

OSCE Support to Insider Mediation

*Strengthening mediation capacities, networking
and complementarity*

KEY CONSIDERATIONS

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Berghof Foundation



1 Introduction

Most conflicts in the OSCE area have been and are being addressed by the OSCE through high-level (international) interventions using Track 1 mediation, diplomacy and political dialogue processes. While much progress has been made to mitigate/manage violent conflicts at this level, the periodic outbreak of violence and recurring heightened tensions in the OSCE area show the limitations of Track 1 interventions in achieving durable solutions. A holistic transformation of complex and protracted conflicts necessitates multiple levels and forms of engagement that connect and integrate the whole of society, and leverage local/national capacities and approaches of transforming conflict. This also requires engagement with difficult, yet crucial actors, like hardliners and violent non-state armed actors, without whom sustainable conflict transformation is unlikely. The OSCE has legal restrictions to engage with certain contexts and actors. In addition, there is a limit to the OSCE's operational capacity to directly deal with entrenched local issues in protracted conflict contexts.

In the cases where the OSCE's operational capacity is limited, insider mediation processes have the potential to achieve complementarity with and strengthen Track 1 interventions. The increased recognition of and attention to insider mediation has lately been adding value to an evolving discourse. Empirical research on 'unarmed' insurrections indicates that insider mediation significantly increases the likelihood of reaching negotiated agreements.ⁱ Insider mediators (hereafter alternatively 'insiders') possess an inherent legitimacy that often places them in a more advantageous position than outsiders to mediate peace within and across their constituencies. Depending on the context, and the level and type of conflict, outsiders may involve insider mediators in their efforts or offer crucial mediation support to insider-driven process. The principles of engagement however require acute sensitivity and strategizing. The following deliberates on some conceptual and operational considerations for OSCE support to insider mediation.

2 Conceptual considerations

(Insider) mediation can be understood as a strategic and multi-layered process of recognizing, (re)vitalizing and sustaining the *mediation space*, as well as exercising and nurturing *mediative capacity* for transforming tense, violent or broken relationships between or within communities and societal groups. This is done by facilitating the flow of communication, addressing the motivation and attitude behind violent behaviour, and renewing social contracts to enact the mutual interest of sustaining non-violent and constructive relations. Mediative capacity has two dimensions: the capacity of the actors – who mediate – to perform mediation; and the capacity of the actors – whose conflicts are mediated – to be open and ready for mediation.ⁱⁱ

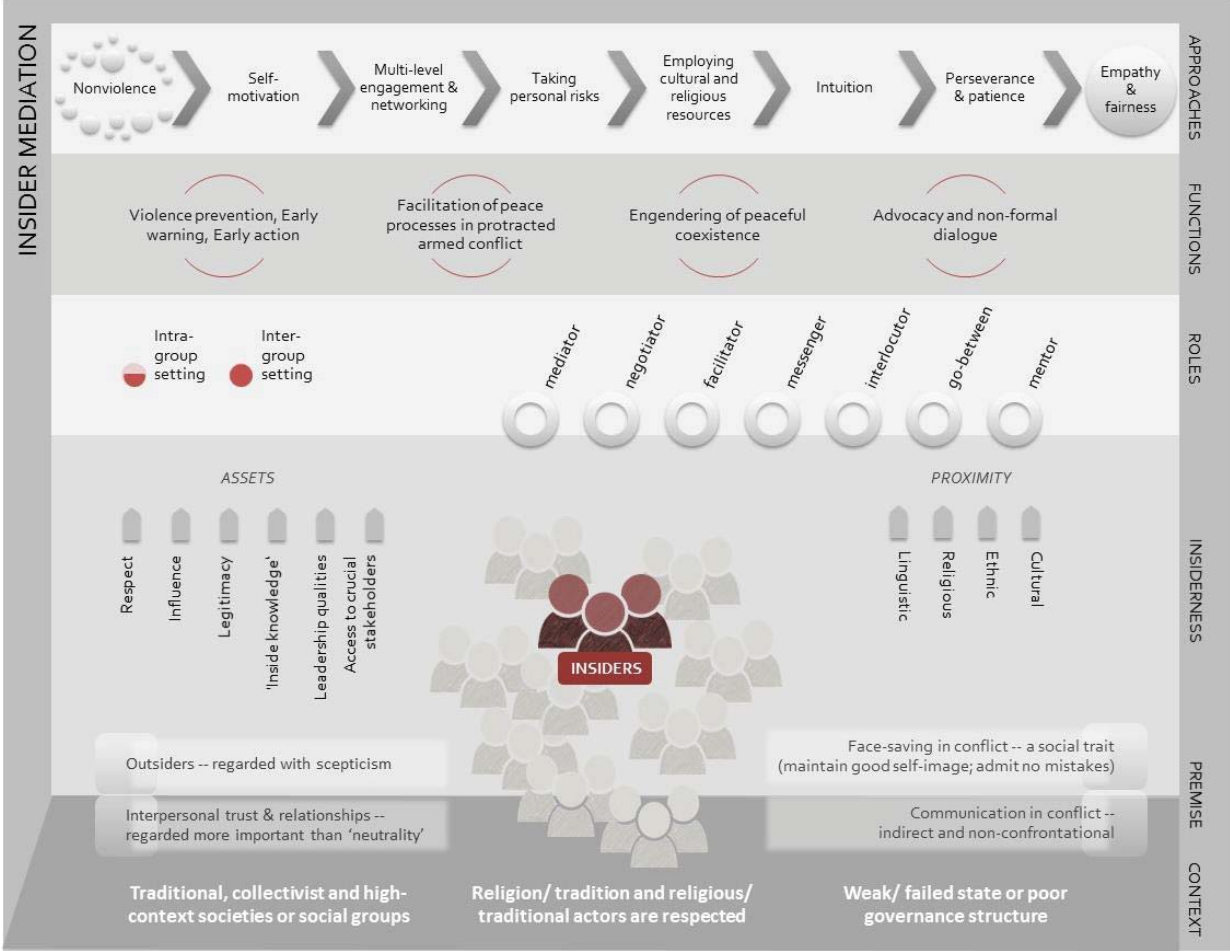
Insiders are *intrinsic* to the conflict context, i.e. they are part of the social fabric of the conflict and their life is *directly* affected by it. They may have a stake in the conflict, but they prefer non-violent means of addressing it. Their legitimacy to mediate is not necessarily based on impartiality but on their rootedness in the context as well as their influence and authority, which provides them access to conflict actors that is unavailable to

others (e.g. radical, hard to reach and armed actors). In contrast to external third-parties who are expected to be fully impartial, an insider is a mediator from within the conflict who is often partial to the outcome. While neutrality has traditionally been emphasized as a critical characteristic of the mediator, current research suggests that partiality can actually increase the likelihood of mediation success. Insiders have *inside knowledge* of

subtleties in mood and positions – within or across constituency/ies. In many cases, they are well-connected both horizontally and vertically to non-state, state and international actors, which is required to forge crucial Track 1.5 processes. Insider mediation often involves cultural, traditional and religious underpinnings and specificity. An insider can be a state or non-state individual or entity,

e.g. a politician, public servant, ministry, semi-formal court, community leader, artist, educator, celebrity, traditional/ religious/ spiritual leader, elder, entrepreneur, ex-combatant, youth or women’s group, or a civil society or community-based (including faith-based and non-governmental) organization, or labour union.

Figure 1: The facets of insider mediation



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3 Operational considerations for insider mediation support

Outsider support to insider mediation processes requires a fundamentally different set-up to those initiated and led by high-level outsider mediators. Essentially, such support would first acknowledge the existence of insider mediation processes: the mediation space, the actors, and actor-networks. Then it would listen to their challenges and needs, point out (conflict-sensitively) limitations that may be embedded in the process, investigate support gaps, keep an eye out for

opportunities, and offer organizational, procedural, logistical, and advisory support — all as per stated needs. The best kind of support is dialogic mutual support, i.e. support based on conversation and interaction between the insider and outsider, which nurtures joint-learning, methodological exchange, knowledge-building, and problem-solving. In some cases, outsiders can simply act as a sounding board or advisors.

Figure 2: Factors for engagement with insider mediators



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Support 'Networks'

While specific insiders may need tailored support, it is worth considering an overarching layer of support that connects the synergies of a collective of insiders and outsiders. Insiders in many contexts mobilize networks in informal ways, by forming teams or sub-networks.

Context-specificity and conflict-sensitivity

The diversity of insiders calls for diverse approaches to support (e.g. the support needs of an aged social worker may be different from that of a young leader). There might also be tensions among insiders, which need to be kept in mind while engaging with one or the other insider. Some insiders prefer to be – and are more effective

when – not seen as engaging with outsiders. In certain cases, supporting insiders may actually cause harm to their recognition in society or increase competition among them. The challenge of balancing the transparency of OSCE support with confidentiality can become a political issue.

Sustainability and impact

Support seen in *project* terms may fall short of being sustainable. Given that there can be limits to the political and financial sustainability of OSCE field operation projects, support could be developed as a loose advisory and collaboration mechanism or a stand-by support structure, which could form part of a larger networked support structure. As insider mediation can be a slow process with little observable impact over a

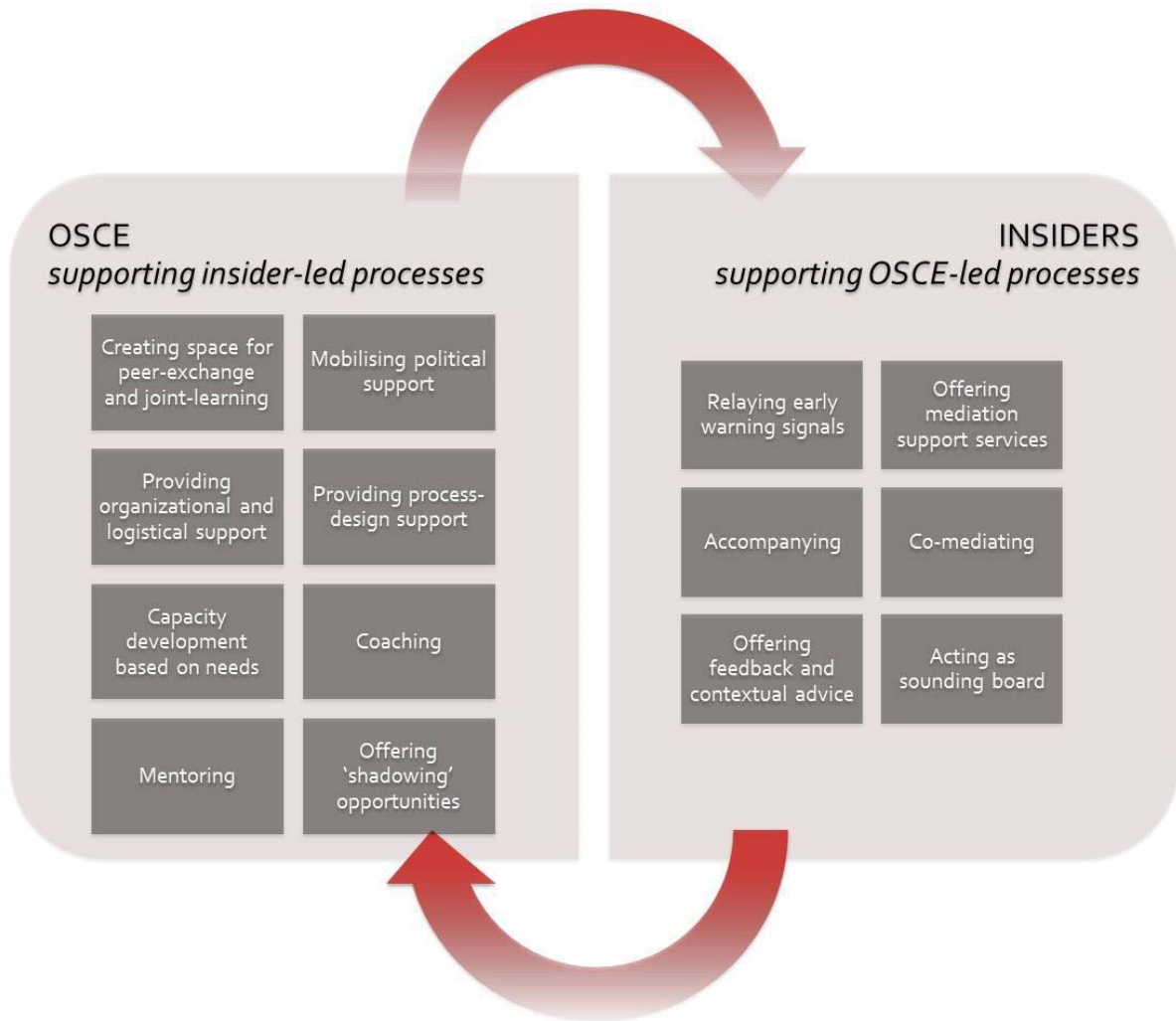
shorter period of time, it is important to design support mechanisms that understand this and treat it with patience.

Strategy and flexibility

State actors may see insider mediation as irrelevant (e.g. in the absence of manifest violence) or as a threat and block outsider mediation support. While maintaining full compliance with its own norms and principles as well as transparency in all its activities, in some contexts the OSCE may need to use its expertise and creativity to find effective strategic approaches to frame and translate insider mediation support ideas

into acceptable programmes. Moreover, insiders – their roles, scope of work, and legitimacy – are very much dependent on the conflict’s dynamics. To the outsider’s eye, insiders may appear to be doing contradictory things. It is important to be flexible about such dynamics when designing support. Finally, even if it is a time-consuming process, it is more beneficial in the long run to first work intensively on intra-group mediation in order to sensitize groups for inter-group mediation (e.g. *intra-faith* mediation as a basis for *inter-faith* mediation).

Figure 3: Potential for collaboration among insiders and the OSCE within a support network



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4 Recommendations

Operationalizing Conflict Sensitivity and Do No Harm

Conflict sensitivity and Do No Harm are stated principles in almost all third-party peace-related interventions. Often, it is not clear what conflict sensitivity exactly constitutes and how this can be implemented in projects. In the design of every project, it is important to include indicators for conflict sensitivity and devise context-specific and tailor-made strategies to ensure that conflict-sensitivity is practiced. It should not become a mere add-on, but should be embedded in all project activities. When analysing conflict contexts, first identify insider mediation processes and the actors therein, understand their cultural specificities and mediative capacities, and draw on their experience in order to design mutual support strategies to engage constructively and create synergy effects.

Adopting tailor-made, context-specific strategies and policies

Every context is unique and needs to be seen as such. While it is important to identify lessons from past processes for reflection, copy-pasting solutions that worked in one situation into another is context-insensitive and will not work. To support insider mediation, local specificities and needs must be taken into consideration.

Building on local knowledge and pre-existing insider mediation actors and structures

There is a tendency in international peacebuilding to create new structures and new leaders as old structures are often seen as corrupt, biased, gender insensitive, etc. Looking through a normative and democratic lens, new structures and new leaders make perfect sense in corrupt, illiberal, authoritarian states. However, structures and leaders that have been created by the international community and which are not rooted in societies have a short life-span; they lack legitimacy in the eyes of the local population and as a result do not impact on the macro-political level. Therefore, it is

important for the international community to work with existing structures by responding to the *needs expressed* by society and by gradually supporting insiders in transforming policies, practices, and approaches. It is also important to be aware of informal power structures, which play a critical role in influencing policies and decision making in traditional communities. A comprehensive understanding of these structures and networks enhances the effectiveness and impact of peacebuilding interventions.

Respecting and leveraging informal processes

Insider mediation processes are mostly effective when they operate informally, under the radar of official institutions. While many insider mediators often seek legal recognition of their services to gain physical and legal protection, particularly when dealing with proscribed non-state armed actors, they often choose to remain in informal networks and loose associations. Any attempts to formalize these processes have to be carefully assessed in order to avoid negative repercussions, which may render such processes ineffective. Formalization would increase their visibility, limit the space for manoeuvring and may make them vulnerable to becoming instrumentalized and politicized.

Providing insider mediation support & including insiders in OSCE-designed mediation processes

Especially in highly protracted or so-called 'frozen' contexts, the inclusion of insiders in OSCE processes could add value. Insiders are well placed to identify formal and informal power holders in society, to enable easier access to them, and could add legitimacy to the process. However, when including insiders in OSCE-designed processes, it is important to provide support around existing insider mediation processes and in accordance with their needs. More gains will be made by building on their activities in a collaborative manner rather than replacing their structures or prescribing solutions. Suggest and offer technical support if and

when the context requires it, and tailor support according to the context and the actors involved. International NGOs and donors often tend to shape technical support for similar processes in the form of a 'project'. This may not be best suited for insider mediation (for example, the fixed time-frame of projects may curtail the sustainability of support).

Being patient and flexible

Insider mediation processes have their own route and speed in navigating different phases of conflict. Outsiders need to be patient with the possible 'slow pace' of insider mediation processes and allow that insiders know best when a window of opportunity will open. Trust their judgement and support them in navigating, but do not rush it. Support might also require a flexible operational support structure as the contexts in which the insiders operate are fluid and dynamic.

Mobilizing political support and financial resources

Invest broadly in processes, platforms, and people. For the sake of sustainability, be more flexible in funding, i.e. rather than basing support on log frames, leave space to make adjustments according to the dynamics of the process. Insider mediation is not a job in itself; insiders usually have other jobs. Financing the living costs of insider mediators might easily corrupt them, and impact performance and loyalty. Improve the conditions for their work by providing infrastructure support, i.e. means for transportation and book-keeping, etc. Together with the national government, extend political support to insider mediators who often work in volatile contexts and under enormous political pressure.

Providing safe spaces for peer-exchange and networking

Create co-learning and coaching opportunities by bringing together insider mediators from various regions. Enable peer-to-peer exchange and learning/sharing opportunities. Learning from the lived experiences of peers is more readily accepted than knowledge provided by external experts. Support any 'network of networks' for peer-learning and experience-sharing

among insiders, as well as with OSCE field missions and other peacebuilding actors. The OSCE's own mediation efforts could be better linked with insider mediation through this network.

Coaching, mentoring, accompaniment and shadowing

Help to establish links between high-level mediators and insider mediators at the national and regional levels. Insider mediators seldom have exposure to high-level Track 1 Mediation processes and have limited understanding of how Track 1 Mediation functions. Insider mediators should be given the opportunity to accompany high-level mediators in their work and learn from their techniques and approaches (i.e. 'shadowing'). High-level international mediators could systematically coach and mentor insider mediators. They could provide concrete feedback and recommendations to improve skills and approaches. In turn, insider mediators can function as sounding boards for external mediators to reflect on their mediation processes and to provide feedback, establish access to certain conflict stakeholders, and provide knowledge of the context.

Providing needs-based knowledge and capacity-building

Many insider mediators are already performing mediation activities in their respective contexts and have often inherited their skills and knowledge from their forefathers. They are well acquainted with the local context, cultural specificities, local needs and limitations. Opportunities for improving their skills and techniques in mediation should be offered that build on their already available resources and skills. Every capacity-building initiative should be based on local needs and tailor-made to the specific context, using culturally sensitive experts who are conversant in the local languages. Capacity building should also be tailored to the target group, which is usually not well versed in theoretical concepts. Universal norms, human rights practices, and international humanitarian law provisions have to be built in the curriculum, not in a prescriptive manner but rather as something they could profit from and leverage. It is important not only to appeal to insider

mediators to adapt these principles but to show how these principles (which are universal and not Western) can be integrated into their work.

Jointly designing exit strategies and risk-assessment strategies

When supporting insider mediation, it is important to have a clearly formulated and planned exit strategy, ideally jointly devised with insider mediators. The abrupt ending of projects or projects with no clear ending contribute to insecurity and affect the morale of insider mediators. A sudden withdrawal of support could even put insider mediators in a vulnerable position. When deciding to extend support to insider mediation processes, a joint discussion on possible risks for both sides is essential. As with all externally supported peacebuilding initiatives, long-term commitment is vital. Long-term commitment does not necessarily have to mean only financial commitment; it could also be political or moral. If political realities on the ground prevent direct support of insider mediation processes, creative ways can be found to build national capacity for conflict prevention, mitigation, and conflict transformation.

Being aware of dilemmas and trade-offs in supporting insider mediation processes

Insider mediators are effective because they are members of their respective societies. They have the same limitations and shortcomings as the societies they come from. They are neither saints nor saviours, but they have the potential to become active drivers of change given their social positioning, access to power brokers, and the legitimacy and respect they enjoy. If this potential can be systematically nurtured and supported, it can become a powerful tool for change. It is important, however, to adopt policies and creative practices that do not entrench gender and social inequalities (sometimes mistakenly interpreted as cultural sensitivity) or compromise the position of the OSCE as an impartial mediator. The OSCE has the institutional framework to support insider mediation. The OSCE Conflict Prevention Centre is well positioned to support field operations in identifying insider mediation processes and actors, and developing

context-specific mediation support based on a proper risk assessment, upon request. Such processes could also be assisted by international experts and practitioners on the topic such as from the Berghof Foundation, if required.

Building a collaborative network

The OSCE is recommended to extend its collaboration with other mediation support actors from the UN, other relevant international and regional organizations, participating States and civil society to include insider mediation support endeavours, particularly through the OSCE's Mediation Support Team. Other mediation support actors can supply diverse experience from various contexts that can be mutually beneficial for joint-learning and joint-action. The activities and experiences of even the smallest civil society actors/organizations can be observed for valuable insights and possible collaboration. They may offer highly innovative means of addressing conflict with a strong impact that, even if on a smaller scale, can be multiplied and expanded.

ENDNOTES

¹ See **Svensson**, Isak, and Mathilda **Lindgren**. 2013. "Peace from the Inside: Exploring the Role of the Insider-Partial Mediator." *International Interactions* 39 (5). Routledge: 698-722.

² This understanding takes inspiration from the following:

- **Lederach**, John Paul. 2005. *The Moral Imagination. The Art and Soul of Building Peace*. New York: Oxford University Press.
- **Giessmann**, Hans-Joachim. 2016. "Embedded Peace. Infrastructures for Peace: Approaches and Lessons Learned." UNDP.