

# The Human Face of Conflict Resolution

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## Chair: Baroness Helena Kennedy QC

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### Question 1

I'm sure you're right, Gabrielle, about the need for empathy, and that there's a distinction between empathy and sympathy which gets blurred all the time. But what I'm terribly puzzled by is: what's also needed is humility and a bit of self-knowledge, and this talk about 'we' and who 'we' talk to, as if we're not a part of the world that doesn't use drones, kidnap people, have Guantanamo, use torture – one has to understand how we are perceived by them, and not without reason.

### Gabrielle Rifkind

I agree 100 per cent with what you've said. In fact, if I use the word 'we', I didn't mean 'we, the British government'. I probably meant 'we', Oxford Research Group, or 'we', Gianni and myself, when we were doing something. But of course, that is the point. We have to understand how the other side sees us. Of course, the impact of drones and all the military hardware we, the West, is using. That is an absolute crucial piece of it.

### Question 2

A question to either speaker: do you ever think the defeat of an ideological adversary is more important than seeking mutual understanding? For example, take Iran. A negotiated settlement with Iran may well mean the suppression of what many would consider their natural democratic allies within that country. I was wondering if you could speak about the balance between those two things.

### Baroness Helena Kennedy

Gianni, you know Iran pretty well – what about that? Is there a time in a negotiation where you do feel that there's that tension, that conflict?

### Giandomenico Picco

All the time. Let me just use a practical reference to what has actually happened. In this conversation already, there is the subtitle of this conversation that it's so difficult to negotiate with Iran and whatever. Our book has a chapter which lists for you a very simple fact that over the last 30 years, the West negotiated 12 times with Iran, and in all these negotiations came out successful. So there is a lot of conversation about non-existing reality that unfortunately has not been taken care of. The reality is that we negotiated with Iran since the first year of the revolution and we came out pretty well, if you ask me, in all the 12 negotiations which we listed there, in 30 years. So always talking in generalities does not give you the facts of life. This is why we included that list of the 12 negotiations.

In parentheses, of those 12 negotiations, 11 of them we – we, the West – came out pretty well. There is one which is a bit uncertain how we came out, but this is 12 in 30 years. So let me just be very practical about

this, something that is not a secret but is not something very well known. There was a moment in the last 30 years when we even asked a military favour from Iran. Did you know this? Of course, you did, because you did everything, so you know this. I was asked to ask that question myself. I was not negotiating, I was asked to pass it on.

#### Baroness Helena Kennedy

What favour did we want?

#### Giandomenico Picco

What was asked of Iran was to keep Saddam Hussein's planes in Iran and not to return them. Saddam Hussein had asked Iran to keep for safekeeping some of his planes, military planes. First, I asked them if they're coming – you know, they're not the perfect planes, but anyway. Then we asked them, can you please just keep them? Good price second-hand, you never know.

But I don't tell you what I read, I tell you what I did. Nothing was bad. Actually, it was very useful. So the question is not 'to understand or not to understand'. The question is to understand then and there, in that moment –

#### Baroness Helena Kennedy

When was that? Was that pre-Iran-Iraq war?

#### Giandomenico Picco

I don't think you pay me enough to say the truth. No, that was around the time when he went into Kuwait. But what I'm saying is, let's look at the facts of life. Yes, it's very bad to accept and to negotiate with people like ISIS, etc. But there are other ways. Nobody comes up with other thoughts. Allow me to say there are other ways to do it. We don't want to negotiate with ISIS – I agree fully. Why should we negotiate with ISIS? Maybe somebody else should do that, for very good reasons.

#### Baroness Helena Kennedy

Have you got a list of favourite candidates?

### Giandomenico Picco

Indeed, of course. I know that that's the second question. I'm 132 years old, I know what you're going to say later. So I tell you before.

### Baroness Helena Kennedy

So the appropriate negotiator can make the difference. With some people it will not be right to have the West act in that role.

### Giandomenico Picco

Of course, yes. Absolutely.

### Question 3

My question might belie that I don't know a huge amount about the procedure of negotiation and conflict resolution, but I was wondering whether or not you think in future more religious groups or religious leaders, in particular, need to be integrated into the negotiation process. I think in the Middle East in particular but also Asia generally and Africa, you're seeing sectarian conflict in particular become a kind of stronghold of the conflict world. I just feel like quite often a government, a state leader, is very separate to a community of religious members.

### Gabrielle Rifkind

I think it's a really important question, particularly because in the Middle East probably the most influential figures are religious leaders. If anybody's going to be listened to, they will be in that group. But if you actually look at the negotiations in 2000 at Camp David, when it looked like they were getting somewhere in terms of the peace process, one of the reasons it failed was because none of the issues around the holy sites were addressed. The secular groups who were doing the negotiation didn't actually understand that and they felt a little superior, and there was no kind of consultation process. Unless you address those kind of issues, which are core to large groups of peoples' identity, you actually can't resolve conflict. So I think it would be an excellent idea if in some way they were certainly part of the consultation process, and at times embedded.

### Question 4

If I may put two questions, very quickly. One is a question of timing. In your experience, have there been moments where you think the timing has been wrong? I think in particular, in the context of some of the criticism voiced toward Jonathan Powell's ideas from area activists, that actually the negotiations

prolonged the violence and that was a problem. I'd be interested in your reaction to that. Secondly, a question of – impartiality, I accept. When you don't find rationality or a common point of interest – I'm thinking particularly of the Islamic State – what is your approach? How can you find the human face behind somebody you have to negotiate with, where you just cannot find common ground?

### Baroness Helena Kennedy

Two interesting issues there. One of them is that Jonathan Powell has written about his negotiations with the sides in Northern Ireland, and there are those who say that in fact it took years and in many ways it kind of gave succour to the IRA, and it kept the conflict actually alive for longer. Hard to know, but he's absolutely clear that that is not so. I think the critics who say that are those who are hardliners on the other side, on the kind of unionist side. But there are people who say that. What do you make of it?

### Giandomenico Picco

About timing?

### Baroness Helena Kennedy

About the importance of timing.

### Giandomenico Picco

I agree, the timing is absolutely important.

### Baroness Helena Kennedy

But by seeking to negotiate, can you actually be in some ways giving comfort and prolonging a conflict?

### Giandomenico Picco

You have to have something concrete in your hands. I'll give you an example of what I mean. Timing is clearly important for both sides: those who suffer and those who try to end the suffering. But there are things we cannot control. So timing is clearly important. For instance, going back to Hezbollah in the Lebanese case. The issue, as you know, the hostages in Lebanon were taken starting in early 1984. The saga went on until 1991. There were different moments in that period of time. But what was clearly an element of great relevance was the fact that despite everything, you did not have clarity for a long time what instrument to use in this negotiation. The main instrument had to await, unfortunately, the end of

the Iran-Iraq war, which did not end because somebody decided to end. It ended because we really played a very constructive role in ending it at that particular moment, for a very particular reason.

When that ended, it gave a number of people, including myself, a tremendous instrument because it was at that time I went to see the president of Iran and I said: Mr President, you owe me big. Not a very philosophical, profound, analytical or whatever – very simple. You were losing the war, I was very instrumental in ending your war, so how do you say thank you? Doesn't require three PhDs. Rafsanjani had a request which I had kind of [indiscernible] him in a different way, and he said: yeah, that's what I want. Do you know what he wanted? He wanted that the international community, who know the truth extremely well but denied through their teeth, every single country – that the world admits that Saddam Hussein began the war against Iran. Which, of course, the facts were proven over and over again, but not one head of state of the world, until 2002, went public to say. So I had to do it.

So I went to see the Iranians and I said: I want the hostages out. He said: what do you give me? I said: the truth. I called the deal 'truth for freedom'. I will have a document for the world that will say that Saddam attacked you. Nobody had the guts to sign it with me. I did. This came out and in exchange I got the hostages. But that negotiation with Rafsanjani could not be had – by the way, the person who was present at the negotiation, there was one more person, is today the foreign minister of Iran, with whom I dealt for 30 years.

### Baroness Helena Kennedy

But Gianni, those long relationships obviously really matter, but the problem with governments is that they are short-term, whereas negotiators and people like yourself can have relationships that pass the timeframe of elected governments. So you are able to kind of have a different kind of conversation and dialogue. But doesn't it make you think that you're more of a poker player, a dealmaker, than a psychotherapist?

### Giandomenico Picco

Oh, definitely.

### Baroness Helena Kennedy

Anyway, for the second part of our question: what happens when you're meeting intransigence, when you're really meeting that hard stuff?

### Gabrielle Rifkind

The question is completely spot on. When you're thinking about ISIS, I think what Jonathan Powell might say is there's no harm opening up tracks. I'm sure that's already being discussed in terms of kidnapping or whatever. But they're actually on the ascendency at this point. I doubt there is a great deal to talk about.

But there will be a time, and the Saudis perhaps need to play a very key role here, since they've been very important in terms of shaping some of these ideas. I think that would be Gianni's point, you also have to think about who would be the right people.

### Question 5

Given the prevalence of civil war occurrence in the past two decades, some scholars have argued that international intervention, as well-meaning as it is, oftentimes just perpetuates conflict. Some have even argued that we should just let wars burn themselves out and have one side win decisively. I'm just wondering what you make of that idea. It sounds so ugly on its surface, but is there any truth in that?

### Baroness Helena Kennedy

That's the sort of Dick Cheney line, that the only way you can do it is by defeating it. Do you buy that idea, that actually you let wars burn themselves out because negotiations – back to the Jonathan Powell thing.

### Giandomenico Picco

Mr Cheney is a very able man but also, paradoxically, very simplistic. It is absolutely – in fact, I don't recall that he has ended any war or signed any successful negotiation, if my memory serves me well. He had other objectives in life, perhaps justifiable, but that is not what he did.

I think to burn out is really to find the right tool. People say the war ended when everything was exhausted – it's not true, there are many cases when this is not true. It depends what actually is – if it is an intervention. Forgive me to say this, in advance, but what we have seen in the last 20 years in particular is that the most effective intervention may really be that of individuals, not institutions. Of course, this will not be told to you by any of the institutions, because they don't sell themselves as 'we are stupid' or 'it doesn't work'. But this is what has been proven. What has gone around now, for instance, in some issues is to seek the right individual to help. It goes back to a question which one of my masters of life told me many years ago – and it's not a joke, it was unfortunately very true and it's still very true. He said to me: you have to choose, Gianni – do you want to make history or to have a pension? Don't take it as a false [indiscernible], it is bloody true.

### Baroness Helena Kennedy

Did you get a pension as well?

### Giandomenico Picco

No.

## Gabrielle Rifkind

Can I just pick up that point though, because I think it is about – I suppose it's about liberal interventionism and when we intervene, but one of the problems with conflict (and I'm sure everyone in the room knows this better than me) is it's often proxy wars that are going on. Syria would not look as it is without a huge amount of interference and involvement from other countries. Actually, if people were left to sort things out themselves, things would look very different. It's all the different regional players and who's kind of messing up that you have to look at.

## Baroness Helena Kennedy

But are you both saying that the 'burning out' idea is not one that you would be particularly attracted to?

## Giandomenico Picco

It doesn't even exist.

## Baroness Helena Kennedy

You don't believe in it. You think it could be the case?

## Giandomenico Picco

It's easy to say one or two cases but it's not true in all cases.

## Question 6

I'm actually a national of Sri Lanka, I'm from Sri Lanka, where – following on from this young lady's question – negotiations and conflict resolution actually failed and the solution was to actually wipe out the opposing force and keep out foreign negotiators. Actually, when I was a research student, I was briefly working on the Sri Lankan peace process. One of the things I found out and which I think was quite common knowledge – actually, it's not common knowledge – was that the peace process in itself, the negotiations, did not fail, because there was an agreement by both parties on how to solve the conflict, which was a federal structure. But what actually failed was to sell this solution to the polity. So Sri Lankan leaders failed to sell it to their electorate and the Tamil Tigers failed to sell it to their members, which actually led to the collapse of the peace process. So sort of moving on from the solution of wiping out the opposing force is also, how important is it for negotiators especially to balance the need between keeping



negotiations in private and also to make sure the wider public is involved in it, so your successful negotiations actually lead to successful conflict resolution.

### Baroness Helena Kennedy

I'm not going to have an answer to that because I think it was a very compact contribution, and I'm going to bring a few people in before we finish up.

### Question 7

Since the 1970s, the ability to communicate and use the internet and other technologies to mediate and continue negotiations has changed substantially. Do you feel that, given that you had to be kidnapped in order to undertake some of your negotiations, whether that could have been done on Skype now?

### Question 8

Do you believe that all conflict can be resolved, or is sometimes the best you can do to defer the conflict or create smaller groups or splinter groups who [indiscernible] conflict?

### Question 9

If sectarian conflict is driving and managing the conflicts from the Hindu Kush to the Levant, what is it that we can do to put Iran and Saudi Arabia today in the same room?

### Baroness Helena Kennedy

This is the finale, but there is some good stuff in there. Our friend from Sri Lanka was saying, what about electorates? You can get a negotiation which looks very sensible – federalism probably is the sensible answer, and the answer in other places (Somalia and so on) – but what happens if your electorate, your people, just will not buy that? The other is: can all conflict be resolved? Aren't there just some conflicts that carry on being a sore that will erupt again, even if you get some kind of lid put on it for a short time? Can Skype be used for this or do you need to have the feely-touchy thing? As a jury lawyer, I think you have to be able to eyeball people and smell their smell and feel what they're all about. But my friends may say something different. And what about the Sunni-Shi'a issue? Isn't it about getting Iran and Saudi into the room? We don't talk enough about Saudi. So, my friends, this is it. Can you give us some wisdom, pulling those things together? Skype – do you think it could be used for this kind of negotiation?

## Giandomenico Picco

I think the Skype could actually be a first step. I don't know if it is enough, but I think it could be actually very useful for a start because it's instant communication.

## Baroness Helena Kennedy

The psychotherapist is not so sure.

## Gabrielle Rifkind

I don't know. I do psychotherapy on Skype. I'm quite sure there are people talking to ISIS on Skype at the moment, trying to understand what they're thinking. It's a good beginning.

## Baroness Helena Kennedy

What about the whole business of what happens if the people themselves just don't buy into the negotiation that's taken place at a different level?

## Giandomenico Picco

It's very difficult to buy or not buy into a negotiation because what transpires in a negotiation, no matter in what country, is always very funny, to say the least, or the results are very, very partial. I think that if you are asked to go into a negotiation, you have to take the responsibility on your shoulders and do what you have to do, because those who are not really involved in a continuous exchange day by day or whatever, they may have different opinions of what is happening. I don't know how you go to the moon, I just see the rocket went on the moon, but I don't know what is in between. So I don't tell the scientists what to do, because I don't know.

So my answer to that would be that, again, we continue to speak about negotiations and continue to assume an institutional role. Well, I beg to differ. I think there is a tremendous role for the individual in negotiations, which institutions will not be able to replace.

## Gabrielle Rifkind

But I think the point that is being made here is the gap between top-up and bottom-down, and what happens if civil society doesn't buy in and what happens if they haven't been prepared. We could have a huge whole-day seminar on this and I suspect there's loads of people in the room who know a great deal about it and studied it. But if you don't deal with the chasm, you can't peace-make.

## Baroness Helena Kennedy

I want to just pick up the two last questions. Aren't there some conflicts that are just unsolvable? Aren't there just some conflicts where, like the dysfunctional patient you have in front of you, whose problem will not go away with a talking cure – the talking cure won't work?

## Gabrielle Rifkind

What you're talking about is radical disagreement, and how do people who see the world profoundly in different ways actually manage not to kill each other. Sometimes you've got frozen conflicts. But perhaps the most important thing is how do you stop the violence, because that's what actually causes the kind of extremism that is so unsavoury.

## Baroness Helena Kennedy

The final question, a really important question for our times: if we're going to really deal with that sectarian conflict between Sunni and Shi'a, is there any chance of getting Iran and Saudi Arabia into the room?

## Giandomenico Picco

Gabrielle and I have written a few pieces in the past. The issue of Iran and Saudi Arabia understanding each other and getting together is the real key for a solution of the [indiscernible] issues. Without that understanding between Iran and Saudi Arabia, between the pope of the Shi'a and the pope of the Sunni, I don't think there is any solution. But of course movement in that direction has already happened over the last eight months. Things have not been publicized but they are moving, and that is the way to go. The entire Levant will completely go into catastrophe if this does not happen, and that we cannot replace, either being in London or in Washington or in Moscow. That is, in my view, what is already happening without publicizing, but slowly it is developing. With a bit of encouragement here and there, that is the key to move from the Levant of the Sykes-Picot agreement of 1916 and Gertrude Bell, to the Levant of the new century, of 2016 and forward, which will require much deeper involvement of the major players of the region, Iran and Saudi Arabia.

This carries with it another statement, which will be my last statement because then after you will run after me to hit me, which is the fact that – in my opinion, and I have written this already so I will be hit in any case, we have to be realistic. History moves on. The Levant is not what it was 20 years ago, 30 years ago. The two things that have happened is that Iran and Saudi Arabia have a role now before them that they can see – whether they will fulfil it is different – and the second thing is that the Palestinian-Israeli conflict is no longer pivotal, for better or for worse, for the entire region. We have seen in the recent developments that that is an issue which they have to resolve themselves but the impact on the entire region in comparison to 20 years ago is almost minimal.

## Baroness Helena Kennedy

That's an interesting thought. I'm going to draw this up together now. It seems to me, and first of all we'll get a little hope out of the fact that they're 'slowly, slowly, catchy monkey' – there's a bit of business going on behind the scenes apparently on the Sunni/Shi'a, Iran/Saudi issue. But what comes out of all this is a sense that the business of negotiation is a careful – it's about timing, it's about process, it's about understanding. It involves the people who are playing those roles – those individuals which you emphasize – being people with really well-developed emotional intelligence. I happen to think that the best diplomats have well-developed emotional intelligence, but that's true of most good professionals. If you don't have well-developed emotional intelligence then you tend not to be terribly good at what you do.

So I would say to all of you, I think this has been a very interesting discussion. I hope it carries on and there are other opportunities, but I'd like you to thank both of my speakers tonight for coming and joining us.