

**A Critical Theory of Peace Practice:
Discourse Ethics and Facilitated Conflict Resolution**

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Ph.D.

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Abstract

This thesis argues for the need to answer the question how can we use critical theory to rethink the meta-theoretical foundations of facilitated conflict resolution. It draws on Jürgen Habermas' discourse ethics-based framework and a methodology of communicative rationality to articulate the foundations of a Critical Theory of Peace Practice.

An illustrative example of the Oslo Channel, which led to the Declaration of Principles and Letters of Mutual Recognition between Israel and the PLO with the third-party facilitative assistance of Norwegians in 1993, sets the stage for exploring the extent to which facilitated conflict resolution approaches can contribute to peace practices. John Burton's ideas are critically and carefully examined as he has most extensively articulated the philosophical and theoretical underpinnings of such an approach. It is contended that although he identifies practices that differ from traditional mediation approaches, theoretically he remains committed to a behavioural-oriented human needs theory and is reliant on instrumental rationality in which success in the problem-solving setting is prioritised. Other scholars and practitioners who have attempted to expand and refine the Burtonian perspective are studied. It is argued that although each offers modifications to either the theory or the practice, all fail to fundamentally move beyond instrumental rationality and human needs theory.

A communicative rationality methodology and a meta-theoretical foundation of Habermas' discourse ethics is proposed for grounding a theory of peace practice. By shifting the emphasis from needs to communication, this suggested framework is intended not only to impact the facilitation process, but the broader public sphere in which the legitimacy of any reached agreements must be accepted for establishing and sustaining peace. The most promising intimations of the praxeological dimensions of such an approach can be found in the realm of conflict transformation and peace-building with their associated desire to effect changes in socio-political arrangements.

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Introduction

Since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed.¹

—UNESCO Constitution, 1945

Philosophers, scholars within the International Relations (IR) discipline, and political leaders have extensively articulated the concept of peace and the necessary conditions for its realisation. During the height of the Cold War era and the superpower rivalry between the United States and the Soviet Union, thinkers within IR focused on developing strategies for war avoidance, ensuring nuclear deterrence, and formulating theories of containment. Finding no voice in this space, a related, but separate discipline developed in which scholars and practitioners concentrated on ways of reaching and maintaining a stable peace, as well as resolving deep-rooted conflicts.

In the pluralistic, decentred global environment of the twenty-first century, while analysts within the facilitated conflict resolution and peace research fields offer a number of approaches for practising peace, attempts to resolve protracted violent conflicts also continue. Political decision-makers, governments, and non-governmental organisations (NGOs) have assumed third-party roles as they endeavour to overcome protracted conflicts such as those in Northern Ireland, Guatemala, the former Yugoslavia, and the Middle East. The types of perspectives adopted have largely been based on the traditional understanding of direct bargaining and mediation in which third parties present a text for disputants to consider and negotiate, in order to arrive at an acceptable compromise.² The Bosnian conflict, for example, fits into this category of practice.

However, one effort to resolve the Israeli-Palestinian conflict produced an agreed framework with the real possibility of autonomy for the Palestinians in the Israeli Occupied Territories. This process, which has come to be known as the Oslo

Channel (as Norwegian third parties assisted Israel and the Palestine Liberation Organisation (PLO) to reach an agreement on interim Palestinian self-government) is recognised by politicians and scholars alike as being qualitatively different from other forms of third party mediation. The process adopted in the Oslo Channel, where the Norwegians played a facilitative third-party role and the disputants engaged in face-to-face talks, resonates with the approaches advocated by conflict resolution scholars including John W. Burton, Herbert Kelman, Ronald Fisher, and Jay Rothman.³

Numerous analysts have articulated the contributions and flaws of the Oslo Channel and its subsequent agreements. Jane Corbin, Graham Usher, and David Makovsky offer three of the most insightful and detailed accounts.⁴ Corbin offers an in depth description of the creation and progress of the Oslo Channel. This body of work is one of the few overtly unbiased accounts of a process that succeeded, due to luck, political willingness, and the third-party role adopted by the Norwegian team. In her book, *Gaza First: The Secret Norway Channel to Peace between Israel and the PLO*, a balanced picture of Israeli, Palestinian, and Norwegian participants are presented.

Although Corbin provides a thorough account of the Oslo Channel and the roles played by the various parties, she offers no critical assessment of the facilitation process itself. One could argue that since the book is based on interviews with many of the participants in the process, a space for critical assessment is less significant. However, a critical analysis of the facilitation process can provide important insights into the reasons for the limited success of the Oslo Channel.⁵ By analysing the type of approach that is recognised to be different from traditional mediation, one can learn how it resembles yet differs from the facilitation process of problem-solving workshops, developed by scholar-practitioners in the field of facilitated conflict resolution.

Corbin begins with a brief discussion of the events that led to an exploration of direct talks between two Israeli academics and high-ranking PLO representatives. The

background of the official stalled Washington talks, which were overseen by the US, motivated far-sighted left-wing politicians within the Israeli Labour Government to explore direct contacts with the PLO and its Chairman, Yasser Arafat. Norway was chosen as Terje Rød-Larsen, then director of a think-tank known as FAFO (The Institute of Applied Social Sciences) persistently looked for ways of facilitating a bringing together of Palestinian and Israeli representatives.

The remainder of the book details the progress of this channel, beginning with the first meeting in Sarpsborg, Norway on 20 January 1993, to the signing of the Declaration of Principles (DOP) and the exchange of the Letters of Mutual Recognition on the White House Lawn on 13 September 1993. The impasses, possible breakdowns, and the ways they were overcome in-between the talks are also covered.

Other observers of the Middle East have analysed the problems associated with the agreements contained in the Declaration of Principles. One such journalist and activist is Graham Usher who identifies the flaws of the Oslo Channel, as well as the Oslo II agreement reached in Taba, Egypt in 1995.⁶ He concentrates on the challenges presented by the excluded parties to the overall peace process including Palestinian nationalists and the militant Hamas movement.⁷ He argues that their rejection of the agreements which resulted from the Oslo Channel threatens attempts to engender acceptance of these agreements among the Palestinians in the Occupied Territories and the diaspora. While providing insights into the authoritarian-style leadership of Arafat and his control over the PLO, as well as the lack of a developed Palestinian civil society, Usher does not provide a critical analysis of the facilitation process adopted by the participants to the Oslo Channel.

David Makovsky addresses the potential limitations of the Oslo Channel from an Israeli-oriented perspective.⁸ He describes Israel's then Prime Minister Yitzhak Rabin's reluctant journey to the Oslo agreement. Makovsky focuses on explaining the

conditions that made an agreement possible, including the macro-political circumstances such as the collapse of the Cold War and the allied victory coalition between the US and Arab Gulf States over Saddam Hussein, as well as the micro-level environment of stalled public negotiations efforts. Makovsky concentrates on analysing and explaining the factors that motivated key decision-makers in the Israeli Labour Government, which endorsed the eventual breakthrough of the Oslo Channel and the Letters of Mutual Recognition in the late summer of 1993. The focus of Makovsky's volume is on Rabin's reluctant acceptance of the PLO and recognition that in order to reach any agreements which might start the process of resolution between Israel and the Palestinians in the Occupied Territories, direct engagement with Arafat was necessary.

While these three researchers extensively elaborate the role of the personalities involved, the detailed negotiation leading up to, and the challenges of implementing the Declaration of Principles, they neglect to engage in a critical analysis of the nature of facilitation and the extent this process limited the agreements that were reached.

The Oslo peace practice opens an avenue for exploring how a peace process might be better facilitated. The theories of facilitated problem-solving workshops are studied to assess the degree to which the spirit and details of the approach adopted in the Oslo Channel resonate with the approaches advocated by conflict resolution scholars.⁹ The foundations of these approaches are themselves subjected to critical examination and found wanting as a preliminary to addressing the central questions of the thesis: how can we use critical theory to rethink the meta-theoretical foundations of facilitated conflict resolution perspectives and what type of a critical theory should be incorporated for this endeavour.

In the disciplines of International Relations and facilitated conflict resolution, the critical theory of Jürgen Habermas has been incorporated by a number of scholars who question the underlying theoretical assumptions and offer tentative approaches for

confronting the pluralistic multi-cultural communities of the twenty-first century. Two noteworthy attempts at developing a Habermasian informed IR theory are those by Andrew Linklater and Anya Proops.¹⁰

In his work, Linklater calls for a sociological analysis to construct an approach that addresses the question of universalism and difference in a pluralistic, decentred global world. He presents a case for focusing on citizenship to overcome the constraints that states aim to impose and the unequal relationships that are dominant in the capitalistic market forces. The 'triple transformation' of a political community, which is both universalistic and sensitive to cultural differences, forms the goal of his project.¹¹ Towards this endeavour, Linklater calls for an expansion of the concept of community on the basis of an inclusionary dialogical process. This approach can be directly traced to Kant and Marx as Linklater attempts to combine the Kantian notion of universalism (where subjects can equally reflect on moral norms) with ways of expanding Marx's analysis of unequal market structures that impinge on the freedom of the individual.

In doing so, Linklater develops a Habermasian-inspired critical analysis. In brief, a broad theory of society needs to take into account the universalistic character and mechanism of language, since it co-ordinates relationships between individuals in societies. Simultaneously, he argues that one should include the differences individuals, groups, and communities hold regarding the values that underlie and should underlie governing norms and institutions. However, whilst Linklater attempts to move beyond the constraints of Marxist determinism to a Kantian-oriented emphasis on individualism and a belief in individuals to engage in reasoned dialogues to achieve transformations of political communities, he concentrates too heavily on the idealisation principle of Habermas' *ideal speech situation* and the power of the 'unforced force of the better argument' to formulate a perspective that would allow citizens to overcome limitations

posed by state and market steering mechanisms. More significantly, Linklater sets up a triangular relationship between philosophy, historical-sociology, and praxeology for his critical theory. While he recognises the balanced importance of all these dimensions for a critical theory, he fails to explore avenues in which such a framework may be applied. In other words, in arguing for the transformation of political communities via dialogues, Linklater neglects the praxeological component of his critical theory articulated framework. Therefore, although he is one of the few IR scholars who insightfully advocates a rethinking of the relationship between state and citizens along dialogical, historic-sociological, critical lines, the combination of a narrow reading of Habermas' ideas, as well as a neglect of the praxeological dimension, leaves space for exploring how transformation of political communities may be attempted.

In her work, Anya Proops argues that an individual's freedoms can only be realised in a liberal international society that is predicated on universally acceptable good moral discourses. In her thesis, Proops explores the contributions and limitations of communitarian and cosmopolitan views of how to construct a liberally 'good' international society. While arguing that the former lacks analytic tools for research, she maintains that the latter framework is underdeveloped. In attempting to put forward one possible way of constructing such societal and institutional norms, Proops draws on Habermas to assert that through a combination of moral and practical discourses, one can contingently formulate a tentative way of constructing a liberal international society. Proops very briefly examines the non-violent societal transformation of South Africa at the end of apartheid when political rule was transferred to the black majority Government of the African National Congress, led by Nelson Mandela.

Like Linklater, she explores in depth the philosophical and theoretical foundations that may contribute to the construction and transformation of a liberal international society. And although she analyses the praxeological dimensions of critical

international theory in her South African case study, it is, nevertheless, a limited albeit suggestive, example. It is fair to say that an exploration of philosophical and meta-theoretical foundations are important to deconstruct, reflect on, and to reconstruct social and political norms. However, the pragmatic component cannot be separated from philosophy and meta-theory. And yet, ways of employing the variety of rich discourses (in particular the political-ethical) offered by Habermas are neglected. Proops's formulation is a helpful and insightful elaboration of how a Habermasian critical theory can contribute to the IR discipline. Nevertheless, her application of a critical theory is too limited in its articulation. This thesis argues that political-ethical discourses point to ways of practising the critical dimension that do not shy away from advocating universalism, as well as recognising the importance of including value differences present in diverging cultural contexts.

Some of the most interesting efforts to explore the praxeological dimensions are linked to processes of conflict resolution. John Dryzek points to such connections in his work *Discursive Democracy*.¹² Hoffman in two articles also points to affinities between critical theory and conflict resolution process.¹³ Rotham's work, which is more fully discussed in Chapter 3, also draws insights from critical theory.

The most sustained recent attempt to explore these issues is the work of Daniel Jones. In parallel to the arguments developed in this thesis, Jones suggests that critical theory-informed discourses can be applied to the process of international mediation. The critical mediation concept is utilised to analyse the development of the Oslo Channel between Israel and the PLO with Norwegian third parties. Mediation is presented as an institutional form, which is reproduced through tradition and crises. Simultaneously, mediation is seen as an agency that allows individuals to co-exist in light of fragmented post-Cold War environments. In arguing for a movement from mediation to cosmopolitan ethics, Jones explores the challenges presented by the

traditional strategic studies. He further considers the facilitated conflict resolution problem-solving workshops, most forcefully articulated by Burton, and asserts that their normative foundations are underdeveloped and that a preference for symbolism by such scholars avoids tackling the actual dispute. Jones argues for a cosmopolitan mediation rather than facilitation, since the latter becomes subsumed in democratic practice, whereas the former is more capable of contributing to policy formulations.

In short, Jones contends that an abstract conception of what is right cannot be reduced to facilitation exercises. Jones focuses on the Oslo Channel to argue that his critical cosmopolitan mediation would have been a more helpful approach than the one adopted by the participants. He asserts that the process of Oslo has reproduced and not helped to overcome structural inequalities such as an underdeveloped economy for the Palestinians in the Occupied Territories. He contends that the Norwegians contributed to the denial of national identity for the Palestinians, since what they need is a process that bolsters their international recognition and status. Jones' conception of a cosmopolitan mediator is one with a sword in one hand and scale of justice in the other.

While providing an important and useful connection between meta-theory, theory, and pragmatic application of a Habermasian critical theory perspective for international relations and mediation, Jones misses some of the most fundamentally significant points of facilitated conflict resolution approaches, as well as the facilitation process adopted by the participants to the Oslo channel. He rightly asserts that the problem-solving exercises are limited, since the scholars and practitioners overemphasise the prescriptive steps which can constrain the role of third parties and disputants. However, their aim of approaching facilitation efforts from the perspective of not imposing any force, is a significant departure that is underestimated by Jones. His understanding of a mediator does not fundamentally differ from the generally accepted characterisation of such third parties. Therefore, a mediation process that follows a

cosmopolitan ethics is still bounded by instrumental rationality.¹⁴ Consequently, the promising Habermasian communicative rationality and discourse ethics foundation are undermined. The limitations of a facilitative approach highlighted by Jones illuminates the points at which the underlying theoretical foundations should be re-examined and perhaps reconstructed. However, the cosmopolitan mediation framework is ultimately an unhelpful perspective for the power distortions that Jones aims to overcome is not accomplished, but rather is reinforced. Consequently, the contribution of Habermas' assertion that language allows individuals to engage in discourses through which claims to validity are redeemed or renegotiated become subordinate to the pursuit of a cosmopolitan mediator who prefers power politics on one hand, but advocates employment of communicative reason on the other.

Jones' analysis of the Oslo Channel is also flawed in its treatment of the facilitation process, practised in Norway by the Israelis, the PLO representatives, and the Norwegian third parties led by Terje Rød-Larsen. Rather than being imposed by the Norwegians, the Israelis and the PLO parties accepted this type of a third-party role and insisted on its continuance when opportunities arose to revert back to more traditional mediation and negotiation processes. Rather than undermining Palestinian national identity, the process aimed to create an opportunity for the start of constructing practical policies that would lead to eventual Palestinian autonomy.

It is fair to say that the power asymmetry between two Israeli academics and high-ranking PLO members, at the start of the talks on 20 January 1993 was not appropriately addressed. However, for negotiations to start and continue, historical and political circumstances dictated that the creation of any back-channel would reflect and contain some power asymmetry; the facilitation effort would have to reflect the social and political realities on the ground in Israel and the Occupied Territories while also seeking to overcome them, through according the parties the 'parity of esteem'. It is

right to point out that this failure to confront and diminish the power imbalance contributed to a flawed agreement. But the crucial point is that while Jones is right to highlight the significant deficiencies of the Oslo Channel, he overemphasises the aspect of a denial of Palestinian autonomy.

Finally, while Jones provides a most interesting account of the need for a critical theory perspective for International Relations and how it may be pragmatically incorporated into practices of mediation, his characterisation and understanding of mediation and facilitation limit the extent to which his cosmopolitan mediation can be realised. His analysis demonstrates the need to refine, elaborate, and reflect on the ways of formulating a critical theory framework that is self aware of its meta-theoretical commitments and at the same time can be pragmatically applied.

This thesis aims to present a framework that includes both dimensions. As it views peace practices as societal transformations that can be facilitated and not mediated by third parties, the ‘carrot-and-stick’ approach favoured by Jones is rejected. Rather, the medium of language, encouragement of a dialogical process based on universalisable discourses, and participatory facilitative role of third parties are adopted in this thesis. Consequently, though Jones and this thesis explore similar questions, the fundamental understandings and eventual foundational frameworks elaborated are significantly different.

Structure

As a part of exploring the open space provided by the philosophical and theoretical writings articulated by Linklater and Proops and the praxis component recognised by Jones, this thesis seeks to answer the question of how we can use critical theory to rethink the meta-theoretical foundations of facilitated conflict resolution approaches. Chapter 1 is a thorough exploration of the Oslo Channel. It is a descriptive

account of the actual facilitation process, which began on 20 January 1993 and culminated in the signing of the Declaration of Principles, the exchange of Letters of Mutual Recognition and the historic symbolic handshake between two old enemies on 13 September 1993. The ways in which the Norwegian third-party role differs from traditional forms of mediation is explicated. Furthermore, the unique combination of second-track and first-track form of dialogues and negotiations are discussed. An analysis of the facilitation process and the role played by the Norwegians point out the affinities with facilitated conflict resolution problem-solving workshops. Finally, the limitations of the Oslo Channel are examined.

Chapter 2 considers the ideas of John W. Burton, a pioneer of the facilitated problem-solving approach. The role of third parties in the facilitation exercises, as well as the exercises themselves, are critically examined and their limitations are explicated. It is argued that although Burton's approach moves us in the direction of a discursively-based conflict resolution process, his articulation of a basic human needs approach is philosophically and theoretically inadequate. The shortcomings of this approach lie in its prioritisation of instrumental rationality, a lack of self-reflection, and a failure to deconstruct its underlying assumptions. It is contended that Burton's meta-theoretical foundations require re-examination and deconstruction.

Chapter 3 is aimed at analysing attempts by other prominent scholars and practitioners within the facilitated conflict resolution discipline to expand Burton's theories and practices. It is argued that the social-psychological perspectives offered by Herbert Kelman and Ronald Fisher provide interesting insights, but do not move beyond Burton's limitations. Jay Rothman's tantalising engagement with critical self-reflection, as articulated by Habermas, are also discussed. The perspective offered by scholars within the Transformative Mediation school of thought provide the most promising point of departure. Bush and Folger argue that the emphasis should fall on the potential

to move from stalemate to consensus rather than strictly aiming to reach agreements. However, although these scholars provide clarifications and some important modifications to a Burtonian framework, they remain committed to instrumental rationality and fail to take into account the central role communication plays in shaping, reinforcing, and changing attitudes, perceptions, norms, and institutions.

The methodology that would underlie such an alternative approach described as a Critical Theory of Peace Practice is outlined in chapter 4. It is argued that the formalistic, procedural framework of contesting validity claims to truthfulness, sincerity, and normative rightness (as Habermas outlines) as well as legitimacy (which is developed in the thesis as an additional criteria on) provides a helpful guideline, yet contains the element of contingency, that can be adapted in a variety of practices. Therefore, in this methodology, the disputants and third parties need not be restricted to particular steps of conducting problem-solving workshops. Furthermore, this alternative methodology can be applied at a variety of levels and so can move beyond the workshop settings. The various components that comprise communicative rationality therefore are put forward.

Chapter 5 offers the theoretical, philosophical, and meta-theoretical foundations for a Critical Theory of Peace Practice. Towards this process, Habermas' discourse ethics approach is deployed. It is contended that his discourse ethics-based theoretical framework—along with its related communicative rationality—allows for a more reflective and thus changeable theory for facilitating deep-rooted protracted conflicts, as well as presents an alternative that third parties can include when engaged in the process of facilitation.

The praxeological dimension of this proposed alternative framework is explored in Chapter 6. Some examples that demonstrate affinities to utilising a Critical Theory of Peace Practice are discussed in studying the peace-building and grass-roots efforts by

Israelis and Palestinians. It is contended that a transformation of not only perceptions of negotiating representatives must be altered, but the norms, institutions and most crucially the positions of the broad public sphere need to be reconstructed. A Critical Theory of Peace Practice, which is predicated on a Habermasian discourse ethics, offers a meta-theoretical, theoretical, and praxeological outline for approaching the transformation of violent conflict situations.

In Chapter 7, potential problems and pitfalls of a Critical Theory of Peace Practice are explored, including the internal critique of Habermas that universalisation produces a process of homogenisation (as charged by postmodernists) and the possible limitations of steering mechanisms for fostering a transformation of a public sphere. It is contended that postmodernists offer a significant contribution in their assertion that the danger of discourse ethics like other forms of modernity-based perspectives, is that it often marginalises and subordinates the voices of difference. Although one must acknowledge the incisive critiques of postmodernists regarding subordinating particularities in favour of universalism, it is argued that Habermas' discourse ethics is context-sensitive and context-transcendent. Additionally, the grounding of a theory on language recognises the distorted power formation which leads to a breakdown in communicative processes. The validity claims that participants can raise and contest are designed to overcome such asymmetrical relationships.

Second, the potential structural and steering mechanism as embodied in states and markets for realising a pragmatic practice of a Critical Theory of Peace Practice are briefly discussed. The Oslo Channel serves again as an illustrative example of how structural limitations can hinder the realisation of peace agreements.

Finally, further areas of research that can assist in the refinement and expansion of a Critical Theory of Peace Practice framework are offered for scholars and practitioners to explore. The answer to the question of how can we use critical theory to

rethink the meta-theoretical foundations of facilitated conflict resolution becomes clear. This thesis contends that a discourse ethics-based foundation can offer a theory that can impact not only the workshop environment, but also the wider arenas of social and political practices.

¹ Constitution of UNESCO, [<http://www.unesco.org/general/eng/about/constitution/pre.html>] (2 August 2000).

² Jacob Bercovitch, *Resolving International Conflicts: The Theory and Practice of Mediation* (Boulder, CO: Lynne Rienner, 1996).

³ John W. Burton, *Conflict Resolution: Its Language and Processes* (Lanham, MD: Scarecrow Press, 1996); Herbert Kelman, 'Interactive Problem-Solving Approach', in *Managing Global Chaos: Sources and Responses to International Conflicts*, eds. Chester Crocker, Fem Osler-Hempson with Pamela Aal (Washington, DC: United States Institute of Peace Press, 1996), 501-19; Ronald J. Fisher, *Interactive Conflict Resolution* (Syracuse, NY: Syracuse University Press, 1997); Jay Rothman, *From Confrontation to Co-operation: Resolving Ethnic and Regional Conflicts* (Newbury Park, CA: Sage Publications, 1992).

⁴ Jane Corbin, *Gaza First: The Secret Norway Channel to Peace Between Israel and the PLO* (London: Bloomsbury Press, 1994); Graham Usher, *Palestine in Crisis: The Struggle for Peace and Political Independence After Oslo* (London: Pluto Press, 1995); David Makovsky, *Making Peace with the PLO: The Rabin Government's Road to the Oslo Accord* (Boulder, CO: Westview, 1996).

⁵ The author of this thesis has also conducted interviews with some of the key participants to the Oslo Channel. Their thoughts and descriptions provide the basis for chapter one.

⁶ Usher, *Palestine in Crisis*.

⁷ Hamas, led by Shaykh Ahmad Yasin, has become one of the strongest opposition voices to Arafat's leadership and policies. Initially an Islamist-oriented movement, this organization has gained popular support as the PLO has failed to deliver concrete improvements for the Palestinians of the Occupied Territories. See Wendy Kristiansen, 'Counter-Challenge: Hamas' Response to Oslo', *Journal of Palestinian Studies* 28, no. 3 (1999): 19-36.

⁸ David Makovsky, *Making Peace with the PLO: The Rabin Government's Road to the Oslo Accord* (Boulder, CO: Westview, 1996).

⁹ Burton, *Conflict Resolution*; Kelman, 'Interactive Problem-Solving Approach'.

¹⁰ Andrew Linklater, *The Transformation of Political Community: Ethical Foundations of the Post-Westphalian Era* (Cambridge: Polity, 1998); Anya Proops, 'Habermas, Discourse Ethics and Liberal International Society' (Ph.D. diss., University of London, 1996).

¹¹ Linklater, *The Transformation of Political Community*.

¹² John Dryzek, *Discursive Democracy: Politics, Policy and Political Science* (Cambridge: Cambridge University Press, 1990).

¹³ Mark Hoffman, 'Third Party Mediation in the Post-Cold War International System', in *Dilemmas of World Politics: International Issues in a Changing World*, eds. John Baylis and N.J. Rengger (Oxford: Clarendon, 1992) and 'Defining and Evaluating Success: Facilitative Problem-Solving Workshop in an Interconnected Context', *PARADIGMS: The Kent Journal of International Relations* 9, no. 2 (1995): 150-67.

¹⁴ This type of rationality prioritises success and directs actors towards attaining outcomes based on cost-benefit, calculable analysis. This concept is extensively discussed throughout the thesis.

Chapter 1

The Oslo Channel: Peace in Practice

We must all acknowledge the futility of war; the Arabs cannot defeat Israel on the battlefield; Israel cannot dictate the conditions for peace to the Arabs.¹

—Shimon Peres, 1993

Conflict is one of the most pervasive and inevitable features of all social systems, however simple or complex they may be and irrespective of their location in time and space.²

—Jacob Bercovitch, 1996



Figure 1: Handshake between the late Israeli Prime Minister Yitzhak Rabin and PLO Chairman Yasser Arafat at the signing ceremony of the Declaration of Principles on the White House Lawn, 13 September 1993. Source: [<http://dns.usis-israel.org.il/images/p007291-.jpg>].

Introduction

The announcement in late August 1993 of an agreement between the Israeli Government and the Palestine Liberation Organisation (PLO) surprised many who were directly involved in the official Washington negotiations, as well as observers of this protracted conflictual situation. A breakthrough between the conflicting parties had been reached with the facilitated assistance of a hitherto unknown group of Norwegians. The Oslo Channel, which had begun as an exploratory meeting, culminated in the White House Lawn ceremony of 13 September 1993 where the document on Palestinian interim self-government known as the Declaration of Principles (DOP) was signed and the Letters of Mutual Recognition were exchanged. This historic development was symbolised by a handshake between Israel's then Prime Minister Yitzhak Rabin and Chairman of the PLO Yasser Arafat.

The five-year transitional period that should have brought great changes to the lives of Palestinians financially, geographically, and politically has fallen short of the aspirational aims and timetables that were outlined in the Declaration of Principles. In 1996, the implementation of agreements first reached in Norway suffered a serious setback with Israel's return to a right-wing led Likud Government. However, further negotiations continued to breathe life back into the Oslo process, first embarked on so many years earlier.

On 23 October 1998, as part of these continuing talks, Israel's Prime Minister Binyamin Netanyahu and Yasser Arafat signed the Wye River Accord.³ This agreement calls for an Israeli troop withdrawal from the West Bank, which will increase Palestinian self-rule from 3% to 14.2%.⁴ The following map illustrates how the geopolitical arrangements should change once the Wye River Accord is fully implemented:

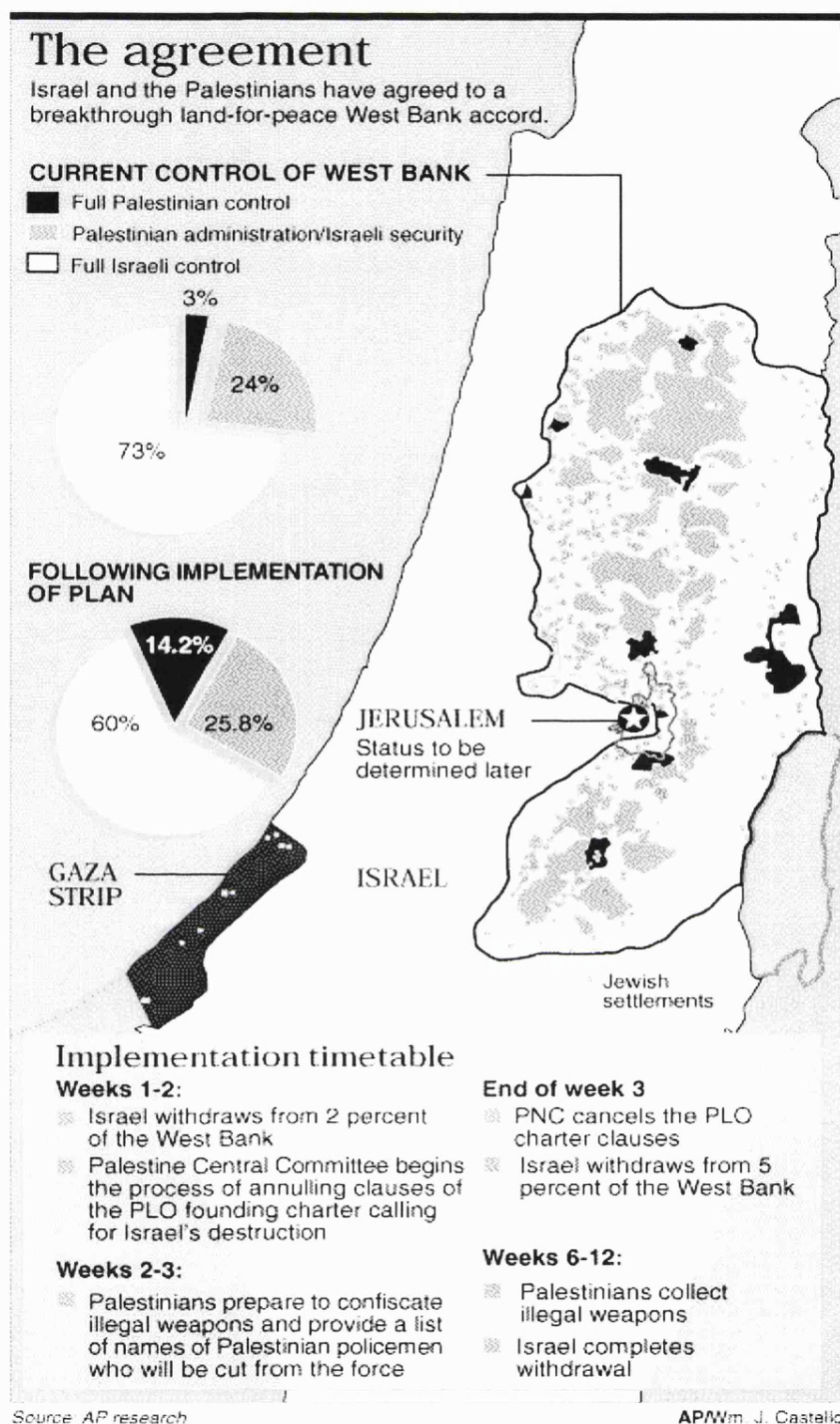


Figure 2: The map illustrates the amount of land that should fall under Palestinian control upon implementation of the Wye River Accord. Source: [http://cnn.com/WORLD/struggle_for_peace/land_maps/agreement.ap.html].

As the map shows, this agreement suggests a renewed commitment to fulfilling the pledges contained in the Declaration of Principles, including Palestinian self-rule over 85 to 90% of the West Bank and all of Gaza. Subsequent disillusionment with the

Israeli Government led to elections in which the Labour Party, headed by Ehud Barak, regained power. A return to a Labour Government in Israel encouraged hope of a speedier implementation of Israeli troop withdrawals from the agreed points in the Occupied Territories and the start of final status negotiations.

Although the Jewish settlements in the Occupied Territories, Palestinian refugees, and Jerusalem remain outstanding issues to be settled in the final status negotiations, the historic achievement reached between these two parties with the aid of a Norwegian third party should not be underestimated. It became evident in subsequent weeks, months, and years as the participants to the talks in Norway openly discussed the process that this Oslo Channel was a departure from traditional negotiations of mediation. In order to discover how the process adopted in the Oslo Channel differs from a mediation format, this chapter will examine the background, establishment, and development of the Norway talks.

The structure of this chapter is as follows. First, the background that led to the first tentative meeting between two Israeli academics and members of the PLO (with the assistance of a Norwegian third-party team) on 20 January 1993 will be described. Subsequently, the events of months between January and April, when the process of drafting the Declaration of Principles occurred will be elaborated. Then, the more official phase will be detailed.

The changing Norwegian third-party role will be examined, especially in the ways in which it differs from traditional mediation efforts. It will be argued that by examining a peace in practice such as the Oslo Channel, questions arise as to how the difficulties that followed in the aftermath of the initial euphoric celebrations may be more helpfully addressed. It will be asserted that the Oslo Channel, which has affinities to facilitated conflict resolution practices, contains substantive and procedural limitations.

Background and Prelude

You cannot answer...the needs of the people by simple inspiration, by getting rid of the old conflicts, wars and addressing the necessary means of education and development. You also need compromise by both sides for politics. Politics...is the art of human relations. All the weaknesses and strengths that human beings possess are expressed in politics.⁵

—Shimon Peres, 22 May 1995

The exact conditions that convinced the Israelis and the PLO to accept an invitation to explore an alternative form of dialoguing remain a heavily contested topic. It is fair to say that multiple factors contributed to a willingness to meet. First, the end of the Cold War and superpower rivalry presented a new opportunity for changes in the Middle East. From the end of World War II to the collapse of the Berlin Wall, the United States and the Soviet Union placed great ideological and strategic emphasis on this region; Israel was America's strategic ally, whereas Israel's neighbours, especially the Palestinians, allied themselves to the Soviet Bloc.

The enmity between Jews and non-Jews in the area of present-day Israel, one could argue, dates as far back as the start of historical record-keeping. However, the creation of the state of Israel on 14 May 1948 had a direct effect on the Palestinian community as 700,000 out of 1.5 million Palestinians fled to the West Bank of the Jordan River, Gaza, and further afield.⁶ During the Suez Crisis of 1956, Israel took the Gaza strip from Egypt, but withdrew in the following year. However, during the Six Days War of 1967, under General Yitzhak Rabin, Israel reoccupied the West Bank and East Jerusalem.⁷ Four years later, under General Ariel Sharon, the Occupied Territories fell under complete Israeli control.⁸

The PLO, which Arafat commanded from 1969, was dependent on Soviet and Arab states for financial and political support. The PLO became the loudest voice for Palestinians living in the Occupied Territories and the diaspora. The PLO engaged in an armed struggle against the state of Israel and its citizens and the violent attacks

attracted numerous domestic and international headlines. The 1972 Munich Olympic killings of Israeli athletes led to the PLO's expulsion from Jordan. Consequently, the organisation moved to Lebanon where its members continued their terrorist activities. In 1978, Israel responded to these continuing attacks by invading southern Lebanon, which drove Arafat and the PLO to Tunis. Thus, it became Arafat's exile home until his return to Gaza more than ten years later.

After the collapse of the Soviet Union, the financial support provided by Russia to the PLO quickly declined as it turned inward to deal with severe domestic challenges. The US grew wearier of guaranteeing loans to Israel, seeing little progress in the resolution of the Middle East conflict.⁹

Second, the Gulf War against Iraq in 1991 for the first time brought together Arab countries and the US. Arafat sided with Saddam Hussein; consequently, the PLO suffered greatly.¹⁰ That is, the PLO lost \$120 million of aid from Saudi Arabia, Kuwait, and other Arab Gulf states.¹¹ The expulsion of up to 400,000 Palestinian guest workers from the Arab Gulf states further diminished the credibility of the PLO's ability to produce positive change for Palestinians in the region and in particular for those living in the Occupied Territories. By the end of the Gulf War in the summer of 1991, the PLO found itself politically alienated, economically close to bankruptcy, and isolated amongst the Palestinian community, while more militant groups such as Hamas threatened Arafat's leadership. With no Soviet Union to fall back on and increased American hegemony as a result of the allied Gulf War victory, Arafat's PLO faced further challenges to its credibility.

Third, Israel, affected by years of the Intifada (low intensity war with the Palestinians of the Occupied Territories) looked for ways out of this conflict. The Intifada started as direct action protests by the Palestinians in Gaza's largest refugee camp 'Jabalya' in December 1987. On Jabalya's overcrowded 1.5 km², 700,000

Palestinians continue to live.¹² This local uprising quickly mushroomed into a movement and low intensity war.

Meanwhile, as the numerous attempts to resolve the Israeli-Palestinian conflict (including the Schultz Initiative and the London Accords that followed the 'Land for Peace' concept of Camp David) ran into seemingly insurmountable obstacles, the Intifada continued to escalate. Furthermore, Hamas' increase in popularity threatened not only the PLO leadership, but also Israel. Initially, Israel fostered local resistance in the hope of toppling the Tunis-based PLO leadership.¹³

Fourth, political willingness to break the stalemate received a boost by the Labour Party's victory in Israel over the right-wing Likud Government in June 1992. The new administration led by Prime Minister Rabin provided renewed hope for progress on the peace process front. The Labour Party had campaigned to work on finding a solution to the Israeli-Palestinian conflict.

Although Rabin publicly announced that his approach to the peace talks would not differ greatly from the previous Likud Government, there were those in influential positions, including Foreign Minister Shimon Peres and his deputy Yossi Beilin, who viewed a resolution of the Palestinian question as a crucial component of finding a lasting regional peace.¹⁴

In addition to these political and structural changes, many countries—as well as private initiatives by non-governmental organisations and individuals—helped to create an opportunity for exploring direct talks between Israel and the PLO. For the first time since the signing of the Camp David Accords between Israel and Egypt in 1979, various countries tried to establish a dialogue between interested Israelis, Palestinians, and the PLO.

Among these was Norway which enjoyed a privileged position as it was trusted by both Israel and the PLO.¹⁵ Norway had supported the creation of an Israeli state.

Moreover, the left-wing socialist Norwegian Government, as well as many trade unions, established and maintained contacts with the Israeli Labour Party.¹⁶ Thorvald Stoltenberg, an influential member of the Norwegian Labour Party, worked to forge connections with the PLO. In 1981 and 1982, he met with leading members of the PLO, including Arafat, who expressed an interest in establishing direct talks with Israel.¹⁷ When Stoltenberg became Foreign Minister of Norway in 1987, while fostering contacts with Israel, he continued the policy of providing generous aid to the Palestinian community.

In subsequent years, attempts were made to arrange a meeting between the local Palestinian activist and intellectual Faisal Husseini and Israel's Deputy Foreign Minister Yossi Beilin. Though this never transpired, Norway's Deputy Foreign Minister Jan Egeland did meet with Beilin who indicated that since there was little progress in official efforts, he was interested in talking with the local Palestinian leadership.

On a private basis, Mona Juul (herself a Norwegian diplomat and expert on the Middle East as well as a close friend of Jan Egeland) supported her husband Terje Rød-Larsen's efforts, as he attempted to facilitate dialogues between Israelis and Palestinians. Having lived in Cairo, Terje Rød-Larsen, then Director of the Norwegian Institute of Applied Social Sciences (FAFO), decided to conduct a survey of living conditions of resident Palestinians in the Occupied Territories.

Towards this effort, Larsen asked Marianne Heiberg (author of similar reports for the Norwegian Foreign Ministry and wife of future Foreign Minister Johan Jørgen Holst) to assist him. She notes that the process of compiling a non-biased document helped to establish and cement relationships with both the Israelis and Palestinians. In turn, this objective approach confirmed FAFO's credibility as an unprejudiced organisation.¹⁸ While carrying out the survey, Larsen developed important contacts

with Palestinian activists in the Occupied Territories, the Tunis hierarchy, and influential Israelis. In May 1992, Larsen met with Beilin and suggested that Norway could help to facilitate a second-track channel between Israel and Palestinians. His willingness, keen interest, and repeated offer of using Norway as a venue for exploring ideas would prove to be extremely helpful and opportune.¹⁹

Finally, individuals within the PLO and Israel pursued possible channels that would allow them to meet and dialogue. Mahmoud Abbas, also known as Abu Mazen, was a key figure close to Arafat who expressed a desire to talk directly with Israel. However, he approached Egypt as a possible third party that could help establish such talks.²⁰ Others in the PLO including Ahmed Qurei (Abu Ala) sought to establish economic co-operation between Palestinians and Israelis.

On the Israeli side, two academics, Yair Hirschfeld and Ron Pundak, were engaged in dialogues regarding economic co-operation with the local Palestinian leadership including Faisal Husseini and the Palestinian spokeswoman to the Washington talks, Hanan Ashrawi.²¹ Yair Hirschfeld had close ties to the Deputy Foreign Minister Yossi Beilin and headed the Economic Co-operation Foundation, a left-wing think tank initially created by Beilin. Ron Pundak, a former student of Hirschfeld, joined him at the Foundation to help carry out research. Together, they forged contacts and dialogues with Palestinian community leaders and activists in the Occupied Territories.²²

Public Negotiations

Despite the determination of Yitzhak Shamir, the right-wing Likud Prime Minister, not to concede an inch of territory, there were high hopes that the Palestinian problem could be solved.²³

—Jane Corbin, 1994

Efforts to resolve the Middle East conflict were restarted after the allied victory over Saddam Hussein. As part of the US and Soviet sponsored peace initiative, the

Madrid Conference commenced in October 1991. This 'Land for Peace' formula, based on the Camp David Accords (which included bilateral and multilateral talks) followed a negotiations format between Israel, Lebanon, Syria, and a joint Jordanian-Palestinian delegation. The parties operated under the following guidelines in Madrid. First, any settlements reached would be based on United Nations (Security Council Resolutions 242 and 338).²⁴ Second, direct two-track meetings would occur in phases following the opening meeting in Madrid. Third, although both bilateral and multilateral meetings would be arranged, the emphasis would fall on the bilateral ones. Fourth, the Madrid process would neither have binding decision-making powers nor an official mechanism for dealing with differences of opinion. Fifth, the United Nations would only be an observer. Additionally, all Palestinians serving on the joint delegation would not belong to the PLO nor have a direct connection to East Jerusalem, but would reside in Gaza.²⁵

These discussions were held up to media scrutiny and positions became entrenched as participants aimed to please their domestic constituencies. The Madrid Conference reconvened in Washington on 10 December 1991 and lasted until 24 September 1992. In the US capital, the bilateral meetings between the disputants continued, while multilateral talks were held in at least thirty countries from Canada to China, who acted as observers or advisors.²⁶ These more informal discussions concentrated on ways of co-operating on common resources such as water and how to develop economic co-operation.

Hanan Ashrawi and Faisal Husseini were chosen to participate in Washington by the PLO. However, Israel rejected Husseini because of his connection to East Jerusalem.²⁷ Abu Ala, the PLO's chief economic advisor, headed the multilateral team. While the multilateral talks took a backseat to the bilateral negotiations, the posturing and openly public statements produced by all sides in Washington indicated the lack of

any real progress.

The hope that an Israeli Labour victory in June 1992 would provide a breakthrough in negotiations failed to materialise. As the weeks passed in Washington, the PLO remained excluded from the meeting rooms.²⁸ Since the Tunis leadership controlled the Palestinians who comprised the joint delegation, it became evident that if a settlement were to be reached, it would be necessary to talk directly to the PLO. This frustrated status motivated Israeli political decision-makers and the PLO hierarchy to explore other avenues that would advance an agreement.

Towards a Norwegian Channel

We searched for other ideas in order to encourage the process.²⁹

—Ron Pundak, 14 May 1995

In the Washington Delegation...the structure was bad. For one thing, there were coalitions of different groups; they were not unified with some leadership. The common denominator was very, very low and the decision-making capability was very low.³⁰

—Yair Hirschfeld, 24 May 1995

With the stalled Washington talks in the background, the parties involved started searching for other ways of establishing a dialogue. While working for the Economic Co-operation Foundation with Yair Hirschfeld, Ron Pundak also forged contacts with local Palestinian activists and political leaders. He describes a meeting with Hanan Ashrawi. He notes her dissatisfaction with the deadlocked process:

Ashrawi suggested, 'Why don't you go meet Abu Ala?'...Since she knew we had very good contacts with Yossi Beilin—head of the Israeli multilateral team and counterpart to Abu Ala of the PLO—she thought it would be a good idea that we meet him.³¹

Hirschfeld also recalls expressing an interest in pursuing this proposition:

If I met someone from outside the local leadership, the Tunis leadership...I wanted to meet Abu Ala. I had read papers submitted by him in November 1991 and was impressed.³²

Meanwhile, Abu Ala was encouraged by Hanan Ashrawi to meet with an interested Israeli academic who was willing to meet him.³³ Although initially reluctant,

further positive encouragements from Faisal Husseini and another trusted friend convinced him that since it would not be a negotiating session, there could be no harm in meeting with Yair Hirschfeld.³⁴ Upon receiving authorisation from Abu Mazen (chief advisor to Arafat) Abu Ala agreed to meet Hirschfeld in London.

The opportunity to explore a possible encounter arose in December 1992 when all the parties were attending a multilateral conference as part of the Madrid peace process. Abu Ala describes their encounter as follows:

It was not a bad meeting for a first meeting between an Israeli and an official member of the PLO. At that time Yossi Beilin was also in London. So this was my assessment: since he was in London with Yossi Beilin, it had some meaning. He said that he had met with Dan Kurtzer of the US. This was also something.³⁵

Larsen, who had arranged the meeting between Hirschfeld and Abu Ala, repeated his offer later that day to organise a gathering between Israelis and PLO members under the guise of an academic conference in Norway. Both Hirschfeld and Larsen recall their interest in pursuing this avenue, since their previous attempts to start meaningful dialogues with the local leadership in the Occupied Territories, who were seen to be more progressive than those in Tunis, showed no signs of movement.³⁶ It became obvious that the local leaders always deferred decisions to Tunis.

Meanwhile, events on the ground led to a cessation of the Washington talks. Israel's response to the kidnapping and murder of a border policeman was to expel 400 activists, most of whom were allegedly affiliated with Hamas, to Lebanon. The subsequent failure by the US to press Israel for compliance with UN Resolution 799, which calls for the return of the deportees, reduced the credibility of the US in the eyes of the PLO. Consequently, Arafat withdrew the Palestinian delegation from the public official negotiations and stated that they would not return to Washington until Israel allowed the expelled Palestinians back into the West Bank and Gaza.

This latest obstacle, coupled with an interest formally expressed by an Israeli with ties to Beilin, convinced the PLO leadership in Tunis to approve a meeting

between Abu Ala and the two academics, Hirschfeld and Pundak. Having received authorisation from Arafat and Abu Mazen, Abu Ala accepted an invitation from Terje Rød-Larsen for a secret exploratory meeting in Norway. Upon informing Beilin and having received no outright rejection to a meeting with Abu Ala, Hirschfeld and Pundak as private individuals headed for Sarpsborg.³⁷

A Beginning in Sarpsborg

The Israelis and Palestinians were already talking to each other in Washington and they wanted to continue to talk to each other. They wanted to find a resolution to the conflict.³⁸

—Marianne Heiberg, 18 May 1995

The unofficial and secret talks began on 20 January 1993. This first meeting lasted until 23 January 1993 at the headquarters of Borregard Paper Company in Sarpsborg, Norway, situated 100 km south-east of Oslo. High ranking PLO members Abu Ala, Maher el-Kurd, and Hassan Asfour represented the Palestinian delegation. The Israeli delegation was comprised of two academics, Yair Hirschfeld and Ron Pundak. The morning began with Marianne Heiberg's presentation of the findings from FAFO's living condition survey.³⁹ A lunch for all the participants followed where the appearance of Jan Egeland, Norway's Deputy Foreign Minister, added credibility to the unofficial Israeli and Norwegian representatives and indicated Norway's commitment to this effort.

The format of an academic seminar meant that if the meeting between the Israelis and the PLO became public knowledge, the parties could claim that the meeting was to discuss the living conditions survey report. Larsen recalls that during the morning session and luncheon, both the Palestinians and Israelis were extremely distracted as they waited to discuss their reason for coming to Norway.⁴⁰

With the departure of Heiberg, Juul, and Egeland, only Larsen remained from

the Norwegian team. Then, the direct, bilateral, and confidential meeting between the Israelis and Palestinians commenced. Larsen recalls that though he was asked to remain in the meeting room, he left as he believed the parties had to find ways of coming to an agreement by themselves.⁴¹ At Abu Ala's suggestion and Hirschfeld's immediate agreement, the parties decided to refrain from discussing the past or apportioning blame.⁴² These consensually arrived at ground rules allowed the disputants to concentrate on ways of reaching an agreement.⁴³ Although Hirschfeld and Pundak made it clear that they were not representing the Israeli Government and therefore the meeting was not an exercise in negotiations, as Hirschfeld puts it, 'When Abu Ala said "Israel should be out of Gaza first", I knew we had something to go on'.⁴⁴

This proposal signalled to Hirschfeld the seriousness of Abu Ala's intentions. The PLO had always rejected a Gaza First option, for it was feared the narrow strip of highly overcrowded land would be the only territory it would ever control. At the same time, the PLO knew that suggesting an Israeli withdrawal from Gaza would be an attractive starting point as this idea had been publicly floated by Shimon Peres in 1980 and had been discussed during the Camp David negotiations.⁴⁵

The PLO delegation, convinced by the academics' credentials, commitments and links to their Government chose to meet again with Hirschfeld and Pundak. All the participants aimed to formulate a set of broad principles that could help the official negotiators in Washington to reach an agreement.

Larsen remained outside all discussions during the three days of meetings. He provided food whenever it was needed, listened to a party's frustrations or ideas during breaks, and provided all general administrative support. The participants could concentrate on exploring ideas, for the Norwegian host saw to any physical needs. The working relationship that developed over this short period, as the participants talked, ate, and lived in the same environment was a sharp contrast to the intermittent,

sometimes short discussions in Washington where hostility and mistrust prevailed. Even though the three Palestinians and two Israelis were still sceptical as to future meetings producing a substantive development, the fact that they were able to forge a common understanding was an important outcome of the exploratory meetings in Sarpsborg.

Towards a Declaration of Principles

After the first meeting, both sides reported back to their respective political leaders, Deputy Foreign Minister Beilin on the Israeli side and Abu Mazen, chief advisor to Arafat in Tunis. Receiving no outright rejection to convening a further meeting, the parties returned to Sarpsborg on 12 February 1993. The ground rules that the participants had agreed to applied for the duration of further talks. Moreover, the informal pre-negotiations phase, which lasted from January to April 1993, remained informal and unofficial. In this environment, the 'wastebasket principle' applied.⁴⁶ That is, all participants could freely express ideas without fear of being forced to adopt a specific position. Hirschfeld and Abu Ala presented a paper, which contained each side's positions, ideas where they thought agreements could be reached as well as longer-term aspirations on how to transform the conflict.⁴⁷ Abu Ala, for instance, made it clear that the PLO wanted autonomy and control over Gaza and not to function as a subordinate authority to Israel in such jurisdictions. Hirschfeld suggested a process of gradually transferring administrative institutions such as health and education.

During these weekend meetings, Mona Juul joined Larsen. They continued to remain outside the meeting rooms. Only when requested did they interact with the parties during talks. Otherwise, their self-defined role restricted the third parties to providing a conducive atmosphere and a sympathetic ear.⁴⁸ By the close of the weekend, like the Norwegians, both the Israelis and the members of the PLO envisioned

a back-channel to the official Washington negotiations. The ideas explored and tentative common ground reached could be fed back into the direct, public official talks.⁴⁹

Upon returning to Tunis and Jerusalem, the document referred to as the Sarpsborg Document was put forward for consultation to the respective political decision-makers. In the Israeli Foreign Ministry, Peres and Beilin favoured the Gaza First option that was outlined. In this Paper, it was proposed that Gaza should be transferred to a UN trusteeship. However, the connotation a UN trusteeship brought with it (acting as a neutral authority while the colonial power departed) was rejected by Peres and withdrawn from the document.

In Tunis, in spite of Abu Ala's reservations about carving out the Occupied Territories by focusing on one piece of land, Abu Mazen and Arafat knew that the Gaza First option would be acceptable to then Israeli Foreign Minister Shimon Peres. The parties carried their amended documents back to Norway and met again from 20 to 21 March 1993.

The Palestinians expressed their frustrations at not knowing whether the Israeli Government endorsed this back-channel. They also pointed out the myriad of issues on which no agreements seemed likely. Meanwhile, on the ground in Israel and the Occupied Territories, violence and terror dominated the headlines.⁵⁰ Rabin responded to the killings of civilians within Israel by sealing off the Occupied Territories, which meant that 30,000 Palestinians who commuted to Israel were suddenly unemployed. This, in turn, encouraged violent protests in Gaza, which elicited a strong response from the Israeli military with the consequences of dead Palestinians and revenge killings of Jewish settlers.

Meanwhile, back in Sarpsborg, another draft of the Declaration of Principles known as Sarpsborg III, was formulated at the third round of meetings. The discussions

focused on the 'Gaza First' framework. This six page draft document, although greatly modified, formed the basis of the official Declaration of Principles. In the draft version, Israel agreed to a complete withdrawal from Gaza within two years. The dominant view within the Government was that Gaza was a pariah and separating herself from Gaza would mean a more secure Israel. The fifteen articles and accompanying annexes covered topics ranging from the final status negotiations of Jerusalem, to Palestinian economic powers to be gained after elections, to the creation of a Palestinian National Authority. Difficult issues including Jewish settlements, Palestinian refugees of the 1948 war, and Palestinian rights in East Jerusalem, were deferred. However, as Shimon Peres describes:

Israel had to demonstrate a good will intention: the issue of withdrawal from the West Bank had to be included. Thus, 'Gaza First' became 'Gaza Plus'. I preferred to offer Jericho as a sign of our intent to continue negotiations, even if 'Gaza First' would be the main policy. There were no Jewish settlements in the immediate Jericho area; therefore, there would be no need to discuss their fate. We proposed an administrative centre to be set up in Jericho to take pressure off Jerusalem...Its proximity to the Jordan River opened a preferred solution in my eyes for the future, a confederation between Jordanians and Palestinians.⁵¹

The third round of meetings ended with demands from the PLO delegation that a more official Israeli be included if there were to be further discussions.⁵² Hirschfeld and Pundak relayed these messages to Beilin and Peres. At that juncture, neither the Foreign Minister nor his deputy believed that the Oslo avenue would lead to any substantive agreement. Rather, any ideas that emerged from the Oslo Channel would be fed back into the official Washington talks. Dan Kurtzer of the US State Department was informed, but he dismissed the Norway channel as an academic exercise.

Simultaneously, the Washington talks were stymied as the Palestinian delegation refused to return to negotiations while Rabin failed to revoke the order which had led to the expulsion of the 400 Palestinians from the Occupied Territories. Since the Washington track remained suspended and in order to continue with Oslo, Israel insisted that Abu Ala restart these stalled negotiations.

The US, under the leadership of President Bill Clinton, was eager to see

progress. Consequently, the US declared itself an equal partner to the Arab and Israeli delegations.⁵³ After the US brokered a deal to have some of the deported alleged Hamas activists returned, the joint Jordanian-Palestinian delegation (including the previously excluded Faisal Husseini) returned to restart the Washington talks.

Meanwhile, the well-informed and supportive Norwegian Foreign Minister Thorvald Stoltenberg was replaced by Johann Jørgen Holst on 13 April 1993. Holst was the husband of Marianne Heiberg and both were close friends of Larsen and Juul. The change of foreign ministers would lead to a change in the role played by the Norwegians in the subsequent months.

From Pre-negotiations to Negotiations

On 29 April 1993, the parties involved in the secret Norway talks returned to Oslo. During this meeting, the discussions focused on three issues: Israeli withdrawal from Gaza, gradual transfer of powers, and economic co-operation.⁵⁴ The request from Abu Ala for the inclusion of an official Israeli representative became a prerequisite for further meetings. Although the academics had played a crucial role in establishing a dialogue and exploring ideas and options for possible agreements, the PLO delegation was adamant that Hirschfeld and Pundak had contributed as much as they could.⁵⁵ An official Israeli representative would be needed if the ideas were to lead to any substantial development. Since Abu Ala demonstrated over the next few weeks his close ties to Arafat by providing compromises on texts during the public multilateral negotiations in Rome and Oslo, Peres and Rabin agreed to send Israel's highest diplomat, Uri Savir, to Norway.⁵⁶

As the Oslo Channel began to develop momentum, the Norwegian third-party team expanded to include Geir Pedersen, a member of the Foreign Ministry and soon to be head of the International Section at FAFO. As a close friend of Larsen's, Pedersen

could be trusted to keep the channel a secret and to assist Larsen and Juul.

The official phase of the negotiations, which lasted from May until August 1993, commenced with the arrival of Uri Savir on 20 May 1993. He was the Director General of Israel's Foreign Ministry. Before Savir and Abu Ala's meeting, Larsen helped to pave the way for ensuring that both parties could accept the other's ability to deliver, if an agreement was reached.⁵⁷ Larsen's role as an administrator who helped to provide accommodation and arrange transportation began to change.

Uri Savir recalls the purpose of his meeting with Abu Ala and other members of the PLO. He notes:

The Prime Minister and Beilin decided that I should go to Oslo to meet with Abu Ala and the Palestinians ...to find out if the mandate was workable. They wanted to see if the PLO would agree to keep Jerusalem outside the autonomy, which was one of the big obstacles in the Washington talks and was a condition from our point of view.⁵⁸

At the meeting, Savir expressed his interest in this secret channel. However, he also made evident his dissatisfaction with some of the Palestinian demands made in the Washington talks, such as prisoner releases before any progress had been made. Nevertheless, Abu Ala immediately felt that Savir could be trusted and was someone with whom an agreement could be forged:

Uri Savir...was sent and this was the first time that an Israeli official and a Palestinian official formally met. This was a significant development.⁵⁹

Savir was also impressed by the approach that governed this secret channel:

I was very impressed with the people I met and by the seriousness of their intentions. What impressed me the most was not that the Palestinians accepted certain conditions...but they had a basic philosophy. Rather than resolving the issues only through co-operation, there was a whole philosophy here of cordiality, co-operation, and mutual dependence.⁶⁰

In between the meetings, the participants would take walks with Larsen. Though the participants had become accustomed to his approach, Savir was surprised by the Norwegian's style of facilitation. During the walks in between meetings and during meals, Larsen often asked how the parties felt about the proceedings, their fears, and aspirations for the future. Questions regarding the actual substance of their talks were not included.⁶¹ By encouraging emotional relationships and personal trust to

develop, Larsen believed a positive outcome was achievable.⁶²

Although the meeting between the Palestinians and the new Israeli arrival lasted just two days, a new phase of talks was under way. That is, at the very minimum, Israel was officially meeting with the PLO, albeit secretly.

Back in Jerusalem, Savir confirmed that the Oslo Channel was a viable, serious series of meetings between Israelis and representatives of the PLO. He recommended the upgrading of talks to negotiations and suggested that a lawyer be included in future meetings. In late May, Joel Singer, a trusted individual by both Peres and Rabin was chosen to be legal advisor to the Foreign Ministry. His analysis of the document, which resulted from the March meeting, was gloomy: 'I thought the first half was catastrophic. I wanted the part about Jerusalem being outside the deal in writing and not just a verbal promise'.⁶³ Though the paper contained no firm commitments of any kind, the 'verbal promises' given by the PLO seemed to indicate a change of position.⁶⁴

The Palestinians in the official Washington talks continued to insist that a transfer of authority had to include Palestinian jurisdiction over Jewish settlements in the Occupied Territories as well as East Jerusalem. The Sarpsborg document suggested that the PLO was willing to move from this public position. After meetings with Peres and Rabin, Singer was given a remit to work out an agreement that would end the conflict with the PLO while protecting Israel's security and identity.

Back in Oslo in early June, the participants assembled once again. Singer demanded clarity on issues that had stymied the official Washington talks. The character of this meeting was still of the pre-negotiations type, for Singer wanted to discover the sincerity and level of commitment of the Palestinian delegation. The PLO for the first time learned of Rabin's awareness of this secret channel. For two days, detailed questions that had been raised, but not resolved in the Madrid and Washington talks, were raised by Singer to Abu Ala. This differed from all previous sessions in that it was a lawyer asking direct questions and one member providing answers. The other members of the PLO delegation remained silent and this new type of talks rankled them.

A Change of Phase, A Change of Tracks

After the meeting in which Abu Ala was tested by Singer, in Tunis, Abu Ala realised that clarity of issues was essential for any practical agreements which might eventually result. However, the process of reaching that clarity had brought feelings of humiliation.⁶⁵ Nevertheless, Abu Mazen and Arafat realised that with Rabin's involvement came the prospect of a real breakthrough. Singer reported his positive assessment and with the approval of both Peres and Rabin, worked to present a document that was based on what Abu Ala indicated could be agreed to, while articulating Israel's non-negotiable issues.

Meanwhile, the official talks that included Americans as a third participant continued without any sign of progress. On 30 June 1993, the Americans presented a Bridging Document that was viewed by the Palestinian delegation as being biased. As these talks showed little sign of advancing, while Oslo had been considered to contribute to them, it became evident that a separate channel with its own momentum and agreement was developing.

On 3 July 1993, the Israeli contingent comprising of Hirschfeld, Pundak, Savir, and Singer met their Palestinian counterparts. While Hassan Asfour remained, Maher el Kurd was replaced by a lawyer, Mohamad Abu Koush, who served on a Palestinian committee on a UN body which concerned itself with encouraging social and economic co-operation. Singer presented a new draft of the Declaration of Principles, which the Palestinian delegation viewed as containing too many required concessions on their part, while Israel conceded hardly anything. This document detailed a timetable of withdrawal from Gaza and Jericho by Israeli troops, an insistence that the issue of settlements be deferred, a scheduling of elections, and guidelines for transferring administrative institutions to Palestinian control.⁶⁶ Though the previous Sarpsborg

document had included Gaza and Jericho (for the West Bank town of Jericho signalled to the PLO that they would not be trapped into governing only Gaza) the precise details of the Israeli terms were new developments and very much unwelcomed. The document was studied in detail and where the Palestinians objected, amendments were added. The result was a new version of the Declaration of Principles. There remained five points of contention: UN Resolutions 242 and 338, the fate of Palestinians from the 1948 war, the Gaza and Jericho option, permanent status negotiations, and elections for the Palestinian National Authority.⁶⁷

Larsen, who led the Norwegian third-party team along with Geir Pedersen and Mona Juul, continued to remain outside the discussions and offered interpretations and assistance when requested. Jan Egeland joined the Israelis and Palestinians for dinner in between the meetings to reaffirm Norway's commitment. Before departing from Norway, each side met with Foreign Minister Holst to offer updates of the talks. Holst reaffirmed Norway's continuing commitment to the peace process.

A week later on 10 July 1993 the parties returned to Oslo for further direct negotiations. The bargaining process had started.⁶⁸ The Palestinians, like the Israelis at the previous meeting, presented a new document which surprised the Israelis as they were ready to discuss the five identified sticking points, plus further security concerns raised by Prime Minister Rabin. Abu Ala included at least 20 more points such as incorporation of the word 'Palestine Liberation Organisation' rather than the previously used term, 'the Palestinians'. In this redrafted document, the PLO would also have control over the passage between Gaza and Jericho, an area of 150 km².⁶⁹

This Oslo Channel came close to collapse during the summer months as negotiations intensified and positions became entrenched. Savir and Singer concluded the proposal presented by the Palestinians, would be rejected by Rabin and Peres. Therefore, the next day it was agreed that the participants would return to Jerusalem and

Tunis for further consultations.

During a visit by Foreign Minister Holst to Tunisia, he met with Arafat to fathom the Chairman's intentions and level of commitment towards the Oslo Channel. On 13 July 1993, Arafat expressed his distrust and frustrations with the stalled Washington talks and concluded that little progress could be made with two pro-Israeli parties.⁷⁰ Along with Mona Juul and Terje Rød-Larsen, Holst met with Abu Ala and then with Arafat. To meet the request that Jericho and Gaza should have a corridor through which Palestinians could travel safely from one to the other, Holst suggested the words 'safe passage'.⁷¹ Arafat accepted this phrase. After the short meeting, the Norwegians believed that the PLO Chairman was informed and committed. As a result, the Palestinian delegation would return to the Israeli proposal with changes.⁷² As Abu Ala maintains:

Singer wanted to re-negotiate the text and agreements encompassed in the draft of the Declaration of Principles. We needed clarifications and assurances, which they seemed to back away from.⁷³

Larsen and Juul travelled to Jerusalem carrying a letter containing Arafat's views written by Holst to Peres.⁷⁴ There, they briefed both Rabin and Peres of their meeting with the PLO leadership in Tunis. As Peres notes:

We need to know if we entered into a dialogue and compromise, especially in matters relating to security, the Palestinians could deliver so that our security wasn't threatened.⁷⁵

Carrying a letter from Peres to Holst asking for clarifications regarding the definition of a 'safe passage', Larsen and Juul returned to Tunis. Along with Holst, they met with Arafat again, but failed to extract a clear definition of this term. In Paris, before returning to Oslo, Pundak was updated on developments.⁷⁶

Soon after on 24 July 1993, all the participants travelled to Norway to continue negotiations based on the document and changes made to it. This document had initially been proposed by the Israeli lawyer Joel Singer. Meanwhile, an escalation of violence returned to the headlines. Rabin's response to the attacks by Hezbollah on civilians in

northern Israel was to authorise an air assault on their bases in southern Lebanon.⁷⁷ Hundreds of civilians in this region were forced to flee to Beirut and the Hezbollah guerrillas retaliated by further attacks on Jewish settlements in northern Israel.⁷⁸ This series of events, however, was not alluded to by any of the participants as they engaged in further negotiations.⁷⁹

The Israelis led by Savir and Singer agreed with the Palestinian delegation to review both of the previous documents that each side had produced and to formulate a common paper. This type of negotiation was not built on trust, but rather on the mutual recognition that all participants were dependent on each other for success or failure.⁸⁰ The session consisted of constant bargaining; often one party took one step forward while the other took two steps back. This followed the Arab style of bargaining.

As the negotiations intensified, the suspicions felt by both sides toward each other became apparent. For example, during this round of meetings the parties had agreed to meet at 9:00 a.m. for breakfast, for it was agreed in the ground rules that all the participants would share meals. On 25 July 1993, the Palestinians arrived at 10:00 a.m. and accused the Norwegians of siding with the Israelis because they had had an hour to discuss strategies.⁸¹ The Norwegians, and in particular Larsen, became the ones to absorb the frustrations of Abu Ala and his Israeli counterparts.

As the speed of progress diminished, a game of brinkmanship was deployed between Savir and Abu Ala. The Israeli Director General of the Foreign Ministry informed Abu Ala that he and the others would be leaving and the channel was at an impasse unless the Palestinians withdrew their version of the Declaration of Principles. Abu Ala announced his 'resignation' from the talks, but pledged to support his successor. Savir responded by intoning a well-known phrase regarding the PLO's incredible ability to always miss an opportunity. Savir reiterated how close they had been to an agreement and still the PLO were walking away.⁸²

In order to halt the breakdown in talks, Larsen intervened directly for the first time and requested that Abu Ala meet alone with Uri Savir.⁸³ Juul and Pedersen conversed with the other delegates, while Larsen convinced Abu Ala not to leave and Savir to meet with Abu Ala. In agreement with Singer, Savir put forward a proposal to divide the most difficult issues into two groups: security and the Gaza and Jericho option. Each side would take points back to convince their leaders to compromise where compromise was possible; for Israel, this meant flexibility on the transfer of power and organisational arrangements for handing over Gaza and Jericho. For the PLO, this meant they would have to give way on matters of security, allowing Israel to retain control over the areas between Gaza and Egypt, Jericho, and the Jordan as well as providing continued security to the Jewish settlers.⁸⁴ In addition to these suggestions, Savir put forward a draft of Letters of Mutual Recognition that could be exchanged between Israel and the PLO.

Towards An Agreement

Larsen continued his role in between meetings as a deliverer of messages since it was impossible for someone in Israel to communicate with someone in an Arab country due to the non-existence of telephone lines. As the two sides continued to posture, Abu Ala met with Hirschfeld, Larsen, and Juul in Paris. Meanwhile, the US Secretary of State Warren Christopher engaged in busy diplomatic rounds between Israel and Syria. As the official Washington talks and positions by the Palestinians indicated no real progress, the US turned to this part of the Middle East puzzle. Although Rabin briefed Christopher about the Norwegian channel, from the sceptical observations concerning the PLO's commitment, Christopher concluded that this channel would not be fruitful, whereas the Israeli-Syrian situation might have better chances of being settled.⁸⁵

The local Palestinian leadership who had participated in the Washington talks was frustrated and surprised to discover that Arafat and Abu Mazen had made concessions that they themselves were forbidden to offer in the public arena.⁸⁶ The PLO's financial problems attracted headlines. Protests erupted over unpaid salaries and telephone lines in some PLO offices were disconnected due to non-payment of bills. At the same time, Rabin realised that the Oslo Channel was no longer a back-channel, but a possibly direct route for a deal between Israel and the PLO.

With this background, on 13 August 1993, the parties returned to Sarpsborg, where the first round of meetings in January had commenced. As the meetings opened on the following day, the Palestinians presented a document which incorporated some of the concerns expressed by the Israeli side regarding security. These were the points that the Palestinian delegation had taken back to Tunis as part of the swap exchange proposed by Savir in their last meeting. The Israelis agreed to include the final status negotiations as a goal in the Declaration of Principles and accepted that final status talks would lead to a complete withdrawal from the Occupied Territories.⁸⁷ Abu Ala failed to receive a go-ahead from Arafat for this new document of compromises.

This time, as Larsen fulfilled a personal obligation, Mona Juul took over the role of the observer and provider of assistance if needed. Hirschfeld and Pundak who had remained with the Israeli team to provide continuity and ideas indicated that the prospects for an agreement were gloomy.⁸⁸

On 17 August 1993, Larsen travelled to Stockholm where Holst, at the request of Peres, arrived to meet him. Peres and his policy advisor, Avi Gill, joined Holst, Juul, and Larsen in Stockholm. Savir remained in Israel for his presence might have attracted unwanted attention.⁸⁹ Peres requested that Holst act as the intermediary on the telephone and Larsen contacted Arafat directly.

Singer dominated the Israeli negotiation side whilst Abu Ala conferred with

Arafat. Holst passed messages back and forth. Following the facilitation approach adopted by Larsen, Holst conveyed messages, summarised options, but did not propose any particular one.⁹⁰ The Palestinians made the first concession in that the Jewish settlements would remain Israel's responsibility. The Declaration of Principles states that 'the withdrawal of the military government will not prevent Israel exercising powers and responsibilities not transferred to the Council'.⁹¹

The second point concerned Annex II of the Declaration of Principles. The word 'responsibility' was changed to 'matters' in the paragraph, which refers to Foreign Affairs and settlement issues outside of direct Palestinian control. The final point regarding the location of the soon-to-be established Palestinian National Council was a compromise.⁹²

The final compromise resulted in the acceptance by both sides of the Declaration of Principles. The document is short and the details with specific dates are contained in the annexes. The main document sets out broad principles of agreement. The document aims to:

Establish a Palestinian interim self-government authority, the elected council...for the Palestinian people in the West Bank and the Gaza Strip, for a transitional period not exceeding five years, leading to a permanent settlement based on Security Council Resolutions 242 and 338.⁹³

These Resolutions call for the PLO to recognise Israel's right to exist and their renunciation of violence and terrorism. Within two months of the Declaration of Principles' enforcement, Israel was to withdraw from the Gaza Strip and Jericho area. Subsequently, 'direct and free' elections for the Palestinian National Authority were to be held, no later than nine months hence. By this time, Israel was to redeploy its defence forces from the West Bank. During this period, a Palestinian police force was to assume responsibility for security and order from the departing Israeli troops. However, Israel would retain control over Foreign Affairs. Powers over education, culture, health, social welfare, direct taxation, and tourism would be transferred

gradually from Israeli control to the Palestinian Authority. No later than two years following this event, final status negotiations would begin, including the tackling of seemingly insurmountable issues such as Jerusalem, Jewish settlements, and the problem of Palestinian refugees.⁹⁴

The Declaration of Principles was signed first in secret by Peres and Abu Ala on 20 August 1993 in Oslo. US Secretary of State Christopher was informed and a few days later, the historic breakthrough was announced to the world. Before the famous White House Lawn ceremony on 13 September 1993, Holst played an active role in helping to formulate the wording of the Letters of Mutual Recognition between Israel and the PLO. Mutual recognition by these two enemies signalled that direct talks between Israeli and PLO officials could continue without need for secrecy in the future. The remarkably short Declaration of Principles envisaged a co-operative relationship between Palestinians and Israel. The framework contained within the document imagined further substantive progress as the agreements were implemented.

Lessons of the Oslo Channel



Is peace on its death-bed?

Figure 3: Source: *Middle East International*, no. 623 (21 April 2000) (cover)

One of the important ingredients during the talks (all the way through, but especially in the beginning) was that you could freely express ideas and that we agreed not to blame each other for the past. This is a circle that we get stuck in too often and then you can't move forward at all.⁹⁵

—Hassan Asfour, 23 May 1995

The implementation of the Declaration of Principles has faced innumerable obstacles and delays since the historic signing ceremony in 1993. The initial support expressed by the public on both sides quickly gave way to dissatisfaction and frustrations. Withdrawal from Gaza and Jericho was delayed whilst the controversial expansion of Jewish settlements in the Occupied Territories continued. Israel has had two governments since 1996. The assassination of Prime Minister Rabin by a Jewish extremist triggered an election in which a Peres-led Labour Government was defeated by the right-wing Likud under the leadership of Binyamin Netanyahu. The return of

Likud to power resulted in a loss of faith by the PLO that the Declaration of Principles would be adhered to. Netanyahu, who had campaigned on a platform of ensuring that Israel's security would be the number one priority, reluctantly continued implementation of the Declaration of Principles. On 17 May 1999, Labour regained power which was viewed with optimism and hope. However, the peace process always seems on the verge of collapsing as the deadlines for final status negotiations and the full implementation of the Declaration of Principles have come and gone.

There are many from diverse backgrounds who criticise the Oslo Channel and the Declaration of Principles. In particular, the Declaration of Principles is criticised by Palestinian nationalists and local intellectuals such as Hanan Ashrawi for conceding too many points to Israeli demands.⁹⁶ Simultaneously, many within Israel believe that the Declaration of Principles represents an unacceptable sell-out, for recognition of the PLO means according legitimacy to a terrorist organisation that has brought killings and violence upon the Israeli military and civilians.⁹⁷

Marianne Heiberg points out that at the time, 'It was the best agreement available'.⁹⁸ She too criticises arrangements concerning the transfer of power from the Israeli military and civilian administration to the Palestinian National Authority:

It made the task of the Palestinians to create viable institutions close to impossible. When you are given money for all the things that cost money such as health, education, social welfare, but not given adequate authority to deal with matters that create wealth such as the economy, you have a terrible problem.⁹⁹

In spite of this and other flaws within the Declaration of Principles (including a perhaps unrealistic timetable for implementation of Israeli withdrawal and redeployment) all the participants directly involved in the Oslo Channel rightly defend the transformation that this agreement, and especially mutual recognition, has brought to this protracted conflict. The Declaration of Principles offers a framework within which Israelis and Palestinians may coexist and co-operate.¹⁰⁰ Simultaneously, mutual recognition opened up the possibility for all future negotiations and talks to be arranged

directly between the Israeli Government and the PLO. Through recognising the existence of Israel, the PLO acknowledged the need to insure the Jewish state's security. Similarly, Israel legitimised the authority of Yasser Arafat and the PLO as the representative of Palestinians living in the Occupied Territories and in the broad diaspora.

In addition to the specific difficulties contained in the Declaration of Principles, four significant flaws regarding the process of the Oslo Channel are evident. They are secrecy, the re-entry problem, the third-party role, and the approach of facilitation. Each will be considered in turn.

Secrecy: An Asset or a Liability?

All the participants to the Oslo Channel agree that the secret, informal environment allowed the parties to explore ideas without fear of permanent commitment. Consequently, frank positions and exchanges were possible. As Abu Ala puts it, 'You can say what you really feel without having it reported or...having meanings become distorted'.¹⁰¹ Savir adds that in a confidential, secret setting:

The process becomes a laboratory where you can explore constructive new ideas that surpass the preconceived notions of what kind of an agreement you want to achieve.¹⁰²

The secrecy component of the Oslo Channel was an asset both during the pre-negotiations and negotiations phases. One could argue and the parties support the notion that secrecy contributed to the free exploration of ideas as well as the ability of parties to offer compromises, which would not have been possible in a public, open format. Geir Pedersen describes the positive role that secrecy played during the pre-negotiating period from January to April 1993:

Without a pre-negotiations phase where Ron Pundak and Yair Hirschfeld sat down with Abu Ala and his colleagues, and established a very firm relationship...it would not have been possible for them to develop a more concrete and precise language for the Declaration of Principles. In a non-public setting where different scenarios and solutions can be explored, the parties can grow to trust each other. They also have the deniability factor.¹⁰³

However, as Mona Juul points out, the secrecy component can also be a liability.¹⁰⁴ Any agreements reached in a confidential setting may not receive public endorsement once the agreements are announced. It is essential, Juul importantly notes, that agreements reached in a non-public environment be formulated into a framework that can be seen as legitimate by the representatives' constituencies.¹⁰⁵ Without the public's endorsements, the agreement most probably has to be reworked. The continuing involvement of the Norwegians in mobilising financial support for the PLO and sustaining contacts with the two sides demonstrate how one can attempt to overcome the obstacle of reintegrating the parties with changed perceptions, as well as assisting in transforming the attitudes of the wider public.

The Re-entry Problem

Despite the emotional trust gained during the Oslo Channel in 1993, due to changes in political circumstances and a lack of realising progress on the ground, the key ingredient of the Oslo spirit has failed to be translated into the broader political public arena. Consequently, the disadvantage of reaching agreements in a secret environment manifests itself during the re-entry process. One could argue that an agreement would not have been possible in the glare of a public.¹⁰⁶ However, since the agreements arrived at by Israel and the PLO did not simultaneously bring about changed perceptions among their respective political and social communities, the agreements reached have been challenged and criticised by those who should have benefited from the direct, face-to-face pre-negotiations and negotiations. The failure to translate the Oslo spirit into a broader societal framework may in part be due to the development of the 'personal chemistry' or the 'emotional trust' that developed among the disputants, which was encouraged by Larsen.¹⁰⁷ He emphasised the significance of

changing a group's perceptions by having them live together in the same environment. The participants to the Oslo Channel did undergo a transformation of attitudes. That is, however sceptical they may have been at the beginning of the talks, a certain relationship did develop as the process unfolded.¹⁰⁸

Unfortunately, the development of emotional trust meant that the participants had much more work to achieve in convincing their publics of the legitimacy of the agreements once they were announced. Abu Ala's reference to Savir and himself as 'the two traitors' echoes some of the sentiments expressed by opponents to the Declaration of Principles.¹⁰⁹ Furthermore, it points out the gulf between the personal chemistry and trust developed between them versus the mistrust that pervades the two communities' perception of the other.

The Norwegian third party did not address this problem of re-entry. As Larsen and other members of the facilitation team were focused on providing assistance as requested, this resulted in a tunnel vision of helping the parties to conclude successful negotiations. The effects of any reached agreements were not contemplated for it was assumed that the substance of the document, or what Larsen refers to as the cognitive framework, would overcome any obstacles of re-entry.

This raises the question of what kind of third-party role the Norwegians played for the type of role relates to the two further significant flaws of the process. These two points, the nature of a third party and the process of facilitation, will be discussed next.

The Third Party Role

We always insisted that they needed to talk directly. From the first day we gave them the possibility to be left alone to solve their own problems and so that they realised we didn't want to impose on them. If they wanted us we were there.¹¹⁰

—Mona Juul, 24 May 1995

The Israelis and Palestinians were also eager to find a solution, but they were

interested in securing a suitable location and a helpful and unobtrusive third party. The offer to meet in Oslo came at an opportune moment as the Washington talks had reached an impasse. Norwegians as third parties were acceptable, since their government was known to have good relations with the US. This interested both the Israelis and the PLO. In short, Oslo was the place and the Norwegians seemed to be the right hosts.

The common interest to meet in Oslo served other divergent ones. For example, the Israeli academics needed financial help. The Israeli Government could not sponsor them, since there was a ban on official contacts with the PLO. Hence, Hirschfeld and Pundak received financial assistance from FAFO. A meeting with these academics in Norway would allow the PLO delegation to gauge Israel's level of commitment to the resolution of this conflict.

The third-party Norwegian team consisted of Terje Rød-Larsen, Mona Juul, Jan Egeland, diplomat Geir Pedersen and the late Foreign Minister Holst. From the outset, their role was an administrative one. They organised venues for the meetings, arranged transportation, and accompanied everyone to and from the chosen sites. Although the Israelis and Palestinians engaged in direct face-to-face dialogues, the team interacted with the Israelis and Palestinians during meals, coffee breaks, and walks between meetings in the Norwegian countryside. Larsen approached the Oslo process from a sociologist's perspective:

I did my degree in organisational theory and was interested to learn how the dynamics of small groups differed from big formal ones...so I told both parties that I initially wanted only two people from each side and I wanted them to live with me in a small place...to get them to grow together as people do in small groups.¹¹¹

For Larsen, the emotional trust developed between parties is essential for creating the opportunity to reach agreements. For Larsen then, building emotional trust means breaking down the often entrenched perceptions parties hold of one another. Thus, he aimed to develop an emotional trust between the opposing sides for in his

view, the conflict is about 'political emotional issues'.¹¹² For the Palestinians, it is about 'self-respect' and 'dignity'.¹¹³ Since these are value-related questions, Larsen contends that they are emotionally related questions.

Larsen describes the substantive content of discussions that only the parties involved in the conflict can decide as the cognitive framework. The third party here can assist only if the conflicting disputants request it. This role includes an influential component in affecting the outcome of a process to the extent that in addition to ensuring smooth administrative arrangements, Larsen and others also interpreted messages.

There were two arenas: the meeting-room arena and the telephone conversations...in between the meetings—since the Israelis were forbidden to talk to the PLO and there were no physical lines between Jerusalem and Tunis—you had to interpret the messages, not just give them. That puts you in a very powerful position. During the breaks of the meetings, instead of slugging it out with each other, you offered yourself as the punching ball. This also paradoxically puts you in a powerful position... because you learn the positions of the parties very well.¹¹⁴

Though Larsen could be influential as an intermediary in between face-to-face meetings and as a sounding board while the parties met, the extent of Norwegian involvement was always determined by the conflicting parties. Therefore, Larsen, Juul, and Pedersen adopted a reactive and passive third-party role. The administrative role did not include an opportunity for disputants to explore issues that lie beneath the surface of a conflict. A less reactive third party would have suggested the participants engage in an analytic process where the third parties would have facilitated discussions and explored the hidden motivations of the conflicting parties.

The process adopted by the participants to the Oslo Channel reveals some affinities to facilitated conflict resolution approaches. This discipline contains a rich body of literature and thought that aim to provide guidelines for the role to be played by a third party in its attempts to resolve protracted conflicts.¹¹⁵ The most significant approach arose out of observations and experiences in mediating international conflicts, as well as studying the process of settling disputes in industrial relations. This approach

was pioneered by John W. Burton and would resonate with Larsen, a trained sociologist and an active trade unionist, as his institute of FAFO grew out of the trade union movement in Norway.¹¹⁶

In a Burtonian practice of problem-solving workshops, the third party role can be compared to an analyst who assists the disputants in discovering that the conflict is neither based on material interests such as money and territory, nor on cultural values that change over time. Rather, through a process of examining the motivations that sustain positions, the parties can discover that the conflict is a shared problem as the sources of the conflict can be traced to unfulfilled human needs such as identity, security, and recognition.¹¹⁷

An application of the Burtonian approach in the Oslo Channel would have helped to address the underlying issues at stake, such as why security for Israel and recognition for the Palestinians were viewed as essential components of the Declaration of Principles. A facilitated analysis might have contributed to the disputants discovering how to meet their respective needs, without negative consequences for the other.¹¹⁸

A process that favours a passive, administrative third-party role has consequences for the substantive content or the cognitive framework of talks. Since the Norwegian third-party role was limited to providing organisational and administrative assistance, the apparent dominance of the Israeli bargaining position in the drafting of the Declaration of Principles was neither explored nor discussed. Therefore, as Heiberg notes, the success of this agreement first reached in Oslo in 1993 leaves the Palestinian National Authority dependent on Israel's continued political willingness to implement the Declaration of Principles.¹¹⁹ A critic and scholar of the Oslo Channel, Azmi Bishara, argues that the PLO's dependency on Israel stems from the failure by the representatives in the Oslo talks to agree upon definitions of concepts such as self-

determination.¹²⁰ By leaving the disputants to engage in direct bargaining tactics as the Oslo Channel developed, the underlying issues remained unfronted. Therefore, the agreements that were reached, though historic and important, were likely to run into serious difficulties.

In a Burtonian style of resolving conflicts, the Palestinians' need for land could be seen as a desire for autonomy and recognition.¹²¹ On the other hand, Israel's hesitance to transfer land to Palestinian control could be identified with its fears over security. It is the partly self-defined and imposed third party role that points to the most flawed aspect of the process first undertaken in Sarpsborg—namely the process of facilitation. The views expressed by all participants regarding facilitation demonstrates the inherent limited potential of the Oslo Channel. This comprises the focus of the following section.

Facilitation: A Limited Understanding

Israelis, Palestinians, and the Norwegians involved in the Oslo Channel ascribe to a specific understanding of facilitation. They define it as providing an administrative structure, assisting the disputants and encouraging confidence-building measures. Interestingly, the Norwegian team members distinguish between facilitation and mediation. Facilitation is explained as providing the organisational structure and offering help whenever requested, whereas mediation is described as traditional bargaining power politics. The official process in Washington, where the US proposed ideas on how to settle the conflict, is cited by the participants as an example of mediation.¹²² Mediation is viewed by the participants as unhelpful for it does not allow the conflicting parties to explore ideas freely, suggest options and most importantly, hinders them from designing their own solutions and settlements. The American suggestion of the Bridging Document, for instance, led the PLO to believe that the

mediator was biased towards Israel.¹²³ The PLO viewed the process as unhelpful and unlikely to produce any satisfactory outcomes.

Larsen insists that the establishment and encouragement of emotional trust should comprise a facilitation approach. He urges that a facilitator should employ four tactics when playing the role of a third party. First, the third party should treat each party to a conflict equally. This includes providing an even handed approach towards both sides in all aspects during the facilitation process from interactions and communicating with the disputants to offering similar types of accommodation, transportation, and so forth. For example, Larsen and his team tried to ensure that the PLO representatives and Israelis, despite their difference in the level of political decision-making importance, were equally dealt with. Simultaneously, their views were viewed with similar weight when Larsen was asked to act as an intermediary in communicating messages and ideas.

Second, the third party should aspire to develop friendship and trust. Larsen believes this is the most important ingredient in achieving breakthroughs and agreements. The personal chemistry and friendships that developed between the participants in the small working group process allowed for trust building. Consequently, they were able to arrive at an agreement. Without building friendships, Larsen argues that trust building becomes extremely difficult. This arises out of his commitment to organisational and psychological approaches in which the bonding between individuals in small groups is deemed to be a key feature of rebuilding relationships that can lead to the resolution of a conflict situation.

Next, a third party should be willing to be the punching bag. Larsen maintains that by offering himself as the individual upon whom frustrations can be displaced by both Israelis and Palestinians throughout the talks, the conflicting parties refrain from directing their hostilities towards one another. By absorbing the disputants'

frustrations, the third party is able to communicate such views to the other, which can help in the process of coming to an understanding and finding a formula for consensual agreements. If the third party does not assume this role, Larsen contends that the disputants will direct their frustration upon one another, making a move beyond the stalemate a difficult step to achieve.

Finally, the third party should maintain a balanced view of the situation. This is the perceived neutrality element that is also necessary for the disputing parties to accept the legitimacy of a third party. If the third party, at any point during the facilitation effort, is viewed to be biased and these perceptions cannot be overcome, then the facilitation attempt is likely to break down. Therefore, Larsen argues that all these four notions are crucial for the facilitator to keep in mind whilst engaging in a facilitation process.¹²⁴

Larsen's role, along with the direct talks between the Israelis and members of the PLO, does not fit neatly into the widely accepted differentiation between mediation and facilitation. Although the bargaining process associated with traditional power politics was employed by the Israeli and Palestinian participants, especially in the negotiations phase from May to August 1993, the third-party Norwegian team's role differed from that of a mediator. Larsen and the other Norwegians did not disseminate a text around which negotiations occurred, as they were not present during the actual talks. However, the Norwegians' influence during breaks between meetings, as well as in follow-up telephone conversations throughout the process, allowed them to play an encouraging and eventually a directly contributive role. As Hassan Asfour points out, 'They facilitated; they left us to find our own way to success or failure. They did not impose a solution'.¹²⁵ Pundak agrees with Asfour's assessment and adds, 'They were always there and willing to help. They also travelled to Jerusalem and Tunis when problems did arise, in order to convey messages'.¹²⁶

The positive aspect of such a facilitation approach is that the conflicting parties are left to talk directly and face-to-face. This allowed the two sides to establish their own ground rules at the start of the process in which ideas were freely exchanged.¹²⁷ Rather than adopting a Camp David-style understanding of an Israeli withdrawal followed by immediate Palestinian control, the early meetings in Norway allowed the participants to explore a variety of options, including the principle of gradual transference. This applied especially to the early phase of pre-negotiations.¹²⁸

Savir notes that a pre-negotiations phase and the inclusion of academics allowed the exploration of ideas that might resonate, but could not be expressed at an official level.¹²⁹ The affinities between the pre-negotiations phase of the Oslo Channel and the approaches of facilitated conflict resolution is pointed out by Jan Egeland:

I believe your John Burton would describe Yair and that January Sarpsborg meeting as a workshop because it was confidential, informal, and confidence-building between the two academics and three people from the Palestinian side, who comprised an official delegation.¹³⁰

Following the common understanding of what is involved in negotiations, the official negotiations stage in the Oslo Channel involved more bargaining tactics employed by both Savir and Singer on the Israeli side and by Abu Ala, Hassan Asfour, and the third member of the PLO team. This approach of bargaining and negotiating around a text—albeit without the direct imposition of a powerful third party—conforms to the common understanding of mediation where compromise and not settlement or resolution is sought.¹³¹ The Norwegians' role came to resemble that of a mediator from May to August 1993. The participants argue that the Declaration of Principles and the exchange of Letters of Mutual Recognition were not designed to settle or resolve the conflict, but rather to form the foundation for co-operation and building peace. However, as the overall facilitation process and the participants were inclined towards a power bargaining approach, the aims of the framework became all the more difficult to realise in practice. Yet, Savir contends that the Norwegian third-party team led by

Larsen played a helpful, necessary role during the negotiations phase:

I think he was the psychological architect of this rapprochement...by putting always the emphasis on the positive intentions of the other side. Secondly, he encouraged a framework that turned two delegations into one group, of course with different interests, but with common ambitions to come to an agreement. He also created opportunities for us to express our frustrations and anger during negotiations in a way that were not destructive to the negotiations themselves. Furthermore, he and his wife Mona were absolutely determined to make it work. They worked as a most effective facilitator, which is perhaps more difficult than the role of a mediator.¹³²

While the facilitation process and the third-party role may have helped Israel and the PLO to reach an agreement initially, the compromises arrived at contain serious flaws because of their unrealistic deadlines and expectations. That is, if political representatives fail to address the technical issues while agreeing upon general principles, the process becomes difficult to sustain when those agreed upon policies are being implemented. In other words:

The advantage of dealing with technical issues in the early phase is that resolution can be sought in the context of broader principles, where trade-offs should be easier to make. Although this may involve making more difficult decisions up front, it would prevent a later loss of momentum when issues are more likely to be viewed in isolation from the bigger picture.¹³³

Whether or not discussing technical details first would have meant a more practicable Oslo Channel is contestable. However, by deferring the most controversial issues such as Jewish settlements in the Occupied Territories, Palestinian refugees, and Jerusalem, the Declaration of Principles can only produce a limited transformation of attitudes and perceptions. In the subsequent years of implementing the agreements reached as a culmination of the Oslo Channel, public opinion among the Israelis and Palestinians towards one another have changed little, for these limited agreements have yet to demonstrate a substantial transformation in the daily lives of the two communities. Moreover, critics argue that the continuation of a flawed process only compounds problems. For instance, Edward Said in evaluating the Wye River Accord (which is a follow-up to the Declaration of Principles) argues:

[It] allows Israel a generous number of phases by which the transferral is to be completed without any mechanism to enforce delays or delinquencies. Opponents of Arafat will be considered haters of peace.¹³⁴

Another flaw of the facilitation process adopted during the Oslo Channel is that

in the intensive negotiation sessions, the participants overlooked the events on the ground. Therefore, when the Declaration of Principles was announced, the agreement was associated with unrealistic expectations; a sudden breakthrough was viewed as a long awaited cure to the disease of protracted hatred and violence. However, as agreements are slowly being implemented, opposition to the Declaration of Principles and subsequent accords continue to be voiced by numerous sections within Israel and among the Palestinians in the Occupied Territories, as well as by academics and experts. The extreme right-wing views in Israel are echoed in the Knesset, the Israeli Cabinet. To the opposition, Oslo represents giving away land without any tangible improvements in security. The continuing cycle of violent attacks by extremists associated with the Palestinians reinforces perceptions that the Oslo accords were a bad idea and should not be adhered to.

Dislike for the Oslo accords are expressed by many members of the Palestinian community, since few practical gains have yet been experienced. The view articulated by Raeda Ghazaleh, a West Bank theatre arts administrator who promotes Palestinian women's issues, is just one example of the lack of confidence in the post-Oslo era: 'You don't see the hope in the eyes that you saw in the Intifada. Everything since the beginning of the peace process has gone downhill'.¹³⁵

Since the signing on 13 September 1993 of the Declaration of Principles, every phase of the implementation dates for Israeli troop withdrawals has been delayed. For example, the redeployment of Israeli troops from the West Bank and Gaza occurred fourteen months later than was originally agreed. Although one specific delay does not mean the end of a process, the incremental stalls have eroded hope, particularly among the Palestinians. Since the election of the Palestinian National Authority, an average Palestinian's economic living standard has fallen dramatically. In short, the Oslo accords have brought forth no substantive transformation in the lives of those who live

in Gaza and the West Bank.

Simultaneously, the inability to reduce violence by the Palestinian National Authority has confirmed Israeli belief that the Palestinians cannot be trusted to govern themselves. In short, as Afif Safief puts it, 'If the process becomes static, the very pillars of its legitimacy would be seriously shaken'.¹³⁶

According to Hassan Asfour, by 1998 (five years after the signing of the Declaration of Principles) the PLO expected to rule between 85 and 90% of the West Bank. The final status negotiations were due to start no later than three years after the implementation of the agreements. The comments from Israel's Foreign Minister Ariel Sharon in late 1998 point towards further difficulties in maintaining a co-operative relationship and commencing these all significant talks:

Everyone should take action, should run, should grab more hills. We'll expand the area. Whatever is seized will be ours. Whatever isn't seized will end up in their hands. That's the way it will be...that's what must be done now.¹³⁷

Sharon, who has long championed the expansion of Jewish settlements in the West Bank, was chosen to represent Israel during the negotiations regarding the final status of Jerusalem. These inflammatory remarks, along with then Prime Minister Netanyahu's delaying tactics as a response to terror attacks, further challenge the implementation of the Declaration of Principles. More significantly, these frustrating developments highlight the increasing number of toll stations to be passed along the road to peace.

A final flaw of the facilitation approach utilised in the Oslo Channel is the lack of vision by the participants to the process to work out how to transfer the changed perceptions the disputants held of one another to the broader societal level. It is fair to say that in the process of searching for a breakthrough agreement which can lead to transformations of norms, institutions, and attitudes, some parties might have to be initially excluded. A problem-solving workshop-like attempt in which a small group of

individuals come together to find new ways of governance is a process whose importance is not to be underestimated. It is one among many necessary happenings that can lead to societal transformations. The participants in the Oslo Channel, however, neglected to develop ways of mobilising public opinion, as well as to encourage argumentation and debate.

Although the Norwegian third parties aimed to elicit financial assistance from the international community, neither the Israeli Government nor the PLO formulated ways of transcending the Oslo Channel. Instead, the Declaration of Principles was purported as the only way forward and thus had to be accepted. Any critiques of the agreement expressed by members within both communities were viewed to be enemies of a peace process. Neither Israel nor the PLO sought to incorporate critiques for refining or clearly articulating the advantages contained in the Declaration of Principles.

The failure by the Israeli Government and the PLO to engender a dialoguing process has led to a stall in implementing the agreements. Only with Labour's return to power in the Israeli election of 1999 has Israel re-injected hope for complying with the Oslo accords. All the provisions contained in the Declaration of Principles should have been completed by May 1999. Additionally, final status negotiations should have commenced by this date. The direct talks between the PLO Chairman Arafat and Israeli Prime Minister Edhud Barak, with US President Bill Clinton as a mediator (during July 2000 in Camp David) signals the employment of power politics as the disputants aim to overcome the final hurdles of the Israeli-Palestinian conflict.

Conclusion: The Oslo Channel - An Assessment

The framework then was the Declaration of Principles, but now we have no clear framework. We don't have any confidence in the Israelis.¹³⁸

—Hassan Asfour, 18 September 1998

Since the resolution of conflicts depends upon effective communication, it can come only from the parties themselves. Processes are required that alter perceptions and promote the points of view of the parties.¹³⁹

—John Burton, 1969

The imaginative process embarked on at the start of the Oslo Channel ushered in a political transformation in the relationship between Israel and the PLO. An analysis of the background, establishment, and development of the process demonstrates the coming together of a multiple of factors that made a Declaration of Principles and mutual recognition possible. An exploration of some of the most significant flaws of the document and more importantly, the process of the Oslo Channel itself reveals its affinity to the approaches practised in the facilitated conflict resolution discipline.

Although many remain sceptical of the achievements attained by a small group of Israelis, Palestinians, and Norwegian third parties, this process is recognised by scholars, practitioners, and students as fundamentally different from most negotiation processes that are designed to mitigate international conflicts. A back-channel, which was intended to feed into official talks, became the front-channel.

The participants' unusual willingness to discuss publicly the process and content of the talks reveals interesting insights. While the content was left to the conflicting parties—perhaps too much so—the process of facilitation combined both a second-track and a first-track approach. This is the mixing of pre-negotiations and negotiations. However, the first track official bargaining sessions were not conducted in public, but in a similarly secret, socially-conducive environment as that of pre-negotiations.

The intent and spirit of the Oslo Channel resemble the problem-solving methodologies of facilitated conflict resolution. The similarity lies in the

encouragement of disputants to find their own solutions, as well as a preference for facilitators, rather than the use of mediators. By not playing the role of a mediator, the Norwegians allowed the parties to dictate their own pace.

Hirschfeld summarises ten ways in which the Norwegians helpfully facilitated.¹⁴⁰ These points resemble and differ from facilitated conflict resolution practices in the following ways. First, the administrative role played by the Norwegian third party comprises, but does not play a central part in problem-solving workshops. Second, the interpreter of messages in between meetings is similar to the guidelines outlined for the role of a third party in the literature. Third, by demonstrating the Norwegian Foreign Ministry's level of commitment with the inclusion of the Deputy Foreign Minister Jan Egeland, the high-ranking PLO officials were balanced out, since the Israelis at the start of the talks in Sarpsborg were academics. This is not a role that a third party would aim for in a facilitated conflict resolution workshop. There, the power asymmetries are not always most explicitly addressed and perhaps this is one way of evening out an imbalance.

Fourth, the Norwegians assisted when requested. This resembles in part a third-party role; however, the one envisioned in a facilitated conflict resolution process would be more active as the panel would help the participants to conduct an analysis of their positions and motivations. The absorption of frustrations expressed by the conflicting parties is a role to be played by any third party in order to encourage the sides to move forward and not to direct frustrations at the other. Fifth, Larsen, along with the other members of the third-party team, was able to establish links with decision-makers beyond the immediate representatives in the dialogue process. It is difficult to say whether this would be mirrored in a problem-solving workshop format; however, follow-ups and further strengthening of relationships are not discouraged.

Sixth, the Norwegian third parties adapted to the changing status of negotiations

as they moved from second-track unofficial to first-track official talks. Larsen and Holst became increasingly involved in the discussions themselves, at the request of Peres and Arafat. Though problem-solving workshops are designed to be a second-track forum, which would eventually contribute to first track talks, it is unclear whether the third parties would have adopted such a position. Seventh, as the talks drew to a close, Holst offered appropriate words to bridge the gap between the Israeli Government and the PLO in the formulation of the Letters of Mutual Recognition. From the writings on facilitated conflict resolution, it can be inferred that if requested, the third-party team could assume such a position. Eighth, the Norwegians had informed the US, which had invested over two years of time and financial resources in trying to settle the Middle East conflict, including the Israeli-Palestinian one. Although Israel also informed the Americans, by having the third parties update the State Department on the existence and development of such talks, US approval could be assumed if an agreement were finally reached. As this role is also designed for third parties involved in a first track phase, the guidelines of facilitating conflicts do not cover this aspect. However, from the neutral position that third parties are meant to maintain, one could conclude that it would be left to the conflicting parties to decide whom to inform and when.¹⁴¹

Ninth, Foreign Minister Holst suggested that the two sides exchange Letters of Mutual Recognition, saying that, 'This would be a significant symbolic gesture'.¹⁴² This proactive step would not be practised in a facilitated conflict resolution framework. The third party can suggest options, but not one which directly affects the conflicting parties. Finally, the Norwegians in late August embarked upon a process that is still continuing: of organising and mobilising financial assistance to the Palestinian National Authority. This is an important role in the aftermath of an agreement for economic aid which would hopefully allow the PLO and the Palestinian National Authority to

improve the standard of living of residents in their zones of control.

These ten points of facilitation demonstrate some of the affinities between the Oslo Channel and the problem-solving workshops of the facilitated conflict resolution discipline. The flaws and limitations which have been discussed regarding the process utilised in the Oslo Channel raise some important questions. For example, what type of assumptions underline the Oslo approach? From the interviews conducted with most of the participants who were directly involved in the discussions and negotiations, it is clear that a power politics understanding informed the thinking of the participants: it was a bilateral deal arrived at by tough negotiations and some concessions. Compromises were reached as both sides gave where they could.

If the Oslo Channel contains some affinities with problem-solving workshops, would adopting a problem-solving workshop methodology offer a more helpful basis for engaging in and thinking about the resolution of violent protracted conflicts? Furthermore, why is it important to consider the underlying assumptions to facilitation? It is the framework that steers the talks, dialogues, or negotiations toward particular kinds of outcomes. How parties perceive reality shapes practices and how they view practices shapes reality and perceptions.

As such theoretical positions cannot be separated from the practice conflicting parties engage in; not only must the practices be analysed, contemplated, and constructed, but so too must their underlying assumptions. The foundational views individuals ascribe to largely influence the practices they will advocate and adopt. As facilitation involves transforming the perceptions and attitudes of individuals, groups, and communities, the basic driving assumptions warrant critical examination so that positions may be appropriately renegotiated.

Although the Oslo Channel contains unique elements that cannot be reproduced or made applicable to other international conflicts (as the process resembles the aims

and ideas that continue to flourish in the facilitated conflict resolution discipline) the Oslo Channel offers an accessible avenue for raising and exploring these types of questions. The practical, theoretical, and philosophical positions of John W. Burton (the most influential scholar in this field) thus comprises the focus of the next chapter.¹⁴³

¹ Shimon Peres, *The New Middle East* (New York: Henry Holt Press, 1993), 49.

² Jacob Bercovitch, *Resolving International Conflicts: The Theory and Practice of Mediation* (Boulder, CO: Lynne Rienner, 1996), 11.

³ Oslo I was the first set of agreements that resulted in the Declaration of Principles (DOP) and mutual recognition by Israel and the PLO of each side's right to exist. Oslo II, which was negotiated later in Taba, Egypt sought to further implement and add to Oslo I. The Wye River Accord was also designed to see the continued implementation of the agreements contained in the DOP. See Johann DiGeorgio-Lutz, 'The PLO and the Peace Process', in Ilan Peleg, ed., *The Middle East Peace Process: Interdisciplinary Perspectives* (Albany, NY: SUNY Press, 1998), 123-40.

⁴ Wye River Accords, [www.cnn.com] (17 November 1998).

⁵ Shimon Peres, interview by author, Jerusalem, 22 May 1995.

⁶ Jane Corbin, *Gaza First: The Secret Norway Channel to Peace Between Israel and the PLO* (London: Bloomsbury Press, 1994), 14.

⁷ Ibid.

⁸ Ibid., 12.

⁹ For more details concerning this aspect, see Jonathan King, *A Handshake in Washington: The Beginning of Middle East Peace?* (Reading: Ithaca Press, 1994).

¹⁰ Myron J. Aronoff and Yael S. Aronoff, 'Domestic Determinants of Israeli Foreign Policy: The Peace Process from the Declaration of Principles with the PLO to the Interim Agreement with the Palestinian Authority', in Robert O. Freedman, ed., *The Middle East and the Peace Process: The Impact of the Oslo Accords* (Gainesville: University of Florida Press, 1998).

¹¹ Graham Usher, *Palestine in Crisis: The Struggle for Peace and Political Independence After Oslo* (London: Pluto Press, 1995), 1-13.

¹² Ibid.

¹³ Corbin, *Gaza First*, 17.

¹⁴ Ibid.

¹⁵ Thorvald Stoltenberg, interview by author, Geneva, 20 June 1995.

¹⁶ Corbin, *Gaza First*, 18.

¹⁷ Ibid., 18.

¹⁸ Marianne Heiberg, interview by author, Jerusalem, 18 May 1995.

¹⁹ Corbin, *Gaza First*, 22.

²⁰ This attempt to establish a dialogue, using influential Egyptians as a third party intermediary, was unsuccessful.

²¹ Yair Hirschfeld, interview by author, Jerusalem, 24 May 1995.

²² Ibid. Hirschfeld relates that these informal connections, developed in the late 1980s, led to trust-building and helped to create an Oslo Channel.

²³ Corbin, *Gaza First*, 16.

²⁴ UN Security Council Resolutions 242 and 338 call for the recognition and the right of Israel to exist as a sovereign state, as well as the withdrawal of Israeli troops back to the border prior to the 1967 War. See Mahmoud Abbas, *Through Secret Channels* (Reading: Garnet, 1995).

²⁵ Muhammad Muslih, 'Palestinian and Other Arab Perspectives on the Peace Process', in *The Middle East Peace Process* 89-100.

²⁶ Corbin, *Gaza First*, 17.

²⁷ Faisal Hussein's connection to Jerusalem stems from the fact that he resides in the city.

²⁸ The PLO was not recognised by Israel and therefore the delegation to the Washington talks consisted of Jordanians and Palestinians. The Palestinians always consulted and received instructions from the PLO. However, the participating Palestinians would later become critics of Arafat and the agreement reached in Oslo for they believed that too many concessions were made to Israel.

²⁹ Ron Pundak, interview by author, Tel Aviv, 14 May 1995.

³⁰ Hirschfeld, interview.

³¹ Pundak, interview.

³² Hirschfeld, interview.

³³ Abu Ala, interview by author, Ramala, 16 May 1995.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Terje Rød-Larsen, interview by author, Gaza, 16 May 1995; Hirschfeld, interview.

³⁷ Hirschfeld and Pundak were taking a risk as a law forbidding contacts between Israelis and members of the PLO remained in effect. Although it was revoked before the start of the first meeting, Hirschfeld and Pundak did not immediately know of this law's repeal.

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- ³⁸ Heiberg, interview.
- ³⁹ Heiberg's presentation of the living conditions survey allowed the parties to state this as the purpose of the meeting, if it became public knowledge.
- ⁴⁰ Rød-Larsen, interview.
- ⁴¹ Rød-Larsen, interview.
- ⁴² Abu Ala, interview; Hirschfeld, interview.
- ⁴³ Ibid.
- ⁴⁴ Hirschfeld, interview.
- ⁴⁵ Ibid.; Corbin, *Gaza First*, 47.
- ⁴⁶ Hirschfeld first describes the term *waste-basket principle*. This idea suggests that an opinion or a position can be put forward and easily discarded. This closely resembles university seminars or the first step in the problem-solving workshop process put forward by John Burton. See John W. Burton, *Resolving Deep-rooted Conflicts: A Handbook* (London: University Press of America, 1987).
- ⁴⁷ Hirschfeld, interview; Pundak, interview.
- ⁴⁸ Rød-Larsen, interview.
- ⁴⁹ Corbin, *Gaza First*, 61.
- ⁵⁰ Ibid., 64.
- ⁵¹ Peres, *The New Middle East*, 23.
- ⁵² Abu Ala, interview.
- ⁵³ Corbin, *Gaza First*, 67.
- ⁵⁴ Ibid., 70.
- ⁵⁵ Abu Ala, interview; Hassan Asfour, interview by author, Gaza, 23 May 1995.
- ⁵⁶ Corbin, *Gaza First*, 76-77.
- ⁵⁷ Ibid., 81-82.
- ⁵⁸ Uri Savir, interview by author, telephone, Jerusalem, 24 May 1995.
- ⁵⁹ Abu Ala, interview.
- ⁶⁰ Savir, interview.
- ⁶¹ Corbin, *Gaza First*, 87. Larsen, interview.
- ⁶² Ibid.
- ⁶³ Joel Singer, interview by David Makovsky, *Making Peace with the PLO: The Rabin Government's Road to the Oslo Accord* (Boulder, CO: Westview, 1996), 13-29.
- ⁶⁴ Corbin, *Gaza First*, 94.
- ⁶⁵ Ibid., 102-3.
- ⁶⁶ Ibid., 110.
- ⁶⁷ Ibid., 212.
- ⁶⁸ Abu Ala, interview; Savir, interview.
- ⁶⁹ Corbin, *Gaza First*, 116.
- ⁷⁰ Ibid., 120.
- ⁷¹ Ibid., 121.
- ⁷² Ibid., 122.
- ⁷³ Abu Ala, interview.
- ⁷⁴ This letter was taken from Tunis to Jerusalem at the urgent request of the Director of the Israeli Foreign Ministry, Uri Savir.
- ⁷⁵ Peres, interview.
- ⁷⁶ Pundak, interview.
- ⁷⁷ Hezbollah is an extremist Palestinian organisation who has gained in popularity, particularly in the Occupied Territories.
- ⁷⁸ Corbin, *Gaza First*, 126.
- ⁷⁹ Ibid.
- ⁸⁰ Abu Ala, interview; Rød-Larsen, interview; Hirschfeld, interview.
- ⁸¹ Corbin, *Gaza First*, 129.
- ⁸² Ibid., 131.
- ⁸³ Ibid., 132.
- ⁸⁴ Ibid., 132-35.
- ⁸⁵ Ibid., 145.
- ⁸⁶ This was made known to the local Palestinians as Abu Mazen, through the Egyptians, discussed these ideas with US Secretary of State Warren Christopher. See Corbin, *Gaza First*, 146-67.
- ⁸⁷ This Israeli withdrawal comprises the essence of UN Security Council Resolution 242.
- ⁸⁸ Corbin, *Gaza First*, 151.
- ⁸⁹ Ibid., 154.
- ⁹⁰ Ibid., 157.

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- ⁹¹ 'Declaration of Principles', in *Through Secret Channels*, 225-37.
- ⁹² Corbin, *Gaza First*, 157.
- ⁹³ 'Declaration of Principles', Article I, in *Through Secret Channels*, 225-37.
- ⁹⁴ Ibid.
- ⁹⁵ Asfour, interview.
- ⁹⁶ Peleg, *The Middle East Peace Process*.
- ⁹⁷ Makovsky, *Making Peace with the PLO*.
- ⁹⁸ Heiberg, interview.
- ⁹⁹ Ibid.
- ¹⁰⁰ Larsen, interview; Abu Ala, interview; Hirschfeld, interview; Savir, interview.
- ¹⁰¹ Abu Ala, interview.
- ¹⁰² Savir, interview.
- ¹⁰³ Geir O. Pedersen, interview by author, Oslo, 9 May 1995.
- ¹⁰⁴ Mona Juul, interview by author, Tel Aviv, 24 May 1995.
- ¹⁰⁵ Ibid.
- ¹⁰⁶ All participants directly involved and those supporting the Oslo Channel agree that the public arena of the Washington negotiations was a factor that stymied the possibility of progress. See interviews in appendix.
- ¹⁰⁷ Abu Ala, interview; Savir, interview; Larsen, interview.
- ¹⁰⁸ Abu Ala, interview; Savir, interview.
- ¹⁰⁹ Abu Ala, interview.
- ¹¹⁰ Juul, interview.
- ¹¹¹ Ibid.
- ¹¹² Larsen, interview.
- ¹¹³ Ibid.
- ¹¹⁴ Larsen, interview.
- ¹¹⁵ Burton, *Resolving Deep-Rooted Conflicts*; Dennis J.D. Sandole and Hugo van der Merwe, *Conflict Resolution Theory and Practice: Integration and Application* (New York: St. Martin's Press, 1993).
- ¹¹⁶ John W. Burton, *System, States Diplomacy and Rules* (Cambridge: Cambridge University Press, 1968); Larsen, interview.
- ¹¹⁷ John W. Burton and Frank Dukes, *Conflict: Practices in Management, Settlement and Resolution*, vol. 4 (Basingstoke: Macmillan, 1990).
- ¹¹⁸ Herbert C. Kelman, 'Contributions of an Unofficial Conflict Resolution Effort to the Israeli-Palestinian Breakthrough', *Negotiation Journal* 11, no. 1 (1995): 19-28.
- ¹¹⁹ Heiberg, interview.
- ¹²⁰ Azmi Bishara, 'The Reflections on the Realities of the Oslo Process', in *After Oslo: New Realities, Old Problems*, eds. George Giacaman and Dag Jorund Lonning (London: Pluto Press, 1998), 212-26.
- ¹²¹ Usher, *Palestine in Crisis*.
- ¹²² Larsen, interview; Peres, interview.
- ¹²³ Corbin, *Gaza First*, 105.
- ¹²⁴ Larsen, interview.
- ¹²⁵ Asfour, interview.
- ¹²⁶ Pundak, interview.
- ¹²⁷ Hirschfeld, interview.
- ¹²⁸ Ibid.
- ¹²⁹ Savir, interview.
- ¹³⁰ Jan Egeland, interview by author, Oslo, 4 May 1995.
- ¹³¹ John W. Burton, *Conflict Resolution: Its Language and Processes* (Lanham, MD: Scarecrow Press, 1996); Kelman, 'Contributions'.
- ¹³² Savir, interview.
- ¹³³ Makovsky, *Making Peace*, 138.
- ¹³⁴ Edward Said, 'Sold Down the River', *The Guardian* (7 November 1998): 1.
- ¹³⁵ Katharine Viner, 'From West Bank to West End', *The Guardian* (15 May 2000): 7. Raeda Ghazaleh is a Palestinian theatre arts administrator from the West Bank.
- ¹³⁶ Afif Safief, 'The Peace Process: From Breakthrough to Breakdown', *Cabu Briefing* (July 1997): 6. Safief is the official ambassador representing the Palestinian National Authority in the UK and Director of the Office of Representation of the PLO to the Holy See.
- ¹³⁷ Ariel Sharon, 'Sharon Comments', [www.bbc.co.uk] (16 November 1998).
- ¹³⁸ Hassan Asfour, 'Hassan Asfour: Disgruntled Negotiator', *Middle East International* (18 September 1998): 4.

¹³⁹ John W. Burton, *Conflict And Communication: The Use of Controlled Communication in International Relations* (London: Macmillan, 1969), 55.

¹⁴⁰ Hirschfeld, interview.

¹⁴¹ Burton, *Conflict Resolution*.

¹⁴² Hirschfeld, interview.

¹⁴³ Burton, *Conflict Resolution*.

Chapter 2

The Facilitated Conflict Resolution Approach of John W. Burton

When two enemies meet to discuss Jerusalem, there is nothing to agree on. If two friends meet to discuss Jerusalem, maybe they can work out some kind of a settlement...A trust-building process that would lead to the possibility of agreeing on resolving problems was, and still is, the idea.¹

—Jan Egeland, 4 May 1995

The contribution of problem-solving conflict resolution to political philosophy is not an alternative set of norms, or some subjectively arrived at values and assumptions, but the discovery of the realities of the conflict as perceived by the parties and facilitators involved in conflict resolution. The next task is to find explanations of them, and a theory of behaviour that explains and make prediction possible.²

—John Burton, 1990

Introduction

While the facilitation format utilised by the participants to the Oslo Channel and the consequent Declaration of Principles contain serious flaws (including the limited third-party role) this process contains features which would be very familiar to scholars within the facilitated conflict resolution discipline. The illustrative case of the Oslo Channel provides an entry point for exploring how a facilitated conflict resolution theoretical framework would have contributed to the process of facilitation and possibly the outcome.

The pioneer of the facilitated conflict resolution field is John W. Burton. He was the first scholar to articulate ways of collaboratively resolving conflicts through facilitated analysis and encouraging parties to find their own solutions. Burton challenged the dominant approach to peace within the International Relations discipline, which viewed states as billiard balls that formed alliances to maintain balances and stability.³ As his theoretical framework and practice have significantly influenced other scholars and practitioners within the facilitated conflict resolution discipline, including Herbert Kelman and Jay Rothman, this chapter focuses on Burton's ideas.⁴

It is contended that Burton's approach offers important insights for the process adopted by the participants to the Oslo Channel. It will also be asserted that his practical guidelines could be enhanced by critically re-examining his theoretical foundations.

Why are theories particularly relevant? Like practices, they influence the realities that individuals choose to construct. In other words, theory and practice are intrinsically linked. Individuals bring to bear certain conceptions including the image of the other parties, as well as their own constituencies. These presuppositions reflect historical experiences and the worldview that the members of a particular community subscribe to. Therefore, they affect the practices being carried out in a protracted conflict situation. More importantly, however, theories reveal the fundamental assumptions individuals hold about themselves and others. These assumptions, which can be described as meta-theories, are concerned with questions such as human nature and other existential issues. They coalesce into theories that can lead to either broadening or limiting the types of practices individuals may adopt. In the case of the Oslo Channel, one could argue that neglecting theories of facilitation meant that only a negotiated settlement resulted.

The question that will be explored is, what are the foundations of Burton's theory and practice? It will be argued that this is only a partial theory. The foundations of Burton's theory construction will be scrutinised and it will be contended that the assumptions underlying his approach remain unreflective. A critical examination of these will lead to a discussion of the nature of theory as Burton sees it. It will be argued that his meta-theoretical and philosophical frameworks are inadequate to achieve what Burton himself advocates, since they depend on a flawed theory of human needs. It will be further argued that his theory is rooted in a particular type of rationality. Consequently, his capacity to break out of the human behavioural approach, positivist

methodology, and epistemology are restricted. Finally, the relationship between meta-theory, theory, and practice will be discussed.

A Brief Background

Peace research as a discipline grew out of the dissatisfaction with mainstream International Relations' preoccupation with power politics and deterrence theories, which dominated the discipline during the 1950s and 1960s. Arising from the behaviouralist movement that sought to quantify phenomena by observing facts and data, scholars, including Kenneth Boulding and David Singer, argued for a departure from understanding peace as an absence of war or viewing war as an inevitable outcome of state interactions.⁵ For Boulding, peace is based on stability, while Singer, in his famous 'Correlates of War' project, asserts that by plotting the occurrences of war, evidence could be located to show that war was not an inevitable phenomenon. Other scholars, most notably Johann Galtung, established the International Peace Research Institute in Oslo, Norway in 1959. In the 1960s, he offered a definition of peace which is based on an absence of violence.⁶

Still dissatisfied with the approaches to reducing violent conflicts and based on practical experiences, the diplomat-turned-academic John Burton formulated and pioneered an alternative framework.⁷ He, along with other scholars and practitioners, first formed the Centre for the Analysis of Conflict, which was affiliated with the University of London. This Centre examined numerous conflicts and how they might be resolved. For example, in the conflict situation between Indonesia and Malaysia, representatives of the opposing parties were invited to take part in informal, face-to-face, confidential workshops. In these sessions, with the assistance of a third-party panel consisting of academics and practitioners, disputants were asked to state their positions and to put forward what they viewed to be the possible causes of the conflict.

Burton observed that free-flowing discussions, such as those in an academic seminar, allowed the participants to explore all positions and ideas. The third-party panel during this particular session, which consisted of scholars including Anthony De Reuck, Chris Mitchell, and John Burton, contributed by drawing 'parallels' with other conflictual situations and providing interpretations, in order to clarify misperceptions. In short:

The sessions overall allowed the parties to correct mutual misperceptions, redefine the conflict, readdress the course of their objectives and envisage new policy options.⁸

The format adopted during this process comprised the basis of Burton's facilitated problem-solving workshop practice. Moreover, out of the observations of all participants, the grounds for his theoretical and philosophical positions were established. This initial exercise, which was a challenge to conventional mediation and negotiation approaches, led Burton to explore how international conflicts could be non-violently resolved. In doing so, he notes the importance of using different concepts and vocabulary.⁹ Conflict, for him, is 'a struggle between two opposing forces'.¹⁰ It differs from disputes, which are concerned with interests over scarce resources and can be settled through compromises. Conflicts, he argues, have to do with unmet ontological needs that will be pursued by individuals, groups, and communities, regardless of the consequences.¹¹ Therefore, the way to resolve conflicts is by a process of facilitated analysis, which involves discovering ways of solving the problem of unmet needs.¹²

A third party who is outside the conflict itself can offer insights into the causes of the conflict that may be missed by the disputants, since they are often too preoccupied with defending their positions. The disputants may also feel unable to alter their positions if they resort to a bilateral process. A third party can provide the environment where agreements can be reached and issues can be explored, without a need for complete commitment. Furthermore, a third party who is seen to be neutral by both sides can facilitate the communication process, so that the participants can move away from merely repeating already known positions.

The constituent elements of the method proposed by Burton and their implications for both practice and theory, including the Oslo Channel process, will be examined as the theoretical and philosophical foundations of his approach are based on his experiences.¹³

The Problem-Solving Methodology: A Prelude

Conflict resolution assumes that given a full understanding of shared goals and an appreciation of the environmental constraints, the...parties would arrive at realistic means...to resolve their conflict, rather than to endure its ongoing and escalating costs.¹⁴

—John Burton, 1990

Burton's methodology was initially a challenge to traditional power-politics approaches that favoured direct bargaining and imposing settlements on conflicting parties. He rightly maintains that settlements do not resolve conflicts but merely diffuse them. Since causes of conflicts are not addressed in direct bargaining, arbitration, or negotiations, he asserts that conflicts are likely to erupt even more violently, at a subsequent time. Settlements in these situations, according to Burton, rest on the use of power and coercion. These two instruments, though useful in the short-term, cannot form the basis of co-operative political and social arrangements, since any agreement reached is unlikely to sustain itself once the threat of power and coercion by a strong third party diminishes. Examples of such attempts that fail to address the underlying issues are numerous, from the brokered Dayton Accord designed to restore order between Serbia and Bosnia, to the protracted situations in Cyprus, Lebanon, and Sri Lanka, among others.

Burton argues that resolving conflicts through mediation is only slightly more useful than direct power bargaining because agreements are sought through compromises.¹⁵ However, mediation also results in settlements. Since mediation and direct bargaining can often lead to deepening the protracted nature of conflicts, Burton

prefers resolution which yields 'outcomes that develop from the analysis of the total situation by the concerned parties to meet all their needs'.¹⁶ His methodology, first termed 'collaborative problem-solving', aims to transform the perceptions of those who are affected by the conflict.¹⁷ In this approach, with the help of a third-party panel, the disputants are encouraged to formulate their own solutions. Therefore, a co-operative relationship can develop and agreements reached can be self-sustaining since they require neither enforcement nor coercion.

Hoffman, a scholar sympathetic to Burton's approach, describes this facilitated problem-solving methodology as '[t]he attainment of a non-hierarchical, non-coercive, integrative solution that is derived from the parties themselves'.¹⁸ This idea of an informal framework, where the third party plays a facilitative role of assisting in first analysing the causes of the conflict and then the possible ways of resolving them, is an important departure from earlier approaches in International Relations, as well as peace and conflict studies. It is not the actual procedures of the methodology, but the potential of such an approach that is most promising since the format offered by Burton implies that the parties can reach consensus through the medium of communication. The potent point of departure is that the parties themselves are encouraged to find their own ways out of the conflict. The potential lies in the idea that an informal framework presents an opportunity for disputing parties to consensually transform the conflict, without resorting to the traditional means of bargaining or negotiation. This understanding of facilitation would have meant for the Oslo participants an exploration of the underlying deeper issues, which help to perpetuate the conflict including Israel's need for security and the Palestinians' need for autonomy. The negotiation phase from May to August 1993 led to the disputants employing the direct bargaining method.

One could therefore argue that the role of a third-party panel as a facilitator and not as a mediator is one of Burton's most significant contributions. For the practitioner,

he provides a *raison d'être* that had been missing. At the theoretical level, the third-party role is fundamentally altered. No longer is the third party merely engaged in imposing ideas, but listens to the conflicting parties in the process of facilitation. However, Burton neglects the inherent potential of the discursive nature of the facilitation process and thus his methodology takes a more directive and prescriptive path.

It is worth remembering that problem-solving workshops grew out of the controlled communication experiments described in Burton's 1969 book *Conflict and Communication*.¹⁹ In it, he outlines the definitional understandings and the essential procedures for conducting such sessions. The hope was to formulate possible hypotheses and establish a framework that might guide the disputants in a non-coercive situation to resolve the conflict.

In the first few sessions, the representative parties helped the scholars in a learning process to avoid rigid ways of assisting or directing the talks. Thus, through interaction and mutual learning, the third-party team's approach was reassessed. The lesson was that the control of communication was an essential factor that played a part in the resolution of conflicts. The term 'controlled communication', one could argue, is simply a convenient concept employed by Burton at that time, as a consequence of his connections with the behaviouralist movement, which dominated the IR discipline, of which he was a part. However, the idea that communication must be effective and controlled in order for the conflicting parties to be directed through the analytical stage, holds important implications that will be discussed in subsequent sections. It is significant to signpost this term here, since the ideas embodied in 'controlled communication' point to the two major flaws of Burton's perspective. First, he does not question the concept of control and its possible negative implications for the practice of conflict resolution since it leads to a preference for directing, costing, and achieving

success. Second, Burton sees the role of communication as being limited to transmitting effective, clear messages.

Even at this early stage, an attachment to a type of rationality that prioritises success and outcomes is evident. This controlled communication experiment has since been refined and modified into a methodology that relies on the discovery of ways of satisfying human needs. Since they are socio-biological and ontological, their adequate fulfilment is necessary in order for individuals to coexist in functional socio-political communities. In short, individual needs-satisfaction is fundamental to the human species, since continual denial of needs by governing authorities and institutions at a certain point will manifest itself in violence, and if not adequately met, a conflict will develop and become protracted.²⁰ It is through facilitated analysis that parties can discover their unmet needs.

The analysis resembles an archaeological uncovering of the causes of the conflict. By discovering that disputing parties have common unmet needs that lie at the root of the conflict and as they are limitless in supply, the conflict can be perceived as a shared problem. With the assistance of a third party, if the disputants can recognise that needs and not material issues are the causes of the conflict, through analysis a resolution becomes achievable. Therefore, it becomes more likely to reach agreements that will bring about a comprehensive resolution of the conflict.²¹

The procedure for conducting problem-solving workshops calls for inviting representative parties to a conflict by a third-party panel that consists of academics and other appropriately qualified professionals.²² Four or five members are recommended, although area specialists are discouraged due to possible biases. What follows is a more detailed exposition of this process: the role of constituent parties and the third-party role. Additionally, some difficulties with the process will be discussed.

The Third-Party Role: An Essential Component

The role of the third party is to help parties in conflict focus on the fulfilment of human needs, in the present and (in the long-term) as the fundamental norm.²³

—John Burton and Frank Dukes, 1990

Burton provides a strict set of rules for conducting problem-solving workshop facilitation efforts. Concerning the make-up of the third party panel and a sponsoring institution, he is most interested in academics trained in conflict resolution and those who are perceived to be neutral.²⁴ For example, in his 1987 *Resolving Deep-rooted Conflicts: A Handbook*, rule 1 states:

A sponsor should not approach parties to a dispute with a view to facilitating a resolution, unless the sponsor can provide facilitators who possess the required training and skills.²⁵

Rules 19 to 26 discuss in detail the special role of sponsors, including continually informing the participants with a report after a meeting or series of meetings, assisting in the transition between unofficial and official stages of resolution, and securing sufficient funding to implement the workshops.²⁶ The panel of four or five experts in conflict resolution compiles a list of potential parties who will be asked to participate in the workshops.²⁷

The initial impetus for attempting this facilitation process will have been agreed between a third party and key representatives of the disputing sides. The decision of who to include and exclude is an important one. But, since Burton argues that all parties to a conflict must be actively included in order for the resolution process to be meaningful and legitimate, as many representatives of groups in the conflict situation as appropriate are chosen. Another way is to ask government officials to nominate representatives who will speak for their side. Burton insists that it is essential that the selected participants put forward the values of the groups they represent.²⁸

Rules 3 to 9 involve the detailed arrangements for setting up the first exploratory set of meetings.²⁹ Burton maintains that the invitation to possible participants should clearly identify the purpose of the meeting, the approach, and the fact that discussions will not necessarily amount to any agreements. The role of communication is emphasised, but only in terms of disseminating accurate and concise information.³⁰

The third-party team, Burton continues, chooses a leader who acts as the spokesperson and host.³¹ He states that a third-party team may be the sponsor, or a separate institution may sponsor workshop sessions. The availability of funding, accommodation, and meeting rooms are important details to create the feeling of equal treatment among all the participants. The third-party team first identifies the parties to a particular conflict and the issues that are at stake. Then, they draft a letter of invitation to those who are either official government representatives or unofficial private individuals who have access to key decision-makers. No agenda should be put forward and only the process should be explained.

These seemingly minute details are essential for convincing sceptical disputants to agree to a facilitation format. If we recall from the previous chapter, the leader of the Norwegian third-party team (Terje Rød-Larsen) emphasised the necessity of appearing to treat each side equally in preparation for and during the initial meeting.³² That is, both the Israeli academics and the more official PLO representatives needed to be seen as being received by the third party on equal terms, ranging from similar types of accommodation, the allocation of conferencing facilities, to attaining a not too undifferentiated status by the Norwegians.

At the start of a problem-solving workshop, Burton suggests that the third-party team meet to formulate an introductory statement that will explain the unique characteristics of this facilitation method. During the process, the third party's role is to

assist in the clarification of concepts or to reiterate a position to avoid misunderstandings. As he puts it, the role of the third party is:

To facilitate analysis so that the goals and tactics, interests, values and needs, can be clarified and later...help to deduce possible outcomes on the basis of the analysis.³³

After the first day, the third-party team drafts a list of statements and reports the findings to the disputants on the following day. In the search for options, the third-party team should present a possible range of options, without putting forward any firm solutions. This should continue until the disputants have decided to either abandon the process due to its lack of feasibility or agree to continue with this unofficial format.³⁴ At that point, the third party's role does not end. Maintaining contacts throughout the implementation stages of any agreed policies is important role as well. Burton suggests that the panel should maintain links with the participants and offer to reconvene the process if requested.³⁵

The Third-Party Role: An Assessment

The third-party role described by Burton contains elements that could have contributed to a more sustainable Oslo Channel in at least two important areas. Simultaneously, however, this specific approach has at least three difficulties. First, Burton's focus on the need to include as many of the disputing parties as possible when beginning a facilitation effort is an element overlooked by the participants to the Oslo Channel. The Israelis and Norwegians concluded that the Tunis leadership of the PLO had to be directly engaged if an agreement was to be reached. Their conclusion was arrived at after numerous attempts to explore talks for reaching a consensus with local leaders in the Occupied Territories—including Faisal Hussein—had failed.³⁶ The exclusion of such well-known intellectuals and activists meant that the feelings of the residents of Gaza and the West Bank were neglected. In searching for a path to reach a

breakthrough, the participating parties ruled out many diverging but influential voices both within Israel and the Palestinian community. Therefore, when the Declaration of Principles was announced and as Israel and the PLO attempt to implement its agreements, the public community in both societies have not been mobilised to the validity and meaningful change this breakthrough was designed to achieve. As a result, extremists on both sides have been able to capitalise on the fears and suspicions that pervade these societies.

Furthermore, as this agreement was reached in a process that depended on personalities, Burton's analytic approach would have helped to formulate an agreement that could endure beyond the individual participants. The changes in Israeli Government led to a change of players and thus the PLO lost confidence in realising the commitments endorsed by Israel in the Declaration of Principles. As the confidence among the PLO members who participated in the Oslo Channel erode and little transformation on the ground occurs, the degree of mistrust of the peace process increases.

Second, a Burtonian third-party role would have involved an exploration of the underlying issues, which when addressed, would have meant a transformation of the understanding of the parties' conflict situation, rather than simply assisting in providing a conducive atmosphere and allowing the parties to continue with direct negotiation. This is a significant and crucial insight offered by Burton. If the disputants continue to resolve conflicts by tackling the easier issues and avoid the deeper ones for future negotiation, then the agreements help in the process of transforming attitudes, building trust, or encouraging peace. However, this can lead to a deepening of entrenched positions and a hardening by their constituencies who must be convinced of the legitimacy and meaningfulness of any agreements arrived at by political elites. Therefore, the process adopted in the Oslo Channel could have benefited from a third

party who was more active than Larsen and his team. That is, the third parties could offer ways of exploring issues that would not initially not have been considered by the disputants. For example, the need for security and autonomy could have been approached by the third party even if the conflicting parties, in the end, would have rejected such discussions. However, by deliberately limiting their role to one of administrative assistants and a 'punching ball', the Norwegians overlooked an opportunity to help the disputants to resolve and not only settle the conflict.³⁷ In short, a slightly more active third-party role could have led to a more sustainable consensus that would have helped the participants of the Oslo Channel to convince their publics of the legitimacy and advantages of a Declaration of Principles and the Letters of Mutual Recognition.

While the Burtonian description of a third-party role has much to offer for peace practices such as the Oslo Channel, Burton's conception possesses some shortcomings. First, one criticism is that rather than assisting the flow of communication, the third-party team may hinder it.³⁸ For example, third parties, who act as interpreters of perceptions and concepts, may become too preoccupied with providing explanations or bring to bear their own biases. By emphasising programmatic rules, Burton overlooks the types of communicative processes and the role language can play in reframing conflictual situations. The role of communication is primarily understood as something that should be to be effective and under individual control.³⁹

Second, the neutral, objective professionalism ascribed to the third-party role limits the contributions they can make to a facilitation process. Burton rightly contends that a perception of a neutral third party is necessary if the conflicting participants are to embark on a facilitation process. This is an important aspect in the practice of conflict facilitation. Yet, he seems to equate a need for apparent neutrality by third parties with a requirement for absolute objectivity.⁴⁰ Here, Burton suffers from the influences of the

behaviouralist movement, which is also premised on an archimedian point of detachment from the event being observed and from which objective claims can be derived.

Burton argues that he is countering the Behaviouralist School in his particular approach.⁴¹ Yet, his argument that the third parties can be objective since the team members are not directly involved in the conflict illustrates his commitment to a scientific understanding of rationality.⁴² That is, his description of the third-party role suggests that the team can professionally facilitate, since they will not affect the outcome of any reached agreements. However, this assumption is flawed. By virtue of participation in facilitated problem-solving workshops, third parties become actors who will contribute to the formulation of any agreements that are reached. Although the third parties may not take a stance that favours one conflicting party over another, as a participant in the process, the sum of interactions among everyone will differ from a Burtonian process in which the third-party role is seen *not* to significantly influence outcomes.

Third, the description of the methodology indicates a deliberate separation between theory and practice. Since needs theory informs the facilitation process, the disputants are directed into an analytical procedure during which these unmet needs can be discovered and recognised. Subsequently, ways of satisfying them can be considered and formulated. Burton's conception of the third-party role remains an important contribution to the thinking of how to resolve conflicts, other than through the traditional means of diplomacy, arbitration, dispute resolution and mediation. However, the type of role the third party should play in engaging in a particular form of analysis inhibits the potential immanent in the aim of the methodology. Burton argues that only the parties can design solutions if that agreement is to be self-sustaining, and would thus not require the overt threat of enforcement. With an outline of some of the

shortcomings present in this methodology, what becomes clear is that it relies on assumptions tied to Burton's needs theory. It will be argued in the following section that this framework is inadequate for thinking about a theory of facilitated conflict resolution.

Needs Theory: The Foundation of Problem-solving Methodology

Needs...describe those conditions or opportunities that are essential to the individual if he is to be a functioning and co-operative member of society...Needs are always present, individual needs are basic to harmonious social relationships as food is to the individual.⁴³

—John Burton, 1996

As explicated in outlining Burton's workshop methodology, it is clear that discovering the unmet needs of individuals is the key to moving disputants' positions from protracted confrontation to constructing a formulation for resolution.⁴⁴ Questions arise from this assertion as to what these needs are. This section will examine the nature of needs that makes them an ontological aspect of human beings, if needs theory is an adequate theoretical framework, and what Burton means by theory. It will be argued that needs theory is at best unhelpful, since it limits the potential of the suggested methodology. It will be also contended that needs theory relies on a restrictive form of rationality.

Second, it will be asserted that needs theory is only a partial theory. To support this position, the wider approach adopted by Burton will be included. Here, it will be contended that the theoretical framework, which Burton maintains underlies a facilitated conflict resolution approach, is also partial. It will be maintained that these partial theories contain a specific understanding of knowledge formation, and a philosophical stance that limits the potential that is initially apparent in the methodology.

Through the experiences gained from conducting informal workshops, Burton concluded that there were certain issues that individuals would not negotiate. He asserts that individuals who appear to be deviant were, more often than not, pursuing means to satisfy what they perceive to be their unmet needs.⁴⁵ Since they cannot be negotiated or compromised, he maintains that ways of satisfying them lie at the core of formulating a theory of facilitated conflict resolution.⁴⁶ Based on the writings of Maslow and Sites, Burton outlined the following nine basic human needs:⁴⁷

1. A need for consistency in response. Only through consistent responses can there be learning and consistency in behaviour.
2. A need for stimulation. This is the other side of the coin to consistency of response. The individual must be stimulated in order to learn.
3. A need for security. Without security, there is a withdrawal from response and stimulation.
4. A need for recognition. Through recognition, the individual receives confirmation that his or her reactions to stimulation are approved. Recognition also provides the encouragement factor in learning.
5. A need for distributive justice. Distributive justice provides an appropriate response or reward in terms of experience and expectations.
6. A need to appear rational and develop rationally. This follows from the need for consistency of response. Rationality is a function of the behaviour of others. Inconsistent responses invoke irrationality.
7. A need for meaningful responses. Unless responses are meaningful to the individual, they will be interpreted as inconsistent.
8. A need for a sense of control. Control is a defence mechanism; if the other needs are met, there is no need to control. Since the other needs are never fully met, the ability to control, rather than react to the social environment, is consistently a need.
9. A need to defend one's role. The individual has a need to secure a role and to preserve a role by which he or she acquires and maintains recognition, security and stimulation.⁴⁸

Unlike Sites, Burton asserts that needs should not be conceived in a hierarchy, since the satisfaction of one or more is dependent on specific circumstances. He maintains that they are ontological to the human species.⁴⁹ In attempting to ground needs theory on a socio-biological basis, and drawing on Nisbett's placement of the individual as the unit of analysis, Burton contends that the adequate satisfaction of needs are universally required by all individuals, in order to avoid eruption of violence in conflictual situations.⁵⁰

Burton argues that since needs are universal and ontological, they take primacy over values. Values, he maintains, are culturally learned, which can change over time and contexts. Interests, for Burton, are related to issues of scarce material resources and

as they do not threaten an individual's existence, they can be traded and negotiated.⁵¹ Burton illustrates his argument when he challenges the notion held in the International Relations discipline that 'deterrence deters'.⁵² He argues that if the sense of belonging, security, recognition, and control over the self are sufficiently undermined, individuals would not necessarily yield to the threat of force.⁵³ In fact, they are likely to disobey norms and rules. For example, if the identity of an individual, or the group to which he or she belongs, is threatened with punitive measures by governing authorities, then the group or individuals would not be deterred and take action including resorting to violence to protect that felt identity.

The uprising by Palestinian residents of the Occupied Territories (the Intifada) against Israel's policies in the late 1980s is a case in point. Despite the threat of further restrictions on the movements of the Palestinians, they formed a militant opposition and continued to express their frustrations with violence. Therefore, the most functional way of transforming violent protracted conflicts to healthy relationships, in and among societies, is to attain satisfiers that meet the needs of everyone.

The contributions of needs theory can thus be summarised as follows: first, this theory fills the gap in expanding the traditional conception of the role a third party can play. Second, by conceiving of needs theory as an ontological character of being human, the positive nature of persons can be included. Third, by asserting that a conflict can be viewed as a shared problem, a way of resolving the conflict and thus achieving positive outcomes becomes the directed goal. However, this theoretical framework contains more weaknesses than strengths. The following section will critically examine this framework.

Needs Theory: Elaboration and Critique

All people in all cultures at all times and in all circumstances have certain needs that have to be, that will be fulfilled. This is not a should or an ought, but will be fulfilled regardless of consequences to the self or the system.⁵⁴

—John Burton, 1965

By placing needs at the core of developing a theory for facilitated conflict resolution, Burton leaves unexplored a variety of connected issues specific to needs theory. The most prominent difficulties, which are relevant to this thesis, will be addressed in turn. First, another weakness in this aspect of Burton's formulation is attributed to a neglect of the cultural dimension. Avruch and Black put forward an anthropological perspective and contend that the path to resolving conflicts lies in understanding the particular cultures of disputants. Avruch asserts that 'practice must drive theory' and as cultural experiences fundamentally shape the development and escalation of conflicts, they assert that a facilitation effort should be premised on understanding cultural contexts. However, by suggesting that culture should form the foundation of a conflict resolution practice, Avruch and Black fall into the relativist trap.⁵⁵ That is, they argue that local groups' understandings should be prioritised and protected.

They do offer a powerful critique regarding the relegation of culture by Burton in their challenge of the universality and ontological nature of human needs theory.⁵⁶ Burton maintains that culture reflects the values of political communities; consequently, culture, like values, vary over time. As cultures and values are contingent, he argues that they are not a fundamental aspect of being human. On the other hand, needs for identity, security, and recognition are viewed to be essential for co-operative functional relationships. Therefore, Burton contends that culture along with values and interests should be subsumed under basic human needs.⁵⁷ In contrast, Avruch and Black assert that needs vary according to specific contexts.⁵⁸ Needs are not constant over time or

space and are neither physical nor mental. Hence, they assert that culture should form the centre of attempts to theorise facilitated conflict resolution. They maintain that Burton's categorisation of culture misses an important point: that the 'white western male' discourse is accepted as 'dominant' and establishes itself as the measure against which other conceptions and approaches to conflict resolution are compared. In this case, the deviant is the 'other' who does not enter into a debating session.⁵⁹

The universality component of Avruch and Black's criticism is legitimate. That is, Burton's needs theory and his conception of resolution are designed to transcend cultural differences, but do not adequately do so. He notes the importance of culture and values when he discusses the significance of the individual and the ways that he or she has been socialised in the process of acquiring satisfiers. However, Burton does not explicate the influence and the role of culture in relation to needs satisfaction.⁶⁰

Nevertheless, an approach to facilitated conflict resolution should be universal, insofar as a methodology of problem solving should be applicable to a variety of cultures. Furthermore, since Burton contends that conflict is a generic cross-cultural phenomenon (a fundamental assumption) then the needs theory framework contains similar assumptions. The universality component is not an essential problem as Burton's conception of conflict and the requirement for global applicability are important, helpful points to keep in mind. Therefore, while Avruch and Black draw attention to the saliency of culture in the process of facilitating conflicts, their assertion that a resolution approach should be based on culture does not offer a better method.⁶¹ If culture is prioritised (as needs are by Burton) the larger dimension of general issues that cut across cultural cleavages may be ignored. Both the cultural perspective and the universal needs approach would benefit from a self-examination of their underlying assumptions.⁶² By engaging in such an uncoupling of underlying assumptions that ground both needs theory and a cultural perspective, one may learn of alternative

directions in which a theory and practice of facilitated conflict resolution can be constructed.

Second, there is the hierarchy question.⁶³ That is, although Burton maintains that his needs framework remains non-hierarchical, he does not address the question of who decides the order of needs and the ways in which they can be adequately satisfied.⁶⁴ He does not elaborate whether fulfilment of one need means that individuals do not pursue others or whether it is an endless process where individuals pursue fulfilment of their needs, with institutions having to adjust to them if societies are to remain healthy. Furthermore, by asserting that needs are ontological to the human species, Burton does not engage in an examination of the origins of needs. How did they come to be so essential to individuals? Are there certain historical processes that led to such a development? Can needs ever be imagined as malleable? In Burton's avoidance of explicating extensive answers to such questions, he seems to indicate that needs are an *a priori* set of precepts.

If needs are an ontological component of being human and they are non-hierarchical, how do these needs emerge, and how and when do individuals decide that their needs are not being met sufficiently.⁶⁵ Burton largely neglects the issue of which unmet need (assuming there may be more than one) becomes the catalyst for violent action. He looks to the authorities and elites in power, who compete for legitimacy, as an important constricting factor in stifling the realisation of individuals' needs satisfaction.⁶⁶ Therefore, a further question emerges of whether institutions have to adjust to meet the needs of individuals and groups who feel stifled by the existing system. In his view, this is the case. However, it is not clear how this is possible if institutional needs are a representation of the existing needs of certain groups without undermining the needs of others.

Third, another difficulty is the implicit determinism that characterises Burton's needs theory. Whether one accepts his more recent description of needs as ontological or his earlier definition as socio-biological, the theory points to a very specific way of resolving conflicts.⁶⁷ That is, if one accepts that there are needs which are common and necessary for human survival, then an analysis of what those needs are and how they may be satisfied becomes the logical and only relevant avenue of resolving conflicts. This deterministic component, like the hierarchy question, is a contradictory argument. That is, the determinism of Burton's needs theory limits the extent to which the participants in a facilitation process can design their own solutions. In other words, the nature of problem-solving workshops suggests that other ways of framing social relationships should be considered—a possibility that is excluded when the whole approach is grounded on a needs conception.

Finally, this ontological attachment points to a fundamental flaw in Burton's needs theory, and thus the theory of facilitated conflict resolution: the relationship between theory and practice and the nature of theory-building. Is needs theory a theory of facilitated conflict resolution? If not, what does Burton understand by such a theory? These points will be covered in the following sections.

Limits of Burton's Foundations

Conflict resolution, since it cuts across all social levels and areas...challenges commonly held assumptions. It rests on empirical evidence and deduced theories, but always within the context of total knowledge rather than one which is limited by disciplinary boundaries: it is abductive.⁶⁸

—John Burton, 1996

Burton's approach to facilitated conflict resolution has undergone some modifications as he explored ideas of various social scientists, political theorists, and philosophers. However, his fundamental commitments to needs theory remain. In this section, the ways in which he sought to bolster his perspective will be studied. This

process of defending without fundamentally questioning his own foundations leaves Burton with a flawed needs theory and an unsatisfactory theoretical and meta-theoretical basis. The kinds of challenges left unexplored in his perspective will be outlined.

In his desire to ground his needs theory on scientifically sound foundations, Burton briefly engages with Popper's ideas.⁶⁹ Popper argues that there are three worlds in which the individual operates: the objective world (facts and observable events); the subjective (the inner mental); and the intersubjective.⁷⁰ He asserts that a hypothesis is valid so long as its falsifiability is possible.⁷¹ Burton maintains that Popper's critical rationalism fell short of truly undermining empiricism, since his falsification thesis relies on testing through the presentation of counterfactual situations. This critical rationalism suggests that scientific investigation is likely to be successful if the measurement for the validity of a hypothesis is prediction. Burton does recognise Popper's many contributions, including expanding an approach utilised in social sciences.

Yet, Burton contends that Popper's falsification thesis is inadequate, as his conception of a hypothesis (as something personal) means that the whole inductive-deductive argument has been conducted on this basis.⁷² Burton defines induction as 'a process of reasoning by which a conclusion is drawn from a set of premises, based on empirical experience'.⁷³ He argues against inductive methodologies adopted by scholars in both the International Relations and peace and conflict fields. This influence, he claims, arose from the dominance of the behaviouralist movement, which asserted that facts could be observed and general patterns could be set into statements, via quantitative analysis and empirical testing.⁷⁴ As Burton puts it, 'This is the problem of inductive reasoning, of coming to conclusions on the basis of observed evidence'.⁷⁵

Consequently, he argues that decision-making theories such as cybernetics, which are inductively oriented, can be self-fulfilling.⁷⁶ In short, as decision-making influences observed data and decisions reached from such sets of information are a reactive process,

outcomes are often reproductions of the initial facts. Additionally, Burton contends that content analysis does not assist the discovery of hidden motivations, since it is seen too often as a top-down power-based process. Inductive decision-making then is seen as either a stimulus response or cybernetics 'trial and error'.⁷⁷

The inductive methodology of the behaviouralist and decision-making theories that Burton critiques and claims to move away from is retained in his formulation of a problem-solving workshop technique. That is, his specific set of procedures, which he maintains should comprise a facilitated analytic effort, is inductively arrived at. This set of guidelines is derived from direct observations and practical experiences in conflict resolution attempts.

In short, Burton retains an inductivist methodology despite his expressed opposition to such approaches. In articulating the apparent deficiencies of an inductivist methodology, Burton considers deduction.⁷⁸ He defines it as 'a process of reasoning by which a conclusion logically follows from a set of premises, based on theoretical explanation...in general use'.⁷⁹ Burton maintains that a deductive approach is not much more helpful, in the sense that theoretical interpretations are 'obviously misleading unless there are some opportunities for falsifying the theory by some adequate tests—which in the international field are not available'.⁸⁰

Although deduction is seen as a slight advancement in formulating a theory for facilitated conflict resolution, Burton asserts that deduction is limited since it is also firmly attached to empiricism. He engages with Peirce's abduction approach in order to locate a more satisfactory basis for a methodology.⁸¹ Abduction involves using evidence to make conclusions about a wider pattern. It infers that the best assertion is accepted by communicating individuals in order to postulate theoretical ideas.⁸² Following Peirce, Burton defines abduction as:

A process by which empirical evidence and theories, frequently reflecting personal prejudices in their selection and interpretations, would be challenged by intuitions and insights, which would be derived from all available knowledge.⁸³

Peirce aims to reveal the presuppositions that inform a particular hypothesis. He puts forward a combination of three inference categories. They are induction, deduction, and abduction. These inference categories are used to understand how a particular theory is formulated and becomes dominant.⁸⁴ He challenges the progress of modern science, which had not previously been seriously contested.

Peirce formulates a principle which suggests that it is the institutionalisation of the process of inquiry that defines the course of action individuals take. This process shapes the action individuals engage in, as beliefs arrived at receive uncompelled and intersubjective recognition.⁸⁵ The process of inquiry Peirce embarked on is designed to:

1. To isolate the learning process from the life process. Therefore, the performance of operations is reduced to selective feedback controls.
2. To guarantee precision and intersubjective reliability. Therefore, action assumes the abstract form of experiment, mediated by measurement of procedures.
3. To systematise the progression of knowledge. Therefore, as many universal assumptions as possible are integrated into theoretical connections that are as simple as possible.⁸⁶

He argues that beliefs are maintained and controlled by adopting certain precepts or articles of faith. That is, beliefs that arise to form frameworks become rigidified in the process of defending them. Peirce's formulation implicitly suggests that beliefs (repetition of behaviour as habit) provide the possibility for an intersubjective realm. No longer are individuals limited to the objectifying world of only the observable. The abductionist method includes recognition of the role that communication and language plays in co-ordinating social relationships. Unlike induction and deduction, which rely on a scientific basis for theory-building, abduction prioritises mutual communication as a part of constructing a theoretical framework.

Burton viewed this approach as a contribution to theorising about conflict resolution. Implicit in the abduction method is a formulation of a dialogical, rather than monological, process which pervaded the social sciences in the 1950s and 1960s, including the peace and conflict research discipline. Therefore, his brief engagement with Peirce's abductionist approach was designed to provide an alternative to induction.

In order to strengthen his claim that analysis must be the process by which parties undergo re-perception of positions and the conflict itself, Burton tentatively argues that the abduction method offers a better basis for conceiving the individual, his or her relationship and their place in the social environment.

However, Burton considers the possible contributions of Peirce only at the very superficial level. Consequently, some of Peirce's major difficulties are overlooked.⁸⁷ For example, a significant weakness of Peirce's approach is that it does not escape scientism, since he appeals to a notion of a knowable, discoverable, uncoverable truth.⁸⁸ Therefore, if his method were to be adopted, Burton would not free his framework from a positivist methodology, which prefers empirical measurements and is based on a belief that facts and truths can be discovered. On the other hand, as Burton retains a scientific method in formulating the procedures for problem-solving workshops, the interesting and original contribution offered by Peirce in emphasising the importance of intersubjective communication is overlooked. Therefore, Burton's claim that an abductionist method is present in his framework is inaccurate. He maintains that since conflict resolution is multidisciplinary, induction and deduction are present, but within the context of abduction. Evidence of this assertion is not firmly supported as Burton's reading is partial and he quickly moves away from Peirce.

Instead, Burton seems to utilise this concept in order to overcome his separation between a deductively arrived at theory and an inductively oriented method. In short, despite the criticism regarding the deductive approach, Burton favours it as the basis for building a conflict resolution theory and an inductive methodology. He argues for a general theoretical framework, since conflicts arise out of 'the frustration of basic human needs that cannot be compromised or suppressed'.⁸⁹ Therefore, he asserts that a general theory would be more helpful. Burton's reliance on a deductive approach can be seen, when he argues that 'general theorising' is deductive to the extent that 'persistent features

and... partial theories' are examined, but not 'inductively, from an examination of history and raw data'.⁹⁰ He further argues:

General theory itself provides a deductive means of analysis and it can only be tested in reality...by actual application to a situation, and not by reference to subjectively interpreted past or current events.⁹¹

Burton's preference for a general theory is not problematic in principle; however, his insistence on the requirement of human basic needs satisfaction which limits an exploration of other equally important perspectives. In order to further bolster the predominance of needs theory, Burton incorporates behavioural theories.⁹² He argues that the psychological components of behavioural responses are not adequately addressed in an IR realist approach, where the main focus is on power-based, man-as-aggressor, and systemic explanations to explain the causes of war and conditions needed to achieve peace.⁹³ Additionally, based on his practical diplomatic experience, Burton suggests that only by promoting behavioural changes can conflicts be resolved so that long-term functional arrangements can be implemented.

The inclusion of behavioural theories is designed to support the argument that needs are ontological, and therefore must be satisfied in order to avoid later eruptions of violence. That is, behaviours individuals adopt can be seen as attempts to satisfy unmet needs.⁹⁴ Therefore, the individual must form the unit of analysis, as he asserts that the system and groups all stem from valued relationships that individuals attach to one another.⁹⁵

Although he points out the significance of the system, Burton insists that since systems are maintained by elites and authorities who wish to retain power by suppressing the needs of individuals and groups if necessary, systems and institutions must be changed to accommodate individual needs. Otherwise, violence may result. As deep-rooted conflicts are caused by a lack of needs being met and a perpetuation of powerful institutions, the ways of meeting individuals' needs form the point of departure.

Here, Burton misses the insight of the individual in a social context, although he recognises the relational aspect among individuals and institutions. However, Burton fundamentally views institutions and individuals in opposition, since their needs are incompatible. In other words, Burton cogently emphasises the importance of relationships among individuals and how they shape the process of needs fulfilment. Yet, he misses the dimension of the individual operating in social contexts of their cultures, historical specificities, and so forth. Therefore, the nexus of convergence, and how individuals in social relationships shape those very institutions and norms that govern them, are neglected.⁹⁶ This oversight, along with a neglect of the communication dimension, arise as Burton aims to locate firm a variety of sources particular ideas that can support his needs theory. The unquestioned attachment to needs theory is perhaps one reason why Burton fails to appreciate its foundational shortcomings. That is, the aim of allowing parties to find their own solutions cannot be fully realised if one is restricted to his methodology. They are based on a particular type of rationality that prioritises success and encourages cost-benefit calculations for attaining ends. Strategic means are employed in this instrumental rationality-informed foundational perspective. If instrumental rationality informs Burton's method of facilitated problem-solving workshops, then is his epistemology also grounded on instrumental rationality? This question will be explored in the following section.

Epistemology: Limits of Positivism?

Only an adequate theoretical framework, one that has a universal application and is not one that emerges from considerations of local empirical evidence only, can lead to reliable definitions and policies.⁹⁷

—John Burton, 1990

By this juncture, it should be clear that when one critically re-examines Burton's theory, it is incomplete in light of his aims for facilitated conflict resolution.⁹⁸ As the

methodology is scientistically oriented, Burton's epistemology is positivistic.⁹⁹ Like the broader social sciences, he prioritises instrumental rationality. In spite of his conclusion that man cannot be analysed from a perspective of 'rational-economic man' (by positing man's motives as being based on ontological non-changing needs) he indicates there are patterns that can be discovered.¹⁰⁰ This foundation of scientific objectivism is one component that sign-posts a positivist epistemology which holds that knowledge can be accumulated and independently verified. Conflicting parties naturally bring to bear their prejudices and entrenched attitudes. While the third-party team may be perceived as neutral, each constitutive member of that team has specific attitudes and positions, which however subtly expressed, will influence the facilitation process. Burton's evident attachment to scientific objectivism is not explicit. Nevertheless, this theme appears throughout his extensive elaboration on the theory and practice of conflict resolution.

The apparent commitment to a technically-grounded knowledge is compounded by a lack of self-reflection and analysis of his theory. For example, the non-negotiable nature of needs is rarely put under the microscope and questioned as to whether it alone can form the basis of a theory and practice of facilitated conflict resolution. Although Burton has changed the tone of his needs theory perspective, these are largely modifications in etymology.¹⁰¹ Needs theory is never taken apart so that its constitutive elements can be critically examined. A deconstructive process would reveal these problematic meta-theoretical assumptions. As part of this process, critical self-reflection would allow one to locate the points at which needs theory may be altered, reconstructed, or abandoned. Simultaneously, reflecting upon one's assumptions that underlie a theory may lead to explorations of alternative theoretical formulations, which though different, may be more helpful in fulfilling the promise of aims contained in the overall project. Rather than engaging in a critical self-reflection and deconstruction of

his foundations, Burton incorporates changes at the surface level. Hence, needs theory becomes infused with anomalies, but its validity remains unquestioned.

The lack of self-reflection, and a sustained preference for a method based on scientific objectivism, lead Burton to ground his theoretical components on a type of rationality that is instrumental. The differentiation between types of interests and the knowledge they produce are overlooked, since he deems interests as only materially significant. Interests are more than scarce material resources such as water and territory. Rather, they are informed by different types of knowledge formations. For instance, empirical analytic knowledge produces interests that are oriented toward locating empirical facts and observing physical states of affairs.¹⁰² This type of knowledge-interest relationship, along with a practical cognitive interest that is based on hermeneutic knowledge (the need for mutual communication and interpretation of symbolic structures) inform instrumental rationality. By asserting that interests are material and that experiences alter knowledge, the possibility to conceive of other types of rationality is missed since the nexus between knowledge and interests is ignored. It is not argued here that Burton's needs theory should be replaced by an alternative knowledge guiding interest. These differentiations are pointed out in order to assert that interests reflect deeper phenomena than his description.¹⁰³

Burton's understanding that predicates itself on a separation between observer and the observed and a belief in a value-neutral social science produces a special kind of empiricism. Such a positivist epistemology is unhelpful, as the inherent potential present in Burton's formulation of a facilitated problem-solving workshop framework becomes subsumed. What takes priority and centre-stage is the needs-based analysis of individuals and groups, the goal becomes how to reach a 'win-win' solution, rather than a contingent changeable consensus that can only be validated in praxis.¹⁰⁴ Instead, what results is a sophisticated and ambitious formulation of the motivations that may drive

some individuals to enter and remain in deep-rooted conflictual situations. The insights he provides are powerful; in particular, the role of a third party as neither an arbiter nor a negotiator is an important point of departure. However, the steps that participants are required to take in order to move from confrontation to consensus cannot be realised within the confines of Burton's theoretical framework. In other words, a positivist epistemology cannot resolve conflicts in the way Burton thinks it can for his epistemology as he constructs it, can lead to limited transformations. The rebuilding of norms and institutions become difficult to realise when there is a neglect of self-reflection and other forms of rationality are included.

It can be inferred from his brief engagement with various scientific methods that for Burton, truth can be known and a concept of control is important and prediction is possible. These further three points will be discussed in order to highlight the difficulties within Burton's meta-theoretical and theoretical assumptions. First, Burton overemphasises the significance of the idea that truth can be discovered. The resolution process, he argues, is about outcomes of the conflict situation that must meet the ontological needs of all.¹⁰⁵ The underlying assumptions of the facilitated problem-solving workshops are that if perceptions can be readdressed and information clarified, then the truth can be located.¹⁰⁶ The whole thrust of facilitated analysis based upon needs highlights Burton's insistence that there are truths that can be resurrected, if the parties are helped to uncover them through the identification of issues and learning the causes of the conflict.

It can be argued that a facilitated analysis applied in the Oslo Channel might have resulted in not only broad agreements of principles among the participants, but in specific policies that would have taken into account other excluded voices. If we recall, the participants represented the dominant views within the two communities and engaged in what Burton would term settlement, rather than resolution. The third-party

role would have differed significantly, as the parties would have been made aware of conflict theories, however partial (a deficiency recognised by Larsen) as well as a discussion of how to view the conflict as a shared problem.¹⁰⁷ In short, a Burtonian type of facilitated analysis might have yielded a more sustainable peace process, since the third-party team would have been able to engage the disputants in a deeper analysis of the conflict. By doing so, ways of transforming institutions and norms would have been included in discussions, rather than settling for tenuous compromises.

While a facilitated analysis points to a more helpful direction of transforming perceptions, a Burtonian procedure is limited by its reliance on a theory based on needs and a positivist epistemology. Burton asserts that he is moving away from a realist worldview of war avoidance and a behaviouralist methodology to a foundation based on a world society, conflict resolution, and a behavioural needs perspective.¹⁰⁸ However, by relying on an inductive methodology and an approach that is oriented towards reaching goals and costing outcomes, he only succeeds in reinforcing concepts he aims to transcend.

For example, in his engagement with Waltz's ideas articulated in *The Man, The State and War*, Burton critiques the pessimistic conception of man's nature, as well as Waltz's prioritisation of the system as an explanation for why war occurs.¹⁰⁹ Instead, Burton constructs the individual as being inherently non-aggressive.¹¹⁰ Rather than formulating a conception of the self as being comprised of many dynamic elements from the social environment, he merely takes up the opposite position from Waltz. By adopting a position in opposition to Waltz, Burton does not present a way forward for constructing a new paradigm, as he purports to do.¹¹¹

The individual alone should not comprise the unit of analysis, as members of a third-party team bring particular ideas and forms of knowledge to bear on a facilitation process. Furthermore, the interactive process cannot preclude, as Burton insists, the

views and influences of the third-party panel. The participatory nature of problem-solving is all inclusive, and though it is essential for the third-party position to be viewed as independent, there are presuppositions that each person involved in the facilitation effort will bring with him or her. Therefore, a philosophical foundation of a theory cannot be based on a positive conception of man and prioritise the individual as the unit of analysis.

Additionally, Burton's argument against the behaviouralist school is not entirely tenable, since the assumptions on which the behaviouralist movement was based become incorporated into his theoretical and epistemological framework. He does move away from the overt ideas of behaviouralism; nevertheless, he continues to share some of its fundamental commitments including the notion that truth can be discovered. Burton argues for a psychologically-oriented needs theory for discovering a truth, whereas the behaviouralists preferred quantitative analysis. Therefore, although the positioning is different, the foundational attachment remains fundamentally unaltered.

Second, the positivist epistemology can also be seen in Burton's attachment to the concept of control. He initially critiques the power politics understanding of interstate relations. He argues that monarchs and other authorities in power aim to exercise control over those they rule. However, in modern democracies, the legitimacy of these authorities is being undermined, since control means denying individuals' ontological needs. Consequently, since needs are no longer being met, some groups and persons express dissatisfaction with those in positions of power, by violent or nonconformist means. This, in turn, leads to the labelling of deviance.¹¹²

The point of this exposition is to argue that individuals need to be able to have control over their own identities if violent eruptions of conflicts are to be avoided or resolved.¹¹³ Burton's problem-solving methodology offers the possibility of a dialogical process, where the parties may come to reach agreements through a process

of specified form of communication. Yet, by formulating procedures in which the third party follows specific theoretical premises, Burton fails to develop his promising insight. Instead, he proceeds directly to finding ways that would allow individuals to gain control over their nature. Ultimately, the means of reaching consensus in his facilitated conflict resolution formulation involves calculating the benefits and costs of perpetuating the conflict situation. In this conception, actions are seen only as instrumental, and for some specified purpose. This framing limits Burton's capacity to realise his vision of the possibility of allowing parties to reach agreements consensually, since instrumental rationality forms the meta-theoretical grounding for his theory.

His theoretical formulation overlooks the rich concept of communication. All conflict researchers do recognise the importance of communicating effectively and clearly. Burton too perceives communication in a similar fashion. He rightly starts from the position that 'there is communication in all relationships';¹¹⁴ however, in viewing communication as something that can be either effective or misinterpreted, Burton concentrates only on the detailed and practical ways that communication can be improved in transmitting information. By arguing that communication is a medium to be controlled, Burton misses the fundamental role communication and language play in hindering, developing, and transforming facilitation efforts. Burton views communication as a tool and not as a basis for theorising about the resolution of conflicts.

The concept of communication is a most significant dimension, as it offers the possibility for an inclusion of another type of a rationality other than instrumental: communicative. Burton's theoretical outline takes for granted instrumental rationality as the basis of practising conflict resolution facilitation efforts. By doing so, he is unable to break away from behavioural, scientific approaches. In arguing for a new vocabulary, for Burton, the role of language and the process of communication involve accurate semantics and effectiveness. The socially co-ordinating aspect of language and

its tendencies towards producing distorted perceptions and relationships remain unexplored. Therefore, the dominance of instrumental rationality continues.

It is fair to say that in the practice of many facilitation efforts, the strategic actions and the foundation of instrumental rationality are explicitly present. For instance, the Norwegian third parties and the representatives of Israel and the PLO in the Oslo peace process defined their goal as producing a sellable agreement. However, if the third party's role is to be a facilitative one, as is maintained by those participants and conflict resolution scholars, then an understanding of how individuals construct relationships through the medium of language must be included as a significant element of practising resolution.

Burton's understanding of language and communication arise not only from his commitment to instrumental rationality, but also from his separation of theory and practice. By arguing that theories are derived from observing practices, Burton maintains the separation between theory and practice. Practice relates to theory insofar as a needs-based approach is seen to underlie various types of facilitation efforts. Since Burton views theory as being borne out of practice, his theoretical foundations are partial and eclectic. He asserts that partial theories can lead to the construction of a more complete theory, but only through experience and practice.¹¹⁵ His needs theory is formulated based on empirical experience. Other theoretical strands explicated by Burton are designed to support this needs approach. By prioritising practice, the process of formulating theories of facilitated conflict resolution are viewed as important, but not fundamental.

Burton's lingering commitment to instrumental rationality can be also be evidenced in his notion that prediction is possible. He argues that by observing human behaviours, deriving a theory from established studied patterns, prediction about future behaviours can be made. Although he recognises that absolute prediction cannot be

achieved, Burton insists that the goal of a problem-solving conflict resolution is 'to make possible more accurate prediction and costing'.¹¹⁶ This goal is a logical consequence of incorporating the first two points that truth can be discovered and communication can be controlled. All of these elements are constitutive of a rationality that is oriented to attaining success, which results in actions that are rooted in developing strategies that promote winning solutions. Here, it is relevant to note the cost-benefit approach that Burton advocates is a core component of the consequences which arise from using rational instruments to achieve specified objectives. The flaw is not that the Burtonian problem-solving needs theory perspective includes instrumental rationality in the process of resolving conflicts. It is that his approach is premised on such a basis, hence, his desired paradigm shift is not achieved.

Burton purports that human needs theory provides the best foundation for facilitated conflict resolution, since it is the unmet needs of individuals that lie at the root of protracted conflicts. However, a needs-based theory combined with a lack of critical, self-reflection excludes possibilities for conceiving alternative ways of transforming deep-rooted conflicts. For instance, his philosophical assumptions lead to a belief in a specified methodology that advocates following predetermined procedures. The epistemology that is based on positivistic notions of discoverable truths, prioritising empirical practices, coupled with the knowledge that is oriented to reaching success prevents Burton from moving beyond the boundaries of instrumental rationality.

In short, Burton's belief that prediction is not only possible, but can be refined by studying theories of human behaviour, demonstrates his commitment to an instrumental rationality-informed framework. His philosophical orientation connects the needs theory and human behaviour relationship to improve prediction:

An adequate theory of behaviour is a prerequisite for policy-making and also a prerequisite for reliable prediction. What this predicts is global conflict, unless human developmental needs are pursued and...resolved...A theory of behaviour, based on human needs as a starting position and a philosophical approach, enables us to think of these difficult problems.¹¹⁷

The behavioural theories advocated are derived from examining systems and social organisational theories at the group level.¹¹⁸ At a first glance, it appears that needs theory is chosen to enhance the systems approach. Rather, it is the contrary. Systems theory is used to underpin a needs-based explanation and to provide justification for following a particular type of facilitated analytical problem-solving workshop.¹¹⁹ Concerning systems theory, Burton asserts that:

In systems theory, attention is given to the role of social learning and culture, in the ways in which social systems change. The theory holds that although social systems are learned by their members, who adjust their world views according to experiences, socio-cultural systems also have underlying assumptions, which make the system as a whole, more resistant to change than their individual members.¹²⁰

In other words, Burton argues that it is institutions that fail to change adequately to meet the needs of their constituent members. When needs are continually unmet, protracted conflict situations become manifest. Therefore, resolution and *provention* involve finding ways of satisfying these unmet needs.¹²¹

If we conceive of Burton's theory-building as a pyramid, at the base lies conflict resolution methodology of problem-solving via facilitated analysis. At the midpoint, there is a connection between the methodology and needs theory. At the peak exists systems theory and human behavioural theory of social psychology, which follow from needs theory. While needs plus systems yield resolution, needs plus human behavioural theories results in *provention*. Burton defines *provention* as 'doing something about problems before they cause conflict'.¹²² Therefore, he argues that *provention* 'presupposes prediction. It could be that our inability to predict is our main problem in conflict *provention*'.¹²³ He suggests that needs theory is the most promising 'adequate theory of human and societal behaviours', since it can assist with more accurate prediction.¹²⁴

Provention as an ideal could render conflict resolution less significant. That is, *provention* is concerned with how to avoid the occurrence of protracted deep-rooted conflicts. The appropriate application of *provention*, Burton argues, would result in

infrequent need of conflict resolution as conflicts would be eliminated or dealt with before they erupted into violence and developed into protracted situations.¹²⁵

In the process of constructing and justifying his needs-based approach, Burton includes the concepts of first-order and second-order learning.¹²⁶ In first-order learning, actors forget they can alter the system; instead, problems of conformity are handled by either falling back on the socially learned positions or 'default values'.¹²⁷ Second-order learning, argues Burton, promotes creativity, 'which requires a willingness and capacity for challenging assumptions'.¹²⁸

This second-order learning, linked to system theory, is utilised by Burton to underpin his needs approach. However, a needs theory that is supported by a second-order change does not result in a paradigm shift, as Burton suggests. Conversely, this attempt to bolster needs theory fails to change it dramatically, since a process of critical self reflection and deconstruction are not included.

A positivist methodology and epistemology merge in the foundational assumptions that underlie needs theory. That is, Burton asserts that a truth can be discovered, communication can be controlled, and prediction about human behaviours can be offered. Consequently, a foundation premised on empiricism which is tied to instrumental rationality emerges.

In sum, based on the concepts of prevention and resolution, Burton formulates a philosophy that places the behavioural motivation of individuals, which are concerned with attaining needs-satisfaction, as the foundation for building a facilitated conflict resolution theory. In other words, if we begin from the premise that it is vital to understand human behaviours, then the process of needs satisfaction becomes the medium through which resolution of conflicts are encouraged. As noted earlier, individuals are the unit of analysis, since it is their needs that are represented and reproduced at societal levels. All of these assumptions suggest that the type of theory

asserted by Burton is comprised of partial frames that are designed to promote needs theory. Therefore, the point of departure he initially provides in arguing for a facilitative approach is not fully thought through in-depth, since he overemphasises the significance of needs theory.

Conclusion

Obstacles in dealing with basic problems, such as deep-rooted conflict, has been the absence of an adequate theoretical framework, and even more serious, the absence of a realisation that such a framework is necessary for solving a problem.¹²⁹

—John Burton, 1990

The opening Burton provides in formulating a facilitated conflict resolution approach is mitigated by his lingering attachment to needs theory and instrumental rationality. This foundation orients his approach towards attaining goals, achieving success, and valuing technical knowledge of scientifically-rooted methodologies. Although Burton's ideas present an important first step in conceiving an alternative perspective from the traditional mediation approaches, his philosophical and theoretical orientations limit the extent to which the alternative can be constructed. In addition to the bounded instrumental rationality which pervades his framework, the separation between theory and practice and deconstruction further curbs the potential expressed in the facilitation methodology.

If the intrinsic link between practice and theory is taken into account, the underlying assumptions of theories and practices can be questioned. During this deconstructive process, ways of further opening up the space he initially presents can be constructed and considered.

The contributions Burton has to offer are significant and should not be dismissed. At the time of his initial conception, he challenged the views that dominated

the mainstream peace research and International Relations disciplines. Burton's approach is one that offers many insights into the traditional bargaining approach and the facilitation process practised by the participants to the Oslo Channel. The shortcomings of the Oslo Channel can be better understood if one considers Burton's perspective. First, the facilitated approach, which is premised on analysis, would have led to a discussion by the participants of the underlying issues such as the importance of security for Israel and the desire for autonomy by the PLO for the Palestinians in the Occupied Territories. The style of facilitation, which included both pre-negotiations and negotiations, did not allow for any such explorations since the conflicting parties engaged in direct discussions.

The Norwegians played an administrative role and therefore assumed a reactive position. This is where Burton's facilitated conflict resolution practice could have significantly contributed. The third parties would have played a more active role as they would have encouraged the participants to explore the deeper underlying causes of the protracted deep-rooted conflict so that a fundamental shift in perceptions could begin to take shape. An analytic problem-solving approach resolution is sought rather than achieving compromises. As the participants to the Oslo Channel approached the process of reaching compromises, and as the Norwegian third-party role was a reactive one, a fundamental change in the perceptions the parties held of one another was not achieved. Since the emphasis was placed on building personal relationships and emotional trust, ways of translating the changed attitudes could not be imagined so that the constituencies within the both communities could be included in a process of peace-building. Although a significant breakthrough was achieved as a result of the Oslo Channel, the crucial understandings and the relationship between Israel and the PLO did not essentially change.

A facilitated analytic approach, such as the one proposed by Burton, would have aimed for shifting the perceptions of parties so that confidence-building could follow. Furthermore, a problem-solving approach aims for a long-lasting resolution and views compromises as settlements that often can deepen the protracted situation. In short, Burton's conflict resolution perspective has insights to offer to practices in peace such as the Oslo Channel. However, his methodology is inhibited by the theoretical restraints. It is argued in this thesis that Burton does provide a philosophy and a theory. Nevertheless, the attachment to needs is inadequate for realising the implicit potential of conflict resolution. His theories are partial, since they are used to support the overall philosophy of human needs. From the method of problem-solving, it becomes evident that needs theory comprises its underlying foundation. Other theories of the system, such as world society and social psychology, are incorporated to establish a philosophy of human behaviour. An adequate theory of human behaviour is sought since needs are deemed to be ontological to the human species. Consequently, by understanding how to fulfil the unsatisfied needs that have led to a protracted conflict, then resolution becomes possible.

Burton's theory and methodology has added dimensions which were neglected by all the participants to the Oslo Channel. However, this facilitated conflict resolution approach of problem-solving workshops and needs theory contain serious difficulties, due to its meta-theoretical underpinnings. If Burton's philosophical, theoretical and methodological contributions do not go far enough towards presenting an alternative to third party intervention approaches such as mediation, then do scholars in the facilitated conflict resolution discipline who attempt to refine Burton's framework offer vastly improved approaches? This forms the focus of the following chapter.

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- ¹ Jan Egeland, interview by author, 4 May 1995, Oslo.
- ² John W. Burton, *Conflict: Resolution and Prevention* (Basingstoke: Macmillan, 1990), 149-50.
- ³ Hans Morgenthau, *Politics Among Nations: The Struggle for Power and Peace* (New York: Knopf, 1978); Hedley Bull, *The Anarchical Society: A Study of Order in World Politics* (London: Macmillan, 1977).
- ⁴ Herbert Kelman, 'The Interactive Problem Solving Approach', in *Managing Global Chaos: Sources of and Responses to International Conflict*, eds. Chester A. Crocker and Fen Osler Hampson with Pamela Aall (Washington, DC: United States Institute of Peace, 1996); Jay Rothman, *From Confrontation to Co-operation: Resolving Ethnic and Regional Conflicts* (Newbury Park, CA: Sage, 1992).
- ⁵ Kenneth Boulding, *Stable Peace* (Austin, TX: University of Texas Press, 1978); David Singer, *Explaining War: Selected Papers from the Correlates of War Project* (Beverly Hills, CA: Sage Publications, 1979).
- ⁶ Johann Galtung, *There Are Alternatives: Four Roads to Peace and Security* (Nottingham: Spokesman, 1984).
- ⁷ Fisher, *Interactive Conflict Resolution*, 19-21.
- ⁸ *Ibid.*, 23.
- ⁹ John W. Burton, *Conflict Resolution: Its Language and Processes* (Lanham, MD: Scarecrow Press, 1996), 7-13.
- ¹⁰ *Ibid.*, 7.
- ¹¹ John W. Burton, *Deep-Rooted Conflict: A Handbook* (London: University Press of America, 1987).
- ¹² *Ibid.*
- ¹³ Burton often asserts that experiences drive theory. See, for example, *Conflict Resolution*, 45-51.
- ¹⁴ John W. Burton and Frank Dukes, eds., *Conflict: Readings in Management and Resolution*, vol. 3 (Basingstoke: Macmillan, 1990), 329.
- ¹⁵ Burton, *Deep-Rooted Conflict*.
- ¹⁶ *Ibid.*, 7.
- ¹⁷ The methodology, first termed *collaborative problem-solving*, has undergone modifications in its labelling such as controlled communication and analytical problem-solving. The changes are subtle, but the different terms illustrate Burton's varying engagements with certain methodological stances, which will be discussed elsewhere. See Burton, *Conflict Resolution*.
- ¹⁸ Mark Hoffman, 'Third Party Mediation in Conflict Resolution in the Post-Cold War World', in *Dilemmas of World Politics: International Issues in a Changing World*, eds. John Baylis and N.J. Rengger (Oxford: Oxford University Press, 1992), 261.
- ¹⁹ John W. Burton, *Conflict and Communication* (London: Macmillan, 1969).
- ²⁰ Burton, *Conflict: Resolution and Prevention*.
- ²¹ *Ibid.*
- ²² The third party issues invitations to possible participants, once the panel or an institution has been asked to facilitate a conflict. Although Burton's methodology for conducting these workshops is explicated in numerous texts, they are most explicitly described in Burton, *Deep-Rooted Conflict*.
- ²³ Burton and Dukes, *Conflict*, 333.
- ²⁴ Burton, *Deep-Rooted Conflict*.
- ²⁵ *Ibid.*, 42-44.
- ²⁶ *Ibid.*, 49-52.
- ²⁷ *Ibid.*, 34.
- ²⁸ Burton, *Conflict and Communication*.
- ²⁹ *Ibid.*
- ³⁰ Burton, *Deep-Rooted Conflict*, 35-37.
- ³¹ *Ibid.*
- ³² Terje Rød-Larsen, interview by author, Gaza occupied territories, 16 May 1995.
- ³³ Burton, *Deep-Rooted Conflict*, 42.
- ³⁴ *Ibid.*, 62-63.
- ³⁵ Burton argues that in order to restart a facilitated problem-solving workshop process, the political representatives must all agree to meet again. His conception of facilitation entails that all those who participated in the initial problem-solving process should continue to be included. The question of who to include and exclude is a difficulty recognised and discussed in his writings. See Burton, *Deep-Rooted Conflict*, 33-39, 49-51.
- ³⁶ Rød-Larsen, interview.
- ³⁷ Rød-Larsen, interview.

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- ³⁸ Fisher, *Interactive Conflict Resolution*, 19.
- ³⁹ Burton, *Conflict Resolution*, 7-13.
- ⁴⁰ Ibid.
- ⁴¹ Ibid.
- ⁴² The term *scientism* is meant to denote an instrumentalist approach to the understanding and employment of rationality. How Burton is firmly rooted in this type of thinking, despite his superficial indications to the contrary, will be discussed in a subsequent section.
- ⁴³ Burton, *Conflict Resolution*, 59-60.
- ⁴⁴ Burton, *Deep-Rooted Conflict*, 57-67; *Conflict Resolution*, 69-77.
- ⁴⁵ John W. Burton, *Deviance, Terrorism and War: The Process of Resolving Unsolved Social and Political Problems* (Oxford: Martin Robertson, 1979), 181-83.
- ⁴⁶ Ibid.
- ⁴⁷ Abraham Maslow, 'A Theory of Human Motivation', in *Psychological Review* 50, no. 1 (1943): 370-96; Paul Sites, 'Legitimacy and Human Needs', in *Human Needs Theory*, ed. John W. Burton (Basingstoke: Macmillan, 1990), 117-44.
- ⁴⁸ Burton, *Deviance, Terrorism and War*, 72-75.
- ⁴⁹ In articulating this concept, Burton is influenced by Edward Wilson. Wilson argues that there is a social-biological component to needs. Although Burton would later switch from social-biology to the terms ontology or ontogenetic, the basic point remains constant. That is, the categorisation or the changed words are not followed by a change in the understanding of the concepts. See Edward Wilson, *Socio-biology: The New Synthesis* (Cambridge, MA: Harvard University Press, 1975); John W. Burton, *International Relations: A General Theory* (Cambridge: Cambridge University Press, 1965); Burton, *Conflict Resolution*; John W. Burton, *Violence Explained: The Sources of Conflict, Violence and Crime and their Prevention* (Manchester: Manchester University Press, 1997).
- ⁵⁰ Robert A. Nisbet, *Twilight of Authority* (London: Heinemann, 1976).
- ⁵¹ Burton, *Conflict Resolution*, 3-7, 32.
- ⁵² Burton, *International Relations*, 31-55.
- ⁵³ Ibid.
- ⁵⁴ Ibid.
- ⁵⁵ Kevin Avruch, 'Introduction: Culture and Conflict Resolution', in *Conflict Resolution: Cross-cultural Perspectives*, eds. Kevin Avruch, Peter W. Black, and Joseph Scimecca (New York: Greenwood Press, 1991), 1-17.
- ⁵⁶ Kevin Avruch and Peter W. Black, 'A Generic Theory of Conflict Resolution: A Critique' in *Negotiation Journal* 3, no. 1 (1987): 87-96.
- ⁵⁷ Burton, *Violence Explained*, 130.
- ⁵⁸ Avruch and Black, 'A Generic Theory of Conflict Resolution'.
- ⁵⁹ Burton, *Deviance, Terrorism and War*, 181-83.
- ⁶⁰ Burton, *Violence Explained*, 32-40.
- ⁶¹ Ibid.
- ⁶² Other needs theorists such as Coate and Rosati argue that needs should be the primary basis of a facilitated conflict resolution theory, since they are required for the survival of the human species. They insist that the validity and justification of needs are inductively oriented. That is, needs can be found in empirical applications. Although empirical applications such as the role needs play in establishing and codifying images, may provide some important insights, why needs should occupy centre stage in conflict resolution efforts is inadequately addressed. See Roger Coate and Jerrell Rosati, *The Power of Human Needs in World Society* (Boulder, CO: Lynne Rienner, 1988).
- ⁶³ Christopher R. Mitchell, 'Necessitous Man and Conflict Resolution: More Basic Questions about Basic Human Needs Theory', in *Human Needs Theory*.
- ⁶⁴ From his earliest writings, Burton insists that needs are not a series of priorities, but the inability to meet one or more of them (including identity, security, role defence, recognition, etc.) will result in a deepening of conflicts, which often leads to violent expressions. See Burton, *Violence Explained*, 32.
- ⁶⁵ Burton, *Deviance, Terrorism and War*, 62-82; *Violence Explained*, 32-40.
- ⁶⁶ Burton, *Deviance, Terrorism and War*, 135.
- ⁶⁷ Burton, *International Relations; Conflict and Communication*; and John W. Burton and Frank Dukes, *Conflict: Practices in Management, Settlement and Resolution* (Basingstoke: Macmillan, 1990).
- ⁶⁸ Burton, *Conflict Resolution*, 13.
- ⁶⁹ Burton, *Systems, States, Diplomacy and Rules; Conflict: Resolution and Prevention*.
- ⁷⁰ Karl Popper, 'Normal Science and its Dangers', in *Criticism and the Growth of Knowledge*, eds. Imre Lakatos and Alan Musgrave (Cambridge: Cambridge University Press, 1970), 51-58.
- ⁷¹ Karl Popper, 'The Problem of Induction', in *Philosophy of Science: The Central Issues*, eds. Martin Curd and J.A. Cover (New York: W.W. Norton, 1998).

- ⁷² Burton, *Conflict Resolution*, 2-6, 45-51.
- ⁷³ Ibid., 45.
- ⁷⁴ John W. Burton, *Global Conflict: The Domestic Sources of International Crisis* (Sussex: Wheatsheaf, 1984); Burton, *Systems, States, Diplomacy and Rules*.
- ⁷⁵ Burton, *Global Conflict*, 21.
- ⁷⁶ Ibid., 115.
- ⁷⁷ Ibid., 183.
- ⁷⁸ Burton, *Violence Explained*, 128.
- ⁷⁹ Burton, *Conflict Resolution*, 13.
- ⁸⁰ Burton, *Global Conflict*, 22.
- ⁸¹ Ibid., 22-23.
- ⁸² Charles Saunders Peirce, *Essays on the Philosophy of Science* (New York: Liberal Arts Press, 1957).
- ⁸³ Burton, *Violence Explained*.
- ⁸⁴ The contributions of Popper and Peirce are considered briefly in several articles and chapters by Burton. See Burton, *International Relations*; *Global Conflict*; *Violence Explained*.
- ⁸⁵ Discussion of Peirce's ideas are taken from thinkers other than Burton for the sake of clarification. See Jürgen Habermas, *Knowledge and Human Interests* (Cambridge: Cambridge University Press, 1987), 92; Burton, *Global Conflict*.
- ⁸⁶ Peirce, *Essays on Philosophy*, quoted in Habermas, *Knowledge and Human Interests*, 92-120.
- ⁸⁷ The critiques of Peirce are numerous and too complex to be aptly discussed here. See Habermas, *Knowledge and Human Interests*, 91-112.
- ⁸⁸ Ibid.
- ⁸⁹ Burton, *Violence Explained*, 32.
- ⁹⁰ Burton, *System, States, Diplomacy and Rules*, 163.
- ⁹¹ Ibid.
- ⁹² Burton, *System, States, Diplomacy and Rules*; *Global Conflict*; *Conflict Resolution*.
- ⁹³ Burton, *International Relations*, 33-55; Kenneth Waltz, *Man, The State and War: A Theoretical Analysis* (New York: Columbia University Press, 1959).
- ⁹⁴ Burton, *Conflict and Communication*, 200.
- ⁹⁵ Burton, *System, States, Diplomacy and Rules*.
- ⁹⁶ Ibid.
- ⁹⁷ Burton, *Conflict: Resolution and Prevention*, 26.
- ⁹⁸ The methodological potential of facilitated analysis lies in promoting ways of empowering participants to come to their own ideas of how conflicts may be resolved.
- ⁹⁹ Epistemology should be understood here as the processes of acquiring knowledge. See Simon Blackburn, ed., *Oxford Dictionary of Philosophy* (Oxford: Oxford University Press, 1996).
- ¹⁰⁰ Burton, *International Relations*, 33-55.
- ¹⁰¹ The change in tone can be seen in his description and defence of needs, as being socio-biological to ontological, then to cultural structural. See Burton, *Deviance, Terrorism and War*; *Violence Explained*, 32-40.
- ¹⁰² Habermas, *Knowledge and Human Interests*, 71-91.
- ¹⁰³ The three different types of knowledge constitutive interests are taken from Jürgen Habermas. They are extremely summarised as their relationship is for illustrative purposes.
- ¹⁰⁴ Praxis refers to an intrinsic connection between theory and practice. Both dimensions cannot be separated from one another. This concept is taken from Habermas.
- ¹⁰⁵ Burton, *Deep-Rooted Conflict*, 7.
- ¹⁰⁶ Burton, *Conflict Resolution*, 4.
- ¹⁰⁷ Larsen, interview; Burton, *Deep-Rooted Conflict*.
- ¹⁰⁸ John W. Burton, *World Society* (Cambridge: Cambridge University Press, 1972).
- ¹⁰⁹ Waltz, *Man, The State and War*; Burton, *International Relations*, 33-55. It should be noted that Burton only discusses Waltz's book on war and not his theoretical work of International Politics. This is relevant as in this other work, Waltz asserts that there is no power to be gained in viewing human nature as evil. Rather, as in *Man, the State and War*, Waltz looks to structural functional properties of the international system to explain why war occurs. Burton critiques Waltz for his emphasis on a systematic level analysis and his neglect of group relations.
- ¹¹⁰ Burton, *International Relations*, 33.
- ¹¹¹ Ibid.
- ¹¹² Burton, *Deviance, Terrorism, and War*, 181-92.
- ¹¹³ Burton, *Conflict: Resolution and Prevention*, 209.
- ¹¹⁴ Burton, *Conflict and Communication*, 48.
- ¹¹⁵ Burton, *System, States, Diplomacy and Rules*; *Conflict Resolution*.

¹¹⁶ Burton, *Deviance, Terrorism, and War*, 88.

¹¹⁷ Burton, *Global Conflict*, 185.

¹¹⁸ These frameworks arise out of Burton's admiration of social-psychological approaches that focus on group behaviours. See Burton, *System, States, Diplomacy and Rules; Violence Explained*.

¹¹⁹ Burton, *Conflict and Communication*.

¹²⁰ Burton, *System, States, Diplomacy and Rules*, 47.

¹²¹ Burton, *Conflict: Resolution and Prevention*, 90.

¹²² Burton, *Conflict: Resolution and Prevention*, 233.

¹²³ Ibid.

¹²⁴ Ibid., 235.

¹²⁵ Burton, *Conflict Resolution*, 45.

¹²⁶ Burton, *Conflict: Resolution and Prevention*, 239-51.

¹²⁷ Ibid., 48.

¹²⁸ Ibid., 233-39.

¹²⁹ Burton, *Conflict: Resolution and Prevention*, 25.

Chapter 3

Extending the Burtonian Foundation

We need to think of peace not as a condition, but as a process...¹

—Michael Banks, 1987

It now seems useful to redirect attention to the basic conceptions because Burton and his fellow theorists, in their desire to apply the basic principles to practical problems of analysis and action, have neglected to spell out some of the nuances of the broad conceptions underlying the approach.²

—Michael Banks, 1987

Introduction

The scholars and practitioners within the facilitated conflict resolution field owe much to the ideas of Burton. In the previous chapter, the contributions and limitations of his approach were discussed. It was argued that the potential present in his methodology of problem-solving cannot be realised within the theoretical framework of needs and a foundation of instrumental rationality. Numerous scholars and practitioners within the facilitated conflict resolution discipline have attempted to expand Burton's theoretical framework.

Therefore, in this chapter, the efforts to refine his approach will be examined. First, the social-psychological approaches of Fisher and Kelman will be explored. Second, the differing perspectives offered by Mitchell and Azar, as well as from other scholars, will be discussed. Third, attempts to expand the Burtonian needs theory by conflict researchers such as Banks, Azar, Scimecca, and Rothman will be analysed.

It will be argued that these approaches do not offer a more adequate foundation for approaching the facilitation of conflicts. Some thinkers provide more insightful accounts of how to handle the resolution process than others. However, as they subscribe to the Burtonian foundation, they are subject to similar limitations as his framework. Finally, it will be contended that these thinkers attachment to instrumental

rationality indicates the need to rethink the meta-theoretical foundations of conflict resolution. It will be asserted that one promising formulation includes an expanded understanding of rationality.

Social-Psychology: Changing Perceptions

An eclectic model of intergroup conflict, based primarily in social-psychological theorising, provides a context for needs theory and a broader framework for understanding and ultimately resolving protracted conflict. Humanism and humanistic psychology provide a starting point.³

—Ronald Fisher, 1990

The facilitation of conflicts in practice and theory involves an exchange of ideas and encounters among the scholars and practitioners within the conflict resolution discipline. Many of these scholars and practitioners were influenced by Burton's formulation of a collaborative problem-solving workshop framework and needs theory. They attempted to expand Burton's theoretical ideas or his description for practising conflict resolution. Two scholars who sought to extend the account of the causes and ways of resolving conflicts from Burton are Ron Fisher and Herbert Kelman.⁴ As their writings are the most influential in this specific area, the models they offer will be discussed.

Fisher outlines an eclectic model, illustrated by the following figure:

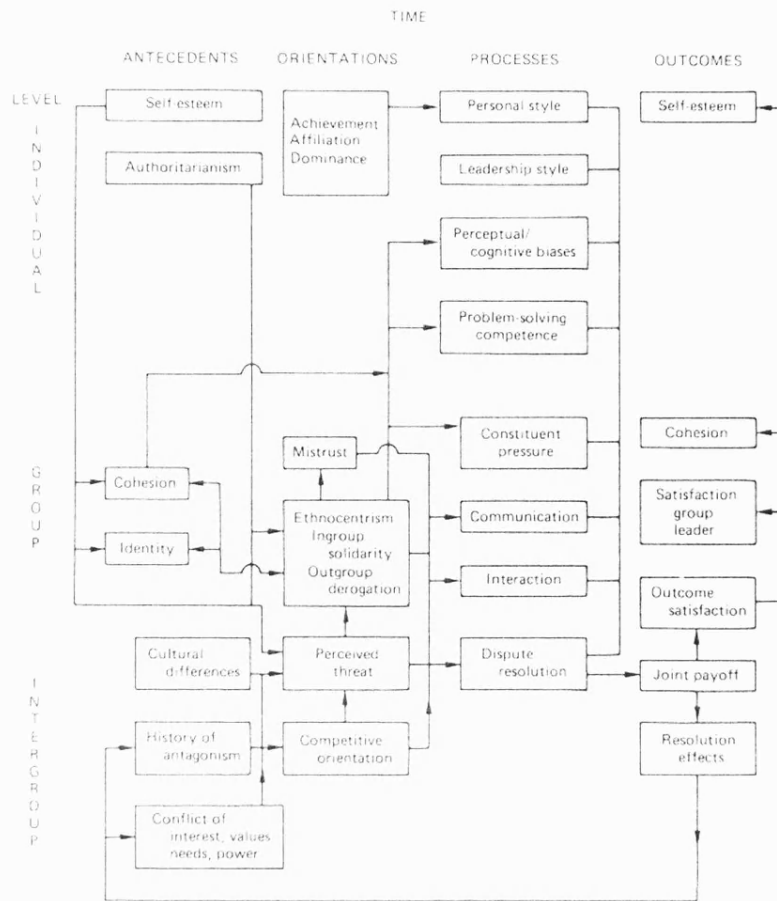


Figure 1: The Eclectic Model of Intergroup Conflict⁵

As the figure indicates, there are corresponding levels of analysis and variables that become prominent at different times during various stages of a conflict. They are individual, group, and intergroup (levels) and antecedents, orientations, processes, and outcomes (variables).⁶ The antecedent variables are characteristic of the relationship among individuals, groups, and intergroups. They occur before the conflict becomes manifest. Orientations arise in the early stages of conflicts and greatly influence the strength of the development of the conflict. They represent attitudes and perceptions. Process variables feed and express the conflict. They represent individual, group or intergroup behaviours and interactions. Outcomes are 'products of the conflict at the different levels of analysis'.⁷

Fisher asserts that many of the principles stated in his eclectic model are derived from existing theories of intergroup conflict. The first encompasses both subjective

sources of incompatible values (unmet needs, power, perceived threats, ethnocentrism) and the objective approach to conflict found in realistic group conflict theory. There are an additional four principles, stated below:

1. Real conflict causes a mutually competitive orientation and reciprocal competition interaction.
2. Real conflict, cultural differences, a history of antagonism and competitive orientation interaction cause perceived threat.
3. Perceived threat causes ethnocentrism including in-group solidarity and outgroup hostility.
4. Competitive orientation, perceived threat, and ethnocentrism escalate conflict through ineffective communication, inadequate co-ordination, contentious tactics and reduced productivity.⁸

In other words, self-esteem, which is tied to group identity and cohesion, depends on perpetuating hostilities against other groups. Consequently, conflicts become increasingly intractable. Recognising the dual nature of identity, Fisher critiques needs theory for conceiving of group identities as something that is essentially positive. He asserts that the negative consequences of group identities (ethnocentrism) should not be excluded. Rather, he argues that an identity group should form the 'core' of a conflict resolution theory, since it is through the identity group that fundamental needs are satisfied.

Fisher contends that the eclectic model is a fundamental element, which is required for understanding and explaining intergroup conflict. He maintains that the most significant level of analysis is the intergroup, since it represents the relationship between individuals and groups. By placing the emphasis on the intergroup level, however, the dynamic relationship within groups is missed. This aspect is also important to understand as an analysis of such relationships can contribute to the resolution of conflicts. Simultaneously, one can gain insights into the causes and escalation of conflicts.

As discussed in the previous chapter, Burton emphasises the individual level. As a result, he overlooks the social component of the individual as a part of the larger whole. By shifting the focus from the individual to the intergroup, Fisher faces a similar problem; he ignores the relationships at the levels of individuals and groups.

The dynamics between smaller components is lost when one overemphasises the composite interactions between groups. Therefore, the focus should be on the individual and his or her role in the social environment. This is not so much a social-psychological approach, but a socio-historical one. The products of learning and tradition passed down to individuals and groups shape their orientations and perceptions. Thus, historic traditions as well as the social learning individual's experience should be included if one is attempting to associate a level of analysis with a particular subject.

In Fisher's eclectic model, there are low and high intensity conflicts. The process of transition from one to the other is escalation and de-escalation.⁹ In low intensity conflicts, the parties fight over interests and values, which are either rooted in cultural traditions or material sources. As their identities are not threatened, the outcome can be a mix of costs and benefits. In high intensity conflicts, the identity of the group is threatened. See the following figure:

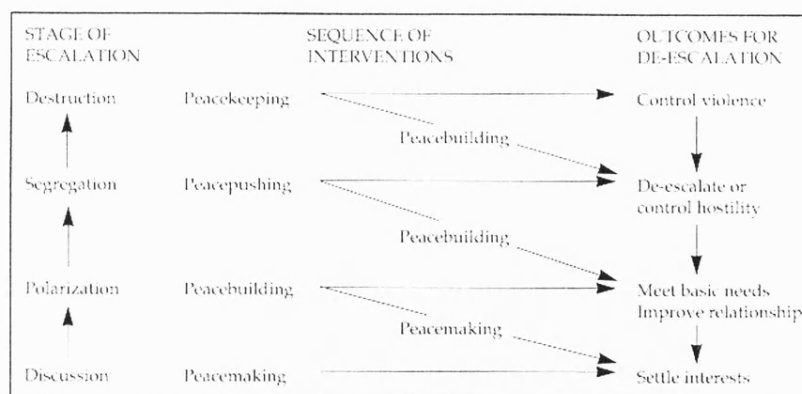


Figure 2: An Alternative Contingency Model.¹⁰

Interestingly, Fisher considers questions of territory as an aspect of high intensity conflict; therefore, territory is linked to needs.¹¹ Under this conceptualisation, one could argue that many facilitation efforts—including the Oslo process—could not succeed in producing workable agreements, since neither Israel's need for security nor

the Palestinians' need for identity were discussed under a rubric of facilitated analysis.¹² However, Fisher's slight shift in the emphasis of territory, as it is related to needs, does not significantly alter a needs-based approach. He seems to indicate that territory is an expression of the threat to a group's identity and, if perceptions can be altered, then needs 'are the cause, escalatory element, and hold...the potential for resolving' conflicts at all levels.¹³

Fisher's social-psychologically-oriented theory is outlined as an interactive conflict resolution approach which involves:

Small group problem-solving discussions between unofficial representatives of identity groups or states engaged in destructive conflict that are facilitated by an impartial third party of social scientist practitioners.¹⁴

This description does not differ significantly from Burton's formulation of the process of problem-solving.¹⁵ For instance, Fisher remains attached to the role that need identification plays in the process of resolving conflicts. The foundation of needs theory is not critically reassessed, and by preferring a social-psychological perspective, correcting misperceptions is viewed as the main task of facilitators. Like Burton, the third-party role is facilitative and analytical. A group of 'skilled' and 'knowledgeable' professionals work to uncover the reasons why conflicts have reached a stalemate and how through joint problem-solving they may be resolved.¹⁶

Fisher asserts that an important analytic concept for problem-solving is identity and its implications for intergroup relations. Since conflicts are cognitively either maintained or transcended, he incorporates humanistic psychology (subjective, descriptive, and holistic) as a theoretical basis for underpinning and explaining conflict resolution.¹⁷ By doing so, Fisher further clings to needs theory from a different starting point; he subscribes to a humanistic philosophy, which asserts that moral values constructed on 'critical reasoning' and 'scientific inquiry' can be located in 'human experience'.¹⁸ Fisher contends that this humanism requires the meeting of basic economic, physical, and cultural needs. He categorises these needs into seven groups:

1. Self-actualisation needs: the ultimate motivation, involving the need to fulfil one's unique potential.
2. Esteem needs: the need for achievement, competence and mastery, as well as motives for recognition, prestige and status.
3. Aesthetic needs: the craving for beauty, symmetry and order.
4. Cognitive needs: the desire to know, to understand, and to satisfy one's curiosity.
5. Belongingness and Love needs: needs that are satisfied by social relationships.
6. Safety needs: needs that must be met to protect the individual from danger.
7. Physiological needs: basic internal deficit conditions that must be satisfied to maintain bodily processes.¹⁹

Fisher argues that these needs are changing and following Cantril, argues that the range of satisfiers grows over time, while individuals need to feel they have the freedom to implement and trust the authorities to maintain and secure their needs.²⁰ When these needs become increasingly incompatible, violent conflict erupts. Therefore, since conflicts are relationships between groups, conflicts are 'social'.²¹ Fisher asserts that the significant factor to consider is how these social relationships are interpreted and conceptualised. The ways of changing perceptions are key issues to address, if a facilitated conflict resolution process is to bring about positive change.

At the theoretical level, Fisher contends that the identity of individuals and groups represents the interconnected nature of needs theory and intergroup relations. He points to other sympathetic scholars who place similar emphasis on identity as the most important need. For example, following an open systems approach, Oscar Nudler argues that identity is developed and maintained through a process of exchanges with the environment, which parallels Mead's view that identity is formed through social interactions.²² Fisher also points to Galtung, who argues that identity arises from social structures and borrows heavily from the psychologist Erikson, insofar as that individuals express their identities both as individuals and as groups.²³ By exploring the ideas of Nudler and Galtung, Fisher outlines a social identity theory. He states there are four propositions of social identity theory:

1. Individuals strive to maintain a positive self-concept and social identity.
2. Membership in groups contributes to an individual's social identity.
3. Evaluation of one's own group is based on a social comparison with other groups.
4. A positive social identity is based on favourable comparisons.²⁴

Fisher argues that these four propositions suggest that whilst an analysis should start with the intergroup, followed by a study of how these groups are comprised and are integrated or disintegrated. The eclectic model he outlines is designed to take account of all the stages of conflict development and resolution. The social-psychological theory, which is both the foundation and the methodology, is a 'combination of induction and deduction'.²⁵ He outlines his theory construction as:

The process of theory building moves from specifying the basic variables to the laws of interaction, the boundaries and system states, the propositions and empirical indicators, and finally moves to the hypotheses to be tested by research.²⁶

This type of theory construction is rooted in a particular type of rationality. Fisher argues theory building begins with locating appropriate variables and moves to laws, to empirical indicators, and finally to testing. His starting point lacks any great self-reflection. For example, what types of attitudes, knowledge, and interests does one bring to bear when formulating a specified theory for facilitating conflicts? As discussed in the previous chapter, a theory grounded on these type of assumptions, and where a critical self-examination of the theory's underlying assumptions is overlooked, leads to an automatic preference for instrumental rationality. Where Burton squarely places the focus on the individual as the unit to be analysed, Fisher opts for the identity of individuals and groups.²⁷ However, at the theory-building level, both share the emphasis they place on meeting the needs and finding appropriate satisfiers in order to resolve violent conflicts. Hence, at the meta-theoretical level, Fisher, like Burton, subscribes to a foundation that is premised on instrumental rationality. This, in turn, limits the possibility for conceiving other foundations that may better realise the aim of his project.

Fisher's description of theory construction demonstrates that meta-theoretical considerations are not significant, while types of empirical knowable knowledge is prioritised. This instrumental rationality favours scientific verifiable facts, and suggests

a methodology that can produce successful outcomes, which, over time, can be predicted through observing events and happenings.²⁸

Since instrumental rationality remains the foundation and the methodology does not significantly differ from Burton, Fisher's development is limited. At the theoretical level, his social-psychological approach neither furthers an understanding of the causes nor possible ways of resolving conflicts, since Burton incorporates a social-psychological component in his framework. For example, Burton attaches great importance to the role of perceptions, as well as the need to analyse and alter human behaviours.

In short, Fisher offers a model that includes more causes, escalatory steps and possibilities for resolving conflicts. His contradictory approach to needs theory, his failure to critically self-reflect on his own underlying assumptions, and his preference in formulating a framework that is designed to achieve successful outcomes limits the extent to which restructuring normative institutions can be conceived and enacted. There is another scholar who employs a social-psychological perspective, Herbert Kelman. The following section will examine whether he provides an alternative foundation for framing conflict facilitation and a theory of peace practice.

Kelman's Interactive Problem-solving

Facilitated problem-solving is an unofficial academically based third party approach to the analysis of resolution and of international and ethnic conflicts anchored in social-psychological principles.²⁹

—Herbert Kelman, 1990

Kelman attempts to expand the facilitated conflict resolution field by altering the problem-solving workshop as well as incorporating a social-psychological component.³⁰ Building on the formulation explicated by Burton, he develops the types of third parties that can assist in a resolution process, namely, the inclusion of interested citizens including students and journalists as a part of the third-party team.³¹ The social-

psychological aspect of his approach can be seen in the emphasis placed on addressing the fears disputants express.³² As an active practitioner, he has arranged numerous workshops between Arabs and Israelis concerning the Palestinian question, the status of Jerusalem, as well as the Cyprus conflict. In his view, conflict resolution is about changing individuals' attitudes and the images they hold of the other. Kelman describes his framework as 'interactive problem-solving', which considers the following:

1. A broad range of elements that influences relationships. In short, one looks to positive incentives and to developed positive strategies, for example, Sadat's visit to Jerusalem.
2. Our social-psychological analysis suggests broader goals to which negotiations are to be directed.
3. This analysis focuses on the way interactions among parties, at different levels, create the conditions that help to feed, escalate and perpetuate conflicts.³³

The problem-solving workshops form a prenegotiations step towards official negotiations. As the prenegotiations stage is unofficial and participants are free to express ideas without committing to anything, a political environment is created that is conducive to achieving agreements.³⁴ Kelman contends that the second-track problem-solving workshop can continue to contribute to official negotiations, even while official negotiations are under way. Moreover, after particular negotiation processes, the workshop format can be utilised by participants to cement relationships and to assist in the implementation of agreed policies.³⁵

Kelman's composition of a third-party panel differs from other scholars such as Fisher and Burton. That is, in addition to academics, Kelman introduces *preinfluentials* (interested postgraduate students and those who have links to decision-makers).³⁶ The positive role that may be played by *influentials* (journalists and advisors to decision-makers) as well as representatives of decision-makers are preferred, since they have direct access to the authorities who would implement policies. He also asserts that the third-party members, who are scholars, should have intimate knowledge of the conflict area.³⁷ This conception differs from other descriptions. For example, Burton insists that third parties should be social scientists who are skilled experts in resolving conflicts.³⁸ Area specialists are discouraged as they may be either prejudicial or their perceived

neutrality might be compromised.³⁹ Kelman maintains that this second-track effort could transform and has influenced official first-track negotiations such as the Oslo process.⁴⁰

Kelman's concentration on the Israeli-Palestinian question can shed interesting light on the Norwegian-facilitated process between Israel and the PLO. In the 'interactive problem-solving' workshop format, a third-party panel of knowledgeable academics assist the disputants in a facilitated analysis of the conflict. Each side sends three to six representatives. A preliminary session is held with each group to explain the purpose and procedures to be followed in the facilitation process.⁴¹ This is followed by joint meetings for two-and-a-half days in an academic setting. The environment is confidential, private, and does not bind any party to particular formulations. The disputing parties begin by describing how they see the conflict; the causes, positions, and any possible ways of transforming it. The third-party panel can re-articulate all parties' positions and, if appropriate, introduce a comparison with other conflicts. Subsequently, the conflicting parties are encouraged to explore the motivations and causes that may underlie the expressed conflict. During this analytic phase, ways of overcoming the political and psychological obstacles are discussed.

The third-party panel acts as a repository of trust, enforces ground rules, and intervenes to keep discussions moving. The panel assists in identifying steps, which are designed to reassure one's identity, quell existential fears, and foster confidence-building. Kelman suggests that these can be shown in the form of symbolic gestures such as the Letters of Mutual Recognition offered by Israel and the PLO in conjunction with the Declaration of Principles (DOP). Such gestures can help change the attitudes and perceptions of the parties in the resolution process. Changed perceptions among parties can feed back into the official political debate.

Kelman maintains that out of the six Palestinian representatives who participated in these unofficial efforts under the auspices of the Harvard Centre for International Affairs, four went on to participate in the Madrid Peace Process.⁴² The problem-solving workshops apparently continued until the autumn of 1993. Additionally, meetings were held subsequently to discuss how to overcome the challenges of the Oslo peace process.⁴³ Kelman claims that these workshops comprised of small groups, which occurred after the signing of the DOP and received advice from individuals who were involved in the initial unofficial and subsequent official phases.

There seems to be a contradiction in Kelman's assertions. First, he purports that the problem-solving workshops indirectly helped to make the Oslo Channel a success, since some of the Palestinian representatives participated in both his and the Norwegian process. He summarises the contributions his unofficial workshop process made to the official negotiations as follows.⁴⁴ First, the unofficial process helped individuals to prepare for conducting

[p]roductive negotiations by sharing information and formulating new ideas that provided important substantive input to the negotiations and by fostering a political atmosphere that made the parties open to a new relationship.⁴⁵

Second, by injecting new intellectual ideas during the unofficial process of problem-solving workshops, individuals could refer back to the format to re-ignite the momentum, sustain and improve the outcomes back in the official arena.⁴⁶

Yet, as demonstrated in the first chapter, the process of the Oslo talks did not precisely follow an 'interactive problem-solving' format. Furthermore, although the spirit of Oslo included some elements present in the formulation of a problem-solving workshop methodology, the Norwegian third-party panel leader, Terje Rød-Larsen, expressed that he was following an organisational theory approach and that he was not aware of any specific theories of conflict resolution.⁴⁷

Subsequent to his alleged contribution to the Oslo process, Kelman seems to contradict such contributing roles as he asserts that the DOP was a series of

compromises.⁴⁸ Thus, a settlement—and not a resolution of the conflict between Israel and the Palestinians—was reached. Kelman contends that the Letters of Mutual Recognition were an important development. Interestingly, this document resulted from the very final stages of official negotiations, which was suggested by the late Norwegian Foreign Minister Holst. These letters were designed to rescue and to reaffirm each side's commitment to the overall peace process. The participants have asserted the principles themselves and the policies contained within them are as significant as the symbolic gestures of recognition.⁴⁹

The question becomes if some of the parties who participated in the Oslo channel were influenced by the concepts and the process of 'interactive problem-solving', then why were no references made to any conflict resolution literature? Kelman's contribution lies in his insightful critique of the substantive process. He points out that the major flaw in the document was that

[i]t was designed to give the Palestinians the hope and expectations that in the end, they would have an independent state and to give the Israelis the assurance that they were not committing themselves irrevocably to a dangerous set of arrangements.⁵⁰

Following an 'interactive problem-solving' process would have aimed at resolution rather than compromises. One could contend that the different roles played by a third-party team in both an 'interactive problem-solving' scenario and the Oslo Channel are essential components for shaping the format of the facilitation process. Following Kelman's formulation, a third-party panel would help the disputants to identify satisfiers that would meet their needs in an analytic process. Additionally, theories of conflict and conflict resolution, including the principle of reciprocity, would be introduced for discussion. The Norwegian third-party team remained mostly outside the talks and acted only when asked directly by either side.

While the Norwegian third-party team overlooked conflict theories of dynamics, escalation, and de-escalation, the problem-solving workshop described by Kelman ignores the possible contribution a third party can make by remaining outside of direct

dialogues between conflicting parties. Neither framework includes a process where third parties can question their own motivations and assumptions. Questioning of the predispositions and presuppositions that third parties hold might lead them to recognise that third parties, by virtue of interactions, shape any facilitation process. Furthermore, a critical examination of one's assumptions might introduce previously excluded frameworks for inclusion in a facilitation effort.

In short, at the methodological level, Kelman's 'interactive problem-solving' formulation is only a slight modification of the fundamental principles of Burton's dominant approach. That is, in the method of problem-solving workshops, the analytical role to be played by the third-party team does not differ substantively from the one explicated by Burton.⁵¹ Kelman is right to point out that the benefits of the workshops should not be underestimated, since disputants in such an environment can learn that there is someone to talk to and something worthwhile to talk about.⁵² Consequently, they discover that positive change is possible and achievable.

Kelman does not formulate any specific theoretical framework for underpinning his practice of 'interactive problem-solving'. There is a clear attachment to the requirement for meeting basic human needs; however, even needs theory is not articulated as a possible foundation for his methodology. He explicitly asserts that his approach is 'not anchored in any theory'.⁵³ The construction of theories is deemed less important than conceiving of helpful and specific procedures. This raises at least one significant problem. Suggesting that a theoretical foundation is not essential in developing a practice of conflict resolution implies that only the ways of practising facilitation is important to consider in the conflict resolution discipline. This further indicates that only by observing facts and events can theoretical frameworks be derived. The inference that practice not only drives theory, as Burton and others have asserted,

but should form the core position in formulating facilitation perspectives suggests that any number of substantive frameworks can be used to achieve successful outcomes.

Following Burton, Kelman argues that the parties' existential fears, which are intrinsically tied up with identity and security, must be addressed for resolution to take place and not settlement. Second, conflict should be viewed as an intersocietal happening and the relationship not only between groups but within them must be analysed in the facilitation process, if agreed policies are to be deemed legitimate and self-sustaining.⁵⁴ Third, conflict is an escalatory process where perceptions become reified, creating situations of protraction. Since attitudes become entrenched, Kelman argues that individuals impose cognitive constraints on absorbing new information or new ideas; hence, communication breaks down.⁵⁵ Gaining insights into the other's perspective and sharing positions can contribute to re-establishing communication thus making change possible. Thus, a conflict that has greatly escalated can be de-escalated so the dynamic shifts from power politics to reciprocity.⁵⁶ Fourth, positive incentives and the principle of reciprocity is essential in bringing about resolution of conflicts. That is,

[s]earching for solutions that satisfy the needs of both parties create opportunities for mutual influence by way of responsiveness to each other's needs.⁵⁷

Finally, international conflict is a dynamic phenomena that encompasses and always has the potential for producing positive change. These social-psychological principles suggest the anchoring of Kelman's approach to particular assumptions and therefore his practice is geared towards fulfilling the principles' conditions. The principles of identifying the identity group and the relationship between them as appropriate units of analysis ignore the individual in the socio-historical context. Conflicts are indeed a clash of values between groups and societies. However, by not including the social environments in which individuals operate, the goal becomes reaching functional relationships, rather than explicitly conceiving ways of transforming

norms. One could argue that parties seek to restructure norms and institutions when they enter into a facilitated resolution process. However, by aiming primarily for successful outcomes, important as they are, the process of building legitimate norms and the ways of transforming them are overlooked. Consequently, a dialogical process that would allow for the participants to consider how new norms may be arrived at are also neglected.

The principles of cognitive impediments and the need for reciprocity further demonstrate that social-psychological elements are present in Kelman's procedural formulation. As the success of outcomes becomes prioritised, the consideration of underlying assumptions of the facilitation process is marginalised. This lack of self-reflection combined with an assertion that his practice does not need to be grounded in a theoretical framework, makes Kelman's approach less adequate than other formulations. Although Fisher and Burton attach great importance to effects of practice on theory building, they nevertheless do firmly explore the foundations for formulating a theory of facilitated conflict resolution.

However, Kelman unhelpfully prefers practice over theory. As all practices and theories are intrinsically connected, for both shape and are influenced by one another, his claim that his approach is not anchored in any theory is misleading. In his case, the methodology of 'interactive problem-solving' is rooted in needs theory. By not recognising his theoretical commitments, Kelman fails in questioning the underlying assumptions associated with a needs-based approach. The process of theory construction is essential to reflect on as its consequent frameworks can either expand or restrict the possibility of any suggested methodologies. A critical examination of one's underlying assumptions reveals the socially constructed nature of both theories and methodologies. As Kelman ignores such an endeavour, he does not substantially expand a way of engaging facilitated conflict resolution efforts. Instead, Kelman

succeeds in contributing to reinforce the Burtonian problem-solving methodology and its theoretical commitments to human needs. The practical contributions of elaborating on the types and nature of third parties are important as the methodology is broadened to encompass hitherto unconsidered options. Nevertheless, the 'interactive problem-solving' methodology does not suggest a fundamental shift in the way conflicts are to be resolved. His social-psychological perspective adds additional components to Burton's framework; however, these components can be easily incorporated into the dominant-facilitated conflict resolution perspective, presented by Burton.

Needs Theory: Proponents and Critics

The fundamental need in a programme of studies on conflict resolution is to examine violent conflicts, not as problems in themselves, but as features of an international political system which is failing to meet the needs of the world's peoples.⁵⁸

—Michael Banks, 1987

Self-reflexivity and freedom are inseparable; both are ontological needs. Freedom is a universal need wherever self-reflexive minds develop. Without freedom to develop, the mind is restricted and we become less than human beings.⁵⁹

—Joseph Scimecca, 1990

The social-psychological approaches, exemplified by Fisher and Kelman, suggest the prominence of needs theory. In this section, scholars who attempted to expand and refine needs theory through critique will be discussed. This section will address the following questions: to what extent do some attempt to expand needs theory? Are the criticisms levelled against it so far-reaching and are radically different frameworks offered?

The Defenders

A contemporary of Burton, Edward Azar suggests a methodology of problem-solving. He argues that the analytic 'phase of need identification is essential to the

resolution process and must precede negotiation...or other settlement processes'.⁶⁰ The problem-solving workshop methodology is designed to help the disputants identify and ascertain ways of satisfying unmet needs with the facilitated assistance of a third-party team. Additionally, the workshop process is intended to be a second-track effort, which can pave the way for official first-track negotiations.

One problem-solving effort regarding the conflict in Lebanon is described. A workshop series was held for a period of four days, which included influential non-decision-makers (such as community and religious leaders) to discuss the causes and possible ways of resolving the conflict. Azar insists that the third-party panel must be 'objective, knowledgeable, skilled...trusted'.⁶¹ While they do not need to be experts as Burton asserts, members of a third-party team should possess general knowledge of conflict theories.⁶²

The problem-solving workshops began with each side presenting their own positions. This was followed by a facilitated analytic phase where the hidden motivations of the disputants and possible ways of resolving the conflict were examined. The interchange revealed a number of common needs and values including security, identity, equality, participation, control, and freedom.⁶³

Azar asserts that this type of a process can help towards formulating ideas and agreements, which can translate into concrete implementations such as the 1989 Taif Accords.⁶⁴ Consequently, through the process of facilitated conflict resolution, the observable features that tend to protract conflicts, including social, political, and economic inequalities, can be re-addressed.

At the theoretical level, Azar argues that conflicts are related to problems of underdevelopment and lack of distributive justice. He places the focus not on the individual as the unit of analysis, but on the identity group.⁶⁵ He argues that it is necessary to explore the relationship between conflict and structural inequalities that

characterise underdevelopment, since they are the causes of protracted conflicts. Causes of structural inequalities are social, since it is the interaction between institutions and their impingement on identity groups that perpetuate conflicts.

We are led to the hypothesis that the source of protracted social conflicts is the denial of those elements required in the development of all people and societies and whose pursuit is a compelling need in all. These are security, distinctive identity, social recognition of identity and effective participation in the processes that determine conditions of security and identity and other such developmental requirements. The real source of conflict is a denial of those human needs that are common to all and whose pursuit is an ontological drive in all.⁶⁶

Like Fisher, Azar shifts the focus from the individual to the identity group as the unit of analysis. Furthermore, although Azar places much emphasis on the role of underdevelopment, he views the satisfaction of needs as an integral part of resolving protracted conflicts.

The needs framework is contextualised in an approach that includes the concept of underdevelopment. This is an added component to the needs theory framework. Burton values the ontological nature of needs, while Kelman and Fisher situate needs within a social-psychological perspective. Although contributing an important insight, Azar's structural inequality argument does not consider how these unequal structures have developed. That is, he excludes a deep study of the socio-historical nature of structures.⁶⁷ He contends that the inequality among groups and communities can be located in the economic deprivation.⁶⁸ The causes that have led to structural inequalities though are overlooked, including the technical progression of modern institutions. As Marx and Weber have diagnosed, the pathologies of modernity lie in the bureaucratisation and prioritisation of scientific methods.⁶⁹ Science, technology, and administration in modernity affect both states and markets. The necessity for increasing efficiency means at times overlooking the possible detrimental costs to individuals and groups. If political communities believe their needs cannot be satisfied as the institutions are arranged against them, conflicts arise and violence may erupt.

By neglecting the formation of unequal structures, Azar misses an underlying reason for occurrence of structural inequalities. That is, one consequence of prioritising scientific methods and technical progress is the dominance of instrumental rationality. To this extent, Azar is no different from Fisher, Kelman, or Burton. Consequently, Azar expands needs theory but does not go significantly beyond it to formulate a framework that could allow the parties in conflict to find their own solutions. Azar runs into similar difficulties as Burton when he ignores the predominance of instrumental rationality.⁷⁰

Bridging the Theory-Practice Divide

Michael Banks most actively seeks to complete the theoretical gaps in Burton's formulations. He concurs with most of Burton, including needs theory, facilitated problem-solving methodology, and a commitment to a broad theory that can go beyond realist conceptions of international politics. Burton contends that theories, including his needs-based framework, are largely derived from practices. However, unlike Burton who maintains that theories are largely derived from practices, Banks asserts that theory and practice are intertwined.⁷¹ In his words:

There is indeed an international relations system out there, and its institutions and organisations are real enough. But the real world is also made up of habits and practices and theories of how it all works. The theories are, to some degree, self-fulfilling and self-perpetuating. They help to create the reality that we have to deal with. We do need to recognise that the existing system is shaped and conditioned by ideas.⁷²

This insight is one ignored by many scholars and practitioners within the facilitated conflict resolution field. Banks' 'moderate' position becomes apparent when he argues that only by recognising the interconnected relationship between theory and practice can an adequate general theory of conflict resolution be formulated.⁷³ He rejects the view that either practice or theory should be considered to be more important. Those who contend that theory drives practice are subjectivists, maintaining ideas and institutions directly shape practices and policies. Conversely, those who

advocate that practice drives theory are objectivist as they believe that data and observations can be produced on a value-free basis. However, as Banks subscribes to Burton's theoretical and methodological frameworks, this important connection that he aims to establish and develop becomes marginalised.

At the methodological level, Banks adopts a Burtonian approach to conflict resolution. In a later work with Chris Mitchell he offers a detailed procedure for conducting facilitation efforts, favouring the process of problem-solving that is proposed by Burton.⁷⁴ For example, the facilitated analytic role to be played by third parties is endorsed.⁷⁵ Furthermore, he insists that the content of a resolution process should be decided by the parties themselves, since participation along with identity is a felt 'human need'.

As a follower of Burton's problem-solving methodology, Banks subscribes to the significance of needs theory as a basis for formulating a general theory of conflict resolution.⁷⁶ In short, his theory of conflict resolution is founded on 'a recognition that the point of departure must be the needs and values of ordinary people'.⁷⁷ As extensively discussed in the previous chapter, a Burtonian needs-based approach prioritises the individual. The individual comprises the unit of analysis, since needs are ontological to a person. As conflicts arise from the inability of individuals to have their needs adequately fulfilled, Banks suggests that conflicts transcend state boundaries. Therefore, a world society perspective is offered as a contributing component for building a 'new paradigm' of pluralism.⁷⁸ This world view, which incorporates a world society approach, holds that a cobweb of networks cuts across state boundaries to affect individuals and groups within and between countries.⁷⁹ This differs from the dominant realist account of international politics, where power was seen to lie in the interaction between states. Furthermore, the two schools viewed war and conflict differently. According to the realist school of thought, war was seen to be inevitable and scholars

searched for palliatives. In contrast, the pluralists viewed wars as avoidable and conflicts as resolvable. Therefore, scholars following this school of thought, including Burton and Banks, sought to formulate frameworks to resolve violent international conflicts.

Banks positively views the concepts produced during the behaviouralist movement's dominance in International Relations. Banks views pluralism as:

The product of the behavioural revolution because it is based on empirical findings produced in that very solid period of critical scholarship and quantification in the discipline. The findings consist of things that scholars have observed in the world, technical findings from technical studies which do not fit realism and cannot be explained by the old paradigm.⁸⁰

Since observations indicate that the realist paradigm cannot explain phenomena such as violent conflicts, then a new world view based on focusing on the relationships of individuals who strive to meet their needs is apparently required. While he supports the methodological challenge undertaken by the behaviouralists, Banks rejects the resulting specialisation in theory-building.⁸¹ A general theory for conflict resolution is advocated since, 'It is simply not possible to talk about the world without having a general theory, however tacit or implicit'.⁸²

Like Burton, Banks maintains that needs theory is deemed a significant component of building a general theory of world society as he maintains

Conflict is both inevitable and necessary. It is inevitable because both people and groups have basic needs, which are expressed in society through competing values and clashing interests. It is necessary in order to provide the catalyst for social processes, without which life would hardly be worthwhile: stimulus, challenge, change and progress.⁸³

By remaining committed to a Burtonian theoretical framework and methodology, Banks falls short of realising his goal of completing the theoretical gaps in Burton's project in at least three ways. First, there is a direct contradiction between choosing needs theory as a basis for formulating a general theory and the aspiration to formulate a framework that recognises the interconnected relationship of theory and practice. The Burtonian needs theory based approach is entirely endorsed by Banks. This theoretical framework, Burton maintains, is derived from practices as practices are viewed to drive

theories.⁸⁴ However, according to his own distinctions, any theory that is derived from observing events and practices is incomplete. That is, theories grounded on practices are inductively-oriented, objectivist, and empiricist.⁸⁵ This type of an approach to theory, Banks asserts, should be replaced with an approach to theory formation that views theory and practice as inseparable; in other words, praxis. This understanding of the theory-practice relationship indicates a theory that would be intersubjectively-oriented. Since practice and theory equally shape one another, how they become constituted by individuals would have to be addressed. The mechanism and processes that shape praxis should be considered including communicative interactions.

Consequently, according to his own suggestion of adopting a theory-practice connected relationship, it would appear that needs theory is not a sufficient basis for constructing a general theory of conflict resolution. Yet, rather than exploring the possible frameworks that might include the concept of praxis, Banks falls back on needs theory. As a result, the concept of praxis is dropped. Furthermore, his aim of suggesting a new basis for building a general theory is lost.

Second, inductivist methodology rejected by Banks is kept in his acceptance of problem-solving. The belief by observers that they can be neutral in the process of gathering and interpreting data is seen by Banks as an unhelpful stance for developing a methodology. However, the methodology advocated by Burton is not critically examined. The assumptions that underlie needs theory as well as the theory itself is preserved without any changes. Consequently, though he objects to an inductively oriented methodology, Banks seems to be firmly committed to precisely such a methodology.

Third, Banks' subscription to needs theory and lack of self-critique led to a prioritisation of instrumental rationality. That is, under instrumental rationality, one aims to gain control over one's nature. For example, Banks asserts that conflict requires

healthy expression and should be 'brought under societal control'.⁸⁶ This expression illustrates the implicit commitments to instrumental rationality. A rationality that prioritises the inductivist methodology—which he views unsatisfactory in one aspect of his argument—is chosen as an appropriate methodology that can form a theory for conflict resolution.

Banks powerfully argues against the dominance of realist approaches to achieving peace.⁸⁷ However, his failure to critically reflect on the assumptions that he utilises to propose a theoretical framework leads him to undermine his goal. If the underlying assumptions of his purported theory were critically examined and reflected on, then inadequacies of those theories and meta-theories would become evident. That is, if one critically scrutinises needs theory, for instance, the methodology it suggests as inductivist would be apparent.⁸⁸ Consequently, alternative frameworks might be considered that would help Banks to construct a theoretical framework that incorporates the concept of praxis. However, this understanding of a theory-practice relationship cannot be fulfilled as he does not question his own assumptions and moreover, accepts the Burtonian framework as a good basis for constructing a general theory.

A number of other scholars have attempted to elaborate needs theory, but only Banks presents the insight of the concept of praxis. By not exploring ways of constructing theories based on praxis, the aim of completing the theoretical gaps in Burton's ideas becomes difficult to achieve. That is, in order to fill in the gaps, the constitutive components should be deconstructed and their underlying assumptions closely examined. As this process is not carried out in Banks' writings, the theoretical gaps are not filled in. Rather, the Burtonian theory and methodology are reinforced as a promising framework in the conflict resolution field.

Another Proponent

One thinker who attempts to elaborate needs theory, while preserving its primacy is Joseph Scimecca.⁸⁹ He follows Burton when he asserts that a study of human behavioural relationship offers a way of formulating a theory for resolving conflicts.⁹⁰ Scimecca argues conflict resolution should be a 'normative, prescriptive' science.⁹¹ He insists that Burton's needs theory is the most developed conflict resolution framework.

Therefore, he puts forward a needs-based approach that is ontological, but not genetic, suggesting two universal needs can subsume all others:

1. Self-consciousness, which can only be derived from self-reflexivity (the ability to think back and reflect upon one's actions).
2. The concomitant need for freedom, which is the only condition which enables self-reflexivity fully to develop.⁹²

Scimecca incorporates Eccles' notion that the human mind is not genetic and Mead's argument that the human mind is shaped by interactions and relationships between the self and others, which is reinforced by the use of 'significant symbols'.⁹³ Scimecca further notes Mead's understanding of language as a social activity that governs social relationships.⁹⁴ He argues that self-reflexivity is an ontological need, since all individuals can interpret and think back on actions that have been undertaken and those that have yet to transpire.⁹⁵ Therefore, self-reflexivity is a basic need.

The second basic need of freedom is defined as freedom of an individual's capacity to develop.⁹⁶ This capacity is moderated and influenced in the context of social relationships. Since freedom can produce positive and negative consequences, he maintains that it is social and ontological. Hence, self-reflexivity and freedom are coterminous since these two needs can counter the genetic basis of Burton's approach and Scimecca contends that all other needs can be subsumed under them.⁹⁷ The criteria

for needs fulfilment can be judged according to whether individuals have the freedom of 'thought' and 'action'.⁹⁸

Scimecca's identification of the significance of self-reflexivity presents the most promising point of departure within the needs theory approach. However, the philosophical and theoretical assumptions such a framework raises remain undeveloped. The Mead perspective of role-taking and labelling of language as an interactive social activity are not used to formulate a consideration of radical alternatives to needs. There is still the belief that satisfaction of needs is ontological to the human species. While removing himself from a socio-biological stance, Scimecca is not sufficiently self-reflexive. How individuals in relation to one another act within the infrastructure of language and how this act brings forth a variety of reasoning is overlooked.

Scimecca engages in a critique of the paradigm he wishes to expand by considering each of Burton's nine identified needs.⁹⁹ While recognising Burton's unhelpful attachment to a genetically-oriented understanding of needs, unfortunately Scimecca rejects the genetic argument only because there is no empirical evidence to support the existence of needs beyond the purely physical.¹⁰⁰ Such an assertion overlooks a more fundamental difficulty with a genetically or socio-biologically grounded theory. That is, a genetic foundation of needs is inadequate as it indicates a reliance on a positivist epistemology and foundation of instrumental rationality. Needs are socially constructed and mediated through interactions among individuals, groups, and political communities. A genetic-based approach ignores this social component. Hence, the ways in which needs are developed and identified through a variety of differing knowledge formations are excluded.

In short, the deconstructive process is not carried to its full conclusion, as Scimecca does not question the fundamental necessity of framing a theory of facilitated conflict resolution grounded on needs. Rather than engaging in such a deconstruction,

the critique is partial. Furthermore and more importantly, rather than formulating or conceiving alternative theoretical frameworks that are different from needs, he contends that a 'prescriptive theory of conflict resolution can be deduced' from the foundation of self-reflexivity and freedom needs.¹⁰¹ In this line of development, the theoretical framework relies on a positivist epistemology of deduction. More unfortunate is the missed opportunity of extending self-reflexivity to re-write a promising approach to facilitating violent conflicts that would include reflexivity and a different foundational form of rationality.

Critiques

Critiques of Burton and his approach to facilitated conflict resolution are numerous. Wehr and Lederach suggest a different type of a third party for facilitating conflicts.¹⁰² Based on direct experiences as facilitators in Central America, they contend that the third party should come from the conflicting environment.¹⁰³ They assert that if third-party team members are chosen from the environment of the conflict, the third parties will have the advantage of already having established trust with the disputants.

The type of a facilitative role this team should play does not differ significantly from other descriptions. For instance, Wehr and Lederer follow Burton's facilitated analytic approach including identification of needs. The difference lies in the kinds of third parties that are favoured under this rubric; a sympathetic party who comes directly from the conflicting environment is preferred.

The contributions these types of third parties can make in helping to advance negotiations is an interesting point. Disputants may feel they are able to trust someone or persons with whom they have had prior contacts. However, for the same reasons, the conflicting parties may only be willing to participate in workshops with neutral third

parties. If experiences are to be the basis, then the practices of the Oslo Channel would suggest that an outside third party is viewed more favourably, since they are deemed to be less biased than a third party team which comes from the local environment. As Burton argues, perceived neutrality is an important component for confidence-building between the disputants and a third party team.

The methodological broadening of the types of third parties is Wehr and Lederer's greatest contribution. Otherwise, they do not explicate any theoretical frameworks. Theories and—more significantly—the assumptions that form the grounding for theories are essential to contemplate as praxis is constituted by both practices and theories. Therefore, it is contended that Wehr and Lederer's critique applies to a very specific component of practising facilitated conflict resolution.

Avruch and Black provide a very powerful critique of needs theory along similar lines. That is, they adopt a cultural anthropological position as they argue that culture is the basis for building a theory of resolving conflicts.¹⁰⁴ Only by starting from the local context can ways of resolving conflicts be located. Similarly, Avruch and Black contend that third parties should come directly from the local environment as they most probably possess a greater understanding of the desires and aims of the disputants. They assert that Burton ignores culture in his formulation of needs theory and problem-solving workshops.¹⁰⁵

By arguing that culture should form the core of a conflict resolution approach, Avruch and Black indicate their preference for a similar understanding of the theory practice relationship as Burton. That is, culture is derived from practices and observing events. As discussed previously, Burton prioritises practice over theory. Hence, like Burton, they fail to approach the two concepts as a unified whole.

Additionally, a cultural perspective does provide a helpful reminder in rethinking needs theory because it sparks an unravelling of the assumptions that

underlie it. However, a culturally-grounded perspective, while providing an understanding of possible causes and the protracted nature of conflicts, does not offer a helpful perspective for overcoming cultural differences between political communities. It is an important element to include in the formulation of facilitated conflict resolution theories. However, as a theoretical basis, it too is incomplete. Avruch and Black simply replace needs with culture. The critical examination of assumptions that would underlie such a relativist position are not explored. Therefore, they do not provide an alternative foundation that can expand the facilitation of conflicts. Rather, they offer an often neglected dimension to be included in the construction of conflict resolution perspectives.

There is yet another important critic who contributes in pointing out the shortcomings of needs theory. Mitchell asserts that needs theory fails to take into account the possibility that needs can be both positive and negative.¹⁰⁶ Likewise, the increasing proliferation and pursuance of them may lead to a more protracted conflictual situation:¹⁰⁷

1. The need for security could become the need for dominance.
2. The need for identity could become the need for an outgroup and an enemy.
3. The need for recognition could become the need for admiration or status, at the expense of others.¹⁰⁸

Interestingly, Mitchell points out that a flaw of needs theory is that it relies on observations of behaviours, rather than conducting direct observations about needs themselves.¹⁰⁹ How needs are to be directly observed is not clarified. The difficulty in such an approach is that Mitchell is still reliant on direct observations to formulate theories about conflict resolution. He does not deviate significantly from a Burtonian problem-solving workshop methodology. Mitchell articulates his problem-solving workshop approach as follows:

1. Representatives of the parties in dispute should meet in the presence of a panel of 'consultants' who facilitate exchange.
2. The consultants should be fully competent and qualified in relevant disciplines and have practical experience.

3. The objective of the meeting should be to analyse all the aspects...examine all options for moving the conflict towards an acceptable solution.¹¹⁰

In this conception of the facilitated conflict resolution process, Mitchell asserts that third parties can introduce different theories to assist the disputants to understand how the conflict came about and how it may be resolved. He favours such theories as integration, escalation, and de-escalation. Mitchell suggests that as needs exist in degrees of importance, a variety of third parties can help to locate different satisfiers in the problem-solving workshops. At the methodological level, Mitchell's conflict resolution approach does not greatly extend Burton's framework. Simultaneously, his perspective does not fundamentally differ from those of Banks and Azar. Mitchell seems to subscribe to a facilitated analysis method where needs theory plays an important focal point.

In other words, while he continues to critique needs theory, Mitchell does not offer a framework that goes beyond needs theory. He questions assumptions such as which needs promote or hinder conflict resolution, how one distinguishes between needs that are directed at fulfilment and those that are not, and whether resolution means fulfilling needs completely or not at all, or only by degrees, if they divisible.¹¹¹

Mitchell suggests that needs can be better understood if one sees them as occurring in shades. If needs can be exchanged, then they can be negotiated.¹¹²

If needs are essentially static then particular, limited, strategies become the only ones available to achieve a resolution of a needs-based, deep-rooted conflict. If needs change over time, then a range of other strategies become, in principle, feasible for dealing with the adversaries. Different satisfiers can become appropriate in different circumstances.¹¹³

Unlike Burton, Mitchell blurs the distinction between resolution and settlement.¹¹⁴ For Mitchell, the emphasis lies on locating particular satisfiers to resolve a conflict. As he puts it, '[s]uccessful conflict resolution then becomes a matter of the extent to which alternative termination arrangements will fulfil the parties' basic needs'.¹¹⁵ Therefore, he contends that satisfiers should form the starting point in theorising about conflict resolution. In this way, one can see how conflicts arise,

escalate and can be resolved, for example by expanding satisfiers or providing alternative ones.¹¹⁶ Mitchell maintains that there is a hierarchy of needs satisfiers. He identifies the task of a general conflict resolution theory as discovering which satisfiers meet which needs of individuals so that violent conflicts can be avoided or resolved. Furthermore, it is important to know which satisfiers are culturally-dependent and which can be transcended.¹¹⁷

This slight shift in emphasis from examining needs to satisfiers does not suggest that Mitchell is providing an alternative foundation for building a theory of conflict resolution. Rather, he highlights some of the ambiguous implications of applying needs theory. To this extent, he clarifies the existing gaps in Burton's framework. He also offers ways of broadening the facilitated problem-solving workshop methodology by incorporating different types of third parties as well as prioritising the importance of locating appropriate satisfiers to resolve conflicts. Additionally, Mitchell articulates reservations regarding the ontological character ascribed to needs.¹¹⁸ Though all of these criticisms are insightful and help to clarify ideas to be explored, Mitchell does not offer a radically different foundation. Indeed, the methodology he suggests is still firmly rooted in needs theory.¹¹⁹ Therefore, although a space is opened up by the critiques of needs, a specified alternative framework is not fully explicated. Mitchell supports this contention as he states:

The study of conflict and its resolution is badly in need of a sound foundation from which both analysis and practical strategies for resolution can proceed.¹²⁰

Recent Scholarship

The unique promise of mediation lies in its capacity to transform the character of both individuals and society as a whole. Because of its informality...mediation can allow the parties to define problems and goals in their own terms, thus validating the importance of those problems...goals.¹²¹

—Robert Baruch Bush and Joseph Folger, 1994

Thus far, alternative frameworks for facilitating conflict resolution as outlined by Fisher and Kelman have been presented. Subsequently, proponents and critics of need theory and their attempts to expand or complete Burton's theoretical gaps were discussed. All of these scholars aim to move beyond the dominant theory offered by Burton. While their perspectives contribute to an understanding of needs theory, the scholars mentioned thus far only offer slight modifications to Burton's approach. Hence, none move significantly beyond the instrumental rationality-based philosophical foundation of Burton. More recent writings have generally consisted of even more guidelines and technical advice on the conduct of actual facilitation or third-party intervention.¹²² At the theoretical level, theories of integration and fragmentation have been utilised to provide an understanding of the apparent increase in intra-state and inter-communal conflicts.¹²³

Miall, Ramsbotham, and Woodhouse argue that since conflicts are habits which pervade social relationships, they can be transformed by adopting measures of social justice.¹²⁴ Rather than focusing on conflict resolution, these scholars focus on conflict transformation. They follow a Galtung or Azar line of argument as they view conflict transformation as altering social structures and bringing about more equal development among the underdeveloped states. A bottom-up approach is advocated and internal third parties are encouraged to resolve these international social conflicts.¹²⁵ The second-track informal conflict resolution is put aside in favour of third-party actors such as the UN, regional organisations, and NGOs. Miall, Ramsbotham, and Woodhouse provide an interesting shift from the original positions of Banks, Azar, and Fisher from

world society or pluralist, to structural change and social-psychology by including the wider social environment. Yet, a methodology based on quantitative data collection is favoured.¹²⁶

Finally, the advocates of transformative mediation, Bush and Folger, offer a promising move from the facilitated problem-solving approach to one based on a facilitation effort that emphasises communication. They argue for a foundation of a prescriptive theory that is based not on needs, but on the concepts of empowerment and recognition.¹²⁷ Building a framework for facilitating conflict resolution should involve ‘empowering’ disputants to define their goals, problems and solutions.¹²⁸ The third party’s role is to enhance ‘interpersonal’ communication. Bush and Folger assert that the transformative approach based on engendering moral progress (for oneself and empathy for others) that can translate into new institutions and structures should be the most important goal of the facilitation effort.¹²⁹ They argue such a framework would result in ‘better people’ and a more satisfactory prescriptive theory.¹³⁰ Bush and Folger argue that transformative mediation is qualitatively different from problem-solving approaches because success is not defined as reaching agreement, but as improving the individuals who participated in such a process. A mediation is successful:

1. If the parties have been made aware of the opportunities presented during the mediation for both empowerment and recognition.
2. If the parties have been helped to clarify goals, options...resources and...to make informed, deliberate and free choices regarding how to proceed.
3. If the parties have been helped to give recognition wherever it was their decision to do... Successful mediation will bring out the intrinsic strength and goodness that lie within...human beings, to the fullest extent.¹³¹

Bush and Folger suggest that empowerment is concerned with allowing the participants to gain control over their positions as well as learning to empathise with the other side. Recognition is achievable since the third party’s role is to help the participants make small steps in the mediation process such as recognising the other’s position and the suffering that may have been experienced. In this way, a successful resolution becomes a tangible goal. Furthermore, conflict is viewed not as a problem

but as an opportunity where persons can attain moral growth, which is automatically deemed a positive step.¹³²

This framework contains at least three weaknesses that limit its potential for forming a foundation of a conflict resolution approach. First, their insistence on providing a prescriptive theory for facilitated conflict resolution is an unhelpful characteristic of their argument. A theory should not be focused on offering prescriptions, for the specific approaches parties choose can only be implemented and either accepted or rejected in practice. Rather, what is needed in the field of conflict resolution is a framework that offers insights and principles to be considered by third parties and the disputants in both problem-solving situations and reconstructing normatively regulated conceptions. A prescriptive theoretical framework is not helpful for realising the transformation that these practitioners seek.

Moral growth and moral development indicate a reflective perspective. Yet, Bush and Folger do not consider the kinds of moral points of view parties already possess and the positions that may be adopted with the reconstruction of institutions. Consequently, Bush and Folger's contribution is their notion of transformation rather than resolution. Transformation allows the conception of a theoretical framework that leads to building a process of peace whereas resolution indicates a certain end point is reachable.¹³³ A prescriptive theory is limited by its foundational commitment to instrumental rationality. Therefore, the exclusion of other types of rationality ultimately limits Bush and Folger's capacity to formulate an approach of transformative mediation. At best one can offer procedural guidelines that might assist the parties in judging the validity of positions and ideas. The third party and the disputants would not be restricted to follow a prescribed format, but would have the opportunity to explore numerous ways of resolving or overcoming protracted conflictual situations.

Second, the implicit notion of self-reflection remains unelaborated, as a type of rationality that is oriented to achieving success is prioritised. The understanding of self-reflection is one outlined by Jürgen Habermas.¹³⁴ This concept encompasses self-criticism for it considers a range of 'inevitable subjective conditions which both constrain and make theory possible'.¹³⁵ Following Kant, Habermas conceives of reason as consisting of at least science, morality, and art. He asserts that no one cognitive orientation should dominate another. Self-reflection should reveal the masked, hidden assumptions which are often forgotten in modernity, especially in the scientific approaches employed in the social sciences. A process of self-reflection by scholars and practitioners in the facilitated conflict resolution field would expose the supremacy of instrumental rationality. For example, if the implicit assumption of self-reflection were fully undertaken by Bush and Folger, it would become evident that their preference for a prescriptive framework for conflict resolution limits their aim of formulating a general theory which is qualitatively different from either the dominant paradigm of needs-theory or power politics. Consequently, a concept of self-reflection should be fully incorporated in a transformative approach, since only by engaging in a critique of one's own motivations and framings can the individual be seen as not only achieving 'positive moral growth', but also the ability to pursue a number of moral questions as he/she performs in an intersubjective social world.¹³⁶

Third, as self-reflection remains an implicit concept and instrumental rationality continues to form a theoretical foundation, there is an imbalance in pinning a theoretical framework to a particular moral growth. That is, the negative aspect of moral growth is not discussed in any great detail. Instead, they maintain that empowerment and recognition are the objectives that can be better achieved in transformative mediation, since this process allows for an improvement not only in the situation itself, but among the participants' natures. Furthermore, although Bush and Folger argue that we 'are

possessors of moral consciousness', the ways in which these moral consciousnesses are developed, maintained and reshaped are not explicated.

In short, the transformative mediation approach offered by Bush and Folger promises a tantalising opening-up of space for alternative theories of facilitated conflict resolution. Unfortunately, the scholars fail to develop a transformative process that takes into account an individual who is capable of both moral growth and stagnation. The potential for reaching consensus is dismissed and measurements of small 'successes' via recognition and empowerment are preferred. Finally, a foundation of transformative mediation that is aimed at changing norms that govern relationships and institutions means a partial framework at best, since the types and ways these norms can or should be constructed are not fully discussed. More significantly, the role of language and its effect on fostering change are not considered, while the unquestioned assertion that people would become better subjects as a result of a transformative mediation methodology is an unhelpful conception.¹³⁷ A move away from instrumental rationality and an inclusion of self-reflection would present an opportunity to explore other types of rationality that might form a basis for a theory of conflict resolution that would simultaneously encompass the aim of these thinkers.

Expanding the Resolution Space

Critical theory can provide conceptual support for a human needs-based approach to policy analysis and policy making.¹³⁸

—Jay Rothman, 1992

Another scholar who attempts to reformulate extensively the needs approach of facilitated conflict resolution is Jay Rothman.¹³⁹ Recognising the rigidity of the problem-solving perspective employed by Burton and Kelman, among others, Rothman seeks to expand the facilitation approach.¹⁴⁰ The term 'conflict management' is preferred as he believes that a separation of management and resolution produces

unnecessary ambiguities.¹⁴¹ His suggested framework is one of the most interesting to the extent that it offers an avenue for moving beyond needs theory. Rothman strives to combine the adversarial (power politics) with the integrative (needs theory, problem-solving) approach via the reflexive method.¹⁴²

He maintains that this method would allow the disputants to move from an adversarial stance to an integrative one. The inadequacy of a strictly needs-based approach, Rothman asserts, is the absence of the reflexivity concept. Reflexivity consists of 'publicly employing introspective analysis about one's own motivations...in a conflict situation'.¹⁴³ By allowing the participants in a workshop to express their fears, hopes, traumas, and so forth, the emphasis shifts from a focus on the 'other' back to the self. According to Rothman, this opens up the possibility for movement from an adversarial to an integrative framework (defining the conflict) and improves the potential for reaching consensus. This Adversarial-Reflexive-Integrative (ARI) approach, which aims to expand the dominant paradigm, is summarised in the chart on the following page.

ARI Conflict Management Framework

<i>Framing:</i>	<i>Adversarial</i>	<i>Reflexive</i>	<i>Integrative</i>
DEFINITION	D1: Other side is problem Legalistic and factual	D2: Own goals and values at stake Culturally and experientially	D3: Shared problems over relationship Integrative, empathetic, contextualised
CAUSES	C1: Blame for and competition over resources Aggressive acts of other side seen as dispositionally determined	C2: Derived from own threatened or frustrated needs and values Aggressive acts of own side seem situationally derived	C3: Derived from mutually threatened or frustrated needs and values Aggressive acts of both sides seen as situationally derived
<i>Solving:</i>	<i>Distributive Bargaining</i>	<i>Reflexivity</i>	<i>Integrative Bargaining</i>
ALTERNATIVES	A1: Noncompelling for other side Redress problems of scarcity and competition	A2: Compelling for own community Address fears and meet hopes of own side	A3: Compelling for both sides Redress needs of both sides
IMPLEMENTATION	I1: Short-term, self-directed Concerned with ways to enforce settlement and its implementation	I2: Address participants' re-entry to and sensibilities of own group Concerned with own group solution-acceptance	I3: Long-term, directed toward all parties Concerned with mutual aid in re-entry, and implementing solutions

Figure 3: Rothman's ADR approach¹⁴⁴

As the table indicates, the ARI approach is intended to help the disputants reach the integrative stage. Conflict resolution specialists and interested individuals would be trained as third parties to assist the disputants in moving through the four stages.¹⁴⁵ First, the participants present and discuss the problems that perpetuate the conflict as they view them. Then, a definition of the conflict situation would be sought. Rothman argues that these two steps are carried out on an adversarial basis. Third, parties to a conflict would be assisted in a careful analysis, using reflexivity to redefine the conflict

situation. Fourth, if and when consensus emerges, various policy options that could be implemented are designed with the help of third parties.¹⁴⁶

While outlining his ARI perspective, Rothman insists that this type of conflict management is appropriately deductive and predictive.¹⁴⁷ It is deductive as the causes and reframing of conflicts can be successfully achieved through the method of facilitated analysis. It is predictive in the sense that certain positive policy options will be advocated.¹⁴⁸

Rothman's deductive method of facilitated analysis is unsatisfactory because this line of facilitation indicates that if an archaeological expedition of the hidden motivations and emotions are correctly conducted, then the true cause will become evident. This line of reasoning employed by Rothman follows those of Kelman and Burton.¹⁴⁹ That is, the significance attached to following a facilitation process based on analysing needs remains an essential feature of Rothman's theory and practice. However helpful analysis may be, its role is limited due to its ties to needs theory and a foundation based on instrumental rationality. Deduction, as Rothman implies, cannot lead to the uncovering of certain truths, which in any case are purely subjective; only the degree of the validity of a party's views can be negotiated or redefined.

Like all other approaches to facilitated conflict resolution thus far covered, Rothman holds to a flawed faith in prediction and prescription. Consequently, he overlooks the possibility that third parties and disputants together can create agreements from a more fluid vantage point.

In putting forward his framework, Rothman compares three different forms of epistemology that are associated with three modes of approaching conflict management: adversarial, reflexive and integrative.¹⁵⁰ First, he equates the empiricist epistemology with the adversarial approach. In it, theoretical descriptions and assumptions are observed from an abstracted portion of reality. This comprises the truth or the 'real

world', for example the assumption that war is an inevitable phenomenon. By locating law-like patterns across cultures, time and space, a general truth can be derived. That is, since war is inevitable, strategies of achieving victory are sought. This can lead to a protracted conflict or at best a settlement which has been attained through bargaining.

Second, Rothman considers hermeneutic epistemology which forms the basis of his reflexive approach.¹⁵¹ Under this epistemology, events are interpreted in which meanings can be contextualised. Hermeneutics is preferred as it challenges the objectivity taken for granted in the adversarial tradition where facts are assumed to be isolatable and objectively analysable. What is sought in the interpretive science of hermeneutics is the intentionality of individuals. The emphasis shifts from causes that are external to the individual and his or her relationships in the social world. However, as scholars critiquing hermeneutics in the social sciences note, its capacity ends at the interpretative stage.¹⁵² Understanding meanings is, of course, an important component in deciding what possible directions a resolution can take.

Although Rothman is correct to highlight the contribution hermeneutics can make in formulating an alternative theory of facilitated conflict resolution, a reflexive approach requires his third epistemology, which is inaccurately and inadequately described. He argues that critical theory as an epistemology should underpin a theory of human needs, since both embody a goal of transformation.¹⁵³ Rothman summarises the varied forms of critical theory's goals. Critical theorists are interested in formulating ways of transforming unequal structures of power—for instance institutions—once the present governing structures have been deconstructed.¹⁵⁴ Yet, the project of critical theory, and in particular Jürgen Habermas' framework is quite incompatible with the theoretical foundations of the basic human needs approach. The ideas borrowed from Habermas are used by Rothman merely to expand a needs theory. The argument put forward by Bush and Folger recognises the incompatibility between needs theory and a

framework of transformation.¹⁵⁵ Though their ideas are less developed than Rothman's at the theoretical level, their insight is one missed in the ARI approach.

Here, it is worthwhile to note that Rothman fails to recognise that even his hermeneutic reflexive framework remains positivistic. The objectivist depiction of what constitutes human needs, as well as the foundations of needs and problem-solving methods, are not thoroughly questioned. Moreover, by merely wishing to expand Burton's theory and method, Rothman fails to notice that human needs and the filtered problem-solving workshops, remain empiricist. The critical theory aspect he incorporates is a very limited idea. That is, though the approach of critical theory and Habermas in particular are noted as important points of departure, the engagement is restricted to borrowing small concepts including transformation and reflexivity.

In short, Rothman offers the most promising framework for building a theory of facilitated conflict resolution. His inclusion of reflexivity addresses one of the major weaknesses of a needs-based perspective. However, the ARI approach contains two difficulties. First, as Rothman prioritises the importance of prediction and prescription, a foundational faith in instrumental rationality is retained. Second, as he is committed to expanding needs theory and not replacing it with the ARI approach, the initial steps away from instrumental rationality are not carried through. This is compounded by his restricted incorporation of critical theory. The step of considering the possible role communicative rationality can play in formulating a framework for facilitated conflict resolution is ignored. Consequently, Rothman adds insightful components to needs theory. His aim to expand needs theory is achieved. Therefore, his goal of an ARI approach, which is to offer a way of transforming institutions and norms, remains underdeveloped. An exploration of another type of rationality, other than instrumental, to ground an approach to facilitated conflict resolution could encompass the goal of transformation and possibly reaching consensus and agreements which could be tested

in praxis. Yet, as a deeper engagement with critical theory is not fully undertaken, the promising point of departure offered in his assessment and framework remains unfulfilled.

What is at stake here is something much more fundamental than Rothman's promising attempt to rework a theory of facilitated conflict resolution or Mitchell's insightful critiques of human needs theory.¹⁵⁶ The opening space implicit in the methodology of problem-solving workshops is lost, since the theoretical foundations rely on flawed needs theory and its associative form of instrumental rationality.¹⁵⁷ Burton protests that a philosophical basis underlies the use of workshops in his problem-solving method to the extent that he argues that it is the unsatisfied needs of individuals that must be understood and resolved in order to realise a healthy and functional world society. To this minimal extent, it can be argued that those who accept Burton's theoretical contributions, such as Kelman, Banks, and Rothman, subscribe to a similar philosophy.¹⁵⁸ The philosophical assumptions adopted by scholars such as Kelman, Azar, Fisher, and Mitchell fall under the functionalist viewpoint. That is, they see the goal and justification for engaging in conflict facilitation as the production of functional and healthier societies. Describing morality as an individual's capacity in society to achieve not only a 'better life' but to become 'better persons', assumes a culture-specific ethical approach to the good life.¹⁵⁹

The preference for a good life ties this approach to ethical questions that cannot be applied across cultures, whereas moral judgements can form a universalising principle, since all individuals have the potential to reach consensus via the raising of claims to the legitimacy of positions. A theory grounded on functionalism anchors theoretical frameworks to instrumental rationality, since functionalism entails considerations of solving problems, gaining success and locating strategies of increasing benefits and decreasing costs. Similarly, these scholars who aim to offer an alternative

to Burton's dominant framework fail to link the relationship between theory and practice.¹⁶⁰ Praxis encompasses both theory and practice; they are informed by one another and thus influence each other. In everyday life, social interactions among individuals precipitate praxis. The interplay between speaking and acting shapes theory and practice. The process of communication is procedural, where interacting subjects shape the content of the dialogues.

As power relations between disputants in a protracted conflict are often asymmetrical, the third party may play a role in pointing out these power distortions, for instance, how power is translated into meaning through language and communication. This emphasis on communicative action allows for a consistently grounded and dynamic interplay between practice and theory. As this component remains unexplored by Rothman (who offers the most promising framework for moving beyond needs theory) ultimately, the ARI perspective-like formulations offered by other scholars remain incomplete.

Conclusion

Reason...must approach nature in order to be taught by it, but not in the character of a pupil who agrees to everything the master likes, but as an appointed judge who compels the witnesses to answer questions he himself proposes.¹⁶¹

—Immanuel Kant

Communicative rationality tolerates a plurality of values, practices, beliefs, and paradigms of personhood (masculine or feminine). Moreover, it neither presupposes nor seeks to generate any universal theory of human needs.¹⁶²

—Stephen K. White, 1987

This chapter has examined a variety of refinements and extensions of Burton's framework, which are articulated by some of the most prominent thinkers in the facilitated conflict resolution discipline. It is argued that social-psychological perspectives of Kelman and Fisher provide important additions to the dominant Burtonian approach, but at the level of theory and practice, both offer only slight

modifications to human needs theory. Moreover, Kelman and Fisher do not present an extension of Burton's philosophical framework.¹⁶³

It is contended that although Banks recognises the need to complete Burton's theoretical gaps, he does not formulate a way of proceeding in such an endeavour because a critical deconstruction of the underlying philosophical assumptions is not undertaken. Furthermore, it is asserted that other needs theorists who aimed to expand the conception of needs, such as Scimecca and Azar, only help to reify the concept.

Finally, it is argued that approaches offered by Bush and Folger, as well as Rothman, opens up a space for deconstructing the dominant theory of needs and the facilitation methodology. Bush and Folger provide an important point of departure of thinking not only about resolving conflicts but transforming them. The difference between the two is on their emphasis on the inclusion of the broader socio-political communities. Transformation is concerned with not only affecting perceptions, as is the case with resolution, but aims to include how to bring about change in the norms and institutions that govern social relationships. Rothman's reflexivity-based perspective allows for the consideration of the possible contribution a critical theory can bring to formulating a theory for practising peace. However, the opportunities these scholars present for conceiving a theoretical framework on a different approach from needs remain underdeveloped.

Furthermore, it is maintained that these scholars rely on an inductive epistemology. The various methodologies are still based on discovering causes and motivations and finding ways of meeting unfulfilled needs. The openings provided by Rothman, in particular, point a way forward for grounding a theory of conflict resolution that can offer all participants a more interactive and inclusive praxis of facilitating violent conflicts. The sum of these scholars' contributions suggests a

consideration of a theory which takes into account a broader understanding of rationality. As already discussed, instrumental rationality is based on a knowledge-interest nexus that is oriented towards reaching success and mutual understanding. It is not suggested that instrumental rationality should be excluded from a theory construction of practising peace. The goal of achieving agreements is a vital component of transforming conflict situations. Disputants and third parties clearly set out to accomplish something when they participate in a facilitation process. However, theories that only include goals and outcomes as a foundation for praxis are limited by their own bounded rationality. That is, despite the promising openness of conflict resolution practices, the theoretical underpinnings that conflict resolution scholars and practitioners subscribe to limits the extent to which institutions and structures can be transformed.

A starting point, which could broaden the concept of rationality and better help realise these thinkers' aims is first a deconstruction of their own underlying assumptions. The process would include critically questioning concepts such as needs. More fundamentally, as a part of deconstruction, the process of self-reflection would involve an exploration of examining the basic assumptions that form the foundation of a theory of facilitated conflict resolution. For example, one would explore why the goals of resolution and mediation are automatically tied to achieving success and why the implicit openings offered by the problem-solving methodology and needs theory remain unfulfilled.

In short, it is asserted that the various scholars and practitioners are bounded by the preference for instrumental rationality. Like the International Relations discipline, of which conflict resolution is a part, the pre-eminent importance ascribed to instrumental rationality distorts the possibility of examining other types of rationality.¹⁶⁴ With the process of bureaucratisation and the increasing networks of administrative

structures, knowledge guiding interest has been oriented towards reaching success by a method of collecting data and observing, accumulating, and compiling facts. Habermas argues that the enlightenment project has not failed, but has been diluted.¹⁶⁵ A restoration process requires the consideration of Kant's other categories of reason and rationality including the theoretic and the practical. It is not contended here that one of Kant's formulation of reason should replace instrumental reason. Rather, it is suggested that types of reason, rather than the purely instrumental, can offer a promising foundation for overcoming the bounded rationality that constrict the present conflict resolution perspectives. For facilitated conflict resolution, an inclusion of a different type of rationality can assist in suggesting a procedural framework and praxis that might more fully realise the aim of allowing parties to reach their own solutions.

Towards suggesting an alternative type of rationality, the Habermasian communicative rationality concept is chosen for two reasons. First, it offers the possibility of expanding the concept of rationality. He recognises the fundamental interconnectedness between the social environment and the individual.¹⁶⁶ Individuals operate in socially co-ordinating lifeworlds which shape and are influenced by them.¹⁶⁷ Though facilitated conflict resolution scholars such as Rothman and Burton discuss the role of society and the social environment in relation to individuals, since they prefer the individual as the unit of analysis, the integral relationship between them remain neglected dimensions in their approaches.

Second and more importantly, the concept of communicative rationality as a building block for constructing a critical theory of practising peace offers the opportunity to fully explore and incorporate the role of communicative interactions between individuals who exchange ideas, reinforce, and transform norms and institutions in an intersubjective milieu. Communicative rationality offers a formal procedural framework for co-ordinating intersubjective interactions via self-reflection

and the process of argumentation. It follows that communicative rationality is intrinsically connected to the medium of language and the employment of discourses.¹⁶⁸ Moreover, this concept is both context-dependent and context-transcendent. Therefore, an inclusion of communicative rationality and practical reason would present an expanded foundation for thinking about conflict and peace. A more inclusive way of practising peace can be envisioned for third parties and disputants, if one includes praxis and moves away from instrumental rationality.

Finally, the concepts of self-reflection and communicative rationality, as well as an understanding that ethics is about offering ways of conceiving moral judgements that can be mutually negotiated, comprise the basis of one promising alternative theoretical framework. Therefore, Habermas' articulated relevant concepts, their foundations and how they contribute to the formulation of an alternative Critical Theory of Peace Practice, will be put forward in the following two chapters.

¹ Michael Banks, 'Four Conceptions of Peace', in *Conflict Management and Problem-solving: Interpersonal to International Applications*, eds. Dennis J. Sandole and Ingrid Sandole-Starts (London: Pinter Press, 1987), 269.

² Ibid., 261.

³ Ronald J. Fisher, 'Needs Theory, Social Identity and an Eclectic Model of Conflict', in *Conflict: Human Needs Theory*, vol. 2, ed. John W. Burton (Basingstoke: Macmillan, 1990), 89.

⁴ Ronald J. Fisher, *Interactive Conflict Resolution* (Syracuse, NY: Syracuse University Press, 1997); Herbert C. Kelman, 'Interactive Problem-solving: A Social-psychological Approach to Conflict Resolution', in *Conflict: Readings in Management and Resolution*, vol. 3, eds. John W. Burton and Frank Dukes (Basingstoke: Macmillan, 1990).

⁵ Fisher, 'Needs Theory', 102.

⁶ Ibid., 101.

⁷ Ibid., 102.

⁸ Ibid.

⁹ Ibid., 106.

¹⁰ Fisher, *Interactive Conflict Resolution*, 169.

¹¹ Fisher is one of the few scholars to consider questions regarding interests as a part of high intensity conflict. Burton, for instance, designates interests as something that can be negotiated as they do not constitute an individual's identity.

¹² See interviews in appendix.

¹³ Fisher, *Interactive Conflict Resolution*, 109.

¹⁴ Ibid., 8.

¹⁵ John W. Burton, *Resolving Deep-rooted Conflicts: A Handbook* (London: University Press of America, 1987), 33.

¹⁶ Fisher, *Interactive Conflict Resolution*, 142-62.

¹⁷ Fisher, 'Needs Theory', 90.

¹⁸ Ibid., 90.

¹⁹ Ibid., 91.

²⁰ H. Cantril, 'A Fresh Look at the Human Design', in *Challenges of Humanistic Psychology*, ed. J.F.T. Bugental (New York: McGraw-Hill, 1967).

²¹ Fisher, 'Needs Theory', 94.

²² Ibid.; Oscar Nudler, 'On Conflicts and Metaphors: Toward and Extended Rationality', in *Conflict: Human Needs Theory*; George Herbert Mead, *Mind, Self and Society* (Chicago: University of Chicago Press, 1974).

²³ Fisher, 'Needs Theory', 94-95; Johann Galtung, *The Next Twenty-five Years of Peace Research: Tasks and Prospects* (Oxford: Oxford University Press, 1987); Erik Erikson, *Identity, You and Crisis* (New York: W.W. Norton, 1968).

²⁴ Fisher, 'Needs Theory', 95-96.

²⁵ Ibid., 101.

²⁶ Ibid., 95-96.

²⁷ John W. Burton, *Conflict: Resolution and Prevention*, vol. 1 (Basingstoke: Macmillan, 1990), 47-58; Fisher, 'Needs Theory'.

²⁸ The concept of instrumental rationality is taken from Habermas. He follows the tradition of the Frankfurt School in critiquing the dominance of instrumental reason in social sciences and western thought generally. The influence of Weber's diagnosis of the malign development of modernity is used to argue that individuals become separated from one another and from their social environment through the processes of bureaucratisation. Spheres of politics, economy, aesthetics, morality become separated and a split occurs between the public and the private. Instrumental rationality is oriented to reaching success. Habermas argues that other types of rationalities first articulated by Kant have become subordinated. See Jürgen Habermas, *Theory of Communicative Action: Reason and the Rationalisation of Society*, vol. 1 (London: Heinemann Educational Books, 1984).

²⁹ Kelman, 'Interactive Problem-Solving', 199.

³⁰ Ibid.

³¹ Ibid., 202.

³² Ibid.

³³ Ibid., 200.

³⁴ Herbert C. Kelman, 'Interactive Problem-solving Approach', in *Managing Global Chaos: Sources of and Responses to International Conflicts*, eds. Chester A. Crocker and Fem Osler Hempson with Pamela Aall (Washington, DC: US Institute of Peace, 1996).

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- ³⁵ Ibid., 501.
- ³⁶ Ibid., 200.
- ³⁷ Kelman recognises that third parties should be seen to be neutral in that they can provide assistance and can offer more helpful suggestions for possible resolution because of their detailed understanding of the conflict situation.
- ³⁸ Burton, *Resolving Deep-rooted Conflicts*, 41-49.
- ³⁹ Ibid.
- ⁴⁰ Herbert C. Kelman, 'Contributions of an Unofficial Conflict Resolution Effort to the Israeli-Palestinian Breakthrough', *Negotiation Journal* 11, no. 1 (1995): 19-26.
- ⁴¹ Kelman, 'Interactive Problem-Solving Approach', 506-17.
- ⁴² There is no clear evidence that those who participated in 'interactive problem-solving' had a direct or influential role in shaping the DOP or the Oslo Process in general. At the same time, there is no published documentation to counter Kelman's claims. Some Palestinians who were interviewed as background for the first chapter did not recall any knowledge of Kelman's workshops. These interviews are not included in the Appendix as they were not direct participants to the Oslo Channel. See his 'Interactive Problem-solving Approach', 508.
- ⁴³ The first meeting was held in May 1994 where issues were discussed that would likely be considered in the official process.
- ⁴⁴ Kelman, 'Interactive Problem-solving Approach', 515.
- ⁴⁵ Ibid., 515.
- ⁴⁶ Kelman, 'Contributions of an Unofficial Conflict Resolution Effort'.
- ⁴⁷ Terje Rød-Larsen, interview by author, Gaza, 16 May 1995.
- ⁴⁸ Kelman, 'Interactive Problem-solving Approach', 510.
- ⁴⁹ This point is discussed in chapter one. See also interviews in appendix.
- ⁵⁰ Kelman, 'Interactive Problem-Solving Approach', 516.
- ⁵¹ Burton, 'Resolving Deep-rooted Conflict', 41-49.
- ⁵² Kelman, 'Interactive Problem-Solving Approach', 199-207.
- ⁵³ Herbert C. Kelman, 'Applying a Human Needs Perspective to the Practice of Conflict Resolution: The Israeli and Palestinian Case', in *Human Needs Theory*, 283.
- ⁵⁴ Ibid.
- ⁵⁵ Ibid.
- ⁵⁶ Ibid., 502.
- ⁵⁷ Ibid., 505.
- ⁵⁸ Banks, 'Four Conceptions of Peace', 268.
- ⁵⁹ Joseph Scimecca, 'Self-Reflexivity and Freedom: Towards a Prescriptive Theory of Conflict Resolution', in *Conflict: Readings in Management and Resolution*, 214.
- ⁶⁰ Ibid., 88.
- ⁶¹ Ibid., 89.
- ⁶² Edward Azar, 'Protracted Social Conflicts and Problem-solving Forums', in *Interactive Conflict Resolution*.
- ⁶³ Ibid., 89.
- ⁶⁴ The Taif Accords called for power under one government in Lebanon.
- ⁶⁵ Edward Azar, 'Protracted International Conflict: Ten Propositions', in *International Conflict Resolution: Theory and Practice*, eds. Edward Azar and John W. Burton (Brighton: Wheatsheaf, 1986).
- ⁶⁶ Edward Azar, 'The Theory of Protracted Social Conflict and the Challenge of Transforming Conflict Situations', *World Affairs* 20, no. 2 (1983): 85.
- ⁶⁷ Azar, 'Protracted International Conflict'.
- ⁶⁸ Ibid.
- ⁶⁹ Max Weber, *The Protestant Ethic and the Spirit of Capitalism* (New York: Scribner, 1995); Karl Marx, *Critique of the Political Economy* (London: Penguin, 1978).
- ⁷⁰ This problem is encountered by other scholars. Their ideas will be examined in following sections; hence, an elaboration is not carried out.
- ⁷¹ Michael Banks, 'The International Relations Discipline: Assets or Liabilities?', in *International Conflict Resolution*.
- ⁷² Ibid., 7.
- ⁷³ Ibid., 207.
- ⁷⁴ Michael Banks and C.R. Mitchell, *A Handbook of Conflict Resolution: The Analytic Problem-Solving Approach* (London: Pinter, 1996)
- ⁷⁵ Banks, 'Four Conceptions', 259-63.
- ⁷⁶ Ibid.
- ⁷⁷ Ibid., 269.
- ⁷⁸ Ibid.

- ⁷⁹ Michael Banks, 'The Inter-Paradigm Debate', in *International Relations: A Handbook of Current Theory*, eds. Margot Light and A.J.R. Groom (London: Pinter, 1985).
- ⁸⁰ Banks, 'The International Relations Discipline', 17.
- ⁸¹ Ibid.
- ⁸² Ibid., 16.
- ⁸³ Banks, 'Four Conceptions', 260.
- ⁸⁴ John W. Burton, 'Conflict Resolution as a Political Philosophy', in *Conflict Resolution Theory and Practice: Integration and Applications*, eds. Dennis Sandole and Hugo Van der Merwe (New York: St. Martin's, 1993).
- ⁸⁵ Banks, 'The International Relations Discipline', 6.
- ⁸⁶ Banks, 'Four Conceptions', 260.
- ⁸⁷ Ibid.
- ⁸⁸ This point is detailed in chapter two.
- ⁸⁹ His contributions and flaws have been discussed in more detail in the previous chapter.
- ⁹⁰ Scimecca, 'Self-Reflexivity'; Burton, *Conflict: Resolution and Prevention*.
- ⁹¹ Scimecca, 'Self-Reflexivity', 205.
- ⁹² Ibid., 208.
- ⁹³ John Eccles, *The Human Psyche* (New York: Springer Verlag International, 1980); Mead, *Mind, Self and Society*.
- ⁹⁴ Scimecca, 'Self-Reflexivity', 209.
- ⁹⁵ Ibid.
- ⁹⁶ Freedom to develop forms a positive concept as well as freedom from restraint. The latter is seen as problematic since individuals may be free in the mind while experiencing external constraints. See Joseph Scimecca, *Society and Freedom* (New York: St. Martin's, 1981).
- ⁹⁷ The concept of freedom as a life-furthering or life-thwarting process is borrowed from Freud. Since freedom is socially derived and self-reflexivity is dependent on the social world, they cannot be separated. See Scimecca, 'Self-Reflexivity', 214.
- ⁹⁸ Ibid., 215.
- ⁹⁹ Ibid., 216.
- ¹⁰⁰ Ibid., 208.
- ¹⁰¹ Ibid., 215.
- ¹⁰² Paul Wehr and John Paul Lederach, 'Mediating Conflicts in Central America', in *Resolving International Conflicts: The Theory and Practice of Mediation*, ed. Jacob Bercovitch (Boulder, CO: Lynne Rienner, 1996).
- ¹⁰³ Ibid.
- ¹⁰⁴ Kevin Avruch and Peter W. Black, 'A Generic Theory of Conflict Resolution: A Critique', *Negotiation Journal* 3, no. 1 (1987): 87-96.
- ¹⁰⁵ Burton overlooks the concept of culture and its role in protracted conflict situations. However, as argued in the previous chapter, he insists that conflict resolution encompasses cultural components. Burton maintains that a facilitated conflict resolution framework should go beyond cultures as such an approach should be universally applicable. See Kevin Avruch and Peter W. Black, 'Conflict Resolution in Intercultural Settings: Problems and Prospects', in *Conflict Resolution Theory and Practice*; John W. Burton, *Conflict Resolution: Its Language and Processes* (Lanham, MD: Scarecrow Press, 1996), 45.
- ¹⁰⁶ Christopher R. Mitchell, 'Necessitous Man and Conflict Resolution: More Basic Questions about Basic Human Needs', in *Conflict: Human Needs Theory*.
- ¹⁰⁷ Ibid., 154.
- ¹⁰⁸ Ibid., 156.
- ¹⁰⁹ Mitchell follows the assertions put forward by scholars, including Vamik Volkan who noted the existence of benign and malign needs. Mitchell infers from Lederer the idea that existence of human needs is derived from observations of human behaviours. See Vamik Volkan, 'The Need to Have Enemies and Allies: A Developmental Approach', *Political Psychology* 16, no. 12 (1985): 219-48; Mitchell, 'Necessitous Man', 156.
- ¹¹⁰ Banks & Mitchell, *A Handbook of Conflict Resolution*, p. 6.
- ¹¹¹ Mitchell, 'Necessitous Man', 159.
- ¹¹² Ibid., 164.
- ¹¹³ Ibid., 166.
- ¹¹⁴ Banks and Mitchell, *A Handbook of Conflict Resolution*.
- ¹¹⁵ Mitchell, 'Necessitous Man', 163.
- ¹¹⁶ Ibid., 167.
- ¹¹⁷ Ibid., 168-70.
- ¹¹⁸ Ibid.

¹¹⁹ The collaborative work between Mitchell and Banks contains a plethora of facilitated problem-solving exercises. Their format and method indicate a close resemblance to Burton's and others problem-solving workshops. See *A Handbook of Conflict Resolution*.

¹²⁰ Mitchell, 'Necessitous Man', 173.

¹²¹ Robert A. Baruch Bush and Joseph P. Folger, *The Promise of Mediation: Responding through Empowerment and Recognition* (San Francisco: Jossey-Bass Publishers, 1994), 20.

¹²² Ibid.

¹²³ Crocker et al., *Managing Global Chaos*.

¹²⁴ Hugh Miall, Oliver Ramsbotham, and Tom Woodhouse, *Contemporary Conflict Resolution: The Prevention, Management and Transformation of Deadly Conflicts* (Cambridge: Polity, 1999).

¹²⁵ Ibid.

¹²⁶ Ibid., 33.

¹²⁷ Bush and Folger, *Promise of Mediation*, 89.

¹²⁸ Ibid., 20.

¹²⁹ Ibid., 89.

¹³⁰ Ibid., 29.

¹³¹ Ibid., 86.

¹³² Ibid., 86.

¹³³ Burton and other scholars within the facilitated conflict resolution field recognise that resolution should be ongoing. However, the attachment to this perspective does not allow them to conceive a theory as one that is oriented towards ongoing building of peace.

¹³⁴ His concept is based on Kant's theoretical reason. See Habermas, *Theory of Communicative Action*.

¹³⁵ Habermas modifies Kant's concept, in particular, the transcendental universal component of reason and rationality. See *Theory of Communicative Action*.

¹³⁶ Ethics is to be understood as formulating moral judgements according to certain claims to validity.

¹³⁷ Bush and Folger's component of an individual becoming 'better people' through the process of transformative mediation presents a limited view of the individual. This very conception of the being does not altogether differ from other scholars who have maintained that it is the behaviours that require change and this is possible due to the positive nature of agents. It is this author's view that individuals possess both elements and it is through negotiation of claims to validity that interests, values, and needs have the potential of being accommodated. A promising foundation for theorising facilitated conflict resolution would be to incorporate an understanding of communicative action among individuals operating in relationships and how the capacity for moral judgement is reached or agreed upon.

¹³⁸ Jay Rothman, *From Confrontation to Co-operation: Resolving Ethnic and Regional Conflicts* (Newbury Park, CA: Sage Publications, 1992), 73.

¹³⁹ Marc Howard Ross and Jay Rothman, *Theory and Practice in Ethnic Conflict Management: Theorising Success and Failure* (New York: St. Martin's Press, 1999).

¹⁴⁰ Ibid.

¹⁴¹ Rothman, *From Confrontation to Co-operation*, 59.

¹⁴² Adversarial is associated with power politics, in which causes of conflicts are seen to be due to competition over scarce resources. Through the use of force, a victory can be achieved. See *ibid*.

¹⁴³ Ibid., 59.

¹⁴⁴ Ibid., 81.

¹⁴⁵ Training would involve following the guidelines Rothman outlines. See *ibid*.

¹⁴⁶ Ibid., 42-49.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid., 69-86.

¹⁴⁹ Ibid.; Kelman, 'Interactive Problem-solving Approach'; Burton, *Conflict: Resolution and Prevention*.

¹⁵⁰ Rothman, *From Confrontation to Co-operation*, 49.

¹⁵¹ Ibid.

¹⁵² The critiques of hermeneutics are too numerous to be covered here. See Jürgen Habermas, 'A Review of Gadamer's Truth and Method', in *Understanding and Social Inquiry*, eds. Fred Dallmayr and Thomas McCarthy (Notre Dame, IN: University of Notre Dame Press, 1977); Charles A. Pressler and Fabio B. Dasilva, *Sociology and Interpretation: From Weber to Habermas* (New York: State University of New York Press, 1996).

¹⁵³ Although Rothman does not explicitly make these connections, the acknowledgement of similar projects evident in critical theory and Burton is noted throughout the text. See Rothman, *From Confrontation to Co-operation*.

¹⁵⁴ Deconstruction is a method advocated by critical theory writers. Briefly, it is a tool used to uncover what appears to be true or concrete. Through this process, hidden underlying assumptions of a theory can be denaturalised. In the International Relations discipline, critical theorists share the notion that transformation of norms and institutions is possible upon deconstruction. The original proponents of

critical theory are associated with the Frankfurt School. The most influential recent scholar is Jürgen Habermas. See, Rothman, *From Confrontation to Co-operation*.

¹⁵⁵ Bush and Folger, *Promise of Mediation*.

¹⁵⁶ Mitchell, 'Necessitous Man'; Rothman, *From Confrontation to Co-operation*.

¹⁵⁷ This concept will be fully explicated in the following chapter. This idea put forward by Jürgen Habermas briefly refers to a strategic reasoning process. See Habermas, *Theory of Communicative Action*.

¹⁵⁸ Banks, 'The International Relations Discipline'; Kelman, 'Interactive Problem-solving Approach'.

¹⁵⁹ Stephen K. White, *The Recent Work of Jürgen Habermas: Reason, Justice and Modernity* (Cambridge: Cambridge University Press, 1987), 70.

¹⁶⁰ Banks is the one scholar/practitioner to recognise the need to connect theory and practice. See 'The International Relations Discipline'.

¹⁶¹ Immanuel Kant, *The Critique of Pure Reason* (New York: Doubleday Anchor, 1966), 16.

¹⁶² White, *The Recent Work of Jürgen Habermas*, 70.

¹⁶³ Fisher, *Interactive Conflict Resolution*; Kelman, 'Interactive Problem-solving Approach'.

¹⁶⁴ Instrumental rationality enjoys its primacy in all social sciences and much of modern western thought. See Arato and Gebhardt, *The Essential Frankfurt School Reader*; Jürgen Habermas, *Legitimation Crisis* (Boston: Beacon Press, 1975).

¹⁶⁵ Jürgen Habermas, *Philosophical Discourses of Modernity* (Cambridge: Polity, 1987).

¹⁶⁶ Jürgen Habermas, *Communication and the Evolution of Society* (Oxford: Polity, 1979), 95-129.

¹⁶⁷ Habermas, *Theory of Communicative Action*, 273.

¹⁶⁸ Habermas, *Knowledge and Human Interests* (Cambridge: Polity, 1987), 75 and *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (Cambridge: Polity, 1996), 159.

Chapter 4

Communicative Rationality: An Alternative Method

What raises us out of nature is...language. Through its structure autonomy and responsibility are posited for us. Our first sentence expresses unequivocally the intention of universal and unconstrained consensus.¹

—Jürgen Habermas, 1987

Introduction

This thesis began with an examination of a conflict settlement known as the Oslo Channel. It was asserted that although the facilitation efforts presented an interesting departure from traditional methods of power bargaining, only the surface problems were addressed as the process was not grounded in a theoretical framework. Consequently, the underlying issues that have led to a protracted conflict situation between Israel and the PLO were not explored. Hence, a transformation of the deep-rooted protracted conflict remains an elusive task. The flaws of the Oslo peace process warranted the consideration of approaches that are predominant in the conflict resolution literature. Therefore, the ideas of the dominant scholar in the field, John Burton, were critically scrutinised in chapter two. It was argued that due to his focus on needs theory, the implicit potential in the suggested resolution methodology is limited, namely, the obvious but powerful assertion that only by designing ways of building new norms together can a long-lasting peace practice be constructed. In short, it was asserted that Burton's approach relies on an instrumental rationality. This type of rationality is oriented to technical knowledge and inductive methodologies. Consequently, methods that rely on empirical facts and theories that aim to find ways of attaining success are produced when instrumental rationality forms the meta-theoretical foundation.

In chapter three, alternative frameworks to Burton offered by scholars—including Ronald Fisher, Herbert Kelman, and Jay Rothman—were studied. An

analysis of these perspectives reveals the common marginalisation of self-reflection and instrumental rationality. Rothman's desire to move beyond the confines of needs theory to a framework that is more self-reflexive, as well as Bush and Folger's emphasis on transforming conflicts via orienting a process towards moral growth, opens a point of departure for exploring how to use critical theory to rethink the meta-theoretical foundations of facilitated conflict resolution perspectives. As these lines of explication lack a grounded—yet contingent—substantive component, a way of inscribing an alternative philosophical meta-theory and hence a different theoretical framework, is suggested. This namely is a theory of peace practice that involves a critical, communicatively rational methodology, inspired by Jürgen Habermas, and is outlined in this chapter.

In short, if an instrumental rationality-informed theory is inadequate for building a theory of peace practice, then what other types of rationality can we consider as the basis for a Critical Theory of Peace Practice? This chapter argues for one which allows for the participants to decide the content of a process in praxis, while putting forward a meta-theoretical grounding for engaging in the transformation of protracted conflicts. It is argued that communicative rationality, as a core component of discourse ethics, forms the base of such an alternative. It will be argued that applying Habermas' formal-pragmatic theory of language offers a superior account of how individuals and groups in protracted conflicts can potentially reach reasonable agreements.

The structure of the chapter is as follows. First, the idea behind formal pragmatics (previously called universal pragmatics) will be put forward. Second, the insights formal pragmatics provide for the current dominant approaches in facilitated conflict resolution will be discussed. Third, the type of a Critical Theory of Peace Practice that is suggested by including formal pragmatics will be detailed. Finally, the contextual contingency of formal pragmatics embodied in the method of communicative rationality will be examined.

This Critical Theory of Peace Practice is grounded on a foundation of self-reflection, praxis, and communicative rationality. While the subsequent chapter will offer the theoretical and meta-theoretical explication of the proposed Critical Theory of Peace Practice, this chapter sets out communicative rationality as a procedural methodology for a Critical Theory of Peace Practice. Therefore, the various aspects that comprise a theory of communicative rationality will be put forward.

Formal Pragmatics

In developing a broader critical theory perspective, Habermas' significant contribution lies in his articulation of a formalistic procedure. This orientation is based on a formal pragmatics concept, which is used to express the universal characteristics that discourse and language possess.² Discourses include the moral, pragmatic, ethical, and practical and language is the socially co-ordinating mechanism through which meanings, relationships, institutions, and norms are mediated. This concept, formerly termed universal pragmatics, is intended to provide only procedural outlines for judging between contested validity claims.³ This idea expresses the notion that language is the medium through which we communicate across cultural, socio-economic, religious, and ethnic boundaries. Formalism is preferred as claims to validity are taken from practical discourse and abstracted, to judge not only their validity, but also to provide general guidelines. The ideas disputants hold and the process of engaging in dialogues that include the possibility of reaching consensus through shared acceptance of new norms and relationships shape the content for formal pragmatics. It is seen as universal, since individuals possess the capacity to engage in communicative action that cuts across cultural boundaries.

This Habermasian concept of formal pragmatics follows Kant's categorical imperative, which suggests that one should 'act' only when it is in the greater general interest. The general will embodied in this principle forms is intended to be

universally valid.⁴ While subscribing to the universalistic tendencies in Kant's formulation, Habermas articulates a more precise and pragmatic type of universalism.

A formal pragmatics is inclusive of general guidelines and differs from the prescriptive steps detailed in the facilitated conflict resolution literature. Under a formal pragmatics perspective, the specific methodologies discussed in the previous two chapters, including Burton's problem solving and Rothman's adversarial, reflexive integrative (ARI), are no longer seen to constitute the core component of a facilitation process. Rather, they become one possible way that conflicting parties can work to transform the political landscape. Adopting general guidelines allows for the inclusion of alternatives and the contesting of uttered statements. The component of formal pragmatics is one step in shifting the emphasis away from instrumental rationality and towards a broader conception of reason and rationality. The procedure that follows from formal pragmatics, which involves contesting statements according to specified validity claims, suggests adopting a different form of method for utilising the potential of reaching consensus than is present in the analytical process of problem-solving workshops. Furthermore, the role of the third party in such a milieu changes. At the theoretical level, formal pragmatics reveals the flaws of the problem-solving methodology. These three points will be considered in the following sections.

Claims to Validity

It is not because we agree that we hold a claim to be valid; rather we agree because we have grounds for granting its validity.⁵

—Thomas McCarthy, 1994

First, the procedure offered by Habermas consists of the process of raising claims to validity.⁶ That is, as social situations are diverse and motivations and intentions differ depending upon circumstances, each individual attempts to ascertain whether the statements of others should be believed. This is particularly relevant for the

resolution effort. While the participants engage in discourses that are oriented towards gaining an understanding of the other's position and subsequently consider ways of reaching consensus, if the parties are to move towards normative reconstruction of institutions and practices, the motivations and intentions of the other need to be accepted as legitimate. During this process, there are a variety of speech acts in which communicatively competent agents engage.

Habermas asserts that stated propositions can be judged as legitimate according to three validity claims. There is the claim to truthfulness, *Wahrheit*, which involves stated, propositional content or the existential presuppositions of a mentioned propositional content. Second, the claim of normative rightness, *Richtigkeit*, involves norms or values that, in a given context, justify interpersonal relations which are performatively established. Third, the claim of sincerity, *Wahrhaftigkeit*, involves expressed intentions in raising these validity claims. The communicatively competent individual interacts with and also demarcates him or herself from the social structures that shape the raising, acceptance and refusal of these claims to validity.⁷ That is, an individual delineates him or herself from an objectivating segment of reality. Relations to the objective, subjective, and social worlds are mediated by validity claims, which are expressed in grammatical sentences. Consequently, an individual can inter-relate between these mental states of the 'pragmatic functions of representing facts, establishing legitimate interpersonal relations and expressing one's own subjectivity'.⁸

In short, these claims are accepted as pragmatic presuppositions by all participants insofar as any one individual can contest the validity of any statement. It is within this context that an orientation to reaching understanding becomes possible, but the possibility of raising the question of legitimacy of a claim is important as all subjects engage in orienting themselves toward reaching understanding and consider the position of the other. The raising of validity claims utilises the procedural framework of

formal pragmatics and makes it possible to judge the legitimacy of any reached agreements, since its counterfactuals have been explored in this approximated process of uncoerced communication.

The legitimacy that is required for the acceptance of claims to validity and, in the process of constructing new norms of governance, could be called a fourth claim of validity. This validity claim can contextualise the three aforementioned ones. Truthfulness of the positions of conflicting parties, their intentions, and claims to rightness cannot be re-negotiated without raising the question of legitimacy. That is, in raising the claims to truthfulness, normative rightness, and sincerity, legitimacy is intrinsically connected to each claim. As the three claims outlined by Habermas are criticisable and justifiable by the participants through shared intersubjective communication, legitimacy can be as well. In any exchange between speakers and hearers, the sincerity, normative rightness, truthfulness, and legitimacy are raised and negotiated amongst them.

As discussed earlier, formal pragmatics suggests that language is a universal medium or infrastructure through which meanings, relationships, and structures are formed and reformed. Formal pragmatics is designed to reconstruct and identify conditions of possible understandings that are not bound to cultures, but can be arrived at by the employment of various speech acts.⁹

Speech Acts

As the employment of different speech acts produces varying relationships and domains of reality, the raising of the claims of truthfulness, sincerity, and normative rightness suggests that a speaker engaged in a performative attitude relates to the world in at least three ways. That is, the individual cognitively conceives of the objective, intersubjective and subjective world:

Domains of Reality	Modes of Communication: Basic Attitudes	Validity Claims	General Functions of Speech
'The' World of External Nature	Cognitive: Objectivating Attitude	Truth	Representation of Facts
'Our' World of Society	Interactive: Conformative Attitude	Rightness	Establishment of Legitimate Interpersonal Relations
'My' World of Internal Nature	Expressive: Expressive Attitude	Truthfulness	Disclosure of Speaker's Subjectivity
Language		Comprehensibility	

Table 1: Features of Universal Pragmatics¹⁰

As the table outlines, engaging in different speech acts produce specific forms of social realities that shape a subject's relationship to others. Speech acts serve:

- (a) To establish and renew interpersonal relations whereby the speaker takes up a relation to something in the world of legitimate (social) orders;
- (b) To represent (or presuppose) states and events, whereby the speaker takes up a relation to something in the world of existing states of affairs;
- (c) To manifest experiences—that is to represent oneself, whereby the speaker takes up a relationship to something in the subjective world to which he/she has privileged access.¹¹

In other words, when a speaker refers to one or more of these three social spheres, he or she assumes that a stated proposition can be contested for its validity, since all participating subjects agree hermeneutically that such an effort is necessary in the process of attaining mutual understanding. In the employment of various types of speech actions, constative speech acts become *obligations* only when a speaker and hearer agree to base their actions on situational definitions that correspond to what they have accepted to be true at a particular time. An *obligation* to act flows from expressive

speech acts where speakers specify what it is that their behaviour does not and will not contradict.¹² Esoteric statements that appear in constative speech acts can be said to be related to facts. Similarly, normative statements in regulative speech acts are related to interpersonal relations.¹³

Habermas borrows from the theories of speech acts, articulated by Austin and Searle, to elaborate the role they play in forming the three validity claims. One could say that the truthfulness claim to validity relates to the external world of existing states of affairs; facts can be verified to a certain extent. Normative rightness is related to reproducing regulated norms that govern social relations. Likewise, sincerity is connected to one's subjective reality. All these claims are accepted or rejected in the process of argumentation where the claims to validity can be raised, contested, accepted, or refuted.

The medium through which these claims to validity are contested is language, a concept borrowed from Wittgenstein who asserts that truth claims arise in language games and are constructed purely in social contexts.¹⁴ Only by understanding the nature of social relations between individuals can one make sense of a language game.¹⁵ By placing intersubjective social actions and their constitutive speech acts in a context of social relationships, where the dimension of language is understood as something more than a set of semantics and rules, Habermas argues the ways speakers and hearers relate to differing aspects of reality can be better understood.¹⁶

An expressed intention to perform an action or a description of an existing state of affairs produces various types of knowledge constitutive interests. Simultaneously, the employment of speech acts points to how each of the three validity claims may be contested and justified in the evolving process of communicative interactions. In other words, statements that are being contested regarding their claims to validity are social performances.¹⁷ When individuals are engaged in the process of argumentation in

which the validity to claims can be redeemed through discourses, they bring to bear pragmatic presuppositions about the external world, the relationship between the subject and others, and the possibility for outcomes. It is this author's contention that these pragmatic presuppositions arise from the life histories of each individual and are not abstract 'cores', as Habermas periodically suggests.¹⁸

Therefore, when entering any dialogical process, the preceding experiences shape one's original intent and position. By bringing in the dialogical process of communicative rationality as a constituent component for suggesting a procedural framework for facilitating violent conflicts, participants can raise, contest, or justify utterances according to the three validity claims, as well as legitimacy. The validity of a statement is measured against these claims to truthfulness, normative rightness, sincerity and legitimacy. The participants in the communicative process can work through the justification of a statement in relation to those claims.

It should be understood that participants do not engage merely in abstract exchanges of utterances where agreements are contracted. Within the process of contesting claims to validity, aspects of intersubjective communication that are rooted in everyday practice come into play. The role of the third-party is crucial here, since if, in a resolution process, a third party is needed—and often one is—then the concept of reaching understanding and exploring how to renegotiate structures that govern institutions and societies can be brought about by raising claims to validity. In a protracted conflict where parties have agreed to attempt a communicative process that is not solely instrumental, then it would be helpful for the third party to be aware of certain general principles, keeping in mind that only in praxis can the concrete protracted conflict be thematised, described, and transformed.

To summarise, formal pragmatics refers not to the reconstruction of the universal features of language itself, but to the multiple ways agents employ discourses

in particular contexts. The universal component of this procedural framework refers to the possible understandings at which participants in the process can arrive. Validity claims can be succinctly put as: uttering something understandably; giving the hearer something to understand; making oneself thereby understandable; and coming to an understanding with another person.

When a hearer accepts the validity of a claim being put forward, then the symbolic structures of not only language (grammatical sense) but those that govern social interactions are recognised. These claims to validity, *propositionale Wahrheit*, *normative Richtigkeit* und *subjektive Wahrhaftigkeit*, as well as legitimacy, make it possible for any two agents (speaker and hearer) to engage in a communicative process across cultures and customs; hence, the mechanism is universal.¹⁹ The process of contesting these validity claims is always an approximation of an idealised form of communication, since such idealisations provide insights into how distorted forms of communication may be rebalanced.

The Ideal Speech Situation

No matter how the intersubjectivity of mutual understanding may be deformed, the design of an ideal speech situation is necessarily implied in the structure of potential speech, since all speech, even of intentional deception, is oriented towards the idea of truth.²⁰ During the process of raising a claim to validity, Habermas explores how participants may best come to understand the perspective of another participant. In an *ideal speech situation*, argumentation is designed to ensure that all those concerned, at least in principle, can take part freely and equally in a co-operative search for a 'true form of the better argument'.²¹ The process is an ideal insofar as it is an environment in which subjects suspend everyday communicative action to take up a position where propositions and claims are accepted as valid through the process of argumentation and sufficient justifications. This process allows for the possibility of reflection, critique,

and readdressing claims to validity as participants agree to dialogue and explore all options that may form the basis of transforming normatively-regulated structures.

Given that the communicative process is often distorted due to a variety of reasons including unequal relations of power, misinterpretation, clashing values, and conflicts, Habermas borrows Mead's *ideal role-taking* to describe an ideal speech situation.²² This small component links validity claims to communicative action and communicative rationality. That is, in formulating this segment of a communicative rationality thesis, Habermas considers Mead's important contribution of ideal role-taking and his incomplete explanation of self-individuation.²³ The development of self-individuation, coupled with the realisation of belonging or the need to transform group membership—through the process of argumentation—is one promising entry point for bridging the conflict resolution gap of 'getting to the table' and the politicisation of intersubjectively constructed discourses, as well as moving beyond the needs foundation of the discipline's dominant theories.

According to Mead, as Habermas argues, self-individuation depends on the individual's 'ability to differentiate progressively between his/her relations to the social world' and his or her 'internal world that monitors behaviour and migrates from *without* to *within*'.²⁴ Individuation, which occurs as a result of ego development, is a 'linguistically mediated process of socialisation' and a 'constituent of the life history that is conscious of itself'.²⁵

For Habermas, Mead's contribution lies in his developing a connection between "structure" and the "formation of conscience and in autonomy by individuals who are socialised in an increasingly differentiated conditions."²⁶ In short, he asserts that the self develops primarily in a social milieu and in an intersubjectively constituted community where agents acknowledge the statements of others within or coming into that environment.²⁷ Habermas incorporates into his formulation of an ideal speech

situation Mead's arguments that individuals intersubjectively relate to one another and the role that the language medium plays in shaping the individual and community. The importance placed on language and communication in Mead's formulation is borrowed by Habermas as a strand for grounding a Critical Theory of Society on a linguistic foundation.²⁸

Furthermore, Habermas is influenced by Mead's performative attitude of the first person towards the second person of the symmetrical 'you-me' relationship.²⁹ That is, the formation of a self-consciousness is how the subject conceives of him or herself, and depends on the medium of language. It is through language that the ego forms its identity through exchanges of communication and the experience of a multitude of learning processes, which can only occur in everyday practice. As a part of this process, self-reflection involves 'mobilising motives for action and of internally controlling one's own modes of behaviour'.³⁰ A 'me' becomes the generalised other; the behavioural expectations of one's social surroundings that have migrated into the person. That is, an 'I' relates to the agency of that eluded consciousness. A 'me' places limits from the intersubjective perspective of a social 'we' on the impulsiveness of 'I'.³¹

The social nature of language for structuring both the motivations of 'I' and 'me' means that these ego identities can be (not at the cognitive expectation level, but at the practical level of interactions) redefined and can help reshape the socially constituted 'we'.³² In communicative action, one can recognise one's own autonomy in the other. Identity claims aiming at recognition as a subject must not be confused with the recognition of the claims that are being challenged as valid. An addressee rejects by 'no' an utterance in a speech act that is being offered up and not the identity that constitutes the speaker, since the very nature of engaging in a dialogue means that the speaker and addressee take each other seriously. One must have recognised the other as an accountable actor whenever a 'yes' or 'no' speech act is put forward.

Normative contexts establish the set of all interpersonal relationships that are held to be legitimate in a given intersubjectively shared lifeworld. Whenever the speaker enters an interpersonal relationship with a hearer, both become actors in a network of normative expectations. However, in linguistically structured interactions, taking up various social roles does not imply only a reproduction of norms and structures. The interwoven perspectives of the first and the second person are indeed exchangeable, but the one participant can adopt the perspective of the other only in the first person, that is, never as a mere representative, but always *in propria persona*.³³ Hence, the structure of language itself promotes the idea that the individual should remain as his or her own person.

In action guided by norms, the initiative to realise oneself cannot, in principle, be taken away from anyone and no one can give up this initiative. For this reason, Mead never tires of emphasising the moments of unpredictability and spontaneity in the manner in which the actor interactively plays his or her roles.³⁴ Although Mead's conception of self-individuation leads him only to a two-actor relationship in ideal role-taking, nevertheless it points out that individuals are shaped by the processes of societal norms and enter into dialogues to either confirm or renegotiate these norms. This concept ties into Habermas' ideal speech situation where the subject, disabled by the distorted forms of modern pathologies such as the dominance of instrumental rationality, can become undisturbed in an idealised environment. This conception demonstrates the notion that all agents engage in some form of an attempt at idealised speech situations in everyday practices. For example, when persons are engaged in conversation (putting across claims to validity of truthfulness, sincerity, and normative rightness) in trying to understand the legitimacy of the statements being uttered, hearers will assume some form of the speaker's perspective, however limited.

Though claims to validity can be located in everyday communicative action, the process of engaging in discourses presupposes a certain suspension of prejudices and distortions associated with everyday practices, whilst simultaneously recognising the individual's 'social life'.³⁵ Furthermore, claims to truthfulness, normative rightness, sincerity, and legitimacy are redeemed in a variety of discourses. For example, hermeneutic discourses allow for the raising of interpretive claims, while empirical discourses call for contestation of empirical claims and explanations. In addressing questions of mutual understanding, interpretations, and explanations, the truthfulness *propositionale Wahrheit* and normative rightness *normative Richtigkeit* claims to validity are redeemed as these are directly concerned with objective and interpersonal worlds. As Habermas asserts, 'Practical discourses address the application of methodologies that are derived from the theoretically-oriented hermeneutic discourses'.³⁶

Other types of discourse include the aesthetic and the therapeutic. In the former, judgements do not imply a standardisation of values. The values that are offered for justification and consensus arise from specific forms of life and do not, as in practical discourses, directly concern practicability. In pragmatic discourses, questions are concerned with finding suitable means for realising the individual's goals and preferences. These directives have the semantic form of conditional imperatives. Ultimately, they borrow their validity from the empirical knowledge they take in. They are justified in pragmatic discourses:

The outcome turns on arguments that relate empirical knowledge to given preferences and ends and that assess the...consequences of alternative choices according to previously accepted maxims or decision rules.³⁷

Ethical discourses, on the other hand, are concerned with coming to an agreement about how to live the good life, questions of how to transcend the present and develop a societal set of norms and institutions that relates to improving groups' perceptions of what constitutes a peaceful, better life. Critical analysis helps to address

ethical questions in the form of what would be good for us.³⁸ That is, the critical component is important as the outcome of ethical discourses depends on taking into account the historically defined understandings of the self in relation to the community and society. By critically examining the development of the self as well as the larger social environment and norms, the underlying characteristics of institutions' and individuals' life histories become evident.³⁹

In pragmatic discourses, the efficacy of strategies are tested under the presupposition that we know what we want, whereas in ethical discourses, we reassure ourselves of a configuration of values under the presupposition that we do not yet know what we really want.⁴⁰ In pragmatic and ethical discourses, then, legitimacy can be accepted based on the conditions that policies and norms are good for us and are also effective. Unlike the claims of truthfulness and normative rightness, which can address possible consensus formations at the non-action level, and sincerity, which can only be confirmed or rejected in action, legitimacy applies equally at both points within the dialogical process.

Claims to validity that address what would be good for all can only be redeemed in moral discourses, which are governed by the principle U. This calls for the process of argumentation to validate and refute contested claims, according to the specified three.⁴¹ Questions regarding the moral point of view and general ideas of reconstructing norms and institutions imply that the participants consider, at least in principle, the effects of a specific type of social arrangement on all members of a community.⁴² In moral questions, the emphasis shifts away from efficiency to the adopting of a standpoint from which we judge the existing validity of norms and institutions.⁴³ A norm is just only if all can will that it be obeyed by each in a comparable situation.

In other words, moral precepts resemble Kant's categorical imperative. The imperative component is seen as an 'ought' that does not depend on subjective

preferences or the 'absolute goal' of a good life.⁴⁴ The 'ought', as it is intersubjectively arrived at, Habermas contends is just since their validity can be contested in moral discourses. Here, the outcome turns on arguments showing that the interests embodied in contested norms are unreservedly universalisable.⁴⁵

These different types of discourses reflect the varying motivational orientations and perceptions individuals hold in the process of confirming, renegotiating, or rejecting claims to validity. The moral discourses allow for the justification of competing claims and are not dependent on cultural differences and specificities. The ethical, which is most related to politics since it concerns how to maintain or reconstruct norms and institutions that govern social relationships, can be examined for its legitimacy in the employment of moral discourses. Consequently, both the ethical-political and moral discourses, like other types of discourses, can contribute to the transformation of deep-rooted protracted conflict situations. However, it is the moral discourse that allows participants to transcend particular positions in the process of constructing and reconstructing new ethical-political arrangements which can themselves be contested and revised. The relationship between this philosophical foundation based on the role of language and its consequent differing effects for facilitated conflict resolution forms the focus of the following section.

Discourses and Conflict Resolution

Habermas' differentiation of discourses illuminates the neglected aspect of moral discourse in the facilitated conflict resolution literature. That is, the approaches to facilitated conflict resolution contain pragmatic and ethical forms of discourses. Although in practices of political will formation and institution building, moral discourses occupy centre stage, this dimension is overlooked by scholars including Burton, Fisher, and Rothman.⁴⁶ Moral discourses occupy the core pragmatic elements

of a resolution process, since it is within a generalisable reconstruction that the practicability of any reached agreements can be conceived. Conflicts over clashing action orientations raise ethical questions such as 'according to which should we live together'.⁴⁷

Habermas' outline of what is involved in a political discourse applies to the political process of resolving violent protracted conflicts. That is, political will-formation must address three questions:

1. The question underlying compromise formation...how we can reconcile competing preferences;
2. The ethical-political question of who we are and who we seriously want to be; and
3. The moral-practical question of how we ought to act in accordance with principles of justice.⁴⁸

Correspondingly, in a negotiations process;

An aggregated will can develop from the co-ordination and adaptation of different preferences. In hermeneutic discourses of self-understanding, an authentic will can arise from shared value orientations; and in moral discourses of justification and application, an autonomous will can emerge from shared insights.⁴⁹

An inclusion of praxis as a component of an alternative framework would encompass these pragmatic, hermeneutic, and moral discourses. All come into play in the process of facilitating the transformation of a conflict. Moral discourses of justification and application can help the participants move from a stalemate to conceiving ways of transforming the protracted situation. The hermeneutic and the pragmatic would be included in constructing new norms and institutions. In testing the legitimacy of any consensual agreements, employment of these discourses can encourage and mobilise not only the emergence, but the proliferation of a political will by the members of various political communities. In order to gain and sustain political legitimacy, questions of ethics and compromise formation will have to be continually contested according to the moral practical question of justice. In protracted conflicts, the possibility to engage in such a process is hindered due to reinforced, fixed positions. A third party can assist the disputants to re-establish broken and distorted communication. Additionally, the emergence of political will formation can fuel a conflict or its resolution. Therefore, the facilitating format, such as those envisioned by

Burton, Fisher, Kelman, among others, can allow the representing participants to gain perspective under a condition of an ideal speech situation. This approach to facilitating the stalemated conflict situations is not fundamentally dependent on analysis and locating appropriate satisfiers to meet human needs. The procedural language-oriented framework allows for the participants to explore a variety of options in that through a dialogical process, ways of coexisting can be arrived at that can address the needs of many members of the opposing communities as well as transcend the workshop environment. Consequently, ways of overcoming distorted communication can be conceived and practised through exercising different discourses.

In short, the figure below summarises the types of discourses and the political will formation that can emerge:

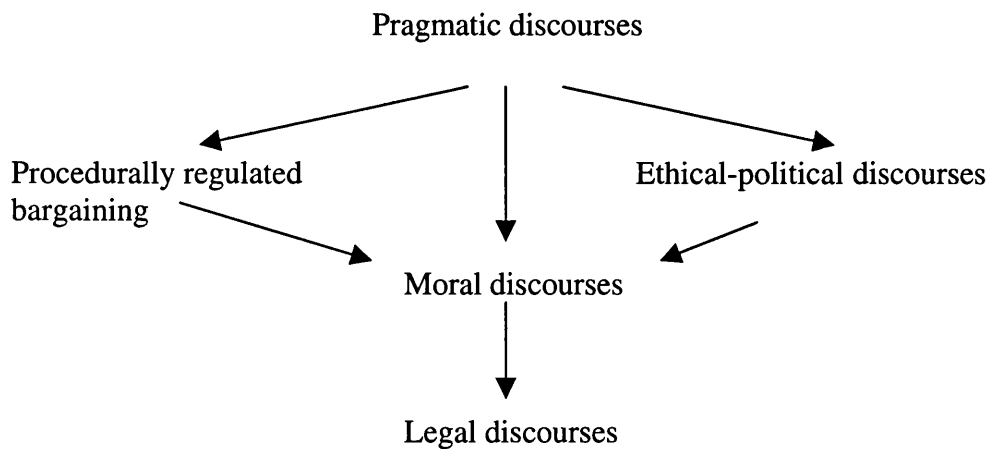


Figure 1: A Process Model of Rational Political Will Formation⁵⁰

One can infer that a Habermasian foundation for a process of resolution fulfils the potential embodied in the methodology of facilitated conflict resolution. This ‘conscious conflict resolution’, or *Verarbeitung*, is attempted under conditions of an approximated ideal speech situation.⁵¹ The formal pragmatics proceduralism and raising of validity claims shifts the emphasis away from either direct power bargaining or needs theory to a communicative process that allows for both flexible, context-sensitive, and generalisable consensus.

Simultaneously, the abstract universalism of Kant’s categorical imperative is modified to a practicable framework. Instead of asking what an individual moral agent could or will, without contradictions, be a universal maxim for all, one asks what norms or institutions would the members of an ideal or real communication community agree to as representing their common interests after engaging in a special kind of argumentation or conversation. The procedural model of an argumentative praxis replaces the silent thought experiment enjoined by the Kantian universalisability test.⁵²

Habermas presents several ways of resolving conflicts and rightly argues that conflict resolution that is conscious (aimed at reaching consensus) combines the variety

of discourses which together can form the outline for moving from stalemate to transformation:

Mode of action co-ordination	Problems		
	Regulation of interpersonal conflicts	Pursuit of collective goals:	
		Goal Setting	Implementation
Value orientation	Consensus	Decision by authority	Power of command with organised division of labour
Interest Position	Arbitration	Compromise	

Table 2: Elementary Types of Conflict Resolution and Collective Will-formation⁵³

As the table indicates, ephemeral moments of reaching understanding and potentially finding a consensus through the proceduralism of formal pragmatics can help to realise the original intent of facilitated conflict resolution. This is not to say that other forms of accepted analysis offered by scholars in the field should be dismissed; rather, they should be included along with formal pragmatics in a process that grounds itself in communicative action. Conscious conflict resolution includes the possibility for differing engagements with various types of discourses and allows for the redeeming of appropriate validity claims dependent on which context the participants choose to address in which order. This form of resolution process indicates a possible move away from a framework based primarily on instrumental rationality. Not only can the participants to the facilitation process be offered a previously unimagined alternative, but the third-party facilitators themselves can explore the reflective and critical components of conscious conflict resolution, before conceiving ways of rebuilding norms and institutions.

Consequently, what is suggested is not a mere shift in emphasis of a theoretical underpinning, but a different philosophical and subsequently a different type of

methodology for transforming conflicts. That is, as this methodology is grounded on discourses and the language medium and not needs and behavioural analyses, the methodology and any outcomes reached through consensus necessarily differs. A methodology predicated on a different understanding of how attitudes, norms and institutions are formed and reconstructed means that different processes and reasonings are at play. Thus, any agreements reached in the process of argumentation would probably differ.

In short, by following a procedure which is based on a different starting point than the one that underpins facilitated conflict resolution problem-solving workshops, it follows logically that an alternative outcome may result that need not resemble the types of agreements reached in a problem-solving workshop process. It is fair to say that the effect of a proceduralist universal outline may produce similar suggestions for reconstructing norms and institutions; however, the ways in which these would be applied and understood would differ. Hence, a different praxis would result. Furthermore, without critique and self-reflection, the transient moment where potential for reaching understanding and consensus can carry the conflict parties from opposition to co-operation, cannot be adequately explored. The facilitation process advocated by Burton, Kelman, and others neglects this dimension and thus the process moves from statement of positions to diagnosis of misperceptions and behavioural expectations through facilitated analysis.

Most importantly, the foundation of instrumental rationality can be expanded to include the communicative type. This communicative rationality incorporates instrumental rationality in achieving goals, but a framework based on the communicative rationality argument means that the dialogical process and argumentation come to occupy centre stage. The components described by the scholars and practitioners within the facilitated conflict resolution field would be subsumed in a

communicative rationality-based model. A methodology based on communicative rationality can better help the disputants to find their own solutions as the necessity to discover unmet needs gives way to a procedural framework that opens up the reconstruction of norms and institutions based on the acceptance of legitimate claims to validity. Therefore, a different philosophical foundation emerges. Additionally, the intrinsic connection between theory and practice would become explicit as communicative rationality understands praxis as an application of the inseparable relationship of both elements.

A conscious conflict resolution or a methodology of communicative rationality also offers a normative account of what the facilitation process should involve. That is, as moral discourses would occupy the core of this segment, the universalisable norm-building acceptance would be taken into account by the participants. Simultaneously, as ethical and pragmatic discourses would also come into play, and all would be tested for validity, the type of norm-regulating institutions and communities the parties decide would have to be co-operatively constructed. Of course, compromises or outright disagreements are also possibilities. However, as parties agree to enter into this approximated ideal speech situation, there are certain presuppositions and belief suspensions that participants bring to the process. By doing so, the potential for reaching consensus and understanding increases insofar as alternatives to traditional methods of facilitation or bargaining are not dismissed. The participants are more open to alternative ways of resolving the conflict that they otherwise may not consider in a negotiations format. As Habermas puts it:

Entry into moral discourse demands that one step back from all contingently existing normative contexts. Such discourse takes place under communicative presuppositions that require a break with everyday taken-for-granted assumptions; in particular, it requires a hypothetical attitude toward the relevant norms of action and their validity claims. The categorical 'ought' of moral norms is directed toward the autonomous will of actors who are prepared to be rationally bound by insight into what all could will.⁵⁴

In the process of resolving conflicts, claims to validity are contested in numerous forms of discourses including the moral, ethical, and pragmatic. Transforming institutions and norms require the consideration of generalisable structures as well as sensitivity to the particular communities in which the changes will be practised. The pragmatic discourses, as already mentioned, are concerned with construction of possible policies and their likely effects. In a process that adopts the formal pragmatics approach, the participants, along with the third party, would decide the level at which the conflict should be explored following the rule of argumentation under the principle of universalisation. For example, a moral issue such as a particular social policy would be contested by the parties according to the four validity claims. Similarly, if an ethical matter is seen more important by the participants themselves (such as the sustainability of the environment or protection of ethnic minority cultures) then discourses would allow the participants to reflect on the deeper consonances, *Übereinstimmungen*, in a common form of life.

Habermas insightfully argues that if neither of these discourses can be clearly seen to be employable, then the alternative is bargaining, which only results in compromise and a negotiated agreement, *Vereinbarung*.⁵⁵ The process of bargaining presupposes moral discourses, since justification of their validity is required for a compromise to be accepted. In other words, bargaining is indirectly imbued with the discourse principle of reaching uncoerced consensus, since each of the participants would have equal opportunity to influence or pressurise others. Though compromises are a part of transforming conflictual situations, the possibility of exploring ethical, moral, and other forms of discourses are not restricted to circumstances where a specific priority has been articulated. This aspect is decided by the participants and the third party in communication and only in a specific context. For example, one can begin with the specifics of building bridges and securing fuel as in former Yugoslavia, or with the

general principles incorporated in the Declaration of Principles, which resulted from the Oslo Channel. The participants to the process will clarify the level of entry and continuation in the contestation of validity claims. As the participants engage in mutual understanding and self-reflection, the type of discourses being employed will become evident within the act of communicating.

The process of engaging in conflict resolution can be helped with the proceduralism of formal pragmatics. This translates to a communicative action and a rationality that goes beyond the needs-based instrumental which forms the foundation of facilitated conflict resolution approaches. A communicatively rational perspective contributes to the achieving of consensus via a process that is agreed to by the participants themselves. As the types of discourses and arguments individuals put forward produce differing kinds of action (according to their relation to the world) Habermas explores four types of sociological action in elaborating his concept of communicative rationality. Therefore, each will be outlined in the following section.

Sociological Concepts of Action: Four Types

The concept of reaching understanding suggests a rationally motivated agreement among participants that is measured against validity claims. They characterise knowledge in symbolic expression. Alfred Schütz asserted that the lifeworld is an unthematically given horizon within which participants in communication have more in common when they refer thematically to something in the world.⁵⁶

—Jürgen Habermas, 1984

The first of four actions outlined by Habermas is the teleological action.⁵⁷ Here, actors attain ends by choosing means that might be successful. Realisation of such ends leads to prioritising strategic action and can be said to be utilitarian. Teleological action is purposive, calculated and used to yield optimal results. Individuals pursuing this type of action engage in cost-benefit analysis and are guided by maxims of utility.

The second type of action in which the actor relates to the social world is normatively regulated action. This form of action refers to members of a social group

who orient their actions according to common values. In this context, members of a particular community or society aim to express their behaviour so that the accepted norms are reflected in performative actions. The regulating pattern of norms and institutions is important here since common values, which structure social interactions, can be preserved and reproduced.

The third sociological concept of action is the dramaturgical form. This action refers to participants in interaction creating a public for another. It regulates mutual action to reflect one's own subjectivity. Since the participants aim to address an audience so that the subjectivity of the individual can be presented according to his or her construction, actions here are performative. Neither norms nor strategic action occupy the centre focus; rather, the public presentation of an individual identity is most important.

The fourth type of action is the communicative. This form of action refers to interaction between two subjects who are capable of;

Speech and action, who establish interpersonal relations...The actors seek to reach an understanding about an action situation and their plans of action in order to co-ordinate their actions by way of agreement.⁵⁸

In each of the four types of action, certain relations between the individual and the world are presupposed. That is, as in teleological action, normatively-regulated action suggests relations between an actor and two worlds: the objective and the social, *verstehen*.⁵⁹ In a dramaturgical form, it is the public and participants who 'perform' for one another.⁶⁰ All of these three types of relating to the world rest on goal-directed action. On the other hand, communicative action encourages consensus formation that is, in principle, linguistic. However, language can also be one-sided when only strategic action is the object that actors hope to achieve. In the first three types of action,

1. Language is about achieving success to serve one's own interest. In this attitude, utterances are both intentionalist and semantic.
2. Language takes on a culturalist concept of understanding. That is, actors presuppose a consensus that is merely reproduced with each addition to the existing understandings.
3. Presuppositions of language serve as a medium of self-presentation. The illocutionary force becomes marginalised whereas the expressive attitude increases.

4. Language is a medium of uncurtailed communication whereby speakers and hearers, out of the context of the reinterpreted lifeworld, refer simultaneously to things in the objective, social, and the subjective worlds, in order to negotiate, command, and affect the situation.⁶¹

The infrastructure of everyday language is relevant from a pragmatics viewpoint when speakers employing sentences relate to the world not just in a direct, but reflective way. The teleological, normative-regulated, and dramaturgical concepts can be integrated into a system that is based on the interpretations of strategic action.⁶² In communicative action, reaching an understanding acts as a co-ordinating mechanism for actions, but only through the interactions of participants who come to an agreement concerning the contestation of claims and their validity. In this process, the rationality potential for understanding can be mobilised by the participant who is engaged in communicative action.⁶³

In short, the individual's perceptions of the objective, subjective, and intersubjective worlds determine or influence the types of social actions that will be produced. Communicative action is most helpful for understanding the relationships between individuals in social environments, since the medium of language and employment of discourses allow for the raising of validity claims through the process of argumentation (U). This pragmatic procedure occurs, as stated earlier, only in practice and first in an approximated idealising situation, where the participants put forward pragmatic presuppositions to be contested and justified. A claim can be contested and the counterfactuals of any claim can be explored in an environment of uncoerced power relations where the 'unforced force' of the better argument can prevail.⁶⁴

The instrumental rationality that underlies the other three types of action produces incomplete understandings for creating a basis for an alternative philosophical foundation that can inform a Critical Theory of Peace Practice. The approaches articulated by scholars in the facilitated conflict resolution field are infused with one or more of these types of action. Therefore, the instrumental rationality that informs the actions and the relations the individuals adopt to the world comes to form the

foundation of these thinkers' perspectives. Communicative rationality is based on an idea that individuals are oriented towards reaching understanding. Through the process of raising claims to validity, which includes self-reflection and critique, the potential for a transformative praxis can be realised in facilitation efforts. Instrumental rationality, the foundation of all approaches offered in the literature of facilitated conflict resolution, is preferred and its dominance remains unchallenged.

This predominance can be partly attributed to the epistemologies that underline conflict resolution perspectives. That is, the scholars and practitioners overlook the distorted communicative process, which stifles communicative rationality whilst promoting the instrumental.

This is related to the development of system and lifeworld in modern societies more generally. In short, the lifeworld is made up of the cultural traditions of an individual's life history. Interpretative hermeneuticists such as Hans-Georg Gadamer asserted that communication and the need for mutual understanding cut across the horizon of culture and life experiences. The lifeworld forms the context in which individuals make references to the objective world and put back intersubjectively negotiated statements to confirm their validity. This lifeworld is reproduced and handed down through traditions, practices, and customs. Although individuals constitute this lifeworld that they have inherited, they can and do reshape it by passing it on to others. A specific claim accepted as valid in one historical circumstance can be interpreted or reinterpreted as different in retrospect, and no one person can predict whether the justification for a validity claim will apply once that justification has been made.

The significant point is that a justification for a validity claim is accepted by the participants to a particular communicative process in order to reach an agreement about how institutions may be governed and what norms should constitute them in principle.⁶⁵ The lifeworld relates to the system in that the system is the larger whole, which has

within it many lifeworlds.⁶⁶ When considering the development of modernity, Habermas explores Freud and Weber to articulate that with prioritisation of science and technologies, instrumental rationality has become the dominant rationality that pervades the social sciences and relationships among individuals in varying communities.⁶⁷ The ideas of Freud and Weber are far-reaching and diverse. However, to present an understanding of why a communicative rationality needs to be grounded in construction or reconstitution of a Critical Theory of Peace Practice, it is relevant to touch briefly upon the place of Freud and Weber in Habermas' works.

Freud's Contributions

Habermas examines the psychoanalytic model outlined by Freud. The patient/therapist process of reflection and the use of ordinary language are studied in formulating possible ways of overcoming distorted communication. Through the employment of reflection and a particular form of psychoanalysis that involve the use of everyday language, the patient can find the moment of insight that leads to the reconstitution of the individual ego identity. In a therapeutic relationship context, individuals do not refer to abstract ideas about who they are and why they have the problems they do. Rather, individuals use practical discourse to relate problems and work through traumas, childhood situations, and present difficulties. It is not the method of psychoanalysis that is important for Habermas, but the process of reflection as it allows for the evaluation and raising of validity claims. In the Freudian conception of psychoanalysis, it is the universal characteristics of language where the potential lies for recovering forms of distorted communication.⁶⁸

The psychoanalytic environment also provides the basis for conceiving of an ideal speech situation; that is, in a secure setting where the individual is free from external pressures, the therapist remains a participant only to the degree that he or she

assists the patient. The patient is left to talk freely of dreams, experiences, and fantasies, and link them with repressed memories or events.

Through reflection, however inaccurately, the individual can re-assimilate the problematic past and thus rebuild a more balanced ego. By doing so, what was repressed becomes fully conscious and the patient is better able to integrate this forgotten part of him or herself and gain a feeling of a more whole self. As Habermas writes:

Reflection is the social process through which impaired or broken communication is restored...The process of reflection is rationally redeemed in a strange territory, through the medium of speech and symbolic interactions.⁶⁹

The process of reflection present in a psychoanalytic relationship for Habermas points to a distinctive characteristic of a critical theory. Therefore, the process of reflection is incorporated in suggesting the suspension of everyday beliefs in a dialogical process. Furthermore, the patient-therapist relationship symbolises the colonised lifeworld that has been subsumed under mechanisms of system integration. While Freud concentrates on the pathology of an individual, Weber examines one particular form of modern society's pathologies.⁷⁰ That is, the development and dominance instrumental rationality gained with the progression of industrialisation and technical advances in modern societies.⁷¹ The following section will consider Weber's contribution towards fully articulating a communicative rationality methodology.

Weber's Contributions

The rationalisation of a potential through reason embedded in communicative action is a world-historical process. In the modern period, it leads to a rationalisation and the increasing prevalence of more abstract and more universal norms.⁷²

—Jürgen Habermas, 1984

In exploring Weber's analysis of the development of modernity most notably affected by the spirit embodied in the Protestant Ethic, Habermas follows Weber's diagnosis of modernity's pathology. Weber asserts that the multi-dimensional sides of

reason have been reduced to the instrumental form favoured by science and technology.⁷³ The mode of production that sustains relations among individuals and the identity formation of them, as asserted by Marx, are challenged by Weber.⁷⁴ He views the materialist paradigm as a product of a rationalisation process that is intrinsically linked to the processes of modernisation. For Weber, both critical reason (adopted by Horkheimer, for example) and the orthodox Marxists' appeal to scientific positivism are part of a single rationalising development.⁷⁵ Weber argues that the 'progress' towards administrations, and bureaucratic state structures according to legal standards closely parallels the development of capitalism.⁷⁶ He maintains:

The modern capitalist enterprise rests (internally) primarily on calculation. It requires for its existence a legal and administrative system whose functioning can be rationally calculated, at least in principle, on the basis of fixed general norms, just like the expected performance of a machine.⁷⁷

In his analysis of the rationalisation processes of modernity, Weber distinguishes between formal and substantive rationality.⁷⁸ The former is the degree to which action is oriented towards rationally calculated rules, the latter is the application of rational calculation to further definite goals or values. The substantive success of the formal rationalisation process for Weber means a process that would inevitably lead to a loss of freedom, *Freiheitverlust*, and a loss of meaning, *Sinnverlust*.⁷⁹ His conclusion that men's fate is to live in an 'iron cage of instrumental rationality' foresees a society where men worked to dominate and control nature. The following clearly illustrates his position:

Modern order is now bound to the technical and economic conditions of machine production, which today determine the lives of all the individuals who are born into this mechanism...Perhaps it will so determine them until the last ton of fossilised coal is burnt.⁸⁰

The pessimistic determinism regarding the fate of individuals is seen by Habermas as something that is not necessarily inevitable. Weber's insightful diagnosis of modernity as a society interested primarily in gaining control over nature does not mean all other forms of rationality must irrevocably be subsumed. Rather, because we can see that one-sided reason has come to dominate the way we

think about social institutions and relations, a space for conceiving of alternative rationality types or re-balancing this one-sided form of rationality is possible.

While introducing communicative rationality, the lifeworld and system concepts are uncoupled to explain how individuals bring the kinds of pragmatic presuppositions to bear on speech acts. Moreover, these concepts demonstrate how communication becomes distorted, both from the cultural horizons of agents and also from the social institutions that constitute societies. Habermas maintains that economic and administrative activities contribute to the colonisation of the lifeworld by a system integration. Societal rationalisation, therefore, happens at the cost of the lifeworld. A lifeworld remains the subsystem that defines the pattern of social system as a whole. Systemic mechanisms need to be anchored in the lifeworld: they have to be institutionalised.⁸¹

In short, the contributions of Weber's and Freud's analyses mean that these elements, combined with the earlier sections, comprise communicative rationality. As it forms the substantive component for a Critical Theory of Peace Practice, the following section will focus on this methodology.

Communicative Rationality

Communicative rationality characterises the activity of reflecting upon our background assumptions about the world, bringing out basic norms to the fore, to be questioned and negotiated. Instrumental rationality takes these background assumptions for granted, in the pursuit of new gains.⁸²

—Jürgen Habermas, 1984

The previous discussion of the role of language as a universal medium for procedurally allowing individuals to engage in dialogues in an intersubjectively constituted relationship, was explicated to show that it constitutes a central part of communicative rationality. The concept of reaching understanding suggests a rationally motivated agreement among participants that is measured against

Habermas' three validity claims to truthfulness, normative rightness, and sincerity as well as a fourth claim introduced by this author, namely legitimacy. Following the concept of communicative rationality, forms of argumentation are carried out in an idealised environment where participants are made aware that claims to uttered statements can be challenged. Habermas maintains that:

Discourses are islands in the sea of practice...improbable forms of communication. The everyday appeal to validity claims implicitly points, however, to their possibility.⁸³

It is via this potential for discourse and, more to the point, the fact that claims to validity are discursively redeemed that communicative action and its unexplored but underlying type of rationality can be conceived. Communicative rationality is understood and studied in connection with the structure of language, for the embedded nature of language is inseparable from the concept. Individuals who are engaged in the social practice of communicative action can be said to be motivated to reach consensus, even if that consensus is only for self and mutual understanding. During this process, claims to validity can be seen to be rooted in differing forms of knowledge, while at the same time, a stated proposition can be retranslated meaningfully back into social action. The following reinforces this point:⁸⁴

Der Begriff der kommunikativen Rationalität am Leitfaden sprachliche Verständigung muss analysiert werden. Der Begriff der Verständigung verweist auf ein unter Beteiligten erzielt rational motiviertes Einverständnis, dass sich an kritisierbaren Geltungsansprüchen bemisst. Die Geltungsansprüche (propositionale Wahrheit, normative Richtigkeit und subjektive Wahrhaftigkeit) kennzeichnen verschiedenen Kategorien eines Wissens, das in Äußerungen symbolisch verkörpert wird.⁸⁵

This formulation allows for the restoration of practical reason and the formation of a communicative rationality methodology. Since only the participants to a process can construct the content of a formal procedure, the theoretical bases for approaching social practices in this fashion are more adequate than the foundations that are either explicitly or implicitly stated in approaches to facilitated conflict resolution. This form of a theory is also 'critical of social scientific approaches that are incapable of deciphering the paradoxes of societal rationalisation'.⁸⁶ Furthermore, a theory of communicative action, which is premised on communicative rationality, can ascertain for itself 'the rational

content of an anthropologically deep-seated structure by means of analysis, that science proceeds reconstructively'.⁸⁷ It describes structures of action and structures of mutual understanding that are found in the intuitive knowledge of competent members of modern societies.⁸⁸

Communicative action, which has at its core an understanding of a different form of rationality, is designed to make evident that through employing a non-instrumentalist form of rationality, a theoretical framework emerges that is based on praxis and can offer a more helpful perspective for approaching the task of reconstructing and renegotiating norms and institutions. Consequently, a critical theory perspective that includes communicative rationality as a core component shifts the emphasis from needs to the socially co-ordinating mechanism of language and the transformative role discourses can play in altering existing political arrangements.

In summary, at the broadest level, a theory of communicative action and communicative rationality suggest that if institutions and human life are maintained through socially co-ordinated actions of a society's members and, in certain instances, are established through communication aimed at reaching consensus, but always through a form of communication such as speech, nonverbal, body language, and so forth, then the reproduction of society means that we must satisfy the conditions of rationality, mutual understanding, and contestation of validity claims that are intrinsic to communicative action. Communicative action is then a form of social interaction in which the individuals' action-plans are co-ordinated through a process of intersubjective communication, sometimes engaging in an approximated ideal speech situation.⁸⁹ This enables participants to adopt different attitudes toward the world, thereby showing that communicative action under communicative rationality has three functions which contribute to the reproduction of the lifeworld: 'reaching understanding, co-ordinating action and the socialisation of individuals'.⁹⁰ One can then conclude:

Dieser Begriff kommunikativer Rationalität, führt Konnotationen mit sich, die letztlich zurückgehen auf die zentrale Erfahrung der zwanglos Einigenden, konsensstiftende Kraft argumentativer Rede, in der verschiedene Teilnehmer ihre zunächst nur subjektiven Auffassungen überwinden und sich dank der Gemeinsamkeit vernünftig motivierten Überzeugungen gleichzeitig der Einheit der objektiven Welt und der intersubjektive ihres Einheit Lebenszusammenhangs vergewissern.⁹¹

Implications for a Critical Theory of Peace Practice

Consciousness and thought are seen to be structured by language, and hence are essentially social accomplishments. The deliberating subject must be relocated in the social space of communication where meanings enhance individual identity, which is structured by social meanings, and are matters for communal determination through public processes of interpretation.⁹²

—Jürgen Habermas, 1993

The preceding sections have detailed the elements that comprise the concept of communicative rationality. It is argued here that this concept is fundamental for discourse ethics, which forms the theoretical and philosophical foundation for a Critical Theory of Peace Practice.⁹³ In the following final section, the implications of incorporating the communicative rationality procedural methodology for a Critical Theory of Peace Practice will be put forward.

The Method

The formal pragmatics of language, outlined earlier in this chapter, points to a foundational flaw in perspectives of facilitated conflict resolution. Burton, Kelman, Rothman, Bush, and Folger, among others, overlook the dimension of the language medium. This leads to several difficulties. Perhaps the single most important insight to be gained from a formulation of communicative rationality is that the raising of validity claims should form the methodology of a Critical Theory of Peace Practice. The facilitated conflict resolution theoretical frameworks are founded on either a social-psychological underpinning of perceptions or needs, thereby dismissing the significance of theory and favouring instead practice.

Scholars such as Burton, Kelman, and Rothman completely neglect the role of language as a medium where discourses can be redeemed in the contestation of validity

claims. Instead, the conflict resolution scholars concentrate on the need for clear, effective communication—the analytic-genealogical digging of hidden motivations—and presenting the conflict as a shared problem which can be solved if behaviours are modified.⁹⁴ In doing so, they prioritise an instrumentalist aspect of communication. By leaving out the universal infrastructure of the language medium, the conflict researchers' frameworks of problem-solving workshops are incomplete, where participants are meant to come to a renegotiated understanding of the conflict by themselves, hence making resolution possible through the mode of analysis to the extent that only the constituent elements are studied and reflected on.

Since communicative rationality is excluded from the facilitated conflict resolution theoretical equation, not only is the key idea of language as the socially coordinating medium of relationships among individuals left out, but equally important, the needs-theory approach is in danger of being stuck in the trap of instrumental rationality, a type of rationality Burton and Rothman, for example, evidently wishes to escape. Hence, both scholars' intentions to construct a theory for transforming institutional structures cannot be fulfilled as they indicate it should.⁹⁵ In other words, the paradigm shift that Burton and Rothman assert as occurring by grounding a conflict resolution practice on needs theory fails to materialise, since their underlying meta-theoretical assumptions remain tied to instrumental rationality.

A Critical Theory of Peace Practice is not premised on needs theory but is premised on a different philosophical underpinning of communication. Communication here refers to more than effective transmission of ideas and interpretations but incorporates a type of rationality that is oriented to reaching understanding in the first instance and encouraging consensus-building when such moments arise.

It is fair to say that the scholars and practitioners within the facilitated conflict resolution discipline do in practice formulate a method for reaching consensus. After

all, this is the objective of a facilitated problem-solving workshop process. But the reliance on one form of rationality, and a lack of questioning the basis as a valid foundation for theorising, mean that facilitated conflict resolution approaches have not moved away from conceptualising conflict resolution from an instrumental viewpoint.

The first and most fundamental formulation of a Critical Theory of Peace Practice would put at its centre the formal pragmatics of language, raising validity claims through the employment of different discourses and the process of argumentation (U) in an approximated ideal speech environment. As humans, we all possess the capacity for intersubjective communication to reach understanding, form a consensus, learn appropriate behaviours, attain success, and ground our world views generally. Since the philosophical foundation of a Critical Theory of Peace Practice includes a communicative rationality concept and its consequent methodology, the outcomes resulting from facilitation efforts may differ from the problem-solving format. This is the difference between facilitated conflict resolution and a Habermasian-informed methodology of communicative rationality. Rather than engaging in facilitated analysis of needs, participants to a facilitation process employ discourses to contest the validity of uttered statements in order to find a way of moving beyond the protracted situation. The different foundation builds on insights Burton very briefly alludes to and seizes the opening provided by Rothman, Bush, and Folger. By including a methodology of communicative rationality, this proposed framework can finally overcome the bounded restrictions imposed by a commitment to needs theory.

Additionally, a critical examination of the foundation of a theory allows for a clear understanding of why one particular concept is dominant. In this thesis, it is contended that discourses can bridge the gap between social practice and pragmatic presuppositions of communicatively competent agents, which means that a theory takes into account, for instance, distorted power relations. By first deconstructing the

formation of power among societal structures, communities, and individuals, ways of overcoming existing power asymmetries can be conceived. The informal environment of facilitated conflict resolution problem-solving workshops, like an ideal speech situation, aims to promote equality among participants. However, the idealised conception of the *undisabled subject* differs from a conception of the individual outlined in problem-solving workshop approaches. In other words, under a communicative rationality informed perspective, the distorted power relations, which are present in various types of communication, include the problem of unequal power formations.

Another difficulty with the neglect of praxis is that in conflict resolution, scholars and practitioners persistently cling to the theory-practice divide.⁹⁶ That is, scholars within the facilitated conflict resolution field prefer either a theoretical or, more often, practice-driven procedures to resolve violent, protracted conflicts.⁹⁷ Although Burton at least attempts a theoretical formulation for his problem-solving workshops, he still insists that the realm of practice is more significant. The facilitation exercise involves following sets of procedures, however important or limited they may be, in creating a conducive environment for dialogues. A philosophical foundation for a general theory of facilitated conflict resolution is put aside in favour of providing step-by-step details for conducting the workshops.⁹⁸

The location of universalism by Habermas in the sphere where individuals engage in an interactive social process of communication has a small, but important implication for an alternative theoretical formulation. The practice of facilitation must be contextualised and understood from the perspective that language is the socially coordinating mechanism through which ideas and positions can be discursively redeemed and a process of reaching consensus is communicatively acted. It is a relatively simple idea, but one rarely explored in the study of facilitated conflict resolution.

A relocation of the subject, including the third-party role, from a neutral, objective participant to a sphere of intersubjective communicative action forms one very significant component of a Critical Theory of Peace Practice. Needs-based theories or social-psychological approaches only explore the superficial effects of actions and perceptions structured through language. If we take the point that consensus and conflicts are formed, maintained, or renegotiated through the employment of discourses, the modes of rationalities that operate within them helps one to understand the different types of consequences that result from adopting a particular form of rationality. In other words, different types of rationality are expressed in the kinds of discourses and in the medium of language. It is important to remember that rationality refers not to the specific mental states or actions of individuals, but to the underlying assumptions that underpin various theories, praxis, norms, and institutions. The process of communication includes all of these dimensions of language and discourses.

Another required element of a Critical Theory of Peace Practice incorporates the feature of communicative rationality; that is, a realisation that each agent possesses the capacity to orient him/herself towards reaching understanding and, eventually, compromise or consensus. These universal qualities are not meant to replace merely the universalistic tendencies of the facilitated conflict resolution approaches. Rather, they are aimed at superseding them, for the Habermasian-derived universalism is more limited. Since social actions are located in the milieu of social interactions, an understanding of common or clashing cultural histories of the subjects, the socio-historical character of language tied to universal pragmatics concept helps to bridge the gap between the universal and the particular. Habermas recognises that the specific contexts of will formation are as important as the general moral project of reconstructing norm-regulating institutions. Consequently, the quasi-universalism

present in communicative rationality can be included in a process of facilitating conflicts.

Although formal pragmatics is largely procedural and other steps in the development of a discourse ethics approach are needed, the insight it offers is not to be underestimated. Numerous criticisms regarding the formulation of communicative rationality and its constituent components have been levelled against Habermas.⁹⁹ The two most predominant merit mention and justification.¹⁰⁰ The first claims the quasi-transcendental universalism is, indeed, primarily transcendental. The second asserts his framework neglects the cultural dimension.

Regarding the former point, it is appropriate to remind the reader of the modification of Kant's categorical imperative carried out by Habermas.¹⁰¹ In short, he argues that the individual is not an isolated subject and does not abstractly design rules and apply it to a general will formation. Rather, the individual is to be understood in a social context where the interactions between the subject and members of a society or communities shape and reshape actions that the individual may take. Furthermore, formulated ideas are intrinsically located in social practices, since they are derived from and translated back into the social environment as a form of communicative action. Moreover, there is the charge that universalism hinders individuals from various cultures and value orientations to reach consensus. The type and level of language is to be agreed by the participants, and despite the difficulties this may present, it is crucial to understand that language is a mechanism for engaging in communicative action.¹⁰²

The second critique loses its bite once the hermeneutic component of Habermas's theory is acknowledged. The life histories of a society, and the individuals that comprise them, are taken into account as they are embedded and influence the process of argumentation. It is due to different cultures and value orientations that distorted communication arise; how we may put forward an adequate structure for

overcoming them forms a motivation for building a framework for a facilitated conflict resolution theory. In these perspectives, agents are taken through a series of self-discovering steps. First, they state their positions; then, through uncovering their hidden motivations, the participants come to learn that the conflict is a shared problem; one that can be solved, since resolution does not mean the deprivation of one group's needs at the expense of others.

But how are we to judge between these approaches in such a limited context if the claims are justifiable and valid? A communicative rationality methodology can better realise the potential for reaching consensus with the assistance of a third party.¹⁰³ In this newly conceived conflict resolution process, the third party would not only be informed with all the traditional methods, but also would possess a philosophical insight into the transformations necessary in order to construct new norms and institutions. By recognising that there is more than one type of rationality and that we orient ourselves towards reaching understanding, at least in principle third parties can include this point in a facilitation process which can open up the process of resolution itself.

Once the agents agree to participate in a facilitation exercise, a strictly analytical method is not necessary for the parties to realise that their needs are under threat. The participants could also pursue an open communication process. The third party or third parties have a proactive role to play here. Since they are a part of the communicative process by virtue of participation, a third-party role can help disputants to seize the moment when consensus becomes possible. That is, third parties can offer self-reflection and the procedure for raising validity claims.

When agents put forward assertions, demands, or suggested compromises, the third party can guide the contestation of validity claims. This is not an imposed process since, as Habermas rightly insists, the raising of claims to validity is rooted in everyday language.¹⁰⁴ In the process of argumentation, norms which are based on particular

forms of knowledge guiding interests, including the empirical and the hermeneutic, can be contested and deemed legitimate or false, according to the four validity claims and in discourses of the pragmatic, ethical, and moral. For example, the claim to truthfulness can be contested by looking at the counterfactuals, by resorting to empirical evidence, theoretical possibilities and unforeseen alternatives. It is fair to assert that a validity claim to truthfulness can change over time. However, this potential points not only to a possible negative consequence, but also to a positive one. That is, all claims to validity can be recontested and reconfirmed as legitimate by participants. For example, the sustainability of specific claims to truthfulness can foster confidence-building, the fundamentals of a Burtonian and other conflict resolution efforts.

Acceptance of sincerity is crucial for fostering trust. Although it is often absent when the disputants first encounter one another in a facilitation process, the validity claim of sincerity, if seen as legitimate, can help to maintain the facilitation process. Sincerity refers not to attributes of a specific individual, but to the intention of sincerity expressed in a speech act that can be criticised. Claims to normative rightness are perhaps the most difficult to conceive of in a problem-solving effort for resolving violent conflicts. However, as moral discourses indirectly inform the contestation of claim to normative rightness and moral discourses presuppose generalisable will and consequences, ways of reconstructing societal institutions and redefining relationships can be explored. Moreover, participants to the process have accepted that each validity claim can be contested inasmuch as they all have realised that the current political circumstances cannot be maintained.

Here, the significance of instrumental rationality can be seen, but the need to subsume it under a communicatively-rational concept also becomes evident. That is, the process of raising claims to validity allows the participants to alter social relationships. Claims to validity help individuals to judge the appropriateness of

accepting one form of arrangement over another. The act of raising validity claims inherently contains the process of argumentation. Although in resolution efforts, political texts and arrangements of alternative norm-guiding actions are often negotiated, the potential in this type of communicative process frees all to express their intentions.

This differs from the facilitated analytic methodologies in three specific ways. First, speech acts can be measured against criticisable validity claims, as the participants have accepted the viability of such a process to help achieve transformation at the outset, at least implicitly. Since they have agreed to explore an unorthodox method of resolving conflicts and, more importantly, by engaging in a process of argumentation that is not solely for media consumption, all participants bring pragmatic presuppositions into the dialogical process, which should be reoriented if a transformation of the stalemate is to be formulated and practised.

A consensus, if reached in this dialogical process, can be judged and reflected upon, as to whether the stated propositions are valid for all being represented, and in what ways they may become acceptable to all who will be affected by changes in practices. The ability to contest validity claims means that individuals can judge the process itself, the legitimacy of any reached consensus as well as the continued legitimacy of any new norms and institutions. In this way, the role of validity claims is part of procedural methodology of communicative rationality.

Second, during the process of raising validity claims, the importance of reflection becomes apparent. Habermas looked to Freud and Kant for the best way of incorporating this important concept. The Kantian notion will be left for consideration in the following chapter. However, the Freudian psychoanalytic model is taken up by Habermas as it provides an interesting insight into the appearance of reflection and how the patient in a therapeutic relationship can attain autonomy. He or she does this by

recovering past traumas, dreams, repressed desires and other forgotten but significant events that have stunted the development of the ego. The patient is able to stand outside him or herself in the first instance as he or she reflects upon the experiences within a secure environment of a therapeutic situation. Once repressed histories are brought forward by confronting and reflecting on these situations in a critical manner, the patient is able to work towards reintegrating this part of the personality back into a more centred ego that has control over the self and hence the individual's development. In the study of facilitated conflict resolution, reflection of the critical type is lacking in the process of constructing and advocating theories. That is, although in a broad sense Burton and others favour such a component in the process of discovering options for resolving conflicts, at the level of theory their self-critical examination is rather limited. Although Burton engages with various ideas to support his needs theory framework, the validity of needs-based underlying assumptions are excluded from his published discussions.¹⁰⁵ Similarly, scholars who attempt to expand Burton's original formulation, including Rothman, do not go far enough in critically analysing and considering the fundamental ideas that frame a needs theory approach.

Third, the process of reflection makes it possible to realise the immanent potential within the structure of a problem-solving facilitated conflict resolution workshop. This immanent moment comes about through both reflection and raising claims to validity. Unlike Rothman's assertion that potentials for critical insight and transformation lie within intra-group interactions, the possibility for immanent critique and insight, it is argued here, can and does occur among individuals within a particular group as well as amongst them. Moreover, this immanent moment is the nexus where knowledge meets interests (both strategic and communicative) and where a transformation among the participants makes it possible for agreements and consensus to be reached. This is an important point for an immanent moment of a potential for

reaching consensus, produced by a convergence of reflection and raising of claims to validity, broadens the space for formally describing a Critical Theory of Peace Practice.

A prescriptive procedure, as detailed by the conflict resolution practitioners, is not the task of a Critical Theory of Peace Practice. Rather, it is suggested that a formal proceduralism and the concept of communicative rationality be included in the facilitation process, particularly by a third party who offers a variety of ways of conducting the facilitation efforts.

Finally, how we choose to construct the normative foundations of institutions and forms of government are the questions that arise from adopting a communicative rationality perspective. As discussed earlier, communicative rationality encompasses other forms of rationality including the instrumental.¹⁰⁶ This type of rationality has come to dominate modern life and affects the conscious decision-making policies and abstract inferences in either confirming the status quo or attempting to transform the public sphere. Once an agreement has been reached and consensual action can be employed, the next step is to postulate how to actualise, in practices of intersubjectively constituted social relations, any of these reached agreements. As the theory practice relationship is incorporated and understood to be intrinsically linked, a Critical Theory of Peace Practice can assist in addressing the 're-entry problem'. That is, as praxis constitutes both the formulation and implementation of any agreed-upon policies, those policies can be contested in the broader public socio-political environment. As the process is a dialogical one, if necessary changes can be incorporated to the original set of agreed policies.¹⁰⁷

In order to reconstruct the norms that should govern communities and their members, one must adopt a particular moral point of view.¹⁰⁸ Adopting a moral point of view means that one takes into account the general effect any consensus may have on all those who would be affected by such decisions. It constitutes possibilities for

comprising normative structures that would assist in making apparent distorted communicative structures that translate into direct actions. Distortions at the communicative level, which result from an individual's previous life histories and the systemic mechanism that invites institutions to confirm their predominance, produce certain types of action or at least favour the outcome of a specific type of action.

It is in the construction of new norms and through communicative rationality that one hopes to readdress the Weberian diagnosis of modernity's pathology of instrumental rationality.¹⁰⁹ The pursuit of dominance and technical control are features that prolong conflicts. The desire to master and gain control over nature can be seen in the continued pursuit and acquisition of economic or military dominance and power. The violent methods used to prove that one group of society, or a segment of it, can exist only if the other is expelled demonstrate Weber's cogent diagnosis and forecast of modern societies with the dominance of instrumental rationality.¹¹⁰

Yet, against this background lies the potential for the emergence of another type of rationality.¹¹¹ Power asymmetries, present in the state, the market, and individuals, are not excluded in this conception. It is precisely because of unequal relations of power among individuals, which is expressed in everyday language, that an ideal speech situation is suggested. In it, under the rule of argumentation (U), the 'force of the better argument' can prevail because of its legitimacy and not efficiency.

Conclusion

In this chapter, the constitutive components of communicative rationality, which forms the methodology of discourse ethics, were carefully examined. It was asserted that communicative rationality comprises the methodology for a Critical Theory of Peace Practice, since it provides a broader understanding of rationalities that can constitute a foundational framework for a facilitated conflict resolution theory. Consequently, a Critical Theory of Peace Practice moves beyond the instrumentally rationality-based needs theory frameworks of facilitated conflict resolution. It was further argued that Habermas' formal pragmatics contains a universalistic, critical dimension that is simultaneously sensitive to contextual variations. Hence, a superior account of how individuals can come to reach reasonable agreements is offered.

Unlike the approaches articulated by scholars in the facilitated conflict resolution field, a Critical Theory of Peace Practice incorporates the interconnected relationship between theory and practice. While the subsequent chapter will explore the theoretical underpinnings of this suggested alternative framework, this chapter illuminated the preferred methodology of communicative rationality. This inclusion of praxis is one key difference between a Critical Theory of Peace Practice and the perspectives offered by conflict resolution thinkers. As discussed in the previous chapter, Banks recognises the need for bridging the gap between theory and practice. However, a suggested framework that connects this relationship is not put forward in his writings.

The concept of praxis is taken from Habermas to establish the theory-practice relationship and to place it at the centre of a proceduralist methodology. As theory and practice are intrinsically linked, during the process of suggesting ways of transforming practices, a critical self-reflection on the theories that shape those practices is required. Self-reflection and a deconstruction of stated propositions, norms, rules, and so forth.

reveal the foundational components that underpin social and political structures. A critical self-reflection allows an individual to learn about the developments that have led to protracted conflictual situations. Moreover, one can begin to formulate ways of transforming those socio-political and norm-regulating structures and institutions. Hence, it is asserted that self-reflection is a key aspect of formal pragmatics as well as in formulating a resolution of conflicts. In short, critical self-reflection and praxis shape the outcomes in the social and political worlds. As the extent to which social and political actions shape praxis are made explicit in a process of critical self-reflection, the influence of both concepts are channelled back into practices, via the process of reconstruction. Consequently, these elements, which are overlooked by conflict researchers, are included in the communicative rationality methodology of a Critical Theory of Peace Practice.

As already suggested, conscious conflict resolution, which includes a communicative rationality methodology, would mean that the universalism/particularism and the theory/practice dichotomies can be overcome. The constituent components of a method based on communicative rationality points towards praxis, which is an interactive, fluid process that shapes practices and theories, since each can be, and is, altered through the interaction between them. In conscious conflict resolution, universalistic, and particularistic aspects of praxis are viewed as intertwined, insofar as an inclusion of moral, ethical, and pragmatic discourses suggest that both the general principles that may constitute new norms, as well as the specific contexts and cultures of the participants, equally need to be accepted. For a sustainable resolution to be practicable, the conflicting parties must be able to agree upon the pragmatic and moral aspects of a legitimate resolution that respects their differing ethical value orientations.

Only a broad formal framework can and should be outlined, as a communicative rationality-based method allows for the participants (including third parties) to explore as many alternative ways of resolving conflicts as necessary, to grasp the potential for reaching consensus. Adopting a method based on communicative rationality alters the substantive approach to facilitated conflict resolution problem-solving workshops. At the formalistic procedural level, individuals' subjective and cognitive attitudes affect their actions. It follows that a communicatively-informed rationality would produce a different grounding for a theory of practising peace. The foundation is one of language and the process of communication rather than premising a framework on instrumental rationality and needs theories which call for facilitated analysis. An alternative Critical Theory of Peace Practice is interested in more than an analytic process of altering perceptions or changing attitudes. The methodology is concerned with addressing the validity of individuals' claims so that not only perceptions and attitudes, but new norms and institutions can be imagined. Moreover, rather than a conflict resolution endeavour, a Critical Theory of Peace Practice is intended to be applicable beyond the workshop environment to the public sphere by a variety of individuals, groups, and communities.

A theory that takes into account the concept of communicative rationality and the method it implies would present more possibilities for realising the original intent of facilitated conflict resolution scholars such as Burton. A communicative rationality methodology suggests a different type of facilitation process than those formulated either by practitioners within the discipline or the participants of the Oslo Channel in at least three ways.

First, the role of the third-party team would be altered. In a perspective based on communicative rationality, third parties are active participants. By offering ideas and information regarding types of approaches in conflict resolution and the process of critical self-reflection, they contribute to the creation of the procedural format of the

process as well as the outcome of any reached consensual agreements. By assisting the disputants in a process of critical self-reflection, third parties can present the sum of such processes. More importantly, in so far as they participate by a myriad of ways, including offering ideas for moving beyond the protracted conflict situation, clarifying interpretations, exploring ideas put forward by the disputants, and so forth, the third-party role is an interactive one. This differs from the 'interactive' nature assigned to problem-solving workshops by Kelman and Fisher, since their formulations indicate that only the conflicting parties interact with one another.¹¹² The third parties are not meant to contribute in any significant manner to the outline of any resolution.

Of course, the disputants must decide the content of any agreements. However, third parties can and do play a more proactive role than a facilitator who assists in analysing the hidden causes of conflicts. Third parties can take up a neutral position, while simultaneously contributing toward the process of considering if consensual agreements can be formulated and accepted. Furthermore, third parties would offer a variety of possible methods that might be chosen for attempting conflict resolution, including the formal pragmatics approach. Consequently, the participants can engage in *argumentation* where contested positions and norms are raised for examination, according to the validity claims of truthfulness, sincerity, normative rightness, and legitimacy. The procedure, as outlined in this chapter, can be put forward in simpler terms and offered as one possible way of discussing how to move from a deadlock to a progressive environment, where transformation of the conflict can be conceived and applied. Hence, this conception of a third-party role also differs from the Oslo Channel, where the Norwegian third parties played an administrative role. The interactions between them and the disputants were even more restricted. As a result, the disputants are left to negotiate compromises without being given an opportunity to explore other ways of transforming conflicts. It is fair to say that this limited role of a third party was,

in part, predetermined by the disputants.¹¹³ However, as Terje Rød-Larsen maintains, the leader of the third-party team, the administrative role and the type of facilitative assistance were also defined by the third parties.

Ultimately, an inclusion of a communicative rationality method would expand the procedural guidelines for engaging in facilitation efforts, so that no option is excluded from the project of resolving deep-rooted conflicts. Therefore, the third party role in a Critical Theory of Peace Practice would be recognised as a direct participant, which at the methodology level expands the definition ascribed to this role by facilitated conflict resolution approaches. The expanded role allows equal participation amongst all the participants.

Second, the process of facilitation would be a dialogical one. That is, under the rule of argumentation, the participants would orient themselves toward listening and attempting to understand the other positions that may be contrary to their own. The role of communication occupies centre stage in this proposed alternative method. The understanding of a communicative process, ensuring that messages are understood and delivered clearly, changes in a communicative rationality method. While this point is included, participants focus on contesting propositions and claims to validity. Contestations can lead to an exploration of previously unconsidered and unconceived possibilities, which can contribute toward the formulation of agreements.

In short, an expanded concept of rationality can result from a process based on dialogues. The facilitation process would encompass more than the instrumental, strategic goal of achieving success. Although this is an important component of conflict resolution, by engaging in a dialogical form of argumentation, third parties would assist in the re-establishment of broken and distorted communication. Consequently, both the positive and negative effects of communication can be considered. Additionally, in the

process of reconstruction, dialogues help in formulating ways of sustaining the norms and institutions that are being recast.

A dialogical process, in facilitation efforts such as the one practised in the Oslo Channel, would concentrate on the cementing of norm-building and institution-building, rather than focus on fostering the development of personal relationships.¹¹⁴ That is, as participants intersubjectively arrive at agreements of how to reshape institutions and norms, through listening and taking up the other's position in the process of argumentation, ways of buttressing any reached agreements in the long term can be incorporated into refining the immediate set of consensual agreements. Consequently, if certain participants are replaced or remove themselves from a facilitation and peace process, the attained confidence-building does not have to vanish with those individuals' departures. Simultaneously, an employment of the communicative rationality method in the public sphere can assist in the building of new norms so that institutions that reflect changed political arrangements can be established and developed. The focus would be on constructing new norms and institutions by all participants. As all positions and ideas are equally explored, the confidence built during the process of contesting validity claims can help in the concretisation of those agreements.

This leads to the third point. The question of re-entry can be better tackled by following a communicative rationality method. The rule of argumentation that governs the facilitation process can be transferred to a broader environment. In the public sphere, individuals, groups, and communities can engage in a similar contestation of ideas and propositions. The substantive procedure may vary according to specific contexts, yet general principles of how to construct norms and institutions can be arrived at by engaging in critical self-reflection and a dialogical process. Additionally, as praxis constitutes and is constituted by practices, the task of transferring any reach

consensus to a broader level is taken into account in the suggested alternative methodology.

A communicative rationality procedural framework would have presented an opportunity for the Oslo Channel participants to engage in a process of argumentation and self-reflection along with the concrete agreements. That is, the specified content and context, as well as the general principles of any reached agreements, would be explored in the broader social and political arenas. As the participants concentrated on the content, ways of sustaining the legitimacy of reached agreements were overlooked. Similarly, the facilitated conflict resolution literature takes account of the context, the necessary culture for facilitating conflicts, but neglects the formulation of general principles and procedures that can be transferred from the workshop setting to the wider socio-political spheres. Therefore, the conflict resolution scholars and practitioners remain bound to describing specific procedures for carrying out problem-solving exercises. A theory based on communicative rationality includes all three dimensions: the development of contents and principles as well as sustainable contexts which can assist in concretising agreements and altering public opinion.

The process of raising and justifying claims to validity by participants in a variety of discourses, with the aid of the third party who takes into account communicative rationality, may mean an earlier seizing of the potential present in the self-reflection, which involves critical deconstruction. Consequently, if conflicting parties realise the potential and explore ways of reaching consensus at an earlier stage than they would in traditionally-facilitated conflict resolution practices, transformation of normatively-regulated political structures and institutions can be more fully explored and imagined.

In sum, it is through the medium of language and discursively redeemed validity claims that ideas are exchanged and political change implemented. Therefore, a

linguistic methodology of communicative rationality is necessary for a Critical Theory of Peace Practice. This formal proceduralism is grounded on discourse ethics. The assumptions and insights discourse ethics offers in formulating a Critical Theory of Practice is the focus of the following chapter.

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- ¹ Jürgen Habermas, *Knowledge and Human Interests* (Cambridge: Polity, 1987), 314.
- ² Jürgen Habermas, *Moral Consciousness and Communicative Action* (Cambridge: Polity, 1990), 55-58.
- ³ Jürgen Habermas, *Erläuterungen zur Diskursethik* (Frankfurt: Suhrkamp Verlag, 1991).
- ⁴ Habermas' links to Kant features heavily throughout all his works. It is Kant's categorical imperative and hence his transcendental universalism that Habermas aims to modify while restoring the practical reason dimension of rationality in his linguistic paradigm. For a more specific discussion of Kant's categorical imperative, see Habermas, *Moral Consciousness*, 197.
- ⁵ Thomas McCarthy, 'Reason in a Post-Metaphysical Age', in *Critical Theory*, eds. David Couzens Hoy and Thomas McCarthy (Cambridge, MA: Blackwell, 1994), 42.
- ⁶ Jürgen Habermas, *Justification and Application: Remarks on Discourse Ethics* (Cambridge, MA: MIT Press, 1993).
- ⁷ McCarthy and Hoy, *Critical Theory*, 63.
- ⁸ Ibid.
- ⁹ William Outhwaite, *Habermas: A Critical Introduction* (Cambridge: Polity, 1994), 40.
- ¹⁰ Jürgen Habermas, *Communication and the Evolution of Society*, trans. Thomas McCarthy (Boston: Beacon Press, 1979), 68.
- ¹¹ Jürgen Habermas, *The Theory of Communicative Action: Reason and the Rationalisation of Society* (London: Heinemann Educational Books, 1984), 307-8.
- ¹² Although a discussion of the different forms of speech acts occur in many works by Habermas, the portions simplified here are distilled from Jürgen Habermas, *Communication and the Evolution of Society* (Oxford: Polity, 1979), 31-45 and *Justification and Application*, 19-113.
- ¹³ Habermas, *Communication and the Evolution of Society; Justification and Application*, 60-63.
- ¹⁴ George Pitcher, *The Philosophy of Wittgenstein* (Englewood Cliffs, NJ: Prentice-Hall, 1964).
- ¹⁵ Ibid.
- ¹⁶ Habermas, *Justification and Application*, 20.
- ¹⁷ P.F. Strawson, 'Truth', in *Truth*, George Pitcher (Englewood Cliffs, NJ: Prentice-Hall, 1964), 38.
- ¹⁸ Habermas, *Justification and Application*, 20.
- ¹⁹ Habermas, *The Theory of Communicative Action: Reason and the Rationalisation of Society*, 114.
- ²⁰ Ibid., 89.
- ²¹ For a more thorough discussion of Mead's 'ideal role-taking' principle and Habermas's formulation of an 'ideal speech' which follows Mead very precisely, see Habermas, *Post-metaphysical Thinking* (Cambridge: Polity, 1995), 149-76.
- ²² This concept diminishes in its importance and is re-described the undisable subject in Habermas' later works. See Jürgen Habermas, *Vergangenheit als Zukunft: das alte Deutschland im neuen Europa?* (Munich: Piper, 1993).
- ²³ Habermas, *Post-metaphysical Thinking*, 149-76.
- ²⁴ Ibid., 152.
- ²⁵ Ibid.
- ²⁶ Ibid., 151.
- ²⁷ In tracing out the ideas of Mead, Habermas asserts that the influence language has in shaping the socialisation process of the individual is selectively taken from Humboldt. See Habermas, *Post-metaphysical Thinking*, 62.
- ²⁸ Mead is one among many scholars explored by Habermas in outlining the communicative rationality concept. See Habermas, *The Theory of Communicative Action: Reason and the Rationalisation of Society*, 77-101.
- ²⁹ In contrast, Humboldt asserts that language only appears in the context of plural languages, making this medium universal, contextual yet context-transcendent. The differences and complementary relationship between Mead and Humboldt can be found in Habermas, *Post-metaphysical Thinking*, 149. The inability of Humboldt to explain why language differentiates and unifies simultaneously leads Habermas to follow on with Mead in his self-individuation as this line of inquiry seems most promising.
- ³⁰ Habermas, *Post-metaphysical Thinking*, 179.
- ³¹ Ibid., 182.
- ³² Ibid.
- ³³ Ibid., 149-76.
- ³⁴ Jürgen Habermas, *Nachmetaphysisches Denken Philosophische Aufsätze* (Frankfurt am Main: Suhrkamp Verlag, 1988).
- ³⁵ Outhwaite, *Habermas*, 40.
- ³⁶ Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (Cambridge, MA: MIT Press, 1996), 160.

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- ³⁷ Ibid., 160.
- ³⁸ Ibid., 160.
- ³⁹ Ibid.
- ⁴⁰ Ibid.
- ⁴¹ Habermas, *Communication and the Evolution of Society*, 1-68.
- ⁴² Habermas, *Between Facts and Norms*, 150-68.
- ⁴³ Ibid.
- ⁴⁴ Ibid., 161.
- ⁴⁵ Ibid.
- ⁴⁶ John W. Burton, 'Conflict Resolution as a Political Philosophy', pp. 55-64, in *Conflict Resolution Theory and Practice: Integration and Applications*, eds. Dennis J. Sandole and Hugo Van der Merwe (New York: St. Martin's, 1993); John W. Burton, 'Expanding the Debate on Generic Theory and Conflict Resolution', in *Negotiation Journal* 3, no. 1 (1987): 97-99; Ronald J. Fisher, *Interactive Conflict Resolution* (Syracuse: Syracuse University Press, 1997); Mark Howard Ross and Jay Rothman, eds., *Theory and Practice in Ethnic Conflict Management: Theorizing Success and Failure* (New York: St. Martin's, 1999).
- ⁴⁷ Habermas, *Between Facts and Norms*, 160.
- ⁴⁸ Ibid., 180-81.
- ⁴⁹ Ibid.
- ⁵⁰ Ibid., 168.
- ⁵¹ Outhwaite, *Habermas*, 43.
- ⁵² Seyla Benhabib, 'Afterward: Communicative Ethics and Contemporary Controversies in Practical Philosophy', in *The Communicative Ethics Controversy*, eds. Seyla Benhabib and Fred Dallmayr (Cambridge, MA: MIT Press, 1990), 331.
- ⁵³ Habermas, *Between Facts and Norms*, 141.
- ⁵⁴ Ibid., 163.
- ⁵⁵ Ibid., 166.
- ⁵⁶ Habermas, *The Theory of Communicative Action: Reason and the Rationalisation of Society*, 33.
- ⁵⁷ Ibid., 77-101.
- ⁵⁸ Ibid., 86.
- ⁵⁹ Ibid., 138.
- ⁶⁰ Habermas, *The Theory of Communicative Action: Reason and the Rationalisation of Society*, 90.
- ⁶¹ Ibid., 143-44.
- ⁶² Ibid., 128-31.
- ⁶³ Ibid.
- ⁶⁴ Ibid. The term 'unforced force of the better argument' is widely used by Habermas in his earlier writings. As it expresses the potential communicative empowerment that can be apprehended by individuals in the process of argumentation, this concept should be understood as a metaphor. The unforced force does not infer outright convincing others of one's positions.
- ⁶⁵ Jürgen Habermas, *Theorie des Kommunikativen Handelns: Handlungsrationalität und gesellschaftliche Rationalisierung*, Band 1 (Frankfurt: Suhrkamp Verlag, 1981), 426.
- ⁶⁶ Although the concepts of system and lifeworld are significantly modified with the progression of Habermas' works, these concepts shed light on how and why instrumental rationality is so predominant in modern western thought and, for the purposes here, facilitated conflict resolution. Habermas' engagement with the system concept is much an homage as an explication of a constituent of communicative rationality. See Jürgen Habermas, *The Philosophical Discourse of Modernity: Twelve Lectures*, trans. Frederick Lawrence (Cambridge: Polity, 1987).
- ⁶⁷ Habermas, *The Theory of Communicative Action: Reason and the Rationalisation of Society*, 186-242.
- ⁶⁸ Habermas selectively takes from Freud this idea of reflection and the related use of ordinary language to transform social realities. See *ibid.*, 186-215.
- ⁶⁹ Habermas, *The Theory of Communicative Action: Reason and the Rationalisation of Society*, 71.
- ⁷⁰ Ibid., 186-215; Jürgen Habermas, *Theory of Communicative Action Lifeworld and System: A Critique of Functionalist Reason* (Cambridge: Polity, 1987), 303-31.
- ⁷¹ As the arguments offered by Freud are selectively taken by Habermas, so too are the ideas formulated by Weber. See Habermas, *The Theory of Communicative Action: Reason and the Rationalisation of Society*, 186.
- ⁷² Jürgen Habermas, 'Philosophico-Political Profiles', *The New Left Review*, no. 151 (May-June 1985): 75-105.
- ⁷³ Habermas, *The Theory of Communicative Action: Reason and the Rationalisation of Society*, 216-42.
- ⁷⁴ Ibid., 216.; Habermas, *Theory of Communicative Action Lifeworld and System*, 332-73.
- ⁷⁵ Ibid.
- ⁷⁶ Max Weber, *Economy and Society* (New York: Bedminster Press), 1394.

⁷⁷ Ibid., 1394.

⁷⁸ Michael Pusey, *Jürgen Habermas* (London: Routledge, 1993), 47-57.

⁷⁹ Ibid., 52.

⁸⁰ Max Weber, *The Protestant Ethic and the Spirit of Capitalism* (London: Allen and Erwin, 1976), 181.

⁸¹ Weber's analysis, contribution, and diagnosis for the development of modern societies and its turn to approving of only an instrumental form of rationality is best explicated in Habermas, *The Theory of Communicative Action: Reason and the Rationalisation of Society*, 143-272, especially 198.

⁸² Ibid., 285-86.

⁸³ Jürgen Habermas, 'A Reply', in *Habermas and Modernity*, Richard Bernstein (Cambridge: Polity, 1985), 98.

⁸⁴ The proceeding quote is left in its original German form since it best summarises the thrust of communicative action.

⁸⁵ Habermas, *Theorie des Kommunikativen Handels*, 114.

⁸⁶ Alvin W. Gouldner, *The Coming Crisis of Western Sociology* (London: Basic Books, 1970), 25.

⁸⁷ Habermas, *Theory of Communicative Action Lifeworld and System*, 383.

⁸⁸ Ibid.

⁸⁹ Jürgen Habermas, 'A Reply to My Critics', in *Critical Debates*, eds. John B. Thompson and David Held (London: Macmillan, 1982).

⁹⁰ Maeve Cooke, *Language and Reason: A Study of Habermas' Pragmatics* (Cambridge, MA: MIT Press, 1994), 19.

⁹¹ Habermas, *Theorie des Kommunikativen Handels*, 28.

⁹² Habermas, *Justification and Application*, XII.

⁹³ As stated earlier, communicative rationality is from this author's perspective the core of a discourse ethics which will form both the meta-theoretical and procedural frameworks for this thesis. The procedural aspect of a Critical Theory of Peace Practise arises from a focus on the validity claims of truthfulness, sincerity, and normative rightness.

⁹⁴ John W. Burton, *Conflict: Resolution and Provention* (Basingstoke: Macmillan, 1990); Herbert C. Kelman, 'Interactive Problem-solving: A Social-psychological Approach to Conflict Resolution', in *Conflict: Readings in Management and Resolution*, eds. John W. Burton and Frank Dukes (Basingstoke: Macmillan, 1990); Jay Rothman, *From Confrontation to Co-operation: Resolving Ethnic and Regional Conflicts* (Newbury Park, CA: Sage, 1992).

⁹⁵ Although Burton has failed to put forward a thorough discussion of his philosophical basis for conflict resolution (resolution meaning transformation of attitudes and behaviours), he has indicated in several pieces his general approach. The philosophical basis for Burton is that man's nature is not inherently negative and constructs a more positive view. This is carried out in the context of reacting to the dominant pessimism of mainstream international relations theories and the ideas of Kenneth Waltz in particular. However, Burton does not advance any other philosophical position other than a needs-based explanation. See his *Conflict: Resolution and Provention* and *International Relations: A General Theory* (Cambridge: Cambridge University Press, 1965).

⁹⁶ This assertion was explored more carefully in the second chapter.

⁹⁷ This point was extensively discussed in chapters two and three.

⁹⁸ John W. Burton, *Resolving Deep-rooted Conflicts: A Handbook* (London: University Press of America, 1987); Michael Banks and C.R. Mitchell, *A Handbook of Conflict Resolution: The Analytical Problem-solving Approach* (London: Pinter, 1996).

⁹⁹ Benhabib and Dallmayr, *The Communicative Ethics Controversy*; Axel Honneth and Hans Joas, *Communicative Action: Essays on Jürgen Habermas' Theory of Communicative Action* (Cambridge: Polity, 1991).

¹⁰⁰ Pusey, *Jürgen Habermas*, 114-22; Honneth and Joas, *Communicative Action*; Benhabib, 'Afterward', in *Communicative Ethics*, 330-70.

¹⁰¹ Habermas, *The Philosophical Discourse of Modernity*.

¹⁰² Habermas, *Communication and the Evolution of Society*, 1-68.

¹⁰³ It is recognised that consensus is not necessarily a positive development. Consensus refers to the capacity of individuals to reach agreements not through coercion, but through dialogues. Additionally, in protracted conflicts, it is suggested that consensus is sought for transforming the deep-rooted situation through communicative action, since a communicative process has become distorted or often completely broken down.

¹⁰⁴ Habermas, *Moral Consciousness and Communicative Action*, 43.

¹⁰⁵ It is appropriate to recognise that Burton began by challenging the orthodox thinking of strategic studies, which he asserted operated in a power-politics environment. Burton is the one scholar who explicitly sets out to provide a philosophical foundation for his theory. However, even in his later writings, Burton does not engage in a critical self-reflection regarding the underlying assumptions of his own approach. See John Burton, Conflict Resolution as Political Philosophy, in *Conflict Resolution*

Theory and Practice: Integration and Application, eds. Dennis J. Sandole and Hugo Van der Merwe (Manchester: Manchester University Press, 1993).

¹⁰⁶ Habermas, *The Theory of Communicative Action: Reason and the Rationalisation of Society*, 273-338.

¹⁰⁷ It is recognised that the 're-entry problem' is to entirely overcome in a Critical Theory of Peace Practice framework. The contribution of praxis is one small promising way of better addressing the aspect of re-entry, than is achieved following a facilitated problem-solving framework such as one articulated by Burton.

¹⁰⁸ Habermas, *Moral Consciousness and Communicative Action*, 116.

¹⁰⁹ Habermas, *The Philosophical Discourses of Modernity*.

¹¹⁰ Habermas, *The Theory of Communicative Action: Reason and the Rationalisation of Society*, 157.

¹¹¹ Habermas' communicative rationality is used in this thesis since it presents a way forward for facilitated conflict resolution.

¹¹² Herbert C. Kelman, 'Interactive Problem-Solving Approach', pp. 501-19, in *Managing Global Chaos: Sources of and Responses to International Conflict*, eds. Chester A. Crocker and Fem Osler Hempson with Pamela Aall (Washington, DC: US Institute of Peace); Ronald J. Fisher, *Interactive Conflict Resolution* (Syracuse: Syracuse University Press, 1997).

¹¹³ Yair Hirschfeld, interview by author, Jerusalem, 24 May 1995; Abu Ala, interview by author, Ramala, 16 May 1995.

¹¹⁴ Terje Rød-Larsen, interview by author, Gaza occupied territories, 16 May 1995.

Chapter 5

Discourse Ethics: Meta-theory for a Critical Theory of Peace Practice

Introduction

In the previous chapter, the methodological basis for formulating a Critical Theory of Peace Practice was put forward. It was asserted that this procedural framework for an alternative theory of facilitated conflict should be grounded on communicative rationality, since this inclusive concept would allow conflicting parties to judge the validity of claims by discursive means. In this chapter, the theoretical framework that should underlie this method, and the philosophical heritage from which it is derived, will be explicated. Additionally, the implications and insights that a Critical Theory of Peace Practice framework can offer for facilitated conflict resolution approaches, which are conceived on a different type of rationality will be outlined. Finally, the ways in which this alternative perspective can contribute to peace practices will be discussed.

The structure of this chapter is as follows. First, the idea of discourse ethics and its constituent components will be outlined. Second, the foundation for a Critical Theory of Peace Practice will be articulated. Third, the differences between this option and other approaches to facilitated conflict resolution will be examined. The final section will address how this alternative may contribute to peace practices.

Discourse Ethics: A Foundation

Discourse ethics stands or falls with two assumptions. Firstly, normative claims to validity have cognitive meaning...Secondly, justification of norms and commands require that a real discourse be carried out and thus cannot occur in a monological form.¹

—Jürgen Habermas, 1990

As communicative rationality forms the methodology of a Critical Theory of Peace Practice, discourse ethics, as outlined by Habermas, constitutes the theoretical framework and philosophical position of the proposed alternative perspective. Discourse ethics is interested in how we, as socialised individuals, communicate in an intersubjective environment, as well as negotiate the transformation of public institutions as it focuses on moving from the narrow environment of reaching agreements between political leaders to affecting change at the broader societal level. Communicative rationality is integral to discourse ethics, which takes account of the individual and his or her social contexts.

In formulating discourse ethics, Habermas incorporates the ideas of Kant and Hegel.² However, Kant's original transcendental assertions are modified. That is, the individual is no longer viewed as an abstract construction, but is contextualised in his or her social milieu. Simultaneously, Hegel's understanding of a social subject is incorporated by Habermas.³ In combining elements of Kant and Hegel, the discourse ethics framework is formalistic in the sense that only general principles and guidelines are suggested. This formalism of discourse ethics is aimed at reconstructing practical reason, locating interaction in the intersubjectively constituted social world and highlighting ways of reaching consensus. Similar to communicative action, which is intrinsically related to communicative rationality, discourse ethics is not prescriptive, since only the interacting individuals can legitimate the agreed-upon normative structures in praxis.

A discourse ethics framework demarcates the boundaries between what is the 'good life' from what is right, since the former can only be discursively redeemed in *individual cultural-social practices*, whereas the latter can be *universalised*. The rightness of an uttered statement is discerned through a process of contesting claims to validity, where participants can judge the facticity or falsity of arguments that are put

forward. Since this Habermasian discourse ethics informs the foundation of a Critical Theory of Peace Practice, its constitutive elements will be explicated.

The Discourse Ethics Principle

The principle of discourse ethics (D) refers to a procedure: the discursive reappropriation of normative claims to validity. D is *formal* since 'it provides no substantive guidelines, but only a procedure: practical discourse'.⁴ Practical discourse, as part of formal discourse ethics, is not a procedure for producing justified norms, but points to a method of communicative rationality which is designed to test the validity of norms that are being proposed for adoption by participants. This means that practical discourses depend on the content brought to them from the outside world. In other words, the social environment directly influences the participants' presuppositions and predispositions, which include values, beliefs systems, and cultural traditions. These discourses hinge on the contexts, which in turn, are built on differing values. Habermas refers to this as the 'lifeworld'.⁵ Habermas argues that as cognitive subjects interact in a communication community, the historical background or lifeworlds of each individual is integrated into the actions and communicative statements that each puts forward for interpretation and understanding.⁶ A dispute about norms is still rooted in the struggle for recognition.

Justification offered for a quasi-transcendental nature of discourse ethics is similar to the defence put forward for the universalisation principle. That is, since subjects act and aim to make sense or communicate through the medium of language, the formal nature of discourse ethics allows for universal application of this idea. The content can only be contextual and contingent as participants to a communicative process bring to bear their own cultural and social orientations. However, since individuals arrive at consensus or disagreements through the shared medium of

language, the idea of discourse ethics remains universal. It is true to say that this idea is a product of particular socio-historical and cultural traditions of experiences lived by western European intellectual (often white male) scholars. Nevertheless, a concept that infers individuals attempt to reflect on the shaping of norms, based on contestation of validity claims, implies that discourse ethics can be applied in a variety of cultures and systems. Although 'cultural values' may 'claim' intersubjective acceptance, they cannot 'claim normative validity in the strict sense'. That is, 'by their very nature, cultural values are at best *candidates* for embodiment of norms that are designed to express a general interest'.⁷

As discourse ethics is intended to cut across cultural and socio-historical cleavages (although taking account of them in the process of argumentation) the heritage of Kant's ideas concerning reflection and rationality is evident in this formulation. That is, according to Habermas, reflection is traditionally used to refer both to a subject's reflection on what makes it possible for him or her to perform certain actions and then to adopt a more critical insight towards the distortions, which are often built into processes of communication, as well as the perpetuation of norms and institutions. Rationality is seen as an emergent form of human life.⁸ Reflection is emphasised and rationality is understood to account for practical reason, a point that will be elaborated shortly. But returning to the issue at hand, both reflection and rationality show the direction, as does communicative rationality, of the type of deontological ethics asserted by Habermas. In deontological ethics, the emphasis shifts from concentrating on the value preferences of the concerned individuals to rationally debating practical questions, such as those that hold out the prospects for consensus.

Discourse ethics implies that it is crucial to contest the validity of normative superstructures. In this way, it transcends local conventions. In other words

No participant in argumentation can escape this claim as long as he takes a performative attitude, confronts normative claims to validity seriously and does not objectify norms as social facts, i.e., avoids reducing them to something that is simply found in the world.⁹

Practical discourses must address *inter alia* the question of how needs are adequately interpreted. In turn, it is linked with two forms of argumentation: aesthetic and therapeutic. Agents reflexively consider these in intersubjective communication to the extent that stated propositions are contested and either accepted or refuted and modified. But if forms of argumentation constitute a system and cannot be isolated from one another, then the socio-historical contexts embedded within discourses become intrinsic and inseparable from the practice of practical discourses. In short, a complete subsumption of value spheres can lead to a bounded discourse ethics in that its constituent components will not allow the principle to escape and emancipate itself towards reconstructing normative structures.¹⁰

One could rightly assert then that in facilitated conflict resolution literature generally, and in the writings of Burton more specifically, the subordination of values under a needs-theory philosophy all too often stifles the potential implicit in the methodology of problem-solving workshops. Burton and his predecessors are clear in their aim when proposing the problem-solving method as one that should promote free and uncoerced arguments, out of which consensus may be reached by all the participants. However, by grounding the method on needs rather than communicative rationality and the role of discourse, these scholars and practitioners remain stymied in the primary analytical task of intervening according to specific guidelines, and more importantly, continue to think about conflict resolution in instrumentalist terms. A discourse ethics-based philosophical grounding opens up the consideration for various claims as to what is and is not valid, as well as to alternative types of rationality inherent in everyday communicative practices. As Habermas asserts

Practical discourse resembles islands threatened with inundation in a sea of practice where the pattern of consensual conflict resolution is by no means the dominant one. The means of reaching agreement are repeatedly thrust aside by instruments of force. Hence, actions that are oriented towards ethical principles have to accommodate it, to imperatives that flow not from principles but from strategic necessities.¹¹

In practical discourses, both the normative validity of individual's socialisation process and institutional norms can and are critically addressed. Habermas' inclusion of Weber's description of the development of modernity is designed to demonstrate that morality and ethics can be changed, since they have been constructed for certain purposes. That is, Weber asserts that the Europeans have come to construct and legitimate separate spheres of value such as law, morality, and art into spheres of truth, taste, and justice.¹² These differentiated spheres are present in the lifeworlds of individuals, which in turn, shape moral and evaluative questions; that is, what is valid or right versus what is good or how can one be happy. As Habermas puts it

Lifeworlds appear as practice with which theory is to be mediated as life, with which art is to be reconciled or to ethical life to which morality must be related...Thus the development of moral points of view goes hand in hand with the differentiation within the practical into *moral* questions and evaluative questions.¹³

Questions concerning moral points of view can be decided rationally based on justice or reflective general interest whereas evaluative questions only address self-realisation: how to live the good life. These latter questions of ethics can be explored in concrete socio-historical situations and individual lives. These answers are dependent on the value spheres that individuals inherit and learn. In contrast, the question of rightness belong to the abstract formal realm where one can establish procedures for judging the validity of statements and norms so that they may be re-negotiated. In sum, although discourse ethics encompasses individual lifeworlds and the system of society, the questions that these particular forms produce can only be answered in concrete cultural contexts and practices.

The formal concept of discourse ethics with practical discourse (as one important constituent element) is universalisable, since it aims to explicate how valid norms may be arrived at and on what basis they may be consensually reconstructed. Since Habermas includes the neglected conception of reason articulated by Kant, this thesis explores a possible foundation that is excluded by the facilitated conflict

resolution scholars and practitioners. As discussed in chapters two and three, instrumental rationality that underlies the facilitated conflict resolution approaches limits the potential of allowing disputants to reach their own resolution and to instil transformation at a broader societal level. The frameworks are bounded by the rationality they aim to escape. That is, by conceiving problems in terms of means and ends, thinkers such as Burton, Fisher, Kelman, and Rothman fail to identify real sources of conflicts, while simultaneously ignoring other aspects that underlie their theoretical orientations. The shortcomings of their theoretical frameworks require that we identify and develop alternative foundations since a processes of critical self reflection on their underlying meta-theories is neglected. A critical self-reflection involves deconstruction of the foundations that underlie theories. By engaging in such a process, either other types of rationality may be considered or the boundedness of instrumental rationality may become evident. In order to articulate an alternative to instrumental rationality, Habermas re-examines and modifies Kant's ideas. First, let us briefly turn to the reconstruction of Kant.

Restoring Reason and Locating Rationality

Habermas distinguishes strategic/purposive action from normatively regulated and communicative action. Strategic action involves instrumental forms of knowledge guiding interests. That is, individuals aim to achieve a particular goal using the most efficient means at their disposal. This purposive action, Habermas points out, does not always converge with moral action.¹⁴ But by appealing to reason and thereby criticising immoral action, he rightly argues that moral judgements can be associated with claims to validity.¹⁵ The raising and contestation of these claims to validity are cognitive acts. However, the questioning of validity claims in modern sciences in which purposive

rational action is most highly prized has become marginalised. The cognitive nature of moral judging means that:

An individual life history or an intersubjectively shared form of life is the horizon within which participants can critically appropriate their past with a view to existing possibilities of action.¹⁶

Through reflection on these lifeworlds and the systems of institutions, possible ways of transforming existing normative structures can be enacted. This act of reflection is carried out by agents at the levels of the objective, social and intersubjective worlds. Therefore, discourse ethics can at most suggest 'general features of self-reflection' and the appropriate types of associated communicative actions.¹⁷

Since reflection can reveal the paths individuals may choose to construct or reconstruct both morality and ethics, it is important to reiterate the Habermasian distinction between them. Morality refers to adopting a moral point of view (defined as something related to general stable principles and formal procedures); that is, taking up the other's position and judging contested propositions and ideas according to the validity claims of truthfulness, normative rightness, and sincerity, as well as legitimacy.¹⁸ Ethics refers to constructing answers to how one can live the good life. Ethical questions are therefore concerned with individual's personal satisfaction with him or herself and their place in the larger community. Since questions explored following a moral point of view are concerned with formulating general principles for building or reconstructing social norms and political institutions, it is the moral point of view that informs the foundation of a Critical Theory of Peace Practice.

Habermas rightly insists that philosophy aims to illuminate and expose the constituents and possible alternative ways of reconstructing general norms and institutions. The content can, and should be, filled in by those who are affected by a particular situation such as a specified protracted unresolved conflict. The task of a philosophical grounding is to elaborate these features. A moral point of view thus preoccupies us here.¹⁹ A moral point of view means that each impartially considers

questions of justice; namely, whether claims of particular statements are valid. As Habermas suggests:

The moral point of view requires that maxims and contested interests be generalised, which compels the participants to transcend the social and historical contexts of their particular form of life and particular community and adopt the perspective of all those possibly affected.²⁰

As the above quote illustrates, this understanding of the moral point of view differs from the commonly understood definition in everyday life where morality, or words associated with this meaning, refers to the correct or socially accepted behaviour of individuals. Burton, in his conflict resolution theory writings, rightly suggests that no one individual can be given preferential treatment if the transformative process that the resolution process is designed to instil is to succeed.²¹ However, he, like conflict resolution scholars including Kelman, tends to associate moral points of view with specific circumstances and situations. Therefore, a moral point of view is associated with ethical questions.

However, Habermas considers a moral point of view as being concerned with addressing general questions and principles. Hence, he reverses the common delineation between ethics and morals. Ethics is usually understood to mean exploring general norms, while morality is seen to encompass specific questions of conduct. This converse conception is a helpful development in Habermas' theoretical formulation, since addressing moral questions allows the raising of validity claims. Consequently, the role intersubjective communicative interactions plays in shaping praxis can be included in a theoretical framework for practising peace. More significantly, the moral point of view allows the construction of a theory and practice that can be based on communicative rationality, which encompasses other types of rationalities. For this reason, Habermas' modification of Kant's categorical imperative and transcendental pragmatics are retained in a theoretical formulation of a Critical Theory of Peace Practice. Habermas asserts that the individual in isolation cannot alone outline the validity of particular maxims—how everyone should behave comprises the same rule

according to which one also ought to act. In the attempt to locate the individual in the social-contextual horizon of his or her culture and membership to society, Habermas instead reshapes the principle of the categorical imperative.²² Rather than a belief in the perfectibility of man through reason, the individual is understood to be a social being who operates in the lifeworld of his or her culture and is shaped by a system of distorted communication. This communicatively competent agent not only modifies his or her views of social reality, but influences others by interacting with subjects in that social world.

The Kantian component of the question of justice is helpful in thinking about a practicable theory of communicative rationality, since through the process of moral argumentation, agents can consider the possible consequences of what is agreed in a specific setting or in the public sphere. In other words, the question of justice, the process of judging claims to validity, or the moral point of view is modified to have, at its base, a quasi-transcendental pragmatics. Furthermore, language forms the vehicle through which intentions and actions are conveyed, interpreted, and realised. Habermas' adjustment of the Kantian formalist ethics is helpful for a facilitated conflict resolution perspective. By adopting the universalisation principle, the connections between the individual and the social environment are taken into account. In short, the intersubjective nature of communication means that the interaction between the speaking and acting subjects with the social world are seen to equally influence the perceptions, beliefs, and actions of opposing conflictual parties. By positing language as the medium of social interaction in which reflection and discourses, through the process of argumentation, can lead to a transformation of existing normative structures, the specific Kantian-inspired understanding of the moral point of view allows individuals to question what is moral, as well as how that knowledge comes to be either accepted as valid or rejected.

In formulating a more flexible and a praxis-oriented philosophical grounding for a theory, Habermas outlines a procedure for judging claims to validity.²³ As he puts it:

If we understand propositional truth as a claim raised, constitutive speech acts that can be redeemed discursively only under the exacting communicative presuppositions of argumentation, the claim to rightness raised in regulative speech acts which is analogous to the claim to truth can be freed from assumptions concerning correspondence.²⁴

In other words, if propositional truth claims can be contested, then under the conditions of all speaking and acting subjects aiming toward reaching understanding, claims to the validity of norms and statements can also be contested. We engage in such communicative processes on an everyday basis in order to make sense of the present social reality at the cognitive level. The point here is that since we participate in the act of communicating, each actor performing these tasks possesses the pragmatic presuppositions and can hence, orient themselves towards reaching understanding. The procedural framework suggested for raising and contesting validity claims at the level of theorising is the rule of argumentation. Again, this idea arises out of concrete practices. However, the formalising process suggests that argumentation should come to mean not monological forms of speeches, but interactive dialoguing: approximating an *ideal speech situation* is suggested for judging validity claims so that individuals can explore positions of others and attempt to understand them.²⁵

In an approximated ideal speech situation, those who enter into a dialogue are not obligated to any particular mode of conducting themselves. In other words, it is only the *unforced force of the better argument* that can prevail.²⁶ Individuals become aware of the socially constructed nature of normative values and by employing the rule of argumentation, judgements can be rendered regarding the validity of various propositions. The rule of argumentation is a part of discourse ethics. It follows that discourse ethics is meant to locate a rule of argumentation where moral norms can be justified. Moral principle performs the role of a rule of argumentation, where rules are

understood as the validity claims to truthfulness, sincerity, and normative rightness, only for justifying moral judgements.²⁷ The rule of argumentation justifies

Generalised behavioural expectations or modes of action...norms that underlie the general practice...U belongs properly to the justificatory discourses in which we test the validity of universal precepts or their simple or double negations, prohibitions and permissions.²⁸

In formulating this aspect of discourse ethics, influences of Karl Otto-Apel and Klaus Günther are evident.²⁹ Habermas asserts that a norm could be accepted as valid and appropriate when the 'consequences and side effects of its general observance for the interests of each individual in every particular situation' could be accepted by the participants.³⁰ Raising the need to think about the side effects show what is meant by justificatory discourses. They cannot expunge the notion of impartiality, but they can contextualise it. In other words, in the discourses of application, the principle of appropriateness takes on the role played by the universalisation principle in justificatory discourses.³¹ The two parallel principles of appropriateness bring to bear hermeneutic insights and universal pragmatics—which assert that consensus-building is a universalisable act employed by all human agents—bridge and help to actualise a discourse ethics-based approach. For example, in a discourse ethics framework, all parties including third parties are viewed as observer-participants. Each individual is both an observer of the social world in which he or she interacts and is simultaneously, a participant insofar as he or she can influence social norms:

The impartiality of judgement...is essentially dependent on whether the conflicting needs and interests of all participants are given their due and can be taken into consideration from the viewpoint of the participants themselves.³²

In the Habermasian discourse ethics being set out here, the integrity of the individual is maintained in the right of each to contest the validity of the other's positions. Furthermore, the justification of norms is based on any uncoerced rational agreements, which may be reached by participants in this process. This necessarily involves an abstraction of general norms. Although abstraction may appear unhelpful for grounding a framework that includes a dimension of practice, the formal nature of

discourse ethics allows social groups and individuals to include the general guidelines of moral insights, as well as the procedure of communicative rationality.

In short, the combination of the rule of argumentation (which is tied to universal pragmatics), the modification of the categorical imperative and the inclusion of an ideal speech situation provide important starting points for constructing a Critical Theory of Peace Practice. A discourse ethics approach is suggested for facilitated conflict resolution, since it encompasses the concept of praxis (the intrinsic inseparability of theory and practice) in which the reconstitution of normative structures and social relations can be realised. When claims of particular statements are allowed to be heard, despite the often distorted process of communicative interactions, there is a possibility inherent in the medium of language for agents to orient themselves toward reaching consensual agreements. Within this universal conduit, a basis for co-operative non-violent social and political coexistence emerges.

The connection between discourse ethics, described by Habermas, and his method of communicative rationality can be better understood by examining the development of cognitive learning processes. The following stages of moral development illuminate the process through which individuals acquire and change attitudes and social structures.

Understanding the development of the cognitive learning process presents an opening for altering existing normative structures and public political spheres. For this endeavour, a comparison with the learning process that a child encounters in forming views about him or herself and the society within which he or she is located merits closer study. Additionally, the developmental stages of an individual illustrates the phases societies undergo as one type of a normative structure is replaced by another. The learning process attributed to a child who progresses to the most advanced level (the *postconventional*) resembles the development of societies from the Palaeolithic to

pre-industrial to modernity. Within modernity's decentred norm-regulating structures, the postconventional stage of morality becomes possible. Although the individual child and society exist at different levels, a comparison between individual and society is outlined, since the stages of moral development can be evidenced in both spheres.

Social Evolution: The Learning Process

A brief exploration of Lawrence Kohlberg's central ideas shows that discourse ethics is a cognitive-linguistic approach. The American pragmatist puts forward six stages of learning that a child follows.³³ These developmental stages, which are hierarchical in nature as the child progresses from one to the next, are important in that they provide clues as to how moral judgements and the ability to contest claims to validity emerge. The learning stages are important as they provide the link between moral consciousness and communicative action or the discourse ethics principle and the potential it provides for actualising a transformation of positions, norms and institutions.

In Kohlberg's six stages of development, two are present in the preconventional, conventional, and postconventional levels respectively.³⁴ The first stage concerns the level of punishment and obedience. Here, the child obeys authority because he or she fears physical harm and punishment. The goal is to avoid physical discomfort: the Freudian pleasure-pain principle. Rules are followed to achieve this objective. Second, the child moves on to stage two, the level of social interaction. Stage three consists of mutual interpersonal expectations. The fourth is the stage of social system and conscience maintenance. In the fifth is the stage of prior rights and social contracts. Finally, there is the stage of ethical and universal principles. The table on the following page fully explicates these developmental stages.

Stages of interaction, social perspectives, and moral stages							
Cognitive structures							
Types of action	Perspective structure	Structure of behavioral expectations	Concept of authority	Concept of motivation	Social perspectives		State of moral judgment
					Perspective	Justice concept	
Preconventional							
Interaction controlled by authority	Reciprocal interlocking of action perspectives	Particular behavior pattern	Authority of reference persons: externally sanctioned will	Loyalty to reference persons; orientation toward rewards and punishments	Egocentric perspective	Complementarity of order and obedience	1
Cooperation based on self-interest						Symmetry of compensation	2
Conventional							
Role behavior	Coordination of observer and participant perspectives	Group-wide generalization of behavior patterns: social roles	Internalized authority of supraindividual will (<i>Willkür</i>): loyalty	Duty vs. inclination	Primary-group perspective	Conformity to roles	3
Normatively governed interaction		Group-wide generalization of roles: system of norms	Internalized authority of an impersonal collective will (<i>Wille</i>): legitimacy		Perspective of a collectivity (the system's point of view)	Conformity to the existing system of norms	4
Postconventional							
Discourse	Integration of speaker and world perspectives	Rules for testing norms: principles	Ideal vs. social validity	Autonomy vs. heteronomy	Principled perspective (prior to society)	Orientation toward principles of justice	5
		Rules for testing principles: a procedure for justifying norms			Procedural perspective (ideal role taking)	Orientation toward procedures for justifying norms	6

Kohlberg's first stage relates to egocentric types of actions. Physical security is the focus. In the second stage, the self-interest of the individual is recognised and the conflictual nature of this is weighed against the interests of others. The ways of overcoming or resolving conflicts, however, remain outside the cognitive capability of the person. At the third stage, in which the individual moves from the preconventional to the conventional level, the individual sees him or herself in relation to others. Here, they learn the importance of shared ideas and the possibility that they may sometimes predominate the interests of the individual or groups. The 'golden rule' is appropriate at this level. At the fourth level, the differentiation between societal and interpersonal interests becomes apparent and the idea of a larger social system is integrated into the existing learned process. This completes the conventional stage.

The transition from the conventional to the postconventional stage is significant.³⁵ In stage five, the individual is rational in the sense he or she is able to reason and is aware of promises and social contracts. Here, contracts are settled through agreed principles. Habermas asserts that Rawls remains at this stage. However unsatisfactory this view may be, it is relevant here insofar as the utilitarian principle and Rawls' imprints do not encompass the practice of everyday communicative interactions—its distortions and the idea of finding new normative structures through practical discourse—in the approximation of an unlimited communication community.³⁶ Rawls' philosophical and theoretical frameworks do not take sufficient account of the social milieu in which individuals intersubjectively operate.³⁷ Habermas rightly maintains that Rawls' formulation of the communicative process is too abstract, since the social situatedness of discourses are ignored. Furthermore, the utilitarian approach preferred by Rawls does not move sufficiently beyond instrumental rationality. Additionally, Rawls is interested in ethical questions, which can only address specific questions of individual and group value preferences. Since norm and institution-

building are concerned with general principles, Habermas' cognitive moral perspective is more appropriate for grounding a praxis of facilitated conflict resolution.

Finally, at stage six (the postconventional level) the individual can distinguish between moral and legal views and realise the conflictual nature of morality and ethics. However, the individual remains confused about how to integrate them, as well as the learned knowledge and interests from the previous stages.

In short, the preconventional level is composed of participants in a social environment. In contrast, the conventional level includes the observer, since the individual is able to distinguish between his or her interests from that of others. Finally, the postconventional level brings together (through the medium of language and the methodology of communicative rationality) the participant and observer aspects of the ego. It is at this postconventional level that participants agree to enter a conflict resolution process, not because of their particular developments, but because they have agreed beforehand to explore alternative ways of resolving conflicts. Therefore, in the postconventional level, new normative structures can be conceived and constructed. Here, where norm-guided actions turn into norm testing, is the arena of discourse.³⁸ It is the process of engaging in discourses that brings in the methodology of communicative rationality. The nature of interaction between individuals at the postconventional level is a significant component that is overlooked in various conflict resolution approaches. In contrast, a process that allows for claims to validity to be redeemed through discourses comprises a core part of a Critical Theory of Peace Practice.

In facilitated conflict resolution theories and methods, there is an implicit understanding that the observer (the intervening third party) is a neutral participant in the problem-solving workshop process. This observer role assigned to the third party, arises from an instrumental and scientific approach to the subject. Obviously, the disputants are active participants, since their particular prejudices and seemingly

unchangeable attitudes have led to the protracted conflictual situation. However, Burton, Kelman, and Rothman, among others, insist that the third-party role must be value-free and neutral.³⁹ Although the particular prejudices of individuals who will comprise a third party team must be overcome, as too must those of the disputants for a transformative structure to be conceived, an understanding that the third party must be a participant and observer by virtue of his or her engagement with the conflict is neglected. By realising the dual nature of the individual when he or she is interacting with other agents in the social world, the dual modes of overcoming entrenched attitudes and ideas can be contested. The method is through the raising of validity claims of truthfulness, sincerity, and normative rightness, as well as legitimacy in the procedure of argumentation, where individuals are free from compulsion and do not have to make commitments or fear that stated propositions will be used against them.

This idea that the third party, by participating in a resolution effort, is an integral proactive part of reconstructing normative institutions constitutes a foundational element of a Critical Theory of Peace Practice. Although the third party offers a different perspective, as well as possibly unknown ways of transforming a protracted conflict situation, the third party in a discourse ethics-based framework is viewed as a full participant and not merely an observer.

Habermas argues this norm-orientating process is necessary in order to translate interest-guided behaviours that underlie a conflict resolution process into strategic action and the sociocognitive structure of normatively-regulated actions. This stage of norms, where the individual can either choose to conform or to reject socially acceptable standards of behaviour, serves as the conduit between the inner and outer worlds. The cognitive process of employing constative speech acts is now combined with the interactive social nature of the normatively-regulated speech acts. The initial linkages between the ego and possible ways of actualising autonomy, as well as its

connectiveness with solidarity to the social community come into the conscious focus. The individual does not suddenly realise that he or she is a member of a community, but instead understands that he or she is no longer able to be primarily concerned with only fulfilling their own needs. The social links that comprise a multitude of lifeworlds, which shape and are simultaneously shaped by the participant-observer, must be accounted for.

The next movement is from the conventional to postconventional level where the individual realises the decentred nature of his or her understanding. 'Decentred' means the questioning and self-reflection on the apparent natural cohesion of the social network to which the individual belongs. What results is an understanding that the social world is not simply a force that solely impinges or directs the person, but the agent has the ability, however minute (by virtue of participation) to shape that social world. In other words, the speaker, hearer, and bystander perspectives are all constitutive and constituted through the intersubjective employment of discourses and communicative rationality. The broader framework of the system comes into play here. A collection of lifeworlds and the wide background of society feature in the mix of redeeming a new, possibly transformative, social reality through discourses. Argumentation, as part of universal pragmatics, serves as a rule or set of procedures that involve the contesting and raising of validity claims, namely communicative rationality and communicative action.

Discourses are the reflection of that communicative rationality and action and thus constitute an essential feature of a discourse ethics approach.⁴⁰ Conflicts are settled here through means of reasoning, rather than adhering and turning to the existing normatively-regulated structures, the physical harm avoidance tactics or strategic action present in the preconventional level.

The discursive procedure is the very praxis of communicative rationality where the autonomous subject can aim towards reaching understanding and consensus in an approximation of the ideal speech situation. The process of judging from a moral point of view about the validity of normative structures is, in the end, an attempt to reach mutual understanding.⁴¹ Thus, in the postconventional level, the normatively-regulated and strategic actions are subsumed in the expressive or representative speech acts in argumentation. For instance, authority, which is at first obeyed to ensure physical security, becomes arbitrary and the legitimacy of that authority is questioned. Once the legitimacy of an act or set of ideas come into doubt, there is a process of restructuring which occurs through the thematisation of lifeworlds that constitute these questions.

In sum, Kohlberg's outline of the three levels demonstrates the role communicative rationality plays in the construction of a discourse ethics approach. The movement from the conventional to the postconventional is the key here to understanding the role that discourse plays, and the importance of retaining the Kantian reflective judgement to link the different positions of the moral and the ethical. In other words, raising the moral questions of how is valid judgement possible, or in this author's case, how is a valid meta-theory of peace practice to be constructed, present an opportunity for exploring and developing a philosophical grounding for a Critical Theory of Peace Practice. This alternative framework for a facilitated conflict resolution is based on a discourse ethics-informed foundation. A formal proceduralist approach allows for the justifications and judgements regarding the validity of statements among participants to be carried out in the interactive process of dialoguing. At the same time, a discourse ethics-based theoretical frame presents the possibility for a theory to be critical. This, in turn, means that the foundation can and should be altered in light of continued re-evaluation and insights offered by praxis over time. In order to reconstruct socio-political institutions and to resolve conflicts, it is important to

critically reflect on the existing norms and institutions. Consequently, the underlying assumptions that perpetuate them can be seen as constructed norms and institutions. Once norms and institutions are viewed as constructed, they can be reshaped and reconstructed. The process of critical self reflection and deconstruction is carried out by discursive means. In the process of raising and contesting claims to validity, moral judgements are arrived at that may lead to consensual change.

Habermas' comparison between Palaeolithic, medieval, and modern societies is intended to demonstrate that reproduction of lifeworlds and systems affect individual life histories in similar ways. That is, societal and individual evolution of moral cognitive development can be seen as a continual and gradual distorted process, that continues and is reproduced between and among modern societies. This assertion is significant for a Critical Theory of Peace Practice to the extent that there are different cognitive moral levels of understanding and actions that shape protracted conflicts. These may occur simultaneously, unlike Habermas' evolutionary framing. However, in the process of attempting to transform violent deep-rooted conflicts, a phased transition is often necessary in order to move from entrenched attitudes and unwillingness to listen, to a situation where the disputants realise the possibility presented by engaging in dialogues.

Since it is the task of third parties to suggest this alternative perspective, Habermas' analysis of different societal orders and the types of political institutions they produce offers further support to the basic argument. Different societal orders are grounded in different communicative practices. Kohlberg's three level distinction is reflected in Habermas' delineation between three orders of societal development. They are archaic/Palaeolithic, developed/civilised, and modern/decentred.⁴² The Palaeolithic is grounded in mythology and is developed in a cosmologically-oriented praxis. In the second stage of developed and civilised societal order, the church and the state,

embodied by the clergy and the monarchy, orient and structure social behavioural expectations and norms. Finally, in a modern social order, as religion and the rule of kings fall away, institutions are replaced by the previously ordering ones in a complex web of conflicting choices. This is what is meant by the decentring of the world. The individual can choose from a wide variety to order his or her behavioural expectations and norms. At the same time, modernity presents the possibility for a critical/reflexively-oriented praxis. Consequently, one could argue that modernity is itself defined by individuals' capacities to reflect upon their relationships, institutions, and norms that govern political communities.⁴³

In short, in a Palaeolithic societal structure, notions of the good are derived from the mythological. There is no distinct consciousness of dual modes of socialisation. An individual's place is viewed as a part of the natural whole. What is true is also ethically correct. In the second stage of feudalism, there is a theocentric understanding of the good. That is, the preferred order consists of understanding that the monarch forms the bridge between this world and the next. Therefore, participants need to develop a practical ethos that shows members how to bring nature closer to God. What results is a heavenly order on Earth: feudal kingdoms and religious republics.

In the fluid societies of modernity, a reasonable conception of the good replaces the dominant theocentric view. The process of formulating order or building normative structures are intersubjectively constructed through open-ended reflective discourses. The social world is grounded in criticisable rational principles:

To put it briefly, in place of exemplary instructions in the virtuous life and recommended models of the 'good life', one finds an increasingly pronounced, abstract demand for a consciousness, self-critical appropriation, the demand that one responsibility makes possession of one's own individual, irreplaceable, and contingent life history.⁴⁴

The abstracting of the self does not lead to a *fait accompli* of either alienation from the social environment or a cage where social relations are produced in terms of concrete power. Rather, in the decentring process of no longer conceiving oneself in

relation to either monarch or nature, the individual has the possibility to contextualise social interactions in a variety of frames. That is, political and social institutions can be restructured.

Yet modern society as described by Habermas should be seen as not the most developed in evolutionary terms. Rather, it is an analogy of a type of societal structuring that allows for transformation to be undertaken by individuals. The modern societal order relates to the postconventional level of cognitive moral development insofar as at the postconventional modern stage, agents possess the capacity to orient themselves toward reaching consensus and understanding. Since individuals are no longer obligated to give absolute allegiance to an absolute ruler or groups, this creates the opportunity to construct norms and institutions through dialoguing.

Thus, Kohlberg's learning process, and the considerations of these different societal orders, are designed to show that individuals in modernity can create and transform currently inadequate and distorted structures of norms. It is fair to say that Habermas agrees with the Weberian diagnosis that modernity has produced a share of pathologies that have led to the predominance of one type of ordering based on success and instrumental rationality.⁴⁵ However, Habermas' insistence that other types of rationality can be grasped to construct and transform public spheres is a central component for formulating a Critical Theory of Peace Practice. That is, the communicative rationality and practical reason, which have become subordinated to instrumental rationality, have much to contribute in grounding a theory for facilitated conflict resolution. A framework that features communicative rationality offers an expanded conception of rationality. A move away from this strategic and technical reason brings up the crucial role of intersubjective communicative action. As communicative rationality flows from and simultaneously comprises discourse ethics, the proposed alternative framework can be constructed on a discourse ethics foundation.

A theory grounded on discourse ethics introduces the concepts of critique, self-reflection, and practical reason. These dimensions are overlooked in facilitated conflict resolution approaches as those perspectives remain committed to an instrumental rationality foundation. Therefore, the focus remains on describing facilitation formats and categorising types of third parties, rather than exploring ways of realising an individual's potential for reaching consensus. Furthermore, by grounding a Critical Theory of Peace Practice on a discourse ethics foundation, particular ways of resolving conflicts are open to change as no specific steps are prescribed for disputants and third parties to follow. In this way, the formal procedural methodology that is based on communicative rationality provides the opening for participants to formulate agreements in a process of argumentation and contesting ideas, according to the validity claims of truthfulness, normative rightness, sincerity and legitimacy.

A Critical Theory of Peace Practice

The validity of all norms is tied to discursive will formation.⁴⁶

—Jürgen Habermas, 1975

It is clear that the inferences drawn from the methodology of communicative rationality in the previous chapter filters through to a meta-theory of discourse ethics. The higher level of discourse ethics is meant to demonstrate that every relationship among individuals, groups, and societies is built on cognitive functions. It follows that if the content of constructing and practising moral points of view and the process of judging the validity of interactions through communication are cognitively performed, then these cognitive contents are infused with normative content. The exploration by Habermas of numerous psychologists including Piaget, pragmatists such as Kohlberg, and linguistic scholars such as Selman, show the bridging role that discourse ethics can

play in grounding the method of communicative rationality.⁴⁷ In other words, discourse ethics being formal, cognitive, and justificatory suggests a framework for conceiving a praxis of resolving violent, protracted conflicts. This is a Habermasian-inspired formulation of a Critical Theory of Peace Practice at the meta-theoretical level. It is the specific idea of discourse ethics and its associated implications that are relevant for this thesis.

First, discourse ethics, at its root, is designed to ground the idea that through reasoned agreement and communicative processes, consensus can be achieved. In recognising that the complex interplay between the autonomy of individuals, expressed or covert, and their roles in communities and societies impinge on the free flow of communication, an idealising concept is offered for consideration. It may be difficult to realise such a facilitated conflict resolution process. However, the potential for conceiving such an environment is important in that we are first and foremost aware of the crucial role communicative processes play among disputants and third parties.

The ideas of John W. Burton were singled out as he most systematically attempted to put forward a philosophy for a needs theory and the problem-solving workshop method. One could argue that Burton's philosophical basis for conflict resolution follows the line of philosophical realism. He recognises that individuals will not compromise needs, and only by addressing this issue can the resolution of a conflict be hoped for. Yet despite his efforts, the philosophical grounding he proposes is at most an expansion of needs theory. It is true to say that Burton attempted to counter his contemporaries in suggesting the other side of the coin: human nature is not necessarily nasty, brutish, and always motivated by self-interests alone.⁴⁸ Others in the facilitated conflict resolution field who aimed to expand Burton's formulation follow the arguments that through functional co-operation, conflicts can be mitigated.⁴⁹

Burton asserted that man's nature is co-operative, and due to a lack of finding appropriate satisfiers for unmet human needs, such as identity and security, conflicts remain unresolved.⁵⁰ His argument, it was contended, runs into the same difficulty as those who took the opposing view of human nature. By not placing the individual in the social context of the lifeworld traditions which influences an individual's orientations, as well as the reproduced social structures, the individual as the unit of analysis in Burton's case remains isolated and socially dislocated.

By placing the individual in a socialised sphere, Habermas recognises that the individual who possesses the potential to situate him or herself towards reaching understanding also operates in the social context. This social-situating of the individual overcomes this one-sided perspective. What is at stake here for the facilitation efforts of conflict resolution is that the third party as an observer-participant can bring to bear such knowledge and create the potential for the transformation of normative structures or the contemplation of another alternative, while playing out the various interests of the disputing participants in the process.

The socialised individual who represents communities, at the postconventional level, possesses the capacity not only to reach the instrumental goal of mitigating the violence, but has the ability to conceive of the construction of new social norms. This decentred understanding, which is necessary for the transformation of a conflict situation, takes into account the employment of the method of communicative rationality and contesting validity claims.

The theoretical component, which springs from the meta-theory, is discourse ethics. The formalistic nature of borrowing such a framework also contributes to a theoretical perspective of facilitated conflict resolution. As argued elsewhere, practices and primarily empirical experiences drive many facilitated conflict resolution

theoretical frameworks. Scholars and practitioners such as Burton, Kelman, Fisher, and Rothman fail to recognise the significant role of meta-theory.⁵¹

The preferred method involves raising and contesting validity claims from all affected, including the views of those who do not participate, which would be considered in attempting to reach agreements or compromises. These are components of the procedure put forward here. This rule or set of procedures is deliberately intended not to be prescriptive. Furthermore, as this method arises from the formalistic concept of discourse ethics, it avoids merely setting out a list of behavioural suggestions. It is true to say that the procedural and detailed suggestions asserted by those engaged in problem-solving workshops are important to produce and sustain a particular type of atmosphere for the disputants so they can move from a confrontational to a consensual environment at the physical and, perhaps, at the psychological level. However, to leave a procedural argument and, more importantly, to neglect a theoretical formulation, misses a vital point. In order to achieve the instrumental social action of reaching a resolution as Burton desires, then a nexus that encourages consideration of pragmatic presuppositions, critical self-reflection, and communicative rationality is required for conceiving and attempting structural transformations.

The individual is not an isolated abstracted self, as Kant argued, and the recognition by Habermas of Hegel's important contribution of the social community, in its role and effect on individuals not only places the abstracted formulation at a more practicable level, but in doing so bridges the theory-practice divide and turns it into praxis.

Equally essential is that a formalistic meta-theory, and thus a fluid theoretical framework, makes it possible in practice for an actualisation of this discourse ethics-based approach. The space opened up during a process of dialogue, the implementation of the argumentation rule and acceptance and contestation of claims to validity, mean

that the transformation of the present institutional norms that have thus far shaped the conflict situation can be altered. As already stated, the concept of discourse ethics (D) denotes that every valid norm would meet with the approval of all concerned if they could take part in practical discourse.⁵² Since in praxis of conflict resolution the inclusion of all affected is usually not possible, the representatives of differing groups take on this responsibility. The aim here is that the third party, by virtue of presence, as a participant-observer, will be informed about the knowledge of the postconventional type and of its related social action.

At the conflict resolution effort level, there is a barrier at the initial stage, erected by the opposing parties who have resorted to violence in order to prevail in the perceived and real conflicts. The facilitation process begins when the conflicting parties have decided through political will that a resolution of the protracted conflict can be reached only by engaging in communicative interactions. Any disputing party will be burdened with the hostilities felt towards the other, as well as the preconceptions one holds about who the enemy is. Therefore, the enemy's position is viewed to be wrong since the disputants' views are, of course, more correct.

The overcoming of resisting norms requires an altered perspective at the socio-cognitive level through a methodology of communicative rationality. In this perspective, the role of the third party is more proactive as they are no longer restricted to act as a guide and referee. By entering into the resolution process in a Critical Theory of Peace Practice framework, the third party role is more active than an observer who either stands outside the conflict or acts as the psychoanalyst. As the former is not possible and the latter is incomplete, the formal concept of discourse ethics and the procedural framework of communicative rationality allow the third party role to be a constructor in the possible transformation of normative structures. That is, the third party individual or team can include this type of approach in the resolution process.

In sum, the point of departure is not to explore whether and how the hidden needs may be better satisfied, but how to transform interpersonal and institutional structures through a discourse ethics-based approach, so that the legitimacy of these changed frameworks can be sustained outside any particular facilitated conflict resolution process—namely back in the political arena. A difficulty previously pointed to is the ‘re-entry problem’. By adopting the proposed framework, the ‘re-entry problem’, as described, can be better dealt with since any reached agreements would be contested in terms of its claims to validity, from the moral point of view in the broad public sphere.

The critical part of this conceived theory of peace practice lies in the dialoguing process among participants. It is not what Rothman proposes when he argues that the potential for critical self-reflection and transformation can be realised only within groups. This viewpoint is limited as the transformative potential exists not only within groups, but is present in the space between ‘me’ and ‘you’ and ‘we’ and ‘they’. It is in this nexus and through immanent critique that the transformation can occur. Naturally, such a moment of postconventional form will not take place in every conflict resolution effort. However, this critical theory framework makes it possible for the recognition and inclusion of such happenings, if and when they arise.

It is argued here that by ascribing to the current thinking in conflict resolution perspectives, the ‘critical potential’ will neither be actualised nor even approached since the idea for such a happening remains absent. In contrast, by adopting the discourse ethics theoretical framework explicated in this chapter, space opens up for such moments to affect, reshape, and so help the resolution of conflicts both at the immediate necessary level of instrumental action (of achieving a particular goal) and at the deeper level of confirming or reconstructing legitimacy in the broad public sphere.

This theory of peace practice is borne out of discourse ethics and communicative rationality. Praxis will, in the end, determine the viability of any theory, including critical theory. In the actualising and resolution process, the basic root of a Critical Theory of Peace Practice is the linguistic and socio-cognitive content of morality. It is essential to understand that morality does not refer to rights and wrongs of specific values and beliefs, but to how we judge the rightness, truthfulness, intent, and legitimacy of those who communicatively interact: how the hearer perceives and relates to the speaker.

As communication is dependent on the lifeworlds that structure an individual's cultural beliefs, the system that co-ordinates varying lifeworlds and individual pragmatic presuppositions and reflective will, the content of constructing any normative social structure is cognitivist in nature.⁵³ The content of what an individual chooses for the construction of the three worlds of the objective, subjective and social, arises out of both the product of what he or she has learned and how he or she reintegrates this knowledge. In other words, at the conventional level, for instance, one learns to connect the observer-participant perspective with the previous knowledge and actions as perceived to be correct in the preconventional, and the results must be reintegrated or rejected.

As discussed earlier, the crucial move from the conventional to the postconventional level involves this process on a larger scale. It is the consequent decentred understanding of the world (crises develop since what we knew before is no longer tenable) which provides the important contribution for facilitated conflict resolution. The cognitive content of a facilitation process has indeed been explored by scholars such as Fisher and Kelman.⁵⁴ However, like Burton, they consider only the social and psychological factors in practice and do not think it necessary to develop this idea at the theoretical and philosophical levels.⁵⁵ The point to take from Habermas'

exploration is that the process of forming the content of a moral point of view is socio-cognitive and linguistically mediated.

The socio-cognitive line of formulation allows, in facilitated conflict resolution, not only the already recognised element that perceptions are important, but also the notion that as individuals operating and interacting in intersubjective environments, we actively change aspects of these structures. In the facilitated conflict resolution process, we need to reconstitute these socio-cognitive structures in order to move towards the steps of building or transforming normative structures. That is to say, the pragmatic presuppositions participants bring to a communicative process flow both inwards and outwards from the social world. What one participant has learned through the process of obedience, conforming or rejecting certain social norms, means that he or she also orients him or herself in a specified way towards other individuals (both as an individual and as a member of a particular political and social community).

This strand, along with the formalism of discourse ethics, combined with the thread of the linguistically-oriented communicative rationality method, suggest a more complete theory, which has both critical potential and is critical towards itself, as well as being an approach that can be justified in praxis. The justification and thus the determinant of legitimacy can only arise from implementing or actualising the critical theory in a variety of peace practices. The scholars and practitioners of facilitated conflict resolution rightly point out that only the participants in the process can design their own solutions. A resolution cannot be imposed for a transformation to occur; imposed solutions are mere settlements. Simultaneously, by including a critical component at the meta-theoretical level, a Critical Theory of Peace Practice for facilitated conflict resolution efforts allows for all involved to seize an opportunity, when appropriate, to change the currents of the dominant or hitherto perceived ways of ordering social and political institutions.

The methodology of communicative rationality provides an important alternative for creating and recognising these opportunities. Employing various types of discourses serve to help in the deconstruction and reconstruction of statements and, through them, the deconstruction and reconstitution of political and social institutions become possible. In short, a discourse ethics-based framework is interested in connecting the strands of communicative rationality methodology with the socio-cognitive and formal justificatory ideas.

Only by combining a discourse ethics with communicative rationality can a Critical Theory of Peace Practice be complete. It would be flawed to conceive of one without the other. By adopting this formal procedural framework, one can avoid the pitfalls of being trapped in rules and codes of behaviour during the facilitation problem-solving workshops themselves. Furthermore, a Critical Theory of Peace Practice can provide a philosophical and a more helpful theoretical basis for the facilitation process of conflict resolution.

Conclusion

The meta-theoretical and philosophical foundation of discourse ethics is significant for it allows this approach to be context-sensitive, whilst being content-transcendent. Furthermore, by premising a theory on an expanded concept of rationality, a Critical Theory of Peace Practice can contribute beyond the environment of problem-solving workshops. Finally, as the validity of this approach can only be legitimated or modified in praxis, the practical level is important for validating its applicability, as well as providing insights into the refinements which can be reflected upon.

In sum, a Habermasian-inspired discourse ethics critical theory framework suggests an added dimension to the praxis of facilitated conflict resolution discipline. A

theory based on discourse ethics and communicative rationality also takes into account the different types of knowledge guiding interests, which would impact the facilitation prenegotiations and negotiations environments, as well as the process of encouraging argumentation in the broader public sphere. Consequently, a possibility for overcoming instrumental rationality is created.

- ¹ Jürgen Habermas, *Moral Consciousness and Communicative Action* (Cambridge: Polity, 1990), 68.
- ² Jürgen Habermas, *Remarks on Discourse Ethics* (Cambridge, MA: MIT Press, 1993), 195-216.
- ³ The influences of Hegel and Kant are important in the development of Habermas' overall position. However, as this thesis is interested in the discourse ethics and communicative rationality, their ideas will not be covered in any detail. Moreover, the previous chapters have covered aspects of Kant and Hegel. See Jürgen Habermas, *Philosophical Discourses of Modernity* (Cambridge: Polity, 1987).
- ⁴ Habermas, *Moral Consciousness and Communicative Action*, 102-3.
- ⁵ It is worthy to note that the concept of the lifeworld and system first explicated by Habermas to distinguish himself from the debates and reactions to them in German thought of systems theory later blurs the boundaries, and these two concepts, although helpful as analytical tools, decline in his emphasis when discussing discourse ethics and communicative action. See the progressions: Jürgen Habermas, *Theorie des kommunikativen Handelns Zur Kritik der funktionalistische Vernunft*, Band 2 (Frankfurt: Suhrkamp, 1981); *Moral Consciousness and Communicative Action*; and *Faktizität und Geltung: Beiträge zur Diskurstheorie des Rechts und des demokratischen Rechtsstaats* (Frankfurt: Suhrkamp, 1992). These concepts along with Habermas' development of thought is explicated by William Outhwaite, *The Habermas Reader* (Cambridge: Polity, 1996).
- ⁶ Habermas, *Moral Consciousness and Communicative Action*, 113-30.
- ⁷ Habermas, *Moral Consciousness and Communicative Action*, 104.
- ⁸ Jürgen Habermas, *Theory of Communicative Action: Reason and the Rationalisation of Society* (London: Heinemann Educational Books, 1984), 157.
- ⁹ Habermas, *Moral Consciousness and Communicative Action*, 105.
- ¹⁰ Albrecht Wellmer, *Ethik und Dialog* (Frankfurt: Suhrkamp, 1986).
- ¹¹ Habermas, *Moral Consciousness and Communicative Action*, 105-6.
- ¹² Max Weber, 'Stages in the Development of Bureaucracy', in *Essays in Sociology*, Max Weber (London: Routledge, 1995).
- ¹³ Habermas, *Moral Consciousness and Communicative Action*, 107.
- ¹⁴ Habermas, *Justification and Application*, 19.
- ¹⁵ Ibid., 20.
- ¹⁶ Ibid., 23.
- ¹⁷ Ibid.
- ¹⁸ The first three claims to validity are outlined by Habermas. The fourth one of legitimacy is added by this author, since the acceptance of the others depend on the contestation of this fourth concept. In short, legitimacy is intrinsically connected with the other three validity claims.
- ¹⁹ There is a vast debate concerning Habermas's distinction between the moral and the ethical and to what extent this distinction is a helpful analytic device. His delineation is accepted by this author, as the moral point of view as well as the socially co-ordinating mechanism of language and employment of discourses that comprise a promising alternative theoretical and meta-theoretical foundation for practising peace. See Habermas, *Justification and Application*, 1-18; Seyla Benhabib and Fred Dallmayr, eds., *The Communicative Ethics Controversy* (Cambridge, MA: MIT Press, 1990).
- ²⁰ Habermas, *Justification and Application*, 24.
- ²¹ John W. Burton, *Violence Explained* (Manchester: Manchester University Press, 1997), 3-7.
- ²² Habermas, *Justification and Application*, 24.
- ²³ Habermas, *Moral Consciousness and Communicative Action*, 119-32.
- ²⁴ Habermas, *Justification and Application*, 29.
- ²⁵ Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (Cambridge, MA: MIT Press, 1996), 118-32.
- ²⁶ This phrase 'the force of the better argument' is meant to convey the reasoning of those participants during the exchange of views through reflection and role-taking comes to accept the most meritorious of assertions. The force does not convey use of coercion in any form. In fact, the opposite applies. As explained elsewhere, this process should be free from any form of coercion and power distortions and is in principle: only an ideal to be approximated. See Jürgen Habermas, *The Past as Future* (Lincoln, NE: University of Nebraska Press, 1994), 99-120; , *Theory of Communicative Action: Reason and the Rationalisation of Society*, 273-338; *Moral Consciousness and Communicative Action*, 43.
- ²⁷ The process of contesting validity claims forms the methodology, which links itself to communicative rationality. Therefore, the features and constitutive components of the procedural communicative rationality-based methodology was the focus of the previous chapter. Here, as the theory and method are intrinsically connected, similar themes can be located in the outlining of discourse ethics. The emphasis, however, shifts to explicating the underlying assumptions that will comprise the philosophical and meta-theoretical foundation of a Critical Theory of Peace Practice.

²⁸ Habermas, *Justification and Application*, 35.

²⁹ Ibid, 35.

³⁰ Klaus Gunther, *Der Sinn für Angemessenheit* (Frankfurt: Suhrkamp Verlag, 1988), 50.

³¹ Habermas, *Justification and Application*, 37.

³² Ibid., 48-9.

³³ Lawrence Kohlberg, *The Philosophy of Moral Development: Moral Stages and the Idea of Justice* (San Francisco: Harper & Row, 1981).

³⁴ Each stage suggested by Kohlberg is detailed by Habermas. See Habermas, *Moral Consciousness and Communicative Action*, 119; Kohlberg, *The Philosophy of Moral Development*, 194.

³⁵ Habermas' tracing of development of societies from the Palaeolithic to pre-modern to modern phases parallels the stages of moral developments. This social evolution of both the individual and society is designed to demonstrate how employment of discourses can constitute social change, as well as how communicative rationality can form the foundation of a praxis that does not simultaneously, preclude other types of rationality.

³⁶ The references to Rawls in this chapter, and in particular here, are deliberately brief as I do not wish to get embroiled in the long running although worthy contributions and difficulties of Rawls' work. However, in order to explain why Habermas is chosen as opposed to others in the field of discourse ethics, and ethics specifically, to leave out Rawls altogether, for example, would be inappropriate. See Jürgen Habermas, 'On the Cognitive Content of Morality', in *Conference Proceedings of the Aristotelian Society* (London: Aristotelian Society, 1996), 335-58.

³⁷ The merits and flaws of Rawls are extensively discussed by Habermas. See Habermas, 'On the Cognitive Content of Morality'; *Moral Consciousness and Communicative Action*, 57-76; John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1999), 20.

³⁸ Habermas, *Moral Consciousness and Communicative Action*, 125.

³⁹ John W. Burton, *Conflict Resolution: Its Language and Processes* (Lanham, MD: Scarecrow Press, 1996), 51-57; Herbert C. Kelman, 'Interactive Problem-Solving Approach', in *Managing Global Chaos: Sources of and Responses to International Conflict*, eds. Chester A. Crocker and Fem Osler Hempson with Pamela Aall (Washington, DC: US Institute of Peace Press, 1996); Mark Howard Ross and Jay Rothman, *Theory and Practice in Ethnic Conflict Management: Theorizing Success and Failure* (New York: St. Martin's Press, 1999).

⁴⁰ Ibid., 162.

⁴¹ Durkheim asserts that morality in this sense is the force that holds norms together influences this idea of the role of moral phenomena. See Emil Durkheim, *Emil Durkheim on Morality and Society* (London: Chicago University Press, 1973).

⁴² The ideas put forward in these two works are only very briefly discussed here in order to connect the developmental processes asserted by Habermas. All of these are designed to show first the specific rise of the modern lifeworld and system and how through discourse ethics, a re-balancing of a distorted praxis may be accomplished. See Habermas, Jürgen Habermas, *Communication and the Evolution of Society*, trans. Thomas McCarthy (Boston: Beacon Press, 1979), 95, 178.

⁴³ Such an argument is articulated by scholars including Anthony Giddens and Ulrich Beck. See Ulrich Beck, Anthony Giddens and Scott Lash, *Reflexive Modernization: Politics, Tradition and Aesthetics in the Modern Social Order* (Cambridge: Polity, 1994).

⁴⁴ Habermas, *Between Facts and Norms*, 96.

⁴⁵ Habermas, *Theory of Communicative Action: Reason and the Rationalisation of Society*.

⁴⁶ Jürgen Habermas, *Legitimation Crisis* (Boston: Beacon Press, 1975), 87.

⁴⁷ Jean Piaget, *Biologie et Connaissance* (Paris: Gallimard, 1967); Kohlberg, *The Philosophy of Moral Development*; Habermas, *Moral Consciousness and Communicative Action*.

⁴⁸ It should be noted here that this description is an extreme oversimplification of dominant thinking in the International Relations discipline of which Burton is a part. Additionally, this conception of human nature also included by some peace researchers such as David Singer, *Explaining War: Selected Papers from the Correlates of War Projects* (Beverly Hills, CA: Sage, 1979).

⁴⁹ Kenneth Boulding, *Stable Peace* (Austin, TX: University of Texas Press, 1978); Carl Deutsch, *Nerves of Government* (New York: Free Press, 1963).

⁵⁰ John W. Burton, *International Relations: A General Theory* (Cambridge: Cambridge University Press, 1965), 31-55.

⁵¹ John W. Burton, 'Conflict Resolution as a Political Philosophy', in *Conflict Resolution Theory and Practice: Integration and Application*, eds. Dennis J. Sandole and Hugo Van der Merwe (New York: St. Martin's Press, 1993); Herbert C. Kelman, 'Interactive Problem-solving: A Social-psychological Approach to Conflict Resolution Conflict', in *Readings in Management and Resolution*, eds. John W. Burton and Frank Dukes (Basingstoke: Macmillan, 1990); Ronald Fisher, *Interactive Conflict Resolution* (Syracuse, NY: Syracuse University Press, 1997); Jay Rothman, *From Confrontation to Co-operation: Resolving Ethnic and Regional Conflicts* (Newbury Park, CA: Sage, 1992).

⁵² Habermas, *Moral Consciousness and Communicative Action*, 121.

⁵³ Habermas' cognitivist argument arises partly as a result of a defence against ethical relativists, ethical contextualists, and neo-Aristotelians. See Habermas, *Justification and Application*, 113-32 and 'On the Cognitive Content of Morality'.

⁵⁴ Ronald J. Fisher, *Interactive Conflict Resolution* (Syracuse, NY: Syracuse University Press, 1997); Herbert C. Kelman, *International Behaviour: A Socio-Psychological Analysis* (New York: Holt, Rinehart and Winston, 1965).

⁵⁵ Burton, 'Conflict Resolution as a Political Philosophy'.

Chapter 6

A Critical Theory of Peace Practice: Praxeological Dimensions

Introduction

The answer has to be discovered, or established, as a result of a process...which essentially cannot formulate the answer in advance except in an unspecified way.¹

—Jürgen Habermas, 1990

The meta-theoretical and methodological outlines of a Critical Theory of Peace Practice have been presented in chapters four and five. An equally important aspect of this proposed framework is the praxeological dimension of practising peace. Scholars who note its significance generally overlook this praxeological component of critical theory. In the broad discipline of International Relations, Andrew Linklater argues that praxeology is an essential feature of critical theory.² But, as noted in the introduction to this thesis, he does not offer any detailed suggestions for how critical theory may be put into practice.

This chapter seeks to identify some peace practices that indicate how a Critical Theory of Peace Practice may manifest itself in concrete social practices. A detailed, step-by-step account of the exact features of a Critical Theory of Peace Practice is not outlined, as this would run counter to the methodology of communicative rationality. As noted in the previous chapters, the methodology of communicative rationality is a formal pragmatic one that can be adapted by participants in a variety of situations in which third parties can play a number of different roles. Yet, through an exploration of a number of the peace-building initiatives that have flourished since the Oslo agreement, we can gain intimations of the praxeological dimensions of a Critical Theory of Peace Practice. The following discussions revolve around the peace-building efforts by different individuals and groups who occupy different levels of Israeli and Palestinian societies.

The structure of this chapter is as follows. First, a shift in emphasis from resolution to transformation via the idea of peace-building will be outlined. Subsequently, a number of peace practices that aim to promote changes in attitudes, perceptions, norms, and institutions within Israeli and Palestinian societies will be discussed. The discussion of these peace-building efforts will provide indications of how a Critical Theory of Peace Practice offers an added aspect of connecting the various peace practices across societal levels. By including a meta-theoretical foundation of discourse ethics with a communicative rationality methodology, as well as a praxeological dimension, this proposed framework moves beyond—but is complimentary to—the Burtonian facilitated conflict resolution methodology and the approach adopted in the Oslo Channel.

From Resolution to Transformation: A Shift in Emphasis

A Critical Theory of Peace Practice offers important implications for peace practices such as the Oslo Channel, as well as the facilitation efforts undertaken by conflict resolution scholars. At the praxeological level, a Critical Theory of Peace Practice offers the opportunity to connect the problem-solving workshops with transforming attitudes and perceptions at the broader societal arena. In chapters two and three, the re-entry problem was highlighted. Scholars and practitioners of facilitated conflict resolution do not fully articulate a framework for engendering and sustaining any agreements (which may have been reached in the workshop setting) in the wider political public sphere. Burton, Kelman, and Fisher among others, assert that it is important to sustain the resolution process outside the facilitation environment. However, as their approaches are based on a prescriptive set of guidelines, the ways in which changed attitudes, perceptions, and norms, if and when they arise, may be translated into the larger public sphere are not developed.

Other scholars include a broader notion of the third party role as well as the approach to be followed not only in resolving conflicts in a problem-solving workshop environment, but in the process of building peace.³ One such scholar is John Paul Lederach.⁴ In outlining his framework, he shifts the emphasis from resolution to transformation since the former implies ending 'something not desired' whereas the latter suggests something that is 'taking new form'.⁵ Transformation combined with peace-building, argues Lederach, points to changing the undesired situation as well as building long-term sustaining sets of norms and institutions.⁶ He argues that the emphasis in facilitated conflict resolution theories and practices has been focused too heavily on addressing the immediate problem of reducing violence.⁷

Towards the endeavour of peace-building, Lederach argues that different initiatives are required at various levels in society in order to transform a conflict situation into a process of building and sustaining peace. The levels of interactions should cut across various societal spheres so that linkages between them can be established.⁸ By doing so, groups become aware of other peace-building initiatives so that new ideas and approaches can be adopted if and where appropriate.

Lederach presents a triangular diagram which describes the variety of third parties and the roles they can play at different peace-building levels.⁹ Lederach asserts that a web of interdependence that involves persons at all levels can promote participation and the feeling that individuals have a role to play in claiming a piece of building a peaceable society. These multi-levels of individuals across different layers of societal interactions can connect the official political with the middle community leaders with the grass-roots efforts. This peace-building attempt is not only a dynamic process, but involves a structure that frames the development of the peace process.¹⁰ Rebuilding relationships, argues Lederach, illustrates this process/structure as well as connecting the *vertical* levels of peace-building efforts.

The emphasis from resolution to peace-building—which includes the notion of transformation—is an important feature of a Critical Theory of Peace Practice. Peace-building allows the connection of the many efforts undertaken by individuals, groups and political leaders so that any breakthrough, if and when arrived at in the official arena, can filter through to the broader societal environment. Furthermore, rather than concentrating on the horizontal level where like-minded persons come to meet, peace-building, as a component of a Critical Theory of Peace Practice, suggests the necessity to connect the different levels of peace-building attempts. Additionally, a Critical Theory of Peace Practice takes into account the social and steering mechanisms within a public sphere as discourses and contestation of validity claims can occur at all levels. It is this multi-dimensional approach to transforming violent protracted conflicts that this alternative framework highlights.

The peace practice of the Oslo Channel and the difficulties of implementing agreements contained in the Declaration of Principles reveal the importance of peace-building so that changed attitudes arrived at by participants in facilitation efforts can be linked with changing perceptions of members within both communities. This process of carrying across new ideas and norm-building is necessary in order to gain legitimacy and acceptance. Such a process of contesting claims can be conducted through discourses where statements and positions are judged according to truthfulness, sincerity, normative rightness, and legitimacy.

The fourth validity claim (an addition to Habermas' three suggestions) is intended to address this aspect specifically. Since the signing of the Declaration of Principles and subsequent accords designed to fully implement the agreements reached in Oslo for Palestinian interim self-government in Gaza and the West Bank, many obstacles and challenges have arisen. The Israeli Government and the PLO still struggle to adhere to the principles and practical measures for allowing Palestinian autonomy.

The final status negotiations require both sides to address the most difficult issues including Jewish settlements in the Israeli Occupied Territories, Palestinian refugees, and political prisoners, as well as the thorny question of Jerusalem. Meanwhile, members of both communities are increasingly expressing pessimism regarding this peace process. One needs to only glance at the myriad of local press such as *Ha'aretz* and the *Jerusalem Post* in which outspoken and sceptical views are expressed to gauge the level of frustrations on both sides at the lack of social and political transformations.

The breakthrough of the Oslo Channel was based on direct negotiations between two conflicting sides. The Norwegian third parties, led by Terje Rød-Larsen, sought to encourage personal and emotional trust-building.¹¹ Abu Ala noted the importance of a personal chemistry between himself and then Director General of the Israeli Foreign Ministry (Uri Savir) in helping to overcome the difficulties towards reaching an agreement. This small circle of participants' changed perceptions could not be transferred to the wider public arena, since the participants did not include a specific procedure for mobilising public support. To this extent, the facilitation process of Oslo is similar to facilitated problem-solving workshops. One could argue that the Norwegians' continuing efforts to ensure financial assistance for the PLO from the international community helps in the transformation of public attitudes, which are so vital for altering political norms and institutions.

Numerous attempts continue at the grass-roots level within Israel and the Occupied Territories towards transforming perceptions each holds of the other. These sporadic and disparate efforts are suggestive of a Critical Theory of Peace Practice at the level of application. These efforts operate within the broader political context in which the decisions reached by official decision-makers are rarely taken into account. Although the degree of involvement with the official process differs among the various peace-building attempts, transformation at the individual, group, and societal level is the

goal. Facilitated conflict resolution approaches concentrate, as Lederach notes, on the political leaders to achieve a breakthrough. Grass-roots efforts indicate how transformation at the broader socio-political level may be achieved beyond the environment of the problem-solving workshop.

One example of grass-roots peace-building with an official imprimatur involved the Norwegian and Israeli Governments and the PLO. They endeavoured to establish a 'People-to-People' initiative, which sought to promote dialogue between members of the two communities. Another official effort to promote grass-roots peace-building and reconciliation was initiated in the summer of 1996. Under the sponsorship of the Social Democratic Student Organisation (SSF, a branch of Norway's Labour Party which also formed the Government) youth members of Israel's Labour party and Arafat's PLO, as well as the youth leader and the foreign spokeswoman for the Israeli Likud Party attended a conference in Sarpsborg, Norway, the site where the Declaration of Principles was finally agreed upon in August 1993. Simulated negotiations sessions were held among the participants during which they learned that compromise with the enemy was possible. The Likud youth leader, Uri Aloni, notes that:

We must all be open for good arguments and be ready to be convinced...I have my ideology and you have your ideology, but we can still talk. Peace can't come from above; peace must come from the people.¹²

This official sponsored dialogue process is one of the few examples of talking across the divided communities officially authorised by the political leadership. Although the individuals were affiliated with official political parties, the bringing together of such groups indicates the transcendence of what Lederach identifies as an endeavour in which all too often only like-minded persons meet. This level of interaction, which is close to the official political decision-makers, forms one aspect of encouraging peace-building. As the public sphere is constituted of numerous groups and individuals, it is important to develop an environment of building peace at all levels. These two examples suggest that changing perceptions beyond the problem-solving

workshop is possible by fostering a transformation at the broader level. Although these two efforts represent small attempts towards transcending deep-rooted perceptions that individuals hold of the other, the promising steps taken by the political leadership have not proceeded far enough. The linkages are to the political parties rather than to the community. Therefore, the voices of other groups that comprise Israeli and Palestinian societies is neglected as the most dominant parties' voices are reflected by the participants who are invited to participate in such peace-building projects.

At a lower level in Lederach's triangulated hierarchy, Israelis and Palestinians have come together at an informal level involving academics and intellectuals. Two examples are highlighted here. First, ten Israelis and Palestinians met in July 1991 to discuss the future of Israeli-Palestinian relationship, under the sponsorship of Stanford University's Center on Conflict and Negotiation and the Beyond War Foundation. The seminars, held over four days, included participants such as Moshe Amirav (a member of Jerusalem's City Council and a former member of the Likud Central Committee), Giora Ram Furman (Brigadier General and former Deputy Chief of Staff of the Israeli Air Force), Galit Hasan-Rokem (Founder of Women's Network for Peace in Israel), Mamdough al-Aker (founding member of Mandela Institute of Political Prisoners), Hanna Siniora (Editor of *Al Fajr* newspaper in Jerusalem), and Nabeel Shaath (advisor to Arafat and member of the Palestinian National Council).

The participants jointly reported their main achievement as working to enlarge the 'public peace process'.¹³ The principles these participants agreed to in the published document call for equality, mutuality, and reciprocity. The suggestions of mutual recognition and the phased implementation of an interim self-government for five years, where Palestinians can realise their autonomy, bear similarities to the agreements contained in the Oslo Channel's Declaration of Principles. These participants' views differ from the breakthrough agreement that would come two years later, since they also

call for the pre-1967 borders, which would mean a return of Gaza and all of the West Bank to Palestinian control. This document takes account of fears of Israelis for their security as it calls for cessation of violence against Israel's military and citizens. Simultaneously, the human suffering endured by Palestinians under Israeli occupation is recognised.

Although the report resulting from these meetings contains principles and suggest a framework for establishing a 'just and lasting peace', the ways of encouraging and building a public peace process are not explicated. The only approach mentioned is a distribution of this document in the public domain, which would encourage debate among some Israelis and Palestinians to resolve the conflict. The participants agree to utilise this document 'as an educational and political instrument' to stimulate public debate on what is required for a peaceful relationship among the two communities.¹⁴ Secondly, the participants assert that this document will highlight the positive incentives of peace; namely, tying it to economic and environmental benefits such as water, oil, tourism, and improved living conditions. Third, public opinion polling would be encouraged on the question of a two-state solution. Fourth, the costs of continuing stalemate would be highlighted. Finally, the participants would encourage a broad public peace process by promoting education and training to members of both communities, as well as encourage joint meetings and collaborations among professionals, student and teachers.

While the participants aimed to promote a public peace process, there is no firm evidence that debates on this document were conducted outside this academic-like environment. Although the participants were influential members of both communities, ways of moving beyond the seminars to establish connections with larger constituencies for building confidence and breaking down barriers were not outlined. The document suggests specific topics that may be addressed in a public forum, but offers no

guidelines for approaching or promoting these dialogues. Furthermore, the role played by the moderator in the dialogue process is not fully elaborated.

The second notable example of peace building and reconciliation involves an academic gathering of Israeli and Palestinian women who met in a facilitation format in December 1992.¹⁵ The third party panel consisted of six women academics; the participants included five representatives from each community. On the Israeli side, participants included high-ranking members of the Labour, religious, and Meretz parties, while on the Palestinian side, participants included the Palestinian West Bank and diaspora women, who largely held centrist or left-wing positions.

Before the start of this facilitation effort, the third parties held meetings with each side to explore expectations and to explain the process as there were new participants.¹⁶ Over the four days, the conflicting parties shared meals and were encouraged to state their personal viewpoints regarding the conflict. The inclusion of personal positions helped to shift the emphasis from an opposing one based on political affiliations, to relating to each other as women. The approach adopted in this initiative does not significantly differ from the social-psychological perspectives of Kelman and Fisher as reciprocity, continual clarification of misperceptions, and exchanges of information are deemed crucial for transforming attitudes and establishing and maintaining working trust.

The aspect of being women was not viewed to be essential, but the common experiences among the diverging cultures presented the participants with something to which they could all relate. An interesting innovation in this facilitation process was the post-workshop interviews held seven months after the exploratory dialogues. The positive feedback from the women regarding the usefulness of the workshop to create new understandings is offered as evidence for the constructive role that unofficial dialogues can play towards assisting official negotiations.¹⁷ The participants reported

that the encounter with a member of the right-wing Israeli religious group provided surprising insights into this stratum of Israeli society . That is, both other Israelis and Palestinians expressed surprise that a person representing right-wing views could be 'reasonable'.¹⁸ Therefore, the participants agreed the facilitation exercise had contributed to breaking down stereotypes of one other.

The organisers and facilitators of this initiative, Babbitt and Pearson d'Estrée, put forward four questions regarding the utility of their facilitation efforts. They are:

What constitutes 'transformation of a relationship?' What characterises the successful transfer of learning from a workshop setting to the political arena? How can an unofficial problem-solving workshop make a contribution when official negotiations are also occurring? Is there a unique role for politically influential women in building a stable peace?¹⁹

First, they argue that transformation of relationships requires repeated meetings of influential disputants in a facilitation format, in order to breakdown entrenched attitudes and stereotypes.²⁰ Second, development of 'unofficial linkages' and 'networks' are suggested for translating any success achieved in the facilitation format to the wider political process.²¹ Additionally, the authors propose that the participants include 'options generated' from the facilitation effort.²² Third, as these participants were influential members of political parties, their shared experiences could contribute to an official peace process.²³ Finally, being women provided a common frame of experience, which allowed the participants to more easily relate to one another.²⁴

It is the second question posed that is the most interesting. This facilitation effort, like others described in the conflict resolution discipline, includes a recognition of the significance of addressing the transformation of attitudes at a broader level. Yet, the suggestions of building networks and unofficial linkages cannot transform attitudes, norms, and institutions, since ways of engaging with the excluded voices are not taken into account. In another words, the changing of perceptions and images are likely to remain at the level of elites, academics, and influential political activists, since ways of expanding beyond these groups are not deeply considered.

Both of these exercises that involved academics and community leaders indicate yet another layer in which peace-building, however limited and specific its particular aim, is being undertaken. Towards connecting this level with others, a Critical Theory of Peace Practice would offer two contributions. First, the methodology of communicative rationality would be introduced, where the participants would contest the validity of claims being raised. The third party would offer this option, along with knowledge of other conflict facilitation efforts, in order to demonstrate that consensual agreements are possible. In this way, third parties become direct participants as the contributions they offer would directly influence the outcome of a dialogical process. The analytic phase, which comprises the central feature of problem-solving workshops, would be incorporated into this third party role. Consequently, the third-party role becomes more flexible and inclusive. Furthermore, the participants could learn that through critical reflection, different foundations of knowledge produce differing interests. Therefore, while accommodating the positions of one another, an alternative basis that diverges from both conflicting parties' positions could be constructed.

Second, a Critical Theory of Peace Practice envisions a multidimensional level peace-building process in which the role of third parties can vary according to contexts. In the facilitation effort, their role has already been described as a full participant to the process. In the wider political community, third parties can establish, encourage, and promote dialogues within and across the Israeli and Palestinian communities in education, through the media and political activism. This entails engaging with the often-excluded extremists within each community. Although such a process may be initially more difficult, a transformation of attitudes of members and supporters of Hamas and Islamic Jihad on the Palestinian side and sympathisers of Israeli right-wing religious and national groups such as Likud are required if a transformation and peace-building at the societal level is to be achieved. Obviously, it is not possible to transform

the perceptions of every individual member of society; nevertheless, if attempts are not made to break down the barriers and restore distorted communicative processes with groups who hold extremist positions, then it will remain difficult to transform attitudes, perceptions, and norms at the broad level. A societal transformation is necessary to legitimate the reconstruction of norms and institutions, which political decision-makers among themselves may have agreed to.

In short, in the Oslo case, agreements reached by Israel and the PLO lost public support not only because of a lack of concrete changes in the socio-political landscape, but because transformations of attitudes among any significant segment of these two groups has yet to develop and take hold. Consequently, there is no environment of working trust. Furthermore, as there has been no change among even the political officials in either community, it is difficult to foresee how groups in both communities with more diverging and opposing views of one another may transform their prejudices and deep images of the other. A Critical Theory of Peace Practice, as it is based on discourse ethics and an understanding of the need to affect norms and institution building, includes a dimension of carrying out dialogues in the public sphere. For example, it is often by encouraging the dialogical process among the marginalised voices, including extremists in particular, that sustainable societal transformations become possible and acceptable.²⁵ The alternatives these participants may construct can differ significantly from the positions of the governing political leaderships. However, once all segments of society are engaged in a dialogical process and connections between them are established and maintained, it becomes possible to reach consensual agreements or accommodation.

In the Israeli-Palestinian conflict, non-governmental organisations within each community have sought to implement not only concrete changes, such as in the areas of health and education, but also at the political level of altering attitudes within each

community. These organisations such as the Centre for Non-Violent Action, which promotes peace education on the Israeli side and the Palestinian Centre for Peace and Democracy, concentrate on peace education. However, their efforts are directed towards either influential decision-makers or students. In other words, the audience is limited.

At the more grass-roots level, efforts of reconciliation largely spring from direct activism and affiliated organisations. One such organisation is the Peace Now movement, the largest Israeli organisation which supports and co-ordinates peace demonstrations and rallies, in order to build consensus for the official peace process. The organisation was founded in 1978 by 348 Israeli reserve officers of the Defence Forces.²⁶ Since the signing of the Declaration of Principles on 13 September 1993, Peace Now promotes youth-to-youth dialogues within both communities to explain the peace process embarked on by the political leaderships. For example, Peace Now has conducted at least two dialogue series involving participants of both communities.

First, the 'Youth Dialogue' between Palestinians and Israelis began during the Intifada in 1987 to demonstrate that there is someone to talk to and to break down misperceptions of the other.²⁷ A focus on the youth population is chosen, since the young participants have 'in the past, become some of the strongest advocates for peace in their schools, communities and at the national level'.²⁸ Initially, Peace Now's youth members in Jerusalem contacted the Palestinian Friends School in Ramala to suggest an exploratory dialogue process. The first meeting in 1991 which included 50 Israelis and Palestinians was intense and highly emotional. However, by listening to one another, a gradual understanding and confidence among the groups developed. Subsequently, larger public dialogues in East Jerusalem and in Europe have continued to foster debate and understanding of both Israeli and Palestinian positions and perceptions. In January 1995, a series of weekend dialogues were held involving 250 participants. In 2000,

there are approximately 17 dialogue groups at the local level which meet several times a year.

Peace Now believes that:

Enduring peace is both inevitable and achievable if Israelis and Palestinians get to know each other as individuals, and begin to understand one another's cultures, histories and worldviews.²⁹

Peace Now's format follows a four-stage process. This procedure was developed with the input of sociologists, experts on group dynamics, citizens, and activists. First, through role-playing and games, participants are encouraged to learn about each other's lives, in order to bring a human dimension to the protracted conflict situation. Second, participants present each side's cultures and value preferences, which shape their positions. Third, the emphasis shifts from personal development to political discussions. Here, the participants explore their understandings of commonly used terms such as security, human rights, autonomy and what each concept means for Israelis and Palestinians respectively. Fourth, if participants can reach consensus, joint political action is encouraged. For example, in 1999, a joint declaration of principles was promoted by all the participants. Additionally, both sides joined together to publicly demonstrate their support for the official peace process.

The dialogue groups initiated by Peace Now have resulted in the formation of a Palestinian Movement for Peace and Tolerance in Ramala, whose members continue to participate in Peace Now, as well as organising other dialogues in that city. The following table indicates the number of dialogue groups in Peace Now and Palestinian organisations which have similar aims as Peace Now.

Palestinian Youth Groups		Israeli Youth Groups	
<i>Location</i>	<i>Number of Groups</i>	<i>Location</i>	<i>Number of Groups</i>
Khan Yunes	1	Tel Aviv	1
Khan Yunes	2	Tel Aviv	2
Gaza A	1	Petah Tiqva	1
Gaza A	2	Ramat Hasharon	1
Gaza B	1	Rehovot	2
Gaza B	2	Beer Sheva	1
Hebron	1	Beer Sheva	1
Hebron	1	Arad	2
Hebron	1	Jerusalem	1
Hebron	2	Jerusalem	1
East Jerusalem	1	Jerusalem	1
Ramallah	1	Kfar Saba	1
Kalqilia	1	Raanana	1
Kalqilia	1	Tivon	1
Nablus A	1	Haifa	1
Nablus B	1	Misgaz	1
Nablus C	1	Zichron Ya'acov	1

Note: Each location in the Israeli column represents a branch of Peace Now, some of which have more than one group of youth that work together in the branch. In the Palestinian column, locations represent different Palestinian organisations with which Peace Now works. Again, these organisations have more than one group each. Each group consists of several dozen young people.³⁰

Table 1: Palestinian and Israeli Groups Involved in Youth Dialogue Project

While the experiences gained from participating in these small dialogue groups help to establish and cement trust, national seminars are held annually over two days, where up to 400 participants are included. The difficult outstanding political issues are discussed in smaller groups usually fewer than twelve persons. A special dictionary, which contains definitions of terms in Hebrew and Arabic, is used to overcome language barriers. However, all participants are involved in social activities such as meals and creative projects. For example, in 1999, signs promoting peace, which were written in Hebrew and Arabic were used in subsequent demonstrations and rallies.

The national seminars are facilitated by 'guides' of Peace Now staff and other volunteers of professors and individuals who are entering the Israeli military service, as

well as organisations from the two communities.³¹ Evaluations are held subsequently, where successes and failures are discussed so that lessons can be applied to future seminars.

The second significant dialogue series sponsored by Peace Now is the Family Dialogue.³² Established in 1998, the Family Dialogue Program aims to bring in members of Israeli and Palestinian societies so that a peace process can be as inclusive as possible. This dialogue process which now includes men, women and children on the Israeli side helped to break down barriers: 'For many of us, it was our first encounter with Palestinians on the grassroots level'.³³ On the Palestinian side, participants include residents of the Hebron area and those of refugee camps. As one participant noted, 'Here too, for many of us it has been the first opportunity to meet and talk with Israelis as equal partners in this struggle'.³⁴

This dialogue process involved ordinary members of both communities. All the participants were ardent peace supporters and through these dialogues, they learned to take up the perspective of the other. Peace Now aims to expand this joint Israeli-Palestinian family dialogues to the broader community, in order to introduce a human dimension to the conflict. Moreover, promoting reconciliation dialogues across communities is another avenue of establishing an environment of co-operation and coexistence.

The efforts undertaken by Peace Now demonstrate the need to connect the official political process with broader societal ones. A Critical Theory of Peace Practice encompasses and argues that such linkages are crucial for transforming protracted deep-rooted conflicts. It is by adopting a diversified approach that reconstruction of norms and institutions can mean transformation at the socio-political levels. Furthermore, this proposed alternative framework would actively suggest to those who participate in facilitation efforts, as well as to interested members of conflicting communities, ways of

relating the various approaches to conflict resolution. In other words, the formal procedure of discourse ethics could be utilised by all participants in a variety of contexts. It is not limited to the facilitation exercise of unofficial or official conflict resolution attempts, but can move beyond to the public arena where the basis for new norms and attitudes must be created for conflict transformation. Although Peace Now aims to link both local and national efforts, as well as community and official peace processes, the ways in which all of these components may influence one another are not fully articulated. Therefore, peace-building remains a top-down process, since the activities of Peace Now and the various dialogue groups are designed to support rather than suggest alternatives to the Oslo process.

A Critical Theory of Peace Practice, however, allows for a convergence between official, community, and societal efforts at various levels. The methodology of communicative rationality and the raising of validity claims to truthfulness, sincerity, normative rightness, and legitimacy can be carried out in a multiple of settings, involving a variety of parties. Furthermore, the meta-theoretical assumptions of this theory takes into account the need to view participants as equals, as well as the structural conditions which often distort communication and thus perpetuate entrenched perceptions. By including these elements, the transformation of attitudes, perceptions, and norms at a variety of levels is suggested so that a structural change can occur at the socio-political level. These informal dialogue groups of various types indicate that a Critical Theory of Peace Practice is possible. Claims to contested norms can be reconstructed and altered among participants who subscribe to very different toward views. Through the process of argumentation and raising claims to validity, participants can gain an understanding of the other's position as well as together seize upon the potential to reach a consensual agreement or arrive at norms that can transform not only individuals' perceptions but the institutions that reflect them.

Other grass-root efforts to foster co-operation and encourage reconciliation demonstrate the lack of connection to other dimensions of peace practices. First, there is the small, but long-term series of meetings between teachers of Israeli and Palestinian schools. One particular meeting occurred in the Jerusalem boundary-area of Are-ram.³⁵ Another slightly larger scheme is known as the Dialogue Group, sponsored by the Rapprochement Centre in Beit Sahour, Israel, and brings together Israelis and Palestinians to establish a learning process where perceptions can be reconstructed. Additionally, the understanding of the other community is promoted. These meetings are comprised of three different age groups, high school and university students, as well as adults. The meetings are two-hour sessions and are held on a monthly basis. In addition to the direct dialogues between Israelis and Palestinians, lectures and panel discussions are held throughout the year. This Dialogue Group established in 1990 continues to grow as number of participants from both communities and international visitors increases. Meanwhile, other dialogue groups proliferate including ones sponsored by the Friends School of Ramala. The School's Director, Khalil Mahshi argues:

Talking to the other side makes both sides more realistic, more eager to solve the problem, and hopefully, more interested in making concessions. My interest in solving the Palestinian problem leads me to want to understand the other side of the conflict, the Israeli side.³⁶

The majority of peace-building and reconciliation initiatives are based on educational programs for encouraging youths to understand the conflict and to establish links across the divided communities. For example, there is the conflict resolution training programme sponsored by the Palestinian Centre for Rapprochement Between People, Israeli Jewish-Arab youth movement (Reut-Sadaka), and the Swedish Peace Quest Organisation.³⁷ This programme aims to encourage youths to explore ways of establishing confidence and to gain understanding within their own society, as well as between them. One programme involves youths from 21-26 years of age in a six month training course that will equip them with skills for approaching conflict resolution,

gaining a deeper understanding of concepts such as democracy, and breaking down stereotypes at the local, regional and international levels. A second group of high school students, primarily 16 year olds, will be involved in a year long programme in which they will learn similar skills and will be trained by some participants from the first group. All of these youths will have had little previous experience in conflict resolution or engaging in dialogues with the opposing side. In preparation for these meetings, co-ordinators of the three organisations met in Sweden and in Israel.

A larger educational programme is offered by the Israeli/Palestinian Center for Research and Information, a joint Israeli-Palestinian think tank that aims to present and develop public policies.³⁸ The organisation's educational programme known as Pathways Into Reconciliation (PIR) asserts that, 'while peace can be signed by statesmen, it must be built between people'.³⁹ PIR aims to teach skills that will help both communities to diffuse and resolve conflicts so that co-operative peaceful relationships can be established and cemented, while promoting the concepts of democracy and human rights. This educational project targets teachers of schools in Israel, Palestine, and Jordan.⁴⁰ The three teams jointly developed an educational curriculum that includes the current approaches of each group's schools. Additionally, the parties have introduced concepts of democracy and human rights and encouraged skills of listening and developing empathy and approaching history from a variety of perspectives. The curriculum focused on literature, history, and sociology.

Since its introduction in 1995, over 32 schools within Israeli and Palestinian areas have included this curriculum and the numbers continue to grow. Furthermore, numerous seminars were held to train the teachers of participating schools, while visits to some of the schools were made in order to evaluate its effectiveness. Three international, four multinational, and 38 student meetings were held where new participants could come to meet and dialogue. This also allowed the teachers and PIR

to evaluate the curriculum and the ways in which emphasis may be shifted or modified. The Internet is foreseen as a medium of encouraging dialogues among students in between face-to-face meetings. The focus however, remains on training teachers as they are the 'agents of social change'.⁴¹ By enlarging the participation of schools at the grass-roots level, PIR project aims to have this curriculum be accepted at the official governmental levels.

A final example of the joint educational training efforts to encourage peace-building is the 'Children Teaching Children' programme, which aims to bring together Jewish and Arab boys and girls in Israeli schools.⁴² About 80% of the Israeli population is Jewish and while Palestinians comprise the largest minority, dialogue between them is rare. The aim of this project is to encourage children to question stereotypes and seemingly fixed positions. Role-playing and games are utilised to help children and teachers learn the positions of others. In high schools, for example, the Parliament game is played. Participants read out prepared statements in the classrooms about a variety of issues. For example, the exclusion of an Arab component to the Israeli national flag might be discussed. Three options are put forward on the board: to leave the flag unchanged, to add an Arabic symbol to the Jewish flag or to create a new flag that reflects both symbols. The children are asked to choose the position that resembles their own and then are asked to form groups, according to the choice that has been made. Here, the groups put forward their positions and arguments. At the very least, the children gain an understanding of the other and learn that co-operation across communal lines is possible.

There are many more educational programmes by a variety of institutes designed to promote reconciliation including the Israeli Centre for Peace, the Shimon Peres Institute which concentrates on economic co-operation, and the Alternative Information Centre which aims to provide information independent of Israeli and Palestinian official

lines. Peace activists, and in particular women, are involved in direct action movements.⁴³ Although women have been active within each community in promoting issues such as health and education, direct actions have brought together women from both communities. By the acts of holding silent, candle-lit vigils and carrying signs of statements, women from the two communities have been meeting in places such as Jerusalem since 1987.⁴⁴ This direct action of promoting reconciliation and calling for the Israeli withdrawal from the Occupied Territories allows women to participate in their own villages, towns, and cities.

These types of meetings do not require formal organisation or training, but do promote co-operation and empathy on both sides.⁴⁵ Similar large-scale gatherings of silent candle-lit vigils, calling for peace among the two communities have been carried out on an annual basis in Jerusalem and in other cities and towns of Israel, Gaza, and the West Bank. The participants in such actions can slowly develop relationships that introduce a human dimension; that is, the 'other' is no longer an invisible enemy upon whom perceptions and prejudices can be directed. The diverging communities learn to accommodate one another as peace-building finds its foundation on a slow but firm basis.

Conclusion

These grass-root efforts, as well as influential academic and official government sponsored peace-building processes, provide intimations of the praxeological components of a Critical Theory of Peace Practice. The process of building peace is being explored and attempted on multiple levels and by a variety of groups utilising different approaches. However, all too often, these efforts are happening in isolation of one another. As Hassassian and Kaufman rightly assert from a survey of literature and activities of organisations in the region, there is little interrelationship between the

different tracks at which peace-building is pursued.⁴⁶ Therefore, while the multiple efforts for practising peace in Israel and the Occupied Territories point out how a Critical Theory of Peace Practice can be applied, the framework also provides several insights as to how peace-building between the two communities can be expanded.

First, in the informal unofficial prenegotiations stage, the role of the third party would be much more proactive. In addition to the knowledge of other conflicts and the ways in which they have been attempted to be or actually resolved, the procedure of raising and contesting validity claims would be introduced. Equally important is that each participant takes up the position of the 'other' and aims for not only reaching an agreement in the facilitation effort, but ways of engaging with the disputants' political constituencies, in order to argue for and against its legitimacy. This involves a different approach to the facilitated process of small workshops involving influential individuals, academics, decision-makers and third parties. The added component of an expanded understanding of rationality and that different knowledge forms produce varying interests, would allow third parties to attain a transformation that can be carried beyond the specific environment of problem-solving workshops.

Second, the involvement of non-governmental organisations and community groups in promoting peace-building through a variety of avenues would be related back to the facilitation effort. Decision-makers must engage in dialogues with the public, whose attitudes they are engendering to transform. There will of course be opposition from a sector which will oppose any transformation. However, while their voices are seemingly damaging to the overall process, they must be heard in order to include them and to perhaps gradually change their attitudes and perceptions. A Critical Theory of Peace Practice recognises the structural forces which often impinge upon the realisation of political and social transformations such as economic deprivation and reticence by certain political parties. Therefore, organisations such as Peace Now, rather than

drawing up their training programmes from a variety of broad academic disciplines and experiences, could have the assistance of those who can offer conflict resolution approaches, as well as the Critical Theory of Peace Practice perspective. These differing frameworks can be incorporated in order to assist the official peace process, as well as providing insights and alternatives of transforming norms and institutions, if ideas that are contrary to the official process arise and are consensually arrived at. The proposed framework would assist and provide possible points of departure for modifying or if necessary, renegotiating, the terms on which a peace practice can be attempted.

Third, at the grass-roots level of fostering co-operation and breaking down barriers by organisations such as the Palestinian Centre for Peace and Democracy and Israeli-based educational programmes, third party participants in dialogues can be encouraged to provide creative and alternative ways of transforming the conflict situation on a meaningful daily basis, as well as at the socio-political level. These grass-roots efforts can provide the impetus for change of attitudes within both communities, a type of transformation that has yet to be realised by the efforts of political decision-makers. If the desire for transcending protracted conflicts comes not only from above as in the Oslo Channel but also from below, as the youth leader of the Likud Party asserted, then a convergence between two approaches can arise. These processes may compliment or present differing views for reconstructing norms and attitudes. The shape of which path to follow, or finding a median of varying perspectives, would engage all participants of society so that as many members as possible can participate in the reconstitution of societies.

At the more official level of achieving political breakthroughs to encourage a transformation of the wider environment, the conflicting parties would explore the underlying issues that frame the conflict such as needs-satisfaction requirements. More

significantly, a dialogical process, rather than a monological form where the third party role remains restricted to an analytic one, would form the facilitation process. At the levels of building peace and reconciliation by the differing organisations and individuals within and across the Israeli and Palestinian communities, a Critical Theory of Peace Practice would connect these various levels of peace practices. Therefore, a transformation of conflict rather than settlement or small and sporadic changes becomes possible to practice.

In sum, a Critical Theory of Peace Practice at the level of praxis entails the inclusion of the various dimensions and spheres in which dialogues are under way. Each aspect of peace-building, from the official to the grass-roots community relations, has a contributive role to play in transforming attitudes, perceptions, norms, and institutions. This proposed framework incorporates an understanding at its meta-theoretical and philosophical levels that the facilitation effort involves transforming, through argumentation and practical discourses, the perceptions of official political decision-makers. Simultaneously and equally importantly, a discourse ethics-based approach takes into account that transformations at the societal levels are needed and are possible to achieve, if the often distorted process of communication can be addressed.

The role of the third party and institutions that promote the connecting points through the maze of peace-building efforts would be a necessary practical component of applying a Critical Theory of Peace Practice. In this way, both the long-term change necessary to first legitimate and then sustain the transformation of protracted conflicts, as well as the shorter term requirement for altering the political landscape, can be coordinated towards a common project. Consequently, a Critical Theory of Peace Practice can contribute at the stages of more official facilitation processes, encourage the mobilisation of public support by promoting debate and contestation of ideas in the

public sphere, and offer an approach that understands all efforts as a connected attempt at conflict resolution. As the framework is a formal procedural one which can be adapted according to contexts, the participants are left to choose the content and reach consensual agreements, if one can be formulated. Additionally, the proposed Critical Theory of Peace Practice would advance the Burtonian aim of allowing the participants to judge for themselves the validity of ideas and open up the space for constructing ways to transcend protracted conflict situations.

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- ¹ Jürgen Habermas, *Moral Consciousness and Communicative Action* (Cambridge: Polity, 1990), 23.
- ² Andrew Linklater, *The Transformation of Political Community: Ethical Foundations of the Post-Westphalian Era* (Cambridge: Polity, 1998).
- ³ There is a body of literature that focuses exclusively on peace-building and reconciliation efforts. However, these writings are largely concerned with describing practices and ways of improving them. See Peter Gastrow, 'A Joint Effort – The South African Peace Process', in *People Building Peace: 35 Inspiring Stories from Around the World* (Utrecht: European Centre for Conflict Prevention, 1999); Mari Fitzduff, 'Changing History – Peace Building in Northern Ireland' in *People Building Peace*.
- ⁴ Jean Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington, DC: United States Institute of Peace Press, 1997).
- ⁵ John Paul Lederach, 'Just Peace: The Challenge of the 21st Century', in *People Building Peace*, 33.
- ⁶ Ibid.
- ⁷ Lederach, 'Beyond Violence: Building Sustainable Peace', in *The Handbook of Interethnic Co-existence* (London: Continuum Publishing, 1998), 237-39.
- ⁸ Lederach, 'Beyond Violence', 241-45.
- ⁹ Ibid.
- ¹⁰ Lederach, 'Just Peace', 35.
- ¹¹ Terje Rød-Larsen, interview by author, Gaza occupied territories, 16 May 1995.
- ¹² Anne Hammerstad, 'Ungdoms-kanal pao Borregaard', *Dagbladet* (12 September 1996): 14.
- ¹³ 'The Israeli-Palestinian Initiative Framework for a Public Peace Process Toward a Peaceful Israeli-Palestinian Relationship', [www.globalcommunity.org/cgactiv/cgsocact/cgpastac/ip.htm],
- ¹⁴ Ibid.
- ¹⁵ Eileen F. Babbit and Tamara Pearson d'Estrée, 'Case Study: An Israeli-Palestinian Women's Workshop: Application of the Interactive Problem-Solving Approach', in *Managing Global Chaos: Sources of and Responses to International Conflict*, eds. Chester A. Crocker, Fen Osler Hempson, and Pamela All (Washington, DC: United States Institute of Peace Press, 1996), 521-29.
- ¹⁶ Ibid., 521-22.
- ¹⁷ Ibid.
- ¹⁸ Ibid., 523.
- ¹⁹ Ibid., 523.
- ²⁰ Ibid., 522-54.
- ²¹ Ibid., 525.
- ²² Ibid., 526.
- ²³ Ibid., 527.
- ²⁴ Ibid.
- ²⁵ There are indications of this in the Northern Ireland peace process. See Joseph Ruane and Jennifer Todd, eds., *Irish History and Politics: After the Good Friday Agreement* (Dublin: University College Dublin Press, 1999).
- ²⁶ See [http://www.peacenow.actcom.co.il].
- ²⁷ Director of Peace Now, interview by author, telephone, Tel Aviv, 21 May 2000.
- ²⁸ Ibid.
- ²⁹ Ibid.
- ³⁰ Ibid.
- ³¹ Ibid.
- ³² Ibid.
- ³³ Ibid.
- ³⁴ Ibid.
- ³⁵ *People Building Peace*, 11.
- ³⁶ Martha Diase, 'Profiles of Israeli and Palestinians Concerned with Peace', in *The Struggle for Peace: Israelis and Palestinians*, eds. Elizabeth Warnock Fernea and Mary Evelyn Hocking (Austin, TX: University of Texas Press, 1992).
- ³⁷ Palestinian Centre for Rapprochement Between People, 'Stereotype-Breaking and Conflict Resolution Training Programme', [http://www.rapprochement.org/peacequest.htm] (3 August 2000).
- ³⁸ IPCRI was founded in 1989 and works at the grass roots level, as well as at the levels of research for suggesting public policies. See [http://www.ipcri.org].
- ³⁹ Ibid.
- ⁴⁰ The reference to Palestine is contained in the report. This term is noted since it may be contested to refer to a Palestinian autonomous area.
- ⁴¹ Ibid.

⁴² European Platform for Peace and Conflict Prevention, Children Teaching Children, [http://www.euforic.org/euconflict/pbp_f/6/4_child_html].

⁴³ Roberta Micallef, 'Israeli and Palestinian Women's Peace Movements', in *The Struggle for Peace*.

⁴⁴ Ibid., 239.

⁴⁵ Ibid., 240.

⁴⁶ Manuel Hassassian and Edward (Edy) Kaufman, 'Israeli-Palestinian Peace-Building', in *People Building Peace*, 112-23.

Chapter 7

Conclusion

The closer the proximity in which competing 'Gods and demons' have to live with each other in political communities, the more tolerance they demand; but they are not incompatible. Convictions can contradict one another only when those concerned with problems define them in a similar way, believe them to require resolution, and want to decide issues on the basis of good reasons.¹

—Jürgen Habermas, 1998

The illustrative example of the Oslo Channel demonstrates that attempts to resolve protracted deep-rooted violent conflicts require the consideration of theoretical frameworks. The facilitation process adopted by the Israelis, Palestinians, and the Norwegian third parties offers an opening for exploring the extent to which an inclusion of facilitated conflict resolution theories would have resulted in a more sustainable peace process. However, as scholars including John Burton, Herbert Kelman, and Jay Rothman among others, do not move beyond a positivistic philosophical foundation of needs and human behavioural theories, their approaches continue to be bounded by instrumental rationality.² Therefore, this thesis set out to explore how a critical theory perspective may be used to rethink the meta-theoretical foundations of facilitated conflict resolution theories. The critical theory approach adopted here is based on Jürgen Habermas' discourse ethics and communicative rationality.³ A discourse ethics foundation incorporates the dimension of communicative processes which is neglected by conflict resolution theorists and practitioners. It has been asserted that a Critical Theory of Peace Practice offers one promising alternative for third parties to consider in the process of engaging in facilitation and peace-building praxis.⁴

However, like all theories, this proposed one is not without possible pitfalls and potential limitations. The numerous critiques against Habermas' critical theory can be divided into two categories. Consequently, the first section of this concluding chapter

will address some of these possible problem areas. First, the most relevant critiques of Habermas will be briefly discussed. The focus here will be on the postmodernists who have an important contribution to offer in their arguments that universalisation can lead to a process of homogenisation.⁵ It is contended that despite such foreseeable pitfalls, a Habermasian-inspired discourse ethics can address the concerns raised by such scholars as Richard Rorty, Max Pensky, and Seyla Benhabib. Additionally, the assertions by scholars such as Axel Honneth that Habermas overlooks the power dimension in social relationships and language will be discussed.

Second, the challenges presented by the broader social structural steering mechanisms, which are embodied in states and markets, for realising a Critical Theory of Peace Practice will be outlined.

This will be followed by suggestions for further research agendas that scholars, practitioners, and students may engage in to refine and expand the framework proposed in this thesis.

Internal Critiques

The ontological illusion of pure theory...promotes the fiction that Socratic dialogue is possible everywhere and at any time. From the beginning, philosophy has presumed that the *Mündigkeit* posited with the structure of language is not only anticipated, but real. It is pure theory, wanting to derive everything from itself, that succumbs to unacknowledged external conditions and becomes ideological.⁶

—Jürgen Habermas, 1975

Scholars who adopt a postmodern perspective provide perceptive criticisms regarding Habermas' discourse ethics.⁷ One such thinker is Richard Rorty who describes himself as a liberal ironist.⁸ He argues that when a dialogical process is grounded on universalisable claims to validity, employment of discourses can lead to a privileging of one voice over others.⁹ Rorty asserts that rather than following a Habermasian attachment to universal validity in which the relationships among

individuals and groups can be reconstituted through the process of argumentation, he contends that an understanding of the other's suffering should comprise the most significant part of changing images. The vehicle for engaging with the other does not lie in the realm of practical discourses, but can be more fruitfully located in analysing texts of various forms of literature including the novel.

Rather than approaching the other as a subject with whom a consensus can be reached under the process of contesting universal claims to validity, Rorty contends that one must appreciate the strangeness of the other in order to understand the other's suffering. Without this process of including the otherness, the views of marginalised groups can become subsumed under a dominant discourse.

Rorty also critiques Habermas' retainment of an enlightenment spirit; Habermas is committed to a philosophical meta-theoretical foundation for transforming the public sphere.¹⁰ In formulating his postmodern perspective, Rorty contends that the positions of Heidegger, Nietzsche, and Derrida provide significant insights for philosophy and political practices.¹¹ All three thinkers ascribe to the idea that the best possible philosophy is a private one among individuals, in which the element of contingency is the only certainty.¹² Therefore, Rorty calls for a distinction between a public arena in which politics can be practised and a private philosophical sphere. This position directs Rorty to argue for engaging in transformations primarily at the margins of society where the neglected voices can be encouraged. Since concrete events cannot be understood outside of history, time, and space, Habermas' universalistic and formal discourse ethics is viewed to be unhelpful.¹³ Rorty argues that we need to recast our understanding of what philosophy is, who does it, where and for what purposes. The specified and limited role philosophy plays in Rorty's theoretical construction leads him to suggest that emphasis should shift from theory to concrete, local political practice for it is only at such knowable, near environments that individuals can attain new understandings.

Only by relating to the other empathetically as the individual can feel the suffering of the other, can changes in relationships arise. Rorty pushes for an aesthetically based ethics based on our capacity for empathy that is exemplified through a recourse to literature.

In exploring the relationship between individual and solidarity, Max Pensky advocates for an ethics of care.¹⁴ Like Rorty, he contends that social relationships among individuals can be transformed only in particular local cultural contexts where the suffering of the other can be experienced.¹⁵ Although Pensky notes the possibilities of formulating a perspective on universalistic and consensual validity claims and their counterfactual contestations, Pensky maintains that the universal formal character of discourse ethics proposed by Habermas can be 'empty'.¹⁶

Pensky suggests a concept of injurability (recognition of individual's vulnerability) to remedy this formalism.¹⁷ He borrows from Emmanuel Levinas who defines ethics as 'the putting-into-question of my spontaneity, by the presence of the Other'.¹⁸ Levinas aims to ground ethics on a phenomenological analysis in which 'of the appearance of the "infinite" other who is injurable and so beaks the infinite into totalising calculable rationality'.¹⁹ This approach is a confrontation with *alterity*, which refers to particular forms of ethical obligations by the other.²⁰ As intersubjective relationships can only be negotiated through a near-far paradox in which the face of the individual and the other are presented for mutual recognition and reciprocity, the semiotic analysis preferred by Levinas is also favoured by Pensky.²¹ The concepts of *injurability* and *alterity* are incorporated by Pensky to formulate his perspective for considering ways of transcending specific contexts.

Pensky also follows Levinas in arguing that relationships among individuals are asymmetrical. That is, recognising the *injurability* of the other requires an individual to give up his or her strength and take up the position of the other in order to understand

the other's position. Hence, asymmetry is the dimension where transformation can take place. Unlike Habermas who maintains that communicative rationality and the socially co-ordinating medium of language constitute the foundation of a theoretical starting point, Pensky contends that *injurability* is the foundation and the first language.

Finally, the critique of universal orientation in Habermas' discourse ethics is more sympathetically presented by Seyla Benhabib.²² She argues that Habermas' conception of communicative ethics over-prioritises universalistic tendencies, at the expense of pluralities of individuals and communities.²³ That is, by looking to form consensual agreements through a process of argumentation, the differences that exist among individuals, groups and communities become marginalised. She follows a Habermasian proceduralist discourse ethics when she asserts that the concept of legitimacy and democracy entail a publicly reasoned argument to which all in principle have equal access.²⁴ Benhabib suggests a broader concept of community, in order to take into account the excluded views of feminist, environmentalists, extremists, and others. Consequently, an imbalance of Habermas' unwavering preference for universalism can be overcome. Benhabib contends that Habermas' conception of discourse ethics and its consequent democratic practices too sharply demarcates the effects of culture on the process of communicative interaction.²⁵

While incorporating historical and sociological specificities of culture, Benhabib nevertheless argues that practical reason constitutes a universal that can transcend cultures.²⁶ Therefore, Benhabib contends that practical reason and intersubjective communicative interactions do not necessarily mean a homogenising process.²⁷ To this extent, Benhabib is supportive of Habermas' philosophical orientation. Habermas' position is accepted because he maintains that the content of dialogues must be left to the individuals engaged in communicative practices.²⁸

Rorty, Pensky, and Benhabib highlight possible important limitations that can arise in adopting a universalistic perspective in the application of discourse ethics. The need to be sensitive to the cultural specificities and not to subordinate the views of others, are valuable points to incorporate into theoretical frameworks and practices of facilitation. For example, the exclusion of parties such as the Palestinian resistance movement, Hamas, from the Oslo Channel, has resulted in continuing violent attacks against Israeli civilians and the military. Consequently, the sceptics within Israeli society assert that since their security cannot be guaranteed by the PLO, a peace with Palestinians is a pointless exercise. The scholars and practitioners within the facilitated conflict resolution discipline are right to point out the care that should be practised in deciding which parties to include and exclude. The power dimensions that pervaded the Oslo Channel has been transposed onto the domestic constituencies of both the Israeli and Palestinian communities. In short, as an exclusion of voices can mean not a transformation, but a deepening of a conflict situation, one must be sensitive to the perspectives articulated by marginalised groups and communities.

However, while recognising the important problems pointed out by Rorty, Pensky, and Benhabib, Habermas contends that the socially co-ordinating mechanism of language cuts across cultures and specificities of political communities in both dimensions of praxis.²⁹ The dialogical process offered by Habermas is rooted in the understanding that individuals engage in a variety of discourses in everyday life. Discourse ethics is premised on a universal commitment to the idea that each individual possesses the capacity to orient him or herself towards reaching understanding and consensus.³⁰ Simultaneously, discourses reflect everyday practices for they are carried out in the social milieu and therefore are context-sensitive. Additionally, the raising and contesting of validity claims to truthfulness, sincerity, and normative rightness (as Habermas outlines) and legitimacy, must necessarily be context-transcendent and

universalisable. That is, the process of argumentation and the judging of validity claims are not limited to particular group of individuals or communities, but can be practised in any number of public spheres. For instance, in ethical-political discourses, participants engaged in the process of argumentation can critically examine the foundations of society that govern norms and structures, in order to decide who they are 'and who they would like to be'.³¹ Cultural specificity and value differences are included in a process of self-reflection, in order to arrive at an understanding of how to achieve societal transformation. In short, sensitivity to contexts is acknowledged by Habermas when he argues:

In moral argumentation, as in the case of ethical discourses, it must be left to the participants themselves to find concrete answers in particular cases; it cannot be known in advance.³²

This self-admitted awareness of the need to locate a proceduralist discourse ethics takes into account the objections raised by Rorty, Pensky, and Benhabib. The more direct claim by Rorty that politics can only be practised at local levels and his view of philosophy are rejected by Habermas.³³ He asserts that Rorty has not completely undertaken a pragmatic turn, since the semantic notion of truth as being separate from the public justification via discourses is maintained. In describing Rorty's position, Habermas notes:

Irony depends essentially on a kind of *nostalgie de la vérité*...because metaphysics has command only over the language of knowledge, the aestheticisation of its claim to truth amounts to an aestheticisation of the philosophical tradition as mere cultural heritage.³⁴

Although it is Rorty's contention that philosophy cannot provide blueprints, nevertheless, philosophy can suggest possible frames that can underlie meta-theories and theories. Habermas points out that by putting forward an aesthetics-based ethics and a definition of philosophy, Rorty is committed to a certain type of philosophical and meta-theoretical positions; namely, the attachment to contingency.³⁵

This debate is far too broad to be adequately covered even in its briefest summaries; however, this assertion is included as a discourse ethics-based approach,

like any theoretical formulation, contains a philosophical commitment. This is the case in Rorty's self-professed weak theoretical formulation. Therefore, however narrow the contributions of philosophy may be for formulating theories and practices, it is essential to recognise that theories contain certain philosophical presuppositions. This point is vital for facilitated conflict resolution perspectives, since only Burton directly addresses the philosophical underpinnings of his theory. All too frequently, scholars and practitioners of the discipline are too focused on expanding practices without considering the types of theories that inform such practices.

A second category of critique levelled against Habermas is presented by thinkers such as Axel Honneth.³⁶ He argues that Habermas overlooks the significance of power symmetries and asymmetries. Honneth contends that Habermas' discourse ethics subordinates the struggle for mutual recognition. He follows Hegel's Jena writings to the extent that he maintains that a struggle for recognition forms the ethical foundation that leads to moral development.³⁷ Honneth argues that communicative rationality does not necessarily entail a more moral subject and maintains that a moral point of view arises from violation of identity claims in socialisation and not through language rules.³⁸

Honneth asserts that Habermas neglects the role of mutual recognition and the asymmetrical relationships among individuals and groups. Moreover, he critiques Habermas' general universalistic foundation of discourse ethics.³⁹ The approach favoured by Honneth is one that depends on relationships of recognition and their violation.⁴⁰ Moral experiences are not acquired through language but through violation of identity claims.⁴¹ Therefore, in order to achieve transformation of norms and institutions, Honneth contends that one needs to look at resistance movements at the lower marginal classes to find moral experiences using historical and sociological approaches.⁴² Rather than turning to pragmatics as Rorty does or the Levinasian formulation of linguistics and ethics of care, Honneth returns to metaphysical

philosophy of early Hegel to suggest a reorientation of critical theory of society.

That is, he distinguishes between three types of recognition.⁴³ They are personal relationships, rights-based membership of a society, and the social esteem of accomplishment and achievement.⁴⁴ These three, asserts Honneth, comprise a successful constitution of identity. Since social esteem is tied to social labour, labour should form a significant element of critical theory.⁴⁵

In asserting that communicative processes necessarily involve a power dimension, whether that is positive or negative, critics such as Honneth maintain that the ideal speech situation abstracts certain ideals which cannot be attained in the concrete historical practices of social interactions.

It is fair to say that there are elements within a discourse ethics-informed theoretical framework that can fall into the trap of overlooking the power dimension in pressing for the prioritisation of consensus building. However, the discourse ethics of Habermas is rooted in an understanding that individuals engage in the raising and contesting of validity claims in the pragmatic dimension of praxis. Therefore, the formulation of a process of argumentation and the inclusion of validity claims acknowledge the often-distorted nature of communication. If power relations of subordination and domination were insignificant, then individuals would have no need to contest claims to validity, adopt a formal rule of argumentation for either consensus and legitimacy or rejection, consider a communicative rationality-based approach.

It is precisely due to distorted communication and the one-sided rationalised public sphere that a formal universal discourse ethics is proposed. Pensky and Honneth point out important signifiers to reflect upon in the process of refining and reshaping a discourse ethics-informed approach such as one put forward by Habermas. However, Honneth's return to a Hegelian commitment underestimates the flexibility and pragmatically transformative nature of discourse ethics. That is, however universal the

procedural discourse ethics may be, the content of any dialogical process can only be agreed upon by participants.

Furthermore, while non-linguistic forms of communication have a role to play in hindering or transforming individual attitudes, perceptions, societal norms, and institutions, language remains the co-ordinating mechanism that shapes the development and reconstruction of those social norms and institutions. As a result, Honneth's insistence on grounding an approach on the need for a struggle of the moral subject for mutual recognition is implied in the intersubjective nature of communicative rationality and discourse ethics.

In short, while Honneth, like other critics of Habermas discussed here, has insights to offer, the application and justification of discourse ethics involve participants who in dialogues, at least in principle and more overtly if a dialogical process continues, acknowledge at first the other's existence and subsequently confirm recognition by speaking and hearing. At the level of peace practices, the guidelines that are outlined for conducting facilitated problem-solving workshops subordinate the asymmetrical relationships that often exist among conflicting parties when they first engage in a facilitation process. This is certainly an accurate description of the Oslo Channel's practice where pre-negotiations were conducted by important PLO members, whilst the Israeli side was represented by two academics who insisted that they were acting as private individuals, despite their known connections with key decision-makers within the Israeli Government.⁴⁶ Nevertheless, participants to a conflict situation engage in facilitation efforts and direct dialogues because the avenues of communicating have broken down. The facilitation process is an endeavour to restore the distorted communicative process, which can contribute to a deepening of hostilities and reinforce negative perceptions.

In sum, a Habermasian discourse ethics-informed approach requires the consideration of these insights offered by scholars such as Rorty, Pinsky, Benhabib, and Honneth. By keeping in mind the potential pitfalls these thinkers point out, a philosophical and meta-theoretical foundation can include and address such objections. Since discourse ethics is based on a universalistic application that simultaneously allows for specific contextual practices, the homogenising process that may result of discourses, as well as the power symmetries and asymmetries are incorporated in a discourse ethics formulation.

Potential Pitfalls: The Broader Context

The second set of possible limitations relate to the praxis of a Critical Theory of Peace Practice. These are pointed out by Habermas as he asserts that the structural and steering mechanisms that can impinge on the practice of discourse ethics and communicative rationality, arise from the atomised relationship between the state and market structures.⁴⁷ He argues that the increasing power of instrumental reason is undermining the communicative capacity of the individual.⁴⁸ The modern state with its overarching bureaucratic institutions encourages the subordination of publicity and discursive will formation of open, unconstrained discussions, to the commodity form.⁴⁹ Consequently, the market assumes *prima facie* in human social interactions in the public sphere of politics and economics.⁵⁰ This public sphere concept for Habermas refers to ‘a realm of social life in which something like public opinion can be formed’.⁵¹ Public opinion, *Publizitätsvorschriften*, is the task of criticism, which in the public sphere, mediates between the individual and society.

The process of transformation, argues Habermas, can be realised when citizens can meet freely and openly debate and exchange opinions. A shared consensus through publicity can influence decision-making. He asserts that a modern society’s public

sphere is a top-down formation, which applauds instrumental reason and the pursuit of goals to satisfy self interests.⁵² Increasing bureaucratisation has interrupted the development of a different kind of rationality other than the scientific and the technical. Hence, the organisation of modern societies presents difficulties for overcoming structural inadequacies. Yet, Habermas recognises that a structural transformation is not an impossible task.⁵³ He argues, 'Political compromises would have to be legitimised through this process of a public community and can be realised by reconstructing rationality'.⁵⁴ Consequently, he contends that a critical theory of society must necessarily be based on a different type of rationality. In other words, he calls for a paradigmatic shift from historical materialism to the communicative process of discourse ethics.

In pursuing a Critical Theory of Peace Practice praxis, the possible limitations also lie in the mechanisms of the state and economy. The persistent features of underdevelopment, which are often present in protracted conflict situations, can hinder the transformation and the rebuilding of social and political norms. The reproduction of unequal labour and commodity form can further limit the transformational process of establishing peace-building processes.

Although economic co-operation, such as that aimed for during the process of the Oslo Channel, can be the basis for engaging in constructive dialogues and facilitation efforts, the structural conditions that prevail may limit the progress of realising social transformations. In the case of the Oslo Channel, the inability by the Palestinian National authority and the governing PLO to bring about economic transformation is in part due to lack of co-operation by the international community.⁵⁵ Suspicious of Arafat's use of financial assistance, governments and non-governmental organisations have been slow in honouring their economic pledges; consequently, the Marshall-type plan envisioned by Arafat has failed to materialise. Simultaneously, a

lack of economic development has failed to convince the Palestinian communities in the Occupied Territories of any positive effects to be gained from reaching a settlement with Israel. This is in part due to Arafat's authoritarian style of leadership as he insists on maintaining control over the finances for the PLO organisation. This unwillingness to provide an open account of financial spending further fuels speculations of how loans and aid provided by the international community are dispersed and spent.

More significantly, although an unquestionably important symbolic figure to the Palestinians, Arafat and the PLO leadership have failed to mobilise public opinion to highlight the positives of agreements contained in the Declaration of Principles. Rather than engaging with the public to put forward the merits of this peace process, the PLO leadership often reacts to Israeli actions or the dissatisfied movements within the Palestinian communities of Gaza and the West Bank.

As a result of these social, political, and structural limitations, both parties have yet to convince their respective publics of the advantages of the agreements reached in the Oslo Channel. The participants' vision of linking economic co-operation with a realisation by both communities for a need for peace has fallen short. It is interesting to note that this relationship of tying political stability of a community to economic co-operation represents the ultimate ideas embodied in instrumental rationality. This connection between political stability and economic development formed the foundation of the European Community's establishment. This link between economic prosperity with political stability demonstrates the atomised, but related spheres of states and economies. The process of state-building allows a future government to control its economic development to a certain degree. In the case of the Palestinians, the small territory of Gaza and areas within the West Bank remain significantly dependent on Israel and the international community's generosity for economic stability. Arafat's

intention to possibly unilaterally declare the creation of a Palestinian state is aimed at not only political independence, but also economic development.

The approach adopted by Israel and the PLO leadership of defining success according to economic development with political stability reveals one reason why the Oslo Channel has failed to produce a transformation at the broader societal level. That is, by relying on an instrumentally rational understanding of how to change political realities and social norms and institutions, the participants have overlooked the deeper processes of distorted communication. In other words, the understanding displayed by the participants to the Oslo Channel do not go to the heart of the conflict situation. A process of distorted communication, which has led to such opposing positions, needs to be addressed in both a facilitation setting and the broader public arena, in order to realise the pragmatic changes these parties seek.

In the process of transforming the structures of states and markets, the difficulties of changing and overcoming these limitations are important to recognise for they can pose some of the greatest obstacles in the realisation of a Critical Theory of Peace Practice. However, as Habermas recognises the potential restrictions of structural steering mechanisms, at a meta-theoretical level the steering mechanisms that work to impinge upon individuals and groups in their search for transforming normative structures are incorporated into a foundation of discourse ethics. Discourse ethics and its communicative rationality methodology takes into account the distorted process of communication that interrupts consensus-building. Furthermore, the legitimacy of norms and institutions can be redeemed and renegotiated in the act of contesting claims to validity. Therefore, the possible structural limitations can inhibit a Critical Theory of Peace Practice, only to the extent that one must recognise these structural components when one attempts to implement any reached consensual agreements.

Finally, the potential limitation of a Critical Theory of Peace Practice, like the facilitated conflict resolution approaches discussed in chapters two and three, is that the transformation, if and when acquired, in a facilitated workshop environment may not be translated into the wider social public arena. This difficulty was pointed out in chapter one in the examination of the Oslo Channel and the type of facilitation approach adopted there. Although the participants to the process developed trust and a common understanding of the ways in which societies must be transformed, in order to foster co-operative relationships across communities, the subsequent lack of support by members of both Israeli and Palestinian communities have demonstrated the necessary element of confronting and overcoming what is known as the 're-entry problem'.⁵⁶ As the agreements reached are implemented extremely slowly, in minuscule incremental steps, the corresponding level of trust and transformation of attitudes have failed to be translated from the secret talks to the public arenas.

A Critical Theory of Peace Practice perspective would entail a fundamentally different starting point in the facilitation process than the style that marked the Oslo Channel. For example, a third party would take a more proactive role. From the beginning of the limited workshop setting, a third party would suggest that both sides explore ways of critically examining one another's positions. An environment in which the parties are not obligated to commit to any particular position means that the possibility is greater for exploring a variety of options. The Oslo participants acknowledge this point. However, under a Critical Theory of Peace Practice framework, the third party would remain in the meeting room, unlike Larsen's option.⁵⁷ The aspect of assisting only when requested would still comprise this peace practice. However, the third party by engaging in a dialogical process along with the disputing parties can suggest ways of re-perceiving, constructing, and seizing moments which can lead to a transformation in consensus-building. It is fair to say that no agreements may

result; nevertheless, a third party can help to unblock the communicative process if necessary. Larsen practised this to the extent that he interpreted messages and absorbed the frustration of the participants.

However, in a Critical Theory of Peace Practise framework, this interaction would constitute an integral part that is connected to the overall facilitation effort, and not an exercise conducted outside the meeting-rooms. The third party can still refrain from formulating any agreements, since any possible settlements or resolution must come from the conflicting parties themselves as the scholars and practitioners of facilitated conflict resolution rightly assert. The theory proposed here calls for a dialogical, interactive, and intersubjective process. This process is shaped and influenced by all individuals and thereby any agreements that may be reached can be examined in the process of considering the possible effects in the public spheres of the disputants' communities.

A Critical Theory of Peace Practice has another dimension to offer to the stalled status of the Oslo Channel and the agreements contained in the Declaration of Principles. The efforts undertaken by grass-roots groups in both communities need to be connected with the official political process. The encouragement of the already present series of dialogues to increase understandings and transform attitudes and images would constitute part of the peace-building effort. This aspect is contained in the Declaration of Principles. However, rather than prioritising the creation of official dialogue process with seemingly acceptable moderates as in the People to People programme, the moderates within the communities, as well as the extremists on both sides need to be included. A Critical Theory of Peace Practice recognises that the problem-solving workshops at the more official level may not always be able to include all that would be affected, if an agreement is to be reached. However, the excluded voices, if not initially included at the outset, would be engaged with. This is where the

aspect of discourse ethics where all who may be affected are allowed to take part comes into play. One may argue that the extremists on both the Israeli and Palestinian sides are not interested in engaging in a dialogue process. However, these groups' efforts to persuade public opinion in the local press and direct activism indicate that gaining legitimacy for their views is considered important. Therefore, the positions of these marginalised voices need to be included for a societal and structural transformation to be self-sustaining.

By explicitly recognising the significance of encouraging public debate and argumentation at various levels, whilst exploring ways of connecting these diverging perspectives, the promising theoretical framework proposed here is not restricted to the workshop process, but offers insights for the larger efforts of peace-building practices. The methodology of communicative rationality and discourse ethics allow for the connection of various peace-building efforts in which third parties can play a variety of interactive roles. Through encouraging linkages of the multiplicity of dimensions for transforming attempts of social norms and institutions, the potential for achieving a renegotiation of perceptions and relationships become more realisable. In this way, this framework is a broader approach than the facilitated conflict resolution problem-solving workshops and offers one promising entry point for affecting the public sphere. In the case of Oslo, it might include connecting the grass-roots efforts with the official political processes. In other conflict situations, the ways in which the re-entry problem would be overcome would depend on the level and types of peace-building efforts already present in the public sphere, as well as introducing new or hitherto unconsidered ways of approaching the conflict situation.

In short, the procedural suggestions offered in a communicative rationality-based methodology are designed to allow the participants to a facilitation process to explore ways of transforming not only their own positions and perceptions, but how to

carry across any reached agreements so that they may be legitimated by the public.

Simultaneously, a theory that is innately connected with this methodology—discourse ethics—rightly insists that through reflective living, individuals, groups, and communities can deliberate on the types of norms and the corresponding forms of institutions they desire. Political change must be a dual process of elites transforming opinions and influencing perceptions; simultaneously, various publics can engage in dialogues and a process of argumentation (which is carried out in everyday praxis) to shape and influence the positions that their decision-makers adopt and put forward. In this way, the potential limitation of confronting and overcoming a ‘re-entry problem’ becomes a potential opening for a Critical Theory of Peace Practice. This alternative is offered to impact not only the narrow setting of facilitated conflict resolution problem-solving workshops, but the wider arena of public spheres by grounding its foundation not on instrumental, but communicative reason and the universalisable discourse ethics meta-theoretical framework.

A Critical Theory of Peace Practice: Where Do We Go from Here?

The meta-theoretical presuppositions of critical theory are that human identity and social relations are intersubjectively constituted, historically and contextually contingent.⁵⁸

—Stephen T. Leonard, 1990

There are a number of paths one can take in conducting further research which can help confirm, refine, or make fallible this framework of a Critical Theory of Peace Practice. One avenue of further research involves the pragmatic component. Although this thesis has been largely preoccupied with theoretical foundations, the proposed framework suggests that the practical application component cannot be excluded.

By engaging in critique and self-reflection, scholars and practitioners, who analyse the dynamics of conflicts, may discover new ways of approaching the

substantive facilitation process. A critical attitude adopted towards analysing the development of conflicts can reveal previously overlooked dimensions that may either contribute to the continuation of a protracted situation or point to possible ways of reaching consensual agreements. This aspect of a Critical Theory of Peace Practice is aimed towards the third parties who may directly engage in facilitation or contribute to the theoretical and philosophical debates within the discipline. Deconstruction of one's own assumptions and placing them under a microscopic study presents opportunities to refine, or if necessary, shift one's orientations to formulate a perspective that can be applicable across many dimensions in which peace-building practices are being attempted. By being aware of one's own presuppositions and philosophical dispositions, one can more clearly offer a guide to strategic action that follows such framings.

It is important to note that this third-party awareness is not one to be imposed or spelled out in precise step-by-step detail. The substantive content and specific procedures of conflict transformative processes can only be agreed upon and arrived at by the participants. However, as third parties contribute to such efforts in dialogues, the knowledge they possess, as well as any alternative ways of conceiving the conflict becomes part of the communicative interactions. Whilst disputants may not be familiar with or cannot engage in mutual communicative interactions due to power distortions that continue to protract the conflict situation, third parties can point out the embedded nature of language and the contingencies of social norms and institutions.

By arguing for a meta-theoretical rethinking of facilitated conflict resolution theories, at the formalistic level, this promising alternative is aimed at re-orienting their frameworks. By incorporating meta-theoretical and a fallibilistic foundation, this framework is better able to respond to experiences and ideas learned in concrete practices. As a Critical Theory of Peace Practice is a promising point from which a

reconstruction of facilitated conflict resolution perspectives can be re-energised, it should occupy a significant space in the theory and practice of conflict resolution approaches. At the level of pragmatic praxis, if this alternative framework had been included in the facilitation process of the Oslo Channel, for example, adopting a Critical Theory of Peace Practice might have helped to transfer changed attitudes within the facilitation process to the broader public arenas. A Critical Theory of Peace Practice is intended to affect individuals, groups, and communities at a variety of levels. The changed perceptions, if and when arrived at, in the realm of facilitated, confidential workshops can and must be connected with the broader efforts within and among conflicting communities, in order to transform societal perceptions, norms and institutions. An interconnected approach as envisioned by this proposed framework confirms legitimacy, whilst allowing parties to contest competing claims to validity. Hence, a more sustainable peace, which is a process of societal transformation, becomes an easier task to be practised.

Some Final Remarks

This thesis has argued that meta-theoretical foundations can be shown to affect not only construction of theories, but also the pragmatic ways in which the theoretical frameworks are practised. An inclusion of a Critical Theory of Peace Practice in the field of facilitated conflict resolution has at least three possible benefits. First, a perspective that calls for grounding a theory on communicative rationality aims to bridge the dichotomy presented in international politics: particularism versus universalism. The modern world is comprised of decentred fragmented group of political communities. The predominant depiction within the International Relations discipline of the state as a unitary actor, which engages in power balancing exercises by forming advantageous alliances, has come under challenge by previously excluded

groups and communities. Communities within states yearn for political independence, while other groups involve many states as they carry out their conflictual violent relations across national boundaries. A discourse ethics-based approach asserts that a theory cannot be grounded on either absolute. Rather, one can acknowledge the coexistence of both transcendental and contextual elements that comprise individuals, groups and societal orientations. Consequently, the understanding of international politics and the ways it is practised must be approached from a variety of entry points and angles. The relationships cannot be separated out to one level, but rather must be considered interconnected across levels.

Second, the perspective proposed by this author is intended to offer an avenue for understanding the establishment and escalation of conflicts, which extend beyond needs theory and social-psychological perspectives that dominate facilitated conflict resolution approaches. Simultaneously, it aims to offer an alternative account for approaching facilitation efforts from the traditional forms of mediation employed in international politics. Consequently, a Critical Theory of Peace Practice is designed to reintegrate the often separated discipline of peace and conflict studies back into an International Relations discipline. Additionally, by insisting that other types of rationality can be used to formulate a basis for theoretical frameworks, the dominance of realism and neo-realism enjoyed in International Relations discipline can be challenged at a fundamental philosophical level.⁵⁹

Finally, a theoretical framework based on discourse ethics and communicative rationality methodology can assist in transforming participants' understandings of the other, in a facilitation workshop process, as well as in the wider public sphere. This alternative perspective aims to affect the process of constructing norms, institutions, and perceptions across cultural cleavages. Simultaneously, a Critical Theory of Peace Practice framework takes into account the value differences that exist among both the

politically powerful and the politically marginalised individuals, groups and communities to produce a societal transformation. By including this context-sensitive, context-transcendent approach as one among a plethora of perspectives by third parties and disputants, all the participants can together engage in a learning process that can bring about historic breakthroughs. Simultaneously, this theory can help to mobilise a transformation of entrenched attitudes and perceptions in the broader public sphere. Only by encouraging both transformative processes, can years of enmity be transformed into non-violent societal relationships in which the legitimacy of ideas are continually reassessed and if necessary, renegotiated.

The extent to which a Critical Theory of Peace Practice can be elaborated and refined is a task of further research. The possible objections raised by postmodernists, for example, is an important dimension to engage with in the process of validating or sharpening and confirming the legitimacy of this proposed alternative.⁶⁰ Engaging in debates with scholars and practitioners can only help to further refine the features of this proposed alternative. The most significant points and contributions for facilitated conflict resolution theories and practices are two-fold.

First, in order to transform not only attitudes of individuals that comprise political communities, but their norms and institutions, a dialogical process requires the connection of peace-building praxis at various levels. A consideration of how to connect the various dialogues requires actively formulating ways of connecting the various dimensions of dialogues. However incomplete or fragmented dialogues may be among opposing communities, the establishment and development of dialogues in which the parties orient themselves, in the first instance, to understand the other's positions, helps to foster an environment of confidence-building and a recognition that the 'other' is not an abstract enemy upon whom most extreme prejudices can be placed. Connecting these small segments to the larger more official political process of attempts

at reaching agreements for conflict transformation allows for a common dialogical process to be understood, although the content of each naturally would diverge.

The more official political conflict transforming process often will aim for a breakthrough following secret dialogues. The discourse ethics foundation of a Critical Theory of Peace Practice allows for equal participation by all parties including third parties where the dialogues are free-flowing and is not dutifully bounded to facilitated analysis. Hence, claims raised by every participant can be contested and mutually re-negotiated. It is fair to say that the conflicting parties may decide to disagree and break off dialogue. However, social relationships are continued through the co-ordinating mechanism of language, and equally importantly, for resolution of protracted deep-rooted conflicts requires re-negotiating of views, norms and institutions. In another words, a dialogical process is always under way. A discourse ethics approach like facilitated conflict resolution perspectives is intended to allow the parties to grasp an opportunity of potential transformation if and when they arise. However, unlike facilitated conflict resolution approaches, a Critical Theory of Peace practice is intended to formulate ways of overcoming distorted communicative processes rather than locating satisfiers to nonnegotiable human needs. This proceduralist frame presents a broad content in which participants can decide the particularities of content.

It may appear in arguing for the various dialogues that this alternative theory is predisposed towards a hierarchy in that the dialogical process it offers is preferred to the dialogues already present in the broader level of public sphere. However, such an understanding is inaccurate. Since interactions by participants and process influence one another (even if the influence from one may be grater than another) changes will be made to both the discourse ethics-inspired approach of facilitated dialogues that result in an official agreement with the smaller more marginal seemingly dialogues by activists and social movements. The interchange between these spheres affects all participants.

A discourse ethics approach contends that a common dialogical process of argumentation can occur. The more instrumentally rationality based arguments of smaller groups or official political ones (if they have are conducted on such basis and have not adopted a discourse based framework in facilitation process) the inclusive nature of communicative rationality will allow for the inclusion of these power-based dialogues and understandings.

The second contribution a Critical Theory of Peace Practice offers for facilitated conflict resolution discipline lies in communicative rationality. An orientation that is not restricted to a form of reason and rationality that prioritise success and goals at the expense of communicative interactions is the reason that facilitated conflict resolution approaches remain unable to fulfil the potential of allowing the parties to find their own solutions. A discourse ethics approach allows for the inclusion and rebalancing of instrumental rationality. It includes a methodology of communicative rationality and thereby restores the significant role of not only communicative processes, but the application of practical reason. In the descriptive accounts offered by facilitated conflict resolution scholars and practitioners, the importance of motivations and cognitive behaviours are emphasised. A Critical Theory of Peace Practice attempts to move beyond this narrow conception of human behavioural approaches by premising its foundation on the socially integrative role of language. The process of transforming and re-negotiating normative structures and attitudes is a slow on-going process that is continually reshaped by interactions among individuals through the employment of discourses. The ways in which dialogues are carried out are often first predicated on power asymmetries. The nature of protracted deep-rooted conflicts indicate that these asymmetries are either concrete or perceived to be real. Whichever the case may be, both shape the relationship of individuals in communities when they engage in argumentations. A third party who holds no specific interests for the direction of peace-

building has a role to play at various points, ranging from encouraging and participating in communal dialogues to arranging problem-solving type workshops.

In the task of validating and refining the proposed alternative articulated in this thesis, one may also consider developments in peace-building efforts such as Northern Ireland or South Africa. Both protracted deep-rooted conflict situations have insights to offer in that the transformation of social norms and institutions are under way, since the political decision-makers have learned that only through the employment of discourses in which arguments can be raised and contested, can legitimacy be gained in the wider public sphere. These attempts at co-operation under reconstructed political arrangements indicate the need for multi-level consensus building processes. The Israeli-Palestinian conflict transformation process faces a further test of legitimacy and the agreements first reached by a few individuals who realised that new norms and institutions were necessary, in order to arrive at a self-sustaining peace process. The test lies in the debates by many more voices (some who were initially excluded) as well as by new political arrivals and a variety of community groups who have diligently endeavoured to reshape and break down perceptions and barriers in the process of reconstructing norms and institutions, as well as creating new understandings.

As practices and theory are intrinsically connected in everyday praxis, the facilitated conflict resolution discipline has lacked a meta-theoretical level of critical theory. This is the reason why a Critical Theory of Peace Practice is ultimately suggested for rethinking such meta-theoretical foundations.

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- ¹ Jürgen Habermas, *On the Pragmatics of Communication* (Cambridge, MA: MIT Press, 1998), 404
- ² John W. Burton, *Conflict Resolution: Its Language and Processes* (Lanham, MD: Scarecrow Press, 1996); Herbert Kelman, 'Interactive Problem-Solving', in *Interactive Conflict Resolution*, ed. Ronald J. Fisher (Syracuse: Syracuse University Press, 1997); Jay Rothman, *From Confrontation to Co-operation: Resolving Ethnic and Regional Conflicts* (Newbury Park, CA: Sage, 1993); Ken Booth and Steve Smith, eds., *International Relations Theory Today* (Oxford: Blackwell, 1995).
- ³ Jürgen Habermas, *Justification and Application: Remarks on Discourse Ethics* (Cambridge, MA: MIT Press, 1993).
- ⁴ Habermas, *Justification and Application*; Burton, *Conflict Resolution*.
- ⁵ Seyla Benhabib, *Democracy and Difference: Contesting the Boundaries of the Political* (Princeton, NJ: Princeton University Press, 1996); Richard Rorty, 'Habermas, Derrida and the Functions of Philosophy', in *Truth and Privilege: Philosophical Papers*, ed. Richard Rorty (Cambridge: Cambridge University Press, 1998). On the Habermas-Foucault debate, see Michael Kelly, ed. *Critique and Power: Recasting the Foucault/Habermas Debate* (Cambridge, MA: MIT Press, 1994)..
- ⁶ Jürgen Habermas, *Legitimation Crisis* (Boston: Beacon Press, 1975), 114.
- ⁷ Critiques against Habermas' approach are too numerous to be covered in this chapter. They spring from a variety of directions and are aimed at different aspects of his theoretical positions. Therefore, the two most dominant criticisms will be addressed in this space. For other critiques of Habermas, see for example, Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* (Cambridge: Polity, 1996); David Campbell and Michael Shapiro, eds., *Moral Spaces: Rethinking Ethics and World Politics* (Minneapolis: University of Minnesota Press, 1999); Seyla Benhabib, 'Autonomy, Modernity and Community: Communitarianism and Critical Social Theory in Dialogue', in *Cultural-Political Interventions in the Unfinished Project of Enlightenment*, eds. Axel Honneth, Thomas McCarthy et al. (Cambridge, MA: MIT Press, 1992).
- ⁸ Rorty, *Truth and Privilege*, 300-21.
- ⁹ Ibid.
- ¹⁰ Ibid.
- ¹¹ Ibid.
- ¹² Ibid., 311.
- ¹³ Ibid., 320.
- ¹⁴ Max Pensky, 'The Limits of Solidarity: Discourse Ethics, Levinas, and the Moral Point of View', in *A Matter of Discourse: Community and Communication in Contemporary Philosophies*, ed. Amós Nascimento (Aldershot: Ashgate, 1998), 130.
- ¹⁵ This ethics of care differs from the Foucaultian sense of care which refers to care of the self.
- ¹⁶ Pensky, 'The Limits of Solidarity', 137.
- ¹⁷ Ibid., 138.
- ¹⁸ Emmanuel Levinas, *Totality and Infinity: An Essay on Exteriority*, trans. Alphonso Lingis (Pittsburgh: Duquesne University Press, 1969), 43.
- ¹⁹ Pensky, 'The Limits of Solidarity', 139.
- ²⁰ Ibid.
- ²¹ Ibid., 140.
- ²² Seyla Benhabib, *The Unfinished Project of Modernity: Critical Essays on the Philosophical Discourse of Modernity* (Cambridge: Polity, 1996).
- ²³ Ibid.
- ²⁴ Seyla Benhabib, 'Toward a Deliberative Model of Democratic Legitimacy', in *Democracy and Difference*.
- ²⁵ Seyla Benhabib, *Democracy and Difference*, 7.
- ²⁶ Ibid., 69.
- ²⁷ Ibid., 84.
- ²⁸ Ibid., 46.
- ²⁹ Richard Rorty, *Contingency, Irony, and Solidarity* (Cambridge: Cambridge University Press, 1989); Pensky, 'The Limits of Solidarity'; Benhabib, *Democracy and Difference*.
- ³⁰ Habermas, *Justification and Application*.
- ³¹ Ibid., 23.
- ³² Ibid., 24.
- ³³ Jürgen Habermas, 'Richard Rorty's Pragmatic Turn', in *On the Pragmatics of Communication*, ed. Maeve Cooke (Cambridge, MA: MIT Press, 1998), 351-56.
- ³⁴ Ibid., 146.

³⁵ Ibid., 147-60.

³⁶ Axel Honneth, 'The Social Dynamics of Disrespect: Situating Critical Theory Today', in *Habermas: A Critical Reader*, ed. Peter Dews (Oxford: Blackwell, 1999).

³⁷ Ibid., 198.

³⁸ Honneth, 'The Social Dynamics of Disrespect', 320.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid., 328.

⁴² Ibid., 329.

⁴³ Ibid., 330.

⁴⁴ Ibid.

⁴⁵ Ibid., 333.

⁴⁶ Yair Hirschfeld, interview by author, Jerusalem, 24 May 1995.

⁴⁷ Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeoisie Society* (Cambridge: Polity, 1992).

⁴⁸ Ibid.

⁴⁹ Jürgen Habermas, 'The Public Sphere: An Encyclopedic Article', in *Critical Theory and Society: A Reader*, eds. Steven Bronner and Douglas Kelner (New York: Routledge, 1989).

⁵⁰ Steven Bronner, *Of Critical Theory and Its Theorists* (Oxford: Blackwell, 1994).

⁵¹ Jürgen Habermas, *Knowledge and Human Interests* (Cambridge: Polity, 198), 136-142.

⁵² Habermas, *Structural Transformation of the Public Sphere*.

⁵³ Habermas analyses both the British liberal institutions as well as the continental organisational arrangements before elaborating on the concept and implications of transforming the present distorted public sphere. See *ibid.*

⁵⁴ Habermas, *Knowledge and Human Interests*, 142.

⁵⁵ The Palestinian National Authority is equivalent to the British Parliament.

⁵⁶ Burton, *Conflict Resolution*.

⁵⁷ Larsen notes in the interview with this author that he chose to leave the room since it was the problem of the Israelis and Palestinians, they had to solve it themselves. Terje Rød-Larsen, interview by author, Gaza, 16 May 1995.

⁵⁸ Stephen T. Leonard, *Critical Theory and Political Practice* (Princeton, NJ: Princeton University Press, 1990), 262.

⁵⁹ Many scholars within the Anglo-American tradition have amounted such challenges including Andrew Linklater, Robert Cox, and David Campbell. See Andrew Linklater, *The Transformation of Political Community* (Cambridge: Polity, 1998); Robert Cox, 'Social Forces, States, and World Orders: Beyond International Relations Theory', *Millennium: Journal of International Studies* 10, no. 2 (1981): 126-55; Campbell, *Moral Spaces*. Additionally, recent works presented by continental scholars including Thomas Risse consider the developments of International Relations within the German and the Anglo-American discipline. Thomas Risse, 'Let's Argue!: Communicative Action in World Politics', *International Organization* 54, no. 1 (2000): 1-40.

⁶⁰ David Campbell's formulation of concepts such as security from a linguistic perspective of Derrida is one possible avenue of exploration. See his *Moral Spaces*.

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Appendix

Interview with Even Aas

Oslo, 6 May 1995

LS: *How and when were you approached?*

EA: I was asked two or three days before the first meeting in Sapsborg, in January 1993 I think. I was just finishing a meeting and Terje Larsen came in and asked me if I had some time. This was at FAFO. He asked me if I could close my mouth, yes of course I can. And he asked me if I would be a part of a process and I said yes. Then he told me about the process, what's going to happen and at that time I think I was the first or second person at FAFO who really knew about what was going to happen because we had to be secretive. Then he asked me if I would organise the first meeting, look into the meeting rooms, find the location, and rent cars and all that sort of thing. And on the evening in January, we went to the airport. I was the only one besides Terje who picked them up - both the Israelis and the Palestinians. So we were driving the whole night and I had a nightcap with all of them. In a way that was the first meeting. And from that time I was involved more or less in the process. I had almost the same role that Geir Pedersen, but I was involved from the very beginning.

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LS: *What was the trust level between the disputants as well as each towards Norway?*

EA: In some way I think it was important that Norway was involved because they trusted Terje Rød Larsen and they believed he was truthful all the time and when he involved people from the Norwegian side, I think they also trusted them as well. So when we looked for other meeting places, we were looking for comfortable places, cosy and relaxed which affects positively the people. Also, they would be

more inclined to start talking informally. That's important because that meant no publicity. I think that was one of the main keys to the eventual success.

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LS: *How would you describe the atmosphere in the early stages? Was the Oslo effort only agreed to because of a breakdown in the Washington talks?*

EA: I think all those who were involved in the Norway channel were serious in wanting peace from their hearts. When you believe in something, then it is possible to realise it. I think after the first two or three meetings in Norway, the Israelis and the Palestinians thought it could produce something.

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LS: *That was when it became upgraded?*

EA: Yes, the DOP was drafted in March or April. It is called the Sapsborg Declaration.

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LS: *And the DOP comes from that?*

EA: Actually the DOP is built on the Sapsborg Declaration.

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LS: *After that point in March, was it a matter of working out the actual text of the DOP?*

EA: It was a matter of building up trust among the participants because then they started talking about the upgrading of the channel.

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LS: *Were you surprised at the turn of events?*

EA: If people had asked in March or April about the prospects or told me about them, I would have thought the eventual outcome was a crazy and remote possibility because the parties had made the negotiations and not the Norwegians. I think it was an honour to have been involved in the process. Always I hoped it should

succeed in some way and after the first tree meetings, the world in the Middle East had already changed because the Israelis and the Palestinians had sat together.

From then on, there was the point of no return.

>> <<

LS: *While they negotiated, the Norwegian side did what?*

EA: Sometimes we would sit down and just watch TV. When they asked for help especially from Terje and Mona, they gave it. They made all the steps; I mean the parties. they decided when we should be involved or not; that was a loose rule.

>> <<

LS: *Was it a good idea to mix track 1 with track 2 diplomacy?*

EA: Not an easy question. You couldn't have had a Norway or Oslo Channel without the Washington talks; that's impossible. I think you had many factors that made it possible for a success. The main point was that the people who were involved believed in peace. Terje Larsen was trusted by both sides. Also, the Gulf War and you have to think about that because before the Gulf War, the PLO was actually the main enemy for the Israelis. Afterwards, there was an increase of many fundamentalists groups so the PLO was now seen to be a moderate group. They were also nearly bankrupt. There were also changes in the Israeli Government. It is also important to note that the Norwegians were seen not to have a particular self interest in being involved - A different approach from the Americans and the Germans for example.

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LS: *What was the reception of FAFO'S Living Conditions Survey?*

EA: It was two processes that happen to be under the same umbrella. The most important thing for the parties in Norway was the peace process. Maybe you could do this process without the Living Conditions Studies, but it helped probably to

build relationships because Terje got to know many people through it. I'm not sure because the survey had been going on years before the peace process. Marianne Heiberg presented a draft report in the first meeting and she left. Then they started negotiating. The presentation was only a half day.

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LS: *How long was the first meeting?*

EA: It started actually when we arrived; with the Palestinians, during the nightcap. After lunch, they began to work.

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LS: *Was Stoltenberg present in these meetings or did he work through Egeland?*

EA: Stoltenberg was not present. Jan Egeland came to the first lunch.

Interview with Abu Ala**Ramala, 16 May 1995**

AA: *Have you met with Uri Savir?* He is one of the main key players. One of the two traitors.

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LS: *Why do you say that?*

AA: Uri Savir and I are the two traitors.

>> <<

LS: *How would you describe the development of the Oslo Channel? At what point did you make contact or were you approached?*

AA: I always call the Oslo Channel an accident. At that time the negotiations in Washington were going nowhere. Many people started to look for other possibilities of how to meet, how to progress forward. At that time, I was the coordinator of the multilateral negotiations. I was in charge of all the working groups in the multilaterals and I consider those negotiations to be very important. As you know, the Madrid Process worked along two tracks: the bilateral and the multilateral. My point of view is that the bilateral one discussed the questions of the past rather than how to find a solution. The multilateral one, on the other hand, was more about issues of the future; how to create co-operation between the parties concerned in order to maintain stability and create prosperity. I received a call from Hanan Ashrawi. She said to me, "Abu Ala, there is an Israeli who wants to meet you." I told her that I had never met an Israeli up until that time. She replied, "He's a good friend and believes in self-determination, etc., etc." I decided to go ahead, since she said he was interested.

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LS: *And this was?*

AA: He was Yair Hirschfeld. At first, I was reluctant, but then Faisal Husseini also called me again and then another trusted person came to me in my office in Tunis and asked why I did not agree to meet the Israeli. I told him that I was not totally against it. He said that it wasn't a negotiation session. I thought if it is not official, why not meet him. Anyway, he pointed out that both of us would be in London in December 1992. He said you can meet him and there was no commitment.

Then, I was in London and I said why not, since Yair Hirschfeld is an Israeli academic. So we met in the lobby of a hotel and we talked. It was not a bad meeting, for a first meeting, between an Israeli and not just any Palestinian, but an official member of the PLO. I said to him, "Who are you?" He said, "I'm Professor" I said, "I know but who are you and how are you connected to the Israeli Government." He said, "No, I'm not officially affiliated with the Israeli Government. I'm an interested individual, know and am a friend of Yossi Beilin." At that time, Yossi Beilin was in London. So this was my assessment: since he was in London with Yossi Beilin, it has some meaning. He said that he met with Dan Kurtzer of the US. I said, "Okay, this is also something." We finished that meeting and he asked for another one. He met with others and then we met again and he proposed that we come to meet in Oslo. I thought, why Oslo.

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LS: *You were not at this point approached by Terje Rød-Larsen?*

AA: No, I met Terje Rød-Larsen and his wife. She is more important than Terje Rød-Larsen.

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LS: *Because?*

AA: Because she's important. Because she is an official representative of the Norwegian

Government.

>> <<

LS: *So back to why Oslo?*

AA: At that time, it sprung to my mind that any meetings should be held in Stockholm, Sweden. The Palestinian-American dialogues had started from there; therefore, the Scandinavian country seemed a more likely meeting place. I asked Hirschfeld if he had talked to any Norwegians to which he gave an affirmative response. I said okay and that I would think it over and consult. I came back to Tunis and met with Chairman Arafat and also Abu Mazen. Both of them said it was a good idea, why not try. Then Terje Rød-Larsen came over from Oslo and invited us to come to Norway.

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LS: *Did he express a particular agenda for the first meeting?*

AA: No, just to meet, but he also mentioned that at the time FAFO had been working on a study of living conditions in the Occupied Territories. He said that a report on the findings would serve as a cover. The first meeting was in January. I told everyone in the meeting-room, "Look, we can make individual exercises of criticising or praising one or the other, for another two years or more. We can continue to claim that all of Palestine is ours and you can claim it is all yours. Then, we will not reach an agreement. To reach an agreement, let's start on a clean slate, let's put all this - it is the conflict of the century - all this aside and see what we can do with it."

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LS: *What factors contributed to the decision to continue with Oslo?*

AA: I said, "Let's start to look for a way of finding an agreement, perhaps based on principles." This idea of a Declaration Of Principles is a Palestinian idea, although we did not use the precise word "principles". All the substance of the Declaration

of Principles comes from the Palestinian side. It is based on ten points, which had been previously sent to the Americans, and through other channels, to the Israelis. They were refused by both of them unequivocally. These points form the backbone of this agreement. The first meeting finished and Hirschfeld and Pundak said they would meet with Beilin or others in the Government. I did the same on my side and we agreed to continue with other meetings.

I would like to say that concerning the Norwegians, they played a very important role. In the first meeting, Terje was there and Mona too. Marianne was also there, but only to present the FAFO report. Afterwards, the Israelis and the Palestinians continued alone. Terje Larsen acted as a facilitator, no more than that. When there was tension, he would come to us and tell us or we would tell him something. In this way, he acted as a communicator and interpreter of messages; this is the role the Norwegians generally played.

We continued this way until April and then I told them, "Look, if no official Israeli comes to the next meeting, everything is finished." At that time, the draft of the Declaration of Principles had been finished.

>> <<

LS: *Were you going under the assumption that an Israeli official would come?*

AA: That is what we hoped because, until that time, we had been going this unofficial way. Without an Israeli official at that stage, I didn't see much point in continuing. Someone with decision-making capability on that side was necessary at that stage of things.

Uri Savir, the Director General of the Ministry of Foreign Affairs, was sent and this was the first time that an Israeli official and a Palestinian official formally met. This was a significant development and an important element of that meeting. During this first meeting with Uri Savir, I believe a chemistry developed and we

felt an agreement could be reached.

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LS: *Was it a good idea to have first, the academics participate, rather than to start directly with officials?*

AA: As a matter of fact for us, we were very, very, serious. We, I mean not just me personally, but the PLO, wanted to see if the Israelis were serious or not in wanting to reach an agreement. Because we had made many initiatives in the past, now was the time to see if anything would finally come from it. But no doubt, both Hirschfeld and Pundak played a very important role in the peace process.

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LS: *In what sense?*

AA: In the sense that firstly, they started and continued with genuine intentions.

>> <<

LS: *Do you think the Norwegians played a crucial role?*

AA: As I said, they played a role; how much of one is questionable. I don't believe in fate or all that nonsense, but we took an advantage of an opportunity when it presented itself. It was one possible avenue out of many and luckily, it worked out. Besides, Mona Juul was much more key. ...

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LS: *In what way?*

AA: She's the diplomat: the one close to power decision-makers and when you are trying to get an agreement, that's the essential thing.

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LS: *And Larsen?*

AA: I'm not going on record to say he didn't help, of course he did, probably more than I realise now. But you must understand where I'm coming from: years of talking to

many Israelis, all of them going nowhere. Then, due to coincidences and lack of progress anywhere else, the Oslo Channel produced a workable agreement. Hirschfeld and Pundak seemed realistic in knowing what could be achieved and what couldn't. Plus, we knew that they had Government contacts and that this avenue was being reported back to somebody high up and so we decided to continue.

>> <<

LS: *Is it fair to characterise the process as consisting of two phases?*

AA: Yes, the first period before Savir and Singer came, you could say that was a testing of waters, exchanging ideas. It was good, but soon we wanted more official representatives from Israel. The academics played a key role, since we knew about them from others and knew they were sincere in wanting to find a breakthrough. It was important to us that they weren't interested in just getting headlines, but in helping to produce results.

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LS: *Was secrecy essential?*

AA: Yes. It's quite amazing that it did stay secret. With secrecy, you don't have to perform for the circus all the time. You can say what you really feel without having it reported or, all too often even worse, having meanings become distorted. Nothing like a misunderstood journalist to confuse and complicate issues. More importantly, it meant that all sides could come to formulate an agreement, which would not be liked by many segments.

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LS: *In that case, why did you agree to what some have criticised as a cave-in to Israel's demands?*

AA: What we had up until then was nothing. Gaza and Jericho may seem little, and

there are flawed components to the DOP [Declaration of Principles] but that's why it's a framework: a starting point and not an end point. It is essential to realise this. It can go wrong, others may opt out, but I don't see a reason to. There is only one alternative, I am convinced, and that is a return to violence and nobody wants that. Also, you must see that what we, as Palestinians, gained was recognition as did Israel. Mutual recognition, which came after the DOP, was also important. In the pre-negotiations phase, it was the first time an Israeli and a Palestinian had come face-to-face and recognised that they had to talk to one another, if an agreement could be thought about. This seems very simple, but it was something that had not occurred until that time. The historic nature of the DOP is lost, when you see that delays come upon delays in its implementation, but the DOP has changed the face of Middle East politics.

>> <<

LS: *The arrival of Savir and Singer ...*

AA: That was good. Savir followed through with the ideas discussed and then we knew we had their attention. You think it's going all right and you are hopeful, but you never know until one crystal moment of a demonstration of faith.

>> <<

LS: *The collapse of the talks ...*

AA: Yes, yes. Singer wanted to re-negotiate the text and agreements encompassed in the draft of the DOP. We needed clarifications and assurances, which they seemed to back away from. For a time, it seemed like we were losing everything we had worked for; that is, all of us had worked for. The way to achieve co-operation is through talking, but not always about the abstract principles. Maybe, it has to end up there, so it is open enough for others to expand and improve. But things like economic co-operation, that's a pragmatic thing that both sides can see the necessity

of. It's in everybody's interest, for instance, that Palestinians' living conditions, economically speaking, improve in the Occupied Territories. The more developed a society, the greater the likelihood in a reduction of extremism and fundamentalism. Of course, it can still happen, but if you see concrete improvements then the peace process provides positive proof to those sceptics and confirms confidence to those who are already committed.

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LS: *One of the obstacles Israelis see is a threat of their security in terms of Hamas...*

AA: Look, we can't control everybody. You refer to us as terrorists

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LS: *No, I did not. But you must recognise this legitimate concern.*

AA: Yes, and we are working to curb violence wherever it occurs. It would be nice if Israel did the same, but do you see them doing it, not too often.

>> <<

LS: *The delays in implementing the DOP is in part due to Israel's hesitation, due to their fears about maintaining security?*

AA: I believe it is indeed attributed to the security problem. They must help us to establish a peace, if a peace is to become the norm. For too long in this region, strife not co-operation has been the basis of relating to each other. For too long, conflict has been the norm and not just living daily routine lives as one might do in other less conflict-ridden societies.

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LS: *How would you define peace?*

AA: Peace is an absence of violence: violence that is politically organised and maintained by a government. Peace is also concerned with improving economic conditions.

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LS: *Does that involve a certain political structure?*

AA: I would maintain, and perhaps I am wrong, that the PNA (Palestinian National authority) and the PLO generally have worked to establish more democratic principles in Gaza than many other governments in the Middle East.

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LS: *What are the obstacles to the Oslo process?*

AA: There are many, as I have said. The dates have been put back and hopefully, this does not mean future ones will also be deferred, which will mean the final status negotiations will not commence in time to meet the deadline of May 1999. But it's still a good agreement, the best that could have been arrived at and it is definitely better than no agreement. If we didn't have the DOP, no doubt there would be more talks going on now, and where would we all be.

>> <<

LS: *What are the lessons of The Oslo Channel?*

AA: It's always easy in hindsight to say, this was right and that was wrong. But the most vital lesson, I believe, is that you have to talk to one another without direction from a third party who asserts how you should negotiate, how you may reach agreements, if conflicts are to be lessened.

>> <<

LS: *How do you see the future prospects?*

AA: I hope this breakthrough will see some fruits that all can see. Without it, the genuine intentions of everybody involved in the Oslo process may have been in vain, but I sincerely hope this is not the case. I am optimistic, since the relationships built up among those involved continue to develop. This trust-building process can see us through many difficult times that are bound to arise. At

the end of the day, we don't have any other choice. You can only fight for so long if you want to progress and improve lives. If you want peace, then you have to start talking and listening.

Interview with Hassan Asfour**Gaza, Occupied Territories, 23 May 1995**

LS: *Were you present from the start of the Oslo process?*

HA: Yes, I joined my colleagues as a part of the PLO. There were others involved in the Washington talks, but we decided to explore this one; after all, why not.

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LS: *What made you decide to continue with this exploratory meeting?*

HA: I think it was the serious willingness shown by the Israeli academics. Although they were not official representatives of the Government, we all knew on the Palestinian side that they had very close ties with Beilin and that meant Peres probably knew something about it. If this was so, then it had potential.

>> <<

LS: *The DOP, why Gaza First?*

HA: It was a common framework, which we could all live with. This, though it seems minor, was a breakthrough. The Washington talks, much like the Madrid Conference, wasn't going anywhere and the prospects looked very gloomy. The Gaza First, which became Gaza Plus, since it included Jericho, was something both Tunis and Jerusalem would accept I thought.

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LS: *Abu Ala led the PLO delegation?*

HA: I guess you could say that, but we were really all equals. Some had more to say at one point, of course Abu Mazen was quite important too.

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LS: *From January to May, would you agree with others and describe this period as the pre-negotiations phase?*

HA: Yes, these meetings, though they produced something, still we were beginning to think maybe they weren't developing so well, since no officials from the Israeli Government joined the talks.

>> <<

LS: *What was the Norwegians' role?*

HA: I would say they facilitated: they left us to find our own way to success or failure. They did not impose a solution, they could not impose a solution. Larsen and his colleagues were helpful.

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LS: *Was this third-party role a role that could have been fulfilled by another: say Egyptians?*

HA: That's neither here nor there. But, I suppose not, Norway had credibility with both sides like Egypt. But you see, there was an Egyptian channel going on simultaneously; there were channels all over the place. We didn't know that this one would produce an agreement in the beginning, but when we saw that Israel was at last ready to recognise the Palestinians as a people, then we knew this was promising.

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LS: *How did the talks change?*

HA: We demanded that Israel show good faith and send someone official to continue the negotiations. At the same time, the Washington talks were restarted.

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LS: *You were pleased then with the arrival of Savir and Singer?*

HA: We knew they meant business when they turned up. Savir was the head of the Foreign Ministry, this meant that Israel was taking this avenue seriously, as serious as we were about it.

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LS: *This is when the official negotiations began?*

HA: Yes. There were times when it seemed that all the hard work would go to waste. The Israelis started to re-write the agreement, to change the parameters.

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LS: *How?*

HA: We had already agreed upon a text framework. Singer changed all that; many things and terms had to be re-negotiated and re-defined. This meant more obstacles.

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LS: *The talks came close to a collapse in August?*

HA: Yes. This was a part of that re-negotiating, re-defining. We had to keep what we gained and were determined not to lose that.

>> <<

LS: *The difficult, some would say the crucial questions were deferred. Was this because an Oslo Channel would not have been possible otherwise?*

HA: I think so. You see, the Declaration of Principles is precisely that: it's up to all of us to see that these ideas come to fruition. The issues were deferred because we needed a starting point and Gaza and Jericho self-rule was an important first step.

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LS: *Can you apply Oslo elsewhere?*

HA: No. A set of particular circumstances allowed it to happen. Of course, you could say that a facilitator is better than someone insisting that you follow a prescribed formula.

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LS: *How would you define a facilitator?*

HA: A facilitator is someone or a group of people who assist those in conflict to find a way of talking; preferably bilaterally. They don't interfere, order directions, they don't engage in bargaining with you. Additionally, they don't explicitly pursue their self interests.

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LS: *Are you optimistic about the prospects?*

HA: Not necessarily. There are many problems. Delays have been experienced in the implementation already and they seem likely to continue. But, hopefully the agreement reached back then means that a peace between the two peoples is imaginable.

>> <<

LS: *How would you define peace?*

HA: I would define peace as an absence of violence. A recognition that both can coexist without the annihilation of the other. Israel must halt the land confiscations. When Israel engages in this policy, they are not securing Israel, but are threatening Palestinians. Consequently, some turn to violence because they feel they have nothing to lose.

>> <<

LS: *Israelis might argue that the PLO must control the extremist elements...*

HA: Extremism and terrorism, yes there are some elements, but we are trying the best we can. You must understand that the Palestinian police force is not so as advanced. We need technical assistance, and all the funds pledged at the signing of the DOP, not much has come this way. Without a firm economic foundation, it is very difficult to promote peace and co-existence with what some still believe to be a mortal enemy. Israel has the advantage that although they, like us, have extremist elements, their economy is much more sound. The people on the ground must see

that a peace deal is worth it; otherwise, the huge potential may be lost.

>> <<

LS: *Are there any lessons to be learned from Oslo?*

HA: It's always easy with hindsight; you should have done that, should not have done this. But, what is done is done and you can't change the past. But, you can reshape events. One of the important ingredients during the talks (all the way through, especially in the beginning) was that you could freely express ideas and that we agreed not to blame each other for the past. This is a circle that we get too often stuck in and then you can't move forward at all.

Summary of Interview with Yossi Beilin

Jerusalem, 19 May 1995

YB: There were a number of attempts to establish a dialogue with Palestinians. I always believed that we had to talk to one another if the political landscape was to change. It needs to change because you can't fight forever. Eventually, both sides realise that you have to reach an accommodation and co-operate which can benefit everyone.

In the beginning, I had contacts and meetings with Terje Rød-Larsen and Jan Egeland. The idea was to meet with Faisal Husseini who appeared to me as a moderate Palestinian. But for various reasons, such a meeting in Norway never took place.

When I learned of the emerging links between Hirschfeld and Pundak with Larsen and Abu Ala, I told Yair Hirschfeld and Ron Pundak that it was a good idea to meet with them. Everyone was going to be in London anyway and so a plausible cover was possible.

I informed the Foreign Minister [Shimon Peres] of the talks in Oslo as they happened. These talks seemed to promise something really different from the Washington talks. Although Yair and Ron had my full support, it was made clear to the PLO that they were acting as private individuals. Of course, the PLO representatives knew that Yair and Ron had contacts within the Israeli Government. But they did not know how far up those links went.

Shimon Peres always offered support but stayed in the background. As the talks developed and the pre-negotiations stage was upgraded to a negotiation phase, Prime Minister Rabin I think was then informed. The US State Department was briefed but they did not take this seriously.

I think the stalled status in Washington provided inspiration to everyone in Oslo to find something. Additionally, the secrecy, chemistry and trust that grew from the interactions among us and them made an agreement possible.

The Norwegians played a key role. Larsen, I would say was the leader of the third-party team. The presence of Jan Egeland from the very start reassured all of us that Norway was serious in their commitment to this channel. Then Foreign Minister Stoltenberg who in the beginning funded and silently supported the first meeting was crucial. You needed someone to take such a gamble and he wasn't afraid to. A more reticent politician might have dismissed hosting such sensitive talks when it was illegal for an Israeli to meet with a member of the PLO.

Larsen also stayed with the whole process all the way through and saw everyone through the difficulties when problems arose in late summer. The intervention of Stoltenberg's successor, Holst, was helpful too as he helped with the Letters of Mutual Recognition.

I believe that this Declaration of Principles is the best agreement that could have been reached. It has flaws; no agreement is perfect. But it was a breakthrough. Israel and the PLO have agreed to recognise each other and the fact that we have to live together on a small piece of land. How much we keep and how much they get is always up for re-negotiation. You have to give and take. Peace-building is a slow process but now we can speak of peace rather than how to stop the violence. Of course, the PLO has to work to reduce the violent attacks against Israelis. But I am hopeful for the future. What is the alternative; violence? Who wants that? As I said, you can't fight forever.

Interview with Jan Egeland**Oslo, 4 May 1995**

LS: *When and how were you initially approached?*

JE: I would say that I am one of the three or four founding fathers of the whole process, which sprang out of Norway's close relationship with Israel's Labour Party since 1948. One could also say it sprang out of the predecessors: the courageous rapprochement contacts with the PLO leadership from 1976 onwards. These are necessary pre-conditions for everything. It was also due to the people in my office, my colleague Mona Juul.

But other important aspects included the PLO, some of its members came to Oslo to indicate, through several emissaries from 1991-93, that they would like to start dialogues with a Norwegian contact who also had links with Israel. That was in part due to a change in the Swedish Government. The Swedish Social Democrats had left power in October 1991 and they had played an important role, never between Israel and the PLO, but between PLO and the United States. Arafat was giving indications that we, Norway, could play a role, since we had the good relations with Israel. So you could say that already in 1991 and 92 that we knew that the PLO wanted such a channel through us. We then had the first indications, through Terje Rød Larsen that Yossi Beilin (while he was in opposition, May 1992) was interested in exploring possibilities for dialogues with Palestinians. Larsen and myself had constant contacts and I funded his work in the region such as the Living Conditions surveys. He contacted me immediately after the Yossi Beilin meeting, where they had explored this as just as an academic exercise, nothing more than an idea. There were some contacts with Faisal Husseini. We formalised the offer of a secret channel in a secret meeting between myself and Yossi Beilin, where also Larsen and Juul were present on the Norwegian side and Yair Hirschfeld on the Israeli side. We did, however, at that point think Yossi Beilin and a couple of aides

should meet Faisal Husseini and a couple of aides perhaps including Tunis PLO representatives.

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LS: *Was that in Oslo or London?*

JE: The secret meeting was in Tel Aviv on 11 September 1992. It has been reported the 9th but I know it was the 11th because the next day was my birthday and I received a T-shirt from some of the others in the delegation, who said, "There is place for peace". The people who gave the T-shirt did not know of the secret meeting the night before.

>> <<

LS: *To what extent was Stoltenberg involved?*

JE: He knew of all of this. I would say that are four founding fathers on the Norwegians side were myself, Stoltenberg, and Mona Juul on the Ministry side, and Larsen at FAFO. We worked closely as a small-knit team. Abu Ala, who was the PLO contact and chief negotiator, was one of the emissaries who came to us, to explore closer PLO Norway contacts. Mona and I connected with Terje Rød-Larsen after Abu Ala had met with me here in this office: [the Ministry of Foreign Affairs in Oslo].

Then, the meeting between Faisal Husseini and Beilin was scheduled several times, but it did not work. Part of the problem was that it was important to find the right format as it involved Beilin. At that time, official contacts between Israel and the PLO were prohibited under Israeli law. Therefore, Beilin was hesitant, dead against an informed contact with any members of the PLO. We did discuss with him indirect ways that he could happen to meet one of the PLO members. He had purposely brought along Yair Hirschfeld to the September meeting. A December meeting in London took place between Hirschfeld and Abu Ala, with Larsen present. After that, it was decided to try the Sarpsborg meeting where we met.

I believe your John Burton would describe Yair and that January Sarpsborg meeting as a workshop because it was confidential, informal and

confidence-building between the two academics and three people from the Palestinian side who comprised an official delegation.

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LS: *Was there a specific purpose or objective for the first meeting in December?*

JE: In retrospect, some of the books and some of us might have given the impression that we had the idea of establishing, even myself I said, a channel. Yes, the PLO wanted to have a channel in the sense they wanted to have a way of communicating with the Israeli Government. We also discussed ways of having channels in terms of passing messages and information and so forth. Someone could go through us and we could facilitate contacts. There was not even in our wildest dreams, a hope of negotiating any agreements secretly in Norway, which operated in parallel to the official negotiations. Mona Juul and myself went to Madrid in '91. We had proposed then a way for Norway to help promote confidence-building measures (CBMs as we call them). We met with the Israeli and Palestinian delegations, so it shows all the way back to that time, that we had such an idea. But the purpose of the London meeting in December and even the one in Sarpsborg was to have one meeting, then to see what it would produce and maybe have one more if it was successful.

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LS: *Was the rule of bilateralism established at the outset of the meetings?*

JE: Yes, the Israelis especially insisted that they wanted direct contact with the opposite side. You see, I have worked in a variety of situations including arranging talks between the Guatemalan Government and the guerrilla leaders, where Norway is one of the friends of the peace process. We have peace talks and even reached an agreement in Oslo. We also helped to formulate a partial agreement, which brought together the SPLA and the Government of Sudan in Oslo. I have also helped to facilitate contacts between the Tamil Tigers and the Sri Lankan Government. I would say having been involved in these and other peace talks directly, my ideal position as a peacemaker is to be the active, but discrete facilitator and not a mediator.

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LS: *How would you define the role of a facilitator?*

JE: A facilitator is one who encourages the parties to come to the table, offers them all the facilities to meet, a safe environment, a secure environment, a positive one. You shouldn't meet in a shack, you should have the facility to really relax and not think of any practical problems. This avoids questions such as is one room bigger than the other; hence, is one side getting better food than the other, is one side being better treated than the other. One should take this really seriously. We were mathematically working out, in meticulous detail, treating both sides exactly the same, especially the Palestinians who are very, very, interested to see if the Israeli Government is receiving better treatment.

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LS: *Have there been similar channels such as the Oslo one in other conflict resolution attempts in your experience in this department?*

JE: I would advise against generalising too much here. We tried; I can be as indiscreet as to say that we tried to use our PLO Israel model, which was hugely successful in terms of it being the first agreement after thirty years of attempts by so many actors. Most European countries have attempted to mediate, in conjunction with America many times. We, for example, tried to bring the Government of Khartoum and the SPLA to Oslo with the same notions, saying our model is that "you sit down and you attempt to find an agreement through exchange of views. What we can do is to provide you with facilities, advice, encouragement, but we would not like to be involved in substantive questions such as: whether to start with Gaza and end up with Jerusalem or vice versa, whether to declare an independent state in southern Sudan or definitely exclude it." But we saw that the disputants from Sudan did not want to do that direct kind of negotiations. They wanted a mediator because they felt that even in such informal, confidential and confidence-building workshops, they didn't communicate. For ideological or other reasons, because of ingrained suspicions, they lacked the skills to articulate their positions.

What one should not underestimate is that guerrilla movements and even governments (but especially opposition movements) do not have a breed of able negotiators. If they did have academics and others who could be good negotiators, an Oslo Channel-like process could have worked. However, it is more likely that they would not have enjoyed the confidence of their leadership.

I mean if you talk about the Tamil Tigers or the SPLA and their leaderships, these are not people who delegate a lot of authority and delegate a lot of trust to their people.

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LS: *But why trust Norway?*

JE: It was a combination of all these things. I think the parties to the other conflicts who have been here - the Government and guerrillas of Guatemala who have started a peace process in Oslo in 1990 and are still negotiating now under UN auspices – know that Norway has been a strong participant. They trust us and we gave the same facilities to them as to the Israelis and the PLO delegation. But, for many reasons, the progress there has been much slower or the parties were much less interested or much less able to communicate.

Regarding the Oslo Channel, we were immensely lucky as well. We had the right people to invite at the right moment in history. In Sarpsborg, they sat down the very first evening and started to set the rules of negotiations. Then, they decided on informal rules, not talking about the past was very important. The problem is always, someone states “you did this in 1992, you did that in 1674, you have massacred our people, you have violated human rights, etc.” The parties agreed that if they were going to talk about the past, they would sit there forever. So they decided to talk about the future. This was a functional approach; they were economists, sociologists and historians and that kind of people. They were not politicians.

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LS: *Do you think that was an important factor?*

JE: That was very important. The official Israeli view is that in a way, one stumbled into this by coincidence, in a way that suddenly after the third meeting, we had a pledged draft of the DOP, which although had been conceived many times before, it was intriguing for Peres and Rabin simply because it included so many interesting elements. First, they liked starting with Gaza and agreeing to disagree about, for the time being, Jerusalem and the settlements. Secondly, they knew it was sanctioned by Arafat. If it had been just Israeli and PLO academics meeting, they would not have been so interested. This was one-and-a-half track in a way with full support of Norway. Me being there for the meetings showed that a serious government, who the parties trusted, really had the confidence in these people and what they were doing.

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LS: *Were you present at all the meetings?*

JE: I was only coming down to host an informal luncheon, to meet them. I personally would meet them often at the VIP facilities at the airport. They had to use my name always; we had used my name always to book the facilities. They wouldn't take just any name. Terje or Mona could not book it. I would also go to the meetings to see them and talk with them. But neither I nor anybody else actually took part in the negotiations. The one who spent the most time with them was Terje.

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LS: *US was informed by you initially and then the information flow stopped some time in May?*

JE: Yes. On behalf of the Government, I informed them intensively in the beginning. I used a secret phone to the State Department. The Israelis also had a few contacts with them.

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LS: *What did you say?*

JE: I informed the US that what was being developed was important and I thought that they should be involved. They said they couldn't, since the PLO was

involved. Then also Thorvald Stoltenberg informed Christopher in March. In April, there was a change of Foreign Ministers here. In May, there was a meeting in Oslo of a refugee committee where we understood that they spread the whole knowledge about the channel to a wider circle of diplomats on the American side. So, we told the Israelis who told the Americans that this was not the way to go. From that point on, we did not inform the State Department too much. We don't really know how much the Israelis were informing the US or how much the Palestinians were informing the Egyptians and how much the Palestinians might inform the Russians. But everyone outside the Oslo Channel including the US, I would say, was taken by surprise when there was an agreement in August.

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LS: *Could you have continued the Oslo Channel or was it due to the press that you finished it?*

JE: No. I mean we had a mountain of rumours as we came to July and August that there were secret back channels cooking. A couple of times Norway was referred to; often, Egypt was more mentioned and even American attempts were mentioned. But, it was very clear that sooner or later, it had to be known. It was secret even after the initial signing of the agreement here in August. I think we could have kept it secret; we are quite good at designing strategies for deception vis-à-vis the media. I think we could have explained this in terms of FAFO's Standards of Living conditions surveys, informal contacts or our involvement in the official peace process. But, this would have been very difficult for all sides. And it was discussed how one should present the DOP and the mutual recognition step. I am happy to say that the Americans themselves were quite happy, understood by themselves and not by our encouragement, that the true story had to be the one presented. Because if not, it would come out anyhow later on. I think we could have gone on, but not too long because the circle of people becoming involved was increasing all the time.

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LS: *Has there been a continuing Oslo Channel to work out the follow-up problems? Did you give any opinion on whether DOP was the way to go?*

JE: In terms of the substance of the latter half of the question: the settlements in Jerusalem, well, nobody's naive. Everybody knew that they were pushing in front of them, delaying the two trickiest questions. It was a high gamble and it still is. What we hoped was that through negotiating, through implementing the agreements and through starting to co-operate, one would build more trust between the two sides, so that one could see new ways of solving these problems in the future, which one didn't have at that point. It was a time when they were enemies. When two enemies meet to discuss Jerusalem, there is nothing to agree on. If two friends meet to discuss Jerusalem, maybe they can work out some kind of a settlement. Even the issue of Jewish settlements: between friends, maybe the settlements could stay, be integrated with the Palestinian people and so on. A trust-building process that would lead to the possibility of agreeing on resolving problems was, and still is, the idea.

Yes, there have been back channels, there are back channels, and there will always be back channels. We are involved in some activities, in others, we are not. It is in the Middle East that is revolutionarily different now from when we started, since there is now mutual recognition. They may meet anywhere; in Jerusalem or Gaza, anywhere directly without a facilitator today. But, still we are asked; we are called for. We were called for the temporary international crisis in Hebron and headed the committee for aid co-ordination. We were asked to be the shepherd for a liaison committee between the Israelis and the Palestinians, which has been set up and where they need a shepherd, we are constantly asked.

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LS: *Finally, any lessons to be learned from Oslo?*

JE: I don't know. The biggest lesson is probably that it is possible, the biggest lesson now after having spent four years with the negotiations in four different continents, I would say, is that maybe one in a hundred attempts will succeed;

still it's worth it. Because the benefits are so extraordinary compared to the input. The Oslo Channel cost us, it was tough work for the 45 people involved on the Norwegian side, maybe altogether 1 million dollars at the most. The actual negotiation phase was half of that I would say. It is a small investment compared to the cost of providing continuous humanitarian relief on the count that there is a war. I don't exclude that they will ask us or maybe even others to facilitate talks on Jerusalem and the settlements. I constantly see that they get bogged down on stupid side questions, which may be resolved if they met directly face-to-face with a third party facilitator. Many of these things are now solved in one or two people meetings, it could be two generals meeting in the halls of another meeting and settling things, which are extraordinarily important. It's much more fluid now than it was before. For a facilitator, the role is there to stay forever, in all conflictual environments and also in the Middle East context.

Interview with Marianne Heiberg**Jerusalem, 18 May 1995**

LS: *At what point were you approached for the Oslo process?*

MH: To give you the full background, first Terje Rød-Larsen is married to a Norwegian diplomat and they were stationed in Cairo. This was not long after the Palestinian Declaration of Independence in 1980. The Palestinians began to think that a Palestinian state was perhaps not all that far away. They recognised that to run a state you needed information about the people who would administrate it. That type of information did not systematically exist and Terje was at that time Director of FAFO, which specialises among other things, in what is called living conditions surveys. At that time, I was working in the Occupied Territories. I had been asked by the Ministry of Development Corporation to look at all projects in the Occupied Territories that received assistance. I did so and issued a highly critical report and was subsequently asked to do the same for the Ministry of Foreign Affairs. Terje Rød-Larsen came back from Cairo and I arrived back in Norway too, and he asked me to carry out a Living Conditions Survey. Due to my previous work on these reports for the Foreign Ministry, people there also wanted this information, to better target their projects as well. Therefore, they funded this report.

So, Terje and I were commuting for some time between Jerusalem and Oslo, in order to create the political space, which would be necessary for such an ambitious and large-scale project. Also, since there was a low intensity warfare going on, the Intifada, many organisations who had considered similar projects had pulled out, because if you had the co-operation of the Israelis then you didn't have the trust of the Palestinians. If you had the co-operation from the Palestinians and didn't have the help from Israel, then you would encounter all sorts of obstacles on

the ground in implementing such a project. So, we spent a lot of time talking to both sides.

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LS: *After you wrote the report, were you asked to present it or what happened exactly?*

MH: I think of all the people working on the project, I was the only one who was aware that something parallel to this report was also transpiring. This made it fairly difficult to write up the report, because in normal circumstances you would only take into consideration academic standards. In this case, those academic standards had to be preserved, while at the same time, the political concerns had to be protected. One had to be very careful about the language, the names and still keep to a deadline. A part of the credibility that Norway enjoyed was to a certain extent derived from the scientific standards that were upheld. The Palestinians and the Israelis realised that we would go to enormous lengths to prevent any political bias. The Israelis realised that the data would be accurate as possible, and we would not enter into the report, preconceived ideas.

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LS: *Was that credibility established from the trust-building process that you had been engaged in?*

MH: I think very much so. We explained what we wanted to do very clearly and in a detailed way, from project design to recruitment and so on. So, both sides were kept informed frequently of how it was developing and how we generally operated. I think the message came through that we were at least politically neutral. What we wanted to do was to produce accurate results and keep the interpretation of that data as faithfully academically high as possible.

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LS: *What was to be your role after completing this report?*

MH: One of the objectives of the whole project was to produce a quality of comprehensive and credible data, which could function as a base-line for the perceptions of both Israelis and Palestinians. Because in the absence of that sort of data, one of the things that was going on was the war images of both Israelis and Palestinians having completely different conceptions as to what realities are. This makes discussions among them very difficult because you don't share a common set of assumptions of where the starting point is. The project got done fairly quickly, due to Terje's immense ability to sell and that got us involved in the multilateral working groups. The report's first public presentation was in that group that was held in Oslo, May 1993. Of course, the negotiations had started already.

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LS: *When you presented the FAFO report in Sarpsborg, January 1993, were you aware of the hidden agenda of the meeting there?*

MH: I was fully informed. I knew what had happened before this meeting and how it had come about. It is also just the fact that you are taken down to Sarpsborg and I was not allowed to tell my colleagues where I was going or that I had been there.

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LS: *You were informed by Terje Rød-Larsen?*

MH: Yes.

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LS: *Is it accurate to describe the Norwegian role as facilitators, when it is explained that they provided the organisational framework for the talks?*

MH: What is most appropriate for a role for a third party team always varies, of course, from case to case. But, in this particular case, you have to remember that the Israelis and Palestinians were already talking to each other in Washington and they

wanted to continue to talk to each other. They wanted to find a resolution to the conflict. Also, what I think is extremely important to the success of those negotiations is there was a general intellectual consensus. There was an agreement on the basic architecture; where there was very little agreement, was on the details. But, the basic assumptions were shared by both sides and, of course, then you have a starting point.

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LS: *What do you attribute that to; luck, willingness to talk?*

MH: I think basically, it was a result of the very long process of attempts at an Israeli-Palestinian agreement proceeding from Camp David. Many of the elements that are in the DOP were also in the Camp David Accords. Then, you also had the whole framework from Madrid. The fact the agreement was phased, I think is very important as well as the fact of not allocating blame for the past at that stage. The basic ideas that they were talking about in Oslo were not new. They had been brought up before and this is what I mean by the existence of a general intellectual consensus.

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LS: *Was it this general intellectual consensus that saw the parties through the difficult periods of negotiations for example, when Singer sought clarifications and other concessions from the Palestinians?*

MH: I think the consensus made it possible for them to succeed in the end. This is the problem with the final status issues, here, there is no intellectual consensus. This is why it makes it impossible to negotiate on the subject now.

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LS: *The only way of establishing an intellectual consensus, in order to bring the parties to the table, is to engage in years of trust-building?*

MH: There were a few things that were critical to the success of the Channel.

1. The broad intellectual consensus of what the final agreement should look like.
2. The military option was no longer there. Neither party felt that they could gain anything substantively from a military option.
3. Neither of these two are present in the former Yugoslavia. Also, of course both Arafat and Rabin felt they had a shared historical mission.

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LS: *Was it important to involve the Israeli academics at the start for the sake of deniability as well as to provide an informal setting?*

MH: It couldn't have been done in any other way, because from the Israeli Government they had no guarantee that this would succeed. I don't think they would have taken such a risk, which was a big one. That is, Israel directly negotiating with the PLO with no sense of direction, where the initial talk would lead to. The academic setting allowed it to be an exploratory phase, to see if something could be reached. When Uri Savir and Joel Singer came in, one of the first things they had to do was to roll back some of the concessions made by the Israeli academics.

This process, I would describe as one-and-a-half track, since it mixes the direct bargaining approach at the high political level with other non-official persons such as Pundak and Hirschfeld.

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LS: *Is that a better way to proceed? Do you believe such a formula is necessary to sustain a process?*

MH: I don't know, to what extent you can generalise.

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LS: *You believe Oslo is a unique case?*

MH: I think there are many elements that can be applied to other conflicts. But, I agree

with Yossi Beilin when he says that to call it a model, is perhaps going too far. There were a lot of circumstances, which were special to this case. For one thing, the fact that you had a change of government on the Israeli side; that was critical. The fact that the PLO was in a very weak position was also, I believe quite, important.

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LS: *In your view is the Oslo accords an actual agreement in itself or a road that can lead to peace? The threat of terrorism and the Israeli land policies: are they obstacles that can be overcome or very serious difficulties?*

MH: It's not a peace treaty. It is the beginning of a process that will hopefully lead to peace. There were two very critical assumptions that were made in the deal, that were thought to be by the Israelis and the Palestinians to be absolutely critical in the success of the Channel. One was, as was mentioned in the earlier drafts of the DOP, is a type of Marshall Plan for the Palestinians. You need this, in order to quickly translate this agreement into concrete benefits on the ground, so people can see something, so you can consolidate and expand. As you know, this has yet to happen. Secondly, in order to successfully negotiate the final status agreement for which there is no intellectual consensus now, you have to change perceptions, you have to change attitudes. Attitudes are historically defined here, as instinctively antagonistic. The Palestinians and the Israelis do not see each other as groups who are able to operate with good intentions. Annex III of the DOP is probably more important than the body of the agreement itself, because it sets up a whole series of mixed commissions and committees between both sides. The idea there is to start with the practice of co-operation, which would develop into an ethos of co-operation. This process would be mutually assuring to both sides and would build up confidence in each other. Over a three year period, the concrete co-operation

was meant to change the attitudes of the Israeli and Palestinian population, which would make it possible to negotiate that which is not now negotiable. Again, that hasn't happened either; one could say the reverse has occurred. Terrorism obviously has deeply affected Israeli attitudes. I think Rabin feels it has narrowed his room of manoeuvrability. The Palestinians have probably been given a task that is almost undoable in many ways. Therefore, their manoeuvrability has also been restricted. As far as I can see, Israel is now in full control of the process. There is a basic difference between Rabin and Peres. For Rabin, the Middle East conflict is essentially an inter-state conflict. In it, the Palestinians are symbolically extremely important, but that conflict does not lie at the core of the conflict. He seems to feel, what is important now, is Syria. Israel has a peace treaty with Egypt and Jordan and now it's Syria. The Palestinians for him are basically a public relations problem that needs to be dealt with at all times, but they are not the critical problem. Shimon Peres, on the other hand, feels that obviously inter-state peace is extremely important, but without a real reconciliation between the Israelis and Palestinians who are the core, then the inter-state situation can quickly unravel, by making the internal constraints inside Egypt, Jordan and Syria of such a nature that the agreements themselves would not be considered to be legitimate. If you see, for example, the Arab reaction to the appropriation of land in Jerusalem, I have a feeling that - Shimon Peres' view is more humane - but I think he also might be more correct in the analysis that unless you have a real agreement among the Israelis and the Palestinians based on equity, agreements with other countries would always be very dodgy.

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LS: *Would the opening created by the Oslo process erode if Rabin's policies were to be adopted by the PLO?*

MH: Arafat's popularity among the intellectual class in the Palestinian society is very low. He still has strong support, as far as we can see, among the people at the grassroots. But, it will in the end, depend on his ability to deliver concrete results. What is holding him now very much in place, is that there is no other alternative to Arafat. All others including Abu Ala and Abu Mazen have support, but only within very specialised sectors of the society. That is, if Arafat was somehow replaced, then the Palestinian national movement would disintegrate.

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LS: *Are there any lessons to be learned from Oslo?*

MH: At the time, it was the best agreement available; that is without a doubt. If one watched the intensity of the negotiations, I don't think there was much more there that either side could have gotten. But, where I feel the agreement is essentially flawed, is that in the way the transfer of power and authority was structured. It made the task of the Palestinians to create viable institutions close to impossible. When you are given authority for all the things that cost money such as health, education, social welfare, but not given adequate authority to deal with matters that create wealth such as the economy, you have a terrible problem. To be given authority over a few and not all the sectors, it becomes very difficult to produce results.

What makes this situation a unique experience is that it is not a process of decolonisation. In a process of decolonisation, you have one set of people in control of offices of administration, governing rules etc. going out and you have a group of new people sitting in their chairs. Here, you have to start from zero and you have to start by piece-meal. You have authority over this, but not over that. It became a very eclectic basis and that basis in the beginning did not have access to economic resources, which are required for any type of institution.

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LS: *Is it only through building trust and confidence such as the mixed committees you mentioned that attitudes can be changed?*

MH: I've said on many other occasions, I don't think negotiations need to be predicated on trust. When you start negotiating, normally, you don't trust. But you do have to generate it, in order to succeed. That trust has now greatly eroded both at the level of political elites and certainly among the population as a whole. One does not see an increase in the confidence between the two peoples, despite the increased frequency of interactions.

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LS: *So you would say for starting negotiations, mainly political willingness is needed? How do you reverse the declining confidence among the two groups?*

MH: What is very strongly affecting the Palestinian attitudes, is of course the continuing land confiscations, the fact that you have underground military units which still operate and torture, the fact that there are a great number of political prisoners, border closures, long curfews as in Hebron. People don't see change on the ground and I think that it is very important for the Israeli Government to exercise maximum restraint regarding these types of measures, because they are so unpopular. On the Israeli side, there is one issue that dominates everything else and that is security. Of course, the two very large attacks that hurt Israeli citizens only reinforce the idea that the PLO and the PNA [Palestinian National Authority] are incapable of guaranteeing their security. Under such circumstances, it is not possible to be seen to be giving Palestinians control. Here, I think the options available to Mr. Arafat are much more limited because he doesn't have the power to go after the armed groups without the risk of a civil war.

Interview with Yair Hirschfeld**Jerusalem, 24 May 1995**

LS: *Can you tell me how it all started?*

YH: My story is basically this. Through my academic work as a professor and my involvement with the Economic Co-operation Foundation, I got in touch with the Palestinian leadership, which was in late 1979 or early 1980.

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LS: *Then you were teaching where?*

YH: I was teaching at Tel Aviv University. By early 1982, I told Yossi Beilin and Shimon Peres of my contacts with the Palestinians in the West Bank and Gaza. From this point onwards, I worked very closely mainly with Yossi Beilin, but also Shimon Peres on the ongoing dialogues with the West Bank and Gaza leadership.

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LS: *Was there a particular reason that you first made contact with the local Palestinian leadership?*

YH: It is a very long story. In short, because I was dealing with Iran in 1979, I was on Austrian TV quite a lot about the whole Iranian situation. It appears that then Austrian Prime Minister saw me and asked to meet with me. So, I obliged and we started an ongoing dialogue. At a certain stage, I told him that instead of interfering in the ideological conflict, which was complicated and a lose-lose situation, he should look at more practical ways of helping for instance, offering economic support to the Palestinians in the West Bank and Gaza. I convinced him at last. So, I organised a very strong political Palestinian delegation to Vienna and that's how I came into contact with the Palestinian leadership. This had consequences. The story, when told to Peres and Beilin, seemed to impress them a lot. I know these

two individuals for a number of years. I also had contact with the Palestinians at the same time.

On December 14, 1988, you remember Arafat accepted the conditions for dialogues with the US, which included the recognition of Israel's right to exist and an end to terrorist activities, which also form the basis of Security Council Resolution 242. Then, the Palestinians came to me to develop contacts. The dialogues became enormously intense; they went on twice, sometimes three times a week in Jerusalem and Ramala, mainly to discuss with the local leadership including Faisal Husseini and Hanan Ashrawi. Before December 1988, I would call that the pre-pre-negotiations stage. We didn't know if they wanted to negotiate with us or not. After the 14 December 1988, they had said that they wanted to negotiate with us. The question at stake was if both sides want to negotiate, how do you get everyone to the negotiating table? So, that is when I would say we moved into the pre-negotiations phase.

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LS: *But, in the pre-pre-negotiations phase, you maintained these contacts in the hopes that it might lead to a negotiations forum?*

YH: Yes. I learned a lot during that time.

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LS: *For instance?*

YH: A friend took me aside at one stage and said to me, "Yair, whoever you speak to, before you tell them what you think, sit down and listen."

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LS: *It was the personal trust developed during that time period, which allowed them to come to you?*

YH: I believe so, yes. One thing that was unique about my contacts is that it was always

kept confidential. I never went through the press and the press never knew anything about this, which was almost unlike every other contact between the Israelis and Palestinians.

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LS: *Did you believe it was essential to keep it confidential?*

YH: Oh yes. Then after January-February 1989, I had a big meeting with some Israelis (persons who are important players today) including Yossi Beilin and the coalition of the PLO. The meeting itself wasn't very successful, but it started an opening to dialogues. The question was really how to find a way of coming together to negotiate. The technique that was developed, I would call a three step approach.

1. First, I would speak very freely about everything; any subject I thought worth mentioning.
2. Then I met with Yossi Beilin and sometimes these meetings produced very substantive ideas.
3. Then these would be passed on to Shimon Peres.

This went on in 1989, at the end of which, became the Baker I Proposals. This actually eventually led to the break-up of the Israeli Government because Peres was all for it. This was in March 1990. We continue to maintain contacts with the Palestinians.

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LS: *This was always with the local leadership?*

YH: Yes, always with the local leadership.

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LS: *Did you feel that they were independent of Arafat?*

YH: That is the problem; they were everything, but independent of Arafat. Then, on 23 June 1992, there were elections here in Israel and the Labour Party was able to form

a government with Peres as Foreign Minister, Yossi Beilin as his deputy and Rabin as Prime Minister. The expectations then were very high and I would say this was perhaps the start of another back-channel. In May of 1992, Ron Pundak joined me and we continued this activity with very bad results. The truth is that between mid August 1992 until the autumn, the official negotiations as well as the back-channel were moving from bad to worse.

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LS: *Why?*

YH: For a variety of reasons. The most important reason was probably that the politicians who comprised the Washington Delegation well, the structure was bad. For one thing, there were coalitions of different groups who were not unified with a particular leadership. The common denominator and the decision-making capability were very, very low.

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LS: *Was that also true for the back-channel?*

YH: No, the back-channel was different. But, on this front the inside leadership did not have enough legitimacy to take decisions. Then, another problem with the negotiations in Washington was that they were all public. Everything was on the record; the press was always there. All the conditions were there to present a show, rather than to really negotiate. Out of frustration, I was always told by Faisal Husseini and Hanan Ashrawi "Yair, come meet someone from the outside."

In November 1991, I had read papers by Abu Ala, which he had submitted to the EEC and I was quite impressed by them. I said if I want to meet somebody from the outside, I want to meet Abu Ala.

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LS: *Meaning outside the local leadership?*

YH: Yes, the Tunis leadership. In a meeting with Hanan, she said Abu Ala would be in London and suggested we might meet there. I left my phone number of where I would be in London with her. We set up a meeting in London in early December and it was the first meeting with Abu Ala, the head of the PLO office in London and myself. It was quite good for a first meeting and we decided to meet again, which we did that same day. In between, I met with Terje to get support from the Norwegian Government, as I knew about his connections.

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LS: *How did your contact with him begin?*

YH: That is also a long story. Terje Rød-Larsen came here in May 1992 and met with Yossi and offered to help with practical research matters concerning the Palestinians as well as with the ongoing dialogue with the Palestinians. Yossi Beilin directed him on both issues to me. So, we met in June and it went okay. I was impressed by him and thought he was genuine and had a feeling he definitely wanted to contribute something. Then we had some meetings with Jan Egeland who was a Deputy Minister in Norway's Foreign Ministry. It was clear that they wanted to play a role and made some proposals to bring over Faisal Husseini to Oslo. That wasn't practical, since I already knew him and it was cheaper and easier for me to go to Jerusalem than to Norway.

But when I met with Abu Ala, I knew in order to meet him again, I needed someone who would give me a place to stay, who would pay for the airfare to see him. Since I knew the Norwegians were interested, I took the chance and asked Terje, which he said might be possible.

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LS: *Did you then go back and inform Beilin of the impending meeting in January, to be held in Sarpsborg?*

YH: No. By chance, everybody was in London in December. So I met with Larsen and upon asking him, he offered me his support immediately. Yossi Beilin was also in London for the same conference as Abu Ala, but they wouldn't meet, they couldn't meet. I met with Yossi and told him about the day's developments and asked for his reaction. He didn't stop me, he could have said to break off all contacts, to forget the idea. But, he didn't. If Yossi Beilin had recommended that the contacts should be discontinued, I probably would have.

But then we decided to go to Oslo and it began in January. From January 20 to May 20 1993, we had five sessions I believe.

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LS: *Were they strictly bilateral from the beginning?*

YH: Yes. The first was set up as an academic seminar, because we didn't know the law prohibiting official contacts between Israel and the PLO would be cancelled. It was lifted by Israel on time, but the meeting was set up in such a way that we would be received by Jan Egeland and Terje Rød-Larsen at a joint lunch. During that time, there would be a general discussion. Then, the Israelis and Palestinians would go into a separate room and the Norwegians would stay outside. So it was all bilateral.

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LS: *Would you say that the informal nature of the pre-negotiations phase was important as you were able to thrash around ideas without fear of commitment?*

YH: Well, it was more than that. At that first meeting, Abu Ala said to us, "first, out of Gaza". The minute he said it, I knew we had real substance to go on. The second meeting was when we came with the first draft of the Declaration of Principles - DOP. I had written it with Yossi's knowledge. He told me to see how it would be received. This first draft became the basis for our discussions and so they were very detailed and focused. Basically, we had to show that all issues could be solved

and that on these issues, compromise by both sides could be made. At the end of the second meeting, there was a document that had a lot of brackets, where the two positions were laid out. After this second meeting, Yossi Beilin reported in quite detail to Shimon Peres. As I understand it, Peres immediately brought it to the attention of Rabin.

By the time of the third meeting, we already had some discussions with Peres as well as Beilin. So having established a common framework in which we could work, we turned to discussing more practical matters like how the PLO would come to Gaza. So, for them, there was a significant change from one meeting to the other. It was at this point, I believe that the Egyptians were informed by the Palestinian side. The Americans, as you know, were informed from the very beginning. Then, there was also a lot of activity in between sessions. For example, we said we would only continue with these meetings if the Palestinians would restart the Washington negotiations, which had broken off and they obliged. We also demanded that more co-operation be given in the multi-lateral talks. So, by the end of May, we had a document with many solutions that arose out of compromises. But, the concept was different from the Washington channel.

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LS: *How?*

YH: The main difference was that the Washington talks were based on Camp David. Camp David, as you know, spoke about negotiations for an internal agreement. These were to be finalised and then you would have an interim agreement. But, there it stops. There is a transfer of authority and the Palestinians take over. This was a hard step to implement, practically speaking. So the negotiations were terribly difficult, since the Palestinians were afraid that they would get too little

authority, while the Israelis were afraid that the Palestinians would get too much authority. We bridged this seemingly huge gap easily for we went on the principle of gradualism that there would be early empowerment, the PLO would establish themselves in Gaza and the Israeli authority would still remain in tact. There would be a kind of co-operation. Then ,slowly on this sliding scale, the transfer of authority would be carried out, one step after the other.

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LS: *Was the end product of the DOP significantly different from the first draft?*

YH: Yes. Most of the suggestions and compromises were adopted. But, some concepts were changed. The basic concept was to move gradually and slowly and what we ended up with was a concept of gradualism, but then things moved very quickly.

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LS: *You continued on after the first two meetings because you believed in the willingness and the level of commitment by the Palestinian side?*

YH: If you go into a dialogue like this, you never know how far you go, you never know when you end. You must be mentally willing at any point to stand up and walk out of the negotiations.

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LS: *So what was it that kept both sides there?*

YH: A good question! There was an understanding that we could bridge the gap, that we could only gain from talking. There was a sense of progress, of something being achieved. There was also a sense of extreme potential, which probably kept us there. Additionally, both sides feared the growing militancy of fundamentalists. There were a lot of factors that made it politically desirable for both sides to be committed to peace. There was clearly a unique chance that presented itself.

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LS: *What do you believe are the particular advantages of academics such as yourself and Ron Pundak starting the process, rather than beginning with Uri Savir and Joel Singer directly meeting with the Palestinians?*

YH: There were some very evident advantages. If Uri Savir had started the negotiations, it would have meant that Israel recognized the PLO Government. If we speak to them, it doesn't signify anything. We had an enormous advantage, what we call a complete deniability factor. With Uri Savir, as Director General of the Ministry of Foreign Affairs, the deniability factor would have been extremely difficult. But, when Yair Hirschfeld and Ron Pundak speak to some members of the PLO, one could say it is a meeting simply between two loony professors and some PLO guys. This is one reason why we had to be academics and nothing else. Also, we had the advantage of either extractability or what I call the "waste-basket principle". This principle allows you to put forward all kinds of ideas and put them on the table. Then, you could come back and say, "you know, I said this and that, suggested this, three weeks ago. But now you had better forget about it." You could think out loud without being obligated to a particular position. This works both between the two groups and also within each side. Obviously, secrecy was enormously important. The long established contacts among the different peoples were also helpful.

Ron and myself were different kinds of persons than those who were usually involved in such negotiating processes. Usually, they were officials - representatives or even foreign ministers themselves, army people. We spoke a language different from them, an easier and softer one. But, we were not peace-nicks all full of admiration who didn't have the know-how to speak the language, which politicians could understand and furthermore, agree to. As we were academics, we were unusual for them and so it was less restrictive.

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LS: *How would you characterise the role that Larsen and his team played? Would you say they facilitated, to the extent of providing organisational assistance or did they contribute more?*

YH: Jimmy Carter wrote ten points in what the Norwegians did. If I remember accurately, it goes as follows. First, they were facilitators in providing a place, making the arrangements that made it possible to meet. Secondly, they offered some political relevance. The fact that the Deputy Minister of Foreign Affairs was involved in it and after the Foreign Minister himself, made it easier for the Palestinians to accept the lack of symmetry in the positions. They were high-ranking officials where we were non-ranking academics. The fact that there was Norwegian political prestige involved, helped to overcome this lack of symmetry. This was very important. Third, in between the sessions, they kept contact with both sides. To know what is going on: for example, statements made by Arafat would be related to us by the Norwegians in their contexts. Therefore, we knew how to report it back to the Israeli Government. This was crucial between the sessions. Fourth, they helped us when asked; for instance, with some wording of the DOP. Of course, we and the Palestinians had to work out the major things by ourselves for we alone must live together in the coming centuries. But, in discussions and changing the vocabulary, sometimes you take an obstinate defensive position even for strategic reasons. So, sometimes we would go to Terje and express our frustrations with a position being adopted by the Palestinians or we would tell him we might be able to move regarding a point. We would also indicate where we couldn't move, we would tell Terje to relay to the Palestinians not to push on a particular issue, because the room wasn't there to give.

Fifth, Terje went to Tunis and Jerusalem and somehow created a connection

with the leadership beyond us.

Sixth, then, the Norwegian contribution changed. As the process continued, as paradoxical as it may sound, as it moved from back-channel to the second phase, Peres asked Terje and then Minister Holst to directly pass messages from and to Arafat, which they did. Seventh, at a later stage, Peres even invited Holst at the very end of the negotiations to offer some bridging proposals. Eighth, Norwegians were important in informing the Americans. We informed the Americans, but so did Terje. This meant that double information would be relayed and we could be assured of American approval. Ninth, then Foreign Minister Holst suggested that Israel and the PLO exchange Letters of Mutual Recognition. This would be a significant symbolic gesture. Tenth, most importantly and demanding, in late August, the Norwegians started the drive in organising international support, economically and financially, for the Palestinians. They are still in this position to this very day.

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LS: *Uri Savir entered as Palestinians demanded to see proof that the Israelis were serious about the Oslo Channel?*

YH: We asked them that they restart the talks in Washington, that they co-operate in the multi-laterals and Faisal Husseini be sent back to Washington. They obliged and said that they had proved their trustworthiness to us the Israelis, now they wanted to move into negotiations with more official people.

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LS: *Savir was chosen by Peres?*

YH: Jointly by him and Rabin.

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LS: *Did you and Ron stay on when Savir and Singer joined the process?*

YH: Yes.

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LS: *You stayed until the end of August?*

YH: Yes, until early September.

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LS: *As Terje Larsen points out, his dealings with you dramatically decreased when Savir and Singer entered the process for they led the Israeli team. Would you say this is correct?*

YH: No, I would say not. Of course, Uri Savir was the head of the delegation, which I headed it up until that time. Uri Savir sometimes would go back to Jerusalem and I would remain behind. We almost had an agreement by the 6th of July 1993. Then throughout July, things took a turn for the worse.

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LS: *Why?*

YH: The Palestinians went back on some of the agreements and new demands were made. We almost broke off talks at the end of July. Then, in August, Ron went to Paris to obtain some information. I went alone to Paris on the 7th of August, to meet with Terje Larsen and Abu Ala. We discussed the whole night long and that meeting was quite decisive, because it was very close to the point where the Israeli side was thinking of breaking off the negotiations.

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LS: *But his contact with you in the meeting room environment diminished?*

YH: Yes, perhaps. Things from inside the negotiations room and outside of it are perceived very differently, depending on where you are located in the situation.

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LS: *Larsen did mention the importance of the August 7th meeting. So you decided to*

continue after that discussion?

YH: The Paris meeting's purpose was to improve the atmosphere. He came with some compromising proposals. There were some terrible ideas about Gaza, things that were totally impossible from our side. If I had gone home with those ideas, it would have been the end. So I wrote a text, which I thought the Government would find acceptable. I told him I had to find an acceptable text or I wouldn't go home. I mean I would go back without any text at all. Fortunately it helped that Abu Ala went along with my idea.

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LS: *Can you mention an example of one of the unacceptable ideas?*

YH: I don't remember exactly. Basically, they wanted to gain control of Gaza without any negotiations, which was something unrealistic.

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LS: *You came with a document to suggest?*

YH: No, there I wrote on top of a piece of paper, which was the Palestinian version. But I told him his Palestinian version wasn't sellable to the Israeli Government. So, another way had to be found. So what I suggested became that Palestinian version.

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LS: *What do you attribute to the eventual success of the Oslo Channel?*

YH: There is no one single factor. There are many historical factors including the end of the Cold War, the Gulf War which had created a new relationship between Israel and the PLO, the threat of Islamic fundamentalism to both the PLO and Israel and perhaps the weakened position of Arafat. The two sides were also tired of the conflict. Politically, the new government of Israel wanted to build a peace with the Palestinians. On the Palestinian side, Arafat could not permit a break-up of the negotiations, because this would feed into the rhetoric of Hamas and it wasn't easy

for him to make things succeed in Washington because he may be pushed out of his position. Personally, the Israeli leadership wanted to succeed in achieving peace. There was also a certain understanding of the historical importance of such an opportunity.

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LS: *What was your interest in seeing Oslo through?*

YH: For Ron and me, the moment towards an Israeli-Palestinian understanding is an existential question. Warfare must be brought to an end, we have to learn to live together. There is nothing more important than that, to make life worth living for both sides.

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LS: *Do you believe Oslo was a unique case or could some elements be generalised?*

YH: You can draw some general conclusions. Basically, until 20th May 1993, you could have called this activity as a back-channel. After 20th May, one would characterise it as secret diplomatic negotiations in which we continued to participate, but they are different in nature. I believe one can learn a lot; particularly, about the back-channel. To have secret negotiations, to feel free to say and what you want to say and not what you should say, to have open brain-storming sessions, deniability, the waste-basket principle; these are all important. Using this back-channel dialogue to effect the reality outside, I believe, is an example for other situations of conflict. What you need are interested and committed people to achieve an agreement on both sides. The Norwegian contribution is not one of mediation, but facilitation. Facilitating means you have both sides who are willing to engage in such a process.

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LS: *This waste-basket principle, was it an idea you introduced at the first meeting?*

YH: It was an agreed thing, almost a given in such an informal environment by both sides. The importance of not talking about the past and thus getting stuck in it, should not be underestimated.

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LS: *Are there any lessons to be learned from the Oslo Channel?*

YH: The lessons are not to go into history, but to speak honestly and directly, not to have protocol, but an open approach. But, at the same time, you should have an understanding in writing of how the details hopefully will work; that is something to be learned.

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LS: *How would you define peace? What is necessary for it?*

YH: In this particular instance, the Middle East, we started out with negotiations and adopted a Declaration of Principles; this is very important. Then, there was a common understanding that developed and we knew it would be a gradual process, with many negotiations. In this DOP, there are many different steps, which are to be followed: first, giving empowerment to the Palestinians in Gaza; then, holding of elections for the Legislative Assembly; redeployment of Israeli troops and so on. From there, we agreed to work towards final status negotiations, which also might be developed in a gradual way, until a final peace. So, we haven't established yet a final and everlasting peace between us and the Palestinians, but together we opened the process.

For me, in order to establish peace, you have to build the edifice, the structure and support on five fundamental pillars.

1. Pillar of legality: a legal legitimacy; that is, a legal understanding that this is the end of a conflict and one would no longer use any forms of violence against each other. But, the conflict may continue to be played out in the courts and negotiations. But, there is a

legally binding understanding and this, I believe, is the first important component of peace.

2. The component of deterrence; that is, you have the means to make it worthwhile for the other side not to break the agreements. For in matters of security, you have ways of defending yourself effectively. Deterrence is important to peace, because people do not always love each other and although you may have peace, there will always be those who will resent it and so you need deterrence.
3. Creating a vested interest in peace; that is, you need to encourage economic development, social stability, to create enticements for both sides to co-operate, while preserving each side's independence.
4. Institution building. People are transient in that eventually, one gets old or dies at some stage. Consequently, we need institutions for they create structures that can help to maintain peaceful relations for longer period of time - beyond the lifespan of human beings.
5. International legitimacy and support. This is my view and I give no hierarchy to which one is most essential, only they are all necessary.

Peace doesn't mean you love each other and peace doesn't mean being happy always, for we cannot be.

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LS: *Does it mean tolerance?*

YH: Not necessarily. Obviously, you need people to be tolerant, but toleration alone will not contribute towards a peaceful society.

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LS: *Are you optimistic about the road ahead opened by the Oslo Channel?*

YH: I don't think there is any alternative, in the long-run. Churchill said that people tend to take the right decisions, but only after they have exhausted all other

possibilities. So, perhaps the Israelis and the Palestinians may have yet to pass through some more alternatives before we take the right decision.

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LS: *Do you foresee a recourse to the Oslo Channel, to overcome some of the remaining obstacles?*

YH: I think the public way of negotiations is quite self destructive and causes a lot of difficulties. In negotiations, you go through a lot of ups and downs and crisis situations. If they are kept secret, then they are easier to deal with. What I mean is, if the ups and downs are publicized and the whole country has to go through them, it has usually a very negative impact on the negotiation process. So yes, I am a strong advocate for secret negotiations.

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LS: *Do you see a recourse to a role for academics such as yourselves in this particular conflict and a role for third parties in other protracted situations?*

YH: One never knows, but we can't replicate Oslo for one important reason. There, we had the monopoly on the dialogue. There were other channels, but none were so structured in the sense that both sides were there as well as the Norwegian third parties. So, we basically had a monopoly on the dialogue. Fortunately, today there is no longer a monopoly. Now if Rabin wants to speak to Arafat, he can call him directly and they can meet tomorrow. Therefore, they don't need us and the same is true for the Palestinians. If things take a course for the worse, they may come and ask us for help. Obviously, there are a lot of things that academics can do, but not in the same capacity as before.

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LS: *What about academics acting as facilitators by assisting the parties at the table?*

YH: Maybe, in some ways yes, maybe. We are no longer needed in that sense now,

which is a positive development. The channels of dialogues are all open. The impact we can have is to act as a feedback channel. The channels are open. Both sides don't always understand what the other side is saying and it is probably easier for us to listen more effectively to both sides and to tell them what the other side is trying to communicate. I believe we still enjoy the confidence of both sides.

Interview with Mona Juul**Tel Aviv, 24 May 1995**

LS: *How did you become involved in the Oslo Process?*

MJ: We went to visit the region. We met with some members of the PLO in Norway and we also travelled to the Occupied Territories. We got in touch with a lot of people who later turned out to be quite crucial for what became the Oslo Channel.

Then you have the FAFO role to speak of. This started when myself and my husband, Terje Rød-Larsen, were in Egypt. There, we got in touch with the Palestinian community there, especially with the head of the Palestinian Red Crescent and also with the leader of the PLO. We both talked with him and my husband learned especially from Fati Arafat with the Red Crescent about the problems affecting the Palestinians. For instance, he complained that they lacked actual information about the situation of the Palestinians in the Occupied Territories and he was in charge of planning for health. They didn't know the actual facts on the ground, the health problems caused by the Intifada, the police reaction etc. This gave us a great deal of knowledge. Then, my husband suggested that FAFO could make a survey of the living conditions, since FAFO specialised in that. This idea was agreed to and during the process of negotiating political acceptance by both sides to conduct such a study, my husband came in contact with key players on the Israeli side including Yossi Beilin, who was then a Member of Parliament and on the Palestinian side, the local players like Faisal Husseini and Hanan Ashrawi and later also with the PLO in Tunis.

Terje eventually went to Jerusalem where he also suggested that Norway could play a role in establishing contacts between the Israelis and the Palestinians.

In September 1992, myself and my husband along with Jan Egeland met with Yossi Beilin where we discussed the possibility of having meetings in Norway

with Faisal Husseini. This didn't work out. I suppose we saw no need for it, since they were already meeting here in the Middle East, why should they go to Norway.

These preliminary ideas became more concrete when a representative of Yossi Beilin, Yair Hirschfeld, met Abu Ala. They were in London as well as my husband. It became very concrete that they wanted to come to Norway to talk together and to see if there was a possibility of starting a dialogue.

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LS: *Was Stoltenberg informed at this stage?*

MJ: Definitely. I can't remember whether we talked about it, before it became a concrete suggestion. But, as soon as that occurred through the FAFO channel, under the auspices of the Foreign Ministry, he was of course informed.

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LS: *Was there a specific purpose for the first meeting?*

MJ: It depends. From our point of view, we saw it as a very important first step: just to get them together. At that time, a meeting between representatives of the PLO and Israelis who had such close links to the decision-makers was quite extraordinary, since Israeli law did not allow contacts with anyone officially connected to the PLO. Although the Israeli side was represented by non-officials, we all knew that they were sent by officials. Therefore, I don't think this whole thing about creating a back-channel by all sides holds so much favour, since everybody saw that the talks in Washington weren't going anywhere. Everyone had this in the back of their minds and thought it would be useful, if one could have another forum to discuss issues that didn't necessarily have to be presented in the press.

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LS: *So this process was not meant as an alternative to the Washington negotiations?*

MJ: No. It was meant to be a forum that could produce some results, which would then

be fed back into the Washington process. I believe initially all those who came to the meeting thought that it could breathe new life into the official talks. Their starting point was very much on the economic side; they wanted to encourage economic co-operation. Abu Ala was a PLO economic advisor and Hirschfeld and Pundak's institute was also concerned with economic issues. But, I think they very quickly saw it as an opportunity to explore how to work out the political problems.

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LS: *As a part of the Norwegian third party team, were you present in the talks?*

MJ: What we did was the following. I left after lunch the first day. We seem to develop a pattern; we met them when they came, ate with them and then we went into another room where we waited around in case assistance was requested. We always insisted that they needed to talk directly. From the first day, we gave them the possibility to be left alone, to solve their own problems. So they realised we didn't want to impose on them. If they wanted us, we were there.

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LS: *What motivated Norway to become involved in such a process?*

MJ: It's important to consider the Norwegian foreign policy. We have always had a very strong commitment and involvement in conflict-plagued areas. We have been active in the multilateral talks. If the Norwegian foreign policy was purely concentrated on our own self interest, the traditional power-politics model, we probably would not have been so eager to get involved. You see, it has been a tradition in Norwegian foreign policy to be helpful, which is reflected in our huge foreign aid budget and assistance to the third-world countries. When it comes to the Middle East, in Norway as elsewhere, it has a special place. We learn about the Israeli-Palestinian problem in our education and it has always been a strong interest as well for the CDU.

Additionally, we had a very active Foreign Minister, Thorvald Stoltenberg, who saw the possibilities for developing our strong contacts. Also, it became more apparent when Sweden was seen to play a role that we could contribute something as well. We have been criticised, over the years, for being too pro-Israeli, but Stoltenberg saw that this good relationship with Israel could be an asset when it came to our relationship with the Palestinians. We became interested in the Palestinians, in part due to our good relationship with Israel. Other countries have good relationships with one side or the other and that hasn't helped. So, it was a combination of these factors as well as the wishes of both sides that allowed Norway to play such an active role and to develop a relationship.

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LS: *The period between January and April have been characterised as the pre-negotiations stage and the subsequent one as the official negotiations stage. Would you agree with this?*

MJ: Yes definitely, although in the first phase they worked on documents - especially a draft of the DOP. But, that time was considered to be a creative and sounding-board environment where different opinions could be freely expressed. When Uri Savir and particularly Joel Singer arrived, the whole structure I believe was changed into a more formalistic and legalistic format. At that time, the official wording became more apparent.

I would like to point out that this kind of pre-negotiations phase is extremely important for the parties spent a lot of time in getting to know each other, building trust, getting the feeling that there was a common desire to find a solution. How the solution would look was not immediately clear, but the consensus to find a solution developed. The first day, Uri Savir came and checked out the representatives on the Palestinian side. But, there was a feeling that one could do

business. I think both phases were necessary.

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LS: *The other participants to this process have described the Norwegian role as facilitation insofar as your side provided the administrative and organisational assistance. Is this a correct characterisation? Was this idea the product of anyone in particular or were you responding to the wishes of the two sides?*

MJ: I think we were responding to the parties' desires, but at the same time, we encouraged them in that direction. We saw the need for them to sit down and discuss the problems. It is important that we were not there to tell them how to solve the problems for this has been too long a place where everybody has come in and said, 'this is the solution for you.' I believe the Oslo process was a unique opportunity for them to speak directly and that was the lucky thing. The parties had reached a stage where they felt they were ready to talk and we saw it as necessary that when the talks started, we remained to assist whenever requested, but only when needed. So the facilitation was a conscious decision. There were also times when we were more involved, especially the periods between the meetings.

During these times, we were the only source of contact between them. Every time there was a break and they left to consult their leaders, they would come back with responses from their perspective capitals and superiors. This needed to be communicated back to the others, in order to decide whether there was a reason to have a new meeting or not. In that process, that was our role and particularly by Terje. You had to interpret the information and communicate it in such a way that was most helpful. For instance, one side would ask for clarification or ask what was meant by a certain term or wording. This had to be carefully interpreted. We also came up with concrete suggestions to bridge the gaps. This was more prevalent in the process of writing the Letters of Mutual Recognition, where our

new Foreign Minister Holst was definitely very active in coming up with suggestions. They were simple but important ones, which would be acceptable to both sides. So yes, during the period up until the DOP, we did play mainly the role as facilitators.

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LS: *Do you believe the secrecy component was an essential part of the success of the Oslo Channel?*

MJ: The secrecy component has advantages as well as disadvantages. It is important to have a confidential process where the parties feel free to discuss all kinds of ideas, which would not play well in the press. However, secrecy can mean that agreements reached do not receive sufficient public support at home. The negotiating parties may formulate a series of agreements that all can live with, but the task of convincing the public back home is never so simple. The key is to translate the agreements that have arisen from secret talks into a framework that can be accepted as legitimate by those whom the parties are representing.

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LS: *Do you believe there are any lessons to be learned from Oslo?*

MJ: The Oslo Channel had its particular elements that cannot be reproduced. At the same time, the open approach adopted by all of us in the type of facilitation is an aspect that can be applied elsewhere. Additionally, it is essential that conflicting parties are given the opportunity to dialogue directly and face-to-face. The Washington negotiations were fraught with difficulties not only because they were held under media scrutiny, but more importantly, they did not give the Palestinians a direct voice.

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LS: *How do you see the future for the implementation of the DOP?*

MJ: It is a first step to peace. Peace is a process in my view; it is never complete. There will always be difficult and diverging issues, but Oslo started the path for the parties to work towards resolving this conflict and reducing violence. Both political communities will be severely tested, but I believe that there is no other alternative. You can either return to violence or continue with dialogues. The DOP established a framework; it can be altered if the parties wish to. At the end of the day, politics and peace must be decided by those who are directly affected. A third party has an important role to play insofar as facilitation can help to clarify issues and suggest ways of overcoming differences that the disputing parties may not be able to see.

Interview with Terje Rød-Larsen**Gaza Occupied Territories, 16 May 1995**

LS: *How did the concept of the Oslo Channel come about?*

TL: First, there is the macro-background because Mona and myself lived in Cairo, when she was posted there. I was never particularly interested in the Middle East conflict, although I was active in student politics. So I knew very little about it, but I think that was an advantage to me because I looked at it with fresh eyes. And very soon I became interested in it; read about it, talked to people about it. Then, I spent time making contacts with the local people in Cairo. I visited a tailor every day and saw in his shop how he bargained. I went to the market and eventually, understood not necessarily the Arab mind, but the Egyptian mind. Also, I believe their bargaining techniques are very different from ones used in Europe. These were my two learning experiences.

Then, there was the collapse of the Soviet Union and the 1991 Gulf War. On the basis of what I had learned about the conflict and the great game of the Middle East, I saw that these global power shifts would have tremendous impacts on the conflict. First, it would be no longer possible for the actors to play on the Cold War as they had done previously. Second, money would dry up in particular for the PLO as the traditional Eastern European sources not only reduce their political backing, but also their financial support. Third, the PLO's position in the Gulf War left the coffers of the organisation in a bad state. Then, of course, there were big problems inside the PLO because there had been no movement for many, many years; the PLO was in deep crisis. At the same time, the Intifada had put such a strain on the Israelis that they were also desperately looking for some way out, particularly from Gaza.

So this is my macro-analysis. I saw that the rules of the game had suddenly changed. In Cairo, I started a FAFO Living Conditions Survey in Egypt and got to know Arafat's brother - President of the Red Crescent. He indicated that it was necessary to conduct a study of living conditions in the Occupied Territories as well. I suggested a full survey of living conditions and so I flew over here [Jerusalem] for the first time. I decided that a report had to be accepted by both Israeli and Palestinian parties, completely non-biased and objective. In other words, it had to be a real piece of social science and not a propaganda piece. I asked Marianne to join FAFO because she had knowledge of the area as well as being a social scientist. So, she joined as director and took care of the social scientific work, while I took care of the political negotiations. Through that, I got to know both parties very well including the Israelis, especially those in the trade union organisations. So, I used the link to make contact with the Israeli establishment. At the same time, I also got to know all the Palestinian leaders here.

At this time, Madrid had taken place and the Washington negotiations were going full blast, but with no results. To quote Minister Peres, I saw that the Washington negotiations were a comedy, 'an ongoing press conference' and very little else. I saw that there was a big discrepancy between what the Palestinian leaders locally told me and what they were saying in front of the cameras. Likewise, what the Israeli friends told me privately was very different from what they were saying on camera in Washington. This made me think that a second-track should be established, away from the public eye. I didn't think that this could be achieved through a governmental body, because then it would eventually leak to the press. Because in modern times, it is close to impossible I would say to have an apparatus such as a Foreign Ministry involved in a secret operation. It's just a question of time before it leaks out into the public arena. I also thought by using a

non-governmental body, it would be easier for the parties to talk because it could be done in an informal way and there could be deniability. I first suggested this to Faisal Husseini, a local Palestinian leader and he fully agreed with me.

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LS: *This was in '91?*

TL: No, it was in early spring of '92. I didn't though have a counterpart on the Israeli side. But coincidentally, I was asked for lunch with Yossi Beilin who was an up-and-coming left-wing Labour politician. So, during the lunch, we agreed on one thing. I suggested my second-track solution and he expressed great interest in it. I said, 'Would you like to meet with Faisal Husseini secretly?' And he said, 'Yes, can you arrange it?' The meeting was arranged here in room 16 of the Colony Hotel and we talked about how to arrange for a back channel and agreed to do it. Then, I related this to Mona and she informed Jan Egeland and we agreed to use FAFO, but with both of their involvement from the Foreign Ministry. We flew down here with Husseini and Yossi Beilin.

Also, I was of the opinion that the PLO in Tunis was old-fashioned, revolutionary thugs out of the 1960s and completely outdated. I thought that the local leadership was modern, moderate, sophisticated and the future of the Palestinians.

However, when I was asked by the Norwegian Foreign Ministry to accompany a delegation to some multi-lateral peace talks, I learned that the PLO was sitting in the backroom and directed absolutely everything, even though they were not on the floor. They were not even allowed in the room; neither the Israelis nor the Americans wanted to shake their hands. What I understood then was that they were making all the decisions including those of the local leadership who acted as a puppet on strings. I realised many mistakes were being made because the

PLO leaders could not be on the floor. It became evident that a peace deal would be impossible without the PLO's involvement. The man who was running the Palestinian show was Abu Ala and I met him briefly in February. I was taken by his radiating charm and by his very moderate views on the Palestinian issue. He invited me many times to go to Tunis, but I declined as I was afraid of photo opportunities with Arafat, which would have destroyed my image with the Israelis here. So, I wanted to wait until the Living Conditions Survey was over; afterwards, I flew to Tunis.

There, Abu Ala asked me if I could formally approach the Foreign Ministry in Norway, which I fully endorsed. I returned to Norway and informed Mona and Egeland of Abu Ala's interest. They were also convinced that we should engage with the PLO, since our attempts with the local Palestinian leadership had failed.

I then contacted Yossi Beilin and persuaded him to send a representative. On 20th January 1993, he sent Hirschfeld and Pundak to Oslo. Abu Ala and two of his colleagues also came. It was arranged as a seminar on the living conditions study so I asked Marianne to come to the first meeting. She presented the basic findings of the study and when she left the negotiations started.

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LS: *The first meeting happened in January, were you present during that or was it immediately a bilateral approach?*

TL: Actually, I remember vividly, first...I did my degree on organisational theory and I was interested in how the dynamics of small groups differed from big formal organisations. So I asked both parties that I only wanted two people from each side and I wanted them to live with me in a small place for as long a time as possible, to get them to grow together as people do in small groups. What I thought was that this conflict is so terribly complicated and the Israeli image of the PLO and the

PLO's image of the Israeli leaders were both totally false. We had to break down the images and to build an emotional trust between the leaders on a personal basis. Therefore, there was an emphasis on the emotional, rather than the cognitive aspect. This was the core of the facilitation theory.

Going back to your question, after lunch Mona and Marianne left. The parties hardly listened to what they had said and were very impatient. I sat with them for a couple of hours where the rules of the game were defined. Then, I was asked to be in the meeting. I said, 'No, because this is your own problem, you have to learn to know each other, to learn and solve the problem between you, without any third parties.' So, I showed them into a room and waited until they finished their business. We all had dinner together where the conversations continued. This was the pattern of the negotiations, with few exceptions. But, on numerous occasions, they asked me to come into the meetings. I never entered the meeting room without both parties asking me to do so.

However, this pattern changed all the time. There were two arenas of negotiations. One was the meetings and the other was the telephone conversations. Between the meetings, that went on from 20 January to September, there were telephone conversations, but no physical lines between Tunis and Israel. Secondly, the Israelis were forbidden to talk to the PLO. Therefore, all the communication between the meetings were conducted by telephone. That puts you in a very powerful position because you had to interpret the messages, not only just to give them. So actually, there were two arenas here. In the telephone arena, there was very active participation on my part, not only as a facilitator, but as a go-between.

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LS: *How would you define facilitation?*

TL: I would define a facilitator as someone or a group of people who provides the

organisational structure around the negotiations and I would say a few rules apply here. One is that there has to be complete equality in the way you treat them, down to the smallest detail. When we met them at the airport, we always picked them up in the same kind of a car; one wasn't more flashy than the other. When I picked up the Israelis, the next time I picked up the Palestinians. If I rode with Abu Ala from the airport, I would always ride back with the Israelis. We also tried to have exactly the similar rooms. This treatment of equality was very important. Also, I worked to develop a friendship with all of them. Additionally, I functioned as the punching ball because a tremendous amount of aggression develops in such situations. Instead of slugging it out with each other, you offer yourself as the punching ball. This also paradoxically brings you into a very powerful position because when you are a punching ball, you learn the positions of the parties very well.

So there is this emotional aspect because if trust is to be built, it has to be established around personal relationships, on an emotional basis. That's why the meals and drinks in the evening were important. They encouraged an atmosphere of trust and confidence. When serious, it is necessary to be serious; but, you can divert tensions by saying unpleasant things in a humorous way.

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LS: *They must have had a great deal of trust in you personally to say, 'Let's try this Oslo approach'?*

TL: I think they took a risk, but both parties trusted me to be passionately engaged in the conflict, while being completely unbiased. Maybe there were some suspicions at different points in time. They thought perhaps I was more sympathetic to one position than to the other. But I think they trusted me completely and that's why trust grew and grew as the process developed.

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LS: *What do you attribute this ability to remain objective, neutral to? Was it looking at the Middle East with fresh eyes?*

TL: Yes, because one of the things I learned when I was with FAFO here was that very few people had a balanced view of things, particularly social scientists if I may say so. They seemed to adopt very ideological positions. I think that I came in here without any biases, with fresh eyes and I was actually quite appalled by social scientists who were so biased: either extremely pro-Israeli or pro-Palestinian. So they were not seeing the conflict as objectively as they should.

Imagine a four field table, you have on the horizontal line, public and private. On the vertical line, you have pre-negotiations and negotiations. I thought, why did they have public negotiations and go directly into negotiations in Washington?

What is the difference between negotiations and pre-negotiations? As I see it, in pre-negotiations, the most important things are twofold. First, building trust between the key actors; that is an emotional act. Second, it is to establish a belief between the parties that it is possible to find some sort of a solution; that is a rational act. What they did in Washington was plunge directly into negotiations.

What I think was important in Oslo was to build the personal trust and to arrive at a conclusion that some sort of a solution was possible. That's how the Declaration of Principles was developed. Oslo was a kind of pre-negotiations. It was not public in the sense that it was secret, an NGO (non-governmental organisation) arranged it under the cover of an academic exercise, which is necessary to have deniability.

So in the four field table, you have Oslo in one corner and Washington in the other. The Oslo and the non-public sectors of the table is what I call Oslo diplomacy. This is the outer frame. The inner frame was to combine facilitation, which involves organising the logistics to create the most conducive environment,

in order to help generate and promote trust. Then, there was also the go-between element and the telephone arena was particularly important here. What was also important was that I had to convince the parties each time to come back for the next meeting. Consequently, a part of facilitation is to threaten and to charm them into coming back. So, in May 1993, the process was upgraded. The Palestinians refused to continue meeting with only the academics, since they believed they had reached a stage where real negotiations should commence. Then we switched from pre-negotiations to the negotiating stage. Uri Savir came as the official representative of the Israeli Government as well as the lawyer Joel Singer.

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LS: *Were you at any time consulted or invited to present ideas on how to tackle various issues?*

TL: Again, up to this pre-negotiations stage, I had almost solely related to Abu Ala and Hirschfeld. After Savir came in, I only communicated with Savir on the Israeli side during the actual negotiations. Again you have to distinguish between the telephone arena and the meeting room arena. In the process of drafting the DOP, I don't think that I ever went into the meetings to make suggestions. But in the telephone arena, the difference was that you were always asked for advice. 'What do you think we should do with this? How should we answer this?' I always tried to restrain myself from coming up with any suggestions of my own. What I did was elaborate on their own ideas. To put it in a negative way, there is a huge room for manipulating the parties when you are the go-between in this respect. Actually, many times I did, but this was strictly on the telephone. You must keep in mind that the Oslo Channel was twofold. It was comprised of the DOP as well as the negotiations of mutual recognition between the PLO and Israel. They were the two products of the Oslo Channel.

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LS: *That happened after August?*

TL: Exactly. Since the signing of the DOP, Mona and I were asked to assist when there were crises. After the Hebron Massacre, I was in Tunis for twenty days. After some days, they asked Mona to join me. In Tunis, I did exactly the opposite of what I did in Oslo. That is, I outlined three suggestions in writing as to how the parties could overcome this crisis. They were called the Larsen Proposals, the last of which was adopted by the PLO. So at that stage, I played a very active role as a negotiator. But going back to the DOP and the Letters of Mutual Recognition, I think if I had played an active role in the meetings, we would have failed as facilitators. They trusted us to play that role.

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LS: *The process would have failed for what reason?*

TL: On numerous occasions I was asked to go into the negotiating room. When you are there, you become an audience; they speak to impress you. They say things which they wouldn't say, if there were no listeners in the room. Being in the room has a very negative effect on negotiations as they are too often tempted to use you as an audience. Then, attention becomes diverted from the issues. So actually I left because it was so obvious that it was not constructive for me to be there. Also, when you are a mediator, you will often be heavily manipulated by the parties. If you are a facilitator, there is no reason to manipulate you. If you are a go-between, there will be temptations to manipulate you, but not as strongly as when you are a mediator. So many times, I knew I was asked to convey messages in a specific way. This is very dangerous because then when this is discovered by the other party, you are perceived as biased and you destroy your role.

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LS: *Do you think the Oslo Channel was unique?*

TL: I think going back to the four field table, we combined pre-negotiations and secret talks. The combination of facilitator and go-between, maybe this type of a role has been practised before. You see, the original intention was that we should be a second-track to the negotiations in Washington. Oslo was not meant to be an alternative, but was suppose to provide input and support the Washington talks. But, the parties were so pleased with the way we handled the process that they decided to develop the dialogues in Oslo. The parties felt strongly that this process was progressing in the right direction.

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LS: *Is the DOP flawed in that its greatest strength is its greatest weakness?*

TL: No, I would not say that. The general principles do not constitute a weakness, but contain strengths. I have very strong opinions on this because so far we have been discussing the organisational pattern, not the substance. Before I leave this, I have to emphasise that in my opinion, the success of Oslo was strongly dependent on the personalities involved. So as I said in my speech in the secret signing ceremony, on 20th August 1993, the Palestinians and Israelis were lucky because they had the right leaders. Because without the personalities of Abu Ala and Savir in particular, it would have been impossible to reach an agreement.

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LS: *Personalities in terms of being open-minded?*

TL: Yes, being open-minded and the trust that was built between them are deeply emotionally rooted. The chemistry between them, which was there from the very start, was also important. If you were unlucky with the personalities, this relationship never would have developed and without the relationship developing, there would not have been an Oslo Channel, I am convinced. Being

immodest, I think there was a good triangular relationship between them and myself that produced the magic of Oslo. When you pick facilitators and negotiators, you have to choose them very carefully. The most difficult thing is that Oslo is a particular kind of a diplomacy. The difficulty in applying it to other conflicts is very personality-sensitive.

Now, let me go into substance. The Oslo accords are very misunderstood; it is not a peace treaty. What it defines is a road towards a possible peace. Oslo is a road and is not a fixed point in time; it is dynamic. What the DOP defines is the time it will take to travel along this road. Along this road are definite milestones. There are toll stations and right now they are at a toll station; they are at an impasse. So Oslo is a road and I believe it would have been impossible to go any other way than through a DOP. It would have been impossible for the parties to agree on a comprehensive peace treaty. I think then the road of Oslo has its own dynamics and I believe very strongly that will push the parties past the difficult toll stations and from milestone to milestone. The reason for my belief is that there simply is no way back as I see it, because the alternative involves much more blood, so much more suffering. There is only one way and that is to carry on, to go on ahead.

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LS: *How active have you been after Oslo? Do you think terrorism and Israeli land policies threaten the road paved in Oslo?*

TL: There are two issues that are very tricky: one has the name Jerusalem and the other settlements. I believe that Arafat will get most of the West Bank in the not too distant future and he will get statehood before the final status negotiations. In that situation, the settlers will leave Gaza. If he has statehood, Arafat has to assume responsibility for security. The settlers will leave and I don't think that will be a big

problem in Gaza. However, the settlers will have to leave the West Bank eventually, but there will be lots of conflicts and I fear lots of violence. The most difficult issue is Jerusalem and I think this will remain an issue of conflict for decades to come. So what do I believe? I believe that Oslo within the next twelve months will give Palestinians a state in Gaza. There will remain a big problem with the settlers in the West Bank, but eventually this will be solved. The only way to solve it is for the settlers to leave. Lastly, I think that the Jerusalem issue will stay an issue for decades. Chances are that violence will continue to erupt.

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LS: *If you were to do it again, is there anything you would do differently?*

TL: Nobody has ever asked me that question. I have never thought about it. This does not sound particularly self-effacing and is something for me to ponder. However, with the elements that were present, I don't think I would have done anything differently. There were certain mistakes made, but they were outside my control. The Oslo Channel was a complete success in that it was a secret operation. After it was publicly announced, there was of course the glamour and most importantly, the parties obtained recognition from the other. Uri Savir became the most famous diplomat ever and Joel Singer became a star as an international lawyer. Mona and myself both became very famous and our lives changed completely as we became international public figures. Also, I joined the Norwegian Foreign Ministry and was later appointed to my present position.

After Oslo was made public, I had wanted to return to the academic world and Mona was planning on continuing her position as a diplomat. I was a visiting scholar at Columbia University where I had a nice office and a secretary. I even went to New York and found a flat for us. But then Holst suddenly passed away and the new Foreign Minister pleaded with me to stay. Consequently, I promised

to stay for another six months and then go to New York. Then, the UN Secretary General offered me this position and I found it very difficult to refuse.

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LS: *Going over a couple of points finally, when you said the channel was very personality-dependent, was there a particular Oslo spirit? You have been described as an atypical Norwegian?*

TL: The Norwegian Foreign Ministry showed enormous flexibility by allowing a NGO to play such a leading role.

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LS: *Stoltenberg accepted that, he knew about it?*

TL: Yes. He knew about it, but he never participated personally. But not many foreign ministers would have shown the flexibility and the vision. Very few other governments would have resisted the temptation to assume a full mediator role. I think Norwegians are actually very self-effacing and I am an exception in that respect. I know lots of people who say that I am not a typical Norwegian and in many ways I agree.

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LS: *At least you are not a product of the Norwegian...*

TL: I'm much more extroverted than the average Norwegian and I think that there were elements of luck here. But, this chemistry between Uri, Abu Ala and myself, which produced the core of the magic so-to-speak in the channel, was not a specifically Norwegian trait; it was more due to personalities. If I didn't have Mona as both an emotional and intellectual support, I don't think I would have been able to run that sort of a marathon; to operate in the Middle East conflict is intellectually very demanding. I mean if you go into it and lots of people can do it, what is really difficult is the emotional side. I was very close to a breakdown many, many times

during the process because it was going around the clock and there were enormous emotions and aggressions directed at you. That is an extremely tough thing to deal with 24-7.

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LS: *Your previous distinction between wanting to affect the emotional and the cognitive, what do you mean by cognitive?*

TL: When I talk about the cognitive, I mean the substance, the conflict itself and the ways of solving it. That's a cognitive problem. You have to find arguments, give consistent descriptions, make conclusions, etc. But, this conflict is very much a conflict over what I would call 'political emotional' issues. A conflict about having dignity on the Palestinian side, on not being humiliated. This is the core of the political issue; self respect as a people; self respect as persons. You cannot establish an empirical fact-base here. It's very much about value-related questions on the ought and ought-nots. It is emotionally related. To develop a mutual respect between these negotiators and the ability to perceive each other as human beings, to recognise that the opposition is someone you can talk to, are prerequisites for resolving the conflict. That is why the pre-negotiation stage is necessary for two reasons. First, trust must be established and developed among the parties, which is an emotional act. Secondly, the parties need to come to believe that bilateral solutions are possible and a harmful unilateral one is not the only way to resolve the conflict. So, I think it is very fruitful to describe the basic pattern that I follow. It is the distinction between private and covert versus the public and overt. There are also pre-negotiations and negotiations. I think you have to conceptualise it this way.

Interview with Geir Pedersen**Oslo, 5 May 1995**

LS: *Can you tell me a bit about your background?*

GP: I worked in the Foreign Ministry in Germany and in China for four years. Before that, I was at Oslo's Foreign Ministry's Africa and Middle East Desk where I studied history of Ethiopia and Eritria.

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LS: *How did you become involved in the establishment of the Oslo Channel?*

GP: At that time, I was travelling back and forth from Bonn to Oslo. It was decided that I should start working with FAFO and due to that, I was asked to take part in this Oslo Channel, to keep the circle limited. I was to start working at FAFO in summer 1993 where I would have to become involved as head of the International Section.

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LS: *You were approached by whom?*

GP: By Terje Rød-Larsen.

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LS: *When?*

GP: I was asked by the foreign ministry officially, but my guess is that Terje Rød-Larsen, who was taking care of the actual operation, talked with Jan Egeland about it.

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LS: *You first observed a meeting in April?*

GP: Yes I think you're right, in April.

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LS: *Can you describe what happened?*

GP: The meeting took place at Holmenkollen Park Hotel Rica here in Oslo. Abu Ala and his two Palestinian colleagues as well as Yair Hirschfeld and Ron Pundak on the Israeli side were present.

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LS: *Who was on the Norwegian side?*

GP: As far as I remember, it was Terje and myself. Jan was in Jerusalem together with Stoltenberg during those days. I think Mona was working with Mr Holst, away on a trip.

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LS: *Was the atmosphere trust-building or direct bargaining?*

GP: This was my first meeting. I had met Abu Ala once before. Of course, I was briefed in detail by Terje before the meeting, but I was positively surprised by what I thought was a very good atmosphere at the meeting. People obviously had learned about each other in previous meetings and they cracked jokes and had a good time. As you know, we were not present when the real negotiations were going on. We were informed by the Palestinians and the Israelis whenever they wanted to, but the rule from the outset was that there should be no direct Norwegian participation in the actual negotiations. A second important rule was that there should be no fight about history or the past.

At this meeting, one important topic was that Hirschfeld and Pundak had to prove that they were more than mere academics. In other words, they really represented the Israeli Government so the Palestinians could see a reason to continue with this channel. The Palestinians insisted that At the next meeting, an official representative of the Israeli Government should accompany Hirschfeld and Pundak. At the meeting, we all discussed the upcoming refugee working group

meeting, which was scheduled to take place in Oslo on 20th May 1993. We also discussed how this secret channel could be used to ensure the success of that meeting, which could provide stimulus for the ongoing bilateral negotiations.

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LS: *So when the Israelis and Palestinians met, you and Terje for example, would go outside and do what?*

GP: We would meet them at the airport. Terje would then be briefed by the Israeli delegation, since he had been in close contact with both Israelis and the Palestinians in between the meetings. The Palestinians would call from Tunis and the messages would then be relayed to Jerusalem, since there were no direct telephone links between the two capitals. So, Terje called the Israelis and inform them of the messages from the Palestinians and the other way round. Therefore, Terje had a rather clear picture of what the topics and problems of the meetings would be, since he would sometimes test out with the parties new ideas and new solutions, on behalf of one party. Then, he would check with them when we met at the airport and tried to get a clear picture of the current mood; were the parties optimistic, pessimistic, more negative now than before. Before the start of the meeting, at the airport for example, Terje tried to gauge whether we should approach one side and discuss with the representatives, certain problems that was perceived to have developed in between the meetings. I think Terje's role was to keep the operation running smoothly. He believed that the parties should learn to know each other quite well. He also tried to sense where the tough confrontations might arise and what could we do to help ease those confrontations outside the negotiating room.

That was what I learned from this meeting. During breaks, we would go for a walk or a stroll with the parties. During coffee breaks, lunches and dinners, we would sit together with them and discuss what was going on as well as any other

relevant topics.

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LS: *How many other meetings did you attend?*

GP: I was involved in the rest of the meetings.

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LS: *Were you brought in strictly because you would be working at FAFO or did it develop into another dimension?*

GP: I think my basic task was to help smooth the operations on the Norwegian side, to work very closely obviously with Terje, to try to sit down and think of different scenarios, to be a support for him in the process, to see to all the practical details including arranging for hiring of all the cars, transportation and the meeting rooms.

We wanted to eliminate any obstacles for them. We also tried not to have too many persons involved on the Norwegian side. Since we were not a part of the negotiations, it was important not to have them send messages to different Norwegians. Therefore, the parties sent messages via Terje and that was a very important task for him. But, Terje also discussed with them how particular issues or miscommunication could be overcome.

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LS: *What did you do specifically to keep the process operating smoothly?*

GP: Keeping it a secret was one of the most important tasks, because we knew if it wasn't kept a secret, the whole thing would blow up. I think it helped tremendously that Terje was able to absorb some of the anger. Frustrations were directed towards him during the negotiation process. This ability of his helped the whole process as the Palestinians would sometimes aim their aggression directly at Terje, rather than towards the Israelis and the other way round. This was perhaps because he was the one giving the bad message and he knew and understood that was his task, an

important role to promote a positive outcome.

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LS: *Were you ever directly approached by someone from the press?*

GP: I think no one in the press could imagine what was going on. No one guessed that Norway could play any role similar to what we actually did. There were a few speculations in the press, hinting at some developments in Oslo. That was just after the refugee working group meeting. I think it was the AFP, which had speculated that the Israelis and Palestinians were meeting in Oslo, but under American leadership. It was easy for us to deny any knowledge of this, since this was not what we were involved in.

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LS: *What about the US State Department, were they informed?*

GP: That was true after the Israelis upgraded the negotiations. Then, we stopped because we thought it was up to the parties themselves to inform the Americans. Jan was in direct contact with the Americans via the embassy here in Oslo and also met with Dan Kurtzer.

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LS: *The positive feedback received concerning FAFO's Living Conditions Survey in the Occupied Territories, would you say that helped in gaining the trust of both sides?*

GP: Yes, I think it is true. The report presented by Marianne helped enormously as the parties saw it as a unique contribution to the understanding of the conflict. However, I also think that Terje Rød-Larsen organised the whole concept and the different meetings. The way he organised is perhaps a very important factor, which helped the parties reach a successful conclusion. The whole historical setting was of course the most important factor in explaining why an agreement was possible.

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LS: *Historical in terms of the contacts?*

GP: I mean the macro-level historical developments including the fall of the Soviet Union, the end of the Cold War, the Gulf War where you had, for the first time, Americans fighting on the same side as the leading Arab states against Iraq. One of the consequences of that was the ending of the notion of a unified Arab nation. The PLO also suffered severe financial consequences for supporting Hussain. Additionally, there was the development of the Intifada, a Labour victory in Norway and the Labour victory in Israel. This meant that the very good relationship which had existed between the two Labour parties created a very good setting for Norway to play a role. Also, since the 1970s we had developed contacts with the PLO.

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LS: *Why do you think the Washington negotiations were not progressing well?*

GP: From a theoretical point of view, in the Washington negotiations, they made a mistake by not going through a pre-negotiations stage. They started with direct negotiations in a public setting. Our understanding was that before you proceed to public negotiations in a difficult conflict situation such as the Israeli-Palestinian one, you needed a process of building confidence. This confidence-building should be a part of the pre-negotiations process. It should not be done in public, but in a non-public setting where the parties could have deniability, learn to know each other and to build trust, etc. So, the Oslo Channel included a pre-negotiations phase. Consequently, we think we helped the overall process. Without this pre-negotiation stage, I don't think a positive conclusion would have been possible.

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LS: *Have you been involved in more direct diplomacy? If so, how would you compare it with the Oslo Channel?*

GP: I think the whole concept of negotiating a Declaration of Principle was built on the Israeli experience with the negotiations of the Camp David agreement, where you had a similar concept. As long as you put down all the points you will not negotiate before signing a DOP, you don't need a large bureaucracy to work out the details. The negative side to that is you defer the issues that may eventually undermine the original agreement; in this case, Jerusalem, refugees, settlement and relationships with neighbours and along borders. It was also significant that both parties had developed possible scenarios for a negotiated settlement. In other words, there was a culture of dialoguing by academics and activists between the two communities. But, to put it in a narrower political setting, you had to be realistic. When Joel Singer started to participate in the meetings, the whole concept became much more concrete and much more precise. Quite a different document resulted from the one that had been drafted in earlier meetings. You could say that what I labelled the pre-negotiations, non-public phase was from January to May 1993. Then, the real negotiations commenced with the outcome of the DOP. Nevertheless, if you didn't have the pre-negotiations phase where Ron Pundak and Yair Hirschfeld were meeting with Abu Ala and establishing a very firm relationship, where they could try out different scenarios and solutions, it would not have been possible for Joel Singer and Uri Savir to come in and develop a more concrete and precise language for the DOP.

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LS: *Do you think it was essential that the channel remained secret?*

GP: Yes, that was a key to the success because that meant Joel singer and Uri Savir didn't have to go home to their constituencies. The same applied for the Palestinians as they did not have to explain each step. Both sides had a small group that could sit down and analyse what was going on without arguing it out in the

press or the street. I think it also contributed to building confidence, since you could then have more open and frank discussions within the private arena.

>> <<

LS: *Did you get a sense of how the levels of tensions changed during the coffee breaks?*

GP: Yes, definitely. Sometimes they would stand in the corridors and yell at each other. Sometimes, it would be a very friendly atmosphere. This would shift from breakfast to lunch, from lunch to coffee, from coffee to dinner and then during the evening as well depending on the stage of the negotiations.

>> <<

LS: *Did it get more tense in the official stages, from May onwards?*

GP: Yes, it did because obviously the devil is in the details. Each side had to consult either Jerusalem or Tunis all the time. The kind of language to use involved a lot of tough discussions particularly regarding the issue of Jerusalem. I remember many times when Abu Ala hardly talked to Terje.

>> <<

LS: *Were you present during the Stockholm meeting?*

GP: No, I did not go to Stockholm, but I remained very much involved during that stage as well. I think you could say that the involvement diminished after a meeting in 1993, which occurred subsequent to the official signing in Washington. That was to deal with the problems of implementing the DOP.

>> <<

LS: *Was that public?*

GP: Yes, but at that time it was one of many meetings which involved Peres, Savir, Singer, on the Israeli side and Abu Ala, Nabil and a few others on the Palestinian side.

>> <<

LS: *Do you believe that the approach used in the Oslo Channel can be applied to other conflicts?*

GP: I think it would be very difficult to repeat. But, there is some general knowledge to draw on. For instance, the concept of pre-negotiations where you can have the assistance of a non-biased third party could help to facilitate other conflicts.

>> <<

LS: *When you were first approached by Terje Rød-Larsen, were you a bit sceptical of the process as he described it?*

GP: I didn't really know what to think. I had some experience in the Foreign Ministry with negotiations between the Eritrians and the other disputants. So I knew that Norway was asked to help in many conflicts. I understood that if the parties wished, Norway could play a distinctive role, since there was a special relationship between Norway and Israel and Norway and the PLO. Also, it was the right moment because of the stalemated nature of the Madrid and Washington talks. So I was convinced by Terje and Jan of the substantial contribution that could be made to the peace process.

>> <<

LS: *Had this facilitation process, as you have described it, been attempted in other conflict resolution efforts or was it a new idea?*

GP: This is a very good question and I have discussed it very much with Terje. I think he would tell you that this is the half of the Social Democratic model, where you have the negotiations between the employees and employers. FAFO started out as a Norwegian think-tank for trade unions and Terje would claim that he learned a lot from the ways that negotiations were being led by trade unions in Scandinavia.

>> <<

LS: *Were you surprised by this type of pre-negotiations?*

GP: No, I was not surprised in the sense that I knew that Norway had been approached by all the parties earlier. Being a small country with obviously no strong vested interest, Norway was well-suited to play a facilitative role. We were trusted by the US as well as by both parties. Norway has been an ally of the US and the two sides. Additionally, we understood that at a certain stage that it would be extremely important to get the US on board. One thing was the political strength and prestige that the positive sanction of the agreement by the US would mean for a successful channel. Also, we knew that if the DOP was to succeed, a large economic aid programme was necessary for the Palestinian areas. The US would have to take the lead in any such effort. Therefore, it was extremely important to get the US support for the agreement and I think that both the Palestinians and the Israelis would agree with that assessment.

>> <<

LS: *Who funded the meetings?*

GP: The Norwegian Foreign Ministry via FAFO.

>> <<

LS: After the public announcement of the DOP, would there have been any point in continuing to explore other issues or was it not possible because of the press?

GP: Yes, it would have been possible because after the announcement, the channel was very much public. As you know, when Peres came here, it was not public. After his trip to the US, the media started writing about what was going on. During that time, the late Foreign Minister Holst was very heavily engaged along with Terje in the direct negotiations. In early September, we were more or less consumed by those negotiations concerning the Letters of Mutual Recognition.

>> <<

LS: *You were present at the signing of the DOP in Norway August 20, 1993?*

GP: Yes, I was present at the signing of the DOP. The Letters of Mutual Recognition was at that time only an idea.

>> <<

LS: *In December 1993, you discussed how to follow-up the Oslo process?*

GP: Yes, there were many meetings in the autumn of 1993 which covered topics including the funding part, the setting up of a liaison committee with the World Bank and other Gulf countries. We also discussed how to follow-up the implementation of the DOP. You had very early discussions between the Israelis and Palestinians on how large the area of Jericho should be. There were many good direct contacts between the parties - good in the sense it was directly between them. Then, you had this meeting in December.

>> <<

LS: *That was public?*

GP: No, that was the whole concept; when they met that it should not be public. We managed for a couple of days to keep the whole thing secret then the media realised Peres was there. Obviously, after the signing of the DOP, any secret negotiations in Oslo would be terribly difficult.

>> <<

LS: *Would it have been possible to bring back the academics to discuss an Oslo II Channel, for example?*

GP: My guess is that at this stage, the two parties knew each other so well that it should have been possible for them to move forward directly. But, then you have the whole question of how should you prepare for the final status negotiations. There will definitely be personalities both on the Palestinian and the Israeli side, arguing that to prepare for that, you need non-public pre-negotiations contacts, where academics and others would have a role to play. But, that depends on how you

define the real problems and the development of the peace process. As you know, both on the Palestinian and the Israeli side, there are different opinions on how to move forward. Some people would say you should now skip all the stages and start directly negotiating the final status.

>> <<

LS: *How do you see the future prospects?*

GP: It is very easy to see all the problems ahead. There are bound to be many problems and mistakes will be made. At the same time, I think the leaders of Israel and the PLO understand that they are now dependent on each other for success. Hopefully, that can help to find a sensible, concrete solution to all the problems ahead. The willingness on both the Palestinian and the Israeli side for a lasting peace is genuine; moreover, there are no alternatives. The only alternative to this is anarchy. No one has an interest in this. Consequently, if peace is not achieved it will be more by default, rather than by people wanting to sabotage the development. Of course, there is the question of the fundamentalists on both sides. But, I am still optimistic in the sense that while I see a lot of problems ahead, the peace process is on the right track.

Interview with Shimon Peres**Jerusalem, 22 May 1995**

LS: *When were you first informed about the Oslo Channel?*

SP: There were many channels with the PLO. I preferred this channel because Abu Ala showed a capacity to change things. The nominations of representatives chosen by the PLO for other meetings would always turn out so that there was something that would make our participation impossible. But, with Abu Ala as a participant in this channel, I thought it could be a valuable one.

>> <<

LS: *Did you have direct contact with Larsen or was that accomplished by Beilin?*

SP: There was this channel that was conducted by Yair Hirschfeld and we selected this one. It was one among many others. What was special about it was that Abu Ala had shown interest and he produced results.

>> <<

LS: *So there was no particular reason to trust the Norwegians as a third party? It was merely an accident in having them?*

SP: Yes. I do think Larsen and others including Holst did play a positive role, because they were keen, sincere and willing contributors.

>> <<

LS: *You were aware that the Norwegians informed the US State Department?*

SP: Yes, I knew, but at the beginning it was one of many talks that were going around town, so-to-speak. When it became serious and Mr Holst (the Foreign Minister of Norway) became actively involved, we co-ordinated what to tell whom. We were careful not to tell the US too much, in order to keep the negotiations secret. But as things developed, it was necessary to inform the Americans - Mr Holst and myself

went to California and informed Mr Christopher.

>> <<

LS: *Would you say that the secret element was an important factor?*

SP: Yes.

>> <<

LS: *The stage when things entered a more serious phase was in April, May?*

SP: Yes.

>> <<

LS: *Why did you decide to limit the information to the US State Department?*

SP: Through Holst, information was given to the US, but more importantly, the negotiations were still continuing in Washington. One of the reasons that Israel decided for this Oslo Channel was because we saw the talks in Washington were going nowhere. So, before we could cancel one, we had to be sure there was another. So another reason not to inform too much was that the Americans were co-ordinating the talks in Washington.

>> <<

LS: *What would you attribute to the success of the Oslo Channel? Abu Ala's ability to obtain results?*

SP: The Palestinians themselves found the Washington talks futile from their point of view. It was time to talk directly.

>> <<

LS: *How would you characterise Norway's role? Did they just provide a conducive atmosphere?*

SP: No, I think they did much more than that. They helped to bridge the many gaps, which occurred throughout the discussions.

>> <<

LS: *Was it the strength of Larsen's personality as some have suggested or a team effort that made the difference?*

SP: No, it was a team effort, whose constituent members happened to be at the right places. So all this worked out very nicely.

>> <<

LS: *Would you describe the Oslo Channel as a peace treaty or the beginning of a process to peace?*

SP: It is both. It produced the DOP. Until peace becomes comprehensive, we may have pieces of peace.

>> <<

LS: *How would you define peace?*

SP: Every epoch in history has a different definition. Peace means an understanding that you cannot defend the conflict, develop your economy and satisfy the needs of people, unless you turn the nation of confinement into a region of co-operation, with global participation. When you actually give up the prejudices of yesterday and begin to develop new occasions for building understanding: this is the meaning of peace. You cannot embark upon a modern age, while all the time being arrested and held up by the conflicts of yesterday. The walls of hatred and the walls of suspicions that have typified foreign relations must be altered.

>> <<

LS: *In the New Middle East, which you envisioned in your book, do you believe Israel, in relation to the Palestinian question has escaped the historical prejudices?*

SP: I think it is not an escape, but a new age. This is my opinion. If Israel wants to integrate outside the Middle East, what is needed for the Middle East is to integrate itself around Israel. It is not a geographical definition, but a conceptual one.

>> <<

LS: *Given the developments of dialogues between Israel and Jordan as well as with Syria, is this reconceptualisation already under way?*

SP: No, you cannot decide who defines himself as a nation or community. It is not for us to decide, but we cannot ignore it. We don't want another country with a civil war. Actually, there never was a historic Palestinian state or people. But, as they have formed now, we have to relate to their expectations.

>> <<

LS: *Are terrorism, Arafat's inability thus far to deliver concrete results for his people and Israel's land confiscation policies obstacles to be overcome or do they present a real challenge to the process that began in Oslo?*

SP: I don't think so. Solutions through further negotiations can help resolve some of these difficulties. I must point out that there is not terrorism on both sides, but only on one side. The other side just responds. Also, the response is of a double nature. It is military policemen who stop the terror, who punish terrorists. Another way to respond is by economic and psychological means. But, basically, the problem stems from the fact that there are two religions, two languages, two peoples who reside on a land that is very small and poor. War has been quite well-known to both sides. It is complicated by the situation where you have Arab people living in Jerusalem and in Israel and you have Jewish persons surrounding Arab communities. So, we need to handle this puzzle carefully.

>> <<

LS: *Do you think the attitudes that must be changed for a New Middle East to come to fruition is possible, given the economic deprivation particularly in Gaza and the West Bank?*

SP: There is such a long and conflictual history in this region for hundreds of years, which has caused tremendous damage. You cannot answer really the needs of the

people by simple inspiration, but by getting rid of the old conflicts, wars and addressing the necessary means for education and development.

You also need compromise by both sides for politics. Politics, you see, is the art of human relations. All the weaknesses and strengths that human beings possess are expressed in politics. Politics is the art of human relations either individually or collectively.

>> <<

LS: *Referring to the Oslo Channel once again, would you characterise this as a unique case or can some of its elements be applied to resolve other conflicts?*

SP: Let's not exaggerate the importance of the channel. The real significance is in the choice, the will. After all, nobody pushed us to make peace with the PLO. So, the real necessary component was already there. A channel without a decision is like an empty story. What does the channel mean? It's like having a pipe without having water; if there is no water, what do you need the pipe for?

>> <<

LS: *Where did the willingness come from? Was it partly a result of the frustrations and a recognition that the public, bilateral talks were not progressing?*

SP: Yes, the Madrid and the Washington talks didn't go anywhere. It became just an exchange of positions because both parties avoided taking decisions. When you don't take decisions, you espouse formulas, definitions and excuses. This takes a lot of time and does not give much fulfilment. There is nothing that can replace direct face-to-face dialogues to realize will to pursue another way of communicating and finding ways of co-operating. As the Washington talks did not allow for that, we chose to explore Oslo as it was possible to talk directly with the PLO there.

>> <<

LS: *Was there, though, a particular reason that the choice was made at that particular time?*

SP: For me, yes. We tried to make peace with Jordan in 1987 in contacts with King Hussain, but those attempts were torpedoed by the Israeli Likud Government. I felt we were left with no choice, but to confront the Palestinian problem.

>> <<

LS: *Do you still believe that the stability in the Middle East is intrinsically linked to a peace with the Palestinians?*

SP: The Palestinians are not necessarily the single most essential question to work on for a lessening of conflict in this region, but if you do not deal with this important situation, then it means all the problems are made that much more complex.

>> <<

LS: *What do you see for the future prospects resulting from the Declaration of Principles?*

SP: The Declaration of Principles is the first step in the right direction and I think many other steps will follow. There is no longer any justification for war. There is also no more support from the superpowers for wars. The superpowers have themselves reached a tired point. Additionally, the wealth and well-being of nations no longer is so dependent on land or natural resources but on science and technology and knowledge of how to utilise them: it is a new epoch. All these things cannot be accomplished by wars. Therefore, I think there is a major change which is taking place.

>> <<

LS: *What about the continuing involvement and significant financial support of Israel by the US. Can you still say, given this, there is a new epoch?*

SP: Yes, America has changed its role too. Yes, they provide assistance to us but they

are now also beginning to support the PLO financially. The conception of how to deal with Israel and Palestinians has changed from the American viewpoint.

>> <<

LS: *Do you believe the agreements spelled out in the DOP will be fully implemented, in the very near future?*

SP: As long as the Palestinians are strong enough.

>> <<

LS: *What do they have to do to prove that they are 'strong enough'?*

SP: Most importantly, we need to be convinced that they can control the terrorist groups, which live among the larger population. Instead of political coalitions and many armed groups, what is needed, is one united armed force.

>> <<

LS: *But does Arafat and the PLO Government possess enough control over judicial means and power to bring about such developments?*

SP: If they don't, they will fall down because terrorism is aimed against them as well as us.

>> <<

LS: *You said that the DOP is the first of many steps.*

SP: Yes.

>> <<

LS: *In which direction would you like the road to go?*

SP: Well, we have to end the conflict with Syria and Lebanon. We have to negotiate with the Palestinians for a permanent solution and we all have to reconstruct a new peace. So we gain a capacity to provide hope and ways for each country to co-operatively engage in relationships with the other countries around it.

>> <<

LS: *Is this a process that will take decades?*

SP: Not necessarily. Things are happening ... Where were you born?

LS: *In South Korea.*

SP: Look what happened to your country and how it has become an important economic country. Young persons from Korea, for example, are now able to study in different countries pursuing higher education. While doing so, new relationships are formed with persons from a whole variety of nations. Such students today are tomorrow's potential leaders and influential decision-makers. These relationships can help to diffuse the dangerous relations in other places.

>> <<

LS: *If a possible resolution is foreseeable in the not too distant future, can people learn to support the official government agreements?*

SP: I think it's possible. We can no longer stop in our own place. The peoples of Eastern Europe overcame the Iron Curtain and manage to have peaceful societies.

>> <<

LS: *Going back to the approach used in the Oslo Channel, although the negotiations were bilateral, would you say that the role of the Norwegians as a part of this approach is better than the usual process of direct bargaining between diplomats?*

SP: No, I wouldn't monopolise one over the other. I believe you have to keep your mind open for different arrangements. With the Egyptians, for instance, it was done differently. There are no rules and regulations, but there are structures that should be adopted in a given situation.

>> <<

LS: *Do you believe this first step of the DOP has sufficiently addressed the needs of identity for the Palestinians on one hand and security for the Israelis on the other?*

SP: The answer is yes. I believe it is still continuing; it is not perfect of course, but yes

I believe it is.

>> <<

LS: *There has been much emphasis placed on the personal relationships which developed from the Oslo process between Abu Ala and Uri Savir, for example. Do you believe these are lasting and can help towards implementing the agreements of the DOP as well as with further discussions?*

SP: Clearly, it helps, but it is not a condition. It can help, but only up to a given point because every problem has its own character.

>> <<

LS: *Is it necessary to generate trust for the resolution of a conflict?*

SP: I don't believe that negotiations are built upon complete trust. It is an art of convincing. What you need is creativeness, introduction of new ideas because peace is not a result of personal relationships, but arises from objective solutions. One must not fall a victim to any side's accepted positions. The Egyptians have a proverb; whenever you reach the Nile, you must be strong enough to carry the cargo and the person across it. So, I would say that when you have two parties, each of them has a position. The greatest task is to listen and try to understand the other's position, in order to release both parties from their previous positions so that compromises can be made.

>> <<

LS: *If the willingness by the conflicting parties exists, do you believe a third party can play a constructive role or is that third party then not needed?*

SP: It's not problematic. A third party can harm or help. You see, basically, I am not a great believer in rules and regulations; one must be very inventive.

>> <<

LS: *Were you open to the Oslo process, since it was another avenue being presented for*

that open-minded approach which is so important in finding a way out of a conflict situation?

SP: The Oslo Channel as such was not an approach; that is, nobody had a clear framework that was presented for others. It started out with just one meeting. But, I knew in my heart that the Palestinian option was the only one. We were waiting for the opportunity and got it. We found Arafat to be in a very weak position. A friend of mine warned Israel should be careful for Arafat might disappear, and then who would replace him. I thought he had a good point and so I said 'let's go and seek Arafat.'

>> <<

LS: *Do you still believe that?*

SP: Yes.

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LS: *You don't believe there is anyone else at present who is capable of seeing through the Palestinian cause?*

SP: I don't believe in looking for ideal leaders. You don't find them domestically, you don't find them abroad. You must deal with people as they are and the fact is that Arafat made up his mind to make peace with Israel. I respect him for that.

>> <<

LS: *Were you debriefed after each meeting by Beilin?*

SP: No, the negotiations were conducted by Uri Savir and Joel Singer who related information back to Beilin. They did a marvellous job.

>> <<

LS: *From January to April 1993, would you characterise that period as a pre-negotiations phase?*

SP: There really weren't negotiations; there were exchanges of views. As long as there

was nobody from the Israeli Government, it was simply a symposium.

>> <<

LS: *Was that a significant step in leading towards the negotiations?*

SP: I don't think it was important. You see, the idea of Gaza First wasn't borne out of those negotiations. It was made before. The idea of Gaza was sold to the Palestinians, with the help of the Egyptians at another place. So, Oslo was one channel. There was another with Egyptians and others in a parallel way.

>> <<

LS: *Was there a particular reason why this Oslo Channel succeeded as opposed to the others that were under way?*

SP: What held us back for a time was that the Palestinians had not shown that they could produce results. This was important for us. We needed to know if we entered into a dialogue and compromises, especially in matters relating to security, the Palestinians could deliver so that our security wasn't threatened. But, as things developed in Oslo, the outcome became undeniable. As long as results were not guaranteed to be produced, we didn't want participation of anybody from our Cabinet.

>> <<

LS: *Were you at any time in touch with the local leadership or was it your understanding that Faisal always received his instructions from Arafat?*

SP: I was in touch with Faisal Hussein several times, at my home. We talked, but he wasn't aware of this Oslo Channel.

>> <<

LS: *Were there contacts with him before this channel?*

SP: There was. Faisal Hussein and Hanan Ashrawi were involved in the Washington talks. The negotiations in Norway were supposed to be completely separate; so,

they weren't connected.

>> <<

LS: *Larsen mentioned that initially he approached Faisal Husseini because he believed that he was the 'future of the Palestinian leadership'?*

SP: I'm sure he learned quickly the man who decides is Arafat.

>> <<

LS: *Then you are optimistic about the future of the process?*

SP: We have a long way to go; many things can go wrong. But, at the end of the day, you have to decide what you want: violence or peace, to look to the future and the possible or to the past and what is only knowable.

Interview with Ron Pundak**Tel Aviv, 14 May 1995**

LS: *Tell me a bit about yourself?*

RP: I am 40 and obtained my PhD from SOAS in London in 1991 and my BA from the University of Tel Aviv in Middle East Studies. Between universities, I worked for the government as a researcher.

In mid 1992, I resumed my contacts with Yair Hirschfeld whom I knew from my university days in Tel Aviv. He approached me and suggested that I join him in his activities. Yair was then in the midst of an intensive back-channel with the Palestinians in the Territories; that is, mainly in Jerusalem, but also in the West Bank and Gaza. So, I joined the activities in April 1992 when the government was still in the hands of the Likud Party, a right-wing government.

We started working together mainly on two things. First, the peace-building activities, which were semi-political in nature. Second, we were running the Economic Co-operation Foundation. This was created by Hirschfeld and Beilin sometime in 1991, in order to put under one umbrella, the activities regarding economic development and co-operation, mainly with the Palestinians. This foundation, which at the time was quite small but active, needed a boost. Therefore, I was brought into the organisation.

>> <<

LS: *This was legal?*

RP: Yes, contacts with Palestinians were legal; those with the PLO were not. At the beginning of 1992, we dealt only with Palestinians in the Territories.

>> <<

LS: *How did the Oslo Channel start? At what point did you become involved?*

RP: I was involved from the very beginning. What happened was that we were dealing with this kind of back-channel activities. We had very good contacts with Yossi Beilin, Shimon Peres and other ministers of the new government, which came to power in that summer. We found ourselves in a situation where we also had good contacts with the Palestinian leadership, mainly with Faisal Husseini and Hanan Ashrawi among others. We tried to facilitate the peace process from the outside coming such as offering ideas to both sides or communicating them from one party to another. This was done on a private basis. We were completely independent and were not subordinate to anyone. We were very close to Yossi Beilin at the Foreign Ministry, but we were not under any supervision or hierarchy. At that time, the situation was a stalemate. We always were searching for other ways of encouraging the peace process: in the multi-lateral talks, we were more successful than the bilaterals.

The whole idea of Oslo didn't come from the Norwegians or from Yossi Beilin; in fact, it just developed. The development was due to the fact that we all searched for different ways of assisting the parties. Yair, Beilin and myself met with the Norwegians who offered any assistance we needed. The suggestion, in the beginning, was that we should talk with the PLO, but the answer from Beilin and the Government was a flat no.

At a certain stage, we were in Hanan Ashrawi's house. Both she and Faisal Husseini told us that without the PLO, nothing would happen. This would be though still illegal. Then she came up with this suggestion, 'why won't you go and meet Abu Ala.' When she mentioned Abu Ala, she did not mean to create a political, back-channel with him, since he was not a political figure. He was not dealing with the bilateral issues in Washington, but was working behind-the-scenes with the multi-lateral talks. He was more responsible for economic matters. As we

were engaged in general dialogues regarding economic issues with the Palestinians, active behind-the-scenes in developing ideas for the multi-lateral track, and since she knew we had very good contacts with Yossi Beilin who also happened to be the leader of the Israeli multi-lateral team, she thought it would be a good idea that we meet Abu Ala. In spite of the fact this was illegal, we could find a way of meeting him as private individuals. As far as I understood it and still do, what she suggested was not meant to lead to what we now call the Oslo Channel. This was just an idea of meeting Abu Ala and we decided it was a good one. The question was where to meet him. This was at the end of November.

In the beginning of December 1992, Yair was planning to go as an academician to a seminar in Europe. He told Hanan that he would be in Europe at that time. She contacted the PLO in Tunis and was informed that Abu Ala was going to be in London at the same time. Yair related where he would be and said that he would wait for a telephone call from Abu Ala. The first meeting between them, which occurred in early December, was like many others. Nobody at that time knew it would develop.

>> <<

LS: *There was no specific objective?*

RP: No, Yair and myself hoped that this might go somewhere, but we didn't know. At that time, we were trying a lot of different approaches. It was like throwing an arrow; hopefully, it would fall on the right target. The immediate decision was that this kind of a meeting should continue, though no one knew where it would lead to.

There were two meetings on the same day and the decision after the second was to continue it and the question was when and where. Then, the idea to meet in Norway came as before meeting with Abu Ala, Yair had met with Larsen. Larsen,

being an intelligent and quick guy who also understands and grasps politics, saw that there was perhaps a potential for something. Now he reminded Yair of the previous promises made by Norwegians that if anything was needed, assistance could be provided. Larsen said that he would be happy to facilitate. Yair and I were carrying this out on our private time and money. If something did develop and the meetings were to continue, we needed support from someone. We did not want the Israeli Government to support us because we wanted to remain independent. We trusted Larsen and had good relations with Egeland and others in the Norwegian Government as well as with FAFO. But, we were not absolutely sure. After London, Oslo was not a 100 percent venue for we did have other alternatives.

>> <<

LS: *You could have turned to another party?*

RP: We even thought of going to Tunis directly and rely on the fact that both of us have foreign passports. But, it was immediately brushed aside because we decided it was politically and tactically wrong. If we went and played in their court, that would be bad. Oslo was looking good because talks then could be kept secret, which would not have been the case if we contacted Tunis ourselves. It was better to have someone in the middle. We trusted Larsen due to previous contacts on other academic issues and Yair and him developed a chemistry.

>> <<

LS: *Abu Ala felt he could trust you and Larsen? Why did you decide to pursue such a channel which involved risk?*

RP: Well, Norway was taking a risk but only in hosting us and as for us, we had been doing it all along. But as for Abu Ala, I believe that Yair impressed him and he knew about our different activities and links to the Israeli decision-making

apparatus. He probably heard from Faisal and others about our activities. So, we were connected, people knew about us, we had a track record. Yair, in his many years of dialoguing with the Palestinians, also gained their trust. Additionally, in the past he was involved in different back-channel activities with them. One of the main difference between us and others was that we were not just academics who knew something about the area. We had a track record which was important. The brave or bold decision by Egeland was to put all of his weight on this channel, but this was based on the fact that he knew us and Yossi Beilin.

>> <<

LS: *When did it become clear that Norway was the best one to utilise?*

RP: Larsen immediately got involved. So we had his enthusiasm. Prior to this, it was our decision that we would like to pursue this track and the easiest thing was to agree to Larsen's suggestion as he would host and bring the Palestinians and us to Norway. Within a short span of time, the dialogues between us and Larsen became quite intensive. Larsen himself opened a dialogue with Abu Ala and based on the fact that he knew Abu Ala from a previous meeting in January 1991, it was easy for Larsen to make quick contacts.

>> <<

LS: *And you knew this had the tacit support of the Norwegian Foreign Ministry?*

RP: No, at that time we didn't expect or think we needed it. We wanted a venue, the creation of a meeting. Someone volunteered to handle the administrative matters and we accepted the invitation to an ostensibly academic meeting; this was of course a cover, but that is how it was planned.

>> <<

LS: *Was that important?*

RP: It was important to create a situation where we would meet a PLO delegation, which was totally against Israeli law. The meeting with Abu Ala in London could have been explained away, but this meeting on such a level needed to be done under a type of a meeting, an academic one; that is what Larsen arranged. We found out the night before we left Israel that the Israeli Cabinet abolished the law forbidding contacts with members of the PLO. There was a presentation by a FAFO representative, but neither the PLO delegation nor Yair and myself had the patience to listen because it wasn't the reason we came.

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LS: *How would you describe the role played by the Norwegian third parties?*

RP: In the beginning, they mainly provided coffee and talked to us during breaks. The atmosphere and the facility they provided were important. From the very start, Larsen played not only the role of host, but a kind of a third party who was there to deliver messages. He also would feel out the one side and come back to the other with his readings, insights and try to assist in overcoming the many problems. We did not have such problems at that first meeting, but it was very important to have someone like him there. After the first meeting, he did not participate in any of the sessions and was not involved in any of the direct meetings. Egeland's appearance at lunch before the first meeting was also very helpful. It was an indication of the Norwegian Government's tacit support, which was not only important for that fact itself, but gave the Palestinians, I believe, a feeling that the Norwegians were taking us (the two academics) seriously. That is, there was a hidden message that we had very good access to the political decision-making process.

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LS: *You and Hirschfeld established the loose framework of for example, not talking about the past?*

RP: I don't remember who decided it. I remember one of the Palestinians at that meeting started to talk about the past. Immediately, the others and us ceased the opportunity and said, the past should not be discussed. The past is important and should be remembered, but it should not dictate our discussions for we wanted a better future. It was clear among us that this was an opening of a new chapter.

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LS: *So the purpose of the first meeting near Oslo was to explore issues?*

RP: Exactly. It could have ended there.

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LS: *What made you decide to proceed; just personal chemistry, the ability to directly talk about the issues?*

RP: It was a combination of the two. First, Immediately, we were able to create very good relationships professionally and personally: a chemistry, an understanding. To some extent, it was influenced by the people from both sides. Second, we came to listen and to convey our ideas. But, the messages given by the Palestinians were very, very, impressive. It was clear to us that they were there to make deals and not to make speeches. There have been so many occasions when Israelis and Palestinians were present and the emphasis was more on delivering speeches. But, on that occasion the objective they presented impressed us. So that pushed us to come back.

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LS: *Was the secrecy as well as the fact they were not direct politicians important?*

RP: To the second question, I would say no. On the contrary, Abu Ala was then a high-ranked politician. We were again impressed by the level of the Palestinian delegation and so knew they were serious. The substance of the meeting combined with both sides' enthusiasm to try and find a way to break the deadlock, were

important. Also, it was important that the two leaders of the Palestinian delegation, including Abu Ala, were both in the political as well as the economic arena. They had an understanding of what we call a 'New Middle East'. As I already mentioned, Yair and I also dealt with economic matters in the Middle East and were from the same school as Beilin and Peres. That is, we believe in a new Middle East based on co-operation, economically and politically. Therefore, we immediately had a common language about the future. The verbal good will also helped and it was so different from the typical negotiations of the past.

Our whole approach was fundamentally different. From the beginning, Yair and myself thought that this was a possible win-win situation and not a 0-sum or win-lose one. We wanted to see a development that would lead to a prosperous Palestinian entity, rather than a weak, fearful neighbour beside us.

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LS: *You were present through all the meetings until August?*

RP: Yes.

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LS: *Would it be correct to characterise the period between January and April as the pre-negotiations phase and from May to August as the negotiation stage?*

RP: Yes and no and this is why. We tend to say so, since between January and April, we negotiated the draft of the DOP [Declaration of Principles]. WE did negotiate and they were very tough and direct. But, we call that period pre-negotiations as we were not negotiating officially, on behalf of anybody but for ourselves. Nevertheless, I would characterise those sessions as negotiations, since Peres was already instructing us and Rabin was in the picture.

So, towards April we were almost negotiating on behalf of Peres, although the Palestinians were not aware of this fact. In short, we call the period from

January to April or May pre-negotiations, because all ideas were jointly formulated and we considered the consequences for both sides. It is difficult to decide how to describe it as we had tough, serious, long discussions until April as well.

But, when we had the draft and entered into the second phase, when Mr Savir and Singer came, it became an official track. Then, real negotiations started because it was between the PLO and the state of Israel.

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LS: *The Oslo process endured for which reasons?*

RP: Many things made it possible. First, both sides wanted to complete an agreement. So, in spite all of the problems, it was clear that both sides would put in the extra mile, in order to reach an agreement. Therefore, even during the worst days when it looked as if everything would collapse, we knew eventually a deal could be made. With this knowledge, everyone made the effort, of course not at any cost, but there was enough ground covered to make it possible.

Second, the team in Oslo was completely devoted to this process. Third, the Norwegians also helped very much, but I would not say that they were vital.

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LS: *Would you then describe a good third party as one who is active only when invited?*

RP: The Norwegians were in a very awkward situation. Just think about it, you have the Israelis and Palestinians discussing in a closed room for many hours and coming out only for a bite to eat. You have important individuals either affiliated with or representing the Norwegian Government sitting outside, pouring coffee and waiting to hear how it is going. In spite of his importance, he is waiting, only to be there if a problem arises. Larsen did this very successfully. When we or the Palestinians felt that the talks were not progressing, we would complain to him and he would convey these messages to the other side. So, he and others who comprised the

Norwegian team had a role to play and their friendly, intelligent style helped everyone.

I could not even now think of a better way to do it. I do not mean that only Norwegians can assist in this way. The fact that they did not *impose* themselves upon us was crucial. They were always there and willing to help. They also travelled to Jerusalem and Tunis when problems did arise, in order to convey messages. I would not say that if they were not there, the dialogues would not have happened; but, their presence made everything easier.

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LS: *Were you aware that the US State Department was informed?*

RP: The first information came from us. We informed them.

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LS: *Did that continue?*

RP: We had an ongoing dialogue with Kurtzer. So, he was in the picture throughout the process. We did not inform the department all the time, only every now and then. Prior to this, we encouraged the Norwegians to make contact with someone in the US State Department. The Palestinians were also very keen because if the Americans were in the picture then it was serious.

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LS: *What was Kurtzer's reaction?*

RP: He was encouraging. He said to pursue this channel. 'If you are successful that is wonderful.' He said though at the same time, 'we will pursue our channel: the official Washington track.' AS a matter of fact, this was the same reaction we received from Rabin. When he heard about it, he did not object, but indicated that the Washington track would continue. It seems then that by enlarge, the American administration did not take this seriously. Even when the Norwegians informed

them of how successfully it was turning out to be, luckily I believe, they did not take it seriously.

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LS: *Why luckily?*

RP: Because I think that they would have probably entered into the picture like an elephant on the charge.

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LS: *Do you think the confidential aspect was important?*

RP: The confidential aspect was crucial. Without this, the Oslo Channel would not have happened.

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LS: *In drafting and reworking the DOP, was the issue of settlements addressed or deferred?*

RP: As apart of negotiations, we discussed everything. It was clear in drafting the DOP that deferment of this issue was the only agreement we could reach for the moment. Therefore, we agreed not to include it in the draft of the DOP. This did not change when Savir and Singer entered into the process.

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LS: *In retrospect, was this issue one that could have been eventually addressed?*

RP: No, because from the start, we told the Palestinians that was a non-starter. We believed we knew what the mobile and the immobile issues were, at least on our side. We did have to convince the Palestinians where Rabin's boundary-lines lay. In the beginning, they did not believe that Rabin would endorse the agreement which finally resulted. We told them, 'Rabin is not whom you portray him to be.' They viewed him as a Likud leader. But, we pointed out what we believed were non-starter issues including Jerusalem and the settlements. If we wanted to achieve

something these things had to be put aside.

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LS: *Did they have non-starters?*

RP: They had demands, but some things we said would not be accepted. I believed we had a unique knowledge of what would be acceptable to the Israeli Government and the Palestinians, since we had worked with Palestinians for a long time.

>> <<

LS: *Then you do not believe that the general principles on which the Oslo Channel is based, which have been termed its greatest strength is not also its greatest weakness?*

RP: No, Oslo meant two things. First, It created a new dynamic relationship and a breakthrough between the Israelis and the Arab world. It was the understanding that the only way to have a breakthrough with the Arab world in general was to reach an agreement with the Palestinians. Second, We all wanted to put in place principles that would guide a political process, which hopefully will lead to a peace between the Palestinian people and the Israelis. The Oslo Channel was possible because it was about principles. Also, there are agreements within the document as well as some very detailed principles. The idea of Oslo was to create a mechanism and set the guidelines, which would make future negotiations easier. With hindsight, I would not have changed anything in the way the Oslo Channel operated.

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LS: *The DOP came out of the bilateral negotiations and the Norwegians did not have any input?*

RP: No, the Norwegians did not have any input into the substance.

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LS: *In saying you would not have changed anything during the Oslo Channel, you would not have opened it up to a multi-lateral process, for example?*

RP: No, never. I think the advantage of Oslo was that we were isolated and far away, both from the day-to-day problems and the strains of mental pressures of being in the region itself. Also, the combination of informal brainstorming with negotiations enabled us to put ideas on the table, which any person in an official track cannot do. Together, we developed a formula and went back and forth to our leaderships. This approach allowed us to offer changes and agree upon them, without having to commit to a set of ideas before the final document was produced. I think this type of conducting talks was an impossible task in Washington. Additionally, the Norwegians played exactly the right role: not that of a moderator or a mediator. When we needed them, they were there to help and did so. They were not involved in formulating principles. At certain stages, we provided the Norwegians with texts not for feedback, but to reinforce our confidence in them and also to show results. After all, they invested a lot of time, effort and money. We wanted to encourage them to continue with the process.

>> <<

LS: *Did your role remain active throughout the process?*

RP: Yes, but there was a clear change. One could say until May, Yair was at the steering wheel and I was in front with him; navigating, assisting and changing him from time to time. When Savir and Singer arrived, we went and sat in the back-seats. Our role was less important, but it was still a team effort; not only in the discussions inside, but also we used our knowledge from the first five months. A trust had developed between the Palestinians and us and we shared almost the same desire, not politically, but to succeed. It was like developing an embryo; you could not have just begun with the officials.

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LS: *Were you approached by the press at any point?*

RP: No. But the press tried to find out. But, at that time it was so far-fetched that nobody even went to verify it. Even when rumours came out for a while, nobody picked it up and developed the story.

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LS: *Jan Egeland mentioned that there was a consideration of continuing the Oslo process after agreeing on the DOP, to possibly work on other issues. Did you stop because you thought that was all that could be achieved?*

RP: We thought that was what we came to do. We ended our official role when the DOP was signed. When Rabin can meet Arafat in public, this was our aim.

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LS: *Are you still involved in the process?*

RP: I would say in and out. At Holst's funeral, Yair joined the Israeli delegation and participated in some of the meetings. The message is that although we are out, we are still consulted.

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LS: *Was Oslo a unique case or could some of its elements be applied to other conflictual situations?*

RP: I think it can be carried through but under one condition. It should not be ever thought of as a political science model. I believe history does not repeat. However, segments of history in different varieties and ways can provide clues. One can also learn from events. The concept of Oslo maybe modified to specific arenas, peoples and areas.

>> <<

LS: *Is there a case for referring back to an Oslo Channel environment to work out*

further issues?

RP: Not necessarily. I think the two sides can just continue the negotiations, unless there are some very unique ideas or a situation arises where informal groups and a third party could be more helpful. Otherwise, the scope is wide enough for the officials to meet publicly or secretly.

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LS: *But referring back to a more non-political arena would not be helpful?*

RP: Of course the potentiality is always there.

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LS: *What would you say about the future prospects of the Oslo Channel? Has the personal relationships that developed during the negotiations effected the political process?*

RP: The relationship between Savir and Abu Ala is not particularly personal; I mean, they are not friends. But, they developed a kind of a language, a type of understanding as a result of Oslo. This, I believe, allows them to tackle problems in the official track. But, during the negotiations from May to September 1993, the personal angle was definitely important. I would not say that today, we have better relations with Abu Ala than with others in the Palestinian National Authority.

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LS: *What has been the recognition for you both in this region?*

RP: No, no. People recognise the names Ron Pundak and Yair Hirschfeld when the Oslo Channel is mentioned. But, we did not receive any recognition, not even a thank you letter from anyone officially; we were not expecting anything. We did not become involved for recognition.

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LS: *What was your motive for starting initially?*

RP: For many years, I believe both Yair and myself, each in his own way thought and still do, that the only way for Israel to exist in the Middle East is through peace. The only way that peace can prevail in this area is through an understanding between the Israelis and the Palestinians. On top of this, both of us disagree with a former Israeli Prime Minister who said that there are no Palestinian people. On the contrary, I believe there are Palestinians with great aspirations and they should be free to realise them, in a way that would create a good neighbour. Also, politically we thought then the time was right and we had a window of opportunity. History put us in a situation, to be instrumental in this process.

Someone asked me if without me and Yair whether the Oslo Channel would have been started at all. My answer is that it would have started, but in a different way. The time was ripe for such a process, but needed somebody to give it a push. I believe we were the ones who gave the first push. Perhaps, Yair and myself were intellectually courageous and just a little more far-sighted than others, with the stamina and personal strength to continue, against all odds. There were times during the process when probably some would have said, 'to hell with it'. But the eventual outcome of the Oslo Channel was worth all the frustrations. We knew we had to reach an agreement with the Palestinians if we wanted to find a comprehensive peace in the Middle East. I think that Jordan would not have been so expedient in coming to an agreement without such developments. Like conflicts, peace can be infectious.

Interview with Uri Savir**Jerusalem, 24 May 1995**

LS: *How did you become involved in the Oslo Channel?*

US: As you know the channel started officially with Pundak and Yair Hirschfeld and I was associated with Yossi Beilin. The reports started coming in January or February.

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LS: *So you were aware of it from January?*

US: Yes, from the beginning of the Norway talks and the first draft of the DOP document. We had a small team who looked through the document. The channel became more and more credible and the PLO seemed to be able to deliver. Simultaneously, the Washington track became paralysed; therefore, we decided to move the Oslo Channel to a more official track. I was called two weeks after being appointed Director of the Foreign Ministry, in mid May 1993. Then, the Prime Minister and Beilin decided that I should go to Oslo to meet with Abu Ala and the Palestinians, to test the waters and to find out if the mandate was workable. For example, they wanted to see if the PLO would agree to keep Jerusalem outside the autonomy, which was one of the big obstacles in the Washington talks and was a condition from our point of view.

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LS: *What did you find when you arrived in Oslo?*

US: I was very impressed by the people I met and by the seriousness of their intentions. I think what impressed me most was not that the Palestinians accepted certain conditions for the continuation of the talks, but that they had a basic philosophy of the future. In other words, the solution of the Palestinian problem would be resolved by creating a new type of a co-operation with Israel. Rather than resolving

the issues only through negotiations, there was a whole philosophy here of cordiality, co-operation and mutual dependence.

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LS: *Based on your observations, you reported back to Peres that the negotiations should continue?*

US: Yes, very much so. I also recommended that a lawyer should be added and that is when Yossi Beilin suggested that Joel Singer could be brought over from the States. On my second trip, Joel joined me and the professors. A lot of work had already been done in Israel, some basic questions were prepared that were still unanswered.

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LS: *You were present in all the meetings through late August?*

US: Yes, I was in the meetings from then until the signing of the DOP on August 19 and 20. Then, Joel and myself alone were involved in two more rounds; one in Oslo and another in Paris concerning the wording of the Letters of Mutual Recognition from August 22 and September 9.

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LS: *Do you think Pundak and Hirschfeld played a crucial role in that they already helped to develop a framework before your arrival?*

US: Yes, I think they played a very constructive role because they developed the concept. It is the concept that is important and not so much the document or the agreement. It was clearly a concept that could be developed into an agreement. They also were a conduit for the PLO to send messages. I think in both these ways, they played a very significant role.

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LS: *How would you characterize the role played by Larsen and his team?*

US: Let me first say another word about Hirschfeld and Pundak. I think the academics

greatly helped the process as they were able to explore ideas that could not be discussed officially. In terms of Terje Rød-Larsen, I think he was the psychological architect of this rapprochement. He had the credibility on both sides and he helped to enhance (almost like an unseen player) the mutual credibility by putting always the emphasis on the positive intentions of the other side. Secondly, he created the optimal conditions for secret negotiations. He encouraged a framework that turned two delegations into one group: of course with different interests, but with common ambitions to come to an agreement. Especially, when we were in Jerusalem and Tunis, Terje Rød-Larsen communicated messages in a very constructive way. He also created opportunities for us to express our frustrations and anger during negotiations in a way that was not destructive for the negotiations themselves. Furthermore, he and his wife Mona were absolutely determined to make it work. This was very helpful especially, during the difficult hours. In that way, Larsen helped develop a new kind of a diplomatic role. He was not a mediator, since he and the other Norwegians did not participate in the negotiations. They worked as a most effective facilitator, which is perhaps more difficult than the role of a mediator.

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LS: *How would you describe a facilitator?*

US: I think that a facilitator understands that a deal has to be reached by both sides.

1. The facilitator encourages both sides to find the common ground and to distinguish between the futile and the essential.
2. A facilitator such as Larsen helps to keep the sides talking and steers the parties away from becoming side-tracked by very nerve-racking, long hours of negotiations and fatigue.
3. A facilitator assists in creating the necessary environment and

conditions where negotiations can be held.

4. A facilitator helps the parties to define the common interests and creates a condition in which the personal relationships within such a back-channel can be used in an effective way.

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LS: *To what, do you attribute the durability and eventual success of the Oslo Channel?*

US: I think a main reason was the political structural elements. Both sides decided that a deal was necessary, given the regional and international changes. Additionally, Rabin, Peres and Arafat all chose to proceed with the talks in Norway. Regarding why these negotiations worked better than others at that time; I would say first, they were secret which allowed us to explore certain ideas, which cannot be discussed in open negotiations. This significantly advanced the talks, since you have an opportunity to compromise without being looked at as if you are compromising, in the media's eye for example. You can also adopt bargaining positions that are easier to retreat from. The process becomes a lavatory where you can explore constructive new ideas that surpass the preconceived notions of what kind of an agreement you want to achieve. All of this is characteristic of such a channel and a special Norwegian flavour, where you have a facilitator with very special characteristics, with a lack of selfishness in a way.

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LS: *What does the Oslo Channel represent for you?*

US: It's the beginning of the end of the Israeli-Palestinian conflict. There are two main aspects. First, the real achievement is the mutual recognition between the two peoples. Second, the Oslo Channel presents a road map towards a different kind of relationship, which does not involve Palestinian rejection of Israel and an Israeli rejection of the Palestinians. Since the process was based on healthy values and

common interests, this road map together with mutual recognition will serve both sides and help them to overcome all the obstacles, difficulties and oppositions that are a part of the implementation process.

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LS: *Do you think there are lessons to be learned from the Oslo process?*

US: I think the lesson to be learned is that that there is a great political importance in being able to lay out principles rather than details for policy change. One should not be hypnotized by incremental diplomacy that very often slows down a historical process, but realize the advantage of formulating those principles, based on fundamental policy change under the given circumstances of the day.

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LS: *Do you think the DOP and the other agreements are presently under serious threat?*

US: I think that the process will always be challenged, in terms of obstacles on the ground, public oppositions and violence. But, I believe people tend to confuse agreements with the problems. You can see the enormous strengths of these agreements as the parties have overcome so many obstacles, land-mines and the physical mines.

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LS: *Do you think that the Oslo Channel is a unique case or could some of its elements be extended into resolving other conflicts?*

US: I think they can be generalized in terms of some of the elements. Obviously, some of them are unique such as the types of the participating parties and the historical period. The generaliseable elements include secret negotiations, exploration of ideas by non-officials and formulating principles for implementing and continuing peace-building.

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LS: *Do you think this is a better way than direct negotiations?*

US: I would say that mixing is good. It is advantageous to have an unofficial stage in the beginning and an official one afterwards.

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LS: *How would you define peace in the Middle East?*

US: Peace is an inevitable process, based on a very fundamental change of countries' and societies' definitions of their self interests. The problem right now is that people see the change, but that vision, which is in front of them is not yet captured in the mind. The mind-set is slower to change than events. Therefore, once attitudinal changes are created in societies, it becomes an irreversible process that filters down to the benefit of all affected societies.

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LS: *How long will that take and what do you mean by inevitable?*

US: No doubt, it will take quite a while because the conflict has been so long and attitudes are so entrenched. But, I believe that Oslo is inevitable, irreversible if we will stick to Oslo.

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LS: *You think that is the only course to follow?*

US: It is the only course, if one wants to follow the path towards peace. There is no irreversible course in history; people could decide to backtrack, but that would lead to disaster. That is always the alternative and those who have criticized the imperfections of Oslo never take into account it was either Oslo or deterioration to growing fundamentalism, extremism and the danger of war. So this was a non-typical victory of reason and vision, in contrast to conflicting emotions and paralysis, looking only at the past. We shall see the new realities that the Israeli and

Palestinian leadership created. What has been proved is that there is no predestination of Israeli relations with the Palestinians, but it depends ultimately on both sides.

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LS: *Finally, are you optimistic about the future prospects?*

US: I will give you an answer which is contradictory. I don't think that optimism or pessimism is that useful as both lead to paralysis. It really depends on what we do. Having said that, we have the opportunity to do the right thing. In contradiction to what I said before, yes, I am very optimistic.

Interview with Thorvald Stoltenberg**Geneva, 20 June 1995**

LS: *How did you become involved in the Oslo Channel?*

TS: I have a long history in the Middle East, in particular with Israelis and Palestinians. I met with interested members of the PLO, which included Chairman Yasser Arafat in 1981 and 1982 in Tunis. He expressed an acute interest in establishing direct dialogues with the Israeli Government. I pursued this and worked over the next two years towards helping the two sides to meet. Unfortunately, a meeting with a leading figure of the PLO in 1983, designed for such a purpose, had disastrous consequences. I was in the Montechoro hotel lobby in Albufeira, Portugal when I saw before my eyes, a Palestinian friend gunned down. It was a terrible shock and reminded me how dangerous engaging in a peace process is. Later, I would learn that he was assassinated by Abu Nidal's organisation, an opponent of Arafat's. This experience did not deter me, but it did make me more cautious in how I approached things.

Then, in 1987 I became Norway's Foreign Minister. My Deputy, Jan Egeland, first told me about a possible meeting between Israelis and the PLO in 1992. This was after having tried to arrange meetings between local Palestinian leaders such as Faisal Husseini and Israelis. I, along with others, believed that he represented the future of the Palestinian community and could speak more directly for those who lived in the territories of Gaza and the West Bank.

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LS: *This was during the Washington talks?*

TS: Yes. The Madrid and Washington talks didn't seem to be going anywhere and everyone was pretty pessimistic.

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LS: *Your contacts with the Palestinians...*

TS: Yes, as I said I worked to forge links with Palestinians both within Israel and outside. When the Swedish Socialist Government lost their election, my friend who had been the Foreign Minister told me that I should work to have a balanced relationship between Israel and the PLO. Up until that time, Sweden had been very close with the PLO.

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LS: *Jan Egeland informed you when?*

TS: From the very beginning. Even before what you would now call the Oslo Channel, we had meetings with Yossi Beilin.

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LS: *Were you in favour when the possibility of a meeting between Hirschfeld, Pundak and the PLO was brought to your attention?*

TS: Oh most definitely. The stalled Washington talks convinced everyone concerned that you had to talk to the PLO directly, if an agreement was to be eventually found. In Washington, not only were the talks public but the real decision-makers were being excluded.

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LS: *Were you present during any of the meetings?*

TS: No, I left things to Jan Egeland. I knew he was capable and by remaining in the background, I believed more progress could be made. Too many cooks can spoil the pot you see.

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LS: *Did you inform the Americans from the beginning?*

TS: Briefings were given without too much details to Dan Kurtzer of the State

Department. I believe, but do not know for sure, that Israel and the PLO did the same.

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LS: *Do you believe that the type of role you played was more or less helpful than the more active one taken up by your successor Holst?*

TS: There's a time and a place for a variety of approaches. I believe one does not have to exclude the other. But, I preferred to remain in the background. I do regret that I had to transfer away to work on Bosnia, though this opportunity was too good to refuse.

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LS: *What is your assessment of the Oslo Channel now?*

TS: I believe it was important for Norway to have a foreign policy that invested in peace as much as in military defence. As one must be prepared to defend oneself and the people of one's community, so must one be prepared for peace. If you are not able to seize an opportunity for resolving conflicts when one presents itself, then this can set a country back for decades. I don't mean just in terms of enmity, but there are other hidden high costs like a stifling in the growth of economies, societies, etc. Yes, the Oslo Channel has its limitations, but it was never designed to be an end-all document.

I now work on former Yugoslavia. You can make a comparison between the approaches adopted here and Oslo. It is difficult to know which is better. In Oslo, the broad principles were agreed, people decided that they had to talk to one another, gradually building and fostering trust and to recognise one another's existence. These are vital ingredients for transforming societies but harder for people to appreciate sometimes, as real concrete short-term results can be harder to see. In Bosnia, on the other hand, talks revolved around the

minutest detail; can the parties agree about how to cross the bridge, who should have control of it. These talks were about practical issues and detailed steps, but no broad agreement on how differing ethnic communities could live peacefully and co-operatively. The lack of this broader agreement may defeat the detailed steps, which produce immediate results.