



Federal Foreign Office



Identifying Mediation Entry Points

Mediation Expert Meeting 2015
5 October 2015

EXPERT MEETING REPORT

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Mediation Expert Meeting 2015 “Identifying Mediation Entry Points”

AGENDA

Europasaal, Federal Foreign Office
Werderscher Markt 1, 10117 Berlin

5 October 2015, 9.00 – 20.00 h

8.30 – 9.00 h	Registration
9.00 – 9.20 h	Welcome and introduction <i>Dr Gregor Schotten and Brigitta von Messling</i> <i>Division for Crisis Prevention, Stabilisation, Peacebuilding</i> <i>Federal Foreign Office</i>
9.20 – 11.15 h	Opening remarks <i>Dr Thomas Zahneisen</i> <i>Head of Division S 03 – Crisis Prevention, Stabilisation, Peacebuilding</i> <i>Federal Foreign Office</i>
	Keynote speech: Conflict analysis as key condition for responsible preventive diplomacy <i>Prof. Diana Chigas, JD</i> <i>CDA Collaborative Learning Project</i> <i>& Fletcher School of Law and Diplomacy</i>
	Reaction from experts and discussion
	Summary and presentation of the working groups <i>Prof. Dr Lars Kirchhoff</i> <i>Center for Peace Mediation (CPM), European University Viadrina of Frankfurt</i>
11.15 – 11.45 h	Coffee break
11.45 – 16.00 h	Working groups (including lunch break)
	<ol style="list-style-type: none"> Identifying political entry points: How can peace mediation be (better) integrated in German Foreign Policy and in the mandate, responsibilities, and processes of the Federal Foreign Office and the embassies? <i>Concept and facilitation:</i> <i>Julia von Dobeneck, Center for Peace Mediation (CPM),</i> <i>Sebastian Dworack, Center for International Peace Operations (ZIF)</i> Identifying methodical entry points: Assessing the potential for peace mediation and mediation support on the basis of conflict analysis formats and country cases <i>Concept and facilitation:</i> <i>Christoph Lüttmann, CSSP – Berlin Center for Integrative Mediation,</i> <i>Dirk Splinter, inmedio berlin – institute for mediation, consulting, development</i>



3. Identifying mediation entry points, case study: How can conflict analysis be applied to identify potential for mediation (support) in Sudan?

*Concept and facilitation:
Luxshi Vimalarajah, Berghof Foundation
Theodore Murphy, Berghof Foundation*

16.00 – 16.30 h **Coffee break**

16.30 – 18.00 h **Insights and comparative experiences**

3 key insights from the working groups
Reactions from/questions to selected experts

Open discussion

Facilitation:

*Dr Gregor Schotten and Brigitta von Messling
Division for Crisis Prevention, Stabilisation, Peacebuilding
Federal Foreign Office*

*Christoph Lüttmann
CSSP – Berlin Center for Integrative Mediation*

18.00 – 20.00 h **Dinner**



Dr. Thomas Zahneisen, Head of Division S03 – Crisis Prevention, Stabilisation and Peacebuilding



Strengthening Germany's Mediation Structures and Capacities

Over the last two years, Germany has decided to extend its activities in supporting peace mediation internationally. “In view of the numerous and multifaceted crises that currently confront us,” as Professor Maria Böhmer, Minister of State at the Federal Foreign Office, explains, “peace mediation is now more important than ever”¹. Since then, Germany has become increasingly engaged, organizing the conference “Germany as Mediator – Peace Mediation and Mediation Support in German Foreign Policy” in November 2014, mapping German mediation expertise, and strengthening its cooperation with civil society organizations working on peace mediation (support) processes.

On 5 October 2015, the Federal Foreign Office and the Initiative Mediation Support Deutschland² brought together national and international mediation experts to discuss how to sharpen the tool of mediation and mediation support and best determine when to become engaged. The Mediation Expert Meeting focused on developing analytical tools to identify mediation (support) entry points for third-party state actors.

Experts with diverse backgrounds ranging from non-governmental to regional and international organizations explored the different approaches to identifying when, where, and how to become engaged in mediation processes. Various working groups provided the opportunity to apply selected tools to current conflict settings or ongoing peace processes, like Sudan, to ascertain their added value. Germany's role in peace mediation was also discussed to highlight potential political entry points for mediation (support).



Dr. Gregor Schotten, Deputy Head of Division S03 – Crisis Prevention, Stabilisation and Peacebuilding

The core outcome of the discussions is the insight that a comprehensive and inclusive conflict analysis is indispensable and the first step in engaging as a mediator and mediation support actor. Therefore, emphasis needs to be placed on making it an integral part of the planning and implementation of all mediation efforts. It is also important to gain an understanding of the various analytical tools to determine which best to apply in what context.

This report on the Mediation Expert Meeting 2015 provides an overview of the recommendations made by the invited experts and guests, highlights the insights from Professor Diana Chigas' keynote speech, and defines the essential challenges of conflict analysis in the field of mediation.

Looking ahead, the Federal Foreign Office plans to further develop its mediation strategy, to set up a pool of peace mediation experts who can be deployed in mediation or mediation support missions, and to strengthen bilateral and multilateral cooperation (e.g. UN and EU Mediation Units). Furthermore, strengthening mediation efforts will be a key focus of the German OSCE Chairmanship in 2016.



Working Group 1 – Identifying political entry points



Working Group 2 – Identifying methodical entry points



Working Group 3 – Identifying mediation entry points, case study Sudan

¹ Professor Maria Böhmer during the Germany as Mediator Conference, 25 November 2014

² Initiative Mediation Support Deutschland (IMSD) consists of the Berghof Foundation, CSSP – Berlin Center for Integrative Mediation, the Center for Peace Mediation (CPM) at the European University Viadrina, inmedio, and the Center for International Peace Operations (ZIF)

Mediation Entry Points

are the specific features or elements within the anatomy or context of a conflict that help mediation actors create access to the conflict parties or stakeholders and have the potential for a feasible and successful mediation approach.

The specific profile and role of the potential third party (e.g. relationships, previous mandates, expertise, resources, leverage) can be a precondition for – or increase the likelihood of – effectively translating entry points into mediation engagements.

The identification of entry points and a corresponding, tailored mediation process design can be one of the key aims and products of differentiated conflict analysis.

For example, the following aspects can be of value for identifying entry points:

- the concrete need for a third party actor serving as a convening power or communication channel for the conflict parties
- the existence of a mutually hurting stalemate
- a shift in the balance of power as well as changes in perceptions or attitudes among conflict parties
- previously existing relations that provide access to
 - the main conflicting parties and decision-makers
 - a wider network of actors, including spoilers or excluded parties
 - secondary actors who influence the conflict transformation process
- the existence of insider mediators and domestic change agents who can take a bridge-building or intermediary role
- multilevel cooperation where exchange and trust have already been established (e.g. development cooperation and economic, cultural or educational ties)
- particular thematic expertise in processes and issues relevant in the specific conflict (e.g. elections, constitution-building, reunification and integration experiences)
- an existing reputation and well-defined role in the conflict region
- the existence of international cooperation bodies, i.e. Groups of Friends, Contact Groups or regional bodies
- active informal contacts and back-channels

Keynote Speech: Conflict Analysis as Key Condition for Responsible Preventive Diplomacy

Professor Diana Chigas from the CDA Collaborative Learning Project and Fletcher School of Law and Diplomacy highlighted five recommendations for conducting an effective conflict analysis:

What is good conflict analysis? How can we use conflict analysis to determine when, how, and what kind of support for mediation will be effective? Our research on effective peace practice found that everyone says conflict analysis is critical. And yet a best method for conflict analysis has not yet been identified. What's more, conflict analysis is rarely explicit, systematic or strategic in focus.



Professor Diana Chigas, CDA Collaborative Learning Project & Fletcher School of Law and Diplomacy

(1) Conflict analysis needs to be explicit and systematic.

Those thinking about engaging in mediation or supporting mediation do conflict analysis all the time. However, the analysis is often implicit. As a result, it is often not systematic and it may be incomplete or inadequate in terms of developing an effective strategy.

(2) It should be comprehensive yet focused.

Conflict analysis is, and should be, more comprehensive than political analysis or negotiation analysis. It should not only focus on the respective approach or methodology and the obstacles to (and opportunities for) conducting the preferred intervention. “Comprehensive” also means looking at the larger dynamics of conflict and peace. This makes it possible to place mediation in the larger framework of the peace process, including identifying needs it can address and the roles and strategies needed at the table. It also makes it possible to create enabling conditions which ensure that the process and its results are sustainable. “Focused” means that it identifies key drivers of conflict and peace and key actors and that it ties strategies and processes to them to ensure they are addressed. Key drivers are things that affect how a conflict evolves; key actors include not just leaders or parties, but key people or groups influencing the evolution of the

conflict. Why is this significant? Because any agreement is only as good as its implementation. In a mediation process, involved third parties need to ask themselves: have we thought about implementation and sustainability of the agreement? As peace is increasingly being seen as more than just cessation of violence, mediated agreements and peace processes are, more and more, becoming a vehicle for conflict transformation, and greater attention needs to be focused on the underlying issues and causes of conflict.

(3) The more inclusive the conflict analysis process, the more robust the strategies that will result.

Practitioners often rely on limited sources – based in capitals, with a consequence of limiting integration of views and experiences of people directly involved in the conflict and affected by it. It is important for mediation strategies to be based on local understandings and engage a range of local voices.

(4) It must take into consideration what has been done and what is being done.

It is important to ask what has been tried before and with what result and is the actual approach now something that has been tried before? Conditions may change, and strategies might be implemented better than previous efforts. Conflict analysis is necessary to make such coherence and coordination effective. Where joint analysis is possible, it is even better. Who is doing what in relation to the driving factors? Where are possible gaps? How can approaches be linked with other mediation efforts but also with development, peacebuilding, peacekeeping, human rights and justice, to ensure progress? The importance of linkages across levels (from track 1 to grassroots) and coherence with local efforts to promote peace should be underlined. Linkages between mediation processes (track 1) and other processes that can be supportive, especially locally driven ones, are important to ensure broad-based support and engagement.

(5) Finally, conflict analysis also entails assessing yourself: what you can do and what elements of your own organization and your context strengthen or constrain your potential to be effective.

It is important to determine what role can be played – and where to encourage others to take on particular roles, or to link with other efforts that may be complementary or may be engaging actors or doing things you cannot. An understanding of context, social networks, own agendas and agendas of other groups, as well as expertise, capacities and resources, and stakeholder perceptions will all shape the roles one can play.

A final note about assumptions: It is necessary to be aware of one's own assumptions about how change will happen, and about the appropriateness and usefulness of what is offered – and test them in context. Much guidance – peacemaking, mediation, development, peacebuilding – begins with a now common phrase: context matters. It does – a great deal, and this is why finding useful ways to analyze it is critical for responsible strategies.

A full version of the keynote speech can be found at www.peace-mediation-germany.de.

Key Elements of Conflict Analysis

The following summaries illustrate the exchange and results of the Working Groups and the Plenary Discussions.

Good Conflict Analysis Serves as a Key Condition for ...

... better understanding conflict by

- mapping the conflict, i.e. the interaction of conflict parties and other actors, the quality and dynamics of their relationships and power structures, as well as issues, interests, root causes and narratives
- identifying key drivers and factors for and against peace and their respective connections/interconnectedness (i.e. key “connectors and dividers”)
- providing an overview of acting (and potential) third parties and their engagement (multilateral organizations, states, NGOs) and their impact on conflict dynamics
- reducing complexity by structuring and visualizing information.

... identifying mediation entry points by

- assessing new opportunities for approaching a conflict system, e.g. changed dynamics in frozen or intractable conflicts
- detecting “blind spots” by bringing into the forefront relevant actors or dynamics that had been undetected or previously underestimated
- recognizing potential (direct and indirect) lines of influence of the third party
- revealing potential links across different levels, tracks or activities within peace processes.

... designing and conducting processes by

- identifying which approaches have turned out to be conducive or detrimental in previous mediation efforts – and exploring how this might be relevant in the current case
- distinguishing between promising and broken relationships in order to better manage one’s own resources
- critically assessing one’s own direct and indirect impact within the (conflict) system, positive as well as negative
- interlinking different mediation approaches and coordinating among other actors.

Challenges of Conflict Analysis

The discussions revealed that as much as conflict analysis is needed, particular challenges arise when attempting to put it into practice. The following challenges have been identified:

- **Coordination and Cooperation:**
Although it has become an uncontested principle to include different actors while conducting a conflict analysis, due to time constraints, (self) interests, differences in approach or changing dynamics on the ground, a perfectly inclusive conflict analysis process is rarely carried out. Abstract notions of cooperative approaches need to be translated into practice.
- **Fresh vs. Tried and Tested:**
The field of diplomacy tends to look for a “fresh” and new approach, assuming that previous initiatives proved fruitless or even triggered escalation. However, change often happens when there is a smart modification of a proven strategy. Hence, learning from, and building on, previous efforts needs to be combined with creative, experimental out-of-the-box thinking.
- **Difficult to integrate:**
There is a discrepancy between the shared perception that conflict analysis is an indispensable tool of contemporary diplomacy and the observation that it is difficult to practise it during the daily work routine (whether because of workload, time constraints or a lack of methodological know-how).
- **There is no “Outside”:**
When engaging in conflicts – and this begins with the conflict analysis process – one becomes part of the conflict system. Hence, third parties need to reflect on and react to the ways in which their presence changes the conflict dynamics and the prospects for peace.
- **Avoiding Selection Bias:**
The type of conflict analysis can pre-determine the type of intervention and the design of an approach. In other words, one only gets the answers to the questions that have been asked and the intervention strategies that fit the available resources. Accordingly, it is essential to consider which tool is being applied before an analysis is conducted.
- **Inclusive yet efficient:**
It can be a challenge to strike the right balance between inclusivity and efficiency of the process. In the long run, the more participatory the analysis is designed, the more inclusivity and ownership for the peace process and resulting agreements can be created.
- **Step-by-step Approach:**
A clear distinction should be drawn between conducting the analysis and translating the findings into entry points and action. The desired outcome should not shape the analysis – the analysis should shape the intervention.

From Analysis to Action

Third-party actors in the process of defining their mediation approach should consider the following recommendations:

Recommendations

Actively Use Analysis Tools to Define Entry Points:

Make use of the potential inherent in conflict analysis when defining strategies, roles, mandates and structures.

Supporting Multi-Track Mediation Approaches:

Efforts on all levels should be taken into account, coordinated and constructively interlinked.

Envisage the Potential of Multilateralism:

Multilateral approaches enhance legitimacy and gain credibility from the inclusion of multiple actors.

Acknowledge Existing Initiatives:

To avoid duplication, embed new structures and activities into the existing system of mediation (support). Build on established partnerships to increase the synergy and longevity of engagements.

Time and Sustainability Dimension:

Assess whether one's opportunities and constraints (financial, political, multilateral and legal) realistically permit sustainable engagement. Here, synergies can be generated through cooperation.

Transparency with regard to Mandate and Stakes:

Make the political context in which a third party is appointed – and any political agenda that it may bring to the process – transparent. By making an effort to be transparent, the interests behind an engagement can be perceived as non-threatening.

Envisage Normative Impediments:

Consult and coordinate with international and local third parties with regard to constraints related to sanctions/proscription of actors and any resulting legal impediments.

Putting these recommendations into practice, in dialogue and close cooperation with national and international actors who are already engaged in mediation and mediation support, will make the resulting strategy more sound and sustainable. The Mediation Expert Meeting 2015 was one step further in that direction.

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