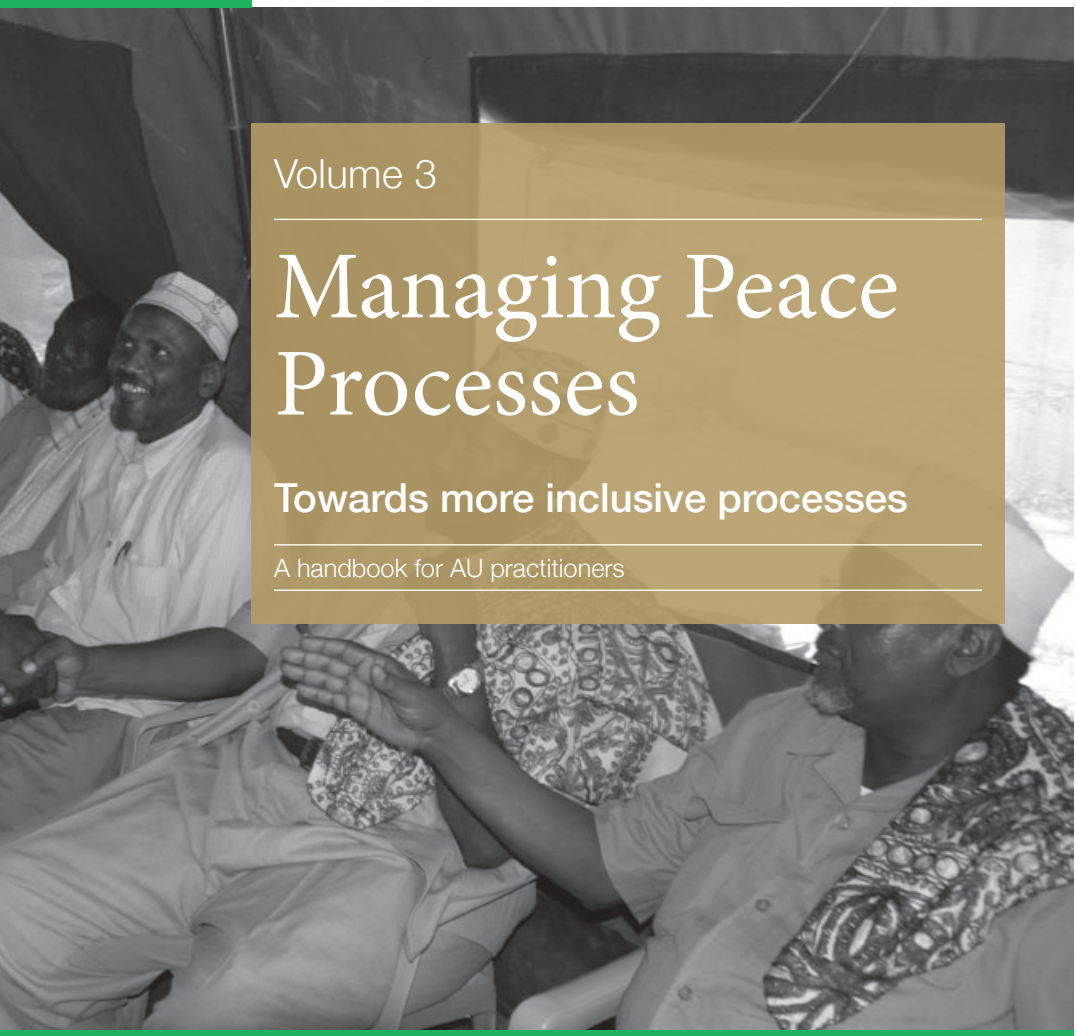

Volume 3

Managing Peace Processes

Towards more inclusive processes

A handbook for AU practitioners

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Foreword

The African Union (AU) was borne out of the collective will of its Member States to deepen and consolidate peace, security and development throughout the continent. The promotion of peace and security by the African Union is underpinned by a comprehensive approach that promotes tackling the root causes of conflict. This approach is based on good governance and the rule of law, respect for human rights and poverty alleviation.

On this basis, the OAU Mechanism for Conflict Prevention, Management and Resolution was established in Cairo in 1993 to pave the way for more effective approaches to conflict resolution on the continent. In addition, the establishment of the Peace and Security Council in Durban in 2002 gave the AU a dedicated framework for undertaking its work on conflict prevention and resolution: the African Peace and Security Architecture (APSA). The Architecture has the Peace and Security Council (PSC) as its key pillar, supported by the African Standby Force (ASF), the Continental Early Warning System (CEWS), the Panel of the Wise and a Peace Fund.

Over the past few years, the AU has decided to put in place tools and procedures for its staff and Envoys to learn better from the past experiences of the AU, and others, in peacemaking and conflict prevention. In line with such commitment, we have worked with member states, partner organisations and other regional and multilateral bodies to promote information sharing to the benefit of our staff and Envoys. Case studies have been compiled, rosters are being developed, joint planning and learning sessions are continuously being held, and Standard Operating Procedures for mediation support as well as a knowledge management framework are now in place.

The present handbook contributes to this ongoing effort. Peace processes are challenging and long term and the AU, like others, has had to struggle continuously to keep some of these processes on track, open new paths of dialogue among conflict parties, devise confidence-building measures, mediate once conflicts have broken out, and assist in the implementation of peace agreements.

I warmly encourage all my AU colleagues involved in peacemaking to read this handbook which, I am confident, will contribute positively to our work. In the process leading to its publication, prominent authors and experts have compared notes and engaged in passionate debates to provide us with practical analysis and comparative expertise related to the management of peace processes. The handbook tackles difficult questions that each of our colleagues involved in peace talks must grapple with at one point or another. Divided into thematic and process chapters, illustrated by practical and recent examples, this handbook seeks to provide African peacemakers with reference material, as they search for ever-more creative and efficient African solutions to African problems.

Ambassador Lamamra
AU Commissioner for Peace and Security

Contents

Chapter 1: Engaging with armed groups 13

1.1 Introduction 13
1.2 Why engage? 14
1.3 Engagement by whom? 20
1.4 Identifying challenges and risks 23
1.5 Options 32
1.6 Conclusions 36

Chapter 2: Broadening Participation in Peace Negotiations 39

2.1 Introduction 39
2.2 Who could participate in mediation processes? 40
2.3 Why broaden participation? 41
2.4 Challenges 45
2.5 Models of inclusion: Options for mediators 49
2.6 Conclusions and suggestions for mediators 61

Chapter 3: Including women and gender perspectives in peacemaking 65

3.1 Introduction 66
3.2 Women and Peace and Security: framing the discourse and defining key concepts 68
3.3 The state of play 75
3.4 Options and tools for mediators and peace process support actors 84
3.5 Conclusion 90

Chapter 4: External actors in mediation 95

4.1 Introduction 95
4.2 Whose mediation? 96
4.3 Identifying challenges and opportunities 99
4.4 Options 103
4.5 Suggestions for mediators 109

About the authors 112

Further reading 116

Endnotes 122

Introduction

This mediation handbook builds upon the African Union's increasing recognition of the need for peacemakers throughout the continent to have easy access to comparative experience. The present handbook is part of the AU's efforts to address such a gap, and compiles material focusing on key issues that mediators encounter in their work.

Selected chapters of this handbook have been the object of passionate debates. How to move away from a normative approach? How to be comprehensive yet make information accessible in a concise format? How best to combine policy and practice to come up with practical, actionable advice?

The AU mediation handbook has sought to answer these questions and more in three volumes. Volume I examines process questions, while volume II looks at thematic areas. This present publication is the last of three volumes and focuses on how to make peace processes more inclusive. In each volume, selected chapters look at a distinct aspect of peace-process management. Written from the point of view of a mediation team, the chapters discuss practical challenges peacemakers face, as well as some options at their disposal. They further build on short case studies and reference material specific to each given topic.

This third volume of the African Union mediation handbook gathers chapters written by individuals who are equally good thinkers and practitioners: the authors Teresa Whitfield, Thania Paffenholz and Antonia Potter.

Chapter One, written by Teresa Whitfield, focuses on practical challenges and options in engaging with armed groups. It has benefited from inputs from Barney Afako, Hiruy Amanuel, Luc Chounet-Cambas, David Gorman, Romain Grandjean, Tom Gregg, Martin Griffiths, Priscilla Hayner, Nicholas Haysom, Theo Murphy, Katia Papagianni, David Petrasek, Jonathan Powell, Kieran Prendergast and Francesc Vendrell. An earlier version of this chapter appeared in the Centre for Humanitarian Dialogue's Mediation Practice Series.

Chapter Two focuses on how best to broaden participation in peace processes. Produced by Thania Paffenholz, it has been subject to lively discussions at a number of events including the Oslo forum (June 2011), the Africa Mediators' Retreat (November 2011) as well as seminars at Conciliation Resources in London (November 2011) and at the Norwegian Ministry of Foreign Affairs (December 2011). The data gathered for the case studies stem from the author's previous work under the 'Civil Society Peacebuilding Project' (Paffenholz, 2009 and 2010) as well as many interviews including with Michael Alar, Luc Chounet-Cambas, Jonathan Cohen, Jon Hanssen-Baur, Kristian Herbolzheimer, Meredith Preston McGhie, Ciaran O'Toole, Claudia Simons, Christoph Spurk, George Werner and Franziska Zanker. The author also thanks Natasha Mahendran for her assistance. Antonia Potter, the author of Chapter Three on women and gender in peace processes, would like to thank the many people who contributed ideas, comments, time and other support to this publication. These include the formal, and extremely helpful, reviewers: Mavic Cabrera-Ballezza, Vidar Helgesen and Irene M Santiago. In addition, thanks go to Belle Abaya, Jean Arnault, Sabina Avasiloae, Guy Banim, Barbara Brank, Cate Buchanan, Luc Chounet-Cambas, Asha Hagi Elmi, Rahel Fischer, Jasmine Galace, Rachel Gasser, Susanne Gentz, Cody Griggers, Carl Tomas Henning, Bela Kapur, Ursula Keller, Renate Korber, Ellen Margrethe Løj, Lira Low, Rita Manchanda, Ian Martin, Jane Morrice, Joyce Neu, Beatrice Nzovu, Thania Paffenholz, Katia Papagianni, Giulia Pasqunielli, Frances Marie Yasmine Piscano, Jonathan Prentice, Meredith Preston McGhie, Fleur Ravernsbergen, Tamrat Samuel, Christine Sandstrom, Matthias Siegfried, Jolynn Shoemaker, Gina Torry and Fredrik Wesslau.

Chapter Four, by Teresa Whitfield, draws on research conducted for the author's book, 'Friends Indeed? The United Nations, Groups of Friends, and the Resolution of Conflict' (Washington DC: United States Institute of Peace Press, 2007). An earlier version of this chapter appeared in the Centre for Humanitarian Dialogue's Mediation Practice Series.

Our gratitude goes to additional mediators and experts whose comments, advice and reviews were drawn upon in the preparation of specific chapters: Chester Crocker, Brian Currin, Sherwin Das, Malik Dechambenoit, Kenny Gluck, David Gorman, Kristian Herbolzheimer, Britta Nicolmann, Cynthia Petrigh, Oury Traore, Francesc Vendrell and Oliver Wills.

This handbook could not have been made possible without the support of the HD Centre over the past two years: Stine Lehmann-Larsen who mobilised resources to make this and other projects possible; Luc Chounet-Cambas who edited the handbook; Katia Papagianni who came up with the original concept; their colleagues from the regional office in Nairobi; our African Union colleagues who supported them in this endeavour, Yvette Ngandu and Lulit Kebede; language editors Nina Behrman and Joy Taylor, Francois-Xavier Bernard and his team for the French translation, and Nicolas Ducret for the design and layout.

Mr El Ghassim Wane
Head, Conflict Management Division

Chapter 1 :

Engaging with armed groups

Teresa Whitfield

1.1 Introduction

As mediators consider engagement with armed groups they face a variety of challenges and options – including whether it is wise to engage at all. This contribution to the Mediation Practice Series addresses engagement by those working toward peace processes which involve formal interaction between leaders. The focus is on the dilemmas, challenges and risks involved in a mediator's early contacts with an armed group and subsequent engagement as interlocutor, message-carrier, adviser and/or facilitator – all roles that may precede and accompany formal negotiation between parties to a conflict. [1]

The armed groups considered are those whose rebellion or resistance explicitly challenges the authority of the state, rather than the full spectrum of non-state armed groups (which would include criminal organisations and gangs, as well as paramilitary actors accountable to the state). The former claim their violence is rooted in legitimate self-defence against the infringement of their rights. Political in its origin – if at times criminal in its conduct – armed action is pursued as a means to a political end. While military pressure, or other actions by security forces, may be necessary to counter it, in almost all cases a lasting resolution to the conflict will depend on some form of political accommodation or agreement.

Even within this definition, armed groups are characterised by their great diversity as well as the varied degree of threat which they represent to the state. Rebel forces organised as an army and capable of holding territory (the Sudan People's Liberation Army or the People's Liberation Army in Nepal) are distinct

from broad political-military resistance movements such as Hamas and Hezbollah (the former, of course, has controlled Gaza since it won elections in 2006). Different again are smaller groups, such as the Irish Republican Army (IRA), or the Basque separatist group ETA, organised in cell structures to facilitate the planning of targeted acts of violence but with links to political surrogates; the broad range of ethnic-based armed groups in Africa and Asia struggling to assert control over populations, territory and/or resources; or interlinked groups such as Islamist militants active in Somalia and Yemen, Afghanistan and Pakistan, in some instances with ties to the international network of Al Qaeda.

Such diversity accentuates the need to be wary of over-simplification or of relying too easily on general principles. With this in mind, the following five sections address the arguments for engagement with armed groups. They consider the question of who should engage, the challenges and risks involved, and the options available to mediators, before offering some brief conclusions. All acknowledge that the issue of engaging with a specific group will almost certainly turn on the particularities of that group, the nature of its insurgency and the context in which it operates.[2]

1.2 Why engage?

Mediators considering involvement in efforts to prevent, resolve or mitigate the worst effects of armed conflict must first consider whether to engage with a particular armed group and, if so, how to do it effectively.

The intense period of peacemaking that accompanied the unravelling of the Cold War was characterised by mediators' open engagement with non-state armed groups. Engagement was facilitated by several factors: the relative coherence of the groups and entities that had emerged to contest the Cold War's proxy conflicts; patterns of state sponsorship which ensured that outside powers retained access and leverage over insurgent forces; a broad acceptance that it was the prerogative of the UN Secretary-General or other peacemakers to establish contact with groups formerly considered pariahs but now acknowledged as potential partners for peace; and the relative neglect of issues of accountability which facilitated peace processes even with actors such as the Khmer Rouge. An additional factor enabling engagement was the marked decline, after 1990, in opposition to intervention rooted in the rhetorical defense of sovereignty. This was a consequence both of the loss of such opposition's Soviet sponsor and the fact that China and other states sensitive on this issue were less vocal in this period than either before, or after.

"I cannot think of an armed group with which I would not engage with in principle, although many in practice."

Martin Griffiths | Centre for Humanitarian Dialogue

The FMLN and the UN in El Salvador

In November 1989 the largest offensive of the civil war between the broadly Marxist-Leninist Farabundo Martí National Liberation Front (FMLN) and the Government of El Salvador revealed a military stalemate that forced the parties into UN-mediated negotiations. These were facilitated by earlier contacts the UN had established with the FMLN through a highly capable individual who represented the organisation on human rights issues. He encouraged discussion with FMLN commanders in the margins of a meeting of the non-aligned movement held in Harare in 1988. In further consultations UN officials offered assurances to the FMLN of the Secretary-General's impartiality as a mediator, and distinction from the UN Security Council.

The United States did not question the UN's contacts with the FMLN but subsequently raised concern that the mediator, Alvaro de Soto, was partial to it. He countered by encouraging the US to meet with the FMLN itself. In time it did. A US Congressman and the US Ambassador travelled to a guerrilla camp within El Salvador before the conflict's end, and the US Ambassador to the UN quietly attended a meeting with the FMLN's General Command during the final stages of negotiations held in New York in late 1991. The US put important pressure on the Salvadoran Government to accept the peace agreement and became a firm supporter of its implementation.

Al Qaeda's attacks on the United States in September 2001 complicated the environment for peacemaking. Individual states and multilateral organisations dramatically increased their propensity to label or legally proscribe armed groups as "terrorist organisations." States directly challenged by armed groups drew on international condemnation of terrorism to boost the legitimacy of their efforts to quash them. The question of engagement grew more controversial, even as globalisation and a ready access to the media ensured that, at an operational level, armed groups and their representatives have never been easier to find or contact.

Arguments for engagement today are rooted in principle and pragmatism. They can be broadly summarised as follows:

- The persistence of armed conflict and a belief that **engaging armed groups is the preferred means to bring it to an end,** not least because military options against insurgents on their own rarely succeed in creating conditions that will foster sustainable peace.[3] Despite an overall trend toward a reduction of violence since the end of the Cold War, there were 36 active armed conflicts in 2009, all of them involving the state and one or more non-state armed groups – a rise of nearly one quarter since the early 2000s.[4]

- The imperative to **protect local populations from continuing violence.** Even in circumstances in which engagement may not lead to a resolution, it can address human rights and other humanitarian concerns, secure a presence in a conflict zone to monitor humanitarian conditions, and save lives.

- The need to ensure that those armed actors (or their representatives) who have had primary roles in pursuing the conflict and have the capacity to reach – or undermine – agreements that will facilitate its end, are included in processes towards peace and are present at the peace table. Armed groups may represent sizeable constituencies; when they have grievances, and the ability to sustain armed action, they will have the ability to **spoil any settlement from which they are left out.**

- An opportunity to develop **a channel of communication** to an armed group. This has various benefits, even in circumstances in which a peace process seems remote. A channel may prove useful to defuse a crisis or emergency, or address an issue such as a kidnapping, with discretion. If maintained by a third party rather than a government it also offers the possibility of deniability. Over time such a channel might be activated for the pre-negotiation of terms for meetings between the parties.

- A means to acquire **greater understanding** of the armed group and its motives and capacities for engagement. Greater understanding will provide the basis for analysis of the challenges and risks specific to engagement with each particular group. It may also allow the mediator to identify the group's interests – as opposed to its public platforms – and thus the issues on which the group and government might find common ground.

- The opportunity **to build trust** with the armed group. The mediator may be able to encourage the group to reflect on entrenched positions and/or prevent its immersion in a logic that is a consequence of its isolation and pursuit of armed struggle. Such trust may allow the mediator to build an armed group's **capacity for negotiation**, both in advance of, and in parallel to, peace talks – something that even governments will admit can contribute to the quality of any resulting agreement.

Yet engagement is not easy. There may be "no such thing as a bad conversation", as was observed within a 2009 workshop held at the U.S. Institute of Peace on the subject of mediation with proscribed groups.[5] However, any conversation with an armed group is laden with implications. Reasons not to engage therefore cannot be dismissed lightly.[6] Different potential mediators will have different legal and political red lines, but the most common arguments against engagement revolve around the following:

> *"You can talk to terrorists, but you don't have to agree with them."*
>
> **Jonathan Powell** | former Chief of Staff to UK Prime Minister Tony Blair

- That **no form of engagement will have an impact** upon the behaviour of a group that is bent on violence and determined to maintain positions of implacable hostility to its enemies. This is a proposition that requires serious consideration. However, engagement need not constitute appeasement. There is no need to agree with an armed group and there are other benefits to be gained from exploratory contacts.

- That any form of **engagement with those who use violence to challenge state power risks strengthening them and will enhance their legitimacy** with their own constituents and on the international stage. This line of thinking received reinforcement in a June 2010 ruling of the U.S. Supreme Court which upheld the constitutionality of a federal law that makes it a crime to provide "material support" – defined to include "expert advice or assistance", "training" and "services" and embracing the advocacy for human rights or peace – to those identified as foreign terrorist groups.[7]

- Conversely, that **democratic governments may face heated opposition to their engagement with armed groups,** whether through proxies or directly. It is difficult for governments to justify talks with those who are killing their citizens. It is also embarrassing, or worse, if the existence of talks emerges after a government has denied them. A government will not want to be perceived to be rewarding an armed group for its past violence, or give it perverse incentives for carrying on killing.

- That **war is a better solution.** A number of governments have drawn encouragement from what has been termed the "Sri Lanka option": a tough military response, the refusal to countenance a political solution, and instead a conscious decision to wage war to destroy an armed group. As the International Crisis Group has argued, the model sets a dangerous precedent, not only for its violation of the most basic laws of war, but also for its failure to address most drivers of Sri Lanka's conflict, and its contribution to new sources of resentment.[8]

- That some armed groups – such as the Lord's Resistance Army (LRA) in Uganda, or Democratic Liberation Forces of Rwanda (FDLR) in the eastern Democratic Republic of Congo (DRC) – disregard human rights and employ practices against civilian populations which mediators may find **too abusive to countenance.** However, there are many conflicts in which state actors are also culpable of human rights violations (as was clearly the case in Sri Lanka), and curbing, or halting, such practices must be the priority. For a mediator, it is probably neither possible nor useful to quantify "acceptable" or "unacceptable" levels of violations that might open the way to, or preclude, engagement.

- That armed groups factor in the possibility of international engagement and may either **increase armed action or stall in moving forwards toward peace** accordingly. Frequently cited examples of this include the Kosovo Liberation Army in 1998–1999 and rebel movements in Darfur whose attitudes to the 2006 negotiations in Abuja (and in some instances since then) were arguably conditioned by their varying expectations of the benefits that could accrue to them from international engagement.

Third parties who advocate engagement with rebel and resistance groups do so on the basis that the risks arising from engaging armed groups are outweighed by the prospects of achieving an end to the armed conflict. Their engagement is nevertheless predicated on a number of different assumptions. Some – most critically that the armed group has an interest in a substantive exchange with an external actor – will be quickly tested. The validity of others – that the armed group will actually negotiate (that is, articulate demands that lend themselves to rational, or at least reasoned, debate); or that the armed group can be encouraged to moderate its behaviour and demands, and through international exposure as well as expertise become more amenable to pursuing its goals by peaceful means – will only be ascertained in the course of an engagement.[9]

Dilemmas of talking to the Taliban

By mid-2010, talking about talking to the Taliban had become commonplace as doubts about the success of US-led counter-insurgency efforts mounted. But differences regarding what should be talked about, who should do the talking, how it should relate to the military logic of international engagement in Afghanistan and a broader process of regional reconciliation, remained rife. Since late 2001, when the Taliban were driven from power and established a safe-haven in Pakistan, they had neither been engaged in formal political terms nor developed a coherent set of political demands. Yet individual contacts from the Afghan Government and by others including representatives of Saudi Arabia, the UN, the ICRC and NGOs (in addition to Pakistan) had multiplied.

Challenges to the initiation of a political process stem from a lack of consensus on its objective. Persistent corruption continues to be a source of conflict. Distrust and differences on policy are present within, and between, the Afghan Government, the Taliban, the United States, and critical regional actors such as Pakistan, India, Iran, Saudi Arabia and Russia. Issues that divide them include: opposition to engagement with the Taliban by non-Pashtun Afghans; a combination of intensified military pressure from the US and wavering support of its NATO allies, affecting the Taliban's calculations of when to engage and how seriously; the continuing presence of Taliban leaders on the UN sanctions list; Pakistan's role; and the whole question of pre-conditions. The Taliban want sanctions lists lifted, prisoners released and Western troops out; the US and Saudi Arabia insist that the Taliban should break all ties to Al Qaeda. These issues could conceivably be addressed within negotiations, but not in advance of them.

The situation calls for a graduated approach to sustained engagement with the Taliban and other insurgent groups, if not by the US then by others trusted by the US, the Afghan Government and the Taliban. In the absence of clarity on a desired end state for Afghanistan (or the process to reach it) more limited goals could include improved understanding of the Taliban and deepening engagement on humanitarian issues.

The complexity of these issues demands a clear-eyed assessment of the mediator's own capacity and comparative advantages; careful analysis of the armed group (including its motives in contemplating engagement with an external actor); the challenges and risks involved in engaging it; and a detailed understanding of the varied options to do so. As Afghanistan demonstrates, the options before a potential mediator may be limited.

1.3 Engagement by whom?

The United Nations, regional organisations, individual states and private mediators engage with rebel and resistance groups with different capacities, visibility and leverage.[10] Their work may complement the channels that governments themselves maintain to armed groups they publicly hold to be pariahs (as was the case of the UK Government and the IRA). In other cases either no such channels exist, or domestic political sensitivities regarding "talking to terrorists" prohibit their utilisation for substantive or sustained engagement. In these cases, third party intermediaries will be required to establish contact between two or more parties and help explore whether conditions for a negotiation exist.

"Different kinds of mediation suggest different kinds of institutions; some require the resources and leverage that only governments or multilateral institutions can bring to bear, while in others powerlessness can be an asset, a basis for confidence and trust building."

Nicholas Haysom | Executive Office of the UN Secretary-General

The asymmetry of conflict involving a government and one of more non-state armed groups as well as a state-centric international system have an impact on questions of which mediators may be best placed to engage with amed groups. This is particularly evident in the early stages of a process. The proliferation of terrorist lists maintained by individual states and multilateral organisations represents one set of constraints for engagement (this is not to deny positive impacts in some cases, including the pressure under which armed groups have been placed to abandon the military struggle). The lists impose no uniform limit on contacts with listed groups or individuals. However, as is discussed below, US citizens or those who come under US jurisdiction (including non-US nationals) may be prosecuted if they provide funds or other "material support" – which can be construed to include mediation – to groups identified by the US Government as terrorist. Meanwhile, even those mediators who do not fear prosecution may find the question of their engagement with an armed group inhibited by the existence and incoherence of the proscription regimes.[11]

States, and multilateral bodies composed of states, have a bias towards power and in-built sympathies towards other states that long pre-date the existence of terrorist lists. They tend to assume that use of force by a non-state actor is illegitimate (particularly if, like India or Russia, they have active conflicts within their borders). They will understand that many governments will refuse to engage directly with insurgent groups unless the latter first agree either to abandon the armed struggle, or at least to a cessation of hostilities. Non-state armed actors, meanwhile, struggle to gain access to the fora in which their conflicts will be discussed (such as the UN Security Council) and differ widely in their familiarity with the norms and practices of international diplomacy.

As a variety of mediators may be involved in a given peace process over a number of years, this places emphasis on the importance of sequencing. Different mediators will have different advantages at different stages of a peace process. Similarly, questions of precedent and concerns about terrorism carry widely differing weight in different political contexts.

- **United Nations**

The UN Secretary-General and Security Council have different roles and responsibilities with regard to peacemaking. The UN Secretary-General engages in mediation and "good offices" whose legitimacy and impartiality are rooted in the UN Charter. These characteristics contribute to the fact that UN mediation remains attractive to many armed groups (others will question a Secretary-General's ability to act independently of powerful states on the Security Council). State actors may shy away from the UN out of concern for issues of sovereignty and/or the difficulties inherent in involving the UN in a confidential process. In a case such as Nepal, however, discreet political work enabled UN officials to engage early with an insurgent group. In other circumstances, such as the eastern Democratic Republic of Congo, they have been called upon to facilitate complex talks between states and a variety of armed groups.

- **Regional organisations**

Regional and sub-regional organisations have the advantages of proximity to the conflict as well as knowledge of, and sometimes leverage over, conflict parties. However, their engagements may be subject to pressure from their larger member states; limited by issues of mandate and/or capacity; or distorted by the sponsorship of some armed groups by one, or more, of their members (sponsorship of an armed group by a neighbouring state is all too common and

can render that group a tool of the foreign policy of its patron, and thus a force for regional, as well as local, instability).

Private mediators and the GAM in Aceh

The HD Centre's involvement in Aceh dated back to late 1999 and its early focus on the prevention of humanitarian crises in the province. It conducted initial meetings with representatives of the Free Aceh Movement (GAM) in Malaysia and Sweden, while consulting key stakeholders in Jakarta and Aceh. The GAM was reluctant to meet face-to-face with representatives of the Government of Indonesia, but a first meeting eventually took place in early 2000 (The GAM was assured by the HD Centre that it was not formally "talking" to the Government, but just discussing humanitarian issues). The ensuing negotiations broke down five months after the signing of a Cessation of Hostilities Agreement (COHA) in December 2002, but had contributed to substantive shifts on the part of the GAM. Perhaps none was more significant than the GAM's recognition of the Government of Indonesia and acceptance that autonomy could be implemented in the COHA.

The GAM had welcomed the legitimacy which international involvement in its peace process, through the HD Centre, offered (even as the Indonesian Government had accepted the HD Centre only because its private status minimised the same legitimacy). However, it never hid its interest in a more high profile facilitator. The second engagement on Aceh was given impetus both by Indonesia's first direct elections for president in 2004, and the devastating tsunami that struck that December. Facilitated by Martti Ahtisaari and the Crisis Management Initiative, talks held in Helsinki began in early 2005. The GAM welcomed both Ahtisaari, as a former President of Finland, and the access to the European Union he brought to the process. Upon Ahtisaari's recommendation, it also accepted capacity-building from Switzerland. In these circumstances, the GAM dropped its demand for Acehnese independence, perhaps the critical element in allowing a peace agreement to be concluded in August 2005.

- **Individual states**

Individual state mediators – from the United States to prominent regional actors such as Nigeria, South Africa, India, Indonesia, Malaysia, Saudi Arabia, Turkey and Qatar – are able to wield relative power and influence over conflict parties. However, their own interests in a conflict's outcome, or concerns with the issue of terrorism, may inhibit their engagement with armed groups. In Europe, peacemaking has flourished in two states – Norway and Switzerland – that are not members of the European Union and are therefore not conditioned by its listing of terrorist entities.

- **Private mediators**

Independent international mediators include both private organisations and prestigious individuals. Although "weak" mediators, to the extent that they have to borrow leverage from others, private mediators engage with armed groups with particular advantages. They are small, flexible and independent, and can engage early (and with discretion) with groups others might consider pariahs, or not yet meriting attention. Their involvement is inherently less threatening to a government than that of an official actor, and carries with it the important attribute of deniability. However, they can also be dismissed from a process with no great political cost and will need to link up to official actors as mediation advances.

1.4 Identifying challenges and risks

For a mediator or facilitator decisions regarding whether, and how, to engage will be rooted in detailed analysis of the armed group as well as the broader context within which it is active. Is the struggle to take part in (or take over) the national government, secession, or for control of territory and resources within existing borders? Is the composition of the group determined by ethnicity, or in religious terms? To what extent are structures of command and control identifiable and accessible? (In some cases, as in Aceh, this may involve relations between field commanders and a more distant, perhaps even exiled, leadership). Does the mediator understand a group's constituency and support base, the role played by women within the armed group, and its economic sustenance and/or interaction with the diaspora? (This is a critical issue in contexts as diverse as Somalia and Sri Lanka). What are the group's relations to other actors (sustainers and spoilers) active inside the conflict system and beyond it? Is there an outside state or states supporting/controlling the armed group? Particular attention will need to be paid to the strategic choices the group may be facing. Where does armed action fit in to a group's broader goals? What

calculations will be involved in abandoning the military aspects of its struggle? What costs will it incur by engaging in talks?

Among the numerous issues that are likely to present themselves as challenges, the following stand out:

- **Interlocutors and decision-making**

A mediator's task will be greatly facilitated if his or her prospective interlocutor is an effective armed group, with good command and control and clear procedures of political decision-making (as the FMLN in El Salvador) or a charismatic leader with recognised authority (such as John Garang of the Sudanese People's Liberation Army, or indeed Gerry Adams of Sinn Fein). However, this will frequently not be the case. A mediator should therefore consider if he or she is able to develop an understanding of decision-making processes within the armed group and the extent to which interlocutors are legitimate representatives of its leadership. Do those at the negotiating table have authority, or at least report directly to those who do? (This was a concern regarding the Lord's Resistance Army team present at the negotiations in Juba, for example).

- **Fragmentation**

Fragmented groups, those groups without a recognised leader or command structure, present obvious challenges, not least because – as in the case of the multiple rebel movements in Darfur – one group may claim greater legitimacy than others and seek to veto participation. Fragmentation complicates the issue of regular access by the mediator as well as decision-making, and can invalidate the prospect of a ceasefire. Unsuccessful attempts to unify the groups in Darfur point to a need for alternative processes (such as the 2010 initiative to engage civil society) and a unification effort that combines support from a major power with detailed contextual knowledge of the various movements' internal dynamics.

- **State actor attitudes**

Deciding when, and where, to inform a government of early engagement with an armed group within its territory will be a delicate matter (except in circumstances, such as the UN found in Colombia from 1999–2002, when engagement with rebel groups is directly solicited by the Government). Are there other states (neighbours or regional powers) whose consent or support for engagement will be required? (As Norway secured from India during its involvement in Sri Lanka). If so, at what point to inform them and how? In cases with a particularly weak state actor – such as the Transitional Federal Government in Somalia – concerns about its fragility impact directly upon decisions regarding whether to engage with the armed resistance (Al Shabaab in this instance).

Coping with pre-conditions on Hamas

Hamas' decision to take part in legislative elections for the Palestinian Authority in early 2006 represented a historic shift as well as an end to its suicide bombing campaign. Its victory took the West by surprise and initiated a period of economic and political isolation – intensified by Israel's blockade of the Gaza strip after the collapse of the unity Government in June 2007 – that has had disastrous economic and humanitarian consequences and jeopardised efforts towards peace.

The Quartet of the European Union, Russia, the UN and the US conditioned future assistance to a Palestinian Government upon that Government's "commitment to the principles of nonviolence, recognition of Israel, and acceptance of previous agreements and obligations".[12] These conditions were unacceptable to Hamas. The Quartet introduced no explicit pre-conditions on contacts with Hamas (and Russia has always maintained them), but both the US and the EU list Hamas as a terrorist group. While the EU list does not proscribe contacts (only funding), after Hamas' electoral victory in 2006 the European Council took the political decision to isolate Hamas further by cutting contact with it. In deference to pressure from the US, and in stark contrast to a traditional disposition to engage with any party deemed necessary for peace, the UN Secretary-General restricted political contact by the UN Special Coordinator for the Middle East Peace Process with Hamas. However, contact was allowed at the working level.

Since 2006, engagement with Hamas has remained in limbo. The Quartet position – and that of the United States within it – is unchanged (and Hamas is still there). A variety of mediators and/or would be mediators from the West – including Norway and Switzerland, former diplomats and NGOs – have pursued contact and opened channels to Hamas' leadership in Gaza and Damascus. Regional mediators, including both Turkey and Egypt, remain involved. Yet while the red lines of the major international players still hold, and without effective channels back to the United States and/or Israel, forward movement remains a distant prospect.

- **Gaining trust**

Winning the trust of an armed group may be a slow and difficult process, but is an essential element of a third party's involvement. Broad cultural and/or religious differences between the mediator and the armed group may constitute particular challenges. Anti-terrorist rhetoric, the perceived hostility of the West toward Islam, the invasion of Iraq and continuing conflict in the Middle East all, for example, may hinder engagement with Islamist groups by Western mediators conditioned – or perceived to be conditioned – by a secular and internationalist approach. (The peace jirga held in Afghanistan in June 2010 concluded with a call for help from Muslim countries, including Saudi Arabia and Turkey).

- **Pre-conditions**

Rigid pre-conditions may not be an obstacle in the early phases of engagement (pre-negotiation), but will become so as parties move into "talks about talks". Frequently such conditions – whether they are for an end to violence, a ceasefire, recognition of an occupying power, or the renouncing of secessionist goals – touch upon either the armed group's primary source of leverage upon the process (its arms), or the core issue in contention. It should not surprise a potential mediator, or the armed group's adversary, that the group in question will not be prepared to concede such issues at the beginning of a process.

- **Absence of a clear or "realistic" agenda**

A lack of clarity on what is wanted from a political process by the armed group, or the reiteration of maximalist but "impossible" goals (such as Al Qaeda's demands for the establishment of a new caliphate) both present obstacles to negotiations. Such obstacles need not necessarily preclude other forms of engagement that might help shift an armed group's positions, or reach out to affiliates of the group in question with more localised concerns (such as Al Shabaab). However, in practice, the perception that there is "nothing to talk about" with an armed group represents one of the most frequent deterrents to engagement.

"You can negotiate with someone who has a political agenda. The LRA does not have one."

Salva Kiir | First-Vice President of Sudan, President of the Government of Southern Sudan[13]

- **Competition**

The presence, or interest, of other potential mediators can complicate engagement with an armed group and overcrowd the mediation. In some cases – such as Darfur at different moments – it has not been just the rebels who do the "forum shopping". There have been external actors, some perceived as hostile, pursuing engagement with rebels in ways that have suggested that they have been "shopping" too (as some rebel groups have complained). Coordination of the various third parties may be possible. If not, hard choices regarding how to develop complementary roles, or even whether to persist in a mediation effort, may have to be taken.

- **Managing confidentiality**

Confidentiality is often a condition for engagement with an armed group for reasons of both security and political sensitivity, particularly in the early stages of a process. A government may also be reluctant to have it known that it has opened a channel to an armed group or that it has involved an external actor to do so. (Both were the case during the HD Centre's facilitation of talks between the Spanish Government and ETA between 2005 and 2007, details of which the parties subsequently leaked to the press). Maintaining confidentiality can be a challenge but moving into a public process can be difficult too, especially in situations in which a government's contacts with an armed group are contested by its political opposition and/or public opinion.

- **Questions of inclusion**

Mediators may find an armed group reluctant to countenance the involvement of others it fears may dilute its influence. The presence of a wide array of civil society and other stakeholders in negotiations is rarely practical, but a mediator can encourage a group to consider other forms of consultation. The mediator can also undertake them him or herself if the parties are unable to do so. Gender may be a particular challenge, not least because the great majority of leaders of armed groups are men. As trust is built, the mediator can inquire about the role of women and emphasise the importance of addressing gender issues in a peace process.

- **Accountability**

New demands for accountability – for non-state actors as well as state representatives – derive from the evolution of the international legal framework since the end of the Cold War. The International Criminal Court (ICC) and a number of ad hoc tribunals have been established. The UN Secretary-General introduced guidelines for UN mediators that rule out their encouragement, or endorsement, of agreements that provide amnesties for those guilty of war crimes, crimes against humanity, genocide and gross human rights violations.[14] Other institutions, such as the EU, have also generally followed a policy of shunning amnesty for serious international crimes, in line with ICC obligations. These developments represent normative progress towards peace and justice, but, with amnesty a critical bargaining chip, they bring added responsibilities and challenges to those mediating between armed actors responsible for human rights abuses and atrocities.

The ICC and the LRA in conflict at the peace table

For many years the international community neglected the conflict between the Lord's Resistance Army (LRA), led by the enigmatic Joseph Kony, and the Government of Uganda with devastating consequences for the people of Northern Uganda. Peacemaking was pursued by the Ugandan politician Betty Bigombe, who received discreet support from the UN and a number of states. Her efforts ended in early 2005. By then, at the request of the Ugandan Government, the International Criminal Court had initiated an investigation into the situation. In July 2005, ICC judges issued sealed warrants for the arrest of Kony and four LRA commanders. They were unveiled in October that year.

A new peace process began in mid-2006 in Juba, at the instigation of the Government of Southern Sudan, facilitated by its Vice-President, Riek Machar, and actively supported by UN envoy, former President Joachim Chissano of Mozambique. This process represented a confrontation between two different forms of engagement with an armed group: one driven by peace and the other by justice. The parties reached agreement on the text of a comprehensive peace agreement, but the ICC arrest warrants hung heavily over them as Kony, and the other indicted commanders, refused to attend formal talks in Juba. The LRA was instead represented by exiled Acholi in the diaspora and others whose ability to speak for Kony was never fully validated.

Kony's refusal to sign the peace agreement ended the process. The experience demonstrated the challenges of a peace process in which personal incentives cannot be offered. The agreement proposed Ugandan criminal justice processes as an alternative to the ICC. However, with Kony's rejection of the deal and renewed military activity by the LRA, regional and international actors increasingly saw the LRA not as a legitimate political force, but as an armed band led by war criminals. In his final briefing to the Security Council in mid-2009, Chissano recommended a two-pronged strategy involving military action against the LRA as well as negotiations.

Engagement also involves at least five areas of real risk.
Two relate to impacts on the armed group: the risk of its legitimation, and the unforeseen operational impacts that engagement may trigger. A further three involve possible consequences for the mediator or mediating organisation. Security is an obvious risk, but legal liability is now another. The third is the more nebulous question of partiality, which can have consequences for the mediator's continuing engagement in a particular conflict and, more generally, for the professional reputation of his or her organisation.

- **Legitimacy**

The fact that engagement with an armed group involves a degree of recognition that the group is a valid interlocutor is perhaps the primary political objection raised by many governments. Yet the only recognition explicitly given by a mediator is that the armed group is responsible for violence and ending violence therefore means engaging with it. The sensitivity of legitimising an armed group has been inflated by the war on terror and its attendant proscription regimes. Even in this environment, different mediators may be able to engage with different levels of visibility and resonance (a formal representative of the UN Secretary-General or Special Envoy of the United States has different connotations than a diplomat from a small state, more junior UN official or a representative of an NGO). More regular engagement with a wide variety of armed groups would help shift the argument away from the question of "talking to terrorists" to the more substantive issue of what it will be possible to talk to them about.

- **Unforeseen impacts**

Mediators embark on engagement with armed groups with large gaps in their knowledge of them and no control over a wide range of variables that may impact upon their behaviour. It is therefore not surprising that, on occasion, their engagement has unforeseen and undesirable impacts (of course, in other instances unforeseen impacts – including encouraging greater flexibility on the part of the armed group than was expected – may also be desirable). These may involve contribution to a spike in violence as rebel groups seek to increase military leverage over the political process. They also could include provocation of internal debates that reinforce hardliners, contributing to the splintering of groups, and/or facilitating a process that advances little in political terms but provides "cover" for the group to re-arm and re-position itself for a new military offensive.

- **Security**

Mediators interested in engaging with armed groups involved in "hot" phases of armed conflict, or living clandestinely, are initiating an activity with obvious security risks – both for themselves and their interlocutors. Different organisations

will have different security protocols and conditions, but will need to calculate what constitutes an "acceptable" level of risk for their staff, as well as the responsibility they may be assuming for the travel and security of their interlocutors. Crossing international borders presents obvious challenges with regard to visas and border security, and will generally require assistance from the states concerned. Threats to non-state groups include security forces which may not be aware that a confidential political process is underway or of the movements required to facilitate it.

- **Legal issues**

Mediators face legal risks in two broad areas. The first relates to the post 9/11 counter-terrorist legislation upheld by the US Supreme Court in June 2010. A broad definition of "material support" (to include expert advice, assistance, services and personnel) opens up the possibility of prosecution for a wide range of activities consistent with engagement with an organisation designated as terrorist by the US Government, or with one that the individual concerned knows has engaged, or still engages, in terrorist activity. The material support statute is broad in its jurisdiction, applying to US citizens and residents, but also to non-US individuals "brought into or found in the United States" after an offense occurs.[15] A related issue is that, through engaging with armed groups, mediators are often dealing with actors who have been involved in major crimes. It is logical that prosecutors (including the ICC) may one day try to subpœna mediators. Mediators may be asked to testify, or to provide various kinds of information in relation to the armed group (such as cell phone numbers, structure and hierarchy). Alternatively, defense counsel might ask for information if a member of the armed group is charged and the mediator is deemed likely to have information relevant to the case. In neither circumstance have mediators so far faced legal consequences, but with nothing in the law to provide protection, the vulnerability is real.[16] Looking ahead, there may be grounds for arguing that mediators, like lawyers, might rely on the privileged nature of their conversations with armed groups as a bar to a subpoena or demand for disclosure.

- **Partiality**

Mediators who work to develop the trust of armed groups risk being perceived as, or actually becoming, partial to their cause. This is in part a structural issue, in that mediators who assume the role of a channel to the armed group are likely to develop a nuanced understanding of its grievances and demands. They may be called upon to explain them to official actors who do not engage with the armed groups themselves and can therefore risk appearing as their spokespersons. Beyond maintaining scrupulous attention to their own honesty as a broker – and seeking to illustrate to the state party that they are not partial to the armed group's cause – mediators can encourage other actors to meet with an armed group to hear from its representatives directly.

Norway and the LTTE

As facilitator of the peace process between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE), the Government of Norway struggled to counter the asymmetry between the parties. The violence of the methods pursued by the LTTE, in particular their mastery of suicide bombing and assassination of prominent political figures, led them to be excoriated by the international community as well as by the Sinhala-dominated Sri Lankan Government. They were also included on the US list of foreign terrorist organisations from 1997.

Many hours spent with the LTTE by Norway's special envoy, Erik Solheim, built their trust in Norway. A ceasefire was agreed in 2002. However, as progress stalled from mid-2003, the Norwegians came under increasing criticism for what was perceived as their partiality toward the Tigers. Over time they lost the confidence of the Sri Lankan Government. Norway regretted that other international actors were reluctant to engage with the LTTE because of the opportunity lost to develop mutual understanding. It argued against the EU's listing of the LTTE as a terrorist group in 2006 on the grounds that it would damage the peace process (EU monitors within the mission established to monitor the ceasefire were withdrawn from the country after the LTTE indicated that it no longer considered them to be neutral).

Overall, the proscription of the LTTE had mixed effects. The post 9/11 climate had arguably helped bring the Tigers to the table; it also drew attention to their foreign funding, allowing space for moderate diaspora Tamils to engage in a helpful fashion. However, it complicated the involvement of a Co-Chair group of donors (the European Union, Japan, Norway and the United States) which was established in 2003. Despite Norway's efforts, the other members' bias against a conflict party they primarily identified as terrorist proved counter-productive (a notable example was the exclusion of the LTTE from a donor conference held in Washington 2003) and fuelled differences between them.

1.5 Options

A mediator has a wide variety of options available as he or she considers engagement. These will vary according to the nature of the armed group in question, as well as the context within which it is operating. Some groups have quasi-diplomatic representation abroad and are relatively straightforward to contact. Others operate clandestinely, or only in remote, dangerous and shifting locations and are much more difficult to engage. In some cases humanitarian actors, or UN peacekeepers, have operational contacts with members of armed groups in fulfillment of their mandates. However, they may not be in a position to advise, or facilitate, the development of political engagement in case it compromises their own work. In other, less internationalised, contexts a mediator may be working in greater isolation, with his or her team tightly limited to interaction with group and government representatives.

In most, but not all, cases mediation will involve three distinct steps. These include establishing a confidential channel to exchange messages and information, and to build trust; beginning negotiations, perhaps still in secret talks, and establishing the idea of compromise in order to allow the parties to articulate their real, achievable goals; and a public process towards a lasting agreement, frequently involving an increasingly broad and complex array of other actors. At different moments, the varied options for engagement will include:

- **Initial contacts**

Initial contacts with an armed group take a wide variety of forms. In some contexts a group may reach out to a mediator directly. (The UN is approached by armed groups with some regularity, frequently in circumstances in which it knows that its involvement would be unacceptable to the government concerned). In others, external actors have approached armed actors through intermediaries. These might include local journalists, human rights activists or religious leaders, as well as political actors or members of civil society who may have local level contacts with the group concerned. In some instances, the intermediaries develop into trusted partners in the mediation, in others the mediator (and intermediary) may find a sustained relationship too complex to maintain. Beyond the contacts themselves, early encounters with an armed group provide an opportunity for the mediator and armed group to explore the motivations and capacities of the other. The armed group may be "vetting" the mediator no less deliberately than the mediator is trying to build his or her understanding of the armed group.

Engaging the Maoists in Nepal

Nepal's peace process was led and driven by Nepalis, although heavily conditioned by the influence of India. However, it also involved external actors who offered support to dialogue and negotiation. These included the HD Centre (2000 – 2006); the United Nations, which provided "good offices" from 2003, and whose presence grew in 2005 into an Office of the UN High Commissioner for Human Rights and, from 2007, a special political mission, the United Nations Mission in Nepal (UNMIN); the Carter Center (2004 – 2006); and a Swiss special adviser on peacebuilding from mid-2005.

All pursued initial contacts with the Communist Party of Nepal (Maoist) through a Nepali human rights activist and national peace facilitator. Once trust was established, external actors found the Maoists open to engagement and eager to learn from experience elsewhere. They particularly welcomed the early attention from the HD Centre and the involvement of the UN for the legitimacy they saw it giving their struggle. External engagement, although subordinate to national initiatives and decision-making, helped promote acceptance of dialogue in Nepal. It also prepared the way for UNMIN's assumption of responsibilities for the monitoring of arms and armies, as well as support to the electoral process.

Elections held in April 2008 propelled the Maoists into government as the largest party in Nepal's new Constituent Assembly. This was a surprise for many of the external actors involved (including India) and challenging in legal terms for the United States, which had included the Maoists on its "terrorist exclusion list" since 2003. The US Ambassador was precluded from direct meetings with Maoists, but was able to secure a waiver that allowed US officials to meet with Maoists holding public office. She also took measures to ensure that the US did not knowingly provide Maoists with "material support". As this could be construed to include tea and coffee, breakfast meetings were held at the residence of the Norwegian ambassador.

- **Proxies, insider mediators, and track two**

In some contexts it is possible to identify formal or informal proxies through whom engagement can be pursued. In Northern Ireland, the British Government had long maintained a confidential channel to the IRA, but engaged in direct negotiations with Sinn Fein (which also represented the Republican movement in the talks chaired by former US Senator George Mitchell). This was facilitated by the authority wielded by Sinn Fein's leaders, sympathy for the IRA among the Irish diaspora and in certain quarters in the US, and the British Government's realisation of the benefits of strengthening Republicanism's political expression. (It stands in contrast to policies adopted by the Spanish Government, which banned ETA's political surrogate Batasuna, and encouraged its inclusion on the EU's terrorist list). Other forms of proxy engagement include insider mediators – individuals with the capacity to mediate among different factions within the conflict parties – or "track two"actors, who may meet quietly with delegates or associates of an armed group in advance of, and in parallel to, a more formal process. In some circumstances (Burundi, for example) extended contacts by NGOs contributed to the decision of an armed group to engage in a formal peace process.

- **Capacity-building**

Negotiations are necessarily high-risk, and their chances of success are improved by a level of self-confidence on the part of the parties. This is particularly true of armed groups, for whom capacity-building and training can be critical. They need to be comfortable with the process of negotiation, but also have know-ledge of the issues to be negotiated (such as cease-fires), and their implications. Addressing root causes will almost always have constitutional dimensions. A mediator or facilitator can provide texts and materials for the parties' consideration, or bring in experts on human rights, autonomy or other issues. However, sustained capacity-building (through meetings, workshops, facilitated dialogues and other methods) is frequently best performed by other actors and, at times, in locations other than that of the conflict theatre. In Sri Lanka, for example, Berghof Peace Support and Switzerland, working at the request of the Norwegian facilitator,were both involved in efforts to strengthen the capacity of the major conflict stakeholders. In the Basque Country, the South African lawyer Brian Currin has worked with Batasuna to encourage its transition to the pursuit of its goals through purely political and democratic means.

- **Humanitarian engagement**

There are differences and tensions, but also similarities and synergies, between political and humanitarian mediation. Humanitarian mediation can open doors to armed groups not yet prepared to contemplate a political process. It can also create common ground on the basis of universal humanitarian norms (since 2008, for example, the HD Centre and the UN's Office for the Coordination of Humanitarian Affairs have held a series of workshops for Darfur's opposition movements to address issues such as safe humanitarian access, the protection of civilians and the rights of internally displaced persons). In a best case scenario, agreements reached can directly contribute to the alleviation of suffering whilst also building confidence in negotiation as a means to resolve differences. However, humanitarian mediation carries with it inherent risks. These include that humanitarian principles will be subordinated to political ends, or that an armed group will embark on a humanitarian process but either stall on commitments it undertakes within it and/or delay embarking on political engagement.

- **Political mediation and negotiations**

Mediators aspire to the facilitation and support of negotiations aimed at the political settlement of armed conflict. Such negotiations will be most effective when a mediator is entrusted with a clear lead of the mediation process, while the parties, of course, determine the negotiation's substantive outcome. But clearly a mediator's role may vary greatly, according to the trust and confidence he or she has been able to develop with representatives of the conflict parties in the pre-negotiation phase; the support sought by conflict party principals; and his or her own perception of the best needs of the process. In all cases the parity in status of the conflict parties will be delicate. It will generally be best to hold talks outside the state in conflict, even though the logistics involved in facilitating the travel and security of representatives of the rebel group are likely to be demanding.

- **The potential for de-listing**

During 2010 a gradual process of reform within UN sanctions regimes, as well as requests from the Afghan Government, contributed to the de-listing of some former Taliban officials, and others associated with the Taliban and Al Qaeda, from the consolidated sanctions list established in 1999 pursuant to Security Council resolution 1267. Looking ahead, more attention could be given to the use of listing and de-listing mechanisms as incentives to dialogue. This would require a shift away from the conception of the terrorist lists in purely punitive terms as well as the introduction of practical steps to improve the transparency of designation processes. In particular, clear criteria and procedures for periodic review and de-listing, that take into account the evolution of conflict dynamics and actors, would need to be developed.[17]

- **Pulling out**

Among the options for engagement is disengagement – pulling out. Inevitably an option of last resort, a credible threat of withdrawal is nevertheless a source of considerable leverage (conversely a mediator who will never leave may undermine the integrity of a mediation process). Reasons for disengagement might include an overcrowding of the mediation field; the mediator's analysis that a process is taking shape in which his or her continued involvement is no longer required; a loss of confidence in the mediator by one, or more, of the conflict parties; or the mediator's own assessment that the peace process is being used by the conflict parties for purposes other than the pursuit of peace (for example, re-arming or re-grouping for a new military offensive). Though disengagement may be difficult, a mediator should not find him or herself in the position of needing to sustain a failing process more badly than the conflict parties themselves.

1.6 Conclusions

There are few areas of a mediation in which so many variables come into play as engaging with armed groups. A mediator's willingness and capacity to establish contacts and work with armed groups will be a question of both art and opportunity. An ability to do so may be rooted in the identity of the mediator – some will be more affected by concerns regarding engaging with those perceived or listed as "terrorists" than others – but will also encompass other elements. These include the unpredictable and, at times, opaque nature of the armed groups and their capacity for, and interest in, engaging with external third parties, as well as the positions and attitudes adopted by the state actors concerned.

Engagement with armed groups carries with it a variety of challenges and risks. Yet, when managed carefully and responsibly, its potential benefits far outweigh the costs of not engaging – and letting the conflict take its toll on civilian victims. The variety of options for engagement militates against a rejection of initial contacts solely because the maximum demands of a group are unacceptable. At the point of initial contact what is relevant is not so much what these end-stage demands might be, but whether engagement may lead to a substantive exchange on the issues at hand, opening the door to the possibility of future peace.

Chapter 2:

Broadening Participation in Peace Negotiations

Thania Paffenholz

2.1 Introduction

Mediators increasingly face the challenge of involving broad-based and respected civil society groups in peace processes. The mediation profession also increasingly acknowledges the importance of involving civil society in such processes. In addition, recent UN reports and resolutions highlight the tendency for mediation to become more complicated when the number of parties expands and call for innovative approaches to inclusion which ensure that civil society voices are fully heard[1].

The objective of this publication is to provide mediators and teams with a better understanding of, and options for, broadening participation in peace negotiations without sacrificing the effectiveness of the mediation process. It is already known that not only the pro-peace segments of civil society need to be involved in mediation and peace processes but, in some cases, also the business community or political parties. It is, however, equally important to consider constituencies that are against negotiations or a particular peace agreement. The likelihood of successful negotiations leading to a sustainable peace agreement can be drastically reduced if the buy-in of such groups is missing.

However, these insights are so far not fully acknowledged nor systematically implemented in ongoing peace processes, leading to many missed opportunities. The variety of approaches, options and examples discussed in this publication will help practitioners develop a better understanding of when broader participation should, and should not, be considered.

The options discussed vary from the direct or indirect involvement of civil society and other groups at the negotiation table to different civil society roles outside official negotiations. In a country with a history of strong engagement by civil society or the business community, close co-operation with the official negotiations can be very effective. In circumstances where these groups are weak or divided, other forms of engagement might be more suitable. In some cases an active civil society can be more effective outside negotiations, putting public pressure on the parties to the conflict without having to compromise at the table.

This publication advocates for a better understanding of how different options for broadening participation can effectively support sustainable peace agreements and is deliberately written from a mediator's perspective. As a consequence, it focuses more narrowly on peacemaking – the phase prior to, during, and in the immediate aftermath of, negotiations. This includes the negotiation of provisions for broader participation in implementation arrangements. Other possible roles for civil society within the broader, long-term context of peace processes and peacebuilding are deliberately left out of this publication and covered elsewhere.[2]

2.2 Who could participate in mediation processes?

Broader participation can include groups as varied as:

- **Special interest groups** (for example, trade unions; professional associations such as those for teachers, farmers or journalists; minority or women's organisations; and settlers or veterans associations).
- **Faith-based organisations** (for example, churches and Islamic associations).
- **Traditional and community groups** (for example, youth groups; councils of elders; women's and mothers' groups; as well as radio listeners' clubs or user groups).
- **Researchers and research institutions** (for example, local or international think tanks, universities and individual researchers).
- **Local and international service delivery organisations** often registered as non-governmental organisations (for example, human rights, relief, development or conflict resolution/peacebuilding non-governmental organisations [NGOs] or international non-governmental organisations [INGOs]).

- **Social and political movements** which can take the form of broad-based public movements around a common cause (such as the Arab Spring) or longer-term movements like the environmental, women's or peace movements in Europe or the United States in the last century.
- **Business actors** (for example, entrepreneurs or media houses).
- **Networks** which generally represent a larger number of organisations from one of the other categories of actors (for example, a network of religious councils).

These groups are a mirror of society. They illustrate that inclusive, pro-peace civil society organisations work alongside exclusivist, sectarian as well as apolitical groups. Civil society is, therefore, not automatically pro-peace. In Sri Lanka, for example, the pro-peace civil society camp was far outnumbered by the pro-war civil society camp; whereas in Nepal the public movement greatly contributed to the end of ten years of war in 2006.

In countries undergoing armed conflict civil society is often deeply divided. In Northern Ireland, civil society has generally been organised along the two religious camps. In Nepal during the war, for example, civil society was heavily politicised and each youth league, human rights network or professional association was affiliated with a political party.

2.3 Why broaden participation?

Broadening participation in mediation and negotiation processes can strengthen both the effectiveness of the meditation process itself, as well as the sustainability of the agreement.

STRENGTHENING THE EFFECTIVENESS OF NEGOTIATION AND MEDIATION PROCESSES

- **Buy-in of important groups**

Inclusion lessens the risk that groups resort to the gun to gain access to the negotiations or to express their opposition to an agreement from which they feel excluded. Potentially opposing groups may also need to participate in the process to ensure their constituencies don't feel excluded, their views are represented, and they don't oppose concessions made by the parties during the peace negotiations. In Darfur, for example, the mediation deliberately sought

the involvement of community leaders from militarized Arab communities in order to ensure their acceptance of an agreement.

- **Pressure on the parties**

Civil society and other groups can have a critical watchdog function. They can support the mediator's strategy and exert public pressure on the parties to reach an agreement, both from inside the negotiation setting as well as outside it. The 2003 Liberia negotiations demonstrate how civil society groups with observer status inside the mediation effectively co-operated with civil society groups outside the negotiations who organised effective public pressure on the parties (outlined in the "Liberia: Civil society observers" case study).

- **Public buy-in**

Civil society campaigns can create a pro-agreement atmosphere in the country through larger public buy-in. In the Northern Ireland peace process, professionally organised civil society campaigns contributed massively to the acceptance of the Good Friday Agreement which had previously been a consensus among elites only (see "Northern Ireland – Mass action, campaigns or referendums" case study). Another interesting – and mostly underused – instrument could also be representative public opinion polls. If they demonstrate that the majority of the population is for an agreement, the mediation could use them to put pressure on the parties. If the polls show that many constituencies are against the agreement, this information can be used to broaden the mediation strategy and approach.

- **Knowledge and expertise**

Civil society groups from within the country, and also INGOs, can provide the mediation with substantive expertise and local knowledge including specialists in peacebuilding, human rights or justice; representatives from women's organisations; as well as representatives from research institutions or individual researchers. They can support the mediation with analysis of the conflict as well as the peace process and actors. If they have been involved for a long time, they may also provide important lessons as they may constitute an institutional memory for the peace process. This is especially important in situations with a confused and unclear conflict environment where mediators can get caught up in, and confused by, conflicting (and manipulative) agendas.

In many instances, INGOs play a facilitation role by making international and local expertise available to the mediation process. In the 2009 peace process in Fiji, for example, the joint UN and Commonwealth Secretariat continually received advice from civil society organisations and tested assumptions associated with the mediation with members of civil society. This was done on an informal basis which avoided the perception that the process was overly influenced by specific organisations. During the first UN mediation in Somalia in the early 1990s, a reference group comprised of international and national researchers was set up in support of the mediation and organised with the help of the Life and Peace Institute, an INGO based in Sweden. The International Contact Group for the Mindanao peace process provides another example of INGOs providing expertise but also linking local groups to the mediation.

Kenya: Civil society consultations in 2008

In Kenya in 2008, the mediation team led by Kofi Annan tried to sell the idea of a formal civil society consultative forum to the negotiation teams. The resistance they faced prompted the mediation team to directly engage with a broad array of civil society actors (including women's groups, trade unions, human rights and peace groups) in an informal but transparent way. They sought to develop a sense of their expectations, their view of the conflict and its resolution, and how they deemed they could maintain pressure on the parties. Kofi Annan and his team met with them for two and a half days before the actual mediation started. In addition, Graça Machel, also part of the mediation team, met regularly with women's organisations. Women were extremely divided over the issues of the conflict but, with some support, they were able to develop a common position towards the resolution of the conflict and draft a paper for the mediation team. During the course of the negotiations, members of the mediation team regularly met the leadership of the main Kenyan civil society networks, who gave them option papers on a range of subjects. These informal exchange meetings were initially demanded by civil society leaders but were later seen as essential by the mediation team.

A specific set of circumstances made it possible for Kenyan civil society to exert such an influence on the process: 1) Kenya was not a protracted conflict and civil society was highly developed; 2) the mediators were aware of the need to involve civil society; 3) civil society had been calling for a role and had already given inputs directly to the parties; 4) the conflict parties knew that civil society actors were key opinion formers with whom they needed to work. The Kenyan process showed the need for civil society to prepare papers outlining their specific position on the negotiation agenda and its implementation.

STRENGTHENING THE SUSTAINABILITY OF THE AGREEMENT

- **Enhanced legitimacy and representation**

Greater representation through the involvement of more groups in the negotiations and/or implementation mechanisms contributes to greater legitimacy for the peace process. This is especially relevant in situations where one or more belligerent parties do not represent broad constituencies.

- **Greater diversity, hence, a broader negotiation agenda**

More groups bring a greater diversity of views to the table. This is extremely important as many armed conflicts can be a response to exclusion and poor management of diversity by the key elite actors. If groups are equally excluded from the negotiations this may backfire on the future sustainability of the agreement. The Comprehensive Peace Agreement in Sudan from 2005 is a good example as it only put the management of the North-South conflict on the negotiation agenda and left out many of the main causes of conflict as well as other conflict lines. Broadening participation constitutes a counterweight to the interests of political elites and helps to ensure that broader public interests are included in the negotiation agenda. Often, civil society actors more readily address the underlying causes of conflict, beyond the immediate interests of the belligerents, their principals and negotiators.

- **Facilitating access to difficult-to-reach constituencies**

Those constituencies considered difficult-to-reach can be both important minority groups that have been left out and key conflicting parties such as hardline political parties. It is important for the mediation to find a way of engaging with them – even if the engagement is not official. In these cases, local or INGOs can play a facilitation role. For example, the UK-based INGO Conciliation Resources (CR) worked in the Georgian/Abkhazian peace process for many years. The mediator had limited contact with the key government actors in Abkhazia and CR provided the formal mediators and their teams with a better understanding of these actors (see "Georgian-Abkhaz context: High-level informal dialogue; The Schlaining process" case study).

- **Accountability**

Engaging civil society can promote higher levels of accountability among the conflict parties through an emphasis on democratic principles such as the rule of law, human rights and anti-corruption. In Uganda, for example, civil society and the UN have conducted surveys to assess the views of victims and the broader public on justice issues, and information from the surveys has been used to inform the negotiations. Another example comes from the implementation of the post-election violence accord in Kenya (see Kenya case study) when the International Criminal Court (ICC) was called in by the mediator in 2010 after the negotiation parties failed to set up an internationally-recognised local court to prosecute perpetrators. The political elite opposes the ICC, while public opinion polls conducted among the broader society demonstrate that a majority of Kenyans support the ICC proceedings as they do not trust their political leaders.

- **Monitoring of an agreement's implementation**

Experienced civil society groups can play a critical monitoring role during the implementation process, both within official monitoring mechanisms as well as outside them. This role is outlined in the options for mediators section of this publication.

2.4 Challenges

The challenges to broadening participation in peace negotiations are many and relate to the fact that conflict parties may oppose civil society inclusion in what they see as "their" process. Who decides which of the many, often competing, groups to work with (or not) as well as how to ensure civil society perspectives complement those of the parties and can be shared freely and efficiently, are other daunting challenges. Another important challenge is related to deciding when to deliberately go for an exclusionist approach and how to assess its consequences.

- **Conflict parties resist civil society inclusion**

Armed conflict is about power. The decision about who participates in negotiations is equally driven by power and conflict parties are unlikely to easily share power with more groups, especially when the latter do not represent the belligerents' own constituencies or positions. The implementation of the 2008 agreement in Kenya demonstrates that a more formal role for civil society, especially within monitoring arrangements, might have helped to overcome challenges in implementation (see "Kenya: Civil society consultations in 2008" case study).

The resistance of conflict parties to the inclusion of civil society can be addressed by bringing in comparative, as well as context-specific, expertise to demonstrate the benefits of inclusion or the problems related to exclusion. They can outline different models for inclusion (both closer to, and more distant from, the negotiations) such as working with observer or reference groups to include outside expertise; developing informal mechanisms of local inclusion;

and working with an outside INGO or research institution as a facilitator for local constituencies.

- **Diversity and selection of civil society participants**

Deciding which civil society groups to work with, especially when no strong and representative countrywide groups exist, is yet another significant challenge for the mediator. The risk that the groups selected are only those which echo the positions of the conflict parties themselves or are the noisiest, is real. As a result, civil society participants may not be representative and instead simply add weight to the conflict parties or only reflect elite views. Groups can be selected by the main negotiation parties, by the mediator, or alternatively by a self-selection process with formal procedures. Mediators need to be aware of selection processes driven by the belligerent parties as these will not be effective. A way of managing this challenge is to let the negotiation parties and the mediation team nominate an equal number of representatives.

- **Competition and complexity**

Regardless of the modalities of including civil society, working with more groups will involve more complexity. It often also involves dealing with groups with competing interests and constituencies. The involvement of more parties could, indeed, lead to more positions to be incorporated into an agreement and could, therefore, increase the duration of negotiations. This challenge is real and often explains the mediator's reluctance to work with more groups than he/she deems necessary. Long-standing conflicts often feature multiple, ongoing civil society initiatives and these will pose a particular challenge to the mediator in terms of working with them without provoking competition between them. This challenge can be addressed through practical arrangements such as a) managing the negotiations with working groups (see "Democratic Republic of the Congo: Civil society at the negotiation table" case study); or b) organising civil society consultations in parallel to the official negotiations.

- **Exclusion**

Considering the conditions under which exclusion is a valid option is also a legitimate question, particularly during pre-negotiations. Facilitation initiatives which run in parallel to the official negotiations do not have to be inclusive as they have a particular purpose and reach. Informal talks with hardliner constituencies are aimed at these groups and not meant to be all inclusive. When official negotiations start, the situation changes and a certain form of inclusion is almost always required. The question remains, however, what form this inclusion should take and who to involve in it.

- **Manipulation**

Once civil society groups have become part of peace negotiations, conflict parties will often try to manipulate, persuade or even coerce civil society representatives to limit the extent to which the process is inclusive, and avoid too much distraction from the outcome the conflict parties are seeking. This is not an easy challenge to manage and it requires close co-operation between the mediation team and the groups involved. Formal and regular meetings between them are a way of preventing, or mitigating, this challenge.

- **Protection**

As civil society representatives will often be living under the control of the belligerents, the question of their protection might need to be addressed by the mediation team, including when designing appropriate outreach strategies. One way to deal with this challenge is to conduct a proper assessment of the opportunities, and risks, for those included and it may also require the development of a protection strategy.

- **Insufficient expertise within civil society or other excluded groups**

Although there are contexts with extremely vibrant and knowledgeable civil society groups, this is not always the case. Areas involved in protracted conflicts, in particular, often lack a vibrant civil society. This is, however, not a reason for exclusion, especially when there are good reasons for inclusion. Options to manage this challenge could include bringing in diaspora groups; capacity-building for civil society groups; working with an international reference group of researchers and experts; and using INGOs as facilitators between local groups and the mediation.

- **The mediator's capacity to manage inclusion**

Managing civil society inclusion will require extensive research and outreach capacity on the ground which is not available to mediators in many cases. It is necessary to consider implementation capacity within the mediation team when considering the strategies for civil society involvement. The right expertise needs to be available within the mediation team or provided to the team by external experts. This expertise includes the capacity to analyse the best option/approach for engagement; identify the right actors within civil society; manage diversity and numbers; as well as establish effective co-ordination procedures. One way to deal with this challenge is to rely on external or internal mediation support that provides both generic lessons from other mediation processes and context-relevant proposals.

Democratic Republic of the Congo: Civil society at the negotiation table

The 1999 Lusaka Ceasefire Agreement provided for the Inter-Congolese Dialogue (ICD) which was revived in 2002 to address internal conflict within the Democratic Republic of the Congo (DRC). The UN mediators brought together the Kinshasa Government, the unarmed opposition as well as armed groups. It also insisted on the participation of civil society representatives (Les Forces Vives) to ensure broad consensus in the negotiations. Congolese civil society elected representatives from each of the DRC's 11 provinces to attend the talks, a task that was made easier by the highly organised and representative nature of civil society in the DRC. Mediators pre-empted the difficulty of working with large groups during the negotiations by forming thematic working groups. Civil society was included along with other parties in every power-sharing component of the agreement and gained several positions in the transitional government. Civil society was also often consulted after agreements had been reached by the conflict protagonists in parallel discussions. Civil society representatives successfully integrated the concerns of civilians in the final agreement and reminded belligerents about the urgent need for peace.

However, the conflict parties questioned the legitimacy of the presence of unarmed civil society representatives, particularly women, at the table. Of 340 delegates to the process, 40 were women and other women were granted observer status as experts. Civil society representatives also did not function as a unified group during the talks and comprised multiple ideologies and viewpoints. During the ICD, some civil society representatives were co-opted by negotiating parties by means of offers of monetary gifts and future political positions. While the idea that non-belligerents had a role to play, not only in the peace process but also in the future government, was a positive step, civil society's role as a voice for peace was jeopardized by power-sharing games as well as their limited bargaining power in the negotiations.

2.5 Models of inclusion: Options for mediators

When negotiating with conflict parties about the modalities of broadening participation in a given process, mediators will have a range of options. The appropriate option will depend on the purpose of broadening the process and the degree of inclusion which is sought.

- **Option 1:** Direct representation at the negotiation table as an additional party
- **Option 2:** Observer status at the negotiations
- **Option 3:** Official consultative forums parallel to the official negotiations
- **Option 4:** Formal or informal civil society consultations
- **Option 5:** The inclusion of civil society in implementation and monitoring mechanisms
- **Option 6:** Co-operating with high-level civil society initiatives
- **Option 7:** Dealing with mass action, campaigns, referendums and public opinion polls

The first five options will generate structured inputs into the mediation and negotiation process and require adequate management by the mediation team. The high-level civil society initiatives referred to in option six can usefully complement the efforts of the mediation team if they are well co-ordinated and this option requires less management by the mediation team. The mass action, campaigns, referendums and polls referred to in the last option could be either in support of, or against, the mediation process. Hence, it is important for the mediator to be aware of such developments and keep in contact – if possible and necessary – with the respective groups.

- **Option 1: Direct representation at the negotiation table as an additional party**

This is the most direct form of participation and, in this case, civil society representatives will have the same status at the negotiation table as the primary conflict parties (government, armed groups). Inviting civil society groups into the negotiations as an additional party will increase the legitimacy and representativeness of the peace process. Civil society will be in a position to raise issues as well as – possibly with the mediator's help – building in provisions for a representative and more democratic post-agreement architecture. The direct participation of civil society will also indicate the buy-in of much larger constituencies into the peace process than other forms of engagement.

Direct civil society representation and participation will also come with a distinct set of disadvantages. The more groups at the table, the more complex and challenging it becomes to reach an agreement that satisfies all parties. Mediators will also need to assess the capabilities of the civil society participants and, should there be a risk that unsophisticated civil society negotiators might sidetrack the mediation process, the mediator may need to spend time coaching them or building their capacity. Nevertheless, these disadvantages can be managed. Mediators can resort to sub-working groups to break up big numbers of participants, with relevant civil society groups focusing on issues of most relevance to their constituencies.

Convincing the conflict parties to make room for civil society will, nonetheless, remain difficult. Parties often do not have a general objection to civil society involvement per se, but instead baulk at specific groups they see as enemies or out of their realm of influence. In such cases, mediators might allow for each official party to invite a specific number of civil society representatives and also reserve slots for the mediation team to attribute, to include organisations it deems key to a sustainable outcome. In situations when they have more leverage, mediators might also list civil society participation as a condition for the mediator's involvement, or try to negotiate civil society entry with the parties prior to, or during, the talks themselves.

Mediators need to carefully consider the inclusion or exclusion of so-called 'hardliners'. In a number of negotiations, certain norms or politics do not allow for the inclusion of a key conflict party. This happened with Hamas, Al Shabaab and the Taliban at the Bonn negotiations in 2001. In such cases, mediators have often tried to involve more democratic civil society groups to sideline the hardliners. This strategy was pursued during the Rwandan peace negotiations in 1993 prior to the genocide, as well as during the 2001 Afghanistan negotiations. Both cases demonstrate the limits of such an approach and the difficulties associated with reaching a sustainable agreement in the absence of key conflict parties. Alternatively, mediators can try and manage the absence of these key parties by involving civil society groups that are politically close to the 'hardliners' and can present their views. In the Darfur meditation, representatives of militarized Arab groups have been deliberately included in the negotiations over the past two years in order to ensure their acceptance of the agreement.

Liberia: Civil society observers

In the face of reluctance from the rebels and the Government to enter peace negotiations, the Women of Liberia Mass Action for Peace Campaign was spearheaded by the 'Women in Peacebuilding Network' (WIPNET). They gained an audience with President Taylor to implore him to attend the peace talks and also encouraged the rebels to attend by using their personal and family networks to engage them directly or indirectly.

The Accra 2003 Peace talks were progressing at a slow pace while violence, and the threat of greater violence, continued in Liberia. Several women's organisations came together and sent their representatives to Accra to monitor the proceedings and to remind the conflict parties of the civilian cost of war. The efforts of the Mass Action for Peace gave support to other civil society representatives that had been invited to participate as official observers to the negotiations. They included the Liberian Bar Association, the Inter-Religious Council for Liberia, and the Liberian chapter of the Mano River Women's Peace Network (MARWOPNET) which brings together women peace activists from Liberia, Guinea and Sierra Leone.

During the negotiations, the women used both formal and informal conversations with conflict parties within the negotiation room to influence the provisions of the peace agreement. As negotiations dragged on, the women (who were not an official delegation) organised a sit-in which blocked the doors of the building in which the negotiations were taking place. They told all parties that they would not be allowed out until they came to an agreement. This pressure from the outside gave civil society representatives on the inside greater impetus to push for peace at a time when belligerents were using the threat of violence to make political gains in the negotiations. MARWOPNET's particularly positive experience at the negotiation table further strengthened their reputation and legitimacy, and lead to their enhanced participation in peace processes in Sierra Leone and Guinea. Events in Liberia show mediators that negotiations should not only include decision makers and trouble makers, but that unified pro-peace civil society groups can, indeed, support their efforts to bring about a sustainable agreement.

- **Option 2: Observer status at the negotiations**

Instead of becoming an additional party at the negotiation table, civil society groups can be granted observer status. In fact, this is the most common approach in terms of direct civil society involvement in negotiations. In Liberia in 2003, civil society groups, as observers, were able to muster country-wide mass demonstrations to put pressure on conflict parties to reach an agreement. Civil society groups acting as observers have also signed off the agreement in a number of instances in Liberia (2003), in Burundi (2000), in Sierra Leone (1996) and in the Solomon Islands (1991).

This form of civil society involvement has distinctive advantages. As they are in the room, civil society actors will be much better informed about the negotiation agenda. As a result, the mediator will have groups able to take on a critical watchdog function and advise him/her and the parties when needed, as well as form alliances with other observers. As with the first option, their status as observers allows civil society representatives to keep up the pressure on the conflict parties and lobby for a continued role for civil society during the post-agreement phase.

- **Option 3: Official consultative forums parallel to the official negotiations**

Civil society forums can also act as a consultative body to the negotiation process, provided they are officially endorsed by the mediator and the conflict parties. The official endorsement gives the forum legitimacy and the civil society forum can give itself a mandate or can receive a mandate from the mediators or the conflict parties. In most cases, the consultative forum follows the same agenda as the official negotiations, but it could also potentially add issues to the negotiation agenda. To make effective use of such a forum, a structured form of co-operation between the official negotiations and the civil society forum is required. The forum can enable the peace process to include more broad-based civil society representation than offering civil society representatives observer status but this comes at the cost of more distance from the negotiation table.

The advantages of an official forum include avoiding the problem of multiplying the number of actors at the main negotiation table while, at the same time, including a broader set of perspectives that gives the process more legitimacy. It can also help facilitate the discussion of difficult issues. Another advantage is that the parallel forum could provide an alternative channel for negotiations if the official negotiations stall. The forum itself also presents an opportunity for civil society groups to practice democratic procedures.

There are, however, also several challenges involved. The forum could be hijacked by elite civil society groups that seek to dominate the process and exclude others. If the selection process is not sufficiently representative, the legitimacy of the forum could be damaged and its usefulness will be reduced as it could be ignored, sidelined or dismissed by the principle negotiators. Another danger is the possibility that the forum will be co-opted by the main negotiators seeking to use civil society to promote their own negotiation agendas. The participants of the forum might also fail to attain the desired unity and organisation necessary for effectively influencing the official negotiations.

Peace processes in Guatemala and Afghanistan demonstrate that these forums need to be supported by a strong local chairperson, or they need external facilitation support and/or coaching. Regular formal or informal communication has to take place between the mediation/facilitation teams of the official negotiation and the civil society forum.

- **Option 4: Formal or informal civil society consultations**

In cases where it is not possible to involve civil society more formally in the negotiations, the mediation team can nevertheless consult with civil society groups in the country. Such civil society consultations can still meet the objective of making diverse voices from the population heard and can also inform civil society about the negotiation process.

These consultations allow the mediation team to get a better understanding of the context of the conflict and the critical issues for the agreement as well as gaining insight into people's needs, ideas and visions for peace.

The value of formal consultations was demonstrated in Kenya in 2008 (see "Kenya: Civil society consultations in 2008" case study). They also help the mediation team understand who needs to be involved in shaping the post-agreement agenda which supports the sustainability of the agreement and initial consultations can also lead to an ongoing exchange of information and ideas. However, in comparison with an official consultative forum, these consultations involve a greater distance from the negotiations as well as more selected use of civil society's potential.

Guatemala and Afghanistan: Consultative civil society forums

The Civil Society Assembly (ASC) in Guatemala was formed in 1994 to gather civil society groups into one platform with a consultative mandate to give non-binding recommendations to both the Guatemalan National Revolutionary Union (URNG) and the Government. The ASC was a representative, elected body comprised of political parties, religious groups, unions, academic institutions, small and medium-sized enterprises, journalists, development NGOs, women's groups as well as Maya (indigenous) and human rights organisations. The groups elected a chairperson and the ASC worked throughout the two year negotiation process and existed for the entire three years of the peace process. The ASC was made possible in the Guatemalan context as civil society had exerted considerable pressure for peace over the years and was very effectively organised. The URNG also hoped to gain political support from civil society and both conflict parties were keen to secure the legitimacy that civil society involvement would confer on the official negotiation process.

As a result of a consensus-orientated negotiation process within the ASC, it produced recommendation papers on all the relevant issues under discussion at the negotiation table. The sequence of the papers was designed specifically to impact on the Track I process. The ASC was extremely successful in getting important but neglected issues on the Track I negotiation agenda and most of the recommendations of the ASC were taken directly, or indirectly, into account.

However, an assessment of the implementation of the peace agreement ten years later demonstrated that the issues brought in by the ASC were particularly weak in implementation because the state neglected them and civil society split up into different interest groups which hindered overall monitoring of the implementation of the peace agreement [3].

The Afghanistan negotiations of 2001 lasted only one week. The UN mediation team initiated a civil society forum in parallel to the official negotiations to give the process much needed legitimacy. This was essential as the main conflict party, the Taliban, were not invited to the negotiations. In contrast to the Guatemala case, civil society involvement did not come from within Afghanistan but was initiated externally by the UN. Two think-tanks (one Swiss and one German) were asked to facilitate the process in which approximately 150 civil society representatives from diaspora groups as well as groups from within Afghanistan were invited to participate. Groups were chosen by the Swiss and German facilitation team on the basis of criteria such as diversity, gender, youth, traditional versus modern groups, and diaspora versus internal groups. The facilitation team provided guidance and coaching.

There were only a few days for organising the process and, as a result, finding common issues and reaching statements was extremely difficult. The civil society groups were as diverse as the negotiation parties and their influence on the official process was, therefore, limited. However, the extent to which civil society representatives put pressure on the official parties to reach an agreement should not be underestimated. At times the Track I mediators tried to set the agenda for the consultative forum but daily exchanges between the two mediation/facilitation teams allowed for a balanced process. The influence of civil society on the implementation of the Afghanistan peace agreement also continued after the conference in two forms: a project was established to support networking among, and provide expertise for, civil society groups in Afghanistan and a parallel civil society forum was established next to the Loya Jirga state-building negotiations through a representative election process.

- **Option 5: The inclusion of civil society in implementation and monitoring mechanisms**

Setting up mechanisms and specific tasks for the implementation of a peace agreement is crucial in shaping the post-agreement period and, consequently, the future of the country. Many peace agreements include provisions for the inclusion of civil society in implementation mechanisms and these can range from the very general to very specific. The 2002 Aceh ceasefire agreement commits both parties to allowing civil society to express its democratic rights without hindrance. The Sudanese Comprehensive Peace Agreement from 2005 also mentions that the parties shall foster civil society. In Liberia, the Comprehensive Peace Agreement signed in 2003 required the new National Human Rights Commission to work with local human rights organisations to monitor the agreement, especially the human rights provisions. In 2010 in Mindanao, the parties agreed that three local NGOs and one international NGO would participate in the Civilian Protection Component of the International Monitoring Team.

Some peace agreements also include provisions for civil society to create awareness of the agreement among the populace. In Somalia, for example, the 1993 agreement included a provision that civil society delegations would travel to all parts of the country and these delegations were supported by an international NGO, the Swedish Life and Peace Institute. In Colombia, the peace talks between the Government and the FARC from 1999–2002 established a national committee to consult widely with the population. Some agreements go even further in providing seats for civil society representatives in national legislatures as seen in Liberia in 2003, Burundi in 2000 and the Philippines in 1996. A key lesson learned from these examples is that general provisions were rarely effective and in cases where provisions were specific, civil society groups had taken an important role during the negotiations. This shows that there needs to be space during the negotiations to discuss the specificities of such provisions.

The selection of appropriate civil society representatives for post-agreement institutions is also essential. In most agreements selection is left to the negotiation parties, if it is mentioned at all. When the conflict parties select civil society representatives, this mainly results in the consolidation of social divisions. Civil society is as diverse as the conflict parties and the society at large. Not all countries have broad-based civil society groups that are perceived as neutral or representing the broader population. An exception is the 2003 agreement in Liberia which left the selection to civil society itself, subject to the observation of the Economic Community of West African States.

It is equally important, however, to ensure a critical watchdog function for civil society outside the official mechanisms. In the aftermath of the Kenyan 2007/2008 negotiations Kofi Annan supported the idea of independent reports to monitor the implementation of the agreement. Local NGOs were commissioned to carry out these reports.

- **Option 6: Co-operating with high-level civil society initiatives**

In some peace processes high-level civil society initiatives take place prior to, or in parallel with, the official negotiations. These may be problem-solving workshops or private facilitation initiatives by well-respected civil society leaders such as Desmond Tutu during the South African post-apartheid negotiations.

Problem-solving workshops bring together representatives close to the leaders of the parties to the conflict. These workshops are not official and generally not publicly known. They offer the parties to the conflict communication channels without the pressure to come to an agreement and, as such, the selection of

Liberia and Mindanao:
Civil society provisions in implementation mechanisms

The 2003 Liberia agreement provided for the establishment of a new National Human Rights Commission to work directly with local human rights groups and civil society organisations to monitor and strengthen human rights in the country. The agreement also provided for the establishment of a Governance Reform Commission whose membership included candidates nominated by civil society. The peace agreement also reserved 7 out of 76 seats in the National Transitional Legislative Assembly (NTLA) for civil society. Of these 7 seats, 3 were given to women. In recognition of the work of women in the peace process, the Transitional Government gave members of the Women in Peacebuilding Network (WIPNET) posts within governmental agencies, the National Human Rights Commission of Liberia, the Truth and Reconciliation Commission and one member was named Deputy Minister for Foreign Affairs. After the transition period ended in 2006, civil society groups continued their role as advocates and watchdogs, participating in various national and UN forums in the country.

In Mindanao in the Philippines, civilian monitoring missions such as the local monitoring teams in Mindanao are involved in both formal and informal implementation mechanisms defined as part of the 1996 peace agreement. The formal mechanisms were established by the parties to monitor and report on violations of human rights and the Civilian Protection Component of the agreement. The less formal mechanism involves the civil society group 'Bantay Ceasefire' which works with – but independently of – the International Monitoring Team in monitoring and reporting on ceasefire violations.

workshop participants is crucial. These initiatives can last several years and are generally organised and facilitated by INGOs or academic institutions, sometimes in co-operation with local partners. When belligerents refuse to meet, these workshops may be the only 'game in town'. Civil society representatives can therefore pick up where official negotiators left off, exploring alternatives, producing position papers and even drafting agreements that constitute entry points if, and when, Track I negotiations resume. This was the role taken on by the 2003 Geneva initiative between former Palestinian and Israeli negotiators, academics and civil society leaders.

Georgian-Abkhaz context: High-level informal dialogue; The Schlaining process

The Schlaining process in the Georgian-Abkhaz conflict bridged the gap between official Track I negotiations and civil society peace initiatives by providing Track I participants (senior officials, politicians and public figures including civil society activists) with the opportunity to use an unofficial and informal dialogue process in parallel to formal negotiations. Between 2000 – 2007, the Schlaining process involved 20 dialogue workshops between more than 100 Georgian and Abkhaz interlocutors, facilitated and organised by a British and a German INGO in partnership with a range of Abkhaz and Georgian NGOs.

The key aim was to provide a secure, confidential space for influential actors on either side of the divide to engage with one another. In addition to plenary discussions in which all participants took part, small working groups were used to facilitate more intimate discussions within, and across, each community. Participants analysed all key issues in the formal negotiation process, enabling them to test ideas and the potential reception of those ideas in ways that could feed into the political negotiations and make them more effective. Communication channels existed with the mediators of the formal process and the facilitators regularly met with the UNSRSG and senior UN staff in Tbilisi and Sukhumi. On several occasions the facilitators were also invited to travel to New York to brief representatives of the UN Departments of Political Affairs and Peacekeeping. These interactions, together with regular meetings with representatives of the 'Group of Friends' of the Secretary-General, enabled the facilitators of the Schlaining process to better understand the constraints on the formal process and to share their insights.

The Schlaining process came to an end in 2007, reflecting an increasingly difficult political context and a hardening of positions at the official level. Nonetheless, the process fostered the generation of ideas and communication channels across the conflict divide as well as the building of relationships – all of which are integral components of successful conflict transformation processes. Many of the relationships that were formed at the workshops, and the ideas generated and tested by participants, endure to this day.

For official mediators the interesting question is how to make effective use of these existing channels when the formal negotiations start or re-start. Most importantly, such initiatives create trust and networks over time that can be of great value to the mediation team. The workshops can also be a space to discuss and test out proposals for the agreement (see the Georgian-Abkhaz case study on the opposite page). Establishing contact with the facilitators of the most relevant conflict resolution initiatives in a country is, therefore, an important task for the mediation team.

In many peace processes, trusted civil society individuals gain important roles in facilitating or mediating between the conflict parties. They are usually closely connected to the conflict parties and are seen as personalities with moral integrity. Archbishop Desmond Tutu fulfilled this role during the South African peace process and, in many cases, other prominent church leaders have played similar roles. During the Mozambican peace process, years of facilitation work conducted by two Mozambican bishops, one Lutheran and one Catholic, paved the way to the negotiations. The two bishops also played an important role during stalemates at the negotiation table and continued to work for the implementation of the peace processes after the agreement was signed. In Nepal, between 2005 – 2006, trusted Nepali individuals helped ensure that negotiations between the Maoists and the political parties stayed on track and reached a settlement. They were involved not only in smoothing the way for inter-party talks but also in pressing for the resolution of intra-party disputes that were blocking progress. It is important for the mediation team to co-operate with these individuals.

- **Option 7: Dealing with mass action, campaigns, referendums and public opinion polls**

Mass action can be a very powerful instrument for influencing negotiations and putting pressure on the parties. However, mass demonstrations, campaigns, referendums or public opinion polls can be in favor of, or against, the peace process. Very often these actions are beyond the mediator's reach, but need to be monitored. Mass mobilization may involve targeted advocacy campaigns for the inclusion of relevant issues into the peace agreement and is also often paired with claims for changing the political system. The civil society "Yes campaign" in support of signing the Northern Ireland peace agreement in 1998 was very influential in creating a pro-peace atmosphere in the country (see "Northern Ireland – Mass action, campaigns or referendums" case study). In Nepal in 2006, three months of mass demonstrations to end the war and authoritarian rule paved the way for the Comprehensive Peace Agreement. In Sri Lanka, street agitation against the peace negotiations between 2002 – 2006 had a greater reach than the pro-peace camp.

Mediators will only have limited influence on mass action initiatives. They will nonetheless be in a position to identify and analyse civil society actors as part of their peace process mapping and, hence, better understand the extent to which mass action may be in favour of, or play against, the peace process they are involved in.

Northern Ireland: Mass action, campaigns or referendums

In the Northern Ireland peace process, a civil society "Yes campaign" was launched in advance of a referendum over the peace deal between the main conflict parties. The campaign was able to present the agreement as a fair political accommodation between unionists and nationalists. In the process, civil society performed an important intermediary function between political leaders and their respective communities which facilitated the citizens' endorsement of the Good Friday Agreement.

Although the parties to the conflict were key participants in negotiating the agreement, neither party was ready to put its full weight behind it due to fears that the agreement would not be backed by their constituencies. Less than three weeks after the Good Friday Agreement was signed, a group of Northern Ireland citizens representing a cross-section of society, launched the "Yes campaign". In the following weeks resources were mobilized, and an information campaign was launched. A giant marketing firm, Saatchi and Saatchi, helped devise an effective logo that would identify the pro-agreement camp. "Yes" was equated with "move forward," whereas "no" meant "dead end." The campaign targeted moderate unionist voters in and around Belfast – those most likely to tip the balance between success and failure and it also focused on seeking out first-time voters. To this end, the handshake between the leaders of the two conflict parties, David Trimble and John Hume, at a U2 rock concert proved effective. Despite their initial insistence on maintaining balance in reporting, the media eventually came around to supporting the peace deal. The use of public opinion polls, conducted by academics based at Queens University Belfast, further helped the political parties to understand the views and opinions of the population.

2.6 Conclusions and suggestions for mediators

Current practice suggests that the question is generally not about whether or not to broaden participation, but rather finding the most effective way of engaging with civil society and other relevant groups inside or outside formal negotiations.

In cases when parties are weak and not representative, both direct involvement at the table and inclusion as an official consultative forum make sense and signal that the sustainable management of the conflict needs a broad commitment from large sections of the population. When civil society is strong, consultative forums will help bring important topics to the negotiation agenda and provide an alternative channel for negotiations in case the official negotiations stall.

Granting specific civil society groups observer status is another option which recognises the importance of their role. It allows them to engage with the mediation and the parties and may be effective, provided that careful thinking has gone into identifying and appointing constructive observers. Less formal consultations also allow civil society to take up initiatives outside the negotiations. In addition, while broadening participation can enhance the legitimacy and representativeness of a peace process, a strong and visible civil society outside the negotiations can become an additional pro-agreement force without the risk that they will be co-opted by the parties within the negotiations.

The decision about which is the most appropriate form of civil society involvement will need to be based on a precise analysis of civil society in the context at hand. It will depend on how structured civil society is, its political sophistication as well as the extent to which some of its elements reflect more extreme views than the conflict parties themselves. Examples touched upon in this publication suggest that civil society participation in peace negotiations was strongest in cases where 1) there were strong pre-existing actors who lobbied their way into the negotiations; 2) external mediators were "civil society aware" and built their involvement into the process; and 3) the conflict parties saw the participation of civil society as in their interest and deemed it would strengthen their negotiating position. This does not mean, however, that civil society will fulfill these intentions once they are engaged in a process.

Mediators will also need to be aware that not only pro-peace constituencies need to be considered for inclusion. Leaving out influential opponents of a peace agreement or hardliner constituencies is likely to affect the sustainably

of the agreement. The decision about whether to deliberately include hardliners formally or informally in the negotiations, or work with their proxies, will be case specific. Recent practice suggests that mediation teams will be most able to make effective use of civil society inside and outside formal negotiations when they mobilize dedicated resources and expertise to do so. These resources and expertise may come from the mediation team itself (illustrated by Graça Machel's pivotal liaison role with women's organisations in Kenya in 2008) or be mobilized in support of the team (as outlined in the Mindanao and Georgian-Abkhaz case studies). Alternatively, it may involve receiving targeted mediation support from international, regional or private organisations.

Chapter 3:

Including women and gender perspectives in peacemaking

Antonia Potter

Foreword

Women's participation in efforts to resolve the conflicts in Sudan and the outstanding issues between Sudan and South Sudan is essential. This is not only a question of ensuring women's legitimate rights. It is also about ensuring a comprehensive and sustainable peace.

John Garang called women "the marginalised of the marginalised". How can there be real peace if half the population is still largely excluded from peace negotiations and peace building? I know from my own discussions with women in Sudan and South Sudan how much they have to offer and how much they want to get involved.

More than ten years after the adoption of UNSCR 1325 on women, peace and security, it is sadly the case that women are still not participating equally in peace and security initiatives. Women are too often sidelined from formal peace processes and are still the victims of insecurity and gender-based violence in conflict zones such as Darfur, Southern Kordofan, Blue Nile and parts of South Sudan.

The EU is committed to doing more to operationalize UNSCR 1325 and turn it into reality. It is important to include women at all stages of the peace process and to ensure that their representation at the decision-making level is increased. It is crucial that women and girls have access to education, healthcare, training, credit and land rights.

As the first woman to be appointed as an EU Special Representative, I am conscious that there is a huge amount still to be done and I look forward to continue working with others to pursue the objectives of UNSCR 1325.

Dame Rosalind Marsden
European union Special Representative for Sudan and South Sudan

3.1 Introduction

The question of including women and gendered perspectives in peace processes at all levels has now entered the mainstream of peacemaking and peacebuilding discourse but it is not yet a norm in practice. Whether they are personally committed to the subject or not, many mediators, especially at the Track 1 or Track 1.5 level[1], find the issue difficult to grapple with: it still feels too far from the political and security concerns of bringing an end to armed hostilities, or too unclear what, in their day to day work, they can actually do about it. Another way to put this is that it may be an issue that causes political problems for people – whether related to their personal politics, to those of their institution or to the peace process in which they are involved. Alternatively, it may be an issue that causes technical problems – for example, it may be that the issues are broadly understood, but it feels challenging to actually translate that understanding into action.

The place of women in peace and security (WPS) has been formally secured and is rooted in United Nations Security Council Resolution 1325 (2000) and its four accompanying resolutions 1820 (2008), 1888 (2009), 1889 (2009) and 1960 (2010)[2]. United Nations Security Council Resolution 1325 (UNSCR 1325) was the fruit of intense civil society advocacy and effort, principally by women's organisations. This large and growing network is also a significant element in pushing, supporting and monitoring institutional efforts to implement the resolution, alongside its own role in direct implementation. This gives the resolution a special character, but also provides it with particular challenges. The main one is that it is a resolution that it is easy to sign up to, and thereby improve national image on the international stage, but that it is also easy and virtually cost-free not to go on to implement it. Its accountability mechanisms remain weak and, in the view of the UN Secretary-General, in the 2011 iteration of his annual report on the resolution[3], it is being patchily implemented with areas of deep concern such as a lack of progress on women's participation in peace processes at all levels. Its champions have criticized those responsible for implementing it for using it as a publicity tool and hiding behind positive rhetoric on women, peace and security while failing to take the radical measures[4] required to make the resolution the reality that its framers intended.

Thus UNSCR 1325, used as a shorthand for WPS, is now arguably a topic which suffers from everyone agreeing with it, in principle, or at least in public, but which still lacks the political leadership, financial resources and technical know-how required in the right places to make it a consistent, visible norm on the ground anywhere, but particularly in conflict-affected countries.

This chapter aims to contribute to filling the know-how gap for practitioners. It offers mediators, in particular, and those in roles which support and facilitate peace processes (their own, or those of others) with an accessible survey of the 'state of the art' of current practice on women, gender and peacebuilding in relation to the work they do. It provides a synopsis of:

- The key elements and concepts within the current discourse on women, gender and peacebuilding from a mediator's/peace process support actor's perspective;
- A sample of the current challenges and opportunities that mediators and peace processes face in implementing the norms which exist;
- Selected options for addressing those challenges and making the most of those opportunities;
- Suggestions on further reading and resources, either to consolidate understanding of the subject, or to go deeper into technical approaches on how to implement the norms.

Finally, throughout the chapter the reader will find several 'vignettes' or extended quotations from senior actors in recent peace processes aimed at illustrating the dilemmas and possibilities within certain contexts. These are not case studies but snapshots. The choice of countries reflects only the broad criteria of those in which a peace process has been ongoing or concluded in the last ten years and the choice of individuals reflects senior actors who were accessible and available to discuss how UNSCR 1325 was implemented in the process in which they worked.

3.2 Women and Peace and Security: framing the discourse and defining key concepts

- **The normative framework in a nutshell**

UNSCR 1325 and the accompanying four resolutions provide the fundamental normative framework on WPS. This is not to say that a discussion of women's rights and roles with regard to war and peace was absent until 2000, but this was the first international instrument to focus squarely on the issue; this is why it is often described as ground-breaking. It builds clearly upon the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979) and the Beijing Platform for Action (BPA, 1995), and was unanimously passed; thus it has impeccable normative credentials.

The resolution is primarily concerned with international peace and security, and recognised the following long-neglected facts: that women and men (and girls and boys) have a different experience of war, both as combatants and non-combatants, and thus different roles, views and needs regarding arrangements to stop violent conflict, recover from it and prevent its recurrence; that women have an equal right to participate as agents in the resolution and prevention of conflict; that gender relations (the relationship between the sexes within a specific culture) within conflict-affected societies may shift during, and after, conflict; that the use of sexual violence as a weapon of war (or side/after-effect of its ravages) is a neglected reality which must be responded to, stopped, prevented and prosecuted; that peace processes and their implementation present a special opportunity to promote gender equality in societies and should, in principle, be gender mainstreamed.

The full set of resolutions work together to ensure:

- The participation and inclusion of women (including civil society actors) in decision making related to conflict prevention, peacemaking, peacebuilding and post-conflict reconstruction;
- Provisions for the promotion and protection of women and girls' physical, social, economic and political rights during and after conflict, including refugee and displacement settings;
- Conflict-related sexual violence prevention, effective reporting and protection of victims;
- Training of military and civilian personnel, including peacekeepers, on protection of women, including zero tolerance of sexual exploitation and abuse of local populations; and
- Systematic implementation of the resolution by all governments and UN missions.[5]

What does gender mainstreaming in peacebuilding mean?

"Gender mainstreaming is not solely about advocating for women's rights, but about critically analyzing all the challenges and opportunities for reform and reconstruction with respect to existing gender roles and inequalities. Gender mainstreaming, … is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels."

Etchart L., *Progress in Gender Mainstreaming in Peace Support Operations*, in Baksh R., Etchart L., Johnson T., and Onubogu E. (Eds.) *Gender Mainstreaming in Conflict Transformation: Building Sustainable Peace* (London: Commonwealth Secretariat, 2005)

The family tree of women, peace and security (WPS) resolutions

- 1325 is the so-called "mother of all resolutions" and set up the 3 pillars of participation, protection and prevention in WPS;
- 1820 specifically speaks to the sexual violence aspects of WPS which were not fully elaborated in 1325, in particular prevention and prosecution;
- 1888 adds specificities to 1820 in terms of implementation, including the establishment of the Secretary-General's Special Representative on Sexual Violence in Conflict, and mandating the use of sexual violence as a criterion for the potential imposition of sanctions in Security Council deliberations; while
- 1889 bears a closer relation to 1325 and sets up a framework for how it should be implemented and monitored.
- 1960 further elaborates on accountability mechanisms and targeted measures relating to dealing with, and preventing, sexual violence in conflict.

1325's accountability mechanisms were not written in from the start and are evolving over time. A set of indicators and a reporting framework were developed as a result of UNSCR 1889[6]. The UN Secretary-General reports annually to the UN Security Council, with the first third of the indicators reported against in the 2011 report[7]. At the Member State level, accountability is entirely voluntary as is the question of whether states wish to develop National Action Plans (NAPs) on 1325 to make their plans and commitments measurable.

On the regional level, the African Union (AU) and European Union (EU) have moved furthest in responding to the 1325 imperative by developing their own policy frameworks and the greatest number of NAPs (of the total 36 NAPs at the time of publication, 9 are from AU Member States while 14 are from EU Member States)[8]. In preparation for the UN Secretary-General's 2012 annual report on WPS, UN Women is currently commissioning reviews of regional organisations' implementation of 1325 and associated resolutions.

The African Union (AU) has committed to advancing gender equality through a number of frameworks including: the Solemn Declaration on Gender Equality (2004); the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol 2003); the AU Commission Gender Policy; and the African Union Constitutive Act (2001). The Solemn Declaration and the Maputo Protocol are the most substantive in terms of advancing women, peace and security concerns. No comprehensive internal or external review of AU WPS strategy implementation has yet been undertaken.

- **National Action Plans (NAPs)**

NAPs are still the exception rather than the rule among UN Member States, although the adoption of the first USA NAP in December 2011 may have a galvanizing effect. There is also concern about the quality and effectiveness of NAPs: many of the NAPs that do exist do not have clear objectives and indicators; responsibility for delivering them is often located in non-strategic or less powerful branches of government (meaning that they are not prioritised) and frequently they have no, or very limited, resources dedicated to them. Some advocates argue that governments use NAPs as a 'figleaf' to demonstrate they are fulfilling their commitments under UNSCR 1325 without actually doing anything. Some governments, like Germany, argue that they already have an effective policy on WPS and do not need a NAP. However, as several countries revise their NAPs for the first or even second time, improvements in quality are evident[9].

From the peacemaker's perspective, NAPs provide a unique policy space for governments to define their programmes on WPS. They also provide an ideal

WPS strategies in other regional organisations

The Organization of American States (OAS) has no overarching policy on WPS, although it is a concern referenced in the strategic plan for 2011-2016[10] of the Inter-American Commission on Women as part of the programmatic focus area "Citizen Security from a gender perspective". With the 19 December 2011 launch of the US NAP, there are now three NAPs in the Americas (8 % of the total). The League of Arab Nations has made no specific response as yet and there are no NAPs among Arab nations. The Association of Southeast Asian Nations states it is currently revising its action plans on women's advancement and gender equality, and on operationalizing its declaration of the elimination of violence against women. The South Asian Association for Regional Cooperation has no specific policy on WPS. Asia Pacific has three NAPs: the Philippines and Nepal, with the newest addition to the list being Australia (8 % of the total).

In December 2008, **the Council of the EU** under a French presidency adopted two documents outlining the EU strategy to further the implementation of UNSCRs 1325 and 1820: Comprehensive EU Approach to the Implementation of UNSCR 1325 and 1820 and Implementation of SCR 1325 as reinforced by 1820 in the context of European Security and Defence Policy (now known, following the Lisbon Treaty of 2009, as the Common Security and Defence Policy or CSDP). Generally referred to as the 'Comprehensive Approach' (CA), the documents set out a common EU approach to implementation, complementing what already exists at national level in terms of NAPs and strategies. The EU completed its first monitoring report on its Comprehensive Approach in May 2011 which showed significant bureaucratic progress in providing gender expertise to, for example, CSDP missions and in developing training. However, it was not yet able to demonstrate impact at the ground level in conflict-affected countries. The next report is due in 2013 using the same set of indicators.

entry point for donor governments both to deliver their own WPS commitments and to support those of conflict-affected countries. Finally, in the spirit of UNSCR 1325 (for example, paragraphs 8b and 15) civil society consultation on the NAP is called for but this remains ad hoc in its implementation. When it does take place, it does not extend to consultation of civil society organisations (CSOs) in the conflict-affected countries which are included in most donor country NAPs, as well as 'home' country CSOs. Donor countries can provide leadership through modeling good practice in their NAP development and implementation; their mediators, representatives and envoys to conflict-affected countries may be required to contribute to this through their actions on the ground including by applying pressure on new and emerging government administrations to follow suit.

"In my experience uncontroversial issues can often be the first to be overlooked in a peace process, and not only pertaining to gender. The controversial and 'hot' issues attract attention from media, political constituencies and the international community, therefore agreements pertaining to such issues can get a more serious handling than 'softer' issues. Broad agreement on gender issues can therefore be a recipe for nothing happening."

Vidar Helgesen | Secretary-General, International IDEA, and former mediator in Sri Lanka on behalf of the Norwegian Government as Deputy Foreign Minister[11]

There are concerns about the NAP, which include for example that it should not be seen as the 'be all and end all' of 1325 implementation, where a few projects under the rubric of the NAP are seen as sufficient action on a nation's commitment to 1325. There is a growing concern that the NAP allows for the militarization of the agenda, especially when governments use it to focus on aspects such as increasing women's presence in the military.

Equality and Effectiveness

There are two different entry points to the WPS agenda. Advocates and practitioners tend to adapt their approach depending on their own personal conviction or their organisation's mission or preoccupation (for example whether they are a training organisation, a women's rights advocacy group, or an individual or team working within an institutional bureaucracy).

The 'essentialist' position is concerned with equality. It advocates for women's rights from the basis that they are secured in law and, thus, that there is a legal, and moral, requirement to fulfill the requirements of existing laws and norms, including UNSCR 1325 and the accompanying resolutions. The 'instrumentalist' approach uses effectiveness as its key word. It deploys empirical arguments to show that the presence of women in peace negotiations, and the use of gendered perspectives in resolving conflict, adds value to the substance and outcomes of peace processes.

Adding to the complexity of the mediator's business is the fact that mediation itself can be conceptualized in broader and narrower ways, and this will have an effect on the view held by the mediator (personally or institutionally) about the inclusion of women and gendered perspectives. Broader views of mediation see it as a facilitative process which can legitimately aim to address the root causes of conflict, and ideally even transform them. Narrower views see it is a small, neutral space with tight boundaries in which conflict actors invite mediator(s) to help them resolve specific issues, or simply to cease hostilities. Typically highly confidential mediations (or those that start out this way), such as those that have taken place in Spain or the early days in the Sri Lankan process, tend to be of the narrower type. Guatemala or Kenya could be examples of broader or more open processes.

It is, perhaps, obvious that it is easier to integrate the UNSCR 1325 perspective into the more open rather than the narrower space, especially if the main actors in a narrowly conceived mediation space do not believe that UNSCR 1325 has a role to play. In the earliest stages of mediation, which will often be highly secretive and closed, the chances of the conflict parties insisting on a gender perspective or women's representation are even more remote than an international institutional bureaucracy or International Non-Governmental Organisation (INGO) insisting on these points. The major question, then, is what room a mediator from either 'school' has in any particular conflict to bring to the table issues like women and gender if they have not, so far, been a stated or even implicit interest of the conflict parties. If some segment of the broader society expresses an interest then this may, indeed, provide an avenue but if no one does, this reduces the mediator's options drastically.

Some also argue that the ability to implement UNSCR 1325 (and other so-called "thematic issues" in peacemaking like constitutional reform or transitional justice) depends on whether you are an institutional/international level mediator (for example from the UN, the AU or a government; the so-called "Track 1") or a private mediator (from a non-governmental institution such as the Crisis Management Initiative or the Centre for Humanitarian Dialogue; the so-called "Track 1.5"). The argument is that larger or more powerful mediators have more potential or space to 'bring in' normative issues such as gender, and state mediators are bound by resolutions like UNSCR 1325 in a way which private organisations are not. This raises questions of accountability which go

beyond the scope of this chapter, but it helps to be aware that this is another hurdle to the 'norm-alizing' of UNSCR 1325 in a situation where multiple peacemaking actors and multiple, often very different conflict parties, are involved.

WPS or GPS

There is some discussion within the WPS community as to whether we should talk of "women, peace and security", "women and peace and security", "gender, peace and security" (GPS) or "gender and peace and security". The so-called "father of UNSCR 1325", Ambassador Anwarul Chowdhury[12], has explained that the correct conceptual formulation is "women and peace and security". The reason being that this formulation establishes women vis-à-vis the (existing) peace and security agenda. "Women, peace, and security", he argued, reinforces the usual gender framework, for example, women and development, or women and armed conflict, suggesting the 'women and' tag simply to designate a distinct issue. Using "gender" in place of "women" has the advantage of broadness, suggesting all the multiple ways in which peace and security issues are gendered. However, given that gender is as much about men as about women (since it is about the relationships between them in any given culture) the term fails to capture the present and persistent fact of women's unequal participation, representation, opportunities to be agents (rather than victims) and access to protection and so forth which the resolution so robustly addresses. For this reason, and because it is the language used in UNSCR 1325, this chapter and most mediators use WPS; however practitioners should be sensitive to the differences in terminology.

It is important to note that issues around male identity, 'masculinities', and their relationship to violence, conflict, and peacemaking are increasingly present in the policy discourse. It is beyond the scope of this chapter to go into this, although further reading on this subject is suggested at the end. However, for those interested in a deeper understanding of the root causes of conflict, the pyschology of violence and its transformation, and the gendered impacts of conflict and attempts to resolve it, this is another key area of which to keep abreast.

3.3 The state of play

- **Women's Presence and Representation – in theory**

Why does women's participation and representation in peace and security issues matter? The first answer is a priori that of equality: women are half the population, thus they should have a proportionate role in deciding and implementing any plans that affect them. Just as trenchant is the fact that they are disproportionately victims in war and its aftermath, and disproportionately under-represented in public life.

Next comes the point that 50% of peace agreements fail within their first decade and that research shows that inclusive processes are more credible to the public and have a higher success rate. Given the evident absence of women, this provides a significant avenue for addressing the inclusiveness issue. Finally there is the empirical evidence of women's contributions in peace and security. There has been an enormous amount of work done since UNSCR 1325 to document[13] the value that women's participation adds (although notably no corresponding work on the specific added value of male participation qua male for which arguments are not demanded by the international community as the basis for their inclusion or exclusion from peace processes).

The kind of substantive value added which has been documented includes:

- The communication of **different perspectives either as combatants or non-combatants on peace process issues** (for example, the involvement of female El Salvadorean ex-combatants in revising the Disarmament, Demobilisation, Reintegration (DDR) programme from 1992–1993 to better meet their and their communities' needs; Sri Lanka's subcommittee on gender which was created in 2002; and the current (as of 2011) involvement of women in the Mindanao Think Tank Project process);

- The potential to **increase the inclusivity of a process** (for example, women's participation in the 2003 Loya Jirga in Afghanistan underpinned the inclusion of minority groups such as Uzbeks);

- The potential to **increase the legitimacy of a process by making it more representative, reflective of the broader affected and future society, and more accountable** (for example, in talks leading to the 2006 Darfur Peace Agreement[14]; and the 1994–1996 part of the Guatemala talks mediated by the UN and the Group of Friends which incorporated a Civil Society Assembly with a specific women's platform);

- The ability to **organise effectively for peace across party lines** (this, in fact, is a standard feature of women's peace organising of which perhaps the classic examples are the Northern Ireland Women's Coalition founded in 1996 and fielding two delegates to the talks leading to the Good Friday Agreement in 1998; and Somalia's Sixth Clan officially founded in 2002 – see box);

- The ability to **prioritize peacemaking over power-sharing** which is linked to women's ability to organise across party lines (for example, women's activism in the Arab Spring countries in 2011 in Tunisia, Egypt and Libya);

- The ability to **communicate and network with segments of the community which may be off-limits to others** especially in culturally conservative settings (for example, in Afghanistan and Iraq throughout the ongoing conflicts);

- The ability to **conduct internal or regional or other track (1.5, 2, 3 etc.) mediation to support and sustain processes going through difficulties** (for example, informal contacts between representatives of the Mano River Women's Peace Network and conflict parties in Côte d'Ivoire in 2011);

- The ability to **mobilize and organise effectively at the community and national level** (for example, in Kenya in 2008);

- The ability to **put effective pressure on negotiators/community/family members to, for example, keep peace talks going to a conclusion** (for example, in Liberia in 2003 and the Inter-Congolese Dialogue in the Democratic Republic of the Congo in 2002) **or maintain a ceasefire, lay down arms and participate in peacebuilding activities** (for example, in northeast India/Nagaland in 2009);

- The ability to **use identity roles such as mother/daughter/wife to influence events, both through personal relationships and identity-based organising** (for example, the Meira Paibis/Manipuri mothers' group monitoring ceasefire arrangements in northeast India/Manipur from 2004 and the Asociación Madres de Plaza de Mayo, calling for redress to human rights abuses in Argentina from 1997 onwards);

- The provision of **language and ideas for gender-sensitive peace agreement text** (for example, in Cyprus in 2009; in Darfur for the Abuja Agreement of 2006; and the effect of women's activism on the Juba peace talks in Uganda in 2006).

In his own words: the minimalist mediator:

I believe that a mediator should not have an agenda of his or her own – I know it is not a very popular posture these days, when the expectation is that somehow the mediator should be relied upon to make sure that all kinds of considerations are brought to bear on a peace process. I have already been asked how I made sure that Security Sector Reform, rule of law, human rights, humanitarian perspectives, development, democracy, and so on and so forth, are included in an agreement. I have tried to explain that, for parties to a conflict, the decision to resort to outside mediation is a very difficult, very risky one because of the possible – rather, likely – bias that such third-party intervention carries with it. One of the ways of making that decision a little easier – and therefore mediation a more common tool for conflict resolution – is for the mediation community to stress that it does not have a preconceived idea of what the negotiation process or its outcome should look like. Of course, that does not mean that the mediator does not recognize the demands on a peace process, whether they emerge from the parties themselves, from others sectors of society or from sectors of the international community. And a mediator, one way or the other, will have to handle these demands or help the parties handle them. The point is: a mediator should not originate demands, or appear to be accountable to external actors pressing demands on the process. [T]his is the "mediation space", analogous to the "humanitarian space" that our humanitarian colleagues have fought so hard to gain: mediators should not be perceived as servants of a particular political agenda any more than vaccination campaign staff…

[So], what about the various interests of the international community, including 1325? … [T]here is no shortage of entry points for the representatives of the international community in just about any peace process – actually before, during and after. In my view, that is where the burden of advocacy with the parties to the conflict should lie. The job of the mediator is to help the parties find a way out of the conflict (in itself more than a full-time job…). If the process and the outcome align entirely with the current views of the international community, so much the better. If they do not… a peace deal is not the end of history, and the mediator will always find satisfaction in the knowledge that almost all the interests of the international community – from human rights to development to good governance – are served better by peace than by war…

Anonymous mediator
Email correspondence with the author, 21 November 2011

These abilities and capacities, and the important fact that groups of women are rarely characterised as spoilers (while this is, of course, possible), all suggest that women's involvement would broaden the mediator's range of tools and tactics to reach a positive outcome, depending on the space and leverage that they truly have with the conflict parties and other stakeholders.

- **Women's Presence and Participation – challenges in practice**

Involving women and gender considerations in peace processes is, however, clearly easier said than done. The normative framework, and efforts to implement it, have led to a radical sea change in language and bureaucratic arrangements but little effect has yet been seen on the ground. Women's presence as negotiators, mediators and peace agreement signatories remains negligible (less than 10 %, none, and less than 3 % respectively[15]) and their place in important post-conflict institutions such as commissions on truth and reconciliation, reparations, electoral and constitutional reform is only guaranteed where activism and quotas are in effective operation. In Egypt, where women's important role in the uprising of the Arab Spring is generally acknowledged, there were no women on the interim constitutional drafting committee formed in 2011. At the recent second Bonn Conference on Afghanistan in December 2011 there was a single female on the civil society delegation and an impressive 33 % of the government delegation were women. However, the women still expressed concern that they may not be able to meaningfully influence discussions and that, in particular, they feared that a potential re-opening of closed door talks with the Taliban could pose a threat to the fragile and uneven gains made for women's rights in Afghanistan in the last decade[16].

Across international organisations, significant investments have been made in gender units and advisers (for example, the UN's Mediation Support Unit established a Senior Gender Advisor post in 2010[17] and there are gender units and/or advisors in all UN peacekeeping missions, almost half of the UN political missions and, with one exception, all EU Common Security and Defence Policy Missions). The language of international, and many regional, mission mandates and operational plans is now much more likely to include language on some aspects of UNSCR 1325. Very much less attention has been directed to establishing if armed groups or governments involved in conflicts have been affected by this broad knowledge and attitude change in the international peace and security community, but evidently the assertion to be disproved is that this is not the case.

It seems that there are still pockets of resistance to high level female participation in the peacemaking world, both internationally and at national level. Culture will always be adduced as an argument, but given the nature of women's constructive activism in such places as Afghanistan or Yemen (now underlined by the 2011 Nobel Peace Prize awards to Yemeni Tawakkol Karman and the two Liberians, Ellen Johnson Sirleaf and Leymah Gbowee), it may no longer be acceptable to fall at this first hurdle. The issue now is not that culture should be a barrier to any attempt to implement the resolution, but more precisely how to put the women of any given culture in the driving seat of how the resolution is best enacted within their context. The rhetorical orthodoxy of UNSCR 1325 may make it harder for those individuals that do not buy in to the resolution to admit publicly that they do not. Thus leaders of organisations and teams will either need to confront or manage this problem, including providing education to resolve it, depending on the culture of their organisation and the resources available to them. There is a real concern that the imposition of perceived Western agendas may serve to further harden existing hardline positions (Afghanistan being the most obvious case in point, although this is equally true in Arab Spring countries), and also that it puts women in a difficult position when they wish to be both patriotic, but also pursue a women's empowerment agenda. Again, the key issue here is to listen to what a range of women have to say and their own advice about how to approach the issue effectively (which may not be head-on, but is also unlikely to be completely hands-off).

It is clear that many senior leaders such as the UN Secretary-General, the EU High Representative and Vice President of the Commission and the US Secretary of State (two of whom are women), and many senior mediators such as UN Special Representatives of the Secretary-General, are at least rhetorically (and often in a deep and personal sense) committed to achieving improvements on this issue. However, various issues associated with politics and bureaucratic machinery hold them back. These include the fact that, certainly for the UN and the EU, they are constrained by the level of buy-in of their Member States and the need to balance multiple factors in assigning roles within their organisations. If Member States contribute candidate lists for key positions in the peace and security sector without bearing UNSCR 1325 in mind, some may say the decision-maker's hands are tied; others may say the point of being a decision-maker is to lead, especially on challenging issues, and that they should not accept lists which do not reflect this commonly held policy.

There are also the familiar problems of women leaders being required, disproportionately, to be role models; for instance, that somehow the EU's Catherine Ashton or the US' Hillary Clinton are required to make more impressive progress on this issue precisely because they are women. This is clearly inherently unfair, but it also tends to underline, rather than reverse, the status quo which

is why UNSCR 1325 advocates are always on the lookout for male champions who may – unfairly – be able to make greater headway on the issue if they decide to make it theirs.

At the national level, there is rarely an absence of women's networks and organisations which are ready to support and push senior women into relevant positions. However, international staff working on peace processes need to link with local actors to access them and develop appropriate tactics to advocate with their national interlocutors about the value of including and listening to them.

- **Women in Security Sector Reform**

The effort to increase the presence of women in security forces, at both a national and an international peacekeeping level, has received significant attention especially at the international level (the UN, EU and NATO). In general, the numbers remain particularly low in the military, they are improving but still low in the policing sector, and they tend to be better but still lower than parity with males in the judicial sector (for example, in UN peacekeeping missions in October 2011 3.6 % of military experts, 2.6 % of troops and 9 % of police were women)[18].

There are several points to be noted here. Firstly, much of the increase in the presence of women, especially in the military and police, relates to addressing sexual violence through, for example, special response and investigation units. While this is important in terms of a long overdue response to these complex problems, we cannot yet state with confidence that this will lead to a change of culture within those institutions or to increased women's leadership in those institutions. Some critiques suggest that this is a new form of sidelining women, again keeping women involved in what are perceived as 'women's issues'. This serves as another reminder that gender mainstreaming is not simply a matter of 'going by the numbers'. There is also a critique that a mono-focus on women's representation in the security forces represents an inappropriate 'securitization' of the UNSCR 1325 agenda: critics like Cora Weiss (President of the Hague Appeal for Peace and UN Representative for the International Peace Bureau) stress that the point of UNSCR 1325 was not to make war safer for women, or turn women into war heroes, but to give women their rightful place in contributing to the ideal end state which is the absence of war.

Taking it seriously means taking it slowly: thoughts from the UN Mission in Libya

It's important to understand the context here, and to remember that we are talking about a lot of different elements. First and foremost, there's the reality on the ground, and then there's the "planning" that's done by external actors involved about how we're going to assist. In the case of the UN, this was a good example of integrated post-conflict mission planning where we took care to integrate gender issues and perspectives into the work of each sub group of the planning structure with results that can be seen in our reports. We were able to do so with the support of the Mediation Support Unit and UN Women.

It's very early days here, and we've tried to follow a flexible approach that allows a small team to build up on the ground in response to the needs and requests of the Libyans within our mandate. We've been careful to consult with women's groups ourselves from the outset – for example on elections issues – but there's no denying this is a male dominated political culture. What I can say, is that Libyan women have found their voices now (even if, for the moment, this is still largely urban and to some extent elite Libyan women), and we are doing what we can to support that. But we must recall, the state of civil society organization today is the result of conflict and breakdown of the Qaddafi regime: it's a civil society in its earliest stage of development so it has huge energy, but not that much experience of being organized in any formal way. It started with women being involved in humanitarian responses, but now they've made their voices plain across the sectors (for example, the recommendations of the "One Voice Conference" in November 2011, a conference for Libyan women drawn from across the country that we supported and which was able to pull in high level political support from some among the male Libyan leadership). But this did mean that it was hard to involve them meaningfully at the earliest stages of working out the post conflict landscape because there were no organized structures or frameworks with whom we could initially consult with and ensure that the process is Libyan-owned.

My main message to those that want to help is that we must not turn this into a Western agenda: the agenda must belong to Libyan women, and they must tell the Libyan people and us how they want to drive it

and bring in Libyan men – in which we must support them. If we're looking for ways to advise we should draw on civil societies and relevant expertise from other Arab countries, or even from Eastern Europe where there have been similar experiences. This would be an effective way to share learning with a view to boosting the impact of women organizing for participation, rather than insisting on high profile, high level meetings of or about women which have limited impact when it comes to changing a political culture from the inside – the only real way in which cultural change can be brought about. We can lead by example, and we can certainly do that better, but we can't impose an agenda. It's not right and it doesn't work.

Ian Martin, Special Representative of the Secretary-General,
United Nations Support Mission in Libya (UNSMIL)
Phone interview with the author, 19 December 2011

- **Gendered Perspectives – in theory and practice**

It is possible to develop a gendered perspective on any of the key peace process themes including negotiations; the drafting, agreeing, signing and dissemination of peace agreement text; power-sharing and resource-sharing (this may include natural resources and land reform); conflict-related sexual and gender-based violence; justice and security sector reform; transitional justice; constitutional and governance reform; disarmament, demobilization and reintegration; peace process implementation and monitoring; elections; as well as reparations, compensation and access to income generation opportunities. This possibility has already been recognised, and was the specific intention of the parties in establishing the gender committee in the Sri Lankan peace talks a decade ago: but the peace process broke before the gender committee really got down to work.[19]

Even on issues that prima facie involve only men, there are always gendered dimensions: for example, the decommissioning of arms of an all male paramilitary group in a setting like Northern Ireland appears to be a technical issue but it does not take place in a vacuum. In fact it is a sensitive political issue, in which context is highly relevant. It involves dealing with issues linked to the group members' identification as men with a cause pursued through armed violence. These men must complete the decommissioning process and be reintegrated back into the civilian community of men and women who will have been either supporters or opponents of their cause. How those men are perceived and how they perceive themselves in this process will be intrinsically linked to the question of their identity – a fundamentally gendered one[20]. Deploying a gendered perspective does not answer all the dilemmas thrown up by a decommissioning process, but it increases the understanding of everyone involved of the context and hence boosts the chances of designing a process or system which enhances sustainable peacebuilding.

Conflict-related sexual violence and disarmament, demobilisation and reintegration (DDR) are arguably the topics which have received the most 'gendered' treatment in terms of research and awareness raising, as well as the design of training sessions and programmes which address women and men's needs and experiences differently (although impunity for conflict-related sexual violence is still a gaping hole). However, when looking at many of the other familiar topics, male, and some female, mediators express the concern that they may be overwhelmed by the demands of the 'gender lobby'. 'Everything is not about gender' and 'using a sledgehammer to crack a nut' are some of the expressions used by mediators when discussing, off the record, the challenges of implementing the WPS agenda or responding to the demands of the policy. In fact there is no mainstream claim that any peace process is only about gender equality; the claim is rather that any peace process offers the opportunity to redress gender inequality to some extent while also improving the chances for sustainable peace. The 'no one size fits all' mantra is as relevant here as it is in designing justice and security sector reform.

Power-sharing is another perennial issue in peace agreements, which no-one has yet tried to approach with a gendered lens. Power-sharing arrangements are normally made between existing, competing power groups and, by their nature, tend not to be inclusive, comprehensive or intentionally long-standing mechanisms. It is notable, however, that negotiations and power-sharing arrangements do not shy away from including known 'weak' parties or, to put it another way, those that are unlikely

"When the Secretary-General visited Libya in November 2011, he and his delegation met with the National Transitional Council which at that time had one woman member. He gently chided the NTC's Head, Mustafa Abdul Jalil, for the lack of women on his council. In an equally good humoured manner, Jalil agreed that Libya could and would do better, but, to amusement on all sides, he turned the argument back to the Secretary-General, pointing out that he himself had no senior women on his delegation…"

Ian Martin | SRSG UNSMIL[21]

to be spoilers. The benefit of having them in the room/arrangement is the potential to bring other issues into the discussion and to appear, or even actually to be, inclusive or more legitimate (for example the inclusion of the Chaldo Assyrians in the Dialogue Advisory Group-supported Kirkuk talks series which have been ongoing since 2009). Women as a group tend not to be perceived as spoilers, and may therefore be easier to include than other groups defined by political party affiliation, ideology or religion, for example. They may also help to prevent the 'freezing' of an unhelpful status quo which is cited as one of the main problems with power-sharing arrangements[22]. They may also create a more favourable atmosphere for external or third party influences to access ongoing peace processes – which can be challenging in power-sharing phases where there is high sensitivity about third party actor involvement, such as in Zimbabwe during 2011.

3.4 Options and tools for mediators and peace process support actors

The kinds of tools that can be deployed to make use of the opportunities presented by the presence of women, and the consideration of gendered perspectives, in peace processes range from the short to long term. They can be applied at the international or national level, including by, and in some cases to, mediators:

- **Role models**

Practice what you preach; when a mediator is not a woman, he can still ensure there are senior women on his team and advocate that the parties do the same. Salim Salim did this in the talks leading to the Darfur Peace Agreement in 2006. This shows what is possible, that commitment to international norms is real, and gives confidence and fodder to women on the ground to make their own arguments. This is also how Ellen Margrethe Løj describes her own position, and that of others, in Liberia (see box).

- **Lead from the front, but also from the side**

When mediators and others in visible or influential positions shy away from matters perceived to be sensitive or difficult, it gives others the opportunity to do so too. Even if the issue of women's representation or gendered perspectives cannot be addressed head-on because it feels too sensitive, difficult or not relevant enough, mediation teams can use back channels, or different team members, to send messages, put pressure on and provide useful evidence, to the parties. They can also provide avenues of communication which can be used by women and civil society groups among others. Mediators can also support women to develop common platforms which would contribute positively to the process, such as the Women's Peace Table initiative currently underway in Mindanao[23].

- **Use opportunities like international donor or reconstruction conferences or needs assessments to bring in women and women's groups in specific roles**

This can also help connect them with outside support that will bolster their work and influence inside their context. However, be sensitive that the outside support does not endanger their security or block off their agenda internally. As an example of good practice in this regard, the Institute for Inclusive Security and UN Women co-organised a Gender Symposium on the margins of the South Sudan International Engagement Conference in Washington D.C. in December 2011 where recommendations were developed to feed directly into the conference.

- **Recruit and empower a gender adviser/team with peace process expertise and relevant country expertise**

The gender adviser (or, ideally a pair of local and international advisers) is now a common feature on the staff of peacemaking and peacekeeping missions. They need to be knowledgeable on issues particularly relevant to the given context, such as DDR or election monitoring, and should be in a position to provide gender analysis and actor/issue mapping for the mission's conflict and power analysis; to facilitate contacts with local women and civil society to solicit their views and develop options on the issues in question; and to help monitor ongoing processes. They should be located as close as possible to the head of mission and speak the main local language.

- **Make gender analysis a part of the mediation team's conflict analysis**

This analysis gives depth and dimension to existing mapping of the conflict and may reveal further options, possible interlocutors and a deeper understanding of the political and cultural context.

- **Apply diplomatic and advocacy pressure**

Pressure should be placed on institutions of government and specific conflict-related bodies such as truth and justice commissions to hire, promote and support more women to enter and rise up in their ranks (for example, this was successful in promoting the involvement of women in all levels and activities of the Timor Leste Truth and Reconciliation Commission). Advocacy through regional organisations may be more effective and acceptable than direct pressure from the mediator or mediation team.

- **Identify and support a local champion or champions**

They need to be people who can avoid the arguments of cultural imperialism and who have the convening power to bring heterogeneous groups into a single, constructive platform (the role of Graça Machel in Kenya in 2008 is a case in point[24]).

- **Be sensitive to the fact that all women are not the same as each other**

In consultations and seeking contacts, be aware of the usual potential differences (including rural/urban, class, religion and ethnicity) between people. While women may organise politically as women their views may vary depending on their background, relationships and interests; they may also choose to privilege different identities of their multiple identities at different times (at times their religious identity, or party political identity may be more important to them than their gender identity; but they are likely to be more sensitive to their gender identity than men because of their experience of marginalisation on the basis of that identity).

- **Use peer to peer exchange with women's organisations from similar or related cultures/religions**

Do this in order to build capacity and experience and to find effective strategies to work towards women's participation and gendered perspectives in ways which will not cause problematic backlash or accusations of Westernized agendas. For example, the HD Centre brought Karen Tanada of the Gaston Z. Ortigas Peace Institute in the Philippines, who had been closely involved in developing the Philippines NAP, to advise the Indonesian group who were drafting the 1325 NAP in 2010, which the Indonesians described as very fruitful.

- **Institutionalize consultation with CSOs including women's organisations**

In addition, encourage national interlocutors to do the same. The UN Secretary-General is now requiring his senior officials to report regularly to him on this, a practice which could also be replicated in missions. This can be done in parallel to specific mediation processes or talks if there are no openings there.

- **Ensure consultation with women's organisations involves all the issues they think are relevant to the peace process**

Do not only focus on issues that are traditionally seen as relevant to women.

- **Actively develop and use rosters and databases of senior women**

This is now being actively undertaken by the UN, the EU and, to some extent, the AU, but the political pressures on appointments for key positions remain very high which will always be a limitation for the roster approach. Resources such as rosters and databases also require significant management and investment to keep them live and relevant, thus they are not consistently used. Mediators can encourage the development of these at national level, and influence donors to support them.

- **Increase training at different levels in the relevant skills**

There is a growing choice of in-house and non-institutional training providers with courses aimed at third party mediators/their teams and women from conflict-affected countries. UN Women has recently run such training sessions in West Africa and Kyrgyzstan, and the HD Centre's humanitarian negotiation work in Darfur has shown that awareness of the resolution on the ground is good through intense inputs by UN Women amongst others. The Institute for Inclusive Security and Kvinna Till Kvinna are just two of several international non-governmental organisations offering tailored training, and ideally such training in the future could be led by local/national organisations. A focus on developing and implementing internal institutional training on aspects of WPS has been one of the successful features of UN and EU WPS policy implementation in the last decade but this needs to be extended to the country level. However, training for other conflict parties including governments and non-state armed groups is still an area which needs to be developed.

- **Offer mentoring, buddying and coaching**

These, more personalised and one-to-one, methods of building skills, experience and confidence including simple diagnostic problem exchange at peer level can be more appropriate for senior level staff and national level interlocutors if they are willing to undertake it. It can be presented as part of the capacity-building and exposure activities that are often on offer to conflict parties. The HD Centre is currently piloting a gender mentoring programme for staff at all levels.

- **Ensure that women's security and practical needs are provided for**

Practical needs ought not to hinder their presence at important peace-related events (such as arranging/ensuring funding for transportation, appropriate accommodation and facilities, and care for children or elderly dependents). One example of this is Canadian financial support to women's participation in the Darfur talks culminating in 2006.

- **Provide incentives where they are in your power for parties to include women in negotiating or other key bodies**

These can include extra seats at the table as well as the opportunity to improve international image and legitimacy. In implementation, encourage donors to apply conditions to their funding in appropriate ways.

- **Suggest the implementation of time-limited conditions (like quotas)**

These can apply to long and short lists for relevant posts or for elections in parliamentary settings based on successful post-conflict quotas elsewhere (for example, Rwanda tops the list as 56 % of parliamentarians are women, with South Africa not far behind in 5th place with 44 %; whereas the US is in 69th place with 17 % and Brazil is in 109th place with 8.6 %)[25]. These figures suggest that a phalanx of future potential mediators and negotiators exists in the female ranks of post-conflict parliamentarians.

- **Ensure temporary measures for women's inclusion are backed up with meaningful support**

It is not enough to push women through the door; it is important to be able to support them effectively when they are on the other side. The moral argument about whether quotas are right or wrong will never be won either way; however, they have been shown to be effective in getting women into places that they were not before, and for which non-binding measures have proven to be ineffective. Where quotas are in place, they need to be accompanied by the appropriate training or other support so that when women make it into, for example, the Nepali Constituent Assembly or the Afghan parliament, they are able to participate meaningfully. This means that they can understand the rules of the game, have the intellectual resources (information, contacts) to join in and that their security is not threatened as a result of their role.

Calling a spade a spade: a female UN SRSG in female-led Liberia

"I may be a woman, but I'm no UNSCR 1325 expert. Still I understand these things as I was in New York (as Danish Ambassador to the UN) when the resolution was born and I have worked in development for many years. I have seen with my own eyes what women's participation and empowerment means in practical terms – it means benefits that last longer, and have a real impact on community structures and community members.

Liberia is different from many other countries because you don't have to convince the government to be gender sensitive. A strong political platform for gender equality already exists, spearheaded by the renowned female president. It also helps that the US Ambassador happens to be a woman. So, for the three of us, it's easier to talk publicly about gender issues. For a male in my position, he will always be cautious and nervous that he might say the wrong thing.

People are often talking about our famous all-female Formed Police Unit. They are professionals, who do an excellent job – not only by supporting the Liberian National Police, but also through community outreach activities – and I am convinced that they provide a highly positive role model both to us in the UN and to the Liberian population. Even though there are only 120 of them, they contribute positively to the challenges we are facing. However still the challenges within security institutions, like the police, are enormous and there is a limitation to even what our female FPU can do. This is also why I have held out against having them evaluated; it will not be fair to them or the issue.

As head of UNMIL, my worst frustrations relate to our difficulties in implementing the UN's zero tolerance policy on sexual exploitation and abuse. I talk about it all the time, but I have no real tools at my disposal for quick action to create effective deterrence. All kinds of sexual abuse are a manifestation of power relations going wrong and this is the greatest challenge we face within our own structure and before we even get to our mandated tasks.

I would advise my colleagues that even on gender issues, there is no "one size fits all". Instead, the point is, be attentive to what you can do. Think about this very carefully, and very early on. See where you can include women and ask them what they think. If you don't, you'll be missing an opportunity."

Ellen Margrethe Løj has been one of the UN's few female SRSGs in the UNSCR 1325 flagship context of Liberia (led by Nobel Peace Prize winner President Ellen Johnson Sirleaf) since 2007.
Interview with the author, 2 December 2011

- **Support and contribute to the publication and dissemination of data and analysis**

This analysis will be about the effects of the involvement of women and their views in peacemaking and peacebuilding at all levels. These efforts should not only be focused on subjects deemed to be of interest to, or about, women but all subjects relevant to peacemaking. It should also be done in ways which are relevant and useful at the national level, not only the international level (thus, ensuring documents are translated into relevant languages is important). Anecdotes shared between senior figures can have a powerful effect as a means of sharing data and experiences.

- **Bring in women's voices and views using different mechanisms where getting women into a negotiation room is difficult**

This can be done through the solicitation of their views in consultations, or the production of position papers. In many conflicts women have set up their own peace tables (this is currently the case in Mindanao, Philippines) or developed memoranda/agendas/recommendations outlining their peace process priorities (as in Burundi, the Solomon Islands, Uganda and the December 2011 Libya One Voice conference).

3.5 Conclusion

The women, peace and security agenda now has its place at the table, but its voice is still muted. Knowledge and understanding of the benefits and possibilities for implementing UNSCR 1325 has grown in leaps and bounds. What sets it apart from many other issues in peacemaking, such as engaging with armed groups or pursuing transitional justice, is that the risks of it derailing the peace process are so low, while the arguments in its favour are plentiful and attractive. In that sense it remains an oxymoron: uncontroversial because it appears to threaten little, yet still highly controversial in the quotidian workings of peace processes and the mechanisms that support them. This is either a result of a lack of knowledge and will to implement UNSCR 1325, or due to anxieties relating to the shift in power dynamics suggested by a true reappraisal of the gender dynamics in conflicts themselves and in the processes which exist to resolve them.

Mediators and peace process support actors will continue to hold personal views on this, and many still find it a difficult issue to prioritise; but increasingly they cannot ignore the weight of the normative frameworks and evidence that has been amassed. Together these suggest that peace processes can be made more inclusive, sustainable, accountable and effective where the resolution is robustly implemented. They also suggest that, in a business where the generation of options is a constantly needed creative input, new avenues for this lie accessibly at hand. As in all challenging endeavours, relevant knowledge, skill and effective collaboration are necessary ingredients for success; and so are courage and confidence. Hopefully some of the options outlined in this chapter will provide a greater measure of those attributes to practitioners.

Achieving sustainable peace is too important a concern to leave tools with great potential to do it untried. No one expects mediators to be activists or revolutionaries but, in the words of UN SRSG Ellen Margrethe Løj, "be attentive to what you *can* do"[26] and the consequences may surprise many.

Authentic voices: a view from the founder of the "Somali Sixth Clan"

When we organised the Somali 6th Clan (an inter-clan movement of Somali women peace activists) in 1994 which was formalized to take part in the Arta talks of 2000 (leading to the Transitional National Charter), this was before UNSCR 1325 existed. For us the resolution is very important; it gives our work a formal international framework and gives us a sense of psychological support. But I have to tell you, we have yet to feel its impacts here on the ground. It feels like the international community has invested a lot in itself for its internal implementation of 1325, but for us women peace builders, it has not really helped us yet. What would help us? Real investments that would address our economic and social problems, as well as the political ones; support that empowers communities and stops prioritizing bankrupt military solutions. It would help if people would listen to what we have to say, and hold their conferences about peace and reconciliation at least sometimes in Somalia and not far outside. I have never been contacted by the current UN or AU missions; the previous UN SRSG met me a few times, but it was his deputy, a woman, Margaret Vogt, who consulted me on a regular basis. I would like to know, who is accountable for implementing the resolution on the ground level?

While there is no ongoing peace process in Somalia, we cannot put our tools down. What we are focusing on now is authentic inter-clan reconciliation in the central highlands. We have avoided all external funding and support and all media: we want this to be a genuine process, and to avoid all possible spoilers and those who seek to take credit for things that do not belong to them. When we are ready, we will bring it to the national level to try to embed and share the process. We brought women from two sub clans that have been in conflict for a long time together; they elected leaders to go and talk to each side, using as our primary entry point the subject of inter-clan marriage, which is a common thing amongst us. It's important to find a positive way like this to use a cultural reality for the purposes of peace. We used our own ways and channels as women, and a ceasefire has now been established.

Asha Hagi Elmi, Somali national, founder of Save Somali Women and Children, an organisation which promotes women and child rights and in particular women's political participation. She was the first Somali woman to be signatory to a peace accord.
Phone interview with the author, 30 November 2011

Chapter 4:

External actors in mediation

Teresa Whitfield

4.1 Introduction

Various external actors – understood as those foreign to the conflict theatre – play a central role in the course and conclusion of peace negotiations. Political, economic and other resources at their disposal have the potential to offer much needed reinforcement to a mediator's efforts. But they can also undermine or confuse the process. In some instances, external actors may have been involved in fuelling the conflict, or may support one or more of the conflict parties. Other more distant actors may frame their involvement in terms that reflect a broad support for peace, yet their interests – especially if rooted in issues such as access to trade and resources – may differ with regard to exactly what that outcome should be. In all cases, a lasting settlement is likely to depend on the achievement of relatively unified external involvement in addition to local ownership by relevant social and political actors.

This paper explores various means by which international mediators may relate to and involve other external actors in a peace process. Developing strategies involves consideration of: how to make best use of leverage, assets, knowledge and access that other external actors may have; how to neutralise or block unhelpful external interference; and how to create or encourage a broad base of support for settlement. With an emphasis on "track one" engagement (formal interaction between leaders), the paper addresses the extent to which the identity of a mediator may shape relationships with external actors; emphasises the importance of a clear assessment of the challenges and opportunities they may present; outlines practical options available to mediators, while

acknowledging the particular circumstances of each mediation; and concludes with some broad-based suggestions.

4.2 Whose mediation?

Most experienced mediators extol the benefits of a clear lead to any mediation effort. Yet who leads the mediation is rarely decided by a rational process. It is instead a result of a combination of demands by the conflict parties, opportunity, the abilities and resources of potential mediators to develop and maintain a role within a given conflict and their credibility with other members of the international community.

Recent years have seen both dramatic growth in mediation and an unprecedented diversity of international mediators (as distinct from the national, or "internal", mediators whose work and relation to external actors lies beyond the scope of this paper). Three distinct shifts can be discerned. One is a move away from mediations exclusively led by the United Nations towards regional organisations and states; the second is the emergence of a wide array of new arrangements for peacemaking and its support, most notably mini-coalitions of states known as "Friends" or "Contact Groups"; the third is a rise in the involvement of independent international mediators, including private organisations (such as the HD Centre or the Community of Sant'Egidio) and prestigious individuals, sometimes at the head of their own organisations (the former President of Finland, Martti Ahtisaari, head of the Conflict Management Initiative; former President Jimmy Carter of the Carter Center; former UN Secretary-General Kofi Annan and his Foundation).

These developments emphasise the importance of sequencing in a range of different roles, as a variety of mediators may be involved in a given peace process over a number of years. These developments also explain the increasing prevalence of hybrid negotiations, involving either official bodies such as the UN and the African Union (AU) as in Darfur, or more flexible arrangements, as seen in Kenya, where Kofi Annan led an AU-mandated Panel of Eminent African Personalities but worked with the support of others. A related strategy is the UN's involvement of a senior regional figure – as reflected in the appointment of former President Olusegun Obasanjo of Nigeria as UN Special Envoy for the Great Lakes Region – on its behalf.

Track one mediators engage on the basis of different levels of visibility and legitimacy. They bring with them varying capacities for engaging with conflict parties, particularly non-state armed actors who may be labelled as "terrorists" by individual states and/or multilateral bodies. Their different identities also determine different levels of leverage, as well as quite distinct relations with other external actors with interest in, or influence over, a given conflict.

- **United Nations**

The UN Secretary-General and his representatives work with the advantages of the global organisation's legitimacy and operational breadth. These features can make the involvement of the United Nations either particularly appealing – particularly for non-state actors eager for the legitimacy they see it bestowing upon them – or a prospect to be avoided (by states sensitive to issues of sovereignty and/or precedent). The explicit and tacit support of the UN's member states is a critical element of the organisation's efficacy as a mediator, not least because, without it, the leverage and resources of the Secretary-General will be limited. However, he and his staff are also subject to pressures from individual member states on a range of issues. These include where the member states are parties to a conflict, or external actors with strong views about how a conflict should be approached (such as the United States in the Middle East). In situations where UN mediation is widely supported, its representatives are well-placed to convene and build support from relevant external actors, as well as to hand over to UN peace operations prepared to contribute to implementation.

- **Regional organisations**

Regional and sub-regional organisations and states mediate with advantages of greater proximity to the conflict, knowledge of and sometimes leverage over the parties. However, this strength can also be regional organisations' greatest weakness. Like multilateral organisations, regional and sub-regional organisations are open to pressure by member states, or at least are vulnerable to differences between them. This is most obvious in highly conflictive regions such as the Horn of Africa, but it is also true of Asia, where the Association of Southeast Asian Nations (ASEAN) has been unable to develop an effective role on Myanmar, and the European Union (EU) where a lack of internal cohesion has negatively impacted on EU engagement in conflicts as varied as Georgia and Mindanao. Mediation led by regional organisations has had notable successes, to which the long record of the Economic Community of West African States (ECOWAS) in conflict management in West Africa, the regional facilitation seen in Burundi, or the InterGovernmental Authority on Development (IGAD)-led peace process on Southern Sudan, all attest. However, they are also susceptible to domination by a regional power with clear political or military objectives of its own (evident in some of Nigeria's involvements in West Africa through ECOWAS, or Syria's role in Lebanon through the Arab League).

Kenya: Hybrid mediation in action

The crisis that developed in Kenya in early 2008, after the announcement of contested results to its presidential elections, was a shock to the international community. Its rapid and violent escalation prompted a chorus of appeals for resolution from regional and international actors. Recognition of the need for a unified effort contributed to the establishment by the AU of a Panel of Eminent African Personalities, composed of former UN Secretary-General Kofi Annan as chief mediator, former President Benjamin Mkapa of Tanzania and Mrs. Graça Machel, former first lady of both Mozambique and South Africa.

The mediation led by Annan, who arrived in Kenya on 22 January 2008 and remained fully committed to the effort until agreement was reached on 28 February 2008, drew upon consistent support from external actors. This was facilitated by Annan's unique standing, but also reflected a determined effort on his part. He took time to communicate to all (including the United States) that his track was the central avenue for resolving the crisis and asked others not to take action when such action did not contribute to his process. Internal cohesion was helped by the staffing of his team with officials from the AU and UN, as well as the HD Centre; their shared respect for Annan contributed to a noted absence of institutional rivalries seen in other hybrid efforts. At one point, apparently competing meetings by IGAD and the East African Community led to an element of regional tension. However, the urgency of the crisis encouraged unity of purpose and contributed to Annan's robust support from within the region, from the African Union and from other international actors, including the European Union, the United Kingdom and the United States.

- **Individual states**

Many individual states mediate from positions of relative power and influence over the conflict parties (the United States at Dayton or in the Middle East; Nigeria, South Africa, Libya, Egypt, India and Malaysia in their respective regions). When fully engaged, such mediators have considerable access to, and leverage over, the parties concerned. Their standing within the international community can encourage the support from other external actors that will be necessary to reinforce their efforts at an appropriate time. However, their own interest in a conflict's outcome may be a problem for some. New mediators, such as Turkey, Qatar, Saudi Arabia, Indonesia and Brazil, share proximity to the conflict parties with more traditional regional brokers. Some also have the advantage of credible relations with both the United States and the Islamic world. Unlike Norway and Switzerland – established facilitators who have placed peacemaking at the centre of their foreign policy on the basis of their impartiality within the conflicts with which they engage – their activities may at times be difficult to distinguish from routine bilateral diplomacy.

- **Private mediators**

As weak mediators, private mediators must borrow leverage from others. Whether private organisations or prominent individuals, private mediators have the advantage of being able to engage early and with discretion with conflict parties who may be reluctant to engage with official actors, or identified as pariahs by them (as the role of the HD Centre in Aceh, Nepal and Darfur attests). They may also be able to keep channels open when official channels are frozen, or to explore new options with discretion. Neighbouring states and more distant powers may be suspicious of non-governmental initiatives and thus contact with external actors can be a delicate matter. Meanwhile, although the early stages of a privately-led mediation can proceed with a degree of confidentiality, the support and cooperation of official actors will be required to reach and sustain a lasting agreement. The capacity of private mediators to link up to power and resources of the official world therefore becomes a critical element of their work.

4.3 Identifying challenges and opportunities

Whatever his or her own institutional profile, a mediator's initial analysis of the conflict theatre will reveal a diverse array of external actors. Those that were part of the problem will have to be part of, or at least acquiesce to, the solution too. Others will need to be brought in to ensure the political, practical and financial support required for implementation of any agreement.

Each conflict's external actors bring a different cocktail of interests, potential leverage, logistics and other resources into play. These may be generally positive, in which case coordinating what is on offer in the interests of a coherent strategy becomes the priority. Or they may seek to complicate, or even deliberately spoil the mediation effort, making containment imperative. A mediator may choose different means to foster coordination. As discussed in the options below, a central issue is whether this is best pursued through a group structure or not. They may also choose to seek containment, most usually by rallying support

from other international quarters sufficient to de-legitimise and weaken the efforts of spoilers. The one certainty is that external actors cannot be ignored.

Mediators will be aware that conflict parties' disposition and capacity to engage with external actors varies. In a state-centric international system, most mediation occurs in circumstances of overt state-bias. Some state parties to conflict may balk at the internationalisation of efforts through the involvement of external actors (such as the wariness of Indonesia on Aceh, Thailand on the conflict in its south and Spain on the Basque conflict). In these cases, and others, non-state actors with a clearly articulated sense of grievance have generally been more open to international involvement because they see this as the legitimatisation of their struggle (The Sudan People's Liberation Army (SPLA) in Southern Sudan developed sophisticated strategies for engaging with external actors, who then provided critical support for negotiations, as described opposite). Non-state armed groups with less ideological coherence and/or greater access to their own resources (the Revolutionary Armed Forces of Colombia or Lords Resistance Army in Northern Uganda for example) are likely to pose greater challenges to external actors. This is because they may believe they have nothing to gain from them. In such circumstances mediators may struggle to find effective means to sustain engagement.

"I had to build a spider's web to keep them in but also out."

Lazaro Sumbeiywo, of the external actors involved in the negotiations on Southern Sudan

Four distinct sets of external actors offer four different kinds of challenges and opportunities, each of which will vary in accordance with the specific circumstances of a given mediation:

- **Regional actors in conflict complexes**

The states bordering on or variously embroiled in regional conflict complexes such as those centred on the Democratic Republic of Congo, Sudan, Afghanistan or the Middle East present serious challenges to any mediation. They may supply weapons and political support to rebel groups or to repressive or unpopular governments, host them on their territory, extract resources for their own gain, or deliberately seek to undermine a peace effort by other means. Building durable regional peace – as efforts in the Great Lakes of Africa, Sudan and Somalia, or the complexity of the Middle East demonstrate – will be slow and difficult, but cannot be undertaken without either working towards a comprehensive framework for the settlement of interlocking conflicts or ensuring a coherent interface with other negotiation processes within the region.

- **Big neighbours**

A different set of challenges, but also opportunities, is presented by the big neighbours of states in internal conflict. Whether the state in question is Russia, Mexico, India or Ethiopia, no durable solution is likely to be found to conflicts in the Caucasus, Central America, Nepal and Sri Lanka or Somalia that is not at least acceptable to them. Where such neighbours welcome – or tolerate – mediation or facilitation by others, the relationship to them will be a high priority (as Norway recognised in its facilitation of the conflict in Sri Lanka). When the timing is right, the support of these neighbours will underpin a peace process outcome: Mexico was among the closest of partners to the United Nations in its mediation of Central American conflicts; Nepal's peace process would not have advanced as it did after the king seized power in 2005 without the support of India.

- **Distant partners**

A mediator will also be mindful of contributions made by distant partners, whether states on the UN Security Council, donors, or others with interest and influence in a conflict, such as international financial institutions or multinational companies. At times, these actors may have firmly held positions of their own that impede progress toward settlement (France's unwavering support of Morocco in the conflict over Western Sahara, for example). But their involvement can more frequently be put to positive use. How and when to engage them will be balanced against issues of confidentiality, but also a mediator's sense of the progression of the process at hand. When possible, early but frequent briefing of potential partners is likely to help build international support for the effort. Examples include the UN Secretariat's early interaction with members of the Security Council on the issue of East Timor, which helped prepare it for rapid response to the security crisis that developed in 1999, as well as the groundwork laid by the Troika on Southern Sudan, which helped facilitate a meeting of the Security Council in late 2004 to support the IGAD-led peace effort. In cases where engaged donors are funding a peace process (as in the Abuja talks on Darfur), a mediator may face unwelcome pressure to prioritise a quick agreement over a more lengthy process that might offer better chances for a lasting settlement.

- **Other mediators**

Competitive peacemaking, or the appearance of competitive peacemaking, is an unpleasant reality in today's crowded mediation field. From Darfur to Nepal and Zimbabwe, mediators have found themselves acting in parallel or at cross current to other state, non-state and multilateral actors pushing for involvement in the peacemaking effort. With a clearly identified lead frequently

Sudan and Darfur
Mediation in the midst of regional rivalries and complexities

Negotiations on Southern Sudan were long thwarted by shifting alliances between the government and the Sudan People's Liberation Army (SPLA), regional states deeply divided over fundamental issues of religion and the self-determination of the South. Competing regional peace initiatives – one led by IGAD generally favourable to the South, and the other a joint initiative by Egypt and Libya supporting the unity of Sudan – struggled to advance. Progress came as support for the IGAD process, led by General Lazaro Sumbeiywo of Kenya, helped contain the rival effort. One critical element was the emergence of an informal "Troika" of Norway, the United Kingdom and the United States, developed by individuals with deep knowledge of Sudan. With the United States exerting particular pressure on the parties, the Troika worked to strengthen the IGAD process and keep other potential mediators at bay. Representatives of the AU, UN and Italy joined as formal "observers" of the process as it moved forward to the Comprehensive Peace Agreement (CPA) signed in early 2005.

The efficacy of external support for the CPA was in contrast to the incoherence of the later effort in Darfur and in particular the negotiations led by the African Union that took place in Abuja in 2006. These were attended by representatives of the UN and EU, Nigeria, Chad, Libya and Eritrea (the latter three with interests of their own at stake) as well as, at different times, of Canada, France, the Netherlands, Norway, the UK and the US. The AU mediation was not able to assert itself and establish unity of effort among the external actors. Competing levels of interest and commitment led to mixed messages and contributed to the parties' intransigence. While some external actors did help force an agreement through, it soon foundered. Joint efforts by the AU and UN, and latterly Qatar, have since been complicated by the fragmentation of the Darfurian parties, the increased involvement of Chad, Eritrea, Libya and persistent differences among external actors, including on issues such as the deployment of UN peacekeepers and the indictment of President Omar al-Bashir by the International Criminal Court (ICC).

elusive, mediators and would-be mediators repeat the mantra of coordination, but have put it in practice with varying degrees of credibility. In addition to the unnecessary duplication of resources, negative consequences include encouraging a tendency for forum shopping among conflict parties. The problem is particularly acute in the period before formal talks take shape, when multiple would-be mediators can appear to pursue involvement in a peace process. Creation of the impression that conflict resolution is supply – rather than demand – driven does not do the mediators themselves, the conflict parties, or, more grievously, the conflicts' victims, any service.

4.4 Options

Mediators seek to encourage unity of effort, maximise the influence on and assistance to conflict parties and build support that will be sustained through the implementation and peacebuilding that will follow any negotiated settlement. Most eschew the idea of collective mediation, but look for external actors prepared to follow their lead, open to the possibility of developing complementary initiatives, and/or ready and able to make a substantial contribution to the peacemaking effort. What this involves will vary in accordance with the capacities and resources of the external actors, as well as the characteristics and requirements of the specific mediation. But it is likely to include some combination of logistical, substantive and financial support to the mediation itself, assistance to, encouragement of and/or pressure on one or more of the conflict parties, public support of the process and any resulting agreement in order to build credibility and enhance legitimacy and economic and perhaps even security guarantees for the implementation process.

A variety of strategies are available to mediators as they engage with external actors. In recent years, the creation of some kind of group structure has become an increasingly common practice. There are advantages and disadvantages to this approach. The potential benefits of grouping the external actors in some way – including enhancing the leverage of the mediator, raising the visibility of the peace process, pre-empting rival mediation initiatives and preparing for sustained support in implementation – can be attractive. However, groups have disadvantages too and, whether self-selecting or a creation of the mediator, should be initiated only after careful consideration. The question of composition will be sensitive, as small groups, while undoubtedly more effective, risk excluding, and thus offending, significant potential partners. If a group's members are not like-minded in their approach to a conflict, intergroup dynamics may devolve into complex negotiations of their own. A strong

and cohesive group, meanwhile, can overwhelm the mediator and the mediation if it is not satisfied with the direction taken. A clear sense of what each external actor can contribute to the overall mediation strategy should inform its involvement from the beginning.

- **Groups of friends**

When mediators have a recognised lead of the process they have sometimes found a small group of states gathered as "Friends" to be useful. Many of the specific benefits a group can bring were evident in the first such mechanism, the Friends of the UN Secretary-General for El Salvador. This brought leverage, information and practical help to the mediator (the Secretary-General's Personal Representative Alvaro de Soto), legitimacy and influence to the states in the group (Colombia, Mexico, Spain and Venezuela), a level of equilibrium as well as technical and other assistance to the parties to the conflict (the government of El Salvador and the guerrillas of the Farabundo Martí National Liberation Front, FMLN) and attention, resources and strategic coordination to the peace process as a whole.

"Friends of the mediator can be a useful device, but must be preceded by prior clarification of the cardinal rule, which is a commitment to work only – or at least principally – at the behest of whoever is responsible for the mediating effort."

Alvaro de Soto

In some cases, friends or related groups have been formed by the mediator (as in El Salvador, or the UN's Core Group on East Timor) while in other instances (including groups of Friends of Georgia and Western Sahara formed in the early 1990s, as well as Friends of the Guatemalan Peace Process and later groups such as the Troika on Southern Sudan or Core Group on Uganda), they have been self-selecting, leading mediators to adapt their strategies accordingly. In some of these cases, members of groups have been like-minded in their approach to the conflict and mediators have been able to build effective partnerships with them. In others, fundamental differences within the groups (Georgia and Western Sahara stand out) reflect the conflict's underlying intractability. Mediators can at times work effectively with the group to prevent the deterioration of the conflict or address other crises that may arise. However, they are unlikely to be able to alter its underlying dynamics.

Georgia /Abkhazia
Mediation and the power next door

Mediation of the conflict between Georgia and the secessionist republic of Abkhazia has long been complicated by its regional context. The UN Secretary-General had a peacemaking role from the beginning, alongside a formal role for Russia as "facilitator". Russian facilitation was undermined by the fact that Abkhaz forces had found military reinforcement from Russian "irregulars", who had no desire to see an Abkhaz defeat, as well as a widespread reluctance within Russia to countenance a loss of influence in its "near abroad". Russia nonetheless assumed a peacekeeping role at the head of a force nominally of the Commonwealth of Independent States, even as its clear support for Abkhazia provided a counterweight to a mediation effort largely skewed in Georgia's favour. Beneath an apparently frozen conflict, the currents of hostility ran deep.

A group of Friends of Georgia was created in 1993 by states (France, Germany, the United Kingdom and the United States, in addition to Russia) with clearly opposed positions on the conflict as well as distinct levels of interest in its outcome. Successive UN mediators worked with a group re-named in 1997 as Friends "of the UN Secretary-General", but were never able to overcome two fundamental flaws. The first was the enduring importance to Russia of Georgia and the significance of Abkhazia in relations between the two. The second was that differences between the principal external actors widened. To Russia's evident frustration, the "western Friends" (long perceived as partial by the Abkhaz for their robust defence of Georgia's territorial sovereignty) encouraged Georgia in aspirations that included one day joining NATO. No confidence in a negotiated solution could be built and a complex spiral of events descended downwards towards the open conflict seen between Georgia and Russia in August 2008.

- **Bringing in the region**

Regional mediators in Africa, Asia and Latin America (where conflicts tend to manifest as internal political crises, such as those seen in Bolivia in 2008 and in Honduras in 2009) gain in legitimacy and support from the backing of relevant regional or sub-regional organisations. At times, mediation-specific groupings – such as the range of structures developed within ECOWAS, the AU Troika on Comoros, or the Organisation of American States' (OAS) Friends of Bolivia – have provided added reinforcement to the mediation effort. Less frequently, joint mediation structures have been formed, such as the Joint Mediation Team on Madagascar (of the AU, Southern African Development Community (SADC), UN and International Organisation of the Francophonie). However, the relative weakness of some sub-regional structures (competing initiatives between IGAD and Egypt/Libya in Sudan negotiations, or the later involvement of Chad, Eritrea and Libya in Darfur, the perennial problem posed to IGAD by Somalia or SADC's ineffectiveness on Zimbabwe) have exposed vulnerability to the interests of some of the states involved. Mediators from further afield have no option other than to seek to make their efforts complementary with those critical regional actors, but work on the basis that their ability to do so may be limited.

- **Contact groups**

As vehicles for the direct diplomacy of major powers, Contact Groups can represent a mixed blessing for mediators. Reaching agreement within them will generally be a necessary prerequisite to moving towards a solution of the conflict at hand, but is unlikely to fall within the competencies of an outside mediator. A Contact Group first appeared in Namibia, crafting the plan that became the basis for the Namibian settlement. The Contact Group on the former Yugoslavia was created in 1994, in part to circumvent the United Nations, and has remained a means for the states with the most obvious interest in regional stability (France, Germany, Italy, Russia, the United Kingdom and the United States) to hammer out their differences. The protracted discussions over the final status of Kosovo demonstrated the options open to an experienced mediator (former President Ahtisaari) in engaging with a Contact Group, but also their limits. He met regularly with both the conflict parties and the Contact Group and, on that basis, developed a plan for settlement of the status of Kosovo. However, the plan was accepted neither by Serbia nor, within the Contact Group, by Russia, and on this his effort foundered. The case stands in contrast to that of Liberia, where the ECOWAS/EU-led Contact Group, as described opposite, provided essential reinforcement to the mediation effort.

- **Preferring flexible support**

Some mediators prefer more flexibility in their interaction with external actors and deliberately avoid formal structures (whether for reasons of time and expediency, as in the case of Kenya, or as a consequence of issues related to composition, as in Sri Lanka). Both Lakhdar Brahimi's negotiation of the Bonn agreements on Afghanistan for example and the UN's various mediation efforts on Cyprus since 1999 (led by Alvaro de Soto until 2004 and by Alexander Downer since 2008), depended on the direct engagement of neighbours with strongly vested interests and close partnerships with a range of other external actors. In each case, the creation of a group structure would have involved difficult decisions as to which states to include, and which not. The United States' role in Afghanistan in the wake of the attacks of September 2001 was determinant, although necessarily supplemented by other prominent actors (including Russia, Germany and Italy, as well as regional actors). On Cyprus, the UN worked particularly closely with the United States and the United Kingdom, as well as the European Union in addition to Greece and Turkey, whilst also engaging with other interested states.

- **The independent mediator**

As the field of private mediation has grown, so has the realisation that its success will depend on an ability to reach up to and involve official actors. This was ably demonstrated in the Community of Sant'Egidio's involvement of interested states (France, Portugal, the United Kingdom and the United States), and then the United Nations, in its negotiation of a settlement for Mozambique, first informally and then as "observers" of talks in Rome it co-chaired with Italy. These five interested states and Germany later formed a Core Group to support the implementation of the agreement under the auspices of the United Nations. Those independent mediators who are prominent in their own right have certain advantages in aligning official actors. However, from its involvement in Aceh onwards, the trajectory of the HD Centre has also illustrated a growing ability to build networks (including through its annual hosting, with Norway, of the Oslo Mediators' Forum) and engage with relevant external actors at an early stage. HD's presidency of the preparatory committee for the internal dialogue in the Central African Republic, for example, was undertaken at the UN's request. It involved close consultation with France, as well as with regional actors such as the late President Omar Bongo of Gabon.

Liberia: Regional and international support at last

Analysts differ on whether the Comprehensive Peace Agreement signed in Ghana in 2003 was the fourteenth or fifteenth peace agreement for Liberia since war began in 1989. Earlier agreements, reached between 1989 and 1995, had been mostly under the leadership of the sub-regional organisation ECOWAS and had taken place in parallel to the successive deployment of ECOWAS troops, with the strong backing of Nigeria. A multi-party agreement reached in 1995 led to elections in 1997 that were won by Charles Taylor. His repression of political opponents at home and continued destabilisation of neighbouring Sierra Leone exacerbated instability across the region. During 2002 pressure for peace talks came both from within Liberia's increasingly active civil society and, increasingly, from outside as well. An International Contact Group on Liberia (ICGL), jointly led by ECOWAS and the EU, was established in the latter part of the year. It was to prove an effective means to raise awareness of the crisis in Liberia, exert pressure on Taylor and harness regional and international support for change.

The selection of General Abdulsalami Abubakar, the former president of Nigeria, as the chief mediator emerged from discussions between the chair of ECOWAS and Taylor himself. Abubakar's stature contributed to talks that took place under intense international pressure. Both the United States and the European Union/European Commission provided active reinforcement of his efforts. At times, this was manifested by their expression of frustration at the slow pace of progress for both financial and political reasons, but it also included exerting pressure on the parties, drafting some elements of the agreement (not all of which ECOWAS accepted) and committing resources for its implementation. The talks' successful conclusion in a Comprehensive Peace Agreement in August 2003 and the peace that has held in Liberia since that time represent a notable example of coherence in local, regional and international efforts to pursue the peace that had for too long eluded the suffering population of Liberia.

4.5 Suggestions for mediators

Mediation is a delicate art, as well as an increasingly professional endeavour. Its complexity is rooted in the multitude of factors that will impact upon a process' outcome. These make it difficult to establish a direct causal relationship between particular elements of a mediation and its success or failure, but should not impede the development of a body of knowledge derived from best practice and experience.

Most mediators are aware of the importance of external actors to the outcome of their efforts. Yet the demands upon their time and capacities are multiple, and usually complicated by the rapid and unpredictable development of events. As mediators approach this challenging area of their work, they should prioritise an approach to external leverage that is imaginative, flexible and case-specific rather than based on any formulaic approach. Three specific suggestions can be identified:

- **Develop understanding of the complex interplay between conflict parties and regional and other external actors.**

Mediators can benefit by consulting, at an early opportunity and throughout the course of their mediation, those with detailed knowledge of the conflict and its regional and international dynamics. In addition to publicly available sources of information (such as that provided by the International Crisis Group), mediators will gain from the cultivation of a variety of sources (academics, journalists, locally posted diplomats, international and local NGOs, informal networks) located in or near the conflict theatre and further afield. Whilst issues of confidentiality may be a concern, much can be learned from such sources without divulging sensitive details of the mediation itself, which interlocutors will – or should – understand remain the purview of the mediator.

- **Invest time in building and maintaining international support.**

Patience is one of the core requirements of any mediator. As a virtue, it is likely to be tested in a mediator's interactions with his/her international partners and interlocutors no less than in relations to the conflict parties. Building and maintaining support can only be achieved on the basis of careful and

"An honest broker can be an irrelevant broker as well if (s)he does not carefully manage his or her relations with the relevant members of the international community."

Lakhdar Brahimi and Salman Ahmed | "The Seven Deadly Sins of Mediation"

repeated attention to regional and international actors including, where appropriate, members of the Security Council. In these interactions, mediators should not underestimate the need to brief multiple representatives of a single state or organisation (in the field, in capitals or at the United Nations), as coherence in the approach of a national or institutional actor can be elusive.

- **Be alert to the risk of partiality or the appearance of it.**

Mediators may be subjected to extraordinary levels of pressure from external actors who seek to influence the process in accordance with their own interests in its outcome. Mindful that the utility of his/her role as a peacemaker will stand or fall on the maintenance of credibility with the conflict parties, mediators should be wary of hewing too closely, or appearing to hew to closely, to positions or actions readily identifiable with an external actor, or a group of external actors, that will undermine his/her impartiality and negatively impact upon the process. Clearly, establishing a balance between building coherent support for his/her efforts among international partners, and maintaining independence from them in the eyes of the conflict parties is a difficult endeavour.

Indonesia /Aceh
Private peacemakers reach out

Indonesia's desire not to "internationalise" the conflict precipitated by the independence struggle in Aceh led it to seek non-governmental mediators. The first set of negotiations, facilitated by the HD Centre between 2000 and 2003, broke down five months after the signing of a Cessation of Hostilities Agreement (COHA) in December 2002. The second was given impetus both by Indonesia's first direct elections for president in 2004 and the devastating tsunami that struck that December. Facilitated by former President Martti Ahtisaari and his Crisis Management Initiative, which had been contacted by both parties before the tsunami, talks held in Helsinki concluded in agreement in August 2005.

Conscious of its lack of leverage in Aceh, the HD Centre had consulted closely with interested external actors, particularly the United States. As the confidence of the parties in HD's involvement grew, so it was able to expand the role of international actors, seeking support for its efforts both from an informal group of former statesmen from a variety of countries (the "Wise Men") and from influential donors (the European Union, Japan, the United States and the World Bank) gathered in a "Group of Four". The wise men attended talks and travelled to Jakarta and Aceh on HD's behalf. The donors used what leverage they were able to bring to bear within Indonesia and offered a variety of logistical and political support. Ahtisaari's stature as a former head of state was clearly an element of his appeal to the Acehnese and Indonesian parties. When talks resumed under his auspices in early 2005, things moved quickly. The EU assumed a supportive role from the beginning; indeed an EU-funded network of specialists helped reach out and gather ideas reflecting views on the ground in Aceh. Believing that NGOs should not monitor peace agreements, Ahtisaari approached the EU and ASEAN (an important regional counterweight to the EU) to secure their agreement to launch a joint monitoring mission to oversee implementation of the August 2005 agreement.

About the authors

Teresa Whitfield

Teresa Whitfield is a Senior Adviser to the Geneva-based Centre for Humanitarian Dialogue, responsible for liaison with the United Nations, and a Senior Advisor and Fellow at New York University's Center on International Cooperation (CIC). Between 2005 and 2008 Teresa was Director of the Conflict Prevention and Peace Forum, a program of the Social Science Research Council that facilitates access by UN officials to outside sources of expertise on countries in conflict or crisis. In this capacity she participated in and led workshops and seminars on countries or situations that included Central Asia, Colombia and the Andean region, the DRC, Myanmar, the Sahel, Sudan, Timor-Leste and West Africa. From 1995–2000 she worked as an official within the UN's Department of Political Affairs.

Teresa has published widely on the dynamics of internal conflict, peacemaking, mediation and United Nations peace operations, specializing in issues such as engagement with armed groups, and the varied roles played by international actors. Her most recent book is *Friends Indeed? United Nations, Groups of Friends and the Resolution of Conflict* (USIP Press, 2007). She is also the author of two Mediation Practice Series publications of the HD Centre: *External actors in mediation: Dilemmas and options for mediators* (February 2010) and *Engaging with armed groups: Dilemmas and options for mediators* (October 2010). Teresa is currently completing a book addressing efforts to end the Basque conflict in Spain. She is a member of the Board of Trustees of Conciliation Resources, and serves on the Advisory Board of the Conflict Prevention and Peace Forum. She holds a B.A. from Cambridge University and an M.A. from the University of London.

Dr. Thania Paffenholz

Dr Paffenholz works both as an academic in research and teaching as well as a policy advisor in support of peace processes. Her main fields of expertise are: mediation strategies and actors; strategic planning for, and evaluation of, peace processes; and the development-peace nexus. She works at the Centre on Conflict, Peacebuilding and Development at the Graduate Institute of International and Development Studies (IHEID) in Geneva. She previously held positions such as Director of the Center for Peacebuilding (KOFF) at swisspeace in Berne, Switzerland (until 2003) where she also worked as an adviser for the Swiss Foreign Ministry. She also served as Peacebuilding Officer at the European Commission in Kenya working on the peace process in Somalia between 1996–2000. From 1992 to 1996 she was Research Fellow at the Peace Research Institute Frankfurt, Germany and she has participated in UN missions in Africa. She advises the UN, the OECD/DAC as well as governments and non-governmental organisations. Dr Paffenholz has been involved in mediation processes in Mozambique, Angola, Somalia, Afghanistan, Nepal and Sri Lanka. Her latest book is 'Civil Society and Peacebuilding: A Critical Assessment' with Lynne Rienner publishers, Boulder 2010.

Antonia Potter

Antonia Potter has been working across a range of humanitarian, development, peacemaking and peacebuilding issues and settings for almost two decades, and has increasingly specialised in women's empowerment.

Prior to her current work as Senior Associate to the European Peacebuilding Liaison Office and consultant for organisations including the Centre for Humanitarian Dialogue, the Global Network of Women Peacebuilders and Terre des Hommes, she was Country Director for Oxfam GB in Indonesia. She initiated the Centre for Humanitarian Dialogue's work on women, gender and peacemaking in 2005 and has worked for a number of NGOs, mostly in Asia, having been based in Afghanistan, Cambodia, India, Indonesia, Switzerland (Geneva), Timor Leste, the USA (New York) and, currently, Belgium (Brussels).

Her publications include: Global Network of Women Peacebuilders, Women Count Security Council Resolution 1325: Civil Society Monitoring Report 2011 (New York: GNWP, 2011); G is for Gendered: taking the mystery out of engendering peace agreements, (HD Opinion, April 2011); We the Women:

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Endnotes

Chapter 1: Engaging with armed groups

1. A number of the dilemmas, challenges and risks encountered by mediators who seek to engage with armed groups also apply to humanitarian actors and organisations such as Geneva Call (dedicated to engaging non-state armed groups towards their compliance with the norms of international humanitarian and human rights law), whose work is not addressed within this publication.
2. This conclusion emerges strongly from previous publications on this issue, notably Robert Ricigliano (ed.), *Choosing to engage: armed groups and peace processes,* Accord 16 (London: Conciliation Resources, 2005)
3. Interviewed by The Guardian in May 2008, Sir Hugh Orde, then head of the Police Service in Northern Ireland, commented, "If somebody can show me any terrorism campaign where it has been policed out, I'd be happy to read about it, because I can't think of one." Vikram Dodd, "Time to talk to al-Qaida, senor police chief urges", *The Guardian*, 30 May, 2008
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5. Véronique Dudouet, "Mediating Peace with Proscribed Armed Groups", United States Institute for Peace, Special Report 239, (Washington: 2010)
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7. Supreme Court of the United States, Ruling 77, Docket N° 08-1498, "Holder, Attorney General, et al. v. Humanitarian Law Project et al.", 21 June 2010
8. International Crisis Group, "War Crimes in Sri Lanka", Crisis Group Asia Report N° 191, (Brussels: 2010)
9. On the question of assumptions see David Petrasek, "Armed Groups and Peace Processes – Pondering and Planning Engagement", Background paper, Centre for Humanitarian Dialogue Asian Mediators' Retreat, (Geneva: Centre for Humanitarian Dialogue, 2005)
10. The distinct role played by national mediators, and the real challenges and risks they assume are not addressed within this paper. On this subject see, for example, Simon Mason, "Insider Mediators: Exploring Their Key Role in Informal Peace Processes", (Berlin: Berghof Foundation for Peace Support, 2009)
11. Oliver Wils and Véronique Dudouet, "Challenges Facing Peacebuilders Engaging with Listed Groups", (Berlin, Berghof Conflict Research and Berghof Peace Support, 2010); Andy Carl, "Viewpoint: Ending Civil Wars Just Got Harder", accessed from the BBC World Service website, 29 June 2010
12. Quartet Statement, London, 30 January 2006
13. Speaking at the International Peace Institute, New York, 22 September 2010
14. United Nations Press Release, SG/SM/7257, Secretary-General Comments on Guidelines Issued to Envoys, 10 December 1999
15. United States Code, Title 18, §2339B, "Providing material support or resources to designated foreign terrorist organizations", (d) Extraterritorial jurisdiction.

16. In the United States the more immediate effect is political; indeed there are several examples of individuals who have failed to receive congressional confirmation for political appointments because of their prior engagements with designated terrorists.
17. See Dudouet, "Mediating Peace with Proscribed Armed Groups", on possible steps to reform proscription regimes.

Chapter 2: Broadening Participation in Peace Negotiations

1. Report of the Secretary-General on enhancing mediation and its support activities, 8 April 2009, S/2009/189: section E.22. (New York: United Nations, 2009) and General Assembly Resolution GA/11104 from 22 June 2011.
2. See Paffenholz, Thania "Summary of Results for a Comparative Research Project: Civil Society and Peacebuilding", CCDP Working Paper 4, Graduate Institute of International and Development Studies (Geneva: CCDP, 2009) Available at: http://graduateinstitute.ch/webdav/site/ccdp/shared/6305/CCDP-Working-Paper-4-Civil-Society.pdf and Paffenholz, Thania (Ed.) Civil Society and Peacebuilding: A Critical Assessment, (Boulder: Lynne Rienner, 2010).
3. Kurtenbach, Sabine, "Guatemala: A dependent and fragmented civil society", in Paffenholz, Thania (Ed.), Civil Society and Peacebuilding: A Critical Assessment, (Boulder: Lynne Rienner, 2010) pp.79–104.

Chapter 3: Including women and gender perspectives in peacemaking

1. This chapter is particularly aimed at mediators working at Track 1 or 1.5 level. For a definition of the different tracks, see, for example, http://www.beyondintractability.org/node/2726 and http://www.beyondintractability.org/node/2724; accessed 6 February 2012.
2. UNSCRs
   1325 (2000) www.un.org/ga/search/view_doc.asp?symbol=S/RES/1325%282000%29
   1820 (2008) www.un.org/ga/search/view_doc.asp?symbol=SRES/1820%282008%29
   1888 (2009) www.un.org/ga/search/view_doc.asp?symbol=S/RES/1888%282009%29
   1889 (2009) www.un.org/ga/search/view_doc.asp?symbol=S/RES/1889%282009%29
   1960 (2010) www.un.org/ga/search/view_doc.asp?symbol=S/RES/1960%282010%29
3. United Nations, Report of the Secretary-General on women and peace and security, (New York: United Nations, 29th September 2011) S/2011/598.
4. "Radical" for the mainstream which had not been used to routinely using a gender perspective up until this point; for example, the resolution suggests a total redesign of how peace processes are undertaken and facilitated by *"stressing the importance of [women's]* ***equal participation and full involvement*** *in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution"* (bolding by author) (S/RES/1325 (2000) p.1, para.5).
5. U.S. Civil Society Working Group, November 2011 http://library.constantcontact.com/download/get/file/1103352565305-60/U+S+Civil+Society+Working+Group+Expert+Statement+.pdf accessed 29 November 2011.
6. United Nations, *Report of the Secretary-General on Women, Peace and Security S/2010/173* (New York: United Nations, 6 April 2010).
7. United Nations, *Report of the Secretary-General on women and peace and security*, S/2011/598, (2011).
8. Full updated information is available at http://peacewomen.org/pages/about-1325/national-action-plans-naps. At the time of publication the 36 NAPs in action and by region are as

follows: Africa (9) Côte d'Ivoire, Democratic Republic of the Congo, Guinea, Guinea-Bissau, Liberia, Rwanda, Senegal, Sierra Leone, Uganda; Americas (3) Canada, Chile, USA; Asia (2) Nepal and the Philippines; Australia/Pacific (1) Australia; Europe (21, of which 14 are EU, 2 are candidate EU, and 5 are non-EU) Austria, Belgium, Bosnia & Herzegovina, Croatia, Denmark, Estonia, Finland, France, Georgia, Iceland, Italy, Ireland, Netherlands, Norway, Portugal, Serbia, Slovenia, Spain, Sweden, Switzerland and the United Kingdom.

9. See, for example: European Peacebuilding Liaison Office, *Follow up to 10 points on 10 years of UNSCR 1325 in Europe* (Brussels: EPLO, November 2011); http://www.eplo.org/assets/files/2.%20Activities/Working%20Groups/GPS/FOLLOW_UP_TO_10_POINTS_IN_10_YEARS_UNSCR_1325.pdf accessed 28 November 2011
10. http://www.oas.org/en/cim/docs/CIM-StrategicPlan2011-2016-ENweb.pdf accessed 15 November 2011
11. Comment on the draft text of this chapter sent to the author on 31 December 2011.
12. Ambassador Anwarul Chowdhury was Permanent Representative of Bangladesh to the United Nations and served as President of the UN Security Council when UNSCR 1325 was passed.
13. See the "Further reading" section.
14. By the seventh and final round of talks, after consistent calls from AU Mediator Salim Salim, there were female negotiators on all parties' teams, an AU Gender advisor and a Gender Expert Support Team, leading to one of the most gender-sensitive peace agreements on record. http://www.huntalternatives.org/download/1825_negotiations_april_2010_final.pdf accessed 7 December 2011
15. UNIFEM, *Women's Participation in Peace Negotiations: Connections between Presence and Influence* (New York: UNIFEM, 2010)
16. http://www.guardian.co.uk/global-development/poverty-matters/2011/dec/05/bonn-deliver-results-for-afghan-women. Accessed 31 January 2012
17. The UN DPA MSU Senior Gender Advisor in question was not available for interview for this chapter. However, other members of the MSU, and those who have collaborated with the MSU, were consulted. The MSU will be providing operational guidance reflecting the work of the Senior Gender Advisor during the course of 2012 once the opportunity to digest the first year's experience of the role has been taken.
18. See UN DPKO gender statistics in missions monitoring at http://www.un.org/en/peacekeeping/contributors/gender/2011gender/oct11.pdf Accessed 1 December 2011; or for information on judiciaries see Global Network of Women Peacebuilders, *Women Count: Civil Society Monitoring of UNSCR 1325* (New York: GNWP, 2011)
19. Speech at the Nobel Women's Initiative Conference, May 2011.
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22. Ward, Margaret, *Gender, Citizenship and the Future of the Northern Ireland Peace Process*, (Ulster: University of Ulster, 2005) http://cain.ulst.ac.uk/issues/women/docs/ward05peaceprocess.pdf accessed 18 November 2011.
23. Telephone conversation with the author, 19 December 2011.
24. Launched at the Mindanao Commission of Women's annual conference in December 2011. See http://www.mindanaowomen.org/mcw/?page_id=3 Accessed 29 March 2012.
25. She was appointed as one of a three person "Panel of African Eminent Personalities" to support the Kenya National Dialogue and Reconciliation process, alongside Kofi Annan and Benjamin Mkaapa.
26. International Parliamentary Union statistics at November 2011. http://www.ipu.org/wmn-e/world.htm accessed 30 November 2011.
27. Author's emphasis.

Peace and Security Department
African Union Commission
Tel: 251-11-5517700 ext 3012
Fax: 251-11-5519321 / 5514227
E-mail: ausituationroom@yahoo.com;
SituationRoom@africa-union.org;
Join us on FB: http://goo.gl/G9ZI0
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