

Institute for Conflict Analysis and Resolution



Working Paper No. 16

**An Intervenor's Role and Values:
A Study of a Peace Committee Report
in Grahamstown, South Africa**

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August 2000

George Mason University



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About the Author

Rob Midgley is a Professor of Law and Dean of Law at Rhodes University, Grahamstown, South Africa. His fields of research include the Law of Delict, Professional Responsibility, and Appropriate Dispute Resolution, particularly the resolution of community disputes involving the police. He received his law degree from Rhodes University and a Ph.D. from the University of Capetown. He is an active participant in South African conflict resolution institutions, a part-time Commissioner for the Commission for Conciliation, Mediation, and Arbitration, and a panel member of Independent Mediation Service of South Africa.

Professor Midgley is a prolific researcher with over 70 publications to his credit, including *Lawyers' Professional Liability* (1992) and *Delict: Principles and Cases* (1997) (co-written with Van Der Walt). In 1996 he was a Visiting Scholar at the Institute for Conflict Analysis and Resolution (ICAR), George Mason University, Fairfax, Virginia. This Working Paper, written during his time at ICAR, reflects upon his experiences as a member of the Grahamstown Peace Committee and later member of the Community Police Forum in Grahamstown in the early 1990s.

About the Institute



The Institute for Conflict Analysis and Resolution at George Mason University in Fairfax, Virginia, has as its principal mission to advance the understanding and resolution of significant and persistent conflicts among individuals, communities, identity groups, and nations.

In the fulfillment of its mission, the Institute conducts a wide range of programs and outreach. Among these are its graduate programs offering the Doctoral and Master of Science in Conflict Analysis and Resolution, clinical consultancy services offered by individual members of the faculty, and public programs and education that include the annual Vernon M. and Minnie I. Lynch Lecture Series.

The Institute's major research interests include the study of conflict and its resolution, the exploration and analysis of conditions attracting parties in conflict to the negotiating table, the role of third parties in dispute resolution, and the application of conflict resolution methodologies in local, national, and international settings. The Institute's Applied Practice and Theory Program (APT) develops teams of faculty, students, and allied practitioners to analyze and address topics such as conflict in schools and other community institutions, crime and violence, jurisdictional conflicts between local agencies of government, and international conflicts.

The Northern Virginia Mediation Service (NVMS) is affiliated with the Institute and provides conflict resolution and mediation services and training to schools, courts, and local agencies and practitioners in communities across Northern Virginia and the Washington metropolitan area.

For more information, please call (703) 993-1300 or check the Institute's web page at www.gmu.edu/departments/ICAR/.

Foreword



The Institute for Conflict Analysis and Resolution is pleased to publish Rob Midgley's Working Paper *An Intervenor's Role and Values: A Study of a Peace Committee Project in Grahamstown, South Africa*. Those of us who had the pleasure of getting to know Rob during his stay at ICAR recognize that he is an astute observer with a wealth of experience and a remarkable ability to be reflective. This Working Paper reflects those qualities.

The extraordinary transition in South Africa has received well-deserved attention. Midgley tells a less well-known part of the story relating to the work by members of a collection of Peace Committees acting to manage and resolve community conflicts between the time of the September 1991 National Peace Accord and the 1994 elections to majority rule. He focuses on his experience with the Grahamstown Peace Commission and a specific set of conflicts within the Rini Township between members of the community and between the community and the police.

Midgley uses this story to explore a wide range of issues at the heart of conflict resolution practice, including mediators' roles and tensions between the roles of peacebuilder, activist, and peacemaker, ethical considerations, and the relationships among the Peace Committees and political actors. He provides an assessment of the work of the Peace Committees and both points to their significant accomplishments during a period of transition and their failure to transform themselves into an institutionalized part of the post-transition political order.

Rob Midgley's insights will be valuable to everyone interested in the potential—and the limits—of building new structures of peace in a complex social and political environment. We thank him for his contribution.

Sandra I. Cheldelin



Director, ICAR

Leaders of political parties and other organizations in South Africa signed a National Peace Accord on September 14, 1991, their purpose being to improve relations within society and to create a climate for meaningful political transition to a post-apartheid era. The Accord set out codes of conduct for political parties and the security forces, guidelines for community reconstruction and development, and mechanisms for implementing the Accord. The system generated much interest and some excitement among conflict resolution practitioners, primarily because of its potential to contribute to international understanding of grassroots involvement in resolving community conflict.

The Grahamstown Peace Committee was formed when representatives of just over fifty local organizations—church, business, political parties, educational institutions, welfare organizations, government departments, the police, and the military—met in March 1992 to form a local dispute resolution committee in accordance with the National Peace Accord.¹ Its aim was to promote community involvement in the resolution of disputes, focusing on non-violent methods like negotiation and mediation. It also tried to assist existing organizations in preventing political violence and intimidation at the grassroots level. This discussion describes one of the Grahamstown Peace Committee projects that illustrates the nature of the Committee's work, as well as some of the methods employed to resolve conflict and to create a climate for peaceful political change.² We focus on the changing roles of the intervenors and raise some of the problems associated with such changes.

Stage One: The "Amashampi" Issue

On Wednesday, September 23, 1992, approximately 2,000 residents of the Rini Township community marched to the Market Square police station in Grahamstown. The police approached the Peace Committee for assistance. The Committee assigned two members to mediate the issue and deployed a few more to monitor the crowd. Once the community delegation agreed to Peace Committee participation, the parties met at the police station, where a delegation presented a memorandum to the police. It expressed concern about crimes allegedly perpetrated by a group of persons known as "the Amashampi."³ The delegation also alleged that some of the crimes had been

committed by Amashampi who were out on bail in respect of other charges. The community felt that the police had not been combating crime effectively and that crimes involving the Amashampi were not being investigated properly. Their perception was that the police and the Amashampi were working together in some way. The police responded that their resources were stretched by mass political action. Nonetheless, they had that very morning searched the premises of a family who were alleged to be Amashampi members and had found some dangerous weapons. Investigations into other criminal activities were being hampered by lack of cooperation from the community whose members would not provide details of alleged incidents to the police. After lengthy and often heated discussions, the police agreed to the delegation's request to arrest and detain some of the family members under the Emergency Regulations in force at the time. In turn, the marchers would return to Rini. The parties agreed further that a meeting would be arranged with the Attorney General, who was at the time considering whether or not to prosecute suspected Amashampi members on other charges.⁴

A number of meetings followed thereafter—between the community delegation and the Attorney General, and between the delegation and the police—at which the roles of the police and the Attorney General and issues such as complaint and investigation procedures, decisions on prosecutions and the granting of bail, were discussed. The police also reported on the issues raised by the delegation at the first meeting. These matters were dealt with quite civilly, but one issue produced much acrimony: the police's decision to base the area headquarters of the former "riot squad," now the Internal Stability Unit, in the Rini area. The community delegation felt that there was no need for such a unit in the area since it was not plagued by political unrest. The police agreed on the delegation's assessment of conditions in the township but stressed that the unit was merely stationed there, and that its task was to deal with unrest in the entire sub-region, if and when such unrest might occur. Meanwhile, they would assist with the policing of ordinary crime in the township. The impasse was eventually resolved on October 9, 1992, when the police agreed to place the unit's deployment on hold and the parties established a joint commission to seek practical steps to effect better policing in the area.

The Peace Committee played an active facilitation role throughout these initial stages. After the community delegation had agreed to the Committee's participation, the mediators chaired all the meetings, served as conduits for passing information from one party to another, assisted the community delegation in obtaining statements from witnesses who had felt intimidated by the police, negotiated with the Attorney General on bail conditions for Amashampi members, and held separate meetings with the parties at which possible solutions, particularly the idea of community-supported policing, were explored and refined.

One of the main concerns of the mediators was the establishment and maintenance of their credibility. They had some credibility with the police, who had observer status at Peace Committee meetings, and who obviously had an interest in promoting the Committee. To maintain that initial credibility, the mediators had to ensure, primarily, that they acted competently and independently without bias towards the police. Community acceptance, on the other hand, was not that easy. At the time the Peace Committee did not have a prominent profile in the township and the community delegation consisted of a loose coalition of local organizations, the majority of whose leaders had not signed the Peace Accord at national level. In fact, some of the organizations did not recognize the peace structures at all.⁵ The mediators could rely somewhat on the fact that the leaders of the delegation had strong ANC links, and on their own past involvement in political activity.⁶ One of the mediators had strong activist credentials. However, their credibility would depend much on their performance as mediators, and particularly on the manner in which they dealt with the imbalance in the structural power that existed between the delegation and the police. While the delegation had the ability to mobilize mass support for an important cause, it did not always have the experience or resources to take advantage of that ability, or to back up its case. The Peace Committee could provide access to resources, within the constraints of its mediating function. Had it not assisted the community delegation, for example, in obtaining witness statements that could then be presented to the police, and in negotiating the bail conditions for the Amashampi members, the delegation would have considered the Peace Committee to be another dead-end road, a structure designed, as the Africanist organizations in any event maintained, to delay the transition process by deflecting black political energy from its ultimate

target. The mediators therefore had to take steps to gain credibility with the community delegation without raising concerns from the police that they were sacrificing their independence.

To achieve this the mediators adopted a policy of openness. They kept both parties informed of every step they took, and the purpose of those steps, without disclosing details. Parties were invited to comment on the mediators' past performance and future plans, and mediators tried to take account of these views in their work. However, the police, in particular, were often asked to bear their own long-term objectives in mind, particularly when community policing surfaced as a viable solution to the conflict.⁷

Thus far, despite the fact that the mediators descended into the arena, they retained their distance and remained outside intervenors. Not only did they mediate the short-term solution on the day of the march, but they also addressed some of the structural causes of the conflict by mediating the establishment of the joint commission.

Stage Two: The Policing Commission

Peace Committee involvement did not cease after the settlement had been reached. The parties requested that the Committee should continue to facilitate the work of the proposed policing commission and one of the mediators was appointed as its chairperson.⁸ Lacking the necessary expert knowledge and expertise, the commission decided to invite a Johannesburg-based NGO, the Project for the Study of Violence, to conduct interviews in the area and to report their findings. Funding therefore became an issue. With the help of the peace structures (local, regional, and national) a proposal was submitted to the Canadian Government who agreed to fund the entire project. However, for this purpose, the commission had to be regarded as an ad hoc subcommittee of the Grahamstown Peace Committee and had to account to the National Peace Committee Trust.

Soon after the funding was confirmed in mid-January 1993, the research team from the Project for the Study of Violence conducted its survey among police, lawyers, civic structures, experts on civic affairs, and representatives

from a variety of organizations in the city. Their report was submitted at the end of April 1993.

Members of the commission also gathered as much information as possible about community policing, both locally and overseas. Literature searches were conducted and the author interviewed a number of senior police officers while on an academic visit to Britain. Once the survey report had been received, commission members also conducted a workshop with police station commanders in the sub-region, the intention being not only to formulate a new police policy in light of the survey recommendations, but also to prepare the police for joint workshops with the community at a later stage. Promotional talks were also held with township youth.

Mid-July 1993 marked a crucial period for the commission. It arranged four workshops, facilitated by the outside researchers: one with the police, one with the Rini community, one with township Student Representative Councils and, lastly, a joint workshop involving the entire Grahamstown community, including representatives from areas that had not attended workshops.⁹ The value of separate workshops lay in preparing the participants, including the facilitators, for the plenary workshop. People had time to think about issues that were important to them and to formulate their opinions. It also had a positive effect on the running of the plenary workshop, with participants being prepared to stick to ground rules that they had formulated at the separate meetings.

At the joint workshop, participants agreed to support the suggested community-policing policy. Even though people had problems with the existing Community/Police Consultation Forum, which the police had established, they considered it better to participate in and influence the work of the present forum than to establish a new one. It was clear from the workshop that patience had to be exercised in obtaining acceptance of the consultation process. While many of the survey recommendations were positively received, township residents remained wary. It seemed that each idea would have to be discussed at a workshop separately to determine the implications for the public.

The July 1993 Community/Police Consultation Forum meeting was the first civic meeting in Grahamstown that was fully representative of its entire population. As expected, tension did surface between old forum members and the new arrivals. However, a number of Peace Committee members participated in the new structure, and in the months that followed new relationships were established. Attendance at forum meetings was better and more representative than ever before, and the forum had elected a steering committee that was tasked with implementing the survey recommendations. Its first project was to establish a community visitors program at the police station.

The commission's work was nearing completion. It had surveyed the community's needs and opinions; it sought grassroots confirmation of the recommendation that community policing should be actively promoted and supported; and it facilitated township participation in community-police liaison structures. All that remained was to submit a report to those who had created it in the first place. This was done in December 1993, at a meeting in the Grahamstown City Hall, which again had major symbolic significance, being the first time that township residents participated in a civic function held at that venue.¹⁰ Among the guests were the Mayor of Grahamstown, a police general from Pretoria, and a local politician, a member of the original township delegation who was later to become the Speaker of the Eastern Cape Provincial Parliament.

Once again the Peace Committee was extensively involved in the above-mentioned activities. Not only did it provide the chairperson, but it also provided the logistical back-up for the commission. Peace structures, for example, found the finances and arranged the workshop venues and catering facilities. The Grahamstown Peace Committee included the commission's activities in its monthly report and thus claimed recognition for its involvement in peace-building initiatives in the sub-region. At the same time, members of the Peace Committee also participated actively in the community-police liaison forum meetings and a number of them, including the commission's chair, served on the forum's steering committee. In due course, when the forum needed to train community visitors, the funding for such training and the trainers were provided by the Peace Committee.¹¹ It was clear that community policing in Grahamstown was a Peace Committee project. The

role of the Committee had shifted from that of a distanced facilitator to one of a promoter of its own vision. It had become a participant in the reconstruction and development of society.

Stage Three: The Community Police Forum (CPF)

By August 1993, township communities were participating fully in CPF activities and the forum was regarded as a model for the rest of the country. It lacked financial resources, however, and did not have an administrative infrastructure. The Peace Committee continued to assist in this regard. Although its members participated actively in forum activities, they tended to represent not the Peace Committee, but the organizations that they represented on the Committee. In time, the Peace Committee connection became more tenuous.

After the elections peace structures throughout the country struggled for survival. When it became clear that the Grahamstown Peace Committee would no longer serve a meaningful role, concern was expressed that with its demise, valuable resources (the training and expertise in conflict resolution and the extensive monitoring network and data base that had been established) would be lost to the community. So the committee approached the CPF and offered to reconstitute itself as a CPF subcommittee. The CPF could then control and develop the existing resources. Those who served in both organizations promoted the idea enthusiastically. However, after three months of debate, the CPF declined the offer, preferring to develop its own network from scratch. The view, repeatedly expressed during meetings, was that the Peace Committee was a structure of the past, which, despite its good work, did not reflect the aspirations of our new society. And so the last remaining Peace Committee connection to any community activity in Grahamstown was severed.

The Intermediary's Role and Values

Peace Committee members found the apparent lack of recognition of the Committee's past contribution and the rejection of any potential future role particularly disillusioning. The reality, however, was that the new political elite simply did not share the pride that Committee members had in their

achievements. On reflection, one reason for this seems obvious: the prominent role that the Peace Committees had played in civic affairs and the intention to continue to pursue the nation-building and reconciliation missions placed them in competition with civic organizations which might use their facilitation skills. Having become competitors, Peace Committees lost their status as independent intermediaries.

This feature of the Peace Committee experience evidences an important reality that arises every time a third party intervenes, but which seldom surfaces as an issue which requires attention: whether they realize it or not, third parties, by intervening and engaging with disputants, temporarily become part of that conflict situation. It is generally acknowledged that intervenors bring their own preconceived values to a dispute, including the perception of their role and any personal (or organizational) mission and value system. This "baggage" has an important impact upon the manner in which the dispute is managed, for it influences the pace, direction, and even the outcome of an intervention. The influence may be positive or negative. The secret is to prevent the latter.

In many instances the intermediary's training, experience, organizational association, and handling of previous disputes are factors that parties take into account when selecting an intermediary. This baggage, therefore, often provides the intervenor with necessary credibility. For example, as individuals, Peace Committee members had little or no credibility to intervene in community disputes, but, armed with the provisions of the Peace Accord, the same people became acceptable intermediaries. But this merely indicated that the Peace Committee was considered to be an acceptable negotiation forum, in the words of Laue, "the right place with the right conditions, the right convenor, the right setting, the appropriate relationship to the outside media, a clear view of how parties shall relate to their constituencies, etc."¹² Even then, this did not guarantee the credibility of the intervenor: the manner in which a dispute was managed would also have a bearing on any future involvement.

The Intervenor's Approach to an Intervention

The intermediaries' perception of their role in an intervention has a significant influence on the manner in which a dispute is managed. Peace Committee members saw themselves as mediators. Most mediation training manuals emphasize the low-key nature of a mediator's role and point to the fact that mediators ought to maintain some distance from the content of the dispute. They stress that the outcome belongs to the parties, not the mediator. Acland, for example, states: "Once a mediator, consciously or unconsciously, has an investment in the process, then it no longer belongs totally to the protagonists and it deserves to fail. So the first point for you to grasp as a mediator is that: *you are a guest at the mediation.*"¹³

However, mediators ought not to be, and are not, constrained by procedural straightjackets. Provided that they remain detached from the issues, they have some room to maneuver. Moore's literature review shows, not surprisingly, that mediators adopt roles that fall within two extremes, a procedurally orientated approach on the one hand, and a more substance-orientated approach on the other.¹⁴ The former see themselves as process consultants who assist parties in solving their problem, while the latter group are prepared to influence outcomes according to predetermined standards and values. Similarly, Kolb noted in her study of mediator behavior in the labor field that mediators adopted either passive or active mediator roles.¹⁵ Passive mediators were silent observers who preferred to facilitate the process and let the parties dictate the pace, while the active ones tried to make major contributions to the achievement of a settlement by promoting particular substantive proposals and outcomes. These roles colored the techniques that they adopted in trying to resolve disputes and yielded different patterns of mediation: "The mediator's thoughts, values, and assumptions about his work are revealed in the perspective or point of view through which the process is seen and interpreted. A given perspective, developed from experience, guides the choices mediators make about what tactics to use and the meaning of these actions for the achievement of a settlement."¹⁶

Most Peace Committee interventions, like the one described above, contained elements of both styles that intermediaries adapted as dictated by circumstances. Novice facilitators concentrated more on process than product; so the initial interventions fell into the passive-mediator category, with

mediators trying to maintain their distance and emphasizing the importance of the mediation process. Later interventions contained more deal-making elements than the earlier ones: not only did the facilitators' approach change as the Peace Committee gained more credibility, but it was also affected by the level of confidence in their own abilities.

While both the organization and the individuals within it might have lacked the confidence to be directive, intermediaries were also well aware that, as a strategy, attempts to influence the substantive outcome of an intervention would be counterproductive. Township communities, in particular, were known to react negatively towards any imposition of views and values upon them.

Consider the mediators' dilemma that the initial settlement of the Amashampi dispute raised. The agreement between the parties called for the detention, without trial, of a group of people whom the marchers had termed "gangsters." There was no doubt that they were unsavory characters, but it was ironical that the call was made by political activists who themselves had been detained without trial, some for over two years, and who had been outspoken critics of such procedures. Both Peace Committee mediators were known for their opposition to detention without trial and had in the past assisted families who had been affected by such detentions.

Despite this, they facilitated the agreement and did not withdraw from the process. Why? First, the mediators lacked experience and the confidence to intervene—the intervention was only the third or fourth undertaken by the Grahamstown Peace Committee. They also had a clear predetermined perception of their role, their recent training as mediators having impressed upon them the importance of letting the parties define the issues and the solutions. They also knew that the community delegation would not be dictated to. What was not articulated, and possibly not even realized at the time, was that the mediators' attitude towards detention could also have been overshadowed by their commitment towards the Peace Accord and the reduction of violence. There was an implicit recognition of a greater good. This dilemma raises interesting ethical considerations, but my interest here is to highlight something different: the mediators' baggage and their decision to remain distanced from the proposed solution by not interfering with it, discrediting it, or withdrawing from the process, had an important

impact on the management of the conflict, on the length of the process, and on the ultimate result.¹⁷ The mediators also developed some credibility for themselves and the process by acting in a manner consistent with their mission.

As they grew in confidence, the mediators began to assert more influence. First they tried to rectify the community delegation's inability to obtain witness statements, but avoided police accusations of partiality by pointing out that such action also served police interests in conducting proper investigations. The mediators also took an active interest in the plight of those who had been detained and negotiated their release on bail, thus allowing their personal values to affect the situation. As the process developed, the remaining mediator vigorously pursued the community policing solution that, again, fell squarely within the Peace Committee vision.¹⁸ Thus, although steeped in an ethos of process facilitation, the mediators were not entirely detached from the process, nor from the negotiated result.

During the second and third stages of the project, the role of the Peace Committee changed. It no longer strove to maintain any distance from the situation and instead actively facilitated the implementation of the parties' agreement. As a rule, mediators do not become involved in the implementation process, but the mission of the peace structures was not only to make peace, but also to contribute to the peace-building process. During this stage parties looked to the Peace Committee for resources—it could provide human resources, money, training, and any other resource needed to improve the situation. The role assumed by the Committee was not that of a peacemaker, who retains some distance from the situation, but of a peace activist or peace builder, who also wishes to influence the outcome of the process. Because the missions of the Peace Committee and other parties generally coincided, others tended to accept the different role where the intermediary became more directive and advocated Peace Accord values. But tensions did occur, as happened during Stage Three when the CPF refused to accept the Peace Committee's proposal. In such instances, parties either openly confronted the mediators, or simply resisted any attempt at deal making. The mediation paradigm is no longer adequate for analyzing this kind of situation, and one needs to take a more careful look at the roles that an intervenor may assume.

The Intervenor's Mission and Role

Laue notes that intervenors may adopt a variety of roles, three of which—the activist, the advocate, and the mediator—are of interest here.¹⁹ Activist intervenors are rooted in their organizational base and, although they are committed to resolving conflict, they will always view their relationship with others from their partisan perspective. The advocate also adopts a partisan approach, but is seen to be less constrained by organizational loyalty than the activist. Laue elaborates: "True activists are not too conciliatory; they do not eagerly search for areas of negotiation. An activist generally plays a harder game. But advocates are able to reach out, and are expected by the parties to do so."²⁰

Mediators, of course, focus on process instead of any particular outcome, and strive to maintain a non-partisan base. Political party representatives on the Peace Committees were in the main activist intervenors. On the other hand, Peace Committee personnel and volunteers saw themselves in the mediator's role. Not that they were entirely distanced from the conflict situation, however; in reality they were also advocating the values of the National Peace Accord.

While the Peace Committee still had a responsibility to be fair to both parties when assuming a peace-building role, an activist or advocate has little ethical pressure to behave in a balanced manner. Partisan deal making, for example, is perfectly compatible with advocacy. What the drafters of the Peace Accord did not appreciate, however, was that there was an inherent conflict between the Accord's mission to build peace and its other function, to mediate disputes. Each required the peace structures to play a different interventionist role. In retrospect, the only reason for peace committees retaining their credibility at this stage of the country's transition was that their advocacy role was still important and useful to the overall political process. Their mission and that of the political parties still coincided.

As the elections approached the missions of the Peace Committees and the political parties tended to diverge. For political parties the focus was no longer on creating a climate for political expression. Instead they began to vie for votes and for power. This behavior was of course consistent with the activist role that they had adopted and organizational priorities took

precedence over any other values. At the same time peace committees became more prominent and their facilitators more experienced, which gave peace structures the confidence to insist that parties adhere to the standards that they had agreed to in the Peace Accord. Whereas previously the Peace Committee emphasized its mediation role, it now openly assumed a dual role, with that of the advocate becoming the more prominent one. The Accord in a way became a competing political manifesto, yet one that, on the whole, remained acceptable to all the parties involved in the transitional political process. It was still in everyone's interests to adhere to the Peace Accord. The advocate had not become a competing activist.

As pointed out earlier, the Peace Accord became a burden after the elections. The environmental context within which peace committees operated had changed and members did not appreciate that their role had changed accordingly. After the elections, Peace Committees no longer needed to monitor mass action and they were seldom, if ever, called upon to mediate disputes. Nor did they have the insight to realize that the Peace Accord, no matter how noble the ideals, was out of date. A fundamental change of mission was required to meet the requirements of the new environment. But there was also an additional aspect. Peace Committees were now involved in a struggle for their survival and, in trying to carve a niche for themselves in society, they lost their status as independent agencies. The advocates had become activists.

I now believe that, in their missionary zeal, Peace Committee members never fully appreciated the significant impact that an intervenor's baggage has on a situation. On the one hand, they misinterpreted their role, and its significance, within the overall political context. People within the peace structures made certain background assumptions about their role in society and never examined or tested whether their assumptions reflected reality, or whether they needed to evolve. Like all stereotypes, the assumptions carried with them a high degree of sentiment and emotion, and, like most prejudices, they tended to be resistant to contrary evidence.²¹ Members assumed that their values were acceptable to all and simply did not consider that they could be open to question.²²

Perhaps more importantly, peace structures failed to pay attention to the nature of an intervenor's relationship with other participants in the process. They never realized that who or what one *is* can be as important as what one *does*. As intervenors, Peace Committees needed to manage their own values and beliefs in the same way as they would manage a process. This would have prevented their subjective views from overshadowing the process. No one is really to blame for this insensitivity. It was primarily a product of the circumstances in which members found themselves. None had formal background in conflict analysis nor extensive experience in conflict resolution. Skills were being learned "on the run" and, by force of circumstance, had to be superficial in nature. As a result people were not sensitive to the issue, nor were they equipped to deal with it. The training that intervenors had received concentrated on process skills and glossed over the need for self-awareness and how to manage their own personalities and beliefs. If lessons are to be learned from the peace committee experiment, proper training for intermediaries in contextual analysis, in addition to skills training, is one of them.

Further Reasons for the Demise of the Peace Committees

Even though peace committees played a crucial part in South Africa's transformation, and despite their potential to contribute even further to building a harmonious society, they disappeared from the scene after the April 1994 elections. The immediate cause of their demise was a political decision by government to discontinue funding the Peace-Accord structures, but there were a number of factors that led to this decision. Some of these factors are discussed below.

Continuing Violence

Peace Committees were called upon to perform three different functions. As peace keepers they monitored the activities of the police and of political role players; as peace makers they provided forums for political negotiations and mediated agreements between disputing parties; and as peace builders they had to attempt transforming societal conditions as well as attitudes to resolving conflict.²³ They were involved in a number of issues: "taxi disputes, hostel-township tensions, police community relations, inter-party

rivalries, train violence, schooling disputes, development-related conflicts, industrial violence, and gang strife," and they provided conflict resolution skills training to community leaders in many areas.²⁴

The Peace Committees' role as instruments that would actively strive to prevent violence and intimidation attracted most attention, for of the three functions, this was the most urgent and the most ambitious. Most commentators would agree that the Peace Committees failed to meet this challenge, and this collective opinion was perhaps the most significant reason for the Accord's demise.²⁵ Successes were in the main limited to areas of low-intensity conflict and the Accord failed to end the violence that ravaged areas like KwaZulu-Natal and parts of the former Transvaal: "The stark reality was, that two years after the signing of the NPA, political violence was the cause of even more deaths than before, political intolerance remained a serious obstacle to stability, and poverty and deprivation had not been alleviated."²⁶

It was, of course, unrealistic to expect political violence to dissipate at a time when political activity became more frenetic and intense. And it is most certainly unfair to hold the peace structures responsible for the escalation of violence before the elections. Nonetheless, the facts show that violence and intimidation continued, and even escalated, in the areas where it mattered most and that the peace structures were, in the main, ineffective.

Shaw explains this failure by pointing out that the Accord was a means to an end, a structure designed "to fill the vacuum created by the absence of state authority."²⁷ The drafters of the Accord clearly recognized the inability of existing structures to deal with political violence and intimidation, and they believed that peace committees would "assist in this regard."²⁸ Their task was not to assume responsibility for ending the violence: government could not abrogate that duty. Shaw believed, correctly in my opinion, that order could not be restored unless the state performed its task. Peace structures were nonetheless burdened with such expectations, however, and, naively, or perhaps out of a sense of patriotic duty, they accepted the responsibility.

The Accord's failure to end violence was the most significant cause of its demise. The upshot was that attention had to be focused on structures that

could be successful. A credible assistant did not make the necessary difference: a way also had to be found to render the principal effective. So the focus shifted away from the mainly non-partisan peace structures to the negotiations at Kempton Park, where political parties had a more active role.²⁹ In the end, the elections created the credible state authority, whose task it would be to deal with the violence. We know now, however, that even this body has been unable to solve the problem.

Participation and Credibility

Ordinary people in South Africa were very wary of participating in structures that appeared to soften their resistance to apartheid and to give the impression of collaboration with government structures. At a theoretical or formal level, at least, the Peace Accord appeared to overcome this obstacle. The Accord had been sponsored, in a joint initiative, by the church and business sectors. All the major political parties negotiated and endorsed the Accord.³⁰ In Parliament, the legislation was hailed as the first product of multilateral negotiations to be enacted as law and the first to reflect the considered opinion of a substantial portion of disenfranchised South Africans.

Also significant was the content of the provisions. The Accord advocated a move away from violence as a dispute resolution option and resort to judicial processes as the primary method of resolving disputes peacefully. Instead, Peace Committees, as representatives of the community in an area, were to deal with disputes through negotiation as well as "proven methods of mediation, arbitration, and adjudication." African values emphasize community involvement in social ordering and the ethos that the Accord promoted was therefore compatible with the tradition of the majority of South Africans.

There were also negative aspects, however. While the Accord did indeed reflect the views of disenfranchised citizens, it was not a document that was owned by ordinary people. Because of the delicate nature of the negotiations, the Accord was drafted in secret by political leaders.³¹ Members of the public did not contribute to the end product. Unfortunately, the process by which it came into being also reflected the process through which the Accord was implemented. The most consistent criticism of the structure, especially from those who worked at local levels, was that its top-down approach did not take into account the needs and sentiments of the

wider public.³² Also, partly out of necessity, but no doubt also by design, peace structures were quite closely connected to government, despite attempts to guarantee independence. Government provided most of the funding, the paid staff were Department of Justice employees and the Peace Secretariat reported to two government departments.³³ The government of the day, it was alleged, was made "the guardian and guarantor of the Peace Accord."³⁴

Day-to-day involvement in the activities of the Peace Committees also varied. In some areas, anti-government organizations gave symbolic support to the Peace Committees, but instead of participating in the structures, preferred to use the system as clients. This provided some space for political maneuvering: on a formal level the political parties supported the system, yet the absence of any physical presence indicated to grassroots constituents that the leaders had not been co-opted into the system. At regional and national level, however, political party support was more visible.³⁵

It can be seen, therefore, that while Peace Committees were not discredited, they were not whole-heartedly endorsed by all role players. After the elections, when the future of the peace structures came to be debated, those in power were at best neutral towards the structures, having never really owed full allegiance to them in the first place.

Post-Election Euphoria

After the elections, peacekeeping functions passed on to the new democratic government. The need for peace making and peace building similarly did not disappear after the elections, but political parties appeared no longer to regard these as major priorities. South Africans seemed to regard peace making and peace building as constituting events, and tended to ignore the importance of the underlying processes. After all, the evil of apartheid had been destroyed; to the surprise of many, the elections were peaceful and "substantially free and fair"; the government of national unity appeared to be working and, combined with the gaudy multicolored flag, gave credence to Archbishop Tutu's vision of a rainbow nation. The pot of gold was obviously not far away. If the country was not considered to be peaceful, it was simply a matter of time before that state of affairs would be reached. There would be no reason to have the incidents similar to those that had occupied

Peace Committees' attention and, if they did occur, the new, credible, government would assume responsibility and deal with the problem. Similarly, the government, not Peace Committees, ought to be responsible for transforming societal conditions and laying the foundations for peace. South Africa was experiencing the perfect honeymoon, which did not require any Peace Committee chaperone.

Unsung Successes, Funding, and the Demise of Voluntarism

Although Peace Committee members dealt with many crises around the country, the crises, not the effort made to resolve them, usually constituted the newsworthy events. Reports on the resolution of a conflict seldom received the same prominence as those describing the conflict. Somehow the excellent work done by the Wits-Vaal Regional Peace Committee, especially after the assassination of Chris Hani, never endured in the minds of people generally, and politicians in particular. And in some instances the public was none the wiser. Gastrow, for example, describes a successful intervention in a small town called Warmbad and comments: "A crisis had been defused, no violence had taken place, and nothing was reported in the media. As far as the South African public was concerned, it had been a non-event."³⁶ I can recall comparable events that occurred in the Eastern Cape. Peace Committees therefore received little recognition for the work that they had done and when it came to evaluating their performance, the credit side of the balance sheet looked rather thin.

Peace structures relied heavily on government funding, but they also received large amounts of money from business and foreign governments, particularly for developmental, peace-building projects. As mentioned before, government priorities changed after the elections, and funds were redirected. Surprisingly, the same happened with non-government funds. Whereas in the past foreign funders supported the non-governmental organizations (NGO) sector, they now preferred to support government Reconstruction and Development Programme (RDP) initiatives. Many NGOs collapsed through lack of funding, and the same happened to the peace structures. However, the Border Peace Committee tried to prolong its life by converting itself into a Section 21 company, a non-profit organization, and attracted some funding for its work in rural Transkei. Eighteen months later it, too, ceased to exist.

People generally participated in Peace Committee activities either as part of their civic duty or as representatives of their political organizations. In some instances their expenses were met, but they were not remunerated.³⁷ The April 1994 elections changed all that. Harold Tessenorff, formally the Provincial Director of the East Cape Regional Peace Committee, once commented to me that the elections marked the end of an era of voluntarism in South Africa. The Independent Electoral Commission (IEC) paid large amounts of money to election monitors and other workers to do the same work as that which Peace Committee members had previously done voluntarily. In fact, many of the IEC staff were recruited from Peace Committee volunteers. The upshot was that people began to expect remuneration for their time and effort: political transformation was worthless if not accompanied by some economic incentive. After years of voluntary struggle and sacrifice, many expected to see some rewards. And these rewards were not to be limited to those with professional training and skill: they had to extend to everyone involved.

Incompatible Missions

There was a further dimension that was not as obvious as those discussed above and which was never articulated in public. For many of those involved in the peace structures the Peace Accord was not just a means to an end: it also provided vision for people to rally around.³⁸ Many Peace Committee workers had a different vision than those in the political mainstream, although there was also some overlap. Their concern was to reduce the levels of violence, to promote political expression and political competition, to build a societal culture of tolerance, and to ensure that these benefits extended to all sectors and organizations of society. People who were active in the Peace Committees acted as neutrals and had to shed any activist mantles that they might have worn before. They had to abandon any form of sectarianism in favor of an inclusive approach. Regrettably, political parties do not share a similar mission. Politicians pursue and compete for power, which, once attained, is utilized primarily for the benefit of themselves or their constituencies. Political parties are steeped in a culture of adversarialism and generally resent coalitions or collaborative effort with their opponents, unless, of course, there is some political advantage to be gained. Political parties in South Africa wanted peace, but that was not their ultimate goal. There were also other aspects to their party platforms.³⁹

I was struck, however, not so much by how quickly the peace structures disappeared from the scene after the elections, but by the extremely negative attitude that local politicians evidenced towards Peace Committees. I got the distinct impression that the Alliance of the African National Congress, South African Communist Party, and the Congress of South African Trade Unions viewed Peace Committees as opponents. At first I attributed it to the fact that political leaders had lost interest in the Peace Accord: once signed they moved on to the next step in the transition process. There was also the fact that the visible role players in the Peace Committees were mainly white, and many were associated with the Democratic Party that had been campaigning actively for a share of the black vote. On reflection a third reason should be added: after the elections, the Alliance no longer needed to be tolerant of peace structures in order to attain their political goals. Having attained political power, there was no earthly purpose in supporting a structure that could erode its political power by promoting concern and understanding for the needs and interests of all parties. More so when reconstruction and development was to become a major governmental focus, with a cabinet member assigned to oversee the program. Nation building continued to be a political goal, but it had to occur within the Alliance umbrella, not outside it. And any credit had to accrue to the politicians.

Mission Accomplished

Peace structures might not have met public expectations, but there is sufficient reason to suggest that they did serve their intended purpose. So there was also a positive, but unacknowledged, reason for closing a chapter in South Africa's history: their mission had been accomplished. The Peace Accord had three main objectives: to eliminate political violence, to promote democratization and to facilitate reconstruction and development.⁴⁰ It represented "a brave and historic attempt to build new sources of legitimacy and to begin to restructure society by getting political parties and organizations to agree on basic principles of democracy, codes of conduct for political parties and security forces, and procedures and mechanisms for resolving conflicts peacefully."⁴¹ More often than not the political parties were at least prepared to use the communication channels that were made available to them. So, even when constitutional talks broke down at national level, Peace Committees continued to provide a bridge, both nationally and at

local levels for continuing contact.⁴² They provided forums for familiar strangers to meet and engage in debate and to discover common interests, as well as ways of accepting and dealing with differences.

The peace structures were designed to provide channels of communication and forums for political expression at a time when no such structures existed. They were charged with the tasks of reducing political violence and creating a climate for political activity, tasks which no other structure, governmental or otherwise, could undertake at the time. The structures were therefore the forerunners, at national level, to the Conference for a Democratic South Africa (CODESA), the multi-party conference, the IEC and the government of national unity; and at local levels, to Transitional Local Authorities and Local Authorities.

Conclusion

There is no doubt that the credibility of the peace structures was detrimentally affected by their attempts to find a new societal niche after the elections. As noted earlier, Peace Committees were never fully accepted as credible structures, and the position remained unchanged when members later became activists for Peace Committee survival. They began to emphasize the peace-building aspects of the Peace Accord, which, frankly, represented the least successful area of Peace Committee activity. It was also in competition with the government's RDP policy. Peace Committees had come to be seen as vehicles for effecting reconciliation—neutral and protected settings in which people could establish relationships and explore ideas without being constrained too much by party agendas—and not as nation-building structures. This shift in emphasis from that of intermediary to peace activist created a clash of missions, as Peace Committees assumed a role that was not supported by the political parties that had sponsored the Accord in the first place. Peace Committees had fallen into the classic trap set for third party intervenors: by investing directly in the civic affairs of the country they could no longer be regarded as guests to the process.

Appendix

The Ostracized Family

A month after the march, on October 13, 1992, Mrs. M., a member of the family that had been referred to as "the Amashampi," requested the Grahamstown Peace Committee to arrange a meeting with her family and members of the community in order to discuss methods of removing the friction that existed in the township. Members of the Grahamstown Civic Association (GRACA) were reluctant to meet the family, and failed to appear at two meetings that they had agreed to attend.⁴³ After behind-the-scenes negotiations with GRACA leaders, the facilitator finally met separately with a GRACA delegation on December 2, 1992. They were clearly hesitant about being seen to be making any conciliatory move. Even then, the GRACA leaders pointed out that anything they agreed to would have to be ratified by a full committee. They set two conditions:

- (a) GRACA was willing to talk to the family so as to promote peace in the community, but were concerned that the issue remain one of the family talking to the civic association. At no stage could the so-called "Amashampi" be given the status of a township organization.
- (b) GRACA could not speak on behalf of the family when dealing with others. The family would have to speak for themselves and the best way to clear their name would be for them to prove their commitment through their conduct and to stay away from any trouble.

The delegation felt at that stage that a meeting with the family would be premature and suggested that the facilitator meet with each group separately for a while. Meanwhile, GRACA would meet during the next few days to consider whether or not to ratify the delegation's position.

The facilitator then met with four members of the family on Thursday December 10, 1992. The family accepted the terms outlined by GRACA. They thought that their problems were related to their involvement with the Peacemakers, a group of people who wanted to prevent the trouble caused by the Oneway and Twoway gangs that had operated in the area. People

thought that the family was working with the police. The family also believed that the problems they were experiencing stemmed from their participation in opposing the nomination of a prominent woman as under-deacon in the Order of Ethiopia Church.

The family wished to avoid further trouble in the community and they wished to discuss the use of the term "Amashampi" with GRACA. No one in the family wanted to be known as the "Amashampi." They were not the only people involved in the Order of Ethiopia matter. Many others also felt the same way and they should not be the ones to bear the blame. The family felt that they had been unfairly blamed for many of the crimes that had been committed and they wished to talk about specific allegations. They pointed out that members of the family could not live a normal life and that some of them no longer lived in the township for fear of trouble. The youngest brother had been asked to leave school in Fort Beaufort after a policeman had telephoned the principal and said that the brother had committed crimes. The younger brothers were constantly harassed and provoked. The family believed that the only way to deal with this problem was to talk to people and to make peace with the community. They therefore wished to talk to GRACA about the problem and to sort it out peacefully.

The facilitator conveyed the gist of the meeting to the GRACA leadership, who agreed to call a GRACA meeting in the new year since it was difficult to meet over the festive season. During January, the facilitator again held a number of informal discussions with GRACA leaders and a formal meeting was finally arranged for January 27, 1993. At the meeting GRACA reiterated its willingness to meet the family and again pointed out that they were not prepared to speak on behalf of the family. GRACA saw the meeting as an opportunity for the family to commit themselves to peaceful relations with the community.

Owing to an administrative error, only GRACA arrived for the meeting arranged for February 4, 1993, but the parties finally met for an hour on February 12. The meeting was supposed to be conducted in English, but after the facilitator described the purpose of the meeting, the parties indicated that they felt more comfortable with conducting their discussion in Xhosa, which the facilitator did not understand at all. They proceeded in

Xhosa and from time to time informed the facilitator as to the nature of their discussion. Initially, historical issues were raised—the Amashampi, allegations of criminal activities and community intimidation of the family. However, the parties soon focused on the real concern: namely, better relations in the future between the family and the community. GRACA members were surprised to learn that members of the family were not living in the township out of fear for their lives and agreed to call a meeting of the community at which the family and the community could discuss the issue. Although this was not clearly stated at the time, GRACA appeared to agree to facilitate those discussions and mediate any dispute that might arise.

The nature of the meeting with the community provided some problems. Various options were considered, but in each case the central issue was the question of power imbalances at the meeting. The parties were concerned to avoid confrontation and accusations when the purpose was to resolve problems and heal old wounds.

The parties agreed to meet again February 22, but this time only GRACA representatives showed up. The family again did not arrive in time for a meeting arranged for March 2, but GRACA agreed to perform a kind of shuttle diplomacy between the family and members of the community who had complaints against them.

No one reported to the Peace Committee after that date, but apparently the intended community meeting was never held. Towards the end of June 1993 the facilitator by chance met Mrs. M., who had initiated the chain of events, and enquired from her whether there was any need to take further action. She said that everything was in order and that the matter could be considered closed.

Notes

1. For a detailed exposition on the operation of these structures, see Peter Gastrow, *Bargaining for Peace*. (Washington D.C.: United States Institute of Peace, 1995).
2. The author was involved in this project, initially as one of the mediators and later as researcher and facilitator. What follows is therefore an insider's analysis and reflection of the events.
3. The Amashampi were not an organized group. It was a name given to a family that had had many disputes with other township families in the past. Mshampi was a former friend of one of the sons, and they had in the past committed some crimes together. "Amashampi," or "people associated with Mshampi," had derogatory connotations, and even though no gang formally existed, people tended to refer to almost all criminal activities in the area as the work of the Amashampi. There was foundation for some of the allegations—some members of the family had been convicted of violent crimes—but there was also a measure of political victimization: the family had worked with the police in the past, as members of a vigilante group called the "Peacemakers." As discussed in the Appendix, the family was also involved in a church dispute that affected the township community.
4. Throughout these negotiations the family was the subject of the negotiation and not participants in the process. Attempts to remedy the situation are described in the Appendix.
5. The PAC (Pan Africanist Congress), AZAPO (Azanian People's Organisation), AZASM (Azanian Students' Movement), and PASO (Pan Africanist Students Organisation) had not signed the Peace Accord. The memorandum presented to the police at the first meeting was signed by representatives of school SRC's and school principals, the student organizations, AZASM, PASO, and COSAS (Congress of South African Students), the South African Democratic Teachers' Union (SADTU), the Grahamstown Civic Association (GRACA), the Ministers' Fraternal, the ANC, PAC, and AZAPO. Only the ANC was a signatory to the Peace Accord. COSAS and SADTU had some links to the Accord through the ANC, while the members of the Ministers' Fraternal were linked to it through their churches.

6. In fact, as discussions progressed, the ANC members took a more active role and the Africanist parties no longer participated in negotiations with the police. They never withdrew from the process, however, and continued to participate in the community delegation's report-back and briefing meetings. This low-key involvement also eased the possibility of tension between the mediators and the community delegation.
7. Effective policing depends on community support. The mediators would acknowledge to the police that they might be deviating from the ethical norm of independent and balanced behavior, but stressed that the objective was to assist the police in investigating the alleged crimes. If the process were seen to be successful, community members might be more supportive of police investigations and other ventures in the future.
8. The members of the policing commission were the author (chairperson), Adv. F. Bam of the Port Elizabeth Bar, Lt. Col. P. Mestre of the South African Police, Adv. L. Mpati of the Grahamstown Bar, and Mr. C. Plasket of the Grahamstown Legal Resources Centre. The commission's terms of reference were to seek practical steps to improve policing in the Grahamstown community given that (a) deep mistrust existed between the Black community and policing institutions; (b) parties were living in an era of rapid socio-political change; (c) effective policing was essential in any society; (d) a decisive break from past ideas and practices of policing were necessary; and (e) mutual social responsibility should be promoted between the police and the community to underpin the functions of policing.
9. The plenary workshop was held on Saturday July 17, 1993, at a school in Rini Township. It was attended by just over 70 delegates from the following invited groups: the original community delegation which represented marchers in September 1992, the police, persons, and organizations surveyed in February 1993, township students, peace committee members, and United Nations and European Union Observers.
10. The commission made the following general recommendations: (a) the entire police contingent in Grahamstown had to accept and implement the concept of community policing; (b) similarly, the public had to adopt a partnership attitude; (c) given the levels of distrust that existed, every program, project, or idea needed to be presented to as broad a spectrum of people as possible for debate and refining; (d) a public agreement had to be drafted setting out reciprocal rights, duties,

- expectations, and goals and which could provide a standard against which police and community commitment to the process could be measured; (e) the community/police consultation process in operation at the time needed to be restructured so as to enjoy the support of the entire Grahamstown public; (f) a community visitors scheme should be introduced to improve police accountability in respect of treatment of detainees in police cells; (g) an ombud or reporting officer should be appointed for Grahamstown; (h) the police address the clear need for improving the police service in the township, while taking care not to make decisions on behalf of the township community and then informing the public afterwards of the improvements in service; (i) the police had to undertake some internal restructuring; (j) Internal Stability Unit members should be made more aware of the impact of their actions and they should be instructed to carry out their duties using methods which are compatible with the overall philosophy of community policing; (k) the police provide incentives for charge-office and beat work; (l) a victim aid programme be introduced; (m) police unions be recognized; and (n) the racial imbalance in the police management team be redressed; and (o) gender imbalances be redressed. For more detail, especially on the practical steps that the commission suggested, see the Grahamstown Policing Commission Report, December 1993 (unpublished).
11. The relationships thus created were rather incestuous, but at the same time it was not uncommon in Grahamstown society for the same people to wear a variety of hats.
 12. James Laue, "The Emergence and Institutionalization of Third Party Roles in Conflict," in Dennis J.D. Sandole and Ingrid Sandole-Staroste, eds., *Conflict Management and Problem Solving* (New York: New York University Press, 1987), p. 25.
 13. Andrew Floyer Acland, *A Sudden Outbreak of Common Sense—Managing Conflict Through Mediation*. (London: Hutchinson Business Books Limited, 1990), p. 117. The emphasis is Acland's.
 14. Christopher W. Moore, *The Mediation Process, Practical Strategies for Resolving Conflict*. (San Francisco: Jossey-Bass Inc, 1986), pp. 39-43.
 15. Deborah M. Kolb, *The Mediators*. (Cambridge, Mass.: MIT Press, 1983), pp. 23-45.
 16. Kolb, *The Mediators*, pp. 24-25.

historic occasion, but many political leaders regarded it as a major event—the concluding act of a process—rather than the start of the implementation process for the NPA.”

40. Gastrow, *Bargaining for Peace*, p. 57.
41. Gastrow, *Bargaining for Peace*, pp. 94-95.
42. Gastrow, *Bargaining for Peace*, p. 62.
43. During the course of these events, GRACA affiliated to SANCO, the South African National Civic Association, and changed its name accordingly.

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