Teaching Package for GSUM course on

INTERNATIONAL MEDIATION: ACTORS AND PROCESSES

Sara Hellmüller, swisspeace
The Global South Unit for Mediation (GSUM) is a learning, research and training platform focused on international mediation. The Unit will promote the diffusion of knowledge and expertise among scholars, diplomats, governmental officials and non-governmental actors from the Global South. The GSUM is the result of a partnership between the Institute of International Relations of the Pontifical Catholic University of Rio de Janeiro (IRI/PUC-Rio), the BRICS Policy Center, and the Royal Embassy of Norway in Brazil.

Teaching packages are comprehensive teacher’s guides prepared by renowned specialists addressing important topics of the contemporary international mediation agenda. Each Teaching Package covers five lessons and aims to assist academics and professionals interested in teaching classes on the following topics:

• Conflict Resolution and mediation as a field of study and practice
• Actors and Processes of Mediation
• Mediation and the United Nations System
• Mediation and the Global South
• Gender and Mediation
• Elements and Reflections on Success, Failures, and Lessons Learned

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About the Author

Sara Hellmüller has a PhD in Political Science from the University of Basel. Her doctoral research focused on how the interaction between local and international peacebuilding actors in DR Congo influences the effectiveness of their programs. In 2013, she was a visiting scholar at the Saltzman Institute of War and Peace Studies at Columbia University, in New York, and an affiliate doctoral student at the University of Bunia in Ituri (DR Congo). Sara joined Swisspeace in December 2009. She currently works as a researcher and program officer in the Mediation Program, is the Swisspeace research coordinator, and is also the regional focal point for Syria. Before joining Swisspeace, she was a trainee at the United Nations Development Program in eastern DR Congo, the Swiss Embassy in Abuja and at local NGOs in Mongolia and South Africa. She holds her first MA in International Relations from the Graduate Institute of International Studies in Geneva and a second MA in Law and Diplomacy from the Fletcher School at Tufts University, in Boston. Sara has a Certificate in Mediation from Mediation Works Incorporated in Boston.
1. Course Description

Context

Mediation has become a highly popular tool for the peaceful resolution of conflicts over the past 25 years. In 2006, more than 60 percent of armed conflicts ended in a mediated settlement (Human Security Brief, 2006). The UN Charter provides the framework for international peace mediation. Article 2, §3 requires member states to settle disputes by peaceful means and article 33 similarly holds that states are required to peacefully settle their disputes if their continuance is likely to threaten international peace and security. Mediation is mentioned as one possible way of doing so. The concept of ripeness helps us in determining whether mediation is the right approach in a given moment. It is useful to determine whether conflicts are 'ripe' to be mediated or whether other approaches might be more appropriate.

Different actors are included in a mediation process. All the main conflict parties and those affected by the conflict are usually represented at the negotiating table. On the mediator’s side, four main groups of actors engage in international peace mediation. First, states such as Norway, Switzerland or the USA have repeatedly offered their good offices or mediation. Switzerland has for instance made mediation an important pillar of its foreign policy. It has supported mediation processes in two main ways: either as a host or by directly mandating mediators. As a host, Switzerland has held numerous meetings, including talks between various governments and rebel groups, from countries such as Indonesia, Spain and Sri Lanka and most recently for Syria. At the same time, Switzerland has also mandated mediators in processes such as Colombia, Sudan, Sri Lanka, Uganda and Nepal.

1 “The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice”.
Second, NGOs such as the Centre for Humanitarian Dialogue, the Conflict Management Initiative and swisspeace have also played important roles in mediation and mediation support, for instance in Aceh, Nepal, Myanmar and the Philippines. They have the advantage of being highly flexible and able to engage in a discreet manner often behind the scenes and already early on in a conflict. This makes them an appreciated mediator or mediation support actor in case the conflict parties are reluctant to engage with official actors or if there is a specific need for training and capacity-building.

Third, regional organizations also play an increasingly important role. Actors like the Organization for Security and Cooperation in Europe (OSCE), the European Union (EU), and the African Union (AU) have all strengthened their mediation capacities in the recent past. The AU for instance can either directly mandate mediators or engage in co-mediation with partners, such as the UN or other regional organizations in Africa. In 2002, they formed the Peace and Security Council specializing in promoting peace, security and stability on the African continent. It was also decided that mediation would be the first tool to address threats to peace (Govender and Ngandu, 2009). Thus, the AU therewith received its formal mandate to engage in mediation (Nathan, 2007: 11). It has been involved in the mediation of numerous conflicts in Africa including Sudan, DRC, South Sudan and Somalia.

Finally, the United Nations is also an important actor in mediation. The UN has mandated mediators in numerous conflicts (Mason and Sguaitamatti, 2011: 18-20). It was or still is for instance in the lead in mediation processes in Afghanistan, Angola, Bougainville, Georgia, Haiti, Nepal, Syria and Western Sahara. In other cases, it teamed up with partners, such as in Burundi, Cambodia, DRC, Somalia, Sudan and Uganda. The UN enjoys specific legitimacy to mandate mediators based on its almost universal membership as well as on its charter. Most often, mediators are mandated by the Secretary-General as Special Representatives or Envoys. The UN has also set up a Mediation Support Unit which supports mediators through training, guidance, research and institutional knowledge.

Alongside these actors on the international level, insider mediators have also come to play an increasingly important role. They engage on the local level mediating conflicts in society. It is highly important to link their efforts with the initiatives at the international level and to generally coordinate the ‘crowded
field' of mediation actors in order to ensure that all processes converge towards sustainable peace.

With the growing demand and offer for mediation, more attempts have also been undertaken at professionalizing the field and questions have come up on how to assess success and failure of international peace mediation. The UN Guidance for Effective Mediation adopted in 2012 is an example of a growing normative framework for mediation aiming to increase the effectiveness of mediation processes (United Nations, 2012). It provides guidance on how to respect eight fundamentals when conducting mediation, amongst them national ownership, consent and international law. Most importantly, policy-makers, advocacy groups as well as researchers have persistently made a call for more inclusive peace processes. There is therefore a strong push to move mediation engagements away from deal brokering between political and military elites more towards inclusive dialogues involving larger segments of society. Therefore, National Dialogues have become an important approach to make peace processes more inclusive. They are not necessarily seen as a substitute for mediation, but as a more inclusive variation of it.

Definition

Mediation can be defined as “a process whereby a third party assists two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements” (UN Guidance for Effective Mediation, 2012). It is a form of peaceful settlement of conflicts as foreseen by article 33 of the UN Charter.

Academic and policy literature

There is a wide academic and policy literature on mediation. Some studies focus on context factors that are not necessarily in the realm of influence of a mediator, but rather describe the parameters within which mediators act and how they can assess the situation. An example are publications on the ripeness of conflicts developed by William Zartman (e.g. Zartman, 1985). Other authors
have assessed process factors. These studies shed light on how different tactics and strategies that mediators use affect the outcomes of their efforts to manage conflict (Mandell and Tomlin, 1991: 44; see also Bercovitch and Wells, 1993; Posthuma et al., 2002; Crocker et al., 2004; Beardsley et al., 2006). Different policy-related publications have also analyzed lessons learnt from previous mediation processes looking at specific case studies (e.g. Nathan, 2013; Gaston, 2014).

**Course Overview**

The course will introduce the main actors and processes involved in international mediation. It will first clarify definitional aspects on what mediation entails, how it works (roles of mediators) and when it is appropriate as a tool to settle conflicts (ripeness). It will then also analyze who the actors are, what motivates them and what their comparative advantages are. Finally, it will assess how to measure success and failures of international peace mediation and analyze current trends in the field.

On the first day, we will define mediation and distinguish it from other forms of peaceful settlement of conflicts, such as arbitration or direct negotiations. We will see how definitions may vary from one institution or author to the other and what they have in common. Then, we will ask how mediation is conducted and what different roles a mediator can have (facilitative, procedural, directive). The case study of the Democratic Republic of Congo will provide insights into how a mediation process is managed in practice.

The second day will be devoted to the concept of ripeness developed by William Zartman. Mediation is not the best form for a peaceful settlement of a conflict in every situation and at every point in time. There might be moments in which another instrument might be more promising. The concept of ripeness helps us to assess when a conflict is ripe to be mediated and options for mediators in case the conflict is not ripe (e.g. shuttle mediation). The concept will be illustrated in an exercise on the Syrian case.

On the third day, we will assess the actors in international peace mediation. We will look at the mediation arena and analyze who is involved in mediation on
the side of the conflict parties and the population as well as on the side of the mediators and their mandate-givers. We assess the motivations of mediators and their respective comparative advantages as well as limitations. At the same time, we also draw attention to the fact that mediation has become “a crowded field” and ways to better coordinate different actors in order to avoid duplication and competition and promote cooperation.

The fourth day will be used to look at current trends in mediation. The question we will ask is what impact mediation has: what are the success and failures of different mediation processes and how can we measure them? Related to this is the growing normative framework. In this regard, we will assess the role of different norms and standards (human rights, transitional justice, and gender equality) and inquire how the role of the mediator has changed given the growing normative framework.

On the fifth day, we explore different models of inclusion and their relative benefits. Then we will assess National Dialogues as an approach to ensure inclusivity and ownership in peace processes. We will look at them in terms of mandate, agenda setting and participation. Yemen will be taken as case study to analyze National Dialogues in practice.

2. Prior knowledge requirements

No prior knowledge on actors and processes in international mediation is required for the course. Students of political science, international relations or peace and conflict studies will already be familiar with some of the topics, but this background is not a requirement for the course. The main requirement is active participation and good preparation of the students by doing the indicated reading.
3. Aims

Goals

The course has three main aims:

1. Provide students with a basic understanding of the main definition of mediation and how it has historically developed; of the main actors and practices in international peace mediation; and of current trends and new developments in the field.
2. Convey to students an understanding of the complexity of international peace mediation and the debates around different processes.
3. Equip students with some skills in terms of analyzing the ripeness of conflicts, categorizing different norms, debating about key issues, and assessing actors and models of inclusion.

4. Course Breakdown

Day 1: Definitions - the ‘what’ of international peace mediation

Session 1

Topics: Definition and key characteristics of international peace mediation and distinction from other forms of peaceful settlement of conflicts, such as arbitration or negotiation.

Questions: What is international peace mediation? How do different institutions and authors define it? What are the main characteristics of it? How does it relate to other forms of peaceful settlement of conflicts and how is it embedded in the international legal architecture?
Exercises:

1) Chair exercise illustrating the “messiness” of international mediation.
2) Present to students different definitions from policy and literature and work out the key characteristics of mediation.

Key texts:


Handout Chair Exercise, prepared by swisspeace.

Session 2

Topics: The different roles of a mediator and styles of mediation (directive, facilitative, procedural) illustrated with the examples of Norway in Sri Lanka, Jimmy Carter in Camp David and Richard Holbrooke in Dayton.

Questions: What are the different roles of a mediator? What different styles can he or she use to help end a conflict? What essential characteristics should a mediator have? What are counterproductive attitudes or approaches of a mediator?

Exercise:

Buzz group discussion about what style is most appropriate in which situation.

Key texts:


Session 3


Questions: What does mediation look like in practice? How was the DRC conflict mediated? How was the process structured? Who mediated and how? What has worked and what has not worked? What are the outcomes of a particular mediation process?

Key text:


Day 2: Definitions - the ‘when’ of international peace mediation

Session 1

Topics: Conflict analysis for mediation and ripeness of conflicts.

Questions: What conflict analysis is useful for mediators? How can they best analyze a conflict? When is a conflict ripe to be mediated? How can ripeness be assessed?
Key texts:


Briefing Note on Conflict Analysis and Ripeness for Mediation, prepared by Laurie Nathan for the UN High Level Mediation Course.

Session 2

Topics: The mediator as a ripener and shuttle mediation.

Questions: What can be done in case a conflict is not ripe to be mediated? How can mediators contribute to ripen the conflict? What is shuttle mediation? When can it be used?

Key text:

Briefing Note on Shuttle Mediation, prepared by swisspeace for the UN High Level Mediation Course.

Session 3

Topics: Case study of the Syrian conflict: ripe for mediation?

Questions: Is the Syrian conflict ripe to be mediated according to the three conditions? What can be done to ripen it?

Exercise:

Make 3 groups. Each group discusses the conflict in Syria with regard to one of the three conditions of ripeness. They present and discuss their findings in plenary.
Day 3: Actors - the ‘who’ of international peace mediation

Session 1

Topics: Different actors in a peace process (conflict parties, civil society, intransigent actors, ...).

Questions: What are the actors in a peace process? Who needs to be included? How to include them?

Exercise:

Actors mapping on a given conflict. Students choose a conflict they are familiar with and apply the mediation arena to the specific case (Who is the mandate-giver? Who is sitting at the table? What constituencies do they represent? Who are potential intransigent actors? etc.)

Key text:

Handout Mediation Arena, prepared by swisspeace.

Session 2

Topics: Different actors doing mediation (states, NGOs, insider mediators, international and regional organizations).

Questions: Who are the different actors in mediation? What are their comparative advantages? What are their main motivations?

Exercise:

Every group chooses a mediation actor and discusses 1) the main motivations of their actor to mediate, 2) the comparative advantage of their actor as well as 3) potential limitations of their actor. They present their findings on a flip chart in plenary.

Key text:


Session 3

Topics: Coordination of a crowded field.

Questions: How to coordinate different mediation actors? What are the positive and negative consequences of competition? What drives competition? What are options for coordination? What attempts are currently undertaken for a better coordination?

Exercise:

Buzz group discussion on pros and cons of different models for coordination.
Day 4: Development and trends of international peace mediation

Session 1

Topics: Assessing success and failure of international peace mediation.

Questions: What counts as success and what counts as failure in international peace mediation? How are success and failure measured? How can harm be avoided?

Key texts:


Session 2

Topics: The role of norms in international peace mediation (e.g. UN Guidance for effective mediation).

Questions: What is the normative framework for mediation? What guidance does the UN give in terms of norms in mediation?
Exercise:

Divide class into 8 groups. Every group is assigned one fundamental of the UN Guidance. They discuss the following questions 1) what are the strength of integrating this fundamental into guidance for mediators, 2) what are potential limits of it, 3) is anything missing or superfluous?. They present their findings in plenary.

Key text:


Session 3

Topics: The role of norms in international peace mediation (e.g. UN Guidance for effective mediation).—continued.

Questions: What norms are promoted by mediators, mandate-givers or the parties? How can the norms in international mediation be categorized and prioritized? Should mediators be norm entrepreneurs?

Exercise:

Make two groups. They will have 15 minutes to prepare. One group argues for a stricter normative framework and the importance of a mediator to promote norms. The other group argues for a less strict normative framework in mediation and the importance of protecting the mediation space. The instructor moderates the discussion.

Key text:

Day 5 - Development and trends of international peace mediation

Session 1

Topics: The norm of inclusivity and broadening participation in peace processes.

Questions: How can participation be broadened in peace processes? What kind of models can be used to broaden participation? What are the benefits of different models?

Exercise:

Group work on different models of inclusion. Each group is assigned one model and discusses the 1) strength, 2) limitations, 3) examples. They present their findings in plenary.

Key text:


Briefing Note on Inclusivity in Peace Negotiations and Implementation: Lessons for mediators, prepared by Thania Paffenholz for the UN High Level Mediation Course 2014.

Session 2

Topics: National Dialogues.

Questions: What are National Dialogues? How do National Dialogues relate to mediation? How are National Dialogues organized? Who gives the mandate? Who sets the agenda? Who is invited to the National Dialogue? What are factors of
success and failures of National Dialogues?

Key text:


Session 3

Topics: The National Dialogue in Yemen.

Questions: How was the National Dialogue in Yemen organized? Who gave the mandate? Who set the agenda? How were participants selected? What constituencies were represented and how? What are factors of success and failures in hindsight? – continued.

Case study:

How was the National Dialogue in Yemen organized? What worked? What did not work?

Key text:


5. Teaching Methods and Materials

Theoretical inputs and presentations will be illustrated with specific case studies as well as exercises. The course seeks to promote interactive learning based on continuous engagement of students and exchanges in the classroom.
6. Additional Readings

General


Process design


Assessing outcomes


Actors


References


