

Challenges to Mediation Support in Hot Wars: Learnings from Syria and Ukraine

Foreword by Jimmy Carter



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FOREWORD

By Jimmy Carter

In October 2015, the global Mediation Support Network met at The Carter Center to discuss how best to support peacemaking efforts while war is still raging. There is always a moral imperative to stop the fighting as quickly as possible, but can this be accomplished in a manner that results in recovery and lasting peace?

Since I began to address violent conflicts through The Carter Center, our understanding of how mediation can support peace has developed significantly. Resolving differences between the major warring protagonists is just a first step. Experience shows that peace succeeds when all the affected parties, not just the primary combatants, have a meaningful voice.

In practice, this requires deliberate efforts to include women at all negotiation tables, along with a wide range of civil society groups. It means engaging all armed factions and investing the time, resources, and patience to build a process of inclusive, local decision-making and compromise.

This publication examines the challenges of implementing such an inclusive approach in the real world and how diplomats and mediation experts can work in the complex war environment. Topics include the need for early warning, long-term engagement and conflict analysis; coordination and inclusion; relations between various mediation stakeholders; how to avoid conflicts of interest; and, the principles of “do no harm” and “both sides win.” The collection is essential reading for those seeking to intervene during war with the goal of building lasting peace.

1. INTRODUCTION

Hot wars pose distinct challenges to peacemaking efforts. In fluid and quickly changing contexts, coordination is difficult, information is highly politicized, and actors are tempted to rush in without proper preparation. The humanitarian situation puts enormous pressure on third parties to resolve the conflict, and to do so as quickly as possible. There may be an increased willingness on the side of international actors to compromise on established principles, such as inclusivity or national ownership, in order to stop the carnage. This all begs the question: how can we best support peacemaking efforts while war is still waging?

From 12 to 14 October 2015, the Mediation Support Network (MSN) met in Atlanta, US, under the auspices of The Carter Center to discuss this timely question. The combination of conceptual discussions and case studies allowed the space to take a detailed look into the inner workings, promises, challenges and pitfalls of the contemporary field of peace mediation.

The core idea of the MSN is to discuss and develop good practice in the field. The discussions at the MSN meetings present a unique opportunity to exchange on and discuss how to deal with the multiple constraints and dilemmas mediation support actors face. In this edition of the MSN Discussion Points, we focus on the challenges that arise in the context of supporting mediation in hot wars, as discussed at the MSN Atlanta meeting.

The following two sections provide a short overview of the situations in Syria (Section I) and Eastern Ukraine (Section II), including a discussion of the specific challenges mediation support actors face in these contexts. Section III discusses the implications and recommendations for mediation support. It identifies and elaborates on three broad themes that need to be addressed by mediation support actors when engaging in hot wars: improving and better anchoring conflict analysis in practice, spelling out inclusivity of peace processes from a mediation perspective, and acknowledging the competitive nature of peace mediation to rethink cooperation in this context. The lessons learned from the two case studies and the discussions at the MSN Atlanta meeting extend beyond mediation support in hot wars, as is explained in the concluding remarks of Section IV. They provide important guidance to state actors, regional organizations and NGOs that are currently establishing or re-defining their profile as future peace mediation actors.

This publication is inspired by discussions held throughout the MSN Atlanta meeting, building in particular on the two case studies that were presented. It does not provide a comprehensive or consensus view of MSN members, but rather the authors' reflections on the discussion.

2. SYRIA CASE STUDY

Five long years after the Syrian conflict started, hope is finally emerging for a political solution to the conflict. This hope, which comes in the form of the ongoing intra-Syrian talks, represents a new major phase of a long international effort to mediate and manage the conflict.

Observers generally agree that the Syrian conflict began with widespread protests on 15 March 2011. The protests were met with violence by the government and pro-government paramilitaries. The suppressions led to more protests and the cycle continued until late 2011, when a growing number of defectors from the military began to take up arms.

The initial clashes between the Syrian military and the decentralized, armed opposition calling itself the "Free Syrian Army", were limited in size and geographic scope, and led to the first international attempts at mediating the conflict. This effort took the form of an observer team led by the Arab League and, in February 2012, the naming of Kofi Annan as Joint Special Envoy of the UN and Arab League on the Syrian crisis. Annan's tenure marks the most visible start of international mediation efforts. For analytical purposes, these efforts can be divided into three major phases, which are characterized in terms of how international consensus evolved (though always remaining tentative), and by the escalation in violence. In reality, however, these phases merged into each other, with simultaneous efforts underway at track II and III.

PHASE 1: FIRST GENEVA COMMUNIQUÉ

Kofi Annan's intervention involved an effort to reduce the violence in order to create space for political dialogue. The six-point peace plan, submitted by Annan to the UN Security Council shortly after his appointment as Special Envoy, set in motion a ceasefire and the deployment of an unarmed UN peacekeeping mission to Syria (UNSMIS). The idea was that an observed ceasefire would help create the space for political discussions. This process ultimately resulted in what became known as the first Geneva Communiqué, which became the only point of consensus amongst the parties to the conflict. However, the effort ultimately failed to prevent the conflict from progressing further. Despite Annan's ceasefire, the nascent Syrian armed opposition saw undeterred growth, and regional and international actors continued to support the government and opposition with arms supplies and funding.

PHASE 2: GENEVA II CONFERENCE ON SYRIA

The second phase of mediation in the Syrian conflict came with the frustrated departure of Kofi Annan, and the appointment of Lakhdar Brahimi as United Nations and Arab League Envoy to Syria. Annan's departure came as a result of the intransigence of both the Syr-

ian Government and opposition and a Security Council stalemate that reflected stark divisions in the international community. The Geneva Communiqué was not formally endorsed for over a year by the UN Security Council, highlighting the diverging opinions among the members of the UN's most powerful body.

Brahimi's tenure was marked by the first attempt to bring the conflict parties together, and an attempt to build upon the foundation laid by the first Geneva Communiqué – specifically the call for a “transitional governing body with full executive powers.” Brahimi's efforts culminated in a second conference, widely known as “Geneva II.” The conference brought together international actors and representatives from Syria, but was plagued by arguments among international actors. The competition among international actors saw Iran invited, and then promptly un-invited, and various political and armed groups withdrawing from the talks before they even happened, largely due to the fact that they were acting in line with the wishes of their main international patrons. The opposition was fragmented to an extent that made it difficult to identify an appropriate interlocutor on the opposition side. There was intense pressure to mediate, but no ripeness for mediation, and no international consensus on the way forward.

After the failure of the Geneva II conference, efforts followed to manage the conflict at the local level, instead of immediately attempting yet another national-level grand solution. During this period, the new UN Special Envoy, Staffan de Mistura, attempted a humanitarian-focused “freeze” plan in Aleppo, which failed to gain much traction before it gradually shrank in scope and was quietly scrapped. Following this, the UN team has been very careful before attempting another high-level effort. Instead, it initiated a consultation process in Geneva with a wide range of stakeholders, the results of which fed into the current intra-Syrian talks.

PHASE 3: VIENNA PROCESS AND INTRA-SYRIAN TALKS

The third and current major phase of mediation efforts in the Syrian conflict came because of the growing refugee crisis and threats to international security posed by ISIS, as well as the escalation of the conflict in the wake of Russia's direct entry into the conflict. These pressures brought the reality of the conflict in Syria to the rest of the world and, for the first time, international actors seemed to be committed to finding a solution to the conflict. This marked the beginning of the Vienna Process, which convened foreign ministers from all major nations involved in the conflict. Improved US-Iranian relations in the wake of the nuclear deal between Iran and the P5+1 countries a few months before the start of the process brought some positive momentum to the talks, which now included Iran, but also led to more difficult relations with Saudi Arabia. The Vienna Process led to the formation of the International Syrian Support Group and two joint statements outlining a roadmap for ending the violence, which were later incorporated into a UN Security Council resolution (UNSC 2254).

In the framework of this newly found unity of purpose within much of the international community, the UN Office of the Special Envoy invited the parties for proximity talks in Geneva. The intra-Syrian talks started on 29 January 2016, but were suspended five days later, due to the escalation of fighting around Aleppo. Following a period of increasing conflict, a cessation of hostilities was announced and went into effect on 27 February. This cessation of hostilities corresponded with Russia's announcement that they would be withdrawing their main fighting units from Syria, having completed their primary objectives. This cessation of hostilities achieved a significant reduction in violence initially, but deteriorated during subsequent rounds of talks. Nonetheless, it provided much-needed breathing room for negotiations, with the most recent round having taken place in April.

The key change in the current intra-Syrian talks with regard to previous mediation attempts is primarily a greater consensus between the US and Russia on the way forward, which is pivotal for finding any solution to the conflict. However, although the prospects for productive negotiations are better than in previous rounds, the current situation remains fragile and the potential for spoilers high.

THE ROLE OF CIVIL SOCIETY IN THE PEACE PROCESS

In contrast with the previous phases, the current phase is marked by the more systematic inclusion of civil society actors. The space provided for their inclusion in the talks in Geneva is crucial. Civil society actors have been very active throughout the conflict contributing to debates on a wide range of topics relevant to the peace process. Inside Syria, they are involved in activities such as negotiations for the release of abducted and detained individuals, negotiation of local ceasefires, direct conflict resolution and mediation between individuals, communities and armed actors, the promotion of peaceful values, relief work and development, as well as human rights activism. Alongside these efforts, a multitude of civil society organizations are operating from outside of Syria with extensive networks inside the country.

CHALLENGES OF MEDIATION SUPPORT IN THE SYRIAN CONTEXT

Supporting the Syrian peace process confronts mediation actors with five main challenges.

The first challenge relates to the definition of who the main parties are. Syria has known a high level of fragmentation of armed actors (see Figure 1). To design a mediation process in such a context is a challenge, which is further increased by the military and financial involvement of foreign actors in the Syrian context, as well as the presence of armed movements listed as terrorist organizations, such as Jabhat al-Nusra and ISIS.

A second challenge is to link the different processes. Many track II and track III initiatives are currently being

undertaken and a track I process has recently regained momentum. However, the linkages between these processes are sometimes challenging, and bear risks with regard to security and potential politicization of civil society actors. From a strategic perspective, more consideration is needed on how track II and III initiatives can be directly linked with efforts at the political level. While the track I process is not the only deciding factor, gains at other levels will remain limited if there is no traction at the track I, regional and international level.

Thirdly, many mediation support actors do not have direct access to people inside the country due to the ongoing warfare. This creates the risk that many end up working with diaspora actors who might thereby be pushed into a gatekeeping role, and may have divergent positions from actors inside. These actors are

then also often solicited by a multitude of international actors and are asked to attend numerous meetings as they provide linkages to the ground. Engaging with a wide range of actors both inside and outside the country is, therefore, extremely important.

A fourth challenge relates to coordination between international actors in a very fluid and rapidly changing context, which requires a high rate of responsiveness by all actors. In such a context, there is often only limited time to coordinate with others. There are efforts underway to manage this challenge, for example, by donors organizing intermittent meetings to encourage coordination between actors.

The final challenge relates to the polarization of the context, including the politicization of information. In

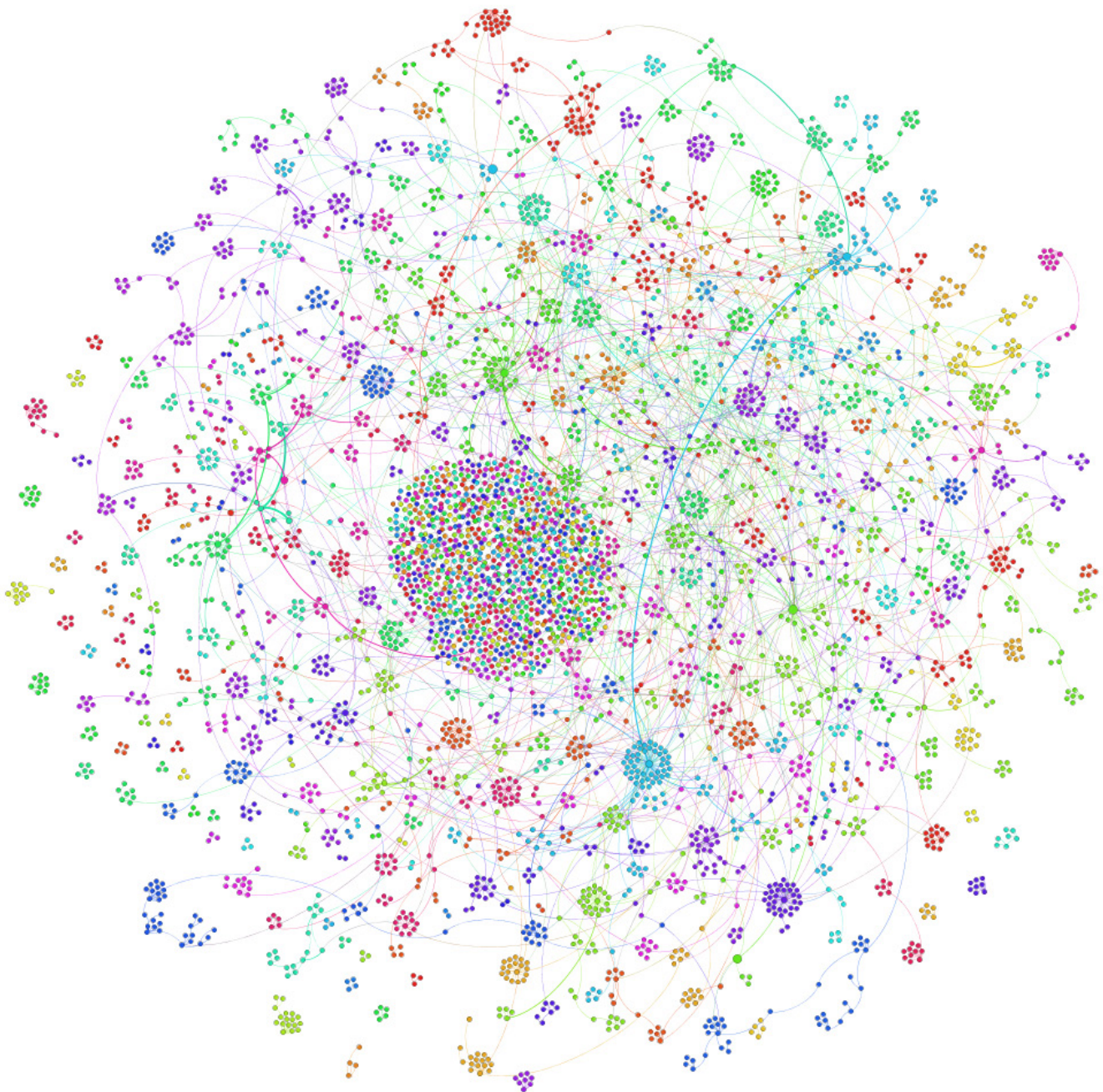


Figure 1: Graph visualizing all known armed group formations in Syria and the relations between them, as of the end of 2013. Source: The Carter Center Syria Conflict Mapping Project.

Box 1: SOME OF MSN MEMBERS' ACTIVITIES IN SYRIA

The Carter Center

From early 2012, the Center's activities in Syria have focused on: (1) a series of consultations with Syrian stakeholders from across the political divide, a majority of whom come from within the country, and (2) a data driven analysis of the developing conflict dynamic. In summer 2013, the consultations developed into workshops with the participation of a wide range of Syrian actors focusing on possible ways and means for a political transition and developing a vision of that transition. A report produced by these workshops has been used by the UN Special Envoy's team as one of the foundation documents for thinking about the country's constitutional options. The Center's data-driven conflict mapping reports are used widely by media organizations, government agencies, the UN, humanitarian organizations, and by academic institutions.

Mediation Support Project (MSP)¹

swisspeace, through the MSP, has been involved in the initiative led by the Carter Center (see above), and has jointly with the Norwegian Peacebuilding Resource Centre (NOREF), con-

vened meetings with Syrian stakeholders to discuss options for a political transition in Syria.

In addition, swisspeace, together with NOREF, is engaged in establishing a Syrian-led civil society space and publishes the "Syrian Voices on the Syrian Conflict" series, in which Syrian authors share their opinions on different aspects of the peace process. swisspeace conducts research on peacemaking in Syria in the framework of a three-year project on the role of norms in peacebuilding, co-organized a conference on the Syrian war economy, bringing together academics and policy makers, focused its Summer School on Syria, and co-published a report entitled: "Inside Syria: what local actors are doing for peace." It also organized roundtables on Syria assessing the gender specific characteristics of the current conflict.

The Center for Security Studies ETH Zurich, through MSP, supported the Swiss FDFA in negotiation training for the Syrian opposition as preparation for the Geneva II talks.

this regard, mediation support actors who can provide empirically-based analysis are crucially important. Quantitative and qualitative research allows for a greater understanding of the situation in order to respond more relevantly to it.

More generally, one of the main questions for international mediation support actors in the Syrian context is how to balance Syrian ownership with relevant international support. Syrians have made it very clear that this should be a Syrian-led process. At the same time, however, given that the conflict has developed local, national, regional and international dimensions, a comprehensive approach is needed. Indispensable in such a context is modesty by international actors and the willingness to engage in equal partnerships with Syrian actors in order to ensure the highest potential relevance of the initiatives implemented.

3. UKRAINE CASE STUDY

The conflict in Eastern Ukraine, also referred to as the "war in Donbass", dates back to November 2013, when thousands of Ukrainians mostly in Kyiv and Lviv began protesting against the Yanukovich government's decision to withdraw from talks with the European Union on a potential Association Agreement (AA) and Deep and Free Trade Association Agreement (DFTA).²

The protests were in essence a cry for long overdue reforms of the economic and political system of Ukraine. Post-Soviet Ukraine with its weak political institutions and oligarchic economy has been plagued by corruption and cronyism for more than twenty years. A country with ethnic, linguistic and religious diversity, Ukraine was facing internal fault lines between those looking towards the West and those, mostly situated in the southeastern part of the country, identifying with Russia.³ This diversity has been politicized to varying degrees by major political parties throughout the post-Soviet period to steer the electorate either towards Europe or Russia.⁴ In 2013, it reached new depths.⁵

Pro-Western Ukrainians viewed the proposed agreements with the EU as a window to Europe and an opportunity for a more prosperous and democratic Ukraine. The sudden turn of the government away from these agreements shook those aspirations, and was perceived as a decision made under Russian pressure. This created resentment, which led to the ensuing protests in Kyiv's Independence Square, known as Euro-maidan. The protests lasted for four months and led to the ouster of the Yanukovich government. The political polarization spread to other parts of the country, developing into pro-Maidan and anti-Maidan movements.

1 The Mediation Support Project is a joint project of the Center for Security Studies ETH Zurich and swisspeace, initiated and funded by the Swiss Federal Department of Foreign Affairs (FDFA).

2 Center for Strategic and International Studies. "The Ukraine Crisis Timeline." Accessed May 3, 2016. <http://csis.org/ukraine/kyiv.htm#1>.

3 The division is best understood by observing electoral behavior, rather than looking at it from a geographical or ethno-linguistic perspective.

4 Haran, Olexiy, and Petro Burkovskiy. "Before and After Euromaidan: European Values vs. Pro-Russian Attitudes." In *Religion and Society in East and West*, No. 5/6 Vol.42, edited by Stefan Kube, 13–16. Zürich: RSEW, 2014.

5 BBC News. "Ukraine's Sharp Divisions." April 23, 2014. Accessed May 11, 2016. <http://www.bbc.com/news/world-europe-26387353>.

EXPANSION OF THE CONFLICT TO THE EAST

The political destabilization and regime change in Kyiv created a possibility for pro-Russian forces in Crimea to mobilize their population against what they saw as an unconstitutional coup. Following a disputed referendum, Crimea was declared to be part of Russia.⁶ Kyiv and most of the international community perceived this move as an unlawful annexation and an infringement on Ukraine's sovereignty. Russia, on the other hand, saw this as an act of self-determination on the part of the Crimean population wanting to join Russia, its historic motherland.⁷

The ouster of ex-president Yanukovich created a power vacuum in the east of the country, which was filled by the pro-Russian and anti-Maidan protesters. By April 2014, militants openly challenged the authority of the Kyiv government. This led to clashes with the government's security forces, who successively lost control over the Luhansk and Donetsk regions of Donbass. The two regions declared independence from the newly formed government in Kyiv and self-proclaimed themselves as 'Luhansk National Republic' (LNR) and 'Donetsk National Republic' (DNR). Both entities remain unrecognized by any international state. Having been elected in May 2014, the new Ukrainian president, Petro Poroshenko,⁸ stepped up the so-called "Anti-Terror Operation" in the East. This led to intensified fighting in the Donetsk and Luhansk regions, which continued throughout 2014 and 2015, claiming thousands of lives and causing massive internal displacement and human suffering.⁹ The conflict in the east of the country undermined the initial purpose of Euromaidan, leaving a disgruntled and disenchanted population faced with massive socio-economic issues.

BIG POWER POLITICS

The conflict in Ukraine is multifaceted, with multiple cleavages on both inter-Ukrainian and international levels. The different socio-political aspirations across the divide are backed by the West and Russia correspondingly. The Euromaidan, in essence a popular uprising against the crippling corruption and economic stagnation in the country, and follow-up events quickly developed into a violent conflict. This deepened the already existing cleavages within Ukraine, leading to large-scale destabilization and a deterioration of relations between Russia and Ukraine, both on official and social levels.

This takes place in the context of a larger geopolitical competition between the West and Russia. The Western backing of the Euromaidan is clearly perceived by Russia as infringing on its strategic backyard, and the West sees Russia as clinging on to its former zone of influence. While reducing the Ukraine conflict to a geopolitical game between Russia and the West would be an oversimplification, i.e. taking away the agency of large parts of the Ukrainian population, it is safe to say that the mutual antagonism between Russia and the West, perceptions of threat and the heightened need of both sides to protect their respective spheres of influence have fueled conflict in Ukraine and created unfavorable conditions for mediation efforts.

MEDIATION INITIATIVES

Despite their diverging geopolitical interests and growing rift, Russia, Ukraine and the West initiated international mediation efforts under the auspices of the OSCE. These efforts led to a series of agreements negotiated within the Trilateral Contact Group (TCG) comprised of Ukraine, Russia and the OSCE, with the Special Representative of the OSCE Chairperson-in-Office acting as an intermediary and representatives of LNR and DNR being brought in on a regular, albeit informal, basis. The efforts of the TCG produced two similarly worded agreements in September 2014 and a subsequent agreement in February 2015, all negotiated in Minsk. The February 2015 agreement was made possible, and even partially negotiated, using the Normandy format that brings together the heads of states of Russia, Germany, France and Ukraine. It comprised an 11-point agreement that provided for a ceasefire, which was only partially observed. It also outlined steps towards a political resolution of the conflict in Donbass and thus served as a basis for the current talks in Minsk. These talks continue to take place in four working groups of the TCG – on security, political, humanitarian, and economic affairs – but they continue to be blocked on the most important issues.

On the civil society level, a number of dialogue initiatives have been underway, supported by the United Nations, the OSCE and a number of international, mostly European, NGOs, including MSN member organizations. The initiatives aim to promote dialogue culture in Ukraine and encourage the participation of local facilitators (see Box 2).

CHALLENGES OF MEDIATION SUPPORT IN THE UKRAINIAN CONTEXT

Mediation support actors face several challenges in the Ukrainian context:

A first challenge relates to the sustainability of the talks and their acceptance by the population. Despite the challenging and fragile ceasefire, the Minsk talks provide the umbrella for official reconciliation. Little information is available regarding the actual work of the four working groups on security, political, humanitarian

6 Gutterman, Steve, and Pavel Polityuk. "Putin Signs Crimea Treaty as Ukraine Serviceman Dies in Attack." *Reuters*, March 19, 2014. Accessed May 11, 2016. <http://www.reuters.com/article/us-ukraine-crisis-idUSBREA1Q1E820140319>.

7 Soldatkin, Vladimir, and Rosalind Russell. "Russia's Putin Says Taking Crimea Righted Historical Injustice." *Reuters*, April 26, 2015. Accessed May 11, 2016. <http://www.reuters.com/article/us-russia-putin-film-idUSKBN0NH0JD20150426>.

8 It should be noted that the DNR and LNR population did not participate in the presidential or parliamentary elections.

9 UN OCHA provides an overview of the humanitarian situation in the Ukraine, which can be accessed at: <https://www.humanitarianresponse.info/en/operations/ukraine>.

Box 2: SOME OF MSN MEMBERS' ACTIVITIES IN UKRAINE

Center for Peace Mediation (CPM)

In 2014 and 2015, the Center for Peace Mediation (CPM) together with the Berlin Center for Integrative Mediation (CSSP) and inmedio provided support to local dialogue actors in Odessa, Ukraine. During the course of the project, a core group of local actors engaged in facilitating, organizing, supporting and promoting dialogue in Odessa was established. Key foci were to foster synergies among these actors, strengthen their operational capacities and reach out to new actors, particularly within anti-Maidan and pro-Russian communities. Besides skills workshops, teambuilding and supervision, the CPM conducted field research on the dynamics between political groups and barriers to dialogue in society. In 2016 and 2017, the CPM, together with Ukrainian colleagues, are running a comprehensive qualitative research project that spells out a context and culture-sensitive approach to mediation and dialogue in ongoing crises like Ukraine.

Centre for Humanitarian Dialogue (HD)

The Centre for Humanitarian Dialogue (HD) has been active in Ukraine since February 2014. Through its activities, HD seeks to build understanding and reduce tensions by: engaging in dialogue with relevant parties; establishing communication

channels with key stakeholders (including politicians, civil society, and substantive experts); providing technical advice on issues that are central to the implementation of the official Minsk agreements; and bringing together communities from all sides of the ideological divide, in an effort to re-establish the bonds of societal tissue. HD works with various local partners to carry out its mission in Ukraine.

swisspeace

In 2015, swisspeace, together with the Union of Don Women in Russia and supported by the Center for Security Studies (CSS), initiated a series of dialogues between civil societies in Ukraine and Russia. The initiative brought together different groups of Russian and Ukrainian civil society actors, who were psychologists, NGO professionals and women activists dealing with the consequences of the conflict on a grassroots level. These dialogue meetings were followed up with a dialogue between women peacemakers from Ukraine including Donbass, and Russia, specifically on issues related to human security in Donbass. The project brought together civil societies across Ukraine and Russia, thus targeting the deterioration of relationships between the two societies by encouraging joint action on jointly identified problems of common interest.

and economic issues. This fosters societal distrust and explains why according to unofficial observations and conversations with local civil society activists, civil society is either negative or indifferent towards the Minsk talks.

A second, related challenge is the lack of multi-track linkages. Critics of track II peacebuilding initiatives propose the argument that those initiatives can be useful and effective only if they feed into track I official processes. However, this is difficult in the Ukrainian context due to the exclusive nature of the track I process, the nature of civil society and its lack of faith in being able to influence what happens on track I.

A third challenge is a lack of appropriate conflict and context understanding. Despite a general consensus on the importance of conflict analysis before engaging in any conflict context, many international organizations working in Ukraine have not conducted a solid conflict analysis. For expediency's sake, the majority of these organizations rushed into the context, without any deep analysis to inform, limit or support their initiatives that would reflect the needs of the population in a particular phase of the conflict.¹⁰ The reasons for this operational expediency might be manifold and include sudden availability of donor resources for a particular context, pressure to perform, and related to that, competitiveness for the existing funds. The consequences include a lack of cultural and context sensitivity: some

of the dialogue and mediation formats applied in the crisis, especially on tracks II and III, do not fit the realities of Ukraine society.

A fourth challenge, related to conflict analysis, is the lack of reliable information in the Donbass region. The region is isolated from the rest of the country, and international organizations are largely absent, with the notable exceptions of the OSCE Special Monitoring Mission in Ukraine, the UNHCR and the ICRC. There is little engagement in the de-facto areas of Donbass due to movement and registration restrictions, but also for fear of antagonizing the Ukrainian government by engaging with the separatist entities.

A final challenge relates to a lack of coordination between the different NGOs and competition among them. An impressive number of international and Ukrainian actors became active in terms of mediation and dialogue facilitation shortly after the outbreak of the Ukrainian crisis, and funds were quickly made available. This posed difficulties in terms of coordination, and in some cases led to competition between different actors who were involved. In addition, some projects seemed primarily dictated by donor expectations rather than the needs of Ukrainian society. The consequences, ranging from duplication of efforts, to breakdown of funding in the middle of ongoing dialogue processes, led to dialogue fatigue among many Ukrainian actors. MSN members have been trying to counter this trend by fostering cooperation and synergies between different actors (see Box 2).

¹⁰ See Paffenholz, Thania. 2009. "Summary of Results for a Comparative Research Project: Civil Society and Peacebuilding." *CCDP Working Paper 4*, Center on Conflict, Development and Peacebuilding (CCDP).

4. IMPLICATIONS AND RECOMMENDATIONS FOR MEDIATION SUPPORT

Based on the insights from the Syria and Ukraine case studies and the discussions at the MSN meeting in Atlanta, the authors of this report identified three main themes that need to be addressed by mediation support actors when engaging in hot wars.

4.1 IMPROVING AND BETTER ANCHORING CONFLICT ANALYSIS IN PRACTICE

A comprehensive conflict analysis is a critical component of any mediation support engagement. Understanding the conflict dynamics is perhaps of even greater importance in ongoing wars, where misguided engagement may quickly translate into more suffering. While this has been widely recognized, there remains a surprising discrepancy between theory and practice. In order to turn lip service into established operational practice, a number of challenges have to be addressed:

Ensure that short-term pressures do not override long-term objectives: Lack of conflict analysis is often the first fatality of heavy workloads, a lack of resources, or other more immediate concerns. Actors at times see ‘pragmatism’ as an excuse for their failure to conduct a proper conflict analysis. If used at all, an outdated or superficial conflict analysis may serve as the basis of engagement. This is dangerous, as a failure to understand the conflict dynamics may lead to an intervention that does more harm than good, firstly to the people involved in and affected by the conflict and secondly, to the interveners in its repercussions.

It should therefore, become a shared conviction that taking short cuts in terms of conflict analysis for expediency’s sake is not pragmatic, but irresponsible. This point should be communicated within organizations, to partner organizations and to the donor community. A few simple questions help identify the appropriate level and the focus of the analysis: What is the operational aim of the analysis? Who needs to be involved? What can – taking into consideration colliding logics – realistically be done? Ongoing reflection and regular updates on these questions and the analysis will be needed, particularly in ongoing wars, where alliances and contexts may change quickly.

Share your analysis and make assumptions explicit: Those engaged in the conflict arena may have an implicit understanding of the overall dynamics, but often fail to make their assumptions explicit. As a result, there is no shared understanding of the reference frames for approaching the conflict and the basis for analysis remains selective and erratic.

Conflict analysis itself may be seen as very political. If sharing an analysis is not possible for political rea-

sons, mediation support actors can share their analysis framework and assumptions with partner organizations, and ask them to make theirs explicit to the extent possible and appropriate. One way of doing so is by conducting a participatory conflict analysis workshop within one’s own organization and with partners. Spreading knowledge and exchange on existing analytical tools and methods can be actively encouraged.

Increase the practice-oriented character of conflict analysis: Diplomats tend to exhibit a certain aversion to conflict analysis, either because they (1) view them as an academic exercise without operational value, or because (2) they are afraid that they lose flexibility once an analysis and engagement strategy has been written down and made explicit (or even public).

In view of the doubts over the practical benefits of conflict analysis, mediation support actors need to deliver on the promise to create graspable “added value” on the ground. This is only possible when the concrete aim and purpose of the conflict analysis have been jointly clarified with the donor and partner organizations. The simple need for analysis as the only proper basis for responsible practical action on the ground should be highlighted.

With regard to the fear of losing flexibility, diplomats must be given the chance to experience for themselves that a comprehensive conflict analysis allows for more, not less, flexibility in changing circumstances. Moreover, the aim of conflict analysis is not only to generate knowledge and understanding from a bird’s eye perspective, but also to define practical mediation entry points¹¹ and develop strategies for building traction, which are two key currencies of peaceful interventions.

Ensure that your conflict analysis and resulting intervention design is context- and culture-specific: In many cases, too little time, energy and resources are invested in ensuring that an intervention design is context- and culture-specific. However, this is not a mere political or a normative requirement. It is a pragmatic necessity in order to be able to identify which mediation and dialogue tools actually work in the specific case.

Significant time and resources should be invested to explain this idea in practice, applying culture-specific analysis tools and to develop tailored, context-specific mediation approaches. This also requires the integration of a wide spectrum of voices in the conflict analysis, particularly in contexts where there is a lack of reliable data and a politicization of information that fuels the conflict. Mediation support actors should talk directly to those involved or affected by a specific conflict, and not only to international experts.

¹¹ Mediation entry points are the features/elements/moments within the anatomy or context of a conflict that help mediation actors create access to conflict parties or stakeholders and that have the potential for a successful mediation approach; see “Mediation Expert Meeting 2015” by the German Federal Foreign Office and Initiative Mediation Support Germany.

4.2 SPELLING OUT “INCLUSIVITY” OF PEACE PROCESSES FROM A MEDIATION PERSPECTIVE

In a convincing fashion, the notion of “inclusive peace” has made its way into the international arena of conflict resolution.¹² Nevertheless, distinct challenges resulting from this paradigm shift remain at all levels and phases of mediation support. In particular, four points are worth highlighting:

Be inclusive from the early stages of the engagement:

While there is an increasing awareness of the need to be inclusive during a mediation process, there is less emphasis on inclusivity during the early stages of engagement. However, failure to be inclusive during the conflict analysis and initial process design phases will likely have repercussions further down the road.

To avoid this, it is advisable to include a wide variety of voices in the early stages of engagement, i.e. in collecting and analyzing data and interactively detecting or generating mediation entry points. In doing so, mediation support actors also need to be aware that local actors do not have unlimited capacity to contribute and feed into a process that is not of direct benefit to them. Strategies to ensure that the interaction with local actors is reciprocal include empowering them as experts and supporting them where a need is seen.

Include all conflict actors that are required to adequately approach the conflict:¹³ Actors involved in a conflict continue to be excluded from mediation processes for primarily normative or ideological reasons, as is the case with some armed actors and terrorist groups. International actors may view the inclusion of such actors as providing an inappropriate veneer of legitimacy. Conflict parties – disinterested in an inclusive process that may potentially dilute their influence – may seek to impede the inclusion of such actors on normative grounds. This can become an impediment in terms of inclusive process design.

Fully acknowledging inherent tradeoffs, there are still some pragmatic yet effective recommendations for dealing with this dilemma: Actively seek a clear and complementary role division between state and non-state third parties. Enable partners to reach out to all actors needed to end the conflict, including those labeled as terrorists. Make full use of different mediation formats,¹⁴ and of sequencing, shuttle mediation techniques and (restricted) media involvement.

Strive for genuine inclusion of civil society: There is a myth in peace mediation that the participation of civil society is highly appreciated by all sides and that civil society plays a significant role in mediation processes. However, the contemporary operational code looks different: when push comes to shove, mediators and mediation support actors often see civil society as a ‘nice to have’, and tacitly ignore it for the sake of expediency. Conflict parties may also don’t want to share decision making powers with civil society actors.

This means that inclusivity needs to be understood and realized in a pragmatic and creative manner. Mediators and mediation support actors should work with the parties to convince them that inclusivity is useful and necessary. Together they can choose a structured approach to reach out to civil society, acknowledge it as a set of diverse actors with their own agendas rather than a coherent and unified entity, and be transparent about the scope and limitations of the interaction. There are many different formats of involving civil society in different phases of a process. An effective inclusion of civil society does not necessarily mean a ‘seat at the table’. The degree of and strategy for civil society inclusion may vary depending on the goal and the phase of the process.¹⁵

Mediation support actors also need to evaluate the motivations, incentives and opportunities for people and organizations to engage. From the donor community, more efforts and new strategies are needed to devise funding schemes in a way that incentivizes a genuine inclusion of civil society. Adverse effects, for example, some civil society actors getting into the position of gatekeepers for (and grant-eaters of) the international community, should be acknowledged and addressed.

Actively push for multi-track linkages: Peace mediation (support) initiatives may take place at different levels and tracks, but actors on all levels struggle and often fail to interlink those efforts. It may seem evident that track II initiatives can only be effective if they feed into track I processes, but track I efforts will in the long term also only be successful if they are complemented by efforts on track II and track III. All tracks serve specific and necessary functions in achieving different outcomes on different levels.

Mediation support actors should evaluate how interlinkages between the different tracks, the flow of information, and convincing cooperation structures between all tracks are organized and practiced. They can seek various formal and informal ways of linking their efforts to other tracks, and lead by example in terms of enabling other tracks to get access to their results.

¹² See for example the report of the High-level Independent Panel on Peace Operations at: http://www.un.org/sg/pdf/HIPPO_Report_1_June_2015.pdf

¹³ See United Nations (2012) “Guidance for Effective Mediation”, p. 13.

¹⁴ For an overview of mediation formats that can be used to increase the inclusivity of a process, please see: Paffenholz, Thania. 2014. “Broadening Participation in Peace Processes,” *Mediation Practice Series*, Centre for Humanitarian Dialogue.

¹⁵ See: Alvarez, M. et al. 2013. “Translating Mediation Guidance into Practice: Commentary on the UN Guidance for Effective Mediation,” *MSN Discussion Points 2*, Mediation Support Network (MSN), and Romo, P. and Marylene Smeets. 2015. “Inclusivity in Mediation Processes: Lessons from Chiapas,” *MSN Discussion Points 6*, MSN.

4.3 RETHINKING COOPERATION IN THE PEACE MEDIATION MARKET

Among the actors in the field of peace mediation, there has been a remarkable shift in recent years, moving away from the aspiration to have “unique interventions” (in the sense of recognizable handwriting of single actors), towards pragmatic cooperation and multilateral thinking. This paradigm shift is in the best interest of all, but needs to be further developed and refined, as suggested in the following paragraphs.

Re-assess the relationship between peace mediation and power diplomacy: Peace mediation is distinct from traditional diplomacy.¹⁶ The complexities of the interplay between the two can become highly charged when human lives are at stake. There is a risk that the short- and long-term logic underpinning politics and mediation may differ or clash, despite the shared aim to bring peace. Mediation efforts can also be co-opted by regional or global powers to advance their own political agendas.

Power diplomacy can be justified if it helps to end war. However, it is never sufficient on its own to achieve sustainable peace. Diplomats and mediation actors need to explore potential synergies and balance pragmatism with principles. Mediation actors need to be aware of political realities and to integrate them in their mediation design, while diplomats should try to better understand and integrate mediation logic when defining their political rationale. This requires a willingness to learn from both the past and ongoing experiences from all sides.

Accept that the mediation field is competitive and develop cooperation models that work under these circumstances: Mediation and mediation support actors usually share similar values and visions, and are oriented towards peace, not profit. At the same time, they are competitors in a field with limited resources, all needing to promote a product internally within their organization, and to donors to be able to survive as an institution. If this fact is not acknowledged and accounted for in a transparent fashion, calls for cooperation may risk ending in superficial exercises that distract from genuine collaboration. Mediation support actors might also be tempted to monopolize access to insiders and special information, in order to gain short-term strategic advantages over their competitors, without due recognition of the dangers of such an approach.

Therefore, mediation support actors should much more openly acknowledge the potentially competitive nature

of the field. By being transparent about their respective motivations, interests and limits of engagement, they are more likely to also gain a realistic understanding of other actors in that regard. An integrative and cooperative approach in terms of access to information and local actors is called for. If there are legitimate reasons why mediation actors cannot share a contact or information, it might be possible to be transparent about their concerns and creative in terms of finding other ways to be inclusive.

Even “light-touch” coordination needs a cooperative basis: Many voices call for a “light-touch” coordination between mediation support actors. Such calls may be justified, but there is a risk that actors use the term superficially. “Light touch” coordination should, therefore, be defined as smooth, easy and honest interaction that paves the way to true cooperation. To allow for such cooperation to take place, abstract notions of cooperative approaches need to be translated into actual practice.

Be pragmatic in cases of duplication of efforts: As experienced in the Ukraine and Syria contexts, the absence of joint objectives and priorities, lack of multi-track perspectives and a failure to clearly distribute roles and activities can lead to mistrust in mediation actors and dialogue fatigue. Uncoordinated efforts and duplications are not only a wasteful way of using resources, but may actually do harm to the whole mediation sector.

Before and during their engagement, mediation support actors should, therefore, take stock of other initiatives and determine whether and how they can create added value and link up to other initiatives. Responsible engagement and pragmatism includes a radical act of self-questioning: if efforts duplicate existing activities, mediation support actors can gracefully withdraw or adapt their approach, even if funding is already secured. This positions them as reliable and responsible partners with a genuine interest in making peace mediation happen. Similarly, it is not only the responsibility of donors but it is also in their interests to coordinate with other donors to ensure the complementarity of efforts.

Resolve conflicts of interests between international intermediaries: On a regular basis, engagement starts with good intentions and ends badly. Outside efforts to manage conflicts often lead to secondary conflicts of interest between the actors who provide help, adding further layers of complexity to already existing crises.

Structures that facilitate the coordination and cooperation between third party actors can help deal with such conflicts in a constructive manner. Building up personal and institutional relationships between mediation support actors independent of specific engagement, as practiced by the Mediation Support Network, can further pave the way for genuine cooperation in concrete cases.

¹⁶ “Mediation is a process whereby a third party assists two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements.” United Nations. 2012. “Guidance for Effective Mediation,” p. 4. In contrast, “Diplomacy is the means by which States throughout the world conduct their affairs in ways to ensure peaceful relations. The main task of individual diplomatic services is to safeguard the interests of their respective countries abroad.” Swiss Federal Department of Foreign Affairs. 2008. “ABC of Diplomacy.”

In cases where conflicts between support actors persist, they should be dealt with in a transparent and constructive fashion. Those who support mediation can ensure that they follow the same lessons in their own conduct, where conflict arises.

Raising awareness for the consequences of short term funding schemes: Donors enable engagements, but they also tend to complicate them. Short-term funding schemes are the norm rather than the exception, and international mediation support actors often have to engage on an ad hoc basis without long-term commitment to partners and local actors. Projects that are stopped prematurely may result in a loss of trust in mediation and dialogue approaches, or more generally in distrust towards the international community.

Mediation support actors should continue to raise awareness of the negative consequences of short-term funding, and ask for funding schemes to be revised in a way to provide clear incentives for sustainability, cooperation and transparency (rather than encouraging unique and secretive ways of engagement). They need to engage donors in discussing how and what projects should be evaluated, and should jointly develop concrete ethics of engagement, in order to erase the adverse side of funding.

5. CONCLUSION AND IMPLICATIONS BEYOND HOT WARS

The discussions at the MSN meeting in Atlanta showed that the timing is right and the actors are ready to translate a number of well-established ideas into actual practice and to put flesh and muscles on the bones of concepts like structured conflict analysis, true inclusion, and honest cooperation.

A simple first step towards this goal is to expand the task of conflict analysis to third party activities, in order to clarify the presence and roles of third parties, including their approaches, interests and impact on the conflict. The generated knowledge would help to detect conflicts of interest that call for constructive resolution, and would better coordinate action on the ground. This would also assist with answering the question that should be asked before any engagement: do we engage where visibility and donor money is available, or where we have added value?

Many of the lessons that can be drawn from providing mediation support in hot wars also have implications with regard to the establishment of mediation support structures more generally. The global field of peace mediation and peace mediation support is currently experiencing a period of increased attention. The necessity of mediation as an important instrument of crisis prevention and management has gained wider

recognition, and many states and regional organizations have recently established or re-defined their profiles as future peace mediation actors. The key messages from this publication may help guide such actors in strategically positioning the mediation support within their own organizations. New structures and activities should be embedded into the existing system of mediation, which requires critical reflection on the role or niche an actor wants to fill, its comparative advantages, the tracks they wish to target (and the rationale behind this choice), mandates, interests and constraints, as well as the normative and ethical frameworks subscribed to. Doing this needs time and stamina: it may take a decade from committing to the idea to actually establishing a structure that is fit for purpose, efficient and trusted.

MEDIATION SUPPORT NETWORK

PROFILE

The Mediation Support Network (MSN) is a small, global network of primarily non-governmental organizations that support mediation in peace negotiations.

MISSION

The mission of the MSN is to promote and improve mediation practice, processes, and standards to address political tensions and armed conflict.

Furthermore, the MSN connects different mediation support units and organizations with the intention of

- promoting exchange on planned and ongoing activities to enable synergies and cumulative impact;
- providing opportunities for collaboration, initiating, and encouraging joint activities;
- sharing analysis of trends and ways to address emerging challenges in the field of peace mediation.

ACTIVITIES

The MSN meets once or twice a year in different locations. The organization of the meetings rotates, with each meeting hosted by a network partner. Each meeting has a primary topical focus that is jointly decided by all network members.

MSN MEMBERS IN OCTOBER 2015

- African Centre for the Constructive Resolution of Disputes (ACCORD) www.accord.org.za
- Berghof Foundation www.berghof-foundation.org
- The Carter Center www.cartercenter.org
- Center for Peace Mediation (CPM) www.peacemediation.de
- Centre for Peace and Conflict Studies (CPCS) www.centrepeaceconflictstudies.org
- Centre for Mediation in Africa, University of Pretoria (CMA) www.centreformediation.up.ac.za
- Conciliation Resources (CR) www.c-r.org
- Crisis Management Initiative (CMI) www.cmi.fi
- Folke Bernadotte Academy (FBA) www.folkebernadotteacademy.se

- Foundation for Tolerance International (FTI) www.fti.org.kg
- Centre for Humanitarian Dialogue (HDC) www.hdcentre.org
- Initiative on Quiet Diplomacy (IQD) www.iqdiplomacy.org
- Mediation Support Project (MSP), swisspeace and Center for Security Studies (CSS) ETH Zurich www.swisspeace.ch & www.css.ethz.ch
- Nairobi Peace Initiative (NPI) www.npi-africa.org
- Search for Common Ground (SFCG) www.sfcg.org
- Servicios Y Asesoría Para La Paz (SERAPAZ) www.serapaz.org.mx
- Southeast Asian Conflict Studies Network (SEACSN) www.seacsn.usm.my
- UN Mediation Support Unit (PMD/MSU) www.peacemaker.un.org/mediation-support
- US Institute of Peace (USIP) www.usip.org
- West Africa Network for Peacebuilding (WANEP) www.wanep.org

PREVIOUS MSN DISCUSSION POINTS:

MSN Discussion Points no.6, Inclusivity in Mediation Processes: Lessons from Chiapas, 2015

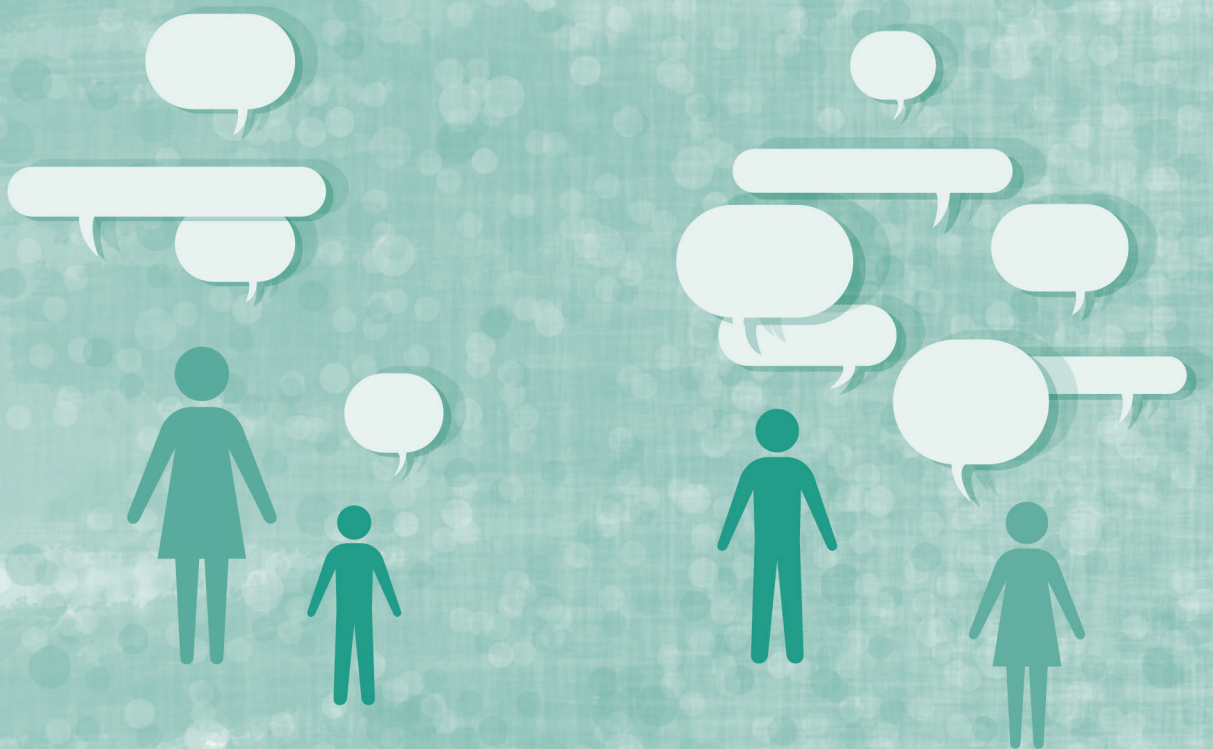
MSN Discussion Points no.5, Mediation and Conflict Transformation, 2014

MSN Discussion Points no.4, Mind the Gap: How Mediation Support Can Better Respond to the Needs of Local Societies, 2013

MSN Discussion Points no.3, Regional Intergovernmental Organizations in Mediation Efforts: Lessons from West Africa, 2013

MSN Discussion Points no.2, Translating Mediation Guidance into Practice: Commentary on the UN Guidance for Effective Mediation by the Mediation Support Network, 2013

MSN Discussion Points no.1, Supporting Peace Processes: Improving Collaboration Between Humanitarian, Development, Security and Mediation Actors, 2011



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