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 5-7 May, 2015.

Rationale

The significance of international mediation as a strategy to resolve civil wars is not disputed. Its profile and use have risen sharply in the post-Cold War world and its appropriateness as a strategy of choice is promoted by the United Nations, the African Union, other regional organisations and bodies such as the Friends of Mediation in the UN General Assembly, a group of 39 states co-chaired by Finland and Turkey. There is also a growing academic literature on international mediation, examining context factors that impact on the viability of mediation (such as the balance of power between the parties) as well as process factors such as the strategies and tactics used by mediators. However, this research does not appear to have had much impact on the actual practice of mediation.[1] This raises questions regarding both the relevance of research and the attitude of mediators towards research.

Against this background, the conference aims to deepen understanding of contemporary international mediation and contribute to more effective mediation in practice. It will confront the apparent lack of relevance of mediation research. It will also address specific issues that shape mediation practice and have not yet received sufficient attention. These include the complexity of mediation; the dilemmas that arise when mediators have to navigate between universal norms and values and particular modes of life determined by culture and religion; and the challenge of mediating nationally-owned settlements in a context of an increasing international normative framework.

The conference is structured around four themes, with a specific conference partner taking responsibility for each theme. The rationale for the themes is presented below.

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[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.

Themes

1. Research contributing to more effective practice (CMA)

The 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 …"[2].

The apparent failure of research to contribute to mediation policy and practice requires serious attention. Is the failure caused by a lack of interaction between researchers and mediators as the authors suggest? Would the problem be addressed by more contextual case studies? Or is the fault rather with research methodologies and choice of relevant topics? Does quantitative research on isolated aspects of mediation, for example, address the need of mediators for comprehensive theories to assist in understanding and managing mediation?

Or should the failure be ascribed to the attitude of mediators and policy makers towards research? Is the assumption that seems to dominate the practice of mediation – that the main requirements for success are sufficient political clout and instinct, and not specialised knowledge and skill – the real reason for the apathy towards research?

2. Mediation as the management of complexity (CMA)

International mediation in intra-state conflict is extremely complex, yet surprisingly little effort has been made to study this primary characteristic of peacemaking and develop intellectual and practical tools to manage 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

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[2] Wallensteen and Svensson, 'Talking peace', pg. 324.

- 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.[3]

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[4]. Another might be the study of intractable conflicts as 'dynamical systems', which draws on complexity theory and/or systems theory[5].

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 proper planning for peacemaking?

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[3] 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.

[4] 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.

[5] 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.

3. Mediation, culture and religion (GSUM)

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?

4. Mediation and the challenge of international norms (swisspeace)

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 framework for mediation.[6] 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 positions.[7]

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 it can hamper the immediate goal of ending violence as it dilutes its objectives, and above

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[6] 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.
[7] 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.

all reduces the flexibility of a mediator. Therefore, they urge pragmatism instead of idealism.[8]

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 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.[9]

Most scholars and practitioners implicitly or explicitly position themselves somewhere in between these two views. The underlying question is in what ways the growing normative framework has influenced mediation practice. Moreover, a further question to be asked, with reference to the literature of norm diffusion, is 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"?[10]

Planning process and format of the conference

A call for papers will be made through the various networks of the convening partners. The papers should focus on one or more of the conference themes. A selection panel composed of members of the conference partners will select the papers to be presented at the conference based on academic merit.

Papers will be distributed two weeks prior to the conference. At the conference, panel presentations will be organised around the four themes, with discussants commenting on the papers. In order to stimulate the interaction between researchers and practitioners, senior practitioners will be invited to participate on the panels.

The conference will host three keynote speakers, two senior academics and a senior practitioner.

Participants

Participants will principally be academics and other researchers, but for reasons stated above the presence of policy advisors and practitioners will also be encouraged. Governments that are involved in mediation (such as South Africa, Norway and Switzerland) will be invited, as well as the United Nations and regional organizations such as the African Union and SADC.

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[8] 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.

[9] 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.

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

Funding

A funding proposal will be distributed to local embassies and donors based on the following budget guidelines:

- Participants from the North are responsible for their own travel and accommodation.
- Participants from the South may apply for financial support.
- The budget includes the travel and accommodation costs for the keynote speakers.
- The budget makes provision for conference meals and refreshments for all participants.
- The hiring of conference venues and facilities at the University of Pretoria is primarily the responsibility of the CMA.
- The budget should also include logistical costs such as transport between the hotels and conference venue, hiring of equipment, and the outsourcing of conference planning and management.

Publications

The goal of the conference is to stimulate and disseminate new research on mediation. Each convening partner 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). The budget of the conference will not include publication costs.