

## *Summary Report*

### **United Nations Mediation: Experiences and Reflections from the Field**

*An Informal Meeting Organized by the President of the General Assembly*

*9 November 2011, 3.00-6.00 pm, Conference Room 1, NLB, United Nations*

This report summarizes the discussion at an informal meeting organized by the President of the General Assembly on 9 November 2011. The objective of the meeting was to promote mediation and to collect UN-wide experiences, in particular with the aim of contributing to the development of guidance for effective mediation. After opening remarks by Mr. Nassir Abdulaziz Al-Nasser, President of the General Assembly, and Mr. Ban Ki-moon, Secretary-General, a keynote address on the “Role of the United Nations in Contemporary International Mediation: Primus Inter Pares” was presented by Mr. Ahmedou Ould-Abdallah. In a panel discussion chaired by Prof. Brendan O’Leary of the University of Pennsylvania, formerly member of the Standby Team of the Mediation Support Unit, four current and former high-level officials presented their experiences from prevention, peacemaking and peacekeeping perspectives, namely, Ambassador Noel Sinclair, Permanent Observer of Caribbean Community, Ms. Gwi-Yeop Son, Director of Corporate Programs in OCHA, Mr. Taye-Brook Zerihoun, Assistant Secretary-General for Political Affairs, and Ms. Elisabeth A. Lindenmayer, Director of the UN Studies Program at Columbia University. They then responded to questions and comments from Member States and invited participants.

#### **Mediation receives due attention**

The United Nations made considerable progress in operationalizing mediation as an invaluable tool for conflict management and resolution. There has also been growing interest by Member States, regional and sub-regional organizations, civil society and academia. Several panelists noted that there were important humanitarian and financial incentives for the use of mediation. Mediation as a conflict management tool is comparatively cheap, and if successfully introduced early, it averts the multiple human and economic costs of conflicts. As an effective tool to prevent, contain and resolve conflicts, mediation is important at all stages of possible conflict cycles.

While it was agreed that mediation can be done well or badly, there is no absolute consensus on what constitutes good or effective mediation. There was agreement that there should be a lead mediator, but not on whether there should be a single agency or single government mediation. There is, for example, some academic evidence that a small-sized coalition of mediators can be more effective than either a single or overly large coalition of

mediators.<sup>1</sup> There was agreement that mediation “forum-shopping” should be discouraged and the conflict parties should be encouraged to adhere to one mediation process. Panelists also agreed that mediation strategies were very context-specific. Hence, there are no absolute answers on best practices. Mediators need to be creative and flexible, and adapt their strategies to the circumstances.

It is difficult to determine clearly what constitutes success in mediation: if conflict is avoided should the mediation be credited; if the conflict recurs to what extent is that to be attributed to mediation failures? Several panelists argued that the first priority in mediation is to accomplish the cessation of violent hostilities, but others emphasized that mediation also needs to address the root causes of the conflict.

The speakers observed that mediation was neither a universal remedy that will always work nor a substitute for other conflict management tools. An important question is whether there is sufficient political will, by the conflicting parties as well as external actors, to make a mediation process work. Mediation should not be seen as a rival to peacekeeping; they can be complementary. Peacekeepers can provide mediators with space to develop a comprehensive peace process.

Paradoxes were observed. Inclusive peace processes have multiple merits, especially if armed hardliners can be incorporated into a political settlement that includes new and widely accepted institutional and security arrangements. Some expressed the fear that peaceful agents may be less likely to receive attention in mediation processes – that apparently reward those who resort to arms.

Another possible paradox arose from the discussion of whether mediators should play a role in the implementation of the settlements over which they preside. If the mediators and the principals remain the same, then there may be a danger of the constant re-negotiating of the agreement. On the other hand, if the mediators and the principals change, they are implementing a settlement made by others so they may lack commitment to the agreement and may not fully understand the trade-offs made in its construction.

Some Member States advised that mediation should not be used as an excuse for interference in internal affairs. The territorial integrity and sovereignty has to be respected. International mediation is only appropriate when domestic solutions have failed, and when the government consents to mediation or actively seeks external support. Neutral and impartial mediators are precisely that; they are not authorized to make and enforce their own decisions about the conflict.

### **No one-size-fits-all**

The panelists agreed that lessons from a mediation process may not be easily transferable to other situations, but they welcomed the Mediation Support Unit’s commitment to act as reservoir of knowledge and experience acquired, and to assist or train future UN mediators,

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<sup>1</sup> See e.g. Tobias Böhmelt, “Disaggregating Mediations: The Impact of Multiparty Mediation,” *British Journal of Political Science*, 2011 41: 859-881.

or mediators from regional organizations, Member States and civil society organizations. Ideally mediators should be briefed on lessons from other cases, and prepared well for their assignments, in full recognition that their future actions will need to be tailored to the context.

Every conflict is different and, therefore, the mediation process has to be adapted to the circumstances. Mediators have to distinguish between contextual knowledge and universal knowledge. The former is acquired through field experiences, immersion and local knowledge, including local languages. But there are universal skills that can be learned – and technical expertise is available to be judiciously drawn upon regarding constitutional options, power-sharing arrangements, electoral and referendum practices, human and minority rights law, and security sector reforms.

With regard to context, many emphasized that mediators must engage in a conflict analysis – aim to understand the root causes and the conflict dynamics, identify the key stakeholders, and define entry points for mediation. Ready-made formulas are unlikely to work, however. It is important to remain open and receptive to what is particular about the country, or countries, about the conflict and about the parties. A mediator has to learn about what is indigenous or customary, what arouses local sensitivities, and what works for the local agents. Furthermore, the mediator should engage in critical self-appraisal, and reserve the option (and incentive) of quitting if their initiative does not seem either appropriate or effective.

### **The United Nations is a vital actor**

The United Nations has a comparative advantage because of its global reach, its expertise, its trustworthiness, as well as its ability to convey international legitimacy. Over the last years, the organization has critically enhanced its capacity to offer consistent and professional support to complex peacemaking processes, and to support Member States and regional organizations in building their own capacities. It is the United Nations at its best, acting together to advice and to service.

Panelists maintained, as did some Member States, that the United Nations does not always have to be center stage amid mediation processes. When regional and sub-regional organization are better placed to take the lead, they should do so, but the United Nations may still have a critical role in supporting the process, through the provision of good offices, and rosters of experienced diplomats and experts. As a complement to regional efforts, the United Nations can make a positive difference because of the credibility and efficiency of its mediation support efforts. Furthermore, the United Nations sometimes functions as the world's mediator of last resort. Its difficulties were recognized: governments may be reluctant to see conflicts internationalized through UN mediation; rebel-groups may regard the United Nations as inherently committed to incumbent governments.

At country level, the United Nations has the capacity to identify and understand early warning signals, not least through its field agencies. The UN Resident Coordinator has an

important role in convening all relevant actors, including the local and national government, the UN agencies, civil society and, if applicable, the private sector. He or she may, where appropriate, also assist local actors to do a participatory conflict assessment, and to come up with multidimensional responses.

Several Member State mentioned the central role of the Department of Political Affairs in supporting mediation processes and in strengthening regional organizations, and welcomed enhancement made in the capacities of DPA and its Mediation Support Unit. Some also pointed to the Peacebuilding Commission's function in accompanying mediation efforts to prevent a relapse of violence in a post-conflict scenario.

### **Cooperation rather than competition**

Rising global interest in mediation has come with a proliferation of mediation actors. The multiplicity of mediators can sometimes be a real problem. When there is disunity among international actors, disputing parties with a potential to spoil the peace process can play different initiatives against each other. If success is to be achieved, international actors have to go the same way and speak with the same voice. Partnership and cooperation is essential to maximize complementarity and minimize inefficiencies.

Successful mediation calls for a coherent and sustainable course of actions under the direction of a lead mediator. Several panelists argued that regional and sub-regional organizations should be the first-responders. Regional organizations are often faster to respond and often have a better understanding of the conflict. In particular, the African Union has a comparative advantage due to its Constitutive Act, which provides it with ample possibilities for rapid intervention. Neighboring states also have a critical role in mediation processes, both positively and negatively.

Some panelists argued that the United Nations should be the lead actor in situation that required a broader and more global approach to conflict resolution. While the participants did not fully agree which actors were best suited to take the lead under what circumstances, they concurred that the decision about the lead mediator depended on the situation. It was mentioned that the decision should be taken at the highest level of the involved organizations. There is need for more strategic dialogue about how to prevent unproductive competition between the United Nations and regional organizations. More lessons should also be drawn from successful cases of partnership, such as the AU-led and UN-supported mediation in Kenya. Research also needs to be done on less successful cases of partnerships to ensure that matters are better managed next time. There is a particular potential to work closely on joint training opportunities and the establishment of mediation rosters.

### **Including all the relevant local actors**

Mediators face a dilemma on which actors to include in the process. While a successful mediation often requires the inclusion of armed agents and hardliners, other non-armed

actors should not be marginalized. Inclusion does not necessarily mean that all the actors need to sit at the formal negotiating table. Combatants are often at the center of the immediate problems, so they need to be involved in a structured way. No general answer is possible regarding the ‘who’ and the ‘how’.

There is no simple framework for the inclusion of civil society. Mediators should discuss ways to create an appropriate forum. Civil society should not be assumed to be conflict-free, or innocent. When civil society is fragmented, the mediator must find ways to help its organizations to become a reliable dialogue partner. Local expectations need to be managed carefully. Several panelists also mentioned the issue of language. The mediator must be able to engage with all local actors; press conferences and important documents should be translated in local languages to keep everybody informed.

Often women are not included in the formal negotiations, but they function as advocates for peace and stability. The mediator should encourage the participation of women as they often take a very constructive role in the process. Women also have a tremendous role to play in promoting mediation.

### **Mediators and their teams**

The actual mediator may even be more important than the organization he or she represents. Mediators are leaders, encouragers and managers. They need to work simultaneously on many fronts and lead by far-looking suggestions, creativity and cooperative efforts. Moral authority should be conserved and hard work should prevail at all times. The back office of a mediator also has a fundamental role. It is extremely important to have people with profound background and technical knowledge in the team. Several participants made the case for training and the strengthening of technical expertise.

### **Mediating after a peace agreement**

Mediation does not end with the adoption of a peace agreement. There is interdependence between agreements and implementation arrangements. Well-designed agreements are “implementable” and they have implementation plans. It is important to keep the momentum going after the signing of an agreement and raise awareness that compromises are necessary during implementation. It is an open question whether the personnel, both the conflicting parties and the external mediators, who make the agreement should be involved in the implementation – and if so, through what means.

International support for implementation is crucial, but it needs to be better organized. External actors should provide support but not seek to replace the previous parties to the conflict. In the post-conflict stabilization period, external actors need to sustain their support and invest enough to continue the mediation and peacebuilding efforts. Third-party participation in commissions established under agreements has proven useful, e.g. in security sector reform or electoral commissions. The chairing of commissions by third parties may help build trust and improve compromise and accommodation.