



Mediation & Facilitation in Today's Peace Processes: Centrality of Commitment, Coordination and Context

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1. Introduction

How does one make peace? The aim of this presentation is to answer part of this question by examining how third parties support peace negotiations through mediation and facilitation. First, some trends of present day peace processes are highlighted. Then three concrete examples are presented: Sudan, Aceh/Indonesia and Colombia. Following this, the types and varying roles of mediators active in peace processes are outlined, and some typical characteristics and tasks of a mediator are summarized. The key conclusion is that present day peace processes are becoming longer and more complex, calling for long-term commitment and coordination of the third parties involved, as well as careful consideration of the many topics pertinent to the various phases of a peace process.

In the 1990s, more of the armed conflicts ended through negotiations (42) than through battle victories (23). About half (24) of the 42 negotiated settlements succeeded in bringing longer term peace to the country, a large number of these negotiations were supported by an acceptable third party, such as the UN.² Mediation is effective: since the end of the Cold War, mediation has been used in about 50% of all international crises.³ It generally leads to a five times greater probability of reaching an agreement compared to a non mediated one, and a 2.4 times greater probability of longer-term tension reduction.⁴ Some of the reasons why

¹ This presentation was prepared by Simon A Mason and Matthias Siegfried. The authors are from the "Mediation Support Project" (MSP), a joint project of the Center for Security Studies, ETH Zurich (www.css.ethz.ch), and swisspeace (www.swisspeace.org). MSP is funded by the Swiss Federal Department of Federal Affairs (www.eda.admin.ch).

² Human Security Brief 2006, <http://www.humansecuritycentre.org/images/stories/HSBrief2006/contents/overview.pdf>

³ International crisis is "... a change in type and/or an increase in intensity of disruptive (i.e. hostile verbal or physical) interactions between two or more states, with a heightened probability of military hostilities that, in turn, destabilize their relationship and challenges the structure of an international system – global, dominant, or subsystem. Brecher, Michael/Wilkenfeld, Jonathan. A Study of crisis. 2nd ed. (with CD Rom). Ann Arbor: University of Michigan Press, 2000. Zitiert in: Beardsley, Kyle C./Quinn, David M./Biswas, Bidisha/Wilkenfeld, Jonathan. Mediation Style and Crisis Outcomes. In: Journal of Conflict Resolution, 50(2006), Nr. 1, S. 58-86.

⁴ Beardsley, Kyle C./Quinn, David M./Biswas, Bidisha/Wilkenfeld, Jonathan. Mediation Style and Crisis Outcomes. In: Journal of Conflict Resolution, 50(2006), Nr. 1, S. 58-86

mediation is used so widely, is because of its high acceptability from the side of the conflict parties. The best example is the surprising fact that Riek Machar, who has been one of the leaders in the protracted civil war in Sudan, decided to become the mediator in the conflict between the Government of Uganda and the LRA (Lord Resistance Army). Obviously, he came to the conclusion that the mediation in the case of the Sudanese civil war was an important contribution to ending the war. Mediation and facilitation is also a low cost engagement from the side of the third parties – although it often must go hand in hand with the more costly peace keeping efforts once an agreement is signed. Mediation, therefore, has experienced a ‘renaissance’ as a popular tool for conflict transformation.

There are many definitions of mediation and facilitation. Here we understand ‘**mediation and facilitation**’ as a way of assisting negotiations between the parties to a conflict and transforming conflicts with the support of an acceptable third party. The **mediator** usually has a formal mandate from the parties to a conflict, and gets involved both in the process and substance of the negotiations, i.e. by making suggestions or proposals. He/she may also use leverage to influence the negotiation process. **Facilitation** is similar to mediation, but less directive, and less involved in shaping the substance of the negotiations. The facilitator may have the role of a ‘hotelier’, i.e. hosting talks, and he/she may facilitate the communication between the parties to enhance mutual understanding and prepare joint action.

The focus in the following is specifically on the use of mediation and facilitation in a peace process. Generally, a peace process can be divided into three phases, the pre-negotiation, negotiation and implementation phases (see figure 1, on possible tasks of a mediator in the various phases). In the **pre-negotiation** phase a third party will try to build up trust to each of the conflict parties, trying to understand their positions, interests and perceptions. The mediator may also discuss the framework of any potential talks (e.g. the venue, issues, timing, participation, overall aim). In the **negotiation phase** the parties are actually sitting at the table and talking with each other, this phase aims at working through the issues and then signing an agreement. In the **implementation phase** the agreement is then put into practice. Each phase may take many months, years or even decades. Besides mediation and facilitation, other approaches like sanctions, arbitration, civilian peace building, and military peace support operations, are used in a complementary manner.

In the 90s about 50% of all peace agreements failed. In the years between 2000 and 2005 only 2 of the negotiated 17 peace agreements failed, at least so far. This development may be attributed to two factors: First, the mediation efforts were more substantive and more inclusive of various components of the society. They were perhaps also better in anticipating issues that would arise during the implementation phase. Second, greater international support was given to the negotiation and implementation of the peace agreements.⁵

⁵ Human Security Report 2006

2. Today's trends in mediation and facilitation

Before examining concrete cases of how mediation and facilitation are used in peace processes, some key trends shaping such processes are highlighted:

Present day peace processes are becoming increasingly long and complex, involving many third parties, multiple topics and numerous phases (figure 1). The diversity of third party actors involved in conflicts and peace processes increased in the 1990s. The various third parties and actors are not all equally involved in each phase of a peace process (see section 4). Even during one phase, e.g. the negotiation phase, a senior mediator is regularly assisted by experts who are often seconded from states and organizations, and who are primarily chosen due to their personality and experience, and only secondly due to their nationality. Their previous knowledge and involvement in the countries/regions is often a key asset in their support role. These expert mediators deal with the nuts and bolts of a plenary meeting, chairing committees or working groups. They are directly accountable to the senior mediator or 'grand facilitator' leading the process. Other experts may also be used when complex topics are addressed, or to act as 'fuse-breakers', often bringing in uncomfortable information (e.g. on international legal norms and human rights). This is a role the mediator cannot always take on as he/she will otherwise be viewed as being biased by the parties. Because present day peace processes are generally more comprehensive, more topics are addressed, including:

- *Security:* Disarmament, Demobilization and Reintegration (DDR), Security Sector Reform (SSR).
- *Socio-economy and environment:* wealth sharing, business and peace, sustainable development.
- *Justice and human rights:* dealing with the past and transitional justice.
- *State building:* elections, new constitutional arrangements (for instance federal systems) institution building.
- *Civil society:* public participation, religion and politics etc.

The implementation phase of a peace process is central, and was often neglected in the past, leading to a failure of the peace agreement. A third party involved in the negotiation phase should remain committed to implementing the agreement (although individuals who were involved in the negotiation phase may well be exchanged, to make room for new ideas and a fresh approach to the agreements implementation). To be able to deal with this trend, a third party actor that seeks to have a positive effect in a peace process has to enter into a long term **commitment** with financial and human resources. Especially when the third parties are IGOs or States, this dimension is of particular importance as they have the means other third parties may not be able to mobilise, and therefore a special responsibility in this regard. **Coordination** between the third parties is also essential, in order not to disrupt the process, duplicate efforts, and to make best use of synergies.

Figure 1: A comprehensive approach to peace processes: Multi-actor, multi-phase, multi-topic

Phases Issues	Informal Contacts	Talks about talks	Agreement Phase	Implementation
Goal of the Mediator	<ul style="list-style-type: none"> ▪ Gain trust to parties ▪ Ripeness ▪ Communication channels 	<ul style="list-style-type: none"> ▪ Framework for talks ▪ from fighting to negotiating 	<ul style="list-style-type: none"> ▪ Stop violence ▪ Building trust ▪ Common vision 	<ul style="list-style-type: none"> ▪ Implementation of agreement ▪ Political bodies and institutions
Possible Milestones	<ul style="list-style-type: none"> ▪ Direct contact to parties ▪ Agreed to talk about talks 	<ul style="list-style-type: none"> ▪ Clarify issues, agenda, venue, participants 	<ul style="list-style-type: none"> ▪ Cease fire agreement ▪ Peace agreement 	<ul style="list-style-type: none"> ▪ Transitional constitution ▪ Referendum ▪ Elections
Possible Activities of Mediator	<ul style="list-style-type: none"> ▪ Discrete contacts ▪ “Walking in the parties shoes” 	<ul style="list-style-type: none"> ▪ Shuttle mediation ▪ Coaching ▪ Team up with other mediators 	<ul style="list-style-type: none"> ▪ Negotiation strategy ▪ Mediate between parties ▪ Expertise 	<ul style="list-style-type: none"> ▪ Post - agreement mediation ▪ Monitoring mechanisms
Main Challenges	<ul style="list-style-type: none"> ▪ Labelling of terrorist ▪ Confidentiality ▪ Personal safety 	<ul style="list-style-type: none"> ▪ Preconditions ▪ Competition amongst mediators ▪ Public participation 	<ul style="list-style-type: none"> ▪ Logistics ▪ Democratic legitimisation ▪ Human rights / Amnesty ▪ Power sharing arrangements 	<ul style="list-style-type: none"> ▪ No longer spotlight ▪ Monitoring mechanisms ▪ “Mediation gaps”

Intra-state conflicts have replaced inter-state conflicts in the Post Cold war era. Most present day armed conflicts are not between states, but between states and armed non-state actors. In order to reach these armed non-state actors, classical forms of diplomacy have to be extended to deal with this new situation, and official third parties like the UN or states need to work closely together with less formal and non official third parties (e.g. private people or NGOs). In the post 9/11 world, there is also an increasing use of ostracization towards armed non-state actors which are labelled as terrorist organisations. Some argue that isolation is the only way forward to not legitimise armed non-state actors, others argue that dialogue does not mean a legitimisation of means and ends, but rather keeping channels open, and is the best way forward to supporting moderates within them, avoiding greater extremism and allowing for transformation. As armed non- state actors are key conflict parties, however, they have to be included in negotiations if one wants to transform the conflict.

Each case is unique; third parties need to work in a context-sensitive manner. International legal frameworks and ‘best practice’ have to be considered in mediation and facilitation work, yet it is vital to remain alert to the uniqueness of each conflict and peace process. The danger of standardization is that the specific context of a case is not considered, and a solution is imposed from the international community, that will then fail as soon as the international community leaves the region – and the country reverts back to war. Key aspects to consider are culture and language, cultural proximity, and the conflict parties’ perceptions of the conflict of a third party ‘belonging’ (these also echoing some of OIF’s advantages in the French speaking world).

'Group of Friends' that support a peace process are present in many conflicts. One of the aims of these groups is to coordinate third parties that want to get involved and help with finances and the facilitation of talks and joint activities. The states that are members of these groups should be non-aligned, with no stakes in the conflict – even if this is not always the case in reality. The coordination of third parties is vital, as the conflict parties can otherwise play with the different third parties, going from one to another and thereby avoiding serious negotiations. Coordination is important so that no supportive effort is done at a time when other efforts are also happening, that may contradict each other or take away key actors from the main process.

3. Examples of present day mediation and facilitation in peace processes

Three cases of present day mediation and facilitation in peace processes illustrate the trends described above: the Sudan, Aceh/Indonesia, and Colombia. The cases are from different continents, and different approaches and constellations of third party actors were used. In all three cases Switzerland was also able to play a role.

3.1 Sudan: Mediation in the North - South conflict

In Sudan it took nearly three years for the Government of Sudan and the Sudanese People's Liberation Movement / Army (SPLM/A) to negotiate and agree on the Comprehensive Peace Agreement, that ended the second civil war between the North and South. Although it had become more and more clear that the protracted civil war, which had led to the death of about 2 million people, could not be ended by the victory of one side, two further dimensions were needed to launch the negotiation process.

First, in the post 9/11 phase the geopolitical constellation increased pressure on the conflict parties to end the conflict. The US envoy Senator Danforth proposed some 'tests' to check the seriousness of the Sudanese in making peace, one of these tests was the negotiation of a humanitarian ceasefire in a limited area. Second, an effective peace process requires a relationship of trust between the conflict parties and any potential third party: Swiss ambassador Josef Bucher was posted in Libya from 1992 to 1997. He spoke Arabic, had close contacts with the Sudanese ambassador, and was approached by him and asked if the Swiss could facilitate talks between the Government of Sudan and the SPLM/A in South Sudan. The Swiss Foreign Ministry agreed to help, and this was then the basis of a series of bilateral talks between the Swiss and the GoS, and the Swiss and the SPLM/A. Ambassador Bucher was also in frequent contact with members of the SPLM/A, especially after his Libya posting, when he was ambassador to Kenya. Thus when Danforth 'tested' the Sudanese by asking them to negotiate a humanitarian cease fire, the Sudanese wanted to do this with the facilitation of Switzerland, a third party they trusted. Ambassador Bucher led the US-Swiss mediation team in the one week of negotiations that resulted in the **Nuba Mountain Ceasefire Agreement** in early 2002.

A ceasefire agreement is not a peace agreement, i.e. it does not deal with political issues. The next phase in the peace process was therefore more complex and lasted for three years. This process was mediated by the IGAD, (Intergovernmental Authority on Development, with nine regional African states as members), and supported by the USA, Norway, Great Britain and the EU. The mediation team was led by General Lazaro Sumbeiywo, including two experts on mediation and constitution, Fink Haysom from South Africa and Julian Hottinger from Switzerland. The IGAD team further consisted of three special IGAD envoys (Eritrea, Ethiopia and Uganda) and a secretariat of five people. The mediators worked on this conflict for the entire time of the negotiations that led to the **Comprehensive Peace Agreement**, signed in January 2005. The final agreement, a document of some 260 pages, includes aspects of wealth sharing, power sharing, security, human rights, mechanisms to integrate various issues of civil society etc.. The implementation of the agreement is supported by the United Nations Mission in Sudan (UNMIS) that has the mandate for up to 10,000 military personnel and an appropriate civilian component, including up to 715 civilian police personnel.⁶

3.2 Aceh/Indonesia

The conflict in Aceh, Indonesia, between the Government of Indonesia and the rebel movement GAM (Free Aceh Movement) goes back to 1976, although it has its roots in how Aceh became part of Indonesia in 1949. Some 9000 people were killed in the conflict. One of the key demands of GAM was to form an independent state. Several attempts to end the war by negotiations, the most famous being the Agreement of Cessation of Hostilities of 2002, failed. The Tsunami in December 2004, where some 170'000 people were killed, acted as a catalyst for a new peace process that started in 2005. Other factors were also decisive: GAM had been militarily weakened between 2003-2005 and the new vice-president of Indonesia, Jusuf Kalla, had already initiated peace efforts before the Tsunami. He had a Finnish friend, and it was this contact that led to Martti Ahtisaari and the Helsinki talks.

The Helsinki talks - mediated by the former Finish President Martti Ahtisaari and his NGO Crisis Management International - led to a Memorandum of Understanding (MoU) between the GAM and the Government on the 15 August 2005. Only five rounds of talks were needed, over a half year period. From the beginning the talks were set in a clear framework, partly by the international community, partly by the Government of Indonesia: the talks would be about a special status on autonomy (and not independence), in a timeframe of 6 months, and would outline principles for a new law on governing Aceh, that then had to still be passed by parliament. This process is remarkable for its shortness and for the extremely brief agreement (7 pages).

One and a half years after the signing of the MoU, it is clear that the agreement has been successful so far. The GAM turned in the required number of weapons; the Indonesian military withdrew its troops on time. A new law on governing Aceh was passed, and elections

⁶ <http://www.unmis.org/>

took place in December 2006. One main reason why the MoU was successful, was due to the Aceh Monitoring Mission, headed by the EU and ASEAN, that had an enforceable mechanism for resolving disputes over reported violations.

Based on a request from the Mediator Martti Ahtisaari, and of course following the consent from GAM and the Indonesian Government, Switzerland supported this process by sending a mediator to coach the GAM in the negotiations. Switzerland also supported the following monitoring mission with four observers, and it is also exploring further ways of how to support the implementation of the agreement, e.g. in the field of dealing with the past, human rights, GAM reintegration, civil society and gender.

3.3. Colombia: Facilitation of talks between the ELN and the Government of Colombia

The conflict in Colombia goes back more than 40 years, with the Government of Colombia in armed conflict with two well armed rebel movements, the ELN and the FARC. Drug trafficking and kidnapping are major sources of income for these non-state actors. The International Community has made several efforts to support processes for ending the conflict.

Switzerland was a member of the 10 states 'Facilitating Commission' that supported talks between the FARC and the Government of Colombia from 1999 and 2002. When that process collapsed, Switzerland remained active in Colombia in the field of human rights, mine action, and peace promotion together with civil society organizations. In 2005 Switzerland became member of the 'Accompanying Countries' (with Norway and Spain) to support talks between the ELN and the Government of Colombia on humanitarian issues, such as the use of landmines and hostage taking. These talks were prepared through an interesting set of circumstances: the Government temporarily released a jailed ELN commander, who was allowed to meet members of the civil society in a 'House of Peace' in Medellin. Switzerland, Norway and Spain helped by financing this house. These efforts led to a series of talks between the Government and the ELN that will hopefully result in peace negotiations. This is an example of a typical facilitation role: The support is more low profile, carried out through finances and work in the background, rather than actually mediating talks at the negotiating table.

The three cases outlined above show the great variety of present day peace processes and the third parties involved. In Sudan an IGO played the lead mediator role, in Aceh an NGO with a high level personality played the key role, and in Colombia a 'Group of Friends' made up of states which are supporting the process. Even besides being the lead mediator, there are numerous essential roles to be carried out, e.g. in preparation of the main process (Nuba mountains cease fire, negotiated on the Bürgenstock in Switzerland, or working in a 'Group of Friends' in Colombia), in supporting the negotiation phase (e.g. Switzerland seconding a mediator to the IGAD mediation team, or sending a mediator to coach the GAM), or in helping in the implementation of the agreement (e.g. sending observers in the EU/ASEAN led

Aceh Monitoring Mission, or by supporting the UN Mission in Sudan by paying the obligatory 1.197 per cent contribution as a UN member state, about 15 million CHF in 2006).

The different political contexts between these cases is also noteworthy: In contrast to the negotiations in Sudan that were between an armed non-state actor and a non-democratically elected government, the Aceh process was between an armed non-state actor and a democratically elected government. Thus the Aceh negotiations could not make a new 'law' or set the basis for a transitional 'constitution' outside the existing democratic framework – one of the reasons why they were much shorter than the Sudan North-South talks. The Colombia case also shows the long term nature of present day conflicts and the corresponding need for long term commitment from the side of the third parties.

4. Types and varying roles of Mediators / Facilitators

As the above cases have illustrated, four types of mediators are frequently at work: Intergovernmental actors (IGOs), States, Non-governmental actors (NGOs) and high level personalities and experts. They all have advantages and disadvantages in their mediating roles, as shown below. Because of their respective strengths and limitations, it is essential to approach the idea of mediation as a necessarily collaborative effort.

Intergovernmental Organizations (IGOs): One can distinguish between global IGOs, such as the UN, and regional intergovernmental actors, such as the OIF, AU, EU, or ASEAN. The UN is the most prominent IGO in mediating peace processes. It has more expertise, global legitimacy and resources than other IGOs. However, in some cases, often due to the history of the conflict, the UN can only play a minor mediator role. One reason why a country may not want the UN involved, is to avoid an internationalisation of the conflict. A veto in the Security Council may also block any strong action of the UN in some cases. Regional IGOs have taken on prominent roles in mediating and facilitating peace processes, and have the highest success rate compared to the other third party actors. The Sudan North South negotiations, for example, were mediated by the IGAD. Often a regional IGO will have an interest in regional stability and a peaceful settlement of the conflict, thus motivating it to get involved in the peace process. Regional organizations frequently work together with global ones, for instance the UN peace keeping forces (10'000 soldiers) helped to implement the Comprehensive Peace Agreement that came out of the IGAD process. The implementation phase of a peace process needs the most pressure and means, often a task that only a solid IGO, typically the UN, can take on, often in close collaboration with other regional IGOs and supportive States.

States: Various types of states get involved as mediators in a peace process: neighbours that have a direct interest in the stability in the region (e.g. Tanzania and South Africa in the Burundi peace process), small states that have set peace promotion as one of their foreign policy tools (e.g. Switzerland, Norway), large powers with the possibility to mediate and also use leverage (e.g. China in the Six Party Talks, USA in various conflicts). Switzerland, as one example of a small state mediator, has a long tradition in offering Good Offices. Beyond

hosting talks (e.g. the LTTE and Government of Sri Lanka in Geneva), Switzerland is also often involved in a more prominent manner, for example in partnership with other countries (e.g. in Groups of Friends, see the Colombia case), lead mediator (e.g. in the Nuba Mountain Cease fire negotiations) or by sending Swiss experts to support a process carried out by another lead mediator (Aceh-Indonesia, Sudan North-South Sudan, Burundi, and D.R. Congo peace processes). Switzerland also played a role ‘behind the scenes’ in Nepal by contributing to the peace process with expertise, mainly with process know-how, assisting parties in drafting documents, passing messages between them, and assisting the negotiations in crucial stages.

Nongovernmental Organisations (NGO): Over the past decade, many NGOs highly specialised in mediation have emerged across the globe.⁷ One can distinguish between local and international NGOs. The *local* NGOs often have the comparative advantage of knowing the context very well, being very committed, and they are often crucial voices for the underrepresented in civil society (e.g. Serapaz in Mexico⁸, ACCORD in Sudan⁹). However, local NGOs may also suffer under repression by the state making work difficult, or they may not be accepted by all the conflict parties. *International* NGOs operate in a number of conflict regions. Because NGOs can work informally and none officially, they have the comparative advantage of playing an especially useful role in contacting the armed non-state parties a state cannot, or does not want to, contact, especially in the pre-negotiation phase. They may also play a key role in efforts to link civil society with the governmental peace process. However, the great numbers of international NGOs present in a few ‘hot spots’ of the world combined with a strong competitive environment makes coordination amongst these actors especially difficult.

Individuals: Most peace processes have a ‘senior mediator’ or ‘grand facilitator’ with a high reputation as the ‘moral’ guarantor of the process, as well as a team of mediators and experts working under his/her supervision. Examples of ‘*grand facilitators*’ are Lakhdar Brahimi (Afghanistan process), Alvaro de Soto (El Salvador, Cyprus processes), Nelson Mandela and Julius Nyerere (Burundi process), Riek Machar (LRA, Uganda process), Martti Ahtisaari (Aceh, Indonesia process) to name but a few. Often these individuals will work within an organization, their impact, however, depends more on their history and personal authority than just the organization they represent. The task of the grand facilitator is to defend the process against disruption and step in when things are likely to fall apart. In the Arusha peace process, for example, Nelson Mandela exerted a great deal of moral pressure on the parties, to move the process forwards. He could do this authentically with his background and authority. The ‘grand facilitator’ is supported by numerous *experts* working in a team (see above).

⁷ For a more comprehensive overview of organisations across the globe see: <http://peacemaker.unlb.org/>. Some of the more prominent NGOs are: the Community of Sant’Egidio in Rom (www.santegidio.org) the Berghof Foundation for Peace Support in Berlin (www.berghof-peacesupport.org), the Carter Center in Atlanta (www.cartercenter.org), the Centre for Humanitarian Dialogue in Geneva (www.hdcentre.org), the Crisis Management Initiative in Helsinki (www.cmi.fi), the Olof Palme Center in Stockholm (www.palmecenter.org) or the Toledo International Centre for Peace in Madrid (www.toledopax.org), or the Initiative for Change International (Caux), (<http://www.iofc.org/fr/>).

⁸ <http://www.serapaz.org.mx/>

⁹ <http://www.acordinternational.org/index.php/base/sudan>

In summary, *IGOs* often have more resources and political legitimacy than other actors in the field of mediation, yet it is often impossible for them to work in informal settings without a clear mandate, for example in the pre-negotiation phase. Their heavy bureaucracy and slow decision making procedures may also make quick and flexible action difficult. Yet they play a key role especially in the implementation phase, due to their available means. *Individual States* often have the advantage of greater flexibility than *IGOs*, as they are also not accountable to all the member states of an *IGO*. Due to this, states can take on some roles in peace processes that are less formal, and which entail more risk than an *IGO*. States also play an important supportive role in the implementation phase, especially when they focus their resources (e.g. peace building, development cooperation and humanitarian aid). *NGOs* often work with non-governmental actors in peace processes. They have very little means, but can play an important role in strengthening civil society or contacting armed non-state actors in situations where a government or *IGO* cannot.

Figure 2: Questions on the suitability of third parties

<p>Third-party characteristics:</p> <ol style="list-style-type: none"> 1. Acceptability: To what degree is the third party acceptable to the conflict parties? (parties perception of third party, historic relations, multi-partiality, capacity to further their interests, personal contacts, links to other third parties, symbolic significance). 2. Third party interests: What are the third parties interest in the situation and its outcome, what is the third-parties aim, “bottom-line” for walking out, and its alternatives (capacity building, work on a different track or conflict)? 3. Other third parties: What other third parties are already active, or plan to be, and what would a coordinated third party (Group of Friends) approach look like? 4. Pressure: What forms of leverage does the third party have, as well as capacity to link dialogue with pressure? 5. Alliances: Does the third-party have existing alliances that help or hinder the mediation engagement? 6. Personal contacts: Are there personal contacts between the third party and the conflict parties that have existed over time, is there a certain degree of contact or even trust? 7. Resources: What personal, organizational, political (e.g. int. and domestic support) and financial resources can the third party muster, and over what kind of time frame? 8. Exit strategy: What is the third party’s exit strategy? <p>Context of conflict and peace process affecting suitability of mediation:</p> <ol style="list-style-type: none"> 9. Past efforts: How far does a “rut” of past mediation attempts affect the situation? 10. Phase: In which phase (pre-negotiation, negotiation, implementation) does a given third party have comparative advantages? 11. Timing: Is the conflict “ripe” for mediation/facilitation, is there a mutually hurting stalemate, are the parties alternatives to negotiations (i.e. internal developments) pointing in the direction of negotiations? 12. Misuse: Will the third party engagement be misused as a fig-leaf, e.g. parties playing for time, parties playing one third-party against another? Will the conflict escalate if the mediation/facilitation fails? 13. Legal framework: how far is the third party role influenced by international law, e.g. UN Security Council resolutions, ICC indictments, past bilateral/multilateral agreements?
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Often a mediator that is suited to one specific conflict is not suited to another; some of the questions to help answer the suitability of a third party are listed in figure 2. By putting together a strong team, a lead mediator can also bring in expertise from other third parties, and thereby compensate for some of their own weaknesses. **It is important to examine which mediator is best situated to engage in a specific mediation processes, but to also consider how to coordinate the various third parties at a given time, and how to sequence various mediators with different profiles.**

5. The characteristics and tasks of a mediator / facilitator

Besides describing key trends, concrete cases and various types of third parties, it is also important to get a concrete ‘taste’ of what mediators do. The following section examines core characteristics and tasks of a mediator.

1. *The mediator needs to be acceptable to all the conflict parties, and must be ready for a long-term commitment:* The golden rule of mediation is that the third party has to be accepted by the conflict parties. Multi-partiality, i.e. not being biased to one or the other party, may help acceptability, but is not always necessary. Generally acceptability will be determined by how far the conflict parties perceive the third party as able to enhance their interests and the positive outcome of the process. The mediator must be ready to accompany what will most probably be a very long term process.
2. *The mediator structures and guides the process, and facilitates communication:* Process and content are two different levels, that greatly affect each other, but these should not be mixed up. Generally it helps if the third party guides the process, while the conflict parties focus on the content. The high level of mistrust also means that there are many misunderstandings and misperceptions. Thus the mediator acts as a ‘translator’ between parties that can no longer hear the intended message.
3. *The mediator empowers the parties and reflects common ground:* The mediator supports the parties to formulate and express their needs and interests. A key element of empowerment is listening and empathizing. Once a conflict party feels ‘understood’ by the third party, it is easier for this party to listen to the other side. This helps an exchange in perspective, which is one of the main steps towards finding mutually acceptable solutions. The common ground, or ‘Zone of agreement’, is determined by the flexibility of the conflict parties, the margin between their positions and their ‘bottom line’. Generally it will entail some form of compromise, understood as the satisfaction of everyone’s minimal requirements at least¹⁰. The mediator’s reflection of common ground (and *not* his/her own ideas), should be the basis of any drafts and proposals brought to the parties, so as to guarantee the parties ownership over any negotiation outcome.
4. *The mediator needs to maintain respect for every person, irrespective of their behaviour, but not ignoring their behaviour:* Once a mediator loses respect for the people he/she is working with, transformation work is no longer possible. Respect for people who are

¹⁰ Robert Weibel, Negotiation Handbook, SDC negotiation course 2005.

responsible for human atrocities is possible by making a differentiation between people and behaviour. It is often not a question of justice versus peace, but sequencing the various steps.

5. *Mediation entails numerous roles, also to be able to mix dialogue with pressure:* Dialogue facilitation and mediation on the one hand, and pressure (incentives and disincentives) on the other hand, are compatible. The challenge is how to mix and balance the two approaches. The greater the tension, the higher escalated the conflict, the more there is a need for external and/or internal pressure. Generally the mediator will exert some form of pressure, but any 'heavy weight' pressure will have to be exerted from another third party, otherwise the mediator loses credibility and will no longer be trusted.
6. *A great deal of mediation is logistics:* One of the greatest challenges of mediation are the logistics, how to get the parties to a place where they can work in safety far from the media. This, for example, also entails the organization of visas for people that generally would not get a visa.

6. Conclusions: Need for a multi-actor, multi-topic and multi-phase approach

In conclusion, making peace is difficult. There is ample evidence, however, that mediation and facilitation are effective ways to make peace. Long term commitment, coordination and attention to context are the key determinants of effective mediation:

- To be effective, a third party needs to be aware of the *multiple phases* (annex f) of a peace process and enter into a long term (years to decades) *commitment* of human and financial resources.
- Third party *coordination* and complementarity are vital to make best use of the comparative advantages of the various mediators and facilitators.
- A diversified *multi-actor* (from government to civil society, internal and external actors) and *multi-topic* approach is important, where there is a central political mediation that is linked to and validated by the civil society.
- Third party mediators need to envisage mediation as part of a *whole package* including other peace promotion activities – mediation and facilitation is only one tool in supporting sustainable peace.
- Although there are some benefits in an increased standardization of a peace process, it is central that one knows the *context* well, so that any peace effort is carried out in a manner that is adequate for the specific situation one is working in. This includes knowledge of language, culture, and the numerous actors involved.

A good mediator can be seen an artist juggling many balls (=topics) in coordination with many other circus actors (= conflict and third party actors) in the various phases of the circus performance (=phase of a peace process, pre-negotiation, negotiation and implementation phase).

Annexes

a) **Further reading on mediation in the context of peace processes**

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Centre for Humanitarian Dialogue, *Civilians, guns and peace-building: approaches, norms and possibilities (summary)*, available at:

www.hdcentre.org/datastore/Small%20arms/Neg_Dis/15%20Dec%20Summary.pdf

Cohen, Raymond *Negotiating Across Culture; International Communication in an Interdependent World* (Washington, DC: United States Institute for Peace, 2004).

Crocker, Chester & Fen Osler Hampson, and Pamela Aall, *Turbulent Peace; The Challenges of Managing International Conflict* (Washington, DC: United States Institute for Peace, 2003).

Crocker, Chester, Fen Osler Hampson, Pamela Aall, eds, *Herding Cats; Multiparty Mediation in a Complex World* (Washington, DC: United States Institute for Peace, 1999).

Darby, John and Roger MacGinty, *Contemporary Peacemaking; Conflict, Violence and Peace Processes* (New York, NY: Palgrave MacMillan, 2003).

Griffiths, Martin, Talking peace in a time of terror. HDC

<http://www.isn.ethz.ch/pubs/ph/details.cfm?v21=72271&lng=en&id=20299>

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ICHRP, Negotiating Justice: human rights and peace agreements,

http://www.ichrp.org/paper_files/128_p_01_Main_report_for_web_jpeg_covers_.pdf

Lederach, John Paul. *The Moral Imagination, the art and soul of building peace*, Oxford: Oxford University Press, 2005.

Martin, Harriet. *King of Peace Pawns of War, the untold story of peace-making*. New York, London: Continuum 2006.

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Snyder, Jack and Barbara Walter, eds, *Civil Wars, Insecurity, and Intervention* (New York: Columbia University Press, 1999).

Walter, Barbara: *Committing to Peace: The Successful Settlement of Civil Wars* (Princeton: Princeton University Press, 2002).

Zartman, William and J. Lewis Rasmussen, eds, *Peacemaking in International Conflict; Methods and Techniques* (Washington, DC: United States Institute for Peace, 2003).

b) Mediation techniques and methodologies (also interpersonal)

Baruch Bush, Robert and Joseph P. Folger *The Promise of Mediation: Responding to Conflict Through Empowerment and Recognition*, Jossey-Bass Publishers, San Francisco 1994

Bowling, Daniel, David Hoffman. *Bringing Peace into the Room: The Personal Qualities of the Mediator and Their Impact on the Mediation*. *Negotiation Journal*. Issue: Volume 16, Number 1 January 2000 Pages: 5 – 28.

Fisher et al, *Working with Conflict*, Zed Books, London, 2000

Fisher, R, Ury W. Patton B. *Getting to Yes: Negotiating Agreement Without Giving In*. Penguin: New York, London, Victoria, Ontario. 1991.

Fitzduff, Mari Christine. *Community Conflict Skills*. A handbook for anti-sectarian work. (also 1990 and 1995). Published by Community Conflict Skills project/Community Relations Council project, 1988.

Glasl, Friedrich, *Konfliktmanagement. Ein Handbuch für Führungskräfte, Beraterinnen und Berater* (7. Auflage) Stuttgart: Verlag Freies Geistesleben, 2002. For summaries on escalation see: <http://www.crinfo.org/action/search-portal.jsp?pid=3637&nid=2114>

Moore, C. *The Mediation Process: Practical Strategies for Resolving Conflict*. (2nd edition). Jossey-Bass Publishers. 2003.

c) Case studies

Centre for Humanitarian Dialogue, “Assistance to Justice and the Rule of Law in Afghanistan; A Strategic Analysis”, *HD Report*, February 2004. Available at: <http://www.hdcentre.org/datastore/Justice/Afghan022004.pdf>

Dexter, Tracy and Ntahombaye, Philippe: *The Role of Informal Justice Systems in Fostering the Rule of Law in Post-Conflict Situations; The Case of Burundi*, *HD Report*, July 2005. Available at: <http://www.hdcentre.org/datastore/Informal%20justice/Burundi%20final.pdf>

Le Sage, Andre: *Stateless Justice in Somalia; Formal and Informal Rule of Law Initiatives*, *HD Report*, July 2005. Available at: <http://www.hdcentre.org/datastore/Justice/Somalia%20final.pdf>

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Simon A. Mason, Matthias Siegfried, 2005, Internationale Dialogprozesse, Erfolg durch Ausdauer und Konextbezug

Michael Zirkler, Alex von Sinner (eds.) Haupt Berne

<http://www.isn.ethz.ch/pubs/ph/details.cfm?lng=en&id=14872>

Waage, Hilde Henriksen. 2004. Peacemaking Is a Risky Business: Norway's Role in the Peace Process in the Middle East, 1993–96, PRIO Report , Volume: 1/2004 (conclusions online: http://www.prio.no/files/file45139_hhw_conclusion_jc_uten_komentar.pdf)

d) Important links:

Berghof Handbook for Conflict Transformation (online): <http://www.berghof-handbook.net/>

Beyond Intractability (free knowledge database): <http://www.beyondintractability.org/>

Collection of conflict databases <http://first.sipri.org/>

INCORE (reserach center): <http://www.incore.ulst.ac.uk/>

International Crisis Group (conflict analyses): <http://www.crisisgroup.org>

ISN dossier "Mediation and Facilitation in Peace Processes"
www.isn.ethz.ch/news/dossier/mediation

Mediation training database: <http://www.swisspeace.org/mediation/training.asp>

Peace Agreement Drafter's Handbook:

<http://www.publicinternationallaw.org/areas/peacebuilding/peacehandbook/index.html>

UN Peace Maker Homepage (incl. online peace agreements): <http://peacemaker.unlb.org>

Uppsala conflict database <http://www.pcr.uu.se/database/basicSearch.php>

e) Some organisations active in the field of mediation in peace processes

African Union

<http://www.africa-union.org>

Conciliation Resources

<http://www.c-r.org/>

European Union

http://ec.europa.eu/comm/external_relations/cfsp/cpcm/cm.htm

IGAD (Intergovernmental Authority on Development)

<http://www.igad.org/psd/index.htm>

Norway

<http://odin.dep.no/ud/english/topics/peace/bn.html>

Sweden

<http://www.sweden.gov.se/sb/d/2059>

Switzerland

<http://www.eda.admin.ch/eda/en/home/topics/peasec/peac/confre/goch/facint.html>

UN (DPA) / Mediation Support Unit: <http://peacemaker.unlb.org/>

United States Institute of Peace

<http://www.usip.org/mediation/>