POLICY DIRECTIONS

# TOWARDS A NEW ERA IN INTERNATIONAL MEDIATION

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### HIGHLIGHTS:

- International mediation is the primary strategy for ending civil wars but it has not been conducted and developed in a professional and systematic way. This has greatly reduced the prospect of successful peacemaking in deadly conflicts.

- A number of international organisations are currently attempting to improve the quality of their mediation initiatives and structures. They should have three priorities: (1) adopt a confidence-building approach to mediation; (2) develop a learning culture on peacemaking; and (3) pay proper attention to training, appointing, supporting and evaluating mediators.

Mediation in violent national conflict has long been undertaken by the United Nations (UN), the African Union (AU) and other multilateral organisations. In Africa alone, over the past three decades mediators have laboured to end deadly conflict in Angola, Burundi, the Comoros, the Democratic Republic of Congo (DRC), the Ivory Coast, Kenya, Lesotho, Liberia, Madagascar, Mozambique, Rwanda, Sierra Leone, Somalia, Sudan, Uganda and Zimbabwe. The stakes are very high in these situations: the success or failure of the mediation determines whether the country remains locked in strife or is able to embark on a path of reconciliation and reconstruction. In the case of Rwanda, the negotiations mediated by Tanzania in 1992-3 broke down and were overwhelmed by the genocide. In Kenya, by contrast, the mediation led by Kofi Annan in 2008 prevented a descent into protracted violence. In other cases, such as the DRC, the results have been mixed, with both war and peace prevailing in different parts of the country.

Where mediation is successful, the content of the peace agreement has a major bearing – for better or worse – on justice, security, power, governance, respect for human rights and the potential for violent conflict in the post-war society. Mediation and negotiations are thus the bridge, sometimes tenuous and sometimes robust, between war termination and long-term peacebuilding and statebuilding.

Despite its self-evident importance, however, international mediation has not been conducted and developed in a systematic and professional manner. Drawing on the work of the Crisis States Research Centre, this paper highlights the main problems and makes recommendations for improving the mediation approach of international bodies.[1]

## A SUB-OPTIMAL APPROACH TO MEDIATION

Mediation is a process of dialogue and negotiation in which a third party assists two or more disputant parties, with their consent, to prevent, manage or resolve a conflict without resort to force. The general goal is to enable the parties to reach agreements they find satisfactory. Where international organisations mediate in situations of actual or imminent violence, the goal should not be conceived simply as averting or ending hostilities. In order to ensure sustainable peace and stability in the long-term, it is also essential to address the causes of the conflict. This is extremely difficult in civil wars because the causes are multiple, complex and deep-rooted and the belligerents are bent on defeating rather than accommodating each other.

Against this background, international mediation has suffered from an acute lack of professionalism, expertise and rigour. A comparison with the military is instructive in this regard. Like the conduct of warfare, mediation is complicated, volatile, unpredictable and risky. Yet unlike professional armed forces, the field of international mediation has placed no emphasis on training and education, on developing doctrines, strategies and operating procedures, on setting and maintaining standards, on appointments based on clear criteria and proven ability, and on learning from past experience in order to improve performance and avoid mistakes in the future. In short, international mediation has been regarded as synonymous with diplomacy rather than as a specialised activity.

This sorry state of affairs has given rise to a number of serious problems:

- The appointment of high-level mediators has not always taken account of their peacemaking ability and experience. Some of

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those appointed have been poor mediators and have created confusion and even exacerbated conflicts.

• International organisations have repeatedly deployed mediators in complex and protracted conflicts without adequate political, technical, administrative and financial support.

• Insufficient attention has been paid to training and nurturing international mediators and there are few opportunities to undergo such training. The pool of proficient senior mediators is therefore small and it is not growing.

• There has been no systematic effort to evaluate mediation cases, identify lessons, adapt methods accordingly and establish a central repository of know-how. Consequently, there has been no accumulation of knowledge and improvemsent in mediation over time.

• There is no coherent concept and strategy of international mediation in national conflicts. The style of mediation is largely dependent on the personality of the mediator and the habit of repeating what was done previously.

Over the past few years a number of international organisations have taken steps to address these problems. The UN has led the way, setting up a Mediation Support Unit, a Standby Team of Mediation Experts for rapid deployment and a specialist website entitled **UN Peacemaker** (http://peacemaker.unlb.org/index1. php). In 2009 the UN Secretary-General issued a seminal report on international mediation, which was debated enthusiastically by the Security Council (UN Security Council, 2009). The AU has embarked on a three-year programme to strengthen its mediation capacity and is considering the formation of a mediation unit. Similar interest in building mediation capacity has been expressed by the European Union, the Southern African Development Community, the Economic Community of West African States, the Inter-Governmental Authority on Development and the East African Community.

These developments create the potential for a substantial improvement in the quality and effectiveness of peacemaking. This potential will only be realised, however, if the organisations engaged in mediation undertake the following measures, discussed further below:

1. Implement a rigorous system of appointing and evaluating mediators;

2. Provide adequate support to mediators in the field;

3. Develop a learning culture based on review, assessment, research and adaptation;

4. Adopt a confidence-building model of mediation in national conflicts.

## APPOINTMENTS AND EVALUATION

Greater attention should be paid to the criteria for appointing mediators and to the talent and experience of those appointed. The current approach of deploying serving or retired heads of state and diplomats without regard to their aptitude for peacemaking is patently unsound.

To the greatest extent possible, the mediators should meet the following criteria:

• *Skill in peacemaking.* A competent mediator will not always be successful but stands a much better chance of success than an inept mediator. Where senior peacemakers are not well acquainted with mediation techniques, technical experts should be assigned to assist them.

• *Credibility with the parties in conflict.* Credibility relates to the stature, seniority, experience, competence and integrity of the mediator. A mediator who lacks credibility among the parties will not be trusted and taken seriously by them.

• *Proficiency in at least one of the languages spoken by the parties.* It is bad practice to attempt peacemaking through translation. This impedes communication and inhibits the building of sound relationships with the parties.

• *Availability for full-time deployment.* In high intensity conflict it is insulting to the parties and objectively absurd to appoint a mediator who can only engage in peacemaking intermittently.

• *Personal attributes of a peacemaker.* Effective mediators tend to have empathy; analytical ability; excellent political judgement and problem-solving skills; superb communication and facilitation skills; and a sense of quiet confidence and authority.

The performance of the mediators should be assessed periodically and at the end of each mediation. In contrast to current practice, those who are performing badly should be replaced and only the best of them should be eligible for deployment in other cases.

## SUPPORT TO MEDIATORS

International mediators are confronted by conflicts that are highly complex and volatile. Typically, the conflict is violent; it has many structural and proximate causes; it involves several disputant parties, most of which are intransigent and some of which are divided within their own ranks; and it encompasses a range of external actors, some of whom play a harmful role and some of whom have to be co-ordinated in the peace process.

In these circumstances, mediators need considerable support, which can be categorised as follows:

• *Mediation expertise* is needed to design and run the process of dialogue and negotiations and to advise the parties' leaders and negotiators.

• *Country and regional expertise* is needed to ensure a deep understanding of the parties and their internal factions, the cultural practices of local communities, the key groups in civil society and the history and dynamics of the conflict.

• *Monitoring and analytical expertise* is needed to discern and interpret evolving conditions on the ground, shifts in the parties' positions and changes in the relationships between various actors.

• *Thematic expertise* is needed on a range of topics, such as constitutions, ceasefire arrangements, land reform, wealth-sharing, human rights and gender issues.

• *Communications expertise* is required to communicate with external actors, the parties' constituencies and the public at large in the conflict zone.

• *Management, administrative and financial expertise* is needed to ensure that the mediation process is run efficiently and that the mediators are not burdened with administrative and financial duties.

By way of illustration, the AU mediation team for Darfur in 2005/6 benefited greatly from the inputs of thematic and country experts but suffered hugely from limited capacity in mediation, communication, monitoring and management. In the field of international peacemaking more generally, the most significant deficit is mediation expertise. There are many country and thematic experts who can be called on at short notice but there are very few mediation specialists available to support senior peacemakers.

## DEVELOPING A LEARNING CULTURE

The world of international mediation is not characterised by any notable degree of learning and improvement over time. It is idiosyncratic and ad hoc, overly determined by power politics, deadlines and organisational tussles. If mediation is to become more successful, the UN and other multinational bodies need to develop a learning culture based on four components:

• Active mediations should be reviewed periodically in order to analyse the changing dynamics of the conflict, evaluate the efficacy of the mediation strategies and decide whether adjustments should be made. These reviews should be led by the chief mediator.

• All mediations should be evaluated thoroughly on their completion with the aim of identifying lessons for future endeavours. The evaluations should be designed, facilitated and recorded by the organisations' mediation units.

• Because national conflicts have common features and challenges, much can be learnt from comparative research with a thematic focus. Detailed mediation case studies can also be extremely useful as they enable a close examination of the complexities of the process.

• For the reviews, evaluations and research outputs to be productive, they must be written up and disseminated in a fashion that is helpful to mediators and their political principals. Most importantly, it is necessary to set up systems to ensure that the identified lessons lead to changes in strategy, techniques and procedures.

## A CONFIDENCE-BUILDING APPROACH TO MEDIATION

International mediation in national conflicts relies too much on power-based diplomacy, attempting to make progress by exerting pressure on the disputant parties through declarations, admonitions, threats and punishment. These strategies should be replaced by a confidence-building approach to mediation.

It seems painfully obvious that deep-rooted national conflict cannot be solved quickly or easily. Nevertheless, international mediators and

## 'The more professional the approach [to mediation], the greater the possibility of brokering a lasting peace'

donor governments frequently make the mistake of seeking a quick fix. In doing so, they overestimate their influence, underestimate the complexity of the conflict and ignore the parties' visceral feelings of hatred and mistrust. Flouting the imperative that the parties must own the settlement, they push hard for rapid results. As occurred with the AU mediation for Darfur in 2005/6, this approach can be counter-productive (see Box 1).

Whereas power-based diplomacy tries to bully the parties into a settlement, confidence-building mediation seeks to build their confidence in each other, in negotiations and in the peacemaker. It entails a lengthy process of shuttle diplomacy, consultation and facilitated negotiation in which the mediator helps the parties to engage in collaborative problem-solving and accommodate each other's concerns and needs. The parties' common trust in the mediator offsets their mutual distrust and raises their confidence in negotiations. Confidence-building thus captures the essential logic and utility of mediation.

Building confidence between the protagonists in a national conflict is vital for several reasons: a negotiated settlement necessarily entails compromises and mutual accommodation by the parties and this will not happen while they remain locked in enmity; the implementation of agreements demands the parties' co-operation; and stable governance in the long-term depends on their on-going co-operation. Given these factors, confidence-building is not a luxury. It is a pragmatic imperative and should be a paramount goal of the mediator. A fine example of a confidence-building approach can be found in the mediation that led to the ending of the Mozambican civil war in 1992 ( see Box 2).

Of course a confidence-building approach will not always overcome a party's intransigence. What then can be done to obtain the co-operation of hardliners, such as the Sudanese government and President Mugabe of Zimbabwe? What kind of pressure and incentives would lead to genuine negotiations and lasting

## BOX 1: DEADLINE DIPLOMACY FOR DARFUR

The AU peace talks for Darfur in 2005/6 were driven by 'deadline diplomacy', with a stream of unfeasible deadlines emanating from AU headquarters, the UN and the donors. The rebels and the Sudanese government ignored the deadlines but the mediators were obliged to adhere to them. This inhibited a programmatic effort to build momentum gradually over time, leading instead to an ad hoc process that proceeded in fits and starts. The deadlines also prevented the mediators from communicating with the people of Darfur. Instructed to end the talks quickly, the mediators put more effort into writing the Darfur Peace Agreement (DPA) than mediating between the parties. The parties consequently had no sense of ownership of the agreement. In the final days of the talks, African and foreign leaders put immense pressure on the rebel leaders to sign the DPA, berating them and threatening them with sanctions. One of the leaders, Minni Minawi, succumbed but the others held out. The coercion undermined the AU's authority, compromised Minawi, intensified popular suspicion of the DPA and contributed to its demise (Nathan, 2006). (For more CSRC work on Sudan see de Waal 2007a, de Waal 2007b and Nathan 2008).

agreements in these cases? History offers no definitive answer to these questions. Punitive action has spurred conflict resolution in some instances but retarded it in others and we can never be certain of its effects in a current conflict. Nevertheless, there is one key lesson from history: punitive action should not be taken or endorsed by the mediator. A mediating body that resorts to coercion will be mistrusted by the targeted party as surely as a football team mistrusts a biased referee. It sacrifices its status as an 'honest broker' and becomes a party to the conflict.

## CONCLUSION

Even the most accomplished peacemaker is unlikely to achieve anything if the parties to a national conflict reject negotiations or are unwilling to forge a settlement. Yet mediators can have a significant impact on the conflict. Depending on their proficiency, they can either heighten or reduce the likelihood of resolution. Mediation is not a mystical affair, reducible to common sense or synonymous with power-based diplomacy. It is a specialised activity with a set of skills and techniques that can be mastered. The more professional the approach, the greater the possibility of brokering a lasting peace.

### BOX 2: CONFIDENCE-BUILDING MEDIATION IN MOZAMBIQUE

According to members of Sant' Egidio, the Catholic lay community that mediated the Mozambican peace agreement of 1992, the mediators were put under strong pressure to end the negotiations quickly because 'every additional day more of war meant more killings'. They resisted this pressure on two grounds: 'the pathology of memory' was a 'heritage of almost a generation and could not be easily cancelled'; and 'there is no use in forcing people to agree on anything. The only way the process could have been successful and the reason that made it successful was that all the actors involved gained ownership' (Romano, 1985). In his study of the Mozambican mediation, Cameron Hume (1994) concluded similarly that 'in any negotiations the parties [must] have the final word on how they negotiate and on what terms they settle'. (For CSRC research on Mozambique, see Hanlon and Fox 2006, and Sumich 2007a, 2007b, 2009 and 2010).

## ENDNOTES

1 The paper draws on the author's interviews with AU officials in Addis Ababa in March and April 2009, his participation in two AU-UN workshops on mediation held in Nairobi in 2009, and his involvement in the AU mediation for Darfur in 2005-6. The paper also draws on Crisis States Research Centre research as reflected in *Healy, 2009*; *Møller, 2009*; *Nathan, 2005*, *2006*, 2009a, 2009b; and *Pinfari, 2009*.

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