

Track 1.5 Approaches to Conflict Management: Assessing Good Practice and Areas for Improvement

“Lessons Learned” Retreat
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Protocol

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Introduction

The overall aim of this Retreat was to offer space for learning and exchange between a number of organisations specialised in track 1.5 methodologies in order to gain further insights for improving practice. The Retreat was organised by the Berghof Foundation for Peace Support (Berlin), in conjunction with member organisations from the Private Diplomacy Network, which include: The Carter Center (Atlanta), Centro Internacional de Toledo para la Paz (Madrid), Community of St. Egidio (Rome), Crisis Management Initiative (Helsinki), Centre for Humanitarian Dialogue (Geneva) and The Olof Palme International Center (Stockholm). The Retreat was also joined by diplomats and mediation/facilitation experts from the Federal Department of Foreign Affairs (Berne), and other selected partner organisations such as Conciliation Resources (London) and the Mediation Support Project/Swisspeace (Bern) (see Annex B for participant list). Financial support for the meeting was granted by the Federal Department of Foreign Affairs – political affairs division IV (human security). We are grateful for this on-going support.

There is a spectrum of understanding about the precise constitutive characteristics of track 1.5 processes. There are also different perspectives on meta-process. This Protocol seeks to explore these different viewpoints. It closely follows the chronological order of presentations, comments and working group discussions (see Annex A for the Retreat agenda). The summary chart from the Retreat is also attached, both in photographic and written form, at the end of this text.

Overview: Different Interpretations of Track 1.5 Processes

Retreat participants identified two general categories for better understanding track 1.5 processes. The first interpretation defines track 1.5 processes as a form of informal mediation conducted by an international NGO. As Ambassador Greminger explains, these are:

...processes in which the top leadership of one or both conflict parties are engaged with each other in negotiations or conflict transformation activities in an informal setting and/or in their personal capacity.¹

The primary objective of these processes is to make a contribution to mediating a negotiated settlement to the conflict. Consequently, this version of track 1.5 processes is closely related to track 1.

The second interpretation defines track 1.5 processes as essentially a form of the problem solving format, or an interactive conflict resolution process, that is conducted by an international NGO, with the informal participation of decision makers and government representatives. According to this view, track 1.5 is not understood as a settlement-oriented negotiation process, but rather as a consultation that attempts to generate new insights and be a source of inspiration for the parties who are involved. The defining element that distinguishes this version of the track 1.5 process from a classic track 2 dialogue initiative is the composition of the participants' group, especially the involvement of decision makers.²

Throughout the Retreat, participants referred both explicitly and implicitly to these different interpretations, but did not use unified terms. The terms 'mediation' and 'facilitation' were often used to express the differences between these two general categories of definition. However, in relation to the number of cross-cutting issues that were also discussed, no such distinctions were made. Rather, the terms 'mediation' and 'facilitation' were both used. In order to clarify these confusions, I therefore introduce the terms 'mediation-oriented' track 1.5 processes and 'facilitation-oriented' track 1.5 processes.

The case studies and examples presented in the comments and small group discussions reflect this spectrum of interpretations, which ranges between mediation-oriented processes and facilitation-oriented processes. These two approaches are simultaneously related and dissimilar: they can have shared and/or differing goals; to some extent, each is associated with different dynamics and challenges and therefore sensitive to different dilemmas and questions.

Overview: Different Interpretations of Long-term Processes/Outcomes

Discussion at the Retreat also referred to two different categories of long-term outcomes that were anticipated for track 1.5 processes. The first indicates a progressive development that moves first from the track 2 level, then through track 1.5, and finally to the track 1 level. As such, this is a developmental concept of track 1.5 processes. The second interpretation views all three of these tracks as related, but likewise assumes that there are significant (if frequently complementary) distinctions between them that must be preserved. While there was agreement about the complementary aspects of these various tracks, it was an open

¹ Thomas Greminger, oral presentation. The power point file was sent to all participants.

² This interpretation was first presented in Norbert Roper's Introduction.

discussion point as to whether or not these were sequenced relations.

The first definition suggests the track 1.5 process is a transitional phase (or concept) that ultimately could, or should, be transformed into a settlement-oriented negotiation—a track 1 process. In contrast, the second interpretation does not understand track 1.5 in transitional terms. Rather, its primary function is to be a 'source of inspiration' for the on-going, or emergent, track 1 process. Although both tracks are certainly related, here the track 1.5 process does not eventually become a track 1 process. Instead, it plays a translating, or cross-over role; i.e., it is a 'transmission-belt' concept, working to inform the track 1 process.

Arguably, there is a relationship between these two differing interpretations and what has been defined above as the mediation-oriented approach and the facilitation-oriented approach. However, this issue was not discussed in detail during the Retreat. Hence, it is inappropriate to refer to two distinct and mutually-exclusive concepts. Nonetheless, it is evident from discussion that a speaker whose perspective is largely shaped by the facilitation-oriented approach is particularly sensitive to the risks that can accompany the transition from a 'facilitating' to a 'mediating' mode. As such, questions about how, when and under what conditions this transition can or should take place require more conceptual elaboration. This is beyond the scope of the present Protocol.

The differences between a mediation-oriented track 1.5 process and a facilitation-oriented one are represented in the questions and challenges posed during the two Introductory presentations given by Greminger and Ropers. Because the topic of discussion during the first round of working groups was oriented to these initial presentations, the questions raised in that context are presented now. These are summarised in the chart below, which both demonstrates the strong overlaps in each perspective and highlights the nuanced distinctions of their different foci.

Mediation-oriented perspective	Facilitation-oriented perspective
<ul style="list-style-type: none"> • How can we improve information sharing and/or coordination between mediators? • What are the comparative advantages and expectations of government and non-government mediators? • How to create links between the tracks? • How to deal with the challenge of inclusivity of conflict actors? • How to deal with a possible internationalization of conflicts? 	<ul style="list-style-type: none"> • Can track 1 actors also do informal processes and informal track 1.5 processes? • Track 1.5 relates to contexts such as the multiplicity of levels (multi-track). In what way? • Should track 1.5 be pro- or anti-cyclical to the track 1 level? What are the best conditions for starting? • How do you effectively transfer insights from track 1.5 to track 1? • One school of thought is building on this assumption: Never engage in negotiations; stay with and stick to facilitation. • Can capacity-building, or issue-oriented seminars, be combined with the role of the facilitator?

Thematic Cluster A: Dealing with Resistance and 'Difficult' Partners in Asymmetric Conflicts

Case Study 1: Sri Lanka

This presentation provided insights into Berghof's experiences in Sri Lanka. The central focus of this work is twofold: 1) to provide capacity-building assistance for stakeholders and actors who are close to stakeholders (e.g., the Tamil Think Tank); and b) to facilitate dialogue and problem solving processes between the conflict parties. The presentation raised a number of relevant questions and challenges, as well as discussed Berghof's experience in addressing them. These include:

How to prepare for mutual respect and understanding if the conflict parties have very different views, e.g., on how to meet, what to discuss (i.e., no history), who to meet (i.e., no radicals)?

- Not rushing the process, but spending separate time with each of the conflict parties is both necessary and helpful.
- Shuttling between the conflict parties in order to seek common agreement.

The problem of conditionality of the delegation (i.e., If person X comes I/we will not come)

- Discussion of concerns about person X. A letter defining the ground rules made the participation of person X possible. This was an alternative to a demand for a declaration by person X to follow the ground rules.

How to plan the process in a respectful way?

- Create and convey a feeling that the process is not driven by a 3rd party
- Take recommendations and concerns of the conflict parties on board.

How to cope with asymmetries; e.g. legal vs. illegal or illegitimate actors?

- On the one hand, acceptance of the 3rd party by the recognised government is required. On the other, the unrecognised conflict party should not feel as if it is beholden to the recognised conflict party.
- Government issues emergency legislation, the primary consequence of which is that it is illegal to engage with the LTTE and its proxy organisations.
- Showing the Ministry that the 3rd party is devoted to the transparency of goals and explaining the limitations of the emergency legislation.

How to address tendencies for violence?

- On both sides, there are actors who focus on a military, rather than a political solution to the conflict. How is it possible to effectively cope with this 'realpolitik' approach?

Case Study 2: Israel/Palestine

The goals of the Madrid + 15 Initiative are to: 1) re-activate the spirit of the Madrid conference in 1991; and 2) re-invigorate the Israel/Palestine peace process by raising awareness that the parameters for a final outcome are already in place (e.g., the Clinton parameters, the Saudi-Arabia initiative or the Road Map).

The goal was to have all six parties of the 1991 conference once again present together. In order to reach out and mobilise all of these parties to participate, the Madrid + 15 Initiative was backed by five civil society organisations (i.e., the Toledo International Centre for Peace,

Search for Common Ground, Fafos AIS, the International Crisis Group and Fundación Tres Culturas del Mediterráneo) and four governments (i.e., Spain, Sweden, Norway and Denmark).

Strong political and symbolic support for the Initiative was demonstrated by the participation of the Spanish King, who gave an audience during the afternoon of the first conference day. Top politicians who were present in 1991 (e.g., former US president George Bush, former Prime Minister Felipe González and Mikhail Gorbachev) also supported the Initiative with written messages to the participants. Felipe González for instance (the President in office at the time of the 1991 conference) chaired the opening and closing sessions. In addition, influential policy makers from the EU and UN were there, with Mr. Javier Solana functioning as a 'gravitational pull' to encourage high-level participation by all the conflict parties.

Challenges faced

- The original title, 'Madrid after 15 years', was perceived as neutral in principle, but needed to be supplemented by the subtitle, 'Addressing Concerns and Expectations'.
- Due to a press leak, the names of participants were published, which consequently led to the withdrawal of one part of the Lebanese delegation.
- Neither Hamas nor Hezbollah participated. If they had, this might have led to difficulties between the organisers and significant actors (e.g., the Spanish and US governments and the EU).
- Four working groups were originally planned, but one party refused, instead insisting on a Plenary Discussion.

Concluding remarks

- Influential persons participated and were interested.
- Great interest in the Arab Framework Initiative (2004) was demonstrated.
- Possible strategy: extend the scope of supporting governments.
- Continue with the conference on a regional rather than international level.

Discussion & Comments

Openness of process and outcome orientation

- The terms 'difficult people' and/or 'difficult parties' are not very appropriate. Being 'difficult' also can be seen as a means to create strength for various parties. Moreover, conditions in a conflict region are often very complex. In this respect, complexity *per se* arguably generates 'difficulties'. Openness in regard to process and outcome can be an effective strategy in dealing with the complexity on the ground.
- The (political) aspirations of people and conflict parties must be taken seriously by the 3rd party. This means that the process must be *open ended*, rather than narrowing the outcome towards a particular solution and/or model. This might include convincing one of the conflict parties to accept the openness of the dialogue meeting or process.
- In particular, an open-ended process can be useful in 'difficult' conditions.
- Clarity about the limited expectations of an open-ended process, both for the conflict parties and the donors, is necessary. An open-ended process creates 'constructive ambiguities' that can be effectively exploited.

Impartiality

- In the Sri Lanka case study, it became evident that a *solution model* is being directly and indirectly promoted by the 3rd party (i.e., creating 'a critical mass of drivers of change towards power sharing'). With such a clear outcome-oriented element, it was argued that impartiality is compromised. In contrast, a 3rd party role that concentrates on open-ended facilitation could be seen as more impartial.

- Impartiality can be further challenged if one of the conflict parties is prescriptive in relation to how the 3rd party should deal with other conflict parties (e.g., there might dynamics that try to control 3rd party activities and their *modus operandi* on behalf of one conflict party).
- Influence on the 3rd party might be exerted by a donor government. However, even if no particular influence is manifest, it is possible that one or more of the conflict parties nonetheless perceives the engagement of the 3rd party as being guided by the agenda of a donor government.
- Challenges to impartiality can be located within the team of facilitators. Concern was expressed that a 3rd party team which has acquired greater knowledge about the conflict might no longer act in an impartial way. Impartiality also may be compromised over time. One institutional way of dealing with these two dynamics might be to establish teams that have different levels of knowledge and experience of the conflict and its stakeholders.

Levels of ownership

- Ownership (i.e., by both the 3rd party and the conflict parties) is linked to: 1) the task of getting people involved in the process; and 2) the composition of the group of participants from the conflict parties.
- A concept that does not stress a dynamic of ownership on behalf of the parties, but rather emphasises the ownership of the 3rd party, might sometimes be appropriate because it provides the opportunity to blame the 3rd party in case something goes wrong.

Three crucial components

- How to get people to the table?
- How to construct the content of the meeting and manage the process?
- What is the outcome of the meeting? How does this translate into political reality?

The role of strengths and weaknesses

- A combined idea of strength and weakness is often more appropriate than speaking of minority and majority parties because each has elements of both strength and weakness.
- A weak conflict party is one that wants an agreement. The 3rd party can help those who cannot walk away from the table to get a sustainable agreement. This conflict party might not be a very well-trained or capable actor.
- The conflict parties might fall back to practices of violence. In this case, the 3rd party facilitation team can challenge these views by unveiling its own implicit assumptions about the process.

Discussion Groups: Round One

Four groups were formed to address the topics raised in the Introductory presentations and ensuing discussion. These groups dealt with questions related to: 1) preparing meetings; 2) managing and facilitating the actual meeting; 3) asymmetries in the conflict context; and 4) 'difficult' parties.

Participants gained insight into the results of the four discussion groups by visiting the prepared flip charts and through the brief presentations during the Plenary Session.

Discussion Group 1: Preparing Meetings

Criteria for engagement: Two Models

- On the one hand, an invited 3rd party is promoted by a 'champion'. A champion can be either external or internal to the conflict system; e.g. a government which is one of the conflict parties. In this model, for instance, the 3rd party can be invited by an official letter to generate a process.
- On the other hand, 3rd party engagement is not connected to a champion, but to a credible party. This party functions as a door opener and helps to explore the opportunities for 3rd party engagement with the conflict parties.

Who are the conflict parties and who will participate?

- Identification of the conflict parties usually happens through the advice of these actors themselves. However, since conflict parties often have a tendency to exclude some actors from participation, the 3rd party faces the challenge of addressing and generating inclusiveness.

How to widen the agenda in a track 1.5 process if the agenda is blocked on the track 1 process? At what point or stage does a 3rd party cease activities?

- Answers to these questions are closely linked to the overall understanding of both the direction and purpose of track 1.5 processes. The idea of a track 1.5 process as a 'transition phase' from track 2 to track 1 already has been mentioned. From this perspective, the 3rd party might come to the conclusion that the overall conditions are not yet ripe for such a transition. Consequently, the 3rd party might restrain from engaging or even decide to end its engagement.
- However, another view highlighted the importance of being patient. Further, in order to make use of windows of opportunity, the 3rd party must be present in conflict, as well as be engaged in processes that have the potential to develop further at some point.

Discussion Group 2: Managing and Facilitating the Process—Being in the Meeting

Ownership, responsibilities and possible division of content and process

- Two ideas of ownership were differentiated: 1) ownership by the conflict parties; and 2) ownership by the 3rd party. Alongside this, responsibilities for the content and process may be divided up, whereby the 3rd party is responsible for the process and the conflict parties are responsible for the content.
- However, this neat differentiation of responsibility does not match up with realities on the ground. For example, conflict parties often have a completely different understanding of what constitutes or defines a relevant topic. Ownership of the process therefore implies that all key issues relevant to all conflict parties must be addressed. Consequently, process and content cannot be easily separated.
- A question that was raised, but not answered was: How is it possible to formulate an

effective strategy for moving from track 1.5 to track 1?

Discussion Group 3: Asymmetries in the Conflict Context

Dimensions of asymmetry and addressing these

- Asymmetries are obvious along at least two dimensions. First, there are power asymmetries, ranging from weak to strong. Second, the dynamics of inclusion and exclusion, as well as repression, generate asymmetries between the conflict parties.
- Two main strategies were discussed for dealing with asymmetries: 1) capacity building and empowerment; and 2) bringing in other experiences, especially from another similar regional context.
- Asymmetries also pose challenges with respect to the issues of legitimacy, impartiality, perceptions of and competition/coordination between 3rd parties.

Elaborating capacity building and empowerment

- In terms of capacity-building strategies, questions were raised about whether it is possible to balance these activities between the conflict parties, or whether such imbalances can be beneficial from a 3rd party perspective.
- In terms of empowerment, the role of additional 3rd parties was also queried. This discussion revealed two ideas. First, asymmetries are an integral part of conflict and must be seen more as the rule than the exception. Second, in the case of capacity-building programmes with one of the conflict parties, the relevant 3rd parties must take a transparent approach with respect to these activities and the other conflict parties.
- The primary goal of a capacity-building programme is to attempt to meet the needs of the conflict party. However, if the political goal of this actor is separation, the 3rd party must consider ways of addressing the needs of this conflict party whilst not promoting the possibility of separation and division.

Discussion Group 4: Dealing with 'Difficult' Parties

Challenging the terminology

- As a concept, 'difficult' party was challenged on the grounds that it fails to acknowledge the overall context of complexity that defines conflict. From a 3rd party perspective, it consequently is important to understand the motivations of the conflict parties and the personalities involved, as well as to become aware of their behaviour patterns.
- What can be interpreted as 'difficult behaviour' might be an attempt by the parties to achieve their goals.
- The strategies the conflict parties pursue are linked to the issue of ownership: by owning the process, conflict parties and their respective communities will dip in and out of it depending on whether or not the process is beneficial to them.
- Instead of talking about 'difficult' parties, 3rd parties must examine their own motivations, assumptions, normative biases and definitions of the term 'impartiality'.

A more appropriate view of the challenges

- Making a process interesting and worthwhile to all of the conflict parties.
- Recognising that: 1) difficulties reflect the conflict parties' interests; 2) all conflict parties are difficult at different times, even if some are weak and others are strong; and 3) there are different intensities of vulnerability.
- Understanding and accepting that if there were no difficulties, then there would be no need for 3rd party engagement.

In practice, how should a 3rd party react if a conflict party challenges jointly agreed rules?

- One strategy is to revise the rules and come to a new agreement.

Understanding systems of definition ('Defining Systems')

- Even if 3rd parties no longer regard conflict parties as difficult, there are still dynamics in place that attempt to label or define a party as such. Therefore, more knowledge is needed about the overall system that defines any given difficulty.

Thematic Cluster B: Organising a Multi-track Environment—Linkages and Coordination

Case Study 3: Aceh and Comment

Former Finnish President Martti Ahtisaari has chosen quite a directive approach by deciding that the talks will be about autonomy. In different meetings (and whilst preparing themselves in between), the conflict parties discussed issues such as the self-government of Aceh, questions about political participation, economic arrangements, amnesty, security arrangements and monitoring arrangements. The facilitator insisted on a tight time schedule of six months for the talks.

Ahtisaari was supported by CMI, which in turn was supported throughout the process by several governments, the EU and international NGOs like the Olof Palme Center. The Olof Palme Center offered insights into the nature of this support (e.g., publishing and promoting the negotiation results in Aceh; anchoring these results in the grassroots level; various trainings for the formation of political parties and/or election monitoring).³

For this directive approach to function, the commitment of the conflict parties is essential. No additional preconditions were put forward (e.g., disarmament of one of the conflict parties). Ahtisaari chose the 'integral whole' approach, whereby 'nothing is agreed unless everything is agreed'. Finally, the negotiation process was linked to the population at large by a range of activities of international and local NGOs.

Unlike the other case studies, the Aceh process resulted in a peace agreement. It was stressed that an agreement is not an end, but the beginning of a new phase in the relationship between the conflict parties. This raised a question about the role of the 3rd party in a post-agreement context. Does this involvement end or does it transform into a new activity or format?

HDC input elaborated the issue of the strong and the weak facilitator and/or mediator. HDC increased its political leverage by bringing external advisors and so-called Wise Men. The idea was that not only would they provide substantial advice on the mediation process, but they would also be able to place pressure or have leverage on both sides to work towards a peaceful solution in Aceh.

Case Study 4: Sudan-Uganda

The presentation in the Sudan-Uganda Peace Process illustrated the practical application of The Carter Center's track 1.5 diplomacy. In this project the Carter Center brokered a peace agreement between Sudan and Uganda, and also assisted the parties implement the

³ Support to the peace process was also provided by Switzerland, e.g. through a Swiss expert on constitutional issues.

agreement.

The Center conducted direct mediation process between the two heads of state, dialogue workshops as well as training workshops at ministerial level and community level.

During the implementation, the Center acted as focal point for NGO collaborative activities focusing on the repatriation of Lord Resistance Army (LRA) returnees.

Back in Atlanta, the Center through President Carter and other senior officials solicited the support of the US government, the UN, and other influential governments. In Africa, the Center collaborated with IGAD and other African leaders. The presentation demonstrated that track 1.5 complements both track 1 and track 2 peace efforts.

Discussion Groups: Round Two

Four groups were formed to address the topics raised in the Introductory presentations and ensuing discussion. These groups dealt with questions related to: 1) roles of the third party; 2) inclusivity of track 1.5 processes; 3) coordination and cooperation; and 4) ensuring a just and sustainable outcome.

Participants gained insight into the results of the four discussion groups by visiting the prepared flip charts and through the brief presentations during the Plenary Session.

Discussion Group 1: Roles of the Third Party

Third parties have a multiplicity of roles

- There are tensions between the facilitation and capacity-building roles of the 3rd party, especially when it comes to empowering a conflict party which is regarded as weaker than others.
- Strategies for 3rd parties to address this tension include: a) a brokering role for involving other capacity-building NGOs in order not to be seen as developing too close a link to one of the conflict parties; and b) offering capacity-building activities to all conflict parties.
- The basis for engaging in and/or brokering this variety of capacity-building measures is to create a solid network with the conflict parties and relevant resource persons. This depends on the capacities of the 3rd party, as well as on the political conditions.
- Do 3rd parties have a self-understanding that is more related to either conflict transformation or conflict resolution?

The role of the international advisor

- An applied idea of 'peace entrepreneurs' describes an actor who is changing and adapting his/her role in relation to the on-going political situation. The central question here is: for whom is the 3rd party working?
- The 3rd party should define an appropriate role right from the beginning, or at least early enough in the process so as to clearly explain and communicate this role to all of the involved parties.
- Inventing new roles on a regular basis must be avoided.

Roles after an agreement

- Monitoring agreements can be a new form of engagement once an agreement has been

reached. However, this possibility was questioned on the grounds that a facilitating organisation might not have the capacities for taking on monitoring role.

- In terms of dispute settlement between the post-conflict parties, it might be necessary to facilitate further negotiations on specific issues (e.g., technical issues; questions of implementation). Because the signing of an agreement is considered to be a new start, the post-conflict parties are likely to need more support in clarifying additional issues.
- There must be coordination of efforts, as well as the identification of relevant focal points, for technical agencies to begin to engage in the field.
- A 3rd party also can play a brokering role, helping and assisting the post-conflict parties to structure issues related to collaboration.

Discussion Group 2: Inclusivity of Track 1.5 Processes

Addressing exclusion

- Overcoming processes of exclusion is always a challenge for a 3rd party that values inclusivity. Generally, the views expressed indicated that a sustainable agreement required the genuine support of all stakeholders and their related communities.
- Addressing the issue of exclusion can be interpreted as challenging social and political realities. In this respect, there are limits to the role of 3rd parties, who are not usually in a position to define the stakeholders in a conflict. However, there also are ways and means available to 3rd parties for generating dynamics of greater inclusiveness and extended participation.
- The mediating and facilitating party can address excluded groups who remain outside the actual process by sharing information and discussing issues with them. This is one way to include their feed back on developments and the proposals under discussion.

Means of inclusion

- Generally, informal processes aim for a form of participation that would not be possible if participants were present in their official position. However, inclusivity is not merely a matter of participation and several strategies were shared about how to address the issue of exclusion.
- If the 3rd party has a relatively strong position (e.g., Ahtisaari in Aceh), this is an opportunity to convince the participating conflict parties that it might be valuable to include additional groups (e.g., from civil society) in the process.
- Because the 3rd party is in contact with a number of relevant actors in the field, it can encourage contact between high-status groups and excluded sections of society; e.g., a 3rd party can encourage an EU delegation to meet with women's groups.
- A 3rd party also can commission studies on marginalised groups in order to broaden and deepen the knowledge of all parties involved in the negotiation and/or facilitation process, laying the groundwork for more nuanced perceptions of the conflict.

Third parties

- Questions of inclusion and exclusion also may arise in relation to the composition of a team of mediators and/or facilitators. In particular, discussion focused on the role of women in a team. Generally, it is assumed that a more diverse team (i.e., by gender, age and nationality) offers more reference points to the participants.

Discussion Group 3: Coordination and Cooperation

Multi-track cross overs

- Track 1 processes should be, and often are, interested in track 3 processes as a complementary measure that can generate more leverage.

Complementarity among 3rd parties

- A strong leading mediator (i.e., lead mediator) can be useful with the support of other 3rd parties.

The issue of confidentiality

- Sometimes strict adherence to the practice of confidentiality is necessary (e.g., having won the trust of GAM, the staff of the Olof Palme Center did not inform the Swedish government about this group's activities).

Resistance

- The mediation business is also an information business, but this creates a dilemma: If 3rd parties share too much information, this might damage that role.
- Donors should benefit from those actors who share information.

Discussion Group 4: Ensuring a Just and Sustainable Outcome

Spectrum of solution models

- A central question here was: How broad can the spectrum of options for a solution model be when this is being discussed in a dialogue format? What are the consequences of this issue in terms of the role of the mediating and/or facilitating party? All of this may depend strongly on the context.
- It also is possible to transfer the experience of such discussions to other contexts where they may not be taking place. While in the case of Sri Lanka, for instance, there is on-going debate about power-sharing models, this is not happening in Abkhazia (although to some extent this is being discussed in Georgia). Given this discrepancy, it therefore might be valuable to investigate the possibility of sharing this information so as to broaden current discussion in that context. However, it also was acknowledged that there are risks (advantages and disadvantages) attached to such an approach.
- It is important and liberating to be able to explore all solution model options. However, the aspirations of the conflict parties always should be considered in relation to the context of realpolitik.
- The multiplicity of 3rd party roles in facilitation mode was considered in relation to the challenge of attempting to broaden debate. Subsequent conflicts that may arise from such attempts also were discussed. A facilitating role and the attempt to broaden debate can be mutually limiting. The example of Sri Lanka indicated that although a debate on power-sharing does exist, attempts on the part of the 3rd party to relate to this debate created difficulties. In the case of Abkhazia, addressing issues of power-sharing have been avoided, with attempts to broaden discussion instead focused on issues of democratisation and human rights.

Relations between track 1 and track 1.5

- In the Introductory presentations, arguments were made about the necessity of recognising the different roles and processes of the track 1 and track 1.5 levels.
- It is important to create mechanisms that can feed back ideas to the track 1 level. However, in general, track 1.5 can be critical of track 1. Therefore, it is useful to examine the fears of the conflict parties in a discussion, but not a decision-making, format.

Sustainability

- The nature of a sustainable outcome is that it is not imposed, but mutually agreed. The issue of sustainability also indicates that everything in a conflict system is in motion and, to a certain extent, always remains this way.
- What one conflict party wants to achieve for reaching a sustainable outcome must be rendered in terms that are acceptable to other conflict parties.

Overview of presented Summary: Chart



Summary

This is a more detailed overview of the summary given by Norbert Ropers at the end of the Retreat.

Varying concepts of track 1.5 processes:

- Two different interpretations of track 1.5 processes
- A mediation and/or facilitation done by an international NGO with track 1 participants
- A facilitation done by an international NGO, based on a track 2 methodology, but with the participation of track 1 actors

It is not the event that matters, but rather the point is to create a dynamic that adds up and has a cumulative potential.

How is it possible to move up towards track 1 in order to achieve a sustainable negotiated agreement?

Context I: Multi-track

- All tracks outside of track 1 processes can help to contribute to and ensure the sustainability of agreements
- Acknowledge the competences and complementarity of different actors and activities
- Effective networking can be based on different roles
- Integrate domestic and local 3rd parties
- Create incentives (e.g., by donors) for sharing knowledge amongst the various actors in a responsible manner
- Balance confidentiality and transparency

Context II: Peace Process

- Importance of clarifying the role of the 3rd party
- If possible, separate out facilitation activities from capacity-building issues (advantages and disadvantages)
- The concept of 'peace entrepreneur' relates to the question of clarifying roles. How to deal with them?

Practice I: Process Design

Criteria for engagement

- The role of 'champions' in the process of beginning to engage
- How much knowledge does a 3rd party need?
- What, exactly, is the desired outcome?
- Striving for results or process-oriented results? (i.e., Is this a mediation-oriented process or a facilitation-oriented process?)

Asymmetries

- Clarify different dimensions of perceived asymmetries. This can relate to status, power and gender, and ranges from issues about inclusion and exclusion, to repression
- How to empower weaker parties? Does this potentially endanger the concept of impartiality?
- Can imbalance lead to positive outcomes?

Inclusivity

- 3rd parties should and can be sensitive to gender issues
- Strategies for how to address and include women: a) give them platforms; b) mediator

meets women's groups; and c) raise the issue in public

Recruitment of mediators

- Skills and people
- Diversity of team (This also can reinforce practices of inclusivity among conflict parties.)
- Recruitment of staff from affected region into Conflict Resolution international NGOs

Practice II: Workshop Methodology

- How to balance transparency and confidentiality?
- How much to structure the process? (conditions for; advantages/disadvantages)
- Discussion about the division of responsibilities: a 3rd party is responsible for the process, whilst the conflict parties are responsible for content.
- Ownership: Who owns and/or co-owns the process? The conflict parties, the 3rd party or both?
- 'Difficult' parties and 'difficult' behaviour: Understand the reasons and motives connected to: a) the interests of the parties; b) their attempt to influence the process; c) their efforts to get recognition; and d) their desire to co-own the process.

Practice III: Transfer and Networking

- A liberating effect may be produced by exploring all possible outcomes and/or solution models to a conflict
- Track 1 and track 1.5 have different rationales, and therefore track 1.5 should transfer its insights (e.g., on needs and fears) to the track 1 level
- Just and sustainable outcomes are dependent on context

Concluding Remarks

Discussions during the Retreat were marked by a diversity of experience that was associated with a spectrum of understanding about the various opportunities of track 1.5 processes.

Concepts like the 'transfer of insights' and 'transfer of information' originally come from a track 2 context. They also are regarded as characteristic of facilitation-oriented track 1.5 processes. In contrast, it is assumed that the track 1 level is deprived of certain (relevant) information. This information should and must be transferred to the track 1 level in order to assist negotiation processes, regardless of how the track 1.5 process is interpreted.

In the framework of mediation-oriented track 1.5 processes, very similar concerns arose. In particular, discussion focused on ways to improve the 'sharing of information' and the 'coordination between mediators'. These issues are closely related to the 'transfer of insights' that was discussed in relation to facilitation-oriented track 1.5 processes.

However, as was indicated in the Introductory presentations, each approach (i.e., facilitation-oriented or mediation-oriented) to track 1.5 processes represents differing perspectives on the issue of role transformation: Is this needed and how might this process happen? Hence, despite the similarities between these two different approaches to conflict transformation at the track 1.5 level, it also is necessary to explore further a range of issues. Some of these include:

- Who is actually responsible for the transfer of information? In what ways and to whom does (or should) this information flow?
- What consequences arise if the 3rd party (as either a facilitator or a mediator) engages in a particular mode for the transfer of information?
- Who is being informed, how and to what extent? How does this relate to the issues of transparency and accountability?
- What does the transfer of information mean in terms of whether or not a 3rd party is oriented to transforming a track 1.5 process into an official track 1 process?

The manner in which a 3rd party communicates outside the actual moderated meeting has a constitutive relationship to how that actor is and/or will be perceived by the other actors in that conflict system. Consequently, this raises a whole range of questions about the various modes of communication by the 3rd party. In particular, what happens to this role when the mode of communication changes, or is in a process of change? This question, and others like it, will also have an impact on issues about levels of ownership, degrees of impartiality, processes of coordination and cooperation, as well as on addressing existing asymmetries in the conflict (and communication) system.

During the Retreat, the issue of types of communication and role compatibility was addressed, with specific attention to questions about capacity building and the consequences this might have on the role of a 3rd party. However, it is necessary to more systematically investigate the relationships between, and various functions of, different types and styles of capacity building, especially as this pertains to the broad spectrum of understanding about track 1.5 processes.

Moreover, it is not enough to analyse the relationship between specific approaches (e.g., different types of capacity building and how these relate to track 1.5 concepts). Rather, it also is necessary to explore questions related to current and future dynamics as this bears on the changing profile and roles of the involved actors. Because capacity building and the issue of bringing in other experiences were seen as two major strategies for dealing with asymmetries, it is worth exploring in more detail how this impacts on role compatibility, as well as the challenges that arise from role diversity and role homogeneity.

Respectfully submitted by:
Dr. Oliver Wolleh

Annex A: Agenda

March 4

18.00 Welcome and Introduction (content of workshop, participants/organisations)
20.00 Dinner

March 5

9.00 Thematic Cluster A: **How to deal with resistances and “difficult” partners in asymmetric conflicts?**

Chair and Convenor of the session: DFA

9.10-9.50 Case Study 1: Sri Lanka, presented by BFPS

9.50-10.30 Case Study 2: Israel/Palestine, presented by Toledo International Center

Coffee break

11.00-11.15 Comments by Conciliation Resources

11.30 Working Groups on critical issues

13.00 *Lunch*

14.30 Presentation of results of working groups and discussion

Chair of the session: HDC

Coffee break

17.00 Thematic Cluster B: **Organizing a multi-track environment: linkages and coordination**

Chair and Convenor of the session: Conciliation Resources

17.10-17.50 Case Study 3: Aceh, presented by CMI

17.50-18.30 Case Study 4: Sudan-Uganda Peace Process, presented by The Carter Center

18.30-19.00 Comments by Olof Palme Center and HDC

19.00 End of day 1

20.00 *Dinner*

March 6

9.00 Working Groups on critical issues

Coffee break

10.45 Presentation of results of working groups and discussion

Chair of the session: Olof Palme Center

12.45 Open Questions

Feedback

Chair of the session: BFPS

13.30 *Lunch* / **End of workshop**

15.00 Meeting for members of Private Diplomacy Network

17.30 End of network meeting

Annex B: List of Participants

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