building that may not have a clear substantive focus, and at the same time use more academic settings to begin to get a conversation going about future models, using the experiences of other societies.

I would like to take 200 of the key players in Burundi for two weeks to South Africa under cordial auspices to do leadership and team-building exercises, but also to have them exposed to the South African army integration efforts, and comparable issues with which the South Africans had to deal. I think that would help. The problem is that in the Burundian political context, these guys are so creative, starting several parallel negotiating tracks, that you want to make sure that when you engage in this kind of effort, it's somehow linked to the process or you end up with actually more chaos than movement.

**HERBERT KELMAN:** Creating ethnic states may be too easy a solution, and it doesn't really solve things. I don't know what's going to be the best outcome for the Cyprus conflict, if there ever will be an outcome. But I don't think that we should dismiss the commitment

to, the value of, and the possibility of some kind of unified Cyprus. I think that we should look for a better solution than just building a wall there and having a separate Turkish state.

The issue of cultural, religious, and linguistic communality is relative. I don't believe in clashes of civilizations. I don't believe that differences in culture, in and of themselves, make it impossible for people to live together, just as similarities in culture don't prevent very, very profound conflicts. There are states that have built a national identity out of much less than the Greek and Turkish Cypriots have in common. They do have a great deal in common, not the least of which is that small island.

I don't know what the solution is, but I do think that we should be careful not to assume that strong differences have to be settled through political separation. Each case has to be decided on its own terms. It so happens that in the Israeli/Palestinian conflict, I'm in favor of a two-state solution. So I'm not necessarily consistent.

**DIEGO CORDOVEZ:** In Cyprus, for the last thirty-four years, they have been discussing the idea of a framework agreement, and there have been versions issued every four or five years by the UN secretary-general. Each is basically a rehash of the same thing. What I have suggested to the secretary-general is that we have the legal text of the settlement approved by referenda in the two communities.

The advantage of that method is that when these documents are submitted to a referendum, that will be it. There will be no further drafting and translation and interpretation of what that particular sentence meant, or how should it be drafted in the constitution. There was an idea to have two referendums, one to approve the framework document and the other one to approve the actual documents. As I said, this will take fifty years. There should be only one referendum on the initial legal text constituting the settlement.

# Israel and Palestine

## Creating Sustainable Peace in the Middle East

**HERBERT KELMAN:** My own work has involved unofficial third-party efforts to resolve the Israeli/Palestinian conflict for more than two decades. But here I want to focus on the Oslo accord.

There are two metalessons that I will be drawing from this case. The first one is the potentially complementary role of different levels of mediation, or different types of third parties. My basic assumption is that different types of third parties can play different roles, each of which is useful under certain circumstances and for achieving certain ends. Such different ends are all legitimate and important. What is success? Is a cease-fire a success? Is a signed document a success? Or do we have to think in terms of conflict management or conflict resolution? All of these are necessary. A cease-fire is obviously necessary when killing is going on. I think there are occasions when one needs a signed document, but is that the end of a process? The question for any third-party effort is: Do we know what we are trying to accomplish, are we doing what needs to be done to accomplish it, and are we aware of what else needs to be accomplished?

I want to comment on the relationship among strict Track 1 diplomacy, with the United States as the third party in the conflict; strict Track 2 diplomacy, which is the kind of work that we and other people are doing as unofficial third parties; and the Oslo process, which is a peculiar mixture of Track 1 and Track 2 elements. The main lesson that I want to draw is that all three are valuable and complementary.

The second metalesson relates to the potentially contradictory effects of certain aspects of mediation and negotiation. There are certain features of a mediation process that facilitate agreement. But these very same features may impede implementation of that agreement or may impede movement toward resolution of a conflict. In this connection, I will focus on the role of secrecy in the Oslo agreement. It is a good example of a feature of a process that was essential to its success, but at the same time created many of the difficulties that we are now increasingly confronting during the follow-up to the Oslo process.

Despite its flaws, I see the Oslo agreement as a fundamental breakthrough in the Israeli/Palestinian conflict. I associate that breakthrough primarily with the letters of mutual recognition. The mutual recognition that preceded the declaration of principles represented a conceptual breakthrough in this conflict. We are now going into very, very hard times. Howard Wolpe describes the current situation as “defeat snatched out of the jaws of victory.” Nevertheless, I think that the breakthrough was real. What worries me is that even if the negotiations eventually succeed (as I think they will), if it takes thirty years—or even ten years—the situation on the ground will have deteriorated to such an extent that a good solution will no longer be available.

Track 2 efforts, including our work and the earlier work of Yair Hirschfeld, who was the original unofficial, but authorized, Israeli representative in the Oslo talks, helped significantly to lay the groundwork for Oslo. Oslo became a reality because the parties’ various long-term and short-term interests converged in persuading them that it was necessary to come to an agreement. Both concluded that negotiations between an Israeli Labor government and the Palestine Liberation Organization (PLO) offered the best hope of reaching an agreement.

What helped to focus their minds was the alternative. Prime Minister Yitzhak Rabin was one of the Israeli leaders most reluctant to deal with the PLO and with [PLO leader] Yasser Arafat in particular. He initially did not accept the Oslo talks with a high degree of enthusiasm. Shimon Peres had long before, I think, reached the point of recognizing that Arafat was the person with whom Israel would eventually have to deal. Rabin did not, until the last minute. However, there came a point when he realized that he was not going to get anything out of the negotiations in Washington. He concluded that if he did not deal with Arafat, he might eventually be confronted with Hamas as the only alternative. Arafat, of course, had been ready to deal with the Israeli Labor Party for some time, and the PLO had, in effect, recognized Israel in 1988.

In addition to these short-term developments, there were long-term developments, which I would trace back to the 1967 war, that led the parties to see the necessity of coming to an agreement —and coming to an agreement basically in the form of a two-state solution. It was essential for them to be persuaded that it was not only necessary to do so, but also possible. They became convinced that there was a reasonable chance that negotiation with the other side was possible; that it could, in fact, yield an agreement that would not jeopardize their national existence.

That sense of possibility, I would argue, resulted to a large extent from two decades of interactions between significant Israelis and Palestinians, mostly at the unofficial but elite level, though sometimes including officials and political figures. A lot of the interactions between political elites from both sides took place under the auspices of my group and other unofficial third parties over many years. These kinds of unofficial efforts had helped to lay the groundwork for Oslo in three ways. First, the unofficial efforts produced cadres of people on both sides who had experience in communicating with each other. They developed the sense that communication was possible and could be fruitful. Some of these individuals became very directly involved in the official negotiations. Second, the unofficial efforts helped to develop the ideas that then were embodied in the Oslo accord. Third, they helped to develop the atmosphere that was necessary for entering into negotiations. The sense of possibility itself is an important element of an improved atmosphere. Other elements are a degree of sensitivity to the use of words and to the way in which language among conflicting parties normally threatens and humiliates the other side, and greater responsiveness to the concerns and constraints of the other side. These kinds of lessons learned in the course of unofficial contacts helped to create an atmosphere that made it possible for the parties then to sit down at what gradually became an official process in Oslo.

It's also clear to me that, in the end, the United States has to be brought in as a different kind of third party —as a mediator with clout, as a mediator, for better or worse, with its own interests. Despite the limitations of such a third party, I don't really see any alternative to bringing in a mediator with its own interests at certain stages of the process. Take the Egyptian-Israeli case, in which a peace process was also developed under circumstances that excluded the United States. In the late 1970s, the Israelis and the Egyptians worked out peace arrangements on their own, almost behind the back of the United States. But once that breakthrough had taken place, the United States had to be brought in to keep the process alive, to move it ahead, and actually get the parties to make the difficult decisions that they had to make.

But while the United States is essential at some stage in the process, the United States could not have mediated the Oslo accord at the time it was negotiated. It required a different kind of third party, like Norway (if there weren't a Norway, one would have had to invent it), which was not really concerned with its own interests and its own visibility at every moment in the process, the way in which the United States, as a mediator, is. The Israeli-Palestinian negotiations needed a third party of that kind in order to allow the parties to explore each other's positions, concerns, and constraints in secrecy. The Norwegian government was the ideal third party for that purpose.

The strength of Oslo was its unique mix of Track 1 and Track 2 elements. Oslo can best be described as an officially sanctioned process which made effective use of certain Track 2 elements. One Track 2 element that was used effectively in Oslo was secrecy (although in our work I prefer to speak of privacy and confidentiality). The value of secrecy was that it allowed noncommittal exploration to go on. It allowed testing back and forth. It allowed ideas to evolve over time, among the negotiators themselves, and in consultation with the top people on both sides. Secrecy made it possible for that process to continue without being shot down as being impractical, which would likely have happened if there had been too much overt consultation. Certainly, if the press had become involved and people were put into the position of having to make public statements, the negotiations would have been damaged.

A second Track 2 element provided by Oslo was an isolated, informal setting, which made it possible for the parties to listen to each other and engage in creative problem-solving. A third element was the status of the initial participants. Although there was a degree of asymmetry between the Israelis and the Palestinians, both sides were marked by a combination of authority, or authorization, and deniability. The initial Israeli negotiators were Hirschfeld and Ron Pundak, academics whose legitimacy could easily be denied. But at the same time, they came authorized by Yossi Beilin. Gradually, through a process of successive approximations, the level of the participants went up as the parties developed increasing trust in each other. On the Palestinian side, the leading negotiator in Oslo, from the beginning, was an official, Abu Ala, a member of the PLO executive committee. But his portfolio was economic affairs, so he was not part of the chain that normally would be involved in the political negotiations. Abu Ala always played his hand in such a way that there would be deniability. Thus, there was a degree of deniability on the Palestinian side as well.

A fourth feature of Oslo that combined Track 1 and Track 2 elements was the nature of the third party. An NGO called the Norwegian Institute for Applied Research (FAFO), played the role of hosting and making arrangements for the meetings, but there were very close ties, obvious to everybody, between FAFO and the Norwegian government. Interestingly, there were two familial ties. One of the key researchers in FAFO was the wife of the foreign minister, and the head of FAFO was the husband of a foreign service officer. There was no question in the minds of the Israeli and Palestinian participants that they were dealing with the Norwegian government. The Norwegian government was acting, in effect, as the third party, which gave the process a kind of authority that unofficial third parties do not provide. These arrangements also provided access. For example, Johan Holst [Norway's foreign minister] could just pick up the phone and talk to the Israeli prime minister. He also talked to his counterparts in Israel and in the PLO. He could do a great deal by virtue of his official position. Also, it is not inconsequential that as a government,

Norway was able to provide extensive resources, including, for example, airplanes to bring people to meetings. Norway, in addition, had the good will of both sides through a long history of good relations. Norway was the right third party for this mediation. The United States would have been the absolutely wrong third party. I think the Oslo agreement would not have happened with the United States, just as successful negotiations over the Middle East are not going to happen now without the United States.

Finally, the mediation process itself contained a mixture of Track 1 and Track 2 elements. The Norwegians defined themselves as facilitators and carried out the role of facilitators. These roles are not crystal clear. There are no sharp divisions between when you are a facilitator and when you are a mediator. The Norwegians were not process facilitators in the sense in which we use the term in our third-party model. We structure the agenda. We guide the discussion. We have a very definite idea about where we want the process to go. The Norwegians, on the other hand, stayed in the background. They facilitated by providing resources, by providing a cover, by providing the setting, and occasionally by providing help in drafting and in making contacts. Basically, they provided a setting that allowed the parties to work out agreements on their own. The parties developed a working trust that comes from an interaction in which they have to consider each other's needs, concerns, and constraints, and can acquire a degree of ownership.

The second metalesson that I want to draw from Oslo is that some of the features of mediation can often have contradictory effects. Each of the elements that I've mentioned was a source of strength, but I think each of these elements also had its drawbacks. That's particularly clear with respect to secrecy. Without secrecy, I do not think that it would have been possible to achieve the Oslo agreement. It would have been shot down at one or another stage of the process. But the secrecy, and particularly the way in which the secrecy was practiced at certain points, contributed to some of the weaknesses of the agreement.

The first consequence of secrecy is that there was no input into the process from people whose input would have been terribly important —people whose sensitivity to certain issues could have improved the document and made it more widely acceptable. That's clearest on the Palestinian side, although it may also have been true on the Israeli side. From the Palestinian point of view, my feeling is that the two greatest weaknesses of the declaration of principles were: First, there was no explicit prohibition of the expansion of settlements. Everybody has been saying that the continuing settlement process is against the spirit of Oslo, which is absolutely true. (Absolutely true means that I believe it). It's against the spirit of Oslo, but it is not against the letter of Oslo. The second weakness is that the Oslo accord says nothing that would be encouraging to the Palestinian refugees. I think language could have been drafted that would have given some reassurance to the Palestinian refugees without worrying the Israelis that an unlimited right of return was being endorsed. If other people had been consulted, these weaknesses might have been prevented. I can think of two Palestinian leaders —and I am using them symbolically here —whose input might have produced a stronger document from the Palestinian point of view. One is Shafiq al-Hout, who represents the refugees and exudes credibility. He has been the PLO representative in Beirut, which has the largest Palestinian refugee population. He never left Beirut throughout all the difficulties, even when the PLO was expelled from Beirut. After the Oslo accord was signed, he felt compelled to resign from the PLO executive committee, and to take himself out of the process, which has reduced the chances for the implementation of the accords.

The second person is Haydar Abd al-Shafi, who led the Palestinian negotiating team in Washington, and also exudes credibility. He heads the Red Crescent office in Gaza. He's an elderly gentleman who was there at the founding of the PLO, and he commands deep respect. Like Shafiq al-Hout, he has been a supporter of the peace process. But, again, Abd al-Shafi has been alienated because he was not only not consulted, but also, in a sense, betrayed by the Oslo negotiations.

Secrecy made it impossible to get input from these people, which made the declaration of principles a weaker document than it might otherwise have been. It also created situations where significant people were not committed to the accord. If they had been consulted and taken seriously, then they would have had a greater commitment to the implementation of the accord.

A second cost of secrecy is that there was no opportunity to mobilize support from important individuals and from important constituencies who could contribute to the implementation of the agreement and to the further realization of the process. The whole process of mobilizing support, which is necessary to carry an agreement, to implement it, and to move toward final-status negotiations, was undercut by the secrecy. If people like Shafiq al-Hout and Haydar Abd al-Shafi had been involved, it may very well be that there would have been no agreement; but had there been an agreement, it would have been a much stronger agreement. That's the dilemma.

The third cost of secrecy was the absence of public education. There was no preparation of the public for the agreement. Secrecy, although it was an extremely valuable tool for producing an agreement, impedes public acceptance of the final product and, hence, its implementation.

What can one do? I am not prepared to say that the process should not have been secret, because I'm so aware of the importance of secrecy in producing the agreement. Is it possible to build some degree of consultation into a secret process to a greater extent than was done in Oslo? I think the Israelis did that somewhat better. Arafat doesn't consult in general. Moreover, he undermined the negotiators in Washington by instructing them to negotiate a harder-line position than the one that he was ready to sign on to in Oslo. It might have been possible to work out a degree of consultation that would not have leaked everything and, yet, gotten more people involved, making contributions, and developing commitment.

It also might have helped to engage in a vigorous public education campaign once the agreement was signed. Both Rabin and Arafat failed to do so. Rabin was trying to sell the agreement as something less than it really was. He was trying to underplay the likelihood that the agreement would, in due course, lead to establishment of a Palestinian state. Everybody knew it would. The Israeli public knew it, but Rabin did not trust the Israeli public to accept it and did not actually educate the public for such an outcome. Arafat, of course, tried to sell the agreement as something more than it really was. Arafat knew that he did not get a promise of a Palestinian state. What he got was a high probability that the gamble that he was taking would pay off. I think if he had squared with the Palestinian public, he would have gotten more support. I believe that the public was ready for such a gamble.

There is a continuing role for unofficial, Track 2 processes at this time. Even when an agreement is reached, and even when it is a breakthrough agreement of the kind that Oslo represented, there is a great deal more left to be done. I am sure that's true in all agreements. Certainly, it is true for the Oslo agreement. Among the Track 2 contributions

needed at this stage are attempts to sort out problems that have arisen in the implementation of the interim agreement, which require the kind of exploratory discussions that take place most effectively in an unofficial context; to establish principles on which a final agreement needs to rest; to develop options for the final-status issues and reframe the issues in ways that would make them more conducive to negotiation; and to pave the way for a future relationship between the parties conducive to peace-building and reconciliation in the wake of an agreement.

There are two lessons at a very general level that we have extracted from our latest efforts. One is the need for a principled end point in order to make progress in the process. Keeping the ultimate establishment of a Palestinian state open was important to the Israelis, but at this point the process will collapse without a commitment to an end point — an end point based on principles of fairness and justice, that are articulated and toward which the public is educated. The second lesson is the need to integrate peace-building efforts into peacemaking efforts, to see peace-building as part and parcel of the peacemaking process.

**ROGER FISHER:** The Norwegians' view of facilitation was that they provided the facilities, period. They put the two sides on their first visit into a room, and said, "The food and drinks are over there. If you need more paper or pencils or things, let us know," and then they walked out.

They were lucky enough to have an Israeli and a Palestinian who had been dying to sit down and talk with each other and had a lot of ideas. And it worked. These people had the authority to meet, but they were not authorized to make any commitment binding of their respective sides. So they were meeting and talking, trying to come up with something that they could recommend, establishing communication, establishing personal relationships, and giving some people confidence in what they were doing. It was a very, very important contribution.

The Norwegians learned a different lesson when they brought the two sides in the Sudan together in the same process. The Norwegians said, "You are here for eight days, here are the facilities," and one hour later the two sides from the Sudan walked out, never to come back to that meeting. Third-party facilitation means more than just giving the parties a room.

The reason that the Middle East talks had to be secret was that they were preparing to negotiate a big deal. When Herbert Kelman had people at Harvard from Cyprus or from Israel and Palestine for academic-type work, there were no press releases, there was no locking the door for secrecy. When you think you're negotiating along very official lines then the secrecy need becomes greater.

In terms of lessons, we are still suffering from the signature commitment stage. People thought of the Oslo process as only being exactly what the agreement covered — How many streets in Hebron? What does it say? — and not the process that produced Oslo, which was protracted unofficial involvement, joint work, and brainstorming. The third-party role should be interactive regarding implementation, too. There should be a joint working group, making new ideas and going on and suggesting things. We shouldn't just say, "We produced it, here is Oslo, it's all done." When we talk about measuring success, a good outcome in our jargon is one that involves easy communication across the divide. One wants to establish easy communication among parties. Unofficials can do that, but you have

to get many people involved. One of our Peruvian participants has written a book on the need for harmony in Ecuador and Peru. He has brought 500 copies to Ecuador and is trying to make public what they're doing.

I think it's crucial that we see how we can make a cooperative attitude go beyond the first piece of paper so that both sides can continue to build a working relationship. Personal relationships are important, as is some degree of trust among the participants. One thing they need to learn is what the real interests of each side are. We have various exercises in which participants try and draft the other side's interest in a way acceptable to them, edit it with one of them, agree to it, then come back and argue with their colleagues about who better understands the other side's interests.

It is important to generate a lot of options. In Jerusalem, the feeling that the option is either to unite or divide is about the most limited zero sum approach. Israel wants all foreign governments to establish embassies in Jerusalem, but the Palestinians can't have a little bit of their sovereign turf in Jerusalem, because that would defy Israel. One thing third parties can do is continue to invent options. They can also bring in standards of legitimacy.

Third parties can keep options going, and be realistic about the alternatives to agreement by spelling out the parties' walkaway choice. I much prefer making it a warning of what might happen, rather than a threat of what I will do. That way, even an authorized representative, such as an ambassador, can say, "I've got to sell this to the boss, I've got to bring it back, I'm distancing or I'm negotiating with both sides. I'm warning you, that Congress may say no. Our president may turn this down. It will probably be better if you try something else."

Even an authorized agent —whether it's President Carter, Powell, or Nunn, or whether it's a typical diplomat —obtains some flexibility by having a little space on things he's not authorized to commit. He can say, "This is not authorized, I'm just telling you, I can make recommendations, but it's not binding." People are also relieved if someone can show illustratively what the commitment actually is going to sound like.

In working on the Iranian hostage question with Ayatollah Beheshti and with the Algerians, we drafted a press statement that Carter should have been able to make and one that the Iranians should have been able to make. Carter could say, "The United States paid no ransom or blackmail. Iran has gotten nothing more than that to which it is entitled under international law. It is going to pay all of its debts. Iranian leaders have agreed to international arbitration of their debts and they won't see the rest of their frozen assets till the debts are paid and the hostages are free."

Beheshti could say, "The United States had recognized the Islamic Revolutionary Government of Iran. The United States promised not to interfere in internal affairs. The United States has dropped its New York lawsuits and agreed to arbitrate these cases. And the United States agreed that when the bills were paid, Iran would have the balance of its money returned. They agreed to close down the embassy until we invite them to come back." Those statements were consistent, but it was when each side could see how their commitment might be sold to somebody else — when the Algerian government could see that this looked like a possibility —that they offered to mediate, and both governments accepted the mediation.

People are so accustomed to denigrating the other side's position that they assume that their adversaries want to divide Jerusalem and cut it off. They are sure they want to conquer East Jerusalem. Instead of putting the best spin on the other side's position, they put the

worst spin on it. A third party can show people how you could come up with something that might satisfy the other side. I think all of those things can be done.

Officials can do it by negotiating or mediating most of these things. A mediator can ask, “What are the two or three things that are really bad here?” He can say, “There is no relationship, no options on the table, no communication, legitimacy is in doubt, let’s see what we can do to work on those issues.” The strategy is not to say, “I’ve got a master plan that has to go exactly like this.”

In Afghanistan, when I met with the Soviet ambassador, he explained that the Soviets could not leave Afghanistan in defeat. If they withdrew — he didn’t preclude that possibility — it had to be pursuant to a UN mediating commitment. That was obviously very important to him. He wanted me to know that they weren’t saying that they would never get out. They were saying, if we get out, it’s going to be pursuant to a UN commitment. Understanding another’s interest is very important. Saving face is critical.

Beheshti was very intent on not having a U.S. court decide financial cases. He didn’t trust the United States. He wanted to deal with the World Court in the Hague. He wanted a formal recognition. I said, “There’s only one government.” He said, “We want the U.S. to recognize it. We don’t want another CIA takeover, pushing us out. We want official recognition.”

When there are partisan perceptions, the parties find it very hard to be as creative as those of us who are creative in a variety of situations. I’d trust the people in this room to be more creative than anyone who is deeply involved in a conflict.

**BRIAN MANDELL:** What are the lessons from Oslo for incremental step-by-step diplomacy? State-to-state diplomacy between Egypt and Israel, over a period of a number of years, went through a series of functional disengagement agreements in the Sinai. As each of those steps was implemented, the United States, the UN, and others stepped in to help guarantee those particular steps, the parties built some confidence and trust around some functional issues and, ultimately, they got to the Camp David process.

Is one of the lessons of Oslo that when one group is not yet a fully formed state and is in the very process through these negotiations of trying to engage in the process of state building, that an incremental process is too slow? Do third parties have a role in helping the parties design steps so that they can move an implementing process along without having to go the proverbial one step forward, eight steps backward? Can they help the parties build in some shock absorbers?

**HERBERT KELMAN:** The incrementalism that I was talking about was a fairly limited one, and it really worked. We provide more facilitation than the Norwegians did, and they were just inventing it as they went along. They had no model. The reason that it worked in that case was that they were dealing with people who already had experience in communicating with each other. Prior experience helped.

But within that process, there was a built-in procedure for increasing commitment. The parties started out being noncommittal, but they were testing each other all the time. They would come up with something, and then they had a way of checking whether what came out of the meeting was actually having an impact on the top decision-makers. This was a way of testing the credibility and influence of their interlocutors. They kept passing each other’s tests, and that led the process farther along. Trust was building. I like the term

“working trust.” It’s a trust based on belief in the other side’s sincerity in the search for a compromise. That’s the thing that’s always on their minds: Are these people sincere? They had good ways of testing that question.

They wanted to know not only whether these people were sincere, but also whether they were really as important as they thought they were. Did Abu Ala have Arafat’s ear? Did Hirschfeld have at least Beilin’s ear, and so on? They built a process that allowed people at gradually increasing levels of authority to join in, once the parties had passed each other’s tests.

Where I’m having trouble is when parties say, “We can’t do anything until we develop trust. Then when we develop trust, we’ll go the next step.” I think there has to be some basis for demonstrating trustworthiness as you go along.

**BRIAN MANDELL:** Is the third party providing some confidence-building measures to keep that process moving, at least in bite-size chunks, so that the parties are building momentum without that trust?

**HERBERT KELMAN:** I think the third party can serve as a repository of trust in order to get the two sides to engage in the process. But I have real questions about whether a third party can be a repository of trust to enable the parties to take substantial risks. That’s a much different proposition.

**LAWRENCE SUSSKIND:** Can we formalize the use of informals in the way that you have been hearing? Efforts that have added formal processes to the kind of informal activities that Herbert Kelman and Roger Fisher have described have often been met with reluctance, if not resistance.

Putting the resources together to make the informal interventions work is a huge chore. The question is: How far could we go to say we’ve learned these lessons? Informal agency can be helpful sometimes, some places, and in some ways. You just have to engineer it properly. Then you hand it off to the official process. Then, when the official process gets stuck, they ring a bell and they’ll bring in the next unofficial to move it along. But it’s really sequenced, it’s really coordinated. We accept the fact that we need unofficial and official processes. We get a working understanding between the multilateral institutions.

I remember one session at the Carter Center, with the secretary-general of the UN, and the question was: “Why don’t you use informal mediation more?” The answer was: “We used mediation.”

“Why don’t you use informal mediation processes as a supplement when appropriate?” There was a lot of mumbling, but nobody could think of a way to integrate informal processes into formal UN mechanisms. What can we do to formalize the informal more effectively?

**JAMES JONAH:** I think that it came out very clearly in the presentation —these informals were actually promoted by the officials. I was surprised by Oslo. When I was trying to negotiate, one thing that struck me was that Rabin and Arafat were actually at war with each other. No question about that. They couldn’t agree at all on anything to do with Middle East negotiations. If I saw one, I had to see the other. Each side measured the time that I spent with the other. It was very unpleasant.

**HOWARD WOLPE:** Let me describe the Burundian dynamics a bit more fully in terms of the relationship between the second and the first tracks. The second track began wholly independently of any official interventions. I think clergy within Burundi provided the linkages of the two parties with Sant’Egidio. The conversations that became the second track were actually begun even before the more formal process was initiated, following the Buyoya coup.

It is probably fair to say that the two parties involved in the Rome talks —the CNDD (the principal rebel group) and the government —would much rather have been in Rome without having anyone else involved. But because of the regional context, that could not happen. Usually one side has a preference for a particular mediation form. This is an instance in which those parties, at least, had the very same preferences. They trusted the Rome process, for lots of different reasons. They’ve been much more distrustful of and have less confidence in the other processes.

We were having difficulties, initially, in terms of some of the tensions between the two. In an effort to overcome those tensions, we established a more formal consultative mechanism. Nyerere affirmed his support for going ahead on the two tracks, initially with the conception of a sequencing idea. Subsequently, when the sequencing idea evaporated because of the disclosure of the public process in Rome, he still continued to affirm that the Rome process had a place and should continue.

I know from my conversations with other African leaders that there’s still much less enthusiasm about Rome. A lot of people believe that Rome is being used as simply an excuse by one or the other party to evade agreements, to say that they’re negotiating without having any real intention of reaching any kind of agreement. For lots of reasons, both parties in the Burundi conflict have confidence in Sant’Egidio. We’re trying to develop a mechanism whereby the region can feel ownership of the process at the same time that the Rome process is allowed to go forward, and in which the other parties, who are not in Rome, will feel linked to the process.

The two ideas that we’ve come up with, which we are going to be testing out soon, are, 1) having one or more observers representing the regional states sit in on the secret process and 2) trying to dilute the resistance and the concerns of the other parties about what might be happening in the secret process by having an understanding that whatever gets decided in Rome will not be final until it is approved in an all-parties conference.

Now, again, because of the ownership issues, because of the great distress of Ugandan President Yoweri Museveni and some others within the region about Buyoya’s intentions, because of the contempt that many regional leaders have toward both the key interlocutors on both sides, Hutu and Tutsi, it remains to be seen whether we can get sufficient patience and acceptance of that kind of framework to allow an accord.

**JAMES JONAH:** It is very interesting that Don Matteo, from the very beginning, wanted the UN to be involved. He was calling me for almost six months, saying, “You have to come in.” He didn’t want to be alone.

**ROGER FISHER:** If I guaranteed you that Prime Minister Binyamin Netanyahu and Arafat would sign a peace agreement, can you think of producing a document that would produce peace in the Middle East? No, because it’s not a question of a document. It’s a

question of getting people to work together. We would need a joint working group, with both sides working on interim steps that could be done now, not me thinking things up. We have to get knowledgeable people like Yossi Beilin and some of the other people on the Palestinian side, like Navira Shalit to come up with ideas as to who can do what in the near future, because a perfect draft prepared by the best brains here and signed by those two leaders would not produce peace.

The extremes on each side would tear it apart in no time at all. This shows the amount of work that has to be done in getting people working together and coming up with ideas.

## **Mediating Conflict: The Lessons**

**LAWRENCE SUSSKIND:** Trying to generalize is difficult since so many successful mediations depend on the situational context. However, what impressed me is the certainty with which all of the case presenters talked about the significance of people feeling pain and pressure before one could make progress in negotiations. Whether that pain or pressure is brought to bear by one party on the other or merely is the result of things that have transpired is uncertain. People don't just negotiate to try to get good things, but they come and negotiate when they're faced with bad things.

I accept the political reality of that generalization. On the other hand, it seems to me that the lesson of some of the presentations is: if you wait for such a situation to emerge, it's going to be much harder, in many respects, to produce a resolution of differences. That's a conundrum, because if the message of the most experienced hands is that until people are in a hurting stalemate or feeling the pressure, or leveraged in some way by some other party, they are not going to be inclined to try to negotiate the settlement of potentially deadly conflicts when there are large stakes. The rest of the message was, if you wait until that point, it is going to be hard to settle the underlying dispute—to get the parties to a better position.

**EILEEN BABBITT:** Another lesson is the usefulness of coordinating official and nonofficial efforts. It was heartening to hear that it's starting to happen either because nonofficial efforts proceed and those participating in official efforts find out about it and then coordinate with them, or, in the case of Ethiopia, where the official parties actually solicited the help of an outside party to begin a process because they felt that they were not at the point of being able to do it themselves.

How might we continue the conversation about the usefulness or the mechanisms by which official and nonofficial processes could be better integrated? A colleague of ours, as part of a research project for the National Science Foundation, did a series of interviews with American diplomats to ask them their views of Track 2 diplomacy. At best, most of them were suspicious, and, at worst, some of them were critical and even hostile. It seemed as though that suspicion and hostility came from either misunderstanding the purposes of the intervention or having had one bad experience with such an intervention and feeling that it could be generalized to include the whole field.

I'm wondering if there's some way to have more discussion. In the places where the collaboration has happened, it has worked well. It's worked well to support an official effort,

which is the intention of the best and most professional Track 2 efforts. If there were some way in which we could continue a discussion of how to foster that integration in a more open-ended way, it would be very useful.

**HERMAN COHEN:** There's Track 2A and Track 2B. Track 2A includes the array of humanitarian groups that automatically get injected into a conflict, especially a civil war, because of humanitarian needs.

I've looked at all the conflicts in which we were third-party intervenors during the Bush administration. We were in each other's offices all the time talking. I don't know how many trips I made to Geneva to capture the wisdom of the ICRC (International Committee of the Red Cross). An informal coordination exists. The whole Operation Lifeline-Sudan was a Track 2 initiative more than Track 1. In Track 2A, there is almost an official legitimization of the relationship between the practitioners and the people who are not involved as diplomatic allies. It's not formalized, but it's there.

If you look at the story of how we intervened in Somalia, the international community was very reluctant. The UN Security Council didn't want to do anything, and it was a collaboration between the practitioners and the Track 2 people that forced the issue by leaking information to the press, and calling attention to atrocities. There was very good coordination.

Track 2B encompasses the people who are not automatically injected into a conflict, like the Israeli intellectuals and the Palestinians who have to be brought in, and people like Carter. I don't have any answer as to how that process can be formalized. But I don't think we should go away with the impression that there is no structured relationship now within Track 2. It's out there. It's very strong.

**WILLIAM WEISBERG:** It is probably more likely for there to be coordination between official and nonofficial efforts when the official third party is relatively disinterested. In regions where the U.S. government is playing a role, but has no strategic interest, it's less likely to see Track 2 efforts as getting in the way. But where there's some other important strategic agenda, any other party that could muck up the works probably is regarded as a pest.

**ROBERT ROTBERG:** Was Norway Track 2 or 1.5?

**HERBERT KELMAN:** I consider Norway to be 1.5 : The Norwegians became involved through FAFO, an NGO which did work in the West Bank and Gaza. FAFO organized, hosted, and facilitated the meetings. But it was clear to everyone that the Norwegian government was involved. So, at the third-party level, there was a combination of Track 2 and Track 1 elements. As for the parties themselves, the process moved gradually from a Track 2 to a Track 1 effort, especially on the Israeli side. The initial Israeli participants were academics, but gradually the level of the participants became higher. At one point the director general of the Israeli foreign ministry was sent to Oslo, and that was an indication that Israel's foreign ministry was committed. Eventually a Rabin man came to Oslo. The level kept rising. On the Palestinian side, it was not so much that the participants moved from Track 2 to Track 1 as it was the evidence that they were speaking for Arafat. In the end, it became a Track 1 process on both sides.

**JAMES JONAH:** I think that there is a simple rule. Track 2, when encouraged by official sources, works. Track 2, when it is independent of officials, is doubtful. In a practical sense, you cannot make headway. If officials are opposed to Track 2, it doesn't work.

**DIEGO CORDOVEZ:** When I went to Afghanistan, I was not working for the State Department, so I said, "I've been invited to go over and meet some of these guys in Kabul and I'll let you know when I come back. I'll let you know what the latest is." They would not have dreamed of calling me up and saying, "I'd like you to go over there," but they were aware of what I was doing. Even when they're slightly opposed to it, I'm not sure it's a good idea to listen. I say, "Thank you, I'll be aware of your concerns." There's a normal reluctance of officials to say, "I want someone else."

**JAMES JONAH:** There are times when officials encourage Track 2 for selfish reasons.

**HERBERT KELMAN:** Track 2 activities differ, but I can speak for my kind of Track 2 activities. I never, never, never would even think of injecting myself into the negotiations. First of all, most of my work was done in a prenegotiation period, where one of our main purposes was to help create an atmosphere that enabled parties to go to the table. We work at the level of elites, trying to encourage the development of a sense of possibility.

When the negotiations began in 1991, we had a continuing workshop (begun a year earlier) of very senior Israelis and Palestinians. They went through a real crisis as a group, because four of our six Palestinian members were appointed to significant roles in the negotiations. A year later or so, with the election of the Labor government, two or three of our Israeli members became actively involved in the process. We struggled over how to define our role as an unofficial process when an official process was going on. We were very, very conscious of the fact that we did not want, in any way, to interfere with the official process. We handled it largely by deciding that we wanted to stay in a prenegotiation mode; that is, we were going to focus on the final-status issues, which were not yet on the table.

I did not feel that we were injecting ourselves, and I did not feel that we needed to. There were reasons not to get official permission for what we were doing. We were not agents for the officials. We are, in a sense, doing citizens' work. We hoped that people at the official level would be interested. At times they were and are. But I see our unofficial efforts as trying to produce certain products in the form of ideas, understandings, and new insights. Now we write papers that can be injected into both the political debate and the decision-making process, and hence made available to negotiators.

We try to be very, very careful to convey the deepest respect for the people who are in a position of authority. We are aware of the fact that neither we nor the parties themselves are in positions of authority. We're aware of the fact that there are limits to the unofficial process, and that these are really two separate, but complementary processes.

**HOWARD WOLPE:** I wanted to discuss the extent to which pain is necessary as a precondition for progress in negotiations, and the related notion of ripeness. Unless both parties have a need for a settlement, we don't get a settlement. That's why pain is necessary.

In the Burundian case, at the moment at which the Tutsi became much more confident about their military position and the Hutu became less certain about it, the Tutsi were much

less excited about moving into a negotiating framework. That's the notion of ripeness. Because something is not ready for settlement, doesn't mean nothing can be done. The question we ought to be asking ourselves is: Given the present status, what can be done to advance the process?

Negotiators have all spoken about the importance of having a sense, if you are an official mediator, of having some clout, something that you can bring to the table by way of leverage. In the Burundian process, the regional states had at one point thought about a military intervention. That collapsed. At least the notion of consensual military intervention fell apart. As an alternative, the regional states adopted the notion of sanctions in the belief that the Tutsi, who control the government, are not about to yield voluntarily, particularly given their fears about survival and the advantages that come from control of the various resources.

One of the things that we were struggling with is that sanctions were weakening Buyoya. They were making it more difficult for him to claim to his Tutsi constituency that he was helpful as president. Nyerere's analysis, with which I happened to be sympathetic, was that the real target of sanctions was not Buyoya. The target really was the Tutsi community. Nyerere tried to persuade Buyoya that he ought to look at sanctions as his ally, as giving him the tool to say to the Tutsi, "We've got to do X, Y, or Z in order to get the sanctions relaxed."

That was an analysis that was applied to the use of sanctions vis-a-vis South Africa. They weren't so much directed at President F.W. de Klerk as at the Afrikaners. Sanctions were seen as reinforcing the forces that were building within the society, and strengthening the sense of Afrikaner isolation. Americans would have preferred that sanctions be built up, rather than having a total embargo imposed.

We argued, subsequently, that once the regional states had imposed the Burundian embargo, sanctions should be calibrated to events on the ground. When Nyerere became an advocate of sanctions, that compromised his role as facilitator. The broader question is: Given the military situation, given the collapse of the sanctions regime, I don't see what Buyoya could use as his argument to persuade the more extremist elements that they should be serious about contemplating the kinds of serious negotiations required. Long-term Tutsi interests recognize that there is a win-win in the very long term, but that's so academic and so distant that it's not very real.

**ROGER FISHER:** The people at the receiving end of sanctions have to understand why the sanctions are being applied, and what actions they must take in order to have the sanctions lifted. Those who apply sanctions never worry about convincing the target that there's a carrot there the day that they are good, and defining what it means to be good.

You can see it in Iraq. It is very hard to convince somebody if they think the sanction is like a cold winter in that it's inevitable. You have to convince them that if they do the right thing, the sanctions will stop that day. The credible promise of saying here's exactly what you have to do, and if you do it, it's going to be okay, is never made.

**HOWARD WOLPE:** You're absolutely right in the Burundian case, because the criteria were not crafted in a very precise fashion. When Buyoya thought he had done some things that were asked of him but the sanctions were not relaxed, that immediately became another credibility problem for the region. I think the sanctions have hurt. There's some debate about that. One measure of how much they've hurt is how much people scream

about it. In terms of loss of state revenue, there has been some impact. One of the good things is that there has been a lot of leakage on the sanctions, which has meant less impact on the poor, and more impact on the urban and primarily Tutsi elites.

**ROBERT ROTBERG:** The problem is that no one is empowered to monitor compliance with sanctions. There's no agency that can say, yes, you've done it.

**HOWARD WOLPE:** In the Burundian case, they've simply said that they want the restoration of the National Assembly, the unbanning of political parties, and the beginning of an all-party negotiating process.

**JAMES JONAH:** For Sierra Leone, it's simple. We have a very clear ECOWAS sanction. The Security Council called on the regime to leave power and bring back the civilian government. The OAU and ECOWAS have done the same thing.

**LAWRENCE SUSSKIND:** There are two kinds of alternatives to sanctions. One is a set of benefits that are contingent upon behavior. I know that there is opposition to this idea, because it sounds like rewarding bad behavior. I would argue that if there's a principle that informs the calculation of which benefit goes with which behavior, it can work. The reward must be the same for everybody who complies.

**HOWARD WOLPE:** In the case of South Africa, I've always viewed the application of external sanctions as one among many pressures that were building against the regime. This notion that somehow we could have held out a vision of a positive postapartheid South Africa, that the whites would have been beneficiaries of and therefore should have enjoyed relinquishing power, would never have occurred. To me, whether it's external or internal is less significant than the fact that pressures are building. If you have sufficient pressures internally, that's one thing. But in the case of South Africa, I've never understood the argument that somehow external pressures had no relevance to the process. If you talk to South Africans, who were in the struggle, they welcomed that additional external pressure as a means of reinforcing the pressures that were building internally.

**LAWRENCE SUSSKIND:** Could we assume that in some other realms, the idea of a reward could work? For example, you say, if you want to join our association, you have to adopt the following standards, because we don't want anyone in the association below those standards. That would be not a sanction, but an opportunity. It may feel like a bribe. It may feel like pressure. We're just saying, everyone else in our group has to have standards like these, and if you want to join, you have to have them.

**JAMES JONAH:** The most effective sanction I have witnessed is a sanction through the market. That is the one which produced results very quickly. In South Africa, when sanctions began to bite in the market, people went to de Klerk and said, look, we have to change.

**ROBERT ROTBERG:** The withdrawal of short-term loans from the banks in 1985 was the most important development. The chairman of Chase Manhattan Bank, who was also a

trustee of Brown University, decided in 1985 that Chase wasn't going to roll over 90-day loans any longer. That was crucial.

**JAMES JONAH:** We should take into account that our sanction is to prevent the import of arms. That is very important for us. Because the leaders want to bring in arms. So this sanction is very effective. For us, the most important thing is not to affect the people, but the regime.

**LAWRENCE SUSSKIND:** If a group of countries says to a neighbor, if you would like to join our club, like NATO or the EU, you have to meet these standards. That's a benefit that's being offered for a change in behavior. It's not a sanction, and it's an international contact. It's not a war, but it's still an international relationship, where a benefit is being offered.

Those of us on the theory-building side are saying, couldn't we imagine, even in the context of civil strife, a set of benefits that would persuade someone to change their calculation of whether they should keep withholding agreement or should join an agreement? Those of you who disagree say that's either appeasement or going down the wrong path or rewarding bad behavior.

**HERMAN COHEN:** I want to give a mini-example of a positive incentive. In November 1990 the Angola negotiations were bogged down. The Portuguese were mediating. As a result of a meeting between Baker and Soviet Foreign Minister Eduard Shevardnadze, the United States and the Soviet Union decided to play a more important role. We devised a framework agreement which we more or less pushed them to accept. But it was just a framework which meant, if they accepted it, then they really had to negotiate and put meat on the bones.

We said to the Angolan government, a Soviet client, "If you reach an agreement on the basis of this framework, President Bush will invite President Eduardo dos Santos to visit the White House and legitimize you in that way." The Russian mediator said to Jonas Savimbi, who was a U.S. client, "If you reach an agreement, we will invite you to visit Moscow and legitimize you in that way." Was that decisive? I don't know. But I think it was one element that pushed them toward an agreement.

**HOWARD WOLPE:** Is there anyone here who really believes that the Afrikaners in South Africa would have yielded only to positive incentives?

**HERMAN COHEN:** But there was a positive incentive. Nelson Mandela gave it to them.

**HOWARD WOLPE:** Don't misunderstand me, I'm not saying I'm opposed to positive incentives, but to the extent that we can conjure them up in any of these situations, I think it adds strength to what we're trying to do.

But I don't buy the notion that people voluntarily are going to relinquish power when they are either in it because it's enormously advantageous to receive benefits from that power or because they are absolutely frightened that if they don't, their survival will be threatened. To think that unless you change that equation or the cost-benefit calculus in some way, that they're just going to give up power somehow on the basis of some kind of

pretty ephemeral kinds of positive potential benefits, even in a positive award scenario, I just find unrealistic.

**LAWRENCE SUSSKIND:** If I just take the words in your statement, we're agreeing. People will not change their behavior unless they change their calculus. They will not change their behavior for an ephemeral benefit. But if the offer of the benefits is believable, not ephemeral, and if it is substantial enough, then I hear you saying, of course, they'll agree. In some other arenas, there's a way to turn the offer of benefits into benefits jointly.

Again, in the environmental arena, if the United States decides to go forward and say that there should be a limit on carbon dioxide emissions, we're going to say, "We have just the technology for you. We're going to give it to you to start as a way of meeting our obligation. We want to count the benefits we give you." That's what joint implementation is. We don't have to do it in our own country and cause any economic disruption in our country, but we're going to give it to you in the short term and count that as benefits to us.

We think that everybody is going to want our technology down the road. The presumption is that there's enough mutual gain, because we give the less-developed countries the technology in the beginning, which helps us count toward our quota.

**HERBERT KELMAN:** But this is not a conflict situation you're talking about.

**LAWRENCE SUSSKIND:** It's being presented as a conflict between north and south at the moment.

**JAMES JONAH:** There is something which we have not discussed in this conference, which is much more potent in deadly conflict. It is not done by governments, it is done by business people. Businesses say they are not going to invest until there is peace, and that is a very important statement. It makes governments think.

**JUDY WOLPE:** We should think of having a toolbox and picking the method that works for a given circumstance. I don't think that there's any one method that works all the time. So you have a toolbox of things that you draw from. And the big one is funding.

**JAMES JONAH:** It depends on the issue. It depends on what you are trying to achieve. But I can tell you, most of the time in Africa today, investors will not come in until there is peace.

**HOWARD WOLPE:** Wait a minute. You're absolutely correct if the people in charge are suffering, if the people in charge are going to benefit from the change. But if the people in charge are already doing okay, they're not going to listen. Why should they change?

**JAMES JONAH:** We are told by the EU that the funds are available, but the EU is concerned about security. It says, "Make peace first." So we scramble to make peace. This is done, not by government, but by business people. And it's much more important than people realize.

**EILEEN BABBITT:** It also is important to have coordination between coercive measures and the use of force and diplomacy. Larry Susskind is trying to make that case that we should be looking for incentives, and I think that's very important. Financial investment is clearly one incentive.

The other side is, how do we become more sophisticated or more nuanced in the way we also think about using coercive measures. Sanctions are a very blunt instrument. They don't work very well. They're usually imposed for domestic constituencies so that a government can say it is doing something because it doesn't want to use force. Sanctions don't always target the people in the countries whose behavior we really want to change.

Is there something that we can invent in this post-Cold War era that's between economic sanctions and the use of military force? Everyone is saying that some kind of stick is important. Larry Susskind is saying, "Let's also think about the carrots." Fair enough, we should do that. But, also, can we be more sophisticated about thinking about the sticks, and the different ways in which we can build in the pressure tactics that are more geared to the specific behaviors that we would like leaders to follow? There's a lot more work that we need to do to find out what those different steps might be.

**ROGER FISHER:** We tend to be quite vague about exactly what conduct we want. We say things like, "You have to be better. You have to stop being so bad. You've got to try to make peace." But if you're the target of sanctions, you can't come to a meeting one day and say, here's what we have to do in order to get through this. There's no clear, focused decision to make.

So whatever we're doing, whether it's a carrot or a stick, has to be a contrast to what is happening right now. Leaders have to know what it would be like if they behave correctly, and it has to be clear what behaving correctly is. For example, we told Nicaragua it had to be more democratic. When President Daniel Ortega released 100 political prisoners we said, well, that's a good step, but not enough. The way in which we say you're not doing enough is very discouraging to the people who are trying to behave properly. We sit back and say, no, it's not enough. Raise your offer, do more. Having been with Ortega, I can say that sanctions don't usually clarify what has to be done.

**WILLIAM WEISBERG:** Part of that calculus is not just what are the steps to be taken, but the incentive, whether it's a negative one or a positive one, has to be in line with the step that is being asked for. If we're asking people to step down and lose power, having an incentive of getting more fruit into the markets is not going to do it. Somehow it has to be in line with the step that's being requested, and maybe the problem of sanctions not working is that very often too much is being requested. Maybe if it was just that first baby step that was being requested, it might be more effective.

**BRIAN MANDELL:** It becomes very problematic in employing these sticks when you start to choose sides. We're facing the same problem in Bosnia. We have started to use sticks. It's very interesting that the same general, Hugh Shelton, Chairman of the Joints Chiefs of Staff, who brought Cedras out of Haiti, will be the individual to decide whether, in fact, the stick that will be used will be to hunt down war criminals in Bosnia.

If that becomes the stick and we choose, from the American and NATO side, to support it, it will change entirely the whole dynamic of how we understand the relationship in

Bosnia between sticks and incentives. Not only are those targeted people supposed to step down, they're also supposed to appear at the tribunal in The Hague and be charged. Creating incentives with those kinds of sticks is really problematic. If we hunt these guys down, successful or not, it's going to change entirely the dynamic about how we think about all those conflicts in terms of using carrots and sticks and incentives. We're about to witness a sea change.

**ROBERT ROTBERG:** What is the role of the threat of truth commissions in resolving conflict? In South Africa, it might have been helpful, but of course it wasn't because no one invented it. In Chile and Argentina, they were post hoc inventions. It might be possible in future conflicts to warn combatants that there would be a potential of being called up before a truth commission after the conflict is over. We might think of truth commissions not as reconciliation, and not particularly as justice, but as a way of warning people off.

**HOWARD WOLPE:** In Burundi there is no issue that is more volatile, more emotional than this whole question of impunity and justice and the proposed tribunal.

**ROGER FISHER:** It's a very tough one, because you can't punish everybody who misbehaves. To find and punish everyone who wielded a machete is going to be just too difficult, and you can't forgive everybody in these highly publicized crimes.

**HOWARD WOLPE:** It's very difficult. But when you're not even to a peace process, which is what we're trying to get launched now, and each side is afraid that if they start negotiating or put up for negotiation the question of how one handles impunity, then that may become a disincentive to any agreement, because the folks who need to be brought into the agreement are the folks who perpetrated the crimes.

**ROBERT ROTBERG:** South Africa is now reeling in the people who did some of the more horrendous things like the Steve Biko murder. The theory would have to be, this isn't retribution, because there's no point; this is justice, and it helps reconciliation. That's what Archbishop Desmond Tutu says.

There is another theory that motivates part of the truth commission, which is that that having it prevents the next atrocity. Unfortunately, the atrocities won't be in South Africa, they'll be in Burundi or they'll be somewhere that's not paying attention to South Africa's truth commission.

One of the interesting questions was from people from Israel who asked whether a truth commission would be relevant for the Israeli/Palestinian conflict. Of course, all sides to the conflict, Israelis and Palestinians, were saying, no, no, we can't have it.

**JAMES JONAH:** The truth commission was not seen as a punitive measure. The truth commission was because there was a need for reconciliation and forgiveness.

**HOWARD WOLPE:** Truth commissions were part of the negotiation, the early phase of the negotiation. There were issues about who would be allowed to come into the country from exile. In fact, it was one of the more difficult elements in the negotiation, because in the end the decision was made to let some pretty raunchy characters out on both sides.

**JAMES JONAH:** I think we should not forget the victims. You see, it is nice to talk about this thing in general terms, but if you're not careful, the victims will go after the perpetrators themselves, and then you then have a tremendous retribution problem.

Those who are the victims find it very difficult even to conceptualize forgiveness and reconciliation. We have to take that into account. We have used the threat of a tribunal as a disincentive to commit genocide in Sierra Leone. It has really worked. We have announced that we are keeping a record of those who are committing atrocities, and they will be brought before an international tribunal. We are going to the Security Council.

**HERBERT KELMAN:** When we talk about incentives, there are some alternative strategies that are not purely sticks or purely carrots. One is what I would call mutual reassurance. It is a way of reassuring the parties that their fears are unfounded or can be somehow responded to.

The other incentive, of a very different nature, is opportunity costs. It is likely to play some role, now, in Israel where the emerging peace has created opportunities, particularly for certain economic elites, to become part of the global economy and become economically integrated in the region. It's not a sanction, and it's not a threat, exactly, but there is a risk that if the peace process stops, then the opportunities disappear.

**LAWRENCE SUSSKIND:** I don't know how to frame it as a lesson, but I certainly took as an important point from our discussion that we need to think about the role of the United States in circumstances in which what it does affects the ability of others to settle their conflicts effectively. Some way of understanding a more graduated, elaborated set of U.S. roles in its unitary superpower responsibility needs to be made explicit.

**EILEEN BABBITT:** There is a need somehow to reconcile the imperative for a short-term settlement with creating the conditions for long-term resolution of the conflict.

Do we as the United States or we as the UN, or whoever is taking the lead on these issues, make the decision that we won't push for an agreement until we feel that the terms of that agreement are really what is necessary for long-term sustainability and viability, and in the meantime lots of people are getting killed? Or do we opt for something in which we stop the killing, but there are either precedents set in the short term or conditions set that undermine long-term relations? The Dayton accord is a prime example of a situation in which the implementation becomes extremely problematic and probably creates the conditions for its own undoing.

**ROGER FISHER:** I think it's a danger when we think that a settlement solves a whole problem. The danger is that we think we have a cease-fire in Cyprus and then we stop. We stop the shooting and there's no intent to do anything else. I won't say that conflict resolution is the wrong way. We shouldn't wait till it's a conflict. But we shouldn't expect it to be resolved.

If there are differences creating conflicts, we ought to deal with those differences and equip people to deal with the differences continually by a set of endless, "yesable" propositions. We should come up with suggestions to make it better. The Americans' vision is that we're going to solve that problem on Thursday and that'll be the end of that problem.

And we'll settle the Middle East and that will take care of that. And we'll settle Haiti and that will take care of that. Then we'll settle South Africa and that will take care of that.

**EILEEN BABBITT:** It's even more important, even more complicated than that, because it's not only perceiving that your responsibility or your goal ends with the agreement, it's recognizing that the process that you go through and the conditions that you create with the agreement have consequences thereafter, and that the paper itself is not even the only product.

It's also the relationships you create or don't create, the precedents you set or don't set. It's not only the signing of the agreement per se, but it's how the whole process is conducted in getting that agreement, in addition to thinking about implementation that's important.

**ROGER FISHER:** We need to think of it as an ongoing process in which a piece of paper, when it occurs, is just a part of the ongoing process in which we're trying to get, for example, democracy, happiness, good health, and communications working here.

**PETER de VOS:** I think that Roger Fisher is being unfair. Just as we cannot predict crises, we can see things coming. A piece of paper is very important. If we can get a cease-fire, whatever it might be today, that doesn't mean we stop automatically. I think that we're seeing this result in Bosnia and elsewhere. We're not giving up the process. We're continuing the process.

But to me the most important thing in today's world is stopping conflict. Conflict means bombs and bullets and arms. If you stop them, then you have a chance. If you don't, there's no chance. As long as people are shooting and have the weapons to do it, they're going to continue a conflict.

**HERMAN COHEN:** To what extent in addressing conflict, do you try to impose your values on the settlement?

**LAWRENCE SUSSKIND:** That's the democracy question. If you want to be clear about the behaviors that you're going to reward or penalize, the question becomes who is enough of a democrat to have our support, and how are we going to judge that? I don't know how we're going to decide that someone has or doesn't have enough democracy. This is the democracy-diplomacy intersection.

If they have free and fair elections, and didn't have them before, but we hate the person that won them and we can't see working with him; and if they have a free and open press compared to what they had before, but the information that's being put out by that press is so biased toward us that it's really hurting our interests; and if they have some protection of minorities the way they define protection and minorities, but we don't think that that's what we would want as a standard, then what do we do next, because those are presumably the three most important elements of democracy that we're pushing for? We have to move to another level of discussion about who is a democrat, and who is enough of a democrat.

**HOWARD WOLPE:** This is one of the issues that is now occupying a good deal of internal discussion in the State Department because you have a new set of leaders that has emerged in Africa. They're solid, serious leaders who are committed to ending corruption and ending

the type of personal tyrannies that have marked the last thirty-five years. But these new leaders are very focused on the issue of ethnic competition, and the destructive side of the politicization of ethnicity and the multiparty system.

Our concern is the same one I had back in the 1960s, when I was a graduate student, standing up and defending a one-party state. You don't want to be culturally imperialistic, but you find the one-party argument used to justify some pretty heinous dictatorships and personal aggrandizing leaders.

But we do have to reframe the way we talk about democracy. When you're talking to serious people, like [Ugandan President Yoweri] Museveni or [Ethiopian Prime Minister Meles] Zenawi, they're not going to be lectured to in a patronizing fashion. They're no longer going to accept that.

We've got to make clear that we understand the substantive issue that is being articulated by them is a legitimate concern: the potential fragmentation of their countries. We must also think of a more universal set of principles that is less than institutional formulations, but which gets at free association, free assembly, free expression, and other things that are less than ethnocentric in their institutional formulations.

**JAMES JONAH:** There is a danger. In Ethiopia, for example, the leaders represent only a tiny minority in that country. The majority of Ethiopians don't accept these people. I get worried, because those people who don't believe they're legitimate are not happy, and they are going to cause trouble down the road when they can do it. I really believe that democracy is not a complex idea.

**HOWARD WOLPE:** The danger is the reverse of that, which is that we end up fixing on elections as the *sine qua non* of democracy. And there's nothing, frankly, easier to manipulate —and end up with an artificial, hollow shell of democracy —than an election.

**HERMAN COHEN:** James, you've been talking to citified intellectuals. You haven't been talking to the peasants in Ethiopia who love Meles, because he's opening up the economy, he's building roads.

**JAMES JONAH:** Well, well, well, well, well. I know these guys very well. I've talked with them. Believe me, they are not democratic.

**HERMAN COHEN:** No, they're not. But they're popular.

**JAMES JONAH:** As an African, I really find it very insulting when outsiders say we can accept as leaders people you would never have as your leaders in the Western world. I can't accept it. We have a bunch of such leaders all over Africa.

This is something that we Africans who have been abroad and have come back, will never accept. Why should we tolerate these kinds of people? These people came to power by force of arms. That's how Meles is there. That's how [Eritrean President] Issaias Afwerki is there. They have been nationalists, but why don't they test and see whether the people want them or not? I want them to go through a process. It's a simple thing. Elections let the people decide.

**HERMAN COHEN:** I think Museveni was freely elected.

**JAMES JONAH:** Yes, he was, because he doesn't allow any political party to operate.

**HERMAN COHEN:** But there were opposition candidates?

**JAMES JONAH:** Yes, but they don't have a political party structure.

**LAWRENCE SUSSKIND:** I think the comment helps in a very significant way, in that it pinpoints the necessary but not sufficient attributes of democratic behavior that ought to animate the particularly American but more generally Western engagement, particularly in circumstances where they have no other interest explicitly at stake. If you say free and fair elections are the minimum necessary, but are not necessarily sufficient, that's a clear statement. You can say that elections can be manipulated, but that's why you put free and fair, not just elections. We also talk about election observers and other things, and I hear you saying that, at a minimum, that's what someone has to have behind them to be considered enough of a democrat to have Western support.

**JAMES JONAH:** The United Nations did not supervise the election in Ghana. We did not supervise the election in Togo. But we said, look, we are past the time when the United Nations or Africa can tolerate petty dictators.

**HERMAN COHEN:** I consider Meles to be far more of a democrat than Abdou Diouf in Senegal, who had about three or four free and fair elections, multiparty, and yet he's ruining that whole country. The peasants are suffering. They're not getting any resources. Meles is opening up the modern world to 50 million peasants and giving them a break, and that's what I consider democracy. I don't consider free and fair elections as being that important.

**JAMES JONAH:** Some people say President Clinton was elected by the American people, but he is ruining America. But that's the people's choice. They have a right, if they want, to turn him out the next time. But the reason Africa is in trouble today is because we have tolerated too many of these petty dictators who have no respect for the African people. I cannot accept it. Let us try to have the same standards that we apply in the United States apply to our foreign policy in Africa. Let us not try to compromise and cut corners. I really don't believe that doing so is in our interest.

A country like the United States should stand very firm on competitive elections. It should say, "We are going to make sure that elections are free and fair. If you're elected, fine, we don't care who the person is."

**PETER DE VOS:** What happened in Liberia? You were very much against Taylor.

**JAMES JONAH:** I say, still, this is the ballot of the people of Liberia. We accept him, and give him our congratulations.

**HERBERT KELMAN:** This conference represents a bridge between the communities of official and unofficial mediators. There's overlap between the two communities, but I don't

know how many of you have been at meetings of this kind. I made a list of ten items that I culled from things that were being said. It's completely unsystematic.

1. One was the importance of the ability to listen and take the other's perspective in any kind of mediation or, indeed, negotiation effort.
2. Building partnerships to sustain an agreement.
3. The limits of an interested third party, and the impact that a third party with its own interest has on the process.
4. The importance of agreements that are owned by the parties. Such agreements may be more sustainable, more stable than manipulated agreements or than a peace that is bought.
5. Resolving the issues of trust.
6. Avoiding counterproductive, self-fulfilling prophecies.
7. Providing opportunities for a participatory, exploratory, brainstorming type of process.
8. Dealing with the internal fragmentation, the internal fissures of the two sides.
9. Finding and identifying viable interlocutors.
10. Using personal relationships to get to the bottom and find the potential tradeoffs.

**RONALD FISHER:** At the organizational level, going back several years, there's been work done on what are called dispute resolution systems, wherein the unique needs of a particular organization are diagnosed and a set of structures and promises is developed relevant to whatever types of conflicts exist to create a dispute resolution system for that organization.

It strikes me that we need a generic capacity at the international level to do that, so that in each of these kind of situations, at any given point in time, we could have an analysis or diagnosis of the conflict and its parameters, and the kinds of official and unofficial interventions that would address it in a comprehensive, coordinated way. That's obviously a dream world, but I leave you with that thought for the international level.

## Contributors

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