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## Reframing:

a strategy for conflict transformation

Clem McCartney

*Accord*

an international review of peace initiatives

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## Executive summary

This paper is the third in a series of reflections generated by CR's Comparative Learning Project in Colombia and the Philippines. It consists of reflections on the concept of reframing and its practical application in peace processes. The paper draws on CR's work in Colombia and the Philippines, presenting insights from workshops and consultations in the two countries. It also includes a number of detailed case studies that illustrate how reframing has been used in peacebuilding to transform violent conflict.

The paper is divided into three sections. The first examines the different aspects of conflict that can be reframed, including the nature of the solution and the characteristics of the parties, their relationship, needs and positions, the ways in which resources can be shared and the negotiation process. This section concludes with an analysis of the potential for reconciling frameworks, exploring how frameworks can operate in parallel.

The following section explores the process of reframing using examples of when this has taken place successfully. It looks at the different steps that make up the process, such as building the confidence of the parties and involving new people, including the role of third parties in reconciliation of frameworks.

Sometimes reframing is not possible due to the circumstances of the conflict, and in particular the intransigence of one or more of the parties engaged in violence. The final section looks at why there is a resistance to reframing, exploring the various options available for dealing with a refusal to reframe.

Recommendations for policy and practice are highlighted throughout the paper. These recommendations are derived from comparative learning about conflicts, including the presentation of concrete cases and the analyses of participants in CR's comparative learning project, particularly on the potential application of reframing in Colombia and the Philippines.

CR's comparative learning project is structured around a series of consultations and meetings in Colombia and the Philippines that focussed on different themes emerging from the peace processes in the two countries. The project's outputs, including this paper aim to assist current negotiators in looking for alternative analyses that might provide solutions to the problems they are grappling with. The paper gives both an overview of the topic and practical examples of how the issues have been tackled in peace processes. The project is made possible through partnerships between CR and the institutions in Colombia and the Philippines described below, and through financial support from

the UK government's Department for International Development, the Norwegian Royal Ministry of Foreign Affairs and the Ford Foundation.

### **The Institute for the Study of Development and Peace, Colombia (INDEPAZ)**

The INDEPAZ is a Colombian non-governmental organization that works to create a climate of reconciliation, dialogue, non-violence and respect for human life. It engages actively in political debate on options for addressing the armed conflict in Colombia, and has excellent access to government and establishment officials as well as a breadth of civil society actors. INDEPAZ provides documentation and analysis on current challenges facing the peace process in Colombia and organizes a national educational network on peace and development issues. INDEPAZ translates materials from CR's Accord publication series into Spanish for publication and distribution throughout Colombia. During 2006, INDEPAZ and CR co-produced a publication focusing on the role of international actors in peace processes in Tajikistan, Angola, Sierra Leone, Nagorny Karabakh and Colombia. INDEPAZ also published documentation and policy proposals arising from discussions on this theme as part its own documentation series, *Punto de Encuentro*. To access this documentation, visit the websites [www.c-r.org](http://www.c-r.org) and [www.indepaz.org.co](http://www.indepaz.org.co)

### **The Program on Peace, Democratization and Human Rights of the Center for Integrative and Development Studies of the University of the Philippines (UP-CIDS)**

UP-CIDS is an academic research institute committed to analysing and developing alternative perspectives on national, regional and global issues. Within the centre, its Program on Peace, Democratization and Human Rights (PPDR) convened the activities relating to this initiative. The PPDR hosts the secretariat of a citizen's network, 'Sulong CAHRIHL', which aims to promote the goals and monitor implementation of the *Comprehensive Agreement on Human Rights and International Humanitarian Law* (CAHRIHL) between the government and the National Democratic Front. The Centre and its staff are well-placed to convene a broad range of actors involved in the various negotiation processes and have extensive experience of campaigning on peace issues and contributing to policy dialogue and initiatives related to the peace process.

UP-CIDS recently worked with the United Nations Development Programme (UNDP) to co-publish a five-volume series called *Learning experiences study on civil society peacebuilding*. UP-CIDS also translated Accord materials into relevant Filipino languages as part of its collaboration with CR.



*Workshop on Frameworks in Peace Negotiations in Manila, Philippines, November 2006*

CR and UP-CIDS worked closely with the NGO Balay Mindanaw to organize the consultation in Mindanao.

## 1. The concept of reframing in conflict resolution theory

The discipline of conflict resolution is based on the idea that sustainable resolution of conflict requires solutions that are acceptable to all the parties to the conflict, otherwise the parties will continue their campaigns until one or all are exhausted. If a settlement is reached without the underlying problems being resolved, the conflict is likely to re-emerge if any of the parties feel they have been treated unfairly and are unsatisfied with the arrangements that have been put in place.

Conflict resolution tries to understand the dynamics of conflict and identify the factors that make it difficult for the parties to contemplate a settlement. It explores alternative approaches that may be more likely to allow the parties to work together.

Many factors contribute to maintaining conflicts, including:

- Reliance of conflict parties on **power politics**;
- Levels of **hatred and hostility** which are likely to have been increased by the conflict;
- **Distrust, fear and sense of insecurity** which the parties feel;
- Unresolved **pain and bitterness and physical losses** which have been created by the conflict;
- Problems of **miscommunication and misunderstanding** between the parties;
- Absence of **structures and mechanisms** for managing interaction;
- Different **perspectives on the issues in dispute** and how to deal with them.

The focus of this paper is the last topic: how can the parties develop alternative perspectives on the issues in dispute in order to find creative arrangements which will satisfy the concerns of all involved?

Perhaps the most useful insight that conflict resolution theory offered practitioners in the 1980s and 1990s was the idea of reframing the conflict.<sup>1</sup> Reframing is defined here as a learning process that involves a subject critically reflecting on and then adapting assumptions in the framework they currently espouse (also referred to as a frame of reference). In this context, a framework is the structure for understanding a conflict. It is composed of assumptions about different aspects of the conflict, such as the parties involved, possible and desirable solutions, and negotiation processes. Reframing involves a change in the framework – and thus a change in perspective - of one or more than one of the conflict parties.

Conflicts almost always involve a clash of frameworks so that without reframing it is likely that the conflict can only be contained and positive transformation of the conflict will not be possible. Reframing involves transformation of the separate analyses of the conflict that each party holds. Advocates of a conflict resolution approach say that in almost all situations, it is possible for each party to reframe their analysis of the conflict such that their concerns are not ignored but can be reconciled with those of the other parties. Ideally the parties should jointly carry out the process of reframing - and in fact this does often happen.

“Conflict parties” refers to all groups and individuals affected by or with a stake in the conflict in question and its resolution. This paper is most concerned with the belligerents; states and the groups among the conflict parties that use violence to further their aims. Throughout the paper, the term “parties” refers to this narrower subgroup among the all the involved parties.

1. See for example Cornelius, Helena & Shoshana Faire, *Everyone Can Win: How to resolve conflict* (East Roseville, New South Wales: Simon and Shuster, 1989); Burton, John (ed.) *Conflict: Human Needs Theory* (London: The Macmillan Press, 1990); Folger, Joe & Baruch Bush *Promise of Mediation* (Jossey Bass, 1994); Rothman, Jay. ‘Reflexive Dialogue as Transformation’, *Mediation Quarterly* Vol. 13 No. 4 (Summer 1996): 345 – 52

## Reframing in practice

The ideas that have emerged in the literature are helpful but there is a dearth of practical examples of how parties in conflict actually create new perspectives on the issues that divide them, and those examples have not been collated in a way that make them easily accessible. In addition, it is not easy to apply general principles when one is engaged in negotiations. It is difficult to reach a fair and sustainable settlement of a conflict without reframing, yet experience shows that parties to a conflict are often unwilling to change their perspectives to allow a mutually acceptable agreement to be reached.

CR's comparative learning project used different approaches to address this dilemma and to share examples from other peace processes with participants. Materials were produced including, a paper identifying key aspects of the topic, using examples documented in *Accord: An International Review of Peace Initiatives*. In the Philippines, an analysis of the framework of the Government Negotiating Panel with the National Democratic Front was prepared for a meeting with the Government's Office of the Presidential Adviser on the Peace Process by its secretariat. In a meeting with opposition groups in Mindanao a colleague consulted with the groups and prepared an analysis of their frameworks. In Colombia, INDEPAZ produced a copy of its regular journal (Indepaz 2007), which included articles on other peace processes in Central America and interviews with key actors involved in previous initiatives in Colombia. In each case this preparatory work helped to advance discussions during in-country consultations.

During the visits to Colombia and the Philippines, a resource person shared his experiences of working on the conflicts between the Government of Indonesia and the Free Aceh Movement (GAM) and between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE). The visits provided an opportunity to test the relevance of all these ideas to other conflicts. In turn, the detailed analysis of experience in Colombia and the Philippines and the comparison with experience elsewhere provides further insights and lessons that can prove useful in thinking about how to resolve other conflicts.

Discussions confirmed, for example, both the conflict parties' resistance to reframing and the negative consequences of not reframing the conflict. They explored the tendency to try to tackle other issues such as ceasefires and return of prisoners/hostages without reframing, and noted the difficulty of doing this without dealing in some way with the differences between the parties on the fundamental concerns which motivate them to continue the struggle.

This paper draws on workshop papers and ideas that emerged in the consultations. It will consider three

aspects of reframing: first, the sets of assumptions that may benefit from reframing, including the nature of the problem, the nature of one's opponent and the demands that are being made; second, the process of reframing, including examples from peace processes; and third, the reasons why parties are resistant to the idea that they should rethink their frameworks and the consequences of not reframing.

## Aspects of a conflict that can be reframed

Different aspects of a conflict can be, and may need to be, reframed. A non-exhaustive list includes:

- The nature of the solution
- The nature of the parties and their relationship with one another
- The needs and positions of the parties
- The way in which resources can be shared/divided
- The nature of the negotiation process

The following sections will look at each of these aspects in turn and then consider another option: that frameworks operate in parallel.

### 1.1 The nature of the solution

In the jargon of conflict resolution, the parties should be willing to seek a *win/win* solution whereby all parties are satisfied: *Everyone Can Win* is the title of the practice guide by Helena Cornelius and Shoshana Faire. A more common approach, however, is *win/lose* where each side tries to win at the expense of the other side. If neither side can enforce their wishes, the search for a win/win solution is likely to end in a costly stalemate. Alternatively, if one side can enforce its wishes, the other side will harbour resentment that may well resurface, perhaps in a new form. A win/win solution avoids thinking in terms of concessions and compromise, which may mean giving up something that is important. As such, this shift in thinking is the first stage in reframing the conflict.

This shift does not come without purposeful effort. Yasmin Jusu-Sherriff describes how the Sierra Leone Women's Movement for Peace (SLWMP), founded at the end of 1994, attempted to influence the attitudes towards the war of the government and the Revolutionary United Front:

The SLWMP's initial objective was simply to restore peace in the country. It justified its strategy of direct intervention in politics on the grounds that the national crisis was too serious to be left to the military government. They argued that women were natural peacemakers who could bring unique skills to resolving conflicts. . . . The military government, like its predecessor, was uneasy about public discussion and particularly sensitive about criticism of their handling of the war. The women's peace



campaign put the issue in the public domain in a non-partisan and non-confrontational manner that made public debate of contentious issues possible without the fear of automatically offending the government. . . . As a result of the women's intervention a negotiated peace settlement became a respectable option that offered both government and the rebels the opportunity to climb down from entrenched positions without loss of face.<sup>2</sup>

## Policy / Practice Points

- A shift to thinking that a mutually acceptable solution is possible opens the way to assessing current assumptions and considering what new form that solution might take.
- Public discourse about a mutually acceptable solution can help to develop the idea that it is possible and desirable.

### 1.2 The nature of the parties and their relationship with one another

Conflicting parties often see each other as opponents who must be defeated in a struggle for supremacy and they will try to discredit and disadvantage the others in any way possible. They will often declare other parties to be illegitimate, especially if they are non-state actors using extra-legal force. Alternatively, they may deny the legitimacy of the claims of the other party or argue it has no moral authority, perhaps because of breaches of human rights. While there is a prospect of defeating the other party there is no incentive to see them as anything other than an opponent who must be defeated either militarily or in negotiations.

There is an alternative way in which the conflict and the parties can be understood. If parties do recognize that there are problems that need to be addressed, and that mutually acceptable solutions have to be found if the conflict is to end, then the problem becomes a *shared problem*. The parties have a common interest in finding acceptable solutions and need to work in *partnership*. From this perspective, the other party becomes a colleague in the search for a settlement and the parties need each other. Jay Rothman talks about moving from an "us versus them" mentality to an appreciation of how "we together have and continue to shape the course of the conflict"; from "adversarial to integrative relations and from blame to recognition of mutual responsibility". John Paul Lederach states that "negative or destructive interactive patterns need to be transformed into positive or constructive relationships and interactions."

Some means has to be found to justify such a shift. Sometimes this can take the form of accepting that the opposing group is raising issues for which a solution needs to be found, even though its use of force and other methods are not accepted as legitimate. In these circumstances the government party can say that it is prepared to enter into negotiations *in spite of* the methods that the group is using and not *because of* its military strength.

A ceasefire can help to transform the relationship, and many times during the consultations in Colombia participants expressed their frustration that ceasefires have not held. While a ceasefire is a positive step in itself if it reduces the level of suffering, examples were given of ceasefires that have had a negative impact on relations between the parties. In the absence of genuine commitment to the ceasefire, there can be an erosion of trust rather than an increase in confidence. The governing party may demand a 'quarantine period' as evidence of the good faith of the armed group. It may also demand a surrender of weapons. Such requirements have often proved counter-productive as they slow down the momentum that may have been building up - and in peace negotiations maintaining momentum is often a critical factor.

There are other examples, such as Aceh, where effective negotiations took place in the absence of a formal ceasefire. Alex Vines gives another example in his description of the meeting in Rome in August 1992 between Joaquim Chissano, the President of Mozambique, and Alfonso Dhlakama, the leader of the rebel movement Renamo, as part of the ongoing negotiation process:

This meeting resulted in an historic handshake between Chissano and Dhlakama with a commitment to accelerate the pace of negotiations. Immediately after the handshake, drafting sessions on the text of a joint declaration commenced. The deal that emerged was that a ceasefire would not come into force until after the parliamentary assembly in Maputo had ratified the commitments made as part of the Rome peace process. On 7 August, a declaration of intent to sign a ceasefire in early October was signed by both sides.<sup>3</sup>

An electoral process is often an effective way of giving a group legitimacy because it is then possible to say it has a mandate from the people (similarly, a referendum can be used to give support to the final agreement). Using these steps it is possible to move from opposing a group because they are a threat to finding ways to bring them into a peace process and eventually ensuring they have

2. Lord, David (ed.) *Paying the Price, The Sierra Leone Peace Process* (London: Conciliation Resources, Accord issue 9 2000) p46-47

3. Armon, Jeremy, Rachel Sieder & Richard Wilson (eds.) *Negotiating Rights The Guatemalan Peace Process Accord No 2* (London: Conciliation Resources, 1997) p71

legitimate status in the negotiations. However limitations are evident in both Colombia and the Philippines. On the one hand, supporters of militant dissident groups often do not attract support in elections and, on the other, when they do become public figures they can be targeted and assassinated or discredited in various ways. For example, in May 1985 the Patriotic Union (UP) was formed to allow the participation of FARC supporters in the political process and over 3000 of its members were killed. During the consultations there was concern that this threat still exists for other leftist parties, such as the recently formed Polo Democrático.

Another group may also need to rethink its relationship to the conflict: the people who live in the communities where the struggle is taking place. They may be traditional indigenous communities or settlers who have been moved into the area; they may be the people whom all sides claim to represent; and they may be the people who become the focus of the struggle as each side tries to win their support. Often they feel disempowered and victimized. However, if they can gain confidence and assert their stake in the outcome of the struggle, they may not only represent their own interests but also act as an important bridge between the parties and facilitate communication and new thinking. In Mindanao the indigenous population is small and lacks power, but its leaders are articulate and assertive. In Colombia the indigenous population is larger but still has limited power.

In the two countries, indigenous people are often caught between government forces and the rebel movements. Nevertheless, representatives of these communities took part in the consultations and explained how they organized to resist pressures and maintain their autonomy. They feel supported by legal frameworks that have been developed, in particular the United Nations Convention on Indigenous People's Rights and the national Indigenous People's Rights Act. Such provisions affirm their rights even when not fully implemented. One indigenous person in Popayan talked of the experience of his community, which has created a zone of peace and has been able to negotiate with the army and rebels. He said it was important to "know your self" and have self-confidence.

In Guatemala the indigenous community is a significant proportion of the population, Rachel Sieder explained that facilitating its participation in the peace process involved questions of the mechanisms to use, as well as the status of the group.

While many indigenous leaders objected to the characterisation of 60% of the population as a 'sector' of civil society, the sole opportunity for Mayan organisations to

contribute to the peace negotiations came through their participation as such in the Civil Society Assembly. Although many remained dissatisfied with this perceived under-representation, an early success of indigenous participation in the Assembly was the recognition of indigenous peoples within that forum as, 'peoples' rather than 'groups'. Given the rights attached to 'peoples' by international law, it legitimised and framed a new way of conceiving and talking about national reform.<sup>4</sup>

In the discussions, civil society groups often spoke of their wish to be involved in the peace process because they felt they could have a role in facilitation and might help to narrow the gap between the conflict parties. However some participants asked whether civil society organizations should assert their right to be involved as interested parties, affected by the outcome of negotiations, as well as being facilitators. In this sense they are also stakeholders in the peace process, although they are not strong enough to have a veto over the outcome while the government and the dissent groups are.

### Policy / Practice Points

- Parties are unlikely to be able to reach an understanding while they try to discredit one another or continue to believe that they cannot work together.
- There are a number of steps that may make it easier for parties to accept that they have to work together to solve the conflict.
- Indigenous, community and civil society groups may have a significant role to play in reaching a settlement but it is difficult for them to assert their influence.
- It may be more effective for community representatives to adopt the position of stakeholders in the conflict and its solution rather than claiming to be able to facilitate negotiations.

Once the parties have understood that a durable settlement is likely to be based on a win/win solution and that a win/win solution is more likely to be achieved by a shared problem-solving approach, they then need to look for ways to analyse the problems in order that a mutually acceptable solution can be found. At the same time, knowing that a mutually acceptable solution can be found makes it easier to approach one's opponent as a partner in seeking to create a win/win solution.

4. Ibid, p68



### 1.3 Needs and positions

Another insight from conflict resolution theories is the importance of distinguishing *positions* from *needs*.<sup>5</sup> Positions are defined as the negotiation stances that the parties take in the conflict. For example, the demand for independence can be a negotiation stance but it does not express the real concerns of the party. These might be the fear of domination by the centre or threats to the integrity of their culture and community. The demand for independence is an expression of these concerns as well as an aspiration in itself. On the other side, representatives of the state might argue for territorial integrity without expressing their real concerns. These might be the fear of break-up of the state if one part is allowed to secede, or threats from a neighbouring state using the secession movement to promote its interests. These underlying concerns are the needs and interests of the parties – doubts about meeting these needs and interests lead to their positions.

Positions often appear irreconcilable and incompatible because they are absolutist demands. It is easier to see how needs are compatible and to list the requirements of an agreement incorporating the needs of both parties. For example, if it is clarified that the needs of one party are to control its own affairs and promote its culture and identity, and the needs of the other party are to deflect external threats and destabilization of the state, then the irreconcilability of territorial integrity versus self-determination is less central.

In the Philippines, separatist Islamic groups demanded an independent Moro state (Moro being the traditional name of the Muslim peoples of Mindanao) but through a process of analysis and negotiations it has been possible to see that their needs could be met without breaking up the state, for example, through autonomy for Muslim areas. There are still many unresolved issues and if they are not resolved, or if the autonomy arrangements do not function satisfactorily, it may reinforce the views of those who say the interests of the government and the Moro people are incompatible. In the cases of revolutionary leftwing groups in the Philippines and Colombia their demands are more sweeping and diffuse because they want to create a new social order. However it has become apparent with groups like the Revolutionary Workers Party Mindanao (RPMM) in Mindanao that their vision is for “empowered and sustainable communities” and participation of the community in determining their own needs. This vision has to some degree been achieved through the consultation processes that have been established across communities in Mindanao. Somewhat similarly in Colombia, the ELN is calling for a national level participative process to develop a new social order through the creation of a National Convention.

### Policy / Practice Points

- In order to really understand what is important for each party it is necessary to analyse what lies behind the positions they take up.
- In the midst of negotiations it is difficult for parties to analyse and express their underlying concerns. Opportunities for reflection are necessary, preferably with support from trusted, but objective, concerned people.
- In some cases the absence of opportunities for public participation and people's control over their own affairs have fuelled the conflict. Creating such opportunities may help to satisfy the underlying concerns.
- If arrangements to meet underlying needs are not effectively implemented, the conclusion may be drawn that the needs of the parties are mutually exclusive and cannot be reconciled.

### 1.4 Ways in which a resource can be shared

The normal assumption, especially in Western societies, is that one person or institution owns a resource and others should forfeit their claim to it. Win/win solutions may depend on finding ways in which resources can be shared. It is possible to think of a variety of ways in which this can be done so that neither party has to give up what they want, including:

- **To divide**
- **To expand**
- **To trade/compensate**
- **To disaggregate**
- **To sequence**

In order to demonstrate the different ways of sharing resources, Cornelius and Faire used the analogy of sharing an orange.<sup>6</sup>

**Dividing** the resource is the first option that is normally considered. It is divided so that they each person has a part over which they have separate ownership. If two people both want an orange they can take half each. Of course neither person may be satisfied with half because they wanted the whole orange but at least they got fair shares.

**To expand** the resource means to find and acquire some more so that each party can have as much as they wish. This may be relatively simply with the orange as the mother could send her son to buy more oranges and in political negotiations international donors will

5. Burton, John (ed.) *Conflict: Human Needs Theory* (London: The Macmillan Press, 1990)

6. Cornelius and Faire (1989)

often offer funds. For example, the agreement between Papua New Guinea and the secessionist province of Bougainville provided for the establishment of an autonomous provincial government, and the capacity to implement the arrangements and finance the provincial government programme of reconstruction depended on finding adequate resources. Moi Awei, assessing the future stability of the Bougainville agreement, has said "Current economic circumstances mean that the national government will be looking to foreign aid donors for support, especially for assistance in restoration and development, as well as funding the one off Establishment Grant to help set up and sustain the autonomous Bougainville Government through the formative stage."<sup>7</sup> In this case finance was the required resource and could be obtained from donor agencies, especially in the context of an agreement to end the conflict, but when resources are in limited supply or the resource in question is unique and cannot be substituted for another, expansion may not be an option.

If it is thought to be impossible to share the resource in some way, the preferred alternative may be for one party to have the resource while the other party is paid for their loss or **compensated** in some other way in a form of **trading**. The effectiveness of this option depends on how satisfactory the alternative is for the party that gives up the original demand. Two apples may be a satisfactory exchange for one orange but in some circumstances only the orange will satisfy the particular interests of the parties and so trading or compensating will not work.

In political negotiations disputes will often involve a number of issues and in such circumstances each party may be able to relinquish some of their aspirations and gain in relation to other issues. This requires the overall negotiations to be considered as a package, with the resolution of each issue dependent on successful negotiation of the others. When agreement is reached on an issue, it can be "put on the shelf" to await the outcome of negotiations on other issues. If the other issues cannot be resolved then this proposal will lapse. This approach is based on the principle that "nothing is agreed until everything is agreed" and acknowledges that there can be a trade off between gains and losses on each issue. In the Papua New Guinea/Bougainville conflict three key issues were a referendum on the future status of Bougainville, the highest level of autonomy in the period before the referendum, and the disposal of weapons. Agreement on each of these was reached at different stages of the negotiations but implementation of each depended on achieving an agreement on all of them (see for example Carl et al. 2002, pp 41-42).

Rachel Seider gives an example of a process of trading. During the Guatemala peace process a Civil Society Assembly was established and it was charged with preparing a common civil society position between different interests:

Discussions within the Civil Society Assembly added a number of provisions to the Co-ordination of Organisation of the Mayan People of Guatemala (COPMAGUA) proposal, including measures to ensure greater equality of indigenous women. Non-Mayan civil groups exhibited profound differences on other issues, partly fearing that maximalist demands for land and greater regional autonomy would jeopardize the peace process and also that these would foment ethnic separatism and conflict. It was only after all mention of Mayan autonomy had been dropped that a revised proposal for more equitable coexistence between ethnic groups was finally approved. . . . In July 1994, the Assembly reworking of the COPMAGUA proposals was finally agreed, signalling the first time that an explicit advancement of indigenous rights had received the backing of both indigenous and non-indigenous organisations.<sup>8</sup>

If the resource has various elements or qualities and the parties are only interested in certain of these, it may be possible for each party to have the elements they want without depriving the others. This involves **disaggregation** of the constituent parts of the resource. In the case of the orange the mother may want the rind to make a cake and the child may want the juice to make a drink. In such circumstances there is no real conflict when it becomes clear what each party wants. But in inter-community and political conflicts it may never become apparent what each party really wants because, as has already been noted, the focus is on the positions or demands of the parties and not the needs. Granting autonomy to a region is a process of disaggregating the powers of governance and, as happened in the negotiations over autonomy for Bougainville, the parties had to decide which powers would be exercised by the central government and which by the autonomous region. Ted Wolfers noted that long discussions were required:

The exchanges on autonomy . . . gave rise to the shared conception that the evolving agreement on autonomy and referendum should be regarded as a 'joint creation' by all of the parties. They also led to the national government dropping its previous insistence that it should retain the power to suspend, withdraw functions and powers, or otherwise retain the right to ultimate direct control of the autonomous Bougainville government's affairs. . . . Important breakthroughs were achieved on such technical issues as whether there should be one or two lists of functions and powers (two were eventually agreed – one for the national government, the other for the autonomous Bougainville government).<sup>9</sup>

7. Carl, Andy & Sr. Lorraine Garasu, CSN (eds.) *Weaving Consensus – Bougainville Peace Process* (London: Conciliation Resources, Accord issue 12 2002) p63

8. Armon et al. 1997, p69

9. Carl et al. 2002 p71

It is also possible that the parties want or need the resource at different times and the use of it by one does not exhaust the resource. Again using the analogy of the orange if the boy wants to draw the orange for his art class, his mother could still use it to make her cake. If one **sequences** the use of the resource in this way the parties can use it in succession. The concept of sequencing also underlies the idea of 'sunset clauses', which have been incorporated into a number of negotiated peace agreements. It is agreed that one set of arrangements will last for a set period before the transition to a new set of arrangements is implemented. In the initial period, protections are given to one party, often the former dominant party, while they prepare themselves for the new arrangements when their privileges will no longer exist. In the Bougainville conflict the more radical groupings were at first unwilling to consider postponing a referendum on independence but, as Anthony Regan describes, the radicals and moderates rethought their positions and frameworks and agreed on the benefits of postponing the demand for a referendum and remaining part of Papua New Guinea in the meantime:

Deferring the referendum was best, as weapons needed to be disposed of if the vote was to be fair, and reconciliation was needed if the vote was not to be divisive. Further, they accepted the argument that high autonomy operating for a number of years might satisfy even the 'radicals' with the result that Bougainville could go united into a referendum, choosing to remain autonomous rather than independent. For their part, the 'radicals' took the view that the combination of deferral of the referendum and the operation of autonomy would allow time to build the capacity needed to run an independent Bougainville and allow a consensus on independence to develop.<sup>10</sup>

### Policy / Practice Points

- Reference to the various ways in which resources can be shared allows more creative solutions to be identified.
- Rethinking how resources are needed requires opportunities for reflection.
- There may be gains and losses for each party that balance each other out in the end. Issues can be put on the shelf if it is understood that "nothing is agreed and acted upon until everything is agreed".

## 1.5 The nature of the negotiation process

Part of the parties' frameworks is their assumptions about the kind of negotiation process that would meet their needs. It is evident in the conflicts in Colombia and the Philippines that there are different views on the preconditions for negotiations, the agenda for talks, the stages at which each issue should be addressed, the role of the international community, and so on. Even when there is a commitment to meaningful engagement, the parties often do not realize they may have to rethink their assumptions about the nature of the process, and the failure to find an acceptable process may hide the genuine commitment to engagement that exists.

Once new thinking has begun to emerge, the parties may be slow to reveal shifts in their thinking. First, it may be taken as a sign of weakness and second, if it is a more conciliatory approach it will require a positive response from the other side and there may be little confidence that this will be forthcoming. It was pointed out a number of times that the other side not agreeing to the process on offer was seen as a lack of commitment to peace. Many people in conflict situations regret that they are acting in a confrontational manner and acknowledge that it is not the ideal approach, however they believe it is necessary because their opponent is not likely to adopt a problem-solving approach. Neither party is willing to show that they are ready to reframe their analysis of the conflict.

In order to test the situation, a conditional offer of negotiations will often be made. Conditions could include that the other party must accept the status quo, that certain subjects are excluded from the negotiations, or that certain parties or interlocutors are unacceptable. Even the call for no conditions is often more confrontational than at first appears because it can be a masked challenge to the other party to ignore its own basic concerns. Such approaches seldom work and it is likely that the framework for negotiations would need to be rethought. Nevertheless, the attempts to impose conditions can be the first step to reframing the negotiation process.

Experience tends to show that at the initial stage of negotiations there is a willingness to explore different options but that once a process has been established there is little willingness to consider change. As was evident in Sri Lanka and Aceh, when negotiations run into problems a new approach is needed. Nonetheless, parties will be slow to consider alternatives because they are concerned that they may be forced into accepting changes that weaken their negotiation position.

10. Ibid, p38

In Aceh a new approach was found and progress was made, but in Sri Lanka there has been resistance to such rethinking and the process has become more and more tenuous. It is said that a bad peace is worse than no peace, but it is even truer that a bad peace process is worse than no peace processes. A framework document can include sections acknowledging the concerns of the parties about the structure of the negotiations and stating how those concerns are addressed in the proposed form that the negotiations will take.

In the Philippines, the Government and the communist National Democratic Front (NDF) accepted the *Joint Agreement on Reciprocal Working Committees* in June 1995 as a way to proceed in relation to specific agendas. The timetable was delayed and in 2003-2004 the administration under a different president argued for a single-document process and issued a proposed draft agreement. Whatever the reason for this shift, the NDF was suspicious that the government was trying to out-manoeuvre it and therefore resisted the proposal and the draft agreement and the process is now stalled.

### Policy / Practice Points

- Parties often make maximalist demands when entering a negotiation process because they feel it is risky to appear flexible. This can discourage their opponents.
- The parties need to feel confident that their concerns will be met and therefore they need to know if the basis on which their opponents are prepared to enter negotiations takes into account their concerns.
- A framework document can make explicit the basis for the negotiations and as such reassure the parties.
- The parties may need the help of a third party to put forward a framework document because they feel too constrained to be explicit about what shifts they are willing to consider.

### 1.6 Reconciling frameworks

Sometimes it is not necessary to choose between different frameworks, but instead to explore how they can operate in parallel. It may be possible for two different systems to exist side by side as has been tried with Sharia Law operating alongside a secular legal system or customary law (in the Philippines *Adat*) operating alongside a legal system based on a civil

code. In the Philippines this is one element of the autonomy arrangements for the Autonomous Region of Muslim Mindanao. On the other hand, in relation to the NDF the state has made it clear that "it cannot allow the co-existence of two judicial and legal systems in the country with both parties exercising powers that are exclusive to the sovereign Philippines Government for to do so implicitly or tacitly would be an infringement of the Republic's sovereignty". The difference in outlook might indicate a difference in the way the government views the challenges of parallel systems. In particular, states are often willing to delegate authority but oppose the assumption of authority by others and any appearance that they condone such a move.

The Guatemalan Accord attempted to create ways in which customary laws and practices could operate alongside the formal legal system, as Rachel Seider explains:

By recognising customary indigenous law, [the Indigenous Rights Accord] has already legitimised the community-based efforts of a number of indigenous organisations seeking to employ culturally acceptable non-coercive means to resolve local conflicts. Based on 'traditional' principles of harmony, consensus and conciliation, these initiatives are generally based on the admission of guilt and restitutive measures such as reparation payments. Stressing non-violence and respect for women's rights, they could begin to dismantle the entrenched culture of injustice and impunity in Guatemala. . . . Unless recognition of customary law and promotion of traditional authorities is part of a comprehensive strategy for demilitarisation, involving extended processes of community-based education and reconciliation, there is the risk in some areas of the paramilitary structures imposed during the war permanently replacing traditional authorities. . . . In August 1997, Congress approved reforms to the Criminal Code, providing for the establishment of 'mixed tribunals' in certain localities, comprising local, non-judicial and official representatives. The debate about the respective roles of state and customary law remains unresolved, however and this move constitutes just one step in what will inevitably be a lengthy and complex process.<sup>11</sup>

She also says:

The incorporation of indigenous authorities, practices and norms mandated by the accord implies a radical change in the practice of Guatemalan politics. For example, the legitimacy of Mayan councils or elders and the other authorities potentially empowered by the accord does not derive from a popular vote, but from their record of service to the community. . . . Such developments do not constitute a coherent alternative to existing party politics, however, they are beginning to present a different vision of participation and governance than that traditionally advanced by the political parties.<sup>12</sup>

11. Armon et al. 1997, p 72

12. Ibid, p71



As an interim measure, or even as a final settlement, the sovereign power can delegate its authority to customary, religious or other authorities established in the negotiations, or it can exercise its powers in accordance with the wishes of other parties. The de jure authority of the state is acknowledged even though it may not be invoked in practice. In some cultures this is easier to achieve than in other more rigid societies.

For example, one agreement reached in the Papua New Guinea/Bougainville negotiations, the *Matakana and Okataina Understanding*, “stressed that the national government should exercise the functions and powers of the suspended Bougainville Provincial Government only on advice that is broadly representative of the people of Bougainville.”<sup>13</sup>

Anthony Regan gives another example from the Bougainville negotiations that relates to the referendum on the future status of Bougainville. The National Government of Papua New Guinea was reluctant to cede control of the outcome of the referendum in advance, but with the help of Alexander Downer, the Australian Minister for Foreign Affairs, they found a way in which the authority of the government would be acknowledged:

In essence the compromise involved Papua New Guinea accepting that there would be a deferred referendum for Bougainville on the independence question, and Bougainville accepting that the referendum outcome would not be binding. The selling point for the national government was that the ultimate authority of the National Parliament on the future of Bougainville would be maintained. To persuade the Bougainvilleans to compromise, Downer suggested that the acceptance of the authority of the Parliament was not the end of the matter. He pointed to East Timor as a precedent, suggesting that if a high proportion of Bougainvilleans voted in favour of independence the international community would be unlikely to ignore the outcome.<sup>14</sup>

### Policy / Practice Points

- There is adequate evidence that different frameworks can function in parallel.
- In order to function together a creative fiction can sometimes be employed by which the sovereignty of the state is preserved but not actually applied.
- For different frameworks to work in parallel depends on understanding and goodwill as tensions may arise which need to be addressed.



**Conference in Bogotá, Colombia, February 2007.**

Photo: INDEPAZ

## 2. The process of reframing

Even when the conflicting parties recognize the value of reframing, the benefits of a win/win solution are known and the idea of sharing resources has been accepted, it may still be difficult to apply these ideas in specific situations.

Fortunately, experience shows that frameworks can change. Why and how will a party that has resisted reframing its position consider an alternative way of understanding the problem? What leads parties to be open to alternative frameworks when they have been committed to their existing framework for so long and may even have been willing to die for and kill to impose it on the other parties to the conflict? In the example of Aceh, the GAM, which originally sought independence, has in the end accepted autonomy. In Sri Lanka the LTTE, conversely, has considered federal solutions within the state of Sri Lanka, but now seems more committed to independence. In Nepal, the Maoists and the mainstream parties agreed to share power, whereas the communists and government in the Philippines and the FARC and government in Colombia have not found a basis for co-operation. It is not clear yet if the ELN and the Colombian government will be able to reach an agreement.

One factor may be the pressures on the parties to change. Sometimes it is counter-productive for third parties to apply pressure because it creates a siege mentality and the determination to persist with the struggle. In some conflicts the parties' weakness or inability to sustain opposition can create a stimulus to

13. Carl et al. 2002, p46

14. Ibid, p41

find a solution. This realization often follows a period of confrontation and bargaining when it is realized that ignoring the other parties' concerns will not lead to a solution. This is the idea of a *hurting stalemate*, familiar from the conflict resolution literature.<sup>15</sup> In a hurting stalemate each side is strong enough to veto what the other side wants; the continuing unresolved situation is damaging to both sides and is therefore unsustainable.

This point is often only reached when the possibilities of defeating the opponent are exhausted. This alone does not explain a party's willingness to negotiate because some groups continue to resist even when they are barely able to continue the struggle. Nor is it necessary for the parties to go through the wasteful and destructive process of a hurting stalemate; their perspectives can change through internal debate, the evaluation of alternative options and, perhaps, through outside support. We need to know more about how parties begin such a process and are then able to achieve a reframing that leads to what they view as an honourable outcome to the conflict. When such efforts work they may achieve positive results, with agreements reached and implemented and an overall improvement in relationships.

Participants in both countries emphasized the value of initiating preliminary exploratory exchanges. One must also remember that when the parties are suspicious and hostile towards each other informal exchanges can take on a life of their own and become significant and therefore a potential threat. The process of reframing means challenging underlying ways of thinking and, while many parties have been unwilling or afraid to do this, there are many examples where conflicting parties have found ways to reflect critically and acknowledge changes that have occurred. The examples below allow us to identify some of the characteristics that contribute to a positive process of reframing.

It appears that parties need to explore what they really mean by the concepts they are using in their rhetoric – and they also need to develop these concepts. It is helpful to dissect current ideas and understand what they fundamentally mean, but also to transcend existing concepts and find new, broader ones that encompass the existing ideas of all parties. This requires a process that encourages willingness to test new thinking and has the following characteristics:

- It should enhance the parties' confidence, which in turn allows them to be more flexible
- It should help the parties believe that they and their ideas will be taken into account
- It should value new ideas and critical analysis
- It should use new ways of discussion and argument
- It should involve new people
- It should acknowledge the realities the parties and the country are facing
- It should search for a common vision or aspiration

The experiences described here show that these features reinforce each other and operate together to strengthen and develop peace processes and the ultimate implementation of an agreement.

## 2.1 Refining concepts

We like to think of concepts as fixed and absolute, especially when in an argument or conflict. We are a little like Humpty Dumpty in *Alice Through the Looking Glass*: "When I use a word, it means just what I choose it to mean - neither more nor less."

Parties use terms such as 'territorial integrity', 'self determination', 'sovereignty', or 'inalienable rights' as if these concepts were absolute and neither contestable nor open to qualification. In reality, they have multiple layers and meanings and acknowledging this may be a way out of a confrontation. Current trends such as globalization have shown that concepts like sovereignty can no longer be defined in the same absolute way as in the past. For example, member states of the EU have to some degree pooled their sovereignty by devolving aspects of government from the nation to the EU. To a lesser extent states have given up some of their sovereignty to other international bodies, such as the United Nations or the Association of South East Asian Nations. We can refine the concept of sovereignty so it is as an aggregate or bundle of elements that can be unbundled, some being allocated to one party and some to another.

Land ownership could be similarly refined. For example, there is much concern about 'ancestral domain' over land in the Philippines. The term can be used in a way that means that some rights are reserved for those with ancestral title while other rights to the land are exercised by the state either at local or national level. In this way, the traditional owners can protect their interests in those areas that particularly matter to them, while the land is also available for compatible development. How this is realized in practice still needs to be worked out in many societies, and is an aspect of current disputes.

Gustavo Palma Murga describes this rethinking happening in the Guatemalan peace process between 1994 and 1996 as different interests attempted to introduce alternative ways of reframing the issue of land rights, including the concept of social property, while others attempted to resist such reframing.<sup>16</sup>

15. See for example Zartman, William I. & Maureen Berman. *The Practical Negotiator* (New Haven: Yale University Press, 1982)

16. Armon et al. 1997, pp76-80



## Case study: Guatemala

"Throughout 1994, wide ranging discussions of the planned Socio-Economic Accord produced a series of sectoral reports. Among the more radical of these was published in July by the National Co-ordination of Campesino Organisations (CNOC). The central proposals of the CNOC document were land tenure reform and greater rights for campesinos in natural resource management. Its most radical element was the clause calling for a redefinition of land ownership and use based on the idea of the social function of property. This directly challenged definitions of private property upheld by every Guatemalan government since 1954 and enshrined in the 1985 constitution.

Although the CNOC proposals were debated in the Civil Society Assembly (ASC), they were significantly diluted in the final ASC submission to the peace talks, published in September 1994. While endorsing a redefinition of land tenure 'to permit the legitimate and historical owners... best access to and use of their land-holdings' and to guarantee land access to the landless, the ASC proposals made tacit concession to the new-liberal preoccupations of the private sector...

In December, the Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations (CACIF), who had

boycotted the Assembly, also produced a set of recommendations. In contrast to the CNOC and ASC proposals, CACIF argues against the idea of social property and stressed that 'collective systems of ownership have never in practice been as successful as it is claimed they were'. It refuted past attempts at redistributive land reform and, on grounds of technical efficiency, called for the privatisation of the few remaining communal or municipal lands...

After more than a year of acrimonious debate, the Agreement on Social-Economic Aspects and the Agrarian Situation was finally signed on 6 May 1996. In its coverage of the 'agrarian situation and rural development', the accord clearly recognizes the character and complexity of the land problem. It acknowledges that the concentration of land ownership is not a technical necessity, but rather the result of political and historical processes with no in-built bias towards efficiency...

The Socio-Economic Accord partially reflects the various positions of the interested parties. However, its provisions implicitly indicate that resolution of the agrarian problem is understood as a process of reallocating resources within a marginally reformed institutional context based on private ownership and the market. There are no provisions for structural changes in land tenure

or for expropriating unused or under-utilised lands, while the notion of social property is entirely absent. In terms of underlying philosophy therefore, it is CACIF's vision that predominates. In explaining this, most commentators point to the weakness of the insurgent Guatemalan National Revolutionary Unity (URNG) in talks and the powerful influence of landowners on government negotiators. It is also widely believed that the guerrilla leadership opted to make strategic concessions on the land issue in order to bring the peace process to an end as soon as possible and to facilitate their own future participation in a legal political framework...

While the Socio-Economic Accord recognizes previously neglected issues such as access to credit and technology, the titling of lands and reforms of state institutions to consider smallholder needs, it does not articulate a broad, national and long-term vision of development, and avoids any direct challenge to the inequitable status quo. More substantial dimensions of the land problem have been postponed for future generations. As a consequence, low-level conflict is likely to continue, as expressed in campesino land invasions, strikes by rural workers and clashes between small holders and armed agents of wealthy landowners."

This case shows that not only were there different definitions and proposals but there were also different underlying philosophical positions: the indigenous people were concerned about the nature of their relationship to land, the landless *campesinos* were interested in fair distribution, and the landowners were arguing from the perspective of efficient utilization of the land and maximizing returns. It is also instructive that, although the debate was broad-ranging, the eventual outcome was based on who had the power to force through their perspective. The URNG compromised on the issue partly because of its other concerns.

In another example from Guatemala, Rachel Seider shows how stating a concept can in itself initiate a process of reframing:

The demands set by the Co-ordination of Organisation of the Mayan People of Guatemala (COPMAGUA) referred to the

political, cultural, economic and social rights of Mayan people. Terms such as 'autonomy', 'self-determination' and 'participation' were loosely defined, constituting markers set down to frame a debate about rights, rather than provide precise formulations for institutional or political reform.<sup>17</sup>

The concept of rights may also need to be reconsidered. Roelf Meyer, the negotiator for the ruling National Party in South Africa in the early 1990s, has described how it had to analyse its position on the protection of minority rights as the negotiations progressed. In an unpublished paper he says that originally "damage control demanded that minority rights for whites had to be safeguarded." Then the leader of the National Party, F. W. De Klerk, proposed to the leader of the African National Congress, Nelson Mandela, a framework that set out possibilities for a future new constitution in which full-scale individual rights should be laid down, as opposed to group rights. Meyer says that, "De Klerk did not do this out of conviction of

17. Ibid, p68

the rightness of it, but merely to open talks and so avoid further bloodshed. De Klerk had not thought through the ultimate consequences.” In contrast, he states that, “During this period I had undergone a major shift in mindset and I now felt that the success of creating a new state, in which the majority of the citizens would have the same rights as the whites, needed faith. It required the belief that the protection of individual rights would make the safeguarding of group rights superfluous.”

### Policy / Practice Points

- It is helpful to be aware of the philosophical differences that may underlie the stated positions and arguments of parties.
- An apparent reconceptualization of an issue may simply be a rhetorical gesture to gain some advantage and may have limited impact on the underlying differences.
- Placing the need to clarify terms on the public agenda, which can be done by any section of the community, in itself starts a process of reconceptualizing.

## 2.2 Transcending existing concepts

Reframing means that the parties need to find new and creative ways of understanding the problems and to see where the real conflicts exist and where common ground might be found. The Moro Islamic Liberation Front uses the phrase “the problem is the solution itself”: understanding the problem will reveal where the solution is to be found. It is important to understand the ‘deep structure’ of the conflict, that is, the fundamental nature of the dispute between the parties and not just the conflicting demands at the surface level through which the deeper differences are expressed. During the discussions in Mindanao, the participants were reminded of the Islamic concept of *ljtihad* which can be defined as “creativity, flexibility and the ability to abandon old perceptions and meet new challenges”:

Links between issues mean that progress in one area can trigger changes in the whole system and generate gains for all parties and a willingness to engage with each other. Tania Palencia Prado acknowledged that in Guatemala it was recognized that many factors needed to be addressed to achieve a comprehensive settlement, although the outcome fell short of that ideal:

The central concerns of the peace accords include the need to transform exiting relations between the state and society so that political institutions are capable, for the first time, of mediating

the interests of all social groups in a poor, unequal, multi-ethnic, and multilingual Guatemala. To achieve this transformation, core provisions express time and again the need for participative consultation in the formulation, execution, evaluation and monitoring of state policies, and for accountability in legislative action and executive decision-making. In other words, a culture of involvement in which public decision-making responds to the will of the citizenry is clearly promoted in the accords, as is the belief that strengthening the state will necessarily entail strengthening broader political and civil society.<sup>18</sup>

In Colombia, the ELN would like a national convention bringing together all sections of society to rethink the nature of the conflict, although it is not clear what form this could take. This strategy acknowledges that the government and the ELN alone cannot reach a settlement that truly satisfies both sides. The participation of the wider community could lead to a deeper re-evaluation of the nature of society, which may in turn provide a broader vision within which the government and the ELN could position themselves. This approach was applied in the earlier peace negotiations between the government and M-19. In 1989 participatory Working Groups on Analysis and Consensus were established and their ideas were brought together in November 1989 in a *Political Pact for Peace and Democracy*. Although the Congress of the Republic rejected these proposals, following elections a broad-based National Constituent Assembly was convened in February 1991 and drafted a new constitution, promulgated in July that year.

The parties often overlook the potential benefits of deeper re-evaluation of society. Governments are often suspicious of calls to involve wider society feeling that it could bolster revolutionary demands. Rebel groups can be dogmatic about the changes needed and distrust the community's capacity to defend those ideas, even though they justify their campaigns by claiming that they are defending the community. Consequently the parties may look for, and settle for, short-term concessions or pragmatic and superficial changes that leave problems unresolved. It may take time to realize the need to go further, as was the case in South Africa.

The reframing that took place in the negotiations on a new South Africa is often seen as connected to the relationship that built up between Rolf Meyer and Cyril Ramaposa of the African National Congress, led by Nelson Mandela. Meyer (in the unpublished paper referred to above) has described his own process of change as a “paradigm shift” away from pragmatic negotiation, beginning during the negotiation in the Convention for a Democratic South Africa (CODESA):

18. Ibid p 28

## Case study: South Africa

"Looking back at our behaviour as a team I know that CODESA could never have achieved what it set out to do. As a team we simply did not really believe in what we were doing. Basically we were still locked in negotiation behaviour that aimed at policy amendment, pragmatism. Opportunistic reasoning informed our behaviour. I regret to admit that we went back on our word, on points we had conceded earlier on. We undermined any trust the ANC had in us by backtracking. . . . The collapse of CODESA must be seen as a catharsis: the masks dropped and strong feelings of what was held as crucial in both main parties, the NP and ANC, had become exposed. For the NP this was that damage control demanded that minority rights for whites had to be safeguarded through 'party-based negotiations', while the ANC desired general elections on a one-man-one-vote basis and were only willing to discuss a new constitution once a representative assembly was in place. . . . De Klerk initiated correspondence with Mandela. To one of his letters a framework was attached that set out possibilities for a future new constitution and

the potential means of achieving this. . . . It was suggested that in the future constitution of South Africa full-scale individual rights should be laid down as opposed to group rights. It revealed a major political shift that proved to be essential for reopening of the talks. . . . As has happened before, De Klerk did not do this out of conviction of the rightness of it, but merely to open talks and so avoid further bloodshed. De Klerk had not thought through the ultimate consequences, though, and by proposing this society-changing new framework without wholeheartedly supporting it he took a great risk. The move lacked ideological conviction and thus it was not sufficient to enter a new epoch. More than a pragmatic change in policy, no matter how positive was needed to ultimately create a socio-political structure beneficial for the people of South Africa. A major shift was necessary not merely adjustments of an old paradigm and political manoeuvres but a total turn-about in belief of what was right for the country as a whole. In other words, a paradigm shift, a genuine belief in the

rightness of abandoning the old ways of reasoning and acting, was called for. . . . During this period I had undergone a major shift in mindset and I now felt that the success of creating a new state, in which the majority of the citizens and would have the same rights as the whites, needed faith. It required the belief that the protection of individual rights would make the safeguarding of group rights superfluous. . . . A deep sense of liberation was evoked in me simply by letting go of mere pragmatics, of the urgency to manoeuvre in order to 'win'. It set me free to come out in the open to propose new principles and so establish new common grounds with my erstwhile enemies. I was convinced that only by embracing a future rather than a modified past the country could enter a new era. I was the main government negotiator and praised myself fortunate to be a powerful instrument in the realisation this new beginning. This paradigm shift also enabled me to trust the process and so accept whatever the outcome was of the negotiations around the new constitution."

The structure of the Mindanao workshop helped participants to explore the deep structure of the conflicts they were involved with. They were asked to consider the negotiating positions of the parties but in relation to a series of specific questions. Through this method they reached a deeper understanding of the basic motivations of each party and the deeper differences between them. This did not mean that the deeper issues were more intractable than the more obvious disagreements about their negotiating positions.

The opposition groups in Mindanao found that at a deep level they had a shared sense of Mindanao identity and common interests, even though they came from Moro and communist backgrounds. They also had a greater understanding of how their attitudes and interests differ from those of the government. This analysis helped them to understand the difference between what they understood as a strategy for peace and development and what they understood to be the government's concept, which they equated with a counter insurgency programme. They realized that the order in which different initiatives happened made a critical difference to what those strategies were designed to achieve. For example, does agreement come before peace and development (which seems to

be the view of the government) or does it follow peace and development (which reflects the armed groups' socio-economic analysis of the conflict)? Consequently there are different assumptions about when a peace dividend will and should be realized – after, as a benefit of agreement, or before, as an impetus to agreement.

Other illuminating comparisons were made. For the authorities, whose primary aim is the end of militant opposition, an agreement is the goal; effective implementation of agreements is a secondary consideration. For the opposition groups the agreement only makes sense if the issues are actually dealt with. All had experience of the government making promises on which it could not or would not deliver. It seemed that once guns were taken out of the equation there was little incentive to do more. Based on past experience, armed groups are aware of this tendency and therefore have no incentive to negotiate unless they are sure that the real issues will be dealt with effectively, both in the negotiations *and* in the subsequent implementation of agreements. There was considerable interest in the question of whether laws and guarantees ensure that agreements will not be abrogated, or whether it is necessary to have some guarantees at the beginning or during negotiations.

The discussion also covered how the same action can be a strategy (if there is deeper commitment) or a tactic (only used while it gives some advantage). It is important to understand the intention in specific cases. For example, it was agreed that for the Moro Islamic Liberation Front, engagement in negotiations is a strategy, while for the communist National Democratic Front, committed to “the protracted people’s war”, there is little belief in the potential of negotiations and therefore it is a tactic (a revolutionary tactic in a non-revolutionary situation). However, for the RPMM the strategy of protracted people’s war “dissipates the revolutionary energy” and therefore the emphasis should be on peace and development. Another example is the integration of ex-combatants. It may be a strategic aim for the militant group because it is the kind of structural change to which it is committed, while for the government it may be a tactic used to discourage future militant opposition.

The exercise demonstrated that a proper structured analysis of the thinking of each party, opponents and allies alike, gives a rich picture of what is really influencing each side and demonstrates the changes that are needed and possible without denying any fundamental concerns.

### Policy / Practice Points

- Creativity, flexibility and the ability to abandon old perceptions and meet new challenges help parties to understand the deep structure of the conflict.
- The links between issues can inhibit progress in a vicious circle but equally when progress begins the links may generate a benign circle.
- A carefully constructed process with open-ended questions about motivations and goals provides the structure within which a broad re-evaluation can take place.
- Parties need to be willing to respond to critical questions in order to gain new insights that may help to advance the peace process.

### 2.3 Building parties’ confidence

It is generally believed that one should weaken an opponent before entering into negotiations with them because when they are weakened they are more likely to make concessions. However counter-intuitive, the opposite often is the case. Partners in Colombia were interested in exploring the idea that negotiations work better when there is a strong opponent. A strong opponent is less likely to make concessions, but a

weak opponent often feels that it has little room for manoeuvre and therefore holds rigidly to its existing positions. A confident opponent can be much more flexible and willing to consider different options for resolving the conflict; it has more capacity to cope with uncertainties and believe that whatever happens it can defend its positions. Two confident opponents are more likely to work out creative new approaches.

One element in a peace process may be to ensure that parties develop their capacities, as has happened in a number of situations. This is an issue facing the parties in Colombia because the ELN is beginning the process of negotiations and participation in public politics after years of military engagement. With the knowledge of the government, neighbouring states and sections of civil society are engaging with it to help it prepare. There are numerous similar initiatives in other conflicts. Fernando Gonçalves acknowledged the dangers facing Renamo when it entered into the negotiation process and he also shows the role that other parties played to help it re-evaluate and develop its capacities:

Because they lacked political skills and negotiating experience, and were weak in their knowledge of constitutional and electoral processes, Renamo had much to lose in the peace process. Wary of, but needing external advice and support, the rebels remained cautious in the initial flurry of diplomatic activity. Moreover, while foreign backing and illicit activities such as trafficking in ivory and precious stones had enabled Renamo to sustain its military activities, it now needed new sources of financial support. This fact was not lost on Rowland and the Zimbabweans and, with [President] Chissano’s acquiescence, both began to channel significant funds to Renamo to buy its co-operation. Once the rebels were convinced they couldn’t win the war, these incentives played a decisive role in their decision to make peace. . . . South Africa reformulated its support for the rebels. High-level officials undertook several secret visits to Renamo-held areas in the late 1980s to discuss with the rebels how best to shape and articulate their political demands.<sup>19</sup>

The leadership is sometimes out of touch with its subordinates either because leaders are dispersed in the field or, as is often the case, because leaders are in exile. For example, the Filipino communist leader, Joma Sison, is proscribed and in exile in the Netherlands. He has limited opportunity to understand the situation in the Philippines, yet he is the key interlocutor in the negotiations with the government. In other situations opportunities have been created for the leaders to explore the situation with the next layer of leadership and within the wider community. The Colombian authorities released one of the leaders of the ELN in preparation for the current talks and one function of the Casa de Paz is to enable the ELN to meet with other sectors of society.

19. Ibid, p. 24



Ismail Rashid similarly shows how, in Sierra Leone in 1999, arrangements were put in place for the leader of the Revolutionary Armed Front, Foday Sankoh, to meet with his commanders and the leaders of the Armed Forces Revolutionary Council in order to develop a coherent negotiation strategy. At this time he was held in detention by the government of Ahmed Tejan Kabbah:

Despite the absence of a formal ceasefire, Kabbah consented in March 1999 to a consultative and preparatory 'family meeting' between Sankoh and his commanders. The AFRC-RUF consultative meeting started on 25 April 1999, was expected to last for a week and ran for twenty-one days. The reconsolidation of Sankoh's leadership and the preparation of a common negotiation position took longer than anticipated and the RUF used part of the time to sell its position to its supporters in West Africa, Europe and the US. . . . The AFRC-RUF preparations produced a fifty-nine-page proposal titled Lasting Peace in Sierra Leone: the Revolutionary Front (RUF-SL) Perspective and Vision.<sup>20</sup>

Another example of giving a party a chance to develop its thinking is provided by the way that the Patua New Guinea government facilitated the participation of the various Bougainville interests in a meeting at Burnham in New Zealand in July 1977 in order to consult and clarify their expectations of negotiations. As Robert Tapi reports:

On July 5, the first round of Burnham talks began. They were attended by more than 70 Bougainville leaders representing different interest groups on the island, but without the direct involvement of the PNG government. . . . As a gesture to the national government for allowing the Burnham meeting to happen, the Bougainville Revolutionary Army agreed to release the five PNG Defence Force soldiers from captivity in south Bougainville. In response the PNGDF allowed safe passage for those returning from Burnham.<sup>21</sup>

Parties and their supporters may become willing to revisit their goals and reframe their assumptions when 'winning' - in the sense of forcing or persuading their opponent to accept their framework and preferred outcome - is no longer essential. The group may have gained confidence that it can control its own destiny and maintain and strengthen its identity and interests in different ways, not just through the goals on which the struggle was based. So, for example, a secessionist group may reach a level of confidence where it believes that it can further its interests both within the existing state and through independence. This confidence gives it the capacity to negotiate more effectively than opponents who are still committed to one specific solution and cannot therefore be flexible in negotiations.

So can laws and guarantees be effective in ensuring that agreements will not be broken? They do have

their place, but it is also true that when a party has confidence in its own capacities and sees that its opponents will gain no benefit from abrogating agreements, reassessment of the situation will give more reassurance than any legal or other guarantees. This still leaves unanswered the question of which comes first, the sense that 'winning' is no longer important or reframing?

It is also important to remember that when entering into negotiations a group will be concerned about the shape of an ultimate outcome. This could be stated in general terms and/or at least indicate the concerns of each party which the eventual agreement should meet. It serves to reassure the negotiating parties about the limits of what they will be asked to agree to in negotiations. Participants' experiences showed that parties often avoid this step and hope it will somehow become clear when the negotiations start. In the case of the Sri Lanka negotiations, after one round of talks in Oslo a statement was issued which seemed to indicate the parameters for an agreement that would be acceptable to both sides: "Responding to a proposal by the leadership of the LTTE, the parties agreed to explore a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil-speaking peoples, based on a federal structure within a united Sri Lanka." However it never became clear what the status of the statement was. In contrast, the international negotiator in Aceh stated that he was willing to facilitate negotiation, but only related to the question of autonomy, and so when the parties came together the nature of the outcome being considered was clear - and on that basis the parties eventually reached agreement.

## Policy / Practice Points

- A party that is clear about what is important to it and confident in its capacities may be a tough negotiating party but is also likely to be a more flexible one.
- Governments and other interested parties can create opportunities for inexperienced groups to develop their capacities and strategies.
- A group needs to know that it can realize its aspirations during and after negotiations. If this is the case, then it is more able to enter into negotiations.
- It is helpful if there is clarity about the parameters of a possible solution provided they are broad enough to meet the concerns of all the parties.

20. Lord, 2000, p29

21. Carl et al, 2002, p26

## 2.4 Respecting all parties

During a protracted conflict the parties will increasingly distrust their opponents and often act in ways that confirm that distrust. The ways in which enemy images develop are well known, as is the use of such images to maintain the conflict.<sup>22</sup> Parties will often rely on interpretations of legitimacy to justify their stance. For example, in the Mozambique conflict between the Frelimo government and Renamo, "For most of 1991-1992, negotiations were stalled in the absence of a formula that would recognize the 'sovereignty' of the government while guaranteeing Renamo acceptance as a political party of equal standing to Frelimo."<sup>23</sup> By claiming greater legitimacy in this way, the party avoids engaging directly with its opponents and the substantive issues in the conflict, even though the very existence of the opposition group suggests that there are issues at stake that need to be addressed.

There is little doubt that denying the legitimacy of opponents and their claims will impact on their willingness to engage. One of our Colombian colleagues, Pedro Valenzuela, has pointed out that it is unhelpful to use social theory to discredit a rebel organisation's justification for its campaign:

The inclusion of the objective causes of violence in the official discourse discussions constituted an important step towards peace, as it generated a coincidence in the interpretation of the roots of the conflict and facilitated a consensus around an agenda that, to a large extent, revolves around them. One can also wonder about the possible impact on the negotiated solution of the conflict of denying one of the main actor's rationalisation of the rebellion.

A party will have little interest in how it is viewed by its opponents while force and confrontation are used to deal with the conflict.

In the Philippines and Colombia, participants were concerned that both governments and oppositions each dispute the legitimacy of the other. If a party has previously denied the legitimacy of its opponents and now realizes that it has to work with them, it will find itself caught on the horns of a dilemma. How can it begin negotiations with opponents it has previously dismissed as illegitimate? Fernando Gonçalves has described how Alfonso Chissano changed the way he described the Renamo movement in the late 1980s when he concluded it was necessary to reach a settlement:

Efforts to persuade the Mozambicans of the necessity of negotiations were also redoubled through 1986, though it was some time before Frelimo would discuss the possibility publicly. . . . [In 1989] in the new spirit of expectation, Chissano travelled across Mozambique to prepare the people for the prospect of negotiations. In the process, he stopped using the propaganda phrase 'armed bandits', and began referring to Renamo by name. At the 5th Frelimo Congress in July 1989, he shifted the focus onto Frelimo hardliners, persuading them that Mozambique's best interests lay in engaging with Renamo politically.<sup>24</sup>

The government and the people it represents are most affected by the attacks of a rebel movement and may be pressed to engage with it by the international community. At the same time, the international community, which is not so directly affected, may proscribe the movement as a terrorist organisation. However, although inconsistent, this may make sense if it is simply a useful tactical position, in the sense that ultimately gaining international acceptability can be an incentive for the rebel group to engage in a peace process.

### Policy / Practice Points

- A party may question the legitimacy of its opponents as a way to avoid dealing with important issues that the opponents are raising.
- Accepting the need to deal with objective causes of the conflict can be a sign of respect for opponents and one that may encourage them to engage meaningfully in negotiations.
- If a party is serious about engaging with opponents, it has to stop using the rhetoric of the enemy against them, not only to encourage those opponents but also to help its own supporters to accept that a negotiated solution is possible.
- Proscription of an armed group by the international community makes it difficult for that group to believe its concerns are treated with respect and therefore this action seldom encourages a group to lay down its arms.

22. See for example Sherif, Muzafer. *Intergroup Relations and Leadership* (New York, Wiley, 1962) and Gladstone, A. 'The Conception of the Enemy', *Journal of Conflict Resolution* Vol. 3 (1959): 32 - 137

23. Armon et al, 1998, p 18

24. Ibid, pp22-23



## 2.5 Finding new ways to discuss issues

This section has already referred to a number of examples of forums and consultations that created new styles of interaction between conflicting parties and other sectors of society. Anthony Regan described a specific approach through which parties can reconcile their frameworks by clarifying the needs and concerns of the people, as occurred during the conflict between Papua New Guinea and Bougainville. There were many different groups in Bougainville with different positions and demands, and it was necessary to try to reconcile those positions if they were to negotiate effectively with the government. This was achieved in 1999 through the Bougainville Peoples Congress (BPC):

After the election of the BPC in May 1999, it took several weeks to agree on the details of a compromise on independence. An important part of the process here was the development by advisers to the BPC of a paper entitled 'Options for Negotiations on a Political Solution – A Framework for Evaluation. Over several days of intensive discussion, the advisers first defined a series of nine very broad options for an agreed political settlement. They ranged from immediate independence through to acceptance of the new provincial government system operating elsewhere in Papua New Guinea. The advisers then identified the main features – or issues – about post-conflict Bougainville and the twenty consequential requirements in respect of each such feature that should be met by the ideal option for a political settlement. Focused on the need to integrate opposing positions, a conscious effort was made to address the key concerns of each major faction. Each option was assessed – given a mark of high, medium or low – in terms of how well it could be expected to meet the twenty requirements. The analysis was summarized in a matrix. The analysis showed that the strongest option, in terms of how well it might be expected to meet the twenty requirements, was a deferred and binding referendum, together with highest possible autonomy operating until the referendum was held.<sup>25</sup>

### Policy / Practice Point

- Structured discussion is one way that a party can be helped to explore its thinking in new ways and as a result gain new insights into its goals.

## 2.6 Involving new people

Inclusive talks are often more effective in achieving a durable settlement that will not then be undermined by excluded groups, though of course the process of negotiations may be more difficult with more participants involved. Anthony Regan argues that the structure of the Bougainville negotiations "resulted in large, unwieldy and expensive teams – but inclusiveness was crucial, ensuring that at each step of the process, each compromise was understood and accepted by every group".<sup>26</sup>

Other actors, both national and international, can play a variety of helpful roles, either in the actual negotiations or in the background. Often they claim that they are neutral and are only interested in facilitating or contributing to a peace process and ensuring that proper standards are maintained. They can help to introduce alternative frameworks for the conflict that improve on the existing competing frameworks. In thinking of ways to develop a peace process, a number of colleagues in Colombia were positive about the role played in the 1980s by the Escupulas and Contradora processes in Central America (Colombia being a member of both groups). These examples indicate how regional groupings of neighbouring states can provide a context in which to work out ways forward.

The stimulus for reframing may come from trusted third parties who see the need for change. Mozambican church leaders engaged with the Renamo leaders in Nairobi in 1989, as Dinis S. Sengulane and Jaime Pedro Gonçalves explain. They also show how early exchanges helped to change attitudes towards the rebels and make talks more acceptable:

In preparation for these talks, the government drew up a list of '12 principles' for direct dialogue with Renamo that the churchmen passed on to the rebel group without comment. Renamo replied with a '16 point declaration', which was delivered to Maputo on 14 August. Despite the many areas of disagreement between these two documents, the major stumbling block was the government's refusal to recognize Renamo as a legitimate political force in Mozambique. The Nairobi declarations seem to have been the first written communication between the two sides, however, and would eventually open the way to direct talks.<sup>27</sup>

Ted Wolfers refers to other useful roles that outsiders can play in floating ideas that are hard for the parties to put forward themselves. The Australian Minister for Foreign

25. The framework can be found in Carl et al, 2002, p40

26. Ibid, p39

27. Armon et al., 1998, p26 (The two sets of principles are also published at pp38-39)

Affairs, Alexander Downer, floated a compromise during the Bougainville negotiations that included options that had been considered but not agreed to. Wolfer quotes Downer as saying, "It is sometimes not what is said but who says it that counts."<sup>28</sup>

A major theme in the consultations in Colombia and the Philippines was the participation of civil society groups, not surprising given the interest in the subject in both countries. To involve them means a change in the parties' frameworks from a narrow to a broad inclusive approach to negotiation. At the initial stages of a peace process there is greater opportunity for establishing an inclusive process. But even if it is not achieved, the merits of such an approach and successful examples need to be kept alive in public debate, in order to show the parties that it is in their interest to allow the participation of other sectors. Without the consent of the parties, other states and civil society groups can still play a role but their potential contribution is weakened.

### Policy / Practice Points:

- Inclusive talks tend to be more effective in achieving a durable settlement that will not be undermined by those excluded. Negotiations may be more difficult with more participants involved.
- Third parties can introduce alternative perspectives and play a role in floating ideas that are hard for the parties to state themselves.
- Regional groupings can provide a context in which to work out the way forward.
- The involvement of other parties does not in itself guarantee an effective process; some will be involved for their own personal motives or ambition, or may not be clear about what would be a useful role or contribution. Therefore careful analysis, openness and co-ordination are essential.
- The parties in conflict may use their power to exclude others and ways need to be found to help them appreciate that it is in their interest or need not be to their detriment to allow the participation of other sectors.

## 2.7 Acknowledging realities

In order to reframe it is important to deal with the realities of the situation, however participants in the consultations were often rather idealistic. They hoped that the parties would change their positions but did not really understand how difficult that can be. They tended

to appeal to moral considerations and list the parties' failures to maintain humanitarian standards. Unfortunately a party will often ignore humanitarian standards if they do not fit with its perceived self-interest.

In particular, peacemakers need to understand the nature of the power that armed groups hold. Once these groups give up their military power, they may not be able to reactivate it again. It is also necessary to take into account the different influences within any party. How do political leaders relate to their constituencies and military leaders to their troops? Do leaders give direction to their supporters and expect them to follow, or do they have to be careful not to move away from the existing views of their supporters? Negotiations may not be with the right element within a group and interlocutors may not be able to carry their people with them. Ignoring these factors means that there will be no reframing or it will not connect to the parties' actual concerns.

### Policy / Practice Points

- It is important to understand political realities including that a party to a conflict might ignore humanitarian standards if they do not fit with its perceived self-interest.
- Peacemakers need to understand that armed groups rely on their military power in order to be taken seriously and are therefore hesitant to relinquish it.
- It is also important to understand the limits of a negotiator's influence over their own party; they may not be able to gain support for a settlement or willing to take the risk of trying to promote it.

## 2.8 Developing a common vision or aspiration

Parties need to know that their concerns will be considered in the negotiations and incorporated into any eventual agreement. They also need to know that the process is not structured in such a way that they may be forced into an agreement against their will. A framework document is one way to meet these concerns and to synthesize creative ideas about the peace process.

A framework document acknowledges each side's requirements for an acceptable agreement. It states that the goal for the negotiations is the satisfaction of all these requirements and thus presents the issues as a shared problem that the parties will work together to resolve. A framework document can also reassure the parties that as far as possible the negotiation process will

28. Carl et al, 2002, p48

not force them to accept something that will damage their interests.

In the Northern Ireland peace process the governments of the United Kingdom and Ireland worked to create framework documents that would be acceptable to all the conflict parties in Northern Ireland, including the Irish Republican Army (IRA) and Sinn Féin who were still committed to violence. The first of these documents was the Downing Street Declaration; Martin Mansergh describes its significance:

The Downing Street Declaration of 15 December 1993, while recognizably retaining many features of the draft proposal passed by Reynolds to Major [the Irish and British prime ministers] the previous June also represented a challenge to the IRA. The British government's acceptance of the right to self-determination subject to concurrent consent, its renunciation of any selfish strategic or economic interest, its commitment to 'encourage, enable and facilitate' the achievement of agreement between the people of Ireland and its promise to accept the admission of Sinn Féin to political dialogue with the other parties . . . challenged the whole rationale of continuing the armed struggle. It took another eight months for the republican movement to be convinced.<sup>29</sup>

A framework document will often include the form of the negotiations, agreement on a third party facilitator/chair of the talks process, and the structure of negotiation panels and sub-committees and their roles and functions. It can also indicate the basis for agreement and, if all parties are to be reassured, it is likely that this will not be majority voting as one party may be outvoted. A form of consensus decision-making and the principle of "nothing agreed until all is agreed", mentioned earlier, will also offer reassurance in this respect.

In relation to the current negotiations between the Colombian government and the ELN, the *Garantes de Casa de Paz* have produced a document, "Hacia un Consenso Nacional Para La Paz y la Reconciliación" (Towards a National Consensus on Peace and Reconciliation).<sup>30</sup> It contains many of the features of a framework document, particularly in relation to the cessation of violence, humanitarian issues and setting up structures to facilitate the process. However, it is noticeable that it says very little about the possible parameters of any settlement. It may have been felt that it would not be possible to agree on such a provision. It offers the parties a very comprehensive process but does not indicate the likely goal of the process (beyond a nation at peace, democratic and without drug trafficking). Given what has already been said, the lack of indication of the parameters of a settlement may increase the parties' caution rather than reassure them about their engagement.

The government of the Philippines and the NDF recognize the Hague Declaration negotiated in 1992

as their "general operative framework for negotiations". It states, "The holding of the negotiations must be in accordance with mutually acceptable principles, including national sovereignty, democracy and social justice, and no preconditions shall be made to negate the inherent character and purpose(s) of the negotiation." This did lay down the basic parameters of agreement, though in very general terms.

Given the distrust and hostility that exists between armed conflict parties, the preparation of a framework document may be difficult for them to achieve together. They may need third party help, either from civil society or friendly states, and they may even prefer that the framework document is released by a third party so that they do not have to explicitly acknowledge the needs of their opponents, which could indicate a shift in their position. Nonetheless, if the parties enter negotiations on the basis of the framework document, they are negotiating according to its terms. They will have reframed many aspects of the conflict and in doing so have strengthened the prospects for a durable mutually acceptable settlement.

### Policy / Practice Points:

- To feel comfortable with a negotiation process and willing to engage fully, parties need to know that it is not structured in a way that will force them into an agreement against their will.
- A framework document can reassure parties that their concerns will be respected in negotiations.
- A framework document acknowledges each side's requirements for an acceptable solution, the likely parameters for an agreement and the form of the negotiations.
- Conflicting parties may need third party help to draw up and publish a framework document given the distrust and hostility which exists between them and their reluctance to indicate their "bottom line" and shifts in their positions.

29. McCartney, Clem (ed.) *Striking a Balance: The Northern Ireland Peace Process* (London: Conciliation Resources, Accord issue 8 1999) pp. 70-72

30. Indepaz, 2007, pp104-105



**Prof. Ramasamy Palanisamy and Darío Colmenares at a conference in Popayán, Colombia February 2007.**

Photo: INDEPAZ

### 3. Resistance to reframing

While it is easy to understand the value of reframing the conflict, it is also easy to understand why it does not take place. The parties may have adopted their existing frameworks a long time ago, often after prolonged analysis and discussion, and they will have invested time and lives in actions shaped by them. It is difficult to abandon frameworks without appearing to betray cherished beliefs and comrades who may have given their life for the cause. The framework may be the only certainty that the group or government has: it can appear to be the scaffolding holding up the whole edifice of the struggle. There was a keen awareness, particularly in Colombia where drug trafficking is an important element in financing the conflict, that the warring parties maintain entrenched positions not as a matter of principle but because they benefit from the war economy and would lose influence and status if the conflict ended.

There are few opportunities for frank debate about alternative frameworks when the group as a whole shares the commitment to the existing framework - even the leader will hesitate to raise doubts about current assumptions and strategies. The typical conclusion is that it is better to literally soldier on and hope that the end goal will be achieved using existing strategies. It becomes a vicious circle: without discussion it is unlikely that new ideas that better represent the aspirations of the group or organisation will emerge, but without confidence in new ideas it is unlikely that the leader or supporters will initiate discussions. It may take further setbacks to prove the current strategy unsustainable, but the circumstances of a failed strategy are not an ideal basis for fresh thinking, necessary as it will then be. Reframing is particularly challenging for a guerrilla group, as Martin Rupiya points out in relation to Renamo. He makes the following assessment of the

issues facing it in 1989 when it began to engage in parliamentary politics with the Marxist Frelimo regime:

After years of guerrilla warfare, Renamo was poorly prepared for civilian life and for the transition to parliamentary politics. Its major challenge was to transform itself from a purely military organisation into a viable political party. To achieve this, the rebels needed to develop a coherent ideology as well as an organisational structure to explain their views. Renamo's political pronouncements had hitherto been couched in blunt anti-Marxist, pro-capitalist, pro-democracy terms, but its capacity to debate these issues was very limited. Moreover, in exchange for offering Frelimo the benefits of peace, Renamo needed guarantees of security and financial assistance before it would give up fighting.<sup>31</sup>

It would not have been surprising if it had walked away and continued to use military force, even though success was unlikely. Many conflicting groups have developed an analysis based on the belief that they have the capacity to continue the struggle for longer than their opponents. They believe the cause is more important to them than to their opponents and therefore their opponents will tire of the struggle and give up. If both sides maintain this position, they cannot both be right, which in itself indicates that they may need to reframe their analysis.

It is in the nature of protracted conflict that frameworks are incompatible otherwise conflicts could be resolved more easily and quickly. It is no surprise therefore that in our discussions many commentators noted that the fundamental gaps between the parties were so wide that they could not be tackled directly. In Colombia these contradictions are very obvious and explicit and the parties state that they are not willing to consider the perspectives of their opponents. In the Philippines there is an apparent willingness to consider the views of

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31. Armon et al, 1998, p14



opponents but in reality these attitudes can mask the distance that exists between the perspectives of each party.

The argument often used in the discussions was that it was not possible to prepare a framework for negotiations at this stage. The parties were so far apart that participants could not envisage them searching for some basis for a settlement. They might believe that a victory was still possible and that they did not need to think of accommodation with opponents. On the other hand, some parties had no sense that negotiations would help their cause, even though continuing the conflict was not an attractive prospect.

When parties are unwilling to accept reframing there are three options in addition to continuing the military struggle:

- Establish one's framework as the dominant perspective
- Work on other issues which alleviate current tensions
- Support reframing but in effect use it as a means to impose one's perspective.

When examined, none of them can actually offer a real alternative or promote a sustainable settlement.

### Policy / Practice Points

- Be aware that reframing challenges cherished beliefs and parties' certainties in a hostile and vulnerable situation.
- Changing positions is difficult because it seems to disavow past sacrifices for the cause.
- Because of the difficulties of reframing, other ways of dealing with the conflict look attractive, but none of them actually offer a real alternative. Parties may need help to see this.

### 3.1 Establishing a dominant framework

This approach is much favoured by conflict parties because they often believe that their framework is the only one that makes sense. Unfortunately, they will say, the conflict persists because other parties take contrary and wrong-headed views. To deal with their divergent perspectives seems to mean that one side must force their opponents to accept their framework, either by force of arms, force of argument or by gaining the greatest level of support from other interested parties. This means that each party views every development, whether military or political, as part of a struggle to establish its framework as the dominant one. They may accept short-term interim arrangements and talk of confidence building but not want to make any significant change themselves.

Participants gave many examples where parties were suspicious of the motivation of the other side in such circumstances. Ceasefires may actually make the situation more intractable in the long run. When a state party wants to negotiate the handing in of weapons, a rebel group might be suspicious that its interest is to remove the guns from the equation, perhaps partly to weaken the rebel group so that once achieved the government will have little incentive to negotiate seriously. The rebel group will then refuse to comply. Equally, it was clear that there is often ambivalence about plans for integration of ex-combatants: militants want this, but they are also suspicious that it is a means to neutralise opposition.

When a party sets conditions for entering into negotiations it is often actually trying to ensure that its framework for analysing and resolving the conflict is accepted. Equally, incentives and rewards are often really conditions. A party that offers incentives such as economic opportunities or access to the international community is actually inviting the other party to change its framework if that is the basis on which the incentive is available.

In many conflicts no party can establish the dominance of its framework and so the conflict becomes intractable. Asymmetric conflicts are often the most intractable because the weaker party resists the conditions for negotiation that the stronger party demands, but does not have the power to convince the stronger party to shift its position. In these situations it seems best to tolerate the hurting stalemate. Where the parties are more evenly balanced they are more likely to recognize that they will not achieve their goals without some adjustments on all sides and they will only persist with the conflict with little prospect of victory if they can do so with minimal cost.

### Policy / Practice Points

- A party in conflict will often reject well-intentioned initiatives because it views every development, whether military or political, as part of a struggle to establish its framework as the dominant perspective.
- A party will often reject conditions proposed for entering into negotiations when they are intended to ensure that it gives up its framework for analysing and resolving the conflict. It will doubt the good faith of those who make such proposals.
- Asymmetric conflicts have a tendency to become frozen and intractable. Parties need help to understand that in those circumstances pressure will not persuade the other party to shift and some adjustment will have to be offered in order to encourage their opponents to be more flexible.

### 3.2 Alleviating existing tensions

In some conflicts the parties may consciously decide to postpone addressing the fundamental issues and initially concentrate on building confidence and ending violence. Sooner or later the issues underlying the dispute will have to be tackled, however. This was true of the negotiations between Papua New Guinea and Bougainville, as Anthony Regan explains,

“While all the major agreements reached in [the first phase of negotiations] acknowledged the need for a political settlement, there was also tacit acceptance that the main political questions dividing the protagonists... needed to be put to one side, to be addressed once the process was securely established. In the Hague Declaration of 1992 between the Government of the Philippines and the NDF 4 issues were to be dealt with before final negotiations: human rights and international humanitarian law; economic and social reform, political and social reform and the end of hostilities and disposition of forces. Agreement has only been reached in relation to the application of human rights and international humanitarian law and the process seems stalled.”<sup>32</sup>

Peacemakers and peacebuilders prefer this approach. Many participants, particularly in Colombia, wanted to explore how progress could be made on ceasefires or humanitarian relief and other peacebuilding strategies, and they were disappointed and discouraged that the parties were not more responsive. The exchange of prisoners is an issue in Colombia because there have been suggestions that the government and FARC might enter into negotiations about it. But there is frustration that the approaches of the two parties are very different. FARC wants negotiations in the broader context of discussion of all concerns, while the government wants to treat the return of refugees as a separate humanitarian issue to be dealt with independently of other issues.

The establishment of a ceasefire and demobilisation of ELN forces was also a current topic as the government and ELN were considering substantive talks, the first round of which has since happened. Reference to ceasefires has already been made in the context of establishing the credibility of the parties. Can parties negotiate with each other while there are still actual violent incidents or the potential for such incidents? A comparison was made between the experiences in Sri Lanka and Aceh. In the latter, there was no formal ceasefire during the last round of talks but nonetheless an agreement was achieved, while in the former there was a ceasefire but it became increasingly ignored and the parties used the gap to rebuild their military

capabilities. Here the question is rather, can a genuine ceasefire be attained while the parties are unclear about the intentions of the other party and not committed to negotiations?

For many suffering directly as a result of the conflict, such as families of the disappeared, and for those not interested in the issues behind the conflict, the arguments are clear and simple: humanitarian agreements and actions are important in themselves. They cannot see any reason why they should not be undertaken. In addition, when no progress is being made on the substantive issues, progress in these areas, or even communication about these issues, will begin the process of building confidence. This may in turn lead to changes to frameworks that could initiate a real peace process. Others, closer to the concerns of one or other party, are suspicious of such an analysis. The very fact that these strategies can lead to a reassessment of the parties' frameworks may be the reason why they are suspicious: they are not ready to reassess their frameworks.

There are many sectors of civil society (especially at local community level) that are aware of the underlying contradictions between the parties' frameworks and unwillingness to compromise on any issue, even if they are frustrated that, as a result, the conflict continues. Those less affected by the conflict are more likely to have an optimistic view of the possibility of reconciliation without dealing with the underlying contradictions and cannot accept that the parties are unwilling to take small steps towards peace.

Analysis of the dynamics of strategies that avoid the underlying issues supposedly in order to stimulate change helps us to understand why they often do not succeed. The parties may be suspicious and unwilling to take necessary steps with the result that progress is not made, leaving the parties farther apart than ever and all those affected more disillusioned with the search for peace. One analysis of the Sri Lankan peace process claims that there was a failure to address the real concerns of the parties until confidence and trust had grown between them, but then the very lack of engagement on important issues led to a loss of confidence in the process and in the other parties.

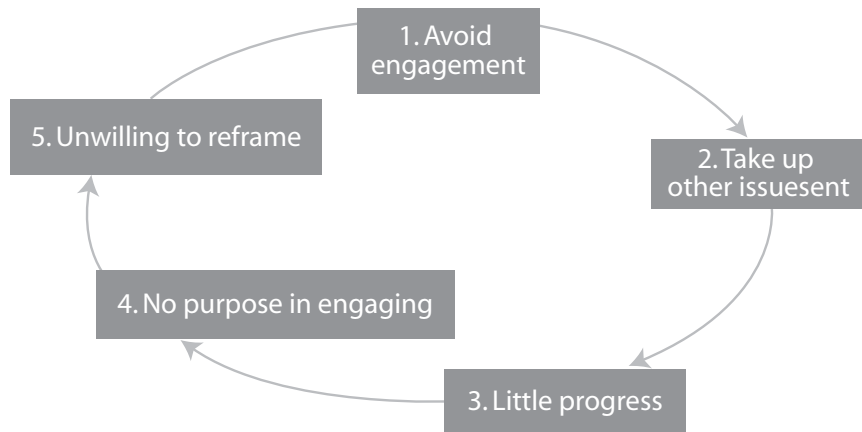
It is necessary to acknowledge that there is a vicious circle at work and that the failure to address the underlying issues that divide the parties plays a part in maintaining that vicious circle.

It can be pictured as follows:

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32. Carl et al, 2002, p48

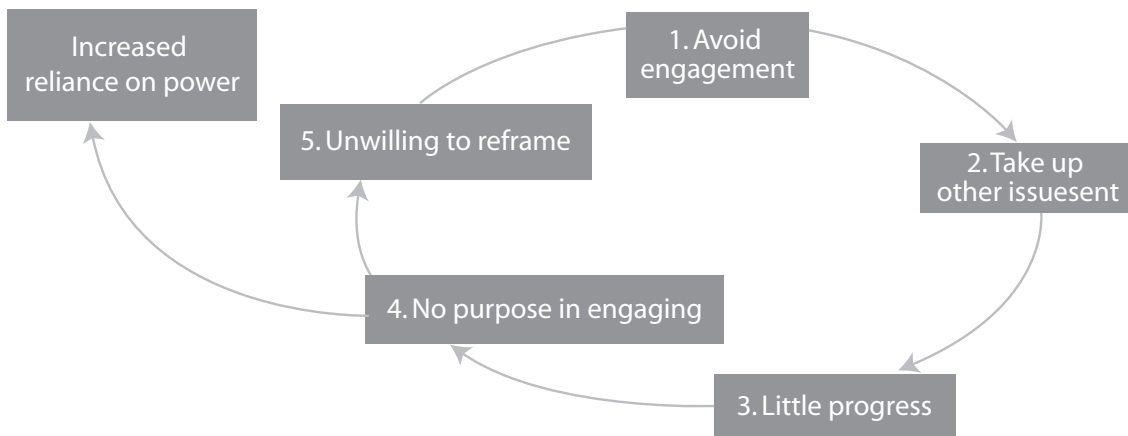




One or more parties are unwilling to engage (stage 1) so they move to take up other issues (stage 2). Unfortunately, little progress is made because of the underlying differences between the parties (stage 3) and the conclusion is reached that there is no purpose in engaging (stage 4) and consequently no

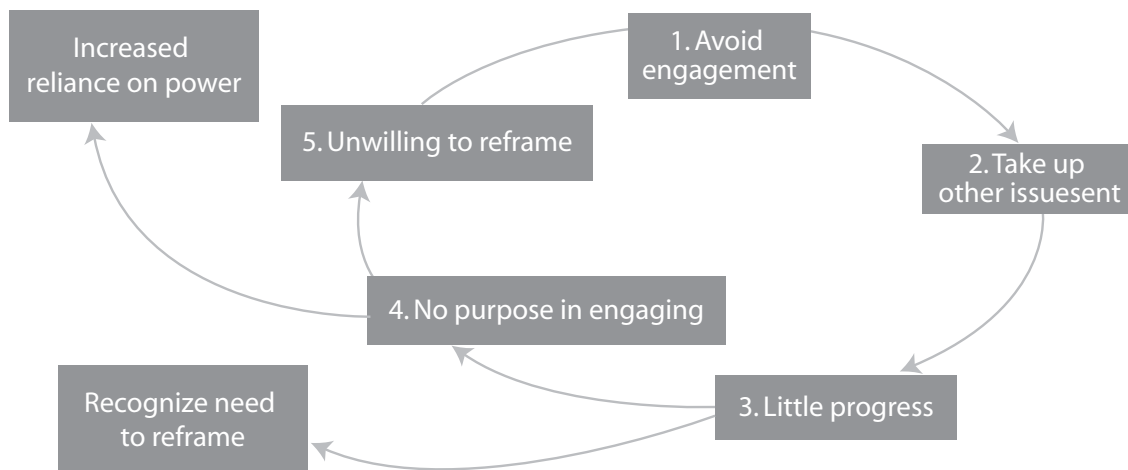
purpose in considering reframing their understanding of the conflict.

There are two ways out of this vicious circle. The first tendency is to escalate and increase one's reliance on power at stage 4 or 5:



However, there is another option. The failure to achieve progress at stage 3 could lead to a greater awareness that any satisfactory outcome will require finding some

way to reconcile the frameworks and perspectives of the conflicting parties:



This analysis does not deny the importance of dealing with humanitarian issues, but it does suggest that it is important to recognize how they can be used to further other aims in the struggle. In order to ensure the willingness of parties to engage on humanitarian issues, third parties and the warring parties themselves need to be very specific about the issues with which they are dealing. They need to work out ways to ensure that action on humanitarian issues does not prejudice any party's claims in relation to the overall conflict. This is difficult to achieve because the nature of conflict and *real politik* is such that the parties will often try to gain an advantage.

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### Policy / Practice Points

- Parties in conflict may be attracted to the approach of dealing with subsidiary issues before dealing with the substantive issues, but it seldom turns out to be very effective because they remain aware that the fundamental issues still have to be dealt with.
- A ceasefire without real commitment to negotiations can undermine confidence because parties continue to be hostile to each other and prepare for a return to war.
- It is doubtful if a genuine ceasefire can be attained while the parties are unclear about the intentions of the other party and not committed to negotiations.

### 3.3 Distinguishing between rhetoric and substance

Often what appears to be reframing is in fact a restatement of an existing framework, perhaps using different language. It is not surprising that parties prefer to change their rhetoric rather than undertake any more substantial reframing, which is a subtle process and one the parties may not be aware of themselves. There may be underlying messages that convey to their opponents that they are not really rethinking their understanding of the conflict.

The following case study of the negotiations in Sierra Leone shows the way in which the parties were continually evaluating the underlying intentions of their opponents. In 1999 the Sierra Leone Government of Ahmed Tejan Kabbah entered into negotiations in Lomé with the Armed Forces Revolutionary Council (AFRC) and the Revolutionary United Front (RUF), led by Foday Sankoh. The example also shows the potential contribution of neighbouring states as four West African presidents supported them. Together they struggled to find a way to reframe the demands of the two sides in relation to transitional arrangements as Ismail Rashid explains.<sup>33</sup>

## Case study: Sierra Leone

"Nothing came closer to scuttling the talks than the AFRC-RUF demands for power-sharing, in a four year transitional government, and the speedy removal of ECOMOG [Economic Community of West African States Monitoring and Observation Group] troops from Sierra Leone. Both issues were not new. The RUF had floated the idea of an interim government of national unity in 1995. . . . From 12 June to 6 July when these issues were decisively resolved they taxed the energies of the negotiators, the mediators and the West African regional leaders. . . . For the AFRC-RUF, power-sharing and transitional government meant substantial control over the state apparatus. . . . They provided an extensive list of government posts. . . .

The government delegation saw through the RUF strategy to gain control of ministries, other state institutions and the capital's administration and rejected not only the AFRC-RUF demands, but also the very notion of a transition government and power sharing. They delegation cited the government's inability to create a transitional authority outside the constitutional framework and argued that 'the government itself is a creature of the 1991 constitution (and) derives its powers and authority only from that constitution. . . . The limited concessions made by the Kabbah government showed the pressure it was under at home. Parliamentarians and some hard-liners within the cabinet, defensive of their positions and

the constitution, threatened revolt and impeachment. . . . By 21 June, after weeks of intense regional diplomacy, coaxing, compromising and a bit of arm-twisting, it was felt that a mutually acceptable formula had been found to break the deadlock, namely 'power-sharing within the framework of the 1991 Sierra Leone constitution'. . . . Two days later, Sankoh shocked everyone by rejecting the formula in a BBC interview. . . . The four presidents then met Kabbah and Sankoh individually and together. [Sankoh] was advised to think more of a transitional phase rather than a transitional government. . . . On paper the nine-year long conflict in Sierra Leone was over. On the ground peace was to continue to be elusive."

33. Rashid, Ismael

At a meeting in the Philippines it was suggested that sanctions, such as proscription of the NDF, could be reframed so that their removal would be seen as an incentive, rewarding the desired behaviour. But it was not understood how the party affected might view this strategy. Such a change still does not really respect the position of the other party and could be seen as a rather patronising way of expecting them to give up their strategy. In another meeting in Colombia, a participant indicated that his party's good faith had been demonstrated when they considered what they needed from opponents. An approach that would more clearly demonstrate the willingness to rethink would be to explore what the opponent wants or needs and whether that can be provided.

It was also apparent that the same behaviour may have different purposes and may indicate different things depending on the assumptions and intentions of the party concerned. For example, in the Philippines the government has initiated a peace and development strategy, including the Kalanyano Barangay Program to deliver services more effectively to local communities. There was discussion in both meetings that the same actions might be undertaken as part of a peace and development strategy or as part of a counter insurgency strategy. Aid might be offered for development and reconstruction but in the former case it is genuinely intended as part of an overall social development strategy that encourages more active involvement of local people. In the latter – counter-insurgency – aid could be used to increase support for the government and rejection of insurgents. If the latter is the intention, rethinking is not taking place: the opponent is still seen as an enemy to be defeated, albeit with subtler and less forceful means.

This interpretation becomes more plausible when there is still a commitment to military means. It has been noted already that the NDF, using revolutionary analysis, has little confidence in the potential of negotiation and therefore uses it as a tactic (a revolutionary tactic in a non-revolutionary situation) in the overall context of the protracted people's war. It is not surprising that their opponents are suspicious of their good faith in negotiations. On the other hand, the national security policy of the government of the Philippines is to give primacy to the security arms of the state, even though policies combine military and developmental aspects. It is equally unsurprising that their opponents in turn are suspicious of the national peace and development strategy, Six Paths to Peace.

Rhetoric may also mask the real assumption that the speaker is making. For example, in the Philippines there has been a recent spate of extra-judicial killings (a term which is itself a way of masking the reality that such killings are political assassinations) of people associated

with the left. At first supporters of the government and the armed forces claimed that they were the result of an internal feud within the left. Some people tried to show their openness to both sides by acknowledging that killings have taken place while presenting them as if the targets were across the political spectrum. By appearing even-handed they do not acknowledge that most, if not all, those killed are from the left. Supporters of the left may well draw the conclusion that the speaker is unwilling to indicate where responsibility lies.

In all three approaches one can see that there is still a struggle for dominance, rhetorical and epistemological, and to establish one's framework as the true one, even though in conflict truth is always relative. One is reminded again of Humpty Dumpty's statement, "When I use a word, it means just what I choose it to mean - neither more nor less." Alice replies, "The question is whether you can make words mean so many different things." Humpty responds, "The question is, which is to be master - that's all." Much of the rhetoric is intended to ensure that the speaker will be the master.

### Policy / Practice Points

- Be alert to the possibility that an apparent change of framework is in fact a restatement of the existing framework, perhaps using different language.
- Rhetorical change without substance does not really respect the position of the other party and will be seen as a patronizing way of expecting them to co-operate.
- While there is still a commitment to military force it is difficult to dismiss suspicions that rethinking is not taking place and the opponent is still seen as an enemy to be defeated, albeit with subtler and less forceful means.

## 4. A further consideration

This paper has been based on the assumption that an understanding between conflicting parties is possible IF they can find a new mutually acceptable framework for the conflict. It must be acknowledged that this is not always the case; agreement may not be appropriate, for example in relation to criminal groups. A number of people affirmed that there could not be negotiation on issues such as legalizing drugs or incorporating ex-combatants into regular forces (although of course this has in fact happened in many conflicts). It was suggested that a group needs to have some form of aspiration for social change and transformation, even



**Meeting at Cauco University, including members of the Guambiano community, Popayán, Colombia, February 2007.**

Photo: INDEPAZ

if poorly articulated, in order to be involved in negotiations. It is sometimes hard to see that this aspiration exists, particularly in the case of anti-insurgent paramilitary groups. At the same time, states and other institutions are often too quick to brand their opponents as criminals without a political agenda as this allows them to avoid rethinking their approach and acknowledging the issues behind the conflict. As we have seen, avoiding reframing only perpetuates the conflict and seldom makes it go away. Therefore we should do all we can to help the parties reframe and support them as they try to create settlements within new frameworks.

### Policy / Practice Point

- It is difficult to negotiate with a group that does not have some form of aspiration for social change and transformation, even if poorly articulated, and if necessary they may need help to develop this type of thinking.

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## About CR

**Conciliation Resources (CR)** works to prevent violence, promote justice and transform armed conflict into opportunities for development.

CR's goals are to:

- Support people working at local, national and international levels to develop effective solutions to social, economic and political problems related to violent conflicts.
- Provide opportunities for inclusive dialogue and improved relationships within communities and across conflict divides at all social and political levels.
- Influence governments and other decision-makers to employ conflict transformation policies that promote alternatives to violence.
- Improve peacemaking practice and policies by promoting learning from peace processes around the world.
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CR works mainly in the Caucasus, Fiji, Uganda and West Africa in partnership with local and international civil society organizations and governments, and publishes *Accord: an international review of peace initiatives*. Many Accord issues have been translated into other languages and all issues are available on CR's website, [www.c-r.org/accord](http://www.c-r.org/accord), where print copies can also be ordered.

## The Comparative Learning Project

CR aims to maximize the practical value of its Accord series through sharing the publications' findings with people directly involved in peace processes. In cooperation with partners in Colombia and the Philippines, CR translates and publishes relevant Accord articles and co-organizes a series of discussions on key issues in the peace processes. These activities enable the hard-won experiences of conflict transformation to be shared across the world, as well as ensuring that CR's work is informed by ongoing practical challenges. The insights emerging from this process are published in a series of 'reflections' papers for practitioners and policymakers, of which this document is one example.

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