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10

## **Creative entry points in mediation**

Accessing conflicts. Starting talks.  
Breaking deadlocks.

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**“hd**

Centre for  
Humanitarian  
Dialogue

*Mediation for peace*

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.

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# Executive summary

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With armed conflicts and violence increasingly fragmented and protracted, third parties face numerous challenges when launching peace processes, or trying to unblock situations within a process when they have got stuck.<sup>1</sup> When conflict parties are unwilling or not ready to engage in a process or political settlement, creative entry points become the innovative and pragmatic response to enter a context, start a new dialogue or mediation process, or unblock a stalled process.

By collecting and analysing creative entry points, this paper details the kinds of entry points that exist, reveals how entry points are created, and why and how they are used. The paper showcases and clusters a set of approaches applied by third parties. These strategies or methodologies are often forgotten or undocumented – because of rapid developments in the process, or the process unravelling, or the fact that entry points can turn into something different and unexpected. Although the focus lies on political peace processes, some examples from humanitarian mediation are also integrated.

We highlight **two overarching types of entry points: those to access conflicts and start talks; and those to break deadlocks.** The entry points to access conflicts and start talks range from focusing on alternative topics or parties' broader interests to gaining access via other actors and establishing networks. The entry points used to break deadlocks tend to focus on technical aspects such as establishing creative funding structures, changing the format and sequencing, changing the venue and atmosphere, using Track 2 alternatives, aiming at 'lower-hanging fruit' within the interests of the parties, and

using creative facilitation methods (such as brainstorming). Yet, as this list indicates and the study reveals, separating entry points from process design elements can be challenging. Process design methods help to make entry points successful, and process design elements can be or become entry points themselves.

Building on insights from the interviews conducted for this study, we extract lessons on how to increase the likelihood of entry points being successful. This includes a dedicated chapter on accessing proscribed actors, which can pose additional challenges.

As creative entry points are a method to kick off processes or unblock deadlocks, this publication is accompanied by a short analytical and planning tool that aims to identify and maximize creative entry points. It can be accessed at <https://hdcentre.org/insights/23603-2>.

## Essential points for practitioners

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Though highly context-specific, research for this paper revealed certain commonalities in the design and use of creative entry points that might increase third parties' chances to successfully enter or (re)start a process:

- Look at creative entry points as **strategic endeavours**. Set clear objectives and strategies in advance (who to talk to and about what), while **keeping a 'trial-and-error'** mind-set.
- **Create and seize opportunities**. Try different approaches to create an entry point while **maintaining awareness of opportunities** for political momentum, **but stay patient** to avoid jumping into negotiations prematurely.
- Apply **methods and instruments** that help your entry point develop into a process, but be aware that **changes in the context** and the approaches of actors involved can dictate the pace, and the potential success and failure, of any entry point.
- **Be transparent towards the parties** and give a clear prospect on what can be achieved when parties engage. This will help to avoid misperceptions and create trust. But **maintain confidentiality** as a prerequisite to protect this early stage.
- Be clear about **what to offer to the parties** in order to get them, and keep them, engaged.
- Be aware that entry points come with their own **risks and limitations**. These commonly include reputational, legal, political, security, and process design issues. A **risk mitigation strategy** should therefore be part of your approach.
- Look at **entry points as valuable in their own right**, separate from the main political process. By enabling a minimum engagement or progress on a less political or side issue, entry points can

sometimes contribute to producing real (and unexpected) benefits for people affected by conflict.

- Designing and using entry points might be challenging due to the necessity of **using two or more different, sometimes contradictory, approaches** at the same time or in sequence. Your overall consideration should be to **balance various entry points carefully** in order to stay flexible to changes in the context.

## The creative entry points checklist

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There is no blueprint to create or identify an entry point and guarantee the development of a process, but having the clearest possible answer to the questions below might be useful when designing entry points. As the overall objective of entry points is getting access and (re-)starting a process, this list can help third parties to design and use creative entry points in a more structured and deliberate way.

- What are your **existing relationships** with the parties? Do you or your institution have a positive image or profile that you can build on to start a process?
- What does your conflict analysis reveal: are there **individual and/or common interests** or necessities on the side of conflict actors, or relationships between them, that could **build a base for engagement**?
- What **technical or non-core conflict topics** do the parties, or their constituencies, care about that could constitute an opening?
- What could you do to **increase the likelihood of an entry point materialising** (e.g. establish trustful relationships and communication channels, create networks)?
- What recent or upcoming **changes in the context** could create momentum so that your entry point materialises?
- What is your **objective** and **strategy** for using the entry point?
- What **mediation methods** could help to increase your entry point's potential for success?
- What is your strategy to **move from the entry point to a process**? What can you offer to the parties to create trust in you and the process?
- What are the **alternatives** if this entry point does not materialise?





- How would a **change of entry points be perceived** by the conflict actors?
- What are the **risks** associated with this entry point, and what can you do to mitigate them?

## List of case studies

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### Accessing conflicts and starting new talks

- **Focus on different topics or parties' broader interests**
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  - Unifying the opposition in the UN Syria mediation process (2017) – p. 58
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- **Change venue and atmosphere**
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  - Complementing the UN led process in Yemen via Track 2: the Political Dialogue Support Programme (2012–2022) – p. 71
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# Creative entry points in mediation

Accessing conflicts. Starting talks.  
Breaking deadlocks.

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## 1 Introduction

Third parties face numerous challenges when launching peace processes in today's increasingly fragmented and protracted conflicts, or when trying to unblock situations within a process.<sup>2</sup> When conflict parties are unwilling or not ready to engage in a process or political settlement, creative entry points become the innovative and pragmatic response to enter a context, start a new dialogue or mediation process, or unblock one that has stalled.

By collecting and analysing creative entry points, this paper provides an overview of the types of entry point that exist, and why and how they are used. Although the focus lies on political peace processes, insights from humanitarian mediation are also included as the methods are interesting, and there is sometimes overlap with the political process.

Initially, we thought it might be especially helpful to focus on the creative strategies of non-state actors entering a process. The strategies of Track 1 actors, such as the United Nations (UN), seemed to be more commonly known. Unlike non-state actors, Track 1 actors have official mandates (for example, from the UN Security Council or Secretary-General) and therefore some pre-established legitimacy to enter a conflict setting and start a process. The instruments and leverage

used by states and multilateral organisations to make progress in a process also seemed to resemble each other more closely – involving pressure (military, sanctions or listings, cutting off the weapons supply-chain) or incentives (such as sanction-lifting, delisting, bilateral acknowledgement, prospects of investment).

Non-state actors, on the contrary, rarely receive official mandates, nor do they have the same leverage as states. Instead, they have to “enter [contexts] by assessing on the ground whom [they] can work with nearly all the time”.<sup>3</sup>

However, when conducting the interviews, it quickly became clear that reaching out to parties, getting them to a negotiation table or agreeing on solutions to unblock a process requires creativity and strategic thinking, whether by the UN, a state, or a private third party. Non-state third parties may have different forms of legitimacy, work with different social levels and at different speeds, while still often aiming for the same goals and ending up with similar outcomes regarding their entry points. Moreover, the interviews showed that the approach of state actors (especially small to mid-level powers) is often similar to that of non-governmental organisations (NGOs): incrementally working towards a mandate from the conflict parties and starting to mediate or facilitate dialogue when it is received. We therefore decided to integrate the approaches of non-state actors with those of states and the UN (as representative of multilateral approaches).

This paper begins by providing a definition of the term ‘entry point’, then outlines key lessons on the use of creative entry points and elaborates methodological considerations on how to increase their potential success (and deal with their risks and limitations). This is complemented by a short overview of approaches used to access proscribed actors, which presents additional challenges and options for engagement.

We then illustrate a selection of case studies, presented under the two main types of creative entry points that we have identified: to

access conflicts and start talks, and to break deadlocks. The cases were chosen to provide a broad range of creative entry points, to present examples of a change in process dynamics after the use of the entry point, and to cover a diverse range of third party perspectives.

Given the very limited existing literature on entry points, the core of the study was formed by 20 qualitative interviews with seasoned practitioners from NGOs, governments and the UN, complemented by exchanges with an advisory group of mediation experts and several bilateral exchanges with practitioners. Each interviewee provided examples of how they entered or restarted mediation processes; often they were the ‘first in’. Their real life lessons and reflections were invaluable for this study.

The collection of case studies published here does not reflect a judgement of methodological quality or a politically ‘right’ approach to the processes. The objective was not to apply scientific standards or verifiable results, but to collect examples that reflect the views and lessons of practitioners and focus on their concrete actions. Primary sources and personal experience are valuable as almost no academic or policy research exists on this topic, despite the fact that third parties have developed and applied creative approaches to peacemaking for years. Interviews were designed to facilitate reflection, draw out lessons, and highlight commonalities across various conflicts, countries, and processes.

The collected experiences and descriptions were not cross-referenced with others involved in the cases, and therefore it is possible that another person involved in the same process would disagree or identify other contributing factors.

In order to make more robust statements about why entry points lead to (more) dynamic processes, further research on entry points and the factors conducive to their success would be needed. However, the very nature of creative entry points means that there cannot (and probably should not) be one comprehensive conclusion.

With this publication, we simply seek to share the insights we have gathered – as inspiration and a potential guide for practitioners.

## 2 Definitions of creative entry points

There is no generally accepted definition of entry points among practitioners. Though opinions differ, the most basic point of common understanding is that ‘entry point’ describes the very beginning of entering a conflict setting, or starting or unblocking a process.<sup>4</sup> In the relevant literature, entry points or ‘early peacemaking’ are often characterised by secrecy, discretion, and incrementalism. In fact, the term – which seems to pinpoint a specific moment or time frame – might be misleading, since early phases of peace processes often involve years of preparing the ground to engage conflict parties and are often non-linear and messy.

The entire phase of starting a process varies so much from one case to another that trying to determine an overarching definition is not an easy task. Furthermore, the way that an entry point was created or identified is often one of the best-kept secrets of mediation actors. This may have contributed to the lack of a clear and agreed definition.

The early phases of peace processes have been described as “a mix of formal and informal contacts and explorations, designed to take the temperature of the warring parties’ motivations, test out ideas and options, and create spaces and pathways that previously may have seemed impossible”.<sup>5</sup> Existing literature also outlines a few creative process design solutions (e.g. sequencing, formatting, moving to other venues, etc.) that allow third parties to move a process forward.<sup>6</sup>

A meeting of international experts in 2015, organised by the German Federal Foreign Office and the German Mediation Support Initiative (IMSD), attempted a first outline of entry points as:

“the specific features or elements within the anatomy or context of a conflict that help mediation actors create access to the conflict parties or stakeholders and have the potential for a feasible and successful mediation approach. The specific profile and role of the potential third party (e.g. relationships, previous mandates, expertise, resources, leverage) can be a precondition for – or increase the likelihood of – effectively translating entry points into mediation engagements.”<sup>7</sup>

An expert group of senior mediation practitioners advising this study focused on the actions taken by a third party as a “series of measures for initiating or restarting a dialogue process”, and which can relate either to process design and mediation methods, or to themes that stand apart from the core conflict (often more technical and less political in nature).

*Whether these approaches successfully transform into a process or help regain the dynamic of a process depends just as much on changes in the context as it does on the entry point itself.*

Based on the insights of the study, we propose to define creative entry points as **the innovative approaches and tools that third parties apply to access a conflict setting and to start or unblock a dialogue or mediation process.** Yet whether these approaches successfully transform into a process or help regain the dynamic of a process depends just as much on changes in the context as it does on the entry point itself. An

entry point might carry high potential but cannot unfold due to contextual factors, and vice versa: supportive factors in the context can create the necessary momentum for an entry point to materialise and succeed.

As one expert put it: “If the parties are interested in getting back to the table, eventually they probably will. However, creative entry points can provide that opportunity sooner, and provide justification for why they can and should.”<sup>8</sup>



### 3 Key insights about creative entry points

Creative entry points are a third party's pragmatic response to the question of whom to work with, and on which specific themes to engage, in order to increase the chances of a functioning process. The research clearly showed that identifying or creating entry points becomes necessary when processes stall or need to be launched.

The two identified phases imply **two different entry point categories**:

- **Entry points to access and start a new process.** These tend to focus on individual actors and existing networks, on creating trust, and non-threatening issues.
- **Entry points to unblock stalled processes.** Often a higher level of technicality is needed in these cases, which may involve changing the venue, or breaking down or sequencing topics. Switching to another track, engaging conflict party representatives in their personal capacity, or working on pragmatic issues with experts and without addressing core conflict issues can help unblock a situation. Circumventing the big political questions by focusing on technical issues first can reduce the complexity of the process and make it more acceptable for parties to engage.

Ultimately, whether an entry point (however creative) successfully unfolds into a process or helps regain a process dynamic **depends on the overall political, economic, social, humanitarian and military situation and the readiness of the parties to engage**. Practitioners highlighted that the most common **opportunities come with political change** (particularly changes in leadership). In the case of Northern Ireland, it was changes in the UK's Prime Minister office that provided an opportunity for a new start in the lead up to the Good Friday Agreement (1998), and in Venezuela a new window for negotiations opened after the 2020 US presidential election.

Mastering mediation methods, an awareness of arising opportunities, and the readiness to seize them can help to make entry points

successful. In some cases, the entry points described in this paper are simply examples of applying mediation methods (such as choosing a certain posture towards conflict parties or eliciting conflict parties' true interests), or re-designing a process by including new actors, searching for new venues, and sequencing or compartmentalising topics. This latter category occurs mainly in relation to re-starting processes. Process design elements and mediation methods can become entry points before, at the outset, and during a process.

*Identifying the right entry point resembles “looking for a needle in a haystack, and increasing the number of needles in the haystack.”*

Peace processes are a multi-layered web of continued interactions between a multitude of actors. Searching for windows of opportunity or creating entry points is therefore a crucial and continuous task for third parties. As one interviewee put it, identifying the right entry point resembles “**looking for a**

**needle in a haystack, and increasing the number of needles in the haystack.”** Yet even if an entry point or process does not work out, interviewees showed remarkable persistence in **trying various creative approaches over and over again** until they found one that would stick.

The **end goal of an entry point is not just access or a kick-off in itself, but to find a way to transition to political issues and into a meaningful process**, which can lead conflict parties to a peaceful settlement of their conflict, or at least help mitigate its consequences. Some practitioners that we spoke to outlined a basic scheme for designing a process: turning the entry point into regular and trusted contacts with the parties, progressing to discreet backchannels, and eventually building on these to enable broader engagement and negotiations.

When there is no official mandate, or low trust in the official process or in the agreements it produces, being **an unofficial third party means relying even more on establishing personal trust and relationships**, as well as building informal networks and spaces. The

lack of an official mandate also implies the need to demonstrate that you can be useful to the parties and their negotiations: non-official third-parties (such as NGOs and state representatives acting in an informal capacity) may have to be more proactive and even provocative to create attention, but can do things that officials cannot (and vice versa).

Our interviews revealed that **working with creative entry points often means exploiting the limits of non-official roles** and being less cautious than multilateral and official state third parties can afford to be. As one NGO practitioner put it, telling a counterpart “we don’t have any political agenda; if you lose or win, we don’t care”, is a risky but effective way to catch someone’s attention. Some NGO practitioners have described their work as a mutual bet: they know that the people willing to engage with them will want to use and instrumentalise them, and they in turn will use this to get their process off the ground. They often have only one chance, or very few, to prove that they can deliver something useful.

*As political settlements remain out of reach in many contemporary conflicts, entry points can also present an opportunity for minimum engagement or progress on a side issue.*

As political settlements remain out of reach in many contemporary conflicts, **entry points can also present an opportunity for minimum engagement or progress** on a (non-political or less political) side issue, which can lead to processes or tracks on their own (see Box 1). This logic can be spun even further. The efforts of a third party to start or unblock a situation may not directly resolve a conflict, but may indirectly contribute to their mitigation by enabling the exchange of ideas and messages between parties, the clarification of misunderstandings, and the establishment of discreet contacts and channels. Improved understanding and trust can contribute to defusing tensions and prepare the parties with options that could contribute to a peaceful compromise in the future.

## Box 1 – Entry points as positive outcomes in their own right

As highlighted by the example of an ecological dialogue in Ukraine (see case study), even processes that started out with the goal of informing, complementing, or moving the official process forward, can – if set-up in a methodologically professional way – turn into tracks of their own. These may not advance the political process but could end up producing real (and sometimes unexpected) benefits on the ground. By reducing human suffering, contributing constructively to the resolution of technical problems, addressing ecological risks, or improving the livelihoods of conflict-affected communities, these ‘side-processes’ can become beneficial in their own right, and present examples of mitigating or managing conflict in the absence of a political resolution.

These two visions – between entry points in their narrow sense versus their potential to lead to another unplanned process or outcome – are not mutually exclusive, and the same engagement can be seen very differently depending on an actor’s perspective. In Colombia, a private third party ran a Peace Dividend Initiative whose objective was simultaneously to ensure the economic reintegration of former FARC rebels while also being an entry point for community dialogues on reconciliation and coexistence. It was both a goal and an instrument for mutually reinforcing endeavours.

Relatedly, even if the specific entry point does not work out, third parties may encounter unintended consequences in the form of future openings, as the connections made during initial attempts will often remain and play out over time. A posture of strategic patience will allow a third party to cultivate and grow such networks, and prove valuable for future engagements.

In any case, if after having used a creative entry point, **the parties do not have the necessary trust** in the third-party or the process, **little progress can be expected on either front.**

As the case studies will show, identifying and mobilising creative entry points is **highly context-specific**, and they thus come in many forms and guises. Yet there are certain commonalities that third parties can consider when attempting to enter or restart a process, and lessons about factors that tend to make them successful.

## 4 | How to make creative entry points successful

There is no blueprint or template that third parties can follow to make entry points successful. Their ultimate success or failure will depend on a myriad of internal and external factors, and the willingness of the parties to engage. Yet the practitioners involved in this study have revealed methods and conditions that might help to increase the potential for success. Many of these methods were used in the case studies detailed in this paper – either simultaneously or sequentially.

Third parties may find themselves **designing and using various entry points – sometimes seemingly contradictory ones – at once**, and learn to apply one while not dropping the other. The overall consideration is to balance and revisit an approach carefully in order to stay flexible to changes in the context.

The research highlighted 12 lessons for increasing the potential for success of entry points:

**1. Preparedness:** In order to identify and use entry points, third parties need to continuously apply and update their conflict, context, actor and process analysis.<sup>9</sup> To identify the most promising entry points, this should include:

- a) the **current situation** (political, economic, security issues, military movements);
- b) the **characteristics, interests and strategies** of relevant actors and their allies, as well as the relationships between them;
- c) the **actors' attributes and perceptions**, including key people's detailed personal, political and fighting history, and how they reached their current position;
- d) **previous mediation attempts** and the actors involved. Many people who play a role in the conflict or its resolution may have

been involved in previously unsuccessful mediation or dialogue attempts, and the most important players may not necessarily be the most visible. When the known playing field is blocked, a creative third party’s goal becomes identifying the people that nobody has been talking to and engaging them to expand the negotiation space.

While also being part of standard process design, conflict analysis methods help third parties to identify and unlock interlinkages between key actors, which may in turn unblock a process. By constantly talking to a wide range of actors, third parties can find out about non-threatening topics, non-conflicting interests, moderate influential personalities to work with and the readiness of conflict parties to engage and move forward.

**2. Posture:** Third parties rarely stumble upon entry points by chance, and even less frequently produce anything from them if they are not ready to do so. Various practitioners highlighted the need for an entrepreneurial mind-set: a trial-and-error approach combined with patience and a constant awareness of political momentum. It can

## Box 2 – Third-party posture

As a “micro-technique”<sup>10</sup> of mediation, posture encompasses active listening, the targeted use of empathy and personal contact. The latter can even build on seemingly low-threshold measures such as applying humour (see case study on Somalia) or jointly watching football matches as a means to create trust. The “business of being proximate and present for conflict actors”<sup>11</sup> – referred to in the literature as the “need to be patient and wait for a window of opportunity to present itself”<sup>12</sup> – was a recurring topic in the interviews. Experts deem “not doing anything but talking to everyone”<sup>13</sup> an integral precondition for entering a process. Besides these strategic factors, posture also depends a lot on the personal attributes of mediators: their attitude, their multi-partiality, their acceptance and respect towards the conflict parties as well as their perception by others as authentic actors. Posture also requires being flexible and responsive to a situation. This may “sound passive but is in fact a lot of work.”<sup>14</sup>

take a long time until an entry point is identified and potentially leads to a process. Third parties should be ready to seize an opportunity when it arises. Strategies may change fast and often – requiring flexibility and a healthy appetite for risk. Many interviewees said that it pays to adopt a posture that is not too pushy and gives one’s interlocutors the necessary space and time, or risks the parties not coming back. For more on posture, see Box 2.

**3. Creating opportunities:** The right conditions for, and timing of, efforts are crucial for an entry point to work out and eventually develop into a process. Seasoned practitioners highlighted that the most common opportunities come in moments of political change, so third parties need to be tuned in to the evolution of a conflict. When the conditions for a third party intervention do not yet seem right, “ripening” a conflict situation through increased international pressure, offering incentives or starting dialogue on non-threatening issues (potentially on lower tracks) increases the likelihood of entry points materialising.<sup>15</sup> One strategy that NGO third parties use is creating and maintaining networks of key stakeholders where entry points can be generated.

**4. The strategic mind:** Interviewees highlighted that identifying and using entry points is a more strategic endeavour than it may appear. If third parties are not clear about the objectives they want to achieve and to whom they need to talk, their entry point is unlikely to lead to any meaningful engagement. Third parties constantly design and re-design their entry point strategy, testing one approach while pushing forward with another.

**5. Tangible successes:** For parties to be able to engage and make concessions, they need to see a direction of travel. Especially at the outset, this may mean not working towards a political end goal, but towards a short-term tangible outcome that both sides can sell as wins to their constituents, making engagement more palatable.

**6. Maintaining momentum:** When trying to revitalise an existing process or to prevent it from stalling, third parties will have to try constantly to move the engagement ahead. One practitioner called

this the “bicycle theory”<sup>16</sup>: as long as the process moves forward, the chances are (better) that it will keep moving and not fall. Mediators may come up with new ideas for topics to be looked at from different angles or sequenced in a different way, as well as new people who could be key to turn things around, or formats that have not been tried before.

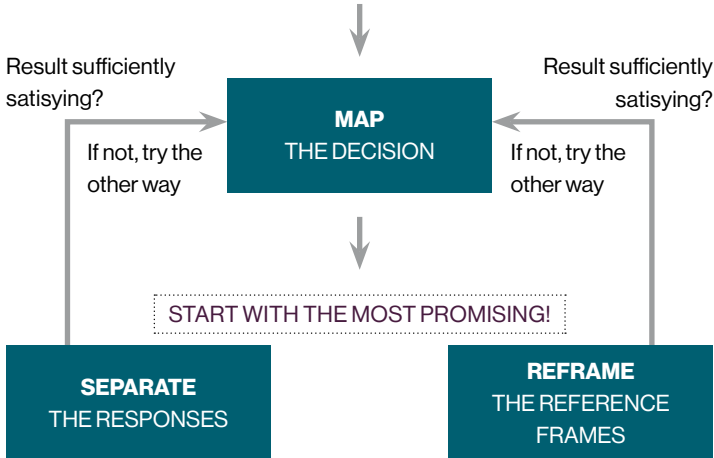
The *bicycle theory* can be extended to a *peloton approach*: a set of peace support actors working together to mobilise different entry points or maintain progress on various fronts of a negotiation.

**7. Priorities, sequences, compartmentalisation:** Third parties relay the importance of going step by step and being aware of which approach to tackle first, and in what order to talk to potential contacts (prioritise and sequence). They also point out the need to determine whether to develop one entry point on the basis of another one (incrementalise) or whether to split roles and responsibilities within a team to simultaneously pursue various entry points (compartmentalise) – methods very well-known from process design and dilemma management. It is important not to underestimate how these interactions might be perceived by actors on the ground. Pursuing several entry points with different actors at the same time can risk the trust of interlocutors and clarity about objectives, but can be mitigated by good planning (see point 4), transparency (10), and credible delivery of promises made (11).

**8. Dilemma management:** Thoughtful and strategic decision-taking can become especially relevant when re-starting processes, for example finding a face-saving way out of a stalemate or getting parties back to negotiations by using alternative means. In these cases, dilemma management comes into play. Existing tools such as the Framework for Navigating Difficult Decisions<sup>17</sup> (see Figure 1) can be extraordinarily helpful to validate existing entry points, think of new ones, and test their robustness.

**9. Strategic empathy:** The most repeated advice from third parties was to do a lot of active listening at the outset. The purpose is two-



**Figure 1 – A framework for navigating difficult decisions**

**Source:** A. Kraus (now Holper) et al. (2019)

fold: to gain the trust of conflict parties, but also to increase one's understanding of the conflict landscape, which may hold the key to activating the various entry points. Third parties need to apply empathy strategically, and analyse the situation and possible entry points from the perspective of the actor to whom they are trying to 'sell' the idea.

**10. Transparency:** A third party should be transparent about the approach and objective of the entry point – including explanations about the role of third parties as supporters to a process in which the conflict parties will decide on the substance. This way, they may be able to avoid entry points being seen as threats, or simply unimportant. In contexts marked by high levels of mistrust, maintaining communication channels to keep all parties equally informed is key to building solid entry points and creating relationships of trust.

**11. Kept promises:** Whether during diplomatic training for a secluded regime, capacity-building on negotiation techniques, or humanitarian

or technical assistance that enables contact with the conflict parties, third parties highlighted the importance of the outcomes being realised. Delivering the activities promised as part of an entry point helps to build trust with and between the parties, and helps to avoid the impression that the entry point was only used as a stepping stone to more political topics. Such activities can also provide a useful cover for engagement between parties for whom talks, at this stage, may be too politically sensitive. But there is a risk of becoming trapped in a topic. To mitigate this, third parties apply alternative tracks to avoid being pinned down by a sole initiative that might suddenly stop moving forward.

**12. The offer:** Negotiations are interest-based engagements, and mediators need not fool themselves that parties engage for altruistic motives. Especially at the outset, when trust is low and parties are eyeing victory, negotiations can seem like war by other means<sup>18</sup> or simply not an interesting option. Thus, in order to be taken seriously and gain the trust of conflict parties, many practitioners mentioned the importance of being clear about what they can offer.

## 5 | **The extra challenge: accessing proscribed actors**

When dealing with proscribed groups, third parties face obstacles due to legal and political restrictions. These situations have arisen more frequently due to the rise of conflicts involving armed non-state actors and their fragmentation.<sup>19</sup> In addition, armed conflicts that are long-lasting and protracted tend to be caught in simplistic and/or binary narratives that contribute little to finding sustainable solutions. These factors tend to complicate efforts by official actors such as the UN or government envoys, whereas private mediation and dialogue organisations have more room for manoeuvre.<sup>20</sup> It became clear during research for this paper that, in order to make contact with proscribed actors, NGO third parties apply a variety of creative approaches that may lead to potential dialogue.<sup>21</sup>

As third party approaches tend to vary widely from context to context, we chose to describe a variety of cases instead of a few specific ones. These mainly draw on other published studies, as well as the interviews we conducted.

**1. Accessing via societal leaders and insider mediators.** Certain actors – such as religious leaders with similar ideologies, relatives of the group or ethnic community, or business leaders who gravitate around proscribed groups – benefit from closer links with an armed group than a third party from outside the context. They may also be better placed to identify and understand the group's ambitions and have a better understanding of the social fabric and the local normative framework in which they operate (which is often influenced by a mixture of modern, customary and religious law). Being equipped with status or authority, they might also be able to draw on the presence of pre-conflict networks and informal or formal institutions.<sup>22</sup>

*Local populations are not passive actors in conflict zones, nor do armed groups merely exploit or abuse communities. Instead, their relationship is much more entangled.*

Looking at the networks of individual extremist actors and whom they spent time with can therefore be an effective way of accessing them indirectly but effectively.<sup>23</sup> Third parties can identify and use these 'bridge builders' to access and draw into dialogue the more radical components of a group, such as in the case of Afghanistan (see case study, p.43).

**2. Accessing via local and community actors.** Local populations are not passive actors in conflict zones, nor do armed groups merely exploit or abuse communities. Instead, their relationship is much more entangled. Communities might reach out to armed actors in order either to secure personal and human security (such as access to roads or water)<sup>24</sup> or because armed actors provide security and vital services (such as waste management or running schools and hospitals).<sup>25</sup> Such contact normally takes place well before formal negotiations

have started and can therefore constitute useful ground for early engagements. Local actors can also become barometers for the ‘ripeness’ of a situation due to their more nuanced understanding of an armed group’s structure and priorities. Moreover, they can retreat from engagement in times of exploding violence, and more flexibly re-engage as soon as circumstances allow.<sup>26</sup>

**3. Approaching moderate armed and political groups.** Moderate or community-based armed groups can, at times, act as interlocutors vis-à-vis their more radical counterparts.<sup>27</sup> In Syria, Ahrar al-Sham ensured the delivery of humanitarian relief by offering support on logistical and security guarantees to humanitarian actors. Nurturing the image of being a reliable partner, in turn, provided the group with the legitimacy, power and leverage to curb the violence of other groups.<sup>28</sup>

**4. Working with moderate wings *within* armed groups.** The “toughest negotiations” often take place within conflict parties<sup>29</sup> and sustaining internal cohesion becomes particularly challenging when entering into peace talks that could lead to the end of the armed struggle. Supporting moderate constituencies and peaceful elements, and creating the space for expressing a wide range of views early on, might become necessary to bring sceptics on board, and can mitigate dissenting opinions later. Third-party support can help to build and sustain pro-peace constituencies within armed groups, encourage cohesion between military and political wings, and foster connections with civil society.<sup>30</sup>

**5. Bringing armed and unarmed actors together.** Community mobilisation and organisation can provide practical support for an armed group’s transition to peace and create the necessary links when no one else is willing to talk. In local peace conferences, for example, communities can discuss how to address the violence that is affecting them and voice their concerns about armed actors.<sup>31</sup>

Formats created by local communities can have particularly innovative potential. In Mali, community-level mediation has been a useful

means of achieving concrete community peace deals and dividends despite the larger political conflict, while indirectly engaging with armed groups and testing their command-and-control capabilities.<sup>32</sup> In Colombia, the civil society activists ‘Colombianos y Colombianas por la paz’ initiated a public letter exchange on hostage taking with FARC when official negotiations seemed remote. When, as a result, FARC eventually released 40 hostages and renounced kidnapping as a tactic of war, this had the important effect of signalling willingness to engage in peace efforts and opening up space for a political path.<sup>33</sup>

## 6 | **The risks and limitations of creative entry points, and how to mitigate them**

Our research revealed that creative entry points come with their own risks and limitations, which practitioners need to include in their calculations. The risks associated with the creative use of entry points include reputational, legal, political, security and process design issues. Yet a risk’s mitigation strategy can become part of a creative engagement strategy.

In particular, the following risks and limitations were highlighted by our interviewees:

- **Jumping into negotiations too early.** Ignoring this ‘speed limit’ has caused the premature end of various promising initiatives. Finding the right balance between transitioning into political negotiations and not rushing seems to be key to maintaining credibility.
- **A topic that worked well in making first contact may work less well to sustain a process.** An entry point that served to open the conversation may not be useful to continue the process, and can even run the risk of being instrumentalised to prevent progress. A third party may also risk being perceived or intentionally labelled as a ‘one trick pony’, as was the case when an NGO gained access to several religious actors by working with women from all sides,

but later was not allowed to move away from the ‘gender topic’. Consciously pursuing alternative tracks or embedding the engagement in a wider framework can help avoid being pinned down by a sole initiative.

- **Intermediaries can be played off against each other**, particularly in the early dialogue phases. The use of discreet backchannels, which can serve as a useful entry point, can carry the risk of incentivising ‘mediator-shopping’ and multiplying processes later. More honest sharing of information among third parties about their engagement would be a useful first step to avoid this.<sup>34</sup>
- **Making first contact can be extremely risky for interlocutors, both in terms of physical security as well as potential political fall-out.** Considering and calculating the risks not only for the third party but also for one’s interlocutors, and clearly planning how to mitigate these, is key to any ‘do no harm’ analysis.
- **Be aware of the practical and moral dilemmas facing the political-humanitarian interface.** Some talks in politically fraught contexts start with confidence-building measures or dialogue around the issue of humanitarian aid. In many contexts, practitioners observe a shift in mediation targets from political settlements and peace agreements in the traditional sense to the “minimum target of alleviating human suffering”.<sup>35</sup> It can be tempting for third parties to use potential humanitarian needs and assistance as an entry point to get parties talking and to show them agreements are possible. But the interference of politics in the humanitarian sphere comes with many pitfalls – a debate that has long been held in the humanitarian sector, but less so in the peace sector.<sup>36</sup>

From a process perspective, humanitarian arrangements are relatively **rapid, precise, and pragmatic entry points**. Once they have been established and served their purpose, it is **difficult to change them**.<sup>37</sup> Moreover, often the actors one is dealing with in humanitarian negotiations will not be the ones needed for a political process. All this makes the shift from a humanitarian entry point to an actual political negotiation process less straightforward than it may at first appear.

From a normative and ‘do no harm’ perspective, humanitarians and many seasoned peace practitioners are clear about what a mediator’s position should be: **humanitarian entry points are for humanitarians**, and not respecting their space can have multiple **unintended negative outcomes** that will come with difficult questions for any third party about their role, and could confuse interlocutors. As one conflict party put it to a private mediator: “Can you just be clear on what we are doing? Are we having a political or a humanitarian dialogue?”<sup>38</sup>

Being able to wear **two hats within a wider operation** can be an advantage, however, as it allows both sides to inform their respective operations, and to foster more effective collaboration between humanitarians and political actors.<sup>39</sup> Importantly then, the parties need to play a key role and take ownership of a shared approach to humanitarian and political issues, or the shift from one to the other.

## 7

## Options and types of creative entry points

The following case studies aim to provide practitioners with a ‘**menu of options**’ in line with the proposed definition of creative entry points: either accessing a context and starting new talks, or breaking deadlocks within a stalled process.

These cases also illustrate how the insights and recommendations gathered in this paper have been applied in practice. As a menu of options, the cases are not necessarily meant to be read from start to finish, but instead to be dipped into and returned to, giving the reader an overview of various possibilities.

**Each case outlines the entry point, what it tried to achieve, what the third party did, and what it led to (‘effects’)**. As causality is hard to determine in most initiatives – and because an entry point, political momentum and the applied method must all fall into place simultaneously – each example also lists a set of **supporting factors** that enabled the

use of the specific entry point and contributed to its effect. Finally, each case includes its **associated risks** and how they were mitigated.

Three considerations went into the selection of cases:

1. to present a broad collection of creative entry points that can be useful for practitioners in different contexts;
2. to present cases in which the interviewees could clearly say that the dynamics of a process changed after the use of the entry point; and how
3. to highlight perspectives from a diverse range of third-parties, including NGOs, states and the UN.

The first category – ‘**accessing conflicts and starting new talks**’ – is further divided into various types of entry points, including gaining access by focusing on different topics, and via other actors or networks.

When accessing a context or starting a process, third parties often strategically prepare and create options to be developed later, as if planting seeds. This is mainly achieved through establishing in-depth and reliable networks, some of which have been formalised (as in the case of a network of resistance and liberation movements – see Box 3). Others have been developed and carefully maintained over the years without a complete plan for when and where they will be used, and nevertheless have gone on to be of great importance.

The second category – ‘**unblocking a stalled process**’ – can be achieved by engaging new actors, focusing on technical aspects, establishing creative funding structures, changing the format and sequencing, changing the venue and atmosphere, using Track 2 alternatives, focusing on lower-hanging fruits within the interests of the parties, and using creative methods such as brainstorming sessions with the parties.



### **Box 3 – Creating the conditions for entry points: the network for resistance and liberation movements (RLMs)**

Through the RLM network, high-level representatives or heads of negotiating delegations were invited by the Berghof Foundation to take part in peer-to-peer learning opportunities, in order to reflect on negotiation strategies and enhance conflict parties' capacities to enter into effective negotiations.<sup>40</sup> While creating a possibility for exchange among resistance and liberation movements on negotiations, the network also enabled access to these movements, which had become increasingly difficult due to international listings and the sanctioning of actors.

Participants were invited to share their experiences and reflections in a publication series.<sup>41</sup> Furthermore, in annual meetings and online events, methodological input and space for mutual exchange was provided.

Due to the relationships of trust among participants and facilitators, the organisation gained access to conflict contexts and were asked to offer support in concrete negotiation processes (see case study on the Abertzale Left, p.51).

## **Accessing conflicts and starting new talks**

The first nine cases focus on the outset of a process, when third-parties create or seize a creative entry point to access a context and start a potential dialogue.

### ***I. Focus on different topics or parties' broader interests***

When mediators face the daunting challenge of kicking off a new process, a tried and tested way of establishing contact and trust is by first addressing other topics that are easier for conflict parties to discuss and which hold the potential promise of early agreement, de-facto cooperation, or benefits for both sides.

### Access to an army through non-threatening issues (2017)

**Context:** This (confidential) case relates to a third-party getting access to an army that was engaged in a civil war and is accused of human rights violations and ongoing tensions in the country.

**Creative entry point:** Using gender-sensitivity training as access to the army.

**Objective:** To start reforms of the military regarding politically-sensitive topics, e.g. demobilisation.

#### Actions:

- The Commander of the Army was approached with the suggestion to offer leadership and gender-sensitivity training.
- Capacity building on gender-sensitivity was rolled out at all levels of the military hierarchy and across the different branches and divisions.

#### Effects:

- The training and the topic of gender-sensitivity were well received at all levels.
- The army started to promote its gender-sensitivity to the outside world which – at first glance – demonstrated readiness for change.

#### Supportive (f)actors:

- A good relationship with a reform-oriented army commander laid the ground for the first approach.
- Use of professional national and international trainers and experts on gender-sensitivity.

#### Risks:

- The strong focus on the topic of gender and its acceptance by the receiving institution placed the facilitating organisation in a trap: the army was not interested in switching to other topics. Thus, the entry point did not spark the intended openness towards general reform or opportunities for change regarding politically sensitive topics.
- The political situation was not conducive to reform the army.
- The army's insistence on single-issue reform gave the impression that it was attempting to 'gender-wash' its criminal acts.

## Addressing travel and export issues to open negotiations on state-building in Somalia (1994–1997 and 2000–2012)

**Context:** For the last 3 decades, Somalia has experienced political instability and recurring conflict. The conflict is characterised by clan factionalism, ethnic cleavages and, from early 2000, the rise of Islamist militant groups. While Somalia is still a fragile state, there has been some progress in the development of state institutions. The 'Arta Process' of 2000 and 4.5 formula were important steps to re-establish governmental authority. The formula ensured an equal quota in parliament for the four 'major' clans, and a half-point to a cluster of 'minority' clans. The mediators who helped reach the '4.5' agreement first needed to convince the parties to engage in talks.

**Creative entry point:** The mediator identified the desire of Somalis to be able to travel abroad and their need to be able to export racing camels as entry points for a broader dialogue on appropriate state and representation models.

### Objectives:

- Gain buy-in from Somali stakeholders for a process.
- Discuss different notions of a state by avoiding the negative connotations it had among Somalis from nomadic cultures.
- Avoid any individual clan taking power.
- Reach agreement on the principles of a state.

### Actions:

- The mediator and Somali stakeholders initiated discussions about the necessity of official documentation when travelling and engaging with the outside world.
- A common understanding was developed about what a state should offer, and the associated advantages and disadvantages.
- Visualisation techniques were applied to the definitions of different terms (e.g. 'democracy') and the group developed its own vocabulary around statehood.
- The group developed a list of responsibilities that a state is expected to fulfil, including questions of who is allowed to use force, how to authorise travel, and how to organise business.

**Effects:**

- The discussion about statehood requirements led to a process: which minimum viable model of a state would Somalis acquire?
- The process was able to define an acceptable form of representation for all the clans – leading to the 4.5 formula.

**Supportive (f)actors:**

- Somalis wanting to travel, which was only possible with official documents.
- A wide-spread hoof disease made Somali racing camels unexportable without certificates to prove that they were healthy. In order to sell the camels, a certification system needed to be established, including some sort of signatory (state) authority.

**Risk:**

- Clan cleavage could translate into disputes about what the state should look like and the distribution of power. This was mitigated by the third party by widening the dialogue to represent the views of all clans and key stakeholders.

## Identifying and using a key actor’s political grievance to establish trust, South Asia (2007–2010)

**Context:** After the end of a war in a South Asian country in the early 2000s, many members of the diaspora associated with the (defeated) non-state armed group sought pragmatic engagements to facilitate humanitarian contributions to the post-war rebuilding effort. To help achieve this, a private mediation organisation tried to access and build trust with the government’s security leadership.

**Creative entry point:** Identifying and addressing a government military leader’s political grievances (relating to his role in the conflict, rather than the dialogue itself).

### Objectives:

- Establish trust and a channel of communication to hardliners in the government.
- Open the door for a dialogue between both sides on humanitarian and reconstruction issues.

### Actions:

- The third party reached out to the former military leader in the government – one of the hardest to engage actors at the time due to accusations of war crimes. When they finally met the military leader, they found out that he was interested in the opportunity to share his side of the story. Western states had denied him a platform due to his involvement in the war.
- The third party organised an event in the region where he could share his side of the story with think tanks and academics.

### Effects:

- The event opened the door for further engagement with the military leader and positioned the third party as the de facto intermediary.
- The entry point did not work out as intended, as a change in government made the channel redundant.
- However, the engagement later had unintended positive consequences for the third party. The military leader eventually occupied a senior position

in the country's government and the pre-existing contact led to various engagements in the region.

**Supportive (f)actors:**

- The diaspora associated with the non-state armed group took a pragmatic view and wanted to engage their opponent's military leader.

**Risks:**

- Reputational and political risks from engaging with actors accused of war crimes.
- The potential political fall-out was mitigated by organising purely regionally-focused events and carefully orchestrating participation.

### **Flexibly interpreting an official mandate, Somalia (2016)**

**Context:** Following the 2012 presidential and parliamentary elections, Somali political actors adopted a provisional constitution that foresaw universal elections to be introduced in 2016. Though the process was not fully realised, a new parliament and president were elected through a limited, indirect electoral process in 2016–2017. The UN Secretary-General nominated a Special Representative to support this process in an environment marked by multiple armed conflicts.

**Creative entry point:** The UN Special Representative came equipped with institutional leverage, credibility, funding and legitimacy. Yet the on-the-ground entry to conflict parties came from a more flexible definition of the objectives of the mandate, allowing a process to be designed together with the parties, instead of sticking to the mandate’s technicalities.

**Objectives:**

- To talk to the parties to find out what the process could look like, including ground rules, technical issues, timeframe, and dispute resolution arrangements.
- To facilitate an electoral process in Somalia that would be accepted as legitimate and could contribute to resolving the country’s many conflicts – in a situation where there was no electoral law or roll, a politically-contested electoral commission, and widespread insecurity.

**Actions:**

- Upon arrival in the country, instead of relying solely on the mandate to impose an externally-defined process, the Special Representative assumed a humble posture towards the conflict parties: “I just arrived . . . please help me understand”.
- The Special Representative listened to how the parties approached former conflicts and (partially) took ownership of past mistakes – by the UN and international community – raised by the parties.
- Use of humour to establish rapport with the parties and to keep conversations going – an attribute the parties liked and which allowed the mediator to bring up otherwise thorny issues.



- The Special Representative took risks in pushing the parties to reconsider what they were trying to achieve at a time of growing poverty, looming famine and international uncertainty.

**Effects:**

Building relationships, trust and confidence allowed the mediator to:

- establish functional backchannels;
- manage the expectations of the international community;
- bring international actors such as the Ethiopian Foreign Minister in to support the process;
- gradually move to a dialogue process where fundamental questions regarding the elections could be discussed.

**Supportive (f)actors:**

- Recognition in the international community that the transfer of power in Somalia would require a unique approach to elections.
- The willingness of non-Western internationals to pass messages.
- The knowledge and insights of experienced Somali colleagues who were able to provide cultural interpretation of what was going on and suggest approaches that would motivate the parties.

**Risks:**

- If the legislative and presidential elections had either not happened or resulted in an outcome deemed illegitimate by Somalis, regional states and the donor community, the likelihood of preventing famine would have plummeted and the risk of violent conflict would have increased.
- To mitigate this risk, the approach relied upon intense personal engagement with Somali and international actors and potential spoilers, as well as the creative use of multiple channels and messengers to ensure messages were transmitted.

## ***II. Access via actors from other tracks or trusted informal actors***

When third parties want to access a context or kick off a process, it has become common practice to reach key actors via other tracks or actors trusted by the conflict parties or official negotiators. In many cases, a trusting and ongoing engagement with Track 2 or 3 actors, and continuous work on the issues at stake, will pay off eventually. In the next set of cases, third parties used Track 2 or 3 actors to access Track 1, and used trusted actors to access conflict parties.

### **Facilitating access to military decision-makers via trusted individuals, Afghanistan**

**Context:** At the time of this case, Afghanistan was one of the last two countries where an infectious disease remained endemic. The Taliban were controlling various parts of Afghanistan that were often affected by the disease. To combat the disease, humanitarian organisations needed access to these areas, but were often mistrusted by the Taliban. A private third party helped humanitarian actors to negotiate access.

**Creative entry point:** Identifying and engaging individuals trusted by a military commander.

**Objective:**

- To start a dialogue process between an armed group's military commander and a humanitarian organisation that would lead to access for a vaccination campaign in a remote area.

**Actions:**

- The third party team applied attribute mapping as a method for analysing the conflict, seeking to identify a specific individual who was known and trusted by the decision-maker blocking humanitarian access. This included a detailed mapping of the commander's main life experiences and personal connections
- The team identified the commander's former religious teacher as the strongest pathway with the greatest potential for success, and engaged with him to understand what it would take for the decision-maker to grant humanitarian access. The team then facilitated discussions between him and the commander.

**Effects:**

- After various exchanges with his former teacher, the commander allowed the campaign to start.

**Supportive (f)actors:**

- The contact person (the teacher) was part of the facilitator's network, therefore access was relatively easy.

- This methodology relies on building and sustaining networks and relationships as goals in themselves, which can then be used for various peace and humanitarian endeavours.

**Risks:**

- Managing expectations on the part of the beneficiaries regarding humanitarian aid delivery and leaks about the humanitarian actor's engagement.
- These risks were mitigated by continuous exchanges and clarifications with the interlocutor and humanitarian actor, by relying on people from the communities themselves to deliver the vaccines, and maintaining strict confidentiality about these engagements.

### **Accessing Track 2 actors to foster a Track 1 solution for the political crisis in Macedonia after the general election (2016–2018)**

**Context:** After the April 2014 general election in Macedonia, in which the ruling party defeated the Social Democratic Union of Macedonia (SDUM), the SDUM threatened to denounce the elections as illegitimate. The government reacted by claiming that the SDUM leader was planning a coup. Alongside other factors, this led to partially violent protests calling for the Prime Minister to step down. A major political crisis divided the country. Eventually, an EU-led mediation took place in 2015 (Pržino talks) and new general elections were announced for 2016. A private NGO mediator supported the official negotiations.

**Creative entry point:** Using Track 2 actors and civil society networks to gain access to Track 1.5 actors and the official negotiations.

#### **Objectives:**

- Get a mandate to work with both sides on a Track 1.5 process as an NGO actor without leverage, in order to accompany and break the deadlock of the EU mediated high-level process.
- Develop options at Track 1.5 for a solution to the political crisis.

#### **Actions:**

- The NGO cooperated with a partner with experience in the context. A local partner would have been impossible because of assumed or real partiality in the conflict. An ethnically-balanced team of local staff was hired in order to gain legitimacy and build an in-country presence with less ‘Western European’ appearance.
- The NGO worked to establish contact with actors on both sides and at several levels.
- Actors with influence on the two main political parties were identified and cooperation links were set-up.
- Additionally, a civil society reference group with 5–6 main civil society organisations was established in order to accompany Track 2 and Track 1.5 actors.

#### **Effects:**

- All levels developed new visions for a peaceful Macedonia, including on questions of political reform.

- The facilitator was accepted by the main influential Track 2 actors and was perceived as independent from EU or German interests.
- The conflict parties officially requested support in a Track 1.5 process.
- The opportunity to engage with political opponents in a setting away from the public eye allowed the participants to develop personal connections and engage differently.
- The Track 1.5 platform was useful during the official process and also supportive in later discussions on challenging questions such as the name dispute between Greece and Macedonia (now North Macedonia) .

**Supportive (f)actors:**

- German government funding. Germany was seen as an important actor that was interested in fostering a rapid political solution that would enable Macedonia to access the EU. Despite this, it was important for the facilitator to be perceived as neutral (see first risk below).

**Risks:**

- Potential perception as an actor with clear political interests and denial of access to Track 1.5 actors, mitigated by a yearlong investment in trust building.
- Risk of funding being cut due to the length of the process. This was mitigated by a continuous exchange with the German Federal Foreign Office in order to convince them of the chosen approach.

### **Finding entry points into a leaderless social movement (2020)**

**Context:** In 2020, pro-democracy protests erupted in a country's capital in response to an increasingly authoritarian political system. In contrast to the waves of protests seen in the country during the past decade, the new movement distinguished itself by being much younger, more loosely organised, and more technologically savvy. For a private third party organisation, a particular challenge was therefore to find entry points into a movement without clear organisational structure and leadership.

**Creative entry point:** Trusted mentor-type personalities from within the constituencies and public and digital events in response to demands by the social movement.

#### **Objectives:**

- Gain access to a new social movement of anti-government protestors without a clear leadership structure.
- Establish contact, gain trust and facilitate a dialogue between political actors, aimed at preventing rising tensions escalating into violence.

#### **Actions:**

- A trusted intermediary was identified to establish informal contact. Members of the third party team relied on members of former social movements who acted as mentors to the younger generation of protestors.
- Once initial contacts were established, team members simply met protest organisers for coffee to listen to their views and introduce what a third party could offer: advice, contacts, and exposure. Initial plans for facilitated meetings between protestors and politicians failed as protestors did not trust established political parties.
- To establish conditions for dialogue with established political actors, the team first organised public and digital events that were of interest to the youth protestors. This included a public forum on 'lessons learned by protest leaders from past to present' held at a venue well-liked by the youth actors, with participation by victim groups, peace advocates and the media. Another event was held on 'the generational divide in the digital era', with participation by former high-level politicians and protest leaders. The events were livestreamed via Facebook.

- The timing of the events was strategically chosen: the movement had large protests planned, and the third party wished to raise awareness of the risks of political violence.

**Effects:**

- The events allowed young protestors to create a space where they felt safe to exchange with more experienced social activists on violence prevention, but also to engage in substantive dialogue with political actors to whom they would not normally have access.
- The third party established a trusted relationship with the new social movement.
- As a result, protestors came to see the facilitators as a useful messenger, connector and source of technical input.

**Supportive (f)actors:**

- Previously established contacts and networks with former movement leaders (mentors) and national and international political actors.
- Discreet support by official third-parties willing to provide safe and neutral spaces.

**Risks:**

- The facilitator's neutrality was initially perceived as a problem by interlocutors who demanded a clear political position.
- A generational divide between former and current conflict party representatives: contemporary conflict party leaders and members may have regarded former actors as a failure and seen a need to become more radical.
- These risks were overcome by ongoing exchanges, a lot of time spent listening, and helping the movement access support for negotiations.



### **Preparing a civilian engagement to accompany the ceasefire negotiations between the FARC and military forces in Colombia (2015)**

**Context:** Negotiations between the Fuerzas Armadas Revolucionarias de Colombia (FARC) and the Colombian government officially began in September 2012 in Havana, Cuba. An agreement to end the 52-year conflict was reached in 2016. Various third parties worked with Colombian civil society actors to help to link them to and inform the negotiations, and keep them moving.

**Creative entry point:** Working with Colombian civil society and social movements to prepare the ground for supporting and accompanying a ceasefire.

#### **Objectives:**

- Prepare civil society and social movements to support the creation of a conducive environment for a ceasefire, in order to support the official talks and future implementation.
- Inform local communities about the ceasefire.
- Accompany (rather than monitor or verify) the implementation of the ceasefire by civil society and social movements, in close coordination with the official tripartite monitoring and verification mechanism (UN mission, Colombian security forces, FARC).

#### **Actions:**

- Insights and experience from other ceasefire contexts were provided, in particular on monitoring and verification mechanisms and the role of civil society.
- Constructive discussions were held among a diverse group of civil society and social movements about their role in supporting a ceasefire.
- A broad-based mechanism for civil society accompaniment and support for the implementation of the ceasefire was initiated.

#### **Effects:**

- Civil society actors and social movements built understanding and consensus about their role in accompanying the ceasefire.
- The idea of social movements being part of a formal monitoring and verification mechanism was dropped, thereby facilitating official talks on the issue.

- The civil society mechanism proactively informed local communities about the ceasefire and engaged closely with the formal tripartite monitoring and verification mechanism. This contributed to the identification of implementation challenges and enabled early warnings of potential incidents.

**Supportive (f)actors:**

- In a parallel process, the negotiating parties were prepared for a ceasefire and informed about the involvement of civil society actors and social movements.

**Risk:**

- Colombian government and military forces may have opposed the role of civil society in accompanying the ceasefire implementation. This proved manageable through appropriate communication channels with all interested actors.

### **Supporting Abertzale Left to initiate political change in the Basque country (2008–2014)**

**Context:** The Basque peace process stalled due to several violent incidents and a deep lack of trust between conflict actors. As a result, Abertzale Left, the Basque Country’s nationalist/separatist movement, ended a previously agreed ceasefire and the Spanish government intensified its security response.

**Creative entry point:** Integrating Abertzale Left into the Resistance and Liberation Movements (RLM) network.

#### **Objectives:**

- Support Abertzale Left in preparing for a negotiated settlement with the Spanish government.
- Abertzale Left to gain the support of its constituency to pursue a political strategy and abandon armed struggle.
- Accompany Abertzale Left during the negotiation process.

#### **Actions:**

- The third party offered negotiation training and peer-to-peer exchange via the existing RLM network.
- An internal reflection process was launched in order to review the role of ETA (the armed wing of Abertzale Left) and to re-define its objectives. This was achieved by editing and publishing chapters of a study in which non-governmental armed actors shared their experiences.<sup>42</sup>
- Abertzale Left received support in developing a communication strategy to show its constituency that putting down weapons would not mean capitulation or surrender.

#### **Effects:**

- Due to the internal reflection process and the peer-to-peer exchange, the Basque movement recognised it had diminished room for manoeuvre and that its actions were harming itself rather than the Spanish state.
- This led (among other factors) to a readiness to lay down arms.
- This in turn allowed them to save face: all actions were self-initiated and not forced by the Spanish government.

### **Supportive (f)actors:**

- Abertzale Left's participants in the RLM network were selected from members of the official negotiation delegation. They were therefore in a position to transfer knowledge and start a top-down reflection process within Abertzale Left.
- In parallel, an international group of friends was established by the Basque Country to explore the Spanish government's readiness to negotiate again.
- There was close cooperation with other NGO actors – each supporting different aspects of the process (including backchannels to the government and establishing ceasefire verification mechanisms).
- Civil society actors promoted a unilateral peace process. The 'Basque Social Forum for Peace' (which was established in 2013 and later became the Permanent Social Forum) formulated concrete political proposals and promoted consensus-building among political actors. It included diverse perspectives by involving victims of violence, prisoner rights groups, conflict resolution associations, trade unions and political parties.

### **Risks:**

- The third party was involved in a one-sided process as the Spanish government never officially participated. This was mitigated by proactive communication about readiness to declare a unilateral ceasefire.
- As ETA was a listed actor, cooperating with Abertzale Left could have harmed the facilitator's reputation. This was mitigated in several ways: the group that participated in the facilitation never presented itself as ETA-connected, all activities were transparent, and the assistance was focused on supporting political solutions.

## **Breaking deadlocks within stalled processes**

The next set of 10 case studies highlights entry points that are used to unblock stalled processes. They tend to focus on technicalities such as shifting away from the deadlock towards approaches regarding a specific topic, bringing in scientific evidence, moving to new surroundings, and including new actors or using alternative platforms. They may also involve compartmentalising agendas; establishing funding mechanisms as an instrument not only to support negotiations, but also as platform where consensus-finding between parties is necessary; and using methods such as sequencing, creative brainstorming and addressing 'lower hanging fruit'.

### ***1. Engage new actors***

One way out of a blocked process is engaging new actors in order to create new dynamics, bring in new perspectives and access different networks.

## The Algiers peace agreement for Mali: regaining the dynamic of the implementation process (2020)

**Context:** In 2015, the Malian government and the Coordination of Azawad Movements signed an agreement to restore peace in the country, mainly through decentralisation. Since then, the implementation has struggled to make progress, which third parties are trying to address.

**Creative entry point:** Including new actors to regain dynamism.

### Objectives:

- Ensure a more inclusive process through formal participation of women in the follow-up mechanism to the 2015 agreement.
- Create structures that would support women's participation and address structural challenges more generally.
- Introduce and sustain new dynamics for the implementation process.

### Actions:

- In 2020, all three signatories to the 2015 Algiers Agreement agreed to appoint three women each as delegates to the follow-up mechanism of the 2015 peace agreement to take part in the work of the main body of the Follow-up Committee.
- After being appointed, a needs assessment was carried out with these nine women, who received skills training and support on the peace process, the content of the agreement and negotiation skills.
- The nine female delegates successfully expanded the conversation to include questions on security for communities, access to education and provision of other social services, in addition to existing discussions on disarmament, demobilisation and reintegration (DDR) and security sector reform (SSR) mechanisms.

### Effect:

- At the time of the research (April 2021), it was too soon to determine the effects of this initiative. However, the approach was bearing the potential to provide a new dynamic and impetus for the implementation of the peace agreement.

### Supportive (f)actor:

- Following the military coup in August 2020, the political interest in implementing the peace agreement had temporarily increased.

## ***II. Focus on technical aspects***

Blocked processes are often characterised by a lack of movement on core conflict issues. One way out of this is to break down the main topics into smaller, less contentious issues or to address more technical issues, while bringing in external expertise.

### **Using the environment to get conflict parties to cooperate, and in support of the official dialogue, Ukraine (2014–2021)**

**Context:** Ukraine's Donbas region, affected by fighting since 2014, is a highly industrialised area. In the early days of the conflict, there was a significant risk of ecological catastrophe as a result of the fighting. The issue was not included in early Minsk negotiations nor in the Minsk Trilateral Contact Group (TCG). A private mediation actor established an informal side track on this issue.

**Creative entry point:** An evidence-based dialogue and constructive cooperative mechanisms between the main conflict parties on the environmental and public health risks of the conflict.

#### **Objectives:**

- To build trust and create momentum that could influence and advance the official political negotiation process.
- To develop solutions for avoiding an ecological catastrophe triggered by the conflict in the region.

#### **Actions:**

- The facilitators discreetly brought together environmental experts, scientists, and officials from all sides.
- Robust environmental studies were combined with joint learning and training for both sides on how to address the risk of a conflict-induced ecological disaster, with actual technical cooperation on these risks.
- By conducting studies on both sides of the contact line and validating them in reputable laboratories, no party could ignore or dismiss the dialogue's findings and proposals.
- In addition to traditional tools of informal dialogue, cloud storage in an encrypted library was established for sharing sensitive information and findings.

#### **Effects:**

- The thematic dialogue became one of the few areas for exchange and cooperation, with the official political process blocked.
- The dialogue showed that both sides could indeed agree on certain topics and engage in cooperation.
- The dialogue helped to foster a common understanding and public awareness of the urgency of the ecological and health threat.



- The cloud storage ensured that participants had equal, transparent and sustainable access to data.
- One of the most visible effects was the impact of the informal dialogue on the formal political negotiations and negotiators. It ensured that the issue of ecological threats was included in the formal Minsk negotiations (despite its absence from the Minsk Accords) and various security-related dialogues and policies. Concretely, the track convinced the Organization for Security and Co-operation in Europe's (OSCE) Special Monitoring Mission to Ukraine to appoint a special environmental adviser and to train monitors as ecological focal points to observe vulnerable frontline sites.
- The TCG established its own ecological expert group, and papers designed in the informal track were regularly discussed during official TCG meetings.
- Beyond its influence on the political process, the ecological dialogue track was intrinsically useful as it contributed to the prevention of an ecological catastrophe in the region.

**Supporting (f)actors:**

- Both sides had a basic understanding of the severity of environmental threats, such as mines being flooded and ground water being contaminated.
- It was relatively easy (compared to many sensitive political issues) to promote the idea of dialogue as the issues directly threatened both sides.
- The international community and official mediators were supportive of the engagements and had a trusted relationship with the unofficial third party.
- Scientists from both sides had previously cooperated, and often knew each other, but the ties had been severed by the conflict.

**Risks:**

- Developing technical solutions may give the parties an excuse (or 'lower the price') for not addressing the main political issues underpinning the problem.
- If the issue of the environment became too politicised in the eyes of (one of) the parties, it could lead to political blockages and security concerns that could end the technical cooperation and exacerbate the environmental hazard.
- There was a danger of leaks and confidentiality violations. To raise awareness of the issue, the dialogue needed to attract the attention of the media from Ukraine, Russia and abroad; there was always a risk that confidential information could be disclosed. The third party mitigated this by selecting participants carefully and maintaining active relationships with the media to help frame the information in a way that would not endanger the dialogue.

### **Unifying the opposition in the UN Syria mediation process (2017)**

**Context:** UN Security Council resolution 2254 called for a ceasefire and political settlement to address the Syrian armed conflict. The resolution also described the roadmap for Syria's political transition. However, the negotiation process soon got stuck, with the opposition fragmented to a point that the government declared that it did not have a counterpart for negotiation.

**Creative entry point:** Focusing on technical talks instead of official Track 1 representation.

#### **Objectives:**

- Three opposition groups (formed in Riyadh, Cairo and Moscow) were fragmented and hostile to each other. The UN wished to unite them to reduce complexity and refute the argument of the Syrian government that there was no real opposition.
- The opposition groups needed to build capacities regarding the substance of the talks and build trust among each other.
- There was a need to inject new life into a stalled process by beginning substantial talks.

#### **Actions:**

- The High Negotiations Committee (HNC) in Riyadh was contacted by the UN mediation team to discuss ways of reaching out to the other groups.
- An idea was developed to bring the opposition groups together by forming technical teams that would jointly discuss one or more substantive issues without representing official delegations or official political positions.
- The UN guaranteed to the opposition groups that the results of the technical discussions would not be used as political positions in the Track 1 process.
- The challenge was balancing the number of representatives in each of the joint technical talks. The agreed formula was eight HNC representatives and one each from the Moscow and Cairo groups, plus one note-taker from each group (who in the end joined the discussion on substance).
- The meetings were financed by the German GIZ which broadened the mandate of its support for the Syrian opposition to include the two other groups alongside the HNC.

**Effects:**

- All three technical delegations accepted an invitation to Geneva, a rare instance of an internally-created dynamic in an otherwise stalled process.
- The groups worked respectfully and substantively. They continued the exchange on their own behalf during the Track 1 process. Discussions increasingly focused on differing ideas about the Transitional Governing Body (TGB).
- Ultimately, two groups (Cairo and Moscow) elevated their joint technical paper on the constitutional process to the political level by endorsing it as a political position paper in the Track 1 process. Only the HNC refused to do so.
- The process profited from the substantive outcomes of the technical talks, as enshrined in the paper on the constitutional process. Another paper on electoral issues was started but not finalised.
- Prejudices and animosities among the groups (especially towards the Moscow group) were reduced, and Saudi Arabia built on these dynamics in November 2017 by organising the Riyadh 2 Conference that finally united all three groups as a common political opposition, the Syrian Negotiation Committee (SNC). This remains the united opposition group in the Geneva talks, although frictions among different sub-groups persist.

**Supportive (f)actors:**

- Saudi Arabia's view that the war was over led to its support for the UN peace process.
- At the Riyadh 2 Conference, HNC hardliners – mostly sponsored by Qatar – were sidelined and more moderate actors were invited to join the SNC.
- During this phase, Russia supported a unified opposition.
- The move to focus on commonly-held technical issues put pressure on the hardline leader of the HNC, who was finally replaced by a more accommodating figure (who had led the technical talks as head of the HNC team).

**Risks:**

- Closer cooperation among the groups could have led to an escalation of their differences rather than commonalities. This was mitigated by Saudi Arabia's move to fuse them into one group.
- The Syrian government suffered a setback since it was not interested in a strong and unified opposition, and therefore looked for other ways to block the process.

### ***III. Establish funding structures***

In cases where core conflict issues are too contentious to be tackled immediately, third parties search for topics and thematic fields on which the conflict parties have to cooperate. Agreeing on less contentious issues can slowly develop trust, both in the negotiation partner and the process. One option is letting the parties jointly decide how to spend available funds.

## Enabling the negotiation process between the government and the ELN in Colombia (2016–2017)

**Context:** The Marxist–Leninist guerrilla group Ejército de Liberación Nacional (ELN) and the Colombian government have been in conflict since the mid-1960s. Formal negotiations were announced in 2016, and various international and national third parties intervened to support the talks.

To start the formal negotiations, the ELN requested that its participation be financed internationally, as it did not want the processes to be funded by the Colombian government. The government, on the other hand, wanted to ensure that the financing would exclusively be used to enable the ELN delegation to attend the formal negotiations. Consequently, both parties insisted on having control over the financing mechanism.

**Creative entry point:** Creating an international trust fund to finance the negotiation process, notably the costs related to the participation of the ELN delegation.

### Objective:

- To establish a mechanism allowing the payment of all the costs for the ELN's participation and guaranteeing the control of expenditures for both parties equally.

### Actions:

- A thorough consultation was held with each party, and several meetings took place with both parties present. Some meetings also included the members of the Group of Countries for the Support, Accompaniment and Cooperation of the Negotiating Table (GPAAC).
- These countries (Switzerland, Germany, Italy, the Netherlands, and Sweden), chosen by the parties, established a trust fund. They acted as members of the steering committee together with the delegations of the ELN and the Colombian government.
- The fund included three funding windows: for the costs of the ELN delegation's participation (outside those covered by the host countries of the negotiations, Ecuador and Cuba); for technical expertise and support to the ELN delegation; and to finance activities that the two delegations jointly decided to realise as part of the negotiation process (e.g. consultations

with civil society). Decisions in the steering committee were taken by consensus and based on trimestral operational plans, with the possibility of requesting more immediate funding when necessary.

**Effects:**

- The participation costs of the ELN delegation were financed, including expert support. Financing was guaranteed and managed transparently.
- The government and the ELN engaged in joint activities defined in the framework of the negotiations. The GPAAC, complementary to the guarantor countries, supported the negotiations.
- The process of establishing and managing the trust fund, through consensus between the negotiating parties and the international actors, served as a confidence-building exercise.
- Steering committee members, as well as periodic meetings of the steering committee, served as a communication channel between the parties when talks were suspended.
- The two negotiating parties had the possibility to make joint proposals for initiatives, thereby realising activities on behalf of the negotiating table.
- The accompanying countries had the flexibility to interact directly with the negotiating parties throughout the process.

**Supportive (f)actors:**

- The ELN requested international financial support for their participation in the formal negotiations.
- Several states were interested in supporting the negotiation process.

**Risks:**

- Too many detailed budgetary discussions.
- Legal restrictions against states providing finance for sanctioned actors appearing on official ‘terrorism’ lists.
- Both proved to be manageable through consultations and appropriate administrative solutions.

#### ***IV. Change format and sequence***

When processes stall, finding new formats or alternative sequences can create new dynamics. This means moving the conflict parties away from the current procedure and known positions, and encouraging them to address contentious topics in a different way. Often, this brings new aspects to the fore and opens the possibility of face-saving reactions by the conflict parties.

## **Unlocking the agenda-setting deadlock, UN-led process in Syria (2016)**

**Context:** UN Security Council resolution (UNSCR) 2254 called for a cease-fire and political settlement in Syria. It also described the roadmap for Syria's political transition, but the negotiation process soon got stuck. Reaching an agreement on a shared agenda for talks proved challenging, with the Syrian government wanting to talk about terrorism and the opposition mainly focused on the Transitional Government Body.

**Creative entry point:** Building topic baskets to overcome the deadlock regarding a common agenda.

### **Objectives:**

- Overcome deadlock about the agenda.
- Include all issues relevant to conflict parties on the agenda.
- Tackle core issues of UNSCR 2254.

### **Actions:**

- To overcome the deadlock regarding the agenda of the UN-led talks, the Mediation Support Team to Special Envoy Staffan De Mistura suggested dividing UNSCR 2254 into three baskets: 'governance issues', 'constitutional process issues', and 'electoral issues'. This was accepted by the opposition, with the government insisting on adding 'terrorism'.
- After persuasive work by the mediation team (to convince the opposition that the topic of terrorism was not necessarily directed against them, but might also be used by the opposition with regard to government acts) the opposition agreed to a fourth basket named 'counter-terrorism, security governance and confidence-building measures'. This basket also included the issue of missing persons and detainees.

### **Effects:**

- The agenda deadlock was overcome. All conflict parties, including Russia, agreed to the issue baskets.
- UN Special Envoy De Mistura had flexibility regarding the sequencing of issues, as he could suggest and influence which of the baskets would be discussed next.



- As each basket had to be addressed in each round, the UN could prove that all topics were discussed within the negotiations and therefore that the core issues of UNSCR 2254 were pursued.
- All sides had to listen to the perspectives of others (including of invited experts) on all issues.

**Supportive (f)actors:**

- The prerogative of the UN mediator.
- Russia did not wish to withdraw from Syria negotiations entirely.
- The UN was forced to act and the opposition was forced to make compromises due to the asymmetrical situation on the ground (such as the 'tipping point' of the fall of Aleppo).

**Risk:**

- The decision to work with a four basket approach minimised the potential risk of both sides focusing only on one topic. Nevertheless, the approach did not prevent an unequal tackling of issues in the long run.

## Sequencing dialogues to circumvent political blockage in South Sudan (2020)

**Context:** The Intergovernmental Authority on Development (IGAD) was running an official process in South Sudan that mainly focused on power-sharing between the two main conflict parties. To reach other conflict parties that were excluded from the official process, a different third party implemented an informal dialogue.

**Creative entry point:** Flooding in a regional state and ensuing conflicts between pastoralist and sedentary communities provided the opening for an informal dialogue focused on the humanitarian situation and needs.

### Objectives:

- Build stronger relationships with and between local and national political actors not included in the official process.
- Enable the facilitators and parties to access political decision-makers and address politicised humanitarian issues.

### Actions:

- The third-party’s message to the parties was “we are not looking for agreements, we want you to sit together and talk”. Unlike the official process, this informal process was not about distributing power, but about generating a common agenda on issues such as adherence to humanitarian principles by building confidence and cooperation between the parties.
- In exchanges with the third party, the second Vice President of South Sudan agreed to send a scoping mission to the conflict area. The third party team joined the mission to undertake a needs assessment and access local leaders.
- Based on this assessment, the third party designed a process to convene different dialogues at the local level between i) communities in conflict, and ii) armed actors, the government, and humanitarian actors, with the aim of reducing violence and finding a sustainable solution to a humanitarian and livelihoods problem.
- The facilitation team encouraged the Vice President to take the lead and to adopt the role of ‘Mother of Peace in South Sudan’.

**Effects:**

- The Vice President hosted a first meeting with key stakeholders to launch the dialogues.
- Bringing political actors into a humanitarian space allowed the actors to see and address gaps in cyclical protracted conflict and related tension management that humanitarian work alone could not address.

**Supportive (f)actors:**

- The personal relationships of national staff with key political and influential actors were paramount. In this case, a facilitation team member was previously in government and could mobilise their contacts.
- The willingness of political leaders to invite their contacts and peers to take part was key.
- A cessation of hostilities was broadly holding between the main parties, and key leaders in the new transition government were vying for recognition and legitimacy. This meant the timing was perfect to offer the second Vice President an opportunity to shine, and for her to become a leading peace figure.

**Risk:**

- The parties could have had the impression that the humanitarian process was only an entry point to get to more political topics. This was mitigated by ensuring that real humanitarian benefits emanated from the engagement.

### ***V. Change venue and atmosphere***

When conflict parties feel stuck, seem entrenched in their negotiation stance, or continuously face pressures from their constituencies, a small procedural tweak such as changing the venue can help reignite talks and give the parties the necessary space and protection to focus on the negotiations.

### Unfreezing talks on a draft constitution for Libya (2017)

**Context:** To address the civil war that has affected Libya since 2014, the UN led a negotiation process to help draft a new constitution and improve the country's security and economic situation.

**Creative entry point:** Creating a more conducive atmosphere by taking conflicting parties to a location outside the country.

**Objective:**

Unblock the UN led negotiation process regarding the Libyan constitution.

**Actions:**

- The UN mediator approached Oman with the suggestion to invite the participants to talks outside Libya in order to break out of the usual settings and routines.
- Oman invited the participants to a hotel in Salah close to the beach, where the negotiations continued.

**Effects:**

- By entering a nicer (and new) atmosphere, the process could be restarted.
- After a few days, the conflict parties began mixing with each other during meals and the atmosphere became more and more trustful.
- Time pressure was taken away – participants could talk to each other, UN representatives and experts whenever they wanted.
- Ultimately, the participants agreed on a draft constitution.

**Supportive (f)actors:**

- Good tribal relations between Oman and Libya helped pave the way for a trustful atmosphere during the talks.
- Omani representatives were present during the entire process in Salah and gave advice on questions such as how to satisfy and feedback results to, diverse constituencies.

**Risk:**

- Staying too long in luxury surroundings may create suspicion among constituencies and the international community about efficiency and use of funds, however this did not occur.

### ***VI. Use Track 2 processes to unblock the official process***

In light of today's complex, fragmented and often protracted conflicts, official processes and institutions face numerous challenges keeping negotiations moving. Third parties can help to overcome stalled processes by setting-up, empowering, or linking Track 2 processes. Less formal Track 2 processes can develop or inform more practical solutions, but also make the process more inclusive and help build pressure for the official track to move forward. Even in the absence of a revitalised Track 1 process, more informal spaces can give civil society a platform to connect with the international community.

## **Complementing the UN led process in Yemen via Track 2: the Political Dialogue Support Programme (2012–2022)**

**Context:** The Yemen crisis escalated in 2011. In 2012, the Political Development Forum - Yemen (PDF) with a private NGO third-party started providing technical and process-related support to Yemen's National Dialogue. Since then, and after the outbreak of the war in 2014, its Political Dialogue Support Programme (PDSP) has served the main stakeholders to discuss options to revitalise the peace process and focus on the key political aspects of the conflict.

**Creative entry point:** Using an informal Track 2 platform to unblock the UN led process.

### **Objectives:**

- Explore the reasons for continuous deadlocks in the official process and resistance towards concrete suggestions.
- Identify common ground among the conflict parties.

### **Actions:**

- Originally, the PDSP brought together leading Yemeni actors to support an inclusive Yemeni-led National Dialogue process, aided by the PDF and the private third-party. Since 2014, the PDSP has offered space for multi-party discussions and regular exchange among Yemeni stakeholders (including regional actors) to identify ways to end the war and relaunch the transition process.
- Cooperation and close coordination of activities with the Office of the Special Envoy of the UN Secretary-General (OSESFY) thereby offering a complementary mechanism for exchange.

### **Effects:**

- An exchange of opposing views of conflict actors in a safe space.
- Production of concrete ideas and options regarding the revitalisation of state institutions and mechanisms for the management of the security track.
- The PDSP has continuously offered a feedback mechanism to UN officials by letting intermediaries transfer opposing views and criticism from conflict actors regarding the UN's process and methods.

**Supportive (f)actor:**

- Due to the cooperation of PDSP organisers with Yemeni stakeholders since 2012, and a well-established network of individuals, leading Yemeni political actors trust the PDSP and are interested in a continuous informal exchange.

**Risks:**

- Actors publishing options for solutions via other channels or in public. This risk is managed through longstanding and trusted relationships within the PDSP.
- The biggest risk of this approach remains the influence of the overall political blockade reflecting on Track 2 actors. This risk has indeed occurred: at the time of writing in 2022 (when substantial political changes occurred and a temporary truce was established), the Track 2 approach has not re-energised the UN led process.



***VII. Focus on low hanging fruits in the interests of the parties***

Conflict parties may not see the possibility of a negotiated solution at the outset of talks, but may be drawn into negotiations by focusing on specific interests that they want to address, and in which the other side is a necessary component. This can lead to a focus on more immediate needs, but also gives parties a platform to address longer-term issues that stand next to core conflict themes.

### Implementing the Minsk agreements in the TCG working group on economy, Ukraine (focusing only on the 2015–2018 period)

**Context:** To address the conflict in the Donbas region of eastern Ukraine, the parties and the international community concluded a series of international agreements known as the Minsk agreements. Implementation of these agreements stalled and various actors tried to overcome the obstacles.

**Creative entry point:** Identifying conflict parties' interests and collecting 'low hanging fruit'.

**Objectives:**

- Find solutions to implement aspects of the Minsk agreements in the economic working group of the Trilateral Contact Group (TCG – consisting of Russia, Ukraine and the OSCE).
- To create a new dynamic in an otherwise stuck process.

**Actions:**

- Conflict parties were asked about their interests, and one common interest was easily identified: a guaranteed water supply system on both sides of the line of contact.
- An expert on water supply who already had comprehensive experience of the water system in the southern area of Ukraine and Luhansk was invited to evaluate the status quo and suggest solutions.
- As an official OSCE invitation or deployment would not have been possible due to recognition questions (among others), the expert went on the research mission as an independent scientist. The expert's suggestions regarding repairs to the existing system were taken up in the TCG working group.
- After long discussions, a commercial contract was arranged between a municipal water supply company in the government-controlled area (GCA) and a business on the Luhansk side.
- In order to avoid official economic ties between both entities, a satellite company of the Luhansk business was established in GCA territory. This made it a legitimate Ukrainian company that could open a Ukrainian bank account and make payments.

- The process was continuously supervised and regularly audited by independent observers to guarantee transparency and trust in the process.

**Effects:**

- The conflict parties were delighted that their interests were taken seriously and proud of having agreed on at least one issue in detail.
- Water supply was guaranteed.
- The solution motivated the working group during a certain period to continue using the ‘low hanging fruit’ approach to address other issues.

**Supportive (f)actor:**

- Conflict parties had a mutual interest: the water supply had become one of the key issues in the conflict area.

**Risk:**

- A party could have withdrawn from the contract due to political pressure.
- The process of regular and transparent audits proved that the system was functioning well and helped prevent this risk at the time.

### ***VIII. Use creative brainstorming***

Engaging in political negotiations is a daunting task for any conflict party or negotiator, and most do not have seasoned negotiators or delegations at their disposal that can simply engage in talks. The need for preparation and to think through issues and positions can itself present a useful point of entry to bring parties together – both across the conflict divide and within one side if it is fragmented.

### **Unfreezing ceasefire negotiations between the Colombian government and the FARC (2014)**

**Context:** The decades-long conflict between the FARC and the Colombian government was supposed to be ended by negotiations between the two sides. One of the topics on the agenda was how to reach a ceasefire. A FARC delegation and a government delegation prepared for talks within the Technical Subcommittee for the End of the Conflict and met to reach an agreement. However, how the agreement was to be reached was not determined until the meeting itself.

**Creative entry point:** Facilitating a creative brainstorming to unfreeze the atmosphere between parties and address all interests equally.

#### **Objectives:**

- Start substantive discussions about a ceasefire between the FARC and government representatives in a technical subcommittee without a mediator (Cuba and Norway were guarantors but not mediators).
- Create a moment in which both sides would agree to an open discussion process, rather than trying to persuade the other side regarding substance and agenda.

#### **Actions:**

- Both sides spontaneously agreed to start by a creative brainstorming, in which either side could raise aspects that were important to them.
- As suggestions were made they were immediately captured and projected on the wall to be seen by everyone.
- Due to the unexpected start, several pages of preparation had to be rewritten and adapted on both sides.

#### **Effects:**

- The commitment to substance on both sides led to a common basis for the talks.
- The creative brainstorming process brought all important issues to light without prioritising any, underlining a commitment to equality.
- Even highly contested issues such as how to deal with weapons were included in the list of topics.

- The brainstorming provided space to include several gender provisions in the agreement from the start (despite this being a highly contested issue).

**Supportive (f)actors:**

- Prior to the creation of the Technical Subcommittee for the End of the Conflict, the two parties dedicated several months to the preparation of their teams and documents so they came to the table with a thorough knowledge of the subject.
- At the first session, both parties expressed a strong commitment to trying to create a highly technical and implementable agreement.
- Highly creative technical teams and committed heads of delegations.
- Both parties saw each other as legitimate adversaries and were equally committed to work for the best possible solution.
- Other issues had already been agreed, so trust in the process and each other was already established: it was the right moment to start discussions.
- Several joint sessions with international experts on ceasefire cases in order to get prepared on the content prior to the talks.
- Methodological advice on the government side.

**Risk:**

- Scepticism among constituencies as the process took a long time, but this could be dealt with by the negotiating delegations.

## 8 Conclusion

Mediation and dialogue are simultaneously craft, art and science. Within this range, third parties show tremendous creativity in getting conflict parties to engage and resolve their disputes peacefully.

This Mediation Practice Series paper provides the first comprehensive attempt to define and classify the types and use of creative entry points, and provides practical insights and recommendations for peace support actors finding their way into conflicts and processes, or facing blocked or stalled conflict situations.

Despite their best intentions, there are many factors outside a peacemaker's control that determine the ultimate success of an entry point developing into a process. Nevertheless, as we have shown, there are political, practical and technical dimensions that third parties can decide (or at least influence) in the set-up or adaptation of a process which can increase an entry point's chances of success.

The factors and recommendations outlined in this paper are a synthesis of the skills, know-how, and experience of a diverse set of experienced practitioners from around the world. The exact causality of an entry point for the creation and dynamics of a process lies beyond the scope of this study, and requires further research.

Nevertheless, this publication hopes to make a contribution to inspiring and further professionalising the efforts of third parties working on, managing, and resolving the world's complex conflicts.

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## Endnotes

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- 1 'Third parties' refers to mediators, dialogue facilitators and mediation support actors. If a lesson refers to mediation processes only, the term 'mediator' is used.
- 2 K. Gallagher Cunningham (2016) 'Understanding fragmentation in conflict and its impact on prospects for peace', Oslo Forum Paper, Centre for Humanitarian Dialogue.
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- 6 See, for example, the Mediation Process Matrix by Swisspeace.
- 7 Federal Foreign Office & Initiative Mediation Support Deutschland (IMSD) (2015), *Identifying mediation entry points*, Expert Meeting Report, p.9.
- 8 Key informant interview.
- 9 A tool that includes actors, context, conflict and previous processes is the ACCP analysis, developed by ETH Zurich: <https://mas-mediation.ethz.ch/tools/accp-conflict-analysis-framework.html>.
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- 17 See A. Kraus (now Holper) et al. (2019) 'Dilemmas and trade-offs in peacemaking: a framework for navigating difficult decisions', *Politics and Governance*, Vol. 7, Issue 4, pp.331–342.
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- 29 S. Haspeslagh (2020) 'Building political will for dialogue: pathways to peace talks in Colombia', *Accord*, Issue 29, p.16.
- 30 *Ibid.*, p.19.
- 31 Z. Yousuf (2015), pp.7–8.
- 32 Centre for Humanitarian Dialogue (2022) *Mediation of local conflicts in the Sahel: Burkina Faso, Mali & Niger*.
- 33 S. Haspeslagh (2020), p.16.
- 34 A promising example is the 'Statement of intent of complementarity for independent mediation support organisations': <https://hdcentre.org/news/statement-of-intent-of-complementarity-for-independent-mediation-support-organizations>.
- 35 Key informant interview.
- 36 For further reading regarding the debate in the humanitarian sector, see: Humanitarian Policy Group (2001) *Politics and humanitarian aid: debates, dilemmas and dissension*, pp.5–6 and 15–16; Conflict Research Programme (2018) *The politics of humanitarianism: perspectives from South Sudan*, pp.12–13; and K. Lidén and K. Roepstorff (2020) 'The ethics of humanitarian negotiation', Centre for Humanitarian Action.
- 37 Key informant interview.
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