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Mediation for peace

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F O R U M

*The Search for Peace:
Perspectives on Mediation 2010-2015*

A Compendium of Oslo Forum Interviews

Improving the mediation of armed conflict

A global series of mediation retreats

The Oslo Forum is the leading international network of conflict mediation practitioners. Co-hosted by the Centre for Humanitarian Dialogue (HD) and the Royal Norwegian Ministry of Foreign Affairs, the Oslo Forum regularly convenes conflict mediators, peacemakers, high level decision-makers and key peace process actors in a series of informal and discreet retreats.

The Oslo Forum features an annual global event in Oslo and is complemented by regional retreats in Africa and Asia. The aim is to improve conflict mediation practice through facilitating open exchange and reflection across institutional and conceptual divides, providing informal networking opportunities that encourage coordination and cooperation when needed, and allowing space for conflict parties to advance their negotiations.

Sharing experiences and insights

Mediation is increasingly seen as an effective means of resolving armed conflicts and the growing number of actors involved testifies to its emergence as a distinct field of international diplomacy. The pressured working environment of mediation rarely provides opportunities for reflection. Given the immense challenges in bringing about sustainable negotiated solutions to violent conflict, mediators benefit from looking beyond their own particular experiences for inspiration, lessons and support.

The uniquely informal and discreet retreats of the Oslo Forum series facilitate a frank and open exchange of insights by those working at the highest level to bring

warring parties together. By convening key actors from the United Nations, regional organisations and governments, as well as private organisations and prominent peacemakers, the retreats also provide a unique networking opportunity.

Where politics meets practice

Participation is by invitation only. Sessions take the form of closed-door discussions, and adhere to the Chatham House Rule of non-attribution. Sessions are designed to stimulate informed exchanges with provocative inputs from a range of different speakers, including conflict party representatives, war correspondents, outstanding analysts, thinkers and experts on specific issues.

Participants have included **Kofi Annan**, former Secretary-General of the United Nations; **Jimmy Carter**, former President of the United States; **Aung San Suu Kyi**, General Secretary of the National League for Democracy in Myanmar; **Lakhdar Brahimi**, former Joint Special Representative for Syria of the United Nations and the League of Arab States; **Juan Manuel Santos**, President of Colombia; **Martti Ahtisaari**, former President of Finland; **Thabo Mbeki**, former President of South Africa; **Olusegun Obasanjo**, former President of Nigeria; **Mohammad Khatami**, former President of the Islamic Republic of Iran; **Gerry Adams**, President of Sinn Féin, and **Fatou Bensouda**, Prosecutor of the International Criminal Court. The Oslo Forum is proud to have hosted several Nobel Peace Prize laureates.

The retreats refrain from making public recommendations, aiming instead to advance conflict mediation practice.



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The Centre for Humanitarian Dialogue (HD) is a private diplomacy organisation founded on the principles of humanity, impartiality and independence. Its mission is to help prevent, mitigate, and resolve armed conflict through dialogue and mediation.

Disclaimer:

The following interviews were conducted specifically for Oslo Forum retreats and reflect events of the time. They do not necessarily represent the views of the Centre for Humanitarian Dialogue or the Royal Norwegian Ministry of Foreign Affairs.

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Foreword

Conflict and peacemaking trends

Negotiating with the enemy

Preserving the peacemaking space

New voices on peacemaking

Life as a mediator and a peace process actor

On being a peacemaker

Foreword

Since 2003, the Centre for Humanitarian Dialogue (HD) and the Royal Norwegian Ministry of Foreign Affairs convene the Oslo Forum, an informal and discreet retreat for conflict mediators, peacemakers, high level decision-makers and key peace process actors.

What started out as a small retreat with only a handful of mediators has developed into an annual gathering widely regarded as the leading international network in the field. The Oslo Forum provides informal networking opportunities that encourage experience sharing and cooperation, and allows space for conflict parties to advance their negotiations.

Since 2010 we have asked mediators, thinkers and peace process actors to reflect on their work or share their views on a current theme within the framework of the Oslo Forum Interview. Each year these interviews have been distributed with other background material prepared exclusively for participants of the Oslo Forum. This publication gathers the Oslo Forum Interviews for the first time and makes them available to a wider audience.

The interviews provide a collage of views from our Oslo Forum network. Through their frank replies, interviewees offer intimate insight into the ups and downs of their daily work and invite their peers and readers to discuss the current issues in the field of peacemaking.

The compilation starts off with a 2015 reflection on **conflict and peacemaking trends**. *Paul Collier, Jean-Marie Guéhenno, Mary Kaldor, Sanam Naraghi-Anderlini, Steven Pinker* and I discuss how the nature of conflicts has changed over the past ten years and how the peacemaking field has evolved in response. We also offer advice on how mediators can develop the necessary tools to face a rapidly changing conflict landscape.

The 2014 interview invited former and current members of armed resistance groups, including representatives of the *Irish Republican Army (IRA)*, the *Karen National Union (KNU)* and the *South Sudan Democratic Movement/Army (SSDM/A) – Cobra faction* to reflect on their engagement in peace processes. What made them decide to get involved in negotiations? How do they deal with spoilers within their own group? Did their discussion with

the opposing side change their understanding of the issues and possible solutions? These and other questions invite readers to see peace processes through the lens of those who are **negotiating with the enemy**.

In 2013 *Mark Bowden, Lakhdar Brahimi, Jimmy Carter, Alastair Crooke, Elisabeth Decrey Warner, Jon Hanssen-Bauer* and I were asked to discuss the impact of recent international legal developments on the practice of peacemaking. Have post-9/11 legal developments made it harder to talk to proscribed groups and alleged war criminals? How should conflict mediators strike the right balance between bringing armed groups to the peace table, and heeding international criminal justice standards and counter-terrorism provisions? This group of distinguished peacemakers and humanitarian actors draws on years of practical experience to provide advice on **how to preserve the peacemaking space**.

In 2012 we invited a new generation of peacemakers to the table. How do upcoming mediators enter this line of work? What challenges do they face in establishing themselves? How can their contribution enrich a field that has been slow to include women and youth? *Fiona Lortan, David Mozersky, Sanam Naraghi-Anderlini* and *Theerada Suphaphong* provide **new voices on peacemaking**.

The 2011 interview was an occasion to ask senior peacemakers more personal questions on **life as a mediator and a peace process actor**. *Ashraf Ghani, Haile Menkerios, George Mitchell, Joyce Neu* and *Kieran Prendergast* reflect on who inspired them, their career milestones, the mistakes they made, the practice of mediation and how it has evolved. *Mohagher Iqbal* and *Neles Tebay* contribute to the discussion from the perspective of local peace process actors.

Similarly, *Said Djinnit, Graça Machel* and *Hassan Wirajuda* share intimate reflections **on being a peacemaker** in the 2010 interview. As they look back at their careers, we learn about what drives them, their views of the mediation field and where it is headed, the pitfalls to be avoided, the evolution of their mediation style over the years, and how being a mediator has changed their worldview.



I would like to express my gratitude to all these contributors who have been kind enough to share their insights and wisdom, as well as for their ongoing contributions to the Oslo Forum community and the mediation field in general. As we look forward to the next Oslo Forum in June 2016, let us use the time ahead to put their insights and collective expertise to practical use in the pursuit of peace.

David Harland
Executive Director, Centre for Humanitarian Dialogue

Conflict and peacemaking trends

A frank conversation with Paul Collier, Jean-Marie Guéhenno, David Harland, Mary Kaldor, Sanam Naraghi-Anderlini and Steven Pinker

2015



Paul Collier

Sir Paul Collier is Professor of Economics and Public Policy at the Blavatnik School of Government, Director of the International Growth Centre and Co-Director of the Centre for the Study of African Economies, University of Oxford. From 1998 to 2003 he was Director of the World Bank's Research Development Department. He is currently adviser to the International Monetary Fund, the World Bank and the UK Department for International Development (DFID). His research covers the causes and consequences of civil war, the effects of aid, and the problems of democracy in low-income and natural-resources rich societies.



Jean-Marie Guéhenno

Jean-Marie Guéhenno is the President of the International Crisis Group and a non-resident Senior Fellow at the Brookings Institution. A former French diplomat, he also served as the Arnold Saltzman Professor of Professional Practice at Columbia University and as Director of its Centre for International Conflict Resolution. In 2012, he was appointed Deputy Joint Special Envoy of the United Nations and the Arab League for Syria. Between 2000 and 2008, he served as the United Nations Under-Secretary-General for Peacekeeping Operations.



David Harland

David Harland is the Executive Director of the Centre for Humanitarian Dialogue. He previously served as Director of the Europe and Latin America Division at the UN Department of Peacekeeping Operations (2007–2010) and Acting Deputy Special Representative of the Secretary-General in Haiti (2010), in Pristina (2008) and in East Timor (1999–2000). He also held the position of Political Adviser to the Commander of the UN Protection Force and Head of Civil Affairs for the UN in Bosnia and Herzegovina (1993–1998).



Mary Kaldor

Mary Kaldor is Professor of Global Governance and Director of the Civil Society and Human Security Research Unit at the London School of Economics, and CEO of the DFID-funded Justice and Security Research Programme. She is the author of several books, including *The Ultimate Weapon is No Weapon: Human Security and the Changing Rules of War and Peace*; *New and Old Wars: Organised Violence in a Global Era*; and *Global Civil Society: An Answer to War*. Professor Kaldor was co-chair of the Helsinki Citizens' Assembly and convenor of the Human Security Study Group.



Sanam Naraghi-Anderlini

Sanam Naraghi-Anderlini is co-founder of the International Civil Society Action Network, and served as the first Gender and Inclusion Adviser on the UN Mediation Standby Team. In 2000, she was among the civil society leaders and drafters of UN Security Council Resolution 1325 on women, peace and security. She is the 2016 Greeley Peace Scholar at the University of Massachusetts, Lowell, and was the 2015 Perdita Huston Human Rights Awardee of Washington DC's UN Association. She serves as an advisor for Global Learning and the High Level Panel on the Post-2015 Development Agenda.



Steven Pinker

Steven Pinker is Johnstone Family Professor of Psychology at Harvard University. He has also taught at Stanford University and the Massachusetts Institute of Technology (MIT). His research on visual cognition and the psychology of language has won prizes from the National Academy of Sciences, the Royal Institution of Great Britain, the Cognitive Neuroscience Society and the American Psychological Association. He is the author of ten books, including *The Better Angels of Our Nature: Why Violence Has Declined*.

How have conflicts changed over the last 10–20 years? And how has peacemaking changed during that period?

Steven Pinker: The last few years have seen a small reversal of the trend of the preceding two decades when war went into steep decline. The year 2010 saw an uptick in the numbers of wars and war deaths (largely because of the Syrian civil war), which wiped out the preceding dozen years of progress. Still, the world is nowhere near the level of wars that it endured from 1950 to the mid-1990s. The main changes are that most of the new wars involve radical Islamic jihadist forces – 7 of the 11 ongoing wars, according to the estimates that Andrew Mack and I used in a recent article.

David Harland: War was in dramatic decline between 1995 and 2010. Since 2010 it has come roaring back. There are multiple reasons for this. One of them is the continuing shift of power from the state to the individual – enabled by social media and other technologies. War is in some ways becoming messier. We have seen a return of geopolitical tensions after almost 20 years of the so called 'end of history', and now we also have conflict driven or enabled by technology that is

accessible to the population at large, without the need for elaborate organisational structures. To respond to these new challenges, peacemaking also has to be, in a sense, messy and multileveled.

Mary Kaldor: We used to think that conflicts are contests of wills, in which each side is trying to gain something. But increasingly, contemporary conflicts are more like mutual enterprises, in which the parties gain from fighting rather than winning. Politically, they gain from engaging in exclusive identity politics (for example, Sunni versus Shia, Serb versus Croat), which feed on fear and hatred. Economically, the warring parties can make money through fighting, whether from looting and pillage, support by outsiders, or smuggling drugs, oil or antiquities. Therefore, contemporary conflict is more a social condition than a political conflict. If conflict is a mutual enterprise, then a peace agreement tends to work only if the parties continue their predatory activities. Therefore, peace agreements can represent a legitimisation by the international community of criminalised extremist networks. Dayton is a perfect

example: it certainly brought stability to Bosnia but, 20 years later, Bosnia remains as divided and fearful as ever. The international community has much greater involvement in the implementation of peace agreements, with the deployment of peacekeeping troops, development agencies and so on. These elements of the 'liberal peace complex' have undoubtedly stabilised many conflicts, especially in Africa. While this represents something better than a continuing social condition, it clearly has its limits in the current climate of increasing conflict – particularly in the Middle East, where the great powers are unable to agree on a common approach.

Sanam Naraghi-Anderlini: In essence, conflicts have become much more complicated: more internal and transnational, and with a more diverse range of actors. The 1990s saw an increase in civil wars, but conflicts have now metastasised. As soon as chaos spreads, a range of transnational non-state actors as well as regional and international proxy actors enter the space. I call this a proliferation of actors and a democratisation of violence. However, we also see the emergence of non-state unarmed actors taking a stance for peace. In Syria, Pakistan, Iraq or Afghanistan, for example, local communities and organisations are first to provide relief and assistance. International agencies are often dependent on them to access communities. Often it is women who are picking up the pieces, doing local

mediation and sometimes even disarmament. But they are rarely recognised or supported. The challenge for peacemaking is to evolve to address increasing complexities and to include non-state unarmed actors in peace processes.

Paul Collier: Over the longer term the world is getting more peaceful, but clearly not at the moment. Peacemaking is proving impotent against both radical Islam (for example, in the Middle East) and ethnic hatreds (such as in South Sudan).

Jean-Marie Guéhenno: Michael Howard wrote a wonderful little book almost 40 years ago, *War in European History*, arguing that wars are always a reflection of a society – from the knights of the Middle Ages to the industrial wars of the last century. Today's wars reflect a world in which nation states are challenged, and political battles have lost their centrality. With the collapse

of the Soviet empire, it was not just the communist ideology that came crashing down but also belief in any political programme. The collective dimension of human destiny has not disappeared, but it expresses itself in new ways: ethnicity, religion, nationalism... Today's conflicts are more amorphous and fluid than ten years ago: often not contained within the borders of a state, and often with a criminal dimension, as the separation between crime and politics is eroded.

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What will wars be fought about in the next 10–20 years?

Jean-Marie Guéhenno: I think the wars of tomorrow are likely to be fought over identities. A deep and growing sense of injustice in many parts of the world, including in our own societies, will often be the trigger, but in a mobile and connected world, conflicts born out of local grievances will not remain local. They will connect with broader identity-based movements, through virtual communities and transnational organisations.

Paul Collier: Clashes of identity.

David Harland: The old drivers will still be there, including power and identity. What will change is what wars are possible. The world is going through a fundamental technological change that will allow pre-existing grievances to be expressed as never before.

Sanam Naraghi-Anderlini: What we are seeing at the moment is the rise of identity as a means of mobilising people. While the world now is the most pluralised ever, there are also forces trying to label us and compel us to identify with one subset or subcategory. This threatens social cohesion everywhere. But, at their core, the conflicts of the present and future are about a mix of issues: demand for dignity, social justice, access to resources. We may see an escalation of conflicts over natural resources but that would be mainly a result of poor governance and corruption. If states don't value and invest in their primary 'natural resource' – their people – then finite natural resources become a catalyst for conflict.

Steven Pinker: Despite a common prophesy, I think there's very little reason to believe that wars will be

fought over resources like oil, water and minerals. Physical resources can be divided and shared at lower cost than fighting over them. Not so for sacred homelands, or rectifying historic injustices, or fear of attack, or establishing a Caliphate, or re-establishing the grandeur of a once-proud empire. As Richard Ned Lebow put it in his systematic analysis: 'Four generic motives have historically led states to initiate war: fear, interest, standing and revenge... Contrary to conventional wisdom, only a minority of these were motivated by security or material interest. Instead, the majority are the result of a quest for standing, and for revenge – an

attempt to get even with states who had previously made successful territorial grabs'. I see no reason why this will change.

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*The wars of tomorrow
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Mary Kaldor: If you don't see war as contests of wills but more as a kind of mutual enterprise, there is a real risk that this sort of societal condition, which we see in Libya or Syria, may spread through populations of refugees and displaced people or through the transnational smuggling networks that are such a feature of contemporary conflict. It is quite frightening

how quickly this condition can spread and worsen, as it may yet do in eastern Ukraine.

Where will wars take place? Who will be the main conflict and peacemaking actors?

David Harland: For the last 20–25 years, war has mapped very closely to extreme poverty. If you could identify a place that was extremely poor, you could spot a vulnerability to conflict. Now that is much less true. From Libya to Ukraine, we see a wave of conflicts in middle-income countries and there is no reason to think this will stop soon. In terms of war and peace actors: just as conflicts will include geostrategic elements, state elements, organised non-state elements and unorganised popular participation, so too will peacemaking responses, if they are to be effective, largely have to reflect these elements.

Mary Kaldor: Unless we develop alternative approaches, I think we will see the types of conflicts we have seen over the last ten years spreading in the Middle East or large parts of Africa – and maybe in Europe, depending on how the EU deals with the Greek and Ukrainian crises. The most important peacemakers are local people who care about the future of their communities as a whole. Peace depends on local buy-in, but also on global links with international organisations, like the United Nations, the European Union or the African Union. The role of those organisations, in turn, depends on the policies of states towards them. It is a matter of politics, and of whether governments and societies are willing to get together to become conflict and peacemaking actors.

Steven Pinker: No one knows for sure. But probably a majority of them will continue to be in the Islamic crescent, from West Africa to South Asia, and will involve Jihadist and radical Islamic forces. A few may come from Putin stoking his ego.

Jean-Marie Guéhenno: There are some common characteristics, but different forces are at play in different parts of the world. In Asia, the combination of nationalism and conflicting claims over maritime areas, and the scarcity of resources, especially water, could be a trigger. In Africa, the fading legitimacy of the decolonisation period, and demographic transition, will put enormous pressure on the structures of many states. In the former Ottoman and Soviet empires, it may take a generation before a new legitimate order consolidates itself. Lastly, as the world becomes ever more urban, more conflicts or quasi-conflicts will take place in cities, as we have seen with the criminal gangs of Latin America.

Paul Collier: Small, poor countries where the government lacks the capacity to impose security.

Sanam Naraghi-Anderlini: At the micro level – in homes, communities, towns and cities. If we do not put the question of human dignity at the centre of our development, peace and security policies, we enter very dangerous terrain. We have seen the rise of absurd levels of inequality and corruption. We see young people, especially men, facing images of ridiculous levels of wealth and increasing expectations, yet nothing in their lives enables them to meet these expectations. If we leave a vacuum, somebody else will fill it by tapping into their aspirations and grievances, by giving them a vision for the future, a sense of belonging to a bigger cause. I would say that future conflict could occur wherever these factors are at play. In some places we see the rise of extremist groups using the banner of religion. But they have a great deal in common with gangs and organised crime groups that are active in Central America or extreme right wing groups in Europe and the US.

Do you envisage that radically new ways will be developed to respond to future conflicts? Will we need new tools?

Sanam Naraghi-Anderlini: I certainly hope so. The problems have evolved but our state-based institutional responses have been very slow to adapt. I think it is critical for us to analyse what works and what needs to be adjusted or reorganised. This will require collaborating in a space of mutual respect across government, civil society and multinational institutions. We each have different comparative advantages and limitations and we should work together to address these new problems.

Paul Collier: We will need much more effective ways of interrupting conflicts in their early stages, and much more effective international support for regional military forces.

David Harland: We certainly need new tools. We face a growing problem, and the tools we have aren't adequate. It is a game of catch-up. In Kenya in 2008 and Tunisia in 2014, we saw the multilevel responses to conflict that will be needed.

Mary Kaldor: Yes, to solve these problems we will need radically new ways. At the moment, one of the current fault lines is exemplified by the migration crisis in the Mediterranean and events in Libya. I think there will have to be an international intervention in Libya, very different

from interventions in the past. It will have to involve a large number of what I would call human security officers (global emergency services with a range of skills necessary for protection and stabilisation including military and policing skills but also humanitarian, health and mediation expertise). Despite international learning over the last 10–20 years, two major obstacles remain. One

is that we are always stuck with top-down peace agreements which make it very difficult to develop long-term peace. The second obstacle is the war on terror, meaning that we go after particular groups and focus on defeating possible threats to Western society, rather than on protecting the population.

Jean-Marie Guéhenno: As conflicts become more fluid, conflict resolution strategies will need to address their accompanying fragmentation.

The challenge will not be to reconcile structured political movements competing for power, but rather to ensure that there are centres of power in a position to take charge. This will be hard in a world where the sources of legitimacy are being redefined.

Steven Pinker: It's always hard to make predictions about anything radically new – the safest predictions involve cautious extrapolations from the present.

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The most important peacemakers are local people who care about the future of their communities.
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Will the role of the nation state as the primary actor in international relations diminish?

Paul Collier: No, I don't think so.

David Harland: People have been saying that the Westphalian system is breaking down since the ink was wet on the treaty of Westphalia. And of course we always had significant actors on the international scene that were not nation states: the British East India Company, the Pope, and many others. Most likely, the state will continue to be an important point of reference, but, as at key moments in the past, there will be other enormously powerful actors there as well. One of them, I think, will be the people themselves.

Steven Pinker: States will continue to be the primary but not the only actors. The world's surface is still exhaustively divided into nation-states, virtually all of which are officially certified by the UN, internationally recognised, and effectively immortal – since 1945, no

state has been permanently swallowed by conquest, though occasionally states have divided into smaller nation states. But increasingly it's been non-state actors that have caused trouble – almost all wars today are civil wars, and the non-state forces will have to be brought into negotiations if the world is to see greater peace. We can also expect to see more power-sharing, devolution and regions with a special status: states will maintain control over defence, borders and currencies, but will sacrifice some effective control in exchange for not enduring endless separatist wars or terrorist campaigns.

Jean-Marie Guéhenno: People want nation states that can protect them and provide ultimate reassurance. But nation states are struggling, and their role as the building blocks of an international order will be increasingly challenged as they find themselves

incapable of controlling what happens in their territory, let alone on their borders.

Mary Kaldor: If this kind of new approach to peace (see previous response) is adopted: yes, the role of the nation state will diminish. If it doesn't, I can envisage a worsening of conflict and perhaps a return to the old kind of conflict in which the nation state has always been the key actor.

Sanam Naraghi-Anderlini: I think it depends on whether the nation state and the power-holders are willing to take their responsibility towards their citizens

and their nation more seriously. If the state is providing safety, basic services, an effective justice system and a police force that is genuinely protective, then people's faith in those states will increase. But if states or leaders are predatory or irresponsible, then people look elsewhere for the safety and services they need, and the role of the state is diminished. One way of preventing this is to strengthen relations between state and civil society. Civil society does not exist to undermine a state, but to improve it and hold it accountable to its citizenry. Shutting down civil society shuts down dissent in the moderate spaces; the dissent then emerges in the extreme spaces that may be harder to access.

What advice would you offer the peacemakers of tomorrow?

Jean-Marie Guéhenno: Study anthropology! And try to understand what new political institutions will emerge in the less territorial, deeply individualistic, and yet profoundly conformist world that is in the making. The peacemakers of tomorrow won't have the comfortable references of today to build upon.

Sanam Naraghi-Anderlini: I hope the peacemakers of tomorrow represent and reflect the true diversity of peacemakers in the world today. I would like to see them have empathy for those affected by war, and respect for local civil society actors who have had the courage to stand up and speak out for peace. Tomorrow's peacemakers need to be cognisant of conceptual developments in peacemaking, and of the importance of outreach and inclusivity. They have to be humble enough to adapt and build on the context they are working in, without necessarily imposing standard models. Often the leadership, envoys and mediators are misinformed about new normative frameworks, for example UN Resolution 1325. They think this represents political correctness and is theoretical or 'Western'. Too many don't understand that these norms have emerged from pragmatic realities of warfare – because women demanded a voice in peace processes as they had a critical contribution to make. Tomorrow's peacemakers must be flexible, and committed to upholding human rights for women and men. They must understand the history and evolution of norms, and build and adapt them, instead of constantly questioning or, worse, undermining them.

David Harland: Peacemakers, even more than generals, prepare for the last campaign. Already we see

a lag in matching peacemaking tools to the changing nature of armed conflict. Given the pace of change – technological, political and social – peacemakers need to get better at anticipating those changes, and at adapting.

Mary Kaldor: Try to understand the micro-dynamics of conflicts. Contemporary conflicts, as societal conditions, are hugely fragmented. In Syria, for example, some areas are quite peaceful, and different actors are involved in each area. To make peace involves a very ambitious bottom-up process that reflects the fragmented nature of contemporary war. There are always 'islands of civility' in conflicts where local actors mediate and sustain peace. We need to start by building up those islands rather than seeking top-down solutions.

Steven Pinker: Peacekeeping, policing, and responsibility-to-protect duties cannot be fobbed off onto the United States. With no coherent mandate, capricious domestic support, partisan politicisation of individual cases, an inscrutable mixture of altruism and self-interest, and the distrust or

hatred of much of the world, the US is poorly equipped to fill that role. And yet the role needs to be filled. We need a beefed-up UN peacekeeping force, and a more systematic and coherent basis for deploying the forces of other treaty organisations and coalitions of the willing.

Paul Collier: Do not navigate from grand ideals; work for feasible improvements. Afghanistan is not going to become Denmark any time soon, so the international community should not try to set Danish-style standards.

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Afghanistan is not going to become Denmark any time soon, so the international community should not try to set Danish-style standards.
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Negotiating with the enemy

A frank conversation with former and current members of armed resistance groups: the Irish Republican Army (IRA), the Karen National Union (KNU) and the South Sudan Democratic Movement/Army (SSDM/A) – Cobra faction

2014

Irish Republican Army (IRA)

The Irish Republican Army was a paramilitary organization seeking the end of British rule in Northern Ireland, the reunification of Ireland and the establishment of a republic. It was involved in an armed campaign against the 'Loyalist' groups in favour of British rule, the British military and the Northern Irish police forces. The 1998 Good Friday Agreement between the United Kingdom and Ireland provided for the IRA's decommissioning and the establishment of a new power-sharing government in Northern Ireland. The group announced in 2005 the end of its military operations¹.

Karen National Union (KNU)

The Karen National Union is a Burmese political organization with a military branch, the Karen National Liberation Army, and Myanmar's oldest armed ethnic group. It seeks the establishment of a Karen State within a Federal Union, and fights the central government through a guerrilla war in the region bordering Thailand. It became in 2010 the member of an alliance with other armed ethnic groups. The KNU signed in 2012 a truce with the Myanmar Government, and in 2015 the Nationwide Ceasefire Agreement, together with seven other armed groups².

South Sudan Democratic Movement/Army (SSDM/A) – Cobra faction

The SSDM/A is a militant group leading an armed rebellion against the Government of South Sudan of President Salva Kiir and the Sudan People's Liberation Movement. The Cobra faction's grievances pertain to the political marginalization of the Murle people in Pibor County, Jonglei, the underdevelopment of the region, and the lack of power-sharing with the local government in Bor. It calls for a federal system. The SSDM/A – Cobra faction signed in 2014 a peace agreement establishing the semi-autonomous Greater Pibor Administrative Area, and in 2015 an accord with South Sudan's National Disarmament, Demobilization and Reintegration Commission³.

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After your long struggle, what made you decide to take the risk of engaging in peace talks? What have been the consequences of that decision, and what are the relative costs and benefits of engaging in dialogue, as opposed to armed struggle?

SSDM-Cobra faction: Presumably, any group that is taking up arms is doing so in order to achieve a particular objective. That was the case for the SSDM-Cobra faction. We engaged in the peace process – after a couple of years of uprising – because we realised that at this point in time it would be the most effective way to achieve our objectives. The consequences of our decision can be described as positive, generally speaking: our key political objective is being negotiated to our satisfaction.

Karen National Union: It is the policy of the Karen National Union and the National Democratic Front (NDF) alliance, which was formed in 1976, to urge the government to settle the civil war and other problems by political means through dialogue. For dialogue, the NDF laid down pre-conditions that:

- The government (the enemy) must make an overture first for dialogue;
- It must declare a nationwide ceasefire;
- It must suspend or rescind oppressive laws;
- The dialogue must be open to the media, or at least the two sides should have the freedom to meet the media after each round of dialogue;
- The United Nations and the big-power countries should serve as mediators or, failing that, as witnesses or observers at the dialogue.

The KNU held peace talks with the Burman/Myanmar governments in power on six different occasions (in 1949, 1960, 1963, 1995, 2004 and as of 2012). What makes the KNU take risks is its belief in the intrinsic value of peace, persuasion by some peace NGOs and foreign government representatives, and a declaration of willingness for change by the government in power. The negative consequences have always been the weakening of unity in the KNU, as a result of opportunistic programmes and ideas introduced by some organisations and Myanmar governments. These receive international support as a result of purposeful or uninformed reliance on false data.⁴ The Myanmar governments have been dominated by

Burman nationalists, so whenever the KNU and other ethnic resistance forces held peace talks, the main agenda of the government, past and present, has been to disarm the KNU and other ethnic resistance forces, in order to deprive them of their ability to resist domination and aggression. In the ongoing peace process, the financial burden has not been lessened much, because the KNU has to maintain its defensive capacity as before. The main benefits for the KNU are its ability to reconnect with the Karen communities in areas outside the Karen State, and wider scope to explain its political, social and economic programmes. Karen people can now move and engage in normal livelihoods more freely, as the shooting war has stopped.

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Irish Republican Army: Irish Republicans engaged in peace talks with the British as early as 1972, and again in 1974 and 1975. It was clear however that the British were unwilling to deal with the causes of the conflict. Their publicly declared interest was in ‘peace’ and their intent was to outmanoeuvre the IRA militarily. It was arguably the growing belief that there was a military stalemate that created the atmosphere for talks in the early 1990s, even though there

had been intermittent private contact between the British and the Irish Republicans during the intervening years. Many factors led to and encouraged the growth in dialogue, including leaders on both sides who believed there was an opportunity that had not existed before to resolve the causes of conflict, or at least allow for a political way of dealing with the issues. Republicans saw negotiations as an extension of the Struggle. The dangers lied in the lack of internal cohesion, through the splits and schisms constant in Republican history. Armed struggle was an option of last resort and not a philosophy in itself. It was an option in the absence of a political way forward. We eventually found a political way forward in the Good Friday Agreement, and this required political will on all sides.

4. The past and present Myanmar governments, which represent the Burman majority, have used the wrong population data to get international support. For example, the real Burman population is less than 28%, but the Myanmar governments would always say that the Burman form about 68–70% of the entire population. The inflated number is a result of counting as Burman all the Karen, Mon, Arakanese and other Buddhists on the plains in lower Burma.

How did/do you organise your group internally during the talks and how did/do you deal with those members of the group who were/are against the process?

KNU: There is virtually no KNU member against the process. There are some members who urge greater caution and a systematic approach. Those who want to charge ahead without care or caution may see these members as being against the process. We have to remind ourselves frequently that, after all, peace talks are like a war without bloodshed. To maintain the unity of the organisation, the KNU political cadres, from time to time, have to go to all areas and explain the process to the Karen people and members in the organisational branches, at the lower levels.

SSDM-Cobra faction: Our organisation has a political wing and a military wing. The leadership of the military wing and the political wing together form a 'High Command Council.' This council is a representative body of the whole organisation's membership. The political wing as a group circulates issues for discussion – normally with recommendations – to the High Command Council regarding political matters and the peace talks. Issues are debated within this council, and

are agreed normally by consensus after discussion. The military leadership has a big job in disseminating the decisions of the council to the military wing and the soldiers. Of course, we are a big organisation, so some members may disagree with the decision to enter a peace process; but we are a democratic organisation

so the majority will decide the directions we take. Those who opposed the decision respected it in the end. Our delegation to these talks consists of members of the High Command Council and includes members of both the political wing and the military wing.

IRA: A Core Group was established initially, to explore the possibilities. As the potential developed, so did the size of the negotiating team. We tried to be as inclusive as possible with regard to gender, geography

and expertise, as we expanded. We had a concentrated focus on internal and external communication. Those for and against talks were included for a balanced debate, but the collective view counted.

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Peace talks are inherently fraught with many challenges – continuing violence, disunity among parties, lack of trust, internal and external spoilers, and so on. What are the biggest threats to peace talks and how did you address them? How did you and your colleagues respond when the process encountered major deadlocks?

IRA: Arguably, the biggest threat to talks is a lack of internal cohesion, which usually comes from a lack of communication, information and debate. Major deadlocks call for new thinking and tactical versatility – it is always good to have some people who think outside the box.

KNU: In the case of Burma, the sole cause of the problems is the ultra-nationalism of leaders of the dominant ethnic group. The KNU position is to get a win-win solution. Deadlocks call for holding high-level meetings to see what the stumbling block really is. Basically, we have intensive discussions to see whether we adopt a give-and-take approach, or call for a long time out.

SSDM-Cobra faction: It is true that, in general, there are a lot of actors who challenge the peace. Most of our concerns have been elements within the government that have been working against this process. How to

address it? The number of threatening spoilers is low; so, for us, what is important is that these spoilers are not hidden, but are exposed within this process, especially to our counterparts on the government delegation. For the sake of peace, and the success of this process, we think their delegation needs to be fully aware of what some government and army people are doing. The Ceasefire Monitoring and Verification Team has assisted with this to some degree. On a number of occasions, we have been the ones to concede our position and compromise to overcome deadlocks. There is currently a situation where we are completely stuck. We simply cannot back away from a couple of points in the current state of the negotiations. In our group, we have been unified in our position on these sticking points. We have to trust in the mediators and the government to recognise the importance of these issues and ensure that the relevant decision-makers can be identified to overcome this deadlock.

In peace talks, the positions of parties often appear irreconcilable. Based on your experience as a participant in peace talks, can such fundamental differences be overcome? Did your discussion with the opposing side change your understanding of the issues and possible solutions?

KNU: In peace talks, the better part of valour is patience. Time is a great healer, they say. Time and patience can overcome most problems. So far, the hardliners on the government side still appear to think that they can win militarily by isolating and attacking the ethnic forces, one at a time. On the other hand, the moderates think that they can win through a silver-tongued, selective approach. The views and support of the people and the geopolitical situation should decide the key issues, in the long run.

SSDM-Cobra faction: Of course, this is normal, and we have experienced this. What we (both parties) have done is to consult with our principals in such a case. The will of the top leadership from both sides has been evident and enabled this process to move successfully. As for our understanding of the issues – first of all, we can say that our fundamental proposed solution has not shifted, and in fact the government has accepted

our position and provided an adequate solution. But, indeed, we are all South Sudanese, so the issues that we were fighting for are well known to our counterparts, and our grievances are not unclear to them. Some of their communities have experienced the same things; so there exists a certain common understanding from the beginning. That said, of course we think each side has enlightened the other side to some degree. And though we do not always agree on the issues, their delegates have enabled us to understand certain things in a new way.

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IRA: More often than not, peace talks involve parties that are diametrically opposed. Issues always seem irreconcilable or intractable. Generally, we tried to deal with issues in bite-sized chunks or silos but also, often though not always, under the premise that ‘nothing is agreed until everything is agreed’. Trying to walk in your opponent’s shoes is always helpful.

What role did mediators play during your peace process? Was their contribution positive or negative (for example in overcoming deadlocks) and consequently, what is your view of the role mediators should play in conflict resolution, if any?

KNU: There are some people, sometimes supported financially by international organisations, who want to appear like mediators, but in practice, they are quite opportunistic and biased against the ethnic resistance forces, including the KNU. International organisations with superficial knowledge of Burma’s problems tend to regard the ethnic forces as unreasonable, outdated and backward. Their proxies adopt a similar attitude. Quite the opposite, mediators should be neutral and dig deeper into the history of the problem, in order to serve the peace process effectively.

IRA: Mutually agreed mediators or facilitators were very helpful but it is up to the protagonists to agree things. Trust is extremely important with such people. If they move beyond their agreed role, it can do substantial damage so their role needs to be understood by all participants – most importantly by the mediators or facilitators themselves.

SSDM-Cobra faction: In the beginning, we felt the mediators were a very positive element of this peace process. They are neutral and possess the good will

needed to facilitate a successful solution. Sometime later on, after the second round, we wondered if they had shifted more toward the government’s perspective. We feel very pushed by the mediators and this has been a surprise to us recently. We have never felt that the mediators put pressure on the government side, despite the government’s failure to bring decision-makers on security arrangements to this current phase of talks. This has caused delays but they seem to blame us for being inflexible, rather than blame the government delegation for its inability to take critical decisions. If we had seen this type of behaviour from the mediators in the beginning, we would not have reached this far. Our perspective on mediators is that they should be neutral, so that, in the process, if anything needs pushing, they should push it in a logical way – not a way that seems obviously one-sided. For example, if my proposal is logical, they should push the other side to see it and address it. Also, if there is a deadlock, they should be providing solutions/options to help us overcome it, but the mediators have not really played this role of providing solutions and options.

Preserving the peacemaking space

A frank conversation with Mark Bowden, Lakhdar Brahimi, Jimmy Carter, Alastair Crooke, Elisabeth Decrey Warner, Jon Hanssen-Bauer and David Harland

2013



Mark Bowden

Mark Bowden is the Deputy Special Representative of the UN Secretary-General and Resident Coordinator in Afghanistan since November 2012. He previously served as the UN Resident Coordinator in Somalia, as the Director of Civil Affairs in the UN Mission in Sudan, and as the Chief of the Policy Development and Studies Branch in the UN Office for the Coordination of Humanitarian Affairs. Before joining the UN, he held senior positions in the UK Foreign Office and Save the Children and served as Vice President of VOICE, a European platform of humanitarian NGOs.



Lakhdar Brahimi

Lakhdar Brahimi led the UN Observer Mission during the 1994 democratic elections in South Africa and served as UN Special Envoy to the Democratic Republic of Congo, Sudan, Burundi, Liberia, Nigeria, Angola and Côte d'Ivoire. As Special Representative of the UN Secretary-General from 2001 to 2004, he was responsible for overseeing all political, human rights, relief, recovery and reconstruction activities in Afghanistan. In 2004 he served as UN Special Envoy in Iraq, and from 2012 to 2014 he was the Joint Special Representative of the UN and Arab League for Syria.



Jimmy Carter

Jimmy Carter served as President of the United States from 1977 to 1981, during which time he concluded the Camp David Accords, the Egypt-Israel peace treaty, the SALT II treaty with the Soviet Union, and the establishment of diplomatic relations with China. In 1982, he became University Distinguished Professor at Emory University in Atlanta, Georgia, and founded the Carter Center. President Carter has engaged in conflict mediation in Bosnia, Asia, Africa, the Middle East and Latin America and authored 28 books. In 2002 the Norwegian Nobel Committee awarded him the Nobel Peace Prize.



Alastair Crooke

Alastair Crooke is Director of the Conflicts Forum in Beirut, and has experience in working with Islamist movements notably in the Occupied Palestinian Territories (OPTs), Lebanon, Afghanistan and Pakistan. He was formerly advisor on Middle East issues to European Union foreign policy chief Javier Solana, and worked for US Senator George Mitchell's Fact Finding Committee which inquired into the causes of the Intifada, as well as for the International Quartet. He facilitated various ceasefires in the OPTs. He is author of *Resistance: The Essence of the Islamist Revolution* (2009) and is a regular media commentator.



Elisabeth Decrey Warner

Elisabeth Decrey Warner is the Executive President and co-founder of Geneva Call. She has worked on issues relating to refugees, torture and humanitarian norms, and has been an elected official of the Canton of Geneva. Her work was recognized in 2005 when she was nominated for Switzerland for the Nobel Peace Prize, and in 2015 when she was awarded an Honorary Doctorate by the University of Geneva. She is a member of the Advisory Board of the Geneva Centre for the Democratic Control of Armed Forces and of the Geneva International Centre for Humanitarian Demining.



Jon Hanssen-Bauer

Jon Hanssen-Bauer is Norway's ambassador to Israel. He was previously the Norwegian Special Representative for the Middle East, and served as Norway's Special Envoy to the Sri Lankan peace process from 2006 to 2009. As Managing Director of the Fafo Institute for Applied International Studies, he managed programmes related to peace processes in the Middle East and other conflict-affected countries. He has extensive experience with international co-operation and institution building, notably in the Middle East, the Americas, Africa, Russia, Eastern Europe, China and Tibet.



David Harland

David Harland is the Executive Director of the Centre for Humanitarian Dialogue. He previously served as Director of the Europe and Latin America Division at the UN Department of Peacekeeping Operations (2007–2010) and Acting Deputy Special Representative of the Secretary-General in Haiti (2010), in Pristina (2008) and in East Timor (1999–2000). He also held the position of Political Adviser to the Commander of the UN Protection Force and Head of Civil Affairs for the UN in Bosnia and Herzegovina (1993–1998).

Do you feel that mediation is gradually becoming the favoured ‘go-to’ option for policy-makers, or do some circumstances simply not lend themselves to negotiated solutions?

Jon Hanssen-Bauer: Yes and yes, but it depends who we are talking about. I felt there was a setback for negotiations in the aftermath of 9/11 and the launching of the ‘War on Terror’. The space left for negotiations with difficult parties became more restricted. I feel this was more of a political issue than a judicial one. Since then, the balance has swung back and politicians prefer negotiations to a point where the claim that the military option is on the table almost sounds hollow. The order of the day is to terminate war and pull out. Then, the need to engage with non-state actors and proscribed groups increases. Syria, at least for the moment, does not lend itself to a negotiated solution, but entrenches itself into its military dynamic. The parties refuse to negotiate, and the international community is unable to make them shift their calculations. The Security Council appears paralyzed and the international community is unable, for the moment, to define a common strategy for solving the conflict politically. In the absence of any unified, political pressure from the international community, the military dynamic on the ground prevails. We have not yet found the success formula for efficiently stimulating, from outside, the political will to negotiate. We know that without such will, there will be no talks. All parties to conflicts know that a negotiated outcome implies painful concessions. Sometimes international pressure works, and other times coaching may work better. Hurting stalemates may also create opportunities. But too much support may detract political will too.

Mark Bowden: I think that mediation is definitely becoming the favourite option. But there are two downsides to it: one is that it tends to lead to short term power-sharing situations which are not all that stable; the other downside relates to situations like Syria where mediation has proved to be less of an option. But also, consider groups like Al-Shabaab in Somalia – they are the ones who have ruled out mediation. So, there are clearly some instances where mediation is not possible, but this doesn’t mean we shouldn’t attempt to negotiate for humanitarian access or for other purposes.

Lakhdar Brahimi: Mediation is certainly much discussed, studied and taught these days. There are

many aspiring mediators – organised or freelance. There is also a tendency to look for quick solutions, which are seldom available. All conflicts end at some stage – except, so far, the Palestinian question – and all end with a negotiation of some sort.

Jimmy Carter: I am convinced that antagonists can often resolve their disputes through dialogue and mediation. Yet there are some circumstances in which a negotiated settlement is not possible, at least not at a given moment. This is especially true when disputing parties feel as though they have not exhausted all military options, as well as when only one

side of the conflict is willing to cease hostilities. More recently, the Carter Center has provided ad hoc support to the African Union’s mediation efforts between the Governments of Sudan and South Sudan. Both governments were maintaining the position that the other’s economy would collapse first, creating an environment whereby a negotiated solution was not possible. However, Sudan and South Sudan have since realised that economic stability is in each side’s interest, and they are working toward restarting oil exportation, which also will nurture a more positive political atmosphere. Whether or not mediation is a favoured ‘go-to’ option for policy-makers is an open question that depends on

the issues at stake. Mediated solutions also require a certain ripeness and willingness from all sides to engage in a peace process otherwise such efforts are futile, if not harmful.

Alastair Crooke: [Here and in other answers, I refer only to strands of thinking in the Middle East and Iran.] There is a sense here that ‘true’ mediation, by which I mean a mutual modification of prior expectations and mental templates through the process of negotiation, has gradually been lost. In this present era, the process is less understood to be co-participatory, and ‘solutions’ are seen to be ones that are to be imposed through ‘pressure’ and the assertive promulgation of one single narrative. Since the Vietnam war, the ‘war of narratives’ has become the key component to the now dominant counter-insurgency approach in the West. The problem with the ‘narrative war’ approach is that its reductive content erases alternative ways

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of 'seeing' and understanding any particular conflict. The result is that the 'go-to' approach is less likely to be mediation (since the 'other' narrative inevitably becomes demonised), and pressure, containment and Special Forces' covert operations emerge as the preferred 'go-to' option. In this context, in the Middle East, judicial processes and now human rights themselves are increasingly being seen as a part of the Western toolbox of 'pressures', and serving as the pretext for external interventions. This has been particularly the case in Syria, where the West has sought to 'pre-outcome' the negotiations by insisting on the standing down of President Assad, based on a demonising narrative of his attacks on his own people. This insistence on a singularity of narrative – in polar opposition to that of Russia, China and Iran who regard Assad as enjoying the support of a majority of Syrians – has effectively foreclosed on effective mediation, which requires Russian cooperation to be feasible.

Elisabeth Decrey Warner: As a starting point, negotiated solutions should always be on the table. Even if they don't prove fruitful, or are impossible to pursue, they may once again become viable as circumstances change. It is very difficult to evaluate success in peace negotiations, but a 'no negotiation' plan will never bring sustainable peace.

David Harland: There is certainly a retreat from the purely military response to conflict. The decade after 9/11 showed an enthusiasm for military intervention, including by unilateral coalitions, but also in other formats, with the involvement of the UN, European Union (EU) and African Union (AU). It's true that there has been some reflection, some questioning as to whether or not those interventions produced the right results given their cost in blood and treasure. Mediation is sometimes the beneficiary of that, even when it might not be the most appropriate tool.

As a peacemaker/humanitarian actor, have you found that legal developments have made it harder in recent years to talk to proscribed groups and alleged war criminals, or has little changed?

Lakhdar Brahimi: In the last 20/25 years, we have seen an increase in attempts to 'regulate' conflict and hold to account those who do not comply with established standards. All in all, that is a very welcome development. Tensions between campaigners for human rights and mediators are unavoidable, understandable and acceptable. Neither side should try to set the agenda of the other. More generally, all those caring for a people in conflict are working towards the same goal: the restoration of peace *and* justice. It will come as no surprise if someone like myself says that, whereas every effort needs to be made to avoid tension between justice and peace, the aim of actually putting an end to the violent conflict should be seen as a priority. A concrete case and a question: has the indictment of the President of Sudan several years ago served the cause of justice *and* peace? Has it served the cause of justice alone?

Jimmy Carter: Recent legal developments have not directly impacted my peacemaking work. I have been engaged in what some call Track 1.5 diplomacy for many years and continue these efforts. However, I recognise that overly broad counter-terrorism legislation has reduced the space available to many non-governmental organisations (NGOs) for peacemaking

work. The US Supreme Court's 2010 Humanitarian Law Project decision held that it is constitutional to prohibit non-material assistance to organisations listed as terrorist, including training in human rights or conflict resolution. This inevitably gives many US NGOs pause, when considering whether or not to open dialogue with organisations on the terrorist list. Similarly, I have continued to engage with individuals accused by the International Criminal Court (ICC). It is important to maintain channels for dialogue with political or military leaders who are also significant actors in a conflict. I do not see an automatic trade-off between increased judicial accountability for the most egregious human rights violations or war crimes and conflict resolution. The challenge presented by institutions like the ICC for conflict resolution is that they do not lend themselves to carefully calibrated negotiations,

including the application of carrots and sticks, designed to resolve violent conflict. I and the Carter Center have a long history of engaging governments and non-state armed groups who are outside the realm of traditional diplomacy. We know from experience that every significant stakeholder in a conflict needs a voice in the mediation process. Excluding them only incentivises them to undermine the process. To this point, the Center has been engaged in regular dialogue

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with Hamas leaders in Gaza, the West Bank, and the diaspora. While progress has been slow, it is critically important to maintain an open channel of trust and communication with Hamas as a key stakeholder in the Israeli-Palestinian conflict. Similarly, my engagement with Sudan dates back to my presidency, and the Carter Center has been involved there almost continuously since the late 1980s. While the international community is limited in its engagement with Khartoum, and more specifically direct talks with President Omar al-Bashir, I and my staff continue to communicate directly with President Bashir and other key stakeholders in the region. Our engagement often fills gaps that formal international peace processes are unable to address, often due to legal constraints.

Elisabeth Decrey Warner: It is ironic that one can be invited by the US State Department and the Pentagon to speak to officials about the value of negotiated humanitarian solutions which are potentially criminal acts under US law. And while whispered ‘assurances’ that laws such as the ‘material support’ law will not be used against humanitarians/peacemakers go some way to making things ‘business as usual,’ we are only one terror strike away from such laws being used to their full effect. As they are on the books already, they can be used to prosecute past acts. Therefore, the ‘chilling effect’ is real. We all know that uncertainty is bad for business. It also scares away donors and creates a much heavier administrative burden on small organisations that are already overburdened. In terms of accountability for international crimes, universal jurisdiction laws are making it harder to find locations where we can carry out our work. Geneva Call hasn’t yet experienced that interlocutors are less likely to take part in dialogue, but that could very well be the case.

Alastair Crooke: In our case, legal developments have not made it harder to talk to proscribed groups. Conflicts Forum has continued regardless, but undoubtedly the existence of legislation has adversely affected our ability to finance our work. But at another level, there is wide concern here (and in Russia), at Western readiness to bypass the United Nations Security Council, the UN Charter and international law – when it suits the West – to establish ad hoc groups of friendly states that usurp legal procedures in order to ‘withdraw’ legitimacy from a particular political structure, and to presumably confer legitimacy on whomsoever it designates. This practice both undermines international law and severely diminishes the prospects for negotiated political settlements

through inflating rival claims to legitimacy – and making any solution a zero-sum game.

Jon Hanssen-Bauer: This is a complicated set of questions. Certainly, legal developments have made it harder to talk to proscribed groups, even if the legal framework makes room for talking, when it is done in order to obtain peace. Illegal or not, the political tendency is to shy away from contact with proscribed groups. Let us look at Hamas. When Hamas won the elections in Palestine and a coalition government that included Hamas was established in 2007, the international community declared that the elections were free and fair, but refused to deal with the resulting government. One thing is to halt donor support and finance for the Ministries led by Hamas, which becomes very delicate. Another is to refrain from contacts with the proscribed group and from attempts at moderating its members. Norway did the first, but continued to talk. The Norwegian Government has long been a staunch defender of dialogue in international politics, and took a different

stance regarding the Palestinian government and talking to Hamas, as compared to other European countries. Today we see that dialogue is regaining some of its old ground. In the Sri Lankan case, the proscription of the Tamil Tigers reduced the contact the group had with the surrounding world. Nobody except the Norwegians talked to them. The proscription hence contributed to the bunker vision of the leaders. The Tamil Tigers felt that the EU ban in 2006 closed their hopes for a political solution facilitated by international assistance. There

were good reasons for proscribing the Tigers, but it was wrong to stop talking to them. The Tigers closed the door on negotiations and used the proscription as an excuse to opt for a military strategy. Anyway, mediators should not try to guarantee immunity for alleged war criminals, as they cannot do so with the current legal systems in place. I feel that the increasing focus on judicial accountability is right and that the risk of ‘closing doors’ is somewhat overstated. The problem for Colonel Gaddafi, in my view, was not that he feared the International Criminal Court or that he had no place to turn to, but that he did not want to leave the country or give up.

Mark Bowden: There are a number of ways in which counter-terrorism provisions have made humanitarian negotiation more difficult. The US Supreme Court ruling has deterred US NGOs and US citizens from engagement with proscribed organisations (e.g. Hamas). The US Office for Foreign Asset Control (OFAC) has placed restrictions on humanitarian assistance, and Security Council Resolution 1916 has maintained cumbersome reporting procedures on humanitarian assistance in Somalia. But

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the UN has kept a straightforward line on humanitarian negotiations. It's been acknowledged that humanitarian actors, at the appropriate level, are empowered to conduct humanitarian negotiations. The problem in the past was that a number of agencies were facing specific problems with some of their donor countries. Different national governments have interpreted counter-terrorism legislation differently, adjusting their assistance framework and making humanitarian negotiations more complex. After UN Security Council Resolution 1916, many in the donor capitals spent time discussing its implications, delaying humanitarian decision-making at a critical period, namely the period leading up to the famine in Somalia. In the case of Somalia, opportunities for negotiation were lost at a critical time reducing the options for humanitarian access at the time of the famine. It was not until the declaration of famine was made that donors were able to put concerns about counter-terrorism to one side and focus exclusively on humanitarian need. The situation has since improved and there is greater clarity among many Western countries about the 'humanitarian imperative'. Also, in the case of Afghanistan, counter-terrorism actions have seemingly become more 'negotiable' (e.g. individuals being able to negotiate removal from the list).

David Harland: Oh yes, for sure. In my view, there are two problems: on the one hand, there is the legal pursuit of the mediators, and, on the other hand, there is the legal pursuit of the parties. In the legal pursuit of the mediators, there is no doubt that the Holder decision represents a narrowing of the options for third party actors. Furthermore, the Holder decision is not something that appears in a vacuum. The political rhetoric around it – not just in the US but in a variety of countries – that we don't talk to terrorists is a serious problem in an age where almost anybody you don't like can be labelled a terrorist. As for the legal pursuit of the parties – the normative and legal tide is clearly rising, and it's harder, for example, for the UN to deal with President Omar al-Bashir because he is indicted by the ICC. The international system needs to find the space where the legal pressure is on and the legal accountability tide can continue to rise, so that leaders think twice before they commit grave breaches of international humanitarian law. But there has to be space for mediators to make the peace without which nothing – justice and other public goods – can ever flow. And I think that we have been quite good about pushing the normative envelope, but we've been quite bad about protecting the space in which mediation can happen.

In the post 9/11 legal environment, how should conflict mediators strike the right balance between bringing armed groups to the peace table, and heeding international criminal justice standards/counter-terrorism provisions?

Mark Bowden: In some cases, proscribed individuals might be open to negotiations if they were to be given a waiver. This seemed to be the case with some elements of Al-Shabaab who had an incentive in being taken off the list. So it's worth noting that counter-terrorism legislation isn't always negative. You can potentially use counter-terrorism legislation in your favour to bring people to the table.

Jimmy Carter: 9/11 and the ongoing threat of global terrorism have deeply impacted the psychology of the international community, particularly the United States. The lack of definition of who is, and who is not, a terrorist is a source of concern for me, as some governments have used a sweeping description of terrorism to silence domestic opposition. I do not minimise the seriousness of the threat posed by al-Qaida and other groups who deserve the terrorist label, but there is a need to be more precise and nuanced when using the term. As regards criminal justice standards, the Carter Center was involved in the early discussions of the draft Rome Statute and I personally advocated for the establishment of the ICC.

However, isolating leaders on the basis of alleged crimes against humanity rarely prevents further conflict, but instead may contribute to it. Recent history has shown us that isolation simply closes doors. While I advocate for upholding international human rights standards and the alleviation of human suffering, I maintain my long-standing commitment to talk to all actors, especially those in positions of authority who can impact the lives of millions. I have done this in Nicaragua, the Middle East, Bosnia, Sudan and North Korea, and will continue to do so when advisable and invited.

Lakhdar Brahimi: A mediator should be given ample space to deal with all parties involved in a conflict. International justice standards must accommodate that necessity. The UN does not agree to be a party to any

agreement that provides for blanket amnesty. Everyone now knows that sanctions are a blunt instrument (remember Iraq and its hundreds of thousands of kids killed by a very harsh sanctions regime). Organisations and individuals put on terrorist lists are at times needed as key interlocutors in a negotiation to end a conflict.

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Alastair Crooke: In more than thirty years of involvement with conflicts, I have never known one in which the whole process of war was not, in itself, anything more than a complete derogation of human rights. Whilst the attempt to create a framework of judicial accountability may be laudable in theory, its flaws in terms of practical application are clear. We have no settled understanding of the rights and limits to armed resistance and state violence; and we have no settled acceptance of what constitutes the limits to state sovereignty on the one hand, or the limits or rights to external intervention, on the other. Conflict mediators should always heed these major limitations to judicial processes.

Jon Hanssen-Bauer: This is a challenge. But in my view, our job is to bring armed groups to the peace table to end violence and violations of human rights and international humanitarian law. Whenever it is possible to settle a conflict, it is worthwhile bringing the parties together. A negotiated solution will rarely be deemed legitimate nationally or internationally if you do not address violations of the past. 'You deal with the past, or the past deals with you', is a smart way to summarise this. Thus, addressing accountability issues is a question of timing, as these issues must be dealt with in a way that meets international legal standards. The possibility of bringing the groups to the table may depend on the willingness of the parties to provide the necessary security guarantees for negotiators. That is a different, but related question. Where to convene, who can be accepted as negotiators, and how to arrange

travels – these are challenges which the facilitators need to solve. If there is a will and a serious attempt to negotiate, practical and pragmatic solutions can be found during negotiations, without contravening international justice standards.

Elisabeth Decrey Warner: The balance is different for criminal justice and counter-terrorism. Debates on accountability and combating terrorist acts should not be lumped together. In terms of counter-terrorism, there is no right balance, as simply doing one's job may be a criminal act. The choice is either to close the programme or to do the work with the risks entailed. In terms of criminal justice and talking to alleged perpetrators, negotiators should think of the impact of their intervention in relation to the small picture (their own agenda) and the big picture (the global agenda). And, finally, negotiating humanitarian agreements or peace agreements doesn't mean impunity for the perpetrators. This has to be made clear to the parties.

David Harland: Timing. Justice delayed is justice denied, but justice premature, which leads to continuing slaughter, isn't a great achievement either. Finding the right moment is key. Take the case of Milosevic – it's ideal first to do a peace deal with him in Dayton and, when he's no longer useful to the peace process, then you can indict him, arrest him and put him on trial. And you can't say it too loudly, that this is your policy goal, but it is, right? First you do a deal with Pinochet, and you give him an amnesty, then you realise there are holes in the amnesty, and you chase him legally.

How might relevant stakeholders work together to ensure that sufficient space is maintained for peace dialogue (e.g. code of conduct for mediators, humanitarian exemptions, tacit official approval)?

Alastair Crooke: Stakeholders should work together – by being less reticent in pointing to the limitations of judicial processes in respect to civil conflicts – and by demanding that priority be given to resolving the conflict, rather than pointing to culpability through indictments that precede the political process. In my experience, the issues of reconciliation and retribution are psychological ones which a society has to decide in the wake of an end to conflict, rather than just judicial issues. It is they who have to find the way to live together as a society after the violence has stopped.

Mark Bowden: On the humanitarian side, I think that the engagement of the UN Security Council in Somalia, through Resolution 1916 and its predecessor, was a backward step. And I think that a number of us, including the International Committee of the Red Cross, would like to see that sort of engagement dropped. The UN Security Council shouldn't be 'licensing' humanitarian actions, because it goes against the principles of humanitarian space (e.g. impartiality). This has to be seen in the context of slow decision-making

by donors on Somalia in the period leading up to the famine. Fortunately, that precedent hasn't been used in other countries, and it would be useful to drop it from Somalia, as it amounts to an 'invasion' of the humanitarian space and has been very unproductive in terms of impact. So I think that's one issue on which international actors could work together to keep humanitarian actions outside the UN Security Council arena, except in terms of facilitation. The UN Security Council can facilitate, but it should not proscribe or limit humanitarian access.

Lakhdar Brahimi: As a general rule, a mediator should have all the space he or she needs to engage the parties. Could/should that be codified? I don't know.

Jimmy Carter: The Carter Center requires that all key actors are involved in a peace dialogue and we convene a broad range of stakeholders. Since the Carter Center was established thirty years ago, there has been a proliferation of non-governmental organisations involved in peacemaking and conflict prevention. Some

of these organisations are credible, while others lack the requisite skills, history, and relationships to enable them to be genuine mediators. Caution needs to be exercised to avoid overlapping mandates of mediators or peacebuilding organisations.

Elisabeth Decrey Warner: States involved in and supporting peace negotiations/humanitarian dialogue should lead the way towards ensuring that counter-terrorism laws are not overly restrictive (i.e. in order for an act to be proscribed it should require an intent to further a terrorist act). Like-minded states should invite representatives of the peacebuilding and humanitarian community to share experiences, and promote those interventions that have a demonstrable positive impact on peacebuilding/protection of civilians. In addition, representatives of these communities could report situations where restrictions have had a negative impact on their work. They should also demand evidence that material support/proscriptions on peacebuilding/humanitarian action have reduced terrorism. Codes of conduct may be a viable way of demonstrating responsibility if they do not include an undue administrative burden *and* are ultimately in the hands of humanitarians/peacebuilders, keeping in line with the fundamental principles of such actors. Exemptions should only be considered if they are blanket exemptions. Allowing for exemptions for individual organisations will have significant negative consequences on neutrality, will politicise the process and will ultimately impact on the effectiveness and safety of the entire sector. Tacit official approval may be an option as long as the status quo remains but, as soon as a situation changes (for instance, a new politician is elected, or a terror strike occurs), all bets are off. So, tacit approval provides no security for organisations trying to protect their staff. All these options largely depend on how much pressure supportive states and civil society are able to bring to bear on those states with strict counter-terrorism laws. Supportive states have taken some steps, but it is questionable whether they have made it a priority vis-à-vis other strategic objectives. It does not seem that civil society is able to make a lot of gains, particularly in states where there is a lot of political support for strong counter-terrorism measures. Therefore it is not a particularly optimistic picture, although there may be room for administrative improvements such as the use of exemptions. Finally, other factors that can have an impact over the medium- to long-term are the

current peace processes with proscribed groups such as the Revolutionary Armed Forces of Colombia and the Kurdistan Workers' Party. Will it be seen in political and diplomatic circles that counter-terrorism laws get in the way of strategic objectives? This remains to be seen.

Jon Hanssen-Bauer: I think that secrecy around negotiations, as well as the use of a neutral venue, are needed, almost always and particularly during the initial phases, in order to ensure sufficient space for negotiations based on direct, face-to-face encounters between the parties. The Oslo Channel, for example, was operated partly through proxies and the talks were secret. Before the handshake in Washington between Arafat and Rabin, the two parties recognised each other, the Israeli ban on meetings with the Palestine Liberation Organization was lifted and Arafat was allowed entry to the US. Likewise, prior to talks conducted officially between the Sri Lankan government and the Tamil Tigers, the government delisted the Tigers. In 2006, Norway decided to no longer align with EU proscriptions to continue facilitating negotiations in Sri Lanka. This enabled Norway to convene the parties three times during the same year, even after the EU proscription in May. The main stakeholders to the process, like India, the US, the EU, Switzerland and others, approved of and helped facilitate these meetings. In my view, it all depends on the context. We should talk to almost everyone, and if a conflict faces prospects of a peaceful settlement through negotiations, we should not hesitate to bring the armed parties to the table. But we do not need to bring anybody, to any table, and in any constellation, all the time. The legal issues involved are less of a concern than the political implications. We need to reflect carefully on whether we give undue recognition to some groups, while more moderate groups may not get the same attention, just because it is trendy to talk to those who are more radical.

David Harland: Formalisation is good. My model is the humanitarian community. This year marks the 150th anniversary of the Red Cross, which has been very good at defining a relatively narrow humanitarian space within which they operate freely according to certain international principles. I think broadly we seek something analogous for the peacemakers. We're not saying that, in times of war, we think that

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all activities should have the same protections as the humanitarian ones, and certainly we are not saying that, in order to create space for principled mediation, you should lift all restrictions on contact. But some analogy based on this to advance the public good is needed and currently doesn't exist. And the prospects for this are good. The argument that you don't talk to terrorists and you deem a terrorist anyone fighting against you is, in some ways, an artefact of the war on terror, a highly militarised phase. That approach has obviously not turned out to be a solution to every problem, but it also has an afterlife of sorts in these very restrictive policies and laws regarding whom one is allowed to speak to. As the world moves to a more nuanced view of how to manage violence, it's also reasonable to assume that we will move to a more nuanced position on who to engage with, and how. But this requires principled, intellectual legwork to be done, the way the humanitarians have done for 150 years, and we just hope to accelerate it a bit. A code of conduct is certainly a good way to go about it. The humanitarians have the Geneva Conventions, the additional protocols, the UN General Assembly resolution which defines humanitarian principles. I think that it would be hard for us – we are probably looking at something analogous to the Sphere principles, where you have a negotiated

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Something that is analogous to the humanitarian space, or softly analogous to diplomatic immunity, makes a lot of sense.

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agreement among certain players in the field on an opt-in basis. And then you hope to proceed in a 'snowballing' fashion, getting more organisations to sign onto this document. Starting with organisations is better, because once you get countries signing onto it, it takes on a treaty-type character, and that requires forms of legal engagement, which can slow things down. To begin with, I would have a short

term objective – probably of some sort of Charter among organisations – and if you can get some of the main state supporters in mediation to come on board too, great. But the next objective in the longer term could be a more formal instrument between states (either through an intergovernmental forum, or a stand-alone instrument). Over several hundred years, diplomatic immunity has emerged to serve this function, as people ultimately came to the view that decapitating the emissary who didn't accept your demands wasn't always a good way of 'getting to yes'.

I am not sure that every mediator should have some equivalent of diplomatic immunity, but something that is analogous to the humanitarian space, or softly analogous to diplomatic immunity, makes a lot of sense. Peacemaking is a set of activities which – when undertaken in a principled fashion – is clearly a major contribution to the public good, but is heavily constrained. We would like to change that.

Are the issues cited above being adequately recognised and debated at the international level?

Elisabeth Decrey Warner: They are well debated at the technical level – and even policy-makers understand the problems, to some extent – but there is a gap in dialogue between policy-makers focused on diplomacy, and policy-makers focused on counter-terrorism measures or accountability. One way forward would be to shine a light on some absurdities. For example, what is the fate of a Norwegian civil servant who has signed off on a plane ticket bringing a FARC negotiator to Oslo, when this civil servant will visit New York? Or the fact that convincing 'terrorists' that they shouldn't be terrorists may be interpreted to be a criminal act?

Mark Bowden: I don't think these issues are being adequately recognised, and certainly not debated. The issues of power sharing, of confining humanitarian access or bringing in the UN Security Council haven't really been given the debate that they require. But I

wonder whether raising these issues formally might be counter-productive, and instigate further action from the UN Security Council, or the strengthening of counter-terrorism legislation. We took this discussion quite a long way on Somalia and some governments (the United Kingdom) actually helped us to push back on this. But we were concerned that, in the US, this might lead to even tougher actions. All in all, it does seem that the impact of counter-terrorism legislation on humanitarian access is rarely discussed.

Jimmy Carter: More attention needs to be given to the impact of policy and legal constraints resulting from the global fight against terrorism. The UN has drafted a guide on mediation, which includes provisions on these questions. For our part, the Carter Center continues to call for reform in counter-terrorism legislation to ensure that space is preserved for legitimate peacebuilding and mediation work.

Jon Hanssen-Bauer: I feel that transitional justice and the implications for mediation have been subject to debate for many years, but the debate is not really solved. And I think it is important to enlarge the questions in the way that this interview does.

Alastair Crooke: No. We should recall that the judicial and criminal approach was introduced in the wake of 9/11 to rebut any suggestion that (any) Islamists represented a political cause, or offered any sort of political challenge to the Western order – they were just criminals and terrorists. In this present era of growing popular challenge to ruling elites everywhere, both secular and Islamist, and with the legitimacy of the existing order under much wider challenge, I am quite doubtful that

a purely criminalising approach is sustainable – except at the cost of exacerbated tensions within society. Qualitative political change is almost always accompanied by some element of violence. The question is how to manage this; and how to manage it in such a way that it does not lead to an upward spiral of escalating conflict.

David Harland: Certainly not. I think there's a general view that these are happy days for mediation. Everybody wants to be a mediator, and to study mediation, there's great resourcing of mediation. And that is largely due to this search for alternatives to purely military options. But it doesn't mean that it's an approach to conflict resolution that has been very well supported intellectually politically, or legally.

New voices on peacemaking

A frank conversation with Fiona Lortan, David Mozersky, Sanam Naraghi-Anderlini and Theerada Suphaphong

2012



Fiona Lortan

Fiona Lortan is a Senior Political Officer in the Peace and Security Department of the African Union (AU) Commission in Addis Ababa. She serves as the Focal Point for the AU-UN Strategic Partnership in the area of Peace and Security. Since 2010, she has worked as part of the support team to the AU High Level Implementation Panel on Sudan. Ms Lortan was also part of the support team to the Panel of Eminent African Personalities that mediated an end to the Kenyan post-election crisis in 2008.



David Mozersky

David Mozersky is the incoming director of a program on the nexus of climate change, energy and conflict at the Renewable and Appropriate Energy Lab at the University of California – Berkeley. He was previously a Director of Investments at Humanity United, where he also led a Track II project with northern and southern Sudanese officials. From October 2010 to June 2011, he was seconded to the AU High Level Implementation Panel on Sudan. He also spent six years with the International Crisis Group, where he managed the Horn of Africa program.



Sanam Naraghi-Anderlini

Sanam Naraghi-Anderlini is co-founder of the International Civil Society Action Network, and served as the first Gender and Inclusion Adviser on the UN Mediation Standby Team. In 2000, she was among the civil society leaders and drafters of UN Security Council Resolution 1325 on women, peace and security. She is the 2016 Greeley Peace Scholar at the University of Massachusetts, Lowell, and was the 2015 Perdita Huston Human Rights Awardee of Washington DC's UN Association. She serves as an advisor for Global Learning and the High Level Panel on the Post-2015 Development Agenda.



Theerada Suphaphong

Theerada Suphaphong graduated from the University of Oregon in 1996 and subsequently worked as a researcher attached to the Thai Senate Committee on Foreign Affairs while assisting the Committee chairman in 2001. From 2006 to 2008, she continued her studies in International Development at Chulalongkorn University. In 2008, she became the Bangkok-based coordinator of the Inter-Parliamentary Myanmar Caucus at the Association of Southeast Asian Nations. Ms Suphaphong is currently a project manager for the Centre for Humanitarian Dialogue (HD), working on the conflict in Southern Thailand and national reconciliation.

How did you become involved in mediation and peacemaking?

Fiona Lortan: Well, I became involved as a Political Officer in the African Union Peace and Security Department during the Kenyan mediation exercise when the post-election violence broke out. The former UN Secretary-General Kofi Annan was appointed as the mediator for the African Union, so I was sent as one of the AU Commission staff supporting Mr Annan's team.

Sanam Naraghi-Anderlini: I became interested in conflict prevention, mediation and conflict resolution after experiencing the revolution in Iran as a child in 1979. It showed me that when you have an internal crisis or conflict, the effects are multi-generational. It is not a one-off event. So it is important to try to limit the damage and to come up with solutions that take into account the needs of all the different constituencies and enable a society to maintain its coherence as opposed to having the social fabric ripped apart.

David Mozersky: I initially became involved through work in Sudan, through a programme run by the Canadian Government. After I graduated from university, I worked with an NGO in Kenya supported by the Canadian Government that was involved in trying to broker some kind of Track II process between North and South Sudan. That led me to work with the International Crisis Group where I spent six years and, through good fortune, I happened to be there at the start of the peace

process when the Machakos Protocol was signed in 2002. I followed the negotiations from that beginning all the way through to the completion and then through the implementation phase – and that slowly led me deeper and deeper into the world of negotiation and mediation, with a heavy emphasis on Sudan, but also covering the Horn of Africa and East Africa. When I joined Humanity United in 2008, I began implementing our own Track II process working with officials from North and South Sudan, ahead of the eventual negotiations on post-referendum issues. Ultimately that led to the secondment to the AU Panel and direct involvement in that negotiation process.

Theerada Suphaphong: I have worked in the political field as an assistant to a member of Parliament and worked in parliamentary committees, which bring together people holding different views, as well as stakeholders relevant to conflict. It really all started when I worked for a foundation that was involved with someone who later became a

Senator in Thailand. He worked with several provinces, including Southern Thailand, on different issues relevant to peace and conflict resolution, particularly in the context of conflicts related to natural resources, minorities' rights, and justice. So I have been involved in the mediation support field since 2001 and worked with HD since June 2009.

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What have been your most important experiences in mediation and peacemaking? Any mistakes which you would avoid repeating in the future?

Fiona Lortan: I started off working as part of Mr Annan's team in Kenya and then I moved on to work on the AU High-Level Implementation Panel team that facilitated talks between Sudan and South Sudan, which is chaired by former South African President Thabo Mbeki. What I find really fascinating and instructive is comparing the very different mediation styles of the two mediators. Of course, the context is very different: Kenya was a complex mediation process just over forty days long, while the process between Sudan and South Sudan focusing on post-secession relations has continued since May 2010, almost two years. The one thing we have failed to do in the Sudan-South Sudan mediation which Mr Annan did very skilfully was to effectively use public media and communications. Although we are working almost constantly with Sudanese parties, the outside world doesn't really know what's going on – we do

not control the outside narrative, unfortunately. We have now started trying to have much more interaction with the press and the media, putting out statements more often.

Sanam Naraghi-Anderlini: [Laughs] I have worked on the issues of mediation and peace processes since the 1990s. I'm interested in the inclusion of women particularly, because I have come across women in conflict areas who have lost sons, families, homes, everything – and yet have been able to get beyond their pain and see the need for peace and reconciliation. They truly inspire me. They are the backbone of what has become the global 'women, peace and security agenda'. I think that those are the voices that we need at the peace table if we want to bring about sustainable peace. We listen to the war makers but we exclude those who live and speak

and work for peace. It's paradoxical and absurd on some level. In terms of what I wouldn't do... I'm not sure how it happened, but I feel as if I have the word 'gender' stamped on my forehead [laughs] and I think that this does disservice to the cause, because there's such a misunderstanding of what it means to have a gender perspective. To me it's been an amazing experience, because I get to learn about all sorts of issues: whether it's constitutional or security issues, governance or justice, there is always a 'gender perspective'. I value this broad range of elements, because it gives me a much more comprehensive understanding of peace processes and mediation.

David Mozersky: I'll start with the mistakes first: I think I am guilty, like many third party interlocutors, of failing to adapt my own timelines to the timelines of the parties. And so inevitably, negotiation processes, consultations, have taken longer and have been more drawn out than mediators in Sudan expected. Rather than learning that lesson and integrating it into future planning, I think the international community is constantly being disappointed by the slow pace of things in the negotiations in Sudan, as it simply doesn't match the perception of urgency that exists outside – in New York or Washington or elsewhere – so I think that's a common mistake and something that continues to repeat itself. My most important experience, I think, was witnessing the successful negotiation and conclusion of the Sudan Comprehensive Peace Agreement (CPA) negotiations, as it provided evidence of the possibility of compromise and resolution, the impact of one, or a handful of very skilled mediators, and the impact of the power and importance of partnership and trust across and between the parties – as difficult as that may be to generate. One of the indicators of this trust was the partnership that developed between the two heads of government and the Sudan People's Liberation Movement's delegation,

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John Garang and Ali Osman Taha. That was really the bedrock for that agreement and, in retrospect, that kind of partnership and trust at a high level is what has been missing in the current North-South negotiations over the last year and a half. And there's really no substitute for it.

Theerada Suphaphong: One experience for me was discovering the mediation team that was working on a suspension of hostilities agreement between the military officials of the Thai Government and representatives of the militant movement. The most exciting part was seeing them working together, sitting together, coming to agreement and seeing this level of trust develop. It was good to see meetings aiming to negotiate for the suspension of hostilities in Thailand, since such meetings have not taken place with those parties' mediators. Another memorable experience was when I had to facilitate and moderate the conversation in a particular meeting because the senior moderators were not available at the time. It was good to see meetings on these issues take place, as they were the first of their kind between these parties. In the context of the political conflict at the national level in Thailand, there was a time when people discussed the idea of

establishing a new national dialogue. I, my team and some other stakeholders thought that it was not yet time to pursue a national dialogue because of political factors. But now that reconciliation efforts have become politicised and not very inclusive, when I reflect on that conversation on the national dialogue I feel like I should have supported it. I should have agreed to explore the idea further so that the platform or infrastructure for a national dialogue for people from different regions, people on the ground and from civil society could be strengthened. If at that time we had agreed to explore it further, a national dialogue could have been set up and established that could work for the country right now to prevent the reconciliation process from becoming too politicised.

What skills do you think are most important for someone working in this field?

Fiona Lortan: I have learned from watching Mr Annan and the Panel – which is Mr Mbeki, former President Buyoya and General Abubakar – that one of the key skills (and it's a skill that I really need to improve dramatically myself) is the ability to really listen to the parties. Mr Mbeki put it nicely two weeks ago when we had a press conference after the last round of negotiations: it's an ability to truly put yourself in the shoes of the party. Sometimes we get frustrated about why the parties are being

so unreasonable or why they aren't accepting the deal we put on the table. Mr Mbeki framed it very well – because he had his own experience in South Africa and a similar experience in Burundi – in the following terms: one needs to understand what the parties' fears are. That's the only way to really help mediation; understanding the fears that make it difficult for them to move in a direction you want them to. It's only once you really understand these fears that you can begin to address them. For

example, the government in Khartoum accepted the most difficult demand they could have, which was to let the South go. So for them, in a sense they can't make any more concessions because they made the biggest concession a state can make. You need to understand this from their point of view and to reassure them that by letting the South go the rest of their territory would be respected – their territorial integrity. This shouldn't be the start of a further breakup of the country. And the South, this is a newly emerged country that ever since the independence of Sudan was in war. And now it is expected to enter into friendly relations with what it sees as a regime that for so many years tried to keep the South down and oppress it. So for the Southern Sudanese, the most important thing is to be respected as a state. These are the types of fears that you then need to address. It's only really by listening to them dutifully and being able to understand what motivates them that you can begin to address these issues. For me, that is a key mediation skill and something to apply in every single situation.

Sanam Naraghi-Anderlini: What I value most, and I don't know how much it is considered, is when mediators carry out their work on the basis of core principles and a value-based approach to mediation. We claim that being impartial is important, but if we exclude the voices of nonviolent stakeholders, are we

being impartial? We cannot be neutral about basic issues. If the rights of half the population are ignored, we – especially as international actors – cannot remain silent and hide under the cloak of cultural relativism. The skills – I think that the ability to be empathetic, to see the world from the perspective of different stakeholders is important, as is the ability to connect with them on a human level. It's one thing to go into a thematic conversation about power sharing or whether a state

should be Islamic or federal. It's something else entirely to look at the person and realise they've been through twenty years of war. I'd also like us to talk more about 'responsibility sharing' not just power sharing. I've learnt this from women in war zones. They understand power, but they also focus on care and responsibility in their communities.

David Mozersky: I think being a good listener and having good analytical skills... having a deep enough contextual understanding of what may

be behind the formal positions of the parties. These qualities help to more easily identify where there may be room for compromise or overlap.

Theerada Suphaphong: I think the most important thing is communication skills which includes listening. When you have an open mind, then you're able to capture the essence of what people say and see what the possibilities are for finding a solution or a way forward.

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What would you consider a success in a mediation process and what are the limits of mediation?

Fiona Lortan: It's difficult to know what is a success in mediation. This is a question that we have discussed many, many times and I think that answering your second question is the only way to answer the first question. The mediator can only help the parties reach a particular goal, but ultimately it's up to the parties to do it. They're the ones who must make the decision to go for peace or to not go for peace. And you have to help them to realise that this is what they should be aiming for. But at the end of the day, no mediator can actually force it onto them. We have seen many agreements that parties have been forced to sign. Those agreements cannot hold because it's up to the governments and those who are at the negotiation table. This issue of success is also very difficult because you see research which shows that even when there is political will on the part of the parties to sign an agreement, there are so many things which work against them. The fact that they are almost invariably very poor countries with

very high levels of underdevelopment and inequality, and suffering from the resource curse. Even when there is an agreement signed, we see very often that these countries relapse into conflict a few years down the line. So to talk about success... is finding an agreement a measure of success? Is five years of peace a measure of success? If you just take the example of Sudan, they had six years of more or less peace following the signing of the CPA, but at the moment relations between Sudan and South Sudan are still very strained. You can say that signing the CPA was a success, but what agreements tend to do generally is push some of the difficult decisions to the future, for example regarding Abyei. So how do you measure success? For many years Zimbabwe seemed to be the success story in Africa, but today of course you wouldn't say so. Yet many things that have happened since 2000 really had a genesis in the nature of the peace agreement that was negotiated in Lancaster

House. The issue of the redistribution of land is one of the key problems of Zimbabwe after 2000, because in a sense the government's hands were tied; they were not allowed to address these issues, but had to in the end. So the measurement of success is very difficult and controversial and I wouldn't want to be the one to decide whether this has been a success or that has been a failure.

Sanam Naraghi-Anderlini: That's a really good question. I think a successful mediation process is one that has been able to stop the violence, and develop a shared vision for the future. It's one that draws in the voices of multiple stakeholders – whether it's women, groups that are armed, the government, and other civic actors – and starts to dispel past fears and mistrust, and focus on the common ground, weaving together a vision of what the key priorities are or what the future should hold. When you have an inclusive process where all relevant people are part of the decision-making, they can see the compromises that each has to make. They can also hear the other's experiences and fears. The human dimension is vital to finding the solution. Now having said that, you can have things written on paper that look fantastic, but peace on paper is a piece of paper. The mediation process can only take you so far. The implementation becomes the next stage of transforming that piece of paper into something real. So I think that's a limitation of mediation. But I also believe that if you have a process that's been inclusive, that has taken its time and has given everyone a sense of buy-in, then the chances of proper implementation go up because more people are invested in bringing it to life and hopefully fending off spoilers.

David Mozersky: I would say, with the caveat that it all depends on the situation... at a minimum a success is to keep the parties talking. If nothing else, the process should be self-sustaining or should provide the ground for continued discussion. So that's sort of a low bar but

a necessary requirement. The second thing I would say would be the beginning of, or the development of, trust or at least a common understanding of the issues and identification of possible solutions among the participants – and then, ideally, agreement on some of the core issues. I think there are, in the conflicts I've worked in one way or another, there are always huge things happening outside of the negotiation room. So the negotiations themselves are always dependent on the external context, whether that is the political dynamics of the day, whether that's internal dynamics within one or both or more parties, or whether that is how things are going on in the battlefield at that time. There are a lot of external variables that need to be taken into account and ideally line up for there to even be a chance for successful mediation or a successful outcome from a particular round of talks. I think some of those variables can take control of the mediation process and sometimes even of the negotiators.

Theerada Suphaphong: Success can be achieved when stakeholders in conflicts can act according to the agreements and promises made in meetings to the other side of the room; when those actions change the orientation of the conflict, especially when it comes to regression of violence or saving lives. It also depends

on people's mindsets and attitudes. Mediation does not help when it forces people in hostile roles to come to an agreement, based on an erroneous assumption that they have already established the requisite trust. Effective mediation is about sequencing and assessing situations as well as creating new options. It cannot be forced. For example, the conflict at the national level in Thailand is critical at the moment because there's no transparency. There's no trust or consensus being built on issues and conciliation efforts are really politicised. It's very difficult to bring stakeholders together in dialogue when there is a lack of reconciliation. A limit of mediation is that many people do not know how to mediate and when it's not done well it can go wrong.

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Have new technologies and the accelerated pace of information sharing changed the way peacemaking processes work – for example by facilitating more transparency through the internet and social media?

Fiona Lortan: On the one hand it has made it more difficult for those who are at the negotiating table to ignore the demands of the people that they purport to represent. But it's a double edged sword because

it also makes it easier for those who do not have an interest in reaching peaceful negotiated settlement to mobilise support against those sitting at the negotiating table. So I think on balance it might not

be the case that there's any change. Certainly in the case of the Sudanese negotiations, it has complicated the process and we are seeing it now... we find with the agreement that was reached a few weeks ago, that there are certain parties in both countries who are opposed to it – so they speak in the mosques, they speak in the press, and they speak in the churches against these agreements.

Sanam Naraghi-Anderlini: Yes, and I think that formal peacemaking hasn't caught up with it... there is a tendency for peacemaking to still be very exclusive, very secret, very quiet. You actually want to be inclusive and transparent with an element of 'noisy diplomacy'. I don't think we have grasped that or been able to adequately use strategic communication to the benefit of peacemaking. This past year with the Arab revolutions, all sorts of new voices are emerging, making demands and using social media to convene. They have the power to bring about the beginnings of revolution in various countries or motivate social movements and yet, from a peacemaking standpoint, we have not been able to engage with these new movements effectively. We have stayed in the comfort zone of dealing with the middle-aged and elderly men in suits. The young, the women, minorities – they were everywhere across the region – who started it all, are absent. We let that happen because we're stuck in old fashioned methods of mediation. We haven't figured out how to be fully inclusive without fear.

David Mozersky: Well hopefully, but I'm not sure I can give you an intelligent answer as to how, yet. I think one thing that has clearly happened is the ability to

disseminate and share information more rapidly, which is a good thing... this can include the dissemination of an update on what's been agreed or feedback to various constituencies of what's being discussed. The flipside of that is that it also provides space for spoilers or hardline voices to mobilise dissent, mobilise opposition and mobilise against what's happened in the negotiation room. So it's not something that is regulated in any way and it can go both ways.

Theerada Suphaphong: When people see information about peace processes in the news, it creates transparency and inclusiveness. Stakeholders or people in the public sphere feel they are part of processes and can learn from them. They learn that peace processes exist and that it's possible to find solutions. It can have either a positive or negative impact on the process. It depends on the stage, sensitivity and context of the process. The big positive in information sharing is that it fosters inclusiveness and public education in situations where I am sure people don't otherwise have much experience or knowledge of what peace processes

are. If there is information from the media or social media about what's going on and people develop opinions, or if they learn that there are people out there trying to find solutions, I think that's positive. And if diverse public opinions towards important issues proliferate, then I think that's very positive. But on the negative side, there are some processes that are still at the stage of trust-building, for example, or at an exploratory stage at which relevant interlocutors are still being identified. Allowing information to leak out could be divisive and could become damaging to the process at that stage.

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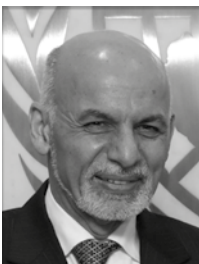
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Life as a mediator and a peace process actor

A frank conversation with Ashraf Ghani, Haile Menkerios, George Mitchell, Joyce Neu and Kieran Prendergast, with comments and reflections from Mohagher Iqbal and Neles Tebay

2011



Ashraf Ghani

H.E. Dr Mohammad Ashraf Ghani Ahmadzai is the President of the Islamic Republic of Afghanistan since 2014. Following the fall of the Taliban in 2001, he participated in the negotiations of the Bonn Agreement as Special Advisor to Lakhdar Brahimi, then Special Representative of the UN Secretary-General. He later advised interim President Karzai and served as Finance Minister and Chairman of the commission managing the transition from foreign to national troops. Prior to returning to Afghanistan, Ashraf Ghani was a scholar in political science and anthropology in the United States and worked at the World Bank.



Haile Menkerios

Ambassador Menkerios is currently serving as Special Representative of the UN Secretary-General and head of the UN Office to the African Union, as well as Special Envoy for Sudan and South Sudan. Prior to this, he headed the UN Mission in Sudan and was Deputy UN Special Representative for the Democratic Republic of Congo. At headquarters, he served as Assistant Secretary-General for Political Affairs and Director of the Africa 1 Division in the Department of Political Affairs. Ambassador Menkerios has extensive mediation experience across Africa including in Zimbabwe, Madagascar and the Horn of Africa.



George Mitchell

Senator George Mitchell served as US Special Envoy to the Middle East and before that as Chairman of peace negotiations in Northern Ireland, which resulted in the 1998 Good Friday Agreement. A former Federal Judge and Majority Leader of the US Senate, he most recently served for several years as Chairman of DLA Piper, where he is now Chairman Emeritus. In 2008 *Time Magazine* described him as one of the 100 Most Influential People in the world. Senator Mitchell is the author of five books, the most recent being *The Negotiator: Reflections on an American Life* (2015).



Joyce Neu

Dr Joyce Neu is the founder and Senior Associate of Facilitating Peace, a consulting network. She has worked as a conflict analyst, gender advisor, mediator, and facilitator for the Carter Center and the Joan B. Kroc Institute for Peace and Justice at the University of San Diego, and continues this work for intergovernmental, governmental, and nongovernmental organizations at Facilitating Peace. She has taught at several universities and has published on conflict resolution, peacemaking, and negotiation. She was the first Team Leader of the UN's Standby Team of Mediation Experts.



Kieran Prendergast

Sir Kieran Prendergast is a Senior Adviser to the Centre for Humanitarian Dialogue. He was Under-Secretary-General for Political Affairs at the UN from 1997 until his retirement in 2006. There, he provided policy advice to the Secretary-General on diplomatic issues and on the prevention, containment and resolution of conflict in the Democratic Republic of Congo, Sudan, Burundi, Iraq, Afghanistan, Israel-Palestine, Cyprus, Guatemala, Nepal and Timor Leste. Before this, he was a British career diplomat for more than thirty years, including Ambassador to Turkey, High Commissioner to Zimbabwe and Kenya, and Head of the Southern African Department.



Mohagher Iqbal

Hon. Mohagher Iqbal obtained both his Bachelor's and Master's degrees in Political Science from the Manuel L. Quezon University in the Philippines. He served the Moro National Liberation Front and the Moro Islamic Liberation Front (MILF) in various capacities. Currently, he is a member of the MILF Central Committee, sitting as chair of its Committee on Information, as well as Chair of its Peace Negotiating Panel since July 2003, thus serving as chief negotiator in the peace talks with the Philippine government. He was nominated by the MILF as head of the Bangsamoro Transition Commission.



Neles Tebay

Father Dr Neles Tebay started working for peace in Papua in 1999. He has been a member of the Interfaith Forum for Religious Leaders in Papua (FKPPA) since 2009 and a member of the Ecumenical Fellowship of Churches in Papua (PGGP) since 2008. He has been the co-founder and Coordinator of the Papua Peace Network created in 2010 to promote dialogue between the Government of Indonesia and the Indigenous Papuans. Father Dr Tebay now plays a bridging role among the Papuans, and between the Papuans and the Government of Indonesia.

How did you become a peacemaker?

Ashraf Ghani: I was drawn into the field after 9/11. On the day of 9/11, I wrote the outline of a plan for Afghanistan's future and then quit my job at the World Bank. I served first as a Special Advisor to the Special Representative of the UN Secretary-General to Afghanistan, Lakhdar Brahimi, as part of a group of four advisors. Then they asked me to serve as Special Advisor to President Karzai's interim government for putting the Bonn Agreement together, in order to bring peace to Afghanistan. I focused on outlining a peace agreement. This was not a classic peace agreement, because there were not just two sides to the conflict, but a post-regime change agreement that needed to create a legitimate state. And we came with a phased approach to the restoration of full legitimacy, beginning with a not fully representative group of people, in order to end up with a structure that would have public legitimacy within a three year period.

Haile Menkerios: I have had a lifelong engagement in efforts to resolve conflicts but I started with the worst aspect: war – win the war and dictate the peace.

I actively participated in the Eritrean liberation struggle for almost twenty years. Later on, I was involved in the negotiations between Eritrea and Ethiopia and worked as Special Envoy in Somalia. It was that experience, of witnessing the horrendous human and material cost of war, that led to my interest to look for ways to resolve conflicts through peaceful means.

George Mitchell: I became involved through accident. When I retired from the United States Senate in 1995, President Clinton asked me if I would go to Northern Ireland for a brief period, to help in organising economic investment and assistance, and underpin the peace process which was just at the beginning. I did so and, as the saying goes, one thing led to another. I was asked to perform an assignment for the British and Irish governments in connection with paramilitary

arms and ultimately became Chairman of the three-member International Commission, which participated in the peace negotiations. So there was no intention or purpose on my part to engage in such activities.

Joyce Neu: The first thing that comes to mind is an incident while I was a Peace Corps Volunteer in Senegal. I encountered an elderly woman on a street in a town I was visiting and I asked for directions to the post office. She responded to my question with 'hello'. I asked again, and she again said 'hello'. It finally occurred to me that I had not gone through the greeting ritual and that she was negotiating the politeness [...] she wanted to see before she would answer my question. That negotiation over a social interaction has stayed with me all these years. It taught me a lesson: no matter who you interact with, you need to treat people with dignity and respect, whether it is a head of state or a market lady on the street. That negotiation on the street was [about] so much more than [...] the post office.

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Neles Tebay: I have not deliberately chosen this role but grew into it. Together with a network of inside facilitators, the Papua Peace Network, I create space for Papuans to gather and air grievances and aspirations as well as to explain the concept of dialogue.

Kieran Prendergast: In my diplomatic service career, I was involved in a number of situations which required peacemaking. For example, I was involved in implementing the Lancaster House Agreement, which ended the Unilateral Declaration of Independence and transformed Rhodesia into Zimbabwe. I was in Kenya for the very delicate transition from single party rule to a multiparty system. And I was at the United Nations in New York, for eight and a half years as Under-Secretary-General for Political Affairs, where the main plank of my job was to promote the peaceful resolution of conflict.

Do you have a role model? Who inspires you?

Ashraf Ghani: The people. Peace is one of the deepest aspirations of people who have endured conflict. My aspiration in terms of the need for peace comes from conflict. And the impact of conflict on my family life is significant because my wife is Lebanese and I am Afghan, and we have two American children. To be able to deal with two children growing up in the middle of two invaded countries, in two wars raging

over two decades is something that connects one deeply to the people's wishes and aspirations. And as a peacemaker, of course Lakhdar Brahimi has been a very important reference on my views of what a dedicated peacemaker is.

Haile Menkerios: My inspiration comes from people who are committed to principles, who do not forget

that there are issues which need to be resolved. People do not go to war for no reason. Mediators therefore need to understand the root causes and be committed to their resolution. One can think of high models like Mandela who spent an entire lifetime with all the reasons one could think of for continuing to fight and yet chose to resolve issues peacefully through dialogue and compromise.

Joyce Neu: It is an ambivalent role model but it is Jimmy Carter. Because I worked so closely with him for nine years, I saw the way he listened to people and how calm and non-judgemental he was. People seemed to feel very comfortable talking to him. His

attention was so focused on his interlocutor that even had there been explosions going on, Carter would not have moved. I might not agree with all of the things he has done in mediation but I think that, in terms of his skills as a mediator, he is really quite extraordinary.

Kieran Prendergast: I have been lucky to observe many great men. It was a special privilege to work with Nelson Mandela on Burundi, and to see the great calm and authority that he brought. I thought that Kofi Annan, particularly in the first seven years of his term as Secretary-General, was very bold in overruling cautious advice, pushing ahead towards peacemaking.

What should be the objective of a peace process, and what can be expected of mediation?

Haile Menkerios: The objective of any peace process should be to have conflicting parties recognise their costs in fighting and arrive at a solution through peaceful negotiation and compromise that maximises their gains given the costs. Violent conflicts have a tremendous cost, human and material. People have to weigh these costs, and recognise the benefits of negotiated solutions, to agree to negotiate. If you can convince conflicting parties that they can achieve their realistic objectives better through peaceful means, I believe you have achieved a successful mediation.

George Mitchell: By definition the objective of a peace process should be peace, if at all possible. Mediation may or may not be able to play a role, depending upon the circumstances. I think the most important question is: how does one define peace? Some would define it as the mere absence of violent conflict, others would include other factors such as opportunity and hope for the people affected. But I think that, in considering these matters, it is very difficult to generalise. A first prerequisite is to end the violence and to bring about a measure of stability and security.

Neles Tebay: The main goal is to create a structural and institutional environment which allows people to live in peace. This goal can only be achieved through a dialogue process that results in a joint agreement which is thoroughly implemented.

Joyce Neu: The minimum success of mediation would be that the parties agree to keep talking.

But your aim is obviously higher. The goal is to stop the violence, even if stopping the violence is temporary with a ceasefire agreement. Even short of a peace agreement, securing the release of prisoners or saving lives in any fashion is some kind of success. Naturally the ultimate goal of mediation is to go for a sustainable and just peace agreement that leads to the development of democratic institutions, but that doesn't happen often.

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Mohagher Iqbal: The real objective is problem-solving. If the objective of the peace process is just to manage the problem, it is useless... the fear things will become worse is always there. Personally, I believe that good mediation happens when the mediator takes a position by siding on the side of truth and letting the guilty comply with his commitment. Ending violence is meaningless if there is no justice instituted and firmly in place.

Kieran Prendergast: All depends on the individual situation. First off, whether you think you are at a stage where it can only be managed not solved. And depending on the dynamics of the situation, it may be entirely right to understand that you are managing it and that it is not going to be solvable at the moment, no matter how hard you try. Some situations are ripe for solution, some are not. But I believe that, even if a situation is not ripe, there are always things that you can try to do to make that conflict riper for negotiation leading to a settlement.

When is the right time to start talks or mediation and when should they end?

Haile Menkerios: The right time to start would be when the parties to a conflict reach the conclusion, either by themselves or through the assistance of others, that they cannot achieve their objectives through violence, or that achieving them through violence would be too costly. Parties in conflict generally do not reach such conclusions soon enough, and peacemakers need to engage to convince them of the advantages of a negotiated settlement and to minimise the damage of confrontation. Mediation should be a continuing service, in differing degrees as required, even after agreements are signed until institutional capacities to resolve conflicts without recourse to violence are adequately in place.

George Mitchell: In a general way, you start when you have some reasonable prospect for a successful conclusion, and you end when you have succeeded or failed to accomplish that objective.

Joyce Neu: Ideally you should start before there is any armed conflict. Ideally mediation begins when there are signs of trouble. Unfortunately, resources

for prevention are usually minimal because there are so many crises. I remember being in Côte d'Ivoire in 2003 for meetings with political parties. It was obvious that the situation was dire. It was clear and yet, I don't think much was done about the situation. We need to constantly assess the 'temperature' of societies at risk and offer both unofficial and official consultations and good offices. Once an armed conflict has started, we are obligated to make every effort to mediate before using military force.

Kieran Prendergast: It is hard to generalise. You have to look at the situation. You have to be confident you understand it which is, of course, not always the case. You always have to ask yourself: are you looking for a transformative solution,

where the whole of the problem is dealt with? Or are you dealing with an issue of, what I think of as, 'rotating elites'? I think there is an awful lot of rotating of elites. The trouble is that the international community says: 'well, ok, we have solved this problem' without actually looking at the underlying issues and the bigger picture, sometimes because the bigger picture is just too complex and difficult.

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Have you ever walked away from talks? And under which circumstances would you?

Haile Menkerios: I have been pushed out of talks! From 1991 until 1995, I was Special Envoy of the Eritrean Government to Somalia and worked along with the Intergovernmental Authority on Development (IGAD) representatives to mediate between the different factions in Somalia. With so much resistance from the parties, it just became impossible to continue and we walked away saying: 'call us when you need us'. And there was definitely a time earlier when I felt there was no possibility for negotiation, when Eritrea was forcibly annexed by Ethiopia and Ethiopia believed it was possible to maintain its control by force. I believed there was no other option but to fight, and I joined the Eritrean People's Liberation Front (EPLF). Almost thirty years from the start, the Ethiopians understood they were unable to crush the will of the people of Eritrea. On the contrary, they discovered that continuing fighting was making them vulnerable to other opponents inside Ethiopia and they offered to negotiate. It was only at that time that we engaged in negotiations.

George Mitchell: I have not and I would not speculate on that. It's one of those things in life that I'll know it when I see it, but there are so many factors involved that it is impossible to make a specific decision until you are actually confronted with the situation.

Joyce Neu: I have not walked away from talks but I have not been engaged in years-long efforts. But yes, I would consider it. As I have gotten either more experienced or older, getting more tolerant in some ways and less tolerant in others, I would exercise that option now. I have great respect for people who recognise when it is time to withdraw, as difficult a decision as this is.

Kieran Prendergast: I certainly have walked away from offers that were not acceptable, that were not reputable. I learned when I was dealing with Apartheid in the late eighties, that it is a terrible mistake to say that something is an advance, when

it is not. For example in South Africa, the government introduced a tri-cameral system, so three ethnically-based parliaments. That was a change but it was not an advance. You also have to be very, very wary about being invited into a situation where they want to use you as some sort of fig leaf, and say: 'Look! We have brought in international involvement!' without giving you the power to deal with the situation. In Iraq, for example, when I was in the UN, my mantra was that we should not accept responsibility unless

we, the UN, were given the corresponding authority to deliver on those responsibilities.

Neles Tebay: In my opinion it is important for both parties to establish their Best Alternative to a Negotiated Agreement (BATNA) for each issue discussed before mediation starts. BATNAs serve as benchmarks deciding whether outcomes are acceptable or not; in the latter case there might be a need to walk away.

What do you think is the most unhelpful assumption many peacemakers/mediators make?

Haile Menkerios: Sometimes mediators forget that the perceptions of the parties in conflict are very important. The temptation to propose an already packaged solution is, I think, very unhelpful. One may think: this is a rational solution and the parties should adopt it. Conflict parties like to believe that any proposal has taken into consideration their position, their interests and proposals. Mediators have, thus, to listen to the parties and ask for the parties' proposals as a start. In the end, the mediators may not even include what the parties presented, but the parties will feel they have been listened to and that what is finally proposed has considered their position. Another dangerous assumption is that peace can easily be achieved once the parties sign a deal. Some processes continue for a long time and there is a reason for this. It is very important to have confidence-building measures between the parties; this often determines whether there will be commitment to implementing any agreement. The conflicting parties need to fully understand and accept the agreement as their own.

Mohagher Iqbal: A bad referee will always result in a bad game; there will be punching, elbowing etc. He can also derail the process, not knowing when to anchor the boat or to slow down if the waves get bigger.

George Mitchell: I honestly don't know how other mediations have been conducted, other than just reading about them and seeing the results. I do think that each situation is unique and I think it is a

mistake to believe that a success in one effort can automatically be transferred to another. I think one must have inexhaustible patience and a willingness to listen. And I think it would be a mistake for any mediator to enter [a process] with too short a timeframe. At the same time, in all of these processes there is a tremendous amount of repetition. The parties tend to repeat themselves often and figuring out the right time to bring that to a conclusion is an important judgement call by the mediator. It is a judgement call informed by the specific circumstances of that situation that can't be made in the abstract.

Joyce Neu: I think it is unhelpful to assume that mediators understand or know the conflict and that they don't need to hear from the people affected. Peacemakers need to make a point of hearing from civil society, women, youth and other groups who are not

usually well represented by the elites at the peace table. I was recently in the Central African Republic where I met with political leaders as well as the union of market women and the union of taxi and bus drivers. The taxi and bus drivers have the power to literally stop the entire country from moving and they have used this power to negotiate more equitable treatment by the government. I think it is helpful to hear these different viewpoints to learn where the points of leverage are with the parties and who your allies are outside the room, who will be the ones to actually implement an agreement. It also helps to let the parties know that you are not relying solely on their perspective of the conflict.

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What is the most striking mistake that you have made? What will you do differently the next time around?

Ashraf Ghani: It is probably not to be realistic with regard to how much time transformation requires, and hoping for structural change within periods that were not realistic. This is again the question of the relationship between ambition, on the one hand, and feasibility on the other. Ambition without feasibility and credibility is not sufficient. When I began working in the field of conflict resolution, I did not have the full view of the canvas that subsequent studies have revealed. The UN lacked a Lessons Learnt Unit at the time, so that we repeated old mistakes in our daily work. The conditions under which we were working in 2001 were fairly different from today's conditions, as structures have been put into place that provide for internal learning. In 2001, the lessons were largely in the heads of individuals and had not been consolidated into core lessons. In the absence of those, many lessons that we could have learnt from past experiences were not systematically incorporated.

Haile Menkerios: There are too many to remember one outstanding one! Maybe one stands out: to fail to understand that mediation is a continuing effort. Arrangements need to be made for continuous and follow-on mediation on differences that do arise during the implementation phase. Simply because people do agree on an overall solution does not mean that all the details have been worked out; mistrust [...] also persists. Many times, mediators just want to get an agreement signed and call it done and go home. I think we did that in the Democratic Republic of Congo case, and had to come back later after a second crisis.

Joyce Neu: Generically, one key mistake was being rushed. This was the downside of representing President Carter and the reality of many Track I efforts. Carter needed to be able to report to other people about what was happening so he did not want me to be out in the field for weeks and weeks. My schedule was therefore often rushed; I did not learn enough or hear enough points of view and my work was therefore not as well informed as it might have been. After leaving the Carter Center, I was better able to schedule my time and spent more time in-country.

Kieran Prendergast: First of all you are requiring me to admit that I made a mistake [laughs], which I am sure I have. I think mediators should be willing to say 'no' more often, in particular when things are put to them with no hope of success. When I was new in the UN, we were required by the General Assembly to do a report on Israeli settlements in East Jerusalem in an area which the Arabs call Jebel Abu Ghneim and the Israelis call Har Homa. So I approached the Israelis and said that we would like to visit and make a direct assessment. We had quite prolonged negotiations but I said that we would have to report the facts as we saw them, with no conditions and compromise. In the end of what I thought was a good faith negotiation, the Israelis said no, on that basis they did not want to go ahead. One could argue that it was a mistake to be so tough on them because we could have visited had we been willing to compromise. But I did not think that the integrity of this UN process would allow us to accept these restrictions.

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Is it the responsibility of the mediator to include gender-related issues in the talks? What are the challenges to putting these issues on the table?

Ashraf Ghani: Historically, the group that has suffered most from the conflicts of the late 20th century are women. The systematic abuse of women in a number of these conflicts has very few historical precedents in previous years. But, from a perspective of both peace and justice, any large group who has been denied rights and has been subject to injustice must receive attention. When identity politics becomes a driver of inequality and a driver of conflict, one must equally address the question of gender. The issue is that peacemakers do not really think about issues that should be included in peace agreements and how they

should best be addressed. They tend to include what has been included in peace agreements before, without reflecting on other topics relevant to making the peace agreement sustainable, such as gender. Such issues require a systematic approach and should not be dealt with on an ad-hoc basis during peace negotiations. In addition, one needs to compare the text of the peace agreements and the reality of implementation, which are two different worlds. If you examine one of the most important peace agreements in terms of democratic values, it is Cambodia. Everything conceivable regarding rights was put into the Cambodian peace

agreement. The implementation of this agreement shows a huge gap between the people's aspirations and the reality upon implementation. So here again, the issue is how to deal with the underlying causes of the conflict. A lot of these conflicts require a generational time period to heal and to overcome. Yet the attention of the international community lasts usually for five years and then it declines and shifts to other issues. The way the international community deals with the fundamental issues of peacemaking is largely problematic.

Haile Menkerios: Mediators have a major role in suggesting to conflicting parties what is at stake and which issues need to be addressed to prevent the continuation of conflict and suffering. Mediators should identify what the root causes are and use other experiences to suggest some possible solutions. While it is the responsibility of the parties to address the issues, it is the role of the mediators to remind, to suggest, to propose what agendas need to be included; one set of these are gender-related issues. It is also important to suggest the inclusion of key stakeholders in the negotiation process – women for one. This is not always easy to ensure, however, as those who make wars (invariably men) don't often want to include anyone outside of them.

George Mitchell: Keep in mind that mediation is a voluntary process, as opposed to arbitration. The most successful mediator is one able to encourage the parties but not dictate to them; to persuade them without controlling them; and to make clear to them that they have ownership of the process and of the result. And if that is done, then the mediator can help to get issues on the agenda. But I have never felt that I was in a position to dictate to the parties. It is important

that a mediator act with humility, that the process is about the parties not about him or her. I can, and do, and have, made many suggestions, many proposals, but all in the context of the parties themselves having ownership of the process.

Joyce Neu: The answer has to be yes. During the talks you normally discuss issues of governance or security and those could not be more of a gender issue because they affect the lives of citizens. So it means that women and men need to be included. It is the responsibility of the mediator to raise the issue of inclusivity in peace talks. It is more than just the participation of women. When you see agreements and mediation in societies where you have subjugated groups and mediators have not raised the issue of how the agreement will affect those groups, including women and children, you are not laying the foundation for a sustainable or just agreement.

Kieran Prendergast: Very often the parties are men, and very often they are not really conscious of gender issues, and they need to be reminded that these are important issues. At the same time I think we have to be quite careful when we try to impose our values on others, there are some values that are universal and some values that are cultural, or specific to situations. I think we should stand up and defend universal values, but we should be quite careful not to impose our cultural views on other people. Because it does not actually help make the peace.

Mohagher Iqbal: Gender is the responsibility of those who raise it. In the MILF, this is not an issue because we are inclusive and we look at the interests of the entire Bangsamoro people, even without the physical presence of women in the panel.

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The most successful mediator is one able to encourage the parties but not dictate to them; to persuade them without controlling them.
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How are the decisions made on which stakeholders are included at the main negotiation table and who is engaged on the periphery?

Ashraf Ghani: The key issue is not who is at the negotiation table in the first place. The key issue is whether you are going to freeze stakeholders into those who were at the table at first and those who were not. The key advantage of the way that we proceeded in Afghanistan was that the size of the table was radically widened during the three years of the peace process. But a lot of peace agreements that I have seen have made the critical mistake of elevating the parties to the conflict as the sole decision-makers. This approach

actually has rewarded the most serious offenders with positions of authority. The presence of certain stakeholders at the table is dictated by the nature of the negative power they hold to return to violence and including them in the negotiations can prevent their return to violence. However, they should not remain the only parties at the negotiation table, as this would lay the foundation for the next conflict. Instead, we have to go from peacemaking to state-building, which ensures legitimate and thus sustainable structures.

Haile Menkerios: Unfortunately, it is those who are part of the problem, part of the conflict, that negotiate solutions. In the interest of stopping the violence other stakeholders, who may not have participated in the conflict or were its victims, are generally left aside or are peripherally involved and yet these are often the groups/sectors that have fundamental stakes in the solutions and play key roles in their implementation.

George Mitchell: Again, that is very specific to the situation in which one is involved. It's really impossible to define how such a decision is made except that, in my view, it ought to be as inclusive as possible. Let me give a specific example, which also relates to the question on gender issues. In Northern Ireland, the British government and the Irish government and the international team which I headed, worked up a process which, through elections, was able to broaden and diversify the composition of the negotiators. It was not an overt effort to include women but a women's party, the Northern Ireland Women's Coalition was created, ran in the elections, got enough votes to be a representative at the table and made a very important contribution to the process. The approach was not intended or designated exclusively to raise gender issues but it had that effect in a very positive way.

Joyce Neu: I have been reading the literature on conflict resolution, negotiation and mediation for many years – about the need for inclusivity and participation in talks. Yet, when I was leading Track II mediation efforts in the late 1990s, it was still just the parties to the conflict in the room – it did not occur to me to bring civil society

members or women into the talks. I consulted with people outside of the mediation, but did not think to ask the parties to expand to include women and/or youth in their delegations or to have them as observers to the process. One exception was during the talks between the Government of Uganda and the Government of Sudan, which largely dealt with the issue of Northern Uganda and the Lord's Resistance Army. I noted to the head of the Ugandan negotiating team that he did not have anyone from Northern Uganda on his team. For the next meeting, he added two members from the North. But I neglected to raise the issue of women. Now, without any doubt, I would also raise the issue of the inclusion of women. Mediators, especially Track I mediators, need to make clear that they are upholding UN Security Council Resolution 1325 and have expectations that the delegations will have gender parity.

Kieran Prendergast: This is an important issue. One has to be very conscious about this because the more stakeholders are directly at the table [...] the less likely you are to get a result. You are in a difficult place, in a situation when you have to decide who to include and who to leave out. For example in Somalia, which is still a deeply clan-based society, the wrecking potential of even very small sub-sub-clans is considerable and you have to find a way – even though it's extremely unwieldy and very time consuming and very expensive – to make sure that every single grouping is somehow represented in the negotiations and also gets something out of the negotiations. And I met Somalis who said that if they are not included, they will sabotage any agreement. They mean it and they can do it.

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The key issue is whether you are going to freeze stakeholders into those who were at the table at first and those who were not.
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Has your view on mediation and your negotiation/mediation style changed over the years?

Haile Menkerios: Oh yes! I think you always begin with wanting shortcuts, quick fixes. You think that, given your understanding of the problem, it is not difficult to propose a rational solution; the parties will see it is a win-win situation and accept it. Many agreements collapse within a very short time simply because the parties have not themselves clearly weighed the options before agreeing on the best/least costly one. The solution reached must be their solution, their success. Commitment to implementation is based on this. I think a successful mediator is one who assists the parties to adopt a certain solution but, at the end, steps aside and makes sure that the parties own the

end result. This is something one learns with time and experience, and of course I have been constantly learning and adapting.

George Mitchell: I think it is very important that the mediator not be the focus of the activity but that the parties themselves be the principals and have ownership of the process – and I haven't wavered from that position. I think a mediator is most effective in advancing his or her ideas if he or she can create the conditions in which the parties are genuinely open and receptive to suggestions and want to bring the conflict to a successful conclusion.

Joyce Neu: I think in some ways my role in mediation has changed. When I was mediating, I was usually the only woman in the room but I never raised gender issues. I was a woman but I was not there because I was a woman. I was there because someone thought I had the skills to be there. Now I think I would certainly approach it differently, in the sense that I realise that being a woman mediator was an advantage. It helped to buy trust from the parties who tended to be men and, I think, were less threatened by meeting a woman because it was a bit out of the ordinary. I think that now, being a bit older with more experience, I would try to more effectively exploit whatever leverage I would bring to the mediation and see to it that more voices were heard at the table.

Kieran Prendergast: I am sorry to say that, when I was in my thirties as a young delegate at the UN in New York I thought primarily in terms of procedures and resolutions. I did not think at all about the actual substance because it was in the middle of the Cold War and there was a very strict limit to what could be achieved through the UN at that time. As I got older and saw for myself the costs of conflict and the human suffering, my focus shifted. I also learnt, particularly when I was a diplomat in Africa, that personal relationships very often transcend more objective criteria. At the Centre for Humanitarian Dialogue (HD), personal relationships and respect are absolutely key. If the parties feel like you respect them, they may not do what you want them to do, but they will listen to you, and they may be influenced by it. If they feel like you are treating them with disdain, arrogance or lack of respect, they will neither listen to you nor do what you want them to do. So in a way: you can be too young and too keen, too thrusting, and there are large areas of the world where that does not work.

Ashraf Ghani: Yes. If you follow the peace agreements, they are rich in political theory. Some of them constitute important articulations of views on state-society relationships. The Latin American peace agreements of the 1990s, for instance, were profoundly significant in terms of articulating how abusive states must be turned into functioning states that focus on the people's needs and aspirations. The need for alignment between peacemaking and economic approaches that would sustain and underwrite that peacemaking process is becoming clear. Today there is

a body of literature and a group of practitioners that focus on this fundamental issue, on the global and regional level. So overall the trend is positive. This is a field where understanding has usually been two steps behind the complex realities. The drivers of conflict and their complex interconnections are not reflected in institutional mechanisms to deal with them. There is a wide acknowledgement that the UN is widely dysfunctional. Regional cooperative arrangements are important developments, but there are limits to their effectiveness. In this kind of context, and particularly after the financial crisis of 2008, getting state

attention to conflict management and peacebuilding is an uphill battle. There is a degree of exhaustion from rich countries to deal with the problems of the poor countries. And the absence of any serious breakthrough makes people sceptical. Also the extent to which global networks of civil society can focus on conflicts in poor countries is limited, as the struggles of distribution have shifted to the heart of the OECD countries. It is going to require a lot more effectiveness, a lot more credibility of delivery and a new generation of leadership to make sure that peacemaking is kept at the forefront of the international agenda.

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On being a peacemaker

A frank conversation with Said Djinnit, Graça Machel and Hassan Wirajuda

2010



Said Djinnit

Ambassador Said Djinnit is the Special Envoy of the UN Secretary-General for the Great Lakes region. Prior to this appointment, he headed the UN Office for West Africa in Dakar, and was the International Facilitator of the inter-Guinean dialogue in 2013. Before joining the UN, Ambassador Djinnit served as Commissioner for Peace and Security at the African Union (AU) and held various positions in the Organisation of African Unity (OAU), where he supported institutional reform and peace processes across the African continent, and contributed to the deployment of AU peace missions.



Graça Machel

Dame Graça is an international advocate for women's and children's rights. She was the first Minister of Education and Culture in Mozambique, where she later created the Foundation for Community Development. As an independent expert on the impact of armed conflict on children, she authored in 1994 the Machel Report for UNICEF, and served from 2012 to 2013 as a member of the High-Level UN Panel on the Post-2015 Development Agenda. She is a co-founder of The Elders and was a mediator in the Kenya National Dialogue and Reconciliation Process.



Hassan Wirajuda

Dr Hassan Wirajuda is a member of the Council of Presidential Advisors and a former Foreign Minister of Indonesia (2001–2009). As Director-General of Political Affairs in the Ministry of Foreign Affairs (2000–2001), he conducted the dialogue between the Government of Indonesia and the Free Aceh Movement (GAM). In 1993–1996, he also facilitated the peace talks between the Moro Liberation Front (MNLF) and the government of the Philippines, which led to the signing of the Final Peace Agreement. He is the editor-in-chief of *Strategic Review – The Indonesian Journal of Leadership, Policy and World Affairs*.

How did you become a peacemaker?

Said Djinnit: I became involved in peacemaking primarily through my work with the Organisation of African Unity. As a chief of staff, I was involved in dealing with conflict situations more generally, and later I became involved in peacemaking more directly because the situations we faced required that.

Graça Machel: I did not become a peacemaker by choice. I am not even sure I am a peacemaker in a formal understanding of what a peacemaker is. When I was asked to join the team led by Kofi Annan to help find a solution to the crisis in Kenya in 2008, I believe it was based on his knowledge of my previous involvement and experience. Since my youth, I happened to have been part of political processes searching for peace. First, I was fortunate to be part of the negotiating team that led to the end of hostilities between the Mozambique Liberation Front (FRELIMO) and the Portuguese colonial power in the liberation struggle at the time. Years later, when I was Minister of Education, conflict erupted again in Mozambique, and I was confronted with a situation where the schools I was responsible for were being destroyed, teachers were being kidnapped, children were being killed or displaced, and I had no choice but to become involved. Much later, I was asked by the UN Secretary-General to lead a study on the impact of armed conflict on children in a much broader context. I had to visit countries all over

the world, and had to witness the impact on children, on women, on innocent people in a way that touched and changed my life. The best protection is peace, to prevent violent conflict from erupting, and not to have to deal with its consequences. Once conflict does erupt, peace has to be sought immediately.

Hassan Wirajuda: I became involved as a peacemaker on two occasions. First, as a facilitator of the peace talks between the Government of the Philippines and the Moro National Liberation Front held between 1993 and 1996 that led to the signing of the Manila Peace Agreement in September 1996. In that very structured process, I acted as the chair of the mixed committee and the facilitator of the peace talks involving the full panels of the two conflicting parties. Second, I was tasked by then President Aburrahman Wahid of Indonesia to represent the country at the dialogue process between the Government of Indonesia and the Free Aceh Movement from 2000 to 2001, which was facilitated by the Centre for Humanitarian Dialogue (HD). So, I was in fact in two different capacities: first as a mediator-facilitator, and second as the chief delegate of one of the two conflicting parties. I was also, between 1995 and 1997, a member of the Indonesian delegation to the tripartite dialogue on the question of East Timor, involving Indonesia and Portugal, facilitated by the UN Secretary-General.

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Do you have a role model? Who inspires you?

Said Djinnit: To be honest, I was inspired by the suffering of the people and by the stupidity of the situation they found themselves in rather than by a single individual. In a way, what motivated me in my work was almost a sense of revolt. I got the impression that the people were hostage to problems of leadership and to problems of governance. I got the sense that you have to release the people from the prison in which they have been put by the wrong leaders and the wrong governance systems. Even today, I am inspired by the suffering and the misery of the people that comes from poor leadership and institutional structures that do not function as they should.

Hassan Wirajuda: My role model would be former Indonesian Foreign Minister, the late Ali Alatas. I am

also very much inspired by the late President Anwar el-Sadat of Egypt, especially by his bold initiatives to visit Jerusalem in November 1977, and the step he took to initiate a peace process between Israel and Egypt. It was sad and ironic that a great peacemaker like him was killed by his own people, by those who could not accept the peace agreement with Israel that was the result of his bold initiatives. As a junior diplomat, I arrived in Egypt for my first posting overseas in November 1977, and only a week later witnessed the historic visit of President Sadat to Jerusalem. I left Egypt at the end of my assignment, two months after President Sadat was assassinated. The whole Camp David process imprinted on my mind the dynamic complexities of peace negotiation.

What should be the objective of a peace process, and what can be expected of mediation?

Said Djinnit: Honestly, for me, a peace process should create the conditions for real reconciliation to take place – and I mean durable reconciliation. Mediation is not the end of the story – peace agreements are just the beginning. We are often leaving with an impression of unfinished business. More often than not, the biggest challenge is the implementation of the agreement whereas the goal of the peace process is merely to create the conditions for the national stakeholders to reconcile and take charge of their own destiny. I do not believe in mediation solving the problems for the people, but mediation can and should be expected to contribute to restoring dialogue and to setting the parameters of this dialogue in a way that enables the people to solve their problems. We are only there to facilitate. That is why a mediator should be somebody who has the respect of both parties, and who is capable of motivating the parties and of creating the conditions for them to act on and solve the real problems together.

Graça Machel: The first fundamental thing is to stop hostilities. Stop the fighting and killings, and get people to drop the arms and sit to talk. Conflict takes place where dialogue has failed or, in some cases, where dialogue was not even started. Armed conflict is a response to the failure to dialogue. Any mediation takes you back to the basics: let's sit down and talk. We

need to understand the grievances, the frustrations and the aspirations of the other side to build bridges of communication. The second point is to establish the framework around which this dialogue is to take place. If people have been in conflict, they often cannot even establish how to begin a dialogue. Mediation should help them establish that framework and identify the issues that need to be addressed. The third point is to look at the root causes which led to the lack or failure of dialogue, but which have to be addressed and resolved in order to lay the foundations so that it does not happen again. However, I strongly believe that the framework for dialogue needs to change. Successful mediation needs clarity. Those who give the mandate to mediation have to change the rules and the mandate has to be much broader. The mandate should be very, very clear to

indicate that there are more stakeholders in a peace process. You are not only dealing with warring parties – there is a nation at stake. In addition, mediators themselves have to have clarity on how to structure the participation of what I call the nation.

Hassan Wirajuda: A peace process is expected to reach a final agreement that is acceptable to both delegations. But further, and more important, the agreement must equitably address the underlying concerns of both conflicting parties.

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*You are not only dealing
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there is a nation at stake.*
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If you could change one thing to make your work easier, what would that be? How has your work changed with the growing offer of mediation support?

Said Djinnit: We need nothing. What we need is really for others not to undermine our work. The best thing people could do to help me as a mediator is to stop interfering from the sidelines and let me do my work. It is disruptive when other stakeholders, whether regional or international, are busy undermining your action, approach and initiatives through direct contact with and pressure on parties to the conflict. It is crucial to keep the parties focused on the mediation, and not distract them from the process.

Graça Machel: My work life has not changed, but then again I continue to be mostly a social activist rather than a mediator. In a very modest way, by contributing to building institutions which allow citizens to express themselves, to protect their rights – even to claim their rights, you are contributing to an environment which will

help to prevent conflict from erupting. It sounds very vague, but I think when people are able to articulate what they want and how they want to participate, you create a better environment for dialogue to take place, and to find space to solve differences without resorting to conflict.

Hassan Wirajuda: Media relations. Any negotiator or facilitator in this information age is hard-pressed to maintain the confidentiality of a peace process. Therefore, maintaining the trust of the parties on the one hand, and also communicating the right amount of information to the domestic audience, is necessary to gather support for a peace process. In this information age, the mass media are very intrusive and keen to know everything about the peace process.

What do you think is the most unhelpful assumption many peacemakers/mediators make?

Said Djinnit: The most erroneous assumption would be to think that there is a quick fix. We still seem to assume that things are easy enough to be fixed in a few months at most: we accept a mediation job for three months, and then we think we are ready to go and do something else. Mediation is a long process. It always turns out to be longer than expected. The actual agreement is one thing, but then one should be there to support the agreement to take place in practice.

Graça Machel: I think the first mistake is not to understand deeply the society in which a conflict is taking place. The second one is to overemphasise the role of warring parties; and the third is to give guarantees to warring parties for the sake of getting them to stop fighting, where sometimes this undermines the interests of those who did not resort to war. When you give prominence to the warring parties at the expense of consulting and involving the majority of people, you are giving them rights to decide on behalf of the others, in essence rewarding them for having taken up arms. I think mediation actors, generally speaking, put much more emphasis on the warring parties at the expense of

consulting and involving the majority of people. The victims are left aside and the perpetrators are being rewarded with positions of power. They become respectable in spite of having seized these positions through violence, simply because we want to discourage them from going back to violence. Some people in positions of power, I'm terribly sorry

to say, are criminals – and the victims have to swallow their pain. This is a real challenge. In my opinion, this is why the issue of truth and reconciliation has to go hand-in-hand with how we restructure mediation processes. I think truth and reconciliation has to be given much more importance. You have to create space where victims can express their feelings. They have to feel that you acknowledge their pain, and that you acknowledge their rights. You have to give them space to become part of

the society that emerges after the conflict.

Hassan Wirajuda: It is a necessity for the peacemaker to maintain strict neutrality between the conflicting parties. Choosing a facilitator therefore is a very crucial starting point, because no country or institution can be a natural mediator or peacemaker.

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What is the most striking mistake that you have made? What will you do differently the next time around?

Said Djinnit: This is the most difficult question to ask a mediator. Arguably the biggest problem of mediators is that they always think they are immune from making mistakes. This belief that whatever a mediator does must be the right thing to do is a common mistake. Sometimes, you know deep in your heart that you did something wrong, but you do not want to accept it. For example, a mediator might forget to involve a conflict party, even though it is a very important stakeholder, and this can have devastating consequences for reaching an agreement. It may simply not have occurred to the mediator under the circumstances. Yet, even in such a case, our instinct would be to say: 'It was not your fault. You could not possibly have included them in this situation'. At the end of the day, even if each of us believed that we

did some goof, we say that is the only thing we could do. We always try to justify our own shortcomings by blaming the situation or others.

Hassan Wirajuda: I was party to a failed peace talk, in my capacity as head of delegation of one party, not as mediator. The failure was not because of the concept that we agreed upon at the peace talks, but because of the difficulty in selling the idea to my own government, which was in a period of initial reform and transition. As a supporter and promoter of peace talks, President Wahid was a weak president who could not control his own military and factions within his government. Overall, in the initial stages of democratic reform, Indonesia was not susceptible to new ideas and possible solutions to the conflict in Aceh.

Is it the responsibility of the mediator to include gender-related issues in the talks? What are the challenges to putting these issues on the table?

Said Djinnit: We definitely should encourage mediators to do this. Again, because we are not going to solve the problem of a nation in a one-, three-, six-months or one-year peace process. Mediators can sensitise the parties to gender perspectives. In a way, there is also a dimension of pedagogy to mediation, a learning process that has to be started. If mediators have an opportunity to inculcate in the process that women could be part of the solution, they should seize it. I do not think we are there to solve the problem of gender in a conflict situation, but I strongly believe that the role of mediators is to motivate the parties to resolve their issues in a sustainable way. Mediation is a catalytic work of sorts. It is the role of the mediator to think outside the box, and to offer different perspectives. Parties sometimes fail to find a solution because they are biased by their own prejudices. Mediation is also about showing the parties that women indeed can be and are part of the solution.

Graça Machel: Yes, definitely. The fundamental question of enabling women to speak for themselves, to express their own perspectives, aspirations and feelings, is not a simple thing. We did not have a mandate from the African Union to do that in Kenya,

Has making peace changed the way you see the world?

Said Djinnit: It has changed my determination to be helpful, and I suppose it has given me more sense of purpose. There is always something to be done. Making peace has definitely strengthened my belief that we should avoid problems, because, once they are there, they are much more difficult to solve. Even beyond my work, this has changed my life: prevention is crucial. Short of being a mediator – but as an agent, a citizen – we should at least avoid creating problems.

Graça Machel: Yes, it has. Trying to understand the suffering of victims of conflict definitely changes

but we tried. We asked the negotiating teams to bring women, and they did. But with one woman each, or 25%, this did not meet the standard of 30% determined by UN Resolution 1325. All mediations have to deal with those who have been directly involved in conflict; but to address the root causes, you have to bring in women, youth and civil society organisations more generally. That has to be done carefully to make sure that the representatives of civil society organisations have been

selected in a process which gives a clear mandate and trust of the constituency they represent. In my experience, teams seated around the table bring exclusively those who have been in conflict, and civil society organisations are at best consulted from the outside. We did the same in Kenya. While we really took the time to listen to women's groups, youth groups, unions, and business, religious and traditional leaders, it was them talking to us as mediators as

opposed to talking to their politicians. They were not talking to those who led the nation to a situation where people killed each other. Consultations with mediators alone cannot substitute the need for a nation to talk to itself. It is a very indirect way of communicating and debating issues of fundamental importance, and I really think the structure of mediation has to change in this regard.

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In a way, there is also a dimension of pedagogy to mediation, a learning process that has to be started.
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you. You cannot continue to be the same person. The experience of human suffering never leaves you; it stays with you and changes you from the inside. They make you yearn for peace because you know its price.

Hassan Wirajuda: Yes. It is more difficult to accept cases of forgotten, lingering conflicts. These make people immune to the daily occurrence of violence and killings, and so are not conducive to the maintenance of international peace and security.

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