
Kluwer Mediation Blog

Engineering Peace: Achieving the promise of mediation in the world's most difficult conflicts

Nadja Alexander (Editor) (Singapore International Dispute Resolution Academy) · Saturday, August 17th, 2013

This is the first of a series of four blog postings written by *Nadja Alexander*, *Michael Leathes*, *Tina Monberg* and *Irena Vanenkova*.

Achieving the promise of mediation in conflicts that threaten the stability of societies and economies is one of the most important challenges of our time. Inspiring progress has been made in the past few years by the UN, and political leaders increasingly perceive mediation as vital for avoiding and resolving conflict at all levels in society, worldwide. Yet in individual cases mediation is rarely used as an avoidance and prevention process, and left until conflicts have escalated to the point that achieving a timely negotiated outcome, or avoiding a catastrophe, is virtually out of reach.

Progress in Thought Leadership

Under Secretary-General Ban Ki-moon, the United Nations is refocusing its role from peace keeping to peace making and has consequently been strongly supporting and endorsing mediation as a practical solution to conflict.

On 8 April 2009, the Secretary-General's report to the Security Council on Enhancing Mediation and its Support Activities (S2009/189) had emphasized the importance of building local, national and regional capacity for mediation and the need for coherent partnerships between the UN, regional and sub-regional organizations, States and NGOs.

Encouraged by this, conflict resolution experts from around the world, led by Mediators Beyond Borders and co-bloggers Tina Monberg and Irena Vanenkova, attended the UN Climate Change Conference (COP15) in Copenhagen in December 2009 to advocate for the inclusion of language recommending mediation as an option to facilitate problem-solving and conflict transformation under the UN Framework Convention on Climate Change. Ironically, COP15 was characterised by such a high level of contention and disagreement that delegates failed to agree on most things, not least the inclusion of dispute resolution processes, and the Copenhagen Accord failed to achieve a game-changing result or even reach a legally-binding status.

In September 2010, the Governments of Finland and Turkey convened a Group of Friends of Mediation at the United Nations. The aim, as summarized by Finnish Foreign Minister Erkki Tuomioja, was "(a) to raise awareness within the international community of the importance of

mediation as a means of conflict prevention and resolution; (b) to help build mediation capacity and expertise both within the UN and also in regional organizations, which are often most well-placed to assume such a mediating role in their own area of responsibility; and (c) to enhance the level of coordination among different actors of mediation to minimize unnecessary duplication and complications”. The Group of Friends of Mediation currently comprises 37 UN Member States plus 7 regional multilateral organizations – the African Union, ASEAN, Arab League, Organisation of Islamic Cooperation, European Union, Organisation for Security and Co-operation in Europe and Organization of American States

On 28 July 2011, the UN General Assembly adopted a Resolution on Strengthening the Role of Mediation in the Peaceful Settlement of Disputes, Conflict Prevention and Resolution (A/RES/65/283) . It requested the UN Secretary-General to issue a report on the implementation of the Resolution. The Secretary-General’s Report was issued in June 2012 (A/66/811) and included as an Annex the UN Guidance on Effective Mediation prepared by the UN’s Department of Political Affairs.

On 13 September 2012, the Group of Friends of Mediation issued a Statement supporting the “promotion of contacts and links between mediation communities and networks as essential in order to improve the coordination and cooperation, and to address the challenges of a diverse and crowded field of mediation”.

These developments at UN level indicate a fast-growing interest in, and desire for, peace mediation on a truly global scale. This is backed up to some degree by initiatives on the ground. Mediation, in various forms and guises, has been used to achieve a number of peace agreements under the auspices of UN and other regional organisations such as the African Union, Arab League, ASEAN, EU, OSCE and independently by Sovereign States. Notable examples are Kosovo independence and the recent co-existence agreement between Kosovo and Serbia, and dispute settlements in Libya, Northern Ireland, Egypt, Namibia, Iraq, Sudan, Aceh and many others. Remarkable people have been involved as mediators, mainly former political and religious leaders and diplomats. In many, though not all, of these instances, the “mediator” represented a party with a stake or interest in the outcome – a party that may be considered “partially impartial” or “semi-neutral” and in a position to exert leverage on the parties. This is not what most people understand by “mediation”, but is often referred to as such .

And therein lies the largest and least-recognised challenge. People often miss the true value of mediation because they do not understand it properly. Many think that by mediating they somehow lose a degree of “sovereignty” and “control” over the matter. Actually, the reverse is invariably achieved: mediation frees the parties to be better and stronger negotiators and to control their own outcome, not have someone else do that for them. This natural misconception of the nature and operation of mediation results in too many parties turning to mediation only when their conflict has escalated to the point that it is a last resort, often proposed by an exasperated third party desperate to see peace break out instead of war. So, in almost all cases, mediation comes about very late in the life cycle of the conflict, long after substantial direct and collateral damage has been done and much blood has been spilled. Mediation offers most value when employed as soon as negotiations run into difficulty and would be more often used for conflict avoidance and prevention purposes, rather than dispute resolution, if it were better understood.

This leads to the important question: can the increased level of interest and desire for mediation on the global level be readily implemented in practice so that mediation is used far more often, and at

much earlier stages in intractable, complex and often violent conflict?

In tomorrow's blog we look more deeply into this question.

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