Mediating in a complex world

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

Co-hosted by the Norwegian Ministry of Foreign Affairs and HD, the Oslo Forum is a discreet and informal annual retreat which convenes conflict mediators, peacemakers, high-level decision-makers and key peace process actors.

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Mediating in a complex world

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Iraq: UN Special Representative for Iraq Jeanine Hennis-Plasschaert in Dohuk meets with Baba Sheikh, the Yezidi Supreme Spiritual Leader and member of the Yezidi Spiritual Council, and other Council members in Shekhan, Iraq. April 2019. © UN Photo/UNAMI/ Salar Brifkani

Enthusiasm for mediation as a tool to prevent and resolve armed conflict has never been more vocal, nor mediators busier. Yet, traction on the big armed conflicts has been wanting. As mediators and others gathered for the Oslo Forum in 2018 outlined, the model for the negotiation and implementation of comprehensive peace agreements that evolved in the immediate post-Cold War period is deeply challenged by the complexity of today's armed conflicts. Mediators have had to develop new tools, practices and strategies.

Mediation has long relied on a capacity for human interaction. The skills and experience of the mediator and his or her supporting team matter greatly, as do deeply-held principles of consent, impartiality and the need to build trust. For the mediation of armed conflicts, the awareness and cultivation of internal and external pressures that might help conflict parties move towards peace and a need to secure broad ownership of any agreement reached are also perennial requirements.

But mediation is also in constant evolution. It is a reflection of, and responsive to, the world in which it is applied. This paper addresses the practice of mediation today from the perspective of the complexity of that world, and the challenge presented to mediators to respond to this complexity in kind.

As the UN's ascendancy over the peacemaking field in the immediate post-Cold War period waned, mediators quickly proliferated. Today, the UN, international non-governmental organisations, regional organisations, states and a broad array of local mediation actors (civil society entities, including women's

organisations, religious, tribal and community leaders) may all be involved in a single conflict theatre. They engage with greatly enhanced capacities for mediation support, and distinct advantages and disadvantages, as well as demands relating to the normative agenda – on justice or inclusion for example – but also notoriously varied levels of co-ordination and coherence.

In the past few years there has been landmark progress in reaching agreements on decades-old conflicts in Colombia and the Southern Philippines. The former was not formally mediated, but facilitated by Cuba and Norway with a range of other international actors, including the UN, playing supportive roles. Malaysia mediated the latter, with the effective support of an International Contact Group composed of a mix of states and non-governmental organisations. More recent signs of hope include the rapprochement between Ethiopia and Eritrea, and new, if fragile, agreements on South Sudan and the Central African Republic, each responding to decisive engagement by regional actors (Sudan and Uganda in South Sudan, and Chad and Sudan in underpinning the agreement mediated by the African Union (AU) on the Central African Republic) and following the breakdown of earlier agreements. In addition, a UN mediator finally resolved what had become known as "the Name Issue", as Greece and "the former Yugoslav Republic of Macedonia" agreed to recognise the latter as the Republic of North Macedonia. That it took twenty-five years to agree to that one adjective was testament to the sensitivities at stake.

Elsewhere, UN and other mediators have been thwarted by a heady, and often toxic, combination of divisive geopolitics – a return to divisions between Russia and the United States, new tensions between China and the United States, Sunni-Shi'a divisions with impacts across and beyond the Arab world – a resurgence of populism within states that has fostered resentment and insecurity, and increased regional and international involvement in civil wars that has contributed to their intractability. Conflicts have been exacerbated – and mediators challenged – by

the fragmentation and atomisation of non-state armed groups and local militias; a potent and fluid mix of political, economic and ideological agendas, too frequently driven by predatory elites and aspirations and ideologies with which it is difficult to negotiate; porous borders, facilitating the movement of armed groups and the economies that sustain them; as well as broader systemic factors such as climate change.

The revolution in information and communications technology (ICT) has brought unprecedented gains, but also unleashed new challenges. Growing connectivity has helped spread democratic ideas and information, had hugely positive impacts on education, women's rights, and emancipation more broadly, and helped to mobilise those who demand change, especially young people. But social media have also contributed to a groundswell of hate-based violence and intolerance, and facilitated a range of transnational activities, from trafficking in arms, people and contraband to jihadi recruitment, that sustain and exacerbate armed conflict.

Meanwhile, although the normative agenda has broadened, a backlash by groups of countries and organisations fueled by ideological or religious opposition to human rights and global norms, including the women, peace and security agenda first enshrined in Security Council Resolution 1325 in 2000, reflects a determined effort to shrink the space for civil society mobilisation and rights defenders. Ostensibly heightened sensitivities around sovereignty and intervention contribute to this polarisation.

The demands for mediation to meet the challenges of contemporary armed conflict with its own form of complexity are urgent. Absent shifts over which a mediator has no control – a sudden change in leadership, or an external shock such as a natural disaster for example – mediation in most of today's conflicts is a long term endeavour. Assuming his or her responsibilities, a mediator will be in for a marathon effort, perhaps a relay, rarely a sprint. Along the way he or she will need to think about engagements and strategy at multiple levels and

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inclusive of multiple different actors. He or she will work in the shadow of geopolitics, yet need to be conscious of the importance of grounding a peace process' legitimacy within, but also beyond, the conflict parties. He or she will also want to maximize the potential of new technologies to assist this effort. Paying particular attention to the next generation, and thinking about structural issues such as the economy, become vital elements of incremental progress towards a sustainable peace.

Orchestration and inclusion

"It is all about orchestration", was Martin Griffiths', the UN Special Envoy for Yemen, response to the question of what mediation in Yemen looks like today.[2] Mediation has always been about orchestration – two decades ago, in their seminal volume *Herding Cats: Multiparty Mediation in a Complex World*, Chester A. Crocker, Fen Osler Hampson and Pamela All recognised the value of "the mediator's dexterity with the materials at hand".[3] As Jeffrey Feltman argues elsewhere in these pages, there is much to be said for the equation of a mediator with an orchestra's conductor. But in the current environment of international, national and local fragmentation and multi-level external engagement, the orchestration of relationships with and inclusion of a wide array of actors has taken on new characteristics.

Mediators or envoys in strategic conflicts such as Libya, Syria and Yemen are faced with multiple demands and constraints, yet considerable latitude in the most critical issue of all: how they spend their time. The three UN envoys charged with leading these processes work under mandates of the Security Council, and the strategic direction of the Secretary-General. Yet in leading the peacemaking effort, they take daily decisions on what they will prioritise that have profound implications for the political direction and impact of their efforts.

These decisions span at least three areas: how to balance building relations with conflict parties with the necessity for diplomacy with regional and international actors; how to maintain attention to the central political conflict whilst also engaging on other vital, but more localised, issues; and how, and how much, to engage on the important question of inclusion. This is all in addition to the internal attention which needs to be paid to process design and preparation on a range of substantive issues including ceasefires, demobilisation and reintegration programmes, power-sharing arrangements, transitional justice or constitutional reform.

A mediator's personal involvement and credibility with the parties is essential to the kind of progress seen in reaching the Stockholm agreement on Yemen in December 2018 for example, where Griffiths' efforts were bolstered by the last minute presence of Secretary-General António Guterres. But such efforts, as those by the UN envoy Ghassan Salamé to mediate between Libyan Prime Minister Faiez Serraj and the National Army Commander Khalifa Haftar, and other less visible conflict prevention engagements, take place in parallel to quiet consultations with regional and other actors with leverage and a stake in the conflict as well as more public meetings. These include Security Council consultations; but also meetings in and around distinct negotiating fora such as the Astana process for Syria; or, in the case of Libya, ad hoc conferences in Paris and Palermo or interactions with the African Union and the League of Arab States. In each case, multiple agendas are at stake. Mediators will therefore be mindful of the risk that their efforts may be derailed, or the overarching effort undermined by competing processes.

A separate but related consideration is the balancing act between time spent on smaller, short term agreements (local agreements, humanitarian pauses or confidence-building measures) versus thinking and engagement on the central political process. Evolving military dynamics in Syria have, over the years, necessitated multiple points of focus for international efforts. More recently, in Yemen, time and effort spent forging and trying to implement a fragile agreement between local military actors in Hodeidah was imperative. But it was also in some respects both a distraction from the core conflict, and perilous: success rested on negotiations between military actors with great potential to spoil the outcome, and its travails held progress on the larger political process hostage.

What inclusion means in today's mediation processes deserves some pause. Research has drawn attention to the centrality of elite bargaining when stabilising violent conflict, as well as the need for a hard-headed look at the web of political, economic and predatory interests that together form what Alex

de Waal termed "the political marketplace."[4] Yet the dramatic combination of external and internal fragmentation in contemporary conflicts erodes the possibility of reaching agreement with political and military elites alone. It also informs a broad international consensus on the benefits of inclusion evident, for example, in the twin resolutions on "sustaining peace" adopted by the UN General Assembly and Security Council in April 2016.[5]

Significantly, the 2015 Sustainable Development Goals are anchored in a commitment to "leave no one behind." In 2018, the UN-World Bank study *Pathways for Peace* also put strong emphasis on inclusion as a tool for preventing conflict and building sustainable peace.[6] However, as Christine Bell has argued, there nonetheless remain practical and substantial differences among and between development actors, peacemakers and the human rights community on who is to be included, in what, and how.[7] Mediators have long recognised the benefits of inclusivity, but with important differences regarding the extent to which it applies to politico-military elites, whose commitment is required to stop the killing, or broader constituencies whose inclusion might contribute to the legitimacy and durability of an agreement but whose direct involvement the conflict parties frequently resist. Human rights defenders, meanwhile, emphasise norms such as equality and the need for group participation – most visibly that of women, but also other groups such as minorities, indigenous people and youth.

Mediators have adopted specific strategies to promote the inclusion of women when – as is frequently the case – the conflict parties themselves have not favoured either a prominent role for individual women within their delegations, or a means by which a broader range of voices can be heard within a peace process. In some instances, mediators have created access for existing structures (leading the mediation effort in Liberia in the early 2000s, the Economic Community of West African States (ECOWAS) included the Mano River Women's Peace Network as an observer to the talks). In others, they have established new mechanisms to access a diverse range of perspectives and advice. Notable in this respect were the efforts of the former UN envoy for Syria, Staffan de Mistura, who in early 2016 created both a Syrian Women's Advisory Board and a Civil Society Support Room with whom he engaged regularly and visibly throughout his tenure. Such inclusion mechanisms – replicated, with modifications, in Yemen with the creation in mid-2018 of a Yemeni Women's Technical Advisory Group – have been criticised for entrenching women's "second tier" participation in negotiations.[8] However, their potential to broaden the base of a political process if and when it advances is significant, especially when complemented by other forms of outreach and engagement.[9]

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Even in the absence of formal talks, an envoy's understanding of the conflict and legitimacy as an interlocutor will be enhanced by consultation with as wide a range of actors as possible. This point was underlined by de Mistura's successor, Geir O. Pedersen, who in his first briefing to the Security Council in February 2019 placed emphasis on the wide range of Syrians with whom he had already consulted, while underlining that "there will be no sustainable peace in Syria unless all Syrians are included in shaping the future of their country."[10] Delivering this in practice, in Syria as elsewhere, remains extraordinarily difficult. Demands for inclusion in the evolving peace process in Afghanistan, for example, come from women who fear the erosion of hard-won rights, but also youth, victims, representatives of affected regions, ethnic minorities and others.[11] Meanwhile, mediators will be acutely aware that, while necessary, inclusion in the absence of buy-in from national elites and their regional and international backers will not, on its own, bring peace.

Multi-level by design

Balancing the demands for diplomacy, interaction with conflict parties and the promotion of inclusion requires engagement by a mediator on multiple levels. The tools employed to maximise impact and promote coherence in the peace effort are varied and evolving, sometimes organically, and at other times within a more structured design. Few are the contemporary conflicts which are able to achieve the ordered, but nonetheless innovative, architecture that was seen in the Colombia process. This was facilitated by the "old world" nature of the conflict parties – a strong government and a revolutionary armed group which, after fifty years, had fought each other to an asymmetric stalemate – but also by an unusually supportive regional and international environment. And while both parties drew on advice and expertise from outside sources, they remained firmly in the driving seat in the design and management of a process that included public consultations with civil society actors across Colombia, the presence and voice of victims in talks in Havana, and a surprisingly effective negotiating sub-commission on gender.[12]

The UN has devoted much attention to peacemaking partnerships with regional organisations, especially in Africa, where partnership with the AU is of paramount importance. Long years of collaboration and support to ECOWAS' efforts at conflict prevention have borne fruit in West Africa; more recently the AU, the Organisation de la Francophonie, the Southern African Development Community and the UN worked together effectively to support a peaceful outcome to the November 2018 elections in Madagascar. Elsewhere, however, mediators of all kinds often lack the authority to manage regional and international actors even when the context demands a multi-level negotiation. A coherent and unified Security Council could mitigate this challenge, but is too frequently not available.

A number of Track 1 mediators have also embraced the possibility of partnerships with non-governmental organisations. These partnerships – sometimes formally co-ordinated, sometimes more loosely based on the exchange of information – have evolved with the ebb and flow of the individuals involved in conflicts from Afghanistan to Burundi, the Central African Republic, Mali, Myanmar, Somalia, South Sudan and Syria. Sometimes these partnerships have not developed at all, and the various levels of engagement have been at odds, if not in actual competition, with each other (Myanmar and Nepal have both seen particularly messy periods).

Collaboration between the UN and non-governmental actors varies across different conflict theatres, and within them, over time. Of late it has been particularly effective in Libya and Yemen, where non-governmental actors have facilitated the UN's engagement with fragmented conflict parties and other actors beyond its reach and the initiation of discussions on substance outside the framework of formal processes. In Libya, as Feltman describes in these pages, Salamé has used partnerships as a critical force multiplier in his efforts to strengthen the legitimacy of what he quickly determined must be "literally" a "Libyan-led and Libyan owned process."[13] Non-governmental partners – the Centre for Humanitarian Dialogue (HD), the Dialogue Advisory Group (DAG) and others – were able to engage in areas where the UN could not because years of work in the country had provided them with access and relationships it did not have, and because of the benefits that a degree of distance from the lead mediator can bring.

Meanwhile, after conflict surged in Yemen in 2014, UN envoys prioritised collaboration with the Berghof Foundation and International IDEA as a tool for building acceptance and understanding of potential areas of compromise, and (in collaboration with UN Women) to create dynamic mechanisms for women's input into the process. An early partnership with the Berghof Foundation was grounded in Yemeni networks that enabled the Foundation to organise a series of Track 2 events, frequently with the presence of officials from the UN's envoy's office. In late 2017, the Special Envoy – at the time Ismail Ould Cheikh Ahmed – and his team also began working with International IDEA. A series of "constitutional dialogues" organised by IDEA outside Yemen sought to bridge divisions on the country's future system of government and the structure of the state, and to build up a reservoir of knowledge and ideas to be drawn on by the UN as the possibility of a new political process took shape.

Elsewhere, fragmentation has been addressed by other means. In the Central African Republic, the UN has a large peacekeeping operation while the AU formally leads the mediation effort, engaging

with states from the region and with support from the UN. At the same time, HD (among other non-governmental actors, such as the Community of Sant'Egidio) has also been closely involved, providing advice to President Faustin-Achange Touadéra and armed groups. The AU-led talks in Khartoum in early 2019 built on several years of engagement by the UN and others, including the Government and religious leaders, with fragmented and highly asymmetric armed groups. Individual strategies – mixing dialogue with military pressure to reach local agreements on ceasefires, or issues such as access to a market or hospital – sought to create a more conducive environment for a national process between the Government and the fourteen formally recognised armed groups. They came together for the negotiations in Khartoum in February 2019 and were brought in to a new inclusive government the following month.

Moving forward: Youth, the economy (again), digital tools, and yet . . .

Looking ahead, as mediators confront a complex world with their own increasingly sophisticated responses, three challenges and opportunities stand out. The first is the engagement of youth – an increasingly large proportion of the population in conflict-affected countries, and an increasingly vocal peace advocate. The second is the broad range of issues associated with the economy, which remain too frequently neglected by mediators, as short-term political considerations crowd out longer-term economic needs. And the third is the rapidly evolving spectrum of digital technologies, which bring risks but also opportunities, that mediators are beginning to explore and develop.

The logic for including youth in peace processes is inarguable: if you want young people to be engaged in a peace effort – and you do because they represent a majority of the armed actors, a majority of the wider (and peaceful) populations in conflict-affected states, and the future rests in their hands –

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they need to be involved early and at multiple levels. In a paper prepared to inform the First International Symposium on Youth Participation in Peace Processes, held in Helsinki in March 2019, Ali Altiok and Irena Grizelj recognised that youth can be highly effective advocates for peace through mobilisation in the streets or on social media platforms, as well as when they are more directly engaged at the peace table ("if you want lasting peace, it won't happen without youth", one young Afghan woman told them).[14] Drawing on successful examples of youth involvement in Colombia, Somalia, the Philippines, South Sudan and elsewhere, Altiok and Grizelj highlighted the ability of young men and women to build relationships between "the formal and informal" in peace processes, and argued for them to be considered and included in formal peace architectures, in informal mechanisms as well as through alternative fora.

The challenge of aligning political and economic agendas in peace processes is an old one. After years of caution and intermittent engagement between the UN and the International Financial Institutions (IFIs), the benefits of collaboration – most clearly expressed in the increasingly close relationship between the UN and the World Bank in fragile and conflict-affected states – are evident to all. However, in practice there are still too few examples of the direct engagement of financial actors within a mediation process. One positive example was the Cyprus process that ended in 2017. IFIs, in particular the World Bank, worked very effectively with the UN to provide technical assistance to support the two communities in finding sustainable solutions to economic issues in a hypothetical post-settlement Cyprus.[15] In Libya, the UN Mission's central involvement in economic issues – extending from overseeing a politically sensitive audit of the Central Bank (after facilitating talks with a rival institution), to engagement with the IFIs, the European Union and others in efforts to foster a more transparent and resilient economy – has led it to take the unusual step of establishing a dedicated economic unit.

One set of actors recently identified as falling into a "blind spot" for most mediators is local business elites.[16] The potential benefit of business for peace-making and peacebuilding was illustrated in the early 1990s by the successful engagement of South African business groups in the dialogue that led to the country's National Peace Accord, and was later championed by former Secretary-General Kofi Annan as he proposed a "global compact of shared values and principles" to the World Economic Forum at Davos in 1999.[17] Mediation experts have also offered cogent analysis and advice on this subject.[18] However, as Josie Lianna Kaye argues, international efforts have been more effectively directed towards making "the business case for peace" than mediators have been ready to embrace what she terms "the peace case for business."[19] This would involve a deliberate effort to assess and calibrate the benefits of including pro-peace members of local business elites – many of whom have intimate understanding of what still functions within a conflict-affected state and what will be critical to its future prosperity – within their mediation strategies.

Underpinning all these issues is the rapidity of technological change. A newly-released Digital Toolkit for Mediation, prepared by the UN's Mediation Support Unit and HD in response to a request made by Secretary-General Guterres at the June 2018 meeting of his High-Level Advisory Board on Mediation, represents an initial attempt to assess the implications for mediation of growing connectivity and reliance on digital technologies.[20] Drawing on a survey of mediators and brief case studies, it offers tools and advice on the many opportunities, as well as the risks, that new technologies offer mediators and their teams. Common features of peace processes today include data breaches; leaked information; monitoring and surveillance; intense scrutiny on social media; misinformation and disinformation; and competition, disruption or control of crucial internet resources. Conversely, new technologies offer mediators a range of tools – from social media to geographic information systems and data analytics – to increase their understanding of the conflicts they are engaged on, and new ways to communicate and consult with conflict parties and other stakeholders.

The Toolkit is deliberately modest in scope and anchored in the well-worn, human-centered prin-

ciples that guide effective mediation. But the practices it describes – HD's innovative work in Libya in support of the UN's efforts towards a National Conference, or its application of the Live Universal Awareness Map (Liveuamap) to its work in Syria; UN tools and projects such as efforts to build a machine-learning based system for detecting and analysing public opinion in the Arab world, or social media and radio monitoring in Uganda and Somalia; women's digital inclusion in the constitution-making process in Fiji in 2012; the risks in some situations of using any digital or electronic device for fear of imperiling the lives of interlocutors – suggest a wide range of possibilities for exploration, and add new layers of complexity with which mediators are working.

Moving forwards, the challenges mediators face remain daunting. Avenues for response are visible, but questions regarding hard politics and diverging interests at the national, regional and international level, remain. We need more, and better, process design for the kind of multi-layered mediation efforts required by multi-layered conflict. We need to pay further attention to inclusion of all kinds – involve more armed actors and regional players, more women, more youth, pay more attention to the local and to other excluded minorities and constituencies, but also to business actors – and mediators need to recognise that the impediments to reaching durable peace place a premium on incremental processes and a long term perspective. As the logical conclusion to this ambitious list, we need more mediators – men and women – with the skill, stamina and imagination to thrive in their almost impossible assignments. However, we must also recognise, openly and honestly, that in the absence of leadership from, and hard decisions by, political and military elites amongst conflict parties and those who support or might hold advantages over them, the sustainable peace that populations demand and mediators pursue will remain beyond our reach.

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Endnotes

1   The views expressed in this paper are those of the author and do not reflect the views of the United Nations.

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13   Oslo Forum Interview, "Exiting Chaos: Ghassan Salamé reflects on peacemaking", Centre for Humanitarian Dialogue, June 2018.

14   Ali Altiok and Irena Grizelj, "We Are Here: An integrated approach to youth inclusive peace processes", Background paper for the First International Symposium on Youth Participation in Peace Processes, Helsinki, March 2019, p.33.

15   United Nations, General Assembly, *Report of the Secretary-General on his mission of good offices in Cyprus,* S/2017/814 (28 September 2017), p.8. Available at: https://undocs.org/S/2017/814. Another good practice was the assignment of a World Bank official as an adviser to the UN envoy for Yemen between 2014 and 2017.

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