

# Options and Techniques for Quiet Diplomacy

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Craig Collins and John Packer



FOLKE BERNADOTTE ACADEMY



INITIATIVE ON CONFLICT PREVENTION  
THROUGH QUIET DIPLOMACY



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## **The Initiative on Conflict Prevention through Quiet Diplomacy**

The *Initiative on Conflict Prevention through Quiet Diplomacy* is an undertaking of a global consortium aimed at the establishment and/or strengthening, within regional or sub-regional intergovernmental organisations, of institutions dedicated to preventing conflict through quiet diplomacy. The *Initiative* believes that provided with adequate mandates and resources, and following a human rights informed, assistance-oriented and problem-solving approach regional intergovernmental organisations can better address the root and proximate causes of conflict and so effectively reduce, if not entirely prevent, violent conflict. Through cooperative engagements with early action, the role of the State may be enhanced as guarantor of peace and security and as facilitator of economic and social development. The function and experience of the OSCE High Commissioner on National Minorities provides a promising example of such preventive action.

The *Initiative* seeks to stimulate institution and capacity-building to this effect, facilitated by a systematic cross-regional sharing of experience, lessons and institutional arrangements. Current activities of the *Initiative* include capacity-building and research on effective conflict prevention with a view to institution-building in Africa, East and Southeast Asia, South Asia, Latin America & the Caribbean, the Middle East and Gulf region, and the Pacific Islands.

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The *Folke Bernadotte Academy* is a Swedish government agency dedicated to improving the quality and effectiveness of international conflict and crisis management, with a particular focus on peace operations. It is named after Count Folke Bernadotte, who was the first official UN mediator. The Academy functions as a platform for cooperation between Swedish agencies and organizations and their international partners. Its main areas of responsibility are:

- National- and international coordination
- Joint multifunctional education and training
- Research, studies and evaluation
- Method and doctrine development
- Funding of Civil Society Peace Projects

The Academy has a preparedness to offer good offices for conflict management initiatives, such as talks between parties to a conflict. Within its mandate, it serves as national point of contact with international organizations, including the UN, EU, OSCE and NATO.

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## Series Overview

The aim of the Conflict Prevention Handbook Series is to enhance the capacities and improve the effectiveness of conflict prevention actors, especially those at intergovernmental level. These “third-parties” involved in inter-communal and related conflicts are faced with the difficult challenges of how to contain, de-escalate and hopefully prevent, if not resolve, tensions and disputes. Such conflicts typically build over a long period of time and are fuelled by real or perceived grievances about matters that affect the everyday life of members of different communities in a society. Successful third-party engagement must therefore be capable of responding to immediate triggers and proximate causes of a dispute, while also addressing root causes through reconciliation, institution-building, and political and economic transformation. Successful engagement requires the tools appropriate to the related issues and to processes.

In this light, the Conflict Prevention Handbook Series will provide previously unavailable practical resources around selected issue areas that are amongst the common grievances of parties to inter-communal conflicts and, thus, are sources of tension that international, national and local actors require to manage, if not resolve, the problems at the root of tensions and to avoid violence. The handbooks will present, analyse and evaluate the different means and measures that can be used to address these recurring substantive issues. Though primarily issue-oriented, the series also consists of process-related topics. Subjects treated reflect the specific needs of conflict prevention actors, and have been chosen from experience, observation and the recommendations of senior inter-governmental officials and other practitioners.

Each handbook will provide: methodologies for assessing a situation, determining the causes of grievances; a menu with descriptions of possible approaches and measures to address the issue(s); considerations and conditions relevant to the selection and implementation of the measures; information about expected outcomes; concrete examples (including comparative law and practice) from different contexts; and practical resources upon which actors can draw. The handbooks will draw clearly from international normative frameworks and follow a problem-solving approach.

The concise, easily accessible and specific nature of the handbooks is meant to provide concrete and immediate guidance to conflict prevention actors, thus enhancing both the processes and outcomes of their activities. As such, they are not meant to replace deeper learning or training, but rather be useful tools for practitioners who may not be specialists on various topics and can benefit from initial guidance and further references. Each commissioned handbook will be written by experts in the field, peer-reviewed, subjected to scrutiny and critique, edited under the supervision of the Coordinator of the global *Initiative on Conflict Prevention through Quiet Diplomacy* (of which this series forms part), and published by the Folke Bernadotte Academy a government agency of the Swedish Ministry of Foreign Affairs. The author(s) of each handbook are responsible for its content. They will be made widely available at no cost, with translations to follow as funds allow..

*Options and Techniques for Quiet Diplomacy* is the first of the Handbook Series. It is a revised version of a discussion paper drafted for a July 2005 consultation of Secretaries-General of regional, sub-regional and other intergovernmental organisations on the same subject, and provides a definitional and procedural foundation upon which effective use of the remaining issue- and process-oriented handbooks depends. It presents a practical typology of options *for* and techniques *of* quiet diplomacy – “how to get involved” and “how to act once engaged” – with

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## About the Authors

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John Packer is the Coordinator of the *Initiative on Conflict Prevention through Quiet Diplomacy*. He is former Director of the Office of the OSCE High Commissioner on National Minorities (2000-2004) where he was previously Senior Legal Advisor to the OSCE High Commissioner on National Minorities (1995-2000). During 2003-2004, he was a Fellow at the Carr Center for Human Rights Policy at the John F. Kennedy School of Government at Harvard University and Visiting Assistant Professor of International Law at the Fletcher School of Law & Diplomacy at Tufts University. From 1991-1995, Mr. Packer was a Human Rights Officer at the UN High Commissioner for Human Rights responsible for investigating serious violations of human rights in Iraq and Burma (Myanmar) and assisting the UN Special Rapporteur on the Independence of Judges and Lawyers. He was also a consultant for the International Labour Organisation and the UN High Commissioner for Refugees (1987-1991). In a *pro bono* capacity, he is on the Boards of Minority Rights Group International (MRG), the Centre for Housing Rights and Evictions (COHRE) and the World Federalist Movement-Canada (WFM-C), as well as on the editorial boards of a number of journals.

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This handbook has been produced through the benefit of public resources. Users are welcome to copy and distribute any information herein; reference to the source would be appreciated. Indeed, broad dissemination and use is encouraged. The original of this handbook is in the English language, with translations to follow.

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# *Foreword*

Options and techniques of quiet diplomacy as tools for prevention of mass violence have been brilliantly analyzed by John Packer and Craig Collins. Packer is a distinguished diplomat and scholar who worked in the extraordinary OSCE program with Max van der Stoel for most of a decade. Preventive diplomacy is the range of peaceful dispute resolution approaches mentioned in Article 33 of the UN Charter when applied before a dispute crosses the threshold to armed conflict. It has many forms and methods. “Quiet diplomacy” is a notable one. The importance of this approach has grown sharply in recent years. This paper covers such valuable options as “good offices,” “facilitation,” “mediation,” “conciliation,” “adjudication” and “arbitration.” For anyone seriously interested in preventing deadly conflict, this paper is essential. Quiet diplomacy can address both basic and proximate causes of conflict. In the process, it can help to create mechanisms that enhance dialogue and cooperation among different groups and therefore encourage future management of disputes through peaceful means.

**Dr. David A. Hamburg**

*Co-Chair, Carnegie Commission on Preventing Deadly Conflict*

*DeWitt Wallace Distinguished Scholar, Weill Medical College, Cornell University*

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# 1. Introduction:

## *Quiet Diplomacy in Pacific Settlement of Disputes*

### *Definitions*

“Diplomacy” describes the conduct of international relations through the interaction of official representatives of governments or groups. It encompasses a broad range of activities and approaches to exchanging information and negotiating agreements which vary widely according to the actors and situations involved. For the purposes of this typology, we distinguish such activities from coercion or the use of force – thus excluding sanctions and military interventions from consideration – while acknowledging that non-coercive diplomacy may well take place in contexts where these factors are present. As such, this paper addresses preventive diplomacy through quiet means (as opposed to “gun-boat diplomacy” backed by threat of force or “public diplomacy” which makes use of publicity). It is also understood that circumstances may exist in which the consensual use of force (notably preventive deployment) might be welcomed by parties to a conflict with a view to achieving the stabilization necessary for diplomacy and related political processes to proceed.<sup>1</sup> This is to be distinguished from the use of “persuasion”, “suasion”, “influence”, and other non-coercive approaches explored below.

“Preventive diplomacy”, in the view of one expert, is “the range of peaceful dispute resolution approaches mentioned in Article 33 of the UN Charter [on the pacific settlement of disputes<sup>2</sup>] when applied *before* a dispute crosses the threshold to armed conflict.”<sup>3</sup> It may take many forms, with different means employed. One form of diplomacy which may be brought to bear to prevent violent conflict (or to prevent its recurrence) is “quiet diplomacy”. When one speaks of the practice of quiet diplomacy, definitional clarity is largely absent. In part this is due to a lack of any comprehensive assessment of exactly what types of engagement qualify, and how such engagements are pursued. On the one hand, a survey of the literature reveals no precise understanding or terminology on the subject. On the other hand, concepts are neither clear nor discrete in practice. Multiple definitions are often invoked simultaneously by theorists, and the activities themselves often mix and overlap in practice.

Accordingly, the general object of this typology is to outline clearly the options and techniques for quiet diplomacy – defined herein as intergovernmental or “third-party” engagement distinct from the traditional diplomacy of an interested party or Government. It is high-level, or Track I, diplomacy that engages official decision-makers, though each case is unique and likely blends various options and techniques that may include interaction with Track II (with non-officials) or Track I ½ (blended) processes. In contrast to traditional diplomacy, third-party engagement is characterized by “*dis-interest*”, impartiality, neutrality and

1 This was the case for the United Nations Preventive Deployment (UNPREDEP) in Macedonia from 1995 to 1999.

2 Article 33 of the Charter of the United Nations stipulates:

(1) The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

(2) The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

3 Connie Peck. *Sustainable Peace: the Role of the UN and Regional Organizations in Preventing Conflict* (Lanham, MD: Rowman & Littlefield Publishers), 1998.

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independence. “Dis-interest” describes a party acting with no interest other than a mandated and typically public one. Within its mandate, the third party may exercise a degree of independent decision-making power apart from a State or organization. It is important to note, however, that there can be interested, and often dependent, third parties – including to the organizations they represent or the parties to the conflict. It is also necessary to distinguish “neutrality” from “impartiality”. The former refers generally to the position of the third party regarding the issues in dispute, while the latter applies to the position of the intervener relative to the parties.

## *Typology*

With this as our focus, the typology will differentiate among two dimensions of quiet diplomacy: options *for* engagement, and the techniques *of* engagement. Both dimensions are subdivided to allow brief assessments of the different types of action available and the possible strategies for pursuing them. As our objective is practicality, both subdivisions respond to a “how to” question. The first, “How to get involved”, addresses appropriate form. The second, “How to act once engaged”, addresses specific tactics.

To answer the first question, the typology will distinguish between the practices of “facilitation”, “mediation”, “conciliation”, “adjudication” and “arbitration”, and the use of “good offices” and “special envoys” – the latter two of which may differ from the others in form and function, but might involve or evolve to include them or elements thereof. Importantly, quiet diplomacy is a particular option for diplomacy which can be undertaken via some of these different practices but which generally and characteristically employs specific techniques. Namely, it is not “public”, much less “megaphone” diplomacy, nor is it “secret”, but rather defined by confidentiality and *discretion*. In contrast to “public diplomacy”, ostensibly intended for domestic constituencies, and “megaphone diplomacy”, meant to call international attention (and, presumably, pressure) to address a given situation, *the aim of quiet diplomacy is to create conditions in which parties feel comfortable to act, in particular allowing parties calmly to evaluate positions and interests, to weigh options and consider independent and impartial advice*. It does so by allowing dialogue to take place without the public scrutiny that risks parties losing face or hardening their positions. Discretion therefore makes quiet diplomacy a distinctive approach – though, like others, one which may be more or less robust.

To answer the second question, a list of technical choices and variables must be considered. These include: time (when to engage and over which period); periodicity; nature of contacts with the parties; means of communication; nature of contacts with others; and, not least important, the *content* of third-party action.

The options and techniques set out herein are neither exhaustive nor exact. They also overlap in some respects, both conceptually and in actual use. Several elements merit further elaboration.

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## 2. Options

The primary function of quiet, third-party diplomacy is to create space for dialogue and to establish and maintain confidence. Both objectives are enhanced by establishing relations at an early stage, thus creating a sort of “capital” of confidence, trust and local knowledge – including personal contacts – all of which may be drawn upon, especially should events take a negative turn. This “capital”, primarily and most effectively enabled by pro-activeness, complements and enhances problem-solving efforts by maximizing the impact of the abovementioned notions of “persuasion”, “suasion” and “influence”. Through early, long-term relation-building, the third-party actor is better able to identify and then draw attention to the “enlightened self-interest” of parties to a conflict, devising genuine and workable *solutions* to real problems, advancing *argument*, and using experience and prestige to influence. This requires credibility on the part of the third-party, born of recognized status, experience and skill for which commensurate resources are needed. It also requires the capacity to deliver expert assistance and otherwise be useful.

Although the challenge of multi-party versus two-party engagements will be addressed in the section on Techniques, it bears mentioning here that the basic options and techniques remain the same. Their choice and application may be different, as in the case of proximity talks whereby the third party might have to “survey” or perform multiple “shuttling” and try to triangulate positions with a view to finding “common ground”, leading positions, and perhaps “compensating” some. None of this is necessarily unique to multi-party engagement, but a greater degree of complexity is inescapable. A seminal book on the subject aptly describes the process as “herding cats”.<sup>4</sup>

The following, though not intended as an exhaustive list, provides a brief overview of the primary options for quiet diplomatic engagement for the prevention of violent conflict: “good offices”, “special envoys”, “facilitation”, “mediation”, “conciliation”, “adjudication” and “arbitration”.

### 2.1. “Good Offices”

Perhaps the most prominent example of third-party engagement has been the “good offices” function of the Heads of intergovernmental organizations. Though enshrined in the charters or dispute resolution mechanisms of a number of regional organizations, the precise meaning and practice of the term are rarely elaborated. The ambiguity of the good offices function – in one definition described as “action taken to bring about or initiate negotiations, but without active participation in the discussion of the substance of the dispute”<sup>5</sup> – has permitted considerable freedom of action for those who have chosen to provide it.

- *When*: most prominently at the outset of a conflict management effort
- *How*: gaining entry at the good office provider’s own initiative, with consent or by invitation of parties; guaranteeing a safe environment; access to information, expertise, and power to reward and coerce<sup>6</sup>
- *Functions*: enquiries; fact-finding; determination of legal rights and specific duties; intermediary, i.e. to transmit messages between parties; may then encourage exchange of information; may attempt to explain and interpret messages to receiving party; formulating objectives for the

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4 Chester A. Crocker, Fen Osler Hampson and Pamela R. Aall, eds. *Herding Cats: Multiparty Mediation in a Complex World*. (Washington D.C.: United States Institute of Peace Press), 1999.

5 H.G. Darwin. “International Disputes,” in Victor Umbricht, *Multilateral Mediation: Practical Experiences and Lessons*. (Boston: Martinus Nijhoff Publishers), 1998.

6 Alys Brehio. “Good Offices of the Secretary-General as Preventive Measures”, (New York: *NYU Journal of International Law & Politics*) Volume 30, (1998), 589 at 620.

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process; may propose procedures for continued exchanges and negotiations; may communicate with non-governmental actors<sup>7</sup>

- *Characteristics*: dispassionate outsider or interested insider; credibility, local knowledge and sustainability over long-term (mix of actors may be required to accomplish all three)

## 2.2. *Special Envoys*

Special envoys are respected, experienced and impartial individuals (typically senior or retired diplomats or politicians) dispatched by the authority of a third party – often by invitation of governments involved in conflicts – to help reduce tensions and resolve disputes. They collect information, promote dialogue, make recommendations on issues of concern, and suggest preventive activities. As envoys generally have limited power to move parties to comply, their involvement is most effective before stakes in a conflict have risen. Furthermore, the fact that actions of the envoy at an early stage are more likely conciliatory and non-threatening may help maintain the permission – implicit or explicit – of sponsoring organizations and their member States to engage with all parties in other ways.

- *When*: before tensions have escalated (pre-crisis, early); usually short-term
- *How*: (1) *contact*: one-off; direct, in person; visiting, extra-territorial; focused mainly on particular disputants/immediate tensions; (2) *communication*: oral, public, confidential, on-the-record, off-the-record, reporting (back to intergovernmental organization)
- *Functions*: from fact-finder/observer to active engagement with parties in communications and negotiations; earning trust; provision of advice, counsel, recommendations; conduit to other instruments; intermediary; negotiator; mediator; process and goal definition; catalyst for initiating institution-building or other means of addressing sources of conflicts; providing early warning for outside community; may express grievances of parties where appropriate before international community
- *Characteristics*: stature, experience and considerable independence; dispassionate outsider or interested insider; credibility; impartial broker; avoids cumbersome political processes and time other tools/procedures might require; cannot ensure that underlying causes of tension are redressed and must therefore be supplemented by long-term tools

## 2.3. *Facilitation*

Facilitation describes third-party engagement which provides a forum, space and environment conducive to dispute settlement. Other facilities and services may be provided as appropriate, notably communications. Such provision may be minimal or substantial depending on the situation and (most importantly) the will of the parties. “Facilitated mediation” describes a more substantive third-party engagement which actively seeks to solve the matters in dispute by bridging positions and advancing alternatives. These engagements work best at the earliest possible stage, when the sources of conflict are identified and addressed before tensions or violence emerge. Such a mechanism may maintain its independence and impartiality by basing its actions and recommendations on international norms already recognized by the parties concerned.

Historically, it appears most effectively accomplished “quietly”, as elaborated and exemplified by the OSCE High Commissioner on National Minorities (HCNM), which is capable of quick, independent and impartial action, promotes a law-based approach, and can rely upon participating States for support and

7 Kjell Skjelsbak. “The UN Secretary-General and the Mediation of International Disputes”, *Journal of Peace Research*. Volume 28, No. 1 (1991), at 111.

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further credibility.<sup>8</sup> Indeed, since commencing activities in 1993, the HCNM has – with modest resources including a small travel budget and few staff – successfully identified and assisted in the early resolution of tensions between parties in some fifteen countries that could endanger peace, stability or friendly relations among participating States of the OSCE. In addition to facilitating dialogue and promoting confidence and cooperation, the HCNM has made recommendations to States regarding, *inter alia*, changes in legislation, institutions or policies affecting political and economic participation, education, language and culture of national minorities. Though often covered by local media, engagement of the HCNM has been discreet but not secret, thus respecting confidences and enabling open dialogue between all parties.

- *When*: before conflict dynamics emerge, and until or after early operational conflict phase
- *How*: with consent (usually pre-established by the mandate of the intervening mechanism) and cooperation of State concerned; monitors potential problem areas, determines if involvement is needed and degree of positive impact; addresses root and proximate causes
- *Functions*: creating conditions for parties to initiate and maintain their own dialogue process; communicating and interpreting international norms; making precise recommendations of politically feasible solutions in line with those norms; explaining advantages of adherence and mobilizing support for conformity
- *Characteristics*: independence; cooperation (non-coercive); impartiality; confidentiality; trust and credibility; capable of gathering and analyzing information; inside contacts; persistence; uses media tactfully and tactically; ‘megaphone’ when options exhausted<sup>9</sup>

## 2.4. Mediation

Mediation, a voluntary and *ad hoc* tool of peaceful conflict prevention and resolution, is “related to but distinct from the parties’ own negotiations, (and) can be a non-coercive, nonviolent [and often non-binding] form of intervention of a third-party to affect, change, resolve, modify or influence a conflict.”<sup>10</sup> In mediation, parties seek the assistance of, or accept an offer of help from, an outside actor to change their perceptions or behavior without resorting to the use of force or the authority of law. It may involve the commitment of the parties to respect the determinations and decisions of the independent and impartial third-party mediator.

A mediator may act as a “catalyst, educator, translator, resource-expander, bearer of bad news, agent of reality, and scapegoat.”<sup>11</sup> The objectives of a mediator are “to change the physical environment of conflict management, to influence the perception of what is at stake, and to stimulate the parties’ motivation to reach a peaceful outcome by using subtle pressure.”<sup>12</sup> Mediators should seek to problem-solve and prioritize improving relationships between the parties concerned.

- *When*: too early may make the intermediary unpopular with one or more parties; too late may mean the situation has deteriorated to the point where mediation is not possible
- *How*: Communication – contact with parties; trust and confidence-building; arranging for interactions; identifying underlying issues and interests; supplying missing information; transmitting messages between parties; allowing interests of all parties to be discussed; parties agree to involvement of outside mediator to facilitate process

8 Walter A. Kemp, ed. *Quiet Diplomacy in Action: The OSCE High Commissioner on National Minorities* (The Hague: Kluwer Law International), 2001.

9 *Ibid.*

10 Jacob Bercovitch, “Mediation in International Conflict: An Overview of Theory, A Review of Practice,” in Zartman, I.W. and Rasmussen, J.L., eds. *Peacemaking in International Conflict* (Washington D.C.: U.S. Institute of Peace), 1997 at 130.

11 Joseph Stulberg, “Taking Charge/Mediating Conflict” (Lexington, Massachusetts: DC Heath), 1987, as quoted in Bercovitch, at 136.

12 Bercovitch, at 139.

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Formulation – chooses meeting site; controls pace of meetings and physical environment; establishes protocol; ensures privacy; highlights common interests; controls timing; helps devise acceptable outcome; helps parties save face; suggests compromises

Manipulation – keeps parties at the table; changes expectations; takes responsibility for compromises; makes parties aware of the costs of non-agreement; supplies and filters information; rewards concessions; adds incentives and threatens punishments<sup>13</sup>

- *Functions*: issue definition; determining process, methods/procedures; identifies and explains (but does not exactly wield) carrots and sticks
- *Characteristics*: mediator is “acceptable, impartial, neutral third party who assists parties in reaching their own settlement”<sup>14</sup>; encompasses good offices and conciliation; tends to be more appropriate than adjudication (binding third-party settlement) for politically sensitive disputes such as those involving national honor, “vital” national interests, or the use of force.<sup>15</sup>

## 2.5. Conciliation

The term conciliation refers broadly to proceedings in which a person or a panel of persons assists the parties to a dispute in resolving their differences. An essential feature of the practice is that it is based on a request addressed by the parties to the third party. Conciliation differs from mediation in that its aim is to conciliate – or reconcile – the objectives of each party, often by seeking concessions, and that the parties seldom, if ever, face each other across the table in the presence of the conciliator. Separate meetings are held with the parties – a practice known as “caucusing” – and communication between them is accomplished through “shuttle diplomacy”.

Substantively, a conciliator assists sides to develop independently a list of their objectives, and then encourages them to “give” on the objectives one at a time, from least to most important, with a view to achieving easy “successes” and thereby building trust. Conciliators often take a more active role than mediators in making suggestions or advising on the best way to resolve the dispute. In contrast to arbitration, parties retain full control over the process – which is non-adjudicatory – and the outcome. As the process has no legal standing, the conciliator typically has no authority to seek evidence or call witnesses, usually writes no decision, and makes no award.<sup>16</sup>

- *When*: before violent escalation; in response to the invitation of parties to a dispute
- *How*: parties agree and extend invitation to the conciliator; process determined by parties
- *Functions*: facilitating dialogue between parties through independent caucusing and information transmission; assisting identification/prioritizing of objectives; building trust
- *Characteristics*: parties control process and outcomes – no procedural guarantees; entirely consensual; often proposes but does not impose solution; adapts to circumstances and accommodates wishes and interests of parties

13 Saadia Touval and I. William Zartman. *International Mediation in Theory and Practice*. (Boulder, Colorado: Westview Press/Foreign Policy Institute, SAIS, Johns Hopkins University), 1985, at 137-38.

14 Christopher W. Moore, *The Mediation Process: Practical Strategies for Resolving Conflict* (Jossey-Bass: San Francisco, 1986), 6 quoted in Bercovitch, at 129.

15 Richard Bilder, “Adjudication: International Arbitral Tribunals and Courts,” in Zartman and Rasmussen, at 166.

16 United Nations Commission on International Trade Law (website accessed 20 December 2005): [www.uncitral.org/pdf/english/texts/arbitration/ml-conc/ml-conc-e.pdf](http://www.uncitral.org/pdf/english/texts/arbitration/ml-conc/ml-conc-e.pdf)



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## 2.6. Adjudication and Arbitration

International adjudication refers to a method of international dispute settlement that “involves the referral of the dispute to an impartial third-party tribunal – normally either an arbitral tribunal or an international court – for binding decision, usually on the basis of international law. In contrast with so-called political means of settlement, international adjudication usually involves a legal obligation on the part of the parties to the dispute to accept the third party’s decision as settling the dispute.”<sup>17</sup> Arbitration is a form of adjudication that involves the referral of a dispute to an *ad hoc* tribunal, rather than to a permanently established court, for binding decision based on terms agreed by the parties.<sup>18</sup> It may also be simply by agreement between the parties, including agreed terms, as is often the case for international commercial exchanges.

- *When:* before violent escalation
- *How:* parties form an agreement to establish tribunal/arbitral panel to decide their dispute
- *Functions:* issue definition; determining methods and procedures; tribunal/panel addresses only the particular issue(s) entrusted to it by the agreement
- *Characteristics:* offers parties control over selection of intervener(s), scope of issues, and procedures; produces legally binding decision (less appropriate for politically sensitive disputes)

## 3. Techniques

Given the abovementioned options *of* engagement, a list of techniques *for* engagement includes a number of technical choices and variables to be considered. Once the type of engagement is determined, choosing the appropriate techniques by which to pursue it effectively is essential to achieving the fundamental aim of creating conducive environments for dialogue and devising “winning” arrangements which allow for interest-based buy-in or sufficient compensation for the parties involved. Considerations must also be made to manage the potential impact of “spoilers”, especially extremists who may be non-compromising or even nihilistic, or/and to empower moderates and value the middle ground, for which “pot-sweetening” might be appropriate to draw in and retain additional or key parties.

The following considerations address specific aspects of the third-party engagement:

*“Level” of contacts:* Whether high-level/summits, senior officials or directors, mid- or working- or staff-level, the third party must consider who to engage. Engagement at more than one level increases the range of options, whether the objective is to clarify issues, build-in “escalation”, or engage in fact-finding. At the highest level, protocol rarely allows more than limited duration meetings, making detailed discussions rare. High-level meetings also draw attention and convey to outsiders a significance which might not always be merited, and may raise suspicions or expectations. This can be especially significant in quiet diplomacy where one does not intend to expose every detail; indeed, one may even decline to deny erroneous conclusions which could invite requests for further clarifications.

*Direct contacts:* may include face-to-face (whether in person or through telecommunications), tête-à-tête, 2-party, 3-party or multiparty.

17 Bilder, in Zartman and Rasmussen, at 155.

18 In seeming contradiction, there are international Courts of arbitration including notably the Permanent Court of Arbitration (see [www.pca-cpa.org](http://www.pca-cpa.org)) located in The Hague, the International Court of Arbitration (see [www.iccwbo.org](http://www.iccwbo.org)) operated through the International Chamber of Commerce located in Paris, and the OSCE’s Court of Conciliation and Arbitration (see [www.osce.org/ccal/](http://www.osce.org/ccal/)) seated near Geneva.

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*Gaining entry:* may include unsolicited offering, insinuation (simply acting), waiting to be asked, or having fourth parties recommend involvement.

*Process:* facilitating goal-setting and bench-marking, setting these out sequentially to be achieved incrementally, perhaps beginning with the easiest issues. Metaphorically, the facilitator picks “low-hanging fruit” (i.e. the easiest issues on which to obtain positive and evident results), in the process developing confidence and sometimes buying time or packaging them for a more comprehensive agreement or settlement.

*Addressing grievances:* In terms of problem-solving approaches and violent conflict prevention, the third party almost invariably deals with grievances. Techniques to deal with these may include re-framing issues or articulations, affecting terms, floating trial balloons, and of course “solving”. Another technique (or perhaps “function”) of the intervener is fact clarification, commonly with regard to material facts, positions, legal responsibilities, and then to act as an arbiter or referee.

*Crediting:* Approaches may include attribution (explicit or implied), non-attribution (leaving aside provenance and credit for an idea or act), or third-party voicing (allowing parties to use the third party to articulate or express ideas or proposals so they may be easier to consider and possibly accept/swallow).

The following variables will be generally used to define the techniques explored below:

- *Time:* when to engage (early, very early, at crisis-point, late), and over which period (short, medium-term or long-term)
- *Periodicity:* one-off, occasional, a few, subsequent, sequential, serial, continuing/on-going
- *Nature of contacts with the parties:* direct, indirect, in person/in situ, visiting or resident, extra-territorial
- *Means of communication:* oral, written, public, confidential, secret, on-the-record, off-the-record, reporting
- *Nature of contacts with others:* “fourth parties” (i.e. parties not to the dispute, but with interests and possible influence), independent experts, possible resource-providers
- *Content of third-party action:* conveying of information, provision of advice, counsel, recommendations, technical assistance, conduit to other instruments (e.g. development assistance and aid)

### 3.1. Proactive Engagement

Generally practiced by pre-standing (as opposed to *ad hoc*) mechanisms, proactive engagement is contingent upon accessibility to the parties to a conflict, and balanced by confidentiality. The essence of such engagement is preparedness to take initiative and to instigate – and to try whatever works. The prototypical mechanism is capable of quick, independent and impartial action, and may rely upon fourth parties for support and credibility.<sup>19</sup>

- *Time:* early, very early, at crisis-point, occasionally late (before conflict dynamics are entrenched); and over short, medium-term or long-term
- *Periodicity:* serial, continuing/on-going
- *Nature of contacts with the parties:* direct, indirect, in person/in situ, visiting or resident, extra-territorial
- *Means of communication:* oral, written, public, confidential, secret, on-the-record, off-the-record, reporting

<sup>19</sup> Kemp, op.cit. (note 8 above) describing the approach of the OSCE HCNM.

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- *Nature of contacts with others*: “fourth parties”, independent experts, resource-providers
  - *Content of third-party action*: creates conditions for parties to initiate and maintain their own dialogue process; communicates and interprets norms; makes precise recommendations of politically feasible solutions in line with those norms; explains advantages of adherence
  - *Characteristics*: with consent (usually pre-established by mandate) and cooperation of parties concerned; monitors potential problem areas, determines if involvement is needed and degree of possible positive impact; addresses root and proximate causes; independence; cooperative (non-coercive); impartiality; confidentiality; trust and credibility; capable of gathering and analyzing information; inside contacts; persistence; uses media tactfully and tactically

### 3.2. Proximate Diplomacy

In the face of an imminent or already existing crisis, proximate diplomacy describes intense, sometimes aggressive and creative negotiation efforts typified by a demonstrated willingness by the negotiating party or parties to threaten serious sanctions for non-compliance, including the use of military force. Proximate initiatives are *ad hoc* and tend to be of short duration.

- *Time*: at crisis-point, and over short, medium-term or long-term
- *Periodicity*: one-off, occasional, a few, sequential, serial, or continuing/on-going
- *Nature of contacts with the parties*: interested third-party calls party or parties to negotiating table to communicate options for all concerned and their consequences; direct, in person/in situ, visiting or resident
- *Means of communication*: oral, written, public, confidential, secret, on-the-record, off-the-record, reporting
- *Nature of contacts with others*: “fourth parties”, independent experts, possible resource-providers, possible enforcers
- *Content of third-party action*: provision of advice, counsel, recommendations; conduit to other instruments such as development aid; indication and/or threat of consequences for non-compliance
- *Characteristics*: avert imminent crisis through consideration of all possible courses of action; reverse already evolving processes; constrain principal aggressor or party with tactical advantage; limited duration with intense engagement and discussion; not necessarily neutral or impartial; often involves interests of a major power

### 3.3. Reactive Engagement

Though limited to invitations from one or more of the parties to a conflict, reactive engagement may nonetheless effectively address tensions before they become violent. A wide range of actors practices reactive diplomacy, and their engagement varies according to the expressed needs and requests of the parties involved.

- *Time*: after tensions have escalated enough to encourage parties to seek outside assistance (at crisis-point, late), and over short, medium-term or long-term
- *Periodicity*: one-off, occasional
- *Nature of contacts with the parties*: direct, in person, visiting, extra-territorial
- *Means of communication*: oral, public, confidential, on-the-record, off-the-record, reporting
- *Nature of contacts with others*: “fourth parties”, independent experts
- *Content of third-party action*: provision of advice, counsel, recommendations; conduit to other instruments; intermediary; negotiator; mediator; process and goal definition

- *Characteristics*: response of third party to direct invitation from party or parties to a conflict; dispassionate outsider or interested insider; credibility; power of reward and coercion; not engaged in monitoring, early warning or early action

### 3.4. Shuttle Diplomacy

Shuttle diplomacy, also known as mediated communication, can be useful when direct communication between the parties involved may be impossible or counterproductive. The essence of the practice is “the use of a third party to convey information back and forth between the parties, serving as a reliable means of communication less susceptible to the grandstanding of face-to-face or media-based communication.”<sup>20</sup> Through individual private meetings, the intermediary can relay questions and answers and suggest options for potential resolution of the conflict. “By keeping the communication private and indirect, the parties will not feel a need to use the debating tactics they commonly use in public conversations, and will be able to build up a level of trust that could not have been developed in those circumstances. Once this trust and a certain level of mutual understanding is developed, then face-to-face and even a routine of communications can be started.”<sup>21</sup> Shuttle diplomacy is often used when the two primary parties do not formally recognize each other but still want to negotiate and will receive and comment with or through a third party.

- *Time*: in developing crisis situations before/during outbreak of violence
- *Periodicity*: one-off, occasional, a few, subsequent, sequential, serial, on-going
- *Nature of contacts with the parties*: direct, in person/in situ, visiting, extra-territorial; usually initiated by third party with one/both parties simultaneously in response to opportunity perceived by the intervener; in response to specific, independent request(s) or gesture(s) by party or parties (which may be publicly or privately conveyed)
- *Means of communication*: oral, written, confidential, secret, on-the-record, off-the-record, reporting
- *Nature of contacts with others*: “fourth parties”, independent experts, possible resource-providers
- *Content of third-party action*: overcome initial unwillingness or inability of parties to communicate directly; reduce transaction costs for parties disposed to negotiate but constrained by other considerations
- *Characteristics*: interested insider with ties to both parties involved; credible mediator with sufficient power to reward/coerce; large power with sufficient stake in averting conflict

### 3.5. Engagement Over Time versus *ad hoc*

Though often influenced or limited by the nature of the mechanism employed, a fundamental consideration for any diplomatic engagement is its duration. A pre-standing mechanism may be more capable of engaging in a series of visits over a longer time horizon, but it may nonetheless opt for more limited, or *ad hoc*, action (whether one-off, periodic, sequential/serial, or on-going). Similarly, an *ad hoc* mechanism may not have a pre-established relationship with the parties to a conflict, but will not necessarily be limited to *ad hoc* or one-off visits. Both types of engagement may be pursued by either type of mechanism as circumstances and objectives permit or invite.

20 Heidi Burgess and Guy Burgess, “Shuttle Diplomacy/Mediated Communication”, (Conflict Research Consortium: Univ. of Colorado), 2003. <http://www.colorado.edu/conflict/peace/treatment/shuttle.htm> (website accessed July 2005).

21 Ibid.

- *Time*: Engagement over time is more likely to commence before tensions have escalated to the point of imminent violence, often as part of a program of conflict prevention; in contrast, *ad hoc* engagement is more often in response to specific, evolving dynamics between parties to a dispute, common to crisis management
- *Nature of contacts and means of communication*: dictated by interests, composition and resources of intervener(s), and the context and character of the conflict and parties involved
- *Content of third-party action*: (over time) build relationships; identify and analyze underlying causes; make detailed recommendations for parties to consider; (*ad hoc*) rapid response; target specific issues; communicate consequences; propose or outline solutions
- *Characteristics*: longer-term engagement may more effectively address underlying or root causes of tensions, while *ad hoc* interaction with the parties more often addresses discrete proximate or triggering causes

### 3.6. Multi-Party Engagement

Multi-party engagement involves a range of actors – individuals, States, international organizations, and civil society organizations – working simultaneously or sequentially to address a given situation. It depends upon careful coordination and building upon the efforts of each actor in the process. Success is enhanced by maximizing the opportunities the approach affords and minimizing problems presented by different entry points, types of leverage, levels of engagement, and differing interests and objectives. There will often be differing degrees, extents and specificities of interests, e.g. vis-à-vis partial or particular issues. Techniques to address these may include: core and peripheral processes/negotiations, whereby sub-sections/sub-negotiations may engage some other parties, and staggering talks (e.g. issue by issue, including or excluding parties as appropriate).

- *Time*: to address imminent or developing crisis situation; short-, medium- or long-term
- *Nature of contacts*: in response to warning indicators or specific invitation by one or more parties
- *Content of action*: bring significant and broad-based pressure to bear to resolve the situation viewed by the international community as urgent, unjust and tractable (i.e. with apparent feasible solution)
- *Characteristics*: involves interests of diverse parties (not necessarily insiders); situation if unresolved becomes a threat; complex process requiring careful coordination among actors involved

### 3.7. Structured Dialogue<sup>22</sup>

Structured dialogue is a way of organizing a group conversation by clearly defining who should be talking with whom, about what, when and how. A clearly defined structure frees the parties to focus their attention on what is most important. In general, structured dialogue formats allot specified times and means for the parties to exchange views and discuss various aspects of their concerns. The third party must consider the pros and cons of “closed” versus “open” dialogue – e.g. involving others, including external experts – and determine to what extent the dialogue should be free-ranging and open-ended, carrying risks of speculation, diffusion and dissatisfaction. Similarly, the third party must recognize the importance of processes with defined parameters regarding participants, periodicity, leading agents, treatment of minutes, and relationships with other processes. Ultimately, the appropriate structure can create political space for various interested parties to address options (and hopefully find solutions) regarding recurrent issues, including contested matters of identity and diversity management, wealth distribution and participation in public decision-making.

<sup>22</sup> As part of this series, a separate handbook is being prepared outlining alternatives for structured dialogue and mediation, and indicating implications, advantages and disadvantages of the alternatives.

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- *Time*: very early, early, at crisis-point, late, and over medium- to long-term
  - *Periodicity*: sequential, serial, continuing/on-going
  - *Nature of contacts with the parties*: direct, in person, visiting or resident
  - *Means of communication*: oral, written, public, confidential, secret, on- or off-the-record
  - *Nature of contacts with others*: independent experts, possible resource-providers
  - *Content of third-party action*: technical assistance; process and goal identification; refereeing

### 3.8. *Fourth-Party Involvement*

Regional IGOs, or institutions thereof, can also rally fourth parties who may not be centrally involved in the conflict but may hold interests and possibly influence, and may help to create positive conditions and incentives (both material and moral). By identifying and involving a fourth party, such as a regional power, greater influence can be mobilized and persuasion/suasion and credibility significantly enhanced.

- *Time*: at crisis-point or late, and over short- to medium-term
- *Periodicity*: one-off, occasional, a few, subsequent, sequential, serial, on-going
- *Nature of contacts with the parties*: direct, indirect, in person/in situ, extra-territorial
- *Means of communication*: oral, written, public, on-the-record, off-the-record, reporting
- *Nature of contacts with others*: other “fourth parties”, independent experts, possible resource-providers
- *Content of action*: conveying of information, conduit to other instruments

## 4. *Media Strategies*

Though closely linked to the above techniques and a perhaps inevitable aspect of third-party diplomacy, relations with the media require separate treatment and particular considerations. Noteworthy techniques include granting (various kinds of) interviews, addressing press corps immediately after meetings, giving prepared press conferences, issuing “statements” and press releases, and “embedding” trusted journalists in processes to ensure well-informed press and commentary. Each strategy, if chosen and employed appropriately, can enhance the primary objectives of third-party engagement, including quiet diplomacy.

To complement official diplomatic initiatives – whether public or “quiet” – media strategies can be used to raise awareness of the central issues or obstacles impeding positive progress, as well as to expose and potentially educate large segments of a population in a conflict situation of the philosophy, ideas, culture and needs of differing national, religious, ethnic or other groups with whom they are in conflict. Use of media may also provide impartial information to the local population, and may help to reduce tension between the conflicting parties.

- *Time*: when progress through official channels is halted or the limits of the intervening mechanism (i.e. mandate) are reached
- *Nature of communication*: public statements, press releases, interviews or publications produced by the intervening party or parties (with or without consent of parties to the conflict)
- *Content of action*: increase the commitment of leaders and the general public to peaceful resolution of the conflict; indicate and resolve specific points; increase pressure on leaders of parties in conflict by raising public awareness and mobilizing public opinion
- *Characteristics*: timeliness; appropriate language and issue focus; neutrality; impartiality; constructiveness; limited and targeted use

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## 5. Conclusion

Effective quiet diplomatic conflict prevention creates an environment conducive to self-sustaining and durable peace by addressing the lack of will or ability of parties to a conflict to cooperate. Whether very early in the conflict continuum, in response to imminent crises, or in post-conflict situations, quiet diplomacy can address both root and proximate causes of tensions and conflict. In the process, it can contribute to the creation of mechanisms that enhance cooperation and dialogue among different groups and therefore encourage future management of disputes through peaceful means.

Experience shows quiet diplomacy also relies upon trust and confidence-building, as the facilitator in the dispute must be seen as an “honest broker” by all parties. To build this trust and maintain impartiality, quiet diplomacy adheres to the basic principles and norms of international law, including respect for sovereignty and non-interference in the internal affairs of a State – not least respect for the principles of sovereign equality and territorial integrity. Quiet diplomacy also requires timeliness – in addressing underlying issues before tensions emerge or in responding to developing situations before they turn violent. Action is preventive rather than curative, and therefore most effective at the earliest possible stage.

Such an approach may generate recommendations and can persuade governments and other actors to consider carefully the consequences of certain actions or inaction. The task goes far beyond encouraging dialogue or articulating consequences. As problem-solver, the third party can facilitate contacts and processes (indirectly or in some cases directly) between actors, and bring a cross-contextual expertise gained from comparable situations. The problem-solver helps to find or construct solutions, which can take the form of advice on policy and law in relation to, *inter alia*, political organization and participation, access to public goods (material resources, opportunities or positions and prestige), elections, decentralization, constitutional reform, citizenship policies, maintenance of identities, the use of language(s), education, cultural policy and financing, and bilateral relations including the conclusion and implementation of treaties.

As this handbook indicates, the options and techniques available are broad-ranging, and may include confidential bilateral exchanges, multi-party discussions or round-tables, technical consulting, facilitating access to other sources of advice, facilitating access to financial and material resources necessary for policy implementation, and much more. Finally, quiet diplomacy may involve an advisory role which reflects back to the international community the lessons learned from particular situations. Thus, the institutionally based problem-solver is an advocate operating within his/her organizational framework who also can inform and contribute to structural, procedural and normative developments (not to mention provision of resources) which may further facilitate conflict prevention in the future. Successful quiet diplomacy, in any particular situation, depends upon choosing and applying the appropriate options and techniques. This is most likely to be achieved by knowledgeable third parties supported by adequate resources.

## Annex I: Summary of Options

OPTION	WHEN	HOW	FUNCTIONS	CHARACTERISTICS
<b>2.1. Good Offices</b>	- at outset of conflict management effort	- provider takes initiative with consent or by invitation - offering access to information, expertise, and power to reward and coerce <sup>1</sup> - does not address substance of dispute	- enquiries; fact finding; determination of legal rights and specific duties; intermediary, i.e. transmits messages between parties; may encourage exchange of information; may attempt to explain/ interpret messages to receiving party; formulating objectives for the process; may propose procedures for continued exchanges and negotiations; may communicate with non-governmental actors <sup>2</sup>	- dispassionate outsider or interested insider; credibility, local knowledge and sustainability over long-term (mix of actors may be required to accomplish all three)
<b>2.2. Special Envoys</b>	- preferably before tensions have escalated (pre-crisis, early); usually short-term	- (1) <i>contact</i> : one-off; direct, in person; visiting, extra-territorial; focused mainly on particular disputants/immediate tensions; (2) <i>communication</i> : oral, public, confidential, on-the-record, off-the-record, reporting (back to intergovernmental organization)	- from fact-finder/observer to active engagement with parties in communications and negotiations; earning trust; provision of advice, counsel, recommendations; conduit to other instruments; intermediary; negotiator; mediator; process and goal definition; catalyst for initiating institution-building or other means of addressing sources of conflicts; providing early warning for outside community; may express grievances of parties where appropriate before international community	- stature, experience and considerable independence; dispassionate outsider or interested insider; credibility; impartial broker; avoids cumbersome political processes and time that other tools/procedures might require; cannot ensure that underlying causes of tension are redressed and must therefore be supplemented by long-term tools
<b>2.3. Facilitation</b>	- before conflict dynamics emerge, and until or after early operational conflict phase	- with consent (usually pre-established by the mandate of the intervening mechanism) and cooperation of State concerned; by monitoring potential problem areas, determining if involvement is needed and degree of positive impact; addressing root and proximate causes	- creates conditions for parties to initiate and maintain their own dialogue process; communicates and interprets international norms; makes precise recommendations of politically feasible solutions in line with those norms; explains advantages of adherence	- independence; cooperation (non-coercive); impartiality; confidentiality; trust and credibility; capable of gathering and analyzing information; inside contacts; persistence; uses media tactfully and tactically; 'megaphone' when options exhausted <sup>3</sup>

23 Brehio, at 620.

24 Skjelsbaek, at 111.

25 Ibid.



OPTION	WHEN	HOW	FUNCTIONS	CHARACTERISTICS
<b>2.4. Mediation</b>	- too early may make the intermediary unpopular with one or more parties; too late may mean the situation has deteriorated to the point where mediation is not possible	<p><i>Communication</i> – contact with parties; trust and confidence-building; arranging for interactions; identifying underlying issues and interests; supplying missing information; transmitting messages between parties; allowing interests of all parties to be discussed; parties agree to involvement of outside mediator to facilitate process</p> <p><i>Formulation</i> – chooses meeting site; controls pace of meetings and physical environment; establishes protocol; ensures privacy; highlights common interests; controls timing; helps devise acceptable outcome; helps parties save face; suggests compromises</p> <p><i>Manipulation</i> – keeps parties at the table; changes expectations; takes responsibility for compromises; makes parties aware of the costs of non-agreement; supplies and filters information; rewards concessions; adds incentives and threatens punishments<sup>4</sup></p>	- issue definition; determines process, methods/procedures - uses carrots and sticks	- mediator is “acceptable, impartial, neutral third party who assists parties in reaching their own settlement” <sup>5</sup> ; encompasses good offices and conciliation; tends to be more appropriate than adjudication (binding third-party settlement) for politically sensitive disputes such as those involving national honor, ‘vital’ national interests, or the use of force <sup>6</sup>
<b>2.5. Conciliation</b>	- before violent escalation; in response to the invitation of parties to a dispute	- parties agree and extend invitation to the conciliator; process determined by parties	- facilitate dialogue between parties through independent caucusing and transmission of information; assist in identifying and prioritizing objectives; build trust	- parties control process and outcomes – no procedural guarantees; entirely consensual; often proposes but does not impose solution; adapts to circumstances and accommodates wishes and interests of parties <sup>7</sup>
<b>2.6. Adjudication and Arbitration</b>	- usually before violent escalation	- parties form an agreement to establish tribunal/arbitral panel to decide their dispute	- issue definition; determines methods and procedures; tribunal/panel addresses only the particular issue(s) entrusted to it by the agreement	- offers parties control over selection of intervener(s), scope of issues, and procedures; produces legally binding decision (less appropriate for politically sensitive disputes)

26 Touval and Zartman, at 137-38.

27 Moore, in Zartman and Rasmussen, at 129.

28 Bilder, in Zartman and Rasmussen, at 166.

29 UN Commission on International Trade Law, [www.uncitral.org/pdf/english/texts/arbitration/ml-conc/ml-conc-e.pdf](http://www.uncitral.org/pdf/english/texts/arbitration/ml-conc/ml-conc-e.pdf)

## *Annex II: Summary of Techniques*

TECHNIQUE	TIME / PERIODICITY	NATURE OF CONTACTS	CONTENT OF THIRD-PARTY ACTION	CHARACTERISTICS
<p><b>3.1. Proactive Engagement</b></p>	<p><i>Time:</i> early, very early, at crisis-point, occasionally late (before conflict dynamics are entrenched); and over short, medium-term or long-term</p> <p><i>Periodicity:</i> serial, continuing/on-going</p>	<p><i>With parties:</i> direct, indirect, in person/in situ, visiting or resident, extra-territorial</p> <p><i>With others:</i> “fourth parties”, independent experts, resource-providers</p>	<p>- creates conditions for parties to initiate and maintain their own dialogue process; communicates and interprets norms; makes precise recommendations of politically feasible solutions in line with those norms; explains advantages of adherence</p>	<p>- with consent (usually pre-established by mandate) and cooperation of parties concerned; monitors potential problem areas, determines if involvement is needed and degree of possible positive impact; addresses root and proximate causes; independence; cooperation (non-coercive); impartiality; confidentiality; trust and credibility; capable of gathering and analyzing information; inside contacts; persistence; uses media tactfully and tactically</p>
<p><b>3.2. Proximate Diplomacy</b></p>	<p><i>Time:</i> at crisis-point, and over short-, medium- or long-term</p> <p><i>Periodicity:</i> one-off, occasional, a few, sequential, serial, or continuing/on-going</p>	<p><i>With parties:</i> interested third-party calls party or parties to negotiating table to communicate options for all concerned and their consequences; direct, in person/in situ, visiting or resident</p> <p><i>With others:</i> “fourth parties”, independent experts, possible resource-providers, possible enforcers</p>	<p>- provision of advice, counsel, recommendations; conduit to other instruments such as development aid; indication and/or threat of consequences for non-compliance</p>	<p>- avert imminent crisis through consideration of all possible courses of action; reverse already evolving processes; constrain principal aggressor or party with tactical advantage; limited duration with intense engagement and discussion; not necessarily neutral or impartial; often involves interests of a major power</p>

TECHNIQUE	TIME / PERIODICITY	NATURE OF CONTACTS	CONTENT OF THIRD-PARTY ACTION	CHARACTERISTICS
<p><b>3.3. Reactive Engagement</b></p>	<p><i>Time:</i> after tensions have escalated enough to encourage parties to seek outside assistance (at crisis-point, late), and over short-, medium- or long-term</p> <p><i>Periodicity:</i> one-off, occasional</p>	<p><i>With parties:</i> direct, in person, visiting, extra-territorial</p> <p><i>With others:</i> "fourth parties", independent experts</p>	<p>- provision of advice, counsel, recommendations; conduit to other instruments; intermediary; negotiator; mediator; process and goal definition</p>	<p>- response of third party to direct invitation from party or parties to a conflict; dispassionate outsider or interested insider; credibility; power of reward and coercion; not engaged in monitoring, early warning or early action</p>
<p><b>3.4. Shuttle Diplomacy</b></p>	<p><i>Time:</i> in developing crisis situations before/during outbreak of violence</p> <p><i>Periodicity:</i> one-off, occasional, a few, subsequent, sequential, serial, on-going</p>	<p><i>With parties:</i> direct, in person/in situ, visiting, extra-territorial; usually initiated by third-party with one/both parties simultaneously in response to opportunity perceived by the intervener; in response to specific, independent request(s) or gesture(s) by party or parties (which may be publicly or privately conveyed)</p> <p><i>With others:</i> "fourth parties", independent experts, possible resource-providers</p>	<p>- overcome initial unwillingness or inability of parties to communicate directly; reduce transaction costs for parties disposed to negotiate but constrained by other considerations</p>	<p>- interested insider with ties to both parties involved; credible mediator with sufficient power to reward/coerce; large power with sufficient stake in averting conflict</p>
<p><b>3.5. Engagement Over Time vs. ad hoc</b></p>	<p><i>Time:</i> over time is more likely to commence before tensions have escalated to point of imminent violence, often as part of a program of conflict prevention; by contrast, <i>ad hoc</i> is more often in response to specific, evolving dynamics between parties, common to crisis management</p>	<p>Dictated by interests, composition and resources of intervener(s), and the context and character of the conflict and parties involved</p>	<p>- (over time) build relationships; identify and analyze underlying causes; make detailed recommendations for parties to consider</p> <p>- (<i>ad hoc</i>) rapid response; target specific issues; communicate consequences; propose or outline solutions</p>	<p>- longer-term engagement may more effectively address underlying or root causes of tensions, while <i>ad hoc</i> interaction with the parties more often addresses discrete proximate or triggering causes</p>

TECHNIQUE	TIME / PERIODICITY	NATURE OF CONTACTS	CONTENT OF THIRD-PARTY ACTION	CHARACTERISTICS
<b>3.6. Multi-Party Engagement</b>	<i>Time:</i> to address imminent or developing crisis situation; short-, medium- or long-term	- in response to warning indicators or specific invitation by one or more parties	- bring significant and broad-based pressure to bear to resolve situation viewed by international community as urgent, unjust and tractable (i.e. with apparent feasible solution)	- involves interests of diverse parties (not necessarily insiders); situation if unresolved becomes a threat; complex process requiring careful coordination among actors involved
<b>3.7. Structured Dialogue</b>	<i>Time:</i> very early, early, at crisis-point, late, and over medium- to long-term  <i>Periodicity:</i> sequential, serial, continuing/on-going	<i>With parties:</i> direct, in person, visiting or resident  <i>With others:</i> independent experts, possible resource-providers	- technical assistance; process and goal identification; refereeing	
<b>3.8. Fourth-party Engagement</b>	<i>Time:</i> at crisis-point or late, and over short- to medium-term  <i>Periodicity:</i> one-off, occasional, a few, subsequent, sequential, serial, on-going	<i>With parties:</i> direct, indirect, in person/in situ, extra-territorial  <i>With others:</i> other "fourth parties", independent experts, possible resource-providers	- conveying information, and conduit to other instruments	

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## *Annex III*

### **I. Useful Links**

#### **A. INTERGOVERNMENTAL BODIES**

The Commonwealth

See Peace and Democracy work at: [www.thecommonwealth.org](http://www.thecommonwealth.org)

European Union

[www.europa.eu/scadplus/leg/en/s05070.htm](http://www.europa.eu/scadplus/leg/en/s05070.htm)

OSCE High Commissioner on National Minorities

[www.osce.org/hcnm](http://www.osce.org/hcnm)

United Nations Department of Political Affairs

[www.un.org/Depts/dpa](http://www.un.org/Depts/dpa)

United Nations Institute for Training and Research (UNITAR)

[www.unitar.org/peacemaking](http://www.unitar.org/peacemaking)

#### **B. NON-GOVERNMENTAL ORGANISATIONS**

African Centre for the Constructive Resolution of Disputes (ACCORD) – [www.accord.org.za](http://www.accord.org.za)

- ACCORD encourages and promotes resolution of disputes by African peoples and promotes political stability, economic recovery and peaceful coexistence within just and democratic societies. The Centre operates training programs in Conflict Resolution, Preventive Diplomacy, and Peacekeeping.

Arias Foundation for Peace and Human Progress – [www.arias.or.cr](http://www.arias.or.cr)

- Fundación Arias Para la Paz y el Progreso Humano promotes dialogue as a complement to peace and/or political negotiation processes.

The Carter Center – [www.cartercenter.org](http://www.cartercenter.org)

- The Carter Center is committed to advancing human rights and alleviating human suffering, including through third-party mediation for conflict prevention or resolution.

Centre for Humanitarian Dialogue – [www.hdcentre.org](http://www.hdcentre.org)

- The Geneva-based Centre for Humanitarian Dialogue (HD Centre) facilitates dialogue on challenging humanitarian issues and between warring parties to resolve conflict. It believes that high level, low-key dialogue and mediation among principal actors and stakeholders through operational projects improves the opportunities for prevention of violence and conflict resolution.

Conciliation Resources – [www.c-r.org](http://www.c-r.org)

- Conciliation Resources (CR) is an international NGO working to prevent violence, promote justice and transform conflict into opportunities for development by providing practical support to people and groups working in countries affected by armed conflict around the world. They also publish *Accord: an International Review of Peace Initiatives*.

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International Alert – [www.international-alert.org](http://www.international-alert.org)

- International Alert seeks to understand root causes of violent conflict, support community efforts to improve their prospects for peace, shape international peace building policy and practice, and strengthen the expertise, impact and public profile of the peace building sector.

International Crisis Group – [www.crisisgroup.org](http://www.crisisgroup.org)

- International Crisis Group (Crisis Group) works through field-based analysis and high-level advocacy to prevent and resolve deadly conflict in 5 continents. Crisis Group produces analytical reports containing practical recommendations targeted at key international decision-makers, and publishes *CrisisWatch*, a twelve-page monthly bulletin assessing the most significant situations of conflict or potential conflict around the world.

## II. Useful Publications

Carnegie Commission on Preventing Deadly Conflict. *Preventing Deadly Conflict Final Report*. New York: The Carnegie Corporation, 1997. Available under 'Publications' at: [www.ccpdc.org](http://www.ccpdc.org)

Conflict Management Group. *Preventive Diplomacy and Conflict Management in Europe: Methods and Strategies in Conflict Prevention*. Cambridge, MA: CMG, 1994.

Crocker, Chester A., Fen Osler Hampson and Pamela R. Aall, eds. *Herding Cats: Multiparty Mediation in a Complex World*. Washington D.C.: United States Institute of Peace Press, 1999.

European Platform for Conflict Prevention and Transformation. *Dublin Action Agenda on the Prevention of Violent Conflict*. Amsterdam: ECCP, 2004.

Gambari, Ibrahim A. "Making Good Offices Better: Enhancing UN Peacemaking Capabilities". Speech given by the UN Under-Secretary-General for Political Affairs at the Center for Strategic and International Studies, Washington, D.C., February 27, 2006.

Available with the speeches of the Under-Secretary-General at: [www.un.org/Depts/dpa](http://www.un.org/Depts/dpa)

International Institute for Democracy and Electoral Assistance. *Handbook on Democracy and Deep-Rooted Conflict: Options for Negotiators*. Stockholm: IDEA, 1998.

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Jentleson, B., ed. *Opportunities Missed, Opportunities Seized: Preventive Diplomacy in the Post-Cold War World*. Carnegie Commission on Preventing Deadly Conflict. New York: Rowman and Littlefield, 2000.

Kemp, Walter A., ed. *Quiet Diplomacy in Action: The OSCE High Commissioner on National Minorities*. The Hague: Kluwer Law International, 2001.

Lund, Michael. *Preventing Violent Conflicts: A Strategy for Preventive Diplomacy*. Washington, D.C.: USIP Press, 1996.

Peck, Connie. *Sustainable Peace: the Role of the UN and Regional Organizations in Preventing Conflict*. Lanham, MD: Rowman & Littlefield Publishers, 1998.

Peck, Connie. *The United Nations as a Dispute Settlement System: Improving Mechanisms for the Prevention and Resolution of Conflict*. The Hague: Kluwer Law International, 1996.

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United Nations:

- First Report on the Prevention of Armed Conflict (June 2001) UN Doc: *A/55/985–S/2001/574* Available at the UN Conflict prevention, peace-building and development Library: [www.un.org/esa/peacebuilding/Library](http://www.un.org/esa/peacebuilding/Library)
- Interim Report on the Prevention of Armed Conflict (September 2003) UN Doc: *A/58/365–S/2003/888* Available at : [www.un.org/esa/peacebuilding/Library](http://www.un.org/esa/peacebuilding/Library)
- Report of the High-Level Panel on Threats, Challenges and Change, “A more secure world: Our shared responsibility” (December 2004) UN Doc: *A/59/565* and Corr.1 Available at: [www.un.org/secureworld](http://www.un.org/secureworld)
- Progress Report on the Prevention of Armed Conflict (August 2006) UN Doc: *A/60/891* Available at: [www.un.org/esa/peacebuilding/Library](http://www.un.org/esa/peacebuilding/Library)
- Report of the Secretary-General pursuant to paragraph 10 of Security Council resolution 1631 (2005) (July 2006) UN Doc: *A/61/204–S/2006/590* Available at: [www.un.org/esa/peacebuilding/Library](http://www.un.org/esa/peacebuilding/Library)

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## *Series Topics*

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**Cultural Diversity**



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In accordance with UN Charter provisions for the pacific settlement of disputes, official representatives of governments and multilateral organisations pursue a range of diplomatic activities and approaches to prevent inter-communal and other violent conflict (or its recurrence). A particular form of this “preventive diplomacy” which employs specific techniques is “quiet diplomacy”. It is an approach that is neither public nor secret, but rather is defined by confidentiality and discretion and seeks to create conditions in which parties feel comfortable to evaluate positions and interests, weigh options, consider independent and impartial advice and calmly take action. As quiet diplomacy encompasses diverse, often overlapping activities, precise understanding and terminology around what types of engagement qualify and how such engagements are pursued are largely absent in both literature and practice.

Accordingly, this handbook presents a practical typology of options for and techniques of quiet diplomacy – “how to get involved” and “how to act once engaged” – with particular emphasis on high-level, non-coercive, inter-governmental or “third-party” engagement characterized by “dis-interest”, impartiality, neutrality and independence. The handbook is meant to be neither exhaustive nor exact, but rather to serve as an accessible reference for intergovernmental and other conflict prevention actors, to inform and facilitate appropriate engagement at the earliest possible stage.

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The *Initiative on Conflict Prevention through Quiet Diplomacy* is an undertaking of a global consortium aimed at the establishment and/or strengthening, within regional or sub-regional intergovernmental organisations, of institutions dedicated to preventing conflict through quiet diplomacy.

The *Folke Bernadotte Academy* provides training and education for staff involved in International Peace Operations. Providing knowledge and skills in facilitation of dialogue processes and mediation is a main feature of the Prevention of Violent Conflict Program.

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