

## CHECK AGAINST DELIVERY

### European Mediation Conference Belfast, 10 April, 2008

#### “Mediation Capacity and Opportunities for International Peace Mediation”

##### Keynote by

*President Martti Ahtisaari, Chairman, Crisis Management Initiative*

Dear friends, colleagues, ladies and gentlemen,

I would like to thank Mediation Northern Ireland and the Scottish Mediation Network for inviting me to the European Mediation Conference 2008. Being here, exactly 10 years after the Good Friday Accord, an outcome of 22 months of intensive negotiations, clearly indicates to us what a professional mediation process, with committed parties, can achieve.

As some of you may know, I was involved in a modest way in the Northern Ireland peace process in 2000 and 2001 when inspecting a number of IRA arms dumps together with Cyril Ramaphosa. In the beginning I asked Gerry Adams how long he expected our assignment to last. He smiled and said that this dispute has lasted for over 400 years, you are free to make your pick. Our contribution was to keep the political process in intensive care for a year. We handed it over to “*general ward*” when Sinn Fein and IRA were ready to return to the process. I am proud that I had a chance to contribute to the process along with others who were determined to find a lasting solution. For me it has also proved the point that I am going to make later on, about the different roles and networks needed for a successful peace process whether short or long.

I find it remarkable that this conference brings to Northern Ireland over 300 mediators from different fields, ranging from family mediation to school mediation, to victim offender mediation, economic and business mediation – and increasingly also international peace mediation. I think this demonstrates that conflicts present at all levels in our societies should not be seen as something to be avoided but to be mediated for new openings in human relationships.

I was asked by the organisers of this conference to address the issue of international peace mediation. I am honoured to have this opportunity to share my thoughts and experiences with this distinguished audience. In the following, I would first like say a few words about negotiators; who are they and how they could work together. Secondly, I will share some insights about what issues can be productively included or excluded from the negotiation process. Particularly I will be addressing the issues of justice and social and economic development. I will address these points in the light of my personal experiences in peace mediation. Finally, I will conclude with some thoughts on how to build a collective capacity of peace mediators.

**I will start by discussing who the negotiators are and what role they should play in a peace mediation process.** Peace talks can be direct negotiations between the

conflicting parties. When the parties to a conflict are unable to reach a resolution by themselves, the intervention of a third party is a possible means of breaking the deadlock and producing an acceptable solution. Mediators can play different roles. They can serve as hosts, observers, facilitators, formulators, educators, manipulators, or advocates. At least I have been serving in all those roles in different peace processes. A mediator has to be able to evaluate the situation and the parties and to adopt a role that is most suitable in a particular setting. Being a mediator is a particular skill and it is not for everybody working with diplomacy and international relations.

Mediators can also conduct shuttle diplomacy between two conflicting parties who will not or cannot negotiate face to face in order to advance the negotiation process. This is an approach that I have some doubts about. Becoming involved in mediation when a resolution to a conflict is not yet prioritised by both parties can further exacerbate tensions and escalate the situation. It is only when parties are ready, due to any number or combination of security, political, social or economic developments, that peacemaking can be successful.

There has to be genuine ownership from the side of the parties. I think the case of Kosovo is a good example of where this precondition did not exist. At the very early stages of my mandate and during my initial visits to Belgrade and Pristina at the end of November 2005, it became apparent that the positions and perceptions on the status were entrenched and so widely contradictory that any immediate attempt to narrow these differences would lead nowhere.

My team and I therefore commenced work in early 2006 with an understanding that we should try to at least close the gap between Belgrade and Pristina on “technical aspects” of the status: Rights of Communities and their members; Decentralisation; Religious and Cultural Heritage; Economic provisions and Property. Technical agreements or at least rapprochements were thought to then serve as building blocks for the resolution of status.

But unfortunately, we did not have two parties who were ready to come to the table to reflect what each others needs and interests. As you know, our task was to resolve the question of Kosovo’s status, which we did. Unfortunately one party was not ready to accept the solution. This is an example of a complex situation that international peace mediators have to face and carefully weigh between the costs and consequences of solutions on the table.

The final status proposal on Kosovo has been carefully elaborated following multiple caucuses with the parties concerned. I believe that the independence of Kosovo is of benefit to all parties. By accepting the situation Serbia can take this opportunity to enhance lasting peace in the Balkans and to be part of Europe. The international community and in particular the European Union have to take care of the fact that all people of Kosovo will be able to progress towards this goal as well.

My experience is that a mediator needs to know extremely well where to take the process even if he or she is just there to help the parties. Without clear objective it is easy to have long talks with little or no results. The role of the parties is of course fundamental but we should not be naive about their willingness and capacity to compromise, particularly in the early phases of negotiations. As we all know, a mediator has to forget his ego as it has often

proven useful that the parties to the conflict get the credit when the agreement is reached even if they hadn't really deserved it.

Just as in national contexts, international peace mediators do not choose the conflicts they mediate but the parties to the conflict choose the mediator. Their participation as intermediaries is based on the trust of all the conflicting parties. Mediators might be chosen for their reputation, skills, knowledge or resources. Despite their biases, it is generally believed that mediators should be neutral to any of the conflicting parties. Usually the negotiators are official diplomats, although practitioners from non-governmental organisations and even citizens are getting involved in the peacemaking process more and more.

\*\*\*\*\*

In recent years the international peace mediation scene has become more crowded. Even to the extent that there is short-sighted competition over roles in different peace processes. Never mind how crazy and counter productive that sounds, especially since we have still so much to learn from one another.

Ever since its existence, the United Nations has been a principal actor in peace-making activities. We need to increase the UN's mediation capacity. The launching of the UN Standby Team of Mediation Experts is an important new tool helping to carry out the Secretary-General's efforts for fast and effective mediation in order to provide Good Offices. It also highlights the importance of using political means to prevent and resolve conflicts. The Team could be rapidly deployed to support peace talks around the world. I see the six-member Team as a part of the overall effort to strengthen professionalism and capacity in the Political Affairs Department's approach to mediation. The Team is ready for deployment, either as part of political missions or to support United Nations entities, including the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs. These mediation experts would not become special envoys, instead they are supposed to help special envoys or special representatives by using their expertise. What makes the concept innovative and flexible is that the experts are hired by the Norwegian Refugee Council, free from normal UN bureaucratic procedures. This initiative is a sign for me that peace mediation is increasingly professionalised, there is also a need for rapid and effective action based on demand.

Also regional organisations, the European Union, African Union and others are increasingly active in peace-making and conflict mediation, which is a positive development and will strengthen the overall capacity of the international community to solve conflicts and hopefully also to engage in preventive diplomacy much more actively. However, there is a need for careful policy and capacity development when sharing plans, resources, and even capacities with the UN and between themselves. However, the UN or regional organisations are not always able to play a role in peace mediation. Governments of war-torn societies are often reluctant to "internationalise" their internal disputes and conflicts. This means, for example, that involvement of the United Nations in conflict resolution or crisis management in the case of these internal conflicts is being considered cautiously and critically by the governments.

But as the Indonesia-Aceh Peace Process case and many others clearly indicate, sometimes we have to be ready to be open and challenge our conventional way of doing business. Non-governmental actors can play a pivotal role as facilitators or mediators in a peace process.

International peace mediation nowadays is very often a multi-track diplomacy effort, where international exchanges take many forms beyond official negotiations between diplomats. Track I diplomacy – or official mediation is the prevalent form for engaging the international community in inter-state disputes, because of the potential costs in getting involved in negotiation but also because the collective willpower of the international community is stronger than of any individual nation. Multinational diplomacy in violent conflicts has a higher probability of initiation and success. As many cases in this world have shown however, the building of such political will or collective willpower is sometimes difficult to achieve due to different approaches towards history, traditions, and interests.

Track II diplomacy – or informal and non-official peace mediation has increased in importance in resolving international conflicts in past years due to the increased ability of organisations and individuals to reach out to communities affected by conflicts. Track II is less public and therefore open to a larger degree of movement. Track II organisations are largely free from the political baggage their official counterparts carry and thus can be more effective for instance in providing networking capabilities among parts of societies that are 'off limits' to most government personnel. In addition, unofficial actors, serving as neutral parties can help provide a bridge within divided societies; unofficial activities are often the only means through which members of opposing parties or factions can safely meet. Second Track processes can also ensure that participants at the grassroots levels are involved and notified of the advancements in the negotiation process.

I find that track II organisations are also useful partners for governments that want to support peace-making and conflict resolution. Track II organisations can be helpful in many situations when governments are not able to operate and to advance a peace process. To lower the risk for a government the useful rule is that if there is success the glory is shared and if there is failure, Track II organisation takes the blame!

The UN Mediation Support Unit should increase its capacity to work with regional organisations and Track II and III actors more effectively. Peace making and mediation processes are very rarely a one man show but require vast networks of organisations and individuals with different experiences and capacities to play a particular role in a peace process.

The EU has been a useful supporter of such Track II initiatives. For example, in the peace talks between the Government of Indonesia and the Free Aceh Movement, a key success factor was the flexibility of the NGO facilitator combined with the leverage of the regional organisations and key states. For my organisation Crisis Management Initiative, right from the start, it was vital to plan the Aceh peace process through a multilevel as well as a multitrack approach. CMI knew its own limits and the vital importance of the political leverage regional organisations such as the European Union and governments could bring to the process, should it succeed. Additionally, it was vital to work in a network of experts and brokers, ranging from the Nordic Institute of Asian Studies and Olof Palme International Center to the Centre for Humanitarian Dialogue. Through this network the necessary expertise and engagement could be pulled together.

A well working intervention strategy has to be multileveled and needs to fold the official process of mediation, the possible quasi-official processes promoted by unofficial groups, public peace processes aiming at sustained dialogue and the various activities of civil

society. There are obvious challenges in managing multiparty mediation and the following lengthy process of peace building in a multiparty manner.

**Now I would like to turn to the question of who should be involved in peace negotiations and what are the terms of negotiations. Mediation** cannot succeed unless the right people are at the negotiating table. Negotiation with illegitimate representatives seldom works. The mediator and the parties involved in negotiation need to make sure that the people they are negotiating with really do represent the constituency they purport to represent. If a group has no legitimate leader, there is no point in mediating until one can be established. Also reaching beyond the negotiation table is vital. Constituents are less likely to accept an agreement that is obtained if they have not been involved in the process enough to understand why the agreement was designed as it was and why it is the best alternative available.

In general, Diaspora communities have not been formally engaged as a constituency in official negotiations to resolve conflicts in their home country. However, there is increasing acknowledgement of the ways in which Diaspora communities are directly affected by and impact conflict dynamics back home. Recognising their stake in and influence on the political negotiations would be an important reality check when attempting to solve a conflict.

As you as mediators know, sometimes one or more parties are not very skilled in negotiation, and they can get seriously overpowered by parties that are experienced and skilled. For this reason, training in negotiation skills can be very helpful to equalizing the power differences, therefore increasing the likelihood of a fair outcome from a negotiation process.

Local structures for traditional dispute resolution, reconciliation, and administration should be given the means to reconstitute themselves as they can have an important role to play in local dispute resolution and reconciliation that will be necessary in order for a sustainable peace to prevail.

The greatest source of risk often comes from spoilers - leaders and parties who believe that peace emerging from negotiations threatens their power, worldview, and interests, and use violence to undermine attempts to achieve it. This is why so called multi-track approaches are important - namely to reach out inclusively and to allow for reframing of issues in order that all will see the benefits of a sustainable peace. Spoilers do not automatically get a seat at the negotiation table, but they must be listened to.

Maybe the complexity of international peace mediation lies in its 'surroundings'. For example, the role and engagement of the regional actors is vital as they can either support or undermine the peacemaking efforts. It would be unwise to launch any process without serious consideration on how to work with the regional actors in parallel of the peace talks. Namibia is an excellent example of the constructive role of international and regional actors in a peace process. Today, looking back to those years it feels almost unbelievable that we managed to get all the principal actors, the Western five, P5, OAU, particularly African front line states, the South-African government and all political parties in Namibia including SWAPO to work towards a shared goal. The Joint Commission consisting of South Africa, the US, Angola, Cuba and Soviet Union had an important trouble shooting role. The role of the UN and the successive United States governments altered during the long peace process. There were times when the UN was needed and at times it was

operating more in the background. The cooperation of the permanent Security Council members was and is crucial. However, in the Kosovo case this was not the case as we all know too well.

\*\*\*\*\*

The list of potential issues to be discussed in peace negotiations is long; disarmament, demobilisation and reintegration, gender issues, relations with civil society, constitution building, power sharing and also who can stand by at the side of the communities if everything fail. Peace agreements cannot solve all problems. At best, they can serve as institutional and political frameworks and as arrangements that enable the parties to continue working together on the issues agreed upon. However, there is only a limited amount of research and debate on what issues can or should be productively included or excluded from a peace negotiation or mediation process. As in interest based mediation, the parties and the mediator ultimately decide on themes and agenda points.

Yet, when we think about multidimensional conflicts, such as the one we had in Aceh, the challenge for a mediator is how to balance between past, presence and future. During the Aceh peace talks we had some space for discussing the past but at some stage this had to stop. In order to move on and to achieve our jointly agreed goal, it was necessary that the focus was shifted towards the future, instead of trying to solve all the past wrongdoings around the negotiation table.

Transitional justice and dealing with the past has been one of the issues debated quite a lot during the recent years in the context of international conflict resolution. And for a reason; justice is a cornerstone of lasting peace. When a mediator gets involved with a peace process, there are two main concerns, firstly to prevent the reoccurrence of the problem that caused the conflict in the first place and secondly to lay the foundations for reconciliation. As we all know, many peace agreements fail to be sustainable and the majority revert into violence in the timeframe of less than 5 years. Some of this is due to the fact that collective memories and suffering is so strong, that unless it is addressed in one way or the other, there is little potential for a peaceful future. The case of South Africa is just one example here.

Peacemakers sometimes tend to see peace and justice as alternatives or at least are concerned about the negative impacts that addressing justice issues might have on a peace process.

The recent papers by the International Center for Transitional Justice (ICTJ) on peace processes in Sierra Leone and Liberia demonstrate that addressing justice issues could actually have a positive catalyzing role in solving a conflict. Recently considerable attention has been paid on the issue of transitional justice issues in peace mediation. I think that we, peace mediators, are not always adequately aware and trained on addressing justice as a part of a peace process. That causes lost opportunities to suggest innovative ways of addressing justice issues during different phases of peacemaking. The way to avoid a "Peace versus Justice" conundrum is to try to see both peace and justice in a continuum of actions, measures, policy steps and achievements over which a nation overcomes conflict and confrontation and builds a future of understanding and decency. There is no need to expect that every aspect of justice must be realized at the same time. Certainly, some steps are more urgent than others.

Social and economic aspects often tend to get too little attention in peacemaking as security and rule of law are seen as first priorities – and often rightly so. However, everyday economic survival and a just society are the most effective guarantees for a lasting peace. I don't think that peace negotiations are as such a tool for social and economic development but agreeing on practical and concrete economic conditions during any peace negotiation is crucial. Peace talks need to create the framework where these issues can be effectively addressed after the peace accord. Maybe one could even say that finding a mutual understanding on money can really be seen as a manifestation of joint political will for peace.

In these questions it is important to note, that negotiation and mediation are not limited only in the peacemaking phase but are strongly present through the whole peace-building process. Conflicts do not end in a signing of a peace agreement. Stability rests on the principle that fundamental social changes are necessary to prevent renewed hostilities.

Finally, I would like to touch on the European Union's potential role in this field. The entry into force of the Lisbon Treaty which aims to improve policy coherence in the field of external relations will also bring forth the establishment of the External Action Service, which will closely resemble a service oriented foreign ministry. In addition the European Union will be revisiting its European Security Strategy. It would be timely and useful if diplomats and mediators in Europe would contribute to setting up of structures to build the peace mediation capacity of the European Union. For example, the setting up of a mediation support unit as in the UN, could be one way to ensure that the EU could make full use of its potential as a peace-maker in the world. And as the European Union has a long track record in 'outsourcing' its work in the field of conflict resolution, one might think about a 'hybrid' structure involving both officials and non state actors, depending on the needs of those who request mediation, skills, know-how but also on the interest of its member states.

This would of course require the building up of a momentum and critical mass of international peace mediators. I am therefore extremely pleased to be at a conference that has achieved to integrate 'conventional' mediation and international peace mediation.

Jean Paul Lederach speaking here today argues that to develop the profession of 'peace-making' is something that involves both vision *and* the techniques and skills. I am ready to support this both globally and on the European continent.

## **Conclusions**

Dear friends, all conflicts can be solved. What we need are capability, networks and trust. From my part I have been trying to promote a culture of mediation in Europe. I'm confident that societal progress in Europe would benefit from this, both inside of our countries but also as an expression of our foreign policy. Since the passing of the second European Mediation Directive we are moving in this direction. But more needs to be done. The cultivation of mediation would mean that the goals and possibilities of mediation that are available for the solving and resolution of conflicts would be better known and understood. This would mean that mediation would always be propagated together with other forms of conflict resolution.

I would like to briefly conclude by summing up my agenda for building the collective capacity of peace mediators.

- Allowing for cross-learning between national and international peace mediators
- Emphasis on preventive diplomacy, even if it is less visible and more difficult to assess
- Strengthening interaction between different tracks of diplomacy and the network of professional organisations and individuals
- Supporting the development of the UN and the EU as well as other regional capacities in mediation and networks of professional Track II organisations
- Tools and training to capacitate peace mediators to address justice issues innovatively
- Development of evaluation methods and practises for peace mediators
- Supporting research and analysis of peace negotiations in order to develop best practices.

I thank you.