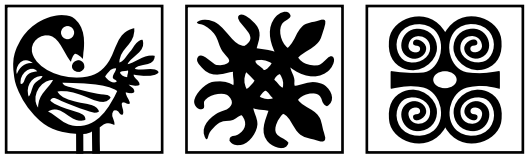
African Union Mediation Support Handbook

ACCORD

THE AFRICAN CENTRE FOR THE CONSTRUCTIVE RESOLUTION OF DISPUTES



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AFRICAN UNION MEDIATION SUPPORT HANDBOOK

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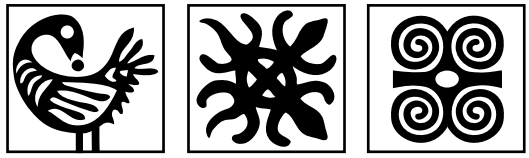

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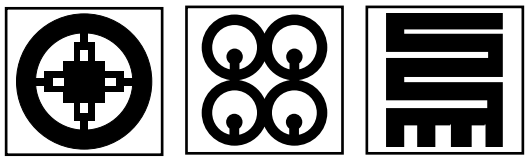


ACRONYMS AND ABBREVIATIONS

ACCORD	African Centre for the Constructive Resolution of Disputes
ADC	*Alliance Démocratique du 23 mai pour le Changement* (23 May 2006 Democratic Alliance for Change)
AFISMA	African-led International Support Mission to Mali
ANC	African National Congress
APF	Africa Peace Fund
APSA	African Peace and Security Architecture
AQIM	Al-Qaeda in the Islamic Maghreb
ASF	African Standby Force
AU	African Union
AUC	African Union Commission
AU CMD	African Union Conflict Management Division
AU PSC	African Union Peace and Security Council
AU PSD	African Union Peace and Security Department
AU PW	Panel of the Wise
BATNA	Best Alternative to a Negotiated Agreement
CAR	Central African Republic
CBM	Consultative Business Movement
CEN-SAD	Community of Sahel-Saharan States
CEWS	Continental Early Warning System
CMI	Crisis Management Initiative
CNDD	*Conseil National pour la Défense de la Démocratie* (National Council for the Defense of Democracy)
CoS	Chief of Staff

CPA	Comprehensive Peace Agreement
CSO	Civil Society Organisation
DPA	Darfur Peace Agreement
DDR	Disarmament, Demobilisation and Reintegration
DFID	Department for International Development
DRC	Democratic Republic of the Congo
EATNA	Estimated Alternative to a Negotiated Agreement
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
EU	European Union
FDD	*Forces pour la Défense de la Démocratie* (Forces for the Defense of Democracy)
FNL	*Forces Nationales pour la Libération* (National Forces of Liberation)
ICD	Inter-Congolese Dialogue
ICG	International Contact Group
ICG-G	International Contact Group on Guinea
IDP	Internally Displaced Person
IFP	Inkatha Freedom Party
IGAD	Intergovernmental Authority on Development
IGO	Inter-Governmental Organisation
KMF	Knowledge Management Framework
LRA	Lord's Resistance Army
MINUSMA	United Nations Multidimensional Integrated Stabilization Mission in Mali
MNLA	*Mouvement National pour la Libération de l'Azawad* (National Movement for the Liberation of Azawad)
MoU	Memorandum of Understanding
MPLA	*Mouvement Populaire de Libération de l'Azawad* (Popular Movement for the Liberation of Azawad)
NGO	Non-Governmental Organisation
OAU	Organisation of African Unity

ODM	Orange Democratic Movement
OIC	Organisation of Islamic Cooperation
OIF	*Organisation Internationale de la Francophonie* (International Organisation of la Francophonie)
PALIPEHUTU	*Parti pour la Libération du Peuple Hutu* (Party for the Liberation of the Hutu People)
PESG	Personal Envoy of the Secretary-General
PSO	Peace Support Operation
REC	Regional Economic Community
RM	Regional Mechanism
SADC	Southern African Development Community
SOP	Standard Operating Procedure
SSR	Security Sector Reform
ToR	Terms of Reference
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNMIL	United Nations Mission in Liberia
UNSC	United Nations Security Council
USA	United States of America
USAID	United States Agency for International Development
WIPNET	Women in Peacebuilding Network

INTRODUCTION

Gallo Images/AFP

Ethiopian Emperor Haile Selassie (centre) and Ghana's founder and first President Kwame Nkrumah (left) during the formation of the Organisation of African Unity in Addis Ababa (25 May 1963).

Sankofa
Adinkra symbol represents the importance of learning from the past

Since the inception of the Organisation of African Unity (OAU) in 1963[1], many African Union (AU) envoys and special representatives have worked diligently on mediation assignments, although mainly in an ad hoc manner. Yet, to be effective, mediation processes need to respond to specific conflict dynamics, taking into account the positions, interests and needs of the parties; the broader society; and regional and international environments (United Nations 2012a). This exercise necessitates a planned and professional approach, rather than being conducted through ad hoc diplomatic initiatives. It is because of this that the AU now recognises the need to build upon these experiences and create a more systematic approach to its mediation, to enable envoys or representatives and those who support their efforts to function at the highest and most effective levels possible.

1 On 9 July 2002, the OAU was transformed into the AU at a summit in Durban, South Africa.

Consequently, the AU focuses on conflict prevention and mediation, and has thus identified a need to strengthen its capacity in this regard. Towards this end, a Plan of Action to Build the AU's Mediation Capacity was adopted in 2009 (Nathan 2009). The plan defines mediation as 'a process of dialogue and negotiation in which a third party assists two or more disputant parties, with their consent, to prevent, manage or resolve conflict without resorting to force'. To implement this action plan and strengthen the AU's mediation capacity, several capacity-building initiatives have been undertaken, in collaboration with partners such as the United Nations (UN), African Centre for the Constructive Resolution of Disputes (ACCORD), Crisis Management Initiative (CMI), Centre for Humanitarian Dialogue, Folke Bernadotte Academy and others.

Within this context, ACCORD assisted the AU in implementing the AU Mediation Support Capacity Project Phase II (2012–14), aimed at strengthening the continental body's mediation support capacity. The project, implemented in partnership with the AU Conflict Management Division (AU CMD) and CMI, was funded by the Ministry of Foreign Affairs of Finland. As part of this initiative, ACCORD, in collaboration with the AU CMD, developed a revised edition of the *African Union Mediation Support Handbook* (2012), focusing on the AU's mediation processes.

This first revised edition serves as a general reference and field study guide for mediation teams and lead mediators deployed on AU mediation missions. It is a practical tool, based on the premise that mediation is a critical and complex skill that requires time, practice and continued education. It focuses on providing both the mediator and the mediation team with an understanding of the congruous and continuous mechanisms, tasks and tools available to resolve conflict by utilising problem-solving approaches.

The handbook was developed following a series of consultations with the AU and review of existing AU mediation tools, instruments and practices. As a result, it reflects current practice and knowledge required for effective mediation on the African continent contained in three parts.

I. The first part elaborates on the practice of mediation in the context of the AU, including guiding principles, and provides an overview of the development of mediation. It also includes an outline of key trends and structures within which mediation takes place on the African continent, introduces the importance of understanding conflict environments and discusses the evolving engagement of mediation practitioners.

II. In the second part, the reader is introduced to the five phases of the mediation process – from preparation to negotiation and exit strategies. It provides examples of past and recent mediation efforts in Africa and uses case studies to assist the reader in exploring and understanding each phase of mediation as it evolves through different conflict dynamics while focusing on the necessity of key skills, attitudes and experiences

required for successful mediation. As a result, this second edition assists those deployed or appointed as lead mediators or part of mediation support teams, to prepare for the task.

III. Finally, the third part explores the various steps of the knowledge management framework (KMF), which supports the identification of lessons learnt, creation of knowledge and sharing of experiences.

Purpose of this handbook

This handbook is intended to facilitate an engagement with the theory and practice of mediation within the context of AU-mandated interventions. It therefore includes case studies, examples and anecdotes all intended to illustrate and demonstrate the logic as well as the purpose of mediation.

The icons below have been utilised to support easy navigation through this handbook:

Example: *This icon highlights a real or hypothetical situation to illustrate a particular point, or explore a different perspective of a point made in the main text.*

Tip: *This icon highlights something to improve mediators' own practice.*

Note: This icon indicates terms or issues that pertain to technicalities of mediation processes. It may also draw attention to a definition, formula or principle on how to move forward with a mediation strategy, as well as highlighting useful information to remember.

PART I
MEDIATION WITHIN THE AFRICAN UNION

Gallo Images/AFP

Left to right: In an effort to end the Sand War between Morocco and Algeria, Haile Selassie, emperor of Ethiopia and chairperson of the OAU, Algerian President Ahmed Ben Bella, King Hassan II of Morocco, and Malian President Modibo Keïta sign an OAU-facilitated ceasefire agreement in Bamako, Mali (29 October 1963).

Funtunfunefu-denkyemfunefu **Adinkra symbol of democracy and unity**

From the Organisation of African Unity to the African Union: Mediation in context

The concept and value of institutional mediation was enshrined in the OAU's inception in 1963. The mediation approach of the OAU, contained in its charter (Article III (2)), restricted the body to maintaining a position of 'non-interference in the internal affairs of a state' (Organisation of African Unity, 1963). This impacted on interventions in the context of the OAU, in that mediation initiatives could not be deployed in prevention or response

to intrastate conflicts. Under the OAU, mediation was conducted through the Commission on Mediation, Conciliation and Arbitration. However, the practice was not institutionalised but rather implemented through ad hoc peacemaking processes and procedures.

From its founding until the end of the 1980s, the OAU endeavoured to tackle Africa's internal conflicts, and achieved considerable success. The most outstanding accomplishment was the OAU's settlement of boundary disputes. Having gradually attained independence within the scope established by former colonial powers, many African countries sought to abolish or alter old boundaries, which inevitably led to territorial disputes with neighbouring countries that insisted on preserving them. The OAU, realising the seriousness of these disputes, made the decision to preserve old boundaries. Almost every African country accepted the OAU's principle that the existing boundaries of countries should remain unaltered. Although this in itself was not enough to prevent boundary disputes, it drastically limited their frequency and scale. Each time boundary disputes broke out, the OAU played a positive role in resolving the disagreement.

Example 1: Boundary dispute between Algeria and Morocco (1964–65)

After the Moroccan invasion of Algerian territory, the two countries sought different mediators. Algeria requested that the OAU Council of Ministers consider the situation as an emergency, while Morocco wanted the situation to be resolved by the UN. However, Morocco was advised by some extra-African powers to accept the OAU mediation. The OAU's Council of Ministers set up an ad hoc commission, comprising Ethiopia, Côte d'Ivoire, Mali, Nigeria, Senegal, Sudan and Tanzania (then Tanganyika) to mediate the dispute.

During several decades in the practice of tackling internal conflicts, the OAU gradually developed a range of working methods (Shimming 2003), namely:

- **Conference diplomacy** – regular OAU summit meetings and special sessions of the Council of Ministers enabled discussions on various conflict situations.
- **Ad hoc committees** – made up of selected African state leaders or their representatives. These were another way through which the OAU could settle conflicts.
- **Good offices** – organised by member states at their own initiative or at the request of conflicting countries, good offices provided ways of exerting influence and/or pressure indirectly upon the parties involved in the conflict, so as to contain or solve the crisis.
- **Summit mediation** – this method enabled mediation of conflicts by leaders of non-conflicting member states, with the authorisation of the OAU. Due to the flexibility of this method, it was widely adopted in Africa.

Establishing a permanent pan-African mechanism to resolve internal conflicts has long been the dream of many African statesmen. At the start of the 1990s, the conflict situation on the continent showed no sign of being alleviated, resulting in increasing numbers of Africans identifying with this aim.

On 30 June 1993, the 29th Summit Meeting of the OAU, held in Cairo, Egypt, passed the Declaration of the Assembly of Heads of State and Government on the Establishment within the OAU of a Mechanism for Conflict Prevention, Management and Resolution. This was a decisive leap forward in the OAU's journey to creating a pan-African conflict resolution mechanism.

Example 2: Burundi intervention (1993)

The OAU/AU intervened in Burundi in October 1993 to restore democratic governance and stop the violence that erupted after leading members of Burundi's first democratically elected government, led by Melchior Ndadaye, were assassinated by army officers on 21 October 1993. The 1993 crisis coincided with the OAU's efforts to strengthen its peacemaking strategy to play a central role in promoting conflict resolution in Africa. The OAU secretariat set out the broader goal of the retooling exercise in a major policy document adopted by African heads of state at the 26th Ordinary Session of the OAU Assembly in July 1990. This document paved the way for the OAU to establish the Mechanism for Conflict Prevention, Management and Resolution in June 1993.

Moving beyond the end of the Cold War era, the AU Assembly of Heads of State and Government decided to assume collective responsibility, through the African Union Peace and Security Council (AU PSC) and intervene in line with Article 23 (2) in any member state in cases of grave circumstances, such as war crimes, genocide and crimes against humanity (African Union 2000). Other features that have evolved are that member states have the right to request assistance from the AU and that the body has been empowered to condemn and reject unconstitutional changes of government.

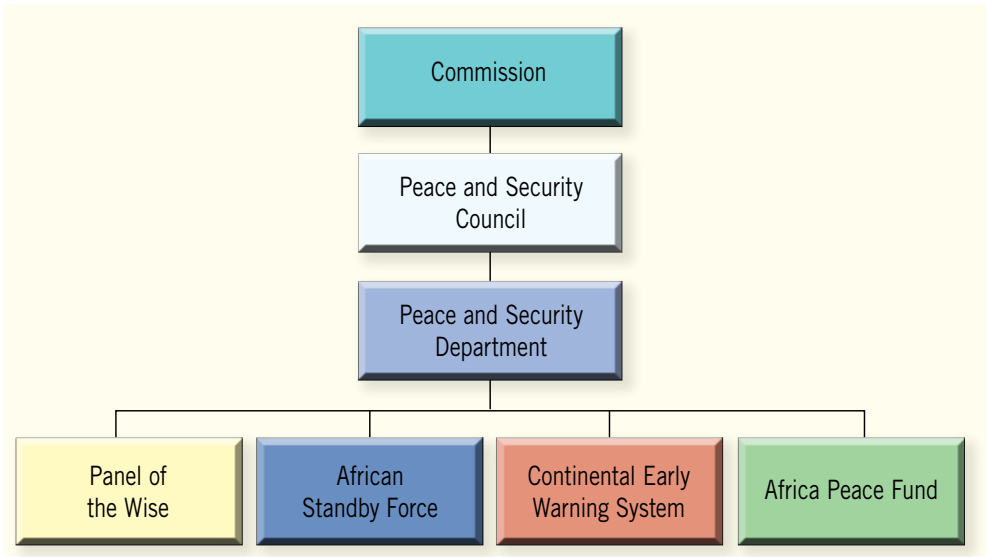
Today, the Protocol Relating to the Establishment of the Peace and Security Council (PSC Protocol) is the endpoint of a legislative history concerned with resolving conflict. With its concrete institutions – such as the African Union Panel of the Wise (AU PW), Continental Early Warning System (CEWS), African Standby Force (ASF) and the Africa Peace Fund (APF) – the AU is dedicated to the promotion of peace, security and stability on the African continent.

The African Union mediation agenda

The AU, in collaboration with regional economic communities (RECs), has established the African Peace and Security Architecture (APSA) to deal with the prevention, management and resolution of conflicts in Africa. The establishment of the AU PSC in 2004 confirmed the commitment of African leaders to promote a stable, peaceful and developed Africa by assuming a greater role in ensuring peace and security on the continent – especially since the principle of non-intervention gave way to the AU's right to intervene in member countries in the event of war crimes, genocide and crimes against humanity (Mwanasali 2009). The AU Constitutive Act, in Article 4 (e), provides for the 'peaceful resolution of conflicts among member states of the Union through such appropriate means as may be decided upon by the Assembly'. Furthermore, according to Article 6 of the PSC Protocol, peacemaking – including the use of good offices, mediation, conciliation and enquiry – is a specific function of the AU PSC (African Union 2003).

Key structural dimensions of the African Peace and Security Architecture

Established by the AU, in collaboration with the RECs, the APSA was designed to address the various stages of conflict. Its pillars were conceived and structured to address prevention, management and resolution of challenges. At the core of this structure is the AU PSC, supported by the AU PW, CEWS, ASF and APF.



African Union

Figure 1: Structure of the African Peace and Security Architecture

Peace and Security Council	• Consisting of 15 member states, it has the mandate to conduct peacemaking, peacekeeping and peacebuilding activities • Of the 15 member states, 10 are elected for a term of two years and five for a period of three years
AU Panel of the Wise	• The AU PW is made up of five highly respected personalities from various segments of society from each African region (North Africa, West Africa, Central Africa, East Africa and southern Africa) • Members are selected by the chairperson of the African Union Commission (AUC) on the basis of regional representation • Members serve for a period of three years • In July 2010 membership was expanded to 10 individuals in order to strengthen the panel's capacity to deploy more systematically • Capacity was also strengthened in May 2013 with the creation of the Pan-African Network of the Wise, which includes mediators of the AU and RECs, as well as national and local mediators
African Standby Force	• Consists of standby brigades in each of the five regions (North Africa, West Africa, Central Africa, East Africa and southern Africa) • Capable of rapid deployment in response to requests by the UN, AU or a specific region
Continental Early Warning Systems	• Data collection and analysis to be used by the chairperson of the AUC to advise the AU PSC on potential conflicts and threats to peace and security in Africa and recommend the best course of action
Africa Peace Fund	• Provides the necessary financial resources for peace support missions and other operational activities that are related to peace and security • The fund is made up of finances taken out of the regular budget of the AU

AU decision makers for mediation

The AU PSC in Article 9 (1) of the PSC Protocol, is empowered to implement the initiatives and actions it deems appropriate with regard to situations of potential and actual conflict (African Union 2003). To this end, it uses discretion to promote mediation as a solution to resolve conflicts. Furthermore, different mandating authorities exist within the AU, as outlined below:

- **The AU Assembly** can establish bodies that include ad hoc committees for mediation, conciliation or enquiry, consisting of an individual state or group of states according to Article 8 (5).
- **The chairperson of the AU** may use his/her good offices – either personally or through special envoys, special representatives, the AU PW or regional mechanisms (RMs) – to prevent potential conflicts, resolve actual conflicts and promote peacebuilding and post-conflict reconstruction.

- **The chairperson of the AUC** may appoint members of the AU PW and bring to their attention any matter that, in his/her opinion, deserves their engagement. He/she may also use his/her good offices to address any issues pertaining to the promotion and maintenance of peace, security and stability in Africa.

Core principles of the Constitutive Act of the African Union

The Constitutive Act of the AU develops the principles of the OAU further, with effects on the principles of mediation. Although the right to state sovereignty is upheld, three principles create the right of the AU to intervene in the internal affairs of other states:

I. the right of the Union to intervene in a member state pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity
II. the right of member states to request intervention from the Union in order to restore peace and security
III. condemnation and rejection of unconstitutional changes of governments (African Union 2000:7).

These points indicate the shift from non-interference to non-indifference. The AU Constitutive Act therefore stipulates that should the circumstances be grave enough, the AU will intervene, including implementing processes of mediation.

Mediation principles within the African Union Constitutive Act

Mediation has become an integral component of AU peacemaking initiatives and is acknowledged as having the potential to be instrumental in preventing, managing and ending conflicts. Thus, with the coming into force of the AU and the shift to non-indifference, it was imperative for the AU – in collaboration and coordination with strategic partners – to develop specialist expertise and systematic mediation practice. The AU has therefore taken important steps to define, institutionalise and consolidate mechanisms and processes for mediation.

Mediation as a tool of conflict management

The AU has designed a strategy for mediation that informs its plan of action. The strategy is composed of 12 guidelines:

I. the parties must own the agreement
II. mediation and negotiations should be inclusive of all significant political actors
III. civil society must be involved in the mediation and negotiations
IV. the mediator(s) must help the parties develop a relationship of trust and cooperation
V. mediation must be a non-threatening venture for the parties

VI. mediators must be impartial
VII. there is no quick-fix solution in deep-rooted conflict
VIII. mediators must help the parties address the root causes of the conflict
IX. mediators must be flexible, creative, responsive and adaptive
X. the drafting and implementation of peace agreements should be properly linked (Nathan 2009)
XI. the process must address the regional dimensions of national conflicts
XII. there is a need for systematic and rigorous approaches to mediation processes (Govender and Ngandu 2010).

The APSA is also evolving, in an era where Africa's relationships with international and regional organisations emphasise partnerships drawing on different synergies. To this end, equal partnerships are imperative – first and foremost between African states, the AU and RECs (Govender and Ngandu 2010). Another important pillar is the partnerships between the AU and civil society organisations (CSOs). This ensures that there is cooperation, coordination, joint solutions and support between and among the actors in the field of conflict prevention and mediation.

UN Photo/Stuart Price

Delegates listen to opening remarks on the first day of a civil society conference organised by the United Nations Political Office for Somalia (UNPOS), in the Somali capital Mogadishu (26 November 2011).

Mediation as a conflict prevention tool

Progress has been made in strengthening conflict prevention, both in terms of policy and practically through the application of preventive diplomacy. The AU has participated in this progress, creating policy space for a more proactive – rather than reactive – diplomacy.

Preventive diplomacy is a mechanism that employs mediation, negotiation and diplomacy in situations where it is believed that the likelihood of conflict erupting is very high. It is an attempt to use the diplomatic tools mentioned to prevent conflict from occurring, as well as to minimise the costs that trail closely behind conflict. Preventive actions are also supported by the CEWS, which is a mechanism designed to provide data and analysis aimed at anticipating or predicting conflict in Africa. This assists the AU PSC or the AU PW to design appropriate responses to potential conflict.

Environment of mediation – conflict trends

There are a range of trends that have an impact on the use of third-party intervention, including mediation.

Trend 1: Increased political violence

Over the past 15 years, political violence rates have stayed stable. In general, rates stabilised from 1997 to 2010, yet 2011 and 2012 witnessed dramatic increases in violence. While this is, in part, due to escalations of violence in normally stable states (including countries in North Africa), violence at large continued in big and unstable states, including Somalia, the Democratic Republic of the Congo (DRC) and Sudan.

Gallo Images/Reuters

March 23 Movement (M23) rebel recruits stand to attention during a training session at the Rumangabo military camp in eastern DRC (16 May 2013).

Trend 2: Political militias on the rise

The mediation environment is closely linked and interconnected with the actors and agents of change, as well as the perpetrators of violence. Over the past 15 years, there have been distinct changes in the main perpetrators of violence; while security agents of governments remain the most actively violent group, the second-most violent group has changed from rebels to political militias. The activities of both types of groups are on the increase.

Trend 3: Marginalisation and poverty

Access to, control of and use of land and water, economic resources and inequality continue to pit groups against one another, often resulting in violent clashes. These factors remain potential sources of social conflict, and the future could see indigenous groups clash with migrants over the distribution or depletion of limited resources, such as natural, economic and power resources. Domestic factors, such as stronger civil societies, economic growth and better institutions and geopolitical shifts, coupled with the decline of external support for insurgencies, are playing an important role in the dynamics of the security environment.

Trend 4: Continuing process of democratisation

Over the past 20 years, there has been a wave of democratisation in Africa. Between 1989 and 1995, the number of multiparty political systems in Africa increased from five to 35. Furthermore, the process of democratisation of states continues to improve on the continent, allowing for governance and rule of law to protect institutions and citizens alike. However, questions about the quality of democracy still remain. A range of countries encounter immense challenges related to electoral violence. Laakso (2007) found that usually once the third round of elections had been carried out successfully, political parties' participation and competition increased, and election-related violence decreased significantly. However, electoral violence has not been rare during second and even third rounds of elections in African countries. On the whole, coups and unconstitutional changes of government have become more frequent over the last 10 years, although their success has been limited by AU and international responses.

Trend 5: Small arms and light weapons proliferation

The proliferation of small arms and light weapons has enabled belligerents to kill and displace thousands of civilians across the continent. Arms also tend to circulate throughout conflict zones, being recycled and reused in different contexts – shifting ownership between fighters, security forces and war profiteers. For instance, the flow of weapons from Libya, after its revolution, into Mali certainly strengthened the insurgent groups based in northern Mali. Once weapons enter an area, it is very difficult to remove them – especially because they are relatively small and easy to hide. This means that it becomes easier for cycles of violence to exist, due to the availability of small arms and light weapons; an important aspect to consider when assessing conflict trends in Africa.

Trend 6: Sectarian warfare, terrorism and secession

Essentially, this trend refers to how identity, politics and violence interact. Sectarian warfare is violence between different sects of one particular mode of ideology or religion within a nation or community. A mode of ideology includes religion, as well as a predominant form of religious conflict in Africa that exists between Muslim and Christian communities. Often, this is because one group is economically and politically better off, whilst the other group is marginalised, resulting in resentment and social discord – which, if left to fester, becomes a breeding ground for sectarian violence.

Terrorism is the systematic use of violence – or the threat of it – as a means of coercion or to terrify the enemy to the point of capitulation, or at least psychological weakness. Whilst it is not specifically linked to religion, within the current context in Africa and around the world it tends to be the tactic used by religious fundamentalists, aiming to achieve certain political ends. This is not the case throughout Africa, but certainly remains an important issue in many countries – notably Nigeria and Somalia. Important to note is that terrorism is a tool to achieve an end – a violent instrument which is often used to attempt to achieve demands that are perceived to be too important to be compromised through negotiation or mediation.

Secession is the formal withdrawal from an organisation, state or alliance. It is often framed as the solution when two different groups identify themselves or their goals as so distinct from the other that they feel they require separate administrations and governments. Sectarian conflict often hardens existing perceptions of difference and, as this happens, secession often comes to be seen as the only solution to the conflict by the warring parties. Secession is a question of nationalistic identity – which could be influenced by other types of identity that crystallise in a desire to belong to a different and self-made country. Notable examples are Sudan and South Sudan.

Conflict trends conclusion – a fragile mediation environment

Some African states remain fragile, many still dealing with the legacies of colonialism and imperialism. These legacies include issues such as colonial boundaries and economies reliant upon the export of minerals or agricultural products. An increasingly multipolar world globally makes a stronger African vision and international voice more vital than ever before. Maintaining a stable continent is critical for economic growth and many challenges – such as organised crime, terrorism and climate change – can only be addressed at a continental level. The APSA, in effect, seeks to enhance continental peace and security and uses mediation as an essential tool to achieve this. It is certainly a proper intervention strategy to address short-term and long-term issues.

UN Photo/Eskinder Debebe

Former UN Secretary-General Kofi Annan (right) and former President Alpha Oumar Konaré of Mali (left) shake hands after the signing of the Declaration on enhancing AU–UN cooperation: Framework for the 10-year capacity-building programme for the AU in Addis Ababa (16 November 2006).

Cooperation and coordination in mediation

The RECs are key partners and players in the implementation and existence of the APSA. Since mediation is a contextual exercise, the internal dynamics of each region impact on the effectiveness of both the regional security mechanism and how operational mediation can be. Thus there is need to frequently consult the RECs and build consensus on decisions as this will promote ownership. To this end, liaison and timing are important.

The five regions designated by the AU for the purposes of the APSA do not correspond with the existing RECs recognised by the AU, which are the Economic Community of West African States (ECOWAS), the Economic Community of Central African States (ECCAS), the Arab Maghreb Union, the Community of Sahel-Saharan States (CEN-SAD), the Common Market for Eastern and Southern Africa, the East African Community, the Intergovernmental Authority on Development (IGAD) and the Southern African Development Community (SADC).

The PSC Protocol outlines in Article 16 the relationship between the AUC and RECs, recognising the important role of RECs in conflict prevention, management and peacebuilding on the continent. It, however, does not describe the operational modalities of this type of relationship. It is against this backdrop that, in 2008, the AU and RECs concluded the Memorandum of Understanding (MoU) on Cooperation in the Area of Peace and Security between the African Union, the Regional Economic Communities and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa (African Union 2008). The MoU aimed to strengthen functional collaboration among the participating entities. This includes the development of standard tools and methodologies. In the framework of this MoU, the AU and RECs hold meetings, joint missions and consultations that occur at the level of senior officials twice a year and at the level of chief executives once a year. These events take place on a rotating basis in the region. Concerning day-to-day working relations, it is the task of the REC liaison offices to the AU to ensure the steady exchange of information between the AU and RECs.

In interactions between the AU and RECs, the continental body is expected to take the lead in providing direction on policy and the implementation of programmes that concern both the continental and regional levels.

Cross-cutting mediation activities between the AU and RECs

The aims of the AU's existing MoU with the RECs in the area of peace and security are to:

- contribute to the full operationalisation and effective functioning of the APSA
- ensure the regular exchange of information between the parties on all their activities pertaining to the promotion and maintenance of peace, security and stability in Africa
- foster closer partnerships between the parties in the promotion and maintenance of peace, security and stability in Africa and enhance coordination between their activities
- develop and implement joint programmes and activities in the area of peace, security and stability in Africa
- ensure that the activities of the RECs and the coordinating mechanisms are consistent with the objectives and principles of the AU
- facilitate coordination and enhance partnerships between the parties and the UN and its agencies, as well as with other relevant international organisations
- contribute to ensuring that any external initiative in the field of peace and security on the continent takes place within the framework of the objectives of the AU
- build and strengthen the capacity of the parties in the areas covered by the MoU.

Example 3: The Mali case

In July 2012 the AU PSC authorised ECOWAS to take the lead in intervening in Mali. The crisis in Mali, the result of a coup d'état *staged on 22 March 2012, created major challenges for both ECOWAS and the AU. The resultant political impasse and delays in responding to the crisis gave armed groups in northern Mali time to entrench their positions and defend their gains. Good governance, security and the return of power to civilian control are central to Mali's future stability.*

The mandate of ECOWAS' ASF, as authorised by the AU PSC during its 323rd meeting in June 2012, set three key objectives:

i. ensuring the security of transitional institutions

ii. restructuring and reorganising Mali's security and defence forces

iii. restoring state authority over the north and combating terrorism and criminal networks.

A high-level meeting on the Sahel took place on the margins of the UN General Assembly in September 2012, subsequently culminating in the 12 September 2012 adoption of UN Security Council (UNSC) Resolution 2071. The AU PSC adopted a strategic concept for the resolution of the Mali crisis in Addis Ababa, Ethiopia on 24 October 2012. Adoption of Resolution 2071 indicated acceptance of the need for an international force in northern Mali, supported by non-ECOWAS states such as Algeria and Mauritania, even as the favoured strategy of trying to negotiate while rebuilding the national military and planning for international intervention in northern Mali continued.

Joint initiatives, early warning and desk-to-desk activities

The CEWS is one of the five pillars of the APSA. It is responsible for data collection and analysis and is mandated to collaborate with the UN, its agencies, other relevant international organisations, research centres, academic institutions and non-governmental organisations (NGOs) by providing information, to be used by the chairperson of the AUC to advise the AU PSC on potential conflicts and threats to peace and security in Africa, and recommend the best course of action.

Example 4: Early warning systems

The CEWS that the AU operates is shaped by perspectives from the reports and alerts from the RECs' early warning systems. For example, the IGAD Conflict Early Warning and Response Mechanism collects information from Conflict Early Warning and Response Units within its member states. This information is useful to the CEWS in terms of data validation and triangulation.

Training and deployment of mediators

The AU is in the process of developing a mediation roster. Once finalised, this roster will contain profiles of individuals identified as having the potential to offer mediation services with respect to conflict on the continent. These individuals will be targeted for training in mediation. The training will be conducted using a curriculum that has been developed by the AU in consultation with its partners.

The deployment of mediators is based on a modus operandi put in place by the AU, and based on a checklist that will most likely include the following tenets:

- selection of the mediator(s) and the support team for a specific mission
- conducting pre-deployment briefings for the mediator(s) and the mediation support team
- designing a mediation strategy, developed by the lead mediator(s) with assistance from senior officials from the mediation support team, which will be specific to the mission
- monitoring the mediation process with a view to ascertaining if the strategy is yielding desired results – should the dynamics change in the course of the mediation process, the mediator(s) would then strive to ensure that the strategy is revised accordingly
- post-mediation appraisal and evaluation by the AU. The AU will review the final outputs of the mediation mission, based on a framework that will seek to obtain information of lessons learnt and conclusions of the mediator(s) in order to develop proposals for the way forward.

Reading list

Gleditsch, P.N., Wallensteen, P., Eriksson, M., Sollenberg, M. and Strand, H. 2002. Armed conflict 1946–2001: A new dataset. *Journal of Peace Research*, 39 (5).

Govender, K. and Ngandu, Y. 2010. *Towards enhancing the capacity of the African Union in mediation*. Durban, African Centre for the Constructive Resolution of Disputes.

Nathan, L. 2005. *Mediation and the African Union's Panel of the Wise*. London, London School of Economics.

Nathan, L. 2009. *Plan of action to build the AU's mediation capacity*. Unpublished report commissioned by the United Nations Mediation Support Unit and the African Union Conflict Management Division.

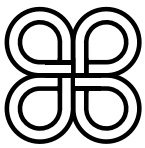
United Nations. 2012a. United Nations guidance for effective mediation. *United Nations*. Available from: <http://peacemaker.un.org/sites/peacemaker.un.org/files/GuidanceEffectiveMediation_UNDPA2012(english)_1.pdf> [Accessed 16 May 2013].

Williams, P.D. 2007. From non-intervention to non-indifference: The origins and development of the African Union's security culture. *African Affairs*, 106 (423), pp. 253–279.

PART II
THE MEDIATED PROCESS

UN Photo/Basile Zoma

Choi Young-Jin (front, centre), Special Representative of the Secretary-General for Côte d'Ivoire, meets with Ramtane Lamamra (left), AU Commissioner for Peace and Security and Head of the team of experts supporting the AU High-Level Panel on the Resolution of Crisis in Côte d'Ivoire, in Abidjan, Côte d'Ivoire (22 February 2011).



Mpatapo
Adinkra symbol of reconciliation peacemaking and pacification

Mediation is assisted or facilitated negotiation, where an accepted and credible third party helps the involved parties to find a solution to their dispute that they cannot find by themselves.

Mediated peace agreements are the result of a series of steps, approaches, concessions and smaller agreements to achieve a broader result. For the AU, the guiding framework for mediation can be found in the Standard Operating Procedures for Mediation Support. Generally, mediation follows several phases which form the building blocks of the process. Within these milestones, the mediators, co-mediators, supporters to the mediation, external actors and the parties themselves have certain ascribed and prescribed roles to perform. Achieving the transition from a

violent conflict to a constructive space where grievances and contentious issues can be resolved through institutional processes is an extremely complicated and difficult task. It requires skills, competencies, capacities, capabilities, coordination, political will, funding and internal and external support.

At the basis of these steps towards a peace agreement are negotiation and communication. Key questions include:

1. How and when the parties talk to one another?
2. Why?
3. For what reasons they will be willing to settle on one issue but not on another?

It is, therefore, crucial to understand the mediation process in its essence as well as the main phases, as this will allow all involved parties to engage in a scientific and artful exercise, bringing the creative space needed for context and conflict transformation to take place.

The mediated process is outlined below.

Phase 1: Preparing for mediation

This preparatory phase is key to understanding the context in which parties contest either the territory (which also includes questions about the fate and distribution of land and natural resources) or participation in government (which also includes questions of power, electoral processes and institution-building). It requires skills and technical expertise to conduct conflict analysis, conflict diagnosis and the development of scenarios or so-called 'courses of action'. Assessing the right entry point and generating a mandate will be largely dependent on the conditions of entry. Also variously referred to as ripeness or windows of opportunity, these conditions are the situations that offer the best chance for a mediation initiative to commence with a chance of succeeding. An important aspect to consider is the development of an operational plan which includes the selection of lead mediators, supporting roles, terms of references, funding and other aspects.

Phase 2: Entering mediation

Based on sound analysis and preparation for the mandated mediation activity, the mediator and his/her supporting team will engage in a number of procedural and technical activities. These activities range from specifying the role of each member of the mediation support team to choosing the negotiation venue and taking appropriate steps to ensure either inclusivity or exclusivity of the process. The reframing of issues and interests will lead to setting up an agenda as a process tool for the parties to engage in constructive negotiations.

Phase 3: Implementing mediation

Based on the operational plan and mandate, the unfolding mediation process will be centred on consensual negotiation and communication techniques. Although being assessed as the 'right' tool for negotiating a peace agreement, the mediation exercise does not occur in a vacuum, but rather builds on the efforts of internal and external actors, along with regular diplomacy, preventive measures, a potential initial peacekeeping force, monitoring missions, sanctions, consultation and good offices – to name a few possible intervention activities that can happen in parallel. Negotiating the agreement and laying the foundation for a sustainable peace agreement is a core function of the mediator and the support team. For the mediator and the support team to be able to generate momentum and provide alternative solutions to the various parties, they have to harness and tackle the challenges of negotiating in asymmetric power dynamics, and deal with hidden agendas and communication breakdown between and among parties.

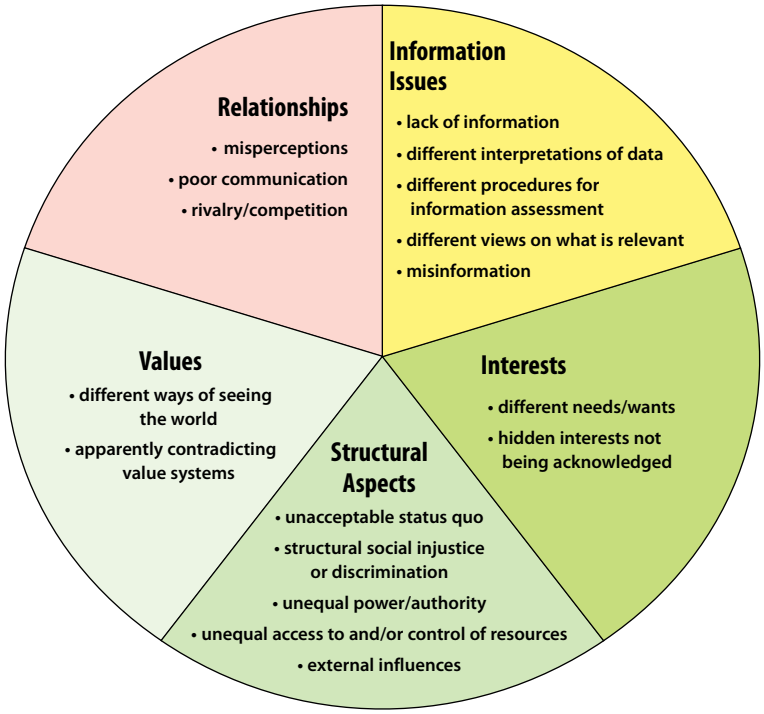
Phase 4: Coordinating the mediation intervention

Coordination is a complex and multifaceted exercise that takes place throughout the mediated process. Time and energy are needed to get all parties and actors engaged, informed and synchronised to remedy the conflict. Not only will the mediation gain from it – since transparency and information are key to trust and credibility in a mediated process of international magnitude – but it will also enable actors, especially from civil society, to move into positions that will allow the parties to carry the process forward. A more crucial activity of that phase pertains to the role of the mediator as a creator of alliances – not just among the parties, but also between parties and other actors who are secondary to the conflict.

Phase 5: Closing mediation

As each mediation mandate is limited in time and context, it is vital for the mediation team and parties to craft an agreement that is feasible, implementable and sustainable. Drafting agreements, selecting the appropriate measures, addressing redress mechanisms and clauses, and identifying the most appropriate tools for monitoring, verification and evaluation are key to a successfully implemented peace agreement.

Phase 1: Preparing for mediation



ACCORD 2002, adapted from Moore 1996

Figure 2: The circle of conflict is a conflict analysis model which places the drivers of conflict into five categories, thereby providing a framework to diagnose and understand the factors creating and fuelling the conflict.

Overview

The key to success in mediation is clearly understanding the conflict and its context, and ensuring that the mandate is generated and operationalised accordingly. The first substantive step in mediation is to conduct a complete analysis and assessment of the conflict in question and to construct both strategic and operational plans for the process.

Key elements include, but are not limited to:

- comprehensive conflict analysis
- an understanding of different types of conflict
- interpretation of data to support the design of an appropriate intervention strategy
- planning of procedures to operationalise the mandate
- selection of lead mediators and supporting team members
- liaison with other international bodies and agencies.

Step 1: Understanding the conflict

Good conflict analysis asks certain questions to gain a differentiated perspective on the struggle.

The questions below allow for an immediate appreciation of the situation.

- Of all the causes of the conflict, **what are the key driving factors** (both issues and people), and what are the causes or effects of these factors? Key driving factors are elements without which the conflict would not exist or would be significantly different.
- **What are the relationships and dynamics among factors?** How do the factors interact and affect each other? How are actors and factors related?
- **What needs to be stopped** and who will resist it? The most effective interventions also ask what factors (actors, issues, motives, resources, dynamics, attitudes and behaviours) maintain or reinforce the conflict system, who would resist movement towards peace, and why.
- Conflict analysis must **clarify how the war or injustice system should be interrupted**.
- **Who are the key actors?** Key actors are people or groups who have significant influence on the conflict dynamics, are able to decide or strongly influence decisions for or against peace, and/or are able to 'spoil' or undermine peace.
- **What are the international or regional dimensions** of the conflict? Analysis and programming often focus on the immediate conflict area and fail to incorporate what needs to be stopped or supported in a broader area. Good analysis asks how the policies and actions of forces outside the immediate local context (village, province and nation) affect the conflict, how such factors might be addressed, and what kind of local–international cooperation is needed to handle these external issues.
- **What has already been tried, with what result?** Has the proposed programming approach been tried in this conflict before and with what outcomes?
- **Is the conflict ripe for resolution?** Are the parties themselves ripe and ready for resolution? Ripeness only occurs when all parties involved in the conflict have exhausted all other alternatives to benefit from the violent situation and when the cost of peace overrides the benefits of war. What are the windows of opportunity? What are the windows of vulnerability? How do parallel activities of preventive diplomacy and other peacemaking efforts contribute to the achievement of a favourable time for intervention?

Conflict analysis should be conducted by a team of senior analysts from the AU Department of Political Affairs, CEWS and AU CMD. The analysts should not only be tasked at the level of the AU, but should also liaise and enhance synergy with the respective regional organisations active in dealing with the conflict situation due to their proximity to events.

Example 5: Liberian ceasefire agreement (1993)

The Liberia ceasefire agreement of 1993 was negotiated by ECOWAS in conjunction with the OAU and the UN. Signed on 24 July 1993, the Cotonou Agreement established a ceasefire, as well as a transitional government and democratic elections in Liberia. In this case, the OAU primarily played the role of a facilitator, with ECOWAS leading the process (Ofuatey-Kodjoe 1994).

After identifying the source of the conflict, the next step is understanding what the conflict is about, then analysing it and separating it into components that enable effective intervention.

Conflict analysis

Conflict analysis is a stage of conflict management in which one seeks to gain a deeper understanding of the dynamics fuelling the crisis as well as the relationship between the parties. It is the building block for any mediation process which is aimed towards durable and implementable agreements. It is a continuous cycle and needs to be conducted before, during and even after a peace agreement has been reached. Conflict analysis is conducted at all levels of the mediation process and it is implemented at headquarters, liaison offices and RECs and by the mediation support team.

Step 2: Analysing the conflict

Tip 1: Gaining perspectives through different lenses

Based on the preliminary questions, the mediation team applies a set of 'lenses' to gain as many perspectives and different viewpoints about the contentious issue as possible. These lenses are usually applied simultaneously to allow for engagement with the conflict situation in a timely manner. The lead mediator confers different lens application tasks to his/her team and is aware of the different analysis tools.

Conflict analysis can be practised in a multitude of ways. Key to understanding a conflict is to engage in comprehensive analyses of the situation.

Locating the conflict

A clear picture of the location of the conflict helps to contextualise not just the conflict itself but also all the elements of the conflict situation, including the parties, issues and even indigenous methods of conflict resolution. Conflict does not exist in a vacuum, but rather in a predetermined set of patterns, framed by the specific type of conflict (such as interstate, intrastate or international conflict). Therefore, it is useful to get a clear understanding of:

- the geography of the conflict area
- the geopolitical space in which the conflict is taking place
- the region in which the conflict occurs
- the timeline of the conflict
- relevant information, including but not limited to refugees, internally displaced persons (IDPs), minefields, positioning of militant forces, overviews of concentration camps, locations of NGOs, campsites and places of historical importance.

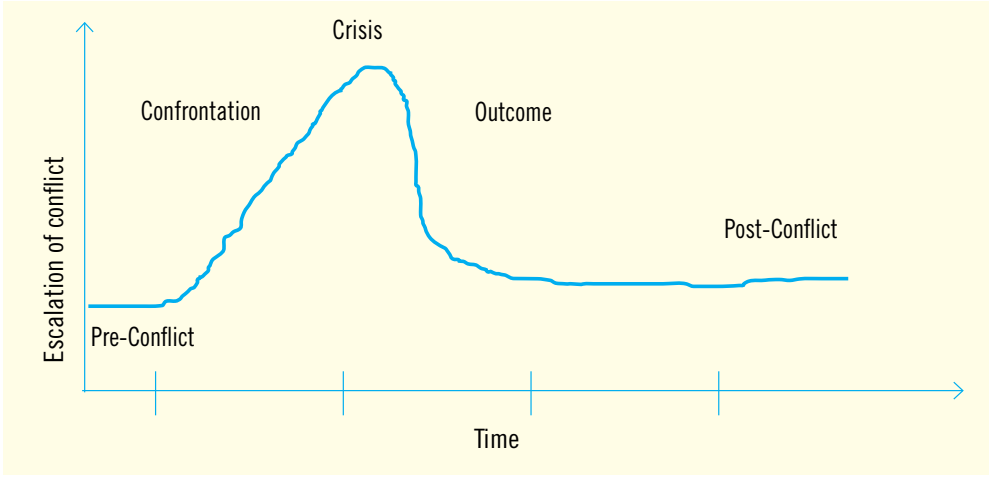
Another key aspect of locating the conflict is to get a quick understanding of the stage at which the conflict situation is. The crucial questions are:

- Is the conflict amenable to solutions and can it be solved?
- If the conflict can be solved, will the resolution last?

Knowing the stages through which the conflict evolved or where it has deadlocked can be very important in the analysis of the struggle. This can reveal important and valuable indicators to deepen levels of analysis about the location and context of the conflict.

Figure 3 shows how a conflict develops, while Figure 4 provides some indicators for different conflict stages. This can assist analysts to gain a sound assessment of conflict situations. Conflict develops when oppressed groups become more aware of conflicts of interest and their potential to act in order to alter the situation:

- **from no awareness**, where there is lack of knowledge about the conflict
- **to lower awareness**, where there is awareness of the conflict and the status of the parties, but the oppressed party remains passive
- **to higher awareness** where the parties are learning to understand the consequences of conflict, have the means to organise action and are moved to act
- **to confrontation** between oppressed and oppressors, through either violent or non-violent means
- **to dialogue** for understanding, conciliation, bargaining or mediation
- **to restructuring** their relationship and community dynamics to ensure peaceful relations.



Adapted from Fisher et al. 2000

Figure 3: The stages of conflict

Pre-Conflict	Confrontation	Crisis	Outcome	Post-Conflict
INDICATORS				
• rumours • war of words • arms trade • hiding of arms • refusal to surrender fire arms	• killing • raiding • rape • demonstrations • increase in petty crime	• increased killing • schools and hospitals closed • displacement • increased violence • emergency relief • closure of businesses	• agreement • mediation • free movement re-opening schools and hospitals • economic activities • rehabilitation • reconciliation	• fundraising • return of illegal firearms • inter-clan marriage • development activities • payment of blood money • community solutions

UN Department of Economic and Social Affairs 2002, pp. 46–47

Figure 4: Indicators for the stages of conflict

Each conflict situation contains certain predictable elements and dynamics that are responsive to regulation and change, based on the power dynamics between the parties.

Below are some characteristics of the stages of conflict.

- **Pre-conflict** – the period where there is incompatibility of goals between two or more parties, which could lead to open conflict. The conflict is hidden from general view, although one or more of the parties are likely to be aware of the potential for confrontation. There may be tension in relationships between the parties and/or a desire to avoid contact with each other at this stage.
- **Confrontation** – the conflict has become more open; occasional fighting or low levels of violence may break out. Relationships become very strained.
- **Crisis** – this is the peak of the conflict, when the tension and/or violence is most intense. In a large-scale conflict this is a period of war, when people on all sides are being killed. Normal communication between the sides has probably ceased.
- **Outcome** – eventually the crisis will lead to an outcome – for example, one side might defeat the other or a ceasefire might be called (in the case of war). Parties might agree to go to the negotiation table, with or without the help of a mediator.
- **Post-conflict** – finally, the situation is resolved in a way that leads to the end of violent confrontations, to a decrease in tensions and to more normal relationships between the parties. However, if issues and problems arising from incompatible goals have not been adequately addressed, this could lead to another pre-conflict stage.

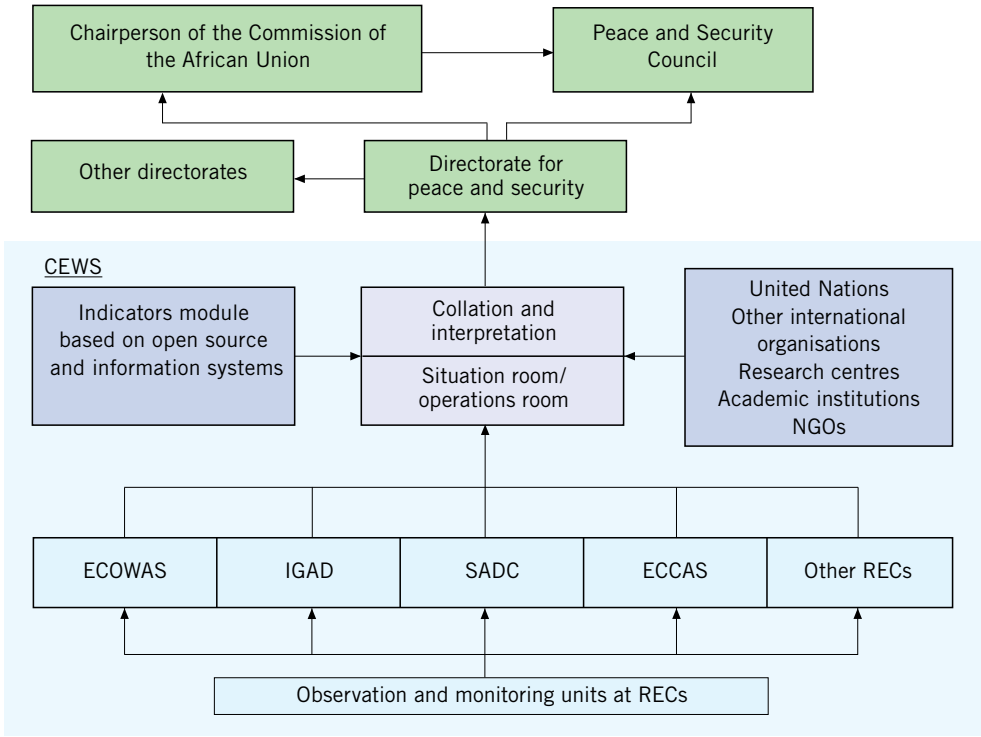
Since the CEWS is tasked with providing timely information and sharing the same, it would provide effective early warning through the collection of data in a uniform and systematic way. Various desk officers from specific areas and countries will work on the different stages of conflict to determine and assess likely series of developments and outcomes for any peacemaking scenario – either preventive diplomacy or a mediation activity. The assessment is made based on accepted and negotiated criteria (African Union 2003). The RECs are part of the CEWS, and data is shared freely among these entities. Furthermore, there is regular information exchange and analysis, as well as liaison between desk officers.

Based on particular indicators of emerging conflict, regional security arrangements and the AU are linked as outlined below:

- 'Observation and monitoring units of the regional mechanisms are to be linked directly through appropriate means of communication to the Situation Room, which shall collect and process data at their level and transmit the same to the [AU] Situation Room' (African Union 2003, Article 12 (2a, b)).

- 'The Peace and Security Council shall, in consultation with regional mechanisms, promote initiatives aimed at anticipating and preventing conflicts and, in circumstances where conflicts have occurred, peace-making and peace-building functions' (African Union 2003, Article 16 (2)).
- 'The Chairperson of the AUC shall take the necessary measures, where appropriate, to ensure the full involvement of regional mechanisms in the establishment and effective functioning of the early warning system and the ASF' (African Union 2003, Article 16 (5)).

The conflict analysis team should specify near-term events or occasions likely to provoke negative or positive changes in the status quo. These events are referred to as **windows of vulnerability** and **windows of opportunity** respectively.



African Union

Figure 5: Schematic representation of the CEWS

Tip 2: Windows of vulnerability

Windows of vulnerability are moments when events threaten to rapidly and fundamentally change the balance of political or economic power. Elections, devolution of power and legislative changes are examples of possible windows of vulnerability. Key actors may seize these moments to magnify the drivers of conflict.

Tip 3: Windows of opportunity

Windows of opportunity are moments when overarching identities become more important than subgroup identities – for example, when a natural disaster impacts on multiple groups and requires a unified response. These occasions may present openings for efforts to provide additional support for a conflict's mitigating factors.

Knowing the location of the conflict and having gained a preliminary understanding of its stages, the mediation team proceeds to organise the collected information and gathered intelligence. This will allow the relevant criteria and indicators for scenario-building to emerge.

Conflict mapping

The meaning of any conflict resides in its context. Context can be the background of the conflict, the environment where the conflict is taking place, or the circumstances which generated it. Conflict mapping enables the mediator to methodologically assess the inherent power dynamics between the actors in a given context.

Contextualising complex information enables the analyst to remain truthful to the picture of the conflict, but also to focus attention on capturing and framing gathered information and data to facilitate the sharing of ideas and concepts.

Mapping

Mapping is a brainstorming or clustering technique used to:

- summarise information
- convey information from different sources
- think through complex problems, issues and processes involving a multitude of parties
- present information in a format that reflects the overall structure.

Tip 4: Questions that help to guide the mapping

- *Why is there conflict? What is it about? This leads to an exploration of the meanings carried by those engaging in or observing the conflict. How do these meanings alter their behaviour and attitudes towards the conflict?*
- *What social, political, economic, religious or systemic conditions feed the conflict?*
- *Where is the conflict located (geography, borders, scope, topography, vegetation, climate)?*
- *What past historical relations, events and myths drive the conflict?*
- *Who is involved in and/or affected by the conflict? What are their roles and conditions? What are the demographics and categories of women, children, the elderly and cultural groups?*
- *What are their numbers, population density and qualities of life?*

Example 6: Situation from the Mali case

To gain a wider perspective of the Malian conflict, there needs to be consideration and understanding of its historical background and geography. Therefore, one needs to consider the Tuareg people, who are indigenous to North Africa and have resided in northern Mali for many centuries. Tuareg communities have been advocating for self-determination since the 1960s, after Mali gained independence from France. In pursuit of independence, they have engaged in several rebellions. The first uprising took place in 1963. In June 1990, the second Tuareg revolt broke out, led by Iyadag Ghali of the Mouvement Populaire de Libération de l'Azawad *(Popular Movement for the Liberation of Azawad (MPLA)). This uprising ended with an Algeria-brokered peace treaty and the National Pact of 1992.*

On 23 May 2006, a new rebel group – the Alliance Démocratique du 23 mai pour le Changement *(May 23, 2006 Democratic Alliance for Change (ADC)) – attacked the Malian army in Kidal. Algeria stepped in and a peace deal, known as the Algeria Accord, was brokered. On 12 January 2012, the newest Tuareg rebel group, the* Mouvement National pour la Libération de l'Azawad *(National Movement for the Liberation of Azawad (MNLA)), attacked the town of Menaka in north-east Mali (Devon 2013). An escalation of the crisis unfolded when Malian soldiers staged a coup, led by Captain Amadou Sanogo. This created a power vacuum that allowed Tuareg and Islamist rebels to snatch the large desert north and take over key towns, including Timbuktu. The take-over was a result of the Malian soldiers' discontent with government's inability to handle the northern rebellion by Tuareg separatists, which had already claimed the lives of numerous soldiers since the beginning of 2012.*

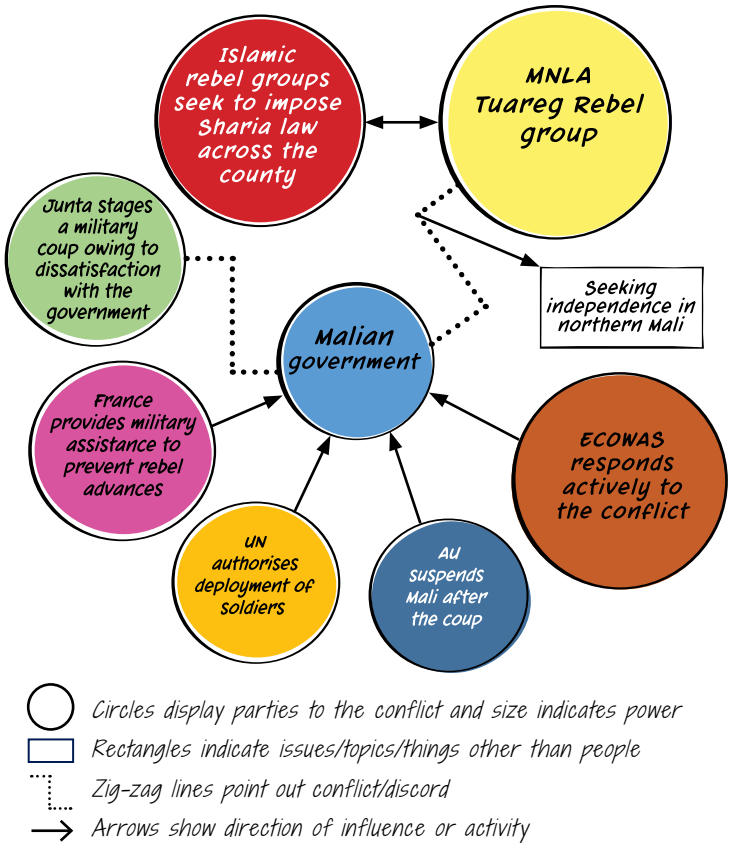


Figure 6: Example of conflict mapping for Mali

At this stage of the analysis, understanding the elements of the conflict helps to deepen knowledge and gain perspective of:

- the background and history that brought stakeholders to the current situation
- relevant groups involved, other than the main ones
- perspectives that different stakeholders have in pursuing their interests
- dynamics of the relationships between stakeholders and between stakeholders and issues
- factors and trends that underpin the conflict
- roots and underlying causes of the conflict.

Those conducting the conflict analysis should bear in mind that it is not a one-time exercise, but a continuous and ongoing process which evolves as the situation changes. However, even if established by research and indicators, the results of all deliberations have to be constantly reviewed and adapted.

Actor analysis

Stakeholders are defined as men and women or groups directly or indirectly involved in a conflict and with significant stakes in the outcomes.

The team should understand and outline drivers of conflict and mitigating factors as defined here. They should also enumerate those identified within the specific situation being assessed.

Gallo Images/AFP

Algabass Ag Intalla (centre), leader of the Ansar Dine delegation, attends a mediation meeting with members of the Malian government and the Azawad National Liberation Movement (MNLA) in Ouagadougou, Burkina Faso (4 December 2012).

Tip 5: Drivers of conflict

A driver of conflict is the dynamic situation resulting from key actors' mobilisation of social groups around core grievances. Drivers of conflict can be understood as active energy, while core grievances are potential energy.

Tip 6: Mitigating factors

Dynamic situations resulting from key actors' mobilisation of social groups around sources of social/institutional resilience that have a tendency to lessen the intensity of the situation are known as mitigating factors.

During actor analysis, the assessment team identifies key actors who are central to producing, perpetuating or profoundly changing societal patterns or institutional performance identified during conflict mapping.

The assessment team should identify whether key actors are motivated to mobilise constituencies towards inflaming or mitigating violent conflict, and what means are at their disposal.

In order to map out actors and to understand their needs, interests and positions, it is useful to consider the following five elements:

- **Relationship** – what is the interaction between the stakeholders? How are the networks interconnected? Where are the important connectors and nodes of interconnectedness?
- **Agendas/power** – what are the agendas of key stakeholders for conflict and for peace? Do they have an impact on societal patterns and institutional performance? Are they able to provide the means to support other actors who are mobilising people around core grievances?
- **Needs** – what are the needs of different stakeholders? Which needs are opposing and/or overlapping?
- **Power** – what is the cumulative power of the stakeholders that promotes peace or conflict? Who are the leaders?
- **Actions** – what actions are the different stakeholders undertaking to promote peace or conflict? What is the cumulative power of their actions for peace or conflict? How do they exert influence?

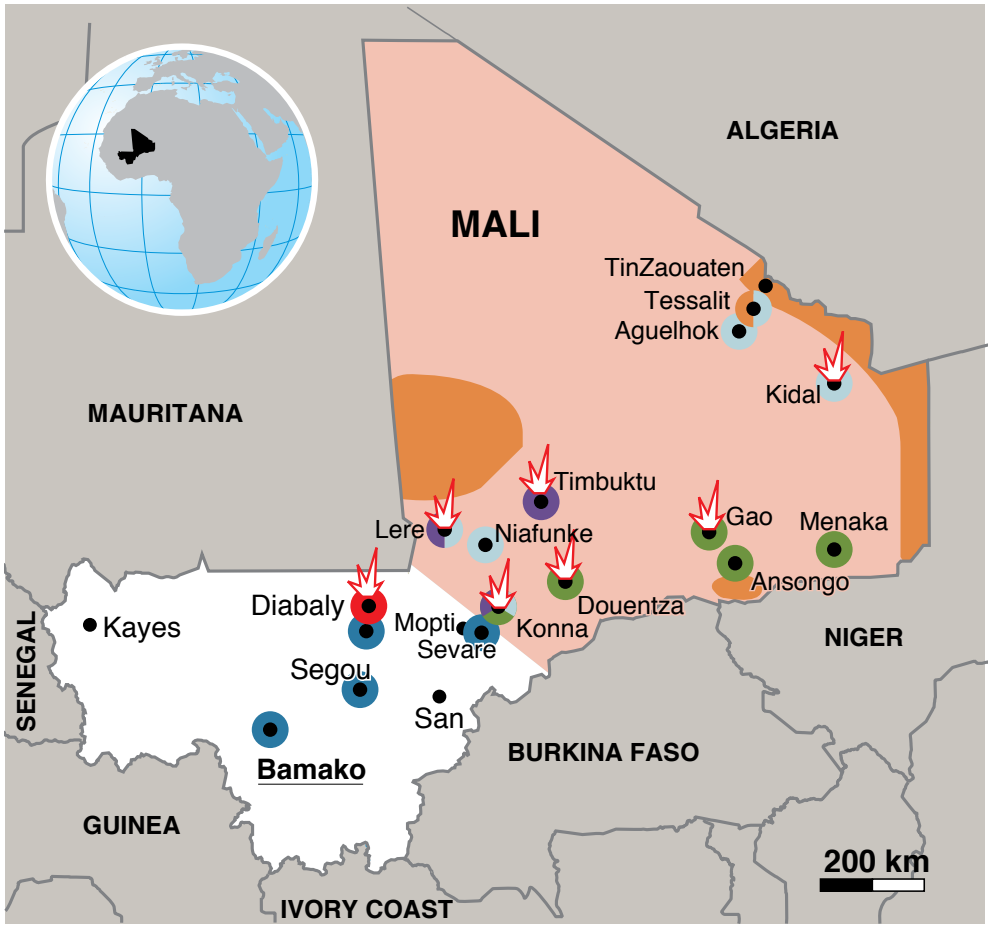


Figure 7: Control of Malian teritory as of 16 January 2013

Example 7: Dynamics from the Mali case

Taking these factors into consideration and applying them to the Mali case, many directly and indirectly involved actors are identified in this conflict, namely:

- *the ethnic rebel group, the MNLA, which has been fighting for the rights of Mali's minority Tuareg communities*
- *the Islamist rebel group Ansar Dine, whose objective is to impose Islamic law across Mali*
- *Al-Qaeda in the Islamic Maghreb (AQIM), the North African wing of Al-Qaeda, which also aims to spread Islamic law as well as liberate Malians from the French colonial legacy*
- *the Movement for Unity and Jihad in West Africa, which is a splinter group of AQIM, but whose objective is to spread jihad to West Africa so that it is not confined to the Sahel region*
- *the Signed in Blood Battalion, which is a branch of AQIM*
- *Tuareg separatists who formed alliances with Islamist rebels during the 2012 rebellion, strengthening their attempts to seize major areas in the north, including the city of Timbuktu – a 1 000-year-old desert city that is now a United Nations Educational, Scientific and Cultural Organization World Heritage site (British Broadcasting Corporation 2012a)*
- *the junta leader, Captain Amadou Sanogo, who is responsible for staging a coup and overthrowing President Amadou Toumani Touré*
- *the interim president, Dioncounda Traoré, who was sworn in in April 2012*
- *ousted President Amadou Toumani Touré, who resigned after the coup so that the leaders of the uprising could step aside and enable the parliamentary speaker to take over*
- *the interventionists – ECOWAS, Burkina Faso and France: ECOWAS has been instrumental in appointing President Blaise Compaoré of Burkina Faso as mediator to facilitate negotiations with the various parties immediately following the coup. The regional body also threatened sanctions against Mali should there be no return to constitutional order. Neighbouring Burkina Faso responded to the conflict by deploying 160 troops to Mali to join French and Malian forces, as part of a major offensive to drive out the rebels. French armed forces were deployed in response to a request for help by Mali's interim president. The French forces arrived in Mali in early January 2013 and contributed towards curbing the movements of the insurgents to an extent that the Islamist rebels were unable to seize towns in the north.*

Issue analysis

Issues are matters, practices or actions that in some way adversely affect a party's interests, goals or needs. Resolving a dispute means solving these issues. The conflict analysis team has to identify issues to understand the scope of the mediated process, including:

- potential issues that could contribute to an increase in violent clashes. It should be recalled that windows of vulnerability are potential situations that could trigger an escalation of conflict (e.g. by contributing to confirmation of perceptions underlying core grievances) and often result from large-scale responses to an increase in uncertainty during elections or following an assassination; an exclusion of parties from important events such as negotiations or elections; or attempts to marginalise disgruntled followers.
- potential situations that might offer opportunities for mitigating violent conflict and promoting stability. Again, recall that windows of opportunity describe potential situations that could enable significant progress towards stable peace (e.g. through conditions where core grievances can be reconciled and sources of social and institutional resilience can be bolstered), such as those where overarching identities become important to disputing groups, where natural disasters impact on multiple identity groups and externalities require a unified response, or where a key leader driving the conflict is killed.

The assessment team completes the actor analysis by considering windows of vulnerability and opportunity and prioritising drivers of conflict and mitigating factors identified during the issue analysis.

Political environment

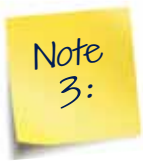
The role of the state

In most cases, it is at the level of the state that the critical struggle is played out. It is within the sphere of the state that discussions for a vibrant democratic culture of the people take place. If that sphere is contested and challenged by one or two groups, then destabilisation of the state may occur. An internal crisis of the state itself is a source of conflict – not only within the state but also involving the region and the international community.

The following interconnected sectors are conflict-prone:

- **the social sector, i.e. social division**
  - vertical roots of conflict (ethnic)
  - horizontal roots of conflict (class)
  - ideological roots of conflict (religion)
  - mismatch between state borders and distribution of people
- **the economic sector, i.e. patterns of underdevelopment or uneven development**
  - levels of underdevelopment
  - rapid urbanisation
  - population growth
  - unemployed youth
  - actual and/or perceived inequity in the distribution of benefits

- **the political sector, i.e. the forum for grievances**
  - challenge to the legitimacy and power of one party by another
  - manipulation of the state apparatus by authoritarian regimes
  - failed or collapsed states due to the absence of adequate means for raising revenue or keeping order.



Conflict-prone sectors in the state:

Domestic conflict can become a violent struggle for control of the state itself. Two levels in which the violent conflict is primarily played out, can be identified:

- *the law and order sector, when the legal system and civilian police no longer represent impartial authority*
- *the security sector, when civil unrest can no longer be controlled by non-military means, and armed militias emerge.*

Once these sectors interconnect with the social scene, the conflict becomes protracted and intractable, to the point where crucial windows of opportunity for preventive measures are no longer available for sustainable intervention.

The regional factor

At regional level, the assessment looks at two different sets of information:

- regional sources of conflict
- the role of regional actors.

Interstate wars have external effects on the region through the spread of weaponry, economic dislocation, links with terrorism, disruptive floods of refugees, and spill-over into regional politics with neighbouring states through patterns of clientelism, actions of outside governments, cross-border movements of people and ideas, black-market activities, criminal networks and the spread of small arms. With regard to regional actors, the mediation team needs to assess their agendas and level of influence on local conflict parties.

The global level

From a global perspective, conflict analysis should assess not only global sources of conflict – such as geopolitical transitions, North–South divide and environmental constraints – but also the role of external interests that fuel the conflict.

Some steps of analysis to be considered include:

- identifying potentially influential states and international organisations
- assessing external power and leverage

- identifying and profiling diaspora communities
- assessing roles and activities of NGOs
- identifying means of communication and the role of the media.

It is also possible for a conflict to be acted out in a variety of environments, cited as 'failed states', 'fragile states' or even 'collapsed states' (Hannan and Besada 2007). The dynamics specific to these environments have implications for the mediation mandate and scope as they involve a broad and inclusive approach to stakeholders, actors and resources for successful mediation. Such mediation requires a mandate to provide continuous and long-lasting support to several mediation initiatives, with particular focus on Track II activities.

Step 3: Creating the AU mediation team

In the complex political environments in which AU mediators operate, it is essential that they have a team to support their efforts and help them carry out their various tasks effectively. The first challenge, therefore, is building the mediation team.

Expertise and capacity

The mediation team, as a whole, should cover the following areas of expertise and capacity:

- negotiation analysis and mediation expertise are needed to identify issues, interests and no-agreement alternatives for all of the parties to the conflict; plan and run the dialogue and negotiation; provide advice to the parties' leaders and negotiators and encourage a cooperative stance by neighbouring states and other external actors; explore non-official, Track II processes to augment official discussions; and consult with civil society groups to develop broad input into the negotiation process
- country and regional expertise is needed to ensure a deep understanding of the parties, their factions and internal debates; the cultural practices of local communities; key groups in civil society; and the history and dynamics of the conflict
- analytical expertise is needed to discern and interpret changing conditions on the ground, shifts in the parties' positions and changes in the relationships between various actors
- writing skills are required for drafting reports and agreements
- expertise in communication is necessary to reach parties' constituencies, the public at large in the conflict zone, member states and other actors. This includes expertise in working with media and in public outreach
- management, administrative and financial expertise is needed to ensure that the mediation process is run efficiently; that proper records are maintained; and that personnel, funds and other resources are managed soundly
- gender diversity is essential in the team's make-up, to comply with UNSC Resolution 1325 and to signal the AU's commitment to gender equity in every conflict prevention, management or resolution process.

Gallo Images/Reuters

Ibrahim Gambari (centre) discusses a draft with Mahmoud Kane (right) and Patrick Nicoloso (left) at the Fourth Retreat of the Joint Special Representative of the AU–UN Mission in Darfur (October 2011).

Core team members

The mediation team can be set up:

- within the AUC, to be responsible for providing and coordinating mediation support to AU officials and envoys and for undertaking and coordinating mediation capacity-building activities
- within the AU PW, as the PSC Protocol endows the AU PW with the authority not only to be active in the field of conflict prevention, but also to support the efforts of the AU PSC and those of the chairperson of the AUC. Therefore, it has the authority to facilitate and mediate potential or ongoing disputes.

The team will be run by a coordinator and staffed by mediation experts and a senior administrator.

The core of an AU mediation team should include the members outlined below.

Optimal actions

1. **Lead mediator**, to be deployed full-time for the duration agreed upon at the time of appointment.

   The lead mediator can be one of the following appointees:

   - **special envoy**, not residing in the conflict area, appointed by the chairperson of the AUC to conduct a conflict prevention or resolution process for a designated period of time
   - **special representative** who may also play a mediating role, and will do so as part of his/her responsibilities as the resident head of an AU peacebuilding/peacekeeping mission.

2. **Senior analyst**, to be deployed full-time. The senior analyst will act as the primary political advisor to the lead mediator and will be the mediator's 'alter ego' during the process (and when the mediator is not in-country). This position requires a person with both regional and mediation expertise.

   Where there is optimal staffing, the senior analyst is a full-time appointment for the duration of the mediation process. He/she may be recruited from outside the AU and/or seconded from other inter-governmental organisations (IGOs), donor countries or qualified NGOs. In this staffing configuration, the senior analyst receives substantive back-up from the desk or liaison officer assigned to the region.

3. **Chief of staff** (CoS), to be deployed full-time when the mediation process involves many parties and is of high priority for the AU. The CoS does not mediate, but is responsible for administrative coordination of the mediation effort. The CoS may be recruited from outside the AU and/or seconded from other IGOs, donor countries or qualified NGOs.

4. **Mediation process expert**, to be deployed 25–50 per cent of the time.
   - The mediation process expert will be available for consultation with the lead mediator and the senior analyst throughout the mediation process.
   - The expert should have demonstrated skills in negotiation and mediation analysis, the development of a mediation strategy and facilitation of dialogue.

5. **Technical experts**, to be available on an ad hoc, part-time basis. This includes experts in elements of peace agreements and peacebuilding processes; including international law, legal drafting, disarmament, demobilisation and reintegration/security sector reform (DDR/SSR), economic development, power-sharing, constitution drafting, public participation, transitional justice, land reform, refugee issues, property claims, communication/public relations, among others.

Example 8: The role of thematic experts – contribution of a gender advisor to the northern Uganda peace talks (2008)

During the 2008 negotiations on northern Uganda which were mediated by Riek Machar, former Vice President of South Sudan, with the support of former President Joaquim Chissano of Mozambique and Special Envoy of the UN Secretary-General, a gender advisor was deployed by the UN Development Fund for Women to ensure gender sensitivity in the peacemaking work. The peace process made great strides in integrating international standards of gender mainstreaming in its various agreements. Due regard was given to the implementation of Resolution 1325, especially in areas such as DDR, justice and accountability mechanisms and in the monitoring of a permanent ceasefire. While Special Envoy Chissano met with women peace activists from the beginning of his tenure as a facilitator, the arrival of the gender advisor gave the women's groups a dedicated focal point to work with; someone who was able to assist them in formulating their concerns into a comprehensive agenda. Women were granted observer status and an opportunity to make their views known to the parties.

These views were published in what has come to be known as the Women's Protocol. Most of the concerns raised by women are reflected in the signed agreements, which are among the most gender-responsive peace accords to date.

Minimum actions

As a **contingency** and in case of ad hoc missions, the following minimum actions should be considered.

1. **Lead mediator**, as above.
2. **Senior analyst**, as above, 50 per cent of the time. An existing desk or liaison officer with the required analytical and regional expertise may fill this position.
3. **Administrative support**, 50 per cent of the time.
   - It is the duty of the administrative support person to make travel arrangements and keep an up-to-date file of documents and reports on behalf of the team.
   - This function can be provided by a clerical staff person at AU headquarters or in the liaison office. This clerical support should not be required of the desk/liaison officer if they are already providing substantive analytical support.
4. **Technical experts**, as above.

Additional resource persons

In addition to the core members, a mediation team may also draw upon:

- **CEWS** – Data on early warning collected both at AU headquarters and by the RECs is monitored by the situation room in Addis Ababa, and the staff of the situation room can be called upon as needed to provide such data to the mediation team.
- **An international contact group (ICG or contact group)**, made up of international actors (e.g. RECs, neighbouring states, states with political/military/economic leverage, IGOs, international financial organisations) that have interests in the conflict, and are called upon to advise and lend their resources to the mediation effort
- **The AU PW**, which is comprised of eminent African individuals who have agreed to 'advise the Peace and Security Council and the chairperson of the Commission on all issues pertaining to the promotion and maintenance of peace, security and stability in Africa' (African Union 2003: Article 11 (3)). The AU PW may be able to open political channels, meet with state leaders, and/or use their influence to assist the lead mediator. They may also provide good counsel on mediation strategy, based on their own experiences.

Step 4: Designing the mediation strategy

Based on conflict analysis and assessment, the options for designing the intervention will form a mode of engagement where mediation is one option among other forms of third-party intervention. It is important to bear in mind that context matters in mediation. Through conflict analysis, the mediation support team can identify the contextual elements of the crisis. Sometimes, the context might be supportive to peace processes; at other times, the context might be detrimental to efforts to reach a sustainable outcome. The peace process might slow down and then pick up again once the context changes. A key challenge for the mediation team is to analyse the context and wait for a favourable moment to confirm engagement during difficult periods. While designing the intervention, the mediation team liaises constantly with the UN and RMs, as well as other supporting actors, as it seeks to run concurrent and complementary peacemaking processes. These efforts can range from the application of sanctions to good offices and bilateral efforts of shuttle diplomacy.

Mediation processes can happen in parallel, as a succession of efforts or in complementarity in order for the involved actors to offer cohesive solutions to a situation. It is up to the assessment teams, as well as the relevant protocol bodies of the AU, in close coordination and liaison with both the UN and the involved RMs, to select those modes of intervention that positively influence conflict mitigation and the creation of windows of opportunity for intervention.

Example 9: Joint mediation effort – the Darfur example

The mediation effort for Darfur between 2005 and 2010 illustrates the various configurations for joint efforts that have been used by organisations involved in peacemaking endeavours. In the first years of the mediation, the AU and the UN each appointed a mediator to assist Sudanese parties reach an agreement. The two mediators operated side-by-side as part of a joint team. Following the peace agreement signed in Abuja in 2006, the mediation was reconfigured and a single joint chief mediator was appointed by the UN and the AU. As a joint representative, the joint chief mediator reported to both organisations.

While these joint arrangements ensured that the support and experience of both organisations could be brought to bear positively on the peace process, the joint nature of the team also created additional reporting requirements and, at times, added pressure due to divergent views on the mediation strategy.

Building intervention scenarios

Intervention styles vary greatly according to the mandate, needs of the parties and the mediator. Thus, contingency planning depends on a sound analysis of the nature of the dispute, the parties involved and a plan responsive to the respective answers to the following guiding questions:

- Who are the parties and stakeholders in the conflict?
- What do the parties want to achieve?
- How does the mediation team contact and remain in communication with parties?
- How will other stakeholders, such as civil society groups, be involved?
- How will spoilers be identified and managed?
- How cohesive are parties?
- What are parties' positions and real interests?
- How should the public be involved in the process?
- How can a gender perspective be incorporated in the mediation process and its substantive issues and what aspects of UNSC Resolution 1325 can be promoted through the process?
- What do parties expect of the mediator?
- Is the mediation sufficiently objective to manage, settle or resolve the conflict?
- What can be done to enhance ripeness? The term 'ripeness' refers to parties resolving their conflict only when they are ready to do so – when alternative, usually unilateral, means of achieving a satisfactory result are blocked and the parties feel that they are in an uncomfortable and costly predicament. At that moment, they seek, or are amenable to, proposals that offer a way out.
- What are the minimum operating conditions for the mediation to proceed?

- Is a ceasefire needed?
- Which actors can provide leverage in case of a stalemate?
- Is a sanctions regime in place, what special challenges does it pose to the mediation effort and do these challenges call for specific coordination with other UN bodies? If there is a targeted sanctions list, how do the criteria for listing and delisting intersect with the mediation effort?
- How should the negotiations be sequenced?
- What techniques and strategies are required for the consultation and negotiation phase of the mediation?
- In what order should substantive issues be approached?
- Is there a need for confidence-building measures to be put in place?
- How should the agreement be implemented?
- How should the agreement be monitored at the political and operational levels?
- Is there a need for specific expertise to generate options for compromise?
- What are the conditions for success of the mediation?

Enhancing ripeness for mediation intervention

Even though the mediation team assesses the right intervention strategy, the analysis and concurrent peacemaking strategies need to ensure that the conflict is ripe for resolution. The assessment also needs to seek strategies that enhance ripeness for the mediator to be effective in forging a peace agreement between the parties. A conflict may become ripe for resolution and negotiation when belligerent parties recognise that they are in a mutually detrimental stalemate and sense that a way forward is possible. They become aware that they cannot defeat the enemy outright and that continued violence is not only costly, but also ineffective. Furthermore, external pressure through sanctions, embargos, frozen diplomatic relationships – even responsibility to protect operations and looming indictment through the International Criminal Court, in the cases of grave human rights violations – will be able to move the parties to realise that some mutually acceptable settlement formula is available to them.

The relevant decision-making bodies at the level of the AU and RMs can do the following to enhance ripeness of a conflict:

- determine whether parties believe they have reached a mutually hurting stalemate, e.g. a delegation of the AU PW can do an in-country assessment, with a report filed to the AU PSC and AU CMD
- confirm that parties can deliver on agreements
- assess internal political and public support for peace, which the research team, together with political analysts and early warning experts, will be able to analyse in order to provide scenarios for action.

Example 10: From the Mali case

In the wake of the military coup, an Extraordinary Summit of ECOWAS took place on 27 March 2012, after which a high-level delegation was dispatched to Mali on 29 March to inform the junta of the summit decisions. The delegation included President Alassane Ouattara of Côte d'Ivoire, President Thomas Yayi Boni of Benin, President Blaise Compaoré of Burkina Faso, President Ellen Johnson-Sirleaf of Liberia, President Issoufou Mahamadou of Niger and President Goodluck Ebele Jonathan of Nigeria. Among the decisions taken were denying any form of legitimacy to the Comité National de Redressement pour la Démocratie et la Restauration de l'Etat *(the junta), and demanding the immediate restoration of constitutional order in Mali. The summit further imposed political, diplomatic, economic and financial sanctions, and noted that should the junta fail to comply with these decisions, they would take effect within 72 hours (Economic Community of West African States 2012). Compaoré consulted with junta leader Captain Sanogo on 1 April 2012, after which Sanogo solemnly committed to restoring the Constitution of the Republic of Mali.*

It was further decided that under the supervision of the mediator and following a series of consultations with all ECOWAS country representatives, a transition process would be set up, in order to organise free, fair, transparent and democratic elections (West African Democracy Radio 2012). The interim president, Dioncounda Traoré, appointed Cheick Modibo Diarra as the prime minister – he was to head a unity administration. However, following Diarra's arrest and resignation in December 2012, and with UN sanctions looming, Traoré thereafter appointed Diango Cissoko as prime minister. Under his administration, a transition roadmap was adopted by Malian members of parliament. The roadmap highlighted two essential missions: the restoration of national integrity and the organisation of free and fair elections. In early December 2012, Malian government officials met two armed rebel groups for the first time in Burkina Faso. The group was hosted by Compaoré. Ansar Dine and the MNLA met with government officials and they agreed to 'observe a cessation of hostilities', and 'recognized the need to create a framework of inclusive dialogue within Mali' (Hein 2012). On 6 March 2013, the Malian transitional government adopted a draft decree for the creation of a Dialogue and Reconciliation Commission. The aim of the Commission, among other things, was to identify political and armed groups likely to be part of the process and recommend actions which could contribute to the reconciliation of all Malian communities. The Commission, which was expected to address areas of security and governance in the north, reconfigured in March 2014 to have a broader and inclusive membership with a mandate to investigate what occurred during the 2012 crisis. This reconfiguration saw an overhaul of the Commission and its name changed to Commission for Dialogue, Truth and Reconciliation.

Gallo Images/Reuters

Mali's junta leader Captain Amadou Sanogo speaks during a news conference at his headquarters in Kati (3 April 2012).

Developing the mediation strategy

Once mediation has been chosen as the appropriate tool for intervention by the relevant continental and regional protocol bodies, a strategy will be developed accordingly. The mediation strategy is the overarching plan of action which will be developed by the lead mediator and senior analyst. As explained in the Plan of Action to Build the AU's Mediation Capacity, Section 7 (African Union 2009:30):

> The strategic plan will be based on political judgements and choices. It should indicate the mediator's mandate, provide overall direction and focus, contain clearly formulated goals, objectives and strategies, identify key partners and allies and outline the approach to addressing the principal challenges and risks. The plan should take account of all the main actors. In the case of a civil war, for example, it should include specific objectives and strategies in relation to the government (and elements within the government), each of the rebel movements, important civil society bodies, neighbouring states, the UN, the relevant REC and foreign powers with an interest in the conflict.

Strategies need to be flexible and adapt to changed circumstances or events that may alter the relationships between the actors or their positions. Strategy development resources include the protocol bodies, the mediation team and partners in the mediation support network. These resources can be used in a variety of ways in a strategy development workshop to provide a mediation process that is proactive, rather than ad hoc, or reactive, in nature.

Example 11: Support for strategy development in Western Sahara

Upon the request of Christopher Ross, the Personal Envoy of the UN Secretary-General (PESG) for Western Sahara, the UN Mediation Support Unit and Africa II Division organised a workshop in late 2009 to help the PESG refine his mediation strategy. This informal event focused on the process dimensions of the strategy, i.e. the 'how' to negotiate. These aspects can be as challenging for the mediator as questions relating to the substance of the negotiations (the 'what'). The workshop developed several potential approaches for the next phases of the mediation effort. The PESG found the in-depth, comparative analysis of different peace processes helpful for the development of mediation options for the Western Sahara situation.

The mediation strategy provides the basis for conceptualising the structure of a mediation team and corresponding substantive, administrative and logistical needs. This can be articulated in an operational plan, which focuses on implementing the strategy. While an overarching strategic plan provides overall direction and focus, with clearly formulated goals, objectives and strategies, the operational plan is a technical document that translates the strategic plan into activities, tasks and time frames, assigns responsibility for action, and identifies what is required in terms of posts, expertise, logistics, equipment and funds.

Once developed, the mediation strategy needs to be communicated and endorsed at the level of the protocol bodies. However, there might be some information that needs to remain highly confidential. Necessary clearance for mediators to access sensitive information should be clarified in advance in the mediation strategy and in the terms of reference (ToR) for the mediation team.

The purpose of the operational plan is to translate the strategy into doable steps. These include:

- defining concrete steps to be taken
- who on the team is to do each specific step
- approximate timelines for completing each step
- communication strategies between/among team members and partners
- budgeting and logistical requirements for each step
- how/when to update the strategy as events unfold
- keeping the AUC chairperson/AU PSC/AU CMD up to date.

Example 12: How the African-led International Support Mission to Mali was funded

The African-led International Support Mission to Mali (AFISMA) was initially funded by ECOWAS and its partner states, but soon after became significantly more international in its funding sources. The AU held a donors' conference in Addis Ababa in January 2013, where some US$ 455 million was raised. This included US$ 96 million from the US government, US$ 120 million from Japan for humanitarian purposes, US$ 20 million each from Germany and Sweden, US$ 50 million from the European Union (EU), US$ 10 million from South Africa, US$ 5 million from Nigeria, and US$ 1 million from China, which was matched by a number of small African countries (Premium Times 2013). The AU itself pledged an unprecedented US$ 50 million out of its own budget. The UN also established two funds: one for AFISMA and one for Mali (Clottey 2013).

Africa Peace Fund

The APF is how (primarily) peacekeeping, but also some peacemaking, activities are financed in the AU. In many ways, the funds are still significantly linked to external sources (e.g. the Department for International Development (DFID), the United States Agency for International Development (USAID), etc.), with approximately 10 per cent of funds coming from the AU's broader budget. Nevertheless, it is a vital mechanism for execution of most of the AU's peacekeeping functions. The fund started in 1993 (*The Independent* 1993).

The strategic and operational plans must be living documents that have to be reviewed and adapted on a regular basis in light of evolving dynamics and the effectiveness of the chosen strategies.

Developing the strategic and operational plans

- Upon review of the briefing binder, the mediator will prepare his/her initial visit to the conflict area to meet with all the relevant stakeholders and make his/her preliminary strategic assessment.
- The mediator will then convene a strategy session with his/her mediation team, in-country, to develop an initial mediation strategy. This meeting should include the senior analyst, the CoS, the AU Special Representative or head of mission (if one is in-country) and any external experts requested by the mediator.
- The mediator will thereafter submit a confidential strategic plan to the AUC chairperson or peace and security commissioner. This plan should be reviewed for possible updating every six months or more often if necessary.
- The mediator and mediation team will develop an operational plan and update as needed. The senior analyst must ensure that all mediation team members have updated copies as the plan changes. The operational plan remains a confidential document within the mediation team.

- If other IGOs, such as the UN or RECs, have mediators also operating in the conflict area, the mediator should develop the strategic plan in collaboration with these organisations, where possible, to ensure coordination and cooperation.

Step 5: Mandating the lead mediator

While the desk and liaison officers continue to conduct conflict assessment and analysis, the strategic and operational plans are being developed and endorsed, succeeded by the formulation of a mandate to mediate and the appointment of a lead mediator.

Example 13: Mandating a mediator for Mali

Immediately following the military coup, ECOWAS heads of state and government met in Abidjan, Côte d'Ivoire at an extraordinary one-day summit on 27 March 2012 to discuss the political situation in Mali. President Blaise Compaoré of Burkina Faso was appointed as mediator to address the situation. He was mandated to 'interact with all concerned stakeholders with a view to engaging them in fruitful dialogue for the restoration of peace in the country, taking into account all the ongoing efforts in this direction' (Panapress 2012).

A framework agreement was signed a month later, following consultations with Compaoré and various stakeholders, including the junta leader. Article 36 of the Constitution of 25 February 1992 was implemented, thus paving the way for the restoration of constitutional order in Mali, and sanctions were lifted. Further, ECOWAS leaders authorised the immediate deployment of regional troops to Mali as part of efforts to restore peace following the coup and tackle the separatist rebellion in northern Mali.

Working in collaboration and coordination with ECOWAS, the UN responded by adopting three resolutions for Mali. UNSC Resolution 2056 was adopted in July 2012, and outlined the requests by ECOWAS and the AU for a mandate by the UN authorising the deployment of an ECOWAS stabilisation force. The resolution expressed its readiness to '… further examine the request of ECOWAS once additional information has been provided regarding the objectives, means and modalities of the envisaged deployment' (United Nations 2012b). UNSC Resolution 2071 was adopted in October 2012 and expressed its support to the government of national unity in Mali and to the interim president. More significantly, it called upon rebel groups to cut off ties with terrorist organisations and 'expressed its readiness to adopt targeted sanctions against those rebel groups who do not cut off all ties to terrorist organisations' (United Nations 2012c). In December 2012, UNSC Resolution 2085 was adopted, authorising the deployment of AFISMA for an initial period of one year.

The resolution further called on member states to contribute troops to AFISMA to enable it to fulfil its mandate. In April 2013, the UNSC unanimously approved a French-proposed resolution – UNSC Resolution 2100 – to create a UN peacekeeping force in Mali to be known as the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). The force is expected to consist of 11 200 military personnel and 1440 police officers. Its mandate is to stabilise key population centres, especially in the north of Mali, to deter threats and initiate and take active steps to prevent the return of armed groups to those areas (British Broadcasting Corporation 2013a). The UN force took over from AFISMA on 1 July 2013.

Initial assessment: Decision to deploy a mediator

Optimal actions

1. When alerted by a member state, an AU official or a REC that a major interstate or intrastate crisis is breaking out or appears imminent, the chairperson of the AUC and the commissioner for peace and security should immediately assess the risk of escalation, conferring with the relevant REC for a situation assessment. If more information is needed, and with approval of the state(s) where the conflict is/may erupt, the chairperson deploys a fact-finding mission to analyse the situation and possibly to play a discreet good offices role. These initial crucial steps will help the chairperson and the commissioner to assess the potential for mediation and decide whether to appoint a special envoy or special representative.
2. If a fact-finding mission is sent, it should be composed of AU officials with knowledge of the state(s) involved in the conflict, representatives of the relevant REC, and a specialist in conflict analysis from within the AU or hired as a consultant for this purpose.
3. In addition, the chairperson and commissioner should remain alert to the possibilities of using mediators for early action, before violence erupts. Early prevention seeks to improve the relationship of parties or states that are not actively fighting but are deeply estranged. Left unaddressed, existing latent animosities might result in a return to the use of force as soon as a crisis arises.
4. If deemed appropriate, based on the results of the fact-finding mission and/or other initial conflict assessments, the chairperson will initiate the appointment of a mediator for conflict prevention, conflict management or peacebuilding.
5. The appointment of a mediator may be coordinated with the UN or REC.

Minimum actions

When alerted by a member state, an AU official or a REC of a possible conflict escalation, the AUC chairperson and commissioner for peace and security will assess the situation with the help of AU staff, the REC and/or external experts, and will make a decision whether to deploy a special envoy or special representative.

Example 14: Guinea

During an AU-organised seminar entitled 'Towards enhancing the capacity of the African Union in mediation', which was held in Addis Ababa, Ethiopia on 15 and 16 October 2009, the case of Guinea highlighted the collaborative potential between the UN, the AU and a REC – in this case, ECOWAS. The body has been involved in regional mediation and peacekeeping in West Africa since the 1990s. The international community quickly condemned the Conakry killings and insisted on an immediate investigation. The atrocities perpetrated against protesters occurred just 10 days after the AU had stated its intention to impose sanctions on the junta if its leader, Moussa Dadis Camara, did not confirm that neither he nor any member of the Conseil National pour la Défense de la Démocratie *(CNDD) would contest in the January 2010 presidential elections. On 2 October 2009, ECOWAS mandated President Compaoré to mediate the crisis. A well-coordinated and collaborative international effort remained critical if Guinea was to advance through a fragile transition process. ECOWAS, the AU and UN, together with an International Contact Group on Guinea (ICG-G), were faced with a complex peace process.*

In April 2010, the ICG-G urged Sékouba Konaté, vice president of the military junta, to ensure that all conditions were met for the organisation of the presidential election, scheduled for 27 June 2010.

Ultimately, if joint international pressure failed to bring compliance with the AU's call for violence-free elections, a tougher approach would be required. With a wide range of actors on board, the peace process in Guinea took on several dimensions that went beyond mediation and included support for establishing peaceful governance processes and strengthening democracy within the country's security institutions. The ICG-G was co-chaired by ECOWAS, and actors such as the UN, the EU, the Manu River Union, CEN-SAD, the Organisation of Islamic Cooperation (OIC), the Organisation Internationale de la Francophonie *(International Organisation of la Francophonie (OIF)), the World Bank, the UNSC, and countries such as Côte d'Ivoire, Germany, Ghana, Japan, Mali, Morocco, Senegal, Sierra Leone and Spain were part of the peacemaking process, with varying levels of engagement. A joint mission of a group of experts from ECOWAS, the AU and the UN – expanded to incorporate the EU, the OIF and the United States of America (USA) – supported SSR in Guinea. This collective undertaking to secure Guinea's peace required coordination and resources.*

Mediation roster

The AU CMD will develop a roster of potential mediators, who will have been vetted based on established criteria. The roster should include senior-level mediation experts and will be reviewed at frequent intervals to ensure that it is current.

The AUC chairperson and commissioner for peace and security will consider those listed on the roster in making their selection of a lead mediator.

Areas of expertise include, but are not limited to:

- power-sharing
- constitution-making
- rule of law
- refugees and IDPs
- security, ceasefires and transitional measures (DDR and SSR)
- wealth-sharing (fiscal, natural resources)
- transitional justice
- process design and mediation strategy development
- drafting
- national dialogues
- gender (sexual and gender-based violence, strategies for women's effective participation, etc.).

Mandate and contract with mediator (required)

The AUC chairperson and commissioner for peace and security will discuss the mandate and ToR with the newly appointed mediator. This should be a face-to-face meeting so that the chairperson, the commissioner and the mediator can fully discuss their respective concerns and clarify expectations.

The head of the AU CMD should be present at this meeting, so that all AU officials are clear on the mandate and ToR for the mediator.

The AU CMD will assign a desk officer to be the initial headquarters support person for the mediator until the mediation team is constructed. The desk officer should have knowledge of the country and/or region where the conflict is occurring, or the ability to reach out to others if this is not the case. He/she should ideally be fluent in the primary diplomatic language of that country.

The desk officer will draw up an initial draft of the contract for the mediator, in coordination with the relevant administrative officials, with all ToR clearly indicated.

The details in the ToR should include:

- mandate
- length of appointment
- salary and benefits
- staffing and admin support
- budget allocation, travel and daily subsistence allowance rates
- reporting requirements.

The contract will be reviewed and approved by the chairperson and the commissioner.

The desk officer will arrange the initial briefing for the mediator at AU headquarters and make all travel arrangements for the mediator's initial trip to the conflict area.

Pre-deployment briefing for the mediator

A pre-deployment briefing must be completed before the mediator begins his/her mediation work.

The designated desk officer will assemble a briefing binder for the mediator before his/her arrival at AU headquarters for the initial briefing meetings. This requires the desk officer to prepare an extensive set of materials, including the following:

- an overview of the conflict (e.g. country profile and brief history, conflict analysis, the actors and the issues disputed, previous ceasefire and peace agreements, etc.)
- history of AU involvement
- challenges facing the process
- contact information of key actors and previous staff
- the AU mandate and ToR of the mediator
- key mission policy and organisational documents
- resources available to the mediator and the team.

The desk officer should consult with the head of the AU CMD, the AU situation room and with outside experts, if necessary, to complete these documents. Information gathered by any initial fact-finding mission should also be included.

The head of the AU CMD, with the assistance of the desk officer, will arrange a briefing at AU headquarters for the mediator before his/her deployment to the conflict area. This will include individual meetings with the commissioner, the director of the Peace and Security Department (AU PSD) and the head of the AU CMD, as well as with heads of divisions within the department as needed, to review the ToR and funding available to the mediator for his/her mission, and to review and sign the contract. In addition, the AU officials will discuss how they will support the mediator during the mediation process, through their political contacts and by offering advice based on their knowledge and experience.

The mediator will meet with the AU PSD financial office to review budgetary oversight and reporting requirements, and to sign any necessary forms.

In addition, the mediator will meet with the desk officer, other AU staff (from the AU PSD or AU CMD) familiar with the conflict region, and any external experts with significant experience in the country/region in conflict. Previous AU envoys may also be included, to share their experience and any advice on developing strategic or operational plans.

Step 6: International level coordination and joint mediation missions

The evolution of dynamics in the international system since the end of the Cold War suggests an ever-growing role for sub-regional and regional organisations in the management and resolution of conflicts. In Africa, for example, the AU has taken the lead in setting norms and standards for the international community's response to unconstitutional changes of government. Sub-regional organisations whose member states are also members of the AU tend to play a very influential role in determining the positions taken by the continental body. Given the proximity of these countries to the conflict area, they tend to be in a position to significantly facilitate or undermine a mediation process. For these reasons, close liaison with regional and sub-regional coordination structures – and, through these efforts, the alignment of neighbouring states behind a mediation strategy – is one of the most important success factors for a mediation effort.

International contact groups

In protracted conflicts, it is frequently the case that a range of external actors become involved in peacemaking and peacebuilding endeavours. These actors typically include the UN, the AU, the relevant REC, neighbouring states, the former colonial power, donor countries and international bodies such as the EU, the League of Arab States and the OIF. It is vital that these actors work with common purpose and in a collaborative fashion. Competitive behaviour undermines the peace process and allows the disputant parties to play the external actors off against each other.

In such situations, an ICG comprising all the relevant external actors should be set up with the aim of ensuring coordination, cooperation, role clarification and an appropriate division of labour. Role clarification and division of labour should be conducted regularly to avoid turf battles and duplication of effort, and to maximise the value and comparative advantage of the external actors.

The actor most suited to serve as the convenor of the ICG might differ from one instance to another. In general, however, the UN is the logical body to play this role, because of its authority, mandate and membership.

The ICG must avoid becoming isolated from domestic bodies. It must appreciate that local ownership is both a fundamental means and goal of peacemaking. It must interact closely with governmental and non-governmental actors at local level and consult properly with and listen to these actors.

Example 15: Establishing an ICG in Guinea

In December 2008, a military junta led by Captain Moussa Dadis Camara took power in Guinea through a coup d'état*. As part of efforts to coordinate international, regional and sub-regional support towards a return to constitutional order in the country, the AU and ECOWAS, with support of the UN, established the ICG-G on the margins of the AU summit held in Addis Ababa in January 2009. Chaired jointly by ECOWAS and the AU, this ICG brought together the country's external partners – including CEN-SAD and the EU, Mano River Union, OIC, OIF, UN, chairperson of the AU PSC and chairperson of ECOWAS, as well as African and permanent members of the UNSC. The ICG-G met regularly in various locations (e.g. Conakry, ECOWAS headquarters in Abuja and UN headquarters in New York) as part of its efforts to encourage Guineans to establish transitional institutions, complete the transition through the holding of credible elections and mobilise international resources in support of these efforts.*

Throughout the transition, the ICG-G acted as a forum for the harmonisation of international positions and action on Guinea and the pooling of resources in support of the transition. It was particularly successful at channelling international pressure, mobilising financial and technical resources, facilitating dialogue among parties, encouraging the sharing of best practices and promoting the establishment of a conducive environment for the achievement of a peaceful and democratic transition.

Joint mediation missions

Joint mediation missions should be based on:

- a comprehensive and accurate analysis of the parties, the dynamics and the causes of the conflict and the role of external actors (e.g. foreign powers, neighbouring states)
- an assessment of previous peace processes and agreements relating to the conflict
- a strategic perspective on the conflict, the options for peacemaking, the major challenges and the preferred scenario or course of action
- the lead mediator's ToR
- the nature of the partnership between the UN and the AU.

Although no general rule is applicable, it would be recommended to have agreed procedures and a set of criteria for determining which body will mandate the lead mediator in a given case. There are UN–AU guidelines which have been finalised and are awaiting to be launched. These constitute an important framework through which better collaboration and coordination can be achieved. It is possible to have a joint mediation, where the mediator is appointed by and

reports to both the UN and the AU and/or the REC. However, special MoUs should be put in place to harmonise the hierarchical limitations and issues of a joint mediation mission.

The UN, the AU and the relevant REC should take the following additional steps to ensure coordination and cooperation on the ground:

- co-location of their offices in the country in conflict
- regular joint initiatives, including joint visits to the country in conflict, by the leadership of the organisations
- participation by the staff of each mission in the activities of the other mission
- public action to demonstrate unity between the organisations, such as joint press conferences
- establishment of mechanisms and processes for regular consultation, and development of common responses to local dynamics
- joint fundraising for peace processes.

Strategic and operational plans will provide the necessary cohesion and convergence. The relationship between the AU, the UN and the RECs regarding mediation should be strengthened through:

- ongoing desk-to-desk contact
- sharing information and incident reports that can enhance early warning
- developing a system for jointly identifying emerging conflict issues and designing strategies and plans for conflict prevention
- collaborating in the preparation of briefing papers
- joint training, retreats and workshops
- joint evaluations, which should focus not only on the politics of mediation but also on logistical, operational and financial matters
- raising awareness of the strategic relationship in all sections of the organisations (i.e. political, administrative and financial).

Reading list

Analysing conflict

Mitchell, C. 1981. *The structure of international conflict*. London, Macmillan.

Wam, P. and Sardesai, S. 2005. *The conflict analysis framework*. Washington D.C., Conflict Prevention and Reconstruction Team/World Bank.

Kaldor, M. and Luckham, R. 2001. Global transformations and new conflicts. *Institute of Development Studies Bulletin*, 32 (2), pp. 48–59.

Humphreys, M. and Weinstein, J.M. 2008. Who fights? The determinants of participation in civil war. *American Journal of Political Science*, 52, pp. 436–455.

Wehr, P. 1998. Conflict mapping. *Conflict Research Consortium, University of Colorado*. Available from: <http://www.colorado.edu/conflict/peace/treatment/cmap.htm> [Accessed 27 June 2013].

Socio-psychological references

Williams, S., Seed, J. and Mwau, A. 1994. *The Oxfam gender training manual*. United Kingdom and Ireland, Oxfam.

Kelman, H.C. 2009. A social-psychological approach to conflict analysis and resolution. In: Sandole, D.J.D., Byrne, S., Sandole-Staroste, I. and Senehi, J. eds. *Handbook of conflict analysis and resolution*. Oxon and New York, Routledge. pp. 171–183.

Security perspectives

Aning, K. and Atta-Asamoah, A. 2011. *Demography, environment and conflict in West Africa*. Accra, Kofi Annan International Peacekeeping Training Centre.

Organisation for Economic Co-operation and Development. 2011. Investing in security: A global assessment of armed violence reduction initiatives. *Conflict and Fragility Series*. Paris, Organisation for Economic Co-operation and Development Publishing.

AU resource

African Union. 2012. *African Union Peace and Security Department: Standard operating procedures for mediation support*. Addis Ababa, African Union.

Phase 2: Entering mediation

UN Photo/Eskinder Debebe

UN Secretary-General Ban Ki-moon and former Secretary-General Kofi Annan (at the head of the table) participate in a meeting with the major parties to the conflict, to end the violence sparked by disputed results of the presidential elections in Kenya (1 February 2008).

Overview

While preparations for the mediation mission are being articulated through conflict analysis activities, strategic and operational plans, the second phase looks at the skilful lead mediator and on how he/she gains trust, credibility and momentum through the sensitive and appropriate management of the mediated process, to keep the parties moving towards the intended agreement.

Key elements of process management are, but not limited to:

- clarifying and assigning roles in the mediation support team
- reporting, monitoring, liaising and evaluating
- coordinating parallel mediation activities and clarifying roles and responsibilities in co-mediation
- setting up the venue and coordinating with media
- choosing the right parties to join the negotiation table
- identifying key issues and underlying needs
- setting up an agreed agenda for negotiations.

The activities detailed in the following sections are not necessarily linear. However, because the handbook is meant to be a study guide, it is useful to elaborate on each aspect. Bear in mind that practice and experience will provide other important insights and techniques.

Step 1: Managing the mediation team

When configuring the mediation team to be deployed into an area, or at the level of the lead organisation, the size and functions of the team will depend on the context. There is no standard configuration and everything will be dependent on the roster, available and deployable team members, and length of appointment.

As a general guideline, the key decision-making principle is that form follows function.

The indicators below should serve as general orientation to the set-up and management of the team.

Leadership and management

Exercised by the lead mediator, leadership involves providing strategic direction to a mediation effort, as well as high-level representation and strategic coordination with other actors.

The following criteria should be used to select the lead mediator:

- a high level of experience and competence in mediation
- credibility with the parties in conflict
- knowledge of the country, region and parties in conflict
- proficiency in at least one of the languages spoken by the parties
- availability for full-time deployment for at least six months
- commitment to the values and principles of the lead organisation, including respect for democratic norms, human rights and gender equity
- personal attributes of a good peacemaker; including empathy, analytical ability, excellent communication, facilitation skills, political judgement and problem-solving skills

In large teams, a lead mediator may be assisted by a deputy or CoS, whose role is to coordinate the activities of the team and provide internal managerial oversight while the lead mediator is focused on directing the mediation effort.

In situations of actual and potential conflict, the lead mediator or envoy will carry out one or more of the following activities, depending on the context and the mandate given by the chairperson of the AUC:

- undertake fact-finding in the country and region of conflict, and meet with the parties and other significant actors to ascertain the causes and dynamics of the conflict

- prepare reports for and make recommendations on peacemaking to the AUC chairperson and AU PSC
- undertake mediation, facilitate dialogue and/or conduct shuttle diplomacy between the parties
- fill the position of chief mediator in multiparty negotiations
- advise the parties on ways of managing and resolving the conflict
- engage with other actors affected by the conflict (e.g. civil society groups and neighbouring states)
- liaise as required with member states
- liaise with envoys from relevant organisations (e.g. the UN and the RECs).

Technical mediation experts provide the following support to an envoy:

- analyse the conflict, the parties and any previous attempts at peacemaking
- play an ongoing monitoring and analysis role
- gather relevant material
- advise on strategic and tactical options for peacemaking
- assist in designing, managing and evaluating peace processes
- assist in mediating, facilitating dialogue and liaison activities
- assist in preparing reports
- maintain records of meetings, decisions and communication with the parties.

Reporting

Organisations expect teams deployed to the field to report regularly on progress. This is necessary to allow headquarters to complement field-level efforts with initiatives at headquarters level (vertical strategic coherence), as well as to report to donors and other global stakeholders. There is no standard reporting frequency – it is generally accepted that reporting should take place as relevant.

Liaison officers report to the special envoy, who through his/her CoS communicates the proceedings and implementation of both strategic and operational guidance to the mandating body.

Overview of needs for support

The support required by AU mediators can be categorised in terms of different functions and types of expertise as outlined below.

- **Mediation expertise** is needed to plan and engage in dialogue and negotiations, provide advice to the parties' leaders and negotiators and encourage a cooperative stance by neighbouring states and other external actors.

- **Country and regional expertise** is needed to ensure a deep understanding of the parties, their factions and internal debates, the cultural practices of local communities, the key groups in civil society and the history and dynamics of the conflict.
- **Monitoring and analysis expertise** is required to discern and interpret changing conditions on the ground, shifts in parties' positions and changes in relationships between various actors.
- **Thematic expertise** is needed on a range of topics, such as constitutions, ceasefire arrangements, DDR, land reform, wealth-sharing, human rights and gender considerations.
- **Communications expertise** is required to engage with the parties' constituencies, the public at large in the conflict zone, member states and other actors.
- **Management, administrative and financial expertise** is needed to ensure that the mediation process is run efficiently, that proper records are maintained and that personnel, funds and other resources are managed soundly.

Step 2: Coordinating co-mediation and parallel mediations

Due to the potential complexity of the conflict and the level of animosity between the parties, the lead mediator might need to coordinate and liaise with either a co-mediator *in situ* or with parallel mediation activities. Both require proper planning and coordination to foster mediation that allows for the issues to be tackled in a timely manner. It is not always advisable to have parallel mediation efforts, as activities to resolve a conflict might prove to be counterproductive. Yet, depending on sound conflict analysis, the strategic plan and operational plan could formulate a way forward on how to sequence and time all mediation efforts in such a way that violence ceases and parties get to the negotiation table.

Co-mediation

For large-scale mediations, co-mediation (i.e. two or more mediators) offers advantages, yet it is also a challenging process, something which the lead mediator must be conscious of. Co-mediation presumes a good understanding between the mediators, sound preparations, social and communication competence, and a professional working relationship.

Advantages

- **Division of labour** – the different roles of mediation can be shared, e.g. chairing sessions, note-taking, listening and supporting parties under attack.
- **Skills and expertise** – multiple mediators bring a range of skills to the table, e.g. language skills, cultural understanding, calming skills, subject matter expertise and mediation experience.
- **More 'eyes and ears'** – the mediators can be more observant of different messages and dynamics that may surface, particularly in large groups.

- **Fatigue** – mediation is an exhausting process; co-mediators can cover for each other and balance each other's natural energy flow.
- **Positive modelling** – multiple mediators can model problem-solving, listening, constructive communication, conflict analysis, negotiation and respect for the parties.
- **Debriefing and support** – mediators can support each other by debriefing one another, providing a safe environment for the release of emotion, and monitor each other's loss of neutrality, impartiality and power.
- **Training** – a junior mediator can be mentored and supported by a senior mediator in the practice of mediation.

Gallo Images/Reuters

President Omar Hassan al-Bashir of Sudan (seated second left) and South Sudan's President Salva Kiir (third right) attend a meeting in the presence of AU mediator Thabo Mbeki (seated centre) and other leaders in the Ethiopian capital, Addis Ababa (25 January 2013).

Disadvantages

- **Negative modelling** – if mediators handle conflict between themselves poorly, it will perpetuate further conflict within the group.
- **Manipulation** – mediators will have to be acutely aware of the potential for parties to play one mediator against the other.
- **Costs** – increasing the size of a mediation team also increases logistical and human resource costs.
- **Ethics** – multiple mediators can consciously or unconsciously use their power to manipulate parties into concessions or settlements.

Co-mediation requires careful planning, preparation and coordination.

The following questions should be taken into account:

- How will roles and responsibilities be shared?
- When, and for what reasons, should the process be stopped for the mediators to hold a separate meeting, if necessary?
- How will stressful or unexpected situations be handled?
- Under what conditions should mediation be terminated?
- How will the mediators communicate – without the knowledge of the parties, if necessary?
- How will a dangerous or potentially threatening situation be handled?
- How will a mediator handle it if he/she feels that the co-mediator has done something wrong or acted inappropriately?

Cohesive mediation missions

A multiplicity of mediators can be of benefit as they help to bring fresh frameworks to stalled talks, increase pressure on one actor to get the main parties back to the negotiation table, or open new avenues of communication. Working in cooperation, multiple mediators can isolate spoilers, increase leverage, distribute burdens, divide tasks, create momentum and provide credible guarantees.

To prevent redundancy and working at cross-purposes, mediators from different bodies and agencies should organise a range of activities and procedures to help them communicate, coordinate, complement and cooperate better with one another. Ideally, cooperation will involve a conscious division of tasks, and perhaps even sequenced interventions that build on the strengths of different actors and encourage interdependence. Even in loosely coordinated endeavours, mediators should keep one another informed – a function that the lead mediator's team can take on. They should also refrain from public criticism of parallel efforts. The coordination of mediation at the Track I and Track II levels will be discussed in the section on 'Coordinating the mediation intervention' on page 121.

Example 16: Kofi Annan's mission to Kenya in 2008 and the AU's contribution

In 2008, John Kufuor, then president of Ghana and chairperson of the AU, asked former UN Secretary-General Kofi Annan to chair an AU-mandated mediation in Kenya, following the disputed 2007 elections. Annan's strategy involved mobilising support from the international community for the mediation process, urging heads of state from Africa, Europe and the US to unite and back the process (Keck 2011). After talks to resolve the political impasse had reached a deadlock, Annan proposed that the Party of National Unity (PNU) and the Orange Democratic Movement (ODM) form a coalition government. The parties accepted the proposal and this suggestion received support from the AU (Keck 2011).

Step 3: Problem-solving – seating arrangements

While the mediator assumes certain roles and responsibilities, the team provides technical support and assistance to the mediation effort. The team also serves as the logistical support team for the achievement of an effective and conducive problem-solving environment. Liaison officers, coordinators within the RMs and emissaries of the AU PW can provide solid recommendations for selecting the right location and choice of venue. Depending on the context and stages of conflict, it might be appropriate that parties and mediation teams meet outside the conflict area for security and psychological purposes. While mediation talks between the lead mediator and the main parties to the conflict might be taking place outside the conflict zone, it is possible for those who support the mediation process to liaise with Track II entities such as NGOs, CSOs, media, women's groups and businesses, to assess the foundation of an upcoming peace agreement. Building support for a peace agreement in parallel to the main negotiation is a recommended strategy. It should be informed by conflict assessment, early warning reports as well as political and human rights reports. Constant liaison between the main bodies engaged in the mediation activity will ensure cohesion and complementarity of efforts.

While parallel mediation support activities are being conducted in the field, the mediator and team set out to find the most appropriate negotiation venue. The choice of venue will be dictated by the form-follows-function process. If the mediation team chooses to have an all-inclusive negotiation, then venues that allow for everyone involved in the talks to participate need to be selected. In cases where the mediation team sets out to enhance ripeness – and therefore needs first to consult in private with the parties (shuttle mediation) – the mediation team will choose an appropriate venue for confidential meetings to be held.

The mediation support team ensures that the following procedural settings are regularly handled:

- date of the meeting
- time and length of the mediated session(s)
- place of the meeting
- number and identity of participants
- information exchange or material provided to the mediator ahead of time (if possible)
- role of observers or interested groups
- room/venue arrangements
- refreshments and meals
- rules of protocol (e.g. order of speaking, formality of discussions, record-keeping and status of outcomes).

As seating arrangements can be crucial for the conflict dynamics at the mediation table, both the mediator and the team will prepare the mediation setting meticulously, and will observe customs, rules and traditions.

Example 17: The Sun City negotiations for the DRC (2002)

Some 362 delegates participated in the Inter-Congolese Dialogue (ICD) at Sun City in South Africa, between February and April 2002. The venue was chosen as it had the capacity to accommodate a large number of delegates for the duration of the talks. Instead of only engaging with the primary parties – the government and the armed groups – the facilitator also included civil society representatives in the negotiations. The delegates were split into five commissions, comprised of representatives from all the stakeholders. These commissions focused on political and legal matters; security and defence; social, cultural and humanitarian affairs; economy and finance; and peace and reconciliation. When the delegates initially converged at Sun City, the seating arrangements were not ideal, as participants were seated far away from each other because of the size of the venue. This made it difficult for the facilitator to execute the negotiations effectively. Thus, there was a need to reorganise the venue. Accordingly, marquees were erected on the grounds outside to accommodate all delegates. Each commission was housed in its own marquee. A plenary was set up, where everyone would converge and review what had been taking place in the commissions. In this plenary, the facilitator, commissioner and technical assistant sat in the centre of an oval-shaped seating arrangement, surrounded by the delegates. There was also a special area in the plenary for diplomats from the US and EU countries who took part in, and had funded, the negotiations. The inclusion of external powers in the process was done to prevent speculation on the ICD, and also to prevent derailment of the negotiation process (Sachane 2013).

Step 4: Devise a media strategy

Conflict and mediation initiatives tend to attract extensive local and international media attention. In turn, media reporting on progress in the mediation can have a serious impact (both positive and negative) on the success of efforts, by influencing perceptions of parties and the population. Given the risks and opportunities involved, relations with the media should be managed carefully and with reference to a communications strategy. A number of communication resources may also be required in different contexts, such as the appointment of a spokesperson. In all cases, a successful communication strategy needs to clearly articulate key objectives and messages, and should be supported by a targeted media monitoring system to assess – and respond to – the evolution of perceptions. It is advisable that liaison teams comprising AU personnel and RM officers meet with local news outlets. This will allow for the media landscape to be mapped out, the affiliations of media networks to be assessed and ground rules for future communications during the actual negotiations to be established.

Gallo Images/Reuters

Former Prime Minister Raila Odinga of Kenya, AU mediator for the Ivorian crisis, speaks to journalists during a news conference at Félix-Houphouët-Boigny International Airport in Abidjan (January 2011).

The mediation support team and the liaison officers should offer journalists trade-offs for not being in the negotiation meetings. These could include periodic updates and a schedule for press conferences. Mediators need to understand how instrumental the media and the press can be in enhancing ripeness and moving the parties to an agreement.

The management of public information systems is also helpful to support understanding of key interests and concerns of the population – for example, through public opinion polling. This ensures that issues being negotiated by the parties respond to the concerns of all stakeholders.

Finally, the mediation support team should be composed of media experts, cultural analysts and media programmers, as creating media for mass consumption is recommended. Media intervention has the potential to provide extensive educational and information support to the peace talks as it can produce news, public affairs and cultural programming that can bridge the divide between traumatised societies. It can also help in the future reconciliation of people.

Example 18: The use of media in Rwanda and Burundi

In the case of Rwanda, media – and radio in particular – was the mechanism that altered the mind-sets of people who had been living and farming side by side without issue for many decades to one of hatred and loathing. In particular, Radio RTLM (Radio Télévision Libre des Mille Collines*) sowed seeds of hatred, as well as the idea that the Hutu would be the victims of genocide if they did not get rid of the Tutsi. The radio propaganda legitimised and encouraged the killing and fuelled the genocide significantly (Chalk 1999).*

However, media can also be used to build bridges and reconcile societies. Search for Common Ground initiated a peace radio effort in Burundi in 1995 for that very purpose. Every week, three to four hours of programming promoting peace and reconciliation was aired, both in Burundi and in the then eastern Zaire. Also included in the media strategy was a video made by the Walt Disney Corporation, which filmed UN Children's Fund (UNICEF)-sponsored puppets that taught children the value and meaning of reconciliation and peace.

Example 19: Media in Madagascar

Madagascar's media has been criticised on a number of fronts. A peace and conflict impact assessment conducted by the Centre for Conflict, Development and Peacebuilding (2010:54) listed the following criticisms of the press in Madagascar:

- *lack of in-depth-reporting and solid analysis*
- *sensationalist and exaggerated reports*
- *lack of professionalism*
- *use of information that is not verified or cross-checked*
- *journalists being unknowledgeable about the rules of their profession*
- *media being instruments of propaganda*
- *credibility suffering as some journalists had been bought off*
- *media being only commercially oriented*
- *having a missing sense of dignity among media personnel*
- *journalistic analysis not being independent from owners' opinion*
- *censorship being rife.*

In a volatile and fragile situation, media that misreport facts, or are seen to favour a particular side in a recently ended conflict, or that do not report the truth, could work against the very process of peace and reconciliation they are meant to support.

Step 5: Participation in mediated processes

Participation concerns the question of which conflict party sits at the negotiation table – a crucial dilemma facing a mediator. Participation entails questions of inclusiveness, representation, decision-making power, procedures and competence on the part of the negotiating delegation. The general rule is that the more inclusive the negotiations, the more legitimate and sustainable they are, but the more complicated and harder their management also becomes.

A party is someone who is involved in a matter and whose agreement is necessary to resolve a particular dispute. Based on previous conflict analyses, stakeholders' involvements and the quality of participants, the mediator and the team will have refined the list of delegates, actors to engage and parties to be brought to the negotiation table.

However, there is a distinction between being involved in a conflict and being party to a mediated discussion.

To make choices between the inclusivity and exclusivity of the process, the mediator should assess:

- how the party is involved in policy-making
- the level of leadership of the involved party
- what potential scenarios could emanate out of the inclusivity or exclusivity of the party to the conflict.

Example 20: Peace negotiations for Burundi

In July 1998, 19 delegations from Burundi – representing 17 political parties, the government and the national assembly – converged in Arusha, Tanzania to participate in a round of negotiations (Boshoff et al. 2010). Leaders from several African countries such as Kenya, Rwanda, Tanzania and Uganda were also present. However, the process was disrupted when armed military groups aligned to the CNDD, Parti pour la libération du peuple Hutu *(Party for the Liberation of the Hutu People (PALIPEHUTU),* Forces pour la défense de la démocratie *(Forces for the Defense of Democracy (FDD)) and* Forces nationales pour la libération (*National Forces of Liberation (FNL)) broke away from their political delegations at Arusha and demanded representation in their own right as independent organisations. This forced the other parties to continue negotiations without the participation of these military factions (Boshoff et al. 2010). The peace agreement was signed on 28 August 2000. However, the rebel groups that did not sign the agreement continued fighting, despite repeated calls from African mediators, including leaders from Gabon, South Africa, Tanzania and Uganda, for the rebels to come to the negotiation table (Curtis 2003).*

The mediator and mediation team may consider the dimensions of participation detailed below.

Few negotiating parties

Depending on the conflict, context and complexity of the mediation, exclusive participation can provide effective negotiations. While various platforms of consultation, working groups and delegations can be involved, the actual negotiating delegations can be fairly small in size. If only the heads of the negotiating parties are present, the entire process can be moved forward because the advantage is that if there are fewer people, they will tend to talk more to each other and test out a few ideas and suggestions made by the mediator, without immediately committing themselves to them.

Example 21: The Côte d'Ivoire peace process (2007)

The negotiations and mediation that took place in Côte d'Ivoire, which brought about the Ouagadougou Agreement, included only the mediation team and the two opponents: Laurent Gbagbo and Alassane Ouattara. The mediation team consisted of five presidents, led by President Blaise Compaoré of Burkino Faso. Direct negotiations resulted in both parties reaching an agreement within a month. More importantly, its roadmap for peace and national reconciliation superseded four years of failed UN and regional endeavours (Oxford Analytica 2007).

Many negotiating parties

Involving as many negotiating parties as possible can provide the sustainable support needed for the peace agreement to move forward. This needs to be assessed by the mediation team based on the rigidity of issues, if natural resources are at the bottom of the conflict, and how long the conflict has been going on.

Example 22: The Arusha process for Burundi

The Arusha process was inclusive in that all political parties and some of the armed groups which were involved in the Burundi conflict participated. The number of parties grew from 17 to 19 towards the end of the talks, providing a good example of an inclusive peace process (Mason et al. 2008). It was facilitated first by the former Tanzanian President Julius Nyerere, then by former South African President Nelson Mandela, who took over after Nyerere's death. Importantly, members of both the Hutu and Tutsi groups were represented during the process. The Arusha Peace and Reconciliation Agreement was signed in the presence of heads of state of countries in the Great Lakes region, as well as representatives from the UN, OAU and Burundian civil society, women's organisations and religious leaders (Institute for Security Studies 1998).

Fragmentation of parties

Some negotiation delegations are fragmented from within and pursue concurrent and, at times, contradictory interests during the negotiations. Occasionally, negotiating parties are not represented by their respective authorities. In this situation, the mediation team may increase its frequency of shuttle diplomacy – including the ICG, peace agents, media and liaison officers – to enhance the ripeness of the situation.

Example 23: The Darfur Peace Agreement (2006)

Those who negotiated the Darfur Peace Agreement (DPA) in Abuja in 2006 lacked cohesion and splintered into factions, both during and after the negotiations. This undermined the validity and legitimacy of the talks and ultimately led to widespread rejection of the agreement on the ground. Fragmentation of the parties significantly increases the complexity of mediation, because aligning interests is much more difficult when those interests continue to fluctuate and change.

Women's participation

In line with UNSC Resolution 1325, lead mediators are required to assess women's participation at the negotiation table. The mediation team might face some challenges here since, in the majority of cases, it is the conflicting parties that decide on the composition of their delegations. Yet, the mediator can suggest various consultation formats or working groups to broaden women's participation. In years to come, more women will be on mediation rosters, which will allow for the lead mediator to be a woman of recognised stature. This, in return, will also encourage the conflict parties to select women to be among the ranks of their delegations.

Example 24: The northern Uganda peace process

Betty Bigombe, former state minister for pacification of northern Uganda, played a pivotal role in facilitating talks between the Ugandan government and the Lord's Resistance Army (LRA) between 1992 and 1994, as well as a second round of negotiations between 2004 and 2006 (Voice of America 2009). She has spent two decades negotiating with Joseph Kony, the commander of the LRA, and Ugandan president Yoweri Museveni in an effort to end the conflict in Uganda. In 2005, Bigombe successfully brought together Ugandan government officials and Kony's warlords for the first time, to negotiate ceasefire drafts (Boustany 2007).

Gallo Images/Reuters

Betty Bigombe (centre) is seen with LRA rebel chief negotiator Brigadier Sam Kolo (right) and another unidentified LRA leader in Palabek, near the northern Uganda–South Sudan border (December 2004).

Although a mediation process may be requested, a mediator can assess if it may or may not be the desirable option for resolving a given problem. The strengths, weaknesses, opportunities and threats of a situation need to be assessed to determine whether intervention at a given time is constructive or not.

A wide variety of options include:

- large-scale conferences
- summits of key spokespersons
- full round-table sessions
- shuttle mediation
- bilateral discussions
- a mixed formula of plenaries and subgroups (disaggregation)

- acknowledgement of dissenting coalitions by means of minority reports
- dialogue forums.

Step 6: Preparing for negotiations in mediation

The mediator prepares to conduct Track I negotiations while his/her support team continuously assesses the conflict dynamics,and liaises with key decision-makers to the process as well as other joint members of the mediation missions (such as the UN, RMs, ICG, etc.).

A crucial exercise of the negotiation phase of the mediated process is to:

- use consultations and pre-negotiations to lay the groundwork
- create roles and responsibilities for involved actors
- handle logistics of the negotiation setting
- prepare to conduct the negotiation (Phase 3)
- inform the public
- work with the media.

The pre-negotiation phase

It is advisable for the lead mediator to get clarity on the wishes of the negotiating parties in terms of the ground rules of the actual negotiation – such as meeting times, locations, forms, if meetings should be recorded, etc. Consultations between all actors involved increase trust and credibility in the mediator's capacity to guide the process. They also enable the mediation team to gather some information pertaining to cultural aspects of the parties, the conflict and the issues at stake.

Preliminary talks should establish shared expectations and agreements on a number of things, such as:

- **structure and format of talks** – large-scale conference, summit of key representatives, round-table discussion, shuttle mediation, bilateral talks, etc.
- **decision rule** – simple majority, two-thirds majority, consensus, unanimity, secret votes, open show of hands, among others.
- **guidelines for participation** – who qualifies as the appropriate party at the negotiation table, how to ensure participation of those who are not at the table, etc.
- **communication** – method of recording the process, confidentiality, closed or open sessions, progress reports, handling the media, among others.
- **time frame, schedule, sequencing, pacing**
- **acceptable procedure to handle sticking points**
- **role of mediators** – convener, facilitator, Track I, Track II or both
- **how to handle gifts** from parties.

Determine participants

As mentioned, the best course of action for a mediator to determine who will be sitting at the negotiation table should be to:

- choose parties and representatives who have sufficient control over drivers of conflict and relevant constituencies
- engage both top-level and mid-level leaders, and recognise their strengths and limitations.

The conflict analysis and assessment done prior to commencing the mediation should give relevant background information on all the actors involved. Based on the reports and assessments, the mediator will then choose the right mode of identifying and determining who will participate in the negotiation, and how. He/she does this in a sensitive manner and in close coordination with the key decision-makers in the mediation mission.

Close attention should be paid to those who support the peace agreements and those who might spoil the process.

Spoilers, who will block settlements if their own interests are not met, require careful consideration and management. The mediator will have to draw a fine line by not including a potential spoiler at the negotiation table; yet, he/she might have to think about involving potential spoilers into the wider mediation process.

While in need of further validation, the following strategies can be applied to manage spoilers – either as a standalone strategy or a combination (Stedman 1997).

- **Inducement** – this strategy involves taking positive measures to address the grievances of factions that obstruct peace. When spoilers act out of fear, they will usually demand some sort of physical protection. When acting out of a sense of fairness, they usually demand material benefits. When acting out of a sense of justice (i.e. from the spoiler's perspective), they tend to demand recognition or legitimacy.
- **Socialisation** – a socialisation strategy establishes a set of norms for acceptable behaviours by parties that commit to peace or seek to join a peace process. Adherence to these norms is encouraged through the use of incentives. Norms must be clearly established and communicated to all stakeholders, and must remain consistent over time.
- **Coercion** – a coercion strategy relies on the threat of punishment if a spoiler does not fall into line. Coercion can take the form of threats, the use of force, warnings that the peace process will go forward with or without the spoiler, and the mediator's withdrawal from the peace process.

Final preparations and time frames for negotiations

The lead mediator moves towards final preparations for the talks by taking into consideration further assessment of the conflict dynamics and/or clarification of the mediation mandate.

To develop and execute strategies for advancing the negotiations, the mediator must:

- develop trust and confidence
- establish a safe and secure environment and channels that facilitate communication
- create momentum through confidence-building measures and joint activities.

The guidelines below will help the lead mediator to clarify his/her mandate, to seek final clarification for those issues to be mediated while other needs are addressed via other modes of intervention, and to be able to create alliances – not just within the negotiation space, but also between the mediation process and external determinants and key actors.

Factors influencing a mediator's decision to serve (COMMIT)

C – commitment by the parties to the mediation

O – organisational resources available to the mediator and all parties

M – mediation is appropriate as a timely means for reaching an agreement

M – matters in conflict are ripe for discussion and resolution

I – incentives exist for all parties to settle their disputes through joint discussion

T – talents of the individual mediator are suitable for the particular conflict setting.

The mediator analyses each factor by answering defining questions.

1. C – Commitment

- Are the parties willing to talk to each other about the issues? Will they share appropriate information with the other side and/or the mediator?
- Are the parties willing to decide on matters jointly rather than simply getting the other side's input before making a unilateral decision?
- Is each side willing to include all the necessary parties to the discussion?
- Are the parties willing to use mediation as the primary dispute settlement process for resolving the agreed-on issues, or to include other procedures openly so that the simultaneous use of different forums will not sabotage the mediated discussions?

2. O – Organisational resources

- Do the parties have the resources and capacity to participate meaningfully in the mediation process?
- Does the mediator have the time to commit to participating in the discussions?

- Does the mediator have, or have access to, sufficient clerical, administrative and meeting facilitation resources?
- Will the mediator have adequate financial support from the parties, independent third parties or personal resources to cover the actual costs of the services and, where appropriate, a fee for such services?

3. M – Mediation's appropriateness

- Is the power relationship among the parties sufficiently balanced so that one party cannot unilaterally dictate the outcome and enforce compliance?
- Are the issues of sufficient importance or breadth to merit allocating mediation resources?
- Are the relevant group or institutional rules sufficiently flexible in application to permit the parties to develop specific acceptable solutions, or are they ambiguous in content?
- Are all the parties physically and emotionally ready to participate?

3. M – Matters in dispute

- Do the parties believe that their interests and goals may be served by talking to each other?
- Are the issues sufficiently tangible so that the parties can identify and resolve them by taking specific, agreed-on actions?

4. I – Incentives to settle

- Are there incentives for the parties to settle the matters through mediated discussions?
- Can the incentives to settle override personal, institutional or hidden agenda items that might sabotage efforts to resolve the dispute?

5. T – Talents of the mediator

- Does the mediator's personality sufficiently mesh with those of the parties so that he/she will be a constructive presence in their interactions?
- Do the mediator's background, experience and methods of entry secure his/her initial credibility with the various parties? Does the mediator possess the requisite knowledge for the negotiation process?
- Does the mediator understand the matters in dispute?

The question of time is central. Committing themselves to a timetable, according to the agenda and the proceedings of the mediation, is an indicator of the parties' seriousness about achieving a settlement of the issues that brought them to the negotiation table. Time pressures can accomplish both a speedy movement forward towards the generation of options and a rushed, incomplete outcome. Another complicating factor relates to the lead mediator's limited time frame in which to bring an end to conflicts that have been raging for more than a decade, leaving him/her and the support team only days, or weeks, to cover enough ground to establish

the promising foundations of a peace agreement. What the lead mediator needs to consider is how to re-engage in discussions with the mandating body, the ICG and other supporting actors about pre-agreed and sequenced time limits, aiming for a comprehensive settlement of all aspects of the dispute and leaving an option for further negotiations and mediation activities, following the implementation and verification of the peace agreement.

Step 7: Setting up the agenda

Participants need to know, and agree in advance on, the broad subject matter of the mediation. It is therefore important for the mediator to define the shape and structure of the discussion strategy by focusing on developing the negotiation agenda. The guideline below displays a range of methods on how to develop the agenda.

A mediator helps parties to identify issues for negotiation so that discussions can focus on them. During the investigation, the mediator helps parties to formulate issues in specific terms. Finally, the mediator translates these issues into a language that is non-judgemental, and uses the technique of reframing – changing the thrust, tone and focus of a conversation – to process critical development of the issues.

Apart from being a communication skill, setting the agenda is a key process tool to keep the mediation moving towards resolution. The guiding philosophy should be that the mediator discusses the negotiation issues in the order that would most likely result in parties coming to a better understanding and a possible resolution of their issues.

Typically, a simple and logical agenda helps the parties to navigate through the complexities of the process.

A guideline for agenda-setting (HELPS)

H – Highlight common interests

E – Easy issues first

- relationship between party and issue
- remedy for the tension

L – Logical categories and sequence

P – Priorities for pressing deadlines

S – Stability and balance

- if an issue is of mutual concern, it might be discussed first
- discuss an alternate issue, if a burden of compliance involves only one party.

Excursion: Ethics in mediation

A key dimension for successful mediation is the level of trust and credibility that the mediator needs to create, generate and maintain throughout the mediated process. Once parties lose trust, they will challenge and attack the mediator, and even withdraw their participation and mandate.

One key aspect to remember is that, in mediation, the parties themselves are responsible for their own choices, solutions and decision-making processes. The mediator does not enforce, coerce or manipulate preferred solutions.

To be effective, a mediator needs to carefully assess the level and stance of neutrality and impartiality in the specific conflict resolution environment.

- **Neutrality** means maintaining personal distance from the conflict. A mediator keeps his/her opinions, perspectives and values to himself/herself. It is possible to have a particular position, and the parties need to be aware of this, but they also need assurance that the mediator can act independently of such a position.
- **Impartiality** is about treating the parties equally and fairly, not being partial to either side.

In some instances, the approach might rather be based on the mediator's ability to broker some kind of leverage over the parties – in which case, neither neutrality nor impartiality will apply. The mediator's vantage point is then assessed from a position of power to achieve the necessary stalemate conducive to equal and equitable negotiations between parties.

During mediation, a mediator should be aware of and reflective about his/her personal response to the process. A mediator might have lost neutrality, when he/she:

- becomes distracted
- is tired or battles to concentrate
- thinks about other things
- feels strongly about the discussions and wishes to state his/her own points of view.

It is important to reflect back to the point at which the mediator lost neutrality, to become aware of the cause for the loss of neutrality, and then to put it aside to focus on the parties' needs.

Impartiality is primarily structural; it is about offering equity of contribution to the discussion, whether in terms of access to the discussion table, rights and/or space. Key indicators of impartiality are:

- body posture
- non-verbal behaviour and language
- tone of voice
- attention span and time given to each party's needs
- equal distance from all parties at the table.

The practice of mediation on the African continent is that mediators need to work in an even-handed, non-judgemental manner to be effective. Since the mediator can only gain trust and credibility if the mediation effort is mainly geared towards the parties taking responsibility for their own involvement in the conflict and its potential resolution, he/she needs to work with the various parties in an even-handed manner, without condemning them. The non-condemning approach does not mean that perpetrators of human rights violations or even war crimes should not be addressed, tried and judged; yet, it is not the mediator's role to implement ethical considerations. His/her job is to focus solely on the mediation mandate and to bring the violent conflict to an end. Hence – although restricted by the mandate and international law – the mediator has a wide range of options and approaches to choose from to engage with the belligerent parties. He/she will therefore rather focus on building up a system, institutions and those processes within which these crimes can be investigated and dealt with in the post-conflict reconstruction and development or peacebuilding phase.

Reading list

Elway Research Incorporated. 2012. Communication strategy. *Elway Research Incorporated.* Available from: <http://www.elwayresearch.com/communication.html> [Accessed 30 May 2013].

Epstein, J. and Epstein, S. 2006. Co-mediation. *The Colorado Lawyer,* 35 (6), pp. 21–23.

United Nations. 2012a. United Nations guidance for effective mediation. *United Nations.* Available from: <http://peacemaker.un.org/sites/peacemaker.un.org/files/GuidanceEffectiveMediation_UNDPA2012(english)_1.pdf> [Accessed 16 May 2013].

Phase 3: Negotiating in mediation

Gallo Images/AFP

The signing ceremony of the security agreement of the Sudan and South Sudan negotiations on post-secession matters is attended by Sudan's President Omar al-Bashir (back, left), AU mediator Thabo Mbeki (back, second right) and South Sudan's President Salva Kiir (back, right) in Addis Ababa (27 September 2012).

Overview

Achieving a sustainable peace agreement requires intense negotiations. The way negotiation processes and outcomes are structured is key to such an implementable agreement. Based on thorough conflict assessment and intervention design and equipped with the appropriate mandate, mediators bring the right parties to the negotiation table and assist them in the constructive deliberation of a peaceful settlement of the conflict at hand. Yet, the essence of this strategy is based on developing and executing strategies for consensual and interest-based negotiations. Thus, the mediator deploys and uses a range of specific negotiation skills, such as convening; facilitating; being the scapegoat, risk analyser or reality agent; and reframing; among many others. Through this set of tools, the mediator and mediation team cultivate trust; change perceptions; boost confidence; inspire credibility in the peace process, direct

sequencing of decisions and interaction with external participants to the mediated process; and oversee the assessment and development of options and communication with constituents. Hence, the mediator need not only focus on the procedural aspect of managing a mediation process, but he/she also needs to be capable of handling the substance of negotiations and to craft proposals for the parties to discuss and approve, for the subsequent drafting of a peace agreement.

Step 1: Applying negotiation tools

Considerations

Negotiations can take different formats, depending on their mandate, context and purpose. Format options include:

- shuttle diplomacy
- secret talks
- multi-stakeholder consultations
- popular referenda
- involvement of government institutions
- plenary sessions.

The format will be chosen according to decisions made by the parties, the quality and rigidity of issues, the selection of the mediator, available resources and the trust established between actors. Conflict analysis and pre-negotiation talks allow for the mediator and support team to sequence the right negotiation formats.

More generally, throughout the negotiations the mediator helps to guide the process by ensuring that procedural rules are established and followed, in order to create a constructive atmosphere and keep emotions under control.

At this stage, the mediator seeks to:

- generate in-depth understanding of each side's core interests/concerns that must be addressed to achieve sustainable resolution of the conflict
- facilitate the interposition of the mediator as an impartial third party – who, in effect, becomes the negotiating partner for each side and who, through shuttle diplomacy or proximity talks, probes interests and explores innovative options with both parties. This allows each party to have a constructive partner as interlocutor, and overcomes the problem of parties having to deal directly with difficult relationships
- explore innovative options for addressing key interests that move beyond each side's position and identify new possibilities not previously considered, which may gradually be pieced together into mutually acceptable agreements. These options are generated from ideas

presented by the parties, the mediator, experts, NGOs and CSOs, or may be derived from international standards, models and best practice. After a series of consultations, these ideas are gradually refined until an agreement is reached

- promote gradual building of confidence and subsequent improvement in the atmosphere between the parties derived from sequential agreement successes, which can eventually provide the basis for direct talks
- foster the encouragement and support of other influential actors, who can reward progress and nudge reluctant parties towards accommodation, agreement and gradual reconciliation.

Main components (BADGER)

The mediation session consists of six components:

B – begin the discussions

A – accumulate information

D – develop the agenda and discussion strategies

G – generate movement

E – elect to have separate sessions (caucus)

R – reach closure.

This step-by-step approach ensures that parties will move towards each other, equipped with decision-making power and different understanding of one another, and come to agreements that are comprehensive and effective.

B – Begin the discussions

The first step entails two components:

1. setting the procedural framework
2. starting the actual meeting.

1. Procedural setting

Together with the team, the mediator regularly ensures that the procedural settings match the main objectives of the mediation effort.

Beyond the mediator's work of ensuring appropriate procedural components in the mediation setting, he/she should control where various persons are physically located with respect to one another, so that the setting helps advance communication, safety, party equality and mediator neutrality.

Note 4:

Two principles guide the setting-up

1. *Each distinct party to the discussion should have a separate, equal spot in the room. Their positions should facilitate conversation among group members, as well as communication with other parties.*
2. *The mediator's position, insofar as possible, should be between the parties, equidistant from them.*

The first principle prevents the erroneous belief that the most effective way to promote peace is to have members of different groups seated next to one another so that they can mingle. Doing so might be catastrophic since people have separate – and, at times, competing – interests. The existence of separate identities does not preclude a settlement. If a mediator is not sensitive to such dynamics, he/she can undercut the very dynamic that may help the parties reconcile their interests.

The second principle is important as it:

- *strengthens the neutrality of the mediator*
- *reinforces the mediator as manager of the process.*

If the mediator is sitting next to party A on one side of a rectangular table and party B is sitting alone across from them, party B will quickly conclude that the mediator favours party A.

By sitting close to the door, the mediator can unobtrusively manage a party's frustration, anger or impatience. If a party gets annoyed or upset and gets up to leave the room, the mediator can intercept, while facing the party. This avoids the impression of uncalled-for behaviour, and the party can use the mediator as a scapegoat to return to the discussions.

2. Getting started

Starting effectively is extremely important, since the opening phase usually sets the tone for either successful or ineffective mediation.

A useful opening speech may include the following:

- welcoming the participants
- giving a self-introduction
- reassuring participants that there are no relationships between the mediator and individual parties that could affect impartiality
- checking names and letting parties briefly introduce themselves by their names, positions and affiliations (if any)

- describing the role and process of the mediation session
- giving a brief overview of the expected results of the session
- establishing ground rules for communication (who speaks, for how long and who takes notes)
- emphasising confidentiality of the joint and separate sessions
- mentioning the possibility of separate sessions
- clarifying that the parties retain the authority to settle the dispute, and that the mediator is there to assist in the design of the settlement process
- establishing housekeeping rules regarding smoking, use of phones and breaks
- asking questions to allow the parties to raise doubts, concerns or other issues related to the process.

Excursion: Chairing a multiparty negotiation

Chairpersons of multiparty negotiations must be sensitive to keeping tight control over group processes, while not directly affecting the outcomes. When a group wants to achieve consensus or an unanimous decision, it is the responsibility of the chairperson to be constantly attentive to the process. Some pointers for how to effectively chair a multiparty negotiation are similar to those given in the procedural settings already discussed, but may also include the following:

- **Explicitly describe the role you will take as chairperson** and be clear that you are only there to manage the process and that the group will determine the outcome.
- **Introduce the agenda or build one based on the group's issues, concerns and priorities**, making sure that the group has an opportunity to discuss, modify or challenge the agenda before you begin.
- **Make logistical arrangements that will help the negotiation process**, taking into consideration whether the physical layout of the room offers the best possible configuration for constructive discussion. Provide a flipchart, whiteboard or overhead projector to note down issues and interests. Many negotiators find that they benefit from visual access to issues, proposals and other information during the discussion.
- **Introduce necessary ground rules or let the parties suggest them**, including how long the group will meet, what the expected outcome is, whether minutes will be taken and whether the group will take breaks, where the negotiations will take place and how and when group members can consult with their constituents.
- **Create or review decision standards and rules**, ensuring that you find standards for what parties believe will be fair and reasonable settlements. Determine what criteria will be used to assess whether a particular solution is fair, reasonable and effective and how the group will ultimately decide on the adoption of an agreement.
- **Assure individual members that they will have an opportunity to make opening statements, or offer other ways to place their individual concerns and issues on the table**. Be clear that

once the parties are familiar with the issues, simultaneous discussion of several issues can take place. This will permit trade-offs among issues, rather than forcing compromises on each individual issue.

- **Be an active gatekeeper**, making sure that people have a chance to speak and that the most vocal do not dominate the less vocal people. Ask the more vocal people to hold back and specifically invite more silent people to make comments and give input. Often, as a group moves towards some form of agreement or consensus, some people participate less. Make sure that they are choosing not to participate, rather than simply dropping out because they do not think their views are worthwhile or important.
- **Listen for interests and commonalities**, encouraging people to express interests, mirror them back and identify not only what they want, but also why they want it. Listen for priorities and concerns. Once the issues and interests have been identified, deliberately set aside a time for coming up with options. Use brainstorming and other group decision-making techniques to generate options and evaluate them.
- **Introduce external information (e.g. studies, reports, statistics, facts, testimony from experts) that will help illuminate the issues and interests.** Ask for hard data to support assertions, but carefully refrain from engaging in aggressive cross-examination that can compromise your neutrality.
- **Summarise frequently, particularly when the discussion becomes stalled, confused or tense**. State where you think the group is, what has been accomplished and what needs to be done. Paraphrasing and summarising help bring the group back to reality and to the task at hand.

A – Accumulate information

The mediator gathers information with a purpose. He/she wants to understand the dispute, how the parties experience the 'story' they tell, and what concerns, both substantive and emotional, need to be addressed to reach agreement. The mediator will never learn everything there is to know about the people he/she is assisting in the negotiations. Interactions with the parties are relatively brief and will only give a glimpse of the conflict that the parties constantly experience. Therefore, he/she should focus on uncovering information that will advance constructive dialogue.

To accumulate information effectively, mediators must do five things:

1. listen carefully
2. support both verbal and non-verbal communication
3. record notes selectively
4. promote clarity
5. promote understanding.

1. Listen carefully

Listening attentively to what someone is saying means more than just hearing sounds. One listens to understand what a speaker is trying to communicate; to listen well is to capture the entire message.

Below are some guidelines for listening carefully:

- **Concentrate** – minimise distractions, wear comfortable attire, eat prior to mediating so hunger is not a diversion, put unnecessary stationery and mobile phones away and take notes selectively, so as not to interfere with the capacity to listen.
- **Maintain focus** – people cannot listen as fast as some people can talk. Good posture is helpful; orient the body towards the speaker and keep arms relaxed and open.
- **Be patient** – one cannot hear, let alone be certain of what someone is saying, if the speaker is not given a chance to complete his/her statements. Sometimes parties repeat themselves. Some speakers are hard to understand. A patient listener allows a speaker to tell his/her story, even if the telling is less than perfect.
- **Do not interrupt** – one cannot listen while talking. It is tempting to interrupt a party by asking questions or providing information, but such behaviour both disrupts the speaker's chain of thought and exhibits unhelpful conduct, which other participants might copy.
- **Understand without judgement** – one often stops listening because one does not like what is being said, who is saying it, or the way it is being said. One assumes one knows the argument and, being in disagreement with it, stops listening. A mediator should not argue mentally with a speaker.
- **Understand first and evaluate later** – much later.

2. Use of non-verbal communication

Much of what people communicate to one another is transmitted via non-verbal communication. Silence is considered communication as well. This is of great importance in situations where a mediator faces a diverse cultural composition of parties. Examples include facial expression, body language, head movements and tone of voice. Some non-verbal acts, called attending behaviour, are particularly important in terms of connecting with another person during coordinated interaction like negotiation.

The three attending behaviours that a mediator will encounter most frequently are eye contact, body position and encouragement.

- **Make eye contact** – failure to make eye contact takes away an important cue that one is engaged or listening. However, people should not keep their eyes continually fixed on one another. Generally, breaks in eye contact are fewer and shorter when listening actively than when speaking. In persuasion, it is important to make eye contact when delivering the most

important part of the message. Yet, at all times, the mediator needs to be informed and aware of the symbolic value of eye contact in cultural settings. For example, in Senegal, it is not generally accepted for a younger person to look an elderly person in the eyes for too long – it can be interpreted as disrespectful.

- **Adjust body position** – to ensure that others know you are attentive, hold your body erect, lean slightly forward and face the other person directly. If you accept and endorse the other's message, care needs to be taken not to show disrespect by slouching, turning away or placing feet on the table. In contrast, crossing arms, bowing the head, furrowing the brow and squeezing eyebrows together can all signal strong rejection or disapproval of a message.
- **Non-verbally encourage or discourage the other's message** – the nod of a head, a simple hand gesture to go on, a murmured 'uh huh' or a click sound to indicate understanding all tell the other person to continue, and that you are listening. In fact, you can encourage someone to continue to speak about many subjects by simply nodding your head as he/she is speaking. Brief eye contact or a smile, together with a nod of the head, are encouraging cues.

Be sensitive – the mediator needs to project that he/she is 'warming up' to what is presented in the mediated discussions.

3. Record notes selectively

While listening to the parties, the mediator takes notes. He/she records only information that will be useful in helping the parties understand one another better, structure the discussion and capture proposals and terms of agreement. If the situation and the parties allow, a member of the mediation team can also assist with taking notes.

The following are important:

- the names of everyone in the mediation room
- parties' common interests
- the issues in dispute
- precise wording of proposals
- the order in which parties present their settlement options.

These records typically outline the first psychological steps towards achieving a common agreement on the issues to tackle. They are benchmarks of progress being made and common ground covered by all parties. Good record-keeping improves the mediator's understanding of the parties, their issues and negotiation strategies. These records also serve as evaluation tools after the process is completed; they also prevent subsequent potential disagreements between the parties.

4. Promoting clarity

One of the most common techniques to clarify communication is to ask questions. Asking good questions ensures accurate information about the other party's position, supporting arguments and needs. The mediator's task is clear: to keep the parties talking. Different types of questions elicit different kinds of information and emotional responses.

Several sorts of questions support dialogue and accurate information:

- start-up questions
- open-ended questions
- open-ended, focused questions
- justification questions
- leading questions.

1. Start-up questions

Linear and information-seeking questions ensure that the parties have knowledge about the information to be shared. Questions that include the terms **what**, **who**, **when** and **where** are particularly effective. These typically force the speaker to start sharing information, but are not threatening or accusatory.

2. Open-ended questions

Open-ended questions allow the parties to respond by elaborating on a subject in their own words, as opposed to close-ended questions, which generally require a yes/no or in some other way limited answer. Questions that include **what**, as well as phrases such as **tell me more**, generate better responses.

These include questions phrased in this way:

- Could you please explain **what** brings you here today?
- **What** happened next?
- Could you **elaborate** on that, please?

Open-ended questions elicit the most information in the shortest amount of time. The parties know best what has happened, or at least what they believe has happened.

3. Open-ended, focused questions

These questions invite persons to answer in their own words, but target the subject matter. This is typically done to focus the parties' comments on matters related to the issues under dispute and may be phrased in this way:

- Will you please tell me more about the incident that occurred along the river bank?
- Will you tell me how you conducted your research for this project?

4. Justification questions

These are **why** questions, for example:

- Can you tell me **why** the suggestion of rerouting troops is unacceptable?
- Could you explain **why** you differ with the president's proposal to reassign government positions?

There are two levels of response to such questions – substantive and perceptual:

- The **substantive response** displays the person's rational justification for adopting or rejecting a proposed solution. The mediator presses to make certain the party's position is internally consistent and rationally persuasive. A credible response either solves the issues or highlights concerns that the settlement terms must satisfactorily address.
- The **perceptual response** forces parties to reveal whether the grounds for promoting or resisting proposed solutions relate to the personalities of the parties, rather than the logic of the solution. Parties must also be psychologically ready to settle.

5. Leading questions

A leading question has two components: first, the answer is contained in a statement of the question; second, the person who is asked the question can only respond by saying 'yes' or 'no' (e.g. You were late in submitting the report, weren't you?). A mediator should refrain from posing leading questions, as they are not designed to foster dialogue or discussion and do not generate options for settlement or new ideas. They are designed to establish anchor points around which consequences must pivot. As a general strategy, this type of questioning can be used at the stage of separate and private meetings with parties to elicit a series of scenarios based on risk analysis and scenario-building.

Using the abovementioned techniques and tools, a mediator mines the conversation for:

- values
- rules
- principles
- proposals
- feelings
- interests
- issues.

Additional information that can provide the mediator with a full understanding of the situation is also sought. Typically, deep-seated needs underpin the expressed issues and demands that emerge in identity- and resource-based conflicts.

From a psychological perspective, needs translate into issues which, in turn, translate into positions and rights.

Parties will be arguing about their positions and rights. It is the mediator's task to dig deeper, determine the interests and identify the underlying needs.

1. **Interests** are the silent, powerful movers behind the positions that parties take. There will be no resolution if a person believes that his/her primary interests have not been respected, secured or advanced. Interests are what parties care for, and may be:
   - substantive – directly related to the focal issues of the mediation
   - process-based – related to how the parties behave in the mediation process
   - relationship-based – tied to the current or desired future relationship between the parties.

Fisher et al. 2000

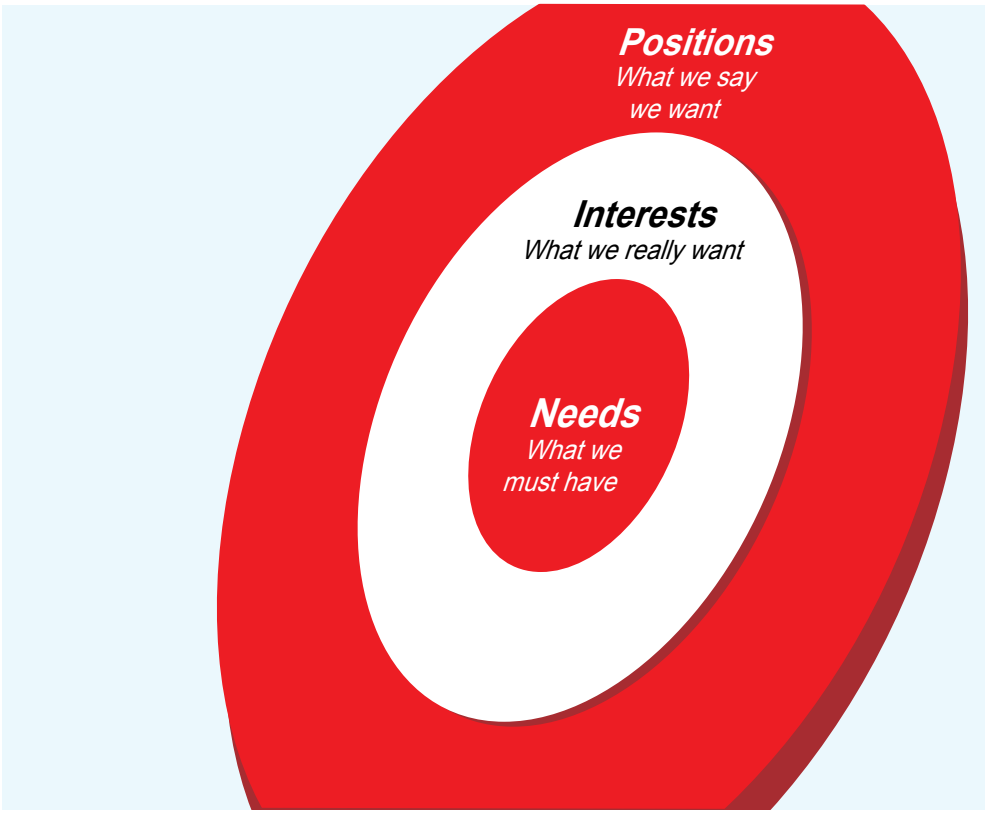
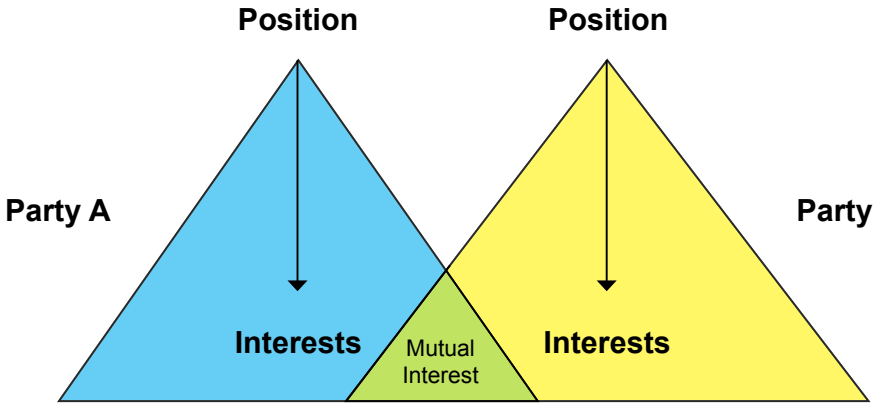


Figure 8: Needs, interests and rights (positions)

2. **Issues** are the distinct and negotiable matters or behaviours that frustrate a party's interest and which result in the need for mediation. These issues become the subjects around which agreement is built.



Grzybowski and Morris 1998

Figure 9: Mutual interest space

3. **Proposals** are suggestions or offers for the resolution of issues. Like interests and issues, proposals can be hard to hear if they are embedded in threats and insults.
4. **Feelings** – using emotions effectively to promote successful negotiation is inherently difficult because of the complex nature of human feelings. They affect the way parties tend to make decisions, and influence parties' negotiation behaviours at the mediation table. Emotions are:
   - **unavoidable** – people cannot avoid them any more than they can avoid thinking
   - **numerous** – in a given situation, a person can experience and encounter numerous emotional states (e.g. anger, frustration, enthusiasm and regret)
   - **fluid** – they change from moment to moment, without warning
   - **multi-layered** – people sometimes experience multiple emotions simultaneously
   - **varied in their impact** – different people may react differently to the same emotion expressed in similar situations
   - **triggered by multiple causes** – sources of emotions are hard to identify.

   It is crucial for the mediator to understand emotions and to deal with them appropriately.
5. **Principles, values and rules** – although they are intangible in mediation, it is important that the mediator listens carefully to the parties' central tenets. Most people are governed by values, principles and rules that guide their conduct. Laws also provide important guidelines. These principles cannot be negotiated, yet will need to be reflected in the process of conflict resolution.

The mediator takes into account all the perceptions, cognitions and emotions of the parties at the negotiation table. Based on the abovementioned techniques, and after gathering all valuable pieces of information, the mediator assists the parties in reshaping the negotiation field.

D – Develop the agenda and discussion strategy

Participants need to know and agree in advance on the broad subject matter of the mediation. It is therefore important for the mediator to define the shape and structure of the discussion strategy by focusing on:

1. finding common interests
2. identifying and framing the issues
3. continuously developing the negotiation agenda.

A mediator helps parties to identify negotiation issues and then focuses the discussions on these. During the investigation, the mediator helps the parties to formulate issues in specific terms. Finally, the mediator translates these issues into a language that is non-judgemental and uses the technique of reframing – changing the thrust, tone and focus of a conversation – to support critical development of the issues.

Sequencing the discussion strategy is a key aspect to counter asymmetrical relationships in certain mediation environments. It involves the mediator designing the shape and structure of the discussion strategy by focusing on finding common interests, identifying and framing the issues, and continuously developing the negotiation agenda. For example, while a government or central authority has ready access to power, their opponent's access to resources is usually less guaranteed. As soon as one party agrees to another party's representation at the table, the mediator will find it easier to facilitate talks and use appropriate strategies to maintain the momentum of constructive discussions. By strategically deciding what issues are discussed in which order, a sense of equity can be created at the negotiation table which ensures that each party's views are discussed.

Levelling the playing field is about establishing equity at the negotiation table. To allow for equity in decision-making, the mediator and the team might consider the following options:

- accept, at least within the negotiation context, the right of all sides to be present
- agree on procedures permitting the involvement of previously excluded or restricted persons
- schedule time and resources to permit all parties to come to the table prepared
- make contact with, and learn from, counterparts and other contexts
- look for an influential external mediator or chairperson, both to bestow at least temporary legitimacy on all parties equally for the duration of talks, and to underwrite the equality of all parties at the table.

G – Generate movement

Frequently, the parties are able to reach closure on a previously contentious topic. It is crucial for the mediator to be conscious of these leverage points and use them to generate movement towards understanding and resolution. This, in return, will result in sustainable and effective agreements.

The focus should be on:

1. common interests and ideas
2. expanding the information base
3. perspective-taking
4. the use of negotiation norms and practices
5. the costs of not settling (best alternative to a negotiated agreement – BATNA).

1. Common interests and ideas

Common interests and ideas are interwoven with issues and explored during discussions. To gain the cooperation of another party, a proposed deal must address the interests and ideals of the party. A mediator can persuade the parties to do certain things by pointing out how proposed settlement terms promote mutual goals, rather than by reinforcing one party's gains:

- **Interdependence between parties** – it is important for all parties to develop a shared view of their problems so that they can solve them to their mutual satisfaction. The mediator emphasises the reality that a party's ability to achieve its objective depends on securing the freely granted cooperation of others. Gaining such cooperation requires that each party believes it will be no worse off after accepting the proposed settlement terms than it was before the discussions began.
- **Identify joint or shared interests** – a mediator must develop and repeatedly remind the parties of their shared needs.
- **Appeal to commonly held principles** – whenever the mediation situation seems to derail into threats, insults or even chaos, a mediator needs to make sure that the parties can rely and agree on something. These might be simple appeals, for example: 'Can we all agree that we will not interrupt each other or use disrespectful language during our conversations?'. The goal of these types of appeals is to get parties to agree to a principle or guideline that has some bearing on resolving the matters under dispute.
- **Call for a vision** – the vision of an ideal situation that would solve issues in order to gain better and peaceful living conditions becomes a target for working out the specifics of how to achieve it. In expressing the ideal, parties often feel stronger and are surprised by their commonalities.
- **Emphasise the trust-building dimensions of conduct** – conflicts erode trust among people and this loss of trust leads them to demand burdensome settlement terms for fear that anything less will see them exploited. The mediator must get parties to do things for each other that help restore a sense of trust.
- **Agree on a process for resolving the dispute** – if parties are unable to resolve any of the substantive negotiation issues through mediated discussion, the mediator should get them

to consider whether they can agree on different processes for resolving the disputes or specific issues. By helping the parties establish what the next step will be, the mediator also helps them to stabilise their long-term relationships.

2. Building an information base

Information is frequently the lever that shifts parties in meaningful ways. A mediator aims to get people to agree to do things, and new information often triggers new ideas for possible action.

A mediator can:

- develop facts to support persuasive power
- use the absence of facts to create doubt about what has happened or what can happen
- use inconsistent statements to narrow down the problem
- examine past practices
- challenge assumptions
- explore feelings.

3. Perspective-taking

Since mediation is considered a voluntary process, the parties may not necessarily agree to the mediator's efforts to advance conflict resolution or help them re-examine their perspectives and positions. The mediator does this by using a series of strategies that psychologically position the parties for agreement.

Among them he/she:

- **Allows for choice** – in a heated debate or where a deadlock stops the conversation, a mediator might ask: 'Would you like to continue this conversation about who is at fault – a conversation you have been having for a long time – or do you want to see if we can resolve the issue of … ?' By simply laying out choices, parties can feel empowered enough to move in a different direction.
- **Makes compliments** – a mediator must reinforce positive behaviour by reminding parties that their willingness to negotiate, to listen to one another, to come up with proposals and to have the stamina to settle issues after many hours of emotional debate, is commendable.
- **Cites examples with which people can identify** – to be persuasive, a mediator can use examples which are relevant to the disputants' personal experiences.
- **Uses humour** – the mediator can use humour sparingly and sincerely to break tensions and help put matters into perspective.
- **Reverses roles** – at times, a proficient mediator can get a party to analyse an issue from the other party's point of view.

- **Allows silence to ring** – people feel awkward when no one is speaking. A mediator should not rush to fill gaps in the dialogue. Silence can generate opportunities. Sometimes, a person will relieve the uncomfortable atmosphere by suggesting a possible change in what he/she is willing to do. The mediator should recognise such moments and explore their possibilities.
- **Focuses on the future, not the past** – a mediator helps parties to shape their futures, while past events influence the mediation strategy.
- **Prohibits greed** – in some discussions, one party seems to obtain its favoured position on nearly every negotiation issue. A mediator must be aware of the increase in negotiation power that one party might achieve through its tactics, and remind all sides that reciprocity and outcomes benefit both sides – which, in turn, can result in compliance with commitments.
- **Exploits vulnerabilities** – disputants tend to see things from a win-lose perspective. Yet, everyone has reasons for regret. These lapses constitute vulnerabilities, which the mediator should explore to rebalance discussions. By highlighting vulnerabilities, the mediator emphasises joint responsibility for problems and the need for mutual – not unilateral – actions to solve the problem.
- **Saves face** – this means the mediator attempts to maintain a party's dignity or reputation. If a mediator can assist a party in changing positions without losing pride or face, movement towards resolution of the conflict is far more likely.

4. Negotiation norms and practices

A mediator helps people find acceptable solutions. In moving towards resolution, he/she can avoid impasses by insisting that parties adopt accepted negotiation priorities.

He/she does this by:

- **Establishing priorities** – parties which stress that every issue is equally important usually lack a clear idea of their own interests. A mediator needs to identify a party's priorities, especially if the party does not explicitly rank them.
- **Developing trade-offs** – negotiation between parties involves a series of exchanges. Parties only start to exchange items of relevance if they believe the items are of comparable worth. However, individuals value items differently. Exchanges, and therefore negotiations, are influenced by these differing valuations. Some individuals value substance more than relationships, which is why priorities must be established before trade-offs are made.
- **Compelling parties to acknowledge constraints** – a mediator needs to remind parties that their negotiation proposals must not only reflect their own aspirations, but also fall within the resource capacities of their negotiating counterparts.
- **Pursuing compromises** – mediation often connotes compromise. Unfortunately, a compromise is a conflict resolution style characterised by both parties getting less than they aimed to achieve. In this sense, there is no long-term agreement, merely a short-term

arrangement in which a situation settles down, creating space and time for the issues and parties to become ripe. Yet, the mediator's strategy reaches beyond compromise and aims to find collaboration between the parties. The mediator encourages the parties by urging them to compare what they are getting in return for accepting less than they desired, and to determine whether the exchange is acceptable. A mediator helps the parties get what they need, not always what they want.

- **Looking for integrative solutions** – the mediator assists the parties in resolving issues without having to give up anything. Usually, these solutions are not readily available for every negotiation issue, but they do exist, and the mediator encourages the parties to look for them. This, in turn, promotes long-term empowerment and sustainable agreements.
- **Using brainstorming** – typically, movement in a mediation process is prompted by the parties imagining resolution possibilities. The mediator invites parties to throw out as many ideas as possible, whether they are good or bad, simply to get a range of ideas on the table. The mediator captures the ideas, preferably on a flipchart, without attributing them to a particular party and without attaching any judgements or qualifications. Separating idea-creation from idea-adoption frees people to be creative.
- **Prohibiting escalating demands** – when a negotiating party escalates its demands, it shifts the target for agreement. This makes resolution impossible, because one cannot know what it will take to strike a deal.
- **Helping to strategise the negotiations** – the mediator helps parties explore whether there is some overlap in their demands – a zone of agreement – in what they may be willing to do. He/she does this by conveying offers in a way that does not antagonise either side, and by shifting the discussions so that parties reveal underlying interests and develop responsive trade-offs.
- **Using the agenda** – sometimes people become stuck. Doing something different helps to break the impasse. Shelving a particular matter and/or shifting the focus elsewhere can generate movement and creativity.
- **Developing time constraints** – people reach decisions under the pressure of deadlines. For all mediated discussions, there is ideally a time period within which the parties have the power to resolve matters by themselves. A mediator uses deadlines to encourage parties to take responsibility for managing their futures.

5. Best alternative to a negotiated agreement: The costs of not settling

The purpose of a mediation session is to produce a better outcome of a negotiation process than would have been obtained without mediation. An outcome that has been achieved without negotiation, or after negotiation has failed, is called BATNA. The mediator and the parties need to gauge the costs of not settling.

He/she must represent the cost comparison in two ways:

- benefits and limitations of not settling
- process costs.

Living in conflict is to live with unresolved problems. The mediator needs to ask the parties whether they prefer the status quo – which brought them to mediation in the first place – or the proposed settlement. Beyond this consideration, the mediator can also emphasise the costs that a non-mediated dispute can have for all the involved stakeholders. If mediated discussions collapse, parties will have to use alternative procedures, ranging from court to war. Depending on the alternatives parties choose, they may be required to abide by someone else's determination of how the disputes should be resolved. These are the tangible costs of continued impasse, as opposed to accepting proposed settlement terms.

Developing a BATNA involves:

- listing all the possible alternatives that could be pursued if no agreement is reached
- considering the practical implications of more promising alternatives
- selecting the alternatives that seem to be the most satisfactory BATNA.

Tip 7: BATNA guidelines

Review the conflict

- *What are the central negotiation issues?*
- *Who is involved?*
- *What kinds of outcomes are hoped for?*
- *Which actions would best help to reach this objective?*

What would be:

- *the best outcome*
- *the intermediate outcome*
- *the worst outcome?*

Assess the alternatives

- *Are there any issues a party is unwilling to negotiate?*
- *What alternatives does a party have for satisfying their interests if no agreement is reached?*
- *What would be the best alternative?*

Strengthen the BATNA

- *What can a party do to further its interests?*
- *Are additional resources required?*
- *Will the party need extra time or financial support?*

Consider all parties' BATNAs

- *What does the mediator think their key interests might be?*
- *What might they do if no agreement is reached?*

E – Elect separate sessions

A separate session (caucus) allows the mediator to obtain information and insights, impart information and privately encourage insights that he/she believes cannot occur in joint sessions. This phase is crucial in order to reflect on the parties' alternatives to negotiated agreements, and for the mediator to be effective in achieving potential outcomes.

A caucus can take place with each of several parties and the mediator. It is also possible for the mediator to meet with different subsets of participants. As with any other tool, the mediator must know why, when and how to use caucusing.

1. Why and when to caucus

A mediator needs to work sparingly with caucuses, as there are advantages to keeping the parties in joint sessions at all times. However, there are both psychological and strategic reasons to caucus. If people trust the mediator, they share a remarkable range of information with him/her during the separate sessions. They signpost priorities; indicate the range of their flexibility with respect to how particular matters can be resolved; reveal the extent of their resources, personal aspirations or hidden agendas; compare the political problems they and those they represent face; or reveal the bitterness they may hold towards particular persons in the mediation room.

Furthermore, parties have a psychological need for a safety zone during discussions. They need to consider ideas, evaluate what others have said and brainstorm solutions without feeling pressurised into immediate responses or being locked in by what they say. A mediator wants parties to recognise unattractive settlement alternatives and weaknesses in their positions. Such insights can generate flexibility and settlement proposals.

Both the timing of a caucus session and the choice of whom to meet first are driven by the purpose the mediator wants to promote.

Caucusing guidelines

Expanding the information base and settlement options – The mediator gains a better understanding of why particular options are unacceptable. Parties must be able to explore possible solutions without exposing their flexibility or having to make immediate decisions. To create an atmosphere conducive to the exploration of critical information, the mediator calls for a caucus. From a substantive point of view, it does not matter which party the mediator meets with first. The mediator's choice is frequently guided by such considerations as which party is seeking to alter the status quo or which party believes itself to be at an emotional, political or power disadvantage.

Lessening intransigence – At some point in the discussions, the mediator knows that someone must change position on a specific issue to advance settlement. In a caucus, the mediator forcefully explores the costs of continued resistance, since parties often miscalculate how their conduct affects others. They misread or are oblivious to people's reactions to their bargaining demands, language or behaviour. The mediator addresses these situations.

Encouraging evaluation – The mediator needs time to evaluate the progress of the discussions and to design a plan of action. Although he/she should keep recesses to a minimum, he/she must not hesitate to call one if the need arises. When asking for time to reflect, the mediator indicates a need to review notes taken during the mediation process and to evaluate how best to proceed. The mediator invites the parties to do the same.

Confirming movement – Sometimes, a party signals movement simply by no longer talking about an issue raised earlier in the discussions. A mediator who wants to be certain the movement is real can declare a caucus and first meet with the party which has signalled a change.

Taking a break – Parties need time to consider comments and proposals and reconsider their own positions. They also need to make decisions without the pressure of having adversaries in the room – a safety zone. The mediator might declare a caucus after one party has made a new proposal, when someone seems exhausted or as the parties approach impasse.

2. How to conduct a caucus

While each caucus has an identifiable purpose, three principles shape the way a mediator conducts it:

- all discussions are confidential unless the party authorises the mediator to share the content
- the mediator meets with all parties each time he/she calls for a caucus
- the amount of time a mediator spends in a caucus needs to be equal for each party, to avoid tension and perceptions of bias.

The plan combines strategies for developing a discussion agenda with persuasive strategies for generating movement.

1. The initial caucus session focuses on:
   - issue identification
   - areas of vulnerability
   - areas of mutual interest
   - general principles
   - cost of not settling – BATNA.

2. The second caucus session generally is geared towards:
   - **protecting offers of movement** as the mediator does not reveal either party's information, but runs an evaluation to determine whether the terms of agreement accepted by one party are satisfactory to the other
   - **protecting the source** because testing the acceptability of settlement terms in an indirect manner does not mean that a mediator is too prudent to address tentative offers for settlement. The mediator can propose settlement terms in a hypothetical format, or make recommendations to the party in caucus.
3. Displaying the agreement:
   - **By the parties** – there is an advantage in having the parties communicate directly to each other what they are willing to do to resolve a dispute. If the mediator chooses to let one party present terms of agreement to another party, he/she reconvenes the parties following the caucus and directs them to tell each other what they are prepared to do to resolve the remaining issues in dispute.
   - **By the mediator** – sometimes, the mediator must tie down the agreement securely. This is often the case in situations where the parties are agreeing to do what is necessary to resolve the dispute, but remain bitter towards one another or resent some of the settlement terms. To accomplish this, the mediator reconvenes the parties, identifies the unresolved issues, indicates what each party is willing to do or accept to resolve the issue, and asks the parties to confirm their statements. This approach might not foster communication, but it compensates by being precise and succinct.

R – Moving towards closure for resolution

Mediators should strive to reach closure only if and when the parties have agreed on the options they want to pursue collaboratively. Sometimes, no mutually acceptable resolution emerges from the mediation, but the parties may have ended up in better positions to develop resolutions at a later time or to move on to another dispute resolution process. This section examines the different outcomes that are possible: agreement (on substance or process), or no agreement. Where solutions are reached, the mediator wants the agreement to be as doable and durable as possible, to prevent future disputes. An agreement that is both appealing and clear, and satisfying to each party, is more likely to be successful and sustainable.

Depending on the nature of the agreement, the following steps need to be taken:

- confirm the commitment and mandate of all negotiating parties and conflict stakeholders
- mediate the drafting of written agreements that are as specific as necessary
- allow reviews by constituents
- reach final agreements.

Once there is agreement on the way forward, the parties consider the details.

Key questions are:

- How will the stakeholders ensure that the agreement will be acted on?
- Does implementation of the agreement require the formal involvement of specialists or groups such as administrators, leaders of resource groups, political leaders and businesses?
- How will the parties manage unexpected results from the agreement?
- What monitoring mechanisms will be established to ensure compliance with the agreement?
- What is the mediation team's role in monitoring?
- Are there local, neutral or trusted monitors?

Parties can choose to agree or not to agree. The mediator should ensure that decisions are, at the very least, well-considered.

1. Agreement

A primary goal of mediated discussions is to have the disputing parties resolve substantive issues in mutually acceptable ways. However, and more often than not, parties agree to resolve fewer than all their issues.

If the mediator helps the parties resolve some but not all of the substantive issues, then the parties can:

- agree on a process for handling the unresolved issues, or
- agree to implement the matters on which they have agreed, even though other matters remain unsettled. If the mediator can get the parties to agree on a process for handling unresolved issues, then the parties will, in fact, have resolved all outstanding matters.

Unless the parties have agreed in advance to such an all-or-nothing governing procedure, whether or not parties implement the substantive matters they have resolved, even though other issues remain unresolved, depends on two factors:

- the substantive interrelationship between the resolved and unresolved issues
- the comparative importance of the resolved and unresolved issues.

2. No agreement

A few mediated processes end without any resolutions. In some instances, mediation can be qualified as not successful. Yet, instead of focusing on success or failure, the mediator's preoccupation should remain with the parties. He/she must try to make sure that the parties leave the discussions without feeling more animosity towards one another than before. Furthermore, the parties should at least have a clearer idea about the options and choices open to them.

The absence of a settlement – for example, a peace agreement – does not mean that the mediated discussions were useless. They may have clarified issues more precisely, developed a more credible information base, explored the strengths and weaknesses of the parties' positions and demands, investigated various settlement options and improved communication among or between the parties.

Tip 8: General negotiation strategy

Preparation

- *Prepare before embarking on negotiations.*
- *Establish ethical guidelines and ground rules.*
- *Establish negotiation modalities before starting.*
- *Agree on the agenda.*

Strategies

- *Focus on the objective, look to the future, capitalise on the present.*
- *Know what you want, and what the other side(s) want(s).*
- *Ask directly and clearly what you want, understand the importance of words and body language.*
- *Do not give up anything for nothing.*
- *Be realistic and rational.*
- *Have a fall-back position.*
- *Be on top of the situation, take control.*
- *Protect your negotiation documents.*
- *Agree on implementation modalities, negotiate with people who have authority.*
- *Do a reality check.*

Tactics

- *Use temper sparingly.*
- *Do not accept 'no' for an answer, or give 'no' for an answer.*
- *Be firm, be flexible and use a friendly tone.*
- *Take away and walk out.*
- *Mask what you really want.*
- *Bracket issues you cannot achieve at a particular time.*
- *Maintain the final line of defence.*

Step 2: Handling communication skills

Gallo Images/AFP

South African President Jacob Zuma (right) sits next to his Mauritanian counterpart Mohamed Ould Abdel Aziz (second from right) during an AU panel meeting on Libya in Pretoria (26 June 2011).

General communication skills in mediation

Constructive conflict resolution is based on two main activities: skilled negotiation and skilled communication. Language, cultural sensitivity and the ability to listen to the parties' needs and interests are key in creating milestones for each party to be able to move away from their preconceived notions about the other party, and to forge trust and credibility.

Apart from the mediator's skill in grasping the effectiveness of asking the right questions, the ability to listen actively or reflectively typically allows for constructive narratives to be exchanged during the course of negotiations. Active or reflective listening is an action which has as its purpose the establishment of new relationships and channels of communication.

Active listening is made up of five elements:

1. **Not speaking** – listening means first of all being able to be silent and to listen to the other's discourse.
2. **Staying attentive** – when one listens, they send signals of attentiveness. An understanding nod, eye contact, open gestures, confirming sounds etc. show the speaker that the listener is completely with him/her. Confirmation of facts also falls into this category.

3. **Enquiring** – when asking questions to check understanding, it is important to use open questions ('wh-' questions). Here, the mediator should avoid adding his/her own thoughts to the conversation, but rather encourage the speaker to explain their standpoint more precisely or clearly, and to include examples where possible.
4. **Paraphrasing** – the mediator should occasionally take advantage of any short breaks in speaking to summarise in his/her own words the relevant points of what he/she would have just heard. By so doing he/she can check whether he/she has understood everything. In this way the mediator also contributes to strengthening the relationship.
5. **Mirroring** – if the mediator thinks it is appropriate, he/she should address the 'feelings' level as well. He/she should ask himself/herself what is being expressed between the lines and try to understand what types of frustration or annoyance are affecting the person speaking. By expressing in a sentence or a question what he/she thinks might be the speaker's mood, the mediator strengthens the relationship of trust enormously.

Questions are an important tool for moderators to be able to steer the meeting effectively and easily. More than that, an enquiring mind-set is a basic prerequisite for the chairperson of a meeting to show interest in the different perspectives of the team members and to keep his/her own opinion in the background. An important sign of a good moderator is impartiality.

Questions are valuable tools as they:

- increase the basis of information on which to ground problem-solving efforts
- open doors for creative perspectives and new ideas
- activate and involve the participants
- help to structure work on the topics
- make clear where consensus and disagreement prevail
- help to identify and remove blocks and conflicts.

Handling difficult parties through communication

Research and practice have shown that, at times, parties do not adhere to set ground rules or rules of ethical behaviour throughout the mediation process. Either at the table, during negotiations or through coalitions with external spoilers, parties tend to seize the space created by the mediation mission to engage in further hostilities, arm themselves or deploy hidden agendas at the negotiation table. When asked to comment about their behaviour, negotiating parties use explanations and justifications to rationalise, explain, justify or verbalise some good, legitimate reason why this tactic or that behaviour was necessary.

Common examples include the following:

- **The tactic was unavoidable.** The party feels that he/she was not in full control of his/her actions, or had no other options. Hence, he/she should not be held fully responsible (e.g. retaliation of a rebel group against government troops while negotiating a ceasefire agreement).
- **The tactic was harmless.** The party may say that what he/she did was really trivial and not very significant. However, this particular justification often interprets the harm from the actor's point of view (e.g. after the perpetration of violent crimes, actors may not agree about the extent of the damage and, in fact, the victims may have experienced significant harm or costs as a result).
- **The tactic will help to avoid negative consequences**. Usually, parties argue that the end justifies the means. In this case, the justification is that the tactic helped to avoid greater harm.
- **The tactic will produce good consequences, or the tactic is altruistically motivated**. A party who judges a tactic on the basis of its consequences is acting in accord with the tenets of utilitarianism – that the quality of any given action is judged by its consequences. In reality, most negotiators at the negotiation table will be using deceptive tactics for their own advantage, not for the general good.
- **'They had it coming' or 'they deserve it'**. These are variations of the theme of using lying and deception, either against an individual who may have taken advantage of the other party in the past, or against some generalised source of authority (the system).
- **The tactic is fair or appropriate to the situation**. This approach uses a kind of moral (situational) relativism as a rationale for justification. Most social situations, including negotiations, are governed by a set of generally well-understood rules of conduct or previously established ground rules.

A mediator can deal with and manage difficult parties in the following ways:

- ask probing questions
- phrase questions in different ways
- force the party to a reactive move – reality check
- test the parties – apply some logic to the statement, use criteria and possibly a caucus to do a reality check
- ignore the deceitful tactic
- discuss what has been witnessed and offer assistance in rephrasing or formulating statements in a non-judgemental way.

Step 3: Negotiating special issues

Gallo Images/Reuters

Sudan's President Omar Hassan al-Bashir (left) shakes hands with South Sudan's President Salva Kiir (right) while former President Thabo Mbeki of South Africa (centre) looks on during a meeting in Addis Ababa (25 January 2013).

Negotiating ceasefires

In intrastate and interstate conflicts, mediators will find themselves equipped with a mandate to negotiate a ceasefire agreement between belligerent parties, which will typically be backed-up by a peacekeeping element.

Ceasefires may play two distinct roles:

1. they can be part of a larger peace process, thus allowing for a stabilisation force to secure the foundations of the peace agreement, or
2. they can be the main contribution to peace efforts.

Example 25: Ceasefire in Sudan

On 12 November 2008, Sudan's President Omar Hassan al-Bashir announced a ceasefire between the armed forces and warring factions in the Darfur region of western Sudan. The ceasefire was recommended by the Sudan People's Forum – a platform consisting of government and opposition figures. Following the announcement, al-Bashir promised to disarm militias and restrict the use of weapons among armed groups. The ceasefire was part of the Sudanese government's campaign to display its readiness to take part in peace negotiations, facilitated by Qatar and the UN (Osman 2008).

Typically, a ceasefire agreement is part of a peacekeeping exercise to put a wedge between armed forces.

Ceasefires involve the following elements:

- de-escalation measures
- clear parameters and indicators about what constitutes a ceasefire violation
- deployment of a peacekeeping component
- time-bound and space-bound ceasefire implementation
- monitoring, verification and the creation of joint mechanisms for verification
- linkages between the ceasefire agreement and the all-inclusive peace process.

Example 26: The Mali case

In early December 2012, Malian government officials met with rebel groups Ansar Dine and MNLA in Burkina Faso. The meeting resulted in a ceasefire. At these talks, both groups agreed to drop calls for independence and the imposition of Sharia Law across the country (Mark 2012).

As a time-bound compromise to establish the building blocks of a larger and more substantive peace accord, ceasefire agreements can be used as pre-negotiation arrangements for subsequent sustainable peace activities. As such, they remain limited compromises that do not address the core grievances of all parties involved in the conflict. A mediator must navigate the ceasefire compromise carefully, and attempt to sow the seeds for stabilisation and further engagement with all involved actors. He/she must seek the constant support and coordination of other mediating elements – such as civil society, business, ICGs and other peace supporters – to counter the danger of armed groups falling back into warlike scenarios. The mediation support team should, therefore, comprise technical experts who provide knowledge on SSR, DDR processes, power-sharing, gender, business and education. Lawmakers should be engaged

in regional dialogue to establish the ground rules for institution-building, therefore managing spoilers and the risk of stalling further peace talks.

Example 27: The Arusha peace process ceasefire agreements

After the Arusha peace process, the Government of Burundi signed a series of ceasefire agreements as a follow-up to the process. These ceasefire agreements were signed by the government and the rebel groups that had not taken part in the Arusha peace process, namely the CNDD-FDD and PALIPEHUTU-FNL. The ceasefire agreements outlined below were signed between 2002 and 2008.

Year	***Ceasefire agreement***
2002	*Ceasefire between the transitional government and the minority CNDD-FDD faction led by Jean Bosco Ndayikengurukiy, and the minority FNL faction led by Alain Mugabarabona*
2003	*The Pretoria Protocol on Political, Defence and Security Power Sharing in Burundi*
2003	*The Pretoria Protocol on Outstanding Political, Defence and Security Power Sharing Issues in Burundi (Pretoria II Protocol)*
2006	*The Comprehensive Ceasefire Agreement, signed in Dar es Salaam between the Government of the Republic of Burundi and the PALIPEHUTU-FNL*
2006	*Dar es Salaam Agreement of Principles Towards Lasting Peace, Security and Stability in Burundi*
2008	*The Magaliesburg Declaration on the Burundi Peace Process*

Negotiations and elections

While working in fragile environments, mediators should be cognisant of the power, as well as the challenges and opportunities arising from elections. While elections are a key turning point in a society's transition from war to peace, it is still important for certain political conditions to occur for AU mediators to engage effectively during or after elections. Whilst a more conservative approach would argue that the mandate of an AU-led mediation mission is to foster the guiding principles and foundations for peaceful elections, the mediator and team should pay attention to the dynamics that unfold in the aftermath of a peace agreement and its implementation. Therefore, it is recommended that – in the case that the mandate to mediate also entails the provisions of establishing the ground rules for subsequent elections in the conflict area –

the lead mediator coordinates with a variety of technical experts and consultants, as well as with lead mediation bodies, such as the AU and the RM, to determine the details of electoral processes. As details might be outside of the scope of intervention, it is widely accepted and feasible in practice that key decision-making bodies of the AU, AU PW and Panel of Eminent African Personalities and various regional and international institutions play an important role in providing mediation support to electoral systems.

Example 28: The Panel of Eminent African Personalities created for the Kenya situation in 2008

After the violent 2007 presidential election in Kenya, the AU formed a Panel of Eminent African Personalities to help find a peaceful solution to the crisis. The panel comprised former UN Secretary-General Kofi Annan as chairperson; former President of Tanzania, Benjamin Mkapa; and former first lady of South Africa, Graça Machel. The panel was charged with engaging with, and mediating between, President Kibaki's PNU and Odinga's ODM. The panel launched the Kenya National Dialogue and Reconciliation Process, which signed several agreements to resolve the political crisis. The panel engaged with a broad range of Kenyan stakeholders to support the national dialogue and implementation of the agreements. After the power-sharing agreement between Kibaki and Odinga had been brokered, the AU PSC requested the panel to continue to support the Kenyan parties in the implementation of the agreements.

Example 29: The AU High-Level Panel for Sudan, Darfur Peace Process (2006)

The AU High-Level Panel for Sudan is made up of former Presidents Thabo Mbeki of South Africa, Pierre Buyoya of Burundi and Abdulsalami Abubaker of Nigeria. Formed in 2008 by the AU PSC, it was mandated to investigate and recommend policies to achieve peace, reconciliation and justice in Darfur. The panel conducted wide consultations in Darfur and produced its report in 2009. The AU PSC then reassigned the panel as the AU High-Level Implementation Panel on Sudan, mandated to oversee the implementation of the recommendations on Darfur, promote democratisation, assist in the implementation of Sudan's Comprehensive Peace Agreement (CPA) and facilitate post-referendum negotiations between northern and southern Sudan (World Peace Foundation 2013).

Negotiating with armed groups

UN Photo/Olivier Chassot

Thabo Mbeki, former President of South Africa and Chair of the African Union High-Level Implementation Panel on Sudan visits Khartoum, Sudan, with panel members (2 April 2009).

In a variety of intrastate civil wars, the mediation mission will necessarily have to engage with armed groups. Armed groups are those whose rebellion or resistance explicitly challenges the authority of the state. Armed action has been used as a means to pursue a political end. Hence, equipped with a robust peacekeeping mandate, mediators must seek to accommodate these political aspirations to contain the violence. Yet, the definition of armed groups is unclear, as they are characterised by their great diversity and varied degrees of threat to the state.

Armed groups can have the following classifications:

- rebel forces organised as an army
- broad political-military resistance movements
- separatist groups organised in cells but with links to political surrogates
- ethnicity-based armed groups
- interlinked militant groups
- militant groups with international connections to a broader network.

Engaging with armed groups remains at the discretion of the decision-makers of the AU, whose authority has framed the mandate. Based on sound conflict analysis and early warning indicators, political decision-makers will have to choose from the following options of engagement:

- open a channel of communication
- build trust with the armed group and enhance capacity for negotiation
- manage potential spoilers to the peace process.

Due to the political sensitivity of the issue, the lead mediator of the AU coordinates with liaison officers from the affected RM, the UN, the ICG and CSOs engaged in mediation to engage armed groups as proxies. Local mediators, traditional peacemakers and other Track II actors also have to be addressed and coordinated in order to engage armed groups.

Negotiating with secessionist movements

A recent development on the African continent has witnessed the emergence of secessionist tendencies and separation of states. Most secessionist movements aim to achieve a negotiated transfer of power and jurisdiction from the host state to their political organisations. The authorities of the host state may not be ready to negotiate on this issue, but they may be ready to negotiate with the secessionist leadership on the devolution of power to secessionist groups on the relief of specific grievances that the secessionists highlight in their propaganda or in their demands. In other words, the host state authorities are often ready to negotiate and to accommodate at least some of the secessionists' demands.

However, in some cases of secession, no negotiations take place, or the negotiations between the two sides break down without any agreement. In such cases, the secess ionists may proceed to proclaim secession unilaterally, without any agreement with the host state's authorities. A unilateral proclamation of secession – often called a unilateral declaration of independence – is a demand to the host state to acquiesce or agree unconditionally to its loss of control and jurisdiction. Negotiations or negotiated agreements between the host state and secessionists do not precede all secessions, whether successful or not.

Example 30: Ethiopia and Eritrea (1993)

After fighting an armed liberation struggle, Eritrea seceded from Ethiopia in April 1993. Eritrea's independence came following a peaceful UN-sponsored referendum in which the majority of Eritreans voted for independence. The country thus became an official independent state on 24 May 1993 and was subsequently accepted as a member of the OAU and the UN. The Ethiopian People's Revolutionary Democratic Front government in Ethiopia also recognised Eritrea as an independent state, and both countries established good diplomatic relations and opened their respective new embassies (Tesfagiorgis 2011).

UN Photo/Milton Grant

Waving flags, flowers and greenery, Eritreans in Asmara celebrate the conclusion of the UN-supervised referendum, which was held from 23 to 25 April 1993. The majority of those voting opted for independence from Ethiopia.

Example 31: Sudan and South Sudan (2011)

In January 2011, a referendum was conducted to vote for either unity or secession between Sudan and South Sudan. The referendum was called for as a result of the 2005 CPA between the Government of Sudan and the Sudan People's Liberation Movement, which ended more than 20 years of war. South Sudanese voted in favour of cessation and, on 9 July 2011, South Sudan seceded from Sudan and formally declared independence to become Africa's 54th state.

Secessions are characterised by four basic elements:

1. a bounded territory within an existing state
2. a population within that territory
3. a political movement (supported by the local population) proclaiming independence of a new state based on that territory
4. attempts to gain recognition of the territory's independence by other states and international organisations.

When negotiating in these contexts, mediators need to assess the stage of the secessionist conflict. Some are peaceful, most are violent.

Violent secessions are characterised by the following factors:

1. readiness and capacity of the host state to use force to prevent secession and suppress secessionist movements
2. readiness of the secessionist movement to use force in the pursuit of its secessionist goals
3. opposition by a territorially concentrated group within the seceding state to secession of their territory from the host state
4. existence of armed groups outside the control of the principal secessionist authorities and the host state.

Conflict analysis should, therefore, look at the following questions:

- Which factors contributed, or were likely to contribute to the outbreak of the violence in any attempt at secession?
- How, in a particular case of secession or attempt at secession, did the violent conflict come about? Which actions of the parties involved in such an attempt led to violent conflict?
- What social and political conditions facilitated these attempts at secession and what triggered the proclamations of secession?
- How could one justify these attempts at secession?
- Were these secessions legal?

Example 32: An account from the OAU's efforts in negotiating a lasting ceasefire or peaceful settlement in the Biafra conflict

On 26 May 1967, the eastern region of Nigeria voted for secession from Nigeria to form the Republic of Biafra. However, war erupted and the OAU tried to intervene in the conflict. In September 1968, the Conference of Foreign Ministers of the OAU passed a resolution and appealed to the secessionist leaders to cooperate with the federal authorities for the purpose of restoring peace and unity to Nigeria. At the same time, the conference recommended that the federal military government of Nigeria cooperate with all parties and ensure security for all Nigerians until a lasting solution to the conflict was found (American Jewish Congress 1968).

Between August and September 1968, the OAU facilitated formal negotiations between the warring parties in Addis Ababa (University of Central Arkansas 2013). Following months of fighting and negotiations, the OAU appealed for a ceasefire in April 1969 and, on 15 January 1970, Biafra formally surrendered to government troops (University of Central Arkansas 2013).

Mediators shall:

- clarify their mandate to negotiate
- work with ICGs to allow for side discussions with involved armed groups to act as channels of communication between delegations and constituencies
- clarify ground rules and the agenda for engagement
- continuously update the conflict assessment
- clarify terminology (e.g. autonomy, referendum, self-government, independence etc.)
- maintain contact and communication with proxy mediators and traditional mediators on a Track II level for the management of spoilers and motivation of all sides to continue the negotiations
- allow shuttle diplomacy to happen, and refrain from sanctions and pressures
- employ SSR, power-sharing and DDR experts for troop regulation
- employ rule of law and gender experts for a new jurisdiction framework
- consult with election experts on referendum-related questions and constitution-building.

Negotiating unconstitutional changes of government

Together with the Lomé Declaration on Unconstitutional Changes of Government, adopted by the OAU in July 2000, and the African Charter on Democracy, Elections and Governance (the Addis Charter) of January 2007, the Constitutive Act of the AU provided its concept of unconstitutional changes of government and indicated specific policy actions to be taken by the OAU/AU in response to it. Both the Lomé Declaration and the Addis Charter identified four situations constituting unconstitutional changes of government:

- a military *coup d'état* against a democratically elected government
- intervention by mercenaries to replace a democratically elected government
- replacement of a democratically elected government by an armed dissident group or rebel movement
- the refusal by an incumbent government to relinquish power to the winning political party after free, fair and regular elections.

In addition, Article 23 (5) of the Addis Charter (2007) identified a fifth situation corresponding to 'any amendment or revision of the constitution or legal instruments, which is an infringement on the principles of democratic change of government'.

According to these three AU instruments, a specific set of measures or actions are expected to be taken by the AU in reaction to an unconstitutional change of government. While the chairperson of the AUC should immediately condemn a *coup d'état*, the AU PSC is called upon to convene a meeting on an issue considered to be a relevant threat to peace, security and stability on the continent. The country where the unconstitutional change of government

occurred should be suspended from membership and prevented from participating in the policy organs of the AU. During the six months following a coup, the AU should engage with the new authorities to promote the restoration of constitutional order in the country.

When the suspension period expires, a range of limited and targeted sanctions against a regime refusing to restore constitutional order may be instituted.

Example 33: From the Mali case

As a result of the Malian government's inability to address the situation of the northern rebellion by Tuareg separatists, the nation's soldiers expressed their discontent by staging a military coup through which they overthrew President Amadou Toumani Touré. Shortly thereafter, consultations were held with the mediator, Blaise Compaoré, and various stakeholders, including the junta leader. As a result, a framework agreement was signed and Article 36 of the Constitution of 25 February 1992 was implemented. This article states that if the president is unable to complete his term, the head of the assembly becomes interim president for a transitional period, before the next elections can be held.

Example 34: The coup in Guinea (23 December 2008)

Following the death of President Lansana Conté on 23 December 2008, a military junta, the Conseil National de la Démocratie et du Développement *(National Council for Democracy and Development) seized power in a military coup that was staged a few hours after Conté's death. The group announced the dissolution of the government and the national assembly (parliament), and suspended the constitution (Souaré 2009). The international community, including the AU and ECOWAS, responded by condemning the actions, since it was an unconstitutional change of government. On 29 December 2008, the AU suspended Guinea from the organisation and ordered the return of constitutional order to the country. It also demanded that a constitutional government be restored within six months (Callimachi 2008).*

Example 35: Mauritania (2009)

Concerning the situation in Mauritania, the AU, supported by the UN Office for West Africa, played a leading role in promoting dialogue and national reconciliation, and in returning the country to constitutional order. However, the mediation role and intensive diplomacy carried out by neighbouring countries proved to be crucial. President Abdoulaye Wade of Senegal was the main actor behind the ICG on Mauritania, and his contribution greatly facilitated the conclusion of the framework agreement between the country's three major political groupings which was finalised in Dakar and signed in Nouackchot in June 2009. Mauritania's suspension from the AU was then lifted. The presidential elections that took place in July 2009 were recognised as fair and transparent by the international community, and enabled the country to make additional progress towards the establishment of constitutional order (Panapress 2009).

Reading list

Alvarez, M. and Kennedy, J. 2006. Negotiation theory and practice. *Morrison & Foerster LLP*. Available from: <http://med.stanford.edu/careercenter/management/Negotiation_Skills_MA_JMK_2_16_06.pdf> [Accessed 30 May 2013].

Skills You Need. 2011. Types of questions. *Skills You Need*. Available from: <http://www.skillsyouneed.com/ips/question-types.html> [Accessed 30 May 2013].

United Nations. 2012a. United Nations guidance for effective mediation. *United Nations*. Available from: <http://peacemaker.un.org/sites/peacemaker.un.org/files/GuidanceEffectiveMediation_UNDPA2012(english)_1.pdf> [Accessed 16 May 2013].

Phase 4: Coordinating the mediation intervention

Gallo Images/Getty Images/Atem Simon

South Sudanese President Salva Kiir Mayardit (centre) meets with Ethiopian Prime Minister Hailemariam Desalegn (left) and Kenyan President Uhuru Kenyatta (right) in Juba, South Sudan, ahead of mediation talks in the aftermath of violence following an attempted coup in December 2013.

Overview

Coordination, liaison and cooperation between all mediation actors that support the peace process are key to cohesive and effective endeavours for the purpose of transforming destructive conflict into constructive dispute resolution. While the lead mediator might be engaging the main parties in high-level talks and ensuring that the mandating bodies are kept informed and abreast of developments, it is up to the mediation support team to take over the coordination role in the process. This involves liaising with civil society, RECs, media, traditional leaders, proxy mediators and women's groups.

Coordination is a complex and multifaceted process. The objectives of coordination range from sharing information to scheduling international intervention to negotiating decisions and implementing joint activities. After the mediator helps the parties to reach a formal political agreement, they may turn to NGOs, media institutions, women's groups, business communities and traditional leaders to assist with the implementation of the peace agreement at grassroots level. The mediator and NGOs together should coordinate an effective handover of some of the support in order to allow for appropriate implementation of the agreement.

In other cases, conflict resolution professionals will coordinate simultaneous interventions. Thus, involvement spans a range of activities that may be appropriate across the breadth of interactions surrounding the peace process. Linking peacemaking assets to peacebuilding resources is key to achieving sustainable and implementable peace accords.

The mediator should exercise a measure of control over the activities to be conducted and implemented in the peacebuilding context – the so-called Track II dialogue. Once clearly identified, the mediator in the peacemaking context can reach out to the mediators in the peacebuilding context through regular meetings, frequent information-sharing and inclusion in the final agreement. Depending on the context and analysis of the conflict, the mediator needs to assess how inclusive or exclusive the initial mediation processes need to be, to generate enough movement for the parties in conflict to accept the Track II activities.

Examples of synchronisation and coordination

Facilitation of unofficial negotiation – mediators can facilitate unofficial meetings with either Track I, Track II or Track III (civil society at large and grassroots) leaders to explore options for settlement, or investigate peace agendas that can lead into programmes for conflict prevention and early warning.

Capacity-building for negotiating parties – training, problem-solving workshops, stakeholder conferences and 'world cafés' can provide skills training in negotiation and conflict resolution skills, and in the development of networks and alliances.

Interactive problem-solving – workshops can be conducted before or in parallel with Track I mediation, to explore and investigate underlying interests and develop mutual understanding.

Logistical support for Track I mediation – track II leaders and supporters can provide technical expertise, additional staff, thematic expertise, as well as logistical, administrative and infrastructural support.

Negotiation and mediation of local issues affecting communities – facilitated workshops and discussions can resolve lower-level disputes within the context of wider Track I mediated processes.

Early warning – the interaction between tracks can provide independent insights into the nature of a conflict and help identify emerging problems and opportunities.

Capacity-building for civil society and the wider public – capacity-building can improve citizens' ability to participate effectively in the peace process by fostering understanding, initiating programmes in support of institutions, and aiding the aspects of state-building necessary for sustainable peace.

Reconciliation and relationship-building – facilitating dialogue with civil society can build relationships, and foster communal and intercommunity trust and support for long-term peace processes.

Transitional steps – undertaking appropriate programmes can assist with DDR of combatants, as well as participation in transitional justice efforts.

Implementation of support – mobilising and educating citizens can enable them to monitor and participate in peace processes, as well as contribute to security in the form of neighbourhood watch groups and disarmament and youth programmes.

The following steps should be taken in coordinating mediation interventions:

Step 1: Clarify additional sources of funding

For the mediation mission to be sustainable, the mediator might have to identify additional sources of funding available to support the peace process. This is particularly crucial when official and unofficial actors engage in coordinated actions towards the implementation of a peace process. Conferences, summits, workshops and shuttle diplomacy will all have an impact on the financial resources available for a pending mediation activity. Hence, the search for extra funding sources becomes a crucial activity for both the mediator and mediation support team.

In Africa, funding for mediation is generally obtained from various sources, including:

- the Africa Peace Facility, provided by the EU
- northern international cooperation and development agencies like USAID, the Danish International Development Agency, DFID, etc.
- the UN Development Programme (UNDP).

Some of the funds provided by these aforementioned sources are channelled into mediation under the ambit of the AU. A funding mechanism that has been put in place is the APF, which provides the necessary financial resources to support peacemaking efforts and other related operational activities. The operations of the Peace Fund are governed by the relevant financial rules and regulations of the AU. The APF is comprised of financial appropriations from the regular budget of the AU – including arrears of contribution, voluntary contributions from

member states and other sources within Africa, such as the private sector, civil society and individuals – as well as through appropriate fundraising activities. The chairperson of the AUC is mandated to raise and accept voluntary contributions from sources outside Africa, in conformity with the objectives of the AU. A revolving trust fund has been established within the APF.

However, less than 10 per cent of the regular budget of the AU has been devoted to the fund. Most AU peacekeeping operations, therefore, remain dependent on voluntary contributions from various donors.

Example 36: ECOWAS Peace Fund

In December 2003, ECOWAS leaders approved the creation of a peace fund to react quickly to security problems in the region. It had initial seed money of US$ 5 million, which was to be topped up with contributions from member states and the international community. Specifically, the fund is generated from the foreign exchange incomes of member states.

Capital in the fund is earmarked for three focal areas:

1. *conflict prevention and capacity-building*
2. *humanitarian activities, reconstruction, electoral assistance and economic activities such as microfinance in post-conflict areas*
3. *actual deployment and mobilisation of peacekeeping resources.*

The fund's donors have included the EU, the Swedish International Development Cooperation Agency, the African Peace Facility, the African Development Bank, as well as Canada, China, Greece and Italy.

Example 37: Government of Canada's funding for mediation processes in Africa

In 2003, the Government of Canada actively supported the ICD, which brought together the various political factions involved in the conflict in the DRC in a process of dialogue to set the parameters for political transition towards democracy. The ICD, which happened over the course of more than two years and included over 300 participants, including men and women delegates, women's groups and CSOs, culminated in the holding of presidential elections in 2006.

Also, under the government of Stephen Harper, Canada funded the Juba Peace Process which involved the LRA and government of Uganda and was mediated by representatives of the Government of South Sudan. Canada contributed US$ 8 million to this process and sent an official observer to the talks. The country also sent a team of diplomatic and military experts to assist the UN in developing a comprehensive framework for the disarmament and demobilisation of combatants.

Step 2: Ensure coordination and complementarity

While mandated by one of the key decision-making bodies of the AU, the lead mediator needs to ensure a high level of coordination between the AU and the RM in the area where the conflict is taking place.

Since the Constitutive Act of the AU was adopted in 2000 at the Lomé Summit (Togo), African leaders have worked to revamp and establish new African institutions to address conflicts and political instability better, and to accelerate Africa's economic integration. RECs are recognised as a cornerstone and building block for this double mission.

For Africa to achieve its goals of greater integration and political stability, better cooperation and collaborative action is needed among the AU, RECs, the UN and other international organisations and stakeholders. Article 88 of the Abuja Treaty and Article 3 of the AU Constitutive Act envisioned RECs as the 'implementing arms' of the AU's goal of a peaceful and prosperous continent. They are the key building blocks for economic integration and central actors in ensuring political stability in their geographic locales. The RECs have the immense challenge of raising Africans' standard of living and contributing towards the development of the continent through the achievement of economic growth, promotion of peace and security and development of common political values, systems and institutions among African countries.

The role of RECs as building blocks of the African Economic Community and their formal relationship with the AU are governed by a series of formal agreements which can be found in Article 33 and 34 of the AU Constitutive Act, the AU–REC Protocol of 1998, Article 16 (9) of the PSC Protocol and the subsequent MoUs between the AU and individual RECs.

As a guiding document, the 2008 MoU on Cooperation in the Area of Peace and Security between the AU, the RECs and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa serves as the legal framework to allow for the coordination and convergence of efforts in conflict prevention, management and resolution.

Its Article VII paragraph 4 elaborates that:

> Where conflicts have occurred, the Parties [to the MoU] shall cooperate in peacemaking and peacebuilding activities to resolve these conflicts and prevent their recurrence, including through good offices, mediation, conciliation, enquiry and deployment of peace support missions, as provided for in the PSC Protocol and other relevant regional organisations (MoU on Cooperation in the Area of Peace and Security between the AU, the RECs and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa 2008:6).

In order to be effective and operationalise the MoU, the recommendation is to deploy the AU PW to connect the various mediation facilities from the UN and mediation institutions at the RECs in a more coordinated manner. The lead mediator can make use of the AU PW to liaise with key decision-makers in RMs and focus on the negotiations, while the coordinating bodies provide additional support in mediation.

The lead mediator shall also engage with the Africa Clearing House (referred to as the G8++). The aim of the Africa Clearing House is to establish a high-level multilateral forum for the exchange of information on security assistance and cooperation programmes for the African continent and to create a mechanism for the coordination of activities. This would enable mediation processes to attract better support with regard to peace support operations (PSOs) and peace implementation activities. Again, the AU PW should be the appropriate coordinating mechanism for effective synchronisation of activities.

In terms of general strategies, common political frameworks should be considered a prerequisite before partnerships become operational. Inter-organisational agreements – such as the Joint Declaration on UN–EU Cooperation in Crisis Management or the Declaration Enhancing UN–AU Cooperation – are important, as they set the stage for situation-specific strategies – mandates, implementation plans, operation plans, etc. – in advance of actual engagements.

Excursion: Lessons learnt from the peacekeeping field

Inter-organisational coordination in the strategic processes of missions, while arguably benefiting from the more institutional enhancers noted above, is another area of concern. In this context, timing and inclusiveness seem to be at the heart of the problem. Timing, in that the decisive coordination needs to take place at specific stages and inclusiveness, in that the complementary capabilities and comparative advantages of the organisations involved need to be strategically exploited throughout the process. Significant friction seems to stem from the perceptions of 'not having been involved' or 'not having been adequately consulted' when it comes to efforts to enhance coordination *ex post*. Additional support for this can be found in concepts that address environments where multiple actors are planning. As mentioned above, joint fact-finding and collaborative analysis are important tools. In addition, on the whole, conflict analysis needs to be strengthened in order to improve understanding of the conflict in a wider context. A study by the World Bank has shown that collaboratively analysing the situation is a key precursor to coherent action being taken (World Bank 2006). Attempts to conduct analysis separately and then combine the results are also insufficient. There are indications that where joint fact-finding and assessments have been done – as by the UN and EU in Chad and the Central African Republic (CAR) and by the AU and UN in Darfur – the general perception is that these have contributed to better coordination.

Common responses to challenges of field coordination are:

- the use of mechanisms for regulated information exchange
- extensive use of liaison officers
- co-location, or regular consultations and meetings between field offices
- harmonisation of administrative borders.

Step 3: Coordinating with Track II actors

Mediators need to identify and assess the capacity of Track II actors to absorb and duplicate mediation efforts, with the purpose of gaining local traction for the peace agreement. Official mediators need to coordinate with a variety of peace actors from a range of areas, practices, traditional roles, businesses and reconciliatory processes. The use of proxy mediators supports the theory that all-inclusive processes tend to be conducive to sustainable and implementable peace agreements. This includes the management of spoilers, rise of civil society and creation of a space where democratic ideas can be contested in a constructive manner and sanctioned by a constitution.

Below are some guiding questions for effective coordination between Track I and Track II actors.

- How can Track I and Track II actors best coordinate between the two tracks?
- What methods of coordination can be tailored best for the different situations in which initiatives are based, either on very similar or very different approaches?
- Are these different methods most appropriate for NGOs, IGOs and militaries in coordinating interventions?
- What strategies might funders adopt to support coordination?
- How can parties to conflicts, in the midst of their differences and negotiations for peace, encourage and support coordination of the interventions that involve them?
- In what ways can intervention coordination best be institutionalised?
- How can structures for intensive cooperation emerge and sustain improved peace processes?

Mediators from various levels and scales can cooperate in several ways, including those outlined below:

- **communication** – the sharing of information, early warning scenarios and analysis can provide valuable lessons in cooperation
- **coordination** – joint planning, steering committees and the synchronisation of efforts allows for the understanding that no single actor or activity can create sustainable peace and security alone
- **cooperation** – the sharing of technical experts aimed at maximising the impact of separate initiatives allows for the identification and assessment of capacities and abilities on all sides
- **collaboration** – maximising the impact of joint initiatives will pave the way for the achievement of complementary goals.

Through the use of experts in mediation design, mediators should plan for systems that can:

- create more opportunities for regular communication and relationship-building between Track I and Track II professionals
- develop better understanding of the diverse roles played by Track I and Track II actors in different contexts, and that the roles may evolve over time
- implement flexible and adaptive joint planning processes that evolve in changing environments
- convene regular regional meetings for Track I and Track II professionals
- where appropriate, create explicit roles for convening and facilitating cooperative efforts
- identify and capitalise on examples of successful cooperation and apply lessons learnt, as appropriate, to other contexts
- engage in knowledge-sharing and centres of excellence to disseminate findings and offer youth a platform to engage in the peace process.

Step 4: Engaging informal intermediaries and 'local mediators'

Lead mediators can tap into existing formal and traditional dispute resolution mechanisms at local level to either:

1. build the capacity of parties to participate effectively and reach a settlement, or
2. build support for peace processes in the wider communities affected by the initial conflict.

These Track II processes should aim to engage specific members of elite subgroups with ties to the official negotiation channels and leaders who represent key interests of the public. In most cases, citizens at large are usually not part of Track I negotiations.

Various models can be important in strategising the coordination, as detailed below.

Direct mediation or conciliation by unofficial third parties

In this model, intermediaries act between conflicting parties, either by hosting and facilitating talks or by providing unofficial shuttle diplomacy.

Example 38: The Sudan case

One of the most notable unofficial international interventions in a conflict was that of the Carter Center, founded by former US President Jimmy Carter, in the north-south Sudan civil war. Carter became involved in mediation between the Sudanese government and the Sudan People's Liberation Movement/Army in Kenya in November and December 1989. He continued to be involved in the Sudan conflict and successfully managed to broker the six-month 'Guinea worm ceasefire' in 1995 (Dixon and Simmons 2006).

Consultation or facilitation of interactive problem-solving by unofficial facilitators

In this approach, key elite members of subgroups from the parties are brought together in their personal capacities – rather than as representatives of their side – for direct, private interaction. The meetings are low key, closed to the public and non-binding. Participants share their perceptions and concerns, focusing on their interests and basic needs and outlining their positions. They also jointly analyse the underlying issues and their relationship and, together, develop ideas to achieve resolution. The workshops are designed to promote relationship- and trust-building across conflict lines, develop lines of communication, and explore options that can satisfy the interests and needs of both sides.

Example 39: Madagascar (2012)

In June 2012, ACCORD carried out a field assessment mission to obtain a broader and more comprehensive understanding of the political situation in Madagascar at the time. In order to do this, the team approached various contact people in government, civil society, academia and the international community. This approach resulted in the team being able to meet and engage with diverse interlocutors and collect a wide range of views and perspectives on the situation. The meetings were semi-formal and questions were tailored to ensure that the perspectives of the interlocutor being interviewed were captured (Ngubane et al. 2012).

Facilitation of problem-solving or confidence-building by official third-party actors among private citizens in influential sectors

In this approach, official third-party actors initiate or facilitate discussions among non-official representatives of conflicting parties – such as academics or business persons – to achieve progress in official negotiations.

Example 40: From Oslo, the Israel–Palestine Peace Process (1993)

The Norwegian foreign ministry, in partnership with the Norwegian Institute for Applied Social Science, a non-governmental research organisation, facilitated the 'Oslo Channel'. Initially, the Oslo Channel involved the participation of non-official, yet influential, members of Israeli and Palestinian communities, who came together for discussions in Norway. The success of this effort led to its evolution into a forum for secret negotiations concerning the 1993 Declaration of Principles on Interim Self-Government Arrangements as representatives with official negotiating mandates joined the group (Chigas 2003). The process was not public, and maintained a high level of confidentiality.

Track II efforts also encompass so-called Track III diplomacy, whereby unofficial third parties work with people from communities and various sectors of society to find ways to promote peace and work towards reconciliation. This work is typically aimed at rebuilding broken relationships and establishing new channels of communication across lines of division. The premise for Track III diplomacy is that peace must be built from the bottom up, thus emphasising the importance of local ownership of peace processes. For any negotiation to succeed and for peace agreements to be sustainable and implementable, peace constituencies must exist. The development of an infrastructure for peace is as important to the pre-negotiation phase of transforming intractability as it is to the post-settlement phase of implementation of an agreement and building peace at societal level.

Example 41: Track III diplomacy in Liberia

The Women in Peacebuilding Network (WIPNET) is a network of women peacebuilders in Liberia. During the elections that followed the civil war, the collective engaged with women – particularly those in the marketplace – to convince them to register and vote. Two hundred women were sent into 10 communities and, by carrying babies on their backs, doing chores, selling in the marketplace and singing traditional songs, 7477 additional women in the communities chose to register to vote (Gbowee 2006).

Gallo Images/AFP

Members of the Women in Peacebuilding Network perform a collective prayer in Monrovia five days ahead of Liberia's general election (6 October 2011).

The success of Track II efforts depends to a large extent on their ability to develop and maintain a wide network of contacts, generate respect and trust in the mediation process, provide a safe and neutral setting to engage in dialogue, and promote and facilitate ongoing interaction and joint activity. Adequate investment, funding and architectural support for peace infrastructures are necessary in processes and structures that allow participants to maintain their coalitions and develop strategies and activities that have meaningful impact in their affected societies. These long-term and intergenerational processes need to be sustained – both financially and over a considerable amount of time – for intractable conflict to be remedied. The lead mediator might not have the mandate to stay on top of all mediated processes to ensure that the necessary conditions are in place and that objectives are being met. However, the mediation team can make efforts to strategically plan for the peacebuilding phase.

Step 5: Engaging non-state armed actors and reintegrating former combatants

Any peace process aims to achieve more than a mere cessation of hostilities, but intends to bring about real transformation. Hence, mediators would do well to engage with non-state actors, either through direct negotiation or via proxies, based on assumptions that:

- engaging armed groups is the preferred means to bring an end to violent conflict, not least because state military operations against insurgents rarely succeed
- armed groups will actually negotiate – that is, they will articulate demands that lend themselves to rational, or at least, reasoned debate
- through engagement, armed groups can be encouraged to moderate their behaviour and demands and, through international exposure, make them amenable to the required transformation from a military to political struggle
- the risks arising from engaging with armed groups are outweighed by the prospects of achieving an end to armed conflict.

Based on these premises, mediators should be aware of the fact that non-state armed groups are not homogeneous in terms of group set-up, command structure, levels of education within the cadre, connections to local populations, cult of the armed group, etc. In short, armed groups have little in common beyond the fact that they do not wield any state power at the onset of the conflict. This suggests the necessity of cautious research and analysis of the identified and targeted group prior to engagement. Mediators should consider leadership, ideology, insiders and constituencies, sponsors and capacities when attempting to determine who, how and when to engage.

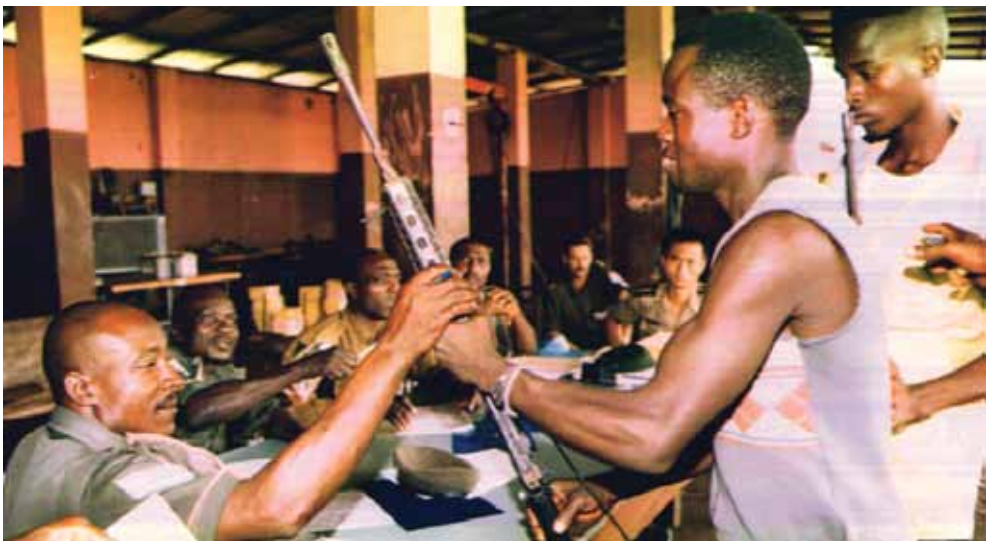
Example 42: Liberian Security Sector Reform (2003)

Dismantling and rebuilding Liberia's security services was a priority when the 14-year-long civil conflict ended in 2003. All parties to the war, including the Armed Forces of Liberia, had been implicated in serious human rights abuses. Outside the capital, Monrovia, there had been virtually no civilian police presence since 1990. Formal SSR began soon after the disarmament and demobilisation of ex-combatants in 2004, with the UN Mission in Liberia (UNMIL) and the US government leading the reorganisation of the police and military respectively. UNMIL commanded around 1300 police officers and 7770 armed troops with helicopters and armoured vehicles, under a Chapter VII peace enforcement mandate. As well as back-stopping Liberia's fledgling security forces, UNMIL was mandated to 'continue to develop national security and the rule of law institutions that are fully and independently operational' (UN Security Council 2012b).

Mediators and mandating bodies need to assess:

- terrorist lists, and be wary of referring to armed groups as 'terrorists'
- the multiplication problem – considering if there are means of ascertaining, through research and analysis, the factors under which engagement would more likely lead to the proliferation of armed groups. Furthermore, *a contrario*, is a negotiated settlement a factor that diffuses the conflict and coalesces parties around a unified platform?

Gallo Images/AFP



A member of the Armed Forces of Liberia surrenders his weapon to the Economic Community of West African States Monitoring Group at a camp site in Monrovia, Liberia (8 March 1994).

Step 6: Engaging with women's groups, youth and business

Women, youth and business are never just 'guests' at the negotiation table. In many instances, they are combatants, supporters of non-state armed groups and peacemakers in a conflict, all of which qualify them to sit at the negotiation table and play an active role in implementation.

Example 43: The women's movement in Liberia

During the war in Liberia, women's organisations worked tirelessly to bring warring parties to the negotiation table, so that the country might achieve peace. WIPNET mobilised women in the early days of Liberia's first civil war. Members staged public marches in 1991 to advocate for peace and security and, by 1993, started to attend peace talks. During the second Liberian civil war, WIPNET arranged meetings between President Charles Taylor and the rebels, who were based in neighbouring Sierra Leone. Members also spearheaded the Women of Liberia Mass Action for Peace Campaign, aimed at confronting and engaging the rebels directly. Campaigners travelled all over the country and region. WIPNET's involvement with the rebel leaders was instrumental in moving the disarmament process forward (Bekoe and Parajon 2007).

Example 44: Honourable Betty Bigombe, Ugandan mediator

An important example of women's involvement in peace negotiations is that of Uganda's State Minister of Water Resources Betty Bigombe. For more than two decades, especially in her role as state minister for pacification of northern Uganda, Bigombe has been involved in negotiation and mediation efforts to resolve the long-running conflict between the Government of Uganda and the LRA. For example Bigombe successfully arranged a face-to-face meeting between senior officials from the LRA and President Yoweri Museveni's government. This meeting culminated in the Juba Peace Process which was aimed at ending conflict in northern Uganda.

Excluding women from negotiation sells peace processes short. The very few women who have participated in formal peace processes show us why. Monica McWilliams and Pearl Sagar of the Northern Ireland Women's Coalition broke the mould of Northern Ireland politics by getting elected as delegates to the talks that led to the Good Friday Agreement. They made sure that issues fundamental to achieving a lasting peace, but often ignored by men – such as education, provision of social services, justice and human rights – made it onto the agenda. They were not put off by aggressive male political culture.

In the end, current woman mediators Swiss diplomat Heidi Tagliavini and former Special Representative of the UN Secretary-General for Burundi Carolyn McAskie (for the UN in Georgia and Burundi respectively) and Minister Bigombe have proven that the skills, experience and personality of the individual – combined, in some cases, with the clout of the institution they represent – are what counts. Their gender might even be an advantage in what can be very tense, at times aggressive, encounters.

Yet, much-needed input from women for the sake of reconciliation is still to be achieved and accepted, especially in relation to substantive advocacy on critical issues which are relevant to the peace process. Among others, women civilians, ex-combatants, prisoners, ex-prisoners, survivors of sexual violence, and displaced and refugee women all have particular needs in relation to DDR, land rights, employment opportunities, community reintegration, justice and other issues. All these groups also impact on the nature of post-conflict security and peace, as well as on the judiciary and other institutions.

Lead mediators and mediation teams should not only reflect the gendered nature of peace agreements (e.g. gender balance in composition of teams), but also analyse and seize the benefits of including women at negotiation tables early on.

The same logic applies in relation to youth as custodians of peaceful generations to come. Mediation teams should seek advice from local experts and refer to guidance from UNICEF, UNDP and the International Labour Organization with regard to engaging with youth in post-conflict settings. Youth constitute vulnerable groups in society as they often lack advocates willing and able to speak on their behalf. In many instances, youth serve as the catalyst for more violence, staged revolutions and rampant violence and poverty – all factors which threaten to stall progress of peace agreements. The reintegration of Africa's millions of young former combatants is one of the continent's most crucial development and peacebuilding concerns, as any impact of war on the skills and productivity of so many young people could impede growth for decades.

Furthermore, youth's experience of aggression and social exclusion can also threaten peace. Children under 18 years were believed to be serving in 72 government or rebel armed forces in about 20 countries as of 2002. Millions of other ex-combatants – 114 armed conflicts have been recorded since 1990 – are, of course, a little older than children themselves.

Tip 9: Assessing variables

The lead mediator and mediation team should analyse and assess the following variables:

· war experiences, for instance length of abduction, age of abduction, index of violence (not only for child soldiers)

· education and labour market, including number of years of education and vocational training, literacy level, age range and daily wage – if any

· psychological and political outcomes, for instance being involved in physical fights or psychological/sexual abuse, level of hostility and social support.

Creating information based on the variables in the tip above, will allow the mediation team to assess the level of inclusion and the rate of absorption of young people in affected societies into conflict resolution processes. It will also help the team to generate proper responses to engage with young people. The mediation team can play an important role in creating the right networks and contacts for peace education to take place. At its core, peace education emphasises empowerment and non-violence, and involves building a democratic community, teaching cooperation, developing moral sensitivity, promoting self-esteem and stimulating critical thinking.

Together with an expert on peace education, the mediation support team will look at the elements below:

1. Programmes should be compulsory and integrated to facilitate interaction with other groups, to build positive relationships.
2. There needs to be recognition that opponents will come to the programme with incompatible agendas and perceptions, but that these may be turned into opportunities. For example, coexistence education may have different meanings for each side, because it is likely that there will be disparity in power between the groups. While groups with less power often have greater awareness of those with more, these programmes can generate mutual awareness.
3. There should be emphasis on fostering civic values. It appears that generating scenarios in which different groups come into contact in a safe setting can be beneficial in developing more cooperative relations. If conditions are optimal – in other words, working collaboratively to achieve common goals – intergroup contact may promote altered intergroup attitudes. Trust and cooperative relations may be built among opponents through dialogue, sharing of personal experiences and collaborating on projects for mutual benefit, among others. Competitive situations should be avoided and interaction needs to go beyond superficial exchanges.

4. A sense of shared goals and common fate needs to be established, as well as acceptance that rewards will be equitably distributed in order to support the ultimate building of a common identity. Developing strong and empathic interpersonal relationships is also important in appreciating the viewpoint of the other.
5. Many people advocate the constructive controversy procedure, which helps develop skills necessary to make difficult decisions and engage in political discourse. However, forcing programme participants to adopt their opponent's viewpoint, particularly while the conflict is still ongoing, will likely be viewed as threatening. Drawing lessons from other conflicts appears to be more effective.
6. It is imperative to teach integrative negotiation and peer-to-peer mediation as ways of constructively resolving conflicts.
7. Peace education requires continued reinforcement if processes are to withstand the forces of division and time. Research suggests that while workshops are effective in changing hearts and minds, they typically have little impact on changing behaviour – particularly once individuals are back in their own groups. Furthermore, new information gained may not necessarily change attitudes. Also, changed attitudes may not actually change behaviour, due to other pressures. Peace education programmes also need to be cognisant of local conflict conditions to make them relevant. Organising and designing strategies with local, regional and international peace and education experts will provide substantive traction and impact for peace support programmes.
8. It is important for mediators to understand the economic benefits of peace by articulating – early on – a vision of how business and the private sector will play a key role in supporting peace processes. The roles of the private sector in different aspects of conflict resolution have received increased attention in recent years. This is due to several factors. First, the private sector – domestic or multinational – is often present in contexts of armed conflict, and is exposed to the risks and impacts of conflict, which frequently compel it to act. Second, it has the capacities – human resources, management and technical, among others – to intervene in different and strategic ways. Third, what has been termed by *The Economist* (2011) as 'privatisation of peace' is underpinned by the wider global trend of privatising services and functions traditionally provided by the state or the international community. In conflict contexts, states have frequently been described as fragile – that is, unwilling or unable to provide essential services and functions to at least part of their populations – leaving the private sector, in many instances, to perform such roles. Successful peace negotiations and implementation of peace agreements are often viewed as requiring the support of the business sector. Evidence also suggests that if private sector companies are not adequately drawn into peace processes, their interests not taken into account or involvement not properly managed, this sector can potentially become a spoiler, undermining

peace efforts. Private sector participation in peace processes takes many forms, from direct participation in negotiations to indirect activities aimed at influencing negotiators – including lobbying (overt and covert), shuttle diplomacy, supporting off-the-record meetings, disseminating knowledge and participating in multisectorial dialogues.

Example 45: The private sector's role in South Africa's negotiations

Despite the fact that some businesses contributed to the implementation of Apartheid and even benefited from it, others played an important role in helping to end the system. A small group of business leaders initiated a series of meetings with South Africa's Apartheid government and a wide range of formal and informal political groupings, which included black political leaders who enjoyed popular support. The private sector's involvement began with businesses encouraging debate on the country's economic and political future.

In late 1988, business leaders met representatives of the Mass Democratic Movement in Broederstroom and formed the Consultative Business Movement (CBM). Initially, this group focused on building relationships with key political players, such as the banned African National Congress (ANC) and the Inkatha Freedom Party (IFP). Later the CBM, in conjunction with the South African Council of Churches, would actively facilitate negotiations between the ANC and National Party, as well as between the ANC and IFP prior to the first democratic elections in 1994, significantly assisting in establishing credibility and legitimacy among the parties. It also provided the secretariat and administrative support for the groundbreaking Convention for a Democratic South Africa process (Fourie and Eloff 2006).

To engage effectively with business and the private sector, the lead mediator and his/her team must assess the:

- private sector's credibility and legitimacy
- private sector's ability to act collectively
- private sector's experience of social engagement
- understanding and acceptance of the notion of peace dividends
- private sector's interests, needs and positions in conflict analysis
- impact of involving business in the peace process (risk analysis and assessment)
- role and function of the mediator versus the use of local mediators
- advocacy, outreach and research around the private sector's involvement in order to more effectively support specific peace processes.

UN Photo/C Sattleberger

President Nelson Mandela (centre) during his inauguration ceremony flanked by Vice-President Thabo Mbeki (left) and Vice-President F. W. de Klerk (right) (10 May 1994).

Step 7: Engaging with traditional leaders and local mediators

Lead mediators should engage with traditional leaders and local mediators to gain support from the most vital focal points in societies for movement in the peace process. These traditional leaders and local mediators emerge from various corners of societies and therefore will be referred herein as insider mediators. Most official peace processes are initiated or supplemented by informal, non-official peace processes, dialogue forums and peace conferences, and such processes are often facilitated by people from the conflict regions, with in-depth knowledge and great dedication to work in conflict.

Example 46: The use of* abashingantahe *in Burundi

The term abashingantahe *(singular* mushingantahe*) refers to men of integrity who are responsible for settling conflicts at all levels, and maintaining peace and stability among people in the villages and towns. During the Arusha peace talks, the 19 parties that took part agreed that the work of* bashingantahe *had been instrumental in ensuring that no ethnic conflict occurred prior to 1965. The debates around democratisation held between 1989 and 1992 encouraged greater freedom of expression. In these discussions, many contended that emerging systems of democratisation should recognise the value of* bashingantahe *and ensure that the leaders who emerged were* bashingantahe*. Those who argued for the inclusion of* bashingantahe *referred to positive past experiences with them, and the desire to protect against the evils of tribalism and ethnic hatred in politics (Nindorera 2003). Although the negotiators of the Arusha Peace Accord were divided between Hutu and Tutsi, they managed to reach a consensus on the importance of* abashingantahe *as a shared culture.*

Insider mediators often facilitate informal processes. However, there are cases where they work hand in hand with official mediators. Insider mediators have proximity to the parties or stakes in the conflict. Therefore, these individual mediators may be partial in their relationships, but not necessarily on how they approach mediation. Part of the credibility and trust gained at this level is due to the fact that insider mediators speak the same 'language' as the conflicting parties, which allows them to gain access and exert influence based on their empathy for both positions. They also have cultural and normative closeness to the parties to the conflict. Thus, insider mediators have sound cultural insider knowledge and in-depth understanding of the situation.

Example 47: General Lazaro Sumbeiywo – insider mediator in the CPA

General Lazaro Sumbeiywo served as Kenya's Special Envoy to the IGAD-led Sudanese peace process between 1997 and 1998, and then as mediator between 2001 and 2005. As mediator, Sumbeiywo arranged for the parties to express their anger through a series of workshops and plenums dealing with such issues as African identity, slavery and self-determination. The intervention was applauded for its impartiality, success in maintaining the integrity of the process, the generally positive role of advisors, resource people and ambassador envoys from the region, achieving good relations with donors, and the steady production of protocols that culminated in the CPA (Young 2007).

Example 48: The Darfur Peace Agreement and inclusion of traditional leaders to ensure sustainable peace processes

Traditional leaders were seen as important players in ensuring sustainable peace in Darfur, Sudan. According to the DPA, the parties were mandated to ensure compliance with the ceasefire by other armed groups and militia that were not parties to the agreement. They were to do this through non-military means – including negotiation, mediation and traditional forms of conflict resolution – and by enlisting the support of traditional leaders and local authorities. This approach also called for community representatives and leaders to take responsibility for intertribal reconciliation and fostering harmony among communities by rebuilding societies damaged by war. The DPA also stated that traditional and community leaders would work with relevant authorities to help with the registration of all displaced persons situated in urban and rural areas, and in camps (Centre for African Studies 2006).

Example 49: Dekha Ibrahim Abdi – mediating between local communities in Wajir County, Kenya

During the 1990s, communities in Kenya's Wajir County, experienced violent clan-based conflict. In 1992 the late peace activist Dekha Ibrahim Abdi, together with other concerned women, started a grassroots initiative to stop the violence and improve the security of citizens. They worked to bring together people from all the clans and arrange for mediation to take place between the warring parties. The Wajir Peace Committee intended to eventually achieve a peace agreement involving representatives of all parties, clans, government security organs, parliamentarians, civil servants, Muslim and Christian religious leaders and NGOs. Abdi also worked closely with the Wajir Peace Committee to develop new techniques and strategies to achieve peace (Abdi 2008).

Step 8: Coherence with peace support operations

In the context of peacemaking in Africa, lead mediators often enter into conflict situations with strong and robust mechanisms for the enforcement of peace, if necessary, in the form of peace support elements. An important component of the APSA is the ASF. As per Article 13 of the PSC Protocol, the ASF is to be composed of 'standby multidisciplinary contingents, with civilian and military components, in their countries of origin and ready for deployment at appropriate notice' (African Union 2003:18).

The range of functions assigned to the ASF includes:

- observation and monitoring missions
- other types of peace support missions
- intervention in a member state in respect of grave circumstances or at the request of a member state to restore peace and security, in accordance with Article 4 (h) and 4 (j) of the AU Constitutive Act
- preventive deployment to avoid the escalation of a dispute or conflict, or to stop ongoing violence after parties to a conflict have reached an agreement
- peacebuilding, including post-conflict disarmament and demobilisation
- humanitarian assistance to alleviate the suffering of civilian populations in conflict areas and support efforts to address major natural disasters
- any further functions as may be mandated by the AU PSC or the Assembly of Heads of State and Government.

The ASF is not intended to be a standing army, but rather is a standby arrangement constituted through pledges from AU member states and the RECs and RMs.

There are five regional standby forces that comprise the ASF:

1. Eastern Africa Standby Force
2. ECOWAS Standby Force
3. ECCAS Standby Force
4. North African Regional Capability
5. SADC Standby Force.

Cooperation and coordination between the AUC and the RECs/RMs is facilitated through an MoU, which was signed between the AU and RECs/RMs in 2008 to facilitate peace and ease security relations between the respective bodies. It also commits them to working together to fully operationalise the ASF. The MoU details the modalities for cooperation – including, among other things, regular meetings and information exchange, as well as the provision of liaison officers – which is an important step in terms of maintaining communication between the AU and regions. Despite the existence of the MoU, a lot of work was still needed in terms of addressing specific issues, such as legalities around the use/deployment of assets.

Lead mediators, therefore, need to engage with ASF contributing members early on, to share both strategic and operational mediation plans, as well as to vouch for the inclusion of an ASF liaison officer into the mediation support team. Since most mediation activities in a conflict are geared towards achieving a cessation of hostilities, the mediator will necessarily have a robust mandate to ensure readiness and initiate deployment of peace support activities via military, police and civilian actors to implement the ceasefire. Most contemporary PSOs are mandated to

assist countries with the implementation of a ceasefire and/or CPA aimed at managing transition from conflict to sustainable peace. As such, they have evolved far beyond the traditional peacekeeping concept of military ceasefire monitoring operations. These new peace operations have complex mandates that include political, security, humanitarian, development and human rights considerations.

Mediators need to:

- assess the possible impact of a peacekeeping force on the facilitation process of a peace agreement (timing)
- assess the impact that the physical presence of peace support elements can have in enhancing or stalling prospects of reaching a settlement between protagonists
- liaise with policymakers on sequencing the peacemaking–peacekeeping intervention
- assess treaties and peacekeeping as a joint endeavour, or peacekeeping following peacemaking (sequencing)
- understand the mandate of the peace support element as managing – not resolving – conflicts
- coordinate peace support efforts with continuous diplomatic engagements as well as information-sharing with parties at the negotiation table regarding the mandates and activities of PSOs
- select the right facilitators to engage with multidimensional operations and parties, in the event that a PSO is to be deployed jointly with peacemaking initiatives.

Step 9: Coordinating a media and public relations strategy

As the main negotiations take place, with parties making concessions, compromises and small steps towards reaching trust, the initial mediation processes must remain confidential. Yet, the reality of conflict environments is that media (accessed by local populations) will already be disseminating a specific image of both the conflict and negotiating parties to audiences. Therefore, mediators need to tackle war correspondents, spokespersons of international bodies and agencies and the viral spreading of news and information on social networking platforms.

One way to engage with journalists and media at large is to negotiate the communication agenda early on by applying the strategies below.

1. **Only the mediator should liaise with media** – the lead mediator should either designate himself as spokesperson of any negotiation activity or request the mandating body of the mediation mission to assign a spokesperson to communicate with media. No other members of the mediation team should be liaising or communicating with the media personnel and institutions.
2. **Establish ground rules for publication** – the majority of information disseminated via media will be in print. The mediator should thus set ground rules for attribution with reporters.

In general, 'on background' means that the information must be attributed to a relatively anonymous source (for instance Western diplomat, senior official etc.). 'On deep background' means that the information can be used, but cannot be attributed to anyone. 'Off the record' indicates that the information is embargoed and cannot be used at all. 'On the record' means that anything said can be quoted directly. Reporters should abide by these rules of attribution.

3. **Avoid information voids** – based on the ground rules, mediators should be wary of creating information voids or leaving reporters without news or comment for too long, as this usually leads to interpretation or speculation destined to twist perceptions and perspectives.
4. **Organise roadshows** – based on best practice in media and public relations, the mediation team, taking advice from a public relations and media agency and together with news agencies, can invite unofficial supporters of the peace process and media personnel to set up information centres in town meetings and at universities and schools. By taking the peace process 'on the road', they can provide local populations with proper information, countering the veil of secrecy which is often found in political negotiations.
5. **Disseminate comprehensive background documents** – distributing pertinent background information and documents will increase opportunities for journalists to report on the facts of mediation efforts.

Gallo Images/Reuters

Chief AU mediator Thabo Mbeki (right) speaks during a joint news conference with Sudan Defense Minister Abdel Raheem Muhammad Hussein (left) at the Sudan defence headquarters in Khartoum (20 May 2012).

Regarding the use of new media – such as satellite communication, Skype conversations and short message service texting through a range of social media and networking tools – the mediation team would do well to liaise with the situation room of the mandating body in such a way that updates on facts and background information can be given in real time. Media personnel might lack in-depth analysis and understanding of a situation – which can lead to misinformation based on stereotypes and misconceptions about the nature of a conflict and the characteristics of an issue.

Example 50: The use of the* Ushahidi *platform in Kenya

The Ushahidi *platform was created to help raise awareness of and mobilise responses to the January 2008 post-election violence in Kenya. Based on the concept of crowdsourcing for social activism and citizen journalism, the initiative aimed to map incidences of violence and peace efforts throughout the country, based on reports submitted via the Internet and mobile phones. Reports, mainly sent in by eyewitnesses to violence and conflict in far-flung areas (Baree 2008), were attached to a Google map in order to chart where conflict, and responses to unrest, occurred. The platform's main aim was to raise awareness and get immediate relief for populations in affected areas and, at the same time, bridge gaps left by news organisations that had closed their foreign bureaus in Kenya because of the crisis. The platform registered 45 000 users in Kenya.*

Reading list

Kumar, C. and De la Haye, J. 2012. Hybrid peacemaking: Building national 'infrastructures for peace'. *Global Governance: A Review of Multilateralism and International Organizations,* 18 (1), pp. 13–20.

Mutisi, M. 2011. The Abunzi mediation in Rwanda: Opportunities for engaging with traditional institutions of conflict resolution. *African Centre for the Constructive Resolution of Disputes*. Durban, African Centre for the Constructive Resolution of Disputes.

Institute for Multi-Track Diplomacy. 2013. What is multi-track diplomacy? *Institute for Multi-Track Diplomacy.* Available from: <http://imtd.server295.com/?page_id=119> [Accessed 30 May 2013].

Unger, B., Lundstrom, S., Planta, K. and Austin, B. eds. 2013. Peace infrastructures: Assessing concept and practice. *Berghof Dialogue Series*, 10. Berlin, Berghof Foundation.

United States Institute of Peace. 2011. Glossary of terms for conflict management and peacebuilding: Tracks of diplomacy. *United States Institute of Peace*. Available from: <http://glossary.usip.org/resource/tracks-diplomacy> [Accessed 30 May 2013].

Van Tongeren, P. 2013. Potential cornerstone of infrastructures for peace? How local peace committees can make a difference. *Peacebuilding*, 1 (1), pp. 39–60.

Phase 5: Closing the mediation

UN Photo/Isaac Billy

Omar Hassan al-Bashir, president of Sudan (left), and Salva Kiir Mayardit, president of the Republic of South Sudan (right), greet each other at the independence ceremony of the new nation held in Juba (9 July 2011).

This phase has the following key learning points:

- types of agreements
- monitoring and implementation of agreements
- use of early warning and dispute resolution clauses.

Overview

A key milestone in any mediation effort is achieving a sustainable and implementable peace agreement, resulting in the closure of the process.

In general, peace agreements are hybrid constructs that:

- need to be clear enough to allow for monitoring, verification and implementation – redress mechanisms, as well as roles, responsibilities and where accountability lies must also be clear

- have to be organic documents that allow for flexible and creative adaptation to ever-changing dynamics of post-conflict settings
- need to be locally owned – which, in itself, needs clarification in terms of the institution-building abilities of founding documents.

Hampson (1996:217) suggests the following preconditions as necessary to the achievement of a sustainable peace settlement. Peace agreements should:

- include all parties involved in the conflict
- be well crafted and precise, especially with regard to details around transitional arrangements
- offer clear commitments and flexibility
- offer incentives for parties to sustain processes and participate in politics
- provide for dispute settlement, mediation if necessary, and renegotiation in the case of disagreement
- deal with core issues of a conflict and bring about real transformation incorporating norms and principles accepted by parties. These may include equity in democracy and consistency in upholding human rights standards, justice and respect for individuals and groups.

Agreements need to tackle a range of issues, among them justice, peace, reconciliation, human rights, development, governance, grievances and rehabilitation. Often, implementation of a crafted agreement is not observed by the mediation team that created it, something which is important to bear in mind when creating the agreement. This raises questions about the ability of the accord to survive the test of time, if there is no guarantor ready to supervise, provide guidance to or mentor parties to the conflict during the transition phase.

Step 1: Identifying types of agreements

The following sections explain the most common classifications of peace agreements which are either used as standalone settlements, or in a mix of agreements, depending on particular issues.

Cessation of hostilities/ceasefire agreements

This type of agreement refers to temporary halting of violence and armed conflict for the purpose of peacekeeping, for an agreed-upon time frame within a limited area. By definition, ceasefire agreements are short-term compromises that must be quickly followed up with further arrangements in order for peace to be maintained.

Example 51: A ceasefire agreement

In 2006, the Government of Uganda and LRA signed a ceasefire agreement to pave the way for peace talks. According to the agreement, rebels were given three weeks to assemble at points in southern Sudan, where the regional government would protect them. This would be followed by comprehensive peace talks. The Ugandan government also assured the rebels that it would not attack them. One of the preconditions of the ceasefire deal was the release of women and children who were captured by the LRA and forced into marriage, or used as slaves and soldiers. The government offered amnesty to LRA leaders in exchange for their participation in the peace talks (British Broadcasting Corporation 2006).

Pre-negotiation arrangements

These agenda-setting arrangements define how peace will be negotiated and determine procedural issues such as schedules, agendas, participation and location, as well as the mediator's role and procedures for drafting later arrangements. They are intended to build trust and confidence in peace processes.

Interim agreements

Interim or preliminary agreements are an initial step towards conducting further negotiations. They do not deal with either procedural or structural issues, yet might include provisions on how and when negotiations may be held. These agreements also include elements on respecting ceasefire agreements and need to be followed up quickly with negotiations on procedural and substantive issues.

Comprehensive and framework agreements

Comprehensive and framework agreements address the substance of underlying issues and seek common ground between the interests and needs of parties.

These types of agreements support broad accord on principles and agendas from which substantive issues will be negotiated. They are followed by protracted debates that result in annexes containing negotiated details of subsequent agreements – which, in turn, form the comprehensive agreement.

Example 52: A framework agreement

In February 2013, a peace framework agreement intended to bring stability to war-torn eastern DRC was ratified in Addis Ababa, Ethiopia. The accord was signed by heads of state and envoys from Angola, Burundi, CAR, the DRC, Republic of Congo, Rwanda, South Africa, South Sudan, Tanzania, Uganda and Zambia, witnessed by UN Secretary-General Ban Ki-moon. The UN believed the peace framework agreement could lead to the creation of a special UN intervention brigade of 2 500 troops stationed in eastern DRC aimed at combating rebel groups and renewing political efforts (Al Jazeera 2013).

Implementation agreements

Implementation agreements elaborate on the details of comprehensive or framework agreements. The goal of implementation agreements is to work out the specifics and mechanics of operationalising comprehensive agreements. They come in varied forms – for example verbal notes, exchanges of letters and joint public statements. In most elaborate implementation agreements, clauses on monitoring, evaluation, verification and dispute resolution are an integral part of the drafting procedure.

UN Photo/Blagoje Grujic

A mixed commission visits Kidal in northern Mali to monitor the truce after the Government of Mali and Tuareg rebels signed a ceasefire agreement on 18 June 2013.

Example 53: An implementation agreement

In 2013, South Sudan and Sudan signed a detailed action plan for the implementation of the Joint Political and Security Mechanism on Friday 8 March in Addis Ababa, Ethiopia. The two countries committed themselves to the deployment of the Joint Border Verification and Monitoring Mission and to the activation of all security-related mechanisms, beginning on 10 March. Under the agreement, both countries were required to deploy their troops 10 kilometres to the side of the border with each other, with the UN Interim Security Forces for Abyei tasked with monitoring the deployments. The action plan included a timeline, and spelled out the necessary activities leading to the demarcation of a boundary. The agreement was considered a breakthrough in the implementation of agreements signed on 27 September 2012 in Addis Ababa (All Africa 2013).

Characteristics of successfully negotiated settlements

Depending on the particular issues that resulted in conflict, mediation support teams should assess the most appropriate routes to take in negotiating settlements. If conflicts involve issues of power and identity, integrative solutions might be elusive. Yet, consociationalism, federalism, autonomy, power-sharing, dispersal of power and electoral systems that give incentives to inter-ethnic coalitions all offer ways out of conflict.

Sustainable and robust agreements have the following characteristics:

- inclusion of affected parties
- precision in terms of transitional plans – for instance voting arrangements, ceasefire preparations and demobilisation assembly points
- balance between clear commitments and timelines, and creative flexibility
- incentives for parties to become involved in politics through power-sharing arrangements
- inclusion of dispute resolution systems, such as arbitration, early neutral evaluation, mediation, litigation, traditional ways of coping with disputes and, if necessary, renegotiation in the case of disagreements
- dealing with core issues, including rules, values and principles, as well as fostering accommodation of politics and reconciliation in order to bring about real transformation
- respecting global standards of justice and human rights consistent with international standards for individuals and groups.

Components of a peace agreement

Most peace agreements address three concerns: procedure, substance and organisation.

Procedural components

These delineate how the peace process will be sustained through detailed processes and measures that support the building of peace. They include schedules and efforts aimed at the formation of shared institutions to facilitate implementation of substantive issues such as elections, justice, human rights and DDR processes.

Substantive components

These define what will change after the peace agreement is reached and include details on the political, economic and structural changes needed to remedy past grievances. They also tackle issues such as distribution of power, management of natural resources, and types of formal and informal justice mechanisms to address past injustices and inequalities.

Organisational/institutional components

These address the 'who' element of an agreement and are either directly responsive to it, or provide oversight and guidance to other actors to implement activities aimed at consolidating peace.

Example 54: The 1998 Arusha Peace and Reconciliation Agreement for Burundi

To sustain peace processes, the Arusha Peace and Reconciliation Agreement for Burundi called upon armed wings of non-signatory parties to suspend hostilities and violent actions. The accord also paved way for non-signatory parties to participate in serious negotiations towards the achievement of a ceasefire. In the event that parties refused to halt their violent actions, the stakeholders could call upon relevant agencies, among them the Implementation Monitoring Committee, governments of neighbouring states, international agencies that were guarantors of the agreement and other national and international bodies, to take the necessary steps to prohibit, demobilise, disarm or arrest, detain and repatriate members of such armed groups (Institute for Security Studies 1998). The parties agreed to write a new constitution founded on the values of justice, the rule of law, democracy, good governance, pluralism, equality between women and men, respect for the fundamental rights and freedoms of the individual, unity, solidarity, and mutual understanding and tolerance among various political and ethnic groups in Burundi.

According to the agreement:

- *a national observatory for the prevention and eradication of genocide, war crimes and other crimes against humanity was to be established*

- *legislation outlawing genocide and crimes against humanity was to be enacted*
- *an International Judicial Commission of Inquiry on genocide and war crimes was established*
- *all political or other associations advocating ethnic, regional, religious or gender discrimination or ideas contrary to national unity were banned*
- *the parties committed themselves to equally distributing natural resources throughout the country*
- *an economic recovery programme was implemented, with the view to combat poverty, raise citizen's incomes and implement a programme to reconstruct destroyed economic infrastructure*
- *a truth and reconciliation commission was established*
- *a transitional legislature, which was made up of a national assembly and senate, a transitional executive, a judiciary and other transitional institutions were to be formed (Ibid.).*

Step 2: Implementing peace agreements

Implementing agreements means that the conflict parties act on them, hopefully bringing the dispute in question to an end. Most agreements require that parties carry out specific actions and behave in certain ways. The success of an agreement, therefore, depends on the implementation strategy and the process of putting the plan into operation. It also depends on the degree to which parties feel a sense of ownership of an agreement.

Success depends on:

- willingness and ability of parties to the conflict to comply with the agreement
- management of expectations
- input of locals into planning and design of the agreement
- monitoring and observing implementation procedures and processes
- enforcement procedures in cases of non-compliance with the agreement
- role and power of external monitor(s).

Monitoring and implementation plans are first and foremost the responsibility of the negotiating parties. Agreements must, therefore, always be based on the parties' realistic assessments of what they are willing and able to do. Parties may feel more confident if the mediator or another trusted third party assumes the role of neutral monitor in the event that problems arise.

Stakeholders decide on whether or not to appoint a particular monitor or observer or use an existing one. Great care needs to be taken when assessing whether or not the trusted third party is capable of fulfilling this role.

Roles of monitors include:

- 'whistle-blowers', who indicate when an agreement has been violated
- 'enforcers', who play an important role in overseeing implementation, and might participate in future negotiations over grievances caused by non-compliance.

The mediator as a monitor

In a best-case scenario, the main parties to an agreement should agree to the methods and standards by which the accord is to be enforced. However, in practice, even when parties do agree on the substantive provisions of a settlement, they may find it difficult to adhere to or actually enforce the agreement. Therefore, third-party intervention can provide a meaningful tool for the objective monitoring of an agreement.

Specific attention needs to be paid to the roles and responsibilities of a mediator when parties to a negotiation request him/her to adopt monitoring functions.

The following tasks are required:

- **clarifying and confirming the mediator's monitoring role** should be discussed when drafting and finalising the agreement
- **accompanying the implementation process as mediator or monitor, according to the agreement**, may require the mediator to conduct site visits and be easily contactable in times of trouble
- **defining monitoring and enforcement mechanisms should be prioritised**, as do sanctioning mechanisms, communication channels and options for dealing with stakeholders who do not follow the agreements
- **facilitating the evaluation of past events to reflect on progress achieved** can help to restore relationships, deepen trust and provide opportunities for the joint planning of future activities
- **evaluating the various costs of fulfilling the role** includes obtaining commitment in advance from local and/or external sources to ensure that financial and other resources are available when required.

In many cultures, peace settlements or agreements receive or require ritual and/or public recognition to ensure their success. Rituals provide symbolic order and strengthen the importance of an accord, reinforcing parties' commitment to abide by them. A very wide range of actions may be taken, including visits from influential people, hand-shaking ceremonies, public prayers, embracing, formal signing procedures, toasts, celebratory meals and gift giving.

Tip 10: Challenges when implementing agreements

An agreement can break down if:

- *stakeholders are not really satisfied with the outcomes*
- *people who would benefit from continuing the conflict try to derail processes by spreading rumours or stirring up discontentment with outcomes*
- *new conflict issues, that are related to the conflict but were supposed to have been settled, surface.*

When an agreement breaks down interest groups, with support from mediators where appropriate, may consider restarting the conflict management process. In response, mediators may then convene shuttle consultations with different stakeholders, or hold a joint meeting. This may mean re-engaging stakeholders and starting new negotiations on certain issues. Whether or not mediators are involved again depends on stakeholders' willingness to renegotiate and address the conflict collaboratively.

Local ownership of peace agreements

Ensuring local ownership of a peace settlement can support its successful implementation. Peace accords need to be implementable and supported by citizens and affected parties. Beyond mobilising affected actors and stakeholders – parties to the conflict, Track II actors and external partners – it is crucial that local populations or communities affected by the conflict own the success of the agreement.

Tapping into existing local knowledge, the mediation support team can identify and enhance the capacities of insider mediators through the establishment of peace infrastructures and architectures. By conducting continuous conflict and actor analysis, teams select and monitor peacebuilding actors with strong peace agendas. Full involvement of the communities includes identification of other actors – such as businesses, grassroots organisations and local actors – who can help to reintegrate former combatants, assist with the formation of shared institutions for governance and justice, and safeguard agreements against the agendas of spoilers.

Through workshops, peace conferences and continuous dialogue, mediation support teams should aim to collaborate with all of the above actors and institutionalise them as stakeholders and guarantors in the agreement.

UN Photo/Albert González Farran

Community leaders of the Donki Apieye camp for IDPs meet with AU–UN Mission in Darfur's Joint Special Representative and Joint Chief Mediator Ibrahim Gambari (centre) in Graida, South Darfur, Sudan (January 2012).

The role of third parties

Under the peace and security architecture of the AU, the RECs and RMs have an important role to play in terms of securing and protecting peace dividends. Due to their complementary, early warning and monitoring systems, regional security mechanisms and arrangements can support peace processes and vouch for the enforcement of some of the mechanisms of peace agreements. These third parties can offer space for redress and the remedy of any infringements of peace accords. They also serve as guarantors and supporters of implementation of agreements.

Compliance procedures

Agreements made in moments of conciliation may fail, even when made in good faith, because parties are unable to enforce terms of the settlement. To prevent this, compliance procedures have to be built into every peace accord.

Compliance procedures fall into two categories: positive and negative. Positive enforcement mechanisms encourage compliance with an agreement by providing rewards or 'incentives'. Negative enforcement mechanisms encourage compliance by threatening and using disincentives or 'punishment'.

Positive compliance mechanisms

- incentives, including financial, political or social rewards
- peace dividends (i.e. when upholding peace agreements results in economic, social and political benefits for both sides)
- transparency, including the collecting and sharing of information (i.e. policy formation and mechanisms for publicising information)
- bureaucracy (i.e. the inclusion of elites, management of expectations, inclusion of grassroots activities and validation of legitimacy of leadership)
- dispute resolution processes – these do not only create space for mediation of disagreements and enforcement, but also provide opportunities to review those unclear and uncertain parts of agreements that may cause flaws during implementation phases. Drafters should apply some creativity and ensure flexibility in order to support justice, while ensuring that issues that could hinder the success of an agreement are considered.

Negative compliance mechanisms

- sanctions (i.e. social, political or economic punishments against a government)
- trade bans and embargos
- reparations, among them compensation and restorative justice
- agreement withdrawal (i.e. parties to an agreement can place conditions in the agreement that, if transgressed, will bring about its dissolution).

The choice of enforcement mechanisms will vary, based on the particular situation and options available. Depending on context and conditions, actors will find that some instruments are meaningful, while others are inappropriate. The decision on how to apply enforcement has to be based on the results and outcome of a conflict analysis which should allow the mediator(s) to review and understand the situation and how compliance mechanisms will positively or negatively impact on the transformation of the issue, existing relationships and overall socio-political systems.

Step 3: Tools of international law – gradualism and constructive ambiguity

International law offers numerous formal mechanisms for resolving disputes between parties to an agreement. It highlights norms that can provide a useful starting point for, and place outer limits on, a peace negotiation and the resulting agreement. International law also offers several means of increasing the likelihood of compliance with agreements – both interim and permanent –

by lending legitimacy to processes and texts. Legitimacy, the factor that non-coercively encourages obedience to rules, is accorded greater importance in agreements that are legally binding than in those which are not. A compliance-maximising factor is the phenomenon of parties choosing to obey a rule – despite the fact that violating it would bring certain short-term gains – because they expect that long-term benefits from future application of the same norm will outweigh any short-term gains.

Gradualism often makes it easier to settle simpler issues or negotiate the conditions for subsequent talks, rather than attempting to solve all contentious issues at the onset. This is particularly the case in contexts where protracted conflicts have been going on for many years, or the moment of ripeness for certain issues to be addressed has not been reached by the time the negotiations take place. The CPA between Sudan and the Sudan People's Liberation Movement in 2005 is a good example of a gradual agreement, where the conditions for subsequent implementation of the accord were deferred to another point in time and other mediators.

Constructive ambiguity makes it easier for negotiating parties to accept an agreement and put an end to a war, or to a situation of increased friction or hostility. Yet, before ambiguity can be accepted as a critical indicator for talks to follow, a number of additional criteria must be met so the parties can take full advantage of a vague provision. Such criteria include parties' readiness to accept trade-offs in interpretation, to make further concessions and to engage in a common search for a third interpretation.

Tip 11: Constructive ambiguity

Ambiguous provisions perform a very useful function: they make the conflict of interpretation predictable. In other words, start from the premise that parties to an agreement will continue to fight politically, even after they sign a treaty. However, political fighting will be more orderly and predictably channelled if one knows in advance which provisions of the jointly adopted text will give rise to a conflict in opinion or interpretation. The post-conflict situation remains a volatile and fragile one, especially after years of protracted conflict and violence. Traumatic energy remains to aggravate the situation between signing parties. Ambiguous provisions may be thought of as channels through which to direct this energy and allow it to be acted out in a more or less predictable fashion.

Step 4: Alternative dispute resolution mechanisms

During transition periods, settlements are bound to falter. Anticipating this, implementation designs should include mechanisms to review progress and handle problems. Round tables,

implementation councils or joint committees should be available to hear grievances, mediate disputes and adjust implementation. For instance, local traditional conflict resolution mechanisms can be used to allow for the airing of grievances within the frame of the peace agreement to be heard and settled. A good example is the *abashingantahe* of Burundi. The *Abashingantahe* Order was included within the Arusha Peace Accord in recognition of the ethnic conflict prevention role they played prior to independence. It was believed that the presence of *abashingantahe* would enhance individuals' tolerance and mutual respect for one another, particularly in the rural areas where Burundians continued to live in much the same way as they always had. It was therefore considered an excellent mechanism for preventing the resurgence of politically manipulated ethnic hatred (Nindorera 2003).

Step 5: Monitoring, verification and evaluation

Monitoring compliance of the regulatory framework of a peace agreement becomes a crucial indicator of the degree of empowerment and level of sustainability of the solutions put forward by involved parties.

Monitoring can be divided into two distinct areas:

1. monitoring, which can be in the form of either highly generalised or highly directed actions aimed at gathering information
2. verification – the process by which the compliance of parties to the terms of a peace agreement is judged.

Monitoring and verification

Monitoring and verification involve the following key steps:

- **Observation** is where a team of select and mandated investigators of a peace agreement passively watches and inspects the new situation. At this level, monitors typically lack the authority to judge the actions of the parties being monitored.
- **Verification** is where monitors have the mandate to judge and verify compliance with a treaty. Parties may not only observe, but judge and issue reports on violations.
- **Enforcement** is where monitors observe, verify, write reports and make judgements, as well as enforce the terms of an agreement through application of positive and negative incentives.

Tip 12: Timing of agreements

Timing is an important issue in monitoring. When designing monitoring plans for peace agreements, one must choose between single-stage and multistage implementation. Each has its strengths and weaknesses. Single-stage implementation is less susceptible to detractors (or spoilers), but more likely to fail in intractable conflicts. It is an all-or-nothing proposition; the peace agreement will either work and be implemented accordingly, or it will fail. Multistage agreements allow more flexibility in terms of content and trust-building, but because of their extended time frames, they leave much more room for spoilers to disrupt the process.

Reading list

Hayden, R.M. 1999. *Blueprints for a house divided: The constitutional logic of the Yugoslav conflicts.* Ann Arbor, University of Michigan Press. pp. 123–139.

Jonah, J.O.C. 1992. The United Nations and international conflict: The military talks at kilometer marker 101. In: Bercovitch, J. and Rubin, J.Z. eds. *Mediation in international relations.* London, Macmillan. pp. 176–205.

Khadiagala, G. 2002. Implementing the Arusha peace agreement on Rwanda. In: Stedman, S.J., Rothchild, D. and Cousens, E.M. eds. *Ending civil wars.* Boulder CO, Lynne Rienner Publishers.

Lanz, D., Wählisch, M., Kirchhoff, L. and Siegfried, M. 2008. Evaluating peace mediation. *Swisspeace.* Available from: <http://www.oecd.org/derec/ec/Swiss%20Peace%20-%20evaluating%20peace%20negotiations.pdf> [Accessed 30 May 2013].

Ouellet, J. 2004. Structural components of peace agreements. Burgess, G. and Burgess, H. eds. *Beyond intractability.* Boulder, University of Colorado. Available from: <http://www.beyondintractability.org/bi-essay/substantive-provisions>. [Accessed 25 May 2013].

Wallensteen, P. 1991. The resolution and transformation of international conflicts: A structural perspective. In: Vaeyrynen, R. ed. *New directions in conflict theory*, London, Sage. pp. 129–151.

Wallensteen, P. and Sollenberg, M. 1997. Armed conflict, conflict termination and peace agreement. *Journal of Peace Research*, 34 (3), p. 339.

Zenko, M., Fellow, D.D. and Friedman, R.R. 2011. UN early warning for preventing conflict. *International Peacekeeping*, 18 (1).

PART III
KNOWLEDGE MANAGEMENT FRAMEWORK

ACCORD

As part of the knowledge management process, immediate knowledge-sharing between field offices and headquarters is required as the mediation process unfolds.

In this phase, the key learning points are:

- documenting mediation
- compiling lessons learnt and best practices
- contributing to the institutionalisation and professionalisation of mediation.

Mate Masie
Adinkra symbol for knowledge

Overview

With the 2009 Plan of Action to Build the AU's Mediation Capacity agreed to by the AU CMD and the commissioner for peace and security, the AU launched a critically important initiative to support more systematic implementation of mediation activities. The second step in that process was the compilation of SOPs for Mediation Support, adopted by the AU in

2010. Together, these documents provide the basis upon which the AU is building its mediation support capacity. The third pillar of this process is the completion of a KMF, which will enable the AU to maintain a complete record of its mediation efforts.

The purpose of the KMF is to provide guidelines for:

- collecting and sharing important information with staff at the AU headquarters, personnel in field offices and teams, as well as with mediation partners during the course of each AU mediation process
- documenting mediation during implementation and following achievement of an accord, so that this information is easily available and accessible to AU personnel and others as designated
- gathering lessons learnt in each AU mediation effort to improve performance, share successful strategies and educate future mediators who are new to the AU.

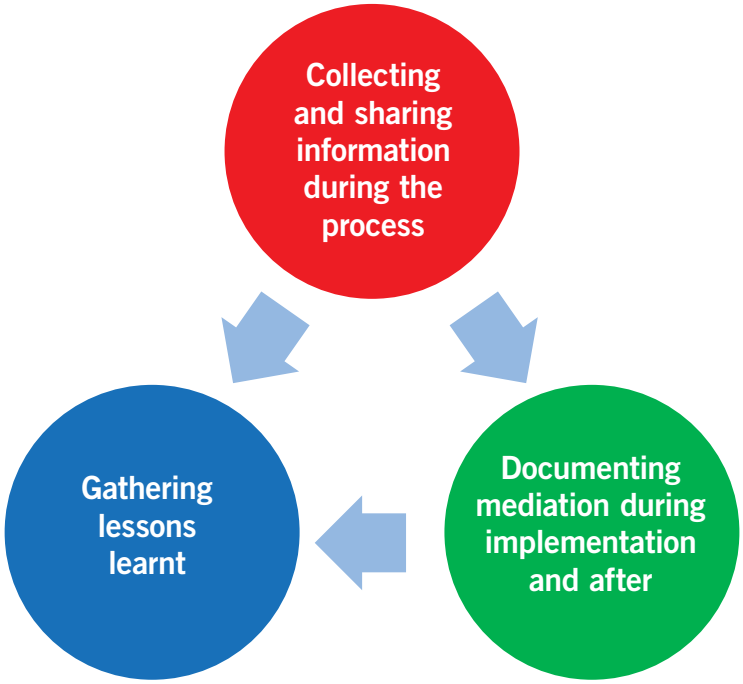


Figure 10: The knowledge management process

To these ends, the KMF offers protocols for attaining each of these goals, along with suggested templates for collecting and archiving information. In each section, steps are designated as either minimum (i.e. they must be implemented for the KMF to function) or optimal (i.e. these should be implemented where possible, for the most successful operation of the KMF).

As discussed in the AU SOPs for Mediation Support, there are many instances in the course of a mediation process when the AU special envoy or special representative is in the field and needs access to knowledge and information from AU headquarters in Addis Ababa. This might involve discussing sensitive information about various stakeholders in the conflict, or receiving updates on changing regional or global dynamics that might affect a mediation strategy. The SOPs recommend a quarterly review of the mediation strategy, to be conducted by the senior analyst on the mediation team, as well as periodic briefings at headquarters by the special envoy or special representative. However, more immediate knowledge-sharing between field offices and headquarters is often required as the process unfolds, particularly where it involves strategy insights from personnel at AU headquarters to the field team.

Knowledge management framework steps 1 to 17

KMF step #1

The mediation team must be able to make immediate contact with headquarters, as needed, for the duration of the mediation process (minimum).

Options for accomplishing this include:

- a secure phone line from the local liaison office to the primary desk officer at headquarters who is designated to follow the case
- an agreed-upon communication link (e-mail, Skype call or other) and schedule of contact between the senior analyst on the mediation team and the primary desk officer at headquarters
- commitment from the commissioner for peace and security, made during the initial briefing of the lead mediator at headquarters to be responsive to requests from the mediator in a timely manner, as needed
- identification of a back-up person (a second desk officer) to the primary desk officer at AU headquarters, in the event that immediate action is needed and the primary desk officer is out of the office.

Day-to-day contact will be supplemented by in-person briefings by the mediator and team members at AU headquarters provided every four to six months, depending on the situation (as per the AU SOPs for Mediation Support, Section IX (c)).

A written record is the most effective way of ensuring that important steps in each AU mediation process are documented, for evaluation purposes, future learning and reference. To this end, the AU SOPs for Mediation Support provide for several documents to be prepared before, during and after initiation of an AU mediation effort:

- a briefing book for the lead mediator
- ToRs for the lead mediator
- strategic and operational plans, completed by the lead mediator and senior analyst at the outset of a mediation effort
- written outputs from reviews
- updates of the mediation strategy
- an after-action review, to be completed by the lead mediator and/or senior analyst
- written reports from end-of-assignment debriefings
- an assessment of the completed mediation process.

KMF Step #2

These documents will be archived, in both hard copy and electronic form, and will be made available through the AU CMD. A cataloguing system will be devised to make these documents easily searchable and accessible to those authorised and interested in reviewing them (minimum).

KMF Step #3

AU CMD staff will be hired/reassigned and trained at AU headquarters to keep this document file and catalogue current by tracking down missing documents and updating the directory on a monthly basis, and being available to assist mediation team members in accessing information from this file as soon as material is requested. AU CMD desk officers will also provide briefings to this staff person, to be sure that all files are kept up to date (minimum).

Tip 13: Authority

The authority of the staff person to obtain these documents must be supported and reinforced by the director of the AU PSD.

Training for this staff person will include:

- orientation in mediation processes and review of the AU SOPs for Mediation Support
- procedures for maintaining and securing hard-copy files
- procedures for scanning documents for electronic filing
- developing a system for organising and maintaining electronic files on a secure server.

KMF Step #4

Designate a person within each mediation team to gather and maintain a file of the notes taken at each mediation-related meeting, to support the mediation team in keeping track of progress and preparing interim and final documents to be archived (minimum).

In addition to keeping a record of AU mediation efforts, it is crucial to analyse these processes to determine what strategies were successful or ineffective, and what lessons can be learnt to inform future AU mediators. Besides, the AU can be more active in publishing accounts and analyses of its mediation efforts, to share its learning with other organisations and claim credit for its successes. Finally, the AU can increase its mediation capacity by using the experiences of its senior mediators to educate and train future generations of mediators.

KMF Step #5

At the conclusion of each mediation process, as specified in the AU SOPs for Mediation Support (XI), the lead mediator will be debriefed at headquarters (or another location of their choice) by a professional mediation specialist employed/hired by the AU PSD. The debriefing is designed to capture the mediator's reflections on the strengths and weaknesses of the mediation, including lessons learnt. The guidelines for structuring the debriefing process are contained in Annex A. The results of the debriefing should then be written up and added to the written/electronic archive, as specified in Step #2 above (minimum).

KMF Step #6

The same debriefing will be held with all members of the mediation team. This can be done in a group interview or series of one-on-one discussions. Reports generated from these interviews will be added to the hard-copy and electronic databases. The process of debriefing the senior analyst on the team should particularly focus on assessing the strategy employed during the mediation process, and gathering any insights or lessons learnt from mid-course corrections. The results of such debriefing(s) will be written up and added to the archive, as specified in Step #2 above (minimum).

KMF Step #7

When mediation exceeds the one-year mark, debriefing the mediator and his/her team should take place at regular intervals during the process and not wait until its conclusion. If possible, briefing should be done once a year. It should also be done whenever the mediation mandate is renewed. This will provide both the mediator and his/her team with an important opportunity to reflect on what is going well and what needs to be changed as the process continues, and where more attention needs to be paid to both substantive and procedural aspects of the mediation.

The debriefing will be conducted by the same mediation specialist designated in Steps #5 and #6 above (optimal).

KMF Step #8

When mediation concludes, an assessment of the entire process should be conducted. The results will be for internal use only, to add to the AU's learning. See Annex B for suggested criteria for evaluation (minimum).

This assessment should be done by an impartial professional consultant who is familiar with the AU and the challenges of conducting mediation in Africa. This person would be convening a day-long discussion with the mediation team and experts, to review processes and share insights and learning. One of the mediation experts will write up a summary of the discussion for inclusion in the archive (see Step #2).

KMF Step #9

In-depth analyses of individual mediation processes, as well as comparative studies of two or more cases, should be completed by research experts to provide important contextual dimensions to documented lessons learnt (optimal).

Ideas for this type of analysis include:

- focusing on a significant case with international dimensions, such as Somalia or Sudan, to understand how the interests of international actors affect AU mediation efforts
- comparative analysis of cases in the same region of Africa, to see if similar patterns emerge in terms of challenges faced or successful strategies employed
- comparative analysis of cases employing either one lead mediator or a 'contact group' approach, to identify the conditions under which each type of mediation strategy may be most effective
- analysis of conditions under which high-level, high-profile mediators are most effective, and the strengths and weaknesses of their strategies.

Tip 14: Learning from comparisons

Transferable lessons often become apparent when one compares different cases, especially if one employs the same external structure for reporting each case. For example, the interviewer might cluster all cases in which mediation was used during a specific phase of the peace process (e.g. the post-agreement phase), in which a particular track was emphasised (e.g. a Track II or multi-track approach), or in which the mediator dealt with a particular type of actor (e.g. armed non-state actors). Common patterns can also become evident if similar facets of multiple cases are mapped graphically.

KMF Step #10

A yearly in-person gathering of AU envoys and special representatives and their teams should be held, to allow for more personal sharing of lessons (minimum).

Such a gathering should include:

- discussions organised around both common challenges and specific conflicts
- the ground rules of confidentiality, to encourage open sharing of experiences
- a meeting summary of insights and lessons, without attribution, to be distributed to all AU envoys and special representatives, and these summaries to become part of the written/electronic archive at AU CMD, as specified in Step #2 above.

Example 55: Switzerland

The Swiss Federal Department of Foreign Affairs systematically debriefed its mediators and prepared summaries based on those debriefings as background reading for a workshop on mediation. At the workshop, mediators spoke of their experiences and offered additional insights that were not part of the written summaries. Questions from workshop participants – who had already read the case summaries – also brought new aspects to light. Some of these insights were then integrated into the summaries when they were updated.

KMF Step #11

Encourage/provide incentives for lead mediators to write about their experiences in publishable form. These memoirs can then be used for teaching purposes, along with case studies developed in Step #10 above, in AU training programmes and in university-level academic courses in Africa and globally (optimal).

Options could include:

- Provide a three- or six-month extension of the mediator's contract, following conclusion of the mediation process, to write up the narrative of the process. A research assistant should be provided to support the mediator in writing up the narrative.
- Encourage graduate school programmes in Africa to recommend students to work with mediators to write articles about their processes.
- Explore the possibility of attracting funding support from the EU or other sources to support a 'residency' programme for former AU mediators to be housed in Addis Ababa for three to six months so they can write articles or analyses of their cases (the UN is experimenting with such a programme for UN mediators). Mediators would also be available during this residency to meet with AU personnel to share more about their experiences.

KMF Step #12

Provide an internal, secure AU intranet site to encourage internal sharing of advice and the posting of ideas relevant to AU mediators. This site would also support soliciting of relevant information and documents and should be accessible to staff based both at AU headquarters and outside of Addis Ababa (minimum).

To be able to access the site, users would need to have a recognised AU e-mail address and password. Mediation team members can use the site to request information and/or advice from former AU mediators or other AU personnel. This could also be a forum for posting searchable electronic files of previous AU mediation cases, links to useful mediation information, and any other data relevant to the AU's mediation function.

KMF Step #13

Conduct in-depth interviews with all current and former AU mediators, to benefit from their wisdom and experience in negotiating within specific African contexts.

Topics of specific interest to African mediations may include:

- managing tribal allegiances
- understanding how and when to reference indigenous mediation and conflict resolution practices
- dealing with the historical legacies of colonial powers and imposed borders
- defining evolving African definitions of transitional justice, democracy and power-sharing
- the role of civil society in governance.

As in the assessment in Step #9 above, these interviews, analyses and compilations of results should be done by an impartial expert, albeit one who has knowledge of the AU and African mediation.

KMF Step #14

Skills enhancement programmes conducted for AU mediators and mediation support staff will incorporate information from various lessons-learnt documents into their teaching tools. In particular analyses, case studies and first-person narratives generated by mediators themselves in the context of their debriefings, and in any articles they write for publication (minimum).

KMF Step #15

At least once every three years, a mediation specialist employed by the AU CMD should review all documents generated in the steps listed above and develop an evolving summary of lessons learnt (minimum).

This summary would then be incorporated into updates of:

- skills enhancement programmes for mediation support
- AU SOPs for mediation support
- mediation tools available to AU mediators
- briefing packets for all newly appointed AU envoys and special representatives.

KMF Step #16

The AU CMD will make some/all of its learning documents available to external organisations, especially those with whom the AU often partners in its mediation efforts. This might include posting documents onto an AU CMD website, along with news of mediations in progress or results of successful mediation efforts (optimal).

KMF Step #17

The KMF itself will be reviewed on a regular basis and revised and updated as needed, based on lessons learnt (minimum).

CONCLUDING REMARKS

Gallo Images/Getty Images/Boniface Mwangi

Kenya's President Mwai Kibaki (centre) shakes hands with opposition leader Raila Odinga (second right) following successful peace talks mediated by the AU Panel of Eminent African Personalities comprising Kofi Annan (second left), Graça Machel (left) and Benjamin Mpaka (right) as members (24 January 2008).

Mediation is both an art and a science. As the AU is shifting its focus to conflict prevention and mediation, the capacity and capability to use mediation in all conflict stages remains an important exercise to consider when engaging in solving the issues at hand.

Some final considerations complete the objectives of this handbook to equip the experienced or uninitiated practitioner in conducting professional mediation activities:

1. Learning needs to be incorporated and integrated into the mediation process.
2. Policymakers need to build their capacity in crafting robust mandates that incorporate experiences and lessons learnt from skilled mediators.
3. There should be movement beyond descriptions of mediation methods towards a systematic approach, taking into consideration timing, sequencing and contingencies.

Dwennimmen
Adinkra symbol of strength

4. More research and practical experience is necessary to establish a valid knowledge base on how conflict transformation and human rights interact or exclude each other.
5. Despite being important catalysts for communication, mediators should rethink their level of intervention and focus more on establishing and supporting direct links for dialogue between parties.
6. A mediation team is a beacon, not just for conflict analysis or thematic expertise, but for peace diplomacy. Therefore, mediation organisations need to carefully consider their set-ups, including systems, structure, human resources and media relations.
7. There is correlation between understanding mediation mandates and contexts prior to intervention. The mediator should be empowered to deal with the selection of negotiating parties; the support of the mandating organisation is crucial in this regard.
8. Coordination of mediators is important. In a multidimensional conflict that involves a range of regional actors, mediators will have to deal with many third parties intervening in a conflict, simultaneously or in sequence. Community and religious leaders, corporates and others add to the asymmetry in a conflict area. Mediators should carefully assess the circumstances under which information, trust and other aspects of mediation can be strengthened and/or complemented.
9. A mediation team, composed of a lead mediator and co-mediators, should focus on enhancing group cohesion and internal processes in order to work towards a common goal with shared aspirations. The question remains as to how indigenous resources can be factored into the peacemaking process to link peacemaking assets to peacebuilding resources.
10. An agreement is an appropriate indicator of success, yet the agreement itself does not guarantee sustainable outcomes. Success should be defined as the cessation of violence, occurrence of dialogue between parties and availability of enhanced choices based on sound decision-making processes. The mediation goal often goes beyond what is expected in a mandate, hence there is a need for policymakers to reassess how agreements are crafted.

ANNEXES

Annex A: Guidelines for debriefing mediators

These guidelines have been adapted from the US Institute of Peace Peacemaker's toolkit on debriefing mediators.

1. Prepare for the interview by reading up on the conflict situation and mediation process. Review AU briefing materials and other sources of data, such as ICG reports, UN reports, news accounts and others.
2. Choose a quiet, comfortable venue for the interview where the mediator can feel relaxed, and not rushed or distracted. Plan on at least two interviews.
3. Do not come in with a long list of questions. Instead, prepare a brief list of open-ended questions and encourage the mediator to talk at length. Be a good listener, ask questions for clarification as you go along, and do not be judgemental. The purpose is to learn, not to evaluate or criticise.
4. In the first interview, encourage the mediator to narrate the process chronologically, beginning with his/her entry into the mediation process and covering each stage until his/her exit. Allow him/her to focus on whatever details he/she believes are important and do not cut him/her off or become impatient. When it seems appropriate, ask the mediator to reflect on why he/she did things, whether in hindsight he/she would do it that way again, and what he/she learnt from the process.
5. In the second interview, follow up with more specific questions to fill in details and cover any parts of the process that were not discussed previously.
6. Remember that this is not an evaluation, but rather a reflection on the process by those who were most closely involved with its operations. The questions should therefore not be judgemental or critical, but formulated to enhance inquiry and learning.

Annex B: Assessment of finalised AU mediations

Some key elements in the assessment process are listed below:

- Identify the objectives and 'theory of change' that the mediation strategy incorporated. The theory of change is the set of assumptions about what changes needed to occur for violence to stop/be managed and a settlement reached, and what the mediator's plan was for creating those specific changes.
- Identify and account for missing data from the initial conflict assessment and from the mediation process itself.
- Using available data, including but not limited to debriefing notes of the mediation team, examine the mediation effort using the criteria of relevance, effectiveness, efficiency, sustainability and impact:

- **Relevance** as a criteria is used to assess the extent to which the objectives and activities of the mediation responded to the needs of the conflict parties.
- **Effectiveness** is used to evaluate whether a mediation process has reached its intended objectives.
- **Efficiency** as a criteria is used to assess how effectively resources/inputs (funds, expertise, time, etc.) were converted into results.
- **Sustainability** is defined as the continuation of benefits from a mediation process after it has been completed. It includes the probability of continued long-term benefits and resilience to risk over time in terms of financial, institutional, human resource, management and other elements.
- **Impact** refers to positive and negative, primary and secondary long-term effects produced.

Annex C: The story of Mali

Overview

Mali is a vast landlocked country located in the heart of the Sahel – a region threatened by drought and desertification. The vast majority of people rely on the environment for their livelihoods and primarily engage in herding, farming or fishing. The population stands at approximately 16 000 000 people. Although some areas are barren, the country is self-sufficient in food production, due to the fertile Niger River basin in the south and east. Mali is also one of Africa's major cotton producers (British Broadcasting Corporation 2013a).

Historical background

From the 9th to the 16th century, the control of trade in gold, salt, slaves and luxury items was based in Mali. During this time, Timbuktu became one of the world's major centres of Islamic learning. Morocco took control of Timbuktu in the 17th century and sent its Islamic scholars into exile. By the 19th century, Malian kingdoms gained power over large areas of the Niger River. In the late 19th century, France eventually gained control of both the Niger River and towns in northern Mali, but was never able to fully pacify the north (Imperato and Clark no date).

The Sudanese Republic and Senegal became independent of France in 1960 and became known as the Mali Federation. The Sudanese Republic was then renamed Mali after Senegal's withdrawal. The country was ruled by Moussa Traoré between 1968 and 1991. Democratic elections took place in 1992 and were won by President Alpha Oumar Konaré. He was re-elected in 1997. In keeping with Mali's two-term constitutional limit, he did not run for a third term and stepped down in 2002. He was succeeded by Amadou Toumani Touré, who stayed on for a second term in 2007.

The Tuareg people and background to the crisis

The Tuareg are a people who trace their ancestry to the indigenous peoples of North Africa, and have lived in northern Mali 'as early as the fifth century BC' (Devon 2013). After establishing the city of Timbuktu in the 11th century, the Tuareg 'traded, travelled and conquered throughout the Sahara' (Devon 2013). They eventually converted to Islam in the 14th century, which allowed them to 'gain great wealth trading salt, gold and black slaves' (Ibid.). However, the independence of the Tuareg was threatened when the French colonised Mali. Since then, they have consistently advocated for self-determination and, in pursuit of such goals, have engaged in a number of rebellions.

Tuareg rebellions

The first rebellion of the nomadic Tuareg against the Malian government broke out in 1963, soon after Mali gained independence. The rebellion lasted a year and was quelled through the leadership of Captain Diby Sillas Diarra. North-eastern Mali became a no-go area, ruled by martial law. During the 1970s and 80s, decades of extreme drought and suffering in the region saw many thousands flee their homelands to neighbouring countries. In June 1990, the second Tuareg rebellion, led by Iyadag Ghali of the MPLA, broke out. The 1990 uprising ended in an Algeria-brokered peace treaty and the National Pact of 1992. Thereafter, the MPLA split along ethnic lines and broke into four factions. On 23 May 2006, a new rebel group, the ADC, attacked the Malian army in Kidal. Algeria stepped in and a peace deal – known as the Algeria Accord – was brokered. However, due to constant accusations and recriminations on both sides, the accord was never implemented. On 12 January 2012, the newist Tuareg rebel group – the MNLA – attacked the town of Menaka in the north-east of Mali (Devon 2013).

Escalation of the crisis

Two months after the MNLA attacked on Menaka, army officers led by Captain Amadou Sanogo toppled the government, as they were dissatisfied with the way in which President Touré was handling the attacks of the rebellion. This left a power vacuum and, in April 2012, Tuareg rebels seized control of northern Mali. The junta leader handed power over to a civilian interim government, led by Dioncounda Traoré. However, supporters of ousted President Touré attempted a coup in Bamako and the junta regained control. Pro-junta protestors stormed the presidential compound and Traoré was attacked. The Tuareg MNLA and Islamist Ansar Dine rebel groups thereafter merged and declared northern Mali an Islamic state. Ansar Dine began imposing Islamic law in Timbuktu, a move endorsed by Al-Qaeda in the Islamic Maghreb. Ansar Dine and Al-Qaeda relinquished ties with the MNLA and captured the main northern cities of Timbuktu, Kidal and Gao. Many Muslim shrines and monuments were destroyed by the Islamist rebels (British Broadcasting Corporation 2013a).

Transitional authority

As a result of the military coup, the 29 April presidential elections were cancelled and Traoré was inaugurated as the interim president. Traoré appointed Cheick Modibo Diarra as prime minister to head a 'unity administration'. By August 2012, Diarra had formed a 31-member government. However, in December 2012 Diarra was arrested by the army at his home in Bamako. Tensions had risen between the army and Diarra over plans to send a West African Intervention Force into the northern part of Mali. Following his arrest, Diarra resigned (Agence France-Presse 2012). In the wake of Diarra's resignation, 'members of the Security Council urge[d] the transitional authorities of Mali to expedite the establishment of a transitional roadmap, through broad-based inclusive political dialogue, to fully restore constitutional order and national unity, including through the holding of peaceful, inclusive and credible elections as soon as possible' (United Nations 2012c). Traoré then appointed Diango Cissoko as prime minister. Under his administration, a transition roadmap was adopted by members of parliament on 29 January 2013. On 6 March 2013, the Malian transitional government adopted a draft decree for the creation of a dialogue and reconciliation commission. The aim of the commission, among others, was to identify political and armed groups likely to be part of the process and suggest recommended actions that would contribute to the reconciliation of all communities in Mali. The Commission, which was expected to address areas of security and governance in the north, reconfigured in March 2014 to have a broader and inclusive membership with a mandate to investigate what occurred during the 2012 crisis. This reconfiguration saw an overhaul of the Commission and its name changed to Commission for Dialogue, Truth and Reconciliation.

ECOWAS and UN intervention in response to the military coup and rebel crisis

At regional level, ECOWAS heads of state and government met in Abidjan, Côte d'Ivoire, on 27 March 2012 to discuss the political situation in Mali. A decision was taken to impose political, diplomatic, economic and financial sanctions on the country unless constitutional order was restored. In April, a framework agreement was signed following consultations with the mediator, Burkina Faso's President Compaoré, and various stakeholders, including the junta leader. Article 36 of the Constitution of 25 February 1992 was implemented, paving the way for the restoration of constitutional order. Sanctions were duly lifted. Furthermore, ECOWAS leaders authorised the immediate deployment of regional troops to Mali as part of efforts to restore peace, following the military coup and separatist rebellion in the northern part of the country.

At international level, the UN responded with the adoption of three resolutions on Mali. In July 2012, UNSC Resolution 2056 was adopted. It outlined requests by ECOWAS and the AU for a mandate by the UN, authorising the deployment of an ECOWAS stabilisation force. The resolution expressed its readiness to '…further examine the request of ECOWAS once

additional information has been provided regarding the objectives, means and modalities of the envisaged deployment…' (United Nations 2012b). UNSC Resolution 2071 was adopted in October 2012 and expressed its support of Mali's Government of National Unity and the interim president. More significantly, it called upon rebel groups to cut ties with terrorist organisations and 'expressed its readiness to adopt targeted sanctions against those rebel groups who do not cut off all ties to terrorist organisations'. In December 2012, UNSC Resolution 2085 was adopted, authorising the deployment of AFISMA for an initial period of one year. The resolution further called on member states to contribute troops to AFISMA to enable it to fulfil its mandate. In April 2013, the UNSC unanimously approved a French-proposed resolution to create a UN peacekeeping force, known as MINUSMA, in Mali. The force was expected to consist of 11 200 military personnel and 1 440 police officers. Its mandate is to stabilise key population centres, especially in the north of Mali, to deter threats and initiate and take active steps to prevent the return of armed groups to those areas (British Broadcasting Corporation 2013a). The UN force took over from AFISMA on 1 July 2013.

Adapted from UN Map March 2013

GLOSSARY

Active listening

Active listening is a way of listening that focuses entirely on what the other person is saying and confirms understanding of both the content of the message and the underlying emotions and feelings to ensure that understanding is accurate.

Adversarial approach

An adversarial approach to conflict views the other party or parties as enemies to be defeated. It can be compared to the problem-solving approach, which views the other party or parties as people who have a common problem that needs to be jointly solved. The adversarial approach typically leads to competitive confrontation strategies, while a problem-solving approach leads to cooperative or integrative strategies.

Adversary/adversaries

Adversaries are people who oppose each other in a conflict. They are also called opponents, parties or disputants.

Advocacy

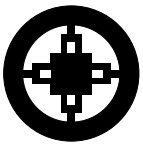
Advocacy is the process of taking a particular side and working for that side's interests in a conflict. Lawyers engage in advocacy when they represent a client in a legal proceeding. Disputants can also engage in advocacy themselves, arguing for their own positions in negotiation, mediation or a political debate. Any attempt to persuade another side to agree to your demands is advocacy.

Amnesty

Amnesty is the granting of a pardon for past offences, especially political ones – for example human rights violations and war crimes.

Analytical problem-solving

This approach addresses deep-rooted or intractable conflicts and brings disputants together to analyse the underlying human needs that cause their conflicts. It helps them to jointly develop ways of resolving their problems.



Dame-Dame
Adinkra symbol of intelligence

Arbitration

Arbitration is a method of resolving a dispute in which disputants present their case to an impartial third party, who then makes a decision on their behalf to resolve the conflict. This decision is usually binding. Arbitration differs from mediation, in which a third party simply helps the disputants to come up with their own solution to their problem.

Conflict resolution

This term, along with dispute resolution, usually refers to the process of resolving a dispute or conflict permanently, by providing for each side's needs and adequately addressing their interests so that they are satisfied with the outcome.

Conflict transformation

This term is increasingly used to refer to a change – usually an improvement – in the nature of a conflict; a de-escalation of violence or reconciliation between people or groups. Unlike conflict resolution – which denies the long-term nature of conflict, or conflict management – which assumes that people and relationships can be managed as though they were physical objects – the concept of conflict transformation reflects the notion that conflicts go on for long periods of time, change the nature of relationships between the people involved, and that they themselves change as their responses to the situation develop over time.

Conflict of interest

This term refers to a situation where a person has a vested interest in the outcome of a decision, but tries to influence the decision-making process as if they did not. In other words, they stand to benefit from a decision if it goes a particular way, but participate in the decision-making process as if they were neutral. An example would be an expert from the tobacco industry testifying that tobacco is safe and does not cause cancer. If he/she argues this on the basis of scientific merit, rather than his/her connection to the tobacco industry, he/she could be charged with conflict of interest, which alters his/her position on tobacco research.

Consensus

Consensus means that everyone agrees with a decision, not just a majority – as occurs in majority-rule processes. In consensus-based processes, people work together to develop agreements that are good enough, although not necessarily perfect, for all the people at the table.

Constituents/constituency

Constituents or one's constituency refers to the people whom a decision-maker represents. The constituents of a political leader are the citizens he/she represents in parliament or some other legislative body. The constituents of a negotiator are the people he/she is negotiating for, members of a union, or an interest group or business.

Constructive conflict/confrontation

The term 'constructive' refers to a conflict that has more benefits than costs – which pulls people together, strengthens and/or improves their relationships by redefining them in more appropriate or useful ways, and one that leads to positive change in all the parties involved. It is contrasted with destructive conflict, which has largely negative results – pushing people apart, destroying relationships and leading to negative changes, including the escalation of violence, fear and distrust.

Core issues

It is important to distinguish between core issues in a conflict – the fundamental interests, values and needs in conflict with each other – and complicating factors – the dynamics, such as communication problems or escalation that, while common, are usually extraneous parts of the conflict and which confuse the core issues and make them more difficult to understand and manage.

Credibility

Credibility refers to whether or not a person or statement is believed or trusted. Sometimes, leaders or expert witnesses are not considered credible by the public because they have personal interests in the outcome of a situation, or have a conflict of interest, all of which are likely to influence their views and/or statements about the situation or conflict.

Decision-making process

This is the process used to make a decision. It can be an expert process, where decisions are made by one or more experts, who look at the facts and make decisions based on these; it can be a political process, through which a representative or body makes decisions based on political considerations; or it might be a judicial process, where a judge or jury makes decisions based on the examination of legal evidence and the law.

Destructive conflict/confrontation

Destructive conflict or confrontation has largely negative results. It pushes people apart, destroys relationships and leads to a host of negative personal and social changes, including escalation of violence, fear and distrust. It is contrasted with constructive conflict and confrontation, which have more benefits than costs – pulling people together, strengthening and/or improving their relationships by redefining them in more appropriate or useful ways and leading to positive changes in all the parties involved.

Dialogue

Dialogue refers to the process of sharing and learning about another group's beliefs, feelings, interests and/or needs in a non-adversarial and open way, usually with the help of a third-party facilitator. Unlike mediation, where the goal is usually to reach a resolution or settlement of a dispute, the goal of dialogue is usually simply to improve interpersonal understanding and trust.

Diplomacy

Generally, diplomacy refers to the interaction between two or more nation states. It is traditionally carried out by government officials who negotiate treaties, trade policies and other international agreements. However, the term has been extended to include unofficial exchanges, sometimes called citizen or Track II diplomacy, where private citizens attempt to develop solutions to international diplomatic problems.

Disputants

Disputants are the people, groups or organisations who are in conflict with each other. They are often also called 'parties'. Third parties, however, are not disputants, but people who intercede to try and help disputants resolve their differences.

Estimated alternative to a negotiated agreement

This is a variation of BATNA. Estimated alternative to a negotiated agreement (EATNA) points to the fact that what a person or group think they can get may be different from what they can actually get if goals are pursued using power strategies other than negotiation.

Emotions

Emotions refer to psychological feelings that result from and contribute to conflict. Examples are anger, shame, fear, distrust and a sense of powerlessness. If these emotions are managed effectively, they can become a resource for successful conflict resolution. If they are not managed well, they can intensify a conflict, heightening tensions and making situations more difficult to resolve.

Empowerment

Empowerment means giving a person or group more power. This may be done by the party alone – through education, coalition-building, community organisation, resource development or

advocacy. It can also be done through a mediator, who can assist a person or group with less power to represent themselves more effectively. Although this approach could cause ethical dilemmas – since helping one side more than another compromises a mediator's impartiality – it is quite commonly done in problem-solving or settlement-oriented approaches, since these work best when the two parties are relatively equal in power. It is also conceivable to advocate the empowerment of both parties simultaneously through transformative mediation, which seeks to restore the disputants' 'sense of their own value and strength and their own capacity to handle life's problems'. This approach avoids the ethical dilemmas of one-sided empowerment, but sacrifices emphasis on achieving a settlement as the primary outcome.

Escalation

Escalation is an increase in the intensity of a conflict. As conflict escalates, the disputants change from relatively gentle opposition to heavier, more confrontational tactics. The number of parties tends to increase, as do the number and breadth of the issues – that is, they change from very specific to more global concerns. Finally, disputants change from not only wanting to win, but also wanting to hurt the opponent. While conflicts escalate quickly and easily, de-escalation and diminished intensity are often much harder to achieve.

Facilitation

Facilitation is assistance from a third party in running consensus-building meetings. The facilitator typically helps the parties to set ground rules and agendas and enforces both. He or she also helps participants to keep on track and work towards achieving mutual goals. While similar to a mediator, a facilitator usually plays a less active role in deliberations and often does not see resolution as the goal of his/her work, as mediators usually do.

Force

The term 'force' refers to any situation where a disputant is made to do something against his/her will through threats. Force does not need to be violent. It can simply be in the form of a coercive statement that says something like 'if you do not comply with my demand, I will fire you from your job, or stage a hunger strike, or organise a work slowdown, or do something else that is likely to harm you in some significant way'.

Framing

Framing is the process of defining the nature of a problem. Just as a frame can be placed around a photograph, including some portions but cropping other portions, people can define some aspects of a problem as important, while they ignore or are unaware of issues that do not concern them directly.

Hard bargaining

This term refers to adversarial, competitive bargaining that assumes that the opponent is an enemy to be defeated, rather than a partner to be cooperated with. In contrast, soft bargaining is highly conciliatory, to the point of giving in on important points. Both of these approaches can be contrasted with a third option – principled negotiation, which is neither hard nor soft, but integrative.

Human needs

Human needs are what all humans require for normal growth and development. Some conflict theorists – human needs theorists – argue that the most difficult and intense conflicts – such as

racial and ethnic ones – are caused by the denial of one or both groups' fundamental human needs for identity, security and/or recognition. To resolve such conflicts, ways must be found to meet these for all individuals and groups without compromise, since human needs cannot be traded.

Identity

Identity refers to the way people see themselves, the groups they feel part of and the significant aspects they use to describe themselves to others. Some theorists distinguish between collective identity, social identity and personal identity. However, all are related in one way or another to a description of identity and the way an individual fits into his/her social groups and society.

Identity conflicts

Identity conflicts develop when a person or group feel that their sense of self is threatened or denied legitimacy or respect. Religious, ethnic and racial conflicts are examples of identity conflicts.

Impartiality

Impartiality refers to the attitude of third parties. Impartial parties do not prefer one side's position to that of another, but will approach both as equally valid. In principle, this objective is difficult to achieve, but a third party needs to make efforts to treat each side the same – even if he/she tends to favour one party or one party's arguments over those of another.

Integrative power and the integrative system

Integrative power is the power of social ties and identity; the power of an integrative system of social bonds that hold people together in groups.

Interest groups

Interest groups are advocacy collectives of people who join together to work for a common cause. Environmental groups, networks in defence of human rights and those working for social causes are all interest groups.

Interests

Interests are the underlying desires and concerns that motivate people to take certain positions. While their positions represent what they say they want – such as 'I want to build my house here' – their interests are the reasons why they take such a position – 'Because I want a quiet plot with a good view of the city'. Often, parties' interests are compatible and hence negotiable, even when their positions seem to be in complete opposition to each other.

Intolerance

Intolerance is the unwillingness to accept the legitimacy of another person or group, or an idea different from one's own. It may result in attempts to get rid of the 'objectionable' person or idea, or simply treating them in subservient ways – as happens when people of certain racial or ethnic groups are discriminated against by dominant groups in a society.

Legitimacy

Legitimacy refers to the perceived fairness of a dispute resolution process. For example, fair elections or litigation based on socially accepted laws are generally considered legitimate, as are the decisions that result from such processes. On the other hand, elections where voters are harassed or forced to vote in a particular way are considered illegitimate, as are court decisions handed down by biased courts. The legitimacy of decision-making procedures is important, because illegitimate procedures almost always escalate conflicts, making their ultimate resolution more difficult.

Mediation

Mediation is a method of conflict resolution that is carried out by an intermediary, who works with disputing parties to help them improve their communication and analyse the conflict situation, so that parties themselves can identify and choose options that meet the interests or needs of all disputants. Unlike arbitration, where the intermediary listens to the arguments of both sides and makes a decision on behalf of the disputants, a mediator will help the disputants design a solution themselves. Mediation is understood as assisted negotiation.

Multi-track diplomacy

This term has recently been developed to reflect the idea that international exchanges can take many forms beyond official negotiations between diplomats. Examples of multi-track diplomacy include official and unofficial conflict resolution efforts, citizen and scientific exchanges, international business negotiations, international cultural and athletic activities, and other international contacts and cooperative efforts.

Needs

All people are driven to attain certain biological and psychological requirements or fundamental human needs. Several conflict theorists have applied this idea to conflict theory, suggesting that the need for security, identity and recognition underlies most deep-rooted and protracted conflicts. Most ethnic and racial conflicts, they argue, are not interest-based conflicts and hence cannot be negotiated, but are driven by the fundamental needs of subordinate groups. Only by restructuring the society so that all groups' fundamental needs are met, can needs-based conflicts be resolved.

Negotiation

Negotiation is the bargaining process of discussion and give-and-take between two or more disputants as they seek to find a solution to a common problem. Negotiation occurs between people all the time: between parents and children, husbands and wives, workers and employers, and between nations. It can be relatively cooperative, such as when both sides seek a solution that is mutually beneficial – commonly called win-win or cooperative bargaining – or it can be confrontational – commonly called win-lose or adversarial bargaining – where each side seeks to prevail over the other.

Neutrality

This term means that a third party is not connected to or has not had prior relationships with any of the other disputants.

Non-governmental organisation

NGOs are local and international organisations that are not associated with any government. Examples include many international humanitarian aid organisations, such as CARE or the International Committee of the Red Cross; sporting organisations such as the International Olympic Committee and many scientific, business, educational and professional organisations.

Operational planning

This is the process in mediation where the team links strategic goals and objectives to tactical ones. This process describes milestones and the conditions necessary for successful mediation. It also specifies which portions of a strategic plan will be operationalised during a certain period.

Parties

Parties are the people who are involved in a dispute and who sit at the mediation table to resolve their issues. Most parties are disputants – people in conflict with one another. Other parties, often called third parties, intervene in disputes to help resolve them. Mediators and judges, for example, are third parties.

Peacebuilding

Peacebuilding is the process of restoring normal relations between people. It requires reconciliation of differences, apologies and forgiveness for past harm and the establishment of cooperative relationships between groups which replace adversarial or competitive relationships that used to exist.

Peacekeeping

Peacekeeping is the prevention or ending of violence within or between countries through the intervention of external third parties, who keep the warring parties apart. Unlike peacemaking, which involves negotiating a resolution to conflict, the goal of peacekeeping is simply to prevent further violence from occurring.

Peacemaking

Peacemaking refers to the process of negotiating a resolution to conflict between people, groups or nations. It goes beyond peacekeeping to actually deal with the issues in dispute, but falls short of peacebuilding, which aims at achieving reconciliation and the normalisation of relations between ordinary people, in addition to the formal resolutions that are written down.

Persuasion

Persuasion involves convincing another party to change their attitudes and/or behaviour. Although this can be done through coercion, the term 'persuasion' is generally used in a positive sense to refer to emotional or rational appeals based on common values and understanding.

Polarisation

Polarisation occurs in a conflict when the crisis escalates in intensity. Often, when escalation occurs, more and more people get involved, and take strong positions either on one side or the other. Polarisation is a process in which people move towards extreme positions or poles, leaving fewer and fewer people in the middle.

Political context

Political context is defined by the following considerations: Is the outcome of the conflict affected by the political system or decision-making structure of the community or nation in which the conflict occurs? Who holds the power in the community or society? Are decisions made democratically, or by an authoritarian system?

Positions

Positions are what people say they want; the superficial demands they make of their opponents. Positions are what people have decided upon, while interests are what caused these decisions. Often, one side's position will be opposite to that of their opponent, although their interests may be compatible.

Power

Power is the ability to get what you want, or to change the future. This can occur through force – sometimes referred to as 'power-over', through cooperation – referred to as 'power-with' or power exchange, or through the power of an integrative system of identity and relationships that hold people together in groups.

Practitioners

Practitioners are people who engage in conflict resolution as a profession. They include mediators, arbitrators, facilitators and diplomats.

Problem-solving

This term is sometimes used to refer to analytical problem-solving workshops, designed to analyse and resolve conflicts based on identifying and responding to underlying human needs. In other situations, it refers to approaches to mediation that focus primarily on resolving conflicts, as opposed to transforming the relationships of the people involved in them.

Problem-solving approach

Problem-solving approaches to conflict involve working cooperatively with other disputants to solve common difficulties. It can be contrasted with the adversarial approach, which views disputants as opponents or enemies to be defeated, not cooperated with.

Reconciliation

Reconciliation is the normalisation of relationships between people or groups. It involves four simultaneous processes: searching for truth, justice, peace and mercy.

Reframing

Reframing is the process of redefining a situation; seeing conflict in a new way, based on input from people who define the situation differently from you.

Relationship problems

Relationship problems are problems between two or more people, where conflicts arise because they do not trust each other or because they are in constant hostile competition with each other.

Resolution

See conflict resolution.

Retribution

Retribution is retaliation; the act of getting back at someone for something they did to hurt you.

Ripeness

A conflict is said to be ripe for settlement or negotiation when it has reached a stalemate, or when all the parties are convinced that their alternatives to negotiation will not get them what they want or need. At this point, they are likely to be ready to negotiate a settlement that will satisfy at least part of their interests – in other words, more than they have or stand to get if they continue to pursue force-based options.

Ripeness, as such, denotes the condition during a conflict that is necessary, although not sufficient, for the initiation of negotiations. Since it is not a sufficient condition, it is neither self-fulfilling nor self-implementing. Ripeness can help identify the elements necessary (even if insufficient) for productive negotiations to begin.

Social context

Social context refers to the collective relationships that exist in a community at the time of conflict. For instance, is one group socially and/or economically dominant while other groups are less successful or discriminated against?

Stakeholders

Stakeholders are people who will be affected by a conflict or its resolution. They include present-day disputants, as well as people who are not currently involved in the conflict, but might become involved because they are likely to be affected sometime in the future.

Stalemate

A stalemate is a stand-off; a situation in which neither side can prevail, no matter how hard they struggle. Parties often need to reach stalemate before they are willing to negotiate an end to their conflicts.

Stereotypes

See stereotyping.

Stereotyping

Stereotyping is the process of assuming that a person or group has one or more characteristics because most members of the group have, or are thought to have, the same. It is a process of simplification and generalisation for the purpose of categorising and understanding the world, but often leads to errors. Examples of stereotyping are the erroneous views that women are always weak and submissive and men powerful and domineering. This may be true for some women and some men, but not for all. When stereotypes are inaccurate and negative, as they often are, they lead to misunderstandings, which make resolution of a conflict more difficult.

Third party

A third party is someone who is not involved in the conflict, but becomes involved to try and help the disputants work out a solution, or at least improve their situation, by communicating better or increasing mutual understanding. Examples of third parties are mediators, arbitrators, conciliators and facilitators.

Third party intervention

Third party intervention refers to the actions taken by a third party to help the disputing parties resolve a problem. The third party can be a neutral outsider or an insider already involved in the conflict, who takes on the role of mediator to help work out mutually acceptable resolutions.

Threat

A threat is any intimidating statement or action that causes another person emotional or physical damage by limiting their real or perceived options.

Track I diplomacy

Track I diplomacy refers to official diplomacy by governments, or a technique of state action that is essentially the process whereby communication from one government goes directly to the decision-making apparatus of another. It is conducted by official representatives of a state or state-like authority, and involves interaction with other state or state-like authorities – heads of state, state departments or ministry of foreign affairs officials, and other government departments and ministries. Track I diplomacy is also referred to as 'first track' or 'first tier' diplomacy. These official diplomatic efforts can be distinguished from unofficial interactions, which may involve conflict resolution specialists, private citizens, NGOs or businesses.

Track II diplomacy

Track II diplomacy involves unofficial dialogue, discussions or even negotiations between ordinary citizens about topics that are usually reserved for diplomats – for instance, arms control agreements or negotiations to end long-standing international conflicts. It is differentiated from Track I diplomacy, which involves formal discussions between official diplomats.

Windows of opportunity

A period of time during which the chances of success of a mediation are greatly increased. Windows are often produced by changes in leadership, altered military situations or external events that impact on the conflict.

Value differences

Value differences are differences in people's fundamental beliefs about what is good and bad, right and wrong. When people's values differ significantly, the resulting conflict is usually very hard to resolve, as people are often not willing to change or compromise their fundamental values and beliefs.

Values

Values are the ideas we have about what is good and what is bad, and how things should be. We have values about family relationships, for instance, regarding the role of the husband with respect to the wife; about work relationships and how employers should treat employees; how children should behave towards adults; or how people should express particular religious beliefs.

REFERENCES AND READING LIST

Abdi, D.I. 2008. Insider mediators: Exploring their key role in informal peace processes. *Berghof Foundation for Peace Support.* Available from: <http://www.berghof-peacesupport.org/publications/MED_Insider_Mediators_Kenya.pdf> [Accessed 16 May 2013].

Agence France-Presse. 2012. Mali forms national unity government. Agence France-Presse, 20 August. Available from: <http://www.google.com/hostednews/afp/article/ALeqM5hUzdwb6DwRzxAVBUIB3-2LMLXS5A?docId=CNG.190ace56035c08110aa9b72cd4d0d3cd.751> [Accessed 26 February 2013].

African Union. 1998. Protocol on relations between the African Union (AU) and the regional economic communities (RECs). *African Union.* Available from: <http://www.caast-net.org/images/zoo/uploads/AU-RECs-Protocol.pdf> [Accessed 17 March 2013].

African Union. 2000. The Constitutive Act. African Union. Available from: <http://www.africa-union.org/root/au/aboutau/constitutive_act_en.htm> [Accessed 7 April 2013].

African Union. 2003. Protocol Relating to the Establishment of the Peace and Security Council of the African Union. *African Union.* Available from: <http://www.africa-union.org/root/au/organs/psc/Protocol_peace%20and%20security.pdf> [Accessed 26 January 2012].

African Union. 2000. The Constitutive Act. *African Union.* Available from: <http://www.africa-union.org/root/au/aboutau/constitutive_act_en.htm> [Accessed 7 April 2013].

African Union. 2008. Memorandum of Understanding on Cooperation in the Area of Peace and Security between the African Union, Regional Economic Communities and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and North Africa. African Union. Available from: <http://www.peaceau.org/uploads/mou-au-rec-eng.pdf> [Accessed 7 April 2013].

African Union. 2010. African Union standard operating procedures for mediation support. Draft for review. Addis Ababa, African Union.

African Union. 2012. Knowledge management framework for mediation processes. Addis Ababa, African Union.

Al Jazeera. 2013. African leaders sign DR Congo peace deal. *Al Jazeera,* 25 February. Available from: <http://www.aljazeera.com/news/africa/2013/02/201322473023560834.html> [Accessed 16 May 2013].

All Africa. 2013. Sudan and South Sudan sign agreement of an implementation action plan. *All Africa,* 11 March 2013. Available from: <http://allafrica.com/stories/201303111254.html> [Accessed 16 May 2013].

American Jewish Congress. 1968. The tragedy of Biafra. *American Jewish Congress,* 27 December. Available from: <http://www.biafraland.com/1968_Biafra%20_Report_By_American_Jewish_Congress.htm> [Accessed 15 May 2013].

Nkyinkyim
Adinkra symbol of initiative, dynamism and versatility

Andemicael, B. 1972. Peaceful settlement among African states: Roles of the United Nations and the Organisation of African Unity. *United Nations Institute for Training and Research*. New York, United Nations Institute for Training and Research Publications.

Baree, M. 2008. Citizen voices. *Forbes,* 8 December. Available from: <http://www.forbes.com/free_forbes/2008/1208/083.html> [Accessed 20 January 2010].

Bekoe, D. and Parajon, C. 2007. Women's role in Liberia's reconstruction. *United States Institute of Peace*. Available from: <http://www.usip.org/publications/women-s-role-liberia-s-reconstruction> [Accessed 2 May 2013].

Boshoff, H., Waldermar, V. and Rautenbach, G. 2010. The Burundi peace process: From civil war to conditional peace. *Institute for Security Studies*. Available from: <http://migs.concordia.ca/links/documents/Summary_The_Burundi_Peace_Process_From_Civil_War_to_Conditional_Peace.pdf> [Accessed 5 May 2013].

Boustany, N. 2007. The woman behind Uganda's peace hopes. *Washington Post Foreign Service*, 11 July. Available from: <http://www.washingtonpost.com/wp-dyn/content/article/2007/07/10/AR2007071001933.html> [Accessed 3 April 2013].

British Broadcasting Corporation. 2006. Uganda begins ceasefire with LRA. *British Broadcasting Corporation*, 29 August. Available from: <http://news.bbc.co.uk/2/hi/africa/5293630.stm> [Accessed 16 May 2013].

British Broadcasting Corporation. 2012a. Mali President Toure resigns in deal with coup leaders. *British Broadcasting Corporation*, 8 April. Available from: <http://www.bbc.co.uk/news/world-africa-17653882> [Accessed 16 May 2013].

British Broadcasting Corporation. 2012b. West Africa bloc ECOWAS agrees to deploy troops to Mali. *British Broadcasting Corporation*, 11 November. Available from: <http://www.bbc.co.uk/news/world-africa-20292797> [Accessed 29 November 2012].

British Broadcasting Corporation. 2013a. Mali profile. *British Broadcasting Corporation*, 16 May. Available from: <http://www.bbc.co.uk/news/world-africa-13881370> [Accessed 20 May 2013].

British Broadcasting Corporation. 2013b. Mali: UN approves new UN peacekeeping force, MINUSMA. *British Broadcasting Corporation*, 25 April. Available from: <http://www.bbc.co.uk/news/world-africa-22296705> [Accessed 17 May 2013].

Callimachi, R. 2008. Coup leaders seize cars from regime loyalist. *International Business Times*. Available from: <http://au.ibtimes.com/articles/20081229/coup-leaders-seize-cars-from-regime-loyalist.htm> [Accessed 16 April 2013].

Centre for African Studies. 2006. Darfur peace agreement. *Centre for African Studies*. Available from: <http://africa.berkeley.edu/Sudan/Darfur/DPA_ABUJA-5-05-06-withSignatures.pdf> [Accessed 18 April 2013].

Centre for Conflict, Development and Peacebuilding. 2010. Peace and Conflict Impact Assessment (PCIA) Madagascar. *Centre on Conflict, Development and Peacebuilding*. Available from: <http://www.unicef.org/madagascar/PCIA_Madag_WEB2.pdf> [Accessed 27 August 2014].

Chalk, F. 1999. Hate radio in Rwanda. In: Adleman, H. and Suhrke, A. eds. *The path of a genocide: The Rwanda crisis from Uganda to Zaire*. New Brunswick and New Jersey, Transaction Publishers. pp. 93–107.

Chigas, D. 2003. Track II (citizen) diplomacy. *Beyond Intractability.* Available from: <http://www.beyondintractability.org/bi-essay/track2diplomacy> [Accessed 15 April 2013].

Clottey, P. 2013. ECOWAS pleased with military offensive against Mali insurgents. *Voice of America,* 31 January. Available from: <http://www.voanews.com/content/ecowas-pleased-with-military-offensive-against-mali-insurgents/1594862.html> [Accessed 19 March 2013].

Curtis, D. 2003. The peace process in Burundi: Successful African intervention? *Institute for Global Dialogue.* Available from: <http://www.igd.org.za/component/k2/item/86-the-peace-process-in-burundi-successful-african-intervention> [Accessed 5 April 2013].

Devon, D.B. 2013. The crisis in Mali: A historical perspective on the Tuareg people. *Global Research*. Available from: <http://www.globalresearch.ca/the-crisis-in-mali-a-historical-perspective-on-the-tuareg-people/5321407> [Accessed 15 May 2013].

Dixon, P. and Simmons, M. 2006. The role of track two initiatives in Sudanese peace processes. Accord, Issue 18. *Conciliation Resources*. Available from: <http://www.c-r.org/accord-article/role-track-two-initiatives-sudanese-peace-processes> [Accessed 15 May 2013].

Economic Community of West African States. 2012. Emergency mini-summit of ECOWAS heads of state and government on the situation in Mali. *Economic Community of West African States*. Available from: <http://news.ecowas.int/presseshow.php?nb=092&lang=en&annee=2012> [Accessed 20 February 2013].

Feste, A.K. 2003. *Intervention: Shaping the global order.* Westport CT, Praeger Publishers.

Fisher, S. with Abdi, D.I., Ludin, J., Smith,R., Williams, S. and Williams, S. 2000. Working with Conflict: Skills and Strategies for Action. London, Zed Books.

Fourie, A. and Eloff, T. 2006. Exploring the contributions of the private sector to the social, economic and political transformation process in South Africa. *International Alert*. Available from: <http://www.international-alert.org/sites/default/files/publications/27_section_2_South_Africa.pdf> [Accessed 15 May 2013].

Francis, D.J. 2006. *Uniting Africa: Building regional peace and security systems*. Hampshire, Ashgate Publishing Limited.

Fung, B. 2013. A map of the bewildering Mali conflict. *The Atlantic*, 16 January. Available from: <http://www.theatlantic.com/international/archive/2013/01/a-map-of-the-bewildering-mali-conflict/267257/> [Accessed 22 May 2013].

Gbowee, L. 2006. *A conversation with women peacebuilders: Leymah Gwobee and Shobha Gautam*. Medford, M.A., The Fletcher School of Law and Diplomacy, Tufts University.

Gleditsch, P.N., Wallensteen, P., Eriksson, M., Sollenberg, M. and Strand, H. 2002. Armed conflict 1946–2001: A new dataset. *Journal of Peace Research*, 39 (5).

Govender, K. and Ngandu, Y. 2010. *Towards enhancing the capacity of the African Union in mediation*. Durban, African Centre for the Constructive Resolution of Disputes.

Grzybowski, A. and Morris, C. 1998. Canadian negotiation, mediation and communication training materials. Victoria, British Columbia, Canada, Institute for Dispute Research, University of Victoria and Pacific Resolutions. Hagos, A. 2001. *Media intervention in peace building in Burundi – the Studio Ijambo experience and impact.* Greater Horn of Africa Peace Building Project. Washington D.C., Management Systems International.

Hagos, A. 2001. Media intervention in peace building in Burundi – the Studio Ijambo experience and impact. Greater Horn of Africa Peace Building Project. Washington D.C., Management Systems International.

Hampson, F.O. 1996. *Nurturing peace: Why peace settlements succeed or fail*. Washington, D.C., United States Institute of Peace Press.

Hannan, U. and Besada, H. 2007. Dimensions of state fragility: A review of social science literature. *Centre for International Governance Innovation*. Available from: <http://dspace.cigilibrary.org/jspui/bitstream/123456789/10008/1/Dimensions%20of%20State%20Fragility%20A%20Review%20of%20the%20Social%20Science%20Literature.pdf?1> [Accessed 15 March 2013].

Hein, R.O. 2012. Mali rebels vow to respect national unity, reject terror. *Reliefweb*, 4 December. Available from: <http://reliefweb.int/report/mali/mali-rebels-vow-respect-national-unity-reject-terror> [Accessed 26 March 2013].

Igboaka, P.C. 2009. *Africa beyond wars, diseases and disasters: Answers to the 101 most commonly asked questions*. Bloomington, Author House.

Imperato, P.J. and Clark, A. No date. History of the world. *All History*. Available from: <http://all-history.org/.html> [Accessed 6 February 2013].

Institute for Security Studies. 1998. Arusha peace and reconciliation agreement for Burundi. *Institute for Security Studies*. Available from: <www.issafrica.org/AF/profiles/Burundi/arusha.pdf> [Accessed 4 April 2013].

Institute for Security Studies. 2012. ECOWAS peace and security report, 1(October). *Institute for Security Studies*. Available from: <http://www.issafrica.org/uploads/1November2012.pdf.pdf> [Accessed 4 April 2013].

Institute for Security Studies. No date. List of Burundi peace agreement documents. *Institute for Security Studies*. Available from: <http://www.issafrica.org/cdburundipeaceagreements/CDcontents.pdf> [Accessed 11 April 2013].

Jeong, H. 2010. *Conflict management and resolution: An introduction*. New York, Routledge.

Kasumba, Y. and Debrah, C. 2010. An overview of the African Standby Force (ASF). In: De Coning, C. and Kasumba, Y. eds. *The civilian dimension of the African Standby Force*. Addis Ababa, African Union Commission. pp. 10–19. Available from: <http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?ots591=0c54e3b3-1e9c-be1e-2c24-a6a8c7060233&lng=en&id=121674> [Accessed 16 May 2013].

Keck, T. (2011. Mediating ethnic conflict: Kofi Annan in Kenya. *Selected Works of Trevor Keck*. Available from: <http://works.bepress.com/trevor_keck/2> [Accessed 15 May 2013].

Kofi Annan Foundation. No date. The Kenya national dialogue and reconciliation. *Kofi Annan Foundation*. Available from: <http://kofiannanfoundation.org/kenya-national-dialogue-and-reconciliation> [Accessed 13 April 2013].

Laakso, L. 2007. Insights into electoral violence in Africa. In: Basedau, M., Erdmann, G. and Mehler, A. eds. *Votes, money and violence, political parties and elections in sub-Saharan Africa*. Durban, University of KwaZulu-Natal Press. pp. 224–252. Available from: <http://nai.diva-portal.org/smash/get/diva2:275038/FULLTEXT01#page=224> [Accessed 26 June 2013].

Mark, M. 2012. Mali rebel groups agree ceasefire. *The Guardian,* 5 December. Available from: <http://www.guardian.co.uk/world/2012/dec/05/malian-rebel-groups-agree-ceasefire> [Accessed 7 February 2013].

Mason, S.J.A., Åberg, A., Laederach, S., Lanz, D., Litscher, J. and Sguaitamatti, D. 2008. Unpacking the mystery of mediation in African peace processes. *Mediation Support Project, Centre for Security Studies and Swisspeace.* Available from: <http://www.css.ethz.ch/publications/pdfs/Mediation-in-Africa.pdf> [Accessed 15 May 2013].

Moore, C.W. 1996. The Mediation Process: Practical Strategies for Resolving Conflict. San Francisco, Jossey-Bass.

Mwanasali, M. 2009. From non-interference to non-indifference: The emerging doctrine of conflict prevention in Africa. In: Akokpari, J., Ndinga-Muvumba, A. and Murithi, T. eds. *The African Union and its institutions.* Cape Town, Jacana Media.

Nathan, L. 2005. *Mediation and the African Union's Panel of the Wise.* London, London School of Economics.

Nathan, L. 2009. *Plan of action to build the AU's mediation capacity. Unpublished report* commissioned by the United Nations Mediation Support Unit and the African Union Conflict Management Division.

Ngubane, S., Sipalla, C. and Connolly, L. 2012. Madagascar: A multitude of crises. Unpublished African Centre for the Constructive Resolution of Disputes mission report, 21–25 June.

Nindorera, A. 2003. Ubushingantahe as a base for political transformation in Burundi. *Boston Consortium on Gender, Security and Human Rights Working Paper 102*. Available from: <http://genderandsecurity.org/sites/default/files/ubushingantahe_as_a_base_for_political_transformation_in_burundi_2.pdf> [Accessed 15 March 2013].

Organisation for Economic Co-operation and Development. 2008. Guidance on evaluating conflict prevention and peacebuilding activities. *Organisation for Economic Co-operation and Developmen*t. Available from: <http://www.oecd.org/dac/evaluation/dcdndep/39774573.pdf> [Accessed 15 May 2013].

Ofuatey-Kodjoe, W. 1994. Regional organisations and the resolution of internal conflict: The ECOWAS intervention in Liberia. *International Peacekeeping,* 1(3), p. 290.

Organisation of African Unity. 1963. OAU Charter. *Organisation of African Unity.* Available from: <http://www.au.int/en/sites/default/files/OAU_Charter_1963_0.pdf> [Accessed 16 March 2013].

Organisation of African Unity. 1964. Organisation of African Unity: Protocol of the Commission of Mediation, Conciliation and Arbitration. *International Legal Materials,* 3 (6), pp. 1116–1124.

Osaghae, E. and Robinson, G. 2005. Introduction. In: Porter, E., Robinson, G., Smyth, M., Schnabel, A. and Osaghae, E. eds. *Researching conflict in Africa: Insights and experiences.* New York, United Nations University. pp. 1–5.

Osman, M. 2008. Sudan president offers Darfur ceasefire. *USA Today*, 11 December. Available from: <http://usatoday30.usatoday.com/news/world/2008-11-12-222844801_x.htm> [Accessed 10 April 2013].

Oxford Analytica. 2007. Ivory Coast: Ouagadougou Accord boosts peace prospects. *Oxford Analytica Daily Brief*, 6 March. Available from: <http://www.oxan.com/display.aspx?ItemID=DB132783> [Accessed 16 May 2013].

Panapress. 2009. Gadio arrives in Nouakchott to carry on Senegalese mediation in crisis. *Panapress*, 19 May. Available from: <http://www.panapress.com/Gadio-arrives-in-Nouakchott-to-carry-on-Senegalese-mediation-in-crisis--12-525465-42-lang2-index.html> [Accessed 28 June 2013].

Panapress. 2012. ECOWAS names President Compaoré as mediator in Mali rebellion. *Panapress*, 28 March. Available from: <http://www.panapress.com/ECOWAS-names-President-Compaore-as-Mediator-in-Mali-rebellion---12-823841-100-lang2-index.html> [Accessed 21 May 2013].

Premium Times. 2013. Donors pledge $455m for Mali military intervention. *Premium Times,* 29 January. Available from: <http://premiumtimesng.com/news/foreign/117864-donors-pledge-455m-for-mali-military-intervention.html> [Accessed 19 March 2013].

Sachane, J. 2013. Interview with Munjoma, T. on 29 May. Durban.

Shiming, Z. 2003. The OAU and the settlement of internal conflicts in Africa. Available from: <http://bic.cass.cn/english/infoShow/Arcitle_Show_Conference_Show.asp?ID=353&Title=&strNavigation=Home-%3EForum&BigClassID=4&SmallClassID=11> [Accessed 4 April 2014].

Souaré, I.A. 2009. Explaining the December 2008 military *coup d'état* in Guinea. *Conflict Trends*, 1(2009). Available from: <http://www.accord.org.za/downloads/ct/ct_2009_1.pdf> [Accessed 3 May 2013].

Spangler, B. 2013. *Transformative mediation*. Available from: <http://www.beyondintractability.org/essay/transformative-mediation> [Accessed 15 May 2014].

Stedman, S.J. 1997. Spoiler problems in peace processes. *International Security,* 22 (2), pp. 5–53.

Stedman, S.J. and Lyons, T. 2004. Conflict in Africa. In: Gyimah-Boadi, E. ed. *Democratic reform in Africa: The quality of progress*. Colorado, Lynne Rienner Publishers. pp. 141–158.

Straus, S. 2013. Wars do end: Why conflict in Africa is falling. *African Arguments*, 28 January. Available from: <http://africanarguments.org/2013/01/28/wars-do-end-why-conflict-in-africa-is-falling-by-scott-straus/> [Accessed 5 March 2013].

Sturman, K. 2011. Unconstitutional changes of government: The democrat's dilemma in Africa. Johannesburg, South African Institute of International Affairs. Available from: <http://www.saiia.org.za/policy-briefings/unconstitutional-changes-of-government-the-democrats-dilemma-in-africa> [Accessed 26 June 2013].

Tesfagiorgis, M. (2011) *Eritrea.* California, ABC-CLIO, LLC.

The Economist. 2011. Conflict mediation: Privatising peace. *The Economist*, 30 June. Available from: <http://www.economist.com/node/18895458> [Accessed 14 May 2014].

The Independent. 1993. Africa creates its own dollars 1m peace fund. *The Independent*, 20 November. Available from: <http://www.independent.co.uk/news/world/africa-creates-its-own-dollars-1m-peace-fund-1505560.html> [Accessed 18 March 2013].

Themner, L. and Wallensteen, P. 2012. Armed conflicts, 1946–2011. *Journal of Peace Research,* 49 (4).

United Nations. 2012a. United Nations guidance for effective mediation. *United Nations.* Available from: <http://peacemaker.un.org/sites/peacemaker.un.org/files/GuidanceEffectiveMediation_UNDPA2012(english)_1.pdf> [Accessed 16 May 2013].

United Nations. 2012b. United Nations Security Council Resolution 2056. *United Nations.* Available from: <http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2056(2012)> [Accessed 31 January 2013].

United Nations. 2012c. Adopting Resolution 2071 (2012): Security Council demands that armed groups cease human rights abuses, humanitarian violations in northern Mali. *United Nations.* Available from: <http://www.un.org/News/Press/docs/2012/sc10789.doc.htm> [Accessed 28 February 2013].

United Nations. 2013. United Nations Security Council Resolution 2100. *United Nations.* Available from: <http://www.un.org/News/Press/docs/2013/sc10987.doc.htm> [Accessed 21 May 2013].

United Nations Department of Economic and Social Affairs. 2002. Developing capacity for conflict analysis and early response. Training Manual. New York, United Nations. United Nations. 2009. Background information paper: Expert group meeting on 'Bridging the peace and development nexus, the role and capacities of African regional and sub-regional organisations'. *United Nations.* Available from: <http://www.un.org/africa/osaa/reports/capacity_regional_organizations_2009.pdf> [Accessed 15 May 2013].

United Nations Security Council. 2012a. Resolution 2085. *United Nations Security Council*. Available from: <http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2085(2012)> [Accessed 15 May 2013].

United Nations Security Council. 2012b. Security Council extends mandate of Liberia Mission until 30 September 2013: Unanimously adopting Resolution 2066 (2012). *United Nations Security Council*. Available from: <http://www.un.org/News/Press/docs/2012/sc10765.doc.htm> [Accessed 15 May 2013].

United States Institute of Peace. 2012. Betty Bigombe: Building peace in Uganda. *United States Institute of Peace*. Available from: <http://www.buildingpeace.org/teach-visit-us-and-learn/exhibits/witnesses-peacebuilding/betty-bigombe-building-peace-uganda> [Accessed 18 March 2013].

United Nations Political Office for Somalia. 2013. UNPOS mandate. United Nations Political Office for Somalia. Available from: <http://unpos.unmissions.org/Default.aspx?tabid=9706&language=en-US> [Accessed 22 August 2013].

University of Central Arkansas. 2013. Nigeria/Biafra (1967–1970). *University of Central Arkansas*. Available from: <http://uca.edu/politicalscience/dadm-project/sub-saharan-africa-region/nigeriabiafra-1967-1970/> [Accessed 15 March 2013].

United States of America Congress. 2007. *African organisations and institutions: Cross-continental progress*. Washington, Diane Publishing.

Voice of America. 2009. Former Ugandan mediator optimistic about agreement with LRA. *Voice of America,* 15 December. Available from: <http://www.voanews.com/content/a-13-2006-12-15-voa41/398150.html> [Accessed 3 April 2013].

West Africa Democracy Radio. 2012. Mali junta yields to ECOWAS threats, hands back to civilians. *West Africa Democracy Radio*, 1 April. Available from: <http://wadr.org/en/site/news_en/3379/Mali-junta-yields-to-ECOWAS-threats-hands-back-to-civilians.htm> [Accessed 25 February 2013].

Williams, P.D. 2007. From non-intervention to non-indifference: The origins and development of the African Union's security culture. *African Affairs,* 106(423), pp. 253–279.

World Bank. 2006. *Effective conflict analysis exercises: Overcoming organizational challenges*. Washington D.C., International Bank for Reconstruction and Development/World Bank.

World Peace Foundation. 2013. AU high-level implementation panel for Sudan. *World Peace Foundation*. Available from: <http://fletcher.tufts.edu/World-Peace-Foundation/Activities/AU-High-Level-Implementation-Panel-for-Sudan> [Accessed 13 April 2013].

Yanagizawa-Drott, D. 2012. *Propaganda and conflict: Theory and evidence from the Rwandan genocide*. Boston, Harvard University.

Young, J. 2007. Sudan IGAD peace process: An evaluation. *Institute of Governance Studies, Simon Fraser University*. Available from: <www.cmi.no/sudan/doc/?id=890> [Accessed 12 April 2013].

This revised edition of the African Union (AU) Mediation Support Handbook serves as a general reference and field study guide for mediation teams and lead mediators deployed on AU mediation missions. It is a practical tool, based on the premise that mediation is a critical and complex skill that requires time, practice and continued education. The handbook was developed in collaboration with the AU Conflict Management Division and following review of existing AU mediation tools, instruments and practices. As a result, it reflects current practice and knowledge required for effective mediation on the African continent.

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