

When Is Mediation Ripe and Who Makes the Call?

Kluwer Mediation Blog
February 26, 2012

Kenny Aina (Aina Blankson LP)

Please refer to this post as: Kenny Aina, "When Is Mediation Ripe and Who Makes the Call?", *Kluwer Mediation Blog*, February 26, 2012, <http://mediationblog.kluwerarbitration.com/2012/02/26/when-is-mediation-ripe-and-who-makes-the-call/>

Globally, the political landscape is currently heated up and does not seem to be abating soon! All but two of the permanent members of the United Nations Security Council are gearing up for leadership changes this year and the pressure of election almost dictates the world's socio-political space. China is in a transition with leadership changing next year. The Arab Spring of last year seems unabated with a strong call for regime change in Syria amid heavy fighting. Iran's nuclear program has become a sore nerve with the ever present possibility of a military resolution either from the United States and its allies or Israel. The Middle East peace process is in a near limbo after some steps towards progress and the Americas continues to groan under the weight of drug battles. The economic woes of Europe take on political dimensions as the masses revolt against measures introduced by the authorities to strengthen fiscal responsibility within the region. Points of real and possible conflicts dot the world's global space and threaten to destabilise nations and indeed the entire world. Where then is the place of the mediator or mediation in this process.

As the political tensions increasingly dominate international life, actors in the field, whether state or non-state have a responsibility to address this situation and ensure less adversarial means or speech in seeking to promote their cause. At the national level, this approach was particularly employed by Negotiation & Conflict Management Group (NCMG) during the last general elections in Nigeria where we put up a 'Peace Pledge' for all sides in the political equation. The Peace Pledge is a commitment to promote peace in the process of electioneering.

While the Peace Pledge is not legally binding on the parties or pledgers, it provides a strong moral commitment to the citizens, international community and other stakeholders to which a candidate, party or supporter can be held accountable. Our experience was that the parties were indeed interested in signing up to these pledges especially since their commitment was praised publicly through local and internet media which served as soft free campaign. It is no surprise therefore that election violence and litigation in Nigeria fell by almost 75% in the last general elections. Praise for this must also particularly go to the national electoral commission which agreed with us that the most important way to reduce post election litigation and conflict was through the conduct of credible elections. Also, the media's commitment to employ non inflammatory language in their reporting can be credited for the outcome witnessed.

Despite the above, there are times in election matters where there is a tie or such close calls that neither party can be justifiably declared the winner. There are also situations where existing demographic and/or historical conditions make it inequitable for majority rule to be accepted simpliciter. At this point there may be need for negotiations in order to find a way forward for the good of the entire country. Examples of this abound in Kenya, South Africa, the United Kingdom and Australia. Again, in this regard, a major attempt was made in Nigeria to forestall violence with the establishment of the Eminent Persons Group (EPG) which was comprised of several respected individuals drawn from various sections of the country based on their integrity and track record to serve in as possible mediators should major electoral disputes ensue from the elections. While this proactive arrangement was almost not required because of the success of the elections, its relevance cannot be overestimated and has indeed been successfully employed in quelling political disputes in several countries though the titles may change.

On the whole, I believe the above model is adaptable in national and international political life, particularly in the face of all the changes in nations, regions and indeed globally, I cannot but hope too that effective conflict management and resolution systems are deployed to ensure stability and progress to be experienced for the citizens of the world.