



15 Mediation and Mediation Support

Luxshi Vimalarajah and Mir Mubashir

“Start from where the conflict parties are, not where the third party wants them to be.”

Oliver Ramsbotham

In 2016, “more countries experienced violent conflict than at any time in nearly 30 years” (World Bank Group and United Nations 2018, iii, quoting UCDP 2017). Today’s conflicts are complex, multi-faceted and fragmented. They often require a mixture of tools and approaches to manage and resolve them in a sustainable manner. Increasingly, the international trend seems to be moving in the direction of repressive or violent responses to conflict. The statistical

MEDIATION (SUPPORT) | the invited assistance of a third party to help organise the flow of communication and to support the creation of options between conflict and negotiation partners, in short a type of “assisted negotiation”.

evidence, however, shows that military intervention in conflicts that are often driven by unmet ethnic, social, economic or political grievances does not contribute to the resolution of conflicts. On the contrary, such interventions exacerbate them and even create new fault-lines and grievances (→ Addressing Social Grievances).

In this context, non-violent third-party-assisted peacemaking tools become all the more important. Alongside dialogue (facilitation), mediation and mediation support have become essential pillars in the gamut of peacemaking tools. The main difference between negotiation and mediation lies in the role of the third party. The negotiation process can be broadly defined as one in which the conflict parties engage with each other to reach

Continuum of conflict management approaches



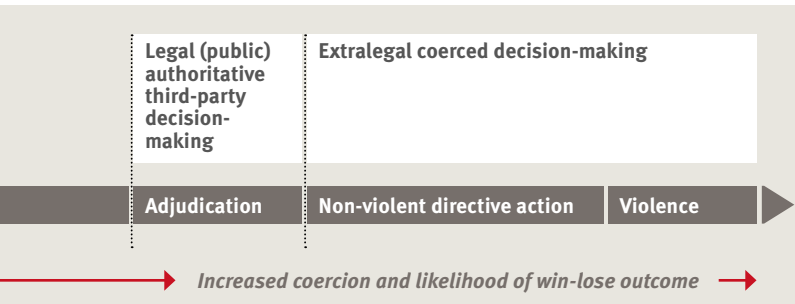
Figure 7, source: Christopher Moore, 2003

an agreement mostly without the assistance of a third party (although some backchannel facilitation may take place, see → Facilitating Dialogue and Negotiation). The central defining feature of a mediation process is the presence of a third-party mediator to organise the flow of communication. This role may also be taken by insider mediators.

Although mediation is defined in a variety of ways, in essence all of the definitions agree on a few core fundamentals: the voluntary and confidential nature of the process, the impartiality of the mediator, and that the solutions are generated by the parties themselves, rather than being imposed by the mediator. Mediation, in its essence, can therefore be defined as assisted negotiation.

Actors and styles

As the number of conflicts increases, so too does the number of third-party mediation actors involved in the international field: traditional peacemakers such as the UN, single states, regional organisations, non-governmental organisations and individuals



(eminent persons) all play a role in mediating conflict with varying degrees of success.

These actors may employ different styles of mediation: formulative, facilitative or directive/power-based mediation, and transformative mediation. In reality, mediation processes exhibit features of all of these different styles in one single mediation process in order to be more effective.

≡ In *formulative* mediation processes, the mediator acts as a formulator of ideas, devising and proposing new solutions to the disputants.

≡ The *facilitative* style of mediation focuses on the relationship between the parties; here, the aim is to increase mutual understanding between the parties in order to help them reach a mutually acceptable agreement.

≡ State-based mediators usually resort to *power-based* mediation where the mediator uses his/her leverage and power to influence the negotiation process, its content and its outcomes. A common approach in such processes is to use “carrots and sticks” to induce parties to pursue a specific trajectory.

≡ *Transformative* mediation is aimed at empowering conflict parties to recognise each other’s needs, interests, values and points of view, so that their relationships may be transformed during the mediation process. It supports the parties in determining the direction of their own process: they structure both the process and the outcome of mediation, and the mediator follows their lead.

A point of contention for all is the level of multipartiality, impartiality or neutrality a mediator must possess. We find in our practice at the Berghof Foundation that multipartiality is a beneficial stance in working with conflict parties.

Insider mediators

Rootedness/embeddedness in the conflict context give insider mediators heightened credibility and legitimacy in the eyes of

many. Additionally, the influence and authority that insider mediators bring to a process may provide them access to conflict actors who would be unavailable to others (e. g. radical or “hard to reach actors”). Insider mediators are affiliated to one or the other conflict party either by ethnicity or by some other link, and therefore cannot be expected to be impartial or neutral, yet are considered fair and trustworthy by the conflict parties. Insiders are intrinsic to the conflict context, i.e. they are part of the social fabric of the conflict. Their lives are directly affected by it. They may have a stake in the conflict but will not be swayed by it, and prefer non-violent means of addressing the conflict. They draw on tradition, religion, spirituality and also secularism, pluralism or multiculturalism to mediate conflicts. The legitimacy of insider mediators, depending on the dynamics of the conflict context, may, however, be in constant flux and thus call for outsider involvement. In traditional, patriarchal societies, certain insider mediators may also be less inclusive in their mediation processes.

In practice, the distinction between mediation, negotiation and National Dialogues is fluid. National Dialogues may at times involve bi/multiparty negotiations and third-party mediation where there is a political deadlock or the breakdown of dialogue. Concerns to protect national sovereignty and preserve national ownership of the processes make insider mediators the ideal bridge-builders and go-betweens to convene the process, with external actors present in a purely supporting role.

External assistance

External actors are best suited in their function as mediation support actors. Mediation support covers a range of activities, from assistance to professionalisation of the mediation practice. Broadly speaking, mediation support services include:

1. Technical and operational support for peace processes (e.g. advice on thematic issues, conflict analysis support, technical process design questions, and mediation strategy development);

2. Capacity-building (e.g. coaching for mediators, training for mediation teams and conflict parties on negotiation/dialogue skills and topics);
3. Research and knowledge management (e.g. knowledge products such as fact sheets, manuals, handbooks on process design options, legality and wording of contracts and agreements, developing a repository of knowledge on lessons learned and good practice).

For example ...

The Berghof Foundation assists the citizens of HirShabelle State in Somalia to build or restore constructive relationships with each other. We take the knowledge base and experience present in the communities and add practical skills in mediation and dialogue facilitation through training and joint learning with important stakeholders and chosen multipliers.

The bulk of the Berghof Foundation's work in the area of mediation is related to mediation support.

The practice of mediation has come a long way since the 1960s and 70s from a craft mastered by a few senior special envoys and (former) heads of state. Specialised mediation units now exist within regional organisations, foreign ministries and non-governmental organisations. This professionalisation of the field has led to the belief that formal mediation processes can be managed well if the mediators have the technical capacity (such as communication microskills, for example asking meaningful questions, conflict analysis expertise and knowledge of process design) to steer the process. Often the human dimension – empathy, intuition, creativity, the ability to build trust, cultural sensitivity, and humanity – is undervalued (→ Averting Humiliation). Yet these intangible factors sometimes determine the success or

failure of a mediation process. In the end, both the science and the art of mediation matter.

While mediation is definitely the more cost-effective way to resolve conflicts when compared to military intervention, it is also true that many peace agreements collapse during the early stages. Further research is needed to determine the effectiveness of mediation alongside other more coercive peacemaking efforts such as the use of sanctions, threats of war crimes prosecution or the use of military force. We have to ask which styles of mediation, and in combination with which other measures, are most effective. There is currently little guidance on how to decide the balance between political sensitivity, inclusivity and transparency; moreover, the extent to which mediators can be held accountable for such decisions and the consequences that ensue from them is still unclear.

Questions related to when mediation is appropriate, what the limitations of mediation are, and how to assess the effectiveness of mediation, have yet to be answered. Today's multi-layered and complex conflicts need multi-layered complex third-party responses that draw on the experience, strengths and added value of the various mediation actors on each of the tracks. In some contexts, conflicts have continued despite many decades of peacemaking attempts (Israel-Palestine, Cyprus, etc.) or have proven resilient to any settlement. Mediation, National Dialogues and mediation support are no silver bullets for solving conflict in isolation but need to be complemented by other tools and approaches to nurture the culture of dialogue, trust and confidence-building among the belligerents. This requires long-term commitment, resources, experience, innovative thinking and persistence by mediators and those who support the process.

References and Further Reading

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