Mediation in armed conflicts

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When parties in conflict are in no position to negotiate directly, but have a genuine will to overcome the situation they are in, they tend to seek a person or institution to help them reach a satisfactory agreement. Mediation, in itself, does not have to be imposed by third parties (although this might be suggested or induced), but should always be freely accepted by the parties in conflict.

Mediation is, more than anything, a **communication exercise that seeks to conciliate the interests of the parties in dispute**, assisting them to find a way out, but without imposing a solution upon them from outside. The person that mediates a conflict and the parties' interests must have a broad understanding of the conflict and respective interests, must have certain personality traits (honesty, impartiality, flexibility, empathy, patience, etc.) and must be a master of certain well known and widely promoted mediation skills and techniques (paraphrasing, summarising, prioritising, starting with assumable objectives, temporarily keeping a distance in order to generate new ideas and focuses, clarifying needs and interests, resituating the conflict, broadening the scope, moving outside of the usual conceptual framework, emphasising common values, breaking down the problem, helping the parties to make small concessions, etc.) that can lead to new approaches, break deadlocks, open new dialogues, achieve more active participation and help to find a solution in which all of the parties come out winning.

Mediation **intervenes in the actors' conducts**, in order for them to agree to matters of mutual benefit, and not in terms of structures, which should be a derivation of the agreements the parties reach. The target is to **modify the relations** between the parties in conflict. This also has its stages and moments (initial contacts, data collection, the establishment of the rules of play, process design, the identification of agreements and incompatibilities, the visualisation of hidden agendas, reformulation, the generation of options and the achievement of agreements and compromises), and forms an integral part of any negotiation process.

There is extensive literature on mediation, and also many centres that specialise in the issue. The mediation of armed conflicts, however, works under very different conditions to microconflicts, as the mediation is always constricted by elements that have nothing to do with the capacity and skills of the mediator. The techniques are more or less the same, but **in armed processes, ultimate success also depends on factors that are external to the mediation process.**

As has already been suggested, there are some **basic principles for mediation in armed conflicts**: the mediator must be technically impartial, the parties must agree to the mediation and select the person who will do it, the conflict cannot be resolved under pressure, the parties must want to settle it,

and the mediators must not adopt punitive measures.[1] Mayer considers there to be four basic analytical instruments that the mediator must know how to handle:

1 – Understand **the relative power and authority** of the people involved in the conflict. This implies knowing who does what, when, where and how.
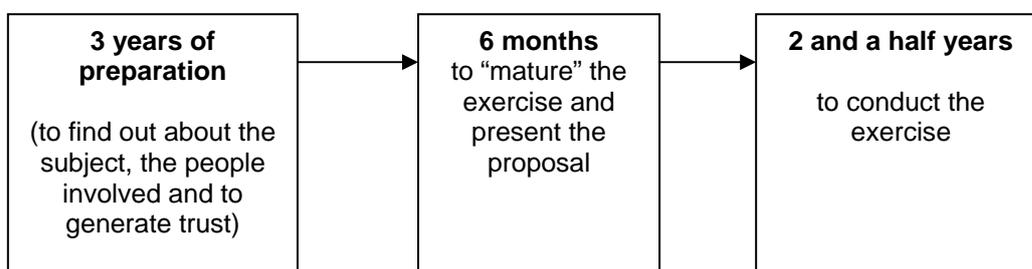
2 – Understand the nature and depth of each party's **emotions**. Which are socially acceptable and under what conditions? What groups have the greater capacity to express their emotions? What emotions are the most repressed?

3 – Understand the **layers or strata** of the conflict, and find the right level on which it is possible to work on resolving it. i.e. estimate the 'entry level', one which is neither too tough nor too soft. This implies not starting with the most complex issues, but trying to make small progress to generate trust and only later tackling more complex issues. This also involves perceiving the layers from which the roots and history of the conflict arise.

4 – Finally, maintain **clear communication**, as this is vital in order for the messages to be correctly understood by all the parties.

As I shall explain, mediation is really a set of actions, some of which are merely exploratory, which should be given a different name to avoid confusion. There are, for example, exercises that are used to deal with the actors' opinions and attitudes, prior to future or possible negotiation. These exercises can take a long time, and can also take a long time to prepare. For two and a half years, for example, I took part in an exercise to contrast the opinions and feelings of several parties in the same conflict, but before starting the exercise, there was a need to spend a little over three years finding more out about the subject and the people that were going to participate in the exercise, and to generate trust between them. So, just to achieve a small, modest contribution, several years might be needed (six in my example).

<u>The time required for modest actions</u>

3 years of preparation (to find out about the subject, the people involved and to generate trust)	→	**6 months** to "mature" the exercise and present the proposal	→	**2 and a half years** to conduct the exercise

To show the kind of things that have to be done in a mediation and pre-mediation process, I shall now provide some tables showing some of the techniques that can be used, in this case to show the importance that third party friends might have, to see how threads of communication can be woven, the

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[1] Bernard Mayer, *The Dynamics of Conflict Resolution*, Jossey-Bass, 2000, 263 p.

need to generate new ideas from new spaces, the possibility of breaking down proposals in order for them to be listened to and the role that the first circle of friends might play.

An example was a summit held in Barcelona in 2001 to analyse the future of the Western Sahara. The summit, which was held behind closed doors, without reporters, without cameras and without recordings, was attended by representatives of the Polisario Front, EU diplomats, the United Nations, the African Unity, Ministers of Foreign Affairs from eight countries and Moroccan representation, which was unofficial but close to the country's political decision making centres. Some pro-Arabs were also invited, as well as specialists in forms of self-government. For two years, in an informal and unofficial atmosphere, the participants were able to express their concerns and projects in full sincerity, and the parties involved in the conflict were able to hear new proposals and new possibilities that had not been considered before. There were no final conclusions, but these **academic meetings can resituate affairs**, improve relations, get people to know each other and momentarily move affairs away from the usual conceptual framework. Over time, the ideas that are circulated at meetings like this make it possible to open new spaces for the negotiating efforts of all parties, including people that act as formal mediators.

The second example is used to show the important function that can be played by **the closest people to the actors in the conflict**, people with the power to influence, or at least to get across messages and new proposals, particularly at times when there is a lack of communication and when there is an absence of negotiation. The armed opposition group (AOG) may have close intellectuals, exiled members of the military or sympathisers abroad that can act as informal links both with the armed group and with diplomatic, political, economic or mediatory sectors that can benefit the negotiations. Likewise, certain governments or international bodies with an influence over the government affected by the conflict can form a first belt or circle of communication, at the same time maintaining a direct link with the circle around the AOG. Opportunities, approaches and strategies can emerge from this relation that could be of interest to all parties involved.

A form of the previous exercise is when the initiative comes not so much from third parties that enjoy the trust of the leaders of the opposed parties, but from people on one side and the other that know the problem well and are willing to meet to produce an alternative. That was the case, for example, with the proposal contained in the "Geneva Accord" presented in late 2003, where due to the deadlock in negotiations between Sharon and Arafat, a third party initiative arose (the "critical yeast") that gained external support and sought to socialise an alternative proposal and generate the required "critical mass" both among Palestinians and Israelis in order to put pressure on the decision making centres on both sides.

This form of social participation in the resolution of a conflict is appropriate for most conflicts catalogued as armed, where there is a more or less organised social space in the search for peace that is disdained or ignored by the armed groups. This abysmal distance has its reasons, of which there are many:

sometimes, civic organisations have looked more for simple ceasefire than the achievement of peace through social justice, i.e. peace through profound transformations; in others, the breakup and weakness of the social network has been unable to offer better alternatives or make them more visible with respect to those who vindicate something in an organised or insurgent way; in other contexts, institutional repression has been sufficiently intense and widespread to drown any hope of offering civic alternatives to confrontation between the oppressing establishment and armed groups, in such a way that peace proposals do not even become known. The list of explanations is longer, and generally no more than a series of examples of historical disagreement and battles to control power. In other words, in modern day armed conflicts, taken as a whole, there is no longer room for epic deeds, selfless heroism or necessary revolution, but rather, what is required to reach agreement is intelligent dialogue and the search for the necessary internal and external supports, i.e. to develop a plan for **strategic peace**, or even better, a peace strategy that is fair and selfless.

If we turn to a completely different scenario, such as that in Colombia, there are questions and possibilities that could perhaps be repeated once they have been adapted and contextualised. For decades, many governments and presidents have sought to reach agreements with the guerrillas that are still insurgent today, and have not been able to do so for infinite reasons attributable to both sides. Almost always, however, civilian society has been the silent party, a second rate agent precisely when everybody is speaking about the people and in favour of the people. It also true that until very recent times, this civilian society had yet to find a way of articulating and coordinating itself, of having its own voice, and this process must do a lot of maturing over the forthcoming years, and not so much to become an alternative to the system of party politics, as to become a moderating, guiding and directing factor through discourse and practice. When civilian society's voice is able to articulate a strong enough political discourse to present and demand the structural reforms the country needs, beyond the demands for abstract peace and ceasefire, the guerrillas will have to totally review their role and strategy, because their interlocutor will no longer be that "receptive existing or future government that we all desire", but a public sense that has been able to specify its demands and the means of making them a reality through political action.

As I have already stated, mediation is most of all a communication process, in the sense that it seeks to restore interrupted or deteriorated communication, or start it for the first time, in conditions of a certain quality. When most of the parties are in no condition to enter dialogue, because they hate each other, disdain each other, ignore each other, or have absolutely no trust in each other, there is a need to recur to people that can act as intermediaries and gather the opinions and concerns of each of the parties, and later return the sense of totality to each of said parties.

Other times, the idea is to recur to more sibylline strategies, such as **breaking down the proposals of one party**, or collecting the most symbolic or significant elements of it, in order for them to be transferred to the other party in the form of "cheese wedges", i.e. as separate and independent elements. Thus,

the case could arise of a party's peace process that is not attended to by the other, finally coming to be responded to indirectly if the intermediary has been able to properly gather its significant elements and has removed their unitary nature and presented them as independent elements in their own right.

Breaking down processes for them to be responded to
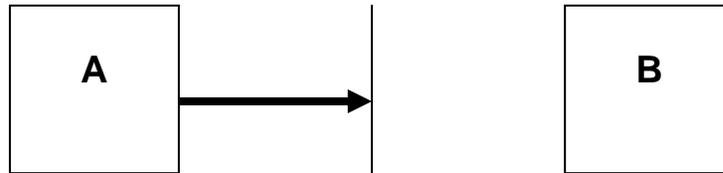
"A" sends a peace proposal to "B", but
"B" does not want to hear nor know about "A",
because it is a murderer, a criminal, a
terrorist, a fascist, a perpetrator of genocide......

In this case...
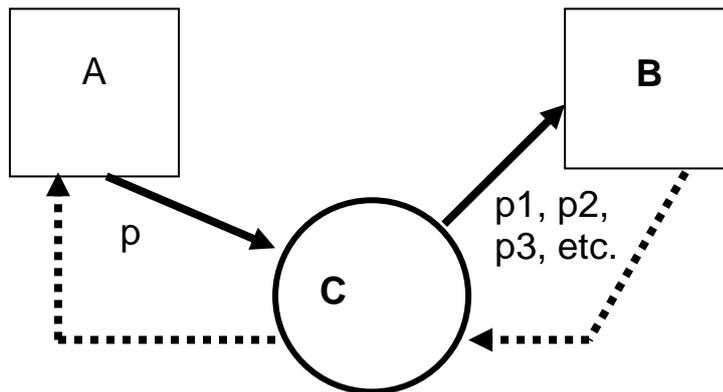
"A" explains its plan (p) to a trusted third party (C)

"C" breaks down and shreds the plan into parts, gathering
the main elements of the same (p1, p2, p3, etc.)

and subjects them to the consideration of "B", as its own plan, the
broken down part of the plan made by "A"

"B" responds to "C", with an opinion on each aspect

"C" regroups the answers from "B", and sends them to "A"

Mediation should be **understood as a complex process** in which different entities can participate, simultaneously or consecutively. It is not normally a job done by a single person (the mystified figure of "the" mediator does not normally exist), but rather by a network of functions, each one of which has its place,

moment and person. Chris Mitchell has made an extremely useful table of this, exposing the **different roles and functions that intermediaries can offer**.

Roles and functions of intermediaries

Roles of people	Tasks and functions
Explorer	Explores the possibilities for initiating a process, confirms to the parties that they are all willing to start, even being able to make some suggestions
Convener	Is the one who formally invites the parties to start negotiations. Could convene a ceasefire, the start of conversations, etc. Offers facilities and resources.
Decoupler	Eliminates external interference and ensures nobody meddles
Unifier	Helps overcome internal divisions
Reassurer	Prepares the parties to be able to negotiate in the best conditions and correct the inequalities that could exist between them
Envisioner	Offers new information, ideas, theories and options to adversaries
Guarantor	Guarantees to the adversaries that they are not going to suffer exaggerated costs due to entering a mediation process. Offers securities against a possible breakdown in the process.
Facilitator	Plays various roles throughout the process, such as chairing meetings, interpreting positions and responses, etc, acting as moderator
Legitimizer	Helps adversaries to accept the process and the result obtained.
Enskiller	Offers additional resources to help the adversaries to find a solution in which everybody wins.
Verifier	Verifies and checks that agreements are complied with.
Implementer	Controls the behaviour of the parties after the agreement and imposes sanctions if the agreements are not complied with.
Reconciler	Has a long-term task, which consists of correcting negative attitudes, stereotypes and images that tend to be presented between adversaries.

One person can play one or several roles (the explorer can afterwards be the facilitator), and there are roles that are incompatible with others (somebody who trains an armed group to negotiate logically cannot afterwards be the convener, for example). In any situation of armed or unarmed conflict, therefore, the important thing is to work out how this table of complicities can be filled in and to choose the right people or institutions for each role. Many of these roles may be played by people in the country itself, it is not always necessary to seek out external intermediaries.

Everything that could be explained about the mediation process is actually nothing more than an imaginative and intelligent development of the previous table. Whether dealing with a xenophobic conflict or an armed conflict, the interesting issue is to work out which intermediate figures it would be useful to seek and activate in order for them to simultaneously or consecutively act concertedly to seek a negotiated solution. Evidently, for armed conflicts much more time will be needed, and the list of intermediaries will be much longer, as the people that explore, facilitate, etc, will need to make more numerous attempts than they would in a microconflict.

Several authors suggest the reinforcement of what we could call **"proximity mediation"**, i.e. turning to people that are sufficiently close to or known by the parties or some of them, in order for them to play some of the aforementioned roles. Much of the work done by these intermediaries will have to be done in secret or in much confidentiality. The "explorer", for example, is the one who

weighs up the possibilities for dialogue or pre-negotiation, sounding out the parties to see how far they are really willing to go, under what conditions, with what objectives and with what accompaniments. The explorer is like a messenger of peace, and on many occasions acts like an "enskiller" by proposing new ideas to the parties, different ways out, and new forms of negotiation. This job is often done from universities or research centres, taking advantage of the neutrality of the academic framework for creating new possibilities.

One of the great promoters of mediation, William Ury[2] refers to the roles of intermediaries using the term "the third side", the third side being the actual people of the community, who using a certain type of power and from the perspective of a common base, and in support of the dialogue process, indicate a solution by which everybody wins. For Ury there are ten possible roles by which the people themselves can intervene in a mediation process, summarised in the following table:

<u>The 10 roles of the third side, by Ury</u>

Why a conflict breaks out	Transformation function	The third side's question
Frustrated needs	Provider	What is needed here?
Poor, limited skills	Teacher	Is there another way of doing it?
Weak relations	Bridge builder	I'd like to introduce you to...
Conflicting interests	Mediator	Let's work on this
Disputed rights	Arbiter	The fair thing would be...
Unbalanced power	Equaliser	Power levels in this game
Damaged relations	Healer	Let's heal wounds
No attention	Witness	Hey! Look what they're doing
No limits	Referee	No knives or guns!
No protection	Peacekeeper	Enough! Break up!

Although Ury's approach was not precisely designed for armed conflicts, but rather microconflicts, these roles can be adapted to the terminology used by Mitchell. For instance, in all cases there is a need for somebody to evaluate what is missing, what is needed for a peace process to work; other people will act as preparers, trainers, empowerers or teachers, whose task will be to prepare the parties to enter sustainable negotiations; several people will work as "bridge builders", as links and restorers of lost communication, creating lines of contact that can strengthen relations; other people will act as formal mediators, seeking to conciliate the conflicting interests and leading the parties to the negotiations table in order to work together towards a satisfactory

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2 William L. Ury, *Alcanzar la paz*, Paidos, 2000, 253 p.

agreement; in the final stages, there will also be somebody responsible for acting as the witness, judge, guardian or verifier of the agreements.

More than speaking about mediation, I reiterate that **the most important thing is to establish a network of agents that can act as facilitators and in all of the indicated dimensions and functions**, with discretion when it is needed, with solemnity and major publicity at other times, and always seriously and tenaciously. There are sometimes other agents that do not accept formal mediation (India, for example, in relation to its conflict with Pakistan regarding Kashmir), but this does not prevent, as occurs in this case, several facilitating roles from being played, whether through United States diplomacy, through the work done by the high commissions for peace of both countries, or the peace forums that have been set up by civilian society. In other cases (Colombia, for example), there has been interim confusion regarding the role that the United Nations could play, as its facilitating and exploratory role does not mean assuming the role of "formal mediator" in the strictest sense, and even less the setting up of peacekeeping operation involving "blue berets", such as, in turn, did occur in El Salvador, because there it was the pertinent method of intervention.

We could also speak of the conflicts that are bereft of internal or external mediation, even though it has been requested by one of the opposing parties or the society suffering the conflict. Likewise, it is important to remember that **there are active facilitations that, due to their exploratory nature, are not public**, and yet could still prove decisive. The Community of Sant'Egidio, for example, has conducted highly decisive facilitations in Mozambique and other countries, and is probably attempting approaches in several current-day contexts of conflict. These actions cannot be published until they have reached a certain level of officialdom, and it is the implied parties that, once the negotiations have begun, will be able to disclose the assistance they received form these organisations that work in the area of what is called "**parallel diplomacy**" or "**civilian diplomacy**".

There is, therefore, a genuine **facilitating infrastructure**, formed not just by people that fulfil all of the aforementioned functions, but also by cities that host exploratory conversations (Geneva, in particular), the state departments that intermediate discretely in the sending of messages, governments that provide economic resources to move the process forward and international and regional organisations that also play a role in some parts of the process.

As will have been observed, **only in half of the cases is there formal mediation**, although the parties offering it often prefer to be qualified as facilitators, whether that be through countries (Malaysia or Norway), independent centres (Centre for Humanitarian Dialogue) or through regional or international bodies (IGAD, Minsk Group, ECOWAS or UN). Normally, **the existence of a mediator does not prevent people, countries or organisations from doing facilitation work at the same time**, whatever their rank of importance. Evidently, these agents that facilitate negotiation fulfil functions with very different profiles, intensities and qualities, for there are facilitations with a vested interest and honest facilitations, formalised and

accepted facilitations by all parties, and one-way facilitations, i.e. that have only been used by one of the parties.

With respect to the **role of civilian society**, its actions can prove decisive in many cases, whether by playing the role at certain times of the "bridge builder", or by forming coalitions that are able to put pressure on politicians and armed parties to show commitment to a peace programme (as is the case with the role played by women in Somalia and Liberia, for example). In other cases (Uganda and Colombia, among others), it is the church that has acted as a bridge between parties. Finally, the negotiation and peacemaking process, at any of its stages, would not work properly if it did not receive the economic resources it needs. In this regard, many contexts of conflict are lacking in funds, even though the EU, UN and a small number of countries (such as Norway, Japan, Canada, Netherlands, Sweden and the USA) seek to provide the necessary means for some conversations (but not all) to progress. We should also note here the existence of geopolitics with a vested interest in peacemaking in some places but non-intervention in others.

I shall end this section with some advice and observations for people that have to act as intermediaries or facilitators, based on the comments made by Andy Carl (Conciliation Resources), CODEP, John Paul Lederach, Janice Moomaw and other friends:

With who
- The **participation of the people** is vital for peacemaking
- Exploit the capacity of **non governmental agents** for crossing borders and having direct relations with the parties involved in the conflict
- Always incorporate the perspectives of **women** and **diasporas**

Where
- Analyse and act **beyond the institutional** and state frameworks
- Interact both on a **local and international level**
- Calibrate the impact of the conflict on a **community level**
- Create **spaces for dialogue** and communication
- Integrate peacemaking in **humanitarian and development projects**

How
- **Be realistic** and don't fool oneself. One must be pragmatic and realise and recognise both our **limitations** and the distance between wishes and real possibilities.
- Do not fool oneself regarding the **role that a person can or cannot play**
- **Be humble**, ask about what is not known and clearly understand that this a task that requires the intervention of many people
- **Be open to criticism**, suggestions and contributions from others
- **Be audacious**, use imagination, compassion and a sense of justice
- Seek a **balance** between the inevitability of respecting the sovereignty of States, maintaining our independence and having direct relations with non-state agents
- Understand that there is frequently **tension between the role and strategy of people and organisations working in Human Rights** and that of

groups working to resolve conflicts. The formers' strategy many not always help to cause change and find a way out of the conflict, and the latter may undervalue the importance of not permitting impunity. The management of alternative justices, amnesties and reprieves is never easy, but avoiding this matter also leads to extremely negative consequences.

- ❏ Do not underestimate the risks and **difficulties of the post-conflict period.**
- ❏ Assume that this is a task that may involve **risks** and determine the extent that we are willing to accept.
- ❏ Calibrate precisely the **time** that a task might require and do not attempt to shorten periods
- ❏ **Do not create false expectations** with regard to others.
- ❏ **Listen**, listen and listen
- ❏ **Learn from the context**, respecting popular traditions and perspectives