



# Methodology and communication tools in peace mediation

Fact Sheet Series: Peace Mediation and Mediation Support

“So many people want to join mediation teams without having worked on the micro-techniques of mediation. These may seem far removed from bringing warring factions together. It relates more to the normal management of human interaction in conflict. These techniques have to do with the way you hold yourself; the way you listen; and the way you recognise where people have a common interest.”

*Nicholas “Fink” Haysom, South African mediator in countries including Burundi and the Sudan; former Special Representative of the UN Secretary-General for Afghanistan.<sup>1</sup>*

“The right temperament is manifested primarily in the innate ability to listen to negotiators, to understand, absorb and even feel what they say about themselves and what they want. Let us call these the empathetic skills. The reason this is so important is that for a party in conflict, moving to negotiation is a huge step; he must be confident that the mediator who accompanies him in this perilous transition, fully metabolises his grievances and demands and the reasons for them. (...) But the mediator (...) must instil this same confidence in all parties – i.e. he must process bifocalism – the ability to see a given situation from different perspectives.”

*Álvaro de Soto, Peruvian diplomat; former UN Under-Secretary-General/mediator in a large number of peace processes.<sup>2</sup>*

Quotations such as these that focus on methodology (as opposed to anecdotal evidence), current analyses of mediation processes, and systematic debriefings of mediators illustrate the particular value – and often crucial role – of good communication in peace mediation. The micro-techniques of mediation mentioned in the quotations above, combined with an empathetic attitude and the third party’s experience and personality, play an important and increasingly recognised role in the success of negotiations. Active listening, the targeted use of empathy, a detailed presentation of interests and a constructive approach to conflicting viewpoints and narratives among the parties to a conflict can be systematically learned and streamlined. The aim of this fact sheet is to illustrate the relevance and forms of expressions of empathy, attitude, and robust methodologies toward the success of mediation, anchored in a practical and scientific approach.

This fact sheet is part of a fact sheet series on peace mediation that provides policymakers at the Federal Foreign Office and German Embassies with a structured overview of the approaches, stakeholders, challenges and possibilities for action in the field of peace mediation. Further fact sheets from the series are available on Division S 03’s intranet page.

# I. Empathy and attitude as the foundation of peace mediation

Along with Álvaro de Soto's words (*"to understand, absorb and even feel what they say about themselves and what they want"*), the following quotation shows both the relevance and the various functions of empathy in mediation processes.

*"Empathy is a core skill of diplomacy, yet it is mostly unacknowledged and rarely admired. It helps diplomats enhance their understanding of other countries, especially powerful elites, but also the nation as a whole and groups within it."*<sup>3</sup>

The communication methods presented in this fact sheet illustrate how mediation processes can foster mutual understanding, a change of perspective, and the potential for finding solutions. The goal here is to define the term "empathy" concretely and systematically, thus imbuing it with an analytical dimension in addition to its inherently emotional aspects. Aligning empathy with emotions such as sympathy and acceptance, as well as with concepts like altruism and compromise displays only *one* dimension of the term. The other dimension, which is equally relevant to mediation, corresponds to the active attempt to adopt another person's world view or situational perspective for the purposes of resolving a conflict, to *want* to do so (in terms of attitude), and to *be able* to do so (in terms of methodology).

The goal of an empathetic approach can indeed be analytical or even purely strategic, as it is (only) when one understands an interlocutor's argumentation and world view, that both opportunities for rapprochement and acceptable solutions can arise in situations in which insisting on one's own perception would only lead to escalation and dead ends.

## Role and attitude in mediation

The impact and thus the effectiveness of mediators' professional conduct are influenced in part by the empathetic use of communication methods and by their attitude to the parties to the conflict as well. The term "attitude" generally refers to a mediator's stances and inner positions, which define how he or she communicates and processes information. This affects how the parties to a conflict experience the quality of the process, whether they find the mediator's actions "technical", "contrived," or even "invasive," or, on the other hand, "authentic", "congruent," and "respectful of boundaries". The following aspects of attitude are particularly relevant in mediation.

## Multipartiality

In the context of mediation, the term “multipartiality” is progressively replacing the terms “neutrality” and “impartiality.” “Neutrality” suggests that the mediator does not have his or her own opinion on the conflict and the parties to it, thus denying the inevitable and subjective attitudes and political stance every person possesses. “Impartiality” is often associated with a rather “cool” and distanced approach to those involved in a conflict. In contrast, the term “multipartiality” demonstrates that the mediator should show an active interest in and support for both or all parties to a conflict.

## Acceptance and respect

Acceptance does not mean agreeing with the statements and attitudes of the parties to a conflict. It rather indicates that the mediator – even if he or she has other views and values – fundamentally accepts the parties to a conflict, as well as their views and positions, takes them seriously, and treats them with respect. This goes hand in hand with the lived conviction that the mediator is not mandated or in a position to change actors or their political agenda. Instead, his or her mandate is to create a communicative context in which change can occur through the parties to a conflict.

The requirement of respect can also be seen as the “operationalisation” of the fundamental notion of empathy presented above. However, a respectful attitude in conflict resolution is not to be (mis)understood as “professionally prescribed sympathy,” but rather as the sustained willingness to perceive the (remaining) constructive aspects of an individual as well as the plausible elements of their conduct, and to pay tribute to them, sometimes explicitly. One important aim here is to create a counterweight to the often entirely negative perception the parties to a conflict have of one another.

## Authenticity

The attitudinal aspect of authenticity, that is, a combination of credibility, genuineness, and congruence, is a necessary addition to these role requirements. Third parties come across as authentic “when rational and emotional, verbal and non-verbal, and visible and invisible signals and information correspond”<sup>4</sup>. The degree of authenticity determines the extent to which parties feel that multipartiality, acceptance, and respect are genuine or contrived. This, in turn, determines whether these attitudes and the methodology employed in the conflict resolution will be effective.

## II. Communication tools for good mediation

The importance of the methodological dimension of mediation is reflected in many topics in this series of fact sheets. In the phase prior to mediation talks, required techniques include comprehensive analysis of the causes, topics and dynamics of the conflict (see Conflict Analysis and Mediation Entry Points Fact Sheet), complex context analyses (power relations, political logic, strategic calculation by third parties and the parties to the conflict), the definition of relevant mediation entry points (see Conflict Analysis and Mediation Entry Points Fact Sheet), and a process design that takes these factors into account (see, inter alia, the Basics of Mediation: Concepts and Definitions Fact Sheet).

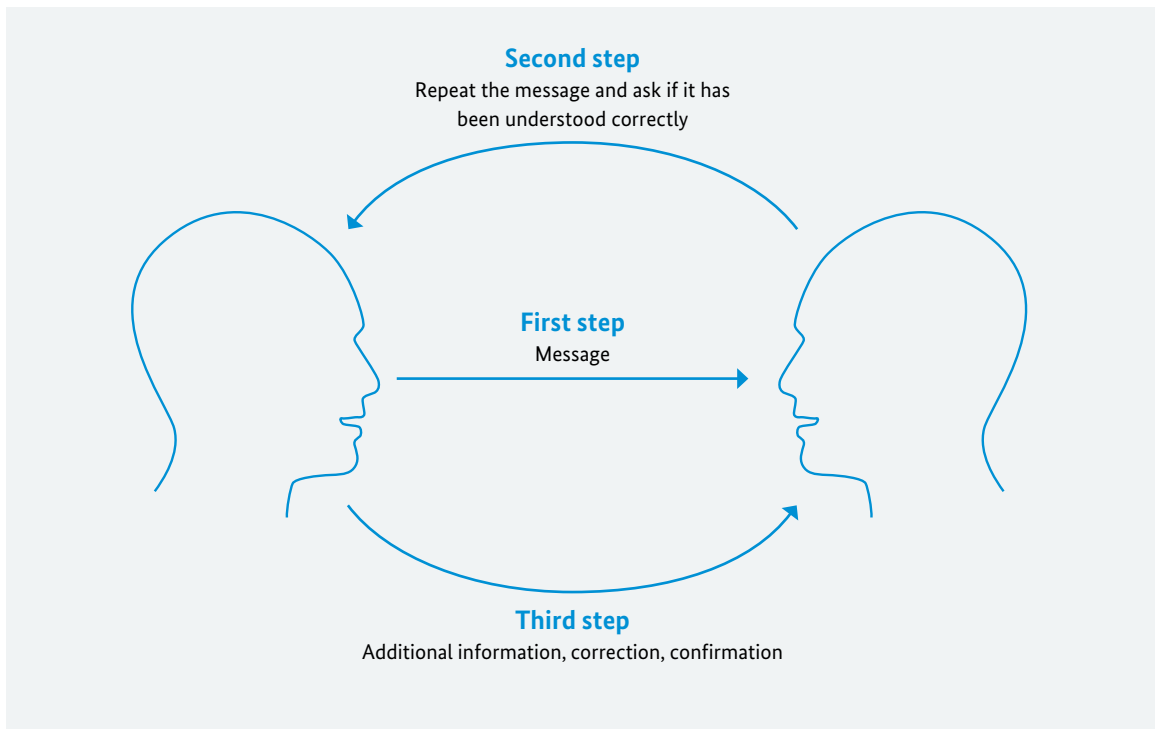
In many of these steps, but especially later in the actual negotiations, the quality of the communication and of the openness, trust, and constructiveness that subsequently unfolds is often paramount, particularly at challenging and complex moments. No matter the degree to which style, charisma, diplomatic expertise, and experience are important, the qualitative difference that can be achieved through the skilled use of the following communication tools in such situations is both tangible and relevant.

### 1. Actively ensuring that a message has been understood

In confrontational and intercultural contexts in particular, the aim of subtle and seamless understanding rests at the heart of possible rapprochement. This can be facilitated by methods such as active listening<sup>5</sup>, which can be summarised as follows:

- The receiver of a message listens attentively.
- If the interlocutor is emotional, the receiver “labels” the sender’s emotional state (see point 2 on dealing with emotionality).
- The receiver then paraphrases the message in his or her own words, structuring and reducing the message to its key points.
- The receiver requests confirmation from the sender on whether this summary reflects what was meant (that is, asks for confirmation that he or she has understood correctly). Depending on the situation, the speaker then has the option to add something, correct anything that has been misunderstood, or confirm that the message has been understood.

Only by constantly “looping what was *heard* back with what was *meant*” is it possible to interactively check whether all relevant messages have been understood, as depicted on the following page and subsequently illustrated by an example. A secession conflict proves to be a useful example for explaining the other methodological tools contained in this fact sheet (see below) as well.



Active listening through the loop of ensuring a message has been understood (European University Viadrina)

### Actively ensuring a message has been understood – example of a secession conflict

Representative of the secession movement: “You know, you should all understand that it’s not just a matter of sensitivities here or of blind rage and aggression. It’s about the necessary reactions to degrading events, things like the way the government has refused for decades to even discuss recognising our language as the second official language or the way our culture is deliberately repressed in state media. All of that gradually led to escalation. And most recently, it has unleashed a willingness to use violence, something I personally deplore. But this concerns the survival of an entire culture. That’s the point, and a few people getting hurt doesn’t count for much.”

Instead of using a classically friendly and approachable response (“Please believe me when I say that everyone here in this room has profound respect for the value of culture and language.”), moral admonishment (“Every person should count.”) or immediately posing

rational questions (“But what if your noble desire is simply unrealistic?”), the benefits of third parties actively ensuring they have understood the message are particularly apparent in such situations: “So – if I understood correctly – you’re critical of the procedural level, that is, the government’s long-standing refusal to discuss the language issue. At the same time, you see your regional culture as deliberately under-represented in state media, and regard your cultural identity as being at risk as a result. You explain the current violence in light of this historical background, but distance yourself personally from the scale of it. Is that right?”

Unlike the first responses mentioned above, the party to the conflict knows as a result of this reaction that his or her words have been understood in their entirety and that their legitimacy has neither been immediately denied nor confirmed by the mediator.

## 2. Dealing with emotionality

Even though people who conduct negotiations in international settings are usually politically experienced, talks on conflicts almost inevitably lead to emotional reactions. Actively seeking confirmation that one has understood a message thus often includes an emotional dimension. Firstly, emotions fulfil several important functions in mediation. They serve as an outlet, that is, their – sometimes unchecked – articulation often clears the way for more rational and ultimately more cooperative forms of exchange. At the same time, emotions in mediation talks are valuable indicators of where the parties' primary interests, needs and fears actually lie.

### Dealing with emotions – the example of Camp David

Talks on the conflict in the Middle East were held in the year 2000 between President Bill Clinton, the President of the Palestinian Authority Yasser Arafat and Israeli Prime Minister Ehud Barak at Camp David, the US President's country residence. In the almost five-hour-long documentary film, "Elusive Peace" (available on YouTube; please see minutes 20 to 25), there is an impressive scene about the emotional dimension involved for both parties as regards any question concerning the sovereignty over and division of Jerusalem. Without such a precise assessment and description by Clinton, who expressed his immense respect for the importance of the city in both religions through his historically aware choice of words, tone of voice and body language, the breakthrough the negotiators aimed to achieve would have been inconceivable.

Secondly, emotions generally resist appeals. This means that the advice given in many contexts and situations that one should please concentrate on the facts in the interests of all sides inevitably fails to achieve results. In a constructive reaction to emotionality, a filter should first be used. Should an emotional statement prove to be more of a negotiating strategy or attempt to manipulate, it can and should remain in the background and there is no need for the third party to respond. However, if indicators such as the speaker's body language, voice or general level of involvement send clear signals that the emotion is genuine, it should be named as such in a respectful way. This method of "emotional tagging" requires labels for the emotions that are both precise and concise. This act of labelling comprises a statement by the third party showing that the emotional component has been seen and describing what it comprises:

### Emotional tagging – example of the secession conflict II

Alongside the request for confirmation that a message has been understood in terms of content in the above example, and depending on the concrete situation, the following labelling by the mediator would make sense: "In view of what you have just said, it seems to me that you find the government's refusal to enter into dialogue unfair and hurtful. And the preservation of your cultural identity in particular currently seems to be causing a lot of anxiety. The government's conduct is leading to rage and indignation. Is that right?"

In order to be simultaneously understood as empathetic, respectful and face-saving, the exact words must take into account what is appropriate to the situation and culture.

### 3. Building trust and personal contact (rapport)

The successful use of the communication methods described above is based on – and further fosters – personal contact<sup>6</sup> between the parties to the conflict and the mediators that has been developed previously. Already in the very early stages of a mediation process, the level of trust (even if it is still very rudimentary) is crucial. The mediators are generally political actors themselves. It thus seems natural to suspect that they may have their own interests and hidden agendas. In fact, the ideal type of an independent, neutral mediator who is open to all solutions scarcely exists in international political conflicts. Limitations often arise as a result of ethical and moral considerations, economic interests, norms of international law or obligations arising from alliances. This can be challenging. However, it need not be counter to a multipartial stance (see above) as regards the process. Ultimately, it involves a normative assessment.<sup>7</sup>

Further, it is crucial to communicate these limitations actively and transparently in order to build and maintain trust among the parties to a conflict. Paradoxically, trust is created when the points that the parties to a conflict might not regard as completely trustworthy are revealed in a transparent fashion.<sup>8</sup>

Naturally, the conflict parties' *realpolitik* concerns play a crucial role in the assessment of other actors' trustworthiness. This is largely based on information about the other side's plans and options. However, there are always uncertainties in the context of mediation processes as regards assessing the other conflict party's intentions. A party will wonder if the other side is serious about negotiating or merely wants to gain time. The mediator's communication conduct and the building of personal contact play a vital role here.

#### Non-verbal communication

The most frequently quoted experiment-based study on non-verbal communication<sup>11</sup> concludes that how credible and trustworthy a person is seen depends 7 percent on what they say, 38 percent on their voice (tone, modulation) and 55 percent on body language. Naturally, in political mediation, body language – no matter how “good” it is – does not “beat” reliable information about the other side (see above). However, in face-to-face contact, people always look for congruence. They ask to what extent the message (e. g. statements by the mediator on his or her multipartiality) corresponds with signals sent by the mediator's body language. How is this multipartiality reflected in body language in meetings with both parties to a conflict? Particularly at times when talks are hanging in the balance, the mediator's sensitivity to the impact of his or her body language can play an important role.

Furthermore, a prompt reaction to messages sent by the conflict parties' body language can prevent some crises in the negotiations.

Research on non-verbal communication is currently dominated by constructivist approaches that do not assume certain gestures or postures have a fixed meaning. Apart from the fundamental expression of certain basic emotions (known as micro-expressions), it is assumed that body language differs widely among cultures and individuals and that its interpretation is subjective. Accordingly, there can be no good or bad or right or wrong body language.<sup>12</sup> This means that information on, for example, the impact of one's own body language on others, cannot be found in textbooks, but rather from the repeated comparison of one's own perception with that of others.

One example is the unofficial back channel between Robert Kennedy and then Russian Ambassador Anatoly F. Dobrynin during the Cuban Missile Crisis of 1962, when Kennedy's authentic emotional expression of huge concern during the confidential talks had a significant influence on the Soviet Union's assumption of the credibility of the US proposals on unofficially linking a withdrawal of Soviet missiles with a later withdrawal of US nuclear missiles from Turkey.<sup>9</sup> In many cases, circumstances that can be put down to coincidence<sup>10</sup> or intuitive interventions on a personal level (see the text on “a photo for the grandchildren”) have a crucial impact on the building of trust. The lesson for designing mediation processes must be that mediators should actively look for ways to create a personal relationship and consciously create space for personal encounters between the parties to the conflict.

### A photo for the grandchildren – example of Camp David

“I handed him the photographs. He took them and thanked me. Then he happened to look down and saw that his granddaughter’s name was written on top of it. He spoke it aloud, and then looked at each photograph individually, repeating the name of the grandchild I had written on it. His lips trembled, and tears welled up in his eyes. (...) We were both emotional as we talked quietly for a few minutes about grandchildren and about war”.<sup>13</sup> Former US President Jimmy Carter on a moment when the peace talks between Israel and Egypt in Camp David had in fact already collapsed, as Israeli President Menachem Begin had announced that he was leaving.

Prior to that, Begin had asked Carter to sign photos for his grandchildren. Carter had his team research the children’s names so that he could autograph the photos in a more personal way. As a result, Begin decided to stay and the negotiations were concluded relatively successfully.

Relevant encounters between the participants also include, for example, the negotiating delegations’ social activities outside the official talks. In the mediation between North and South Sudan that led to the Comprehensive Peace Agreement of 2005, as well as in the Colombian peace talks between 2012 and 2016, watching football matches together on television built trust between the delegations.<sup>14</sup> Furthermore, it is certainly possible to establish a personal dimension in the meetings in informal Track 2 and 3 dialogues (and sometimes in Track 1.5 as well). For instance, this can occur via a discussion on the impact of the conflict on the lives of the representatives of the parties.<sup>15</sup>

## 4. Creating a nuanced interest profile

The interests of the parties to the conflict play a key role both at the level of resolving the conflict and of designing the process of peace mediation. Their interests are identified through comprehensive preparation and review of relevant sources, actively seeking to ensure that one has understood what has been said (see above under point 1) in preparatory talks, at the negotiating table and through constant structured (re-)formulation of the parties’ statements. An interests-based solution to complex political conflicts cannot be achieved without a complete and methodologically clear identification and consideration of the interests involved.<sup>16</sup>

### Functions of a nuanced formulation of interests

- Fosters understanding between the parties and between the parties and the mediator
- Raises openness to new solution areas
- Reveals possible **non**-competing fields of interests
- Provides a reference frame for the evaluation of options

Ideally, **understanding has already been fostered** during the pause for thought necessitated by the definition of interests, that is, the interim period between exchanging antagonistic narratives of the conflict and an attempt to find a solution. As parties do not immediately move from presenting their positions to the stage of tough negotiations over a compromise or settlement, they may shift from an aggressive and reactive to a more constructive and creative modus.



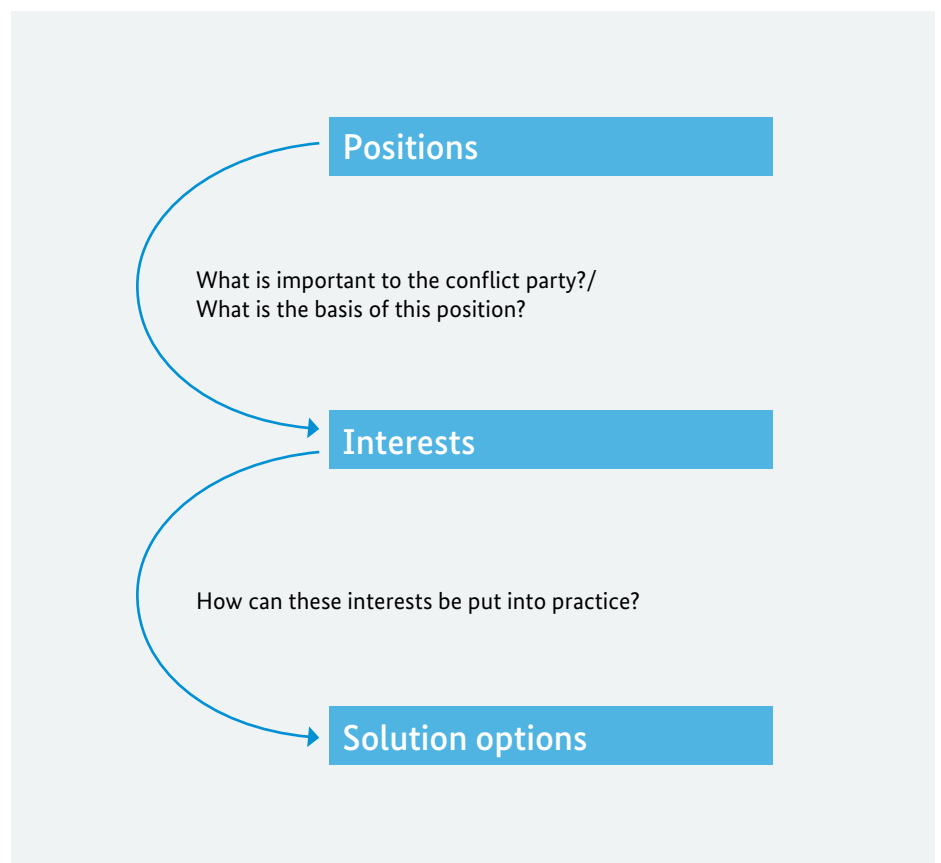
The mediator's question about what constitutes the core for the parties in a specific conflict gives each party the space to define its own concerns clearly. At the same time, formulating one's interests expedites the cultivation of empathy and fosters a change of perspective. (See section 5 below.)

This effect is generally strengthened by the fact that the more a party encounters understanding for its own interests, the more likely it is to show understanding for the other side. **Greater openness** results from the reassurance that one's own interests have been thoroughly understood and are being taken into account in the search for a solution. This creates the prerequisite that the parties are able to move away from their entrenched positions and initial demands. If the different interests are explicitly formulated, **non-competing areas** and thus possible solutions that have been overlooked so far can often become apparent. These possible solutions constructively redefine the nature of the negotiations from a zero-sum game to a more integrative style ("expanding the pie").

In the evaluation of the options, the parties' interests subsequently function as a key **reference frame for the quality of a solution**. Systematically comparing options with interest profiles can demonstrate whether a solution is comprehensive and fair to the interests of all sides, and thus sustainable.

### Criteria for formulating interests

Interests must be defined in a way that furthers understanding and fosters creativity, for example, by ending a fixation on particular opposing positions. At the same time, interests must be defined concretely enough to serve as a reference frame for evaluating solution options.



Differentiating between positions, interests, and options (European University Viadrina)

Interests may be defined more clearly by working interactively with the parties to the conflict. Interests that are formulated at the end of this frequently intensive process should be based on the following criteria in order to ensure that they can be applied in the best possible way in the later stages of mediation:

- **Openness to several implementation options**

There must be *several* ways to put an interest into practice. An overly concrete formulation, such as one that only includes a single option for action (for example, the introduction of a second official language on 1 January 2020), does not provide scope for solutions, thereby re-igniting the dispute on positions.

- **Concreteness**

Interests must be equally concrete and capable of being implemented in order to form a basis for evaluating solution options. Those that are formulated very generally (such as “the relevance of cultures” in the above example) or aspects based on needs<sup>17</sup> (“security”) should be defined in more concrete terms.

- **Positive formulation**

Formulating an interest in a positive way primarily means avoiding a definition of what a party does *not* want (“under no circumstances may...”). This leads to stagnation. Searching for what each actor is seeking – formulated in a positive way – often necessitates meeting several times to define the interests clearly.

- **Generating resonance**

Resonance means an affirmative reaction by each party on an interest’s relevance to the concrete resolution of a conflict. From the mediator’s perspective, it is a prerequisite for including an aspect in the interests profile, because in order to arrive at sustainable and realistic solution options at a later stage, the focus should only be on points that are of genuine importance to the parties (be this for emotional or strategic reasons). There should be as few aspects as possible that are merely being used as ploys or tactics in the negotiations.

### Creating interest profiles – example of a secession conflict III

The mediator’s task is to explore the interests behind the position of the delegation striving for secession (in concrete terms, the position that its language be recognised as the second official language). This ideally happens in the presence of the other party (in this case, the state delegation). While the ethnic group’s main *needs* (recognition, security, self-determination) can be stated fairly clearly in a situation of this type, its *interests* must be identified in more concrete terms in order to be of use as a sufficiently clear frame of reference for mediation talks. The following are – by necessity, hypothetical – examples of possible interests of the party striving for secession, explaining its positional demand for the introduction of a second official language:

- Long-term preservation of its own language as part of cultural identity.
- Automatic representation in day-to-day state affairs.
- Equal access to public authorities and educational institutions.

## 5. Fostering a change of perspective

In mediation, the phrase “change of perspective” is used to describe moments in which the parties to a conflict succeed in recognising the *other* party’s viewpoints and interests and in understanding them, at least to a certain extent. The ability to put oneself in someone else’s position has been the subject of extensive research in the fields of developmental psychology and neurophysiology. Experiments have recently confirmed the conflict-theory assumption that natural empathetic reactions are highly impaired in conflicts.<sup>18</sup> (Re-)enabling a change of perspective is thus regarded as an important task of mediation and thus as applied empathy (see above).

During official negotiations (track 1 mediation), a change of perspective as regards the fundamental conflict, that is, participants saying that they suddenly understand another group’s suffering, cannot usually be expected, as political representatives are often too closely tied to their mandate and fixed negotiation positions. Furthermore, fundamental interests generally do not become apparent only during the mediation session itself (and then possibly bring about a spontaneous change of perspective). They are largely known in advance and in some cases are discussed and analysed by the public, in publications and among expert groups while mediation is taking place.

This means that the crucial change of perspective does not primarily occur in the official plenum. In many cases, it often transpires during unofficial parallel formats. Through internal discussions, this subsequently has an indirect impact on the official talks. As these parallel processes in the form of track 1.5 or track 2 dialogues and bilateral consultations with individual parties to the conflict are often guided by mediators, an opportunity presents itself here to deliberately work towards changing people’s perspectives. Communication techniques such as circular questions (see box) can be used here. From a mediation viewpoint, it is essential to note that conflict parties are only willing to change their perspective if they experience understanding for themselves from the mediating third party (see section 1). Otherwise, interventions aimed at changing people’s perspective are perceived as manipulative and biased.

While a change of perspective regarding the substantial issues rarely occurs during the official mediation sessions (see above), it must be assumed that the parties’ interests and fears as regards the negotiation process itself will certainly become apparent at the negotiating table and that a change of perspective on these issues can accordingly be fostered. This can, for example, create understanding about where and why the other party’s hands are tied as regards possible concessions. Alongside the above-mentioned circular questions, one can ask open questions such as “Which of the points just mentioned by the other side can you understand to a certain extent? What parts of them do you understand?”<sup>19</sup> Prompt reciprocity must be ensured here, that is, if one side constructively expresses a certain understanding for the other side’s concerns, without itself being understood in any way, this mainly leads to setbacks and a hardening of positions in the process. Encouraging the other conflict party to first respond in a positive way should therefore be a priority.

Creative methods aimed at changing people’s perspectives are used in track 2 and track 3 mediation and dialogues in particular. This is also possible in a track 1.5 process, as the example on the right-hand side of the page on a role play conducted in a fishbowl setting shows.

“On one occasion to help reframe the talks, facilitators invited the parties to conduct a role play. Observed by the Abkhaz, the Georgians role-played the Abkhaz discussing what would be acceptable to them in order to facilitate progress and what factors obstructed progress. Participants on both sides were stunned by how well the Georgians played the Abkhaz, creating a powerful resonance for those involved. Both sides’ eyes were opened to factors that explained the other’s behavior. The insights derived from these discussions led to senior Georgian officials drafting a series of options for moving forward that were presented to the new Georgian President in 2004 and which informed negotiations under the auspices of the UN for the next two years”.

Centre for Empathy in International Affairs (2016)<sup>20</sup> on a track 1.5-moderated dialogue.<sup>21</sup>

## Circular questions

Circular questions are an effective instrument that enable mediators or consultants to encourage a party to a conflict to put themselves in the other side's position, without coming across as moralising or manipulative (and thus biased). Such questions can be posed in bilateral consultations, but in some cases also in the presence of both parties. Circular questions are based on the following pattern:

- What do you think is the biggest problem as regards this topic from the point of view of ... (the other side)?
- What is particularly important for ... in this matter? Why?
- What are the key interests of ... as regards this topic?
- What makes it difficult for ... to agree to this?
- What does ... fear as regards this topic?
- How would ... react to this suggestion? Why?

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Although the view<sup>22</sup> that the following interview by a US lawyer with then Egyptian President Gamal Abdel Nasser in 1970 helped to bring about a ceasefire in Egypt the following day may seem somewhat exaggerated, the following is a good example of the use of a circular question in an international conflict context:

*Journalist: What do you want [Israel's Prime Minister] Golda Meir to do?*

*Nasser: Withdraw!*

*Journalist: Withdraw?*

*Nasser: Withdraw from every inch of Arab territory!*

*Journalist: Without a deal? With nothing from you?*

*Nasser: Nothing. It's our territory. She should promise to withdraw.*

*Journalist: What would happen to Golda Meir if tomorrow morning she appeared on Israeli radio and television and said, 'On behalf of the people of Israel, I hereby promise to withdraw from every inch of territory occupied in 1967 (...) And I want you to know, I have no commitment of any kind from any Arab whatsoever.'*

*Nasser: (laughing) Oh, would **she** have trouble at home!*

## 6. Methodology for finding options and solutions

Good solutions require good ideas. In practice, a large number of difficulties can arise on the path to finding a solution, ranging from blind spots, entrenched thinking or a refusal to cooperate to concerns about fairness or a lack of resources to achieve certain proposed options. In order to do justice to mediation's complex goal of finding a (partial) answer to disputed issues that includes as many interests as possible – thus providing a lasting solution – a good combination of creativity, a systematic approach and a sense of reality is particularly important when exploring options.<sup>23</sup> A range of intuitive or systematic techniques that foster individuals or groups' creative potential in deadlocked settings can be helpful here.<sup>24</sup>

By specifically asking for analogies or example-based answers to complex problems in completely unfamiliar contexts (“How would the corporate world deal with competition for such a scarce asset?”) or by deliberately simplifying overly complex problems (“How can a city be divided in the first place?”), the parties are encouraged to think outside the box.

Thinking outside the box merely appears incompatible with the established image of a tense conflict situation. In many situations, the negotiating parties are in fact aware that a shift can only realistically be achieved through unconventional interventions. However, it is important that the mediator does not suddenly confront the participants with (personally or culturally) unfamiliar experiments. The parties must be able to understand the approach on the basis of the interests that have been identified. In many cases, one of the following ways of thinking – illustrated here by examples – is used:

### Strategies for thinking outside the box

#### From “either/or” to “both ... and ...”

In many secession conflicts, the interests behind the mutually exclusive positions of “breaking away” versus “national unity”, namely the desire for either internal self-determination or external sovereignty, can be met via legislation on autonomy, decentralisation or a federal structure. Instead of thinking in terms of “either/or”, the extent of self-determination can then gradually be negotiated.

#### Making use of ambiguity

Following an incident involving a US intelligence aircraft in Chinese airspace in which the pilot of a Chinese interceptor fighter jet was killed, China detained the crew of the US aircraft for eleven days and demanded an apology (that is, an admission of guilt). The crew was finally released after the US authorities wrote a letter saying they were “very sorry”, thus enabling the Chinese authorities to interpret this phrase as an apology, while the US did not regard it as an explicit apology.<sup>25</sup>

#### ... or neither/nor<sup>26</sup>

In the mediation between Russia and Georgia on the former's accession to the WTO, the conflict on the status of South Ossetia was circumvented through consensus that the Russia-Georgian trade corridor through South Ossetia would be monitored by private-sector companies, in other words, neither by Russian nor by Georgian customs officials, which in each case would have implied implicit recognition of the status.<sup>27</sup>

#### Creating a fair process

If no way can be found to take the main interests into account to the satisfaction of all, creating a fair process can form the key element of a face-saving solution. One example was the agreement to hold a referendum on South Sudan's independence as part of the Comprehensive Peace Agreement of 2005 between the Sudanese Government and SPLM/SPLA.<sup>28</sup> (Please also see the Madrid Principles on resolving the Nagorno-Karabakh conflict; these principles include a referendum.)

The options on the table must be systematically evaluated. Following the first phase of creative thinking, this ensures that limitations (norms, technical feasibility, political will) are shown realistically and taken into account (no wishful thinking). This is followed by a phase in which the proposals that prove successful are combined as a possible draft agreement. Particularly in complex cases in which a large number of possible combinations remains even after the options have been systematically evaluated, it can be useful to develop several alternative solution packages in the form of scenarios.<sup>29</sup> These are discussed at regular intervals in the delegations (or fed back to political decision-makers who are not present) before the first solid (partial) agreements become possible.

#### Gathering/evaluating options – example of a secession conflict IV

Based on confirmation that a message has been understood and on the emerging interest profile, the following additional options to the parties' starting positions are available as regards the second official language:

- Requirement that a defined number of official forms be made available in both languages
- Commitment to holding and scheduling a structured dialogue on the status of the language
- Introduction of a quota for songs in XY language in radio stations
- Licence for a state-funded television station in XY language
- Establishment of a number of schools/faculties/higher education institutions that offer advanced education in XY language
- Identification of further options by comparing the country with/finding inspiration in countries where bilingualism is put into practice (e.g. Belgium)

These options would then be evaluated on the basis of interests, the parties' preferences and feasibility. If the parties are in principle willing to strive for rapprochement, this would generate a number of nuanced scenarios for the future, integrating as many interests as possible. These scenarios' respective acceptability would then be a topic for further discussion.

## Summary: a skilful combination of technique and art

When used in a logical order, all of these communication techniques combined constitute the overall internal structure of a mediation process which is reflected in the established phase model and process structure: namely, creating a process framework that builds trust, followed by an attempt to understand all perspectives, resulting from active listening and a precise exploration of the interests, followed by a value-creating search for options that include as many as possible of the key interests of the main actors and thus form the heart of a subsequent solution.

No matter how simplistic the methods may seem when one reads about them, even experienced mediators struggle to implement them consistently in practice. In such tense situations in particular, it is helpful when the mediators' communication methods comprise just a few yet clearly defined tools that can also be used under pressure and when time is short.

Peace mediation is not about using communication methods in a purely technical way, but rather about promoting possibilities for rapprochement or (partial) agreement by making use of all resources. It is important to note that these resources include intuition, personality and very individual negotiating "arts". When an ethically aware, respectful and strategically skilled individual applies the methods that have proved particularly helpful in theory-reflected practice over many years, this is an ideal situation.

In an effective peace mediation, (methodological) techniques and (individual) art are not in competition. Instead, it is the combination of both that creates success.

- 1 In: Letters to a Young Mediator. A Collection of 10 Letters from Some of the Great Mediators of our Time. Swisspeace and Federal Department of Foreign Affairs, Bern 2015.
- 2 Ibid.
- 3 Waldman, Matt (2016): The Software of Geopolitics, p. 10; cf. [www.centerforempathy.org](http://www.centerforempathy.org).
- 4 <http://www.die-akademie.de/glossarbegriff.html>.
- 5 The terms "paraphrasing", "summarising" and "looping" are used interchangeably in specialist literature.
- 6 In communication psychology, rapport is described as interpersonal contact in a current situation based on trust and mutual empathetic attention.
- 7 See Fact Sheet on the Normative Framework and the International Legal Basis for Peace Mediation.
- 8 Cf. e. g. Watzlawick, Paul; Beavin Bavelas; Janet, De Avila Jackson, Don (1968): Pragmatics of Human Communication. A Study of Interactional Patterns, Pathologies, and Paradoxes.
- 9 Cf. Wong, Seanon (2016): Emotions and the Communication of Intentions in Face-to-Face Diplomacy. In: European Journal of International Relations, 22.1, pp. 144–167.
- 10 One example is the accident during a fishing trip in 1991, when a participant in the talks removed a fishing hook from an opponent's finger. This incident created a firm relationship between two high-ranking participants in the negotiations between the African National Congress and the National Party in South Africa and proved to be a lifeline during a crisis in the talks the following year. Cf. Powell, Jonathan (2014): Talking to Terrorists: How to End Armed Conflicts, p. 238.
- 11 Cf. Mehrabian, Albert (1972): Nonverbal Communication.
- 12 Cf. for mediation, cf. Hunder, Laura/Wüstehube, Ljubjana: Körpersprache und Auftritt des Mediators. In: Kracht, Stefan/Niedostadek, André/Sensburg, Patrick Ernst (eds.) (2018): Praxishandbuch Professionelle Mediation.
- 13 Carter, Jimmy (1982): Keeping Faith. Memoirs of a President.
- 14 Cf. Mason, Simon A. (2006): Lehren aus den Schweizer Mediations- und Fazilitationsdiensten im Sudan. In: Wenger, Andreas/Maurer, Victor (eds.): Bulletin 2006 zur Schweizer Sicherheitspolitik, pp. 43-96; Mediation Support Network (2017): Encountering and Countering Temporary Impasses in Peace Mediation; Colombia Farc: The Norwegian who helped broker peace (2016): <http://www.bbc.com/news/world-latin-america-37206714>.
- 15 Cf. e. g. Bar On, Dan/Kassem, Fatma (2004): Storytelling as a Way to Work through Intractable Conflict. In: Journal of Social Issues, 60.2, pp. 289-306; Splinter, Dirk/Wüstehube, Ljubjana (2017): From Shared Narratives to Joint Responsibility. In: Adhikari, Pankaj/Ghimire, Subhash/Mallik, Vidyadhar (eds.): Nepal – Transition to Peace; Zemskov-Züge, Andrea/Wolleh, Oliver (eds.) (2018): Changing the Past in Our Heads. A Facilitator's Guide to Listening Workshops.
- 16 For detailed information, cf. Gläßer, Ulla/Kirchhoff, Lars (2005): Interessenermittlung – Spannungsfeld zwischen Emotion und Präzision. In: Zeitschrift für Konfliktmanagement, 4, pp. 130–133.
- 17 Some conflict-resolution concepts fundamentally focus more on needs than on interests (human needs theory; non-violent communication). It is correct that interests always result from (basic) needs. However, these are only discussed in mediation if one side is unable to understand the other side's interests.
- 18 Cf. Bauer, Joachim (2005): Warum ich fühle, was du fühlst; on international relations: Holmes, Marcus (2013): The Force of Face-to-Face Diplomacy, Mirror Neurons and the Problem of Intentions. In: International Organization, 67, pp. 829–861; on mediation: Splinter, Dirk/Wüstehube, Ljubjana (2005): Perspektivenwechsel – der Weg auf den Stufen der Anerkennung. In: Perspektive Mediation, 2, pp. 66–71.
- 19 A closed question would be: „Can you understand that?“ These questions are often perceived as leading or manipulative.
- 20 Waldman, Matt (2016): The Software of Geopolitics, cf. [www.centerforempathy.org](http://www.centerforempathy.org).
- 21 Further techniques and methods that foster a change of perspective (but are most suited to workshop settings) include: scenario planning; systematic feedback-loop-mapping; empathy lists; systemic work on constellations; and drama exercises.
- 22 As explained in the source, the classic text "Getting to Yes" by the Harvard Project on Negotiation (Fisher, Roger/Ury, William/Patton, Bruce [2002]).
- 23 For comprehensive information on the creative part of mediation, cf. Kessen, Stefan/Troja, Markus (2016): Ablauf und Phasen einer Mediation. In: Fritjof Haft/Katharina Gräfin von Schlieffen (eds.): Handbuch Mediation, pp. 329–356.
- 24 Cf. Zebisch, Herrmann (2009): Die kreative Phase in der Mediation, pp. 180–182.
- 25 <http://www.spiegel.de/politik/ausland/dokumentation-das-entschuldigungsschreiben-der-usa-a-127856.html>.
- 26 The binary logic of "either/or" is sometimes extended by use of the tetralemma model from the philosophy of law of Theravada Buddhism. It adds the notions of "both" (both A and B) and "neither" (neither A nor B) to the logical options of "either/or".
- 27 Cf. Federal Foreign Office/IMSD: The OSCE as Mediator. Instruments – Challenges – Potentials. German OSCE Chairmanship 2016 Conference. Conference Report, p. 15.
- 28 Sudanese People's Liberation Movement/Army (SPLM/A).
- 29 For detailed information on the methodology used in the option-evaluation phase, cf. Gläßer, Ulla/Kirchhoff, Lars (2007): Lösungsfindung – Zusammenspiel von Kreativität und Systematik. Zeitschrift für Konfliktmanagement, pp. 157–160.

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