January 1992

Getting to the Table: Creating the Forum for Negotiations in Deep-Rooted Conflicts

James H. Laue

Follow this and additional works at: http://digitalcommons.wayne.edu/socprac

Part of the Sociology Commons

Recommended Citation

Getting to the Table: Creating the Forum for Negotiations in Deep-Rooted Conflicts

James H. Laue

ABSTRACT

The first step in the conflict resolution process is establishing a forum in which cooperative negotiation can occur among the parties. Three aspects of this "getting to the table" process are analyzed: functional requirements for the table or setting, methods of getting the parties there, and value choices about the nature of the table and the process there.

True *resolution* of conflict—in contrast to management, settlement, winning-losing or mere termination—occurs only through negotiation or some other form of mutual problem-solving. This principle is especially relevant wherever deep-rooted conflicts persevere, particularly where differences are rooted in religion, race, ethnicity or other sources of group identity. Coercion and continued violation of the basic human needs for identity and recognition never can "resolve" deep-rooted or political conflicts (Burton 1987). A settlement imposed by one of the parties or by an outside source will not last unless the basic needs of each party are satisfied; that can only take place through joint analysis, relationship building, and problem-solving among the parties.

How is it possible for parties who have sworn not to talk with one another to get to a negotiating table? How is it possible to build an environment for problem-solving when the other party is defined as the problem? How can a setting be created for parties who have vowed never to compromise, to shape compromises?

This article examines the process required to build a forum (i.e., an environment, setting, or set of conditions) to which parties are willing to come—at least for one meeting—to examine the prospects for resolution of their conflicts. I have developed the phrase "getting to the table" which describes that process, with "table" as a broad metaphor for the forum (face-to-face, shuttle, or electronic) in which negotiation and problem-solving may take place among the disputing parties.

The Problem-Solving Paradigm in Political Conflicts

"Realism" and "Problem-Solving"

The so-called "realist" paradigm in international affairs has dominated thinking about protracted political conflicts within nations and at the regional level as well. The goal has been security in a dangerous world of adversaries, with the strategic focus on control, enforcement and deterrence. Winning is the immediate objective in any conflict.

In the last two decades, a growing group of scholars and practitioners has shifted the focus to resolving rather than winning conflicts, with the strategic focus on analysis, problem-solving and negotiation (Burton 1969; Doob 1970; Kelman and Cohen 1976; Zartman 1977; Fisher and Ury 1981; Mitchell 1981; Banks 1984; Saunders 1985a). In this framework, all of social life is a negotiated order, and self-interest is best served by engaging in negotiated problem-solving with other self-interested entities in an uncertain but interdependent world. Sustaining and improving the relationship is as important as achieving a satisfactory substantive outcome in conflict.

The getting-to-the table problem is set in the context of the joint problem-solving approach to political and deep-rooted conflicts. It values joint approaches over unilateral action, face-to-face interaction, viewing the other party or parties as negotiating partners with whom an agreement is possible (rather than as enemies or opponents to be beaten, and a focus on good relationships as well as good substantive outcomes. These are clear process preferences, which may not be shared by the parties. Helping the

parties to create and own the process is always the first step in helping them create and own satisfactory outcomes.

Political Acts and Problem-Solving Fora

Harold Saunders, former U.S. assistant secretary of state for Middle Eastern Affairs and a key player in the negotiations which led to the Camp David Accords in 1978, appropriately insists that negotiation in political and policy conflicts can only be understood by placing it in the context of the ongoing flow of political acts of the parties. Negotiation is only one form of interaction between nations or identity groups. It does not take place in political isolation. It often occurs informally or through "back channels" even when the dominant mode of interaction is war or some other mode of adversarial behavior.

The beginning of negotiations usually represents a conscious choice of the parties to change the forum in which their dispute is being conducted— or at least a change in their perceptions of the relative advantages and disadvantages of a win-lose adversarial forum for conducting their dispute. The brokering or coercion of a third party or parties may convince them to change the forum. Changing the forum also is a political act and has a political impact on the nature of the ensuing process.

This stage of conflict resolution, according to Saunders, is the most neglected element in analyses of the process. Most of the myriad frameworks explaining the phases of negotiation and mediation begin somewhere near the middle of the actual process with a stage such as "Define the Problem," tacitly assuming that the parties already have been identified and have agreed on a venue and a set of procedures for negotiating. Instead, the first stages are what a number of authors (Saunders 1985b; Zartman 1985; and Bendahmane and McDonald 1986, 311) have termed "pre- negotiation," du Toit "bargaining about bargaining" (1989), and Laue "getting to the table" (1986; Laue et al. 1988; see also Stein 1989; Rothman 1990; Potapchuk et al. 1990).

Cases abound to illustrate these processes and stages—and their essential functions in the transition from war or other adversarial fora to the negotiating table: the preparation over several years of the Carter White House for Camp David (Carter 1985; Quandt 1986), of Costa Rican President Oscar Arias Sanchez in convening the Central American Peace Process (Esquipulas Dos), of U.N. Secretary General Javier Perez de Cuellar in Afghanistan and Iran-Iraq, of U.S. Assistant Secretary of State Chester Crocker in Namibia (Laue 1991).

Getting to the Table: Theory, Process, and Problems

A Theory of the Forum

A *forum* is any structured setting in which parties may communicate their interests to each other and conduct problem-solving behavior about issues between them. Establishing a forum acceptable to all the parties is the first major stage in the resolution of deep-rooted political and identity group conflicts. The forum in conflict resolution usually involves face-to-face interaction among the parties, but also may be conducted with the aid of third-party shuttles ("proximity talks" in United Nations parlance) or electronic communications technology.

The concept of forum is not new. Archimedes understood it when he said, "Give me a piece of ground to stand on, and I will move the world." No significant social action occurs unless the participants have the appropriate base from which to move. The "peace pipe" ritual among Native Americans and the structured exchange of peace masks and other ritual objects among many tribal peoples provided the forum for religious, political, and other types of negotiation with the gods or other humans. The "Samoan Circle," the Quaker meeting, the New England town meeting, the diplomatic conference, neighborhood "mediation" in China—all are examples of fora in which negotiation and other forms of social interaction have taken place throughout history.

Elements of the forum required for resolution of conflict include:

1. *Auspices.* What persons or institutions provide the necessary societal or group approbation necessary for legitimation of the forum? Who can convene or otherwise cause the parties to meet initially? The auspices may be provided by elders, the church, secular community leaders, any organization or combination of organizations (the United Nations or the Organization for African Unity, for example, or the Red Cross or the Urban Foundation), a person with credibility—any combination of persons and or institutions acceptable to the parties.

2. *Location(s).* Where will the parties meet? In one location acceptable to all? In several settings for balance and constituency acceptance? Only via personal messenger or electronic means instead of face-to-face? Is a high prestige venue required—or should it be highly confidential? Historically, parties have gotten to the stump, the kitchen table, the woodshed, the circle on the ground, the bench, the bar, the altar, the street, the battlefield, the bed, the press, or the hot tub. All are appropriate fora, depending on the perceptions and preferences of the parties (or in some cases, as with the woodshed, the dominant party).

3. *Time Frame*. When shall we meet? How often? With what frequency? Over what time period? Do we set the full schedule in advance, or are meeting dates determined serially or as the need is defined? Is this a conflict clearly limited by elections, military plans, the nature of the issue, the parties, the phases of the moon, or other elements outside the control of the parties? Who decides often is a crucial question in the politics of scheduling.

4. *Participants*. Who should be at the table—the direct parties, their representatives, second-level parties, parties-in-exile, or scholars who understand the parties' positions, sympathizers, relatives, indirect parties, constituents or observers (how many?), only those bearing political recognition or other form of legitimization, or only some of the parties? Who decides who is a "direct" party? Who decides how big the table should be?

5. *Role Relationships*. The formal and informal role relationships parties bring to the table are critical in determining their interaction. Is there a prior relationship among any of the parties? Do they wish to maintain and enhance it? Do any of the parties have direct authority over any of the others (a cardinal and a priest, a tribal chief and a tribal member, a boss and an employee)? Do the parties bring different historical relationships with the mediator or other third-party who may be involved?

6. *Procedures*. Often the first joint decision fashioned by the parties at the table, the ground rules, or the procedures under which the parties will interact may proscribe the range of behaviors and outcomes in any given forum. Are they imposed by an authority or developed jointly by the parties? How are they enforced? What is the decision rule (voting, consensus, other)? Caucuses? Observers? Who may speak? Is there a third party? Media? Reporting to constituencies? Gandhi said it most succinctly: means are pregnant with ends.

7. *Issues*. Issues are the substance of conflicts. An issue arises when Party A believes Party B's behavior will prevent Party A from reaching an important goal. Two basic types of issues in conflict are those about *resources* (those goods, services and symbols valued by parties as necessary for survival and the conduct of appropriate social interaction—e.g., food, shelter, clothing, money, education, information, security, territory, prestige, affect) and *power* (control over decisions about the allocation of resources). Conflicts involving power struggles always are more protracted, deep-rooted, and contentious than those over resources alone. The use, maintenance, and efficacy (and often the expansion) of power are at the heart of all political disputes.

8. *Communication Medium*. The media for communication among disputing parties may be live (face-to-face or through a shuttling intermediary), electronic (computer conference or telephonic connection), or print

(thought exchange of hard copy though human or computer as intermediary). Parties ask, at least tacitly: what are the advantages and disadvantages of joint, face-to-face interaction compared to the other communication modes? Do we want to confer recognition on the other party or parties by being in the same room with them? Can we vary modes of communication to suit our perceived interests? What about the role of outside media—should our communication with them be individual, joint, through a third party, or not at all?

9. *Values*. Values (conceptions of the desirable and undesirable) underlie every element in a given forum and all the behavior exhibited there. Choices are made, explicitly or implicitly, about a range of questions that present themselves as a forum is built and operated. The most important values underlying any negotiation or joint problem-solving approach have to do with the nature of the process and the mode of interaction between the participants. They are examined below in "Value Choices in Building the Forum."

Why go to the Table?

Getting to the table does not assure getting to resolution. Parties in conflict may seek a forum, and/or agree to take part in negotiated problem-solving, for a wide variety of reasons. In negotiations over policy and political issues, coming to the table may be viewed as a political act itself (i.e., designed to enhance one's power or the potential for a better outcome by changing the forum), and what happens at the table as an extension of political interaction in another forum.

Why go to the table? Parties may enter into negotiation or joint problem-solving to accomplish any one or a combination of the following objectives:

- to stall
- to avoid reaching an agreement
- to legitimate present political or military activity
- to save face
- to gather intelligence on the other party or parties
- to test the water or float an agreement
- to unify the home team
- to ceremonialize
- to ratify a prearranged understanding or agreement
- to send a message
- to solve a short-term problem
- to resolve the conflict through negotiation

Those interested in achieving resolution of conflict through direct nego-
tiations have to find ways to assure that the major focus of the at-the-table
work will be on joint problem-solving and reaching a mutually acceptable
agreement, rather than on the range of other possible objectives illustrated
above. Carefully choosing the path to the table and the specific steps along
the way can help ensure the integrity of the process once there.

Some Paths to the Table

The previous section outlined the elements of the forum for which pro-
vision must be made before parties can begin substantive negotiations. The
process of putting those elements in place is the next focus of analysis.

There are a number of paths to the table for deeply divided parties. In
each case, the process is one of building confidence in the major actors that
they can—without serious political or physical vulnerability—hold at least
one exploratory contact with the other party or parties, usually in the form
of a joint meeting. Since moving from isolation or armed conflict into
negotiation is a high-risk political decision for parties in this type of con-
flict, they cannot be expected to buy into an entire plan for negotiation;
getting them to come to an exploratory meeting for discussion of condi-
tions and ground rules for possible negotiation is enough. Their expecta-
tion in going even this far is not to be embarrassed or made vulnerable;
maximally they can predict that a change of venue and form of the disput-
ing proces may work to their advantage.

In many conflicts, such movement toward a negotiation forum develops
as part of the ongoing perceptions and calculations of the parties regarding
their goals and the means available to achieve them, and response to the
incentives and disincentives to negotiate evolving from their conflict inter-
action. While the decision to go to the table is always a political act, the
ebb and flow of the political process often is the direct cause of such a
decision. Escalation of relationships from conflict to crisis occurs only
when at least one of the parties *defines* the situation as a crisis, thus requir-
ing new behaviors to protect perceived interests. Often the crisis definition
moves the parties to take military or other coercive action to reassess inter-
nal functioning—or to move to deal with a long-festering conflict that can
no longer be avoided or ignored. Building a forum to negotiate a solution
and prevent further crises now appears politically realistic and imminently
logical.

The process leading to the Limited Nuclear Test Ban Treaty, negotiated
in July 1963 by American, British, and Soviet representatives, had gone

through a fitful series of starts, stalls, and stops for several years in the late 1950s. According to Griffiths (1989),

> The ultimate prenegotiation that brought about the tripartite Moscow talks might be said to have begun with the resolution of the Cuban missile crisis of October 1962 (78).
>
> The Cuban crisis in particular served to underline [Soviet Premier Nikita] Kruschev's inability to achieve a breakthrough in improving the Soviet capacity to negotiate from acknowledged strength (81).
>
> The venture to the brink in the missile crisis had surely drawn attention to the need for greater stability in Soviet-American relations (82).

A crisis definition (and in this case, resolution of the crisis) changed the parties' relationships, and helped move them to the table for negotiated problem-solving. Stein concludes that the evidence from the six cases in her study of international negotiation "suggests that leaders have decided to consider negotiation when they see the need for astrategy of crisis avoidance or post-crisis management or when they see a conjunction of threat and opportunity, when prenegotiation promises to reduce some of the risks associated with negotiation, and when they anticipate benefits from the process which are largely independent of whether or not it culminates in agreement" (1989, 247). When politics-as-usual fails to bring parties to the negotiating table—or directly blocks the path—there are a variety of paths to the table which may be promoted by third parties, including at least the following.

1. *One-on-one Analysis.* One person or a team may call on parties one at a time, enlisting their aid in assessing the conflict and the prospects for establishing a negotiating process. This approach goes directly to the basic requirement to move parties form bi-lateral or multi-lateral ad hominem attacks to a consideration of turning their focus away from each other to a third focus—in this case, joint analysis of the problem and the creative task of fashioning a table. I have found in a number of applications of this approach that most parties quickly become interested in the analytical and strategic questions being posed, for they are directing energy to a task on which they have some considerable expertise.

During the interviewing and assessment stage, it is possible to accomplish, in the most direct way possible, the identification of elements of the potential forum outlined earlier in this paper. Of equal importance to an assessor cum mediator is the development of relationships with the

stakeholders and helping serve as a medium to start moving information among the parties—which they inevitably ask for as they discover the assessor has had broader contact with the dispute and the other parties than they have.

The key requirement in this approach is to gain access to the parties for the interview. Often an academic base and a clear scholarly task which requires the parties' assistance is enough to get in the door.

EXAMPLE: Under the auspices of the mayor and a member of the state highway commission, my colleague Sharon Burde and I interviewed 26 persons individually between October 1985 and January 1986 in Fort Worth about their role in and analysis of a dispute over downtown highway expansion that had been brewing since 1979. Study documents, consultant reports, lawsuits, and the operation of the traditional highway planning process had failed to resolve the dispute. The interviewees were asked to join us in an analysis of the issues and help build a process and agenda for resolution. Most interviews were one to two hours; one lasted for five hours. The process culminated in an analysis of the dispute presented to all those interviewed and an invitation from the mayor and the commissioner to the seven major parties identified to attend an exploratory meeting with the interviewers. Through a hybrid negotiations/problem-solving process that operated under the auspices of the Conflict Clinic for three years in conjunction with the prescribed federal, state and city planning frames, full consensus on a plan was reached. Implementation of the plan now is under way (Laue et al. 1988).

2. *Convenor.* In some situations, a powerful broker may be required. Who has the power, the credibility and/or the relationship with the parties to bring them to the table? This is the first and crucial question in considering the convening role. To convene the parties for the first meeting requires that the convening person, organization or governmental jurisdiction be perceived as fair and credible—or possess sufficient sanctions over the parties to make it virtually mandatory that they come to the table. There are at least three types of convenors:

  – a convenor with the required prestige or credibility
  – a convenor with coercive power over the parties
  – a convenor with considerable perceived influence or access to resources desired by some or all of the parties.

EXAMPLES: Representatives of the first type are religious leaders and elder statespersons (e.g., Pope John Paul in the Beagle Channel dispute and former President Jimmy Carter in the 1989-90 Ethiopian-Eritrean talks). A coercive convenor typically appears in international disputes where a third nation believes it is in its best interest to bring disputing nations to the

table (Touvaal and Zartman 1985). Carter's role as convenor of the Israel-Egypt Camp David meetings is a good example of the third type, as is the "mediation" of President Theodore Roosevelt in the 1906 Russia-Japan conflict. The same is true of many of the good offices efforts of the secretary general of the United Nations (Afghanistan, Iran-Iraq, and Cyprus have been mentioned), as well as President Arias' role in convening the five Central American states in the Contadora process. U.S. Secretary of State Henry Kissinger's "shuttle diplomacy" between Egypt and Israel in 1974 is another much-publicized example of a powerful nation serving as a convenor—although on this occasion the forum was a moving one, embodied in a person, rather than a single place.

3. *Emissaries and Brokers.* When one or more of the parties wants to explore negotiations but fears that direct contact will weaken its positions or signal compromise, emissaries or brokers may initiate contact and conduct quiet or back channel negotiations about getting to the table. An historical ally, a trading partner, a friendly academic or NGO—all are typical occupants of this role.

EXAMPLES: Quiet Quakers, with no formal power and no diplomatic portfolio, have brokered relationships and carried pre-table messages between parties in a wide range of international and ethnic conflicts (Yarrow 1978). An unusual broker's role was played by CBS anchor Walter Cronkite in the activities leading to the Camp David talks between Israel and Egypt in 1978. When Cronkite interviewed Egyptian President Anwar Sadat on videotape in Cairo, Sadat made his now-famous "I will go to Jerusalem" statement. Cronkite immediately flew to Israel to interview Prime Minister Begin, who was prepared to respond to the electronic offer. Sadat went to Israel, addressed the Knisset, and important pre-Camp David relational groundwork was in place for President Carter.

4. *Joint Problem-Solving Workshop.* The joint problem- solving workshop may become a path to the negotiating table when the participants are drawn from a specific conflict with some degree of ripeness. Such workshops—pioneered by John Burton in London in the 1960s and Herbert Kelman in Cambridge and the Middle East in the 1970s, provide an ideal "third focus" for the parties: analysis, in a non-negotiating, formally apolitical setting, of their dispute and the development of parameters and innovative ideas for dealing with it. Alternately, the substantive focus may be another subject of joint interest to the parties, so they may practice joint analysis and problem-solving on *an* issue, with the expectation that the experience may make a similar treatment of the actual issue possible. The problem-solving workshop embodies most of the values for building the forum presented in the next section. Keeping the parties focused on

analysis rather than answers, and generating options rather than negotiating solutions, are the central dynamic of this process.

EXAMPLE: Such workshops have been conducted regarding Northern Ireland, the Arab-Israeli conflict, Cyprus, Lebanon, and a variety of other conflicts. Because of their confidential nature (and the cardinal rule that facilitative third parties never publicly take credit), it is hard to prove direct links between the workshops and subsequent negotiations. Parties and observers do agree, however, that a series of Cyprus workshops in 1966 led directly to the talks between Turkish Cypriot leader Denktash and Greek Cypriot president-to-be Clarides in 1968 (Mitchell 1981).

5. *Joint Training.* Bringing potential or actual disputants together for training in analytical, negotiation, or other skills is another major potential path to the negotiating table. Again the emphasis is on creating a situation in which parties can interact in a non-bargaining, non-advesarial manner. They are not brought together to negotiate or to solve a problem per se. Nevertheless, such a setting can provide the opportunity for exploration of the other party's interests, for building relationships, for sensing the parameters of an agenda, and for some negotiating about negotiating.

EXAMPLES: Roger Fisher and John Murray report their conduct of joint training of management and union representatives of the aluminum industry of Canada in 1983. Costly strikes in each of the two prior contract periods prompted management to ask for help, and the Fisher/Murray response was to convert the request for management consultation into the provision of joint training in negotiation skills for management and the 15 labor organizations involved. The training provided the setting in which informal non-committing exchanges could take place, and management credits the Harvard team with creating the atmosphere in which a mutually satisfactory contract was reached and another strike avoided. More recently, the Harvard Negotiation Project has used this model in working with school districts in Michigan and Ohio, resulting in negotiated resolution of difficult disputes.

While it is too early to measure its effectiveness in getting to the table, the Hebrew University two-month Training Seminar in Pre-Negotiation for Diplomats ("The Art and Science of Getting to the Table") is the first attempt to apply this approach over an extended period of time (Rothman 1990). Fifteen diplomats posted in Israel took part in the training, whose main aim was to develop in them critical thinking about conflict and its resolution. The participants represented a dozen different countries and reported great satisfaction with the experience. Whether there will be transfer of the skills and the relationships awaits the entry of these diplomats directly into the major conflicts of the region.

6. *Scholarly Conference.* Bringing the conflict participants (or their close academic allies) together can provide another setting in which the possibilities of establishing direct negotiations can be addressed. The ritual of formal academic presentations allows parties to effect a more objective posture while presenting their cases, and often provides a vehicle to send messages and float ideas to other parties. These ideas could not come in a direct diplomatic or negotiating context for fear they would sound like offers or demands which require a response.

EXAMPLES: The South Africa case offers many illustrations, all of which provided protected environments in which scholars and activists (many of them later involved in the post-February 2 negotiations shaping the country's future) exchanged papers and built relationships. The Williamsburg Conference of April 1988 brought major players in South Africa together and produced a report in wide circulation in policy circles. Former U.S. Senator Dick Clark's Southern Africa Policy Forum in Bermuda in March 1989 offered a similar setting, with some participants consenting to be on the island only when opposition parties were not. That conference also produced a thoughtful document addressing many major issues now on the table in ANC/government negotiations. A number of scholar-activists from Israel and the West Bank attended the Conference on Conflict Resolution in south Africa, Israel, and Northern Ireland sponsored by the Friedrich Naumann Foundation and the Institute for a Democratic Alternative in South Africa in September 1989 in Bonn. The scholarly norms and climate of gatherings provides active combatants the space to try different conceptualizations and behaviors regarding their conflict—often the first step toward willingness to negotiate.

7. *Ongoing Non-Official Mechanisms.* Mechanisms built for ongoing contact of scholars, diplomats, private citizens, and policy-makers across the lines of a major conflict cleavage can provide the setting to negotiate toward the table.

EXAMPLE: The Dartmouth Conference—now in its 22nd year of continuous U.S.-Soviet contact and beginning similar formats with China and some Latin American countries—is the best illustration. It is not officially sponsored by national governments, yet it has generated a number of initiatives which have found their way into official channels and is conducted with the blessing of the foreign ministries.

8. *Other Mechanisms.* There are a number of other activities that can help create the environment and build the tracks to the table for parties who, for face-saving or other reasons, cannot meet directly about negotiation. The varieties of "Track II" or non-official citizen diplomacy have been growing rapidly. Peace walks, naturalist expeditions and other "field

trips" have created among adversaries an atmosphere impossible to achieve at the formal diplomatic table. U.S. and Soviet officials have been reported to develop close personal and working relationships through such foxhole experiences as mountaineering and gondola rides.

The object is always the same: find a setting in which disputing parties can meet in a politically safe environment to explore ideas, build relationships, learn the other parties' interests, and either directly or indirectly discuss the conditions under which they will be willing to come to the table.

Value Considerations: What Kind of Table?

Every human activity represents a choice among competing values, however implicit or unintended. Building a forum for negotiation of deep-rooted political or constitutional conflicts is no exception. Not just any table will do—not, for example, a table where the power relationships are so asymmetric that the dominant group's reasons for being present are stalling, public relations, and/or intelligence. Any third party committed to helping get parties to the table in rancorous international or inter-identity conflicts should be cognizant of the value choices implied, make them explicit to all involved, and help the parties deal with them with clear purpose and intentionality.

Values are conceptions of the desirable—and the undesirable. In well-integrated cultures and social groupings, values are so well internalized that most actors are not aware of them nor do they make conscious choices about them. Conflict brings values to the surface, forcing consideration and choice. Values beget (or at least justify) norms. How shall we make decisions? What are the most important goals we should pursue? Is everyone here to be treated as an equal participant? Every social interaction operates based on norms or rules undergirded by values. Since the nature of the forum and the interaction therein can be a dominant influence on the range of outcomes possible and pursued, the mandate for explicitness is especially strong.

There are at least eight major value choices that are made—explicitly or implicitly—in building a forum for negotiation and joint problem-solving. For each, a mode is chosen, and it in turn contributes to the nature and direction of the process:

1. *Facilitative or Adjudicative?* Is the aim of the forum to promote adjudication of the dispute by a legitimate authority, or to facilitate, joint solution by the parties? While the answer is obvious that facilitated joint problem-solving is the goal, often parties (and sometimes third parties)

come to the table with the goal of imposing a solution through superior force or influence.

2. *Cooperative or Adversarial?* Litigation and formal diplomacy are inherently adversarial. The parties are seen as opponents who must win or at least get the best of the other party in a compromise. The negotiation forum operates within a cooperative metaphor. Without the ability to establish this mode of operation, joint problem-solving (and thus, I would argue, real resolution and long-term political stability) are impossible.

3. *Private or Public?* Peace conferences, many aspects of formal diplomacy, summit meetings, and similar vehicles for dealing with serious political problems generally occur in public. While it is the public's business that is being done, often serious negotiation only can take place in private, away from the minute-by-minute scrutiny of the constituency or the constant playing to the media and the court of public opinion. While timely and appropriately concrete public reporting to constituents and other crucial entities is important, the forum is conducted predominately in private. A major reason for the success of Camp David in contrast to media-driven summits is the 13-day isolation imposed by the convenor.

4. *Formal or Informal?* A key to successful negotiation is the ability of parties to get beyond formal positions, absolutist historical arguments (often clung to for face-saving reasons) and ritualized oppositional behavior toward one another. A good negotiation setting should promote considerable informal interactions, where common interests are discovered, trust built, and a sense of the zone of agreement developed.

5. *Problem Solving, Truth Telling or Fault Finding?* The preferred value here is, of course, the goal of problem- solving. Academic or research forums rely on finding the right answer and presenting it in a timely and generally highly elaborate form. Truth telling is not effective as a mode of promoting negotiated resolution of conflict. Legal approaches are driven by the finding of fault based on precedent. Fault finding is not appropriate as the dynamic for negotiating resolution.

6. *Analytical or Political?* Negotiation of a resolution in a conflict between nations or identity groups is ultimately a political act. But to achieve such a resolution often requires a degree of analysis that is not common in the heat of interaction in conflict. One of the most important contributions that can be made by a properly-constructed forum is to keep the emphasis sufficiently on analysis so the parties can develop a joint understanding of the problem. Most negotiation sessions start with answers instead of questions. "Position papers" are written and presented. Demands (i.e., pre-chosen answers) are put on the table. The focus is on trading and giving/taking. Ultimately that may happen in any negotiation, but the

possibility of constructing joint solutions is greatly enhanced if analysis is made a legitimate, early, and extensive activity.

7. *Facilitated or Non-Facilitated?* Can the parties manage their own process? A good problem-solving process requires attention to site(s), frequency of meetings, pacing, timing, plenary/caucus/task group mix, relation to outside constituencies, developing and adhering to ground rules, and team discipline. The parties ultimately must chose whether any negotiations should be conducted without a third party or with a coercive power who thereby already has purchased a seat at the table.

8. *Inventing or Deciding?* To be effective, negotiations in complex conflicts must devote considerable energy to creating options that can unblock impasses and move the process forward. Typical position-based negotiation begins with demands and moves to trading, often overlooking a whole range of creative options. The forum should promote periods when the parties clearly understand they are not required to make a decision on what is put on the table, but may be free to invent or generate new options. Sometimes referred to as brainstorming or the nominal group technique, inventing periods can promote creative interaction and provide innovative plans for consideration (see Fisher and Ury 1981). An inventing interlude can promote constructive deciding.

Summing Up: Building The Table

Getting to the table refers to the many process and substantive requirements that must be met if parties are to change the forum of their conflicting behavior from win/lose adversarial interaction to cooperative problem-solving. Parties in deep-rooted, protracted conflicts are willing to enter into negotiated problem-solving only if they perceive sufficient incentives in turning from adversarial to cooperative methods. Such incentives often are the result of the ongoing political interaction between the parties, in which both come to see some form of negotiation or other joint processes as more timely, less costly, or otherwise superior to war or other forms of physical or economic coercion. Third-party intervenors have available to them a wide range of approaches to induce parties to come to the table when their ongoing interaction prevents or simply does not provide adequate incentives. These approaches are referred to in this analysis as paths to the table, and they include, most prominently, one-on-one analysis, joint training, the use of emissaries or brokers, and track II interaction. Negotiating about negotiating can be as complex as substantive negotiations, with the attention necessarily directed to putting in place

mutually acceptable auspices, location(s), procedures, time frame, level of publicity, etc. If cooperative problem-solving is to take place, the table to which the parties come must be undergirded by certain values: cooperation, a problem-solving orientation, informality, analysis rather than politics, and a willingness to invent options rather than be mired constantly in positional bargaining.

Putting these elements and values in place by whatever path is only the first step toward cooperative problem-solving. But no other steps are possible until the table is built.

REFERENCES

Banks, Michael (1984). *Conflict in world society: A new perspective*. New York: St. Martin's Press.

Bendahmane, D.J. & McDonald, J.W., Jr. (1986). *Perspectives on negotiation: Four case studies and interpretations*. Washington, DC: Foreign Service Institute, U.S. Department of State.

Burton, J.W. (1969). *Conflict and Communication: The use of controlled communication in international relations*. London: MacMillan Press.

Burton, J.W. (1987). *Resolving deep-rooted conflict: A handbook*. Lanham, MD: University Press of America.

Burton, J.W. (1990). *Conflict: Resolution and prevention*. New York: St. Martin's Press.

Burton, J.W. (Ed.). (1990). *Conflict: Human needs theory*. New York: St. Martin's Press.

Burton, J.W. & Dukes, E.F. (1990). *Conflict: practices in management, settlement, and resolution*. New York: St. Martin's Press.

Burton, J.W. & Dukes, E.F. (Eds.) (1990). *Conflict: Readings in management and resolution*. New York: St. Martin's Press.

Carter, J. (1985). *The blood of Abraham*. Boston: Houghton Mifflin Company.

Doob, L. (Ed.) (1970). *Resolving conflict in Africa: The Fermeda workshop*. New Haven: Yale University Press.

du Toit, Pierre (1989). Bargaining about bargaining: Inducing the self-negating prediction in deeply-divided societies—the case of South Africa. *Journal of Conflict Resolution, 33*(6), 210-30.

Fisher, R. & Ury, W. (1981). *Getting to yes: Negotiating agreement without giving in*. Boston: Houghton Mifflin Company.

Griffiths, F. (1990). The Soviet experience of arms control. In J.G. Stein (Ed.), *Getting to the table: The processes of international pre-negotiation*. Baltimore: The Johns Hopkins University Press.

Kelman, H.W. & Cohen, S.B. (1976). The problem-solving workshop in dispute resolution. In R. L. Merritt (Ed.) *Communication in international politics*. Urbana: University of Illinois Press.

Laue, J.H. (1986). Getting to the table. *Clinical Sociology Newsletter, 8*(6), 5-6.

Laue, J.H. (1991). Contributions of the emerging field of conflict resolution. In W.S. Thompson & K.M. Jensen (Eds.). *Approaches to peace: An international map*. Washington, DC: United States Institute of Peace.

Laue, J.H., Burde, S., Salkoff, M., & Potapchuk, W. (1988). Getting to the table: Three paths. *Mediation Quarterly, 20* (Summer), 7-21.

Mitchell, C.R. (1981). *Peacemaking and the consultant's role.* New York: Nicholas Press.

Mitchell, C.R. & Webb, K. (Eds.) (1988). *New approaches to international conflict.* Westport, CN: Greenwood Press.

Murray, J.S. (1984). Third party intervention: Successful entry for the uninvited. *Albany Law Review, 48*(3), 573-615.

Potapchuk, W. & Carlson, C. (1987). Using conflict analysis to determine intervention techniques. *Mediation Quarterly, 16* (Summer), 31-43.

Potapchuk, W., Laue, J.H., & Murray, J.S. (1990). *Getting to the table: A guide for senior managers.* Washington, DC: U.S. Army Corps of Engineers.

Quandt, W.B. (1986). *Camp David: Peacemaking and politics.* Washington, DC: The Brookings Institution.

Rothman, J. (1990). *The art and science of getting to the table.* Report of a Two-Month Seminar in Pre-Negotiation for Diplomats. Jerusalem: The Hebrew University.

Saunders, H. (1985a). *The other walls: The politics of the Arab-Israeli peace process.* Lanham, MD: University Press of America.

Saunders, H. (1985b). We need a larger theory of negotiation: The importance of pre-negotiating phases. *Negotiation Journal, 1* (July), 249-62.

Stein, J.G. (Ed.) (1989). *Getting to the table: The processes of international pre-negotiation.* Baltimore: The Johns Hopkins University Press.

Touvval, S. & Zartman, J.W. (1985). *International mediation in theory and practice.* Boulder: Westview Press.

Young, O.R. (1967). *The intermediaries: Third parties in international crises.* Princeton: Princeton University Press.

Yarrow, C.H. (1978). *Quaker experiences in international conciliation.* New Haven: Yale University Press.

Zartman, I.W. (1977). *The negotiation process: Theories and applications.* Beverly Hills, CA: Sage Publications.

Zartman, I.W. (1985). *Ripe for resolution.* London: Oxford University Press.