

**Conversations
with
Ahtisaari**

Vasu Gounden

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FOREWORD

Conversations with Ahtisaari is a small tribute to a great mediator, Martti Ahtisaari, and his steadfast commitment to peace throughout the world. From Namibia to Kosovo, the 2008 Nobel Peace Laureate and former president of Finland has played an indispensable role in nurturing peaceful resolutions to many of our era's most complex crises.

Mediation remains among the most powerful and effective tools for resolving conflict. Fostering environments for dialogue and cooperation between disputing parties is paramount to reaching negotiated and peaceful settlements. The recently published *United Nations Guidance for Effective Mediation* highlights the need for more structured approaches to mediation that not only provide substantive foundations for mediators, but also ensure more inclusive and open negotiations between all disputants.

This booklet is based on discussions held in Helsinki, Finland in June 2012, and the ongoing partnership between the African Centre for the Constructive Resolution of Disputes (ACCORD) and the Crisis Management

Initiative (CMI). President Ahtisaari's personal reflections on mediation are captured and complemented with relevant theoretical knowledge and anecdotal evidence from across the world. What emerges is a succinct collection of lessons aimed at providing support to all those engaged in mediation processes throughout the world. The fact that many of these lessons are reflected within the *United Nations Guidance* bears testimony to Martti Ahtisaari's wisdom and experience.

It has been an honour to listen and learn from someone who has distinguished himself as an honest broker, committed to the peaceful settlement of disputes. I would also like to acknowledge the assistance of Levent Bilman, Director of the Policy and Mediation Division at the United Nations Department of Political Affairs for his reflections and suggestions, Daniel Forti for gathering background research for this publication, Professor Jannie Malan for his thoughtful editorial comments, and Immins Naudé for his creative design and layout.

Vasu Gounden

Founder and Executive Director, ACCORD.

THE MEDIATOR

LESSON 1:

The independence of the mediator is necessary in mediation.

Ahtisaari: “The independence of the mediator is important for the integrity and credibility of the process.”

The independence of the mediator is often a critical factor in conducting successful mediation processes. Independence, within the context of mediation, generally relates to the mediator not having a conflict of interest vis-à-vis any of the disputing parties. A conflict of interest can arise when the mediator is funded by one of the parties. A case in point can arise when a government, that is a party to the conflict, pays for the services of the mediator. Even though this may result from an agreement between the said government, the party with which it is in conflict, and the mediator, this agreement may not be enough to prevent the perception that the mediator is biased towards the ‘paymaster’. A conflict of interest can also arise if the mediator is subject to the authority or jurisdiction of one of the parties, or is influenced by the thoughts and actions of one of the parties.

A mediator could also start out as independent of the parties, but potentially compromise this independence during the process by siding with one disputant, a change usually resulting from a developing interest (e.g. business, friendship, etc) between the two. This not only compromises the integrity of the mediator but also the integrity of the mediation process itself.

The dependence of one or both parties on the mediator can at other times work in favour of the mediation process. For example, although mediators appointed by major donor countries and trading partners cannot claim to be independent of the parties, they can instead use these existing relationships to exert positive influence on them and the process.

LESSON 2:

Mediators should recognise their prejudices and attempt to be “honest brokers”.

Ahtisaari: “I don’t think anyone can claim to be neutral...therefore I prefer to be an honest broker...I share the values of the Nordic region so people know where I stand on issues.”

Mediators should always recognise their prejudices and subsequently approach the mediation as “honest brokers”. Although the terms *impartiality* and *neutrality* are often used synonymously, each carries a distinct connotation within the conflict resolution field: impartiality relates to the ways in which the mediator treats each disputant, while neutrality alludes to the mediator’s personal beliefs and perspectives. While a mediator can act impartially towards disputing parties during the mediation process, it is near impossible for mediators to obfuscate their inherent outlook on the world and thus remain neutral on the substantive issues. Attempting to isolate and mitigate these biases can restrict mediators from providing critical insights and guidance to the mediation process.

All individuals carry a distinct collection of moral beliefs and personal experiences that ultimately define their outlook on the world. Mediators need not hide these world views; in fact, mediators are often chosen with respect to their specific moral, cultural, and ideological biases, and how those perspectives can shed important light on the mediation process. Thus mediators should not strive for neutrality, but should instead aspire to be “honest brokers” to the disputants. Honest brokers are those individuals who are distinctly aware of their biases, but nonetheless remain impartial and, among other strategies and tactics, use these biases to guide the disputants towards crafting a negotiated agreement.

Friedman complements the “honest broker” paradigm with his theory of *positive neutrality*, in which mediators actively engage both parties to forge a more comprehensive understanding of their positions and beliefs “in order to fully understand the parties, the mediators should have been deeply subjective before, and, if possible, put themselves in the position of each party to the dispute” (G. Friedman (1993) in Horowitz 2010: 53–4). Prejudices not only help define a mediator’s approach to the conflict but can also allow for a greater connection between the disputants.

LESSON 3:

Relationships between the mediator and the parties, as well as relationships between the parties themselves, are important points of influence.

Ahtisaari: “When I am asked how I get everyone to agree I stress, among other things, the importance of friendships.”

Personal relationships between the mediator and disputing parties, as well as those relationships between the parties themselves, remain intangibly important towards encouraging and sustaining a successful mediation, provided this does not compromise the independence of the mediator. Before undertaking a mediation process, the mediator must ensure the full cooperation of and support from all disputing parties. Mediating when one party does not accept the legitimacy of the mediator remains a fruitless effort. Negotiations, while not expected to fundamentally transform the way parties perceive one another, remain important opportunities to increase respect and tolerance between disputants through behavioural or attitudinal changes (Moore 2003: 411). In order to improve these perceptions, mediators and

disputants can use existing relationships as specific points of influence to encourage greater commitments towards the mediation process and serve as potential release-valves for diffusing any resulting tensions.

Mediators are often selected based upon their understandings of the conflict and relationships with the conflicting parties. Historical roots and cultural ties underlie many of Africa's mediation attempts, as effective mediators across the continent rely upon cultural resources such as 'trust', 'understanding' and 'deep respect and persuasion' (Khadiagala 2007: 5). Trust between the parties and the mediator can also help facilitate a constructive relationship between the disputants themselves. Throughout the duration of the mediation session, mediators naturally develop working relationships with each individual party, which can ultimately contribute towards unleashing a synergy between the three actors when convened together (Lang and Taylor 2001: 161). Perhaps most importantly, interpersonal relationships between the disputing parties themselves can play pivotal roles in supporting the mediation process. Given the heightened tensions associated with political mediations, parties are often tempted to leave the negotiation table when divisive challenges arise; these interpersonal

relationships can be outlets for reducing such tensions, and can also serve as key channels of communication when formal mediation efforts break down.

During South Africa's political transition, the interpersonal relationship between Cyril Ramaphosa of the African National Congress (ANC) and Roelf Meyer of the National Party (NP) was paramount to ensuring the negotiations' survival during a period of mutual distrust and heightened antagonisms. Following the Boipatong Massacre on 22 June 1992, Nelson Mandela appeared on national television to announce that the ANC was breaking off all ties with the NP government, citing a lack of trust between the parties and respect for the negotiation period. Mandela demonstrated his disdain with the NP's attitude of not taking the mediation seriously, and accused the government of dragging out the negotiations while widespread violence continued across the country. Within minutes after Mandela's address, Ramaphosa phoned Meyer to see whether the two intermediaries could "find a place to talk" (R. Meyer in O'Malley 1996: 9). For the ensuing three months, Ramaphosa and Meyer worked tirelessly each day to break the prevailing deadlock. That September, the two parties reached agreement on a Record of Understanding, a

memorandum that broke the impasse and changed the scope and tone of the subsequent negotiations, ultimately creating the space for renewed dialogue between the two parties.

Reflecting upon their negotiations, both attributed this success to a deep trust and friendship. Ramaphosa stressed that three months of uncompromising one-on-one negotiations forged an inherent mutual trust, allowing him and Meyer to acknowledge their political differences while focusing on a win-win solution rooted in compromise (O'Malley 1996). Meyer emphasised that it would have been “impossible to reach out and come to an agreement without developing personal relationships” (R. Meyer in O'Malley 1996). The friendship forged during exhaustive negotiations played an unprecedented role in ensuring the survival of South Africa's transition.

LESSON 4:

Mediators should not be success-focused.

Ahtisaari: “Mediators should not be success-focused because ‘failure’ can lead to success later.”

Mediators must not exclusively focus on reaching watershed agreements during every mediation session, but should instead contextualise the broader process through which negotiated settlements are reached. Transforming the disputants’ relationships and ultimately facilitating an agreement requires a significant investment in time and effort: mediators must first build relationships of trust and cooperation with the parties to the conflict, collect necessary information to assess the objective conditions on the ground as well as the relative strengths and weaknesses of each party’s negotiation position all before the mediation can begin in earnest. In addition, a successful mediation must be timed appropriately with the dynamics of the conflict: disputants will be unwilling to reconsider their core positions if they assess that more can be gained from sustaining the conflict than negotiating.

Sustained and successive negotiations, without reaching an agreement at each juncture, can contribute towards ripening the situation for a negotiated settlement. Persistent and concerted efforts to negotiate will eventually create important channels of communication between the parties and engender necessary levels of trust to facilitate an agreement. The mediation process involves learning and confidence building, where the disputants gradually become familiar with one another and slowly learn their counterparts' positions and bottom-lines. Specific elements or components of an agreement can emerge throughout the entire process, though they may not be sufficient in securing the support of both parties; what remains is a direction for the way forward, priming the parties for later agreements. Further, the substantive complexity of the dispute may necessitate that the parties approach a comprehensive resolution in numerous stages, negotiating specific challenges first to ultimately lay the foundation for further agreements. Negotiation sessions that fail to produce a comprehensive agreement must not be considered failures, but instead, as constructive steps towards a final settlement.

The 1995–2000 Arusha Process that brought an end to the Burundian Civil War was comprised of numerous mediation sessions. Considered in isolation, most of the attempts would be labelled as failures for their inability to produce substantive agreements between the disputants, but each session was indispensable in contributing towards the final agreement in August 2000. The preliminary negotiations, conducted by former Tanzanian President Julius Nyerere, not only created an atmosphere of cooperation between the disputing parties but also established the foundation for the eventual power-sharing framework of the Peace and Reconciliation Agreement. Further, the change of mediators from President Nyerere to former South African President Nelson Mandela was imperative in changing the tenor and dynamics of the mediation while ripening the moment for a comprehensive agreement.

LESSON 5:

Having access to the highest level of diplomacy can be useful; this must be used discreetly and only when necessary.

Ahtisaari: "I know of a leading global figure who, when mediating, always made discreet calls to Heads of State."

Mediators situated within the highest circles of international diplomatic and political communities can be invaluable in facilitating a successful mediation. However, this capital must be used discreetly and only when necessary. As leverage constitutes perhaps the most powerful instrument in any negotiation toolbox, the selection of mediators is often based upon their ability to leverage both parties. Such leverage can be equated with a mediator's clout, institutional support, or ability to act as a power broker between many competing factions (Khadiagala 2007: 4). These tools are ultimately used to reward or punish the disputing parties for their cooperation (or lack thereof) during the mediation process. Consequently, eminent individuals such as former presidents or ministers carry the greatest leverage. These dignitaries bring tangible gravitas, a necessary condition to solicit the support

of disputing parties, especially if one is a Government (Vasu Gounden in *Mediation in Africa* 2012).

Former President Nyerere's mediation in the Burundi conflict highlights the value of designating an eminent figure as the lead mediator; Nyerere's role was broadly supported by the Organisation of African Unity (OAU), the United Nations (UN) as well as civil society organisations such as the Jimmy Carter Center, providing the mediator with unique access to a range of diplomatic tools and international support. Further, President Nyerere's position as a respected African liberation leader allowed him to apply forceful moral pressure upon Burundi's conflicting parties, while Tanzania's position as Burundi's regional ally provided Nyerere with a distinct knowledge of the parties and the shape of the conflict, and the ability to get support for the negotiated agreement from Heads of States of both African and non-African countries.

LESSON 6:

Those who have experienced conflict and made peace have credibility in the mediation process, and can be used as leverage.

Ahtisaari: "I have found that using actual protagonists who have made peace can be useful to influence the protagonists in the conflict that you are mediating."

Individuals who have taken part in successful mediations and sustained peace efforts maintain unprecedented credibility within mediation processes, and can be used as leverage to propel separate mediation efforts. Mediators cannot solely rely upon theoretical knowledge to resolve a given conflict: it is useful if they also bring some experience in the art of politics, which may include having been involved as parties to a conflict (Vasu Gounden in *Mediation in Africa* 2012).

Those individuals who have previously led successful mediation efforts and made peace with their enemies carry widespread legitimacy and authority within any mediation effort. Disputing parties are more likely to both invite those individuals into the mediation process, and treat their influence and judgments with greater authority (Moore 2003: 384).

Former President Mandela was chosen to mediate the second phase of Burundi's peace negotiations precisely because of his experience as "reconciler-in-chief" during South Africa's political transition. Beginning with the clandestine negotiations on Robben Island in 1985–6, Mandela developed a fifteen-year portfolio of experience through driving the transitional political negotiations, promoting national reconciliation and peace, and ushering in post-apartheid South Africa into a new global era. The former President's emphasis on reconciliation made him ideal for leading the Burundi mediation process. Mandela's unquestioned moral authority allowed him to change the direction and tone of the mediations with little resistance. Scholar Ikaweba Bunting noted, "he (Mandela) came...with the moral authority brought with 27 years in prison to demand that the military relinquish power and that the minorities share with the majority. He was uncompromising on issues of justice and morality" (Bunting in Khadiagala 2007: 167).

THE MEDIATION PROCESS AND DYNAMICS

LESSON 7:

Conditions on the ground must be ripe for negotiations in order to undertake successful mediation efforts.

Ahtisaari: “You have to be extremely patient. Sometimes before the initiation of any facilitation or mediation process, the conflict might require time to shift, leading to a more conducive environment.”

The timing of mediation efforts is a key determinant of successful interventions, as disputing parties will only work to resolve a conflict when they feel prepared to negotiate. Changes in conditions on the ground are the most influential determinants in bringing the disputants together: parties are most likely to turn to negotiations when they feel they are neither capable of unilaterally achieving victory nor willing to continue tolerating the painful costs of the conflict (Zartman 2001: 8). All parties must independently assess that a negotiated settlement is preferable to the status quo in order to make conditions *ripe* for mediation. Ripeness, i.e.

an opportune moment for negotiations, must be understood as a condition for mediations instead of an explicit catalyst of dialogue. Ripe moments are fleeting, as changes on the ground can easily alter a party's calculus of the conflict. Such moments must be seized quickly, for changes within the parties' situations and analyses could eliminate any brief moments of opportunity for mediation.

The end of the Angolan Civil War highlights how changes in internal and external environments can produce conditions ripe for mediated settlements. Beginning with the 1988 New York Accords, which led to the removal of Cuban and South African military forces, both the Movimento Popular de Libertação de Angola (MPLA) government and the União Nacional para a Independência Total de Angola (UNITA) rebels began searching for opportunities to negotiate. Between 1988–90, the parties attempted four failed mediations where, despite signed agreements, the parties were either unwilling or unable to adhere to the outlined conditions (Knudsen, Mundt, and Zartman 2000). Thus, despite explicit attempts to secure peace, the moment was not ripe for mediation. However in 1990, a number of factors transformed conditions on the ground, ultimately ripening the environments for mediation: political upheavals throughout Eastern Europe

quickly hastened the decline of the Soviet Union and its support to the MPLA; a military stalemate and constant food shortages increased the cost of fighting between the two disputing parties; and the Angolan government's 1990 decision to introduce a political framework of multi-party democracy, created the legal and political space for UNITA opposition. Following these changes on the ground, the disputants became more amenable to negotiations and proceeded to work through, and ultimately sign, the terminal 1991 Bicesse Accords.



LESSON 8:

The mediation process must be inclusive of all those who can either contribute to or disrupt peace.

Ahtisaari: “As a basic rule anyone who can contribute to an agreement or can disrupt the agreement must be brought into the process. I believe it is always better to talk. Isolating somebody is not good.”

Any successful mediation process must include all stakeholders who can ultimately contribute to ending violence and promote the conditions for peace. Mediation is a distinct form of third-party intervention, largely because the disputing parties retain a tangible degree of ownership over the process and outcome. Ownership of this process, however, is compromised when some actors in the conflict are not represented during the mediation process. In their positions as impartial actors, mediators are ultimately responsible for helping the parties determine which constituencies should be involved in the mediation process, and at what junctures their inputs are most valuable.

Any mediation process must include a broad coalition of representatives from all walks of society to complement

the main protagonists. Victims of the conflict must be afforded the necessary space in order to raise and address the key issues to those individuals on the ground (Margaret Vogt in *Mediation in Africa* 2012). Excluding their presence would weaken the mediation's attempts at healing the fault lines in society, paving the way for future conflict.

However, attempting to determine the space for and roles of armed belligerents in the mediation process is an entirely separate challenge. Some would suggest that their continued use of violence would only position themselves as spoilers in the mediation process. However, upholding the impartiality of the mediation process also requires an implicit recognition that all actors can contribute to a negotiated solution. Instead of banning those responsible for violence, mediators must actively work with such belligerents to uncover the roots of their grievances and thus address their issues through peaceful means. "We should ask ourselves, 'what pushes people to radicalism? What are the factors that force people to adopt radical positions on such issues?'" (Margaret Vogt in *Mediation in Africa* 2012). Some belligerents will naturally attempt to disrupt the mediation process in order to secure some legitimacy and formal representation

within the international system; however, listening to the perspectives and grievances of belligerents does not necessarily guarantee their impunity, but instead ensures a greater ownership of the process, and thus an increased likelihood of creating a sustainable solution.

The 1995–2000 Arusha Mediation of the Burundian Civil War serves as an important tale of caution for those urging the exclusion of belligerents from the mediation process. The non-participation of all Burundian armed groups prolonged the implementation of the Arusha agreement, as there was a subsequent need to renegotiate with each faction long after the peace deal was signed.



Vasu Gounden, Founder and Executive Director, ACCORD and Former President of Finland, Martti Ahtisaari.

LESSON 9:

For the mediation process to move forward, leaders must have the political will to reach an agreement.

Ahtisaari: "In the mediation of conflicts political will is indispensable...with it a sustainable agreement is possible...without it, most times even an agreement is not possible."

Any successful mediation requires the political will of all leaders to reach an agreement. Although different stages of the negotiation process can be conducted by a variety of intermediaries, leaders of the disputing parties must ultimately be the individuals who approve and legitimise an agreement. Upon entering serious discussions, leaders (of the protagonists) can provide formal recognition to the gravitas of negotiations, establish general parameters or goals for the discussions, and serve as an arbiter and decision maker for their party (Ramsbotham, Woodhouse and Miall 2010: 111). No amount of pressure or coercion from the mediator can force the parties to reach an agreement; it is the leaders, through exercising their political will, who must ultimately be responsible for shifting the positions and attitudes of their respective parties.

On some occasions, entrenched positions and interests of specific leaders may pose insurmountable obstacles to a negotiated settlement, compelling a change in leadership or the adoption of new goals, values, and beliefs (Ramsbotham, Woodhouse and Miall 2010: 163). Leaders must also be willing to take advantage of small but significant opportunities to transform the mediation dynamic and reach a negotiated settlement, regardless of the short-term political damage the associated decisions may cause to themselves or their party.

South Africa's transition from an apartheid state to multiparty democracy highlights the inherent value of political will and leadership in reaching a negotiated settlement. Changes in leadership within the National Party (NP) were paramount towards beginning negotiations with the African National Congress (ANC). The transition from the then Prime Minister B.J. Vorster to his successor, P.W. Botha, brought a shift from the unflinching defence of apartheid towards the willingness to debate reforms to the system; the transition from P.W. Botha to then President F.W. de Klerk continued the NP's transformation as De Klerk exerted the political will to engage in serious negotiations over the apartheid system.

LESSON 10:

Mediators should never think they could do everything on their own. Selecting a competent mediation team is imperative to a successful mediation process.

Ahtisaari: “Use track-two role-players... never think you can do everything on your own... and chose competent people and those whom you can trust to be on your team.”

While an individual mediator constitutes the focal point of any intervention, a competent and diverse mediation team is an invaluable asset to the process. As most mediators are chosen distinctly for their ceremonial and institutional leverage, many lack the critical technical skills to complement and support a mediation venture.

Moore highlights two distinct categorical tracts for mediation support: allies to the disputing parties who provide partisan or advocacy support; and independent parties who help all concerned parties reach agreements (Moore 2003: 395). The partisan advocates help mobilise and secure support for the mediator’s proposals, framing the action around the positive benefits accruing to their respective constituents. The independent analysts, on

the other hand, provide both comparative expertise and independent support to the direct mediation venture, and thus remain an invaluable resource (Katia Papagianni in *Mediation in Africa* 2012).

These third party entities, be they international bodies, government units, or civil society organisations, are essential in helping parties uncover different perspectives on core substantive issues. By sustaining their involvement throughout the mediation process with problem-solving workshops, facilitations, and training exercises, these teams contribute to transformative moments throughout the mediation process (Ramsbotham, Woodhouse and Miall 2010: 168–70). Members of the mediation team are also invaluable for their flexibility: technical experts can work with several parties simultaneously while applying theoretical conflict resolution knowledge within local contexts. These initiatives are imperative to ripening the climate for a negotiated settlement. Mediators must also be allowed to choose their own team, as they must place the utmost confidence and trust in these individuals.

Civil society organisations have played critical roles in facilitating transformative changes in a conflict's dynamics. Such organisations include: the African Centre

for the Constructive Resolution of Disputes (ACCORD) in Burundi and the Democratic Republic of the Congo (DRC); the Community of Moravians and the Mennonites in Central America; and the Finnish based Crisis Management Initiative (CMI) in Indonesia.



Former President of South Africa and Facilitator of the Burundi Peace Process, Nelson Mandela, briefs the UN Security Council on 29 September 2000.

LESSON 11:

Mediators must have a clear set of objectives and direction.

Ahtisaari: “As a mediator I must know where I am taking this process and only then should I get the support of others.”

Mediators are ultimately responsible for devising a clear set of objectives and strategies to push the disputing parties towards a peaceful settlement; they must approach the negotiations with an inherent understanding of the conflict’s causes and manifestations, the negotiation positions of the disputing parties, and potential strategies to help move the parties towards an agreement (Moore 2003: 68). This preparatory work must also be complemented by what Lang describes as the mediator’s constellation of theories – a collection of grounding principles and frameworks on which mediators base their decisions (Lang and Taylor 2001: 72). This constellation acutely combines moral groundings, individual experiences, and perspectives on the world into a framework for analysing and mediating the conflict at hand. However, Lang and Taylor also caution that mediators must approach their frameworks with the ability

to “hold on tightly and let go lightly”, a maxim aimed at emphasising the need to be direct and intentional about developing a working hypothesis without becoming overly attached to beliefs when evidence on the ground necessitates a re-calculation (Ibid).

Upon intervening in the Burundi conflict, President Mandela was explicit in his intentions, objectives, and direction towards the mediation. After assuming responsibilities for the mediation in January 2000, Mandela, in his initial addresses to the disputing parties, espoused a mediation style rooted in morality, reconciliation, and equality, while simultaneously admonishing the parties for their previous negotiation failures. The former President also critically detailed his sequencing of the substantive negotiations to bring all the parties onto the same page. Combined with his inherent moral authority, Mandela’s structured and detailed approach laid the groundwork for a successful mediation (Khadiagala 2007).

LESSON 12:

Consensus pressure is useful in mediation.

Ahtisaari: “When there is consensus in support of the mediation process from the international and regional community and they are willing to put pressure on the parties, such consensus pressure can be invaluable in a mediation process.”

Mediators must use consensus pressure to support their initiatives and entice disputing parties to adhere to the mediation process. Conflicts structured upon distinct asymmetrical power balances, where one party (usually a government) often wield a disproportionate amount of military and financial resources, requires the mediator to cultivate and ensure the stronger party's support for the mediation process.

Consensus pressure, derived largely from external resources, remains among the mediator's most influential tools. If a mediator earns the support of key international actors (especially those equipped with the means and willingness to impose strict penalties), they can then exert consensus

pressure on the parties to reach agreements or adhere to designated time frames. Without consensus pressure, the disputants can avoid many of the unfavourable components of the mediation and ultimately derail the entire process. This pressure is often derived from the political will of the countries with either the greatest strategic interest in securing peace or those with the largest financial commitment to the mediation process.



LESSON 13:

An unexpected event can change the dynamics on the ground, and thus any resulting opportunity for mediation must be seized.

Ahtisaari: “The tsunami was a game-changer in the Aceh peace process.”

Unexpected events can fundamentally alter the climate surrounding negotiations, and any new opportunity for mediation must be seized immediately. The atmosphere for and conditions of mediation processes are often driven by the will of the disputants and their reception (or rejection) of negotiation attempts. Given the natural animosity associated with competing factions in a given conflict, most parties are likely to be hostile and antagonistic to their counterparts; this framework can either be rooted in a need to justify one’s actions, or even to consolidate a diverse and fractured constituency base. Sometimes the mediator is unlikely to drastically change this climate; however, a fundamental change on the ground can force each party to reassess its strengths and potentially make them more open to negotiations (Lang and Taylor 2001: 182). The mediator must capitalise on any change and drive the mediation process forward.

Perhaps the most distinct example of such a radical change occurred during the tenuous Indonesian negotiations in 2004. While the government and the Gerakan Aceh Merdeka (GAM) remained deadlocked for over three years, the December 2004 tsunami, which resulted in over 167,000 dead and missing in Aceh, fundamentally altered the climate for negotiations. The asymmetrical power-balance between the government and the much weaker GAM was claimed to be among the most challenging impediments to a successful negotiation. However, the tsunami eliminated this imbalance by indiscriminately devastating the entire country, a watershed that quickly provided the parties with space and motivation for cooperation. Indonesia's chief negotiator believed the need to help the tsunami's victims was much more important than continuing the fighting. "Sadness seemed to bury the will to fight." (Hamid Awaluddin, Indonesia's Chief Negotiator; Aguswandi and Large 2008)

After the tsunami the GAM agreed to an immediate and unilateral ceasefire. The government responded by summarily dispatching its negotiating team to Finland, where it would embark on an ultimately fruitful negotiation with the Acehnese leadership in exile. One citizen succinctly described the change in environment:

“My family was gone; the people were gone; the enemy was gone. What is there to fight for?” (Unnamed citizen in Aguswandi and Large 2008). While the devastation was naturally an unavoidable and deeply regrettable catastrophe, it did facilitate a unique rebalancing in the negotiation climate and was instrumental in facilitating a peaceful resolution to the Indonesian conflict.



An aerial view of the vast destruction of the Indonesian coast, between the towns of Banda Aceh and Meulaboh, caused by the December 2004 tsunami.

LESSON 14:

Good, accurate, and reliable information is invaluable in mediation.

Ahtisaari: "One of the most important currencies that the mediator peddles is information and, in this context, accurate and verifiable information is indispensable."

Good, accurate, and reliable information is invaluable to all parties during the mediation process. Information is necessary for all parties to understand both the events on the ground as well as the positions of their counterparts. The challenge for the mediator, however, is to act as a sieve and distil verifiable information from unsubstantiated claims. The mediator must solicit information from the disputants and conduct independent fact-finding missions to paint the most accurate picture possible. Collecting information from the respective parties is invaluable throughout the mediation process. Each party will provide their interpretations of the conflict, framing both their overall position as well as specific stances on outstanding issues. Discussing and sharing facts not only creates a level of trust and cooperation between the mediator and the disputants, but also allows the mediator critical insight into each party's perspective. The mediator

may be capable of extracting benefits from the conflict's asymmetrical power structure. If this information sharing is done confidentially, the mediator gains an opportunity to leverage the parties into an agreement. Presented with verifiable information, the mediator can address obfuscating power asymmetries within the negotiations by reframing key issues for mutual benefits. The mediator must also be cognisant of whether parties provide false or misleading information in an attempt to either delay or obstruct the mediation. Without verifiable information, the mediator will be likely to misread either the intentions or the capabilities of each party, thereby increasing the chances of a subsequent breakdown in talks.

Following the official independence of South Sudan from Sudan in 2011, the two states have continued to experience tension. A number of issues are at stake, including challenges related to oil, citizenship and contested borders. A lack of verifiable information has become a major obstacle during the ongoing negotiations between Sudan and South Sudan. The demarcation of the countries' shared border remains one of the most pressing unresolved issues, largely because of the absence of verifiable information. The 2005 Comprehensive Peace Agreement (CPA), the foundation of the current

negotiations, called for the border demarcation to be conducted by the Technical Border Committee (TBC); the TBC was tasked with restoring the 1956 independence border. However, very little verifiable information exists on the border's precise location at specific contested regions, allowing all parties to present their own interpretation. This confluence of unverifiable information has become a significant stumbling block throughout the negotiations.



Omar Hassan Ahmad Al-Bashir, President of Sudan, and Salva Kiir Mayardit, President of the Republic of South Sudan, greet each other at the Independence Ceremony of the new nation in July 2011.

LESSON 15:

Social media play an important role by informing all individuals of developments of the ground.

Ahtisaari: "No one can do wrong in the world today...it comes to the attention of the world immediately through, among others mediums, social media. This is a positive thing!"

The proliferation of social media throughout the world, i.e. Twitter, Facebook, and YouTube, has profoundly impacted conflict environments by increasing the availability of real-time information. Beginning with CNN's nonstop coverage of the 1991 Gulf War, media have played a transformative role in providing continuous coverage of conflicts and war zones. Today, social media have further revolutionised the industry by allowing all individuals to contribute real-time updates. Instead of exclusively relying upon a team of journalists and editors to disseminate information from conflict areas, individuals can now contribute their own news updates and perspectives, enhancing the amount and scope of available information.

Although social media updates may not necessarily carry the same reliability and integrity as those of professional journalists, interested parties can now survey these sources to gain a full array of perspectives and information, ultimately creating a more nuanced and complete understanding of complex events within a conflict environment. Social media has also played an important role in supporting international justice mechanisms by creating a new platform to log and detail grave human rights violations and social injustices. As a result, protagonists of a conflict will face increased accountability for actions that may have otherwise gone unreported.

The usual caution about the possibility of abuse and manipulation of information must be exercised when dealing with social media.

THE AGREEMENT

LESSON 16:

Parties in mediation must be open to all proposals.

Ahtisaari: "All proposals should be on the table."

In order to work towards a suitable negotiated settlement, parties involved in mediation must be willing to consider all potential agreements. Mediators are ultimately responsible for taking ownership of proposals, a necessary strategy to eliminate any potential stigmas from attributing proposals to one of the disputants. Parties may be unwilling to consider those proposals put forward by their negotiating counterparts, but would be more amenable to the same plans if suggested by an impartial party. Mediators are consequently responsible for framing particular issues or proposals to help the parties move away from counter-productive definitions, perceptions, and associations, and towards more constructive paradigms (Moore 2003: 236).

On the one hand, there are normative pitfalls associated with the mediators attempts to create more *constructive* environments; on the other hand, it is assumed that the mediators impartiality will ultimately drive them

towards securing mutual gains for all disputants. There are also instances when the mediators must be open and frank with the parties, defining specific boundaries and limitations within the proposals to drive the negotiations forward. Historical legacies may play a disproportionate role in influencing a party's reception of and attitude towards a particular proposal; reframing the argument within the context of such a historical backdrop may provide the parties more latitude in securing support from their constituencies.

The negotiations between the Indonesian government and the GAM in January 2005 constitute a clear example of the potential benefits from reframing a key substantive proposal. One of the most significant challenges in the Indonesian conflict was the GAM's ardent focus on securing independence for the Acehnese people. The Indonesian government, however, had strongly resisted any attempt to provide the Aceh with special considerations outside of the existing constitutional framework, and instead maintained its offer for 'autonomy', a historically repudiated status that afforded the Acehnese only limited control over their political, economic, and socio-cultural destinies. At the very beginning of the mediation attempt, Ahtisaari explicitly told the GAM that independence for the Acehnese would be off the table. Defining this

negotiation redline was imperative to keeping the parties' proposals within the zone of possible agreements and ultimately progress towards a negotiated settlement. A major breakthrough occurred when the 'autonomy' provisions were reframed as 'self-governance,' creating additional latitude for negotiations and this provision not only eliminated the widely despised 'special autonomy' provisions that had been proposed and rejected in 2001, but also created new space for the parties to negotiate further symbolic and substantive agreements and ultimately create a suitable and widely accepted peace agreement (Aguswandi and Large 2008).



LESSON 17:

The agreement that is signed must be implementable.

Ahtisaari: “The real work starts when the parties sign the agreement, which must be implementable, and its implementation requires competent people to carry it out.”

As challenging as it may be to come to a negotiated settlement, such an agreement must be implementable if the disputing parties are to avoid a renewal of violence. Creating an agreement that can be implemented in full remains challenging. A 2001 study showed that on average, a peace agreement lasted three and a half years before the resumption of violence (Hartzell, Hoddie and Rothchild (2001) in Bekoe 2008: 1).

The success of a substantive political agreement is most often predicated upon the accompanying implementation process to guarantee the prescribed tangible outcomes. Conducted primarily as political negotiations, most peace agreements offer limited guidance on how to overcome implementation challenges. Bekoe describes common obstacles, as when individuals fail to relinquish key political or military positions; improper sequencing of

implementation steps to mitigate vulnerabilities; and the absence of a step-by-step process detailing how to pursue implementation of the agreement (Bekoe 2008: 12). A number of structural variables also complicate the implementation process: the number of parties involved in the negotiations; the number and complexity of the issues debated; the degree of psychological tension and distrust between the disputants; and the time-frame necessary for implementation (Moore 2003: 351).

The 2005 CPA between Sudan and South Sudan typifies the challenges of implementing a negotiated peace agreement. Tasked with ending a 22-year war between the Sudanese government and the Sudan People's Liberation Army (SPLA), the disputants and international observers alike de-emphasised challenging implementation questions in favour of ambiguous and imprecise compromises to secure a political agreement (Jobbins 2006). Numerous components of the CPA made implementation a daunting task, for instance: the prescribed seven-year implementation period; the complexity and number of issues addressed; and the 40 commissions created to monitor separate components of the agreement.

LESSON 18:

Sometimes reaching an agreement on some issues for expediency purposes can be dangerous.

Ahtisaari: "In order to get parties through difficult issues, we can protect them by agreeing that 'Nothing is agreed until everything is agreed.'"

Mediators must constantly be concerned with keeping all parties committed to and engaged in the negotiation process. One important strategy for upholding this commitment is to have the mediator guarantee that "nothing is agreed until everything is agreed." This strategy inhibits any party from accruing piecemeal losses from agreeing to certain proposals during the mediation process. Insulating the parties from negative evaluations of their potential agreements until the end of the mediation session sustains necessary confidence and commitment from all actors to continue pursuing negotiations.

Challenges can arise when agreements are reached for expediency and public relations purposes, consequently opening the parties to outside interrogation and criticism.

Such agreements create short-term bursts of energy that ultimately dissolve and can jeopardise the entire mediation process. Mediators often have great latitude in determining the sequencing of the negotiation agenda. In determining which issues to address first, the mediator must remain cognisant of the key substantive issues defining the conflict, the attitudes and positions of the relevant parties, and the various resources at the mediation team's disposal. Strategies for sequencing negotiation issues include: ad-hoc development; simple agenda development; building block or contingent agenda; ranking of issues by importance; principled agenda; easiest items first; and trade-offs or packaging agendas (Moore 2003: 247).

While each sequencing strategy has its benefits and downturns, they can all be successful if correctly applied within the context of a given mediation attempt. However, the true challenge emerges when a mediator deviates from this agenda. Interim agreements, i.e. those that deviate from the scheduled order, raise the risk that parties may renege on the agreements, or refuse to reciprocate after receiving particular concessions (Ramsbotham, Woodhouse and Miall 2010: 172). This occurs because parties secure unexpected benefits from addressing

particular issues, and thus believe they can change their negotiation strategy and continue to expect benefits despite not having addressed the root causes of the conflict. In addition, if parties are roundly criticised for the agreements, they may subsequently lose confidence in the mediation process and remove themselves from the negotiations.

Moore also suggests that an over-reliance on deadlines in mediation can cause dangerous expediency-based agreements. While deadlines play a crucial role in raising the stakes of the mediation process and the costs of failing to agree (thus forcing parties to act in good faith), they often force parties to reach agreements that are neither realistic nor implementable (Moore 2003: 330). The mediator also benefits from an expediency-based agreement in the short term, but is often subject to intense scrutiny once those agreements fall apart

LESSON 19:

Mediation is a process that, with a little creativity, can make possible what seems impossible or intractable.

Ahtisaari: “Never say “never” in the mediation process.”

Mediators must always believe in the potential for a breakthrough during a deadlocked negotiation. Issues, actors, and interests change throughout the duration of a conflict, necessitating mediators to constantly reassess potential engagements between disputing parties. Väyrynen identifies five broad categories of transformation that subsequently produce better conditions for negotiation: context transformation, structural transformation, actor transformation, issue transformation, and personal transformation (R. Väyrynen in Ramsbotham, Woodhouse and Miall 2010: 163).

Context transformations identify larger social, regional, and international dynamics that can distort the existing incentives and power balances within a mediation. Structural transformations relate to perceived changes in the relationships and power balances between the disputing parties. Actor transformations occur when

parties are forced to redefine, abandon, or modify long-standing goals or perspectives. Such a transformation can be precipitated by changes in the leadership or constituency of a disputing party. Issue transformation takes place when disputing parties are forced to reframe specific issues and goals for self-preservation, based upon a change in the conflict's dynamics. Finally, personal transformation occurs when individual leaders profoundly revise their strident positions towards inclusion and negotiation. Any of these changes can improve the conditions towards a mediated settlement and end to a conflict.

The mediation and subsequent resolution of the South African Border War was precipitated by a key contextual transformation: the end of the Cold War. The Border War, which was inextricably tied to the Namibian War for Independence and the Angolan Civil War, was inherently driven by the power asymmetries and competitions between the two global super powers: Cuba and the Soviet Union were fervent allies of Angola, while South Africa was strongly supported by the United States. Once the United States and the Soviet Union reached a *détente*, a unique opportunity emerged for negotiations to begin in earnest. During the May–June 1988 Moscow

Summit, representatives from the US, USSR, Angola, Cuba and South Africa mediated various components of a negotiated settlement to the conflict. Both Cuba and South Africa had conditionally agreed to withdraw their armed forces, contingent upon a firm commitment from the other to do the same. While few believed that Cuba and South Africa would follow through and relinquish military gains accrued after 20 years of fighting, both parties assessed that the cost of continuing the conflict was greater than the rewards. In December 1988, Cuba, and South Africa signed the Brazzaville Protocol, enshrining their commitment to the withdrawal, and both parties subsequently carried out their commitments to withdraw...prompting the quote by President Ahtisaari, “Never say never”.

LESSON 20:

Truth and reconciliation mechanisms must be included in any negotiated settlement.

Ahtisaari: “Truth and reconciliation is very important to achieve real peace and always should be tried out. It always takes time to get the process going at the national level. In the meanwhile reconciliation at the local level should be encouraged.”

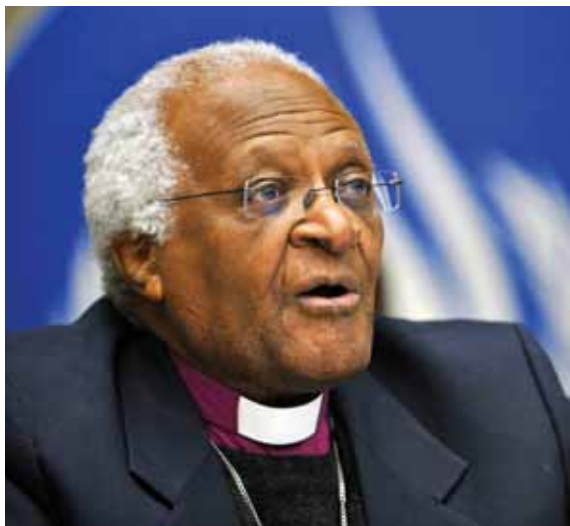
Reconciliation processes must factor into any mediation efforts and subsequent negotiated agreements in order to promote and sustain durable peace. Reconciliation should be considered as the acceptance of an undesirable situation or outcome in order to positively transform the relationship between disputing parties (Moore 2003: 344). As conflicts create damaging tears in communal social fabrics, reconciliation efforts must be undertaken to repair the damage and create a foundation upon which to rebuild society and evade future conflict. John Paul Lederach crucially notes that reconciliation is not a terminal endpoint but instead a continual process, defined by four key tenets: truth, mercy, justice, and peace. (Lederach in Moore 2003: 344). Each

pillar is ultimately designed to acknowledge and validate the disputing parties in order to rekindle social harmony.

Two schools of reconciliation highlight the differing ways to repair such torn fabrics: *retributive justice* is a punitive form of reconciliation that seeks to identify and punish those guilty of offenses, while *restorative justice* seeks to promote healing between the victim and offender. Upon designing and implementing reconciliation frameworks, numerous considerations must be undertaken, including: the preference for communal or individual reconciliation; the role of cultural and religious values in reconciliation; the complex definitions of causality and blame; and the balancing of psychological culture of and procedural implementation of reconciliation. Addressing these questions through a holistic and inclusive process remains imperative to healing societal wounds and fostering sustainable peace.

The South African Truth and Reconciliation Commission (TRC), created in 1995 by the country's Government of National Unity, was imperative in repairing the devastating legacy of the Apartheid regime. Through the creation of an open forum in which all individuals could share their grievances, and the provision of amnesty to applicants who truthfully disclosed their transgressions in full, South Africans could openly confront the crimes committed

and promote healing between individuals, communities, and society in whole. Reconciliation, epitomized by the leadership of former President Nelson Mandela and TRC Chairperson Archbishop Desmond Tutu, enabled South Africa to begin moving towards an inclusive post-conflict South African society.



**The South African Truth and Reconciliation Commission (TRC)
Chairperson Archbishop Desmond Tutu.**

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From left: Former President of Finland, Martti Ahtisaari, HE Amb. Jarmo Viinanen, Permanent Representative of Finland to the UN and Vasu Gounden, Founder and Executive Director, ACCORD.

AFTERWORD

African Soul

*The African ancestors cried
tears of abundant joy
for that brightly descending star
a true African Soul has arrived*

*The buffalo horn sounded
across the Namibian desert
announcing the arrival
of this true African Soul*

*The drums shook the earth
across the Kenyan Serengeti
telling all the African people
a true African Soul has arrived*

*In the majestic rain forest
of the ancient Bakango Kingdom
the wind howled the message
that a true African Soul has arrived*

*In the blistering mid-day sun
they saw a hopeful sign
a reflection in the mighty Nile
of the arrival of this true African Soul*

*So they ran to the library
of the great Malian Tombouctou
to record for the future
that a true African Soul has arrived*

*All across Africa
North, South, East and West
they patiently waited
for this true African Soul
But it took many years
for the African Gods to conspire
to deliver to African soil
this true African Soul*

*Today all across Africa
across the Namibian desert
and the Serengeti plains
we celebrate this true African Soul*

*Through the Bakango rain forest
deep in the bowel of the Nile
we stake our claim
to this true African Soul.*

*And in the parchments of Tombouctou
It shall be deeply written
for future generations to know
that Nobel Peace Laureate, Martti Ahtisaari
was a true African Soul.*

Vasu Gounden

28 November 2008. Monrovia, Liberia.

This poem was written after I spent an inspiring evening with Martti Ahtisaari, in a very informal atmosphere on the terrace of the Mamba Point Hotel, in Monrovia, sipping the local beer and reflecting on his work. His life's work epitomizes the concept of servant leadership at the highest level globally. We are thankful for his wisdom and contributions to providing solutions to the problems facing humanity!

Conversations with Ahtisaari

Atribute to a great mediator, Martti Ahtisaari, and his steadfast commitment to peace throughout the world. From Namibia to Kosovo, the 2008 Nobel Peace Laureate and former president of Finland has played an indispensable role in nurturing peaceful resolutions to many of our era's most complex crises.

Mediation remains among the most powerful and effective tools for resolving conflict. Fostering environments for dialogue and cooperation between disputing parties is paramount in reaching negotiated and peaceful settlements. In this booklet, President Ahtisaari's personal reflections on mediation are captured and complemented with relevant theoretical knowledge and anecdotal evidence from across the world. What emerges is a succinct collection of lessons aimed at providing support to all those engaged in mediation processes throughout the world.

