

Mediation Process Matrix

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The Mediation Process Matrix was developed by swisspeace on the basis of several brainstorming sessions within the Mediation Program and with selected mediators and mediation supporters. swisspeace trainers have used the matrix in coaching workshops and training courses, presenting it to a wide range of audiences including mediation donors, practitioners and academics and seeking their feedback on it. As such, the Matrix is a ‘living document’ that stands to be completed, improved, or modified.

Overall, the aim of the Matrix is to provide mediation practitioners with a tool that allows them to think systematically about the challenges of formal mediation processes and about strategies for dealing with them. These challenges pertain to (A) the structure of the talks, (B) the role of the mediator, and (C) the engagement of the mediator with the parties. Within these broad themes, the Matrix differentiates a set of process dimensions and key questions with corresponding process design options, considerations, and a list of examples and references for further reading. The Matrix lists 25 peace process dimensions altogether.

As mediation practitioners apply the Matrix, it is important that they have the following caveats in mind:

- The Matrix does not replace a thorough conflict analysis and an appreciation of the specific challenges of a given process. Particularly important is an assessment of the nature of the conflict, the parties, previous mediation efforts, and the timing/ripeness question.
- The Matrix should not give a false sense of security to advisors. Mediation processes are complex and there are no easy solutions to the difficult challenges mediators are faced with. To give good advice, supporters need experience and an in-depth understanding of peace processes.
- The Matrix does not tell mediators how to design a process in a given situation. Rather, it aims to kickstart reflection on trade-offs associated with different options in a particular mediation process.

- The options enumerated in the Matrix should not be understood as exhaustive or in an 'either-or' fashion. They represent different decisions that a mediator can take at a given point; as the process evolves, other options may become more suitable.
- The Matrix can be used at different stages: in the planning stage as well as during a process. During the process, the Matrix provides a tool for mediators to take a step back and reflect on the strategies they have chosen in the process.
- The dimensions listed in the Matrix are interdependent in the sense that the choice of the mediator in one dimension influences his/her choice in other dimensions.

There is no space here for a thorough discussion of concepts and terms. Suffice it to say that for the purpose of this Matrix, 'mediation' is a form of non-coercive conflict management, in which an acceptable third party assists disputants in reaching a mutually agreeable agreement. The 'mediation process', therefore, refers to the framework of negotiations through which the mediator manages the engagement of the parties with each other, with the aim of bringing about a peaceful resolution of violent conflict.

A/ THE STRUCTURE OF THE TALKS

1 [Confidentiality/public outreach](#)

What level of confidentiality is appropriate? How do the mediators reach out to the public?

- Quiet talks (confidential, but the mediator regularly informs key actors)
- Quiet talks (confidential, but holding of talks is acknowledged, the public regularly informed)
- Public process, but media is not allowed in meeting room
- Fully public process
- To manage confidentiality, it is necessary to clarify engagement with the press (cf. ground rules, media engagement).
- Secrecy can be useful to build trust, enable parties to test options without loss of face.
- Secrecy can be useful in the beginning of a process when there is a lot of mistrust or even legal barriers to negotiation.
- Secrecy can be useful for dealing with very delicate issues.
- If a process is not completely secret it can be beneficial to devise a deliberate public outreach strategy.
- There may be rumors about a process; providing some information to the press may be necessary to diffuse them.
- Radios are useful to inform people in conflict areas about the process.
- Public narrative can contribute to generating external support/popular buy-in for the process.
- Publicity can expose the mediator to criticism during the process.

- Cases: [Israel/Palestine, Oslo 93 \(secret\)](#)
- Case: Aceh 06, Ahtisaari (regular updates)
- Case: [Nepal, constitutional process \(public\)](#)
- Ref: [“The Go-Between”](#), (Svensson & Wallensteen, pp. 118-119)

2 [Setting](#)

Where do the talks take place?

- In-country
- Secluded place in foreign country, e.g. safari lodge, mountain resort
- “Urban oasis” in foreign country, e.g. luxury hotel
- Whatever setting is chosen, it is important that the parties are consulted and agree to it.
- Guaranteeing the security of the delegates and protecting the talks from security incidents is paramount in terms of the choice of venue. In-country venues are particularly challenging from a security perspective.
- The venue of the talks should allow delegates to communicate with decision-makers that are not present.
- To advance the process, it can be useful to shift/rotate the setting of the talks so parties do not fall into a routine.
- If feasible, in-country talks may contribute to building popular buy-in and facilitate consultations.
- Secluded places help to focus the parties on the process by allowing them to physically and emotionally distance themselves from the conflict.
- Communication with leaders that are not present at the talks might be easier in an urban setting.
- The host country can play an important role in terms of providing resources and leverage for the process.

- Case: [Kivu/DRC](#) (pp. 41-46; in-country, multi-track process)
- Case: Nuba Mountains, Bürgenstock/CH (secluded) [“Swiss engagement in Sudan”](#) (Mason)
- Case: Darfur, Doha talks (urban oasis)
- Ref: [UN Peacemaker, pre-negotiation checklist](#)

3 Format

How do the parties negotiate, communicate with each other?

- Track 1½, informal contact
- Shuttle diplomacy
- Proximity talks
- Negotiations in plenary sessions
- Negotiations in working groups
- Face-to-face negotiations between leaders
- Intra-party meetings
- Caucus meetings (mediator with one party)
- Different formats are appropriate for different actors and at different times and phases of the process.
- Informal contacts may be useful in highly escalated settings when parties want to test the waters without committing to a full-fledged process (pre-pre talks).
- Shuttle diplomacy may be useful as part of the pre-talks, to exchange ideas about the process.
- In times of crisis, when talks break down, shuttle diplomacy may be necessary to get talks going again.
- Permanent shuttle diplomacy makes it difficult to build trust between parties in the long run.
- Proximity talks (parties are in one location, but do not directly talk to each other) can be useful in the beginning of a process.
- Plenary sessions are more transparent, but they are often not productive, as the parties reiterate their unyielding, headline positions.
- Working groups gather experts, technocrats among delegates, who may have a more realistic vision of process; they propose technical solutions as a basis for decision by political leaders.
- Face-to-face negotiations between leaders can be useful to hash out the details of an agreement in the end.
- When agreement is reached in face-to-face talks, there is a risk that implementation depends on continuation of leaders' relationship.

- Case: Israel/Palestine, Oslo process 93 (started with informal contact); [“The Peacemakers”](#); [“The Oslo Channel”](#) (via peacemaker)
- Case: [Sudan North-South](#) (face-to-face talks between leaders for major decisions; details worked out by technical committees)
- Case: [Côte d’Ivoire](#) (pp 34-40; leaders negotiate the details of the agreement themselves)
- Case: [Egypt-Israel](#) (Carter shutting in Camp David)
- Ref: [Caucus meetings](#) (Spangler)
- Ref: [Shuttle Diplomacy](#) (Brahm & Burgess)
- Ref: [UN Peacemaker, pre-negotiation checklist](#)

4 Ground rules

How does the mediator establish ground rules of talks?

- Ground rules set by the mediator
- Ground rules negotiated as part of a framework agreement before negotiations start
- Ground rules negotiated by parties in plenary or working groups
- Ground rules negotiated by parties, at the suggestion of the mediator
- No fixed ground rules
- There are often two levels of ground rules: overall rules for the entire process and specific rules that apply in plenary and working group sessions.
- Framework ground rules, e.g. on timeliness, press contacts, confidentiality, composition of delegation etc, are vital to facilitate the management of the process.
- Discussions about ground rules in plenary and working group setting can contribute to building confidence between parties.
- Setting or proposing ground rules is a means for the mediator to establish his control over the process.

- Ref: [Ground Rules](#) (Maiese)
- Ref: [“The Mediation Process”](#) (Moore, pp 161 - 162)
- Ref: [“The Go-Between”](#) (Svensson & Wallensteen. pp. 56-58)

5 Timing/frequency

When and how frequently should talks be held?

- One-time meeting
- Fixed interval between talks
- Change of frequency of talks depending on evolution of the process and context
- Timing of talks should take into account the “ripeness of the conflict”, i.e. perceptions of mutually hurting stalemates.
- Accelerate frequency of talks/start of new talks is appropriate when there is window of opportunity/indication of ripeness, e.g. development on the battlefield, natural disaster.
- Higher frequency keeps the momentum of the talks going.
- Lower frequency lowers the expectation of what the process can achieve.
- Frequency of talks sends a signal to the constituencies, e.g. progress is made, deadlock is reached etc.
- Allowing time for parties to consult at home and inform their constituencies is usually important.
- Even in the absence of direct talks, it is important to maintain the communication between the parties.

- Case: [Dayton Agreement](#) (one-time meeting)
- Case: [Aceh](#) (conflict ripe for resolution after tsunami)
- Ref: [“Timing Mediation Initiatives”](#) (Zartman & de Soto)

6 Agenda

How does the mediator use the agenda?

- Parties negotiate/establish an agenda
- Parties propose agenda items (any issue is accepted) and mediator establishes sequence
- Mediator sets agenda, on the basis of suggestions by the parties
- Mediator decides on agenda, then consults with parties
- No agenda set
- Agenda helps to structure talks, move them along.
- A comprehensive agenda ideally reflects the causes of the conflict, institutional requirements to transform the conflict, and implementation measures.
- When parties have pre-conditions, the mediator can encourage including them in the agenda.
- Discussing the agenda can contribute to building confidence in the beginning of a process.
- Negotiating the agenda can be useful to get parties into negotiation mode.
- When agenda is contentious it can be risky for mediator to decide on it.
- Negotiating the agenda may deflect from core task, allows parties to stall.

- Ref: [“The Effective Negotiation and Mediation of Conflict”](#) (Benjamin)
- Ref: [“Negotiations: Planning for Negotiations”](#) (Maiese)
- Ref: [“The Mediation Process”](#) (Moore, pp. 162-164)
- Ref: [UN Peacemaker, pre-negotiation checklist](#)
- Ref: MSP “How to draft a negotiation agenda”

7 Sequencing

How are the negotiations sequenced?

- Starting with Cessation of Hostilities (CoH), then tackle other issues
- Framework agreement first, then specific issues
- Incremental process, move from simpler to more complex issues, negotiate separate agreements
- “Boulder in the road”, tackling most difficult issues first
- Negotiating all issues at once, but in parallel committees/working groups

- CoH may absorb a lot of energy, but is often necessary to establish basic trust between the parties.
- If no full-fledged CoH is possible, some temporary “calming” on the ground may be necessary to move ahead.
- Framework agreement solidifies parties’ support for talks; sets the ground for nitty-gritty negotiations.
- Negotiating issues incrementally prevents overload of process, keeps the parties focused on one issue at a time, allows for postponement of the most difficult issues.
- Incremental negotiations are slow and may be susceptible to manipulation by spoilers.
- Boulder in the road potentially has high reward, but it carries high risk too.
- Negotiations in committees/working groups keep momentum going, enhances problem-solving mode.
- Coordination of committees/working groups is challenging.
- Parallel negotiations are feasible if there are enough qualified delegates; otherwise sequential negotiations where issues are tackled one after the other is preferred.

- Case: [Sudan North-South](#) (framework agreement, followed by substantive talks in committees)
- Case: [Mozambique](#) (incremental process)
- Case: [Northern Ireland](#), Good Friday Agreement (committees)
- Ref: [“Sequencing Strategies and Tactics”](#) (Weiss & Rosenberg)
- Ref: [“Mediator Sequencing Strategies in Intractable Communal Conflicts”](#) (Weiss)

8 Deadlines

Does the mediator use deadlines?

- No deadlines
- Flexible deadlines, extended if necessary
- Fixed deadlines set by mediator
- Fixed deadlines imposed by donors

- Deadlines help to put the parties under pressure; most final trade-offs are done just before deadline expires.
- Imposing deadlines may compromise the impartiality of the mediator.
- Process may need more time than what deadline allows; there is a danger of aborting potentially successful process, “losing” parties at the last minute.
- Setting deadlines without sticking to them risks undermining the credibility of the mediator.
- Funding has an impact on timeline of process; if deadlines are imposed by donors, or if there is simply a lack of funding, process can be jeopardized.

- Case: [Afghanistan](#), Königsberg 01 (Brahimi successfully used deadline to get agreement)
- Case: [Darfur](#), Abuja talks 06 (deadline imposed)
- Ref: [“The Mediation Process”](#) (Moore, pp. 323-332)
- Ref: [Action-Forcing Mechanisms](#) (Spangler)

9 Decision-making modalities

How do the parties reach agreement in the process?

- General rules
- “Nothing is agreed until everything is agreed”
- “Closing of baskets” (negotiating separate agreements, brought together in the end)
- Modalities of agreement
- Sufficient consensus (agreement when key actors are on board)
- Partial consensus (agreement when the majority of actors are on board)
- Full consensus (agreement requires unanimity)

- With sufficient and partial consensus it is easier to achieve an agreement than with full consensus.
- Full consensus allows individual actors to prevent the conclusion of an agreement.
- With full consensus, spoilers may be less frequent during the implementation phase.
- The idea of sufficient consensus is that key actors bring small actors into the agreement.
- Sufficient consensus may be appropriate when there are many parties, some of them without significant constituencies.
- The rule “nothing is agreed until everything is agreed” assures the parties, helps to drive the process forward.
- When trust is low “closing of baskets” may be preferable.

- Case: [Burundi](#) (pp. 21-27; sufficient consensus)
- Case: [Sudan North-South](#) (pp. 72-77; negotiating separate agreements)
- Case: [South Africa](#) (sufficient consensus)
- Ref.: [“The Mediation Process”](#) (Moore, pp. 317-320)

B/ THE ROLE OF THE MEDIATOR

10 Mandate and objectives

Who authorizes the involvement of the mediator? What are the overall objectives of the process?

- External mandate, e.g. from UN Security Council or regional organization
 - Formal, written mandate from the parties
 - Informal mandate, explicit acquiescence of the parties to mediate, but not written down
 - Ad hoc, no formal mandate
 - Mediator defines overall objectives/endgame of the process
 - Mediator does not define objectives, is guided by the evolution of the process
- Different mediators with different mandates can be brought in at different moments in the process.
 - A formal mandate, e.g. from the Security Council, can provide leverage for the mediator.
 - Discussion about the mandate can contribute to building confidence between parties.
 - Negotiating the mandate may absorb energy from the process.
 - When process is politically sensitive, parties may prefer informal engagement.
 - Clarifying the mandate and objectives of the talks can reinforce the parties’ perception of the mediator as impartial.
 - Defining overall objectives provides strategic and practical guidance to the mediator.
 - Pre-defined objectives may reduce the mediator’s flexibility.

- Ref.: [“Mediation mandates: increasing in significance?”](#) (Lindgren, Wallensteen & Grusel, pp.12-14)
- [“The Go-Between”](#), (Svensson & Wallensteen, pp. 11-15)

11 [Mediation team](#)

How does the mediator structure his team?

- Team chosen by the mediator
- Team imposed on/ given to the mediator by supporting institution
- Small core team managing the process
- Larger multidisciplinary team growing over time, with thematic, regional, logistics, media and outreach experts. Team managed by Chief of Staff
- Core team, external experts brought in depending on need
- Smaller teams tend to be more efficient, easier to manage and coordinate.
- The type of issues and expertise needed influences the composition of the mediation team.
- The clarity of role divisions is key to the good functioning of the mediation team.
- Multidisciplinary team can provide specific expertise quickly.
- Large teams may be necessary for dealing with large delegations.
- When drafting a peace agreement it is useful to have a broad range of thematic experts present.
- Field presence may be required for consultations with stakeholders in the field.

- Case: [Brahimi](#) (Iraq 04, operating with a small team)
- Case: [Salim-Eliasson](#) (Darfur 07-08, operating with a large team)
- Ref: DPA Mediation Start-Up Guidelines

12 [Engagement with the media](#)

How do the mediators and parties deal with the media?

- Mediator devises communication/public outreach strategy; media specialist is part of the mediation team
- Mediator does not talk to the press
- Mediator makes official statements to the press, agreed by parties
- Mediator encourages parties to agree on how to deal with the press, as part of ground rules
- Outreach strategy may be necessary to counter falsifications, rumors, and smear campaigns against the mediator, the parties, or the process.
- Media engagements may distract mediation team from its core task.
- When parties talk to the press, they may make inflammatory statements that can upset the other party, complicating the process.
- Parties can try to “instrumentalize” the press in order to gain an advantage at the negotiating table.
- Too absolute restrictions of media contact foster leaks.
- Drafting joint press releases becomes part of the process, confidence-building.

- Case: [Brahimi](#) (Iraq 04, countering smear campaign)
- Ref: [“Managing Public Information in a Mediation Process”](#) (Lehmann)
- Ref: [“The Go-Between”](#) (Svensson & Wallensteen, pp. 61-66)

13 Leverage

How does the mediator use leverage?

- Refrain from using power altogether, focus on trust-building, facilitation of talks etc.
- “Borrowing” leverage from observers & sponsors, external actors put pressure on parties
- Mediator uses leverage derived from his personal legitimacy and relationship with parties
- Mediator actively uses sticks and carrots
- As mediation is by definition a process, where the parties are in control and mediators cannot impose an agreement.
- Big-power diplomacy and arms-twisting should be viewed separately from the practice of mediation.
- There are different sources of leverage in mediation processes: material incentives, but also a mediator’s personality and his/her relationship with the parties.
- Leverage can be used to foster parties’ perception of a mutually hurting stalemate and willingness to negotiate.
- Using sticks and carrots can jeopardize the impartiality of the mediator.
- When external actors have a coherent position, their leverage is most effective.
- Leverage through personal legitimacy requires a high-profile mediator, usually a former statesman.

- Case: [Burundi](#) (Mandela’s personal legitimacy as leverage)
- Case: [Sudan North-South](#) (Observer “troika” provided leverage)
- Ref: [“Power in mediation: does size matter?”](#) (Martin)
- Ref: [“When Push Comes to Shove”](#) (Nathan, p. 14ff)
- Ref: [“International Mediation in the Post-Cold War Era”](#) (Zartman & Touval, pp. 450ff)
- Ref: [“The UN and the Use of Force”](#) (Pico)

14 Drafting agreements

How does the mediation team assist in drafting agreements?

- Mediation team drafts agreement as basis for discussion
- Mediation team drafts options papers for parties, not agreement itself
- Options papers drafted by external experts
- Mediation team refrains from drafting agreements, but assists the parties in reformulating draft texts
- Drafting agreements may help to move the process forward, creates basis for discussion, allows parties to clarify their positions and interests.
- The timing of draft agreements is important. By putting agreements on paper, parties are locked in, obliged to commit themselves. If done too early, this can be counterproductive.
- Drafting agreements is usually done by experts/members of the mediation, not the senior mediators themselves, based on what they heard during the negotiations.
- Draft agreements are politically sensitive, can expose the mediator to criticisms.

- Case: [Sudan North-South](#), Nakuru 03 (parties left the talks b/c dissatisfied with draft)
- Case: [Burundi](#), Arusha process (pp. 21-27; drafting agreement was helpful to push the process forward)
- Ref: [“Managing a Mediation Process”](#) (Smith & Smock, pp. 55-61)
- Ref: [Single Text Drafting](#) (Smith)
- Ref: [UN Peacemaker, pre-negotiation checklist](#)

15 [Opting out/letting go](#)

When does the mediator opt out/let go of the process?

- Flexible, no red lines
- Opting out when process is manipulated, rubberstamps big power agenda
- Letting go of a process in case of lack of progress, commitment, ripeness
- Mediators tend to be reluctant about red lines because they prefer to have maximum flexibility.
- Red lines can provide a moral compass for the mediator; help to ensure that the mediation process does not do harm.
- Stating red lines clarify the mediator's mandate and legal obligations.
- Clarifying red lines can enhance the transparency of the mediation strategy.
- Letting go of a process gives space for others to try.
- Opting out/letting go should be done in a way that does not jeopardize the process, allows the parties to save face.
- If opting out/letting go is never an option, parties may take advantage of mediator.
- If the mediator has to backtrack after setting red lines, his/her authority is undermined.
- Opting out/letting go may not be politically feasible.

- Case: [Brahimi](#) (Afghanistan 99, mediator opting out)
- Case: [De Soto](#) (Middle East)
- Case: [James Baker](#) (pp. 85-90, Western Sahara, deliberate opting out)
- Ref: "[Managing a Mediation Process](#)" (Smith & Smock, "Know when not to mediate", pp. 26-28)

16 [Coordination with other mediators](#)

How does the mediator relate to other mediators, parallel processes?

- One-way: stopping competing processes or trying to bring them under one umbrella
- Streamlining: using synergies of parallel processes, making them part of the overall mediation strategy
- Laisser-faire: no interference with parallel processes
- Parallel processes are counterproductive when they lead to forum-shopping by the parties.
- Coordination is difficult unless one entity is in charge of managing the overall process.
- Broad-based organizations like the UN or the AU are well-placed to unite/streamline mediation processes.
- Parallel processes can serve specific functions: to tackle regional dimension of the conflict; to create civil society buy-in; to engage intransigent actors.

- Case: [Juba talks](#) (pp. 60-65; forum-shopping)
- Case: [Sudan North-South](#) (initiatives united under IGAD)
- Ref: "[Managing a Mediation Process](#)" (Smith & Smock, pp. 29-30)

C/ THE ENGAGEMENT OF THE MEDIATOR WITH THE PARTIES

17 [Participation](#)

Who participates in
peace negotiations?

- Fully inclusive, participation of a broad range of stakeholders with decision-making power
- Inclusive, broad range of stakeholders participate but do not have decision-making authority
- Conflict parties only, but large delegations including civil society
- Conflict parties only, but parallel consultations with civil society by mediator
- Exclusive, leadership of main parties only

- Participation is a key question, as it shapes the structure of the process. The mediator may have limited influence, as participation is decided by the parties.
- Even so: mediators can make suggestions, create parallel fora, link up with sponsors to encourage broader participation.
- Even in the absence of direct participation, mediators can seek out the voices of civil society and ensure they are heard in the process.
- Inclusive processes and civil society consultations increase popular buy-in, grassroots support for peace. The key questions are “how” and “when” to be inclusive.
- Inclusion concerns a broad range of non-armed actors: from traditional civil society (NGOs, political parties) to marginalized groups like religious and national minorities.
- Inclusive processes may be difficult to manage, distract from core task of mediation, i.e. making peace between warring parties.
- Inclusive processes require the presence of large delegation, can be expensive and challenging to manage.
- It is important to protect civil society representatives participating in peace talks, especially when their positions differ from those of the parties.
- Consultations increase popular buy-in, but are time-consuming and resource-intensive, require mediation team to have field presence.
- Focus on leadership of parties ensures that those with decision-making power are at the table.

- Case: [Burundi](#) (2 parties did not want to join, mediators kept contact nonetheless)
- Case: [Darfur](#), Doha process (parallel civil society forum)
- Ref: [“Integrating Internal Displacement in Peace Processes”](#) (McHugh, pp. 39-41)
- Ref: [“Who Gets a Seat at the Table?”](#) (Lanz)
- Ref: [“The Mediation Process”](#) (Moore, pp. 427-441)

18 Sponsors and neighbors

How does the mediator deal with regional and world powers that have a stake in the conflict, are interested in the process?

- Establish “group of friends”/“contact group”, grant observer status or even seat at the table
- Group of friends/contact group: regularly informed, but not directly involved in process
- Regularly inform neighbors without institutionalizing their involvement
- Do not involve neighbors

- Involving selected neighbors and sponsors increases the buy-in for the process, may help to create ripeness.
- Involvement allows mediator to leverage relationship between neighbors and sponsors with parties.
- Regional actors play an important role in the implementation of an agreement; it can be useful to have them on board in the process already.
- Neighbors and sponsors may use process to meddle, promote their agendas, create further divisions.

- Case: [El Salvador](#) (influential Group of Friends)
- Case: Sudan [North-South](#) (pp. 15-22; leveraging influence of neighbors & sponsors)
- Ref: [“Working with Groups of Friends”](#) (Whitfield)

19 Gender

How are gender issues taken into account in peace negotiations?

- The mediator uses quotas to encourage the participation of women in the parties’ delegations
- Mediator quietly encourages parties to include women in their delegation
- Mediator does not specifically promote the participation of women, but ensures that gender issues are addressed in the talks
- The mediator creates issues and formats, where women are brought in and gender concerns addressed

- Gender shapes all issues in peace negotiations; it goes beyond the participation of women in peace talks.
- Women’s participation in negotiations may lead to more constructive engagement.
- Along with the participation of other stakeholders, the inclusion of women makes peace negotiations more representative.
- Parties may include women simply to please the international community, without including them in the decision-making.
- Quotas have to be imposed, which is difficult to reconcile with the role of a mediator.
- Gender is treated differently in different cultures; a culturally sensitive approach is important.
- If women are insufficiently present at the table, a mediator can ensure that gender topics are included in the talks/peace agreement.
- Including a gender advisor in the mediation team ensures that the process and the agreement are gender-sensitive.
- Gender-balanced mediation teams send an important signal to the parties.

- Case: [Juba talks](#) (Chissano brought in gender advisor)
- Case: [Guatemala](#) (women’s organizations in peace process)
- Ref: [“Gender and Peace Mediation”](#) (MSP)
- Ref: [UN Security Council Resolution 1325](#)
- Ref: [“Bringing Women Into Peace Negotiations”](#) (Page, Whitman & Anderson)

20 Confidence-building

How does the mediator use confidence-building measures (CBM)?

- Mediator proposes CBM within the process, e.g. joint sport events
- Mediator facilitates negotiations on CBM related to the relationship between parties, but outside the process, e.g. exchange of prisoners
- Mediator facilitates negotiations on general CBM outside the process, e.g. road opening, granting access to humanitarian organizations
- Confidence-building through talks, no specific measures

- CBM can set the ground for substantive talks by improving relationship between parties.
- Creating trust is not a one-time event, but a process: CBM should not be isolated events, but form a reciprocal, incremental process between the parties.
- CBM are particularly effective when a severe lack of confidence between the parties is a key cause of the conflict.
- CBM can be used in all stages of the conflict, but they tend to be particularly useful in the pre-negotiation phase.
- CBM can generate peace dividends for affected populations and reinforce popular support for the process.
- There is a danger that CBM distract from substantive talks, allow parties to stall the process; progress on CBM can also be mistaken for general progress in the process.
- Confidence-building should not undermine the hurting stalemate between the parties.

- Case: [Western Sahara](#) (various CBM such as family visits)
- Case: Northern Ireland
- Ref: [“Building Confidence on the Korean Peninsula” \(CSS\)](#)
- Ref: [Building Trust among enemies](#) (Kelman)
- Ref: [Trust](#) (Salem)
- Ref: [When Push Comes to Shove](#) (Nathan)
- Ref: UN Operational Guidance Note on CBM (Draft)
- Ref: HDC paper on CBM (forthcoming 2011, authors: Mason & Siegfried)

21 Asymmetry

How does the mediator address power asymmetries between parties?

- The mediator uses leverage to balance power asymmetries
- The mediator does not specifically address power asymmetries
- The mediator does not interfere directly, but offers capacity building for weaker parties

- Strong power asymmetries between the parties tend to have a negative impact on the process.
- Power asymmetries in peace negotiations stem from different sources: military might, age, gender, language experience in peace talks, state vs. non-state actors.
- The use of leverage to balance asymmetries risks undermining the mediator’s impartiality.
- Power asymmetries can be balanced when weaker parties are supported by powerful external actors.
- Capacity-building measures can be useful, as they improve the preparation of weaker parties without compromising the impartiality of the mediator.
- The mediator has a range of options at his/her disposal to build the capacity of weaker parties: training workshops, technical assistance, secondment of external experts.

- Case: [Darfur, Abuja talks](#)
- Ref: [“Asymmetrical negotiations”](#) (Rubin & Zartman)

22 Intransigent actors
How does the mediator deal with actors who do not want to join the process and even actively undermine it?

- Exclude them
- “Departing train”, giving them the option to join during a certain time window
- Engage them in parallel processes
- Reach out, try to involve them
- Mediators should be careful with labels; an actor may be intransigent at one point, but then come back into the process.
- Excluding intransigent actors could strengthen those who are genuinely interested in peace, help drive the process forward.
- Exclusion risks transforming intransigent actors into spoilers.
- Engagement may allow intransigent actors to hold a process hostage (in case of full-consensus decision-making modality).
- Parallel processes are most promising when intransigent actor has strong relationship with external power.
- Backtrack from “departing train” undermines the credibility of the mediator.

- Case: [Dayton Agreement](#) (Bosnian Serbs excluded)
- Case: [Darfur](#), Abuja talks (dealing with Abdelwahid)
- Ref: “[Spoiler Problems in Peace Processes](#)” (Stedman)
- Ref: “[Engaging with armed groups](#)” (HDC).
- Ref: “[Managing a Mediation Process](#)” (Smith & Smock, pp. 39-40)
- Ref: [UN Peacemaker](#), [strategies for dealing with spoilers](#)

23 Indictments by international court
How does the mediator deal with people that are indicted by an international court?

- Exclude them
- Engage them informally
- Engage non-indicted representatives of the group
- Officially include them (under the condition that blanket amnesties are not acceptable)
- Amnesties for “international crimes” are not permissible.
- The specific policy/internal accountability guidelines of the supporting institution (e.g. UN) will influence a mediator’s engagement with indictees.
- Exclusion may transform groups/individuals into spoilers; mediators may not reach the key actors to make peace.
- Inclusion may not be politically feasible.
- Engaging non-indicted members poses the danger of a rift within a conflict party between those participating in peace talks and those who are excluded.

- Case: [Juba talks](#) (LRA was at the table but not Kony)
- Case: [Dayton](#) (Bosnian Serbs were excluded from talks)
- Ref: “[Human Rights and Peace Agreements](#)” (Bell)
- Ref: “[Negotiating Justice](#)” (HDC)
- Ref: “[Dealing with the Past in Peace Mediation](#)” (MSP)

24 Fragmentation

How does the mediator deal with fragmented/fragmenting parties?

- Recognize new factions, give them a seat at the table
- Only recognize factions that have significant constituency and/or firepower
- Do not recognize new factions as a matter of principle
- Slow down the process, help the parties bridge their internal differences

- Non-recognition/non-inclusion risks creating spoilers.
- Recognition of new factions provides an incentive for fragmentation.
- When mediators think about whether or not to recognize new factions, they should have the Do No Harm principle in mind.
- Giving new factions a seat at the table complicates the process.

- Case: [Darfur](#), Abuja talks (pp. 78-84; recognition of SLA-Minawi faction)
- Ref: "[Do No Harm](#)" (Anderson)

25 Financial incentives

Does the mediator offer financial incentives to the parties?

- No financial incentives
- Modest per diem to cover living costs
- Using large financial incentives to move the process forward
- Donor conference as an incentive for parties to sign a peace agreement

- Financial incentives make it easier to convince parties to come to the table.
- Funding of per diems needs to be clarified/assured; non-payment can create tensions, distract from process.
- Financial incentives may create incentives for parties to continue negotiating, not tackle the core issues for solving the conflict.
- If parties only participate in the process for financial reasons, peace cannot be sustainable.
- Financial benefits risk fueling the war effort; sends the wrong message to victims.

swisspeace

swisspeace is a practice-oriented peace research institute. It analyses the causes of violent conflicts and develops strategies for their peaceful transformation. swisspeace aims to contribute to the improvement of conflict prevention and conflict transformation by producing innovative research, shaping discourses on international peace policy, developing and applying new peacebuilding tools and methodologies, supporting and advising other peace actors, as well as by providing and facilitating spaces for analysis, discussion, critical reflection and learning.

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The swisspeace Mediation Program supports mediators and conflict parties in gaining knowledge and skills for effective dialogue processes and peace negotiations. Therefore, swisspeace undertakes research in the form of guidance notes, academic articles and reports. It also provides consultancy services such as workshop, ghost writing and concept development. It conducts training on strategy development, skills training or one-on-one coaching. Moreover swisspeace organizes events including roundtables, conferences and networking events on mediation issues.

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