

# The Norwegian Approach to Peace

*An Analysis of the Norwegian Conflict Preventive Involvement between Haiti and the Dominican Republic*

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## **Preface**

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# 1. Introduction

The Norwegian Ministry of Foreign Affairs (MFA) has in recent years engaged itself in several conflict resolution projects, in countries such as Guatemala, Mali, Burundi, Sri Lanka, Sudan and Rwanda. In 1999, the MFA in collaboration with the Norwegian Church Aid (NCA) also involved itself on Haiti and in the Dominican Republic. In contrast to the other involvements, which have been initiated after the eruption of a conflict, the involvement on Hispaniola is of a conflict preventive nature. The overall aim of this thesis is to examine how the Norwegian MFA in cooperation with NCA has contributed to *preventive* conflict resolution through dialogues and negotiations between parties in a possible future conflict situation. The Norwegian involvement in the current peace process between Haiti and the Dominican Republic will constitute the basic case study of this project.

The Norwegian involvement on Hispaniola was initiated due to a request from the former US Minister of Foreign Affairs, Madeleine Albright (Sandved 2002 [personal correspondence]). She contacted the former Norwegian Minister of Foreign Affairs, Knut Vollebæk, to ask if the Norwegian authorities could make an effort to facilitate the creation of a dialogue between the different political groups on Haiti and between Haiti and the Dominican Republic. The US was concerned with the political situation in Haiti, but because of its controversial role in the region, it could not act as a facilitator. The MFA contacted the NCA for assistance, because they, through years of aid-related work on the island, had established relations with a range of groups both on the political level and within the civil society. MFA and NCA therefore initiated contact between different political groups and civil society organizations on Haiti aiming to initiate dialogue and easing the tense political situation in the country. At an early stage of the Norwegian involvement, it became clear that the political situation in Haiti could not be solved isolated and that it was also necessary to include the Dominican Republic in the dialogue (ibid.).

The idea was that by improving the relationship between the two countries, this would also contribute to a stabilization of the political situation on Haiti. Therefore, in addition to initiate an internal dialogue on Haiti, a dialogue between representatives of the civil society from both countries was established, referred to as the Oslo Dialogue. This last process will be examined more closely in this thesis. Although the Norwegian representatives lately have been preoccupied with the internal dialogue on Haiti due to the political turmoil in the country, the dialogue between the two countries is still proceeding. It is now more locally driven, but the political leadership in Norway has emphasized the necessity to continue the dialogue between the two countries.

The peace efforts on Hispaniola differ from other Norwegian involvements because it first and foremost aims at *preventing* the eruption of a conflict. Nevertheless, this thesis will be based on theories developed to explain negotiations between state leaders or entrusted agents of the state in already erupted conflicts or declared wars. However, I argue that these theories also are suitable to analyse conflict preventive involvements based on negotiations and dialogues between representatives of civil society organizations.

## 1.1 Overall purpose of this thesis

The main purpose of this thesis is to analyze the Norwegian involvement in the conflict preventive peace efforts between Haiti and The Dominican Republic. Before elaborating the research question, it is however necessary to briefly describe the main conflicting issues between the two countries.

### 1.1.1 Conflict preventive negotiations

The conflict between Haiti and the Dominican Republic can be described and subsequently explained in light of four major issues. First, the political instability and the economic decline over the past decades in Haiti are important in understanding the large scale migration towards the Dominican Republic (Oslo Dialogue 2001a). The failure of boosting the economy along with the political crisis stemming from the

fraudulent legislative elections in 2000 has created severe political instability on Haiti. The political instability and the economic situation have been major causes for the large scale migration from Haiti towards the Dominican Republic, as I define as the second source of conflict. As the economic disparities between the two countries have continued to grow, more and more Haitians are willing to leave behind their home in search for employment in the Dominican Republic. The Haitians working in the Dominican Republic face poor working conditions, with low payment and long hours, and they are under constant threat of being deported home to their country of origin by the Dominican authorities. This deportation of Haitians has been, and still is, a source of conflict between the two countries. Third, the smuggling of groceries, drugs and weapons at the border has been a source of conflict between the two countries. Fourth, the *antihaitianismo* that exists in the Dominican Republic is a source of conflict. The antihaitianismo has consequences both for the Haitian migrants living in the Dominican Republic, as well as for the Haitian-Dominican relationship. Many Dominicans tends to demonize Haitians and associate them with destructive power and hence danger due to their religious believes in voodoo. A more specific description of the conflict will be presented in chapter 4.1.1.

It is important to underline that there is not an armed conflict between the two countries. The Norwegian initiative aims first and foremost to prevent an open conflict to erupt. A history of prejudices, violent clashes and constant meddling in each other's affairs has created a tension between the two countries that must be eased to ensure that violent actions do not emerge. The involvement is important in improving the relations between the two countries, as the present relations have many negative consequences in the two societies, especially related to violations of human rights (Sandved 2004 [personal correspondence]).

The conflict between the two countries is closely linked to internal disputes within both countries, which again are linked to the authorities' lack of both capacity and willingness to grant basic human rights of their people (ibid.). The internal disputes often affect the neighbour. Haitians migrate to the Dominican Republic in search for

a better life and the Dominican authorities often use Haiti as a scapegoat when there is a need to take focus away from internal problems.

Although the economic situation in the Dominican Republic is far better than in Haiti, there are still high levels of unemployment, which makes the migration difficult to handle. The problems are further aggravated due to different languages and religions.

Also important is the history of conflict between Haiti and the Dominican Republic. Throughout the latest two centuries, there have been several wars between them and there have also been incidents of genocides. Politicians in both countries have used the history to antagonize the two people, and many Dominicans and Haitians carry a deep distrust towards their neighbouring country (Sandved 2004 [personal correspondence]).

As a result of the Norwegian initiated process, three working documents were signed in Oslo between representatives of civil society organizations from the two countries in 2001 and 2002. In these agreements the parties agreed on further cooperation on the main issues, such as human rights, migration and deportation problems, border issues and economic relations. MFA, in cooperation with NCA, has played a vital role as a third party in facilitating this process. As a result of this process, personal relations across the border has developed, new perspectives on how to solve the conflicting issues have come up and local initiatives to improve the situation have been taken. A more thorough discussion of the results from the Oslo Dialogue will be presented in chapter 4.

### 1.1.2 Research question

In this thesis I will analyse the role Norway has played as a third party in the conflict preventive efforts on Hispaniola, with particular emphasis on the methods and strategies used by the Norwegian participants. The following research question will guide the analysis of MFA and NCA's role in their peacemaking efforts in Haiti and the Dominican Republic:



## **Why has the Norwegian MFA in cooperation with NCA achieved success as a third party in the dialogue between Haiti and the Dominican Republic?**

I will argue that this is the case primarily because Norway is regarded as a neutral actor by both conflicting parties, and that there exist trust and confidence between the participants in the Oslo Dialogue and the Norwegian representatives. Second, I will argue that the Norwegian strategy as a facilitator for negotiations has been advantageous. Third, I argue that promoting leaders from the civil society to take responsibility for the peace process has been important, as they interact with both actors in the political sphere as well as enjoying legitimacy on the grassroots level. Fourth, the use of a problem-solving approach to the negotiations has proved to be fruitful. Within this approach, the parties to a conflict are encouraged to not view each other as adversaries negotiating against one another, but rather to interpret the situation as one in which they have a common problem that needs to be overcome by taking joint decisions (Fisher et al. 1992:27). I argue that this approach can best be used to explain the progress in the Oslo Dialogue and that this approach has proved to be efficient. Other hypotheses, as the necessity of working with a long term agenda and the use of an NGO network for creating contacts between the conflicting parties, will also be investigated. The hypotheses will be presented in detail in chapter 3.4.

### **1.1.3 Delimitation of this study**

As mentioned earlier, the Norwegian actors have initiated two parallel processes on the island. The first is an all-internal Haitian process involving the government of Haiti and the political opposition, and the second is a bilateral process between representatives of civil society organizations from both Haiti and the Dominican Republic. The latter process will constitute the empirical basis of this study, since this process was given most attention by the Norwegian authorities during the initial phase of this study. In addition, this process provides the necessary information to analyze the Norwegian approach to peace.

#### 1.1.4 Theory

First, the theoretical framework that will be elaborated to analyse the Norwegian involvement draws on contributions focusing on the third party role in peace negotiations. A third party may be an important actor in a negotiation process and I argue that the success of a third party depends on both their nature and the strategy they employ. Their nature may be defined in relation to three variables; degree of neutrality, legitimacy and previous relations with the conflicting parties. Furthermore, I portray three different strategies a third party may use in their peace making effort and analyze their advantages and disadvantages. I finish the theory chapter with a discussion over different approaches to peace building, with emphasis on the role of the civil society in the peace process.

Second, the problem-solving approach to negotiations will constitute the theoretical basis that will be employed to analyze the progress in the Oslo Dialogue between Haiti and the Dominican Republic. My starting point is a game theoretic approach to negotiations. This, I combine with the problem-solving approach and I argue that the two theoretical contributions may, in combination, be used to explain the Norwegian involvement on Hispaniola. According to Pillar (1983), a main issue to discuss within negotiation theory is how to overcome barriers to negotiate. Three different barriers; the exaggeration of the extent to which interests conflict, the reluctance to move first and the imposition of conditions to begin negotiations, will be discussed in light of the Norwegian involvement on Hispaniola.

In order contextualize the conflict between Haiti and the Dominican Republic, it is important to elaborate on the nature of the conflict between Haiti and the Dominican Republic and its demographic, economic and cultural aspects. This discussion shows that Haiti is in an inferior position compared to the Dominican Republic both economically and in terms of the development of democratic institutions. This is also the main cause of the large scale migration from Haiti towards the Dominican Republic and an important barrier to initiate a dialogue between the two countries.

## 1.2 Hispaniola - an island of differences

**Figure 1.1** Map of Hispaniola



Haiti and the Dominican Republic constitute the two countries of the island of Hispaniola located between the Caribbean Sea and the North Atlantic Ocean. Haiti occupies the western third of the island while the Dominican Republic constitutes the eastern two thirds.

### 1.2.1 Demographic and economic differences

The population on Haiti is about 7.5 million and the total land area is 27 750 square kilometres (CIA 2004), while in the Dominican Republic the population is about 8.8 million and the land area is 48 730 square kilometres. The landscape on Haiti is predominantly mountainous. In fact the name “Haiti” comes from the Taino language and means “land of mountains”. When Haiti was first sighted by Columbus, it was more than 90% forested (Dash 2001:2). Today only 2 percent of Haiti is forested, as

trees have been cut down for firewood since 70 percent of Haiti's energy needs are supplied by charcoal made of wood. Haiti's topography has often been described as an ecological nightmare. Deforestation and soil erosion are the major hindrances to rural development in Haiti. In comparison with the Dominican Republic, Haiti's rural population is 35% larger, but arable land area is 40% lower (Dash 2001:3). The economic situation on Haiti is devastating, and about 80 percent of the rural population lives in poverty (World Bank 1998). Moreover, far from improving, the poverty situation in Haiti has been deteriorating over the past decade, concomitant with a rate of decline in per capita GNP of 5.2 percent a year over the 1985-95 period (ibid.). On the other side the Dominican Republic has had one of the fastest economic growth rates in the hemisphere over the past decade. Prior to 2001, the economy experienced ten years of annual growth exceeding 6 percent.

Another indicator that confirms these differences is the Human Development Index (HDI)<sup>1</sup>. The Dominican Republic scores 0.738 on this index, and is ranked as the 98<sup>th</sup> country in the world. On the other side, Haiti scores 0.463 on the HDI, and is ranked as the 153<sup>rd</sup> country in the world (of 177). We can thus see that the Dominican Republic is far more developed than Haiti, using the HDI as an indicator.

### 1.2.2 Democratic institutions and level of freedom

Freedom House (2004) provides an annual evaluation of level of freedom in the world.<sup>2</sup> The Dominican Republic has had a positive development in the Freedom House rating from 1994 – 2002, but a decline from 2002-2003. The score in 1994 where 4.3 while in 2002 the score where as low as 2.2 which indicates a free country (ibid.). The last year however, there has been a decline in the rating, from 2.2 – 3.2, and this is due to corruption scandals and a growing rejection of transparency by the government of President Hipolito Mejia. However the score is far better than in Haiti, which in 2003 scored 6.6 on the Freedom House rating. The low rating in Haiti is due

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<sup>1</sup> This index is developed by the United Nations Development Program (UNDP), and focuses on three measurable dimensions of human development: living a long and healthy life, being educated and having a decent standard of living. The index varies from 0-1, where 1 indicates a well developed country.

<sup>2</sup> Freedom is measured according to two broad categories: political rights and civil liberties. Political rights enable people to participate freely in the political process, including through the right to vote, compete for public office, and elect representatives who have a decisive impact on public policies and are accountable to the electorate. Civil liberties allow for the freedoms of expression and belief, associational and organizational rights, rule of law, and personal autonomy without interference from the state. The rating varies from 1-7.

to ongoing political turmoil, rampant corruption and generalized social and political violence (ibid.). Political violence has increased dramatically the last year as parts of the country slipped into chaos, and supporters of former president Aristide battled opponents on a regular basis in the streets of Port au Prince.

### 1.3 A history of conflict

Ever since Christopher Columbus set foot on the island in 1492, it has had a history of conflicts and disputes (Kvamme 2001). The Spanish conquered the island and made the local population, the Arawacan-indians, work in the goldmines. Spain controlled the whole island until France in 1697 occupied the western part of the island (now Haiti). In earlier history, Hispaniola became a mirror of European politics; when France and Spain were engaging in war on the European continent, the colonists also fought on Hispaniola (Sagas 1994).

Inspired by the French revolution, about 100 000 slaves of African origin started a rebellion in 1791. This ultimately led to the independence of Haiti in January 1804 as the first free country in Latin America (Hartlyn 1998:26, Ferguson 1988:11). After this rebellion, the Haitians seized control over the whole island until 1809, when Spain got back their part of the island. The Spanish colonists reinstated slavery and intervened in Haiti in order to kidnap Haitians to work as slaves in the Spanish part of the island. In 1821 the Haitian president Boyer took advantage of a revolt against Spanish rule in the capital Santo Domingo by invading and annexing it. The island remained under Haitian control until 1844, when the eastern part proclaimed independence as the Dominican Republic (Hartlyn 1998:27, Ferguson 1988:16). The conflicts between the two countries continued during the 1840s and 1850s. In 1848 France recognized the Dominican Republic as an independent state, leading the Haitians to feel their independence threatened. Arguing that the treaty was an attack upon Haiti's own security, the Haitian president Soulogne invaded the new republic in an attempt to occupy it before the French could even ratify the negotiated treaty (Krohn-Hansen 1995:40). The Haitians seized one frontier community after another,

but when the decisive battle took place, Soulogue was defeated and forced to withdraw his armies. In 1855 the Dominicans initiated the negotiation of a treaty of friendship, commerce and navigation with the United States, which again produced Haitian fears. The presence of the USA, a principal pro-slavery power, which also had struggled against the world's first black republic from its inception, on Hispaniola's soil would undermine Haiti's security (Krohn-Hansen 1995:41). Once again president Soulogue invaded the Dominican territory, but again he had to withdraw his forces. The period after 1855 was characterised by internal conflict, political instability and international control over the economy in both countries, with Haiti as the stronger one measured in both economic and military terms. The threat from Haiti played a significant role in the forming of Dominican politics, and made the Dominican leaders engage in efforts to place their territory under the protection of either a European state or the United States (Krohn-Hansen 1995:44). In this effort they succeeded in 1861 as the Spanish government re-annexed the Dominican Republic.

Among the conflicting issues in this period, was the question of the demarcation of the Dominican-Haitian border. After the Dominican independence in 1844, a major objective of Dominican rulers had been to retrieve a sizable section of the Haitian-Dominican borderlands which had been lost to Haiti in 1794 (Krohn-Hansen 1995:45). Negotiations between the two countries were held in order to reach an agreement concerning their common border. The first agreement was reached in 1874, but because of different interpretations of this treaty from the two countries the dispute was not finally settled until the Treaty of 1936. This treaty was signed by President Trujillo and President Vincent, and had its origin in a treaty ratified in 1929 that supposedly set a delineated border and settled long-time disputes (Shafer 2001).

### 1.3.1 US Occupation – Hispaniola's geopolitical importance

Dissatisfaction with the Spanish control, the so-called war of Restoration which started as a rebellion in 1863, led to a new period of independence in the Dominican Republic until USA occupied it in 1916. A year earlier, the US had invaded Haiti due to the fact that the US had begun to recognise that Haiti's proximity to the Windward

Passage gave the country a strategic importance (Kvamme 2001, Ferguson 1988:24). The Americans pulled out of Haiti in 1934, as the occupation was proving costly and Haiti's strategic importance had diminished. They left behind an improved infrastructure, but Haiti was still poverty-stricken and overpopulated. In the Dominican Republic, the US government was concerned that the revolutions in the Caribbean posed a threat to US national security and took the position that only by managing the political and financial affairs of the region's countries could the continued political instability in the area be suppressed. Between 1916 and 1924, the Dominican Republic was under US control. However, by 1924 the American situation had changed considerably, and these changes affected US policy overseas. The World War I was over and the USA, which had previously feared German attacks on the Panama Canal without an American military presence in the Dominican Republic, was considerably less concerned with the republic's strategic importance.

### 1.3.2 Conflict and dictatorship on Hispaniola

The present-day economical and political conflicts on Haiti and the Dominican Republic are closely linked to the recent history of the countries, particularly the dictatorship years. The changes the US occupation brought about were superficial and short-lived. A lot of the infrastructure, as roads, ports, hospitals was soon to fall in to disrepair and for the mass of Haitian peasantry, life continued as a struggle for survival as it was before the occupation (Ferguson 1988). After the Americans pulled out of Haiti, many Haitians were again obliged to seek work in the sugarcane fields in the Dominican Republic. This increased migration created a new fear in the Dominican Republic, and led to one of the worst massacres in Haiti's history, as the Dominican dictator Rafael Trujillo in 1937 ordered his police army and military to eliminate all illegal Haitians on Dominican ground (Sagas 1994, Krohn-Hansen 1995:53, Kvamme 2001). The historians disagree on how many were killed in the massacre, but the numbers vary from 4000-6000 and up to as much as 25,000 (Krohn-Hansen 1995).

### *Trujillo*

Trujillo became president in the Dominican Republic in 1930. He had worked his way up through the police force (Krohn Hansen 1995:55). As he advanced in rank, Trujillo used his growing power as a local commander to make a fortune arranging deals involving the purchase of food, clothing and supplies for the soldiers. Later, when he became president, he shaped the state almost as a private business (Krohn-Hansen 1995:55, Kvamme 2001). For example, when one of his companies showed a loss, he would sell it to the state at profit. When the same company recuperated its losses, he would buy it back again. Furthermore, he created a series of state monopolies, to eliminate competition. By buying and controlling several enterprises, he became the richest man in the country already by the end of this first president term (ibid., Hartlyn 1998:43). Regarding the relation to Haiti, the border became closed after the 1937 massacre, with exception of the importation of Haitian workers. This situation lasted until the end of the Trujillo regime. In 1941 the government launched a major program of Dominicanization on the frontier, and the countryside, which had formerly been inhabited by Haitians, was repopulated by Dominican families. In late 1920s and 1930s and also during the Trujillo era, the Dominican Republic passed Haiti measured in economic development. Haiti suffered under economic hardship because of food and import shortages due to the personal corruption of the former presidents in the country.

### *The Duvalier family*

When Francois “Papa Doc” Duvalier became president in Haiti in 1957, he and later his son, Jean Claude “Baby Doc” Duvalier, were about to rule the country as their private property for about 30 years. The story of Francois Duvalier’s presidency is that of the transformation of a mild-mannered country doctor into a semi-divine absolutist leader (Dash 2001:16). The word “Duvalierist” has become synonymous with “dictatorial” attesting to the nature of the dictatorship that Duvalier’s presidency created between 1957 and 1971. Duvalier consolidated state power by first of all neutralizing all the institutions in civil society that could pose a threat to his regime. Schools, churches, trade unions, universities, and the media were all undermined as priests were expelled, journalists tortured, and intellectuals forced into exile (Dash



2001:16). One of his most dramatic strategies was the creation of a civilian militia, officially called the *Volontaires de la Sécurité* (Volunteers for National Security) but popularly known as the Tonton Macoutes, as a countervailing force to keep the army in check (Ferguson 1988:40-41). This civilian militia was drawn from a wide cross-section of Haitian society, providing a network of intelligence gathering and nationwide intimidation of any potential opposition. It was this manipulation of state violence that protected the Duvalier regime from both internal destabilization as well as external invasion. Even though Duvalier deliberately used his ideology of a racial and national mystique to create a hermit state that thrived on isolation, Haiti was still dependent of outside support or at least approval from the United states (Dash 2001:17). The United States had some difficulty supporting a government that by 1961 had abandoned all pretence of democracy and by 1964 had declared Duvalier president for life under a new constitution. However, in the atmosphere of the Cold War, Duvalier used his anti-leftist stance to both appease Washington and liquidate any local opposition.

When Duvalier died in 1971, the United States supported Haiti to ensure a smooth transition of power from Papa Doc to his son, Jean Claude Duvalier or “Baby Doc” as he was called. “Baby Doc” claimed at the outset that he would lead an economic revolution in Haiti, but he generally continued the initiatives of his father even though there was a relaxation in the use of state terror (Dash 2001:19). The “economic revolution” really meant attracting foreign capital, but despite an increase in foreign investment, first and foremost in assembly plants using cheap, non- unionized labour, and an atmosphere of economic liberalism, little real development came to Haiti. The assembly industry could not on its own transform Haiti, since most of the population in the countryside did not benefit from increased employment in this area. The disparities in income and amenities between the capital and rural areas only grew larger. Desperation drove the poverty stricken peasantry to migrate to the United States, Bahamas and the Dominican Republic, in the latter instance to work under the supervision of the Dominican military in near-slavery conditions on the sugar plantations (Dash 2001:20). By the mid 1980s the economic situation had grown

progressively worse. This could be partly explained as a result of persistent droughts, a rapacious state and the crisis of a country that exported little and depended massively on foreign assistance. Also the tourism went into irreversible decline when the U.S. Centre for Disease Control declared that Haitians were a high risk group for the HIV virus. A large scale protest against the government in 1986 forced “Baby Doc” to flee the country, and he brought with him about 500 million American dollars to France, where he lives today (Kvamme 2001).

## 1.4 Present day instability and conflict

### 1.4.1 Political instability on Haiti

The period after Baby Doc fled the country was characterized by chaos, instability and military coups. The catholic priest Jean-Bertrand Aristide won the election in 1990 by a large majority (Dash 2001:24). But after half a year as president, he was thrown out after a military coup under the leadership of General Raoul Cédras, and had to flee to Venezuela and later the USA. The Organization of American States (OAS) and the US immediately condemned the coup, calling for economic sanctions. But the embargo was proving to be ineffectual, and this, combined with the flow of Haitian refugees to the US, forced the United Nations and the US to make firmer efforts to end the deadlock. In 1994, the former American president, Jimmy Carter, arrived in Haiti to begin negotiations with Cédras (ibid.). These talks paved the way for an unchallenged deployment of US forces in Haiti, rather than a combative invasion. The US forces arrived on September 19, 1994, and reinstated Aristide as president. However, the return of Aristide did not bring any immediate solution to Haiti’s problems. Haiti’s recovery was slowed down partly due to international embargo and military repression, but also because Aristide no longer was the one who was driven into exile. He was now more of a politician than a priest with a firm political ideology, and he accomplished little else than the abolition of the Haitian army in 1995 (Dash 2001:25). The real difficulties, as to reinstate an economy after several years of turmoil have up until now failed to be accomplished, and ideological contradictions have arisen between Aristide’s Lavalas party and international aid

organizations. These organizations have put together millions of dollars in aid based on a restructuring and liberalization of the Haitian economy.

The failure to boost the economy along with the political crisis stemming from the fraudulent legislative elections in 2000 has created severe political instability in Haiti. The Aristide opposition has grown, and in 2003 and 2004 different groups from opposing parties, gangs and nongovernmental organisations arranged a number of demonstrations calling for Aristide's resignation as president. Between September 2003 and March 2004 more than 300 people have been killed in this low scale rebellion (USA Today 20.03.04). Aristide and his loyalists managed to stay in power for a decade, but the administration was dogged by charges of human rights violations, corruption and widespread poverty among the Haitian people. The revolt against him was executed by former military personnel under the command of Guy Phillipe, the former police chief who also made an attempt to overthrow Aristide in 2001 (Valenzuela 2004). Aristide was flown out of Haiti on February 29, 2004, and the US announced plans to deploy troops as international peacekeepers. His departure was described by the US as a resignation, but Aristide stated that he had been kidnapped and forced to leave by the US (ibid.).

The old political culture based on divisiveness and inability to compromise, and the lack of genuine concern for the mass of the Haitian people still haunts Haitian politics (Dash 2001:26). In addition more and more Haitians wish to leave their country. A lot of them try to flee the country by boat to either Cuba or the United States, where they normally either die on their way or they are sent back by the US Navy forces. This has led to large migration flows to the Dominican Republic, as this is the easiest way out of Haiti.

#### 1.4.2 The migration problem – a Haiti-Dominican source of conflict

Reliance on Haitian labour in the Dominican sugar industry continued after the USA withdrew from the Dominican Republic in 1924, and Haitians became an exploited, yet stable supply of workers (Fletcher et al 2002:12, Ferguson 1988:65). Connected to the nationalization of the sugar industry in the 1950's, Trujillo formalized Haiti's

supply of labourers. In 1952, Trujillo signed the “Convenio” (eng. Convention) as the first bilateral labour agreement with Haiti, which contracted the Haitian government to provide thousands of Haitian workers to perform as cheap labour in the Dominican cane fields (Ferguson 1988:66-67). The agreement remained in effect until 1986, when “Baby Doc” relinquished power and fled the country. The Haitians who arrived to work in the Dominican Republic were subject to strict regulations. They were restricted to live in so-called “Bateyes”, which is the communities on the sugar cane plantations, and were not allowed to leave these areas. In addition salaries were low and the payment was based on the weight of cane cut and it was not unusual for scales to be unfairly rigged against the labourers (Fletcher et al. 2002:13).

Political instability and economic deterioration have continued to affect Haiti since the end of the Duvalier regime. As the economic disparities between the two countries continue to grow, more and more Haitians are willing to leave behind their home in search for employment in the Dominican Republic. In the mid 1990s, official estimates of the number of Haitians living permanently in the Dominican Republic were between 400 000 and 500 000, but unofficial numbers says as much as 1 million. They are mainly employed in the agricultural sector, where most of them work on the sugar plantations, but also in other sectors as rice- and coffee plantations and in the construction business. The Haitians face bad working conditions, with low payment and long hours. The living conditions of Haitians are similarly bleak; most “bateyes” do not have potable water, sanitation or medical and social services (Fletcher et al 2002:13). This, combined with the constant fear of being sent back to Haiti by the Dominican government, makes the living conditions way below standards according to international laws. International standards regarding judicial guarantees and protection apply to the determination of legal status and on how to deport Haitians in the Dominican Republic (ibid.). Article 8 (the right to fair trade) and article 25 (the right to judicial protection) of the American Convention establish minimal due process protection that apply to deportation proceedings.

### *Deportation*

In order to understand the major conflicting issue, it is necessary with a description of the deportations of Haitians and Dominicans of Haitian descendents living in the Dominican Republic. Despite the Dominican's reliance on Haitian labour, the Dominican government has initiated a large scale expulsion of Haitians from the country on three occasions the last decade. The first of these occurred in 1991, when about 35000 Haitians and Dominicans of Haitian descendents were expelled (OAS country report 1999), with many more leaving on their own to avoid military harassment and abuse (Fletcher et al 2002:5). This mass expulsion was authorized by Decree 233-91; issued by president Balaguer, and contented that all undocumented Haitians under age 16 and over age 60 should be deported from the Dominican Republic. The Dominican Presidential election in 1996 brought with it a rise in anti-Haitian rhetoric and propaganda from the Balaguer administration. During this election, there were reported several incidents of state officials rounding up Haitians and Dominicans of Haitian descendents and destroying their documents (Fletcher et al 2002:6). The opposition leader in the Dominican Republic, Leonel Fernandez, unseated Balaguer and took office in August of 1996. Despite Fernandez' rhetoric about improving Dominican-Haitian relations, a second campaign of mass expulsions began shortly after his inauguration. Between November 1996 and January 1997, an estimated 15 000 Haitians and Dominicans of Haitian descendent were expelled, and the expulsions continued to rise and an estimated 25 000 deportations occurred between January and March 1997.

In 1999 the Dominican government began for the third time that decade collective mass expulsions (Fletcher et al 2002:6). Reports indicate that officials indiscriminately arrested and expelled those suspected of being Haitian, targeting mainly individuals with black skin, including those who had never been on Haiti and spoke only Spanish, and expelled them to Haiti. Similar to past episodes, authorities did not afford individuals the opportunity to prove their Dominican citizenship or legal status, and those expelled were unable to contact their families or collect their belongings before being forced from the country.

The wave of expulsions subsided in December 1999, after the Dominican government signed a bilateral agreement with Haiti that established new procedures and standards for deportation. This protocol of understanding, which is called the Protocol of 1999, regulates the treatment of deportees. In that document, the Dominican Republic agreed to improve its deportation procedures in several ways. Specifically, the Dominican government promised: a) not to deport Haitians at night or during the afternoon on Sundays or holidays; b) to avoid separating nuclear families (parents and young children); c) to deport Haitians only through the Jimaní, Dajabón, Elías Piña, and Pedernales border crossings, rather than the country's less accessible crossings; d) to allow deportees to collect their personal belongings and retain their identity documents; e) to provide each deportee with a copy of his or her order of deportation and; f) to give the Haitian authorities notice of repatriations (Human Rights Watch 2002). Yet, even after signing this protocol, reports continued that the Dominican government persisted in expelling Haitians and Dominicans of Haitian descent. While the Dominican government has the sovereign right to regulate immigration, the manner in which it removes individuals from its borders is a human rights issue. It is a prohibition against collective expulsions in international laws, including article 22(9) of the American Convention (Fletcher et al 2002:14). This article includes that states are obligated to “judge each case of expulsion or deportation individually” (ibid). This has failed to be done in the waves of expulsions described above and therefore, Dominican immigration policy and practise has been subject to international scrutiny.

#### 1.4.3 The border issue and economic relations

Both the Haitian and the Dominican population living in the border area suffer from conditions that include extreme poverty and a lack of basic social services (Oslo Dialogue 2002). In addition there is a series of serious problems connected to the traffic of persons and commercials across the border. In addition to the illegal migration, there are a large amount of smuggling of goods such as groceries, vehicles, weapon, clothing and others. This has led to several incidents where the military and the police have used violence against individuals and communities in the border area

(ibid.). Another great problem in the borderlands is the severe deforestation that has taken place over the latest decades. This problem occurs on both sides of the border, and affects in a negative manner both Haiti and the Dominican Republic. Although there have been several international agencies and organizations working in this area, their efforts have not yet led to the desired results.

#### 1.4.4 Antihaitianismo in the Dominican Republic

There is an intimate link between race, culture and politics in the Caribbean, particularly in the former colonies of Spain. In the Dominican Republic, the elites have created racist, hegemonic ideologies to promote their power and privileges over several decades (Sagas 2000: preface). Antihaitianismo ideology combines a legacy of racist Spanish colonial neutrality, nineteenth century racial theories and twentieth century cultural neoracism into a web of anti Haitian attitudes, racial stereotypes and historical distortions (ibid). A range of criteria are used by Dominicans to distinguish between themselves and the Haitians. Important measures are skin colour, language and in some cases the way of dressing (Krohn-Hansen 1995:70). Furthermore, Dominicans classify themselves as having catholic, Hispanic and light skinned roots and they tend to demonize Haitians as Africans and therefore blacks. The Haitians are not only despised, but also associated with destructive power and hence danger as a result of their connection to voodoo (ibid.). This hegemonic ideology has had a significant effect on Haitian migrants in the Dominican Republic, but it has also traditionally been employed as an ideological weapon to subdue the black and mulatto Dominican lower classes and maintain their political position (Sagas 2000:preface).

This antihaitianismo ideology has consequences both for the Haitian migrants living in the Dominican Republic, as well as for the Haitian-Dominican relationship (Sagas 2000:122). The leaders from both Haiti and the Dominican Republic have publicly expressed their desire to enhance the current status of the Haitian-Dominican relationship, but this desire mostly remains as only words without any action. A recent example was when Aristide, in an effort to improve his government's popularity, tried to create nationalist feelings among the Haitian people, by

denouncing antihaitianismo and human right abuses in the Dominican Republic at the United Nations. As a response to this, former president in Dominican Republic, Balaguer, began massive repatriation of illegal Haitians living in the Dominican Republic (ibid). Actions like these have tended to exacerbate the already tense nature of the relationship and provide little fertile ground for a new dialogue (Sagas 2000:123-124). Under the leadership of René Preval in Haiti and Leonel Fernández in the Dominican Republic, a joint bilateral commission (La Comición Mixta) was created to draft new agreements. However, most of these agreements seem to have been of secondary importance, and the issue of Haitian migration still remains unsolved, as both sides have major differences (ibid).

It is within this context of conflict and tension that the current attempts at peace negotiations has to be understood. In chapter four I will more precisely define the conflict and analyze the Norwegian involvement in light of the theoretical framework presented in chapter three. In the next chapter I will elaborate the research strategy of this study.



## 2. Methodology

The starting point is the case study as a methodological approach. First I will present this approach and compare it with other methods and evaluate it in light of different types of data. Then, I will discuss the case study approach in relation to my own fieldwork.

### 2.1 Methodological approach

#### 2.1.1 Case study

The case to be investigated in this thesis is the Norwegian involvement on Hispaniola. Based on my research question, different aspects of this involvement will be analyzed. The history of the two countries will be relevant in terms of understanding the relation between them, but my main focus will be the three meetings held in Oslo in 2001 and 2002 (referred to as the Oslo Dialogue) and the activities and changes that have taken place as a result of these meetings.

I have chosen the case study, as presented in Yin (2003), as a methodological starting point and framework for this study:

“In general, case studies are the preferred strategy when “how” or “why” questions are being posed, when the investigator has little control over events, and when the focus is on a contemporary phenomenon within some real-life context. Such *explanatory* case studies also can be complemented by two other types – *exploratory* and *descriptive* case studies.” (Yin 2003:1)

The case study is one of several methodological approaches that may be used in the study of a phenomenon. According to Yin (2003:5), it separates itself from other methods, as experiments, quantitative surveys, archive analysis and historical studies as a function of three conditions; a) the type of research question, b) the control an

investigator has over actual behavioural events, and c) the focus on contemporary as opposed to historical phenomena. The methods are not mutually exclusive, as several of them might be relevant related to the study of a phenomenon. However, in some situations, one single method may be advantageous compared to the other methods. Consequently, the case study approach is well suited when how- and why-questions are raised on a contemporary phenomenon in which the researcher have little or non control over (ibid.).

The case study considers situations where there are more interesting variables than number of observations, and therefore it is dependent on several sources of information, as well as the already developed theoretical statements in order to organize the data collection and the analysis. With this definition as a basis, the case study approach as a research strategy constitutes an all-embracing method that involves determined approaches to data collection and analysis.

Theories are important within the case study approach (Yin 2003:28-33). In the first place, they are important in forming the research strategy prior to the data collection. This does not involve a *grand theory* within the social science, but rather theoretical statements that reflect the content of the study and that control the collection of data. Second, theory is important in the generalization of the results achieved through the case study. This is not statistical generalization of a population based on conclusions from a sample, but rather an analytical generalization, where the already developed theories are used as a framework for comparing the case study findings.

In this case I have focused on theories within the problem solving approach to negotiations. These theories are important in understanding the dynamics of the Oslo Dialogue and its progress. Also important are theories about the third party role in negotiations, especially theories that reflect the nature of the third party and different strategies third parties may use in a negotiation.

### 2.1.2 Data collection and triangulation

One of the advantages using a case study approach is the use of several sources of information (Yin 2003:99). This might be different types of documentation, such as administrative reports, other studies of the same phenomena, archival records, interviews, direct observation or participant observation. The use of different sources of information together will give a higher degree of precision when studying a phenomenon (Yin 2003:100).

#### *Interviews and informants*

Within the framework of a case study approach, emphasizing qualitative method, I have based this study on two main techniques of data collection; interviews and different types of documentation.

There are different types of interviews. It is common to make a distinction between an interview and a conversation. The difference between them is how much room that is given within the framework of the question. Using interviews, the questions are made in advance and they demand certain answers. Using a conversation, a theme is given, and the respondent may talk about what he/she wants to talk about. The interviewer may occasionally ask questions to follow up the development of the conversation.

Yin (2003:89-90) refers to the conversation as an open interview, where one can ask key respondents about facts over a topic, but also about their opinion on different events. In some situations, one can also ask the respondent to present his/her own understanding of different topics, and this may be used as basis for further investigation. In these cases, the respondent will have a role as an informant, which is a person who does not only give an understanding of the theme, but also assists in finding other sources of information. Another type of interview, identified by Yin (2003:90-91) is the focused interview. These interviews last for only a short period of time. The questions may still be shaped as open and take form as conversational, but it is more likely that the interviewer follows certain questions more rigid than in the open interview.

In this study, different types of interviews have been used. The shape of the interview depended on both who I interviewed and also what kind of information I was searching for. An interview guide was used in all of the interviews. This guide was prepared prior to the fieldwork, but was constantly changed during the fieldwork as new questions, themes and perspectives came up. The questions were mostly either open or focused. When I interviewed I usually started with wide questions, while during the interview the question became more precise, related to themes that came up and to the interview guide. Questions about concrete information were adjusted to each informant in order to receive the desired information.

### *Triangulation*

In this case study, I have mainly used two types of triangulation. As data triangulation I have used both interviews as well as different types of documents, in order to provide an overall picture of different aspects regarding the Norwegian involvement on Hispaniola. Especially important documents are studies about the human rights situation in the country and the three working documents that have been produced in the Oslo Dialogue. Related to informant triangulation, different persons with different roles have been interviewed to give a broader understanding of the Norwegian involvement. I have interviewed persons from both countries and also the Norwegian representatives. In the next chapter I will describe my fieldwork, and portray more specific the sources of information that have been used.

## 2.2 Data collection

### 2.2.1 The fieldwork

The fieldwork took place in May 2003. I spent about 3 weeks in Santo Domingo (the capital of the Dominican Republic) and about 1 week in Port au Prince (the capital of Haiti). The reason for staying longer in the Dominican Republic was partly due to the high expenses in Port au Prince together with the security situation and partly due to the fact that I was able to complete a lot of interviews in a short period of time.

Prior to the fieldwork, I had already established contact with the coordinators of the to countries' delegations in the Oslo Dialogue, when they were in Norway in February the same year. This was Carlos Pimentel Rivera from the Dominican Republic and Garaudy Laguerre from Haiti. C. Pimentel Rivera is a professor in sociology, now working for an NGO called Pro Carribe, an organization working with Haitian migrants in the Dominican Republic. G. Laguerre is director of an educational institute in Port au Prince, called ISPOS (Institute Supérieur de Politique e Sosiologi). Both C. Pimentel Rivera and G. Laguerre are resourceful persons, with a wide range of contacts at different levels of the society. They provided me with vital information and assisted me in arranging interviews with other participants in the Oslo Dialogue as well as high ranked politicians and represents of the media. In addition they assisted me with practical problems such as transport and accommodation.

#### *Interviews in Santo Domingo*

In Santo Domingo, my main informant was C. Pimentel Rivera. He is the coordinator of the Dominican delegation in the Oslo Dialogue and is responsible for the follow up of the agreements reached in Oslo. Therefore, he has been important both in terms of providing me with facts, as well as in providing me with information on how the Dominicans involved in the process works to implement the agreements. He has also been an important informant in terms of providing me with information on the Dominican position on the different conflicting issues.

Another important informant in Santo Domingo was L. Mota King. He is the leader of an evangelic organization cooperating with the NCA and has been a participant in the Oslo Dialogue. Mota King is also responsible for a dialogue established between different church communities on both sides of the island, a process that runs parallel to the Oslo Dialogue (also financed through the Norwegian MFA). I met with Mota King several times during my stay in Santo Domingo. I interviewed him once, but I also had several informal conversations. These conversations were important, as I got an insight in the political system in Dominican Republic, and in understanding the

underlying causes of the conflict. Mota King also provided me with transport and arranged interviews with other actors involved in the process.

In addition, I interviewed T. Isaac, a bishop that has been working with Dominican-Haitian relations for many years, and who is a participant in the church dialogue. He provided me with useful information of the history between the two countries, and gave me an insight in how the relation is at present. Furthermore I interviewed R. Carvajal, who is the director of Pro Carribe and a participant in the Oslo Dialogue.

During my stay in Santo Domingo I also participated as an observer in a meeting between Norwegian representatives from MFA and NCA, and Dominicans involved in the Norwegian initiated process. This meeting gave me vital insight in the dynamic of the process, and on future plans. After the meeting I was able to have informal conversation with several participants in the process.

#### *Interviews in Port au Prince*

In Port au Prince, G. Laguerre, the coordinator of the Haitian delegation in the Oslo Dialogue, was my main informant. He was an important informant in several respects. First of all he possesses a lot of information about both the political dynamics in Haiti and about the relation between Haiti and the Dominican Republic. Second, as a coordinator of the Haitian delegation he has been part of the dialogue since its very beginning and he has been responsible in selecting people to participate in the dialogue. In addition to a focused interview, I had several informal conversations with G. Laguerre about the process and the Haitian-Dominican relation.

G. Laguerre did also arrange interviews with several other Haitians that are involved in the process as well as high ranked politicians and the leader of the largest press association on Haiti. These were N. Gregoire, a woman working in the Haitian Ministry of Foreign affairs. She is a member of the official Mixed Commission between Haiti and the Dominican Republic, and she has been a participant in the Oslo Dialogue. Furthermore I interviewed P. Pierre-Antoine who is the director of the

official migration office in Haiti. J.C. Delva was also an important informant. He is the leader of the biggest press association on Haiti (Associacion Haitien de Journalistique (AHJ)). In addition I interviewed D. Lemaere, a lawyer now working for a women's association in the border area between Haiti and the Dominican Republic. She has also been participating in the first and the last meeting held in Oslo.

### *Interviews in Norway*

In addition to these interviews, I have also interviewed some of the Norwegian representatives in the dialogue. These are P. Skauen and I.Sandved at the NCA and K. Hoem Langsholdt at the MFA. These interviews have been important in understanding strategies and methods used, as well as the motivation for Norway to initiate such a process. Furthermore, they have been important to understand how the Oslo Dialogue has been carried out in practice and to understand the progress in the dialogue.

### 2.2.2 Secondary sources

In order to investigate the research question, I have in addition to interviews, used different types of secondary sources. The large amounts of literature related to the history of the two countries have been used in order to increase the reliability. Related to the present conflict the range of literature is more limited. However, some reports regarding the human rights situation on the island do exist. In this section I have mainly based my analysis on these reports in addition to the three working papers that have been produced in the Oslo Dialogue. Personal interviews with participants in the dialogue and the Norwegian representatives from NCA and MFA have also been important in this regard.

The use of secondary sources is not necessarily based on its reliability as a source, and it is therefore important to use them critically (Yin 2003:87). The purpose regarding the use of secondary sources in this study has been to explore the main features related to the theme. When doing a case study, the use of secondary sources is mainly useful when comparing and collating with other sources of information. In

this thesis, secondary sources have mainly been used to understand the development in the Haitian-Dominican relation since the colonial period, and to understand the dynamics of the present situation. I have used different sources of documentation in order to provide a more precise picture of central aspects related to the themes discussed. At the same time, secondary sources have been used in order to verify spelling of names and organizations, as well as other information that have been mentioned in interviews.



### **3. Theoretical framework**

The theoretical framework of this thesis is based on two different traditions within negotiation theory. First, the theoretical framework employed to analyze the Norwegian involvement draws on contributions focusing on the third party role in peace negotiations. Second, the problem-solving approach to negotiations will constitute the theoretical basis that will be employed to analyze the progress in the Oslo Dialogue between Haiti and the Dominican Republic. Although the different theoretical contributions normally are meant for negotiations between state leaders or entrusted agents of the state in already erupted conflicts, I will argue that these theories also are applicable to negotiations between representatives of civil society organizations in conflict preventive efforts.

Before discussing negotiation theory, it is necessary to briefly present the Norwegian model to peace as it is described by the Norwegian MFA. This will provide the necessary basis for both the theoretical discussion and the analysis of the Norwegian involvement on Hispaniola. After this discussion, different approaches to negotiation will be elaborated, with particular focus on a simple game theoretic model and the problem-solving approach. Lastly, the third party role in negotiations will be explicitly discussed, with particular focus on the nature of the third party and the strategies they may employ.

#### **3.1 The Norwegian model to peace**

After the end of the cold war there has been a change in Norwegian foreign policy (Sørbo et al 1998). While previously, the main focus was on humanitarian aid, there is now a closer link between peace efforts, humanitarian and long term aid and the promotion of democracy and human rights in collaboration with actors outside the MFA. These changes are, according to the MFA, due to the realisation that internal conflicts as well as inter-state conflicts undermine efforts to protect human rights and

they hamper economic and social development. In most of its conflict interventions, the Norwegian government has played a role as a facilitator for parties in conflict. One of the main tasks has been to create a good environment for negotiations. MFA points out that Norway hardly can be anything else than a facilitator, as the country is too small to be able to put economic or political pressure upon the parties in order to make agreements. It is first when the parties themselves are willing to negotiate that Norway can act as a facilitator in peace negotiations, creating the right conditions, finding meeting places and work as a convenor of information between the parties in conflict. According to MFA's own webpage (MFA 2004), the Norwegian model to peace is based on 4 pillars, all based on the experience of Norwegian NGOs from emergency situations and catastrophes over several years. It is important to underline that this is not a model as defined within a political science approach, but rather a collective term for certain aspects of the approach used by the Norwegian MFA in conflict situations. Furthermore, *the Norwegian model to peace*, must not be confused with a related concept; *the Norwegian model*. While the Norwegian model describes the relation between the state, humanitarian organizations and research environments, the Norwegian model to peace is related to a foreign policy based on the advantages a small country may possess (Tvedt 2004:57).

The first pillar in the Norwegian model to peace is the close relationship between the Norwegian state and the humanitarian NGOs (The Norwegian model). This relationship is based on trust and flexibility in order to give efficient help in crisis and conflicts all over the world. This is a kind of cooperation that has been developing during several decades, especially within the field of humanitarian aid. Still, this cooperation is mainly based upon, and depending on, boundaries of loyalty as there exist few other control mechanisms. MFA cooperates with all sorts of humanitarian NGOs, but their main cooperation is with the so called "big five". These are the Norwegian Red Cross (NRC), the Norwegian People's Aid (NPA), Save the Children, Norwegian Church Aid (NCA) and the Norwegian Council for Refugees (NCR). The cooperation is either initiated by MFA, or the NGOs themselves contact MFA for political and economic support for various projects.

The second pillar is the image that Norway has created as a country engaging in peacemaking efforts. Because Norway is a small country without any superpower interests, and has experience with peace work, few countries object to Norway involving itself with aid and peace efforts. In fact, in many of the Norwegian involvements it is the parties themselves, or international actors that have contacted the Norwegian government for assistance. The fact that Norway do not have any hegemonic interests, is an important attribute for a third party in a negotiation. I argue that it is easier for a small country like Norway to gain trust from conflicting parties, than it would have been for a larger country.

The third pillar is the network of key persons in organizations, research institutes and foreign affairs service. This network has been especially important in offering untraditional channels for negotiation outside the official. The NGOs often have an expertise on issues and/or region in conflict. As the representatives of NGOs have personal relations with people at different levels of the society, both high ranked officials, people at the mid-level of the society such as leaders of local NGOs and research institutions as well as on the grass root level, the Norwegian state may lean on these networks in order to better understand the conflicts as well as to facilitate the process of creating contact between the conflicting parties.

The fourth pillar is the willingness of the Norwegian government to work with a long term agenda. After agreements have been reached it is normally necessary with economic support in order to rebuild democracy, institutions and infrastructure. As peace efforts normally are comprehensive, multifaceted, time-consuming processes, a third party should have a long-term perspective on its own involvement (Sørbrø et al 1998:6). An agreement does not necessarily signal a lasting peace. Clinching an agreement to end violence is often just one step in a broader process of conflict de-escalation. The implementation of an agreement is often riddled with uncertainty, and may include demobilisation, repatriation of refugees, economic reconstruction and/or

elections. The MFA recognises the necessity of working with a long term agenda, and this attribute is important within the framework of the Norwegian model to peace.

This brief presentation of the Norwegian model to peace placed in context with the theoretical discussion below, constitute the foundation for the elaboration of hypotheses to be investigated in the analysis of the Norwegian involvement on Hispaniola.

## 3.2 Negotiation Theory

### 3.2.1 Conceptual discussion

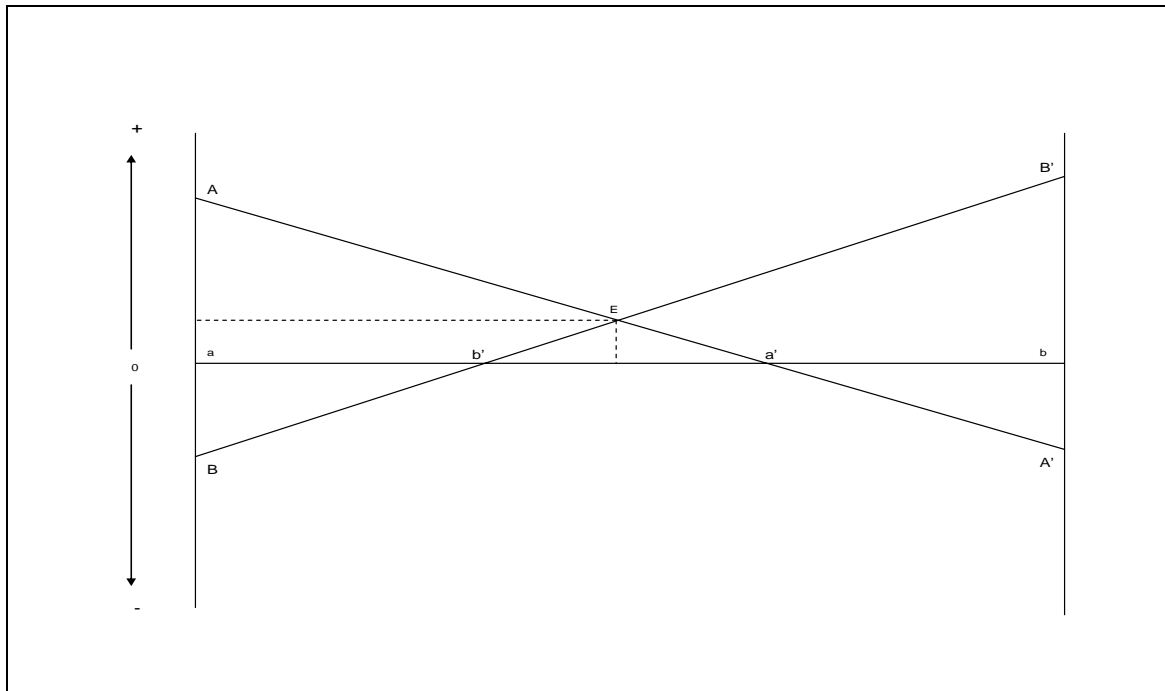
Early work on negotiation processes tended to be framed within the realist tradition of international politics, with its emphasis on state-to-state diplomacy (Hopmann 1996:24). However, more recent focus on theories of interdependence within the liberal paradigm of international politics, as well as new demands placed on negotiation theory by the changing nature of post cold war have contributed to a substantial reconceptualization of the international negotiation theory. In this new light, negotiations are increasingly viewed as a tool in which conflicts may be resolved in such a way as to produce natural benefits for the parties rather than exclusive benefits for one at the expense of the other.

In order to understand the negotiation process it is necessary with a conceptual discussion of the term “negotiation”. One of the more basic definitions was put forward in one of the earliest systematic works in the 1960s by Fred Charles Iklé, who defined negotiation as “a process in which explicit proposals are put forward ostensibly for the purpose of reaching an agreement on an exchange on the realization of a common interest where conflicting interests are present”(Iklé 1964:3-4). In a negotiation process there will always be some sort of common interest as the parties at least agree on initiating a negotiation. We can thus assume that prior to a negotiation a bargaining space exists (see definition below) in which both parties believe in a solution that is beneficial compared to the present situation. According to Pillar (1983:45) a government seeks to initiate peace negotiations if it has hopes to

benefit from a possible agreement. Furthermore an agreement on both sides is required to begin a negotiation. According to this line of arguments, negotiations are most likely to start when both parties have common views of the preferable future course of the conflict, and both become aware that they hold such a common view.

### 3.2.2 A basic game theoretic model

A negotiation has to be developed from a situation where there are conflicting issues at stake (Hopmann 1996:25). If the parties have identical interests, then they do not need to negotiate to reach an acceptable solution. In game theoretic models of negotiations, relations between any two parties are conceived as falling along a continuum from completely identical interests to totally incompatible interests. The crucial problem is to locate the space where both parties find an agreement to be beneficial. Clearly neither party will accept an agreement that produces a negative outcome for them relative to the status quo. Therefore, the range of space within which agreements may occur is set off by the resistance points or points of indifference for the two parties. According to Hopmann (1996:56), these resistance points indicate the value a party can get without a negotiated agreement by acting unilaterally, where an agreement will no longer be advantageous. This principle by which negotiators determine their resistance points through comparing the value of an agreement at any stage with the value of a no-agreement has been referred to by Fisher et al. (1992:111) as Best Alternative To a Negotiated Agreement (BATNA). The BATNA can be illustrated in a basic model of negotiation (fig. 3.1.). There also exist more advanced models that consider the use of threats and promises, misinformation and commitments and hard versus soft bargaining style. However, the illustration of this simple model is useful in understanding the more basic assumptions upon which the game theoretic models are based.



**Figure 3.1 A simple Model of Two-Party Negotiation**

1. Horizontal Axis = Issue Dimension
2. Vertical Axis = Gains (+) and Losses (-) Relative to No agreement (0)
3. A – A' = A's Preference Curve
4. B – B' = B's Preference Curve
5. a = A's preferred outcome  
     a' = A's BATNA  
     b = B's preferred outcome  
     b' = B's BATNA
6. E = point of "equitable" solution, where gains of both parties relative to no agreement are equal. (Hopmann 1996:55).

In this model we have a single issue depicted along the horizontal continuum, referred to as the issue dimension. It is important, however, to point out that the issue dimension is not equal for both parties. In this figure, the horizontal line reflects actor A's view on the issue. An agreement may be reached, in theory, at any position along this continuum. This framework focuses on the negotiation process in which the parties stake out positions and then change those positions along the issue dimension (Hopmann 1996:54). The value of an agreement at any position along this continuum varies for each of the parties, and these values are expressed on the vertical dimension as preference curves A – A' and B – B'. Above the horizontal line marked "0" in the figure, the value of an agreement is increasingly positive, whereas below this midpoint the value of an agreement is negative and declining in value. The BATNA of each party is depicted in figure 3.1 as the point where its preference curve crosses the line of zero payoff, that is point a' for actor A and b' for actor B. Below

these points the parties will be better off without negotiating. Point E indicates the “equitable” solution where gains of both parties relative to no agreement are equal. According to Hopmann (1996:50), simple game theoretic models are largely based upon a zero sum assumption: each side wants to decrease the others benefit while increase its own benefit. This implies that gains of one party, leads to a loss for the other party. The negotiation process is regarded as a process of concessions and reciprocation of concessions. Because of this, in theory, the parties are expected to make exaggerated demands in the beginning of the negotiations, as this may give them a better final result. Although simple game theoretic models provides a useful foundation for bargaining, it has a series of limitations that restricts its applicability on the bargaining process. The most important restriction, is that the model is static and focuses mostly on the relation between initial conditions and outcomes, with almost no attention to the bargaining process (ibid.)

### 3.2.3 Critique of one-dimensional models

Since about 1980 the focus in the field has moved beyond negotiation theory toward an approach that emphasizes the central role of integrative problem-solving in international negotiations (Hopmann 1996:76). This new perspective has grown out of a critique of some of the assumptions on which the game theoretic models have their fundament. The essence of this critique is first, that these models tend to depict issues as falling more or less along a single continuum, with opposed positions at each end. However, in contemporary international negotiations, issues are in most cases more complex and multidimensional than this.

Second, the emphasis on a continuum also tends to exaggerate the element of conflict in the negotiations. Even though most negotiation theorists recognize the mixed motive nature of negotiations, the integrative element seldom went beyond the mutual desire to reach an agreement within the available bargaining space. The possibility of expanding or redefining the bargaining space to realize more fundamental or long-term common interests is largely overlooked in this approach (Hopmann 1996:76). This can be illustrated by a classic example from 1978, where Egypt and Israel were negotiating over the Sinai Peninsula at Camp David. The Sinai territory was divided

down the middle by a line of disengagement in 1975. The US president, Jimmy Carter, who played the role as mediator between the two countries representatives, Sadat and Begin, realized that moving the disengagement line towards either side, implied victory for one of the parties and a loss for the other. President Carter encouraged the two parties to seek a mutually beneficial, positive sum solution, rather than continue to divide the Sinai (Hopmann 1996:90, Fisher et al. 1992:54, Rubin et al. 1994:4). There were no way this issue could be disaggregated and there were no equally important issues that could be used as tradeoffs. After discussing the issue, they found out that Egypt's interest in regaining control of the Sinai was to restore its national integrity, to regain the territory that it perceived to have been unjustly stolen from them by force in 1967. On the other hand, Israel's interest in the Sinai was basically a question of security. Israel felt threatened by a powerful neighbour with large quantities of hostile troops on its border and within a few hours of its capital. So the Israeli interest was based on the need for self defence in the face of a hostile neighbour. The solution to the problem became that the entire territory was returned to Egypt, but at the same time demilitarized. With this solution, both countries achieved their essential objectives; Egypt regained complete sovereignty over the territory, and Israel assured itself that Egyptian military forces was removed far back from the border. In this way, neither of the parties had to concede the other as both countries gained from the agreement. This example illustrates how the move from a one-dimensional negotiation to a problem-solving approach may be advantageous in some cases. By negotiating over the disengagement line, neither of the parties could be satisfied, without creating dissatisfaction on the other side. By using a problem-solving approach, with emphasis on finding the parties' real interests, it became possible to find a solution satisfactory to both parties.

Third, the game theoretic models emphasize the negotiation as one where the parties take positions along the continuum, and the dynamics are largely restricted to making initial offers, making concessions and retractions and eventually reach an agreement or end up in stalemates. The idea that the parties take and hold firmly on to fixed positions seems stylized and simplistic, and introduces a great deal of rigidity into



most negotiations (Hopmann 1996:76). Fourth, the emphasis of negotiation tactics, such as hard versus soft bargaining, and the use of threats and promises, has frequently proved to be dysfunctional (ibid.).

### 3.3 The negotiation process and the third party role

#### 3.3.1 Problem-solving theory of negotiations

As discussed above, more recent theories of international negotiations emphasize the importance of approaching the negotiations from a problem-solving rather than a confrontational perspective (Hopmann 1996:87). That is, to convert the negotiation from a zero-sum to a non-zero-sum game. Fisher et al. (1992:37) argue that parties in a conflict should not view each other as adversaries negotiating against one another, but rather that they should view the situation as one in which they have a common problem that needs to be overcome by taking joint decisions. Based on this perspective, the problem to be solved is the adversary and not the other part as game theoretic approaches assume. Problem-solving can be defined as any effort to develop a mutually acceptable solution to a conflict:

*“[...] problem-solving involves a joint effort to find a mutually acceptable solution. The parties or their representatives talk freely to one another. They exchange information about their interests and priorities, work together to identify the true issues dividing them, brainstorm in search for alternatives that bridge their opposing interests, and collectively evaluate these alternatives from the viewpoint of their mutual welfare.”* (Rubin et al. 1994:169).

Rubin et al. (1994:182-184) have, based on this line of arguments suggested four steps for employing problem-solving in the negotiation process:

First, the parties should try to determine if there really is a conflict of interest or if the conflict is primarily illusory and the result of misunderstandings and misperceptions. If it turns out to be the latter, then the conflict may simply disappear. The example

mentioned above about the negotiation between Israel and Egypt is a good example in this regard. As it turned out, there was not really a conflict of interest between the two parties.

Second, each party should analyze its own self-interest and should set high, but reasonable aspirations for what it wishes to achieve from the negotiation. If parties are not clear about their interests, they may signal weakness to the other, thereby setting off a cycle of exploitation and returning the process to more conflictual negotiation. If they do not have reasonably high aspirations, they may be willing to settle for lowest common denominator compromises rather than seeking more optimal and mutually beneficial results. At the same time, the aspirations must remain realistic so that they do not cut off the potential to reach integrative agreements.

Third, when each party is clear about its own interests and aspirations, then it should attempt to persuade the other to accept at least its most important goal as valid. This means that each party will have to be prepared to reveal its underlying interests and needs to the other, at the possible risk that the other might use these to its own advantage. Yet unless both parties are willing to run the necessary risks of revealing information reciprocally, they will never be able to identify potential integrative solutions to their problem. The two parties should then jointly seek ways of reconciling their different aspirations with one another.

Final, if at first they fail to identify appropriate integrative solutions, they should simultaneously and reciprocally lower both sets of aspirations and continue to search for integrative solutions that may bridge or embrace jointly these lowered aspiration levels. They should continue this process of search and adjustment until either agreement is eventually found or until they agree between themselves that no agreement is possible and they decide to withdraw from negotiations.

The problem-solving approach differs from the traditional negotiation model in the sense that it breaks with some of its fundamental assumptions. The traditional model

tends to depict the issue to be negotiated as falling more or less along a single continuum (Hopmann 1996:76). On the other side, the problem solving approach assumes that most issues in international negotiations are more complex and multidimensional than this. Therefore it is necessary to use other methods and techniques in order to reach solutions that are satisfactory to both parties. Although the problem-solving approach breaks with some of the fundamental assumptions to the traditional negotiation model, this break is not complete, as most of these theories use the same theoretical formulations and central concepts. Also, what I earlier have described as the BATNA, is more or less similar in both approaches.

My argument is not that all conflicts should be resolved within the framework of problem-solving. In many situations conflicts between two parties consist of several issues to be negotiated. Some of the issues are simple and easy to negotiate, while others are more complex and multidimensional. It might be fruitful to resolve some of the issues within the game theoretic approach, especially in cases where the issue to be resolved is clearly defined, and more or less falling along a continuum. In these cases, the parties may use the method of concessions and reciprocation of these in order to reach a compromise. In other cases where the conflict is over an issue that is multidimensional, either in terms of parties or issues, it might be advantageous to use a problem-solving rather than a game theoretic approach.

Until now the discussion has focused on the theoretical aspects of the nature of negotiations. In the rest of the chapter, I will discuss other important factors related to the negotiation process; barriers to starting negotiations; the three phases of a negotiation process; and the potential role for a third party in the negotiation process. Regarding the last point, which will constitute the framework for analyzing the Norwegian approach to peace, I will focus on both their role in overcoming barriers, the nature of the third party and the strategies they may employ.

### 3.3.2 Barriers to initiating negotiations

To start a negotiation between conflicting parties may be a difficult matter, and Pillar (1983:64-77) has identified three main barriers to the initiation of negotiations

between conflicting parties. These barriers must be overcome for a negotiation process to begin.

The first barrier is that parties in conflict often tend to exaggerate the extent to which interests conflict. This implies that governments by creating images of themselves and their politics, and the opponent and their politics, make a false image of both. The reason for this image building may first be to convince the opponent of their determination and confidence. The government does this based on the assumption that such an image might give them a stronger position before an eventual negotiation and subsequently a better outcome of negotiations. Second, the government's object of such image-creation may be to bolster internal morale by showing the leadership's determination. Because of this, there exists a risk of diminishing the other side's estimate of the possibilities for an early negotiated settlement.

The second barrier identified by Pillar is the reluctance to move first. An offer to negotiate may be used as general evidence of intentions, plans and aspirations. The act itself of proposing talks has implications and effects besides making negotiations possible. The pervasive notion that an initial offer to negotiate is a "suing for peace" leads governments to resist making such offers for fear of being considered the defeated party or for fear of achieving a poor result of eventual negotiations.

The last main barrier to overcome according to Pillar (1983:69) is the imposition of conditions to begin negotiations. This barrier includes the negotiation itself. Central issues are details about e.g. site and level of representation in the negotiations as well as the substance of the peace agreement. The initiation a peace conference always entails some conditions of the first type, since the parties must at least agree on a meeting place and a time for the conference to occur. It is rare for talks to break down due to disagreements over conditions and overcoming this barrier is easier than the other barriers.

### 3.3.3 Overcoming barriers to negotiations

Regarding the first barrier (i.e. the tendency to exaggerate the conflict), the most effective method of overcoming mistrust between the conflicting parties, is probably a face to face meeting between the top leaders of each side (Pillar 1983:80). Such official high level contacts can most quickly dispel mistrust, but also low level or unofficial contacts are less likely to be seen as a sign of weakness. Pillar (ibid.), claims that even an initiative by a third party does not lower this barrier. However I will argue that an entrusted third party may work as a go-between between the two parties in order to reduce their mistrust. This may be on official level, but also by creating contacts at a lower level.

Overcoming the second barrier (i.e. the reluctance to move first), a suitable proposal by a third party may eliminate the need for either party in the conflict to move first in the negotiations (Pillar 1983:79). Both sides' indications of readiness to make peace become responses to someone else's proposal and thus are less readily interpreted as signs of weakness. An effort by a third party to arrange peace negotiations forces the conflicting parties to indicate whether or not they are ready to talk. Demonstrating peaceful intentions and avoiding the blame for continued hostilities may be reason enough for a government to respond positively to such an effort, even if it prefers to delay negotiation or does not believe that the effort will produce any results.

According to Pillar (1983:45), a government seeks peace negotiations if it hopes to benefit from an agreement. Furthermore an agreement on both sides is required to initiate negotiations. Negotiations are thus most likely to open when both parties have common views of the future course of the conflict, and both become aware that they hold such a common view.

As a contextual condition, Bercovitch and Houston (1995) emphasizes that the duration and timing of the intervention is important regarding the nature of the disputes. Mediation must take place at a propitious moment. In the literature there exists disagreement about when mediation must take place in order to increase the probability of successful intervention. A central concept in the work of William

Zartman is “the ripe moment” (Zartman 1991:16). This moment refers to a situation where both parties at the same time have an interest in finding an agreement. These situations seldom occur, and when they do it is important to take action. As discussed above, Pillar (1983:79) stated that an effort by a third party, forces the conflicting parties to indicate whether or not they are ready to talk.

Regarding the third barrier (i.e. the conditions for negotiations), Bercovitch and Houston (1995) argue that the negotiations are most likely to succeed when the parties’ conflict management takes place in a neutral environment, free from external pressures and influences of constituents and media. Such an environment allows the mediator to have procedural control over the process while the parties may concentrate on the more substantive issues. Such an environment makes the mediator able to create a level playing field by guaranteeing each party free and equal access to information and resources and by maintaining the flow of communication between the parties (Bercovitch and Houston 1995:29).

#### 3.3.4 Phases in the negotiation process

In order to facilitate the analysis of negotiations it may be useful to divide the process into different phases. According to Zartman and Berman (1982) the negotiation process may be divided into three different phases; 1) Diagnosis, 2) Formula construction, 3) Agreement on details. Although these phases do not always occur in a strict temporal order, they do tend to organize themselves in a more or less logical sequence.

##### *Diagnosis*

The diagnosis is basically the process in which the parties try to evaluate and understand the problem that they are negotiating to decide if it is negotiable, and to find an agenda for conducting the negotiation (Hopmann 1996:78). A central feature during the first phase is uncertainty. During this period the parties use their time in increasing their knowledge about each other, while avoiding errors caused by ignorance (Pillar 1983:80). This phase serves to eliminate unrealistic demands, often advanced for an external audience, as well as to enlighten the parties about each

other's intentions and objectives. An important issue is the one of timing. It might be that not all of the subjects to be negotiated are ripe for negotiation at the same time. Therefore, it is important to set an agenda for when to negotiate the respective topics. In some cases it might be advantageous to first negotiate the easiest, and maybe least important subjects, and wait with the more complex and difficult ones. In short, the diagnostic phase is the one in which the parties make an initial commitment to negotiate with one another in an effort to resolve a jointly recognized conflict of interest.

### *Formula construction*

The second phase is referred to as that of formula construction (Zartman and Berman 1982:87). Here, the idea is that the parties create a formula or common definition of the conflict in terms amenable to solution. We now have a situation where the parties clearly perceive the issues which divide them, having a fairly good idea of the other party's genuine objectives and being confident that the other party is serious about negotiating. Both parties believe that a bargaining space exists and that a negotiated settlement is possible (Pillar 1983:59). According to Zartman and Berman (1982:87) this phase begins when the parties acknowledge each others' seriousness to the negotiation, and both parties are serious about finding a solution. This implies that they are willing to lose a little to win a little, rather than win or lose all in a non-negotiated approach. In this phase the parties should create a framework content of a shared definition of the conflict, and how to resolve the conflicting issues. Some formulas may be constructed inductively through mutual concessions and reciprocation of concessions, as described within the game theoretic models. This way of approaching the formula is expected to be most efficient on issues where the fundamental assumptions to the negotiation model are met, that is when the issue is regarded as fairly simple, and may be considered as more or less falling along a continuum. A necessary condition is that the bargaining space is located by both parties, and both parties are willing to make concessions in order to reach a compromised agreement (Hopmann 1996:80).

In cases where the problem to be solved is regarded as more complex and multidimensional with regard to issues or parties in the conflict, formulas are more likely to be constructed deductively. This may also occur when the issue involves very fundamental interests or beliefs that are not readily amenable to solution by compromise. The formula may try to upgrade common interests that the parties share or suggest new ways of conceptualizing the issue so that a problem can be solved integratively. An integrative solution integrates the interests of both parties (Rubin et al. 1994:171). Integrative solutions sometimes entail known alternatives, but often they involve the development of new alternatives and require some creativity and imagination. Rubin et al. (1994:172) identify some advantages by reaching integrative solutions. First of all, in some cases, it may not be possible to reach solutions, unless a way can be found to join the two parties' interests. Second, agreements involving higher joint benefit are likely to be more stable. More mechanical agreements, as for example compromises, are often unsatisfying to one or both parties, and the issue is likely to come up again at a later stage. Such an agreement has been reached through concessions and reciprocations of concessions and therefore both parties have had to give up their preferable outcome to reach a compromise with the other party. Third, because the integrative solutions are mutually rewarding, they tend to strengthen the relationship between the parties, and this may have an inherent value, and also may facilitate the development of integrative solutions in subsequent situations.

#### *Implementation of details*

The third phase refers to the negotiation of details to implement the formula on precise points of dispute. As the second phase serves to create a framework for an agreement, the third phase serves to work out all the necessary details for the implementation of the agreements (Hopmann 1996:85). In many cases, negotiation over details may reveal problems that cannot be solved within the framework of the agreed formula, and the parties may have to return to the second phase in order to improve the formula, so that it can cover all necessary details.



### 3.3.5 Third parties in negotiations

Third parties may contribute in different ways in negotiations, but have some basic characteristics. According to Hopmann (1996:221), they do not act as direct participants in the negotiations and their role is rather to assist the conflicting parties to reach agreement in what otherwise basically remains a bilateral negotiation. In some respects third party roles are completely consistent with the basic structure of bilateral negotiations in the sense that they seek to help the parties to a dispute to find cooperative interests that take priority over the conflicting interest. The mediators are usually individuals representing a state, an international organization, or an NGO that have some relevant power, authority or legitimacy in the eyes of the conflicting parties and are selected because of their skills as go-betweens. According to Touval and Zartman (1985:7) the intervention of a third party “[...] must be acceptable to the adversaries in the conflict, who cooperate diplomatically with the intervenor”. Furthermore, it does not involve the use of force and is not intended to help one of the parties to win or prevail.

Further on, I will discuss the qualities a third party should possess in order to be effective. My emphasis will be on qualities such as neutrality, legitimacy and previous relations with the conflicting parties. This discussion leads me to what strategic choices a third party has for effective mediation. All these factors will later be discussed and compared with the Norwegian approach to peace.

### 3.3.6 Nature of the third party

An important aspect is the nature of the third party. A third party cannot mediate unless they are perceived as reasonable, acceptable, knowledgeable and able to secure the trust and cooperation of both disputants. Variables are personal qualities, rank and previous relationship with the parties. As personal qualities Bercovitch and Houston (1995:26) emphasizes neutrality and legitimacy.

#### *Neutrality*

The concept “neutrality” is not well defined in literature, and calls for a more precise definition before it can be used as an analytic tool. It hardly occurs that third parties

are totally neutral to a conflict. There will always be some sort of self interest and reasons for acting as a third party. Therefore I define a neutral third party as an agent that is regarded by both parties as *impartial* and as not having any vested interest in the outcome of the negotiations. With this definition the third party do neither have to be absolutely neutral to the conflict, nor will suspicions that it favours one of the parties in the negotiations exist. There exist different opinions on whether a neutral third party is advantageous compared to a partisan third party in negotiations. Bercovitch and Houston (1995:26) are doubtful of the importance of this attribute. They mean that the traditional emphasis on impartiality stems from the failure to recognize mediation as a reciprocal process of social interaction in which the mediator is a major participant. Hopmann (1996:225) means that the mediator should be neutral, but if it is not absolutely neutral it can serve as mediator as long as the mediator is trusted by both parties. However, in many situations a neutral third party may contribute to create confidence between the conflicting parties. As the third party, when neutral, do not have any vested interest in the outcome of the negotiations the conflicting parties will be more likely to trust the third party as mediator or facilitator. The word “trust” is important in this respect. Many analysts consider trust between the conflicting parties and the third party as more important than absolute neutrality (ibid.). Trust implies that the conflicting parties have confidence in the third party in considering the fundamental interests of both when mediating. Therefore, in many cases neutrality is not an absolute necessity, as long as the conflicting parties trust the third party in considering the fundamental interests of both.

There are also situations where a partisan third party may be advantageous compared to a neutral party. This may be in situations where one of the parties has to make large and significant concessions for an agreement to be reached (Hopmann 1996:225). In such a case, a partisan third party may be more able to obtain such meaningful concessions. If we go back to our example from chapter 3.2.3., it was the former US president Jimmy Carter that mediated between Israel and Egypt in their negotiation over the Sinai Peninsula. As a US representative, and therefore regarded

as pro Israeli, he was likely to be looked upon as a partisan third party. At the same time, Israel had to make considerable concessions for the reaching of an agreement. Because of the close relation between Israel and the US, it made it possible for Carter to get Israel to make these (Hopmann 1996:225).

Related to the discussion on neutrality, a new debate arises on whether small states may have advantages as a third party compared to more powerful states or vice versa. In many situations it is more likely that a small state, like for example Norway or Sweden, easier may gain trust from conflicting parties than a super power like the US. At the same time a small country may not have the same means to pull through agreements (Slim 1992:207). A small state does usually not have any other means than facilitation or persuasion, while a super power may lean on means such as threats and punishment to force through agreements. However, small states can succeed in mediating conflicts without leaving the residual feelings of resentment and unfair treatment that usually follow similar interventions by more powerful states (ibid).

### *Legitimacy*

To exercise any degree of influence, mediators need leverage or resources to search for information and move the parties away from rigid positions. According to Bercovitch and Houston (1995:26) effective mediation in international relations is more a matter of mediator's utilization of resources, leverage and influence commensurate with their position to enhance fairness than it is of impartiality. An important attribute for any international mediator is legitimacy. Legitimacy I define as what resources the mediator possesses, his/her individual personality or intellectual skills that make him or her especially appropriate for this role, a widespread perception of fairness in approaching the issues and the occupation of a formal position of special significance. Leaders of states and high-level officials such as foreign or prime ministers have legitimacy and can bring it to bear together with their status and respect. Under the proper auspices and sponsorship of high-ranking mediators, an environment of credibility, trust and joint interests may be established.

### *Previous relations with the parties*

A final variable regarding the nature of the mediator is his/her previous relationship with the parties. When a mediator is aligned with one of the parties or has a common experience or goals with one party and future interactions are important to both, each disputant may show greater flexibility and confidence in the outcome. Mediator alignment, past relationship with the adversaries, and the mediator's own interest affect both mediator behaviour and mediation outcomes (Bercovitch and Houston 1995:27).

### 3.3.7 Third party strategies

In theory, a third party or a mediator may lean on different strategies in order to assist conflicting parties in reaching agreements. The methods used are often divided in two categories; mediation and arbitration (Touval and Zartman 1985). In this thesis I will focus on strategies within the category of mediation, as this is the method relevant for the Norwegian involvement on Hispaniola.

There are different categorizations and typologies of which strategies mediators may follow in a peace making efforts. By using various combinations of power – reward power, coercive power and informational power – mediators attempt to increase the possibility of agreement alternatives. Touval and Zartman (1985) points out 3 main strategies for the third party. The first strategy is the role of communication facilitator. Here, the third party function as a channel of communication where the third party works as a go-between. The third party also creates conditions that are conducive to reaching agreement. This implies provision of offices, establishing a good atmosphere for negotiation, including working schedule and pleasant environment (Hopmann 1996:231). The third party will also play a modest role in improving communication and participate in determining whether or not there exists a bargaining space. The main advantage of this strategy is that the conflicting parties reach an agreement they are committed to, mainly because the negotiations have been reached free from external pressure. If the parties are able to reach agreements in such a way, they may easier arrange for new negotiations and reach agreements if new conflicts should arise in the future. They will then already have created methods

for how to negotiate and they will be familiar with each others goals and objectives. This strategy, however, implies that the parties have the necessary motivation for reaching agreements and is disadvantageous in the sense that the conflict may not be resolvable without the third party's involvement in the negotiation itself.

The second strategy identified by Touval and Zartman (1985) is the procedural strategy. It differs from the first strategy in the sense that the third party exercises a more formal control over the negotiations. This implies that the third party does not only act as a facilitator for communication, but also as a facilitator for compromise and convergence. A common problem in the first phase of a negotiation is the reluctance by the negotiating parties to make the first move. A third party may in these kinds of situations contribute to clarify the negotiating parties' fundamental interests or BATNAs. It may act as a facilitator for at least a basic flow of communication for the parties, in order to make negotiations successful. This is especially important in situations where openness and full information may be exploited by one or both of the parties for its own benefit. In other words, the third party will assist the negotiating parties in solving problems related to concessions, but also facilitate the process of reciprocation. The third party may as well assist the parties in seeing the problems in a new light and help to achieve integrative benefits, rather than individual gain. A common method is letting the parties reverse roles, in order to better understand the other party's preferences and to reduce misunderstandings (Hopmann 1996:233). The main advantage using this strategy is that it is most likely to produce stable agreements, but it is disadvantageous in the sense that it might be expensive in time and effort (Carnevale 1986:10). Furthermore, it may be advantageous compared to the first strategy in situations where the negotiating parties are not able to reach agreements without the third party assisting them in the process of concessions and reciprocations.

As a final option the third party may choose to use directive strategies (Touval and Zartman 1985). Here the mediator sets out to affect the content and substance as well as the process of mediation. The mediator use leverage and introduce resources of

power, influence and persuasion that can be brought to bear on the parties to move them to agreement (Hopmann 1996:240). Methods that may be used are control timing and sequencing of concessions or other negotiating moves as well as control the information available to the parties. They also may exert a direct influence to move the negotiations forward in directions favoured by the mediator and manipulate the international environment in ways that may affect the outcome of the negotiations. Carnevale (1986:4-5) discusses two more methods that fall in under the category of directive strategies; pressing and compensation. With pressing implies that the mediator may place restrictions on the range of outcome alternatives, by e.g. reducing the set of non-agreement alternatives. The mediator may create the impression that consequences of not agreeing to an alternative are not good. The advantage of using pressure as a method is that it is normally quick, easy and does not require much effort, but there are several disadvantages connected to this method. First of all it may create a distance between the parties and the mediator, and also between each other. Second, and maybe most important, using pressing may produce poor outcomes of the conflicts at stake in the negotiation. By using compensation as a method, the mediator gives something desirable to one or both parties and by doing so there will be increasing agreement possibilities in the region of common ground. The main advantage using this method is that in some cases it may be the only way to get an agreement and at the same time keep the parties happy. The most obvious disadvantage is that it may be expensive to the mediator, but also that there may become an undesirable dependence of the disputants on the mediator. However, in some situations it may be the only way to get an agreement and at the same time keep the parties satisfied.

### 3.3.8 When the moment is ripe

I have now discussed some attributes a third party should possess, and different strategies a third party may use in order to be an efficient third party. Also important to discuss is when a third party should initiate its involvement. W. Zartman (1991:16) has introduced a concept he calls “the ripe moment”. Zartman (1991) argues that some moments are better than others for managing and resolving conflict. This moment may be identified in light of the conflict’s intensification, escalation, turning

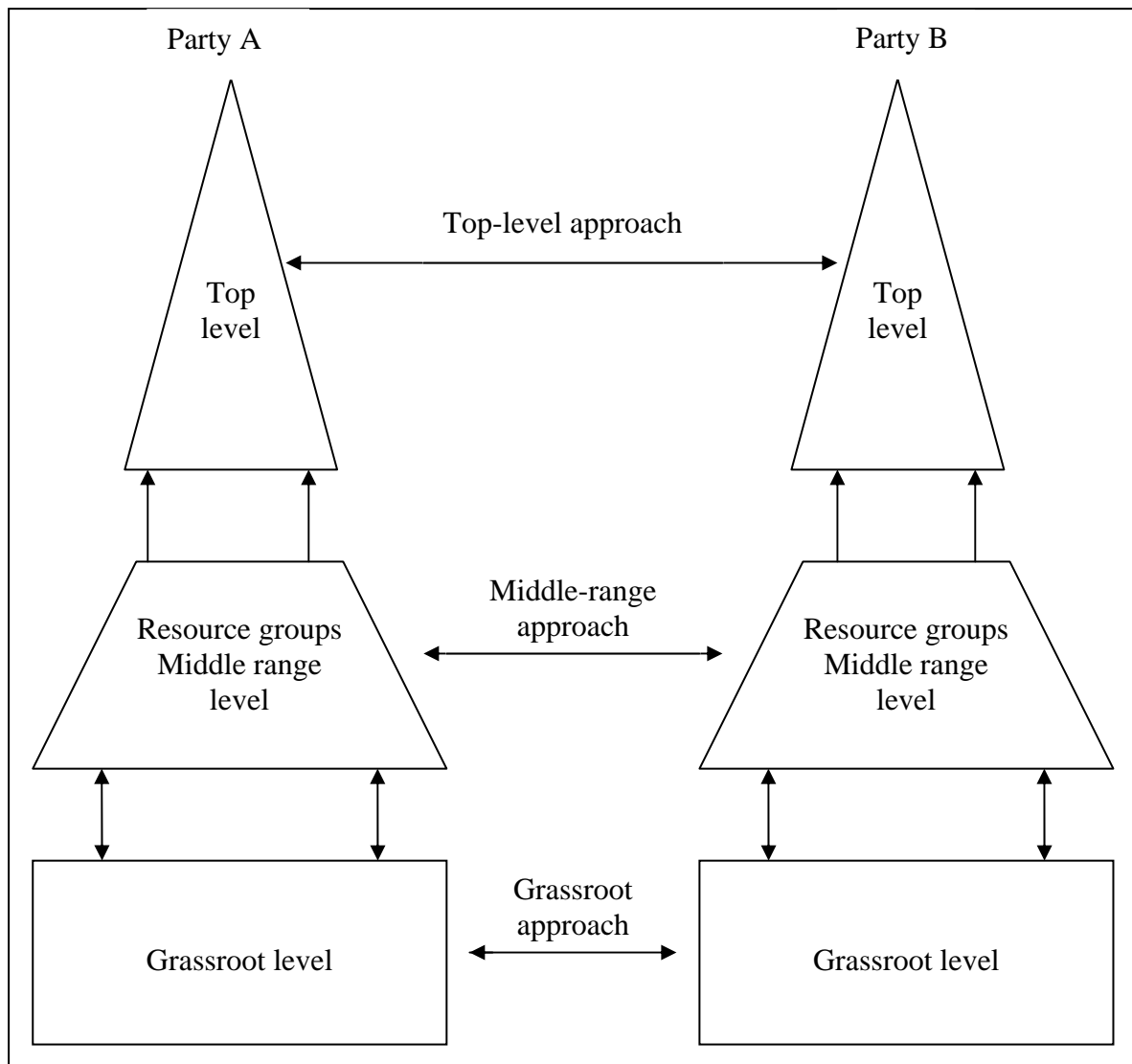
points and crisis. Zartman identifies five necessary components for the ripe moment. The basic component he defines as a deadlock that keeps both parties from achieving their goals. However, the deadlock alone is not enough as it must be a particular kind of stalemate that hurts both parties enough to make them feel uncomfortable and unable to break out by an escalation with acceptable costs. In addition it needs to be riveted to the parties' perception through a recent catastrophe. The last two components he defines as: there must be a formula for a way out, and an indication that the parties are willing in principle to choose it.

In short, one could say that the ripe moment takes place when both parties realize that they both want to get out of the conflict using peaceful methods. This moment is followed by a time when the parties discuss, work out and agree on mutual acceptable principles or models for a common future without violence (Wallensten 1994:274).

Hopmann (1996:78) argues that not all conflicting issues necessarily are ripe for resolution at the same time. Also the same issue may or may not be ripe for resolution depending on factors such as the international context, the domestic situation or the state of the problem. What I earlier have described as the diagnosis phase, is an important phase in determining whether a conflicting issue is ripe for resolution (ibid.).

### 3.3.9 Who should negotiate? The role of NGOs and the civil society

The negotiation theory discussed above, focus mostly on negotiations between top-level state leaders and diplomats. However, it is important to also include other actors at different levels in the theoretical framework as these may play a vital role in peace-making efforts. Lederach (1993:44-55) has in this regard identified three approaches to peace building. The following figure illustrates the three approaches:



**Figure 3.2. Approaches to peace-building**

Within the first, the focus is on the already mentioned top-level approach. This is based on a “top-down” perspective to peace-building. Within this approach, the people who emerge as mediators are people with a known public profile, and the goal is to achieve a negotiated settlement between the principal high-level leaders in the conflict. This method is a kind of state to state negotiation that is normally based on a principal-agent system. This implies that an agent, often a diplomat of some sort, represents the home government (principal) in a negotiation. Most of the rationalist theories assume that states are autonomous actors in international relations that have clearly defined national interests and an ordered set of preferences of goals and values (Hopmann 1996:153). However, critics to this approach claims that there is no



such thing as a generally shared set of objectives or preferences. Rather, they assert that a state's preferences are a varied set of goals and values from a wide range of interest groups within the society. Each of these groups has their own set of interests. This leads to a situation where the state operates on the basis of "the principle of bounded rationality", which implies that the state's preferences is a result of internal negotiations between these different groups and reflects a common lowest determinant rather than an explicit agreement on goals. This thesis is not the place for entering this debate. However, the debate may be used to discuss the role of civil society as an agent in negotiations.

The second approach is the middle-range approach, which is based on the assumption that the middle range, or civil society as I have called it, contains a set of leaders that might provide the key to create an infrastructure for achieving and sustaining peace. The basic idea behind this approach is this: by initiating a dialogue between leaders of the civil society, or "middle range persons", will attract the press and also create a political interest. Their position in the society is defined as independent of the authority and the structures of the government or major opposition movements (Lederach 1997:41). These persons may be highly respected individuals or persons that have formal positions of leadership in sectors such as education, business, agriculture or health. Yet another approach is to use linking groups that already exist in the setting. This may be religious groups, academic institutions or humanitarian NGOs. Anyway, the most important attribute is that these persons have connection to the top level, but at the same time they are not bounded by political calculations (ibid). Further on, they should be familiar with experiences from people at the grassroot level. These attributed enables them to regard the conflict and the conflicting issues from different perspectives at the same time as they are more flexible compared to top politicians.

The third approach identified by Lederach (1993:51) is the grassroot approach. This kind of approach faces different challenges from those confronting the top and middle-range levels. This is due to the massive number of people involved, and these

strategies represent points of contact with the masses rather than a comprehensive program for reaching them.

The Norwegian model to peace is mainly linked to Lederach's second approach, because it emphasizes the use of NGOs in peace making efforts. According to Natsios (1997) the NGO is a unique and underused instrument in conflict resolution, but it has significant limitations as well. In the case of societies whose government has entirely collapsed, NGOs and religious institutions may be the only sources of authority that have any influence. Diplomats are used to deal with diplomats, and if they lose their authority in a society, a NGO may be a viable institution in the absence of any other levers of influence during these complex emergencies. In those situations a NGO is often the only organization with the operational capability to perform some of the tasks essential to the implementation of the peace process. Natsios discuss several strengths and weaknesses of NGOs as mediators. As NGOs often work on the lowest level of social order they have the capability of creating trust and loyalty between NGOs and the local community. Their connection to local communities may also be seen as a weakness in the sense that it may distort NGOs understanding of what is happening in the country as a whole. Local conditions may not be representative to the situation in general. Another weakness is that there are often too many NGOs. This may result in contradicting approaches to the peace making effort. The result of lack of coordination is at the best that scarce resources are not used to optimum effect (Egeland 1999). At worst the variety of activities can lead to situations where a number of different, well meaning agencies and organizations nullify each other's work. But still there are advantages in using NGOs as mediators. NGOs with development programs prior to conflict implicate that the NGOs have certain familiarity with the culture, the ethnic groups and the development problems in the country as well as an indigenous staff base.

According to Anderson (1996), NGO activities have had many positive effects when it comes to peace-making. Still there have been many instances where NGO aid produced unintended and even counter-productive consequences. Many NGOs fail to

consider the political implications of their work and by doing so NGOs have in many cases exacerbated the very conflicts and violence they were seeking to relieve. The author notes that NGOs must choose to employ some people (and not others), purchase goods from some (and not others), and target their aid toward some people and that these decisions may contribute to separation of group identities, inequalities and jealousies (ibid.). Publicizing human rights abuses can provoke both increased outrage and a defensive response in the perpetrators, and so further harden their opposition. Sometimes the NGOs that may be most qualified to involve themselves in mediation, are those who receive high proportion of total funding from government grants. The reason is that these NGOs normally are more comfortable and familiar with protocols and sensitivities of official diplomacy. However there might be situations where distance from a government is a useful attribute for a NGO as a mediator. In these situations, NGOs that accept little public-sector funding and have few official ties to governments may be a better choice to undertake conflict-resolution activities.

### 3.4 Hypotheses to be investigated

Based on the theoretical discussion above I have operationalized the following hypotheses to investigate in order to answer my research question:

- H1**    a) **The Oslo Dialogue is based on a problem solving approach to negotiations.**  
          b) **This has proved to be efficient in terms of progress in the dialogue.**
  
- H2**    **The personal relations between the Norwegian actors and people at top, middle and grass root level on both sides of the conflict have made the parties overcoming barriers to negotiation.**
  
- H3**    a) **The Norwegian actors were regarded as not having any vested interest in the particular outcome of the negotiations.**

- b) This precondition was important for the negotiations.**
  
- H4 a) The Norwegian actors functioned only as facilitators and did not involve themselves in the negotiations.**
  - b) This was important for the negotiations.**
  
- H5 The MFA's use of NCA's network has been important for the process.**
  
- H6 The involvement of the civil society in the negotiations has been important in order to reach substantive and lasting solutions.**
  
- H7 a) The Norwegian actors have involved themselves with a long term perspective.**
  - b) This has been important for the negotiations.**
  
- H8 a) The Norwegian actors have involved themselves at the ripe moment.**
  - b) This has been important for the opening of negotiations.**

In the following I will use the theories described above to explain the progress in the Oslo Dialogue between representatives of Haiti and the Dominican Republic and to analyse the role of the Norwegian authorities in this process. I will emphasize the problem-solving approach to explain the progress of the dialogue. When analyzing the role of Norway as the third party I will emphasize both their nature and the strategies used. Although these theories focus on negotiations between state leaders or entrusted agents in already erupted conflicts or declared wars, I will show that they are applicable to this conflict preventive process between representatives of civil society organizations.

## 4. Analysis

The Norwegian involvement on Hispaniola started after a request from the former US Minister of Foreign Affairs, Madeleine Albright in 1998. Initially, the Norwegian involvement was intended to contribute to strengthen the democracy on Haiti and easing the tense relationship between the opposition and the government. The MFA contacted the NCA for assistance to create a political dialogue on Haiti. The NCA had been working in the Dominican Republic since 1979 and in Haiti since 1987, and had developed a large network and a broad knowledge about the two countries (Sandved 2004 [personal correspondence]).

The Norwegian involvement focused first on creating an internal dialogue on Haiti. The experiences from this process revealed a need of a dialogue also between the two countries of Hispaniola, and the MFA together with NCA therefore initiated a dialogue between Haiti and the Dominican Republic, a process that runs parallel to the internal dialogue on Haiti. The idea was that improving the relationship between the two countries, would contribute to stabilize the political situation within Haiti.

Since 1998, three meetings between leaders of civil society organizations from both countries have been held in Oslo (the Oslo Dialogue). The result of these meetings and the following up of the agreements will constitute the core of this analysis.

This analysis starts with a more precise definition of the conflict, and I analyze the Oslo Dialogue in light of the theoretical framework presented in chapter 3. I argue that the actors in the conflict is on one side the group of Haitian migrants living in the Dominican Republic and on the other side the Dominican government, and that the conflict first and foremost is connected to human rights. The simple game theoretic model depicted in chapter 3.2.2 will be used to illustrate how there was no bargaining space between the actors prior to the Oslo Dialogue. In chapter 4.2.1., I will illustrate how the problem solving approach in the Oslo Dialogue has contributed to create a

bargaining space between the actors, by a change in the Dominican government's preference curve. This shows how a simple game theoretic model and theories of problem solving approaches to negotiations are compatible to explain this conflict and the negotiation process. The hypotheses presented in chapter 3.4 will then be analyzed in light of the theoretical framework, emphasizing the nature of Norway as a third party and the strategies used by the Norwegian actors.

The core of my analysis will be based on the working documents produced in the three dialogue-meetings in Oslo and on interviews with participants in the Oslo Dialogue.

## 4.1 The conflict and the Norwegian involvement

### 4.1.1 The conflict – a human rights issue

In Oslo, the participants debated four main topics; migration, the border situation, economic relations, and human rights issues. These four topics are highly interrelated, and I will treat the migration issue and the human rights issue under the same category and the border situation and economic relations under another category.

#### *Illegal migration and violent deportation of migrants*

The main conflicting issue between Haiti and the Dominican Republic stems from the large scale migration of Haitians towards the Dominican Republic. As described in the introduction chapter, about one million Haitians live in the Dominican Republic today and a large number of these are living there on an illegal basis. The majority of the migrants live under conditions that are below the minimum standards according to international human rights conventions (Fletcher et al 2002:13). They are illiterate, they do not receive any form of social benefits and they constantly face the danger of being sent back to their country of origin. This deportation of migrants by the Dominican government often occurs in ways that are clearly violation of international as well as Dominican laws. The American Convention<sup>3</sup> on Human Rights has

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<sup>3</sup> The American Convention on Human Rights was signed in 1978 by the member states of OAS.

established minimal due process protections that apply to deportation procedures (Fletcher et al 2002:14). For example, there is a prohibition against collective expulsions in the American Convention<sup>4</sup>, and according to Dominican law an individual subject to deportation is to be afforded the “opportunity to be heard and to present arguments on his or her behalf”<sup>5</sup> (ibid.). Even though some of the Haitians do have a working permit or legal papers, they do not get a chance to bring forth such papers, as the Dominican police or military use force to deport them, without any warning in advance. In many situations like these, Haitians are deported even when they have a legal residence permit in the Dominican Republic, have to leave behind all their belongings, and in many situations, their families as well. The research of Fletcher et al. (2002:32) found that a large number of individuals were separated from their spouses as a result of the expulsion, and a large number was separated from their children who remained in the Dominican Republic. When they arrive at the Haitian border, they do not receive any form of assistance as there is no system for reintegration into the Haitian society. The Haitian government do not provide for assistance, and the future prospects of being able to establish a basis for a decent life are close to impossible.

Another conflicting issue, related to the migration problem, is whether the descendents of Haitians living in the Dominican Republic have a right to obtain a legal status within the Dominican Republic. Many of the Haitians living in the Dominican Republic today are born there, and live there either as second or third generation migrants. This is a question of rights according to national law as well as international law. The Haitians claim that the Dominicans are obliged to give Haitians born in the Dominican Republic a legal status, according to Dominican law, while on the other side, the Dominicans claim that they have no such obligation, as the parents of the children born in the Dominican Republic live there on an illegal basis. Furthermore, they emphasize the difficulties in determining whether the persons that claim they are born in the Dominican Republic, really are born there. Pimentel Rivera explains the Dominican position on this issue as follows:

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<sup>4</sup> Article 22(9) of the American Convention.

<sup>5</sup> Dominican Immigration Law, Law 95, and its regulations.

*“[...] The migration towards here is not a migration of workers, but rather a migration to live on the street. A country do not develop with only street-sellers. This population is a burden for the national economy. Haiti has their responsibility regarding this situation. We are obliged to nothing.”*

(Pimentel Rivera 2003 [interview], my translation).

Despite the resistance to give the Haitians living in the Dominican Republic any formal status, the Dominican government and private enterprises use these illegal migrants as a cheap labour force, especially within the construction business and on plantations (sugar, rice, coffee). Here, they work under devastating conditions, they receive salaries below the minimum standard and they constantly face the danger of being sent back to Haiti. Reports indicate that on some plantations they are paid in vouchers rather than in cash and their salaries are based on the amount of sugarcane they cut rather than an hourly or weekly wage. Because labourers are not permitted to monitor the weighing of their production, this procedure invites unfairness in wages (Human Rights Features 2003).

This is first and foremost a human rights issue, rather than a conflict between the two governments. We do not have a situation where the Haitian government claims or demands that the Dominican government should give the Haitian migrants working in the Dominican Republic a formal status. Despite the occasional deportation of Haitians, neither does the Dominican government demand the Haitian government to make any efforts to reduce the migration towards the Dominican Republic. Both governments do profit from the illegal migration. The Dominican government enjoys access to a cheap labour force, and the large migration takes off some of the pressure on the Haitian government (Pierre-Antoine 2003 [interview]). The conflict can therefore rather be explained as a disrespect of human rights on both sides of the island. Human rights are something that has not traditionally been regarded as important within the Haitian and Dominican politics (Oslo Dialogue 2001a). It has neither been implemented in their culture, nor in their policies. This is a result of the



fact that both countries are relatively new democracies, where there is a lack of a strong legal state and this has led to a disrespect of legal norms and constant violation of human rights (ibid.).

#### *Economic relations and the border issue*

Both the Haitian and Dominican population living in the border area are suffering from unacceptable conditions and extreme poverty (Oslo Dialogue 2002). It is a lack of social service in this area, and the traffic of people and commercials across the border is creating a series of severe problems. This is first and foremost related to the illegal traffic of migrants, but also to the smuggling of products such as drugs, weapons, vehicles, groceries and clothing. The lack of complementing the custom laws and the failure of completing their obligations have in many cases led to the exercise of violence against persons and communities in the borderlands (ibid.). Another great problem in the borderlands is the severe deforestation that has taken place over the latest decades. This problem occurs on both sides of the border, and affects in a negative manner, both Haiti and the Dominican Republic. Although several international agencies and organizations have been working in this area, their efforts have not yet led to the desired results (ibid.).

#### 4.1.2 Who are the actors in the conflict?

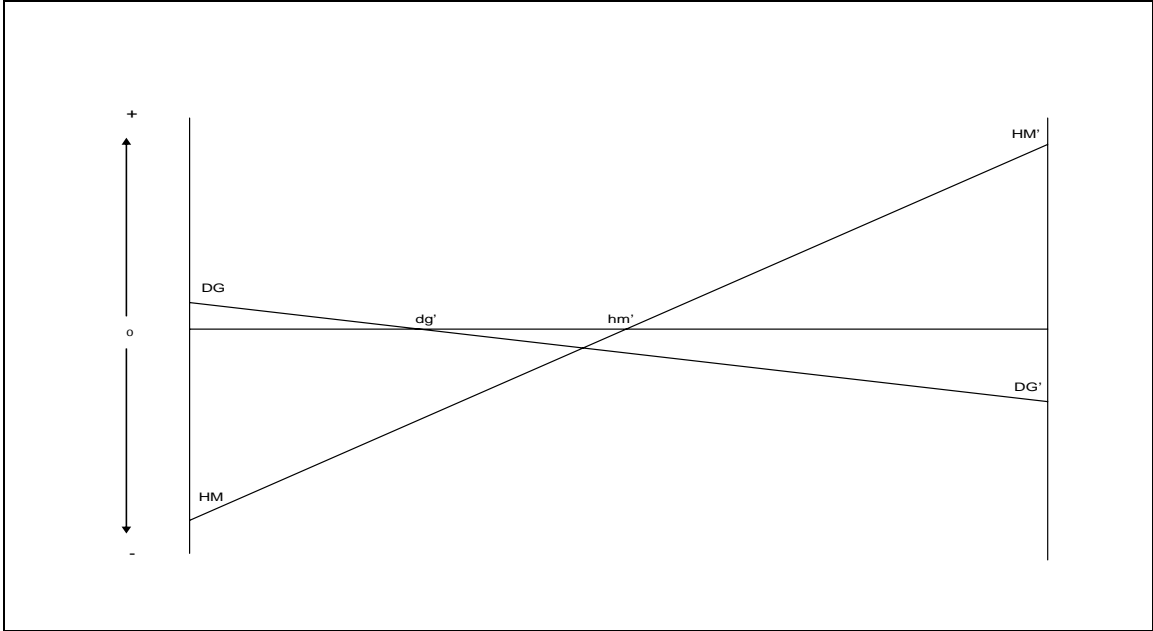
In order to analyze the Oslo Dialogue, we need a precise definition of the actors in the conflict and to which extent these actors are represented by the participants in the Oslo Dialogue. It is difficult to identify two obvious actors, as there is a complex potential conflict, with many different actors. One option would be to regard the main actors in the conflict as the Dominican government versus the Haitian government, but as I have argued, there is not really a conflict of interest between the two governments. This stems from the fact that both governments do profit from the large scale migration from Haiti towards the Dominican Republic. The Dominican Republic may use these migrants as a cheap labour force, and the large scale migration takes off some of the pressure on the Haitian government. This is not to say that there is total harmony between the two states. There is a lack of cooperation between them, and there have been situations where politicians have used the other as

a scapegoat to increase internal support. However, I argue that related to the migration issue, which I have defined as the main conflicting issue, there is no real conflict of interest between the two states. Instead, I argue first that the main actors in the conflict are the group of migrants living in the Dominican Republic and the Dominican government. It is important to stress that this definition is a generalization. It is also important to underline that the group of migrants living in the Dominican Republic is not an organized group with common interests. Nevertheless, this definition of actors will simplify the analysis, as we can give a more precise definition of the conflict and the actors' stand on the issue. Second, one can also argue that it is a conflict between the Haitian migrants living in the Dominican Republic and the Haitian government. When Haitians or descendents of Haitians living in the Dominican Republic are deported, the service provided by the Haitian authorities is poor. The system for reintegrating the repatriates into the Haitian society is not functioning, and they face poor future prospects for a decent life there.

If we use the game theoretic model depicted in chapter 3.2.2 we can imagine the following scenario regarding the migration issue. I will first set the group of Haitians living in the Dominican Republic as actor HM and the Dominican government as actor DG. Actor HM's preferred outcome is the recognition of being legal citizens in the Dominican Republic, including being treated according to international human rights laws. A second best outcome is, when they are deported back to Haiti, that they will first get the opportunity to take with them their belongings if their residence is illegal, or get a chance to bring forth their legal papers if they are living there on a legal basis. The worst outcome is the status quo, in which Haitians are occasionally sent back without any warning in advance and without being able to gather their belongings or to show legal papers. For actor DG, the Dominican government, the most preferred outcome is that they can use the Haitian migrants as a cheap labour force without giving them any legal status, and deport groups back to Haiti whenever there is a need for it. The second best outcome is to give the Haitians a chance to

bring their belongings or show legal papers before they are deported back to Haiti. The least preferred outcome will be to give the Haitians a legal status.

Based on the discussion above, using the simple game theoretic model presented in section 3.2.2., one could argue that there was no bargaining space between the actors on the migration issue prior to the Oslo Dialogue. The preferred outcome for the Dominican government would be status quo, and for that reason, a negotiated agreement would cause a loss for them relative to no agreement. This can be illustrated as follows:



**Figure 4.1. Absence of bargaining space**

- 1. Horizontal axis = issue dimension
- 2. Vertical axis = Gains (+) and Losses (-) Relative to No agreement (0)
- 3. DG – DG' = Dominican government's Preference Curve
- 4. HM – HM' = Group of Haitian Migrant's Preference Curve
- 5. dg' = Dominican government's BATNA  
     hm' = Group of Haitian Migrant's BATNA

The issue dimension (horizontal axis) refers to the migration issue from the Dominican government's point of view.

Based on this figure, we can see that there is no bargaining space between the two actors, since the range of acceptable agreements for the Dominican government and

the group of Haitian migrants do not overlap at any point. The Dominican government stand to gain from status quo relative to a negotiated agreement, and therefore they will not negotiate as this will lead to a loss for them. However, in chapter 4.2.1, I will illustrate how the Oslo Dialogue, using a problem solving approach, has contributed to creating a bargaining space between the two actors.

Another important aspect to be discussed is to what extent the participants in the Oslo Dialogue represent the actors defined above. Based on interviews I did in both Haiti and the Dominican Republic, I have indications that the Haitian participants were speaking in the interest of the Haitian migrants in the Dominican Republic. The following quotes strengthen this argument. It would of course have been desirable with interviews with all of the participants, but as this was not possible, I base this argument on the interviews I did with some of them as well as on several informal conversations with G. Laguerre (the coordinator of the Haitian delegation) and the working papers produced in Oslo (2001a, 2001b, 2002);

*“[...] Very often Haitians have their rights violated, their rights of defence, the right of protecting themselves, for example they are in the different side of the border, and they are illegal, and sometimes some of the illegal people they have some that are legal, but they don’t give them time to show their papers, or they don’t give them time or ways to ask for help in front of the authorities who want to repatriate them.[...] They just take them and throw them out, so that’s one of the problem[...].” (Lemaere 2003 [interview])*

*[...] The situation over there is very difficult, and can not be solved from one day to another. For example, the Haitians or the descendents of Haitians that are born there [in the Dominican Republic] are normally, according to the Dominican law, supposed to be Dominicans. (Gregoire 2003 [interview] my translation).*

Based on these quotes from Lemaere (a lawyer working in a women's movement in the border area and participant in the Oslo Dialogue) and Gregoire (working in the Haitian MFA, member of the official mixed commission and participant in the Oslo Dialogue), both participants in the Oslo Dialogue, and my general impression after interviews with some of the participants, I argue that the Haitian participants in the Oslo Dialogue have been speaking for the interest of their fellow citizens living in the Dominican Republic.

On the other side I argue that the Dominican participants have been speaking on behalf of the Dominican interests in the Oslo Dialogue.

*"[...] We need to regulate [the migration] in the sense that we can not allow a massive migration in any way [...]"* (Carvajal 2003 [interview] my translation).

*"[...] The population [Haitian] is a burden for the national economy. Haiti needs to follow up their responsibility regarding this. [...] We are obliged to nothing [...]"* (Pimentel Rivera 2003 [interview] my translation).

As we can see from these quotes from Carvajal (Director of ProCaribe and participant in the Oslo Dialogue) and Pimentel Rivera (coordinator of the Dominican delegation), the persons are using "we" as in we for the Dominican Republic, when addressing the migration problem. Based on this one can argue that the Dominican participants (at least some of them) have been speaking in the interest of the Dominican state when participating in the Oslo Dialogue.

One could thus argue that the Haitian participants have been speaking in the interest of the Haitian migrants living in the Dominican Republic and the Dominican participants have been speaking on behalf of Dominican interests regarding the migration issue. Although this definition of actors may seem to be somewhat general, it provides a useful tool to understand the main conflicting issue and the outcome of the Oslo Dialogue. In the next section I will present the Oslo Dialogue, emphasizing

the progress in the process in light of phases a negotiation normally follows as well as how the problem-solving approach to negotiations may be used to explain the process. After this presentation, I will more precisely define the Norwegian approach, emphasizing its goals and objectives.

#### 4.1.3 The Oslo Dialogue

As described earlier, Haiti and the Dominican Republic represent two quite different realities, both economically, politically and culturally. While the Dominican Republic is well on its way to develop sustainable democracy, Haiti has not come very far in this process. The democracy in Haiti is not well developed and this complicates work with human rights and the dialogue with an historical enemy. Furthermore, the history of antagonism and historical mistrust makes the dialogue even more difficult (Sandved 2004 [personal correspondence]).

The Norwegian MFA in cooperation with NCA initiated the dialogue between the two countries. The method used was to select one central civil society representative from each country to assemble a group of people that should participate in the first dialogue-meeting in Oslo in May 2001. These coordinators also became responsible for the follow-up to the process on the island, as well as the announcement and publication of the dialogue. During the first meeting in Oslo, four persons from each country and from different sectors of the civil society were participating. This meeting did not lead to any concrete results but several topics were discussed, including the controversial topic of migration. The parties agreed to jointly identify the situation in both countries related to six major themes. That was a description of the situation in each country including an evaluation of the relations between the two countries; to appoint objectives and strategies for this process; to identify the economic situation in each country; to evaluate the question of migration; to identify the environmental issue and the public health situation in both countries and to find points of common interest and initiatives to promote. Furthermore, the groups agreed on the necessity of a continued dialogue and also made an agreement to spread the idea behind the process and to create new dialogues in their respective home countries (Oslo Dialogue 2001a).

The next meeting was organized in Oslo in November 2001. The delegations were now extended to ten persons in each. With this extension, more sectors of the civil society were represented and more women participated. The media attention after the first meeting, the involvement of high ranked Norwegian officials, and the mere existence of a dialogue made the process politically interesting (Sandved 2004 [personal correspondence]). The results of the second meeting were far more concrete and specific than of the first one. In three workshops the topics of migration, human rights and economy and border issues were debated. Each workshop agreed on a final document containing an analysis of the issue and recommendations of further work to address the problems. Among the concrete proposals related to the migration issue were (Oslo Dialogue 2001b):

- Establish effective control mechanisms at the border.
- Put pressure on Dominican authorities to find a solution to the problems related to the fact that children born in the Dominican Republic by Haitian parents often do not receive any form of identification papers.
- Work to reform the system of customs, with the aim of creating equal tariffs, and in this manner encourage trade between the two countries.
- Work to lower the prices of journeys between Haiti and the Dominican Republic, so that more people can travel back and forth legally.
- Create forums for dialogue about questions related to the relationship between Haiti and the Dominican Republic.

Concrete proposals related to the issue of economic relations and the border situation were:

- Guarantee for the minimum wage of the citizens living in the border area.
- Commerce: Reformation of the custom laws to harmonize the tariff implemented in both countries.

- Corruption: Develop a national program to reduce the corruption through monitoring and controlling; establish institutional mechanisms for a bilateral program.
- Environment: Formulation and execution of bilateral projects and programs to improve the environmental situation and favour the ecosystem.

Related to the human rights issue, no concrete proposals were made, but the parties agreed on the following description of the situation:

- The lack of implementing human rights has resulted in a behaviour that affects the relation between the two states.
- This lack of implementation manifests itself as incapacity to secure the right to work in both countries.
- The situation in general results in a series of conflicts and violations according to human rights conventions, especially related to migration and commerce.

If we compare these agreements with the different phases a negotiation normally follows as described in the theory chapter, one could say that the first two topics have reached the third phase, where the parties have agreed on details for the implementation of the agreements. Related to the issue of human rights one can argue that this has reached the second phase, referred to as the formula construction. The parties have agreed on a common definition of the conflicting issue, but they did not come up with concrete proposals for how to solve the problem.

The third, and for the time being, last meeting, was held in Oslo in April 2002. The delegations were now further extended to 12 persons in each. These delegations were again divided in three different workshops (4 persons from each delegation) to debate the three main issues; the human rights situation, the migration problem and the economic relations and border issue. These were the same themes as in the second



dialogue, but the results and recommendations from the third meeting were far more concrete. Related to the question of migration, the concrete proposals were principally aiming at revising the official agreements between the two countries as well as revising national laws. The agreements and proposals were made both for national, bilateral and international level. Among the concrete proposals related to the migration issue were (Oslo Dialogue 2002):

- Revise the Protocol of 1999 (see chapter 1.4.2), and if necessary, adopt new agreements.
- Provide legal assistance to the victims of reciprocations.
- In Haiti, develop a program for holding back possible migrants; establish a program for local development in the areas that provides for the majority of the migrants and in addition create information services regarding illegal migration.
- In the Dominican Republic, promote a legislation reform for workers and establish an administration of the foreign labour force.

Related to the economic relation and the border issue, some of the concrete proposals were:

- Recognition of the necessity of an application of the custom legislation in both countries.
- Integration of the economic relations in the border zone.
- Realization of a study about the present economic and commercial situation in the border area, taking into account earlier studies.
- Create an information office at the border in both countries to provide information about rights and duties related to the laws in both countries.
- Organize forums and seminars in both countries for merchants and other interested in the theme of Dominican-Haitian trade, especially about the franchise zone.

- Realize different activities in media such as radio, television, newspapers.
- Formalize cooperation between the regulating institutions from both countries.

Related to the issue of human rights the delegations did in this meeting come up with more concrete proposals:

- Ask for the insertion of a sub-commission of human rights in the already established Mixed Commission (La Comición Mixta).
- Establish a mixed Haitian-Dominican group, to do a follow up of the agreements and conventions and to impose liability on the two states about the aspects of the human rights.
- Realize an investigation to find all the bodies working for the defence of human rights and identify their specific role.
- Provide logistical support to the bodies working for the defence of human rights.

In some of the cases, the proposals were made for the civil society, and in other cases directly towards either of the two governments. Regarding the proposals related to legislative, administrative and political reforms, the actions to be followed up by the civil society are connected to research, mobilization, information and elaboration of proposals. The civil society will therefore play a role as educationist, with emphasis on participation from the different organizations and to simplify the people's access to social services and practices of their rights.

If we examine the issue of human rights, we can now see that the workshop agreed on concrete proposals for how to solve the problems defined in the second meeting. This indicates a progress in line with the phases a negotiation normally follows. One can say that from the second to the third meeting, the dialogue over this issue proceeded from the phase of formula construction to the phase of working out details. In the

second meeting, they agreed that the current situation related to human rights affects the relation between the two states and that it results in a series of violations of human rights conventions. This is more an acknowledgement and definition of the problem, rather than an agreement on how to solve it. However in the third meeting, the parties agreed on that both parties should work to insert a sub-commission of human rights in the official Mixed Commission, to establish a mixed group to follow up the agreements, to identify all bodies promoting the defence of human rights on the island, and to provide logistical support to these. These agreements are in line with what I in theory described as the third phase; implementation of details. In the third meeting, the parties agreed on concrete actions that are needed to be taken in order to improve the situation related to human rights. Related to the other issues one can argue that they reached the third phase in the second meeting, but still there has been progress from the second meeting.

#### 4.1.4 Phases in the Norwegian approach to peace

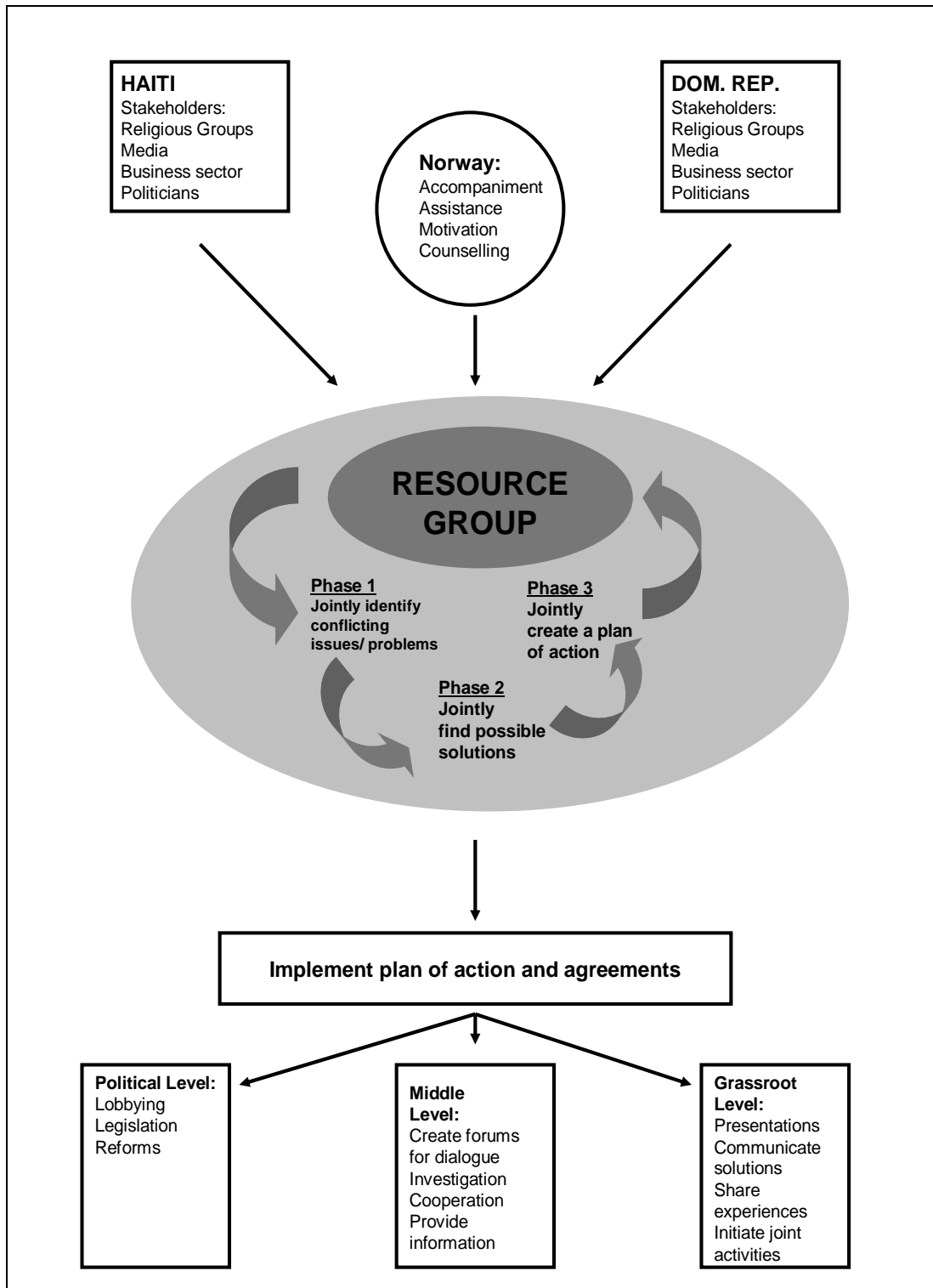
In the theory chapter, I described four pillars upon which the Norwegian peace-making efforts are built and, as I concluded, these pillars are attributes Norway possesses rather than a specific model for how to act as a third party in a conflict. In the following I will elaborate different methods and techniques that have been used in different Norwegian peacemaking efforts in order to get a better understanding of the “Norwegian approach to peace”.

It is important to notice that one of the most important characteristics is the flexibility the Norwegian participants have shown in their role as a third party. Different situations with different actors and different types of conflicts require different approaches in order to make a peace effort efficient. As P. Skauen (2004) said in a speech at the University of Oslo:

*“ We do not bring along a model which we try to ”press down over the disputants’ heads”. We have to be flexible and adjust ourselves to the different situations that occur”* (Skauen 2004, my translation).

However, even though the Norwegian peace-making efforts are characterized by flexibility, we may extract some similarities from the different conflict situations where Norway has been acting as a third party.

As described above, the involvements are to a great extent based upon personal experiences and knowledge that stems from persistent engagement and are anchored in the local environment. Personal relations with different actors have been important in creating relationships and trust between the disputants. This especially applies to relations between P. Skauen and some of the participants. In such a process specialists from different environments are invited to participate. This may be specialists in history, economics and politics. After these persons have discussed and analyzed the conflict, the process extends to also include NGOs working with gender issues, human rights and media. The participation of the press has its aim to also create a political interest. Media coverage and documents produced by the working groups is supposed to put pressure on politicians and to commit themselves to the problems. At the same time it is considered important to include also the grassroots level through local initiatives. This process goes on in parallel with the dialogue between specialists, NGOs and politicians. Hence, the process aims to include several sectors at different levels of the society. I have elaborated the following figure to illustrate of the Norwegian approach to peace, as it has been carried out between Haiti and the Dominican Republic:



**Figure 4.2. The Norwegian Approach to Peace**

Based on this figure we see that the participants are representing different environments in their respective home countries. The idea is that persons from each country jointly are supposed to both identify the conflicting issues, to find possible solutions to these and create a plan of action for how to implement the solutions in

their respective societies. This plan of action should be implemented in all levels of the society; the political level by lobbying to change the legislation and to carry out reforms; the middle level to provide information for the public, to create forums for dialogue and to investigate further the conflicting issues; the grassroots level to communicate the solutions by sharing experiences and by initiating joint activities across the border. This approach can be compared with Lederach's (1993) middle-range approach. That is, leaders of the civil society are supposed to be responsible for carrying out the peace process and to involve both the political level and the grassroots level into the process. Furthermore we can see that this approach is similar to what I in the theory chapter have defined as the problem-solving approach. The basic idea is that the participants are supposed to jointly both identify the conflicting issues, to find integrative solutions and to create a plan of action.

As we can see from the above description, this approach differs from the game theoretic approach described earlier. The idea has not been to precisely define the actors in the conflict for then to select persons that will represent them in the dialogue. Rather, the idea is to invite persons that are somehow already committed to the issues at stake to meet and jointly try to both identify the problems as well as to find possible integrative solutions to these. However, as I will illustrate in chapter 4.2.1, the simple game theoretic model may be used to explain how the problem-solving approach has contributed to create a bargaining space between the actors, by introducing new perspectives and ideas on how to solve the problems.

#### 4.1.5 Is the Norwegian involvement a success?

In order to be able to investigate whether the Norwegian involvement on Hispaniola has been a success, we need to develop some criteria for how to measure the effectiveness of a third party intervention. It is easier to measure degree of success in cases where you already have a violent conflict, than in cases where the third party intervention is of a conflict preventive character. In war cases, one could say that the third party has had success as mediator, when the parties reach agreements that implies an end to violent actions and when the parties somehow are committed to this. In a conflict preventive intervention, though, there is no such easy way of

measuring the degree of success. Sceptics to conflict prevention say that such cases are based on hope rather than performance (Lund 1996:390). This is because no one can tell exactly when possible conflicts will erupt and what to do about them. Also critics tends to argue from a single case of failure and to ignore the cases of apparent success (ibid.). It would be difficult to argue that all the wars that occur are proofs that conflict prevention does not work. In my opinion, this argument is not strong enough to say that no efforts of preventive conflict resolution actually have worked.

How then, may we tell whether a conflict preventive intervention has been successful? One can say that as long as no violent actions arise between the conflicting parties, that there has been successful conflict prevention. This might be a valid statement in some situations, but not for all. I argue that in order to analyze the degree of success in a conflict preventive intervention, it is useful with a separate analysis of every single case. This is because it is difficult to reveal universal criteria for both the underlying causes of a conflict and also for the causes of why conflicts do not erupt. This taken in to consideration, I will not develop universal criteria for measuring the degree of success in this case, but instead investigate the Norwegian involvement in light of the Norwegian approach and goals.

An obvious starting point for this investigation is the Norwegian approach and its goals behind the process. As described above, the Norwegian approach has been to first create a dialogue between representatives of the civil society, including representatives from the press, in order to give the process media attention. This media attention is regarded to be important for creating political interest. The civil society dialogue does also serve an important function for highly ranked Norwegians when they meet with Haitian and Dominican top level politicians. This is because they can refer to this dialogue, when addressing the conflict. The mere mobilization of politicians to participate in the process is also an important aspect to analyze, as this has been an important goal behind the process. Furthermore the idea is that the civil society itself should play a significant role in the process of improving the relations between the two countries.

If we set the 1) creation of personal relations across the border, 2) the progress in the dialogue and 3) concrete substantive changes as dependent variables, and analyze these in light of the Norwegian objectives with their involvement, I argue that the process until now can be looked upon as a success. This taking into consideration that the MFA and the NCA have involved themselves with a long term perspective and that the process still is at an early stage. My argument for this statement is that first of all, many contacts and personal bonds across the border have been created as a result of the Oslo Dialogue. This cooperation between representatives of the civil society and to a lesser extent between politicians is new in the history of Hispaniola.

*“I think that in its nature and its method, this initiative which Norway is involved in, is the first time it has been done in such a way. Trying to go through civil society, [...] trying to confront the civil societies in the two countries, have them discuss some of the problems, some of the conflicts, [...] trying to influence the government. I think that method is different and innovative, and so far fruitful.” (Laguerre 2003 [interview]).*

Based on this, I argue that the creation of personal relations between people across the border underline the statement that Norway so far has had success as a third party. Furthermore, several politicians are now involved in the process (Skauen 2004 [interview]). When the Norwegian actors visit the island, they always meet with highly ranked politicians in both countries. This is first and foremost persons working in the ministry of foreign affairs but they have also met with both countries' presidents.

If we move to the next stage, and analyse the progress in the dialogue, this further strengthens the hypothesis that the methods used has been successful. As described earlier, we saw that from the first meeting in Oslo to the third meeting, there was a significant progress in the agreements reached. In the first meeting, the participants only agreed on the necessity to explore and identify the situation in both countries, as



well as to continue the dialogue and to spread the idea behind the process in their respective countries. In the second and third meeting, we saw that the agreements were far more specific, and concrete proposals were elaborated for how to solve the problems. Using the three phases a negotiation normally follows as a measure of progress, I have shown that all three topics have reached the third phase. Based on this, I argue that the Norwegian strategy as a facilitator and the use of a problem-solving approach to the negotiations has proved to be efficient in terms of progress in the dialogue.

Next to be investigated is whether the progress in the dialogue has led to any concrete, substantive changes in the relation between the two countries. Based on the Oslo Dialogue, new initiatives have been taken. This is in first place between church leaders from each country that have established a dialogue (earlier referred to as the church dialogue). They had their first meeting in 2002, where ambassadors from both countries met with representatives of both governments (Skauen 2004 [interview], Langsholdt 2004 [interview]). This is a locally driven process financed through the Norwegian MFA. This year there has also been a conference between teachers from both countries. In addition, C. Pimentel Rivera who was the leader of the Dominican delegation in the Oslo Dialogue has initiated a forum for dialogue on the island. They meet once a week to discuss Dominican-Haitian relations. The persons that participate in these meetings are basically representatives of NGOs and other institutions that are involved in the issue of Haitian-Dominican relations. These meetings have among other things led the Dominican government to establish a separate Secretary of State for Haiti<sup>6</sup> (Skauen 2004 [interview]).

Considering these three variables, one could say that the Norwegian involvement has been a success. Still, it is important to point out that such a process also has its weaknesses. Although the process has led to some concrete changes, far from all the agreements reached in Oslo have been implemented. There is a large gap from

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<sup>6</sup> This Secretary of State is relatively new (September 2004), and because of this I have not been able to analyze its function.

reaching an agreement on paper to carry out and implement such agreements. One could also argue that it is easier for representatives of the civil society to reach such agreements than it would have been for highly ranked politicians. This argument is related to the commitment-problem in negotiations. Representatives from the civil society organisations do not possess the positions, nor the power, to implement the agreements requiring government-level decisions. Consequently, they are not committed to actually reform legislations or carry out the follow up of such reforms. Although they have committed themselves to lobby the government to reform the legislation, for such reforms to be carried out, highly ranked politicians possessing the necessary power that finally needs to commit themselves to complete such changes. The civil society process has served a function to, in first place, identify the conflicting issues and to find possible solutions to these, where the civil society organizations are supposed to play a role in implementing the agreements reached. Second, the process has been important as a first step to involve highly ranked politicians in the process. However, it remains to see whether the participants in the Oslo Dialogue and their collaborators in their home countries have the necessary skills and influence to implement all the agreements reached. The political turmoil in Haiti in 2004 has made the continuance of this process difficult in the country and the focus now is to ease the tensions between different political groups within Haiti rather than between Haiti and the Dominican Republic. This indicates that the process also has its vulnerabilities. Nevertheless, the Norwegian authorities have involved themselves with a long-term perspective, and to this point the process is at an early stage. I thus argue that the process up until now has been a success, but that it remains to be seen whether all the agreements reached in Oslo will be implemented in the two countries.

## 4.2 Analyzing the Oslo Dialogue and the role of Norway

The above discussion led me to the conclusion that the Norwegian involvement up to this stage may be regarded as a success. This conclusion constitutes the starting point

for the following analysis of the hypotheses portrayed in chapter 3.4. In this section I will analyze each of the hypotheses emphasizing their importance in the process.

#### 4.2.1 Hypothesis 1: A problem-solving approach to the negotiations

Based on the description above, I argue that the Oslo Dialogue has taken form as a problem-solving approach rather than a more traditional negotiation over different topics. The two delegations have been divided into workshops, where they together have identified the main conflicting topics, and together found possible solutions to (some of) these problems. The participants in the dialogue have not regarded each other as adversaries negotiating against one another, but rather solved the problems by taking joint decisions. This is a result of the Norwegian approach, where the groups in the first meeting jointly identified the conflicting issues and created the agenda for how to continue the process. In the second and third meeting they were divided into three workshops, one for each topic, where they in cooperation found possible solutions to the conflicting issues and created a plan of action.

The working papers produced in Oslo strengthens the argument that the Oslo Dialogue has taken form as a problem-solving approach. This is because the participants have debated over and agreed on solutions that will contribute to reduce some of the worst consequences of the present situation, rather than simply negotiating over whether the migrants working in the Dominican Republic should receive status as a legal citizen in the Dominican Republic. The following agreements support this argument (Oslo Dialogue 2002):

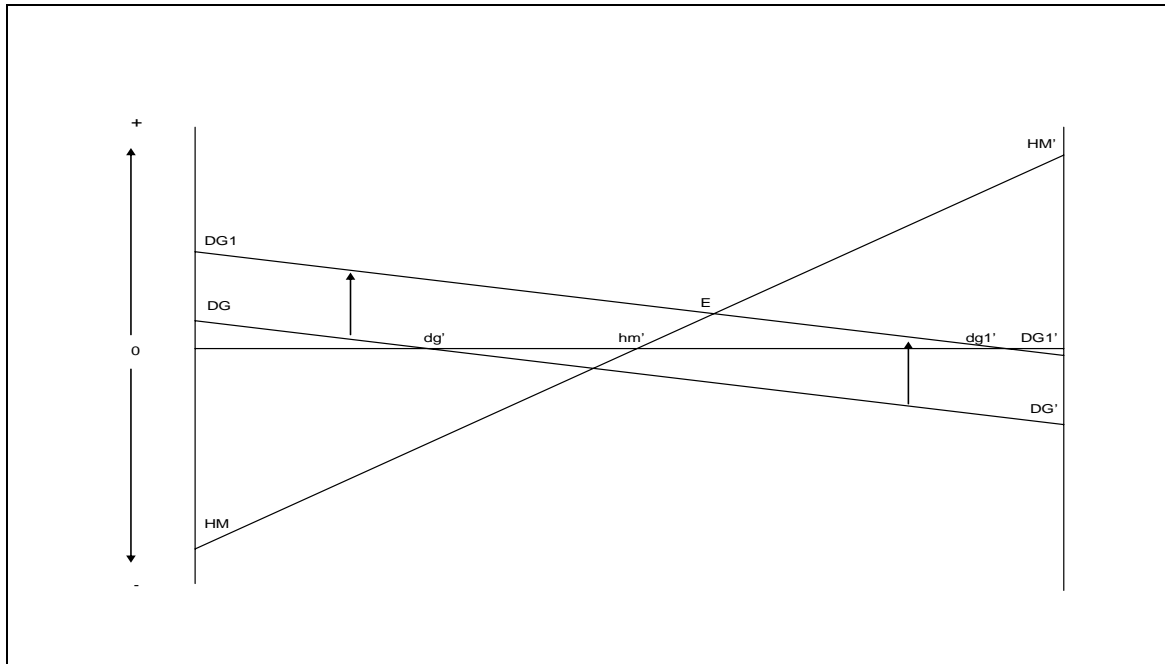
- Work to lower the prices of journeys between Haiti and the Dominican Republic, so that more people can travel back and forth legally.
- Provide legal assistance to victims of reciprocations.
- Develop a program for holding back the population in Haiti.
- Promote a legislation reform for foreign workers in the Dominican Republic.
- Reciprocations of Haitians should be executed in a manner where international laws and rules are respected.

What can be understood from this is that the agreements reached, in general, are solutions on how to regulate the migration, and how to reform the legislation in the Dominican Republic and in Haiti so that the migrants are treated according to human rights laws. This indicates that the participants have approached the main conflicting issue with a problem-solving approach, because the agreements suggest solutions that not necessarily solve the core of the problem, but rather reduce the worst consequences that results from it. The Dominicans will lobby their governments to reform their legislation for immigrant workers, and ensure that deportation of Haitians is executed in a manner that is compatible with human rights laws. On the other side, the Haitians will work to establish programs for holding back their population and create a system for re-integrating the expatriates in the Haitian society. Hence, the debate in the Oslo Dialogue has not been on whether the Haitian migrants should get a legal status or not, but instead agreements on how to work to ensure that they are treated according to human rights laws. This is in line with what Rubin et al. (1994:171) have described as an integrative solution. As described in the theory chapter, such solutions are most likely to develop from creative thinking. Integrative solutions are based on the idea that for some issues, it might not be possible to reach solutions unless a way can be found to join the parties' interests. More mechanical agreements, as for example compromises, could have been unsatisfying to one or both parties and the issue would have been likely to come up again at a later stage.

Using the simple model depicted in chapter 4.1.2 (figure 4.1.) one could argue that the problem-solving approach in the Oslo Dialogue has contributed to create a bargaining space between the actors. Earlier, I argued that prior to the Oslo Dialogue there was no bargaining space between the defined actors, as the Dominican government gained from status quo relative to a negotiated agreement. However, after the process, one could argue that there has been a change in the preferences of the Dominican government. This is connected to the costs for the Dominican government in a situation without a negotiated agreement. First, the Oslo Dialogue

has suggested solutions to the migration issue that might be beneficial for the Dominican government compared to status quo. For example, one could argue that reducing the travel costs between the two countries will be beneficial for the Dominican government, as they then will have better control over the Haitians migrating to the Dominican Republic. In addition, if the Haitian government develops a program for holding back the population, this would be beneficial for the Dominican government. More generally, one could argue that regulating the migration will be beneficial for the Dominican government, as they then will have more control over the migrants, without losing the supply of foreign workers. Furthermore, one could argue that the Oslo Dialogue has led to a certain pressure upon the Dominican government related to human rights. This is both bottom-up pressure from the local civil society organizations and top-down pressure from international organizations and other states. This pressure may contribute to further change the Dominican government's preference curve, as the costs by not acting increases.

The change in the Dominican government's preference curve, and how this change has created a bargaining space, may be illustrated as follows:



**Figure 4.3. A shift in the Dominican government's preference curve**

1. Horizontal axis = issue dimension
2. Vertical axis = Gains (+) and Losses (-) Relative to No agreement (0)
3. DG – DG' = Dominican government's Preference curve prior to the Oslo Dialogue
4. HM – HM' = Group of Haitian Migrant's Preference curve
5. DG1 – DG1' = Dominican government's Preference curve after the Oslo Dialogue
6. dg' = Dominican Government's BATNA prior to the Oslo Dialogue  
    hm' = Group of Haitian Migrant's BATNA  
    dg1' = Dominican Government's BATNA after the Oslo Dialogue
7. hm' – dg1' = Bargaining Space
8. E = Point of "Equitable" solution, where gains of both parties relative to no agreement are equal

This figure illustrates how the Dominican government's preference curve has moved upwards from DG-DG' to DG1-DG1'. This implies that the Dominican government now realizes that their BATNA lies closer to the group of Haitian migrants' ideal point than they first thought. This realization further implies that also the Dominican government now believes that there exists a bargaining space. The group of Haitian migrant's preference curve will not be affected by the Oslo Dialogue and is held constant (HM – HM'). The change in the Dominican government's preference curve has now created a bargaining space between the two actors (hm' - dg1'), where the gains of a negotiated agreement are larger than no agreement also for the Dominican government. Point E in the figure illustrates the gains the Dominican government will be able to achieve through a negotiated agreement. This indicates a gain relative to no agreement. This illustration shows how the simple game theoretic model may be used

to explain the result of the problem-solving approach in the Oslo Dialogue. Therefore, I argue that these theories are not totally incompatible, but may in combination be used to explain this particular process.

It is important to point out that a more traditional negotiation with concessions and reciprocation of concessions would have been difficult both because of the complexity in the topics at stake, and because the negotiations have been held between representatives of the civil society. These persons do not possess the positions, or the power to make concessions and reciprocations on behalf of the state. I thus argue that the use of a problem-solving approach, by finding integrative solutions, has contributed to an efficient progress in the dialogue. The process has created a political interest in both countries and at this stage, high ranked politicians from both countries are aware of the process and involved in it. The Norwegian actors maintain the political interest by visiting both countries on a regular basis, and on these visits they always meet with politicians, mostly connected to the ministries of foreign affairs (Hoem Langsholt 2004 [interview]).

#### 4.2.2 Hypothesis 2: Overcoming the barriers to negotiate

In the theory chapter I described three barriers to the opening of negotiations based on Pillar (1983), and elaborated methods and techniques that may be employed to overcome these barriers. In the following I will discuss to what extent these barriers have been in force in this particular case and how the MFA and the NCA has contributed to facilitate the process of overcoming them.

The first barrier identified by Pillar was that parties to a conflict tend to exaggerate the extent to which interests conflict, and the most important way of overcoming this barrier was a face to face meeting between the top leaders of each side. However, I argued that an entrusted third party may work as a convener between the two parties in order to reduce their mistrust. This barrier has not existed in this case, but still I argue that there exists mistrust between the participants from the two countries. The Oslo Dialogue has contributed to reduce this mistrust. As described earlier there has always existed mistrust and suspicions between people from the two countries.

Especially within the Dominican society there exists a prevalence of deeply ingrained antihaitianismo (Fletcher & Miller 2004). History, media and Dominican stakeholders constitute different dimensions of this issue, and are regarded as significant barrier to substantive changes, especially in Dominican policy and practice (ibid). The dialogue in Oslo has contributed to reduce some of these mistrusts that exist. As Dilia Lemaere, a Haitian woman working in a women's association in the border area and a participant in the Oslo Dialogue said to me:

*“[...] I have been to the first and the last meeting, and from the first time to the last time I could feel a better understanding of each other. We were not enemies, we were mostly partners, even if we did not like each other, we did not like what was done to one another.”* (Lemaere 2003 [interview]).

Although this barrier in the first place only has been overcome within the groups that have participated in the Oslo Dialogue, I will argue that it is a step forward in the Haitian-Dominican relation. It is, however, important that these changed attitudes somehow will be transferred to the general population as well:

*“[...] If we could expand those experiences to [...] more groups instead of twelve people. Even if those people work with groups, work with associations, but if that would expand or if we could do activities on the field to expand that, that would be better”* (Lemaere 2003 [interview]).

J.C. Delva, the leader of the biggest press association on Haiti (AJH) underlines the role of the press in the process to contribute to less mistrust between the populations on Hispaniola:

*“[...] What we are saying, is that you can have governments of good will, you could have people of good will, but if you don't have the press with you, you will not be able to change anything. And we understand that we have a role to play, because we also are responsible for the bad opinions that people on both*



*sides have of each other. Because if they know something, they know it through us, through the journalists, through the press. So we are the ones who can change that, who can repair that. Not the government can do it, because it is in the mind of people. And we form those opinions in the mind of those people. We are the one who have to undo it, and we have the commitment to work towards that goal and make sure that those two people feel closer together, and forget a little bit of the past and move forward” (Delva 2003 [interview]).*

Pillar’s second barrier is the reluctance to move first. An important feature in respect to overcoming this barrier, is the duration and timing of the intervention. An effort from a third party forces the conflicting parties to indicate whether or not they are ready to talk. The Norwegian approach to peace is based on the assumption that the parties themselves are willing to negotiate:

*“[...] peace can only be achieved by the parties involved. It cannot be imposed from abroad. Unless the government and people of a country are genuinely willing to confront the problems that are causing the conflict, there is little that even the best informed and most benevolent outsider can achieve.”(Petersen 2003).*

Therefore, the MFA will not take a role as a third party unless the parties themselves are willing to negotiate, and therefore the timing of a Norwegian involvement will always take place at a moment where there is willingness on both sides to reach an agreement. Within the group that participated in the Oslo Dialogue there exists a desire on both sides to face the problems and to try to solve them, and for that reason, it is my opinion that this barrier has not been strongly in force within this group. This stems from the fact that these people are already somehow committed to the issues and because of this they possess the necessary motivation to solve the problems. However, this barrier could have been forwarded as an explanation for the involvement of politicians. But as I will argue later, the barrier to involve politicians

is rather connected to the fact that both governments are satisfied by the status quo than any reluctance to move first.

The third barrier is the imposition of conditions to the opening of negotiations. A way to overcome this barrier is to arrange the negotiations in a neutral environment.

Holding the negotiations in Oslo has had several advantages. First, the participants have been able to discuss free from external pressure and influences of constituents and media. In addition, it might be an advantage that they may debate without other forms of distractions. If for example the meetings had been held in either of the two countries or in another country in the region, they would most likely use the opportunity to visit friends for instance (Skauen 2004 [interview]). By holding the dialogue in Oslo, they are more likely to be focusing on the negotiations without distortions (ibid.).

In sum, I argue that the barriers identified by Pillar (1983) have not been strongly in force in this case. Still we can identify some problems that may be linked to these barriers. I have shown how the Norwegian representatives have contributed to make the parties overcome these problems. Although these barriers have not been strongly in force in this case, I have explored other significant barriers to the opening of negotiations between the Haitian and the Dominican delegation in the Oslo Dialogue. I will especially emphasize three barriers.

In the first place, the Haitian migrants in the Dominican Republic do not constitute a group that is organized or recognized as a possible counterpart for eventual negotiations by the Dominican government. This barrier is one of the most difficult to overcome in this case. The Norwegian representatives have sought to overcome this barrier, or more precisely to avoid it, by selecting persons from the civil society that are somehow committed to the conflicting issues. They have done this by inviting persons that will speak on behalf of Haitians living in the Dominican Republic. Based on the working documents produced in Oslo and the interviews and informal conversations I had with Haitian participants, there is no doubt that these persons

were promoting the interest of their fellow citizens living in the Dominican Republic, when they were in Oslo.

A second barrier that has been difficult to overcome is rooted in the political instability on Haiti. It has been difficult to get actors that are in many ways opposed to each other to form a group that may participate in the Oslo Dialogue:

*“ [...]to start the civil society process is a difficult thing to do, not only different sides of the Haitian society coming together, but coming together around a common cause and to meet other civil society element as a group on the Dominican side[...]. (Laguerre 2003 [interview]).*

This barrier was overcome because the NCA managed to identify an actor, G. Laguerre, with the necessary skills and networks to form a functioning group. This barrier has thus largely been overcome through local efforts rather than as a result of continuous Norwegian interference.

In a broader context one could argue that yet another barrier in this particular case has been present. The politicians of both countries have, before the initiation of the peace efforts, been reluctant to solve any of the problems identified in the Oslo Dialogue. This stems basically from the fact that both governments have gained from the status quo, especially related to the migration issue. The pressure on the Haitian government is reduced when people chooses to migrate, while the Dominican authorities use the Haitians migrants as a source of cheap labour. As a result of the Oslo Dialogue however, politicians in both countries have started to involve themselves more in finding solutions to these problems. The process itself has thus managed to overcome this barrier.

### 4.2.3 Hypothesis 3: Norway as a neutral actor

#### *Trust and impartiality*

I have defined a neutral third party as one regarded by both conflicting parties as impartial and as not having any vested interest in the outcome of negotiations.

However, I argue that trust between the conflicting parties and the third party is more important than absolute neutrality.

In the Oslo Dialogue between Haiti and the Dominican Republic the mutual trust between the negotiating parties and the Norwegian representatives as the third party has been important in terms of progress in the negotiations. As the delegations consist mainly of people from civil society organizations, including people that for years have been cooperating with NCA, the parties have the necessary trust and confidence with Norway and the Norwegians involved as facilitators. In interviews with participants from each country's delegations, the fact that Norway is a small country with no hegemonic pretensions and with no vested interest in the outcome of the negotiations is looked upon as an important attribute:

*“[...] and a lot of times subjectivity gets in the way and complexes and presumptions, so having a broker which [...] don't have a history in either one of the countries traditionally as a power being able to do the mediation. We think that was the most important aspect of what Norway has brought to this process” (Laguerre 2003 [interview]).*

*“[...] It is a country [Norway] that has been occupied with the Swedish and the Danes and does not have hegemonic pretensions. [...] It is a non-imperialistic role, this role of assistance and accompaniment and I think it is the most adequate methodology. When the international community decided to work in Haiti, Norway was the most suitable government to initiate a process with this methodology [...]” (Pimentel Rivera 2003 [interview] my translation).*

Although Norway is regarded as impartial to the outcome of the negotiations, I argue that the relation based on trust and confidence between the participants in the Oslo Dialogue and the Norwegians involved as facilitators also has been important. As NCA has been working on the island since 1979, it has created a broad level of contacts, especially with local NGOs and leaders from the civil society, and also with people from the grassroots level as well as from the political sphere. During my fieldwork I got a chance to have several informal conversations with some of the participants in the Oslo Dialogue. All of them emphasized especially their friendship with Petter Skauen from the NCA. Although they did not explicitly emphasize this friendship as important, I got the impression that this has been important in terms of motivation for keeping the process alive. This relation, combined with the reputation that Norway has obtained as a facilitator for peace, has contributed to simplify both the creation of delegations to participate in the negotiations and also in the progress of the negotiation itself. Langsholdt (2004 [interview]) and Skauen (2004 [interview]) emphasize the necessity of trust and reliability between the Norwegian representatives and the conflicting parties. Also important is to maintain this trust throughout the process.

#### *Negotiating in a neutral environment*

Another important attribute, is the opportunity the Norwegian actors have in offering a neutral location for the negotiations. A common barrier in the first phase of a negotiation is the imposition of conditions, which includes details on site and time for the negotiations to be held (Pillar 1983). When a third party has the ability to offer such conditions, it is easier for the conflicting parties to agree on when and where to hold the negotiations. For the third party it becomes easier to exercise control over the process and for the negotiating parties to focus on the substantive issues.

The three meetings in the Oslo Dialogue between Haiti and the Dominican Republic have been held in a neutral environment at the Holmenkollen Park Hotel in Oslo. It is clear that this has been advantageous for both parties, and for Norway as the third party. As the coordinator of the Haitian delegation stated:

*“[...] and we also think that the venue has played an important role in terms of leaving our natural environment behind and being able to look at things more calmer, cooler and colder, without the traditional and everyday happenings.”*  
(Laguerre 2003 [interview]).

It is likely that it would have been more difficult to arrange the meetings on the island of Hispaniola. First of all, there would have had to be an agreement on in which of the two countries the negotiations should have been held, and in addition the parties would most likely have been exposed to some sort of external pressure from other groups. Second, they are able to be more focused on the issue, as there are no external distractions. For the Norwegian delegation as the third party, it is clear that by arranging the negotiations in Oslo, and on Norwegian premises, the Norwegian participants has had the opportunity to exercise more control over the negotiation and the information, as well as maintaining the flow of communication between the parties.

#### 4.2.4 Hypothesis 4: The strategy as facilitator

In the theory chapter I elaborated three strategies a third party may use in a conflict situation. These were the third party acting as a communication facilitator, the procedural strategy and the use of directive strategies. These strategies reflect the degree of involvement from the third party.

The Norwegian model falls in somewhere between the first and the second strategy. MFA states that they will only assist conflicting parties as a facilitator, but they do also contribute to the continuance of the negotiations in e.g. deadlocked situation. This role is taken first and foremost with the assumption that agreements reached by the conflicting parties themselves will be more substantive than agreements reached based on some sort of pressure from the third party. However, the Norwegian participants have in situations worked actively in order to motivate the parties, as well as participated in the construction of the agenda. But this role has been more an advisory role than a direct involvement in the negotiations. Characteristic for the

Norwegian approach to peace is that the MFA starts with a goal rather than a plan. The idea is that the Norwegian participants play a facilitating role as companions and organizers, but it is the parties themselves that are responsible for the progress of the process (Sandved 2003 [personal correspondence]). The conflicting parties are supposed to work out the agenda, and take initiatives. The Norwegian participants contribute by introducing new perspectives, and find new solutions together with the parties involved (Langsholdt 2004 [interview]). As a facilitator, their task as the third party is to patiently listen to the parties and encourage new initiatives, but not to be responsible for the progress and solutions to the problems. At the same time, the Norwegian actors as facilitators need to keep the process within the framework worked out by the parties (Sandved 2004 [personal correspondence]).

In the dialogue, the Norwegian strategy differs from the second strategy described above in the sense that the negotiation do not fall within the framework of a traditional bargaining model. First and foremost, the conflicting issues do not fall along a continuum and it would have been difficult to reach agreements using a more traditional negotiation model. The issues at stake are complex and calls for other methods in order for solutions to be reached. The negotiation is more of a dialogue where the parties have to commonly find ways to solve the problems related to the political instability in Haiti, the migration problem and the economy and border issues between the two countries. In the first meeting in Oslo in May 2001, the two delegations jointly defined the conflicting issues to debate. In the next two meetings, the delegations have continued their work based on the first meeting, now with the aim of finding ways to solve the problems between the two countries. The Oslo Dialogue falls more within the framework of problem-solving negotiation rather than within a traditional bargaining model. It follows a model where different workshops are established for the discussion over the different topics at stake.

Based on interviews with participants in the dialogue, I found that they emphasize the strategy the Norwegian participants have used as important:

*“[...] I think the role they play as assistant and companion for cooperation is the best, and I think it is the most adequate methodology [...]”* (Pimentel Rivera 2003 [interview] my translation).

*“[...] Their role is positive in an uncommon way. What they have offered us is their services, they don't tell us what to do. The MFA and the NCA have used an approach where we have to do it ourselves, but with accompaniment. It is an attitude that makes all parties feel confident. The role of Norway is a role of service, friendly assistance and cooperation”* (Laguerre 2003 [interview]).

#### 4.2.5 Hypothesis 5: The use of an NGO network

In the theory chapter I discussed some of the advantages and disadvantages in using NGOs as mediators in negotiations. The main advantages is first, as NGOs often work on the grassroot level, that they have the capability to create trust and loyalty with the local communities. Second, in cases where we have a collapse of government, NGOs and religious institutions may be the only sources of authority that have any influence. Third, as an NGO normally has been involved in development programs or similar, prior to a conflict, they are familiar with the culture, ethnic groups and development problems in the country at present. The main disadvantages in using NGOs as mediators is first that they may understand the conflict from a local point of view, and misunderstand the impact and dynamic of the conflict at a national level. Another common problem is that there are often too many NGOs and a lack of coordination between these. This may lead to situations where the different NGOs nullify each others work. There have also been situations where NGOs fail to consider the political implications of their work and by doing so, contribute to exacerbate the conflict rather than making peace.

The close cooperation between MFA and NCA has, I will argue, reduced the possible disadvantages with an NGO acting alone as a third party. First of all, MFA as a political actor eliminates the danger that the third party will only regard the conflict from a local point of view. Second, the danger of failing to consider the political implications has been reduced, as the MFA, representing the Norwegian government,

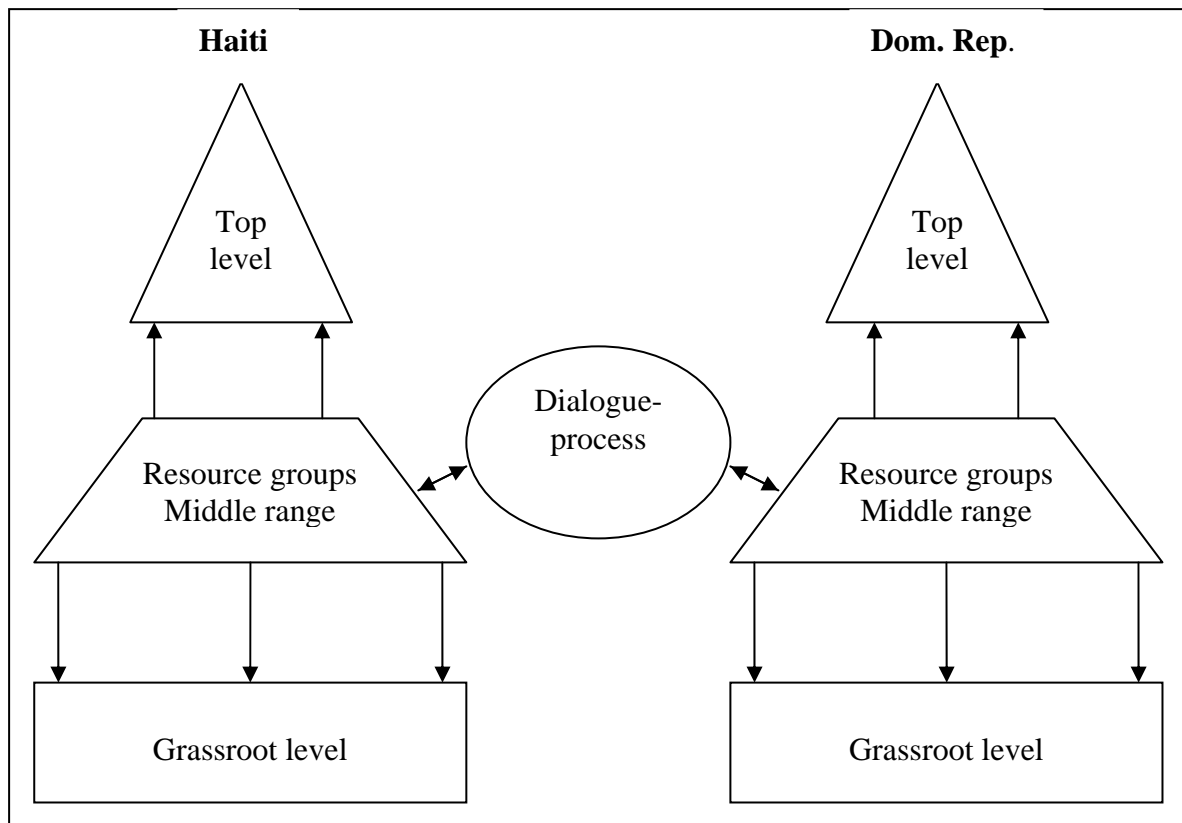


has experience with this kind of work. Also there has constantly been a close cooperation with P. Skauen from the NCA and the representatives from the MFA. Consequently, it is not the NCA alone that has driven this process, but rather the MFA in cooperation with P. Skauen from the NCA. Furthermore, it is important to underline that the problems identified above may be more relevant when discussing the involvement of local NGOs in peace-making efforts. Because of NCA's international character some of these possible disadvantages are not relevant. For instance, since NCA is not rooted in local interests, it is not very likely that NCA will understand the conflict from a local point of view.

An important advantage in using the local network of the NCA is the trust and friendship that exist between representatives of the NCA and the local NGOs involved in the process. This relation has contributed to ease tensions between representatives from both countries.

#### 4.2.6 Hypothesis 6: Civil society takes responsibility

The Oslo Dialogue between Haiti and the Dominican Republic, falls within what Lederach (1993:44-45) describes as the middle range approach, as the two countries' delegations that have been participating in the Oslo Dialogue consist mainly of people from the civil society, such as lawyers, leading academics, religious leaders and leaders of local human rights organizations. In the second and the third meeting held in Oslo, there has also been a government representative from each country. This way of work can be illustrated with the following figure based on Lederach (1993)



**Figure 4.4. The middle range approach**

A vital criterion for the MFA in the selection of participants has been to find people that are somehow already committed to the issue of Haitian-Dominican relations (Sandved 2003 [personal correspondence]). The idea is that with a persistent commitment to the issue, these people will have some sort of knowledge regarding the problems, as well as having a lasting interest in finding solutions. The persons that participated represent a wide range of sectors within the civil society and this makes it possible to reach different groups of the population in the local follow-up of the process. Furthermore, representatives of the civil society are often intermediaries in the sense that they represent the grassroots, but at the same time have a position of power that gives them a natural link into the political sphere.

A question that calls for a discussion is whether the representatives of the civil societies have the necessary power and skill to influence both the top politicians and the grassroots in a way that makes the negotiations worthwhile. It is clear that arranging negotiations between persons without the necessary power or skill will be

useless in the sense that eventual agreements will not have a chance of being implemented. In the case between Haiti and the Dominican Republic I have argued that there has been a lack of political interest to solve the problems between the two countries. This is because the Dominican Republic benefits from a large scale Haitian migration in the sense that the Dominican government may use (or abuse) these migrants as cheap labour within different public sectors. On the other side, the migration of people towards the Dominican Republic, will take off some of the pressure that lies on the Haitian government. A large scale migration implies a lesser population to create working places and to ensure a minimum of human rights (Pierre-Antoine 2003 [interview]). However, by arranging negotiations between representatives of civil society organizations that are already somehow committed to the issues at stake, has been efficient in creating a political interest for the issues related to first and foremost the migration problem. This interest has been created through lobbying from the local participants in the dialogue as well as through the local and international media that has been invited to the Oslo Dialogue. Second, when highly ranked Norwegian officials have visited the two countries, they have had the opportunity to refer to this dialogue when separately meeting with the top politicians of both countries (Sandved 2004 [personal correspondence]). As described earlier, the civil society process have contributed to a change in the preferences of the Dominican government. First, because the suggested solutions, are solutions that in the long run will be beneficial also for the Dominican government. Second, because the process has put a certain pressure upon the Dominican government, the costs by not acting have increased relative to not acting.

#### 4.2.7 Hypothesis 7: The long-term perspective

According to Sørbo et al. (1998:6) external actors should have a long-term perspective on their involvement. This statement is based on the fact that solutions tend to be temporary if not all parts of a society are somehow included in a peace making process. In this regard, the civil society organizations should play a vital role, as they normally have broad support and have options that political leaders do not have for political reasons (ibid). For example, they are not bound by political decisions in the same way as politicians may be.

In situations where a peace agreement is reached between government leaders or between government leaders and rebel groups, there is a need to also involve the civil society in order to increase the legitimacy of the agreement. If the majority of the population is not involved, a negotiated agreement does not necessarily imply a lasting peace. This is because different groups or movements may continue to fight despite an agreement reached between the political elites (Sørbø et al 1998:6).

These arguments are also valid in regard to the Norwegian involvement on Hispaniola. But there are also other reasons why a long term perspective is important in order to achieve a successful intervention. In the first place, the motivation for the Norwegian MFA and NCA to initiate such a process stems from the immediate link between the desire to provide humanitarian assistance and initiating a peace making effort. A conflict in a country or region will be an obstacle for the provision of humanitarian assistance. This is because it might be difficult or dangerous to reach certain areas due to violent groups' roadblocks for instance, but also because of the difficulties related to promoting economic development, human rights and international laws in conflicting areas. Hence, a peace making effort is part of a broader involvement of providing humanitarian assistance.

Second, the nature of the conflict between Haiti and the Dominican Republic demands a long term perspective. As described earlier the two countries have been in conflict for several decades. Although it is no war at present, the history of prejudices, violent clashes and constant meddling in each others affairs has created a tense relation between the two states. In addition, the political instability in Haiti, which turned into a large scale protest against former President Aristide in 2004, has contributed to worsen the situation. It is clear that the situation at present does not change over night. Therefore a long term perspective on the involvement is an absolute necessity in order to improve the relations both between different political segments internally on Haiti, but also between Haiti and the Dominican Republic.

#### 4.2.8 Hypothesis 8: When to initiate mediation – the ripe moment

In the theory chapter, I introduced the concept “the ripe moment” based on Zartman (1991). In short, this moment refers to a situation where both parties to a conflict realize that both want to get out of the conflict using peaceful methods. In other words, it is a question of timing an intervention. The five components identified by Zartman (1991) are in general based on a war situation, and it is not straight forward to transfer them to a latent conflict as in this case. However, I argue that some of the components may be used to analyze the timing of the Norwegian involvement. Therefore I will not analyze whether the moment was *ripe* as defined by Zartman, but rather use some of the components to analyze whether the *timing* of the intervention has been important. I argue that it is only two of the components identified by Zartman that may be regarded as important in this case. The first is related to creating a formula for a way out, and that both parties in principle are willing to choose this. Based on the Oslo Dialogue, I argue that these meetings have produced a formula for a way out. Although they do not agree on all the proposals made, they have produced several important proposals that both parties agree on. Second, since the parties have driven the process and taken the initiatives, I thus argue that the parties are willing to choose this formula. In addition to the components identified by Zartman, I argue that conjuncture has been important for the timing in this particular case;

*“[...] As for anything, such as this process, conjuncture is important, and when this process started it was at a time when there were burning issues of Haitian-Dominican migration and the question of human rights in the Dominican republic, the treatment of Haitians, and also there were incidents with the Dominican military and Haitian refugees and there were a couple of cases where people were killed unjustly. [...] I think therefore that was an important conjuncture. [...] I think that period was important because there were some focus if you will on the issue.”* (Laguerre 2003 [interview]).

C. Pimentel Rivera from the Dominican Republic is more doubtful regarding the importance of the timing, but still he argues that the moment at which the Norwegian initiative occurred was at a time when there was willingness to solve the problems:

*“[...] We are at a time where the level of the conflict is not as profound as in Guatemala, Ecuador or Colombia. We are at a time of establishing directives for preventing a conflict to erupt, and it is an important moment. [...] But we can not compare this moment with other moments.”* (Pimentel Rivera 2003 [interview] my translation).

Based on these quotes and the fact that there existed willingness to meet on both sides of the island, I argue that the Norwegian involvement took place at a good time. I do not argue that the initiative took place at the ripe moment as defined by Zartman (1991), but rather that the timing of the intervention was good due to the fact that there had been some focus on the issues prior to it, and because the conflict was not too profound at the moment.

### 4.3 The Norwegian motivation

This thesis focus on *how* the Norwegian MFA in cooperation with NCA has contributed to the preventive conflict resolution process between Haiti and the Dominican Republic. However, it does not treat the question of *why* Norwegian authorities engage in conflict resolution projects, such as this project as well as other projects such as Israel/Palestine, Sri Lanka, Guatemala, Burundi, Rwanda, Mali, Mozambique and Sudan. A brief discussion of this question is necessary to understand the Norwegian involvement related to its foreign policy in general.

First, according to Vollebæk (2003:16), Norwegian involvements in such projects may be explained from a geopolitical point of view. After the cold war, the US interest in Norway, with its location close to the Soviet Union, has declined. This decline has created a need for the Norwegian authorities to find new areas where Norway may be of interest for the US and greater European countries. The

Norwegian authorities have in recent years actively worked to create an image of Norway as a humanitarian superpower, as this may work as a door opener to the world's great capitals as Washington and Brussels (ibid). Another geopolitical aspect that has been forwarded to explain why the Norwegian authorities involve themselves is the possible gains Norway stands to gain from an international order based on peace, rule of law, democracy and human rights (Helgesen 2002). Helping to promote such ideals internationally is ultimately in the interest of any small democratic country. Third, providing long-lasting effects of humanitarian assistance presupposes the absence of armed conflict, and has led to an increased focus on both conflict resolution and preventive conflict resolution. As the Norwegian minister of foreign affairs, Jan Petersen, said in a speech at the joint Norwegian-Belgium seminar the 21 of May 2003:

*“[...] Norway has for quite some time been a fairly large provider of humanitarian assistance and an active partner in international development operations. This stems from a desire to help alleviate human suffering and promote human security. [...] we believe we are in a position to contribute in a broader sense than just financially. Economic assistance can never replace political solutions to conflicts that are by their nature political. If we can provide political support to efforts to create peace, we are supporting the very same objectives that we are promoting through our humanitarian assistance, development coordination, and dialogues on human rights.”*

The Norwegian motivation for involving itself in peace making efforts thus stems from both geopolitical reasons as well as the focus on providing humanitarian assistance.

For example, in the case of Mali, NCA started with the aim of establishing a long term development project in the Northern region after the droughts in the mid-80s. A part of this project was to provide emergency aid to the most vulnerable groups. However, when a rebellion took place from 1990-1996, the NCA also contributed to

facilitate a dialogue between the government and different rebel groups as a peace making effort (Lode 1996). Similarly, in Guatemala, NCA first got involved after the earthquake in 1976. Later, when the civil war broke out, they leaned on their competence, and their relations with different parts of the society, from the grassroots to the top-level, in order to facilitate dialogue and to promote peace between conflicting groups (Sørbø et al 1998). The experiences from peace-making effort in Guatemala have also been a starting point for the Norwegian involvement on Hispaniola. It is the very same persons that were responsible for facilitating the peace process in Guatemala that are responsible for the process on Hispaniola (e.g. Petter Skauen and Arne Aasheim). They have thus been able to use their experiences from the Guatemalan process on this process. Furthermore, NCA have for several decades been working with humanitarian aid on both sides of the island, and through this, they have established relationships and trust with different actors from different levels of the society. These relations, as well as experiences from this kind of work in Guatemala, have been important factors for the initiation of the peace process on Hispaniola.

Although the link between humanitarian assistance and peace-making efforts is an important factor in explaining the Norwegian motivation, there are also other factors that need to be considered. Tvedt (2003) has carried out a study regarding the relation between power, foreign policy and humanitarian assistance in Norway. In general, he argues that the distinction between foreign policy and humanitarian assistance in Norway has become blurred, and that power relations, within what he describes as the South-political system in Norway, are important in understanding why Norway engage themselves in peace and reconciliation projects. He argues that the motivation cannot be understood from an altruistic or ideological perspective isolated, but needs to be studied in light of perspectives of realism. This implies, at the level of MFA, that for instance humanitarian assistance is increasingly becoming a part of foreign policy and peace-making efforts in order to promote the Norwegian role in the international political system.



This argument may be relevant to explain why the Norwegian authorities have increasingly engaged themselves in this kind of processes. However, I will argue that it does not explain why individual organizations and actors involve themselves. It is too simplistic to explain the NCA involvement for instance as a pure reflection of the geopolitical interests of the Norwegian authorities. It is true that the involvement of the Norwegian authorities has facilitated the role played by NCA, but it is also important to take into consideration the long-lasting presence of the organization in the region. NCA's involvement is thus as much a result of their own strategies related to humanitarian assistance as it is a reflection of Norwegian geopolitical strategies. However, the increased involvement of MFA has created the possibility for an organization like NCA to expand its area of intervention from pure humanitarian assistance and development project at the local level to also include peace-making efforts at national level.

## **5. Conclusions**

The overall purpose of this thesis has been to examine how the Norwegian MFA in cooperation with NGOs contributes to preventive conflict resolution by creating and facilitating dialogues and negotiations between parties in a potential conflict situation. The involvement of MFA in cooperation with NCA in the current peace process between Haiti and the Dominican Republic has constituted the basic case study of this thesis.

The research question I formulated as: Why has the Norwegian MFA in cooperation with NCA achieved success as a third party in the dialogue between Haiti and the Dominican Republic?

It is difficult to measure the degree of success in a conflict preventive involvement, because it is hard to reveal all the causes of why conflicts do not erupt. Still, I have argued that the Norwegian involvement on Hispaniola has been a success. I have operationalized the degree of success in light of the Norwegian approach and objectives, the progress in the Oslo Dialogue and the substantive changes that have developed as a result of the Norwegian involvement. Based on an investigation of these variables I have concluded that the Norwegian involvement to this stage has been a success. First, all the personal relations that have developed across the border as a result of this process, have resulted in a locally driven dialogue between some of the participants. Furthermore, after the flood in May 2004, organizations from each country cooperated in providing the population with emergency aid. Second, I have described the progress in the dialogue based on the working papers produced in Oslo and this further strengthens the statement that the process has been successful. From the first meeting in Oslo to the third meeting, we have seen that the agreements reached and proposals made went from what I described as the first phase in a negotiation (e.g. the diagnosis phase) to the third phase of implementation of details. Related to substantive changes a separate Secretary of State for Haiti has been

established in the Dominican Republic as a result of the process. Also local initiatives have been taken, especially between church leaders from each country. But far from all the agreements reached in Oslo have been implemented, and the renewed political turmoil in Haiti is an indication that the process also has its vulnerabilities. My main argument, however, is that the process still is at an early stage and one can argue that the process until now has been a success, but it remains to see whether all the agreements reached in Oslo will be implemented in the respective countries.

### *Findings*

My first hypothesis was that the Oslo Dialogue has taken form as a problem-solving approach to negotiations and that this has been important for the progress in the dialogue. I have shown that the parties jointly have defined the conflicting issues, and in cooperation worked out agreements on how to solve them. This is in line with how I have presented the problem-solving approach to negotiations. I have also shown that the agreements reached not necessarily are agreements on the main conflicting issue, but rather an agreement on how to reduce the worst consequences that result from it. The main agreements resulting from the Oslo Dialogue are related to the regulation of reforms of legislation in both countries so that the migration will be reduced and the migrants will be treated according to human rights laws. These findings strengthen the hypothesis that the Oslo Dialogue has taken form as a problem-solving approach to negotiations, and has proved to be efficient in terms of progress in the dialogue. In addition, I have illustrated how the problem-solving approach in the Oslo Dialogue has contributed to create a change in the Dominican government's preference curve, and created a bargaining space between the actors. This illustration shows that a simple game theoretic model and the problem-solving approach is not totally incompatible, but may in combination be used to explain this particular process.

The conclusion of the second hypothesis was that the personal relations between the Norwegian actors and people at top level, middle range level and grass root level in both countries have made the parties overcome the barriers to negotiate. I argued that common barriers to the opening of negotiations identified by Pillar (1983) have not been strongly in force in this particular case. One can still argue that there have been

barriers to the opening of negotiations in this case, and I have shown that the methods used in this process have been efficient in terms of overcoming these barriers; the fact that the Haitian migrants living in the Dominican Republic is not an organized group that may be a possible counterpart for the Dominican government in eventual negotiations; the fact that the political instability and internal conflicts on Haiti has led to difficulties in creating a group to cooperate in the dialogue; and the lack of political interest to solve the problems. The first barrier has been overcome or rather avoided by letting representatives from the civil society that are somehow committed to the issues at stake, represent the Haitian migrants and speak their cause in the Oslo Dialogue. The second barrier was the difficulties to assemble a Haitian delegation, assembling of persons that normally are in opposition to one another, to work for a common cause. This barrier has largely been overcome as a result of local initiatives. G. Laguerre, the coordinator of the Haitian delegation, has been important in this respect, as he has been the one responsible for creating the Haitian delegation. The third barrier is related to the lack of political interest to solve the problems. I have illustrated how the Oslo Dialogue has created political interest to solve the problems, both because of its media attention, but also because of lobbying from participants in the Oslo Dialogue and the Norwegian representatives.

Discussing the third hypothesis, I concluded that the Norwegian actors were not regarded as having any vested interest in the outcome of the negotiations and that this precondition was important for the dialogue. Both C. Pimentel Rivera from the Dominican delegation and G. Laguerre from the Haitian delegation have in interviews emphasized that this attribute has been important. However, based on several informal conversations with these two and other participants, I have learned that they also have emphasized their personal relations with P. Skauen from the NCA as important. This relation, I argue, has been important in terms of trust between the participants and the Norwegian representatives.

Discussing the fourth hypothesis, I concluded that Norway acted only as a facilitator and did not involve themselves in the negotiations, and that this strategy was

important. Based on different strategies a third party may use according to Touval and Zartman (1985), I have argued that the Norwegian representatives have used a strategy that falls somewhere between the strategy as a communication facilitator and the procedural strategy. It is the parties themselves that are responsible for the progress in the process and are supposed to work out an agenda and take initiatives. However, the Norwegian representatives have contributed by introducing new perspectives and in finding solutions together with the parties. Based on interviews with both delegations' leaders, I have argued that this strategy has been a fruitful strategy in terms of progress in the dialogue.

The conclusion of hypothesis five was that the MFA's use of NCA's network has been important for the process. I have portrayed some common advantages and disadvantages by using NGOs as a third party. Common disadvantages connected to an NGO as a third party is that they often seem to be regarding the case from a local point of view, and misunderstand the impact and dynamic of the conflict at a national level. As a result, there have been situations where NGOs have failed to consider the political implications of their work and by doing so, contributed to exacerbate the conflict rather than making peace. I have concluded that the common disadvantages have in this case been avoided as it is the MFA as a political actor that has been responsible for the process. Furthermore, the use of the NCAs network, and the personal relations between P. Skauen and actors on both sides on the island, has contributed to create trust both between the parties, and between the parties and the Norwegian representatives as the third party.

In discussing hypothesis six, I concluded that the involvement of the civil society in the negotiations was important in order to reach substantive solutions. Although the process still is at an early stage, I argued that the involvement of the civil society has been important. This is mainly because of the lack of political interest to solve the problems as both governments profit from the large scale migration. Therefore, the involvement of civil society representatives that are somehow committed to the issues has been important. However, it remains to be seen whether this group of people have

the necessary power and skill to influence both governments in a positive direction. The civil society is also important as they have a role to play related to the agreements reached in Oslo. While some of their tasks are to influence the government, they will also play a vital role by providing information and assistance to the population.

In concluding the seventh hypothesis, I underlined the importance of the long term perspective of the Norwegian involvement for the process. First, I argued that a peace-making effort is part of a broader involvement of providing humanitarian assistance since conflicts will constitute an obstacle for the provision of humanitarian assistance. In this particular case, I have also argued that the nature of the conflict demands a long term perspective. This is because of the history of the conflict and the fact that the mistrust and prejudices between them is something that can not be changed in a short period of time.

My last hypothesis discussed whether the involvement took place at a ripe moment. I concluded that the moment was not ripe as defined by Zartman. However some of the components identified by Zartman may be interpreted as important in terms of timing of the intervention. The timing of the Norwegian involvement may be regarded as important as there had been some focus on the issues at stake prior to the involvement. However I argue that it is difficult to compare this moment with other moments. One can not say what had happened if the involvement had taken place five years earlier or five years later.

#### *The Norwegian involvement in a broader context*

In this thesis, I have analyzed different aspects of the Norwegian involvement, which to this stage have been important for the progress in the process. I have not sought to develop an all-embracing method that is applicable for solving all sorts of international conflicts and disputes, but rather I have analyzed different aspects that made this particular involvement a success. It is important to point out that there exist certain contextual circumstances that may be regarded as necessary preconditions in order for such a process to be initiated and carried out. First, there is

willingness on both sides of the island to solve the problems. The two countries of Hispaniola will always be neighbours and both countries realize the necessity of finding ways to live together and to improve the relations. Without this willingness, the Norwegian authorities neither could nor would initiate such a process. The Norwegian actors do not possess the power to press conflicting parties into finding solutions. Furthermore they will not initiate a peace effort unless the parties themselves are willing to negotiate (e.g. the Norwegian model as described by the MFA). Second, the fact that representatives of civil society organizations from both countries have been willing to carry out such a process, has been a vital precondition in this particular case. Without this willingness, it is obvious that initiating a civil society process would have been difficult. Third, the Norwegian authorities possess certain characteristics that other countries may not possess. The fact that Norway does not have a history as a colonial power and is not member of the European Union is important aspects in this regard. Also important are the previous relations between the Norwegian actors and the participants in process. Furthermore, the close relationship between the Norwegian state, humanitarian organization, researchers and journalists is unique, and may be looked upon as an advantage in a peacemaking effort. The politics regarding issues such as humanitarian aid and peace efforts in Norway have, according to Tvedt (2004:216), in Norway developed almost free of criticism.

When discussing whether the Norwegian approach in this case may have relevance also in other conflicts, these circumstances must be considered. My point is that the findings from this analysis cannot be regarded isolated, but must be regarded in light of its context.

#### *Theories of preventive conflict resolution*

I have in this thesis applied theories on a conflict preventive case that normally are meant to analyze already erupted conflicts. I have shown that these theories are suitable to explain this conflict preventive involvement. First, I described the progress in the Oslo Dialogue as following more or less the same development as predicted by Zartman and Berman (1982). One can argue that the dialogue over the three

conflicting issues has moved from phase one (the diagnosis phase) to the phase of formula construction and finally to the phase of implementation of details. Although the debate over the different issues did not reach the third phase at the same time, I have argued that in the third meeting in Oslo, all of the issues had reached the phase of implementation of details.

Furthermore, I have argued that the problem-solving approach to negotiations is the most suitable theory to explain the progress in the dialogue, compared to more traditional theories of negotiations. This is because of the nature and the carrying out of the dialogue in Oslo. As described in chapter 4, the participants have jointly identified the conflicting issues and jointly worked out possible solutions. They have not made concessions and reciprocation of concessions over the different issues, but rather sought to find integrative solutions. Based on the description of the Oslo Dialogue in light of this theory, I have shown that this approach to solve conflicts also has proved to be efficient in a conflict preventive case. When analyzing the role of the Norwegian MFA and NCA in light of theories of the third party role in negotiations, we have seen that the participants in the Oslo Dialogue have emphasized as important the very same attributes as predicted in theory. This is first and foremost the nature of Norway as the third party, including neutrality and trust and previous relations with the parties. Additionally, the Norwegian strategy as a facilitator has been emphasized as important by the participants.

Although these theories have proved to be applicable for a conflict preventive case, I have argued that the three barriers to the initiation of negotiation identified by Pillar, have not been strongly in force in this particular case. This can be explained in light of the nature of this particular case, but I argue that these barriers are more likely to exist in cases where there is an already erupted conflict or declared war.

#### *Limitations of the Norwegian initiated process*

I have described the Norwegian involvement to this point as a success, but it is important to stress that such a process also has its weaknesses. As the Oslo Dialogue has been carried out between representatives of civil society organizations, one could



argue that it is easier for such actors to formulate solutions, than if the dialogue had been between government representatives. This argument is related to the commitment-problem in negotiations. Representatives from the civil society organizations do not possess the positions, nor the power, to implement the agreements aimed for the political level. Consequently, they can not commit to actually reform legislations or carry out the follow up of such reforms. Based on this, I argue that it is easier for them to formulate a solution, than if they were committed to reform the legislations. Although they have committed themselves to lobby the government to reform the legislation, I argue that for such reforms to be carried out, it is highly ranked politicians that possess the necessary power that finally needs to commit themselves to complete such changes. The civil society process has served a function to, in first place, identify the conflicting issues and to find possible solutions to these, where the civil society organizations are supposed to play a role in implementing the agreements reached. Second, the process has been important as a first step to involve highly ranked politicians to the process. Although the Norwegian actors regularly meet with politicians in both countries, and have met with both countries' presidents, there is still a gap between discussing the issues, to highly ranked politicians committing themselves to solve the problems. My point is that the civil society process has been a success in including the middle-range level, the grassroots level and in creating political interest for the issues. However, for the Norwegian representatives to reach their ultimate objectives of the involvement, highly ranked politicians from both countries need to commit themselves to such agreements.

The theoretical framework, in which this study is based upon, is normally applied on negotiations between state leaders or persons provided with the necessary authority to negotiate on behalf of the state. In this case, such negotiations has been practically impossible, as the two governments profit from the present situation, and one can argue that there is a lack of willingness from both countries' governments to solve the problems. This lack of willingness, I have earlier described as a barrier to negotiations between the two governments. Therefore, the Norwegian MFA and the

NCA have concentrated on creating a dialogue between actors that are willing to participate and share a common interest in finding solutions to the problems. This has been a first step in both creating long lasting efforts by civil society organizations as well as committing top-level politicians to involve themselves in finding solutions to the conflicting issues. I have in this thesis demonstrated that the theoretical framework presented is applicable also on this type of negotiations, and that the strategy employed by the Norwegian actors may in a broader context be regarded as a strategy to overcome barriers to initiating negotiations between state leaders.

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## **Interviews**

The interviews in the Dominican Republic and on Haiti were either carried out in English, Spanish or in French with an interpreter. When referring to interviews in English, I have written it as it was said by the respondent. I have myself translated to English the interviews carried out in Spanish.

### *In the Dominican Republic*

Carvajal, R. Leader of Pro-Caribe (NGO in DR). Interview 06.05.03.  
Mota King, L. Leader of an Evangelic Church Organization  
Interview 08.05.03.  
Pimentel Rivera, C. Coordinator, Dominican Delegation. Interview 05.05.03  
Telesforo, I. Bishop. Interview 08.05.03

### *In Haiti*

Delva, J.G. Leader of Journalist Association (AJH). Interview  
13.05.03.  
Gregoire, N. Consultant at the Haitian Ministry of Foreign  
Affairs/Member of the official Mixed Commission between  
Haiti and Dominican Republic. Interview 14.05.03.  
Laguerre, G. Coordinator, Haitian Delegation. Interview 16.05.03.  
Lemaere, D. Lawyer, leader of Women's Movement (Haiti). Interview  
15.05.03.  
Pierre-Antoine, P. Director of the Official Migration Office (Haiti). Interview  
15.05.03.

### *In Norway*

Hoem Langsholdt Principal Officer at the Norwegian MFA. Interview  
08.11.04.  
Sandved, I. S. Administration and project consultant at the Norwegian  
Church Aid, Oslo. Interview 03.04.03. Personal  
correspondance 2002 – 2004.

Skauen, P.

Expert-consultant at the Norwegian Church Aid, Oslo.

Interview 01.11.04.



## Appendix 1 Interview guide

The questions asked differed from person to person, depending on his/her position.

During the interviews, I sought to receive answers on the following questions:

- 1) How do you define the conflict?
- 2) Who are the actors in the conflict?
- 3) What do you regard as the main conflicting issues?
- 4) What is an acceptable solution for you regarding these issues?
- 5) How do you regard the possibility of reaching an agreement with the other part with respect to these issues?
- 6) What have you done to implement the agreements made in Oslo?
- 7) What concrete results have been achieved?
- 8) What is the government's stand on the issues defined in the Oslo-dialogue?
- 9) How do you try to influence the government?
- 10) What are the advantages you have, as a representative of an NGO, that the government do not have in this peace effort?
- 11) What do you consider as the most important outcomes of the Oslo Dialogue?
- 12) What do you regard as the most important help you get from Norway?
- 13) Do you look upon the Norwegian representatives as not having any vested interest in the outcome of the negotiations?
- 14) Do you regard the timing of this initiative as important?
- 15) Do you consider the process as a success?