NEW APPROACHES TO INTERNATIONAL MEDIATION

Edited by

C. R. Mitchell and K. Webb

Contributions in Political Science, Number 223

Contents

10

South African Initiatives: Contrasting Options in the Mediation Process

Hendrik W. van der Merwe

This chapter shares the attitude of the editors of this volume that mediation should be regarded as an understandable and analysable process. It contains reflections on my experience over recent years and on ongoing and some unresolved conceptual, ethical and strategic issues concerning conflict and the accommodation of conflict in South Africa. In many circles South Africa is seen as a classic case of irreconcilable interests where disagreements can only be settled through major and somewhat cataclys- mic confrontation and violence. In such an atmosphere mediation, conciliation and negotiation have become dirty words.

In this chapter I argue that it is essential, and possible, to remain positive and constructive about the prospects of a negotiated settlement in spite of numerous obstacles, including prevailing violence. A constructive approach requires a mode of thought quite contrary to the popular despair reflected in the common phrases such as: "There is no room for mediation"; "It is too late for conciliation" or "We don't want conciliation until we have justice". The mediator or conciliator could not ask for a greater challenge! Conflict resolution (or mediation, for that matter) can be both an art and a science. As an art, it refers to those given personal dispositions, behaviour patterns and specific actions which come naturally or spontaneously to the mediator. As a science, it refers to those methods and techniques which are analysed, described and shared in the scholarly world, and those skills acquired in a formal learning.

While my training as a sociologist at the Universities of Stellenbosch and California introduced me to some of the fundamental writings, it was only during the past five years that I started reading about conflict resolution and management. From my experience in mediation on community, regional and national levels, I seem to have learned some universal lessons which I have attempted to report within some of the conceptual and theoretical frameworks of current literature.

For example, it was when I arranged a ceasefire between the two warring factions in the Cape Town squatter settlement of Crossroads that I realised that we could not have peace without justice. The ceasefire was only *apparent* peace, because justice was not restored to the weaker party that was driven out of Crossroads. Justice is a condition for *real* peace.

During the Soweto revolt of 1976 I responded to the growing cycle of violence and polarisation between government authorities and the black communities by bringing the leaders together. While I set out as a neutral mediator, my role spontaneously and gradually shifted towards that of an advocate of the deprived. I found that I could not remain neutral on moral issues. I also responded positively to the particular needs of the black communities at that time.

In contrast to this shift towards greater identification with one group, I have tended towards a mediating and facilitating role in my recent contacts with the South African government and the liberation groups. Because of the state of polarisation and the stated unwillingness to negotiate, the parties were not interested in mediation or in mediators. But they were indeed interested in the facilitation of meaningful communication.

This chapter is largely concerned with what I term *facilitation* and not mediation. Needless to say, I am discussing *informal*, and not official, mediation or facilitation. I argue in this chapter that careful consideration of nine basic principles could contribute significantly to the success of any intermediary initiatives in South Africa. I have not included some of the most obvious principles, such as credibility of the intermediary, but have focussed on those that have taught me particular lessons. Quite obviously these lessons have applicability to many other situations of conflict.

FROM MEDIATION TO FACILITATION

Various processes and intermediary roles can be employed in the communication process between contending groups. I am arguing that the neutral, almost technical, services of the facilitator are often more acceptable than the services of the mediator who is morally committed to peacemaking. Where negotiation between conflicting parties is absent a neutral intermediary may be needed to mediate, mediation being "a voluntary process for settling disputes or resolving conflict in which an unbiassed third person assists the conflicting parties in negotiating a

mutually beneficial settlement or truce" (Albert, 1986, p. 29). Mediation is closely related to conciliation, an informal process in which the third party tries to bring the parties to agreement by improving communications, lowering tensions, interpreting issues, providing technical assistance, exploring potential solutions and bringing about a negotiated settlement, either informally or in a subsequent step, through formal mediation. Conciliation is frequently used in volatile conflicts and in disputes where the parties are unable, unwilling or unprepared to come to the table to negotiate their differences (Meyer et al., 1986, p. 16). The mediator or conciliator thus "facilitates" exchange, suggests possible solutions and assists the parties in reaching a voluntary agreement.

However, I want to make a clear distinction between mediation and facilitation. Facilitation is restricted to the *first* of the tasks of mediation listed above: the facilitation of communication between conflicting parties. It does not suggest solutions and is not primarily concerned with reaching agreement or consensus. It is more concerned with technical than moral issues; the improvement of communications, rather than the promotion of solutions.

The mediator is usually motivated by a concern to reach a peaceful solution, consensus, conciliation or some such goal. He can claim neutrality regarding the stands taken by conflicting parties, but not regarding the outcome of the exercise. For the mediator, facilitation of communication is a means to an end. For the facilitator, facilitation of communication is an end in itself, in the same way that one can pursue knowledge for the sake of knowledge or develop atomic power for the sake of developing power. While the mediator is relatively more concerned with the use made of new insights gained from reliable communication, the facilitator is primarily concerned with the fact that the relevant parties gain accurate information, regardless of what use they make of it.

For these reasons a facilitator may, in situations of extreme polarisation and intense suspicion, be more acceptable to conflicting parties than a mediator.

I want to argue, therefore, that at this stage in South Africa we would consider facilitation as a first step before attempting mediation between the major contending parties. In my experiences with the South African estabishment and the African National Congress (ANC) in exile, I have always argued that I served as a facilitator assisting both parties in having meaningful communication and reliable information. I did not convey my experiences and insights urging the parties to put the knowledge to good use, to make peace, to forgive or to behave like good boys. It was up to them to decide how they would use these insights.

This approach probably accounted for the positive responses I have had from both sides. The facilitator is less likely than the mediator to be seen as a meddler or a busybody, a preacher or a moralist. The facilitator is there *not* as a peacemaker or conciliator. He also does not offer or attempt to bring the parties together. Obviously, should the parties be ready to take that step, the facilitator may be an appropriate person to assist.

This is exactly what has happened in my efforts to facilitate between conflicting parties in Natal. While one party urged me to arrange a meeting between them and to make an effort to make peace or reconcile them, the other party, which at that time felt they were strategically at a disadvantage, did not want any reconciliation, fearing that it would serve the purpose of merely maintaining the status quo, which, from their point of view, was unjust. They wanted the assurance that justice would be done before there was any peacemaking. Being the weaker or losing party, they were also suffering heavy losses when it came to physical conflicts and violence. While they did not favour any meeting for peacemaking, they were indeed willing to participate in any ad hoc effort to reduce physical violence. This wish gave rise to the idea of setting up a Joint Monitoring Committee and eventually a meeting was held in order to establish such a committee. While one party was unwilling to meet with the enemy for purposes of peacemaking, it was indeed willing to meet (almost by default) for a more specific strategic purpose. The intermediary presented himself and was accepted as somebody who was providing a *technical* rather than a *moral* service.

INFORMAL FACILITATION IN PREPARATION FOR OFFICIAL MEDIATION

Any involvement by governments or official bodies or any of their representatives as an intermediary tends to give some kind of official status to the communication process between contending parties. This is exactly what the parties want to avoid while they are not ready for mediation.

Such circumstances call for the quiet, informal services of "unofficial diplomats"—individuals without official status, power or vested interests. Unofficial or non-official mediators are people not employed by or responsible to national governments or inter-governmental organisations. While they have no political, economic or military clout (Martin, 1984, p. 974) they have "the freedom to be flexible, to disregard protocol, to suggest unconventional remedies or procedures, to widen or restrict the agenda or change the order of items, to propose partial solutions or package deals, to press the case for constructive initiatives or magnanimous gestures" (Bailey, 1985, p. 211). Private initiatives may contribute to the alleviation of problems in communication. "By providing auxiliary channels of communication, by serving as intermediaries between governments, by performing various third party functions, including negotiating and mediating in conflict situations, and by contributing to a climate in which policy-makers can usefully work, private citizens may

augment and facilitate official diplomacy" (Berman and Johnson, 1977, p. 7). "The intent of some of the individuals who initiate private efforts is to prepare the way for intergovernmental action, and often they act with the blessing or at least the knowledge of officials of governments or international organizations. When it suits their purposes, governments may support and use private channels" (Berman and Johnson, 1977, p. 7).

CONFLICT ACCOMMODATION AND MANAGEMENT RATHER THAN RESOLUTION

"Conflict resolution" denotes the termination of a conflict through the elimination of the underlying bases or causes of that conflict. It is a far more complex and comprehensive process than mere conflict settlement, which is based on the notion of mutual compromise. Although the term is widely used in other countries, we do not favour the use of "conflict resolution" in the present South African context, because of its comprehensive and far-reaching implications. Indeed the majority of conflicts in the world are settled or accommodated rather than resolved. To use the term "resolution" loosely could therefore be interpreted as unrealistic, even irresponsible (Meyer et al., 1986, p. 9).

We use the term "conflict accommodation" as a generic term to include all methods, practices and techniques—formal and informal, traditional and "alternative", within and outside the courts—that are used to resolve or settle disputes. For some, the term "accommodation" refers to a form of compromise or giving in without taking a stand. However, we use the term to refer to the processes by which conflicting parties come to a settlement or *accommodate* one another's claims, aspirations or needs, *within the given structural context*. It does not necessarily imply fundamental structural change, although I believe that structural change is, indeed, a necessary condition for a lasting settlement in South Africa.

We tend to use the term "management" to refer to the processes by which conflict is settled or resolved through *major structural adjustments and change*. The need for management arises when the structural context does not permit the peaceful and lasting accommodation of the interests, needs and aspirations of all, notably of the weaker parties. In this sense, the term "management" is closely related to the concept of "empowerment" defined elsewhere.

There is the possibility that the term "management" could carry the negative connotation of manipulation, where the conflict-manager is seen as one who foments discord and sharpens divisions in order to bring about a settlement. However, "management" also carries with it positive associations—it implies that conflict is not *per se* something to be ignored or shunned, but can be positively and creatively handled. "Conflict

management" can therefore be used to describe this positive approach (Meyer et al., 1986, pp. 8–9). In 1981 the Centre for Intergroup Studies, in cooperation with the Western Province Council of Churches, initiated our first Conflict *Management* Programme. The name of this programme reflected a deliberate decision not to use the term "resolution" which was widely used in the United States at that time.

FROM DETACHMENT TO CONCERN FOR HUMAN SUFFERING

Objectivity and detachment are essential conditions for facilitation and mediation which require no further explanation here. But such detachment can also be interpreted as lack of feeling, care and concern by suffering, deprived or oppressed parties, who believe they had been wronged or who feel threatened. This is especially true in the case of black South Africans, but it applies to many groups in particular situations, including the white South African minority group and the Nationalist government as a pariah state.

The use of the term "resolution" has given rise to the fear that inequalities, injustice and violations of human rights will be ignored or smoothed over by intermediaries who do not share their anguish and pain, but who undertake peacemaking for ulterior motives. Academics with grand plans that they want to try out, providing material for books, foreigners who build up reputations as successful mediators and gain international acclaim for their achievements, are suspect and often unacceptable. Expression of genuine concern is not always easily reconcilable with the very necessary quality of impartiality of the facilitator. Can concern with the "oppressed" be expressed without sacrificing this impartiality, and without estranging the "oppressor"? I believe it can be done, provided that concern for suffering is distinguished from support for any one party in the conflict. Such concern can be expressed without supporting the particular stands, goals, policies or methods of that party. Adam Curle (1986, p. 19) explains how expressions of shock and horror about atrocities committed may seem to one party to imply sympathy with the enemy. He suggests: "Perhaps the best approach is to express sorrow, but in a way that suggests no blame except to the practice of war which makes such tragedies, committed by either side, inevitable". This is often possible in situations of extreme violence where both parties are suffering from physical and human losses, as in the case of the violent confrontations between opposing parties in Natal. In most particular incidents one of the parties suffers greater losses than the other and the series of incidents offers sufficient opportunities for expression of concern by the intermediary towards both sides. But even in situations where the suffering is predominantly on the one side, as in the case of the

oppression of blacks in South Africa, it is now widely accepted in government circles that past policies have been wrong and unjust and have caused suffering with which any person should sympathize.

Injury and death caused by political violence by various parties in South Africa give sufficient cause and occasion for public statements by concerned people such as church leaders. However, because of the state of polarisation, the occasions at which these statements are made, the media through which they are conveyed to the public and their content or tone almost invariably reflect the partisan political stands of such leaders. Conservative or pro-establishment church leaders show comparatively greater horror at the acts of protest of liberation movements and more concern and sympathy for their victims; while anti-government church leaders express comparatively much greater horror at the acts of the security forces and concern and sympathy for their victims. This leaning towards selective expressions of concern does not contribute towards the development of common ground, but towards further polarisation.

Examples of selective concern or horror are reflected in statements by different parties in relation to the increasing number of acts of political violence and counter-violence in South Africa. The cross-border attack of the South African Defence Force (SADF) on Maseru in December 1982, the bomb detonated by ANC supporters or agents in Pretoria on 20 May 1983 and the retaliatory attack by the SADF on Maputo three days later, left victims on both sides and elicited numerous public statements and denunciations. These events and the responses to them in both white and black circles, among conservatives and liberals, made me intensely aware of the spiral of polarisation that is driving South Africa into rigidly opposed camps of mutual hatred and commitment to revenge. This element of revenge was evident in the pubic statements of both the ANC and the South African government. On Monday 23 May, General Malan, the minister of defence, stated in Parliament that "the security forces of South Africa will revenge every drop of blood shed by the innocent—white, black or brown—with all the force at its disposal". This element pervades the whole of South African society. Blacks cheered when they heard of the Pretoria bomb, and so did whites when they heard of the revenge a few days later.

I could not help noticing in private conversation and in public statements by my colleagues and church leaders how the intensity of their responses reflected their political biases. These expressions of selective concern reinforced the relations of polarisation. In response to this situation I then formulated a statement of concern which I intended to serve as a contribution towards conciliation. In this statement I expressed:

1. my disapproval of violence on both sides;
2. my sympathy with the victims on both sides;

3. my belief in the elements of goodwill on both sides;
4. my intention to make financial contributions to the victims on both sides.

This statement, together with a small donation, were conveyed to the trustees of the State President's Fund in South Africa which was established to assist victims of terrorism, and to the Lesotho Christian Council, which assisted victims of the SADF attack on Maseru. The statement and the general sentiments expressed in it were also shared with black and white leaders of different and conflicting political views with whom I came in contact.

To my disappointment (but not to my surprise) this statement was deplored and attacked by colleagues and church leaders—some of whom accused me of supporting the terrorists and others of supporting apartheid (the government should take care of their own victims!).

Such expressions of concern can, however, open up channels of communication and promote the development of a middle ground, the narrowing of the gap between the conflicting parties and the lessening of the cycle of polarisation and violence. Such a development enhances the chances of contact, dialogue, negotiated settlement and conciliation. In contrast, expressions of selective horror and concern merely increase polarisation.

These concerns are shared by fellow Quakers with experience in international conciliation. Mike Yarrow explains that impartiality implies an aloofness or indifference, which does not adequately describe the Quaker approach:

A more appropriate though paradoxical description might be "balanced partiality"—that is, they listened sympathetically to each side, trying to put themselves in the other party's place. The evidence is clear that they were perceived as sympathetic listeners on both sides. [Yarrow, in Berman and Johnson, 1977, p. 99]

Adam Curle (1986, p. 19) argues that it is through this "concerned impartiality" that mediators are able to remain on good terms with both sides.

PEACE WITH JUSTICE

The two goals of *peace* and *justice* are normally accepted by all parties and by mediators. The unique relationship between these two goals is, however, not always fully appreciated. They are ideal states which can never be fully achieved; they are complementary, in the sense that one cannot be achieved without the other; and the roles of peacemaker (or conciliator) and prophet (or proponent of justice) stand in a relation of tension towards each other.

The peacemaker or conciliator must have credibility on both sides of a conflict. Building and maintaining good relations and credibility with all parties are not compatible with exposition of, and attacks on, injustice and public confrontation with the perceived perpetrators of injustice. The roles, tasks and styles of peacemakers and prophets are different and can cause severe tension within any one person, or between persons and groups.

This tension between peace and justice is manifested in various ways. The peacemaker who is trying to make or obtain peace at all costs is likely to underplay injustice and overlook its manifestations. By doing so, he may be able to arrange some kind of truce or apparent peace, leaving the relations of inequality and injustice unchanged. The weaker or deprived party will want an assurance that the intervener will not be obsessed with peacemaking only, but will also be concerned with the promotion of justice.

To what extent can the mediator express himself on issues of injustice without confronting or offending one party? It was pointed out earlier that it is possible to express *concern* about a problem, an injustice, an atrocity, without attributing blame. However, to do so in practice is indeed a fine art. Genuine concern is not something that can be taught in academic courses on peacemaking. In conflict situations where injustice is not a primary issue, or where mediators are seen as completely detached, these problems are less severe. In South Africa, however, injustice is seen as *the* primary issue by the deprived groups and by the international community. Furthermore, apartheid has become an international issue and no citizen of any other country is seen as quite detached or neutral on this major issue.

Justice in South Africa has become an obsession in the anti-apartheid movement, leading to the slogan: "There can be no peace until there is justice".

This atmosphere contributes to the discrediting of any conciliation or peacemaking. Given the complementary relation of the two goals of peace and justice, and the fact that justice is an ideal state that can never be fully achieved, the slogan that peacemaking should be shelved, or even opposed, until justice has been achieved obviously implies that peacemaking is not on the agenda.

In the same sense that peace and justice as goals are complementary, peacemaking and the promotion of justice as *means* towards these goals are also complementary. The one should not be conducted without the other. An obsession with the promotion of justice at all costs will undermine the foundations of peace and of a stable lasting future society. What kind of justice will it be without peace?

It has been argued that the styles and roles of peacemakers and prophets of justice are different. So do individuals differ in personality types, and organisations differ in goals and functions. It is thus obvious that each individual and organisation will lean more towards one than the other role. In my case, I have found that I tended to respond to the needs of the groups I dealt with and to specific situations. During the 1976 revolt I set off as a neutral mediator between government officials and black community leaders but spontaneously shifted towards a more partisan stand in support of the deprived groups. I attributed this shift to two factors: my responses to the needs of the black community at that time, and the fact that one cannot be neutral on moral issues (van der Merwe, 1983).

During the immense clampdown in the early 1980s I was a member of a delegation of the South African Institute of Race Relations to a regional head of police. The intention of the delegation was to bring reported atrocities and police torture to his attention in a friendly way. The meeting, however, developed into a confrontation and, with the permission of my colleagues, I withdrew from the delegation because I believed that my role as a go-between would be much more constructive and valuable than merely adding my voice to the protest movement. Subsequent developments gave support to that decision (see van der Merwe, 1986b). The art of peacemaking requires constant vigilance to maintain a balanced approach and sensitivity. There are no scientific recipes or easy answers.

BALANCING PRIVATE AND PUBLIC ROLES

Confidentiality and even secrecy are essential conditions for mediation and faciliation between public bodies. Such confidentiality poses no problems for most intermediaries. Academics, such as the members of the Centre for the Analysis of Conflict, have produced numerous publications based on their experiences in international mediation without revealing any details of the parties involved or their respective stands (Burton, 1969; Mitchell, 1981). In other cases, such information is given subsequent to the event in a way that causes no embarrassment to either party. There can be, however, good reasons for going public during the process of mediation. Third parties can help in resolving disputes constructively to the extent that they are known and prestigious. The mass media can help in this task by making them known to the parties but, even more important, by helping to promote public opinion in favour of third-party intervention and a negotiated settlement.

In my own case, I have experienced, and still do, a serious dilemma and ambivalence between my private role as facilitator and my public role as opinion maker. The latter is attached to my position as director of an institute that promotes educational and training programmes in conflict management on local, regional and national levels. The promotion of these programmes requires not only the provision of an infrastructure and organisational facilities, but also a public atmosphere favourably disposed

towards negotiation and the constructive management of conflict. Over many years, this academic task has been closely matched with strong community and religious roles. I have represented the Religious Society of Friends (Quakers) of South and Southern Africa on several occasions and have been involved in various programmes and conferences of the South African Council of Churches. A Conflict Management Programme was launched in 1981 under the joint auspices of the Centre for Intergroup Studies and the Western Province Council of Churches.

These activities give occasion to public statements by myself, either in my private capacity or on behalf of one or more religious or community groups. The mass media seldom distinguish clearly between the various capacities in or auspices under which public statements are made and often merge (and even confuse) the respective roles of academic, community leader or private individual.

This conflict is manifested in several aspects: (1) The public opinion maker is seen as somebody making a contribution to public thinking and political action. To the extent that he is successful and has an impact on developments, he may claim and deserve credit. Such credit may hamper progress if the facilitation should get any credit for progress or success instead of the contending parties. Preferably, the facilitator should stay out of the public eye. (2) In private communication between parties the results and impact of errors in judgement, wrong choice of words or wrong interpretations remain confined to the parties directly involved and can be rectified within that confined group. Public statements, however, have widespread impact and if these repercussions are negative, it is much harder to rectify mistakes. Furthermore, operating through mass media enables other groups with vested interest to colour or slant interpretations and statements.

In 1986 I was involved in the facilitation of communication between Inkatha and the United Democratic Front (UDF) in Natal. There was good progress and both parties accepted my interpretations of the situation. During the time I wrote an article on the current situation in South Africa at the request of the Sunday Times with reference to the visit of the Eminent Persons Group (EPG) (van der Merwe, 1986a). A week later Chief Mangosuthu Buthelezi, president of Inkatha, objected strongly to the fact that he had been "singled out" in the article as "the aggressive party" in South African politics. In a long letter to me he argued that I had become a propagandist of the UDF and had failed to remain neutral. It appeared that two things had gone wrong. The Sunday Times had either deliberately, or merely because of shortage of space, omitted one sentence in which special tribute was paid to Buthelezi as somebody willing to negotiate and compromise. The second mistake was my own poor choice of words. In the article I referred to "the growing antagonism of Buthelezi towards the UDF and ANC" instead of the "growing antagonism between Buthelezi and the UDF and ANC". My explanation

and apologies were accepted and I was able to continue my role as "neutral" facilitator. But this "public" incident could have ruined the "private" task.

Another occasion where I had gone public also had various repercussions. In December 1984 I introduced Dr. Piet Muller, assistant editor of Beeld, the largest pro-government Afrikaans daily paper to members of the ANC executive committee in Lusaka. He wrote two articles (Beeld, 12 and 13 December) in which he described common ground between the National Party and the African National Congress, and in an editorial Beeld called on the Government to talk to the ANC. This was the first contact of its kind in 24 years and because of its positive, constructive interpretation of an organisation hitherto described only in antagonistic terms in pro-government papers, it received world-wide publicity. Since Beeld mentioned that this unique meeting was arranged by me, it led to much speculation among newspapermen and others about my auspices and motives. There was speculation that I was sent out as a feeler by the government to test the ANC on the matter of negotiation.

I decided it was necessary to make a public statement to explain my position. In it, I emphasized the independence of my position and mission and my positive approach and belief in the value of constructive steps. These statements received much publicity in South Africa and, together with the positive stand of Beeld, contributed towards the development of a more constructive approach, public acceptance of a negotiated settlement and also growing public acceptance of the ANC as a legitimate contending party within South Africa. During the following two years more than two dozen delegations of white and black South African businessmen, academics, church leaders and so forth met with the ANC in Lusaka. In a public opinion poll published by the Afrikaans Sunday paper Rapport, by the middle of 1986 almost 50 percent of whites favoured talks with the ANC (Rapport, 20 July 1986).

I believe that the Eminent Persons Group (EPG) of the Commonwealth maintained a healthy balance between their tasks of private mediation and public education. While many observers described their mission as a failure, I have no doubt that they made an invaluable contribution not only in formulating common ground between the parties, but especially by making third-party intervention and a negotiated settlement respectable in the public eye. What they achieved in public may far exceed the benefits of their private negotiations with the respective leaders.

INCREMENTAL STEPS WITH A RADICAL GOAL

Provision should be made for incremental steps within a radical, fundamental change programme. It is possible to reconcile gradual and radical change. The demands for radical change should not be contrary to a rational plan of action which, because of its provision for a logical sequence

of events, is more likely to assure the achievement of a desired goal than one cataclysmic outburst.

The disagreement about the pace or rate of change is an important and genuine one. Quite naturally, whites who *do* realise that fundamental change, power-sharing and loss of privileges are inevitable will do whatever is within their power to postpone this transition and to propagate incremental change for that very reason. Those who want to hasten that transition will favour quick change. But this disagreement is on *means* and pace of change and not on eventual *goals*. While differences over means do constitute very severe causes of conflict, they are often more amenable to rational debate than differences over goals. Both parties presumably favour orderly change, and the formulation of a reasonable compromise in this particular case should not be impossible.

PRESSURE AND COOPERATION

It is important to recognise that pressure (violence) and cooperation (negotiation) are complementary outputs of the process of communication between conflicing parties in South Africa. Negotiation (the primary concern of the intermediary) should not be seen as a substitute for, or alternative to, pressures for change. Pressures are required to bring about change in South Africa. Negotiation should be seen as a complement to pressure in the communication process between conflicting parties. By improving the quality of communication and understanding, negotiation will ensure more rational and effective pressures and more orderly change. Meaningful and accurate information helps to put pressure in perspective. Third-party facilitation and mediation should be seen within this wider context.

South African newspapers have reported extensively on the ANC's intentions to step up the struggle in South Africa. One particular feature that aroused the horror of many South Africans was the ANC's reputed decision to focus on soft targets. These reports reinforced the popular opinion among whites that the ANC is merely a terrorist organisation and not interested in a negotiated settlement.

I want to make two observations to put the ANC's stand on this issue in perspective. First, many papers distorted Oliver Tambo's statements at a press conference. Contrary to the impression fostered by the South African authorities and their academic supporters the ANC has never employed a policy of indiscriminate terrorism. Tambo did not say they would now go for soft targets, but that "the distinction between 'soft' and 'hard' is going to disappear in an intensified confrontation, in an escalating conflict. The question of soft targets was quite out of place during World War II" (Tambo, 1985, p. 44). Oliver Tambo's stand was thus no different from that of any head of government who conducts modern warfare, whether he

be Russian, American or South African. During the Second World War, 34 million innocent civilians—soft targets—were killed as against only 17 million military personnel. The two atom bombs dropped by the Americans destroyed primarily innocent civilians—soft targets.

Many people regard the intensification of the struggle as an indication that negotiation is ruled out. Quite the contrary may be true. It is normal for parties in conflict to do their very best to increase their bargaining power before negotiations commence. It is also normal for political leaders (both ANC and government) publicly to deny negotiations at such times.

At the same time that Tambo announced the intensification of the armed struggle, the National Executive Committee of the ANC in their Political Report referred to recent contacts between the ANC and South African businessmen, journalists, intellectuals and politicians. They did not condemn these contacts, but clearly stated that such negotiations should be handled with caution. "It is absolutely vital that our organisation and the democratic movement as a whole should be of one mind about this development to ensure that any contact that may be established does not have any negative effects on the development of our 'struggle'" (*African National Congress*, 1985, p. 36). Tom Lodge observed a "new note of conciliation" in the ANC since Nkomati. Even the dogmatic Communist leader Joe Slovo conceded that one day dialogue might well take place: "There were conditions under which all states or movements must be prepared to negotiate" (Lodge, 1985, p. 85). The ANC's serious commitment to negotiate was unequivocally confirmed in press statements by Oliver Tambo in January 1987.

While I do not want to play down the intensity and viciousness of the security clampdown in the mid-1980s, I firmly believe that this is not endemic in South African society, but a passing phase. To the extent that the moral base of apartheid has been eroded (Hund and van der Merwe, 1986, Chap. IV), white (including Afrikaner) leaders lack the moral commitment to such repressive measures as part of a long-term policy. For the moralists and pragmatists in the establishment, such measures can only be justified as control mechanisms during the process of reform.

PRESSURES AS CONDITIONAL AND CONSTRUCTIVE

Pressure on the government should be seen as part of the communication process and should be constructive and conditional, rather than punitive. Given this relationship between pressure and cooperation and the inevitability of pressure in power politics, a comment on the nature of sanctions against South Africa is in order.

Selective sanctions would be coupled with conditions that are not merely destructive but demand, and have a chance of obtaining, improved conditions in Southern Africa, These conditions should be specific,

realistic and attainable and there should be a very clear commitment that the sanctions will be lifted when and if these conditions have been met.

This suggests a positive approach to the ruling parties in South Africa, a belief in their ability to meet these conditions (albeit under pressure and not willingly), and an open line of communications with the adversaries to enable the sender parties to review the situation, to discuss conditions and terms and, eventually, to agree on the lifting of the sanctions. Such an approach is not consistent with hate campaigns, mass hysteria and the belief that Afrikaners, Nationalists, business leaders or whites are all evil, or at least so evil that they cannot change, adapt or negotiate. If sanctions are to pave the way for negotiations, then serious rethinking seems to be called for in the emotional, international, public boycott campaign being waged.

CONCLUSION

This chapter has described several contrasting options open to the intermediary in the South African conflict. While it is readily admitted that such options could result in ambivalence (or even schizophrenia), the theme of this chapter is that, given the necessary sensitivity and initiative on the part of an intermediary, creative and constructive intervention is possible. While I have made a strong case for *facilitation* rather than *mediation* at times of extreme polarisation (such as we have in South Africa at present), I have demonstrated how, in my own case, facilitation has paved the way for mediation, and how I have responded to it.

The chapter reflects my current leanings towards the neutral role of facilitator or mediator. I have, however, great appreciation of the need for pressures on the establishment and argued that mediation and negotiation should be seen as *complementary* to pressure, not a substitute for it. However, I also argue, in the last section, that pressures, in order to complement negotiation, should be constructive and selective.

As a Quaker I am committed to non-violence. I have come to realise, however, that violence is endemic in mankind and in South Africa. Resort to violence is justified by virtually all religious and political leaders in all major conflicting groups in South Africa. I therefore do not talk about "peaceful" change in South Africa. But I do believe that the constructive approach described in this chapter does contribute towards a reduction of violence in the change process. My efforts are directed towards the promotion of justice and peace in South Africa. These two goals, are, however, unattainable ideals. Any new government in South Africa will fall short of these ideals. The struggle for justice, accompanied by violence, will continue, and so will the need for intermediaries.

11

Hypergames as an Aid to Mediation

Peter G. Bennett

THE TROUBLE WITH GAME THEORY

For an approach that showed such intellectual promise, the Theory of Games has proved surprisingly unhelpful. That, at least, seems to be something approaching a consensus view among those concerned with the practice of conflict management, negotiation, conflict resolution, and so on. By the same token, Game Theory is not generally welcomed with open arms by those who are already working in the field. At best, one hears the view that it may be helpful at the "conceptual" level (for example, by providing insight into what a threat "is"), while not being useful at a practical level, for guiding action in some particular situation. That is a comparatively charitable opinion. At worst, Game Theory may be seen as totally irrelevant (Blackett, 1962), or, indeed as positively harmful (Green, 1966; Martin, 1978). There are partial exceptions, to be sure, for there are fields in which the theory has been taken seriously. That of deterrence springs to mind. Even there, however, the theory's initial impact (particularly through Schelling's classic work) does not appear to have been maintained (Schelling, 1980).

As to why this should be so, there is no shortage of possible reasons. Clearly, the "game" terminology does not help, carrying as it does not only an air of trivialisation, but also an unhelpful "win–lose" connotation. That neither of these connotations is actually reflected in the content of the theory does not diminish their effectiveness in putting people off. It is thus no surprise that where approaches derived from Game Theory have had some success in getting applied "for real", they tend to enter under an