



Federal Foreign Office



The OSCE as Mediator Instruments – Challenges – Potentials

German OSCE Chairmanship 2016 Conference
6 July 2016

CONFERENCE REPORT

OSCE PEACE MEDIATION
DEUTSCHLAND 2016

THE OSCE AS MEDIATOR

Instruments - Challenges - Potentials

Berlin, 6 July 2016



Photo©Jens Winter

The OSCE as Mediator Instruments – Challenges – Potentials

German OSCE Chairmanship 2016 Conference
6 July 2016

CONFERENCE REPORT

Table of Contents

Conference Programme	4	Insider Mediators as Part of Peace Infrastructure: Where do they complement and where do they pose a challenge? Kick-off Examples from Northern Ireland and Tajikistan.....	16
Executive Summary	6	Protracted Conflicts and their Multi-Dimensionality for Mediation: How to see and use the potential of perceived deadlock situations? Kick-off Examples from the Transdniestrian Settlement Process	19
Foreword: Rüdiger König, Director-General, Directorate-General S for Crisis Prevention, Stabilisation, Post-Conflict Peacebuilding and Humanitarian Assistance, German Foreign Office	7	Inclusivity in Mediation Processes: Who sits at the table – who at the window? Kick-off Examples from the Belgrade-Pristina-Dialogue	22
Keynote: Dr h.c. Gernot Erlor, Special Representative of the Federal Government of Germany for the OSCE Chairmanship	8	The OSCE: Variety of Mediation Instruments in the Case of Ukraine	25
The OSCE and Mediation – Roles and Approaches	10	Key Points and Conclusions	28
Status-neutral Mediation Approaches: How to involve non-recognised or disputed entities? Kick-off Examples from South Caucasus	13		

Conference Programme

The OSCE as Mediator: Instruments – Challenges – Potentials
Europasaal, Federal Foreign Office, Berlin, 6 July 2016

08:00	Registration and Coffee
09:00	<p>Welcome</p> <p>Rüdiger König, Director-General, Directorate-General S for Crisis Prevention, Stabilisation, Post-Conflict Peacebuilding and Humanitarian Assistance, Federal Foreign Office, Germany</p>
	<p>Keynote</p> <p>The OSCE as Mediator</p> <p>Dr h.c. Gernot Erler, Special Representative of the Federal Government of Germany for the OSCE Chairmanship</p>
	<p>Plenary Panel</p> <p>The OSCE and Mediation: Roles and Approaches</p> <p>Paul Picard, Deputy Director for Operations Service, OSCE Conflict Prevention Centre</p> <p>Ambassador Astrid Thors, OSCE High Commissioner on National Minorities</p> <p>Edelgard Bulmahn, Vice-President, German Bundestag</p> <p>Prof. Dr Dr h.c. Christian Tomuschat, President of the OSCE Court of Conciliation and Arbitration</p> <p>Chair:</p> <p>Dr Almut Wieland-Karimi, Center for International Peace Operations (ZIF)</p> <p>Dr Norbert Ropers, Berghof Foundation</p>
10:45	Coffee Break

11:15	Parallel Panels
1	<p>Status-neutral Mediation Approaches: How to involve non-recognised or disputed entities?</p> <p><i>Kick-off Examples from South Caucasus</i></p> <p>Ambassador Dr Günther Bächler, Special Representative of the OSCE Chairperson-in-Office for the South Caucasus</p> <p>Dr Oliver Wolleh, Programme Director Caucasus, Berghof Foundation</p> <p>Nina Tsikhistavi, Director, International Center on Conflict and Negotiation (ICCN), Georgia</p> <p>Magdalena Grono, Europe and Central Asia Program Director, International Crisis Group</p> <p>Chair:</p> <p>Dirk Splinter, inmedio Berlin – institute for mediation . consulting . development</p> <p>Sebastian Dworack, Center for International Peace Operations (ZIF)</p>
2	<p>Insider Mediators as Part of Peace Infrastructure: Where do they complement and where do they pose a challenge?</p> <p><i>Kick-off Examples from Northern Ireland and Tajikistan</i></p> <p>Rev. Dr Gary Mason, Founder and Director, Rethinking Conflict, Northern Ireland</p> <p>Dr Faredun Hodi-Zoda, Director, The Academy of Dialogue, Tajikistan</p> <p>Luxshi Vimalarajah, Programme Director Dialogue, Mediation and Peace Support Structures, Berghof Foundation</p> <p>Dr Christina Stenner, Mediation Support Officer, OSCE Conflict Prevention Centre</p> <p>Chair:</p> <p>Dr Norbert Ropers, Berghof Foundation</p> <p>Amit Singhal, Department of Political Affairs, United Nations</p>

3

Protracted Conflicts and their Multi-Dimensionality for Mediation: How to see and use the potential of perceived deadlock situations?
Kick-off Examples from the Transnistrian Settlement Process

Ambassador Cord Meier-Klodt, Special Representative of the OSCE Chairperson-in-Office for the Transnistrian Settlement Process

Rasa Ostrauskaite, Deputy Director OSCE Conflict Prevention Centre

Roxana Cristescu, Head, Eurasia Programme, Crisis Management Initiative (CMI)

Walter Kemp, Vice-President, International Peace Institute, Director for Europe and Central Asia

Dr Tanja Tamminen, Leader of the Research Group on Frozen and Unfrozen Conflicts, Institute for East and Southeast European Studies

Chair:

Prof. Dr Lars Kirchhoff, Center for Peace Mediation, European University Viadrina

Julia von Dobeneck, Center for Peace Mediation, European University Viadrina

4

Inclusivity in Mediation Processes: Who sits at the table – who at the window?
Kick-off Examples from the Belgrade-Pristina-Dialogue

Ambassador Samuel Žbogar, Head of the European Union Office in Kosovo/European Union Special Representative in Kosovo

Ambassador Jean-Claude Schlumberger, Head of the OSCE Mission in Kosovo

Valdete Idrizi, Executive Director, platforma CiviKos, Pristina

Sonja Biserko, President, Helsinki Committee for Human Rights Serbia

Chair:

Brigitta von Messling, Center for International Peace Operations (ZIF)

Christoph Lüttmann, CSSP – Berlin Center for Integrative Mediation

13:15	Lunch Break
14:30	Plenary Panel
	<p>The OSCE: Variety of Mediation Instruments in the Case of Ukraine</p> <p>Ambassador Dr Martin Sajdik, Special Representative of the OSCE Chairperson-in-Office in Ukraine and in the Trilateral Contact Group</p> <p>Minister Konstantin Obolensky, Deputy Head of the Human Security Division, Swiss Federal Department of Foreign Affairs</p> <p>Ambassador Wolfgang Ischinger, Chairman of the Munich Security Conference</p> <p>Ambassador Eberhard Pohl, Head of the Permanent Mission of the Federal Republic of Germany to the OSCE</p> <p>Chair:</p> <p>Rüdiger König, Directorate-General S for Crisis Prevention, Stabilisation, Post-Conflict Peacebuilding and Humanitarian Assistance, Federal Foreign Office, Germany</p>
16:00	<p>Conclusions and Recommendations</p> <p>Dr Almut Wieland-Karimi, Center for International Peace Operations (ZIF)</p> <p>Dr Norbert Ropers, Berghof Foundation</p>
16:30	End of Conference followed by coffee and light refreshments

Executive Summary

The German Chairmanship hosted the conference “The OSCE as Mediator. Instruments – Challenges – Potentials” in Berlin on 6 July 2016. The event was organised in cooperation with the Initiative Mediation Support Germany (IMSD)¹. More than 200 participants from across the OSCE region attended, including high-ranking representatives of governments or parliaments of participating states, special envoys and practitioners engaged in mediation processes in the OSCE area, and mediation experts from civil society and academia.

Participants stressed the crucial role the OSCE plays in conflict prevention and resolution across the OSCE area and the continued need for dialogue, mediation and mediation support at all levels to increase trust, stability and security for OSCE populations affected or threatened by conflict.

The conference opened with a keynote by Dr Gernot Erler, Special Representative of the Federal Government of Germany for the OSCE Chairmanship, followed by a plenary panel on the current instruments and contributions of the various OSCE institutions and bodies to mediation. This was followed by parallel panels in which participants discussed different aspects of mediative approaches, such as status-neutral mediation, the potential of insider mediators, particularities of mediation in protracted conflicts and questions of inclusivity. The concluding plenary panel illustrated the interplay of multiple layers of mediation processes and international conflict resolution efforts in complex conflicts like the one in and around Ukraine.

The conference complemented a series of round table discussions, held in Vienna, on strengthening OSCE capacities and instruments across the conflict cycle and generated some fruitful input into these deliberations.

Broad support was expressed for:

- Further strengthening mediation as an important instrument of the OSCE across the conflict cycle;
- Promoting the role of women at all levels and in all phases of mediation;
- Increasing the inclusivity of dialogue processes and the implementation of agreements by opening up ways for wider segments of the population to contribute as early as possible, especially civil society and youth;
- Focusing on small and practical steps at the beginning to demonstrate the benefits of a settlement and to create trust and some form of dynamic;
- Enhancing the coherence of and the interplay between different tracks of mediation and the interlinking of mediation activities with other political processes and reform efforts;
- Strengthening the focus on effective conflict prevention, with mediation being one of the most efficient instruments with regard to the cost-effect relationship.
- Continuing to focus on capacity building both within the OSCE and in the conflict regions.

¹ The IMSD consists of the Berghof Foundation, the Center for Peace Mediation (CPM) at the European University Viadrina, CSSP – Berlin Center for Integrative Mediation, inmedio berlin – institute for mediation, consulting, development and the Center for International Peace Operations (ZIF). The objective of the initiative is to make the existing knowledge on peace mediation and mediation support accessible to representatives of the Foreign Office of the Federal Republic of Germany and key decision-makers. Furthermore, the initiative aims to contribute to the exchange of persons and institutions working on peace mediation and mediation support. The consortium thus strengthens peace mediation in Germany and a stronger embedding of peace mediation as a foreign policy tool.

Foreword

Rüdiger König, *Director-General,
Directorate-General S for Crisis Prevention, Stabilisation,
Post-Conflict Peacebuilding and Humanitarian Assistance, Federal Foreign Office, Germany*

Conflict prevention, stabilisation and post-conflict reconstruction have become part of the Federal Foreign Office's action-oriented approach. Mediation and multilateralism are indispensable elements of this equation. A distinguished set of experts and interested colleagues were present at the 2016 "The OSCE as Mediator" conference held at the Federal Foreign Office in Berlin.

This was the third conference on peace mediation jointly organised by the Federal Foreign Office and the Initiative Mediation Support Germany (IMSD). I would like to thank the members of the Initiative for their continued efforts: the Berghof Foundation, the Center for Peace Mediation of European University Viadrina (CPM), CSSP – Berlin Center for Integrative Mediation, inmedio berlin – institute for mediation, consulting, development and the Center for International Peace Operations (ZIF). I would also like to thank our panellists and our colleagues from the OSCE Task Force at the Federal Foreign Office with whom we co-organised this event.

At the Federal Foreign Office, we have been expanding our mediation activities over the last few years. We consider mediation to be one of the key instruments of crisis prevention, stabilisation and peace-building and want to make better and extended use of it.

We are continuing to focus on four main themes that were formulated as a result of our 2014 "Germany as Mediator" conference: an extension of our training activities, an extension of our project

activities, further conceptual work on mediation and extended and intensified cooperation with multilateral and bilateral partners on mediation.

We work closely with the United Nations Mediation Support Unit, with the European External Action Service and its division on crisis prevention and mediation and, of course, with the OSCE.

The OSCE has longstanding experience in facilitating political dialogue and engaging in mediation activities, which are important elements of its crisis prevention and crisis management activities. Starting with the 1975 Helsinki Final Act, participating States committed to the peaceful settlement of conflicts and to the use of negotiation, mediation, conciliation, etc. The 1992 Helsinki Document further strengthened OSCE structures and enhanced the OSCE's role in conflict prevention, crisis management and conflict resolution.

The conference "The OSCE as Mediator" illustrated the challenges posed by mediation and offered suggestions for the application of this tool, both within and beyond the OSCE context, thus contributing to the continuous development of mediation as a professional instrument in peace processes and stabilisation initiatives.



Keynote

Dr h.c. Gernot Erler, *Special Representative of the Federal Government of Germany for the OSCE Chairmanship*



Mr König,
thank you very much for your kind welcome
and introduction,
Ms [Astrid] Thors,
Edelgard [Bulmahn],
Professor Tomuschat,
Dr [Almut] Wieland-Karimi,
Dr Ropers,
Excellencies,
Ladies and gentlemen,

On behalf of the German OSCE Chairmanship in 2016, I would also like to give all of you a very warm welcome to this conference – “The OSCE as Mediator”. [...]

Over the last two years, the Federal Foreign Office has conducted a broad-based dialogue on our foreign policy, entitled Review 2014 – A Fresh Look at German Foreign Policy.

One of its most important insights, in my view, was clear support for the idea that Germany should assume greater responsibility at international level, especially in the fields of conflict prevention and peaceful conflict resolution. [...]

Peaceful conflict resolution through mediation requires trust and a willingness to compromise on the part of the conflict parties. [...]

For more than 40 years now, the OSCE has played an indispensable role in confidence-building, conflict prevention and conflict resolution in Europe. [...]

Keeping communication channels open, providing platforms for dialogue, taking account of others’ positions and working together to find viable solutions and compromises for all sides – that is the day-to-day activity of the OSCE. [...]

The OSCE is present on the ground in many participating States, often also outside the capital cities, through its field mission network.

Its Mediation Support Team at the Conflict Prevention Centre in Vienna supports ongoing mediation processes.

Many OSCE workers both in the field missions and in Vienna often have many years of expertise in mediation.

The independent institutions – the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities and the Representative on Freedom of the Media – are also involved in dialogue promotion, conflict prevention and conflict resolution processes.

Through the quiet diplomacy of the High Commissioner on National Minorities or the project work conducted by the field missions in the area of reconciliation, dialogue and confidence building, the organisation is active at all stages from conflict prevention, through acute crisis management right up to post-conflict peacebuilding.

The OSCE Parliamentary Assembly also helps to prevent and resolve conflicts by intensifying parliamentary contacts and pursuing its own dialogue promotion initiatives.

What is little-known even to experts is that the OSCE even has its own Court of Conciliation and Arbitration, which participating States may call upon to resolve their disputes. [...]

Ladies and gentlemen,

It is good to have instruments like the OSCE, but it is not enough. At the moment we are observing a worrying loss of trust and willingness to compromise, both within our societies and at international level.

A friend-foe mentality, the tendency to turn political decisions into matters of principle, the insistence on one's own subjective perceptions and assessments – all this makes it difficult to achieve compromise and has latterly even resulted in the return of war to Europe – take Crimea and eastern Ukraine – and the violent eruption of long-simmering conflicts, such as Nagorno-Karabakh.

I think we need to make sure that we don't lose the ability to mediate and resolve disputes peacefully in the OSCE area. Other regions of the world envy us this historic achievement.

But the OSCE can't do this on its own. We need the willingness of the participating States to make use of its instruments, to work constructively on resolving conflicts and above all to comply once more with the agreed rules and principles.

Yet the OSCE, with its tried and tested skills and institutions, can make a key contribution to mediation in the individual conflicts and thus foster confidence-building as a whole.

We have therefore deliberately chosen the motto "Renewing dialogue, rebuilding trust, restoring security" for our OSCE Chairmanship.

It is no coincidence that this threefold strategy also describes the central elements of any mediation process. Reinforcing mediation and the OSCE's other skills throughout the conflict cycle is one of the priorities of our Chairmanship.

We want to learn from past experiences, strengthen reliable instruments and at the same time make the organisation structurally fit for the future.

We want today's conference to be a step in this direction. Our goal is to join with you to take a look at individual aspects, methods and tried and tested experiences and to draw benefit from them.

We also want to identify additional approaches that could be relevant to the OSCE and adapt them to give the organisation fresh impetus for developing its range of instruments.

The questions we need to pose in this context include:

How can we confront challenges such as status issues more effectively?

How can we make best use of additional potential such as insider mediators?

How can we make mediation processes more inclusive? One necessary factor in this connection is the inclusion of women.

And finally, how do all the various players and approaches connect with one another, how can we dovetail our instruments and mediation efforts in the face of the highly complex, interconnected conflicts of our times?

Ladies and gentlemen,

The past months and years have shown us that Europe is not – or is no longer – the haven of peace we perhaps rather too complacently took it to be for so long.

We ought now to have realised that here, too, the eruption of violence and the use of force to resolve conflicts are a possibility.

Let us therefore work together to strengthen and develop peaceful conflict resolution in the OSCE as well as the OSCE as a whole.

To this end, I wish you and all of us inspiring discussions and plenty of ideas from this conference.

Thank you very much.



The OSCE and Mediation: Roles and Approaches

The first plenary panel explored the experiences of the OSCE as a mediator and its instruments throughout the conflict cycle. Panellists included Ambassador Astrid Thors, OSCE High Commissioner on National Minorities, Ms. Edelgard Bulmahn, Vice-President of the German Bundestag, Prof. Dr Dr h.c. Christian Tomuschat, President of the OSCE Court of Conciliation and Arbitration and Mr Paul Picard, Deputy Director of the OSCE Conflict Prevention Centre. The Panel was chaired by Dr Almut Wieland-Karimi (ZIF) and Dr Norbert Ropers (Berghof Foundation).

Panellists agreed that due to its structure and history as an organisation of cooperation and confidence building, dialogue and mediation were naturally part of the OSCE's DNA. In addition, its long-term engagement in conflict management, its acceptance by the parties as an honest broker and its ability to reach out to all levels of society provided the necessary preconditions to assume the role as mediator. With its comprehensive approach to security encompassing the organisation's three dimensions and its unique combination of policy-making organs, expert institutions and field missions, the OSCE was predestined as a broker for comprehensive solutions to conflicts.

However, the organisation's structure and area of engagement – the OSCE area – meant that some of the participating States were at the same time conflicting parties, which could be both an opportunity for inclusion, but also a challenge to mediation efforts.

Panellists stressed that mediation was a cost-effective means of crisis prevention and conflict management. Hence, the OSCE should focus even more on political processes and peace agreements with a particular emphasis on their implementation, to which the wider organisation with its different dimensions, approaches, institutions and not least missions on the ground was perfectly suited to make a meaningful contribution.

In times of increasing tensions and polarisation, the OSCE was the proper host for national dialogues as well as awareness raising activities and education about the organisation's abilities with regard to peace agreements as an effective means to prevent further conflict. In order to be more effective, however, more coordination among the different approaches to conflict resolution at the international level as well as between different policy fields in participating States was required. The OSCE with its comprehensive approach to security

provided the best platform for such a broad approach, possibly also connecting peace and conflict resolution with the UN's Sustainable Development Goals.

As all conflicts are different, no one-size-fits-all solution exists. Panellists therefore suggested that efforts should not only be limited to the highest political level, but the OSCE should use and apply its efforts on all tracks in a complementary manner. This should also include utilising the potential of civil society, especially women and youth, as well as engagement of parliamentary channels or the OSCE Court of Conciliation and Arbitration, which so far had not been engaged in the manner initially foreseen. As conflict management and resolution were long-lasting efforts, the panel recommended the annually changing OSCE Chairmanships to appoint Special Representatives for mandates of more than one year in order to enhance and strengthen conflict resolution efforts.

PLENARY PANEL

The OSCE and Mediation: Roles and Approaches

Astrid THORS

AN HONEST BROKER IS A BETTER MEDIATOR

Edelgard BULMAHN

MILITARY DOESN'T SOLVE CONFLICTS...

Prof. Dr. Dr. h. c. Christian TOMUSCHAT

THE ROLE OF CONSILIATION COMMISSIONS

ROLE OF WOMEN
ENGLISH IS GOOD FOR COMPROMISES
NATIONAL DIALOGUES
WHO ARE THE ACTORS?
Dialog Facilitation
BILATERAL COMMISSIONS

IMPORTANT TO HAVE GOOD COOPERATION WITH THE MISSIONS + STRUCTURES

WE NEED MORE SUPPORT FROM MERKEL!

DON'T FORGET EDUCATION!

INTERVENE EARLY → POLITICAL SOLUTION
IMPROVED INSTRUMENTS FOR INTERVENTIONS WORLD WIDE
INCLUSION OF WOMEN!
WE NEED A SYSTEMATIC APPROACH → REORGANISATION
MEDIATION ROUND TABLES

WE NEED TO LOOK AT THE DIFFERENT POSITIONS

WE NEED A CHANGE IN THE MINDSETS!
THIS IS ANNOYING!
S G

JUST RECOMMENDATIONS?
OSCE IS BASED ON INTERNATIONAL CONTRACTS

STATES SHOULD CONSIDER ADVANTAGES!

PAUL PICARD

MEDIATIONS ARE LONG PROCESSES

MEDIATION IS ONE OF THE MOST POWERFUL PREVENTIONS ALSO IN TERMS OF COSTS

WE DO HAVE ROSTERS!

OSCE BRINGS PEOPLE TOGETHER



SPECIAL REPRESENTATIVES (ONLY 1 YEAR??)



PEKKA HAARVISTO

WE HAVE TO TALK TO THE BAD GUYS
OK...

LET'S CREATE JOBS

WE HAVE TO THINK ABOUT INCLUSIVENESS

IMPORTANCE OF MEDIATION A DIFFERENT STAGES AND ALSO DURING THE CONFLICT



CHAIRS

Dr. Almut WIELAND-KARIMI

Dr. Norbert ROPERS

Status-neutral Mediation Approaches: How to involve non-recognised or disputed entities?

Kick-off Examples from South Caucasus

The first parallel panel discussed the question of how to deal with non-recognised or disputed entities in mediations. Panellists included Ambassador Dr Günther Baechler (Special Representative of the OSCE Chairperson-in-Office for the South Caucasus), Nina Tsikhistavi (Director, International Center on Conflict and Negotiation (ICCN), Georgia), Magdalena Grono (Europe and Central Asia Program Director, International Crisis Group) and Dr Oliver Wolleh (Program Director Caucasus, Berghof Foundation). The panel was chaired by Sebastian Dvorak (ZIF) and Dirk Splinter (inmedio berlin).

Panellists discussed best practices and challenges for enabling negotiation and mediation efforts despite unresolved status questions, with particular reference to the Southern Caucasus. At the core of many conflicts lies the status question, whether a certain breakaway territory is part of an existing state or an independent state of its own. Official negotiation formats which try to resolve this question often progress very slowly. Meanwhile, people's lives are severely affected. The panellists expressed a strong need for the improvement of living conditions in those disputed territories, which cannot wait until the fundamental question is resolved. Close to a million people in the region live under 'de facto siege conditions' as one panellist put it, with limited or no possibility to move, even for medical treatment or family visits. A whole generation is growing up in closed societies, which has never experienced peace and normality.

Hence, a set of innovative measures has been developed to address and possibly solve challenges of everyday lives through status-neutral approaches. While status-neutral mediation efforts cannot solve the overall conflict and do not address the root causes, they can, at least on a temporary basis, provide channels of communication to negotiate possible solutions to practical issues and thereby create positive momentum through peace dividends.

Experience with status-neutral mediation approaches

As the most prominent example, panellists mentioned the Geneva International Discussions (GID) co-chaired by the Organization for Security and Co-operation in Europe (OSCE), the European Union (EU) and the United Nations (UN). The Geneva International Discussions bring together representatives of the conflict parties in and around Georgia, namely Georgia, Russia and Georgia's breakaway regions Abkhazia and South Ossetia, as well as the United States. The talks aim to find solutions for operational challenges in the conflict region and among the parties involved, provide a space to focus on practical issues and to build trust and create positive momentum through peace dividends. The composition of the working groups is such that participants take part in their individual capacity – not as representatives of conflict parties – thereby allowing the inclusion of non-recognised actors in a face-saving way.

Panel 1

Status-neutral Mediation Approaches

How to involve non-recognised or disputed entities?
Kick-off examples from South Caucasus



Günther Bächler

I DISAGREE WITH:

"what we call 'mediation' is diplomacy"

- We have a hybrid mandate
- not a mediation approach as such!
- All participants - NOT PARTIES



NOT ON THE SAFE SIDE
• MORE MEDIATION IN THE LONG RUN OR
• ESCALATION DUE TO PARTIES GET STUCK

AVOID ALL STATUS-RELATED ISSUES



Oliver Wolleh

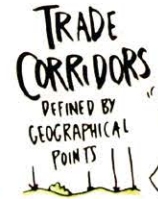
Status Question

is affecting everything



IT DEPENDS ON THE POLITICAL WILL!

THE PARTIES HELP TO FOCUS ON THE BENEFITS FOR EVERYONE



HERE ARE A MILLION ISSUES TO DISCUSS



Better than the Status Quo!

Cover the need with Bypass Structures

LOCAL ORGANISATIONS STARTED DIALOGUE WITH RUSSIANS



Nina Tsikhistavi



NEED FOR DIALOGUE NOW!
OTHERWISE WE HAVE WAR IN 5-8 YEARS!

FOR EXAMPLE: EXPERT MEETINGS OF BOTH SIDES TO GIVE FUTURE RECOMMENDATIONS



QUESTION OF ATTITUDE, PERSONALITY AND SKILLS OF THE MEDIATOR

many cases of putting activists in prison... some blame us for stop working!



Magdalena Grono

NOT EVEN A CONSENSUS:

What kind of conflict do we have?

GREAT PRAGMATISM IS NEEDED!

EVEN MORE DIFFICULT

NOW THERE IS GROWING UP A GENERATION THAT NEVER EXPERIENCED PEACE!



CHANGE PEOPLES PERCEPTION! BUT MAYBE THERE IS A DANGER ON ESCALATION AS WELL!

Chair

Dirk Splinter

Sebastian Dworack



inmedio

zif

Various successful examples were highlighted:

- Some mediation efforts have resulted in agreements about temporary status-neutral travel documents, which enable their holders to travel (at least to certain places and for certain purposes) without making a statement about the question whether the issuing entity is a state or not.
- In the mediation process between Georgia and Russia about a trade corridor through South Ossetia, an agreement was found in which the corridor is defined by geographic coordinates, thereby circumventing the question of labelling the territory through which it leads. Furthermore, the question of which government is responsible for the monitoring has been bypassed by commissioning a private company for this task.
- Practical questions of the management of the administrative boundary line (ABL) between Georgia and South Ossetia are addressed through regular meetings in tents at the ABL, the so-called Incident Prevention and Response Mechanism (IPRM), convened by the European Monitoring Mission (EUMM) and co-facilitated by Switzerland.
- Efforts are currently being made by the OSCE in Moldova to find agreements regarding the apostilisation of Transnistrian university diplomas and the registration and mutually acceptable licence plates for Transnistrian private vehicles (see also Panel 3).
- Fundamental principles of mediation are put into practice in these examples: The solutions create mutual benefits by transcending zero-sum/either-or assumptions through creative ways to think out the box.

Challenges

Notwithstanding the successes of the described approach, panellists cautioned that the term ‘status-neutral mediation approaches’ would seem problematical in the eyes of many conflict parties, because from their perspective everything should be focused on the status questions (‘We fought for status – not for normalisation’). Hence, the panel recommended using a different term than status-neutral mediation that would emphasise the pragmatic character of the endeavour by focusing on practical issues and operational challenges on the ground and not include the term “status”. If practical benefits are envisioned, parties’ readiness to embark on such a process can be fostered.

In addition, panellists cautioned that focusing on practical issues alone and thus potentially postponing the status question might have an adverse effect, i.e. it would cement the conflict or even lead to frustration and escalation in the long run rather than contribute to its solution. Thus, the causes of the conflict, in many cases status questions, should be kept in sight throughout the whole process.

Political will and the right momentum were essential for successfully addressing the status question. In addition, it was recommended that the participants in these exchange and negotiation activities be expanded beyond the parties to the conflict to include representatives of civil society from all sides that could act as facilitators or catalysts and function as channels for broader segments of society in order to feed their contribution into the official process.



Insider Mediators as Part of Peace Infrastructure: Where do they complement and where do they pose a challenge?

Kick-off Examples from Northern Ireland and Tajikistan

The second parallel panel focused on the role of Insider Mediators in conflict transformation and conflict prevention and the cooperation between Insider Mediators and international actors, especially international mediators and mediation support actors. It explored the potential of Insider Mediators and aimed to foster a deeper understanding of how international actors can constructively and effectively engage with Insider Mediators, particularly in contexts where international actors face limitations.

Christina Stenner (Mediation Support Officer at the OSCE Conflict Prevention Centre), Luxshi Vimalarajah (Programme Director of the Dialogue, Mediation and Peace Support Structures Programme at the Berghof Foundation), Rev. Dr Gary Mason (Founder and Director of Rethinking Conflict, Northern Ireland) and Faredun Hodiza (Director of the Academy of Dialogue, Tajikistan) shared their perspectives on the topic in the discussion, which was chaired and facilitated by Dr Norbert Ropers, Senior Advisor at Berghof Foundation, and Amit Singhal, Senior Political Affairs Officer at the UN Department of Political Affairs. Dr Gary Mason and Faredun Hodiza shared their decade-long experiences as Insider Mediators in Northern Ireland and Tajikistan, respectively.

The Potential and Roles of Insider Mediators

While insider and local components have partly been neglected in the international peacebuilding agenda of the 1990s, recently there has been an increased emphasis on supporting and engaging with insider and local peacebuilders, recognising their potential for conflict transformation and conflict prevention. Due to their strong ties to the conflict area and to the societies in conflict and their personal stake in the conflict, they not only have personal interests in lasting peace, but they often also enjoy better access to certain regions and conflict actors than external actors. Their in-depth knowledge about the conflict situation and their close geographical, cultural and normative proximity to conflict parties also contribute to the unique position of Insider Mediators.

Insider Mediators can play different roles and make different contributions in diverse contexts. In Tajikistan they were messengers, conflict analysts and human rights defenders. They determined entry points, contributed to building consensus across communities, directly mediated between conflict parties, monitored ceasefires and acted as early warning mechanisms. In Northern Ireland, given the high respect and legitimacy they enjoyed, religious authorities in particular were able to build bridges between segregated and fractured communities.

Insider Mediators can be defined as “trusted and respected insiders at all levels of a conflicted society who have a deep knowledge of the dynamics and context of the conflict and a sensitivity in their contribution to finding solutions that are recognized and valued by the parties themselves.”

(Hislaire/Smith/Wachira (2011). Insider Mediators in Africa. Prangis: PeaceNexusFoundation, p. 2.)

PANEL 2

INSIDER MEDIATORS as Part of Peace Infrastructure

Where do they complement and where do they pose a challenge?? Kick-off Examples from Northern Ireland and Tajikistan



Rev. Dr GARY MASON

3 YOUNG BOYS...

WHO BECOMES WHO??

WE NEED TO DEAL WITH THE PAST...

SOCIAL HEALING PROCESS

is NOT ONLY FOR POLITICIANS and is not only useful for Terrorists

HEY WHAT ABOUT US? THE HOOLS, MURDERERS, RAPISTS, GREEDIES...

Humiliation is the root of terrorism

Fertilises the soil for many people dying

Toxic Religion

enduring politics

I SHOOT YOU

Welcome!!

INSIDER MEDIATORS ARE EXCELLENT DOOR OPENERS.

FIVE YEARS LATER...

HAVING DONE STEP BY STEP...



We can work together!!



DR. FAREDUN HODI-ZODA

WHO IS RIGHT?



LUXSHI VIMALARAJAH

let's have a look at Kyrgyzstan...

language politics...

KIRGIZ

USbec

NORTH

SOUTH

water issue

What's the rumour??

PROUD PASSION FOR PEACE

PEACE MESSENGERS

COMPLETELY DIVERS PEOPLE WITH A COMMON AIM: CREATE HARMONY

...young old religion male female kirgiz - usbec religion universalitarian...

a CHALLENGE:

PEACEMAKERS OFTEN WANT THE QUICK HARMONY INSTEAD OF GOING DEEPER TO THE REASONS OF THE CONFLICT

CHECK

DR. CHRISTINA STENNER



Decision-making by Consensus

DECISIONMAKERS ARE VERY MUCH INFLUENCED BY PEERS.

Hey girls, what would you do??

FOLLOW US!!

BUT REMAIN YOURSELVES

Dr. Norbert Ropers



Amit Singhal



ILLUSTRATION: SUSANNE ASHEUER

Engaging with Insider Mediators

Engaging with Insider Mediators can be beneficial to international organisations, which often face (political, legal and organisational) difficulties in engaging with certain conflict actors. This is not only due to the unique access of Insider Mediators, but also because of their inherent mandate to facilitate and support dialogue. For organisations such as the OSCE, in which 57 participating States have to agree on a mandate for field missions, cooperation with Insider Mediators can open up new opportunities. Another great advantage that Insider Mediators bring to the table is that conflict actors are often more receptive to and willing to engage with their peers than with external actors.

There are already a number of existing projects in which international actors engage with Insider Mediators and support them. The OSCE Peace Messengers Project in Kyrgyzstan, which ran from 2007 – 2012 in the provinces Osh, Jalal-Abad and Chuy, is a particularly interesting example. The unique feature of this project was that it was built on existing informal and local structures, such as courts of elders and women's committees. Peace Messenger teams consisting of teachers, elders, religious organisations, local administrations, journalists and representatives of the media and law enforcement bodies carried out educational work, identified underlying reasons for conflicts, provided information to decrease

provocative rumours and responded to emergency situations. During the five-year project, the OSCE offered the Peace Messengers space for communication, interaction and country-wide networking as well as knowledge and skills enhancement. Furthermore, through documentaries and video clips, the OSCE helped to raise public awareness of the work of the Peace Messengers. One particular challenge facing the project included the Peace Messengers' non-transformative and apolitical approach, which placed the emphasis on short-term crisis reduction and fostering harmony instead of on long-term conflict transformation and addressing the underlying grievances of minorities; other challenges were the conservative vision of authority and the Peace Messengers' lack of official status as mediators.

Examples such as the Peace Messengers Project in Kyrgyzstan demonstrate that cooperation between international organisations and Insider Mediators can contribute to the establishment and consolidation of peace infrastructures that build society's resilience and prevent and transform conflicts.

from top to bottom: Amit Singhal, Senior Political Affairs Officer, Department of Political Affairs, UN; Dr Christina Stenner, Mediation Support Officer, OSCE Conflict Prevention Centre; Dr Faredun Hodi-Zoda, Director, The Academy of Dialogue, Tajikistan; Luxshi Vimalarajah, Programme Director Dialogue, Mediation and Peace Support Structures, Berghof Foundation; Rev. Dr Gary Mason, Founder and Director, RethinkingConflict, Northern Ireland



Protracted Conflicts and their Multi-Dimensionality for Mediation: How to see and use the potential of perceived deadlock situations?

Kick-off Examples from the Transdniestrian Settlement Process

The third parallel panel dealt with the particularities of mediation in protracted conflicts. Ambassador Cord Meier-Klodt (Special Representative of the OSCE Chairperson-in-Office 2016 for the Transdniestrian Settlement Process), Rasa Ostrauskaite (Deputy Director of the OSCE Conflict Prevention Centre), Roxana Cristescu (Head of the Eurasia Programme, Crisis Management Initiative), Dr Tanja Tamminen (Leader of the Research Group on Frozen and Unfrozen Conflicts, Institute for East and Southeast European Studies, University Regensburg) and Dr Walter Kemp (Vice-President International Peace Institute, Director for Europe and Central Asia, International Peace Institutes) contributed their perspectives on the topic. The panel was chaired by Prof. Dr Lars Kirchhoff and Julia von Dobeneck, CPM, European University Viadrina.

Protracted conflicts are characterised by persistent patterns and circular negotiations leading to a stable but dysfunctional conflict system. Peace mediation in its various forms (including dialogue facilitation) and at various political and societal levels seems to be well-suited as a structured response to the anatomy of protracted conflicts. Furthermore, the key approach of mediation – namely to find unorthodox yet interest-based solutions to complex matters – can help reveal the existing potential for development in these perceived deadlock situations. However, mediation also meets specific challenges and trade-offs, ranging from possible asymmetries between the parties to the frequent change of actors and representatives involved in the negotiations.

Against that background, and from five distinct perspectives, the panel investigated whether and how mediation can play an increasing role within the complexity of protracted conflict. For the purpose of illustration, examples and practical insights from the ongoing Transdniestrian settlement process served as a departure point and reference frame for the discussion.

Specific challenges for mediation in protracted conflicts and possible answers

In most protracted conflicts (also in Transdniestria), the status of at least one actor is in question. Therefore, the mediator needs to find ways of handling this dilemma: Respecting the various forms and degrees of autonomy of the conflicting parties and their equality on the one hand, while not implicitly engaging in status questions on the other. A sensitive process design and careful verbal framing can be a solution.

Isolation of one partner, enemy images and dominating zero-sum assumptions on both sides: These are typical dynamics and challenges of protracted situations. One good strategic response has proven to be choosing small steps and tackling the most urgent aspects of daily life, where involved actors are willing to compromise. Or as Ambassador Cord Meier-Klodt put it: “If you choose a more cautious approach, you may actually get further faster”. The mere fact

Protracted or frozen?

‘Frozen’ or protracted conflicts can be characterised as stable but dysfunctional conflicts, even in the absence of violence. In order to focus on the still existing dynamics of these conflicts and to avoid the habituation effect, the notion of ‘protracted’ conflict is preferred by practitioners and scholars (see R. Biermann’s contribution to the conference “Breaking the Ice of Frozen Conflicts?”, 2016). The OSCE also uses the term ‘protracted’ as a neutral term to refer to the time the conflict has remained unresolved.

Protracted Conflicts and their Multi-Dimensionality for Mediation

How to see and use the potential of perceived deadlock situations? Kick-off examples from the Trans-dniestrian Settlement Process

Ambassador Cord Meier-Klotz
Speed is not the issue... but rather consistency
Sometimes it's the little things that count...
Like car license plates
None of the conflict partners has a coherent vision...
The 5+2 meetings have had tangible results
You have to find out exactly who your partner are
You have to spell out exactly how Transnistria benefits from the 5+2 process
There is something to be learned from the Transnistrian conflict...
...but every conflict is different

Rasa Ostrauskaite
We have to overcome zero-sum assumptions
 $-1+1=0$
Is mediation just a buzzword?
Sometimes a statement is enough
Make the transition from small steps to big steps.
The decision-making process of the OSCE can be quite slow
There is no blueprint for protracted conflicts that can be transferred from region to region.
The Transnistrian Settlement Process has been described as a turtle...
...but the turtle is still alive.
The OSCE is trying to speed up the process
South Ossetia, Ukraine, Trans-dniestria

Roxana Cristecu
An organisation like CMI is more flexible than OSCE
There has been no major breakthrough, but many small ones
Civil society has been slow to engage in Transnistria
The fluidity between politics and social actors in civil society creates more problems
Even small steps are often seen as suspicious
You have to be careful who you work with

Walter Kemp
There are a number of countries in danger of getting trapped between Russia and the West
There are also opportunities in the perceived deadlock
You have to identify the sponsors!

Prof. Dr. Lars Kirchhoff
CHAIR
You have to talk to your partners even if they are not recognized.
The 5+2 process needs to become more informal
Demonstrate the peace dividend
You can't always get what you want (...but if you try sometimes you might get what you need)

Dr. Tanja Tamminen
Even frozen conflicts can be dynamic...
...which makes dialogue very difficult
Identity plays a role, but it's not simple
...what is typical is the isolation of one non-upt
The roles of the actors in the conflict keep changing
Zukunft ist Herkunft (Gadamer)
There should be a dialogue across conflict lines

Juan Kücklich
GRAPHIC RECORDING: JUAN KÜCKLICH
www.playability.de

of sustaining a dialogue and moving towards agreements on practical problems or technical questions (such as technical infrastructure or licence plates for private vehicles) for the benefit of the people on both banks of the river not only creates positive dynamics but also conveys the essence and serves as an example of a broader solution with special status for Transnistria within a sovereign Republic of Moldova.

Lessons learned about the Transnistrian conflict

While agreements on the status question may currently be out of reach, it seems conducive to focus on the specific interests (even on complex matters) of both sides and to shift from political to socio-economic questions, as they might be easier to solve; one example is the trade liberalisation agreement reached between Chisinau and Tiraspol with the EU in 2015. Furthermore, the traditional track concept¹ being used in mediation process design may need to be reviewed as the politically active actors with influence are regularly rotating from state to non-state positions and vice versa in Moldova. This makes it difficult to work with civil society. A mediator therefore needs to integrate those who have substantial yet less visible societal access and influence, instead of exclusively focusing on those holding formal positions. An important achievement in the Transnistrian settlement process in 2016 was the mutual agreement on a roadmap, strategy and timetable for dialogue. The achievement of consensus on these matters is already of extraordinary value.

Recommendations

Both Moldova and Transnistria are economically weak. Therefore, the benefits of cooperation should be made explicit and used as incentives. All levels of society should be supported in creating and developing a vision of the future they want to live in (peace dividend) as this is of utmost importance in order to transform the conflict in an inclusive and future-oriented way. The so-called “shadow of the future” (a game theory concept that expresses the idea that if people expect to interact repeatedly, they cooperate more) should be the guideline. Furthermore, all parties should be aware of which part of the process they “own”, as it does not help to blame the international mediators if things do not move, and it does not help to push topics forward from the mediators’ side, if the parties are not ready for it. At the same time, the OSCE should talk more to informal actors and informal interactions should be established between all levels of society. An informal track should be added and integrated into the work on the vision of a future for Transnistrian society. Having a change of the OSCE chairperson-in-office representatives every year may make this more difficult and harder to stick to the small-steps strategy that requires endurance. However, in the case of protracted conflicts it might bring new energy and fresh ideas – and therefore also new opportunities – to the process.

¹ Track 1: Official high-level political leaders; track 2: Influential academic, religious, and NGO leaders; track 3: Grassroots and civil society actors.

from top to bottom: Ambassador Cord Meier-Klodt, *Special Representative of the OSCE Chairperson-in-Office for the Transnistrian Settlement Process*; Rasa Ostrauskaite, *Deputy Director OSCE Conflict Prevention Centre*; Walter Kemp, *Vice-President International Peace Institute, Director for Europe and Central Asia*; Roxana Cristescu, *Head, Eurasia Programme, Crisis Management Initiative (CMI)*; Dr Tanja Tamminen, *Leader of the Research Group on Frozen and Unfrozen Conflicts, Institute for East and Southeast European Studies*



Inclusivity in Mediation Processes: Who sits at the table – who at the window?

Kick-off Examples from the Belgrade-Pristina-Dialogue

The fourth parallel panel discussed challenges and opportunities in inclusive peace mediation processes as well as options to increase inclusivity. Ambassador Samuel Žbogar (Head of the European Union Office in Kosovo/European Union Special Representative in Kosovo), Ambassador Jean-Claude Schlumberger (Head of the OSCE Mission in Kosovo), Valdete Idrizi (Executive Director, platforma CiviKos) and Sonja Biserko (President, Helsinki Committee for Human Rights Serbia) engaged first in a discussion as panellists, followed by a debate with the participants. The panel was chaired by Brigitta von Messling (Center for International Peace Operations, ZIF) and Christoph Lüttmann (CSSP – Berlin Center for Integrative Mediation).

What level of inclusivity, in which context?

The general benefits of inclusivity in peace mediation processes are widely known, as the panellists pointed out. The term ‘inclusivity’ is used in different contexts and needs clarification as to what form or level of inclusivity is referred to. In peace mediation processes, there are generally negotiations at two or more levels, for example international and domestic. While the focus in peace mediation processes lies primarily at the main negotiating table, the dynamics “at home” are often decisive for the likelihood of reaching an agreement. Therefore, inclusivity of consultation mechanisms “at home” is a key aspect in designing progressive peace mediation processes.

Factors in the trade-off between inclusivity and exclusivity – challenges in implementation

There are various factors influencing the level of inclusiveness of peace mediation processes. Ultimately, the conflict parties decide whom to include in the process, when and how. Where wider participation is not an option, the mediator can support alternative, accompanying formats to ensure an overall inclusive approach.

The inclusion of civil society can strengthen the legitimacy of a process and support the implementation of agreements. Mediators should therefore aim to include civil society either directly in the process or through formats which ensure that needs and interests are addressed. Public hearings and accompanying track 2 processes with informal links to the official negotiations are potential formats which can be used. A mediator can potentially also bring issues highlighted by the civil society to the negotiating table. The participation of women and the inclusion of gender perspectives must be embraced by the mediator in order to create a truly inclusive peace mediation process or settlement.

Opening a process and making it more inclusive creates expectations, resulting in the risk of frustration and rejection of the process or outcomes. Public opinion and media coverage are factors which often challenge ongoing peace mediation processes. The mediator should therefore encourage the parties to find an agreement on how to communicate to public and press.

Inclusivity in Mediation Processes

Who sits at the table - who sits at the window? Kick-off Examples from the Belgrade-Pristina-Dialogue

ROLE OF THE MEDIA

QUESTION OF REPRESENTATION
HOW TO INTEGRATE INTERESTS INTO THE DIALOGUE

Samuel ZBOGAR
NOT A PROBLEM OF **FORMAT** BUT **MANDATE**
WE ARE NOT **MEDIATING**, WE ARE **FACILITATING**
A LINK IS **MISSING** BETWEEN **TRACK 1 & CIVIL SOCIETY**
IT WILL BE A **LONG** PROCESS!
YOU NEED A **LARGE COALITION**

Jean-Claude SCHLUMBERGER
THERE ARE **MORE AND MORE INITIATIVES** (ALSO FOR **YOUNG PEOPLE**)
THERE WAS **NOT ENOUGH INCLUSIVITY** IN THE DISCUSSIONS
MATTER OF **TECHNOLOGY + NATIONALISM**
IMPLEMENTATION AS **INCLUSIVE AS POSSIBLE** → Youth

Valdete IDRIZI
DIALOGUES PRISTINA
INCLUSION OF CIVIL SOCIETY
ENABLE **MORE PARTICIPATION** BY **DIFFERENT ACTORS**
OVERCOME **DIVISIONS** ON **LOCAL LEVEL**
THE **DIALOGUE** MUST BE **TRANSLATED** FOR **CIVIL SOCIETY**
PROBLEM OF **CORRUPTION**
JOINT MONITORING
IT'S **HARD TO SUSTAIN** **POLITICAL WILL**

Sonia BISERKO
ROLE OF THE KOSOVO SERBS HAS TO BE **DEFINED** BY **THEMSELVES**
WE NEED THE **EUA** TO **PREVENT NATIONALISM** (E.G. FROM **RUSSIA**)
VERY BLOCKING IN GENERAL

STRONGER CONTACT AMONG THE **YOUTH**
ROLE OF KOSOVO IS MORE **EMOTIONAL** THAN **POLITICAL**
NEED FOR A **COMPREHENSIVE APPROACH** AT THE **WHOLE REGION** AND **INFLUENCING INTERESTS**
WE HAVE A **LACK OF POLITICAL WILL**

OSCE - STRONG FIELD PRESENCE → **CONTRIBUTE TO OWNERSHIP**
IS OSCE **REALLY PART OF THE DIALOGUE**?
HOW TO **STRENGTHEN THE TIES** BETWEEN **LEADERS + CIVIL SOCIETY**?

WE NEED TO **STRENGTHEN CROSS-BORDER INITIATIVES**
PRISTINA BELGRADE DIALOGUE: IS IT A **CASE SUI-GENERIS** OR CAN WE USE **EXPERIENCE** FOR **OTHER CONFLICTS**?
ASSYMETRY AMONG **ACTORS**? (e.g. **RESSOURCES**)
INCLUSIVITY EQUAL TO **EFFICIENCY**?
DO WE NEED TO **SEPERATE** THE **TOPIC OF WOMEN** FROM **INCLUSIVITY**?
WHY NOT **INCLUDE MORE ACTORS**?

CHAIRS:
Brigitta VON MESSLING WHAT KIND OF **FORMAT** AND **WHAT PARTICIPANTS**?
christoph LÜTTMANN **DEF. INCLUSIVITY**
★ **GRAPHIC RECORDING** BY **@Benjamin Felis**



Peace mediation is dynamic and the level of inclusivity can also change throughout the process. Mediators and parties can develop mechanisms to broaden participation and increasingly ensure systemic and structured consultation with relevant stakeholder beyond the negotiating table. The formats and levels of inclusion can be adapted to the needs of the process. An increase in inclusivity is highly recommended in order to prepare a more feasible and sustainable implementation phase.

Observations and lessons learnt from the Belgrade-Pristina Dialogue

The track 1 dialogue process was and still is exclusive for various reasons. The non-participation – some say non-inclusion – of Kosovo Serbs at the negotiating table and overall lack of alternative formats are the main challenges facing the Dialogue and the implementation of the agreements reached so far. There is a variety of track 2 and 3 initiatives from civil society but without access to the track 1 process. The panel shared the need to interconnect the processes on tracks 2–3 with the official negotiations.

The conflicting public interpretations of the parties after each intermediary agreement are increasing the distrust within the societies towards the process and hinder implementation. Consistent and coordinated information about the process and interim progress to those not directly involved is essential in this regard. The EU as the mediator of the Belgrade-Pristina-Dialogue should explore a) the potential to formulate joint statements beyond the agreement text, b) the option of increased outreach to the wider public and c) alternative formats that increase the inclusivity of the process. The OSCE could be a valuable partner – or mediation supporter – specifically in reaching out to the communities at the local level and realising alternative formats.

Key remarks and conclusions from the panel

Higher inclusivity of mediation processes generally results in more feasible and sustainable implementation once agreements are reached. While there is a trade-off between inclusivity and efficiency in mediation and negotiation processes, feasibility should not be taken as an excuse to dismiss inclusivity. Alternative forms that give more stakeholders a chance to voice their concerns and expectations should be considered early on. The processes on other tracks should – formally or informally – be linked to the main negotiations. Including women, youth, minorities or civil society representatives solely in terms of a “quota” without any meaningful influence is not sufficient. A pro-active mediator can set the agenda in a way which enables key concerns and interests of “missing parties” to be addressed at the table and consulted on throughout the process.

While many peace mediation processes are rather exclusive at the start, there are often opportunities to increase inclusivity at a later stage, also in the implementation and monitoring process. The Belgrade-Pristina-Dialogue needs more inclusivity, which may be achieved through additional consultation mechanisms. The OSCE, in close coordination with the EU, is predestined to (co-)facilitate alternative mechanisms, due to its intergovernmental character and more importantly due to its field presence in Serbia and Kosovo. A dialogue and consultation approach within the respective societies may prove to be essential in order to give space to the interests and needs of the civil societies and reduce resistance to the process and implementation “at home”.

The OSCE: Variety of Mediation Instruments in the Case of Ukraine

The concluding plenary panel was chaired by Mr. Rüdiger König (*Director-General, Directorate-General S for Crisis Prevention, Stabilisation, Post-Conflict Peacebuilding and Humanitarian Assistance at the Federal Foreign Office, Germany*). Panellists included Ambassador Dr Martin Sajdik (*Special Representative of the OSCE Chairperson-in-Office in Ukraine and in the Trilateral Contact Group*), Minister Konstantin Obolensky (*Deputy Head of the Human Security Division of the Swiss Federal Department of Foreign Affairs*), Ambassador Wolfgang Ischinger (*Chairman of the Munich Security Conference and in 2014 Representative of the OSCE Chairperson-in-office for National Dialogue Roundtables in Ukraine*) and Ambassador Eberhard Pohl (*Head of the Permanent Mission of the Federal Republic of Germany to the OSCE*).

The panel aimed to provide an overview of the variety of the OSCE's approaches and instruments at various levels to support and foster mediation, dialogue, conflict resolution and crisis prevention in the case of Ukraine and to critically assess the effectiveness of the interplay and complementarity between these instruments, as well as successes and challenges of the various OSCE approaches.



PLENARY PANEL

THE OSCE: Variety of Mediation Instruments in the Case of Ukraine



The panel presented the measures that had already been in place for years as the activities of the OSCE Project Coordinator in Ukraine, for example in the domain of border management and arms control, and the silent diplomacy of the High Commissioner on National Minorities (HCNM). In the wake of the crisis and under the Swiss Chairmanship in 2014, additional activities had been initiated such as national round tables, dialogue activities, the trilateral contact group, and the use of the OSCE's Permanent Council as a dialogue platform, in combination with efforts outside the OSCE such as the Normandy Format. Moreover, the Special Monitoring Mission to Ukraine (SMMU) (the OSCE's largest field mission at present) had in some instances significantly contributed towards de-escalation and picture clear overview of conflict activities on the ground. However, the success of all these activities largely depended on the political will of the parties, which did not always exist, significantly hampering the OSCE's efforts.

The panel further underlined the key importance of local knowledge, ownership, and the broad involvement of civil society, women and youth in working on the conflict. It was also mentioned that both aspects – local ownership and broad involvement – may in some cases pose a dilemma for external mediators, e.g. when local hosts

of dialogue processes resist any broader involvement of civil society, women or radical groups.

Panellists emphasised that focusing on small steps and practical matters rather than approaching the larger, fundamental questions can be helpful. The use of shuttle diplomacy and thus the building of trust, respect and mutual understanding of different positions between participants to the process from different layers of society were mentioned as essential in supporting the official peace negotiations.

However, while the efforts of the OSCE in cooperation with the Normandy format had succeeded in reducing the number of casualties, the conflict was still described as being a “hot conflict” with a situation on the ground presenting itself as unpredictable both for the population and for international actors and international diplomacy.

It was therefore pointed out that the process would need to move from conflict management to conflict resolution. Here, the OSCE was ideally positioned to apply its toolkits in cooperation with local actors.



Key Points and Conclusions

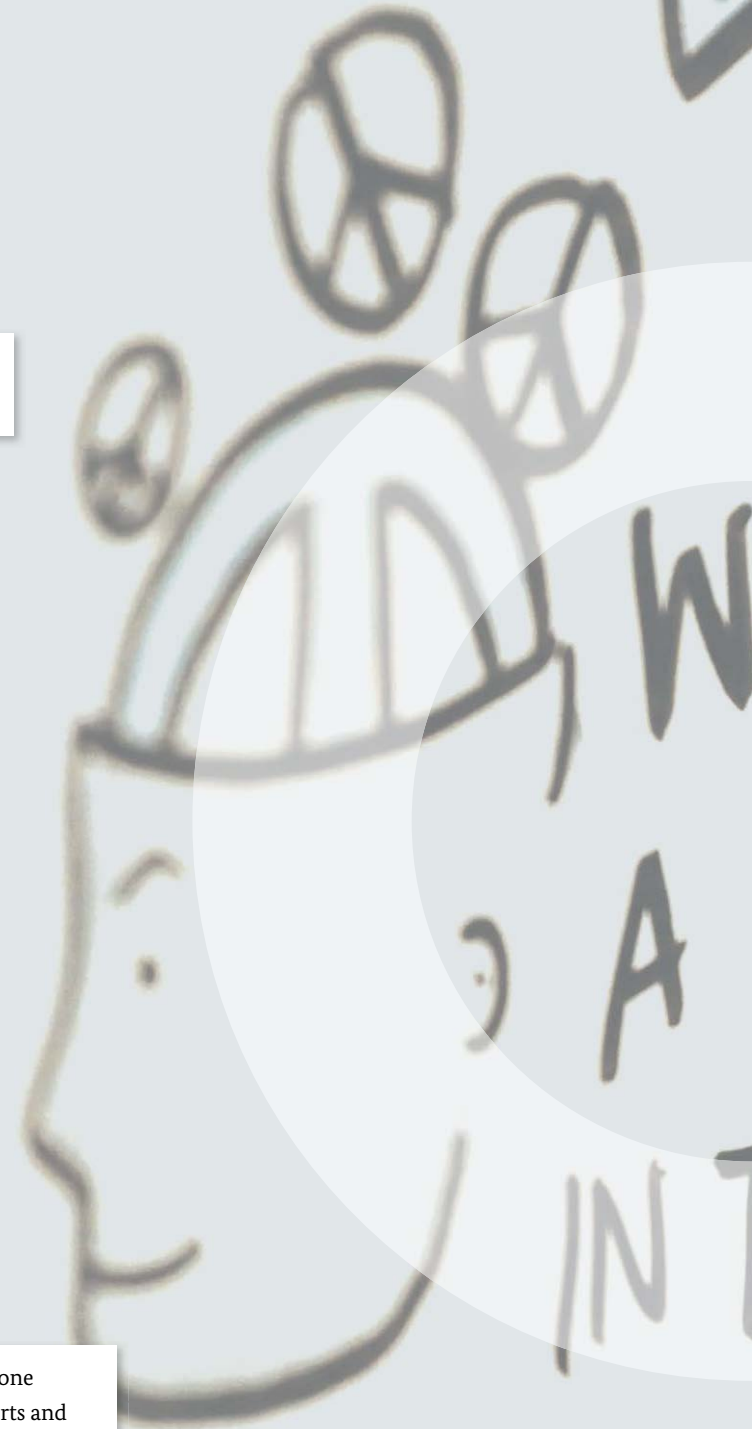
1 Peace mediation and dialogue with all its support approaches are among the **most effective** tools across the conflict cycle.


2 The OSCE's assets are its long-term engagement in conflict management, its acceptability to the parties as an honest broker and its ability to reach out to all levels of society. As an organisation of cooperation and confidence building, whose decisions are taken by consensus, the OSCE has **mediation "in its DNA"** and is well-placed to assume the role of a mediator. However, the fact that the OSCE only deals with conflicts within the OSCE region and therefore **conflicting parties are themselves participating States** in the mediating organisation can be an opportunity and a dilemma at the same time.

3 Better internal **coordination** is needed between different approaches to conflict resolution at the international level (civilian, military, police) and between different policy fields (foreign, trade, development assistance, defence, etc.) in participating States to avoid incoherence and arrive at a comprehensive strategy to foster peace and stability. The OSCE's concept of comprehensive security is a suitable starting point for such an approach.

4 Since each conflict is different, there is **no one-size-fits-all** blueprint for mediation process design. All available tracks and points of access to mediation should be fully utilised and must complement each other. At times, involvement of the highest political level is indispensable. Making use of the potential of civil society, especially women and youth, and engagement of parliamentary channels are important.

5 Terms of **Special Representatives of the Chairman in Office** for more than one year would enhance the effectiveness of the OSCE's conflict resolution efforts and strengthen their role in mediation processes.





6 Cooperation with **insider mediators** can offer the OSCE access to regions and/or actors the organisation cannot otherwise reach. Insider mediators can play multiple roles in their societies (early warning/early action, conciliation, advocacy, etc.), because they are trusted by all sides, highly motivated, fully aware of local conditions, traditions and relations and have broad networks.

7 In protracted conflicts, where status questions are at the core of the problem, it has proven to be an effective way to focus on small and sometimes technical matters first, leaving the status question aside for the moment. Furthermore, working on a vision of the future and eliciting the true interests of those involved or suffering from the conflict is of utmost importance in order to transform the conflict in an inclusive and future-oriented way.

8 **Higher inclusivity** of mediation processes generally results in more feasible and sustainable implementation once agreements are reached. There are various ways of ensuring a process's inclusivity without necessarily involving representatives at the table, such as accompanying and consultation processes, or pro-active communication about progress and current developments to the stakeholders. Including women, youth, minorities or civil society representatives only in terms of a "quota" without any meaningful influence is not sufficient.

9 Local knowledge and **local ownership** are essential for successful mediation processes, as is **broad involvement** of civil society, women, youth and hard-to-reach actors such as non-state armed groups. Both aspects are **sometimes difficult to balance** for outside mediators, e.g. when local hosts of dialogue processes are more reluctant to reach out to more radical actors than mediators would recommend.

10 It is an integral asset of the OSCE that it can utilise a **multiplicity of formats** and roles for hybrid mediation processes, e.g. official negotiations, shuttle diplomacy, back channels, contact groups and dialogue facilitation. Thanks to its intergovernmental nature and field missions, the OSCE has significant potential in interlinking the different tracks.

Published by

Federal Foreign Office, Directorate-General for Crisis Prevention,
Stabilisation and Post-Conflict Peacebuilding, Division S 03
Werderscher Markt 1, D-10117 Berlin
www.auswaertiges-amt.de



and the Initiative Mediation Support Deutschland (IMSD),
consisting of:

Berghof Foundation
Altensteinstraße 48a, D-14195 Berlin
www.berghof-foundation.org



Center for Peace Mediation (CPM) at the European University Viadrina
Große Scharrnstraße 59, D-15230 Frankfurt (Oder)
www.peacemediation.de



CSSP – Berlin Center for Integrative Mediation
Landgrafenstraße 15, D-10787 Berlin
www.cssp-mediation.org



inmedio berlin – institut für mediation, beratung, entwicklung
Holbeinstraße 33, D-12203 Berlin
www.inmedio.de



Center for International Peace Operations (ZIF) gGmbH
Ludwigkirchplatz 3–4, D-10719 Berlin
www.zif-berlin.org





Insider Mediators as Part of Peace Infrastructure
Where do they complement and where do they pose a challenge? List of Insights from Berlin 2016

WE NEED TO DEAL WITH THE PAST. SOCIAL HEALING PROCESS

INSIDER MEDIATORS ARE EXCELLENT DOOR OPENERS

FIVE YEARS LATER

PEACE MESSENGERS

A CHALLENGE

WHO IS RIGHT?

The OSCE Variety of Mediation Instruments in the Case of Ukraine

Inclusivity in Mediation Processes

What are the risks and what are the benefits? What are the challenges and the lessons learned?

OSCE PEACE MEDIATION
DEUTSCHLAND 2016

FEDERAL FOREIGN OFFICE

THE OSCE AS MEDIATOR
Instruments - Challenges - Potentials
Berlin, 6 July 2016

Key note: The OSCE as mediator

Dr. h.c. Gernot ERLER

KOFI ANNAN

PEACE FOR KENYA

CONFIDENCE

AWARENESS

WILLINGNESS

ROLE OF MEDIATION IN THE CONFLICT CYCLE

NEED FOR COMMUNICATION

WE NEED TO KEEP OUR CAPABILITIES + INSTITUTIONS + INSTRUMENTS

BECOME FIT FOR THE FUTURE

MANY QUESTIONS



www.peace-mediation-germany.de

Published by

© Federal Foreign Office & Initiative Mediation
Support Deutschland (IMSD), January 2017
All rights reserved.

Authors

Foreign Office of the Federal Republic of Germany
& Initiative Mediation Support Deutschland (IMSD)

Photos

© Jens Winter

Graphic Recording

© Benjamin Felis & Team

Design

finedesign – Büro für Text & Gestaltung, Berlin

Print

trigger.medien.gmbh, Berlin