Debriefing Mediators Series

The Mediative Side of a Chief Negotiator: Challenges and Benefits of Insider Mediators

Summary and key lessons from a debriefing with former Downing Street chief of staff, Jonathan Powell, on the Northern Irish peace process

The European Forum for International Mediation and Dialogue
Debriefing Mediators Series

THE MEDIATIVE SIDE OF A CHIEF NEGOTIATOR: CHALLENGES AND BENEFITS OF INSIDER MEDIATORS

Summary and key lessons from a debriefing with former Downing Street chief of staff, Jonathan Powell, on the Northern Irish peace process

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This report was authored by Brendan McAllister. The report is based on a debriefing interview following mediatEUr’s debriefing methodology. It does not reflect the views of the funder.

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This debriefing was conducted by Brendan McAllister on 25 March 2015 at the office of Jonathan Powell, with the participation of four actors involved in the process.

Brendan McAllister is himself from Northern Ireland, having worked on community conflict resolution during the time of the troubles and beyond. Consequently, this debriefing report dives into questions of substantive interest to the conflict, more so than other debriefings mediatEUr has produced in the past, adding a new dimension to our series. mediatEUr team who contributed to this debriefing exercise includes Antje Herrberg, Juan Diaz, Alex Azarov, and Miguel Valera.
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Statecraft and mediation: a mediator’s role is not always clear

As chief of staff to the prime minister, Jonathan Powell’s primary task was to represent the interests of the British government. On the one hand, the British government was commonly viewed as one of the parties to the conflict in Northern Ireland. Therefore, it crafted an official approach based on three principles: consent of a majority, rights of the minority, and consensus between the two. In pursuance of these principles, the British government considered itself an honest broker and, in effect, a facilitator of the search for agreement between the parties in Northern Ireland. In this respect, Powell’s role was not that of a mediator, per se, but still had mediative dimensions and moments.

Professional formation: mediator by experience, not formal qualification

Despite having no formal training in negotiation or mediation, Powell was an experienced diplomat when he came into his role in the Northern Irish peace process. In particular, he had been involved in high-level negotiations with China and in multi-lateral disarmament. He had acquired important skills regarding ‘finessing’ (developing ideas with parties based on conditional situations) and ‘re-framing’ (describing issues in less contentious ways). He had also been taught to be self-confident and assertive, even with prime ministers.
Powell’s mandate: your work is significantly influenced by whom and what you know

Powell’s position as chief of staff to the prime minister gave him authority and influence. His close personal and professional relationship with the prime minister was known by the parties, which enhanced his credibility. His background gave him a good working knowledge of government departments and of civil service culture.

Walking in the footsteps of others: build on what has already been done

In the twenty years before his introduction to Northern Ireland, there had been a number of serious peace initiatives which had ended in failure. Politicians and civil servants had learned much from previous mistakes, and the design of the peace process was informed by the experience of others.

Building relationships: a mediator’s work is based on rapport

Like a number of other actors in the Northern Irish peace process, Powell invested a lot of energy into building relationships with key players. In doing so, he drew on his capacity for empathy and inclusive thinking.

Ambiguity in negotiations: the benefits and pitfalls

Ambiguity is a necessary part of peace negotiations. It helps bridge wide gaps between parties and affords them room to hold different interpretations of positions or even commitments. However, in time, ambiguity becomes destructive. It eventually feeds alienation rather than creativity among the parties and, at that point, must be replaced with clarity. There should be no ambiguity around the principles and operational framework of a peace process.

Narrowing the peace process in Northern Ireland: the dangers of exclusivity

The Good Friday Agreement of 1998 was a multi-party agreement. However, disagreements about its implementation led to nine years of negotiation, which the British government allowed to become a two-party process. While bilateral negotiations were essential, the marginalisation of other parties weakened the middle ground and strengthened the extremes.
Long-term engagement with parties aligned to terrorism:
the dilemma of engaging violent actors

While the peace process required years of intimate engagement with particular leaders, the investment of such personal and political capital in them may have created an unhealthy degree of dependence on them to deliver success for the government. When negotiating with a party aligned to a paramilitary organisation, there is a dilemma between the possibility of helping politicians to lead their military associates away from violence and the danger that, in reality, you are acquiescing with their twin strategy of politics and terrorism.

Power sharing: can it result in good governance?

Power sharing is important for creating a peace settlement; however, a possible negative consequence is that all of the major parties end up in power, leaving no credible opposition. In the long term, this can lead to poor governance and disenchantment among the electorate.

INTRODUCTION

Mediators do not resolve conflicts; rather, people within conflicts solve them. Mediators simply make a contribution to the management or resolution of conflict. The evolution of peace in Northern Ireland moved incrementally over decades. Like the conflict, peace was primarily rooted within the people of Northern Ireland and their leaders. However, as the sovereign authority, the British government had a particular responsibility to resolve a prolonged political breakdown within its borders. From the early 1970s successive governments attempted to solve the problem. Significantly, from the mid-1980s, the British worked in close partnership with the Irish government in Dublin, eventually assisted with diplomacy from Washington and, latterly, with economic aid from Brussels.

When Tony Blair became prime minister in 1997 his Labour government swept into power after 18 years in opposition. Blair and his Labour colleagues personified a new generation of British politicians with new energy and fresh hands. More than any of his predecessors in Downing Street, Blair decided to make a peace settlement in Northern Ireland his number one priority. As Blair’s chief of staff and confidante, Jonathan Powell sat at the heart of the British government throughout the ten years of Blair’s premiership. Therefore, he played a unique role in the final stages of the long road to peace in Ireland.
As head of the prime minister's staff, Powell was not a mediator, per se. His background was as a negotiator, and much of his work on Northern Ireland was about the business of negotiation. Additionally, the British government was a party to the negotiations rather than a neutral third-party facilitator. However, there were mediative dimensions to Powell's role.
While representing the interests of the British government (a party to the conflict), Powell also went between other parties and focused much of his energy on seeking out compromise between them.

This paper emerges from a debriefing of someone who acted on behalf of a prime minister in the hybrid role of diplomat, negotiator, problem solver and, at times, ‘mediator’. In this regard, Powell is an interesting case study of the reality of mediation as an adjunct activity carried out by individuals with offices in the corridors of power.

Powell’s debriefing took place through conversations in his London office in the company of: a former senior British government official, a former senior Irish government official, a senior nationalist politician, and a former senior unionist advisor. To help readers less familiar with Northern Ireland, this paper outlines the historical and political context. However, it is not a comprehensive account of the Northern Irish peace process, nor the myriad efforts of those countless people which combined to make the peace process actually work. The purpose of this paper is instead to identify points of learning about mediation as part of the contribution of one particular man.

THE DEBRIEFING PROCESS

Powell was a different kind of subject to those who preceded him in this series of debriefings. Whereas the previous studies concerned individuals acting with a mandate from the EU, Jonathan Powell was authorised by his prime minister to act on his behalf in a conflict within the state.

Furthermore, this is not the first study of Powell. A number of academic articles have been written about his work in Northern Ireland and he has spoken and lectured widely on the subject. A number of relevant memoirs and books also exists, especially Powell’s own account, Great Hatred, Little Room, published in 2008.

Beyond those with a particular interest in Northern Ireland, Powell’s experience is of value to those more generally concerned with government intervention in ethnic or identity-based conflict, especially from the perspective of mediation, as opposed to political science or history.
Powell now runs an international mediation NGO with a busy schedule of activities around the world. Therefore, it was difficult to get substantial preparation time with him. The debriefing took place over the course of a morning in his London office. Thus, the meeting had to be arranged at a time when a number of people from Belfast and Dublin could be assembled in London.

Two individuals from one political party did not reply to our invitations, raising the possibility that some people remain sensitive about scrutiny of Powell’s role in the peace process.

Some weeks before the debriefing, I travelled to Dublin to meet one of the participants. I spoke over the telephone to two Northern Irish individuals whom I knew well and exchanged emails with another participant in England. To ensure a candid and analytical discussion, each participant was informed that the only person ‘on the record’ would be Powell.

Sitting down for three hours with Powell in the company of four people who had been involved in the peace process made for an interesting conversation from the start. The air became thick with memories and anecdotes. Trying to steer such a rich discussion onto more technical aspects of conflict intervention and mediation was a particular challenge. While the checklist of topics (see appendix one) was a useful guide for the debriefing, there was insufficient time to go into the kind of depth that a number of issues deserved.

A second one-to-one discussion with Powell, perhaps a day after the debriefing, would probably have yielded further useful reflection.

Therefore, mediatEUr’s debriefing methodology – firstly, meet with the subject; invite other participants; facilitate a discussion for a morning/afternoon; study the transcript; draft a report and allow the subject and participants time to comment or amend – was a tight fit on this occasion.

A further point of significance was my own background as a Track 2 and 3 mediator in the Northern Irish peace process. On the one hand, this gave me the advantage of knowing the subject matter very well. On the other hand, a less knowledgeable facilitator may have focused more easily on the technical aspects of Powell’s work.
Motivation And Framework
Jonathan Powell

Nationality: British

Background

Jonathan Powell was appointed Downing Street chief of staff by Tony Blair upon his election as prime minister of the United Kingdom in 1997. He had been chief of staff to Blair as leader of the opposition at Westminster from 1995.

Previously, Powell had been a British diplomat. He joined the Foreign and Commonwealth Office in 1979, initially serving in the Lisbon Embassy. Powell worked on negotiations with China and Britain’s departure from Hong Kong for 16 years, and spent a year on arms control at the Conference on Disarmament in Europe (CDE) talks in Stockholm. He worked in multilateral talks on arms control and human rights at the CSCE in Vienna and the 2+4 talks on German reunification from 1989 (between the two Germanys, the US, France, Britain and the Soviet Union). He was also involved in G7 negotiations at one stage. Finally, in 1991, he was posted to the British Embassy in Washington. He was granted a Bachelor of Arts in History, by University College, Oxford, and a Master of Arts in History from the University of Pennsylvania.
“Finessing’
– Negotiating on a conditional basis
To find creative ways around obstacles.”
POWELL is a tall and handsome middle-aged man. Dressed in a
smart suit, with his English charm and good manners, he has a
distinguished air. He places his elbows on the table and joins his
hands at his chin to help his concentration as he weighs, sorts,
stores or disposes of what is said around him. He listens well and
comes to the point quickly. After a lifetime working in international
diplomacy and in the highest reaches of government, Powell is fo-
cused and efficient with his time. Yet, he is full of humour – often
self-deprecating – and perhaps pretends to be more cynical than
he really is. While maintaining a deadpan aura of inscrutability, he
can be very funny.

His background is rooted in the British upper classes. The son of a
senior RAF officer, he spent his early years in Singapore and Malaysia
before attending boarding schools in England from the age of nine.
Powell describes his early childhood experience of living abroad as “a
rootless existence” and his private schooling in England as a “conven-
tional British middle class” upbringing.

After reading History at Oxford, his Master’s degree at the University
of Pennsylvania included a thesis on the loyalist side of the American
Revolution. He worked in TV journalism for 18 months before he
joined the Foreign Office in 1979, just as Margaret Thatcher came
to power.

Ironically, as a diplomat, Powell never received any training in ne-
egotiation. Everything he knows was learned either at the side of
seasoned superiors or through his own, hands-on, experience.

In this regard, he singles out two mentors from his career in the Brit-
ish diplomatic establishment: Sir Percy Cradock and Sir John Fretwell.
Powell’s references to both men indicate just how much they influ-
enced his own style.

He credits Fretwell’s work on the 2+4 negotiations in 1989 with
teaching him about framing negotiations and accepting realities
(such as the inexorability of German reunification).

He says that one of Cradock’s abiding lessons to him was the craft
of ‘finesse’, i.e. negotiating on a conditional basis to find creative
ways around obstacles. Thus, without conceding the issue of British
sovereignty over Hong Kong, Cradock was able to engineer hypo-
thetic discussions with the Chinese about the concept of British
‘administration’ of the colony. ‘Finesse’ would become an important
part of Powell’s craft when working on Northern Ireland over a ten-
year period, helping people to devise exit strategies by imagining
various steps that each side might take if the context of a seemingly
hopeless situation was changed.
Criticised by human rights advocates for negotiating with the Chinese premier Deng Xiaoping, Cradock’s response was acerbic:

“We signed that bloody agreement with him because he ruled China and because he could harm Hong Kong or could help it. We were absolutely cold realists about it.”¹

‘Cold realism’ and a preparedness to see past the terrible reputations attached to some players would be important features of Powell’s work on Northern Ireland.

Powell recalls that Percy Cradock actually advised a colleague to “get up off his knees” when dealing with Prime Minister Thatcher and to stand up to her.

“This was certainly a thing I learned from him,” he says.

Indeed, observers recall Powell’s apparent outspokenness when engaging with Tony Blair, his prime minister. Powell attributes another important lesson to Cradock:

“One of the things he told me was that the first rule of diplomacy is that the really difficult negotiations are with your own side, not with the other side. You are not just negotiating with the other side. You’ve got to carry your people with you, which is really important.

“The first rule of diplomacy is that the really difficult negotiations are with your own side.”

In his book, Great Hatred, Little Room which details his experiences with Northern Ireland, Powell gives numerous examples of discussions with political leaders which focused on the challenge of selling compromises to their own base. Indeed, Powell put huge energy into helping them with the selling process. In this regard, apart from constant finessing, he showed considerable empathy – all the more significant given how different and alien his background was to those of some of the Northern Irish leaders.

Thus, we have an impression of Powell before he took on a role in the Northern Irish peace process: a man from a privileged background; well-educated; professionally formed within the British political establishment; experienced in diplomacy and negotiation; calm and self-controlled; empathetic but unsentimental; calculating, strategic and utterly pragmatic.

¹) Obituary of Sir Percy Cradock, The Daily Telegraph, 28/1/10
2 Mediators profile at a glance
The conflict that has shaped modern Ireland has its roots in the twelfth century, when Normans came from England to take territory on its eastern coast. For the purpose of this paper, it is significant simply to note that this conflict has evolved over hundreds of years and is, therefore, deeply layered and multi-textured.

In 1921, Ireland was partitioned after negotiations between the British government and Irish rebel leaders. While the greater part of Ireland gained independence, a counter campaign in the northeast of the island led to the creation of ‘Northern Ireland’ as an integral part of the United Kingdom. The population of Northern Ireland was, roughly, 55% Protestant and 45% Catholic. The overwhelming number of Protestants strongly favoured remaining within the United Kingdom. Politically, they were known as ‘unionists’. Meanwhile, the overwhelming number of Catholics favoured a united and independent Ireland. Politically, they were known as ‘nationalists’.

In the 1960s, a civil rights campaign emerged from within the nationalist community in Northern Ireland, demanding equality and an end to religious discrimination. The unionist government in Belfast deployed its (overwhelmingly Protestant) police force to put down civil rights demonstrations. The civil rights campaign descended into violence, led by ‘republicans’ – a constituency within the Catholic community who traditionally believed in the use of force to end British rule in Ireland.
At the same time, militant Protestants formed militias in order to use violence to defend Northern Ireland’s place within the United Kingdom. They were known as ‘loyalists’.

In 1972, the British government suspended Northern Ireland’s government and parliament and introduced direct rule from London. Over the next 22 years, there were seven major attempts to hammer out an agreement among Northern Ireland’s political leaders. Each initiative was built around a framework which favoured power sharing between nationalists and unionists and the development of linkages with the rest of Ireland.

There was always an underlying expectation that unionist and nationalist political leaders would try to overcome their differences and then unite to defend politics from republican and loyalist terrorism. However, by the late 1980s the main nationalist party had entered into dialogue with republican leaders in the belief that a viable political agreement required an end to violence and people associated with terrorism being admitted to a more inclusive political process.

Another significant development from the 1980s was an acceptance by the British Government that partnership with the Irish Government was a fundamental part of any peace settlement. Their partnership was formalised by the Anglo-Irish Agreement of 1985, a treaty welcomed by nationalists but bitterly opposed by unionists.

By the early 1990s the British and Irish governments were both engaged in secret channels to republican leaders – and, latterly, also to loyalists – in an effort to bring an end to violence and create a peace process which included republicans as well as nationalists; loyalists as well as unionists.

At the same time, talks with Northern Ireland’s political leaders enabled the framework for a future settlement to take shape. It involved three constitutional strands:

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<th>Strand 1</th>
<th>Power sharing within Northern Ireland</th>
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<td>Strand 2</td>
<td>Cooperation between Northern Ireland and the Republic of Ireland (the so-called north-south strand)</td>
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<td>Strand 3</td>
<td>Cooperation between Ireland and Great Britain (the so-called east-west strand)</td>
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In December 1993, the British and Irish prime ministers met in London to announce the so-called ‘Downing Street Declaration’ which set out the broad terms for an inclusive peace process, including an end to republican and loyalist terror campaigns.

US President Clinton sent the former Senate majority leader, George Mitchell, as a peace envoy to Northern Ireland. Senator Mitchell led an international team that produced a set of principles which all parties participating in the peace process would be required to accept.

Republicans and loyalists both announced ceasefires in 1994. However, in the face of continuing difficulties in gaining entry to political talks, the Irish Republican Army (IRA – the main republican paramilitary group) resumed its campaign in February 1996, by detonating a massive bomb in London. The bomb was meant to send a message to the British government: if Sinn Fein (the political party associated with the IRA) were not admitted to negotiations, the republicans could return to war.

Unionists and the Conservative government of prime minister John Major remained firm in their demands that the cessation of violence must be permanent, and that this permanence must be demonstrated by the decommissioning of weapons. These were the prerequisites for Sinn Fein being given a seat at the negotiating table.

Thus, by the time Tony Blair and his Labour Party colleagues came to power in elections in May 1997, the Northern Irish peace process had stalled for over a year.

THE ASSIGNMENT

During his service in the British Embassy in Washington, Powell had got to know a range of politicians from Northern Ireland. He had developed a particular rapport with unionists. In addition to government ministers, he had also spent time with visiting politicians from the British Labour Party who were then in opposition. In 1993, Powell introduced Tony Blair to leading members of Bill Clinton’s campaign team. When Blair became Labour Leader in 1994 he invited Powell to return to London as his chief of staff, a role that became more significant when Blair became prime minister in 1997.
As Powell began his new job, a senior official advised that he should take on a special project of his own; an issue of policy into which to get his teeth in addition to the workaday task of running Downing Street. Largely due to circumstance and the new prime minister’s own decision to make Northern Ireland an early priority, Powell found himself growing into a role as Blair’s ‘mover and shaker’ on Ireland, with all the implicit power, access and resources attached to his ‘day job’ as head of the prime minister’s staff and one of his closest advisors.

Generating Confidence and Authority

Retired senior officials from London and Dublin who attended the debrief agreed on the significance of Powell’s personal and professional relationship with Tony Blair. One observed that Powell was seen as “his master’s voice” and added:

“That was maybe because he knew Blair’s mind better than anyone else. I don’t think I have ever seen a civil servant with that sort of relationship with his prime minister, and I am talking anywhere, that Powell had with Blair. And people knew it.”

People dealing with Powell came to recognise that he spoke with authority and knew the prime minister’s mind. Another recalled that this gave Powell confidence:

“He knew exactly how far he could go. People viewed what he said as authentic.”

Powell’s experience highlights the significance of a mediator’s status and existing relationships. In the absence of these, a mediator’s early challenge may be to develop trust and authority, especially as an outsider. Personal and professional networks could be useful, as well as qualities such as sincerity and inquisitiveness.

Importance of Neutrality and Building on Previous Failures

When he became leader of the Labour Party in 1994, Tony Blair set about changing Labour policy on Northern Ireland. To the dismay of nationalists, Blair moved from the established Labour position of favouring a united Ireland and urging unity to one of being entirely neutral about whether Northern Ireland stayed within the United Kingdom or was reunited with the rest of Ireland. Thus, Blair moved the Labour Party to a position from which it could have a much better chance of achieving universal credibility once it entered government.
“If you want to be a successful mediator, you need to have a clear view of what you are trying to achieve.”

In the early 1990s, the Conservative government had already adopted a more neutral stance on Northern Ireland’s future within the United Kingdom. In November 1990, a senior minister, Peter Brooke, had said that Britain had “no selfish, strategic or economic interest” in Northern Ireland and would accept unification if the people so wished.

Picking up on the previous government’s position, Powell observes:

“They were prepared to accept anything that both sides could live with, and that was certainly the approach we took.”

Powell offers a nuanced view of Labour’s ‘neutrality’:

“You need to view your own participation in these processes, even if it is for ten years, with a bit of humility as a part of a much longer process.”

“...actually, if you want to be a successful mediator, you need to have a clear view of what you are trying to achieve. So, when I say that the British government was neutral, it wanted to have consensus on both sides... We were a player. We were the government. So, we were not just some sort of neutral outsider. We had to keep the place stable; we had to keep security; we had to keep the economy going; we had to provide subsidies, but as far as the actual political outcome was concerned, we could live with anything that everyone else could live with.”
Much of the political architecture of the eventual peace agreement had been developed by the two governments and the main political parties in Northern Ireland in the years before Blair came to power. Indeed, on all sides, much had been learned from the mistakes of the past and, to a greater or lesser extent, people's thinking had evolved over the decades of conflict and stalemate, with politicians slowly inching their way towards consensus. In the view of the nationalist politician who took part in the debriefing:

"The whole thing was all part of people basically re-appraising and reimagining their own position. The process was about convergence rather than conversion; people worked from what they still thought and felt as the integrity of their own position."

Between 1974-1994, every serious attempt at a settlement had ended in failure. However, it seemed that every failure had also left a legacy of insight. In this respect, Powell observes:

"It is true that there is a process you have to go through, and you look at other peace negotiations elsewhere and they are often, if not always, built on previous failures. So, I think, one of the things I have learned in retrospect is you need to view your own participation in these processes, even if it is for ten years, with a bit of humility as a part of a much longer process, and you are building on previous failures to get a success."
THE MANDATE

Powell was authorised by the prime minister to act on his behalf by establishing relationships with political leaders in Northern Ireland and developing dialogue with them, in addition to the ministers and civil servants who held official roles in government. Within the British government, there was a Northern Ireland Office (the NIO) headed by a Cabinet minister and assisted by at least two junior ministers. The NIO had a body of experienced civil servants. Two other key departments of government were the Foreign Office and the Ministry of Defence. The security and secret intelligence agencies were also highly influential.

Powell was a political appointee coming from outside of the public service and answerable only to the prime minister. However, to be effective, he had to work collaboratively with the rest of government and its agencies. His background in the Foreign Office gave him a useful understanding of the civil service. While there were occasional strained episodes between Downing Street and the NIO, Powell seems to have generally retained sufficient trust across government.
“At the heart of any conflict resolution must be a framework based on agreed principles.”

Initially, while a senior official handled relations with the Irish government, Powell’s contribution was to build on his established contacts among Northern Irish politicians, particularly unionists, whom he knew from his days in the British Embassy in Washington. In this regard, he would compensate for the lukewarm relationship between the then minister responsible for Northern Ireland, Mo Mowlam, and the unionists. In later years, when Mowlam’s successor, Peter Mandelson, was not trusted by republicans, Powell similarly played a compensatory role by also working on that relationship.

The core of Powell’s mandate was to advance a set of principles adopted by his prime minister. In his memoir, Tony Blair reflects: “At the heart of any conflict resolution must be a framework based on agreed principles. One of the things I always try to do in politics is to go back to first principles; what is it really about? What are we trying to achieve? What is at the heart of the matter?” He concludes that “...establishing core principles shapes the process and makes reconciliation possible.” Powell adds: “We had an idea – we wanted to get to an agreement based on the principle of consent and within that we could deal with the problem of identity”. Therefore, the new British government’s strategy in 1997 was to work towards an agreement based on three core principles:

• constitutional arrangements must be based on the consent of the majority of the people of Northern Ireland;

• governance must respect the identity of the nationalist minority in Northern Ireland;

• there must be consensus between the unionist majority and nationalist minority.

As an advisor to Tony Blair, Powell helped him to formulate these principles and then went on to use them as compass points for his work between the parties.

3) Ibid. page 182
Building Relationships

Parties should focus on the problem, the mediator – on the people

According to Powell, he and Tony Blair took a back seat during the months of negotiations leading up to the Good Friday Agreement, leaving it to Senator Mitchell and the parties and officials of both governments to hammer out the details of an agreement. During this time, Powell assisted Blair with numerous meetings in Downing Street, mostly with the Ulster Unionists Party (UUP) and once with Sinn Fein. Powell recalls the great effort undertaken to understand people’s misgivings and uncertainties, and to empathise with them. A primary focus was to embolden David Trimble and the UUP to stay at the table.
Fresh Approach

**It may help the mediator and the process to tag team or co-mediate**

As the deadline for agreement approached in early April 1998, Blair and the Irish prime minister, Bertie Ahern, decided to take over the reins of negotiation themselves. According to Powell, this came at a time when Mitchell had become pessimistic about the chances of agreement. Powell recalls the final days and nights of negotiation as exhausting.

Creative Ambiguity – the Pros

“If you insist, intellectually, on crystal clarity at every stage, you will never get anywhere.”

When parties are too far apart, a mediator may need to be creatively ambiguous to achieve engagement and progress

In the final push for the Good Friday Agreement in 1998, Tony Blair, with Powell at his ear, entered separate understandings with Sinn Fein (over prisoners) and the UUP (over decommissioning). By his own admission, Blair was deliberate in his use of language, allowing himself a means of escape from these commitments, if necessary, in the future. (3) This practice, known as ‘creative ambiguity’, was a recurring feature of Blair and Powell’s approach to negotiations. The wisdom of such tactics remains a matter of controversy among former participants and observers of the Northern Irish peace process.

According to Powell, ‘creative ambiguity’ was essential in the making of the Good Friday Agreement and for a time afterwards. The former senior British official at the debriefing agreed, saying that some ‘obfuscation’ was necessary to enable different sides to present different perspectives or, even, interpretations, on compromises that would be difficult to sell to their base. The same official stated that ‘parking issues’ also comprised part of British government negotiators’ strategy, i.e. putting some difficult matters to one side until a more favourable climate evolved. The key thing, in the official’s view, was that people did not feel that they had been misled:

“If you insist, intellectually, on crystal clarity at every stage, you will never get anywhere. Just don’t mislead people; be consistent with the underlying narrative and know where the anchors [of the process] are.”
In this respect, the former unionist advisor at the debriefing reflected on the need to abide by fundamental principles of the Agreement on which there should be no ambiguity when negotiating ‘the politics of the gun’.

At the debriefing, a senior nationalist politician accepted the value of ‘collective ambiguity’ as long as a peace process increasingly reaches ‘collective certainty’.

Creative Ambiguity – the Cons

“The trouble with creative ambiguity is that it becomes destructive over time.”

Too much ambiguity can bring about a loss of trust and confidence

Reflecting back, the same politician was now critical of Powell and his colleagues:

“We were being talked to [by the British] about policing; Sinn Fein was talked to about decommissioning, and the unionists would be talked to about something else. The fact is we were all talking about different things. We ended up with having more and more ambiguity.”

Powell’s response is to point out that the Good Friday Agreement was a series of bilateral negotiations.

“We were negotiating with people who carry guns to give up their guns. And we couldn’t ‘call it’ – we had no power to compel people. So, we had to wheedle and do side deals.”

A key method in Powell’s toolkit was to engineer statements by various players using language that sent signals either to another side, their own side or even both. Powell observes:

“I think creative ambiguity is something that all negotiators and mediators have to use, because you get to a stage where the gap between the two sides is just too big and you are never going to bridge it.”

However, Powell adds a note of caution:

“The trouble with creative ambiguity is that it becomes destructive over time. I think it is a useful way of solving a problem temporarily, but it comes back to get you and you have to be aware of that and try to deal with it before it becomes destructive.”
An Inclusive Process

“An inclusive process does not mean everyone at the table all the time.”

Mediators need to be careful not to include too many participants, which can hinder the process, but also to not to exclude key parties who could be necessary for progress.

The former unionist advisor noted how the changing political situation created a new dynamic in the peace process, into which the two governments then played. Elections in 2001 enabled Sinn Fein to overtake the Social Democratic and Labour Party (S&DLP) as the largest nationalist party and, in 2003, the Democratic Unionists Party (DUP) overtook the DUP. The governments now had different senior players to reconcile.

This is a matter of significance when appraising Powell’s approach to his role in a peace process that, at first, was a multi-party process leading up to the Good Friday Agreement in 1998. However, during the years of deadlock regarding the Agreement’s implementation, it became focused almost exclusively on machinations between the two largest (and most hard-line) parties, while the other parties became marginalised and, consequently, politically weakened. Powell, acting on behalf of his political master, is judged to have devalued the inclusivity of the peace process and to have been more concerned with managing the process than protecting the integrity of the Good Friday Agreement.

Powell accepts none of this.

“An inclusive process does not mean everyone at the table all the time... You cannot possibly proceed on that basis. It is always going to be private sessions, walks in woods, coffee breaks and all of this.”

Powell defends the realpolitik of moving away from a multi-party process and working with the more extreme parties.

“It may not be what you want to achieve but you will then have an agreement which is very hard to outflank. If you want to have an agreement that is going to last for at least a while, having the two ends of the spectrum signing up for it is an advantage.”
Acts of Completion

A mediator may need to be assertive to help parties deal with impasses

On 14 October 2002, the British government suspended the Assembly and Executive. On 18 October, Powell was in Belfast with Blair, who made a highly publicised speech calling for “acts of completion” by the IRA and for a firmer commitment from unionists regarding implementation of the Good Friday Agreement. ‘Creative ambiguity’ had outlived its usefulness and would now be replaced by a requirement for greater clarity of intention and commitment all round. Blair said:

“The fork in the road has finally come. We cannot carry on with the IRA half in, half out of this process. Not just because it isn’t right any more. It won’t work any more… So, that’s where we are. Not another impasse, but a fundamental choice of direction, a turning point.”

Despite the prime minister’s tough talking, behind the scenes, Powell continued with his diplomatic bilateral meetings with the sides. He had given republicans advance notice of Blair’s speech and even secretly helped draft a response which Gerry Adams, the Sinn Fein leader, delivered in a statement on 26 October.

Choreography

Peace mediation may require managing a complex dance of parties and needs

Despite his obvious tenacity and ability to empathise, Powell’s work demonstrates the importance of choreography when shepherding the sides in a prolonged peace process. Of this he says:

“We needed to have choreography because the two sides could not agree who would go first.”

The problem for unionists was that republicans retained a private army. The problem for republicans was that unionists might renege on power sharing. Powell continues:

“We had to have choreography. We had to have a ballet of agreed steps to get an agreement, as you do in all negotiations. I think it is a general point that applies pretty much everywhere. But how you can get straight away to a point where they actually do what they say rather than cheating on the steps, I don’t know.”

Up until 2003, Powell’s emphasis was on shuttling between David Trimble and the UUP on one side and, on the other, Gerry Adams and Martin McGuinness of Sinn Fein in an effort to find formulae and words to overcome differences regarding permanent disarmament and the commitment to sharing power.
After elections in 2003, the government (and Powell) shifted their attention to the new leaders of unionism: Ian Paisley and the DUP. It would appear that Tony Blair concentrated on developing a rapport with Ian Paisley, utilising both his family roots in the Irish Protestant tradition and his own Christian faith. Meanwhile, Powell consolidated his own – by now – longstanding relationships with republicans, especially Adams and McGuinness, and built new relationships with two other DUP figures: Peter Robinson and Nigel Dodds.

Long Term Engagement with Negotiators

A mediator should be careful about committing too much to a party. The leaders of Sinn Fein, Gerry Adams and Martin McGuinness, had been in place since 1983. Powell believes their longevity was a significant strength to the process, providing continuity to the republican side and enabling deeper relationships to take hold for the duration of the peace process. However, in an aside about the Colombian peace process, Powell asks:

“If you keep on too long in negotiations, on what basis do you pull out? If you keep on too long you become incredibly weak.”

Interestingly, the former unionist advisor who participated in the debrief made a similar point in relation to Powell. He expressed the view that, by engaging with them over a number of years, Powell had become trapped in a relationship with republicans. On the one hand, the investment of time and political capital in them meant that he (and the government) became dependent on the republican leadership to deliver success. He added that the nature of the relationship was such that Powell accepted the assumption that he must help Sinn Fein leaders to defuse the threat that the IRA might go back to war when, in reality, the two ends of the ‘republican movement’ (a collective term for Sinn Fein and the IRA) acted in concert with one another throughout the peace process.

Furthermore, this participant remained concerned at the possible legacy of Powell’s relationship with republicans. He believed that the price paid by the British government for republican acceptance of peace was too high and that the integrity of the new Northern Ireland was fundamentally compromised by the British government’s need to do deals with the extremes of both sides.
Power Sharing

“You end up with a system where everyone is in government and no one in opposition”

The pros and cons of power sharing should be considered when it is being designed

During the debriefing, Powell and the other participants were asked about how important it was for the peace settlement to include, at its core, a power-sharing administration in Northern Ireland. The nationalist politician drew attention to the referendum which took place a month after the Good Friday Agreement and which gave all of the people of Ireland an opportunity to validate the deal and, thereby, establish its historic authority and legitimacy. In his view, the Agreement’s provision for an inclusive form of government was important in order to secure its maximum endorsement by the electorate. He added that, without the promise of power sharing, some of the parties in the negotiation process would have seen themselves as being excluded from government and cast in the role of opposition. In such a context they would have been more likely to campaign against the Agreement. There would have been less consensus and more division.

While Powell’s own view is that power sharing was essential to settle the conflict, he observes the current situation in Northern Ireland, some years into the power-sharing Executive and Assembly:

“...you end up with a system where everyone is in government and no one in opposition, and there is increasing disenchantment with the political system as a result.”

Therefore, while Powell accepts that while power sharing remains important in peace processes, an unintended, long-term consequence may be to create institutions which are permanent but should, perhaps, only be transitory.
Track 2 and Track 3 Mediation

“Track 2 and track 3 are enormously important. I don’t think they necessarily need to connect with track 1.”

A mediator can serve as a link between mediation tracks but should consider the possible advantages and disadvantages of such a role.

Peace mediation can be categorised into three different tracks depending on the levels of society and actors it involves.

Mediation track types

<table>
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<tr>
<th>Track</th>
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<tbody>
<tr>
<td>Track 1</td>
<td>Mediation that is done by governments/decision makers</td>
</tr>
<tr>
<td>Track 2</td>
<td>Mediation carried out by non-governmental, civil society organisations, both indigenous and international</td>
</tr>
<tr>
<td>Track 3</td>
<td>Mediation that goes on at the grassroots community level</td>
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In the debriefing, Powell was asked to reflect on Track 2 and 3 mediation and the role of civil society in peace processes. He commented as follows:

“It seems to be that track 2 and track 3 are enormously important. I don’t think they necessarily need to connect with track 1. Track 1 is trying to build on what track 2 and track 3 can contribute rather than having to be joined up with track 1. I think that would be slightly confusing if it would join up with it; it might actually poison the track 2 and track 3 aspects. There is a track one and a half, which is the stuff that I now do, though it gets a bit confusing when you talk in such terms. But I think, if you did not have the work being done by the business community in Northern Ireland and the work done by the churches, it would have been much harder to get to an agreement. But I think connecting the tracks is not necessarily right.”
Ironically, Powell himself, as a track 1 player, was repeatedly involved in track 2 and 3 territory through his intervention in the parades conflict on the ground in Northern Ireland. The parades conflict principally concerned nationalist objections to protestant/unionist parades going through nationalist areas. Confrontations at street level blew up in 1995 and recurred over several summers. By 1998, the new government was sufficiently concerned for Tony Blair to send Powell onto the ground in an effort to reach a deal between the two sides in a particular town. Powell recalls that intervention as an effort to defuse a community-level dispute which had the potential to destroy the wider peace process.

As someone who was a track 2 and 3 mediator in Northern Ireland at that time, it is my view that the government (and Powell, as someone very close to the prime minister) should not have ventured into the conflict at the community level. The government’s intervention served to over-indulge community protagonists and inflated their sense of importance to the point where it became more difficult to resolve the parades problem – a problem which persists to this day.

A Peace Process or the Process of Peace?

Mediators should be aware of not only track 1 negotiations but also, often more long-term track 2 and 3 peace initiatives

Towards the end of his memoir on Northern Ireland, Powell draws the following conclusion:

“Although neither the unionists nor the republicans would ever quite believe it, the British government were clear that they were a neutral facilitator, content with any outcome as long as the two sides could live with it. But they were also a powerful mediator with many of the cards in their hands, economically and in security terms... It was in developing the opportunities provided by this position as facilitator that we managed to broker the Good Friday Agreement. But what we failed, initially, to realise was that we would need to mediate in a much longer process: the building of trust between the two communities.”

This candid observation is a partial recognition of the difference between a peace process and the process of peace. The Northern Irish peace process could be said to have taken almost 14 years to run its course: from the Downing Street Declaration in December 1993 to the establishment of a durable power-sharing Executive in May 2007.

The process of peace, on the other hand, is a much longer-term phenomenon, which existed years before a formal peace process and continues to this day. It is concerned with building a comprehensive peace across Northern Irish society in an organic process of conflict transformation. It was in the body of society that track 2 and 3 mediation made its greatest contributions, helping to create a climate conducive to a track 1 process and helping to build on its outcome for many years to come.

The participants in the debriefing were unanimous in their appreciation of Powell’s talents. They acknowledged his energy, his resolute commitment over ten exhausting years, and his ability to empathise and to impart understandings of the respective sides’ positions. They also affirmed his great creativity. One particular comment bears quoting:

“Achieving peace is not so much a process of mutual agreement as one of mutual adjustment.”

“Achieving peace is not so much a process of mutual agreement as one of mutual adjustment. Jonathan’s particular strength was in helping people to feel that they could afford to adjust and they would not be in freefall.”

Regarding his weaknesses, one person observed that his sense of keeping the process balanced was not strong. Another said that, occasionally, he caved in too easily. It was also said that he had a slight tendency to go straight to his bottom line, which consequently caused confusion because people did not believe it was his bottom line.

Powell agreed with this observation. He felt that he over-did the running to each side with confidence-building measures. “In retrospect, we should have been more willing to be a bit tougher,” he said. Powell finished the debriefing with the following tips for mediators:

“You need a very low ego. ‘Bully mediators’ have their place but it is limited. You need the ability to win trust by going on to other people’s turf. You need patience to endure pain, bite your lip, and keep going. Imagination is crucial for anyone who is negotiating.”
NOTES:

1. Obituary of Sir Percy Cradock, The Daily Telegraph, 28/1/10


3. Ibid. page 182

Response Of The Kyrgyzstan Government

Setting the scene

Aim of mediatEUr’s series of publications: to capture and present key practice and policy lessons from the work of EU-based mediators.

Objective one: conduct a number of interactive debriefings to support the generation of insights for EU peace mediation.

Objective two: produce generic insights for peace mediation and refine debriefing techniques for EU mediators.

Today’s discussion is off the record.
The published report will be approved by Jonathan Powell.
Dissemination of the report will be agreed with Mr. Powell.
The context of Jonathan Powell’s work on Northern Ireland.

Personal formation

Education.
Career development.
Professional and personal influences.
Strengths and weaknesses relevant to mediation.

Entering the peace process

The Labour government as impartial facilitators.

What was Jonathan Powell’s mandate?

Working to a ‘framework of principles’ (T. Blair).
Designing the process.
Engaging the parties.
Working with Dublin.
The Good Friday Agreement
JP’s role in support of Blair.
Counterparts in Dublin; George Mitchell.
Working with civil servants.
The importance of a deadline.
Instinct/spontaneity.
Creative Ambiguity.
Re-framing.

1998-2003
Multi-party work versus SF and UUP.
Working with republicans.
Working with unionists.
Policing.
The Parades conflict.

2003-2007
The need for clarity and ‘acts of completion’.
Decommissioning as an inherited pre-condition.
Pre-emption: demilitarisation and ‘on the runs’.
Momentum.
Choreography.
Trust.
Spirituality.

Mediation
Power based, deal brokering.
Interest based, problem solving.
Transformative, long term.
The importance of relationships.
The integrity of mediation versus the pragmatism of peace.

Mediation and peacebuilding
Developing a ‘change theory’.
Track two and three mediation.
The most significant mistakes.
The most important things.
OTHER QUESTIONS/ISSUES.

B. McAllister.

**Key Developments 1997-2007**

Before taking office in May, 1997, Tony Blair sent signals to republicans saying that they would bring Sinn Fein into official negotiations as quickly as possible after a new IRA ceasefire.

Blair wanted to use the momentum of Labour’s election victory to generate a new, more vibrant dynamic and move quickly to a final settlement.

Two weeks after the election, Jonathan Powell accompanied Blair to Belfast to make a speech of reassurance to unionists and put down a marker about the principle of consent.

In the summer of 1997, senior British officials had private talks with Sinn Fein.

In Parliament, Blair announced a new round of talks for September, with the intention of concluding an agreement by May 1998. If there was a ceasefire, Sinn Fein would be admitted if they committed to the Mitchell Principles.

The IRA announced a new ceasefire on 20 July 1997.

In September, a new round of inter-party talks began, chaired by George Mitchell. Rev. Ian Paisley, Leader of the hard-line Democratic Unionist Party (DUP), withdrew his party in protest at Sinn Fein’s participation.
The Ulster Unionist Party (UUP), led by David Trimble, stayed in the talks but challenged Sinn Fein’s right to be there.

Jonathan Powell’s main role was to provide reassurance to Trimble and the UUP.

In April 1998, final negotiations on a settlement took place in Belfast. The British and Irish prime ministers played a central role. President Clinton gave encouragement to party leaders by telephone.

Tony Blair gave Gerry Adams, the Sinn Fein leader, private assurance that, if conditions allowed, he would ensure the release of political prisoners in a year. Publicly, the time frame was announced as two years.

In a message written by Powell, Blair also gave a bilateral commitment to David Trimble, the UUP leader, that if the IRA did not move to decommission its weapons within six months, he would support efforts to exclude Sinn Fein again.

On 10 April 1998, most of the parties signed up to the Good Friday Agreement. Ian Paisley and the DUP protested outside.

The Agreement was put to the people in a referendum on 10 May 1998. In the Irish Republic, 94.4% voted in favour. In Northern Ireland, 71.1% voted in favour (96% of nationalists and republicans but only 55% of unionists and loyalists).

David Trimble became increasingly weakened by dissention within the UUP.

Dissident republicans formed new paramilitary organisations. They bombed a town, killing 29 people, including a woman pregnant with twins.

Unionists refused to form an Executive (regional government) with Sinn Fein as long as the IRA refused to decommission their weapons.

The nationalist leader, John Hume (of the Social Democratic and Labour Party (SDLP)) and the UUP leader, David Trimble, were jointly awarded the Nobel Peace Prize in December 1998.

Jonathan Powell held many bilateral meetings with Sinn Fein and with the UUP.

In September 1999, Senator Mitchell was brought back to help break the deadlock. Consequently, agreement was reached to form an Executive in November 1999.

However, it was suspended after three months when expectations about arms decommissioning had not been met.
The Executive was restored in May 2000 but collapsed again in August 2001 due to a lack of progress with decommissioning.

It was re-established in November 2001 but suspended again in October 2002 due to renewed distrust about republicans’ commitment to abandon the gun.

In October 2002, Blair travelled to Belfast to make a speech calling for ‘acts of completion’ by the IRA and challenging unionists to make a firmer commitment to implement the Good Friday Agreement.

In elections in November 2003, David Trimble and the UUP were overtaken by Ian Paisley and the DUP.

Sinn Fein also overtook the SDLP to become the main nationalist party.

The attention of the two governments shifted to closing the gaps between the DUP and Sinn Fein. These focused on Sinn Fein concerns about the DUP’s commitment to power sharing and the DUP’s concern about Sinn Fein’s commitment to the rule of law. Government negotiations with and between them went on for three years.

These culminated in the St. Andrews Agreement in October 2006 and included an expectation that Sinn Fein would support the Police Service of Northern Ireland.

In May, 2007, thirteen years after the Downing Street Declaration, a new Executive was formed in Belfast, led by the DUP and Sinn Fein.

In June 2007, Tony Blair retired from office and Jonathan Powell left Downing Street.