



Schweizerische Friedensstiftung
Fondation suisse pour la paix
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Swiss Peace Foundation

Concept paper:

Academic Conference on International Mediation, University of Pretoria, 2015

The Centre for Mediation in Africa (CMA) at the University of Pretoria, the Global South Unit for Mediation (GSUM) at the Catholic University of Rio de Janeiro, and swisspeace in Berne will jointly host an academic conference on international mediation at the University of Pretoria, South Africa. The conference is planned for 2-4 June, 2015.

Rationale

The central theme of the conference is that understanding and managing mediation complexity are at the core of the mediator's expertise.

That mediation is complex seems a self-evident statement, but it is a matter that is receiving surprisingly little attention by researchers. Mediation is not only complex because of the extraordinary mix of values, worldviews, issues, actors, interests, perceptions and resources, but also because of the interdependent and systemic interaction between all the different factors.

An academic discussion on mediation, furthermore, has to take account of the apparent irrelevance of mediation research for the practice of mediation. A recent review of mediation research by Wallensteen and Svensson concludes that "... mediation research seems to remain remote from the world in which actual mediators find themselves. We therefore see a need for more bridge-building between practitioners and researchers to make this research useful ...".¹

Against this background, the conference aims to deepen understanding of contemporary international mediation and contribute to more effective mediation in practice. Mediation research to date has largely focused on the dissection of the constituent elements of the process. The conference theme assumes that a shift in focus towards understanding mediation complexity and its management may provide better support to mediators. The conference will, furthermore, be structured in a manner to facilitate interaction between researchers, policymakers and practitioners.

¹ Peter Wallensteen and Isak Svensson, 2014, 'Talking peace: international mediation in armed conflicts', *Journal of Peace Research* 51(2), pp. 315-327 at pg. 324.

More specifically, the conference will focus on the following three aspects of mediation complexity: the mediator's management of complexity; the complex contradictions between universal norms and values and particular modes of life when mediating; and how the increasing normative framework (as for instance set out in the UN Guidance for Effective Mediation) has influenced mediators.

1. *Mediation as the management of complexity*

The complexity of international mediation in intra-state conflicts derives from several factors:

- the intransigent, adversarial and bellicose disposition of the disputant parties, which are locked in a zero-sum game, determined to defeat their opponent and implacably opposed to negotiations;
- the parties' decision-making, which is based not only on rational cost-benefit considerations but also on ideological or religious dogma, existential fears and visceral emotions, chief among them fury and hatred;
- the multiplicity of relevant actors, including local civil society groups and the parties' allies and patrons in neighbouring states and further afield;
- divisions within mediating bodies such as the UN;
- competition between different mediators (e.g. the UN, regional organisations and states);
- the breakdown of the system of politics and governance in the conflict country and the extreme levels of violence and instability paired with a humanitarian catastrophe; and
- the necessity for the mediation process to not only bring about a cessation of hostilities but also address the underlying political and structural problems that led to the conflict.²

An inquiry into mediation complexity could pursue a number of options. One is whether an understanding of international mediation could benefit from complexity theory and its application in other fields, such as economics, social interactions and urban planning.³ Another might be the study of intractable conflicts as 'dynamical systems', which draws on complexity theory and/or systems theory.⁴

A further line of inquiry regards the role of information, intelligence and analysis in mediation. Without sufficient and reliable information and intelligence, it is not possible to grasp or manage complexity. What structures and methods are needed to monitor and analyse a conflict at the requisite level of sophistication?

Another aspect of complexity management in need of research is that of planning and organising for mediation. Many mediations have proceeded without a comprehensive and systematic plan and without a well organised mediation team, leading to a lack of direction, assertiveness and consistency, as well as reducing the mediator's credibility in the eyes of the parties and partners. Would a theory of mediation complexity contribute to better planning for peacemaking?

2. *The universal and particular: the role of culture and religion in mediation*

² Laurie Nathan, 2014, 'What is the essence of international mediation in civil wars? The challenge of managing complexity', *BPC Papers* 2(2), BRICS Policy Centre, Catholic University of Rio de Janeiro.

³ For overviews of complexity theory, see Paul Cilliers, 1998, *Complexity and Postmodernism: Understanding Complex Systems*. London: Routledge; Paul Cilliers, 'What can we learn from a theory of complexity?', *Emergence* 2(1), pp. 23-33; Melanie Mitchell, 2009, *Complexity: A Guided Tour*, Oxford, Oxford University Press; Diane Hendrick, 2009, 'Complexity theory and conflict transformation: an exploration of potential and implications', *Working Paper 17*, Department of Peace Studies, University of Bradford; and Jake Chapman, 2002, *System Failure*, London: Demos.

⁴ See Robin Vallacher, Peter Coleman, Andrzej Nowak and Lan Bui-Wrzosinska, 2010, 'Rethinking intractable conflict. The perspective of dynamical systems', *American Psychologist* 65(4), pp. 262-278.

Some of the intellectual challenges pertaining to the growing institutionalization of international mediation revolve around a central dilemma brought about and reproduced by modernity: the relation between universality and particularity. Once mediators have moved from negotiating specific terms of peace agreements to trying to consolidate a particular vision of the state and of state-society relationships, contradictions between universal norms and values and particular modes of life - as determined by culture and religion - become more salient. Scholarly and policy discourses on conflict resolution have been dealing in different ways with such a dichotomy, occasionally supporting cultural relativism, frequently searching for conciliatory and so-called "hybrid" perspectives but most of the time reinforcing the superiority of universalizing models of building peace and justice.

Several conceptual oppositions and divides have therefore permeated and constituted discourses and practices of mediation. These need to be debated, including whether it is possible to move away from the extreme positions of absolute relativism and the imposition of liberal models of conflict resolution.

Practical questions include the following: What are the implications for mediation of different cultural or religious understandings of conflict resolution, justice, reconciliation, etc? What are the barriers to effective negotiations and mediation when different cultures or religions are involved in a conflict? How should international mediators adapt their approaches and processes in light of local cultural or religious practices and understandings?

3. *Mediation and the challenge of international norms*

The expectations of mediation processes are growing: not only are mediators supposed to bring a conflict to an end, but there is also a growing normative framework that expects them to integrate gender, human rights, justice and other norms into their overall strategy. The 2012 UN Guidance for Effective Mediation is an example of this growing normative framework⁵. It provides guidance on eight fundamentals, among them national ownership, inclusivity and international law. However, not everyone sees this tendency from the same perspective. The different views can be summarized as minimalist and maximalist positions⁶.

The minimalist view would claim that the mediator is mainly in charge of managing a single transition, namely the transition from war to peace. This is often connected to achieving a 'negative peace', i.e. the absence of physical violence. Representatives of this minimalist view may welcome the normative framework, but are cautious about including more norms in the mediation process. They point out that this can hamper the immediate goal of ending violence as it dilutes its objectives, and above all reduces the flexibility of a mediator. Therefore, they urge pragmatism instead of idealism.⁷

In turn, the maximalist view is held by those who push for specific norms to be included at the negotiation table. They see this as the central part of the peace process where the future of the society will be decided and therefore, norms such as human rights, justice and gender equality need to be included in the talks. From this perspective, the overall objective is that the mediator achieves a form of 'positive peace', going beyond the mere absence of violence to also include a roadmap

⁵ United Nations, 2012, *UN Guidance for Effective Mediation*, New York. Available at www.un.org/wcm/webdav/site/undpa/shared/undpa/pdf/UN%20Guidance%20for%20Effective%20Mediation.pdf

⁶ These categories are inspired by Vincent Chetail's categories of maximalist and minimalist peacebuilding objectives. See Vincent Chetail, 2009, 'Introduction. Post-conflict peacebuilding - ambiguity and identity', in Vincent Chetail (ed), *Post-Conflict Peacebuilding. A Lexicon*, Oxford: Oxford University Press, pp. 1-33.

⁷ For example Jean Arnault, 2014, 'Legitimacy and peace processes: international norms and local realities', in Alexander Ramsbotham and Achim Wennmann (eds), *Legitimacy and Peace Processes: From Coercion to Consent*, Accord 25, Conciliation Resources, pp. 21-25.

towards some form of social justice. The role of a mediator is thus not simply to facilitate a transition from war to peace, but to also promote other societal transitions (including gender equality, justice, and human rights). Consequently, participation at the peace table needs to be broadened to include a wide range of actors.⁸

Most scholars and practitioners implicitly or explicitly position themselves somewhere in between these two views. Underlying this debate are two general questions. First, in what ways has the growing normative framework influenced mediation practice. Second, with reference to the literature on norm diffusion, whether mediators can be considered 'norm entrepreneurs', defined by Finnemore and Sikkink as actors who "attempt to convince a critical mass of [other actors] to embrace new norms"?⁹

Conference format

The aim of the conference is to provide an academic platform for presenting research findings on the various aspects of mediation complexity. In order to enhance the relevance of mediation research, both policy makers and practitioners will participate in the panel discussions.

Individual scholars will be invited to present papers and an open invitation to submit papers will also be issued. Prospective presenters are asked to inform the organisers of their intention to submit a paper and the topic to be discussed. The organisers must receive such notice by **31 March 2015**. The final papers will then have to be submitted by **13 May 2015** in order to circulate them to panel members. The organisers retain the right to limit papers to those with a demonstrable relevance to the topic.

Publications

The goal of the conference is to stimulate and disseminate new research on mediation. Each of the three convening partners will be responsible for publishing the papers on their theme in a format they see fit (e.g. working papers, edited volumes, special editions of journals, etc).

⁸ For example, Sanam Anderlini, 2007, *Women Building Peace: What They Do, Why It Matters*, Boulder, CO: Lynne Rienner; Anthony Wanis and Darren Kew, 2008, 'Civil society and peace negotiations: confronting exclusion', *International Negotiation* 13, pp. 11-36; and Adan Suazo, 2013, 'Tools of change: long-term inclusion in peace processes', *Praxis - The Fletcher Journal of Human Security* XXVIII, pp. 5-27.

⁹ Martha Finnemore and Kathryn Sikkink, 1998, 'International norm dynamics and political change', *International Organization* 52 (4), pp. 887-917 at pg. 895.