Interactive Problem Solving: Informal Mediation by the Scholar-Practitioner

Let me begin by expressing my deep appreciation to the Centrale für Mediation, the Verlag Dr. Otto Schmidt, and the selection committee chaired by Professor Horst Eidenmüller, for awarding me the 2009 Sokrates-Preis für Mediation. I am greatly honored and moved by this recognition of my work. I must admit that I never thought of my work as being in the Socratic tradition, but I have already persuaded myself that this is indeed the case.

Within the limits of the time available, I want to tell you a little about the nature of the work that is being recognized by the Sokrates-Preis. For nearly forty years now, my colleagues and I have developed and applied an unofficial, academically-based, third-party approach to the resolution of international and intercommunal conflicts, which I have come to call “interactive problem solving”. The approach is derived from the pioneering work of John Burton1 and is anchored in social-psychological principles. It is a form of unofficial – or what is now often called „track two“ – diplomacy. It has also been described as „informal mediation by the scholar-practitioner“2 to emphasize the unofficial and facilitative form of the intervention and the academic base of the third party. My students and associates have applied this model to various conflicts around the world, including Cyprus, Northern Ireland, Sri Lanka, Bosnia, and Colombia. My own regional focus has been primarily (though not exclusively) on the Middle East, with special emphasis on the Israeli-Palestinian conflict.

Interactive problem solving is quintessentially social-psychological in its orientation in that its goal is to promote change in individuals – through face-to-face interaction in small groups – as a vehicle for change in larger social systems: in national policies, in political culture, in the conflict system at-large. The core of interactive problem solving is a particular microprocess, best exemplified by problem – solving workshops, which is intended to produce changes in the macroprocess of official negotiations – in the peace process.3

The microprocess relates to the macroprocess in two ways. Most important, it provides inputs into the macroprocess. Furthermore, it can serve as a metaphor for what needs to happen in the macroprocess of conflict resolution.4 Let me say a few

words about that before turning to a description of the microprocess of problem-solving workshops. The three components of the term interactive problem solving suggest what is required at the macrolevel of conflict resolution: (1) the process has to address the problem, which is in essence a shared problem in the relationship between the parties – a relationship that has become entirely competitive to the point of mutual destruction; (2) the process has to search for a solution that addresses the underlying causes of the problem – which can be located in the parties’ unfulfilled or threatened needs – and that leads to a transformation of the destructive relationship; and (3) solution of the problem is best achieved through an interactive process, in which the parties share their differing perspectives and learn how to influence each other through mutual responsiveness. A solution arrived at through the direct interaction between the parties is more conducive to a stable, durable peace and a new, cooperative relationship than an imposed solution, because it is more likely to achieve a cooperative relationship than an imposed solution, because it is more likely to address the parties’ fundamental needs and to elicit their commitment to the agreement and sense of ownership of it. Moreover, the interactive process of arriving at the solution in itself initiates the new relationship that the solution is designed to foster.

This view of the macroprocess of conflict resolution suggests some key components of the process that must take place somewhere in the system if the process is to fulfill itself and ultimately lead to a peace agreement (see Table 1):

<table>
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<th>Table 1: Components of the Conflict Resolution Process</th>
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<tr>
<td>1. Identification and analysis of the problem</td>
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<td>2. Joint shaping of ideas for resolution</td>
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<td>3. Influencing the other side</td>
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<td>4. Creating a supportive political environment</td>
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(1) Identification and analysis of the problem – which requires mutual exploration of each other’s basic needs and fears, from the perspective of the other, as well as of the escalatory dynamics of the conflict;

(2) Joint shaping of ideas for a solution – which involves identification of options, reframing of issues to make them more amenable to negotiation, and generating creative approaches to a win-win solution, all of which are necessary ingredients of a process of „pre-negotiation“;

(3) Influencing the other side – which calls for a shift from the heavy reliance on force and the threat of force to the use of positive incentives, including mutual reassurance that it is safe to enter into negotiations and mutual enticement through the promise of attractive gains; to this end, the parties must learn how to influence the other by being responsive to the other’s needs and fears; and

(4) Creating a supportive political environment for negotiations – an environment marked by a sense of mutual reassurance fostered by sensitivity to each other’s concerns and the development of working trust, by a sense of possibility that a mutually satisfactory solution can be found, and by a shift in the dominant political discourse from power politics to mutual accommodation.

These components of the conflict resolution process, as I have suggested, must occur somewhere in the larger system if conflict resolution is to become possible. Problem-solving workshops and related activities in the spirit of interactive problem solving seek to provide special opportunities for these processes to occur. Let me turn, then, to a brief description of the microprocess of problem-solving workshops, which bring together members of the political elites of the conflicting societies for direct, face-to-face interaction, facilitated by a third party knowledgeable about international conflict, group process, and the conflict region.

The precise format of problem-solving workshops may vary as a function of the phase of the conflict, the nature of the participants, the particular occasion and setting, the specific purpose. Whatever their format, these workshops represent a microprocess that is specifically designed to insert – in a modest, but systematic way – the components of conflict resolution that I have outlined into the macroprocess. One can think of problem-solving workshops in the literal sense of the term, like a carpenter’s or an artisan’s workshop: a specifically constructed space, in which the parties can engage in a process of exploration, observation, and analysis, and in which they can create new products for export, as it were. The products in this case take the form of new ideas and insights that can be fed into the political debate and the decision-making process within the two societies and thus penetrate their political cultures.

Workshops are not negotiating sessions. They are not intended to substitute for negotiations or to bypass them in any way. Negotiations can be carried out only by officials who are authorized to conclude binding agreements, and workshops, by definition, are unofficial and non-binding. But it is precisely their non-binding character that represents their unique strength and special contribution to the larger process. They provide an opportunity for the kind of exploratory interaction that is very difficult to achieve in the context of official negotiations. The non-binding character of workshops allows the participants to interact in an open, exploratory way; to speak and listen to each other as a means of acquiring new information and sharing their differing perspectives; and to gain insight into the other’s – and indeed their own – needs, fears, concerns, priorities, and constraints and into the dynamics of the conflict relationship that leads to exacerbation, escalation, and perpetuation of the conflict. Though workshops are not negotiations, they can contribute to official negotiations at all of its stages: at the pre-negotiation stage, alongside of ongoing negotiations, at times of breakdown of negotiations, and at the post-negotiation stage.

The typical workshop participants are politically involved and, in many cases, politically influential members of their communities. However, with occasional exceptions, they have not been current officials. They have included parliamentarians; leading figures in political parties or movements; former ministers, military officers, diplomats, or government officials; journalists or editors specializing in the Middle East; and academics, many of whom are important analysts of the conflict in the public media and some of whom have served in advisory, official, or diplomatic positions and are likely to do so again in the future. We look for participants who are part of the mainstream of their societies and close to the center of the political spectrum. But they have to be interested in exploring the possibilities of a negotiated solution and willing to sit with members of the other society as equals. With some exceptions, our workshops have generally included three to six members of each party, as well as a third party of two to four members.

The academic setting is an important feature of our approach. It has the advantage of providing an unofficial, private, non-binding context, with its own set of norms to support a type of interaction that departs from the norms that generally govern interactions between conflicting par-
ties. Conflict norms require the parties to be militant, unyielding, and dismissive of the other’s claims, interests, fears, and rights. To engage in a different kind of interaction, which enables each party to enter into the other’s perspective and to work with the other in the search for mutual benefits, requires a countervailing set of norms. The academic setting is one setting (a religious setting is another) that can provide such norms that both permit and require participants to interact in a different way.

The third party in our model performs a strictly facilitative role. We do not generally propose solutions or participate in the substantive discussions. Our task, in the Socratic spirit, is to create the conditions that allow ideas for resolving the conflict to emerge from the interaction between the parties themselves. The role of the third party is important. We select and brief the participants, set and enforce the ground rules, and propose the main lines of the agenda. We moderate the discussion and make a variety of interventions: content observations, which often take the form of summarizing, highlighting, asking for clarification, or pointing to similarities and differences between the parties; process observations, which suggest how interactions within the group may reflect the dynamics of the conflict between the two societies; and occasional theoretical observations, which offer concepts that might be useful in clarifying the issues under discussion. Finally, we serve as a repository of trust for the parties who, by definition, do not trust each other: They feel safe to come to the workshop because they trust the third party and rely on it to make sure that confidentiality is maintained and that their interests are protected.

Table 2: Workshop Ground Rules

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<tr>
<td>1.</td>
<td>Privacy and confidentiality</td>
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<tr>
<td>2.</td>
<td>Focus on each other (not constituencies, audience, third parties)</td>
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<td>3.</td>
<td>Analytic (non-polemical) discussion</td>
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<td>4.</td>
<td>Problem-solving (non-adversarial) mode</td>
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<td>5.</td>
<td>No expectation of agreement</td>
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<td>6.</td>
<td>Equality in setting</td>
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<td>7.</td>
<td>Facilitative role of third party</td>
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The ground rules governing workshops are listed in Table 2. The first rule, privacy and confidentiality, is at the heart of the workshop process. It stipulates that whatever is said in the course of a workshop cannot be cited for attribution outside of the workshop setting by any participant, including the third party. To support this ground rule, the typical workshop has no audience, no publicity, and no record. To ensure privacy, we have no observers in our workshops; the only way our students are able to observe the process is by being integrated into the third party and accepting the discipline of the third party. To ensure confidentiality, we do not tape workshop sessions.

Confidentiality and non-attribution are essential for protecting the interests of the participants. In the earlier years of our work, meetings between Israelis and Palestinians were controversial in the two communities and taking part in such meetings entailed political and, at times, legal even physical risks for participants. Now that Israeli-Palestinian meetings have become almost routine, people are generally not concerned if their participation becomes known. Privacy and confidentiality – particularly the principle of non-attribution – remain essential, however, for protection of the process. This ground rule makes it possible for participants to engage in the kind of interaction that problem-solving workshops require. Confidentiality gives them the freedom and safety to think, listen, talk, and play with ideas, without having to worry that they will be held accountable outside for what they say in the workshop.

Ground rules 2–4 spell out the nature of the interaction that the workshop process is designed to encourage and that the principle of privacy and confidentiality is designed to protect. In contrast to debates, we ask participants to focus on each other in the course of the workshop: to listen to each other, with the aim of understanding the other’s perspective; and to address each other, with the aim of making their own perspective understood.

Focusing on each other enables and encourages the parties to engage in an analytic discussion, designed to help them gain an understanding of each other’s needs, fears, concerns, priorities, and constraints and of the ways in which the conflict-driven interactions between the parties tend to exacerbate, escalate, and perpetuate their conflict.

Analytic discussion helps the parties move to a problem-solving mode of interaction, in contrast to the adversarial mode that usually characterizes conflict interactions. Participants are asked to treat the conflict as a shared problem, requiring joint efforts to find a mutually satisfactory solution, rather than try to determine who is right and who is wrong on the basis of historical or legal argumentation. We are not asking participants to abandon their ideas about the justice of their cause or suggesting that both sides are equally right or equally wrong. We are merely proposing that a problem-solving approach is more likely to be productive than an attempt to allocate blame.

The fifth ground rule states that in a workshop – unlike a negotiating session – there is no expectation to reach an agreement. Like any conflict resolution effort, we are interested in finding common ground, but the amount of agreement achieved in the discussion is not a measure of the success of the enterprise. If the participants come away with a better understanding of the other side’s perspective, of their own priorities, and of the dynamics of the conflict, the workshop will have fulfilled its purpose, even if it does not produce an outline of a peace treaty.

The sixth ground rule states that, within the workshop setting, the two parties are equals. Clearly, there are important asymmetries – in power, moral position, reputation – between them in the real world, which must be taken into account in the workshop discussions. But the two parties are equals in the workshop setting in the sense that each party has the same right to serious consideration of its needs, fears, and concerns in the search for a mutually satisfactory solution.

The final ground rule concerns the facilitative role of the third party, which I have already discussed. In keeping with this rule, the third party does not take positions on the issues, give advice, or offer its own proposals, nor does it take sides, evaluate the ideas presented, or arbitrate between different interpretations of historical facts and international law. Within its facilitative role, however, it sets the ground rules and monitors adherence to them; it helps to keep discussion moving in constructive directions, tries to stimulate movement, and intervenes as relevant with questions, observations, and even challenges.

One of the tasks of the third party is to set the agenda for the discussion. In the typical one-time, self-contained workshop, the agenda is relatively open and unstructured, as far as the substantive issues under discussion are concerned. The way in which these issues are approached, however, and the order of discussion are struct
tured so as to facilitate the kind of discourse that the ground rules seek to encourage. The workshop begins with personal introductions around the table; a review of the purposes, procedures, and ground rules of the gathering; and an opportunity for the participants to ask questions about these. We then typically proceed with a five-part agenda, as outlined in Table 3.

Table 3: Workshop Agenda

1. Information exchange
2. Needs analysis
3. Joint thinking regarding solutions
4. Discussion of constraints
5. Joint thinking about overcoming constraints

The first discussion session is devoted to an exchange of information between the two sides, which serves primarily to break the ice and to set the tone for the kind of discourse we hope to generate. Each party is asked to talk about the situation on the ground and the current mood in its own community, about the issues in the conflict as seen in that community, about the spectrum of views on the conflict and its resolution, and about their own positions within that spectrum. This exchange provides a shared base of information and sets a precedent for the two sides to deal with each other as mutual resources, rather than solely as combatants.

The core agenda of the workshop begins with a needs analysis, in which each side is asked to talk about its fundamental needs and fears – needs that would have to be satisfied and fears that would have to be allayed if a solution is to be acceptable in its society. Participants are asked to listen attentively and not to debate or argue about what the other side says, although they are invited to ask for elaboration and clarification. The purpose of this phase of the proceedings is to help each side understand the basic concerns of the other side from the other’s perspective. We check the level of understanding by asking each side to summarize the other’s needs, as they have heard them. Each side then has the opportunity to correct or amplify the summary that has been presented by the other side. Once the two sides have come to grasp each other’s perspective and understand each other’s needs as well as seems possible at that point, we move on to the next phase of the agenda: joint thinking about solutions to the conflict.

There is a clear logic to the order of the phases of this agenda. We discourage the participants from proposing solutions until they have identified the problem, which stems from the parties’ unfulfilled and threatened needs. We want the participants to come up with ideas for solution that are anchored in the problem – that address the parties’ felt needs. What we ask the parties to do in phase 3 of the agenda is to generate – through a process of joint thinking (or interactive problem solving) – ideas for the overall shape of a solution to the conflict, or to particular issues within the conflict, that are responsive to the fundamental needs and fears of both parties, as presented in the preceding phase of the workshop. The participants are given the difficult assignment of thinking of solutions that respond, not only to their own side’s needs and fears (as they would in a bargaining situation), but simultaneously to the needs and fears of both sides. It goes against the grain for parties engaged in a deep-rooted conflict to think of ways in which the adversary too can „win“ – but that is precisely what joint thinking requires.

Once the parties have achieved some common ground in generating ideas for solutions that would address the fundamental needs and fears of both sides, we turn to a discussion of the political and psychological constraints within their societies that stand in the way of such solutions. Discussion of constraints is an extremely important part of the learning that takes place in workshops, because parties involved in an intense conflict find it difficult to understand the constraints of the other, or even to recognize that the other – like themselves – has constraints. However, we try to discourage discussion of constraints until the parties have gone through the phase of joint thinking, because a premature focus on constraints is likely to inhibit the creative process of generating new ideas. We try to see whether the particular individuals around the table can come up with new ideas for resolving the conflict. Once they have generated such ideas, we explore the constraints that make it difficult for these new ideas to gain acceptance in their societies.

Finally, to the extent that time permits, we ask the participants to engage in another round of joint thinking, this time about ways of overcoming the constraints against integrative, win-win solutions to the conflict. In this phase of the workshop, participants try to generate ideas for steps that they personally, their organizations, or their governments can take – separately or jointly – in order to overcome the constraints that have been identified. Such ideas may focus, in particular, on steps of mutual reassurance – in the form of acknowledgments, symbolic gestures, or confidence-building measures – that would make the parties more willing and able to take the risks required for innovative solutions to the conflict.

Workshops have a dual purpose: to produce change – in the form of new insights and ideas – in the particular individuals sitting around the table; and to transfer these changes into the political debate and the policy process in their respective societies. The conditions for maximizing these two purposes may be different and, in fact, contradictory. The best example of these dialectics is the selection of participants. Transfer would be maximized by officials, close to the decision-making process. But change is maximized by participants removed from the decision-making process and therefore less constrained in their interactions and freer to explore new ideas. To balance these contradictory requirements, we select participants who are not officials, but politically influential.

Another example of the dialectics of workshops is the degree of cohesiveness we try to engender in the group of participants. Group cohesiveness is important to the effective interaction among the participants. But if the workshop group becomes too cohesive – if the participants form too close a coalition across the conflict lines – they may lose credibility and political effectiveness in their own communities. To balance these two contradictory requirements, we recognize that the coalition formed by the two groups of participants must remain an uneasy coalition, and we aim for the development of working trust – of trust in the participants on the other side based not so much on interpersonal closeness, but on the conviction that they are sincerely committed, out of their own interests, to the search for a peaceful solution.

Let me conclude with a brief summary of our Israeli-Palestinian work over the
past four decades. Our earliest work, in the 1970s and 1980s, clearly corresponds to the pre-negotiation phase of the conflict. Our workshops and related activities during those years contributed to the development of a sense of possibility, of new ideas for resolving the conflict, and of relationships among members of the political elites across the conflict lines. All of our workshops during those years were one-time events.

By 1989, in the wake of the resolution of the 1988 Palestine National Council that in effect endorsed a two-state solution, the atmosphere for negotiations had greatly improved. The time seemed ripe in 1990 for Nadim Rouhana and myself to convene, for the first time, a continuing workshop with a group of high-level, politically influential Israelis and Palestinians. A year later, in 1991, official negotiations began with the Madrid conference. As it happened, four of the six Palestinian members of the continuing workshop were appointed to the official negotiating team. A year later, a Labor Party government took over in Israel and several of the Israeli members of the continuing workshop were appointed to high positions in the new administration. The political relevance of the continuing workshop was enhanced by these developments, but they also created some ambiguities and role conflicts. Several members left the group in light of their official appointments and were replaced by new members. At our meeting in the summer of 1993, some of the discussion focused on the role of a group like ours at a time when official negotiations were in progress. Within days of that meeting, the Oslo agreement was announced and, in close consultation with the members of the group, we decided to close the continuing workshop and to initiate a new project in keeping with the new political requirements.

Our work up to that point, along with many other track-two efforts, played a modest but not insignificant role, directly or indirectly, in laying the groundwork for the Oslo agreement. In my own assessment, three kinds of contributions can be identified:

(1) Workshops helped to develop cadres experienced in communicating with the other side and prepared to carry out productive negotiations.

(2) Workshops helped to produce substantive inputs into the political thinking and debate in the two societies. Through the communications of workshop members – and to some degree of members of the third party – ideas on which productive negotiations could be based were injected into the two political cultures and became the building stones of the Oslo agreement. These ideas focused in particular on what was both necessary and possible in negotiating a mutually satisfactory agreement.

(3) Workshops, along with many other efforts, helped to create a political atmosphere favorable to negotiations and open to a new relationship between the parties.

The major new project that we initiated after the signing of the Oslo accord corresponded to the new phase of the conflict, which focused on implementation of a partial, interim agreement and movement to final-status negotiations. The project was the Joint Working Group on Israeli-Palestinian Relations, which I co-chaired with Nadim Rouhana, and which met between 1994 and 1999. The purpose of the group, for the first time in our work – was to produce and disseminate joint concept papers on some of the issues that the Oslo accord left for final-status negotiations, placed within the context of the desired future relationship between the two societies. We published three joint papers: one on general principles for the final agreement, a second on the Palestinian refugees problem, and a third on the future Israeli-Palestinian relationship. Each was translated into Arabic and Hebrew and widely disseminated in all three versions. A fourth paper, on the settlements issue, was close to completion, but overtaken by events.

This brings us to the current phase of our work, which began with the failure of the Camp David summit in the summer of 2000 and the onset of the second intifada. It corresponds to a phase of the conflict characterized by the breakdown of once-promising negotiations. My major effort during this period – in partnership with Shibley Telhami – has been the formation of a new joint Israeli-Palestinian working group, focusing on the theme of rebuilding trust in the availability of a credible negotiating partner and of a mutually acceptable formula for a two-state solution.

What I believe is required in the current phase of the conflict, in order to break through the profound mutual distrust in the ultimate intentions of the other side and energize public support for peace negotiations, is a visionary approach that transcends the balance of power and the calculus of bargaining concessions. Paradoxically, perhaps, this calls for a step toward reconciliation – which is generally viewed as a post-negotiation process – in order to move negotiations forward. In this spirit, a final agreement would have to be framed as a principled peace, based on a historic compromise that meets the fundamental needs of both peoples, validates their national identities, and declares an end to the conflict and to the occupation consistent with the requirements of fairness and attainable justice. The framework I propose would start with the recognition that both peoples have historic roots in the land and are deeply attached to it; that each people’s pursuit of its national aspirations by military means may well lead to mutual destruction; and that the only solution lies in a historic compromise, where by the two peoples agree to share the land in a way that allows each to express its right to national self-determination, fulfill its national aspirations, and express its national identity in a state of its own within the shared land, in peaceful coexistence with the neighboring state of the other. The framework would proceed to spell out what the logic of a historic compromise implies for the key final-status issues (including borders, Jerusalem, settlements, and refugees), and offer a positive vision of a common future for the two peoples in the land they have agreed to share – and of the future of the shared land itself. If such a framework is constructed through a

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9 Kelman, H. C., Interactive problem solving in the Israeli-Palestinian case: Past contributions and present challenges, see note 8.
joint Israeli-Palestinian process, it can re-
assure the two publics that the agreement is
not jeopardizing their national existence
and promises mutual benefits that far out-
weigh the risks it entails.

The framework I propose requires
visionary leadership on both sides. Until
such leadership emerges, the primary
initiative for constructing and dissemi-
nating such a framework rests with civil
society in the two communities. A track-
two approach like interactive problem
solving can contribute to such efforts by
providing a joint process of “negotiating
identity,” in which each side can ac-
knowledge and accommodate the oth-
er’s identity – at least to the extent of
eliminating negation of the other and the
claim of exclusivity from its own identity –
in a context in which the core of its own
identity and its associated narrative are af-
firmed by the other.13 Ideas that emerge
from such an interactive process can then
be injected into the political debate and the
political culture of each society.

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13 Kelman, H. C., The role of national identity in conflict
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D. Wilder (Eds.), Social identity, intergroup conflict, and
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