



CMI

Martti Ahtisaari Centre



Civil Society Dialogue Network Meeting

The UN Guidance for Effective Mediation: Translating the Fundamentals into EU Practice

Thursday, 14 November 2013, Brussels

MEETING REPORT

The **United Nations Guidance for Effective Mediation** was drafted in response to the request of the General Assembly in resolution 65/283. Developed after an inclusive consultation process -- involving UN Member States, regional and sub-regional organizations, high-level mediators and mediation experts, civil society organizations and the broader UN system -- the Guidance helps to sharpen the concept of mediation and emphasises how it can be used to prevent, manage and resolve violent, political conflict. The guidance identifies a set of key fundamentals that should be considered in a mediation effort, and offers some practical indication as to how the international community should conduct mediation activities in often complex environments.

The objective of the meeting was to provide a forum for taking stock of the experience of the EU in supporting mediation efforts with concrete case studies and to reflect on how the implementation of the UN fundamentals in EU mediation practice can best be achieved. By looking at concrete challenges, the meeting was designed to help generate ideas within the EU on how to enhance its in-house mediation capacity and the design of support to mediation processes.

This meeting brought together 80 participants, including civil society representatives, UN officials and EU policy-makers from the EU Parliament, EU Commission, and the EEAS - including Special Representatives (EUSRs) and EU Member States representatives. The meeting took place under the Civil Society Dialogue Network with additional support from the governments of Ireland and Finland.

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This document summarises the comments made by the participants during this meeting and does not represent the views of the organisers. The key recommendations of the meeting are available [here](#).

Shaping international peace mediation practice – standards and common understanding

*During the keynote panel, Ms **Margaret Vogt**, Mediator-in-Residence at the UN Department of Political Affairs and former Special Representative and Head of the United Nations Integrated Peacebuilding Office in the Central African Republic, Mr **Martti Ahtisaari**, former President of Finland, Nobel Peace Prize Laureate and Chairman of the Board of CMI and Mr **Maciej Popowski**, Deputy Secretary General of the European External Action Service (EEAS) presented their reflections on the role of the mediator drawing from their experience and their approach of the UN guidance for effective mediation. This section is a summary of the presentations and discussions.*

Theory vs. Practice

Speakers made reference to the **UN Guidance as an important and necessary document** for mediators worldwide. The role of the UN is increasingly to enable others to mediate peace processes rather than leading them itself, which makes the case for developing this guidance and mediation resources available even stronger. Ahead of the 2012-13 Libreville peace process on the Central African Republic (CAR), there was the opportunity for the UN to support the mediators in Libreville, Gabon, where the negotiations took place, by providing expertise and logistical support to the mediators.

While recognising the validity and necessity for a document setting the principles, it was admitted in the discussion that the UN Guidance is **based on a set of presumptions that may or may not exist in reality**. For instance, the guidance assumes that the mediating individual or organization will be vested with the responsibility of managing the mediation process and will have the space to walk through the guidance at ease. This is rarely the case in reality. Mediators have to navigate muddy waters and **adapt to an ever-changing combination of factors and parties**. Even with his stature of senior UN official, Kofi Annan encountered tremendous difficulties in his experiences as lead mediator in 2008 during the elections crisis in Kenya, and had to make compromises that were sometimes criticised.

Inclusivity

- National and local ownership / “domestication” of mediation process

While there is no successful process without securing the support of major and influential actors, a wide definition of inclusivity was promoted by the speakers, which intimately linked to **national and local ownership**. In reference to international mediators such as the UN, it was reminded that the “domestication” of mediation is seen as key to the success of a peace process.

- Women and marginalised groups

It can be necessary for mediators to enforce the inclusion of certain groups in the face of resistance by some parties. **Women** are equally if not more affected by conflict and yet are still too often absent at negotiations. Not including **non-governmental stakeholders and marginalised groups** such as exiled communities can backfire at a later stage and make the process collapse. Through its network and resources, the UN can mobilise experienced women advisors and encourage their inclusion in the delegations involved. Their full participation ensures that issues such as gender-based violence, disarmament, demobilisation, reintegration (DDR), and security sector reform (RSS) are addressed in a more comprehensive way.

Coordination and coherence

In close relation to the notion of inclusivity, lead mediators must also be attentive to **effectively coordinate** with other mediators, parties and stakeholders in the process. For this, they must build a common understanding of the context and issues at stake. A fundamental step is to learn about the various actors around the table, including the mediators, and their place and objectives in the process. International actors directly involved or supporting the process can find a useful role in providing information and analysis on the conflict's core issues and stakeholders in order to facilitate a common understanding and encourage inclusivity and coherence.

For example, in CAR, after being side-lined from the negotiations, the UN encouraged regional powers such as the African Union to be fully involved in the peace process by explaining who the main protagonists in the conflict were as the rebellion there was still unknown to most people. Furthermore, much effort was put in preparing in detail for every aspect of the negotiation with the mediators, the African Union team together with the lead mediator President Sassou NGuesso of the Republic of the Congo. From the corridors by the negotiation room, the UN was able to provide expertise, material and logistical support when requested by the actors involved.

Preparedness and impartiality

Preparedness and impartiality are indispensable to the effectiveness of mediators. They must identify an experienced, reliable, trustworthy team to work with and rely on. Some participants thought that mediators should position themselves as impartial honest brokers who offer a clear strategy that inspires trust. Other participants suggested that mediators should distinguish between power diplomacy and mediation approaches.

Mediators should keep in mind that **nothing is agreed until everything is agreed**. Some thought that **dealing with past atrocities** is likely to hamper the process in concluding an agreement. Should an agreement on such basis be signed, its extensive and ambitious provisions are likely to not be implemented, which will ruin peacemaking in the long run. In that sense, the mediator is accountable for the peace process all his/her life, long after the agreement is signed.

The EU as a mediator

Mediation is part of the EU's DNA in its history as a peace project and the art of compromise is said to be the EU's secret weapon. It is one of the biggest donors for mediation activities. However, it does not see itself as a big "ATM machine", but rather as a donor with convictions and weapons: the EU can engage at the political level or mobilise funding but it can also make a difference through missions and operations in the framework of the Common Security and Defence Policy (CSDP), as it did in in Aceh in 2005. Support to the UN is also part of EU's engagement in international mediation, including through its membership of the UN Friends of mediation.

This engagement stems from the fact that the EU is a value-based organization. It is actively engaged in mediation and mediation support activities, including complex, multi-layer contexts such as in the Kosovo-Serbia dialogue or in Yemen. The Lisbon Treaty enabled engagement in mediation to be more visible, like in Kosovo Serbia or in the Kampala dialogue in the Great Lakes. It engages alongside other international actors, such as the UN, the United States, the African Union and has started a process of mainstreaming mediation skills and activities across various areas of work. Senior EEAS staff received training on mediation by the EU's Mediation Support Team (MST) and have also participated in training sessions organized by the UN. The EU Special Representatives (EUSRs) are appointed also as mediators in the regions they work on. In specific areas, the European Parliament can also do mediation support, as it is the case in Ukraine through the work of special envoys Aleksander Kwasniewski and Pat Cox.

Inclusivity – Why and for whom?

The UN Guidance for effective mediation gives considerable attention to the value of inclusivity, as well as to how wider participation should be promoted and achieved. This panel looked at EU and UN experience in this regard, including the participation of women, “insider” mediators and local civil society in conflict situations.

Principles of inclusivity

Several speakers pointed at the **link between inclusivity and preparedness**. Negotiating with unprepared parties who do not have the same understanding, skills or resources defeats the principle of inclusivity. It is therefore crucial that mediators and parties seek training and invest in skills, capacity building and support throughout the process.

A majority of participants insisted that the real opportunities for inclusivity are at the **implementation stage** as part of the consensus building process. Beyond preparedness, mediators have to constantly **adapt to fluid contexts** and the emergence of new stakeholders. **Timing** is also key in inclusivity: they have to skilfully include relevant parties at key points in the process.

Issues and groups marginalised in peace processes

Despite representing a major part of the population, **women** are often presented as the marginalised of the marginalised. Several comments highlighted the importance of bringing women to the table at the beginning of the process rather than later, as it gets much harder overtime. The issue of inclusion of women in peace processes has been recognised on the international level: the UN¹ and the OSCE² developed guidelines on involving women in conflict-affected areas and there is now a solid framework at the EU level with official policy guidelines³. The High Representative Catherine Ashton and Helga Schmid are themselves high-level EU negotiators.

Nonetheless, in the conflict-affected area, the inclusion of women is sometimes viewed as an add-on or a box to tick, which does not translate into meaningful participation in reality. There are issues of preparedness: when quotas are implemented, some women are formally included but they may not be trained or supported and therefore cannot fulfil their role. Another obstacle is access: expert women who have been involved in peace processes have complained that their contributions have not been taken into account because they do not have the same political access as their male counterparts to key decision-makers. Mediators should be able to take risks and counter arguments that prevent inclusion of women in the process, even striving to overcome cultural and religious barriers, while recognising at the same time the desire of women to maintain their cultural and religious identity.

Military and security issues also tend to be excluded from negotiations or to not be addressed properly. Two reasons may explain this: military officers are trusted as peacekeepers and negotiators in the peace process but they are not trained in negotiation and political issues; or, civilian mediators do not feel comfortable addressing military issues, which lead key DDR and SSR issues to be put aside to the detriment of the process. These situations highlight the need for a professionalization of mediation: both civilian and military mediators and negotiators should receive specialised training on basic concepts and tools on mediation and on security and military issues.

¹ UN norms and standards related to women, peace and security: <http://www.unwomen.org/en/what-we-do/peace-and-security/global-norms-and-standards#sthash.IXrqSTZ9.dpuf>

² OSCE's Guidance Note on enhancing gender-responsive mediation: <http://www.osce.org/gender/107533>

³ The EU's policy guidelines on gender equality: http://ec.europa.eu/europeaid/what/gender/index_en.htm

Mediators should also **bring civil society in at the earliest possible stage** by creating a space for them to have a role and be consulted early on. They are key in bridging the gap between the negotiation table and implementation of possible agreements. Members of civil society have access to conflict-affected groups and can offer concrete solutions for achieving the objectives of the mediators.

Challenges to inclusivity

There is a general consensus that inclusion is needed and expected but that inclusion in practice is currently approached in a piecemeal fashion. Several challenges have been identified:

- Over/under-representation: having too many actors around the table is a technical and political challenge while having too few may hamper the legitimacy of the process;
- Heterogeneity: groups have different objectives which can make the process more difficult and costly;
- Legitimacy and representativeness: inclusivity based on representation of the constituencies affected increases legitimacy and improves the process;
- Time and pressure: mediators should be able to resist the pressure from those influential groups and friends of the process, who will want an agreement quickly at the expense of inclusivity, which takes time;
- Proscription: banning certain groups from the negotiation table can lead to an unhelpful labelling of stakeholders and eventually to a de-legitimization of negotiators, which goes against the grain of effective mediation and prevents addressing key issues related to the conflict.

Participants insisted on the importance of linking various tracks. Within a multi-track negotiation strategy, mediators should focus on obtaining trade-offs and compromises from parties, while seeking the support of influential groups with power.

The role of the EU

The EU has the ability to engage in peacebuilding over the long term through a combination of tools. A Joint Communication of the EEAS and the EC on the EU's comprehensive approach to external conflict and crises published late 2013⁴ lays out the principles of this engagement. On a structural level, the EEAS now has a Division dedicated to conflict prevention, peacebuilding and mediation.⁵ Its activities include mediation support, training, knowledge products and the identification of "lessons learned" in order to capture what the EU has done well and to build on successes. It also provides training to EU staff in-country to mainstream skills in mediation and conflict prevention across the EU: EU delegations, EU Special Representatives (EUSRs), European Commission, among others.

The EU has no intention to develop its own mediation guidelines for the moment, as the current framework set by the UN guidance on effective mediation is considered sufficient.

On EU mediation and inclusivity, the following priorities have been identified for the EEAS to improve its activities:

- Be more systematic in involving civil society in its action, through financial support (Instrument for Stability, EIDHR, etc.) but also by actively involving civil society in processes when the national government is not keen on doing so;
- Cooperate further with the Organisation for Security and Co-operation in Europe (OSCE), as it has more expertise in some geographical areas and fields the EU is currently engaged in

⁴ Joint Communication to the European Parliament and the Council, "The EU's comprehensive approach to external conflict and crises", 11 December 2013:

http://eeas.europa.eu/statements/docs/2013/131211_03_en.pdf

⁵ EEAS K2 – Division for conflict prevention, peacebuilding and mediation instruments.

- (including the Eastern neighbourhood, education and media);
- Appoint EUSRs and staff to EU delegations in conflict-affected areas who have relevant backgrounds and training to deal with peace processes.

Coherence, coordination and complementarity of the mediation effort

The UN Guidance addresses the proliferation of governmental, multilateral, and non-governmental organisations involved in mediation processes and recommends that mediation processes be run by a lead mediator, with other mediation actors working in coordination with, and under the umbrella of, the lead. This panel looked at examples of cooperation among mediation actors with a particular emphasis on the EU contribution in supporting or leading on mediation efforts.

The case for coordination in improving coherence and complementarity

The lead mediator is the chief architect and coordinator of the peace process. He/she is expected to have a vision on which to build a **clear strategy** to achieve the objective of the peace process, which takes into account the specificities of the interactions between actors. From the point of view of civil society, they should be a contact point, and carve space for actors to engage and share valuable input. Without a clear leadership and strategy for civil society's role in the process, it is more difficult for NGOs to coordinate effectively on their own, especially when they are numerous.

There are advantages in coordinating and **engaging with “private actors”**, including civil society. With less political baggage, less economic interest, and less conflicting institutional agenda, they can be more suitable negotiation partners than larger institutions and states. There is therefore a case for the **professionalisation of mediation** to allow a diversity of actors with different skillset to lead, support and implement peace process and agreements.

Donors like the EU have a key role in coordinating with each other: in supporting mediators and actors involved in peace processes, they have a unique overview of the participation in the process which can help mapping the range of stakeholders, distributing support more effectively and therefore avoiding duplicating activities and exacerbating tensions.

Last but not least, coordination can improve trust, without which there can be no successful peace process. **Mediation is a “trust business”** at all levels and all aspects of the peace process. Negotiators must trust each other and mediators should encourage them not to dismiss other stakeholders too quickly so as to preserve inclusivity and facilitate coordination.

Some civil society organisations have coordination as part of their core activities, recognising its importance throughout a peace process. Civil society participants suggested the following basics for effective coordination:

- **Sharing analysis:** in various instances it was reported that the EU, NGOs and the UN are generally inclined to share information with each other, whether in the framework of projects or actual peace processes.
- **Similar messages:** streamlining the message is crucial to avoid confusing parties. Significant lessons can be drawn from the process in Papua and in Yemen (see the case of Yemen below).
- **Understand the identity and objectives** of the different actors in the process, including NGOs.
- Creating different **fora for civil society to exchange comments and ideas:** the example of the Mediation Support Network was mentioned, as it enables NGOs working in mediation to discuss the challenges of mediation at technical level.
- **Formal support of civil society to mediation actors:** NGOs can support processes by seconding expert staff to mediation teams and help improve coordination with civil society.

Examples of such a type of cooperation can be found in the 2008 peace process in Kenya, in the Philippines through the diverse membership of the International Contact Group, or in the ECOWAS initiative on developing a joint election-related violence response with civil society.

Challenges of coordination

There are challenges inherent to coordination with private actors and civil society. Participants compared the coordination challenges of the mediation community to those faced by the humanitarian community which, until the 1990's, was disorganised and uncoordinated, with no vision for their action as a whole. Today, in spite of the professionalization of mediation, issues like **duplication of activities, competition and waste of resources** still exist.

Trends in mediation show **a proliferation of actors**, which are diverse in structure and objectives, and more professionalised. This can complicate the process of coordination, as some private actors do not necessarily want to be coordinated. In this context, donors have a responsibility to support the mediator in their coordination role: they can and should do more analysis before providing support to mediation professionals, in order to avoid duplication and other issues mentioned above.

Confidentiality may also get in the way of coordination. To safeguard the lives of victims, partners or staff, NGOs may not be in a position to share information widely which can be perceived as an unwillingness to cooperate and consequently can create tension and suspicion. It is necessary for the mediator and donors not to pressure civil society to divulge information during the peace process or in relation to donor visibility requirements.

Proscription is another potential obstacle to coherence and coordination in the process. In Africa today, there are a series of proscribed actors like Boko Haram, Al Qaeda in the Islamic Maghreb (AQIM) or Al Shabab who are left outside peace talks, which in turn can cause a conflict to become intractable.

Lessons from the EU's commitment within the GCC initiative in Yemen

For the past two years, a unique peace process mechanism in Yemen has involved a group of international actors, the G10, in joint mediation support. In a context of fragility and political crisis leading to a civil war, this mechanism was initiated by the GCC Initiative, signed in November 2011, and is designed as a two-year transitional process that is foreseen to end in February 2014 with fair, transparent and competitive elections. The negotiation process is overseen by a UN Special Envoy, Jamal Benomar, and the G10 diplomatic group (the five permanent members of the UN Security Council, members of the Gulf Cooperation Council (GCC) and the EU Delegation in Sanaa) as the sponsors and guardians of the GCC initiative.

The G10 is committed behind a single support mechanism and has reached out to a diversity of actors. The G10 meets every Thursday at 11am and regularly invites economic actors (including the International Monetary Fund and the World Bank) and other states such as China and Oman to share their input. Throughout the process and political developments, it has been reaching out to newly formed parties within the various regions of Yemen. This image of a visibly united international community has helped maintain the momentum. The singularity of the process and set of objectives resulted in the fact that the GCC initiative's implementation mechanism now seems to be the only process that matters.

Within this framework, the EU plays an important role. It has been involved at various levels of the process, publicly and behind closed doors, in a rather constructive mediation context: with the Yemeni government, in national dialogue conference at all levels, and also in national dialogue together with the Berghof Foundation. It has engaged collectively with other parties, including with

former opposition and government members with the objective of overcoming old grievances. It has particularly focused on engaging with Houthis as a go-between, sometimes as a mediator.

As a result, the EU is perceived to be credible as a donor who is able and willing to support local ownership. It has been in a good position to play a significant role as the process is structured and the actors' approach is conducive to a wide engagement. In its growing role as a global mediator, the participants noted that the EU has a tremendous potential in coordination as a donor with a variety of instruments supporting mediation (including the Instrument for Stability and EIDHR) and recommend that it focus on coherence.

The UN Group of Friends of Mediation

The Group of Friends of Mediation was founded on 24 September 2010 at the initiative of Turkey and Finland, to promote the use of mediation in the peaceful settlement of disputes, conflict prevention and resolution, as well as to generate support for the development of mediation. Objectives include encouraging the use of mediation, raising awareness, inclusion of women at all stages, improving cooperation and coordination, and promoting capacity-building

Essentially, the role of this group - currently composed of 45 members - is to support mediation , make normative contributions and act as a platform to exchange and to network. In this sense, coordination and networking are important and supported by the UN Group of Friends: it engages with academics, NGOs, and with international mediators.

The Friends of mediation have been instrumental in the drafting and adoption of the UN General Assembly resolution 65/283, which called the preparation of the UN Guidance, as well as the follow-up resolution 66/291, which encourages its use. In 2014, the Friends will also be engaged in the drafting and adoption of a resolution on mediation, whose focus would be on regional and sub-regional organizations.

National Ownership – balancing local and international approaches and interests

This fundamental underscores the fact that peace agreements should seek to address the root causes of the conflict as well as to create an appropriate framework for a unified vision after having taken into consideration as many opinions as possible. It also emphasises the importance of clear modalities for implementation. This panel discussed the approaches of the EU and the UN in supporting mediation efforts in the perspective.

The EU's approach

As a multilateral organization, **the EU does mediation internally on a daily basis**, at all levels of its work. It has many tools it can use in mediation and can sometimes be effectively a vehicle for collective action when the 28 members speak and act in one voice. The EU is a slow machine but it can achieve concrete results. This is especially the case in the EU immediate neighbourhood: **accession** has been an important tool and incentive in the Balkans, as shows the example of Croatia, who was a candidate country twenty years ago and now it is a full-fledged member.

On the other hand, the EU is learning that **taking on a “backseat role” can be effective and helps promote national ownership**. Some participants noted that the further it gets from its territory, the more humble the EU ought to be by focusing on mediation support as a means for being a constructive contributor to peace efforts. In this context, EU mediation support works mostly through civil society organisations. Participants concurred that it is necessary for the EU to have a grassroots approach and **to keep funding civil society** to benefit from its **access to communities**

the EU delegations cannot reach but want to support. Besides, international NGOs are an **intermediary for local civil society** who would like to access the EU funding and support.

Furthermore, the EU now recognises that civil society's **analysis and expertise** helps to identify the interests of actors in the conflict and how to keep or bring the peace process into national actors' hands. Some pointed out that in some cases, a major **part of the funding is not adapted to the needs and context** of the conflict and that the EU and other donors should better coordinate and prepare their funding.

The EU is also conducting mediation support by **funding the UN**, including the Department of Political Affairs' **Standby Team of Mediation Experts**.

Lessons learned from civil society

Comments from civil society participants connected national ownership to **inclusivity**, insofar as the mediator should think whether all national stakeholders are sitting at the table.

Joint analysis should be conducted not only among international actors but also from across the spectrum of organizations and individuals in order to better understand and enable local ownership. Doing so is challenging because of the existence of a myriad of actors, but networks and consortia can help map and link what international and local actors do.

National ownership is also to be linked to **preparedness**, including defining the objectives and the means to achieve them, identifying what the constituency represented will accept, and setting up communication channels. **Supporting existing local mechanisms** should always be in the mind of the negotiator. People will not necessarily accept a new external mechanism perceived as imposed.

The Mediation Support Network (MSN) was founded in 2008, to avoid the negative effects of competition in mediation field. It is comprised of 20 organisations, mostly NGOs, and the Mediation Support Unit (MSU), who meet twice a year.

The MSN highlights the importance of linking all track levels in peace mediation. With a focus on the people who will be affected by the outcome of the mediation process, the recommendations of the network include:

- Giving priority to local actors, including through capacity building (the MSN developed innovative models to strengthen skills of local stakeholders);
- Calling mediators to use the MSN's network to reach out as it has access and trust with marginalised groups, including proscribed groups;
- Ensuring that ownership takes form at the implementation stage, when it matters the most.

MSN has identified three challenges for mediators and suggest the following recommendations:

- Take responsibility for the signed agreement: it has to be implementable;
- Protect the parties from signing unrealistic, overcommitting items under the pressure of the international community;
- Strive for modest agreements, which look at the actual result on the long term.

<p>The Civil Society Dialogue Network (CSDN) is a three-year project co-funded by the European Union (Instrument for Stability) aimed at facilitating dialogue on peacebuilding issues between civil society and EU policymakers. The CSDN contributes to strengthening international and regional capacity for conflict prevention and post-conflict co-operation (for more information www.eplo.org). It is managed by EPLO, the European Peacebuilding Liaison Office in cooperation with the EEAS and the EC.</p>
