Encountering and Countering Temporary Impasses in Peace Processes

Disclaimer: MSN Discussion Points summarize the authors' reflections on discussions held at network meetings and do not aim to provide a comprehensive or consensus MSN view

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Contents

Introduction

Temporary Impasse as a Distinct Concept

This edition of the MSN Discussion Points aims to help mediation support actors recognize temporary impasses in peace processes and to deal with them more constructively.

Temporary impasses, in contrast to a state of affairs where the processes have been at a standstill for a long time (known in international relations parlance as 'frozen conflicts'), occur frequently. Given their frequent occurrence, temporary impasses can be viewed as amounting to little more than 'day-to-day', routine events. However, it is precisely the frequent occurrence of temporary impasses that calls for a better understanding of them and for efforts to reckon with them; for this reason, temporary impasses should be regarded as a distinct concept. Recognition of temporary impasses, currently often overlooked in literature and practice, should persuade organizations and individuals dedicated to providing support to peace processes to give priority to understanding the causes of temporary impasses and the challenges they pose to peacemaking, and finding ways to overcome them.

The Centre for Peace & Conflict Studies (CPCS) and the Southeast Asian Conflict Studies Network (SEACSN) organized the Mediation Support Network Annual Meeting 2016[1] in the belief that temporary impasses constitute a distinct concept, which is worth exploring in depth. In the Southeast Asia region, the peace processes in Myanmar and the Philippines over the past few years have experienced frequent stops and delays and provide vivid contemporary examples of temporary impasses.

In Myanmar, the Nationwide Ceasefire Agreement (NCA) was signed in October 2015 between the preceding government and eight of Myanmar's ethnic armed organizations, less than a month before the general elections that brought the National League for Democracy (NLD) to power. The agreement stipulated that political negotiations be initiated within three months after signing. This meant that negotiations began with representatives of the outgoing government, who would likely be replaced by the new government. The long transition period and negotiations by representatives of a lame-duck government created uncertainty for the peace process, and challenged organizations and individuals who supported the peace process to reconsider how they could continue their support most effectively.

In the Philippines, the peace process between the Government and the Moro Islamic Liberation Front (MILF) resulted in the signing of the Comprehensive Agreement on the Bangsamoro[2] in March 2014. However, the process was stalled in 2015, when the Senate deferred the interpellation of the draft Bangsamoro Basic Law (BBL), a key law in the establishment of the autonomous region foreseen in the agreement. The non-passage of the BBL dominated discussions in the peace process for months, and is a good example of how the legislative branch can create an impasse.

Temporary impasses are, of course, not limited to peace processes in Southeast Asia, but can be found in peace processes around the globe. Given the focus of the meeting in Cambodia and the expertise of the authors, this publication mainly uses cases in Southeast Asia as illustrations. Notwithstanding this geographical focus, the concept and the lessons drawn from the cases are applicable elsewhere.

MSN Annual Meeting in Siem Reap

The Mediation Support Network (MSN) is a global network of primarily non-governmental organizations that support mediation in peace processes. Mediation support refers to activities that assist and improve mediation practices, for example, training activities, developing guidance, carrying out research, working on policy issues, offering consultation, backstopping ongoing mediation processes, networking and engaging with parties.

The MSN's mission is to promote and improve mediation practice, processes and standards to address political tensions and armed conflict. The MSN connects different mediation support units and organizations with the intention of promoting exchange about planned and ongoing activities to enable synergies and cumulative impact; providing opportunities for collaboration, initiating and encouraging joint activities; and sharing analysis of trends and ways to address emerging challenges in the field of peace mediation.

The MSN meetings are organized and hosted by member organizations on a rotating basis. Each meeting has a primary topical focus which is jointly decided by all network members. The 2016 meeting in Siem Reap marked the 12th annual meeting of the network and was attended by 19 participants representing ten member organizations and the secretariat of the network, as well as selected guests. The participants were from Africa, Asia, Europe and North America.

As mentioned earlier in this paper, the 2016 annual meeting of the MSN focused on temporary impasses in peace processes.

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1   The annual meeting was held in Siem Reap, Cambodia during 21–23 September 2016.

2   Accessible at: *http://www.gov.ph/2014/03/27/document-cab*.

1.3 Structure and Purpose of this Paper

This paper builds on the discussions that took place during the meeting in Siem Reap. It is divided into three parts: first, a brief discussion will introduce the conceptual framework of temporary impasses and how these are distinct from other phenomena experienced in peace processes; second, based on the conceptual framework, a number of different impasses and their causes, illustrated by real life cases, will be presented; third, with a view to helping practitioners of mediation support, this paper will discuss possible strategies for overcoming impasses. In the conclusion, a call is made for temporary impasses to be viewed from a fresh perspective.

The term 'peace process' in this paper is intended to capture activities which focus on supporting negotiations and the imlementation of the outcome of such negotiations. Additionally, the paper recognizes that mediators and mediation support actors have different roles and functions in a peace process.

Conceptual Framework – What are Temporary Impasses?

The distinct concept of temporary impasses is a relatively unexplored issue in peace literature and practice, as mentioned above. An impasse means a blind alley, a path without an exit; the term is adopted because it best describes the prevailing circumstances. 'Impasse' is preferred to 'standstill' (which points to the absence of movement but does not sufficiently convey an associated sense of frustration), 'stalemate' (which focuses on lack of options of one party only), 'deadlock' (which describes the relationship between parties with the added implication that the parties are evenly matched) and 'dilemma' (which speaks to a situation with multiple, undesirable options).

At the MSN meeting, the participants recognized that as a peace process runs its unpredictable course, impasses are inevitable. In fact, encounters with obstacles are normal and to be expected, prompting one participant to observe that: 'stuckness is the norm, and the breakthrough moments are the exception'. However, most obstacles encountered in a process can be dealt with, which is the core of mediation activity. When obstacles do not become entrenched or spawn other obstacles, they may only register as a blip or a brief glitch as they succumb to change (for better or worse). However, other obstacles present more significant challenges, and will require a combination of time, compromise and/or creativity to dismantle.

As extrapolated from discussions during the MSN meeting, the following elements constitute the conceptual framework of a temporary impasse:
- There is no meaningful progress in resolving one or more key issues.
- An agreement on, or addressing, root causes has yet to be reached or implemented.
- The temporary impasse can occur at any stage of the peace process, including during implementation.
- The temporary impasse can be imposed by external or structural factors, or originate from the negotiating parties themselves.
- The occurrence and the nature of the temporary impasse can be expected or unexpected.

A key determinant of the course and the impact of a temporary impasse is how the impasse is handled by the parties – specifically, whether they allow it to become a point of contention, intimidation, or exploitation by any or all sides. If so, temporary impasses can become long-term impasses, leading to an end of the peace process. Often, it is not possible to determine at the outset whether an impasse will be temporary or permanent. Here lies the value of the concept of temporary impasses. When mediators and mediation support actors recognize that a peace process is facing a halt more serious than normal, they can develop response strategies beyond those for dealing with blockages in the ordinary course, yet without having

to consider a complete revamp or a re-launch of the peace process. Hence, recognizing and reckoning with temporary impasses allow for appropriate response strategies.

In all of this, it should however not be forgotten that it is the parties who determine the ways in which mediators and mediation support actors can act. Equally, there is a distinction in the role of mediators and mediation support actors, and how they can support the peace process.

Types of Impasses

Temporary impasses can be classified into those that are structurally imposed and those that originate from the negotiating parties themselves. The following section discusses different types of temporary impasses in accordance with these two categories.

Impasses Linked to the Structure

Existence of, and Checks and Balances Between Different Branches of Government

In peace processes, the national or central government is often a key stakeholder and typically a leading party in the negotiations, and is represented by members of the executive branch. This is to be expected in most circumstances and is usually considered appropriate as the executive branch is vested with significant powers to promote and make policies, laws and regulations and to direct the resources of the state. However, the other – including legislative, judicial, regional or local – branches of government may hold veto power that, if exercised, could bring about a temporary impasse. The veto power may be a matter of law and/or a function of the relative political strength or weakness of the ruling party(ies). The failure to build adequate support within these other branches of government may lead to a costly temporary impasse in the peace process.

Legislature

Depending on the structure of the concerned state(s), peace agreements are required to be approved by the legislative branch, where they are invariably scrutinized and can be met with considerable opposition. As one participant pointedly put it: "Parliament is the place where peace agreements go to die." Indeed, the way that the legislative branch of government is included, or not, in peace processes merits serious consideration. Many peace agreements involve significant legislative and sometimes even constitutional changes that need to be approved by the legislative branch of government. As mentioned in the introduction to this paper, the peace process between the Government of the Philippines (GPH) and the Moro Islamic Liberation Front (MILF) provides a poignant example of such an occurrence.

The Comprehensive Agreement on the Bangsamoro (CAB)[3] signed by the GPH and MILF in March 2014, setout a process for the establishment of a new, autonomous political entity for the Bangsamoro people and the transformation of the MILF into a political party. In short, and as such necessarily simplified, the

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3   The term Bangsamoro is used interchangeably to refer to Moro people on Mindanao Island, the proposed autonomous political entity to govern certain parts of Mindanao Island, or the region to be governed by such an entity.

MILF agreed to a phased decommissioning of their arms and soldiers, to begin once certain legislative and political milestones were reached. The first such significant milestone was to be the enactment of the Bangsamoro Basic Law (BBL), whose central feature was the establishment of the autonomous political entity. The BBL was drafted by a commission made up of individuals selected by the Government and the MILF, with the intention that they would be representative of different groups on Mindanao Island.

The congress refrained from passing the BBL. The non-passage was linked to the so-called Mamasapano Incident in January 2015, during which police officers, MILF members and others were killed in connection with an operation against two high-level terrorist suspects in Mamasapano, a city on Mindanao Island. The death of 44 police officers aroused negative sentiments towards the Moro population, leading many congress members to withdraw their support for the BBL. When it became clear that the BBL would not be passed by congress before recess, it also became clear that the roadmap that had been established by the CAB would not be implemented as envisioned. The process ran into an impasse.

Courts

The judicial branch of government may also play a role in peace processes – for instance, where the legality or constitutionality of provisions in a peace agreement is challenged. Here again, the Philippines peace process provides an example.

In 2008, the GPH and the MILF stood at the brink of reaching an agreement. In July that year, the parties announced that they had reached an agreement to expand the autonomous region for Moro people in Mindanao, to include the Autonomous Region for Muslim Mindanao (ARMM) and other areas. The formal agreement, the Memorandum of Agreement on Ancestral Domain[4], was scheduled for signing in August. The Supreme Court, on application of certain local officials and other interest groups, issued a restraining order against signing. This led to armed attacks in some areas in Mindanao and a GPH announcement that it would not sign the agreement. In October, the Philippines Supreme Court ruled some of the provisions in the agreement unconstitutional and unlawful.[5] The court's decision sparked a major crisis and attacks by the MILF that left hundreds dead and hundreds

of thousands displaced.[6] The peace process came to a halt. After the violence in 2008, it seemed unlikely that the government could revive the peace talks with the MILF. However, in 2009 the two parties reached a ceasefire agreement that ended the year of intense fighting in central Mindanao and provided the foundation for restarting peace talks. These talks eventually resulted in the CAB of 2014. This episode in the Philippine peace process shows that the judicial branch of government can have a powerful impact on a peace process, even in a system where courts do not act on their own initiative, but have powers that can be summoned by other stakeholders (including members of local governments of areas that are directly affected).

Local Government

In many countries, local governments hold significant political power. Obviously, the extent of such power depends heavily on the internal structure of the particular state. The failure to garner local government support for a peace process and to institutionalize local ownership can result in varying degrees of opposition. A case in point is the application to the Philippines Supreme Court by local officials in Mindanao to stop the signing of the peace agreement between the national government and the MILF. Furthermore, even without actual opposition from local government, a peace process can encounter temporary impasses as key sections of a peace agreement might require implementation on a local level. Without local buy-in to the process, this can be hampered or undermined.

Referendums

In some cases, the government decides, or is constitutionally bound to submit a peace agreement to a national referendum. Referendums can legitimize a peace process, increase understanding of it among the population, crystallize popular support and thus decrease the chance of spoilers in the implementation of the agreement.

However, several risks are linked to a referendum. The organization of a referendum and the time reserved for the campaign almost naturally lead to a temporary halt of the process.

Furthermore, the referendum can result in rejection of the peace agreement, sometimes by a slim margin. This can bring the peace process to an end entirely, as was the case in Cyprus in 2004, when one side rejected the reunification proposal in twin referendums leading to a halt of the peace process for years. However, rejection in a referendum can also result in

4   Memorandum of Agreement – Ancestral Domain, Bangsamoro Juridical Entity. (http://www.gov.ph/2008/08/05/memorandum-of-agreement-ancestral-domain-bangsamoro-juridical-entity-august-5-2008; accessed on 4 December 2016).

5   See the Supreme Court's decision at: http://sc.judiciary.gov.ph/jurisprudence/2008/october2008/183591.htm.

6   Merueñas, M. (2008). "It's final: MOA-AD unconstitutional, says SC", GMA News Online, 21 November 2008. Accessed 5 December 2016, http://www.gmanetwork.com/news/story/134927/news/nation/it-s-final-moa-ad-unconstitutional-says-sc; "What Went Before: The proposed MOA-AD", Philippine Daily Inquirer. 9 October 2012. Accessed 5 December 2016, http://newsinfo.inquirer.net/285604/what-went-before-the-proposed-moa-ad.

a temporary impasse. Most recently, this occurred in 2016 in Colombia, where after the popular rejection of the peace agreement referendum in October 2016, the Government and the FARC[7] responded by both re-committing to the peace process and re-negotiating parts of the agreement. A revised version of the peace agreement was then approved by congress in late November 2016.

Armed Forces

A country's armed forces are usually answerable to the state's executive and/or legislative branches. Nevertheless, the armed forces are powerful actors in their own right and should be considered separately in any conflict analysis. This is especially true in situations where there is no effective civilian oversight of the armed forces.

The Myanmar peace process is an example of the capacity of state armed forces to bring about a temporary impasse. The armed forces possess veto power in the parliament over the most important issues. Under the 2008 constitution, 25% of seats in each of the two chambers of the parliament are reserved for the army, and any amendment to the constitution must be approved by more than 75% of all parliamentarians. [8] As such, the armed forces can block any peace agreement that requires change to the constitution.

As the armed forces are a powerful actor, their views, actions and the way they are perceived can be a source of temporary impasse. By 2013, 15 non-state armed groups had signed bilateral ceasefire agreements with the Government, and in March 2015 a draft ceasefire agreement was signed by 16 non-state armed groups. However, only approximately half of them proceeded to sign the Nationwide Ceasefire Agreement in October 2015. The impasse was attributed to the state armed forces' continued fighting with both signatories and non-signatories of the earlier ceasefire agreements, casting doubt on the sincerity of the Government.

Election Cycles and Other Political Processes

"Democratic cycles can be antagonistic to peace processes." This is a quote from one participant at the MSN meeting. The statement reflects the challenges posed by a change in the identity of government leadership during a peace process. Even if the change is part of the ordinary course of a democratic process and results from free and fair elections, it can lead to a temporary impasse. New leaders typically want to break away from the work of their predecessors and make their own mark. Additionally, a government un-

der new leadership is usually not immediately ready to take over a peace process and other matters, such as the transfer of power, take priority. The transfer of power can result in a change to the identity of the individuals responsible for the ongoing peace process. Transferring the peace process to the new government is of course necessary; however, significant personnel changes mean that hard-earned expertise, wealth of experience, friendships, trust and ways of cooperation with the other party(ies) can be lost. This is feared to have happened in Myanmar over the course of the past year.

The victory of the NLD and Daw Aung San Suu Kyi in the late 2015 elections changed not only the country's political landscape, but also the way peace was being made. Under the preceding government, the Myanmar Peace Center was tasked with the secretariat function of the peace process. The Center supported the government's peacemaking committees, coordinated all peace activities and served as a platform for government officials, members of ethnic armed groups, civil society organizations, international donors and international non-governmental organizations (INGOs) to meet and negotiate. After the new government came into power, the Center's mandate ceased and the Center was abolished. The structure, process and personnel all changed, and the new government instead established the National Reconciliation and Peace Center. Although the change in structure and personnel was expected, concerns about the adverse impact of a break in continuity were heard in many quarters. The implications and effects of the sweeping change have not yet been fathomed, as the political negotiations have just begun. However, what is clear is that for a large part of 2016, the peace process experienced an impasse which generated much uncertainty and anxiety.

Impasses Linked to the Parties

Apart from external and structural factors and circumstances, the parties who are engaged in the peace negotiations can nonetheless, intentionally or inadvertently, bring about a temporary impasse to the process. Some of the most common causes identified at the meeting as emanating from negotiating parties include the manner in which ceasefire and political negotiations are sequenced, the failure to build trust between the parties at the negotiation table or among other relevant actors, and the lack of authority, experience and/or resources. Each of these causes is discussed in turn below.

The Sequencing of Ceasefire and Political Negotiations

An important issue in many peace processes is the sequencing of the ceasefire and the peace agreement. The rationale for establishing a ceasefire first is multifaceted, including the difficulty of conducting

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7 Fuerzas Armadas Revolucionarias de Colombia (Revolutionary Armed Forces of Colombia).

8 The Constitution of the Republic of the Union of Myanmar 2008 was ratified by a national referendum. The constitution is accessible at: _http://www.burmalibrary.org/docs5/Myanmar_Constitution-2008-en.pdf_, the relevant clauses cited here are clauses 74, 109, 141, and 436 (a) and (b).

a political dialogue when fighting is still ongoing, the critical need to protect affected populations and the trust that an established ceasefire can build between the parties.

However, there may also be legitimate reasons to prefer dealing with both simultaneously. A party may feel that removal of the threat of violence would undermine its bargaining power or its ability to mobilize popular support for its cause. Often, parties distrust another's willingness and sincerity, and fear that a ceasefire would be a "trap". For example, a participant at the MSN meeting recalled a conversation he had with a leader of an armed group. During the conversation, the leader of the armed group expressed doubt about the sincerity of the other parties in the peace process, accused the other parties of being prone to 'playing games' and to not adhering to any agreed ceasefire, and therefore concluded his group should not agree to a ceasefire.

The conversation serves to show that parties, despite sharing the common goal of peace and despite already engaging in discussions, can disagree on procedural matters and that such disagreement can bring about an impasse. This links directly to the mediator's core task, the designing of the process, and underlines the relevance and delicacy of this key aspect of mediation work.

Failure to Build Trust

The existence of distrust and suspicion between warring parties is hardly surprising. Individuals and groups, even as they step into a peace process, usually have not abandoned their adversarial views of the other party(ies). Distrust and suspicion can also exist between those with seats at the negotiation table and their respective stakeholders. The negotiators can attract accusations of selling out or being traitors by their own side.

Distrust and suspicion can be targeted at the mediator and other actors needed or recruited to build peace. They may be perceived to be biased or to possess a separate agenda. Their statements and conduct may be no less sensitive because they are used as conduits and are seen to be indicative of the position of the parties they advise or facilitate.

A degree of trust between the parties, within each party and between the parties and the mediator, is essential. Trust can be built only gradually over time. At the MSN meeting, participants pointed out that trust-building in a peace process must be continuous, and that mediation support actors have to pay special attention to avoid breaches of confidentiality, media leaks, rumors, gossip and questioning of transparency principles. However, it was also recognized by the participants that such events are difficult to avoid when negotiations are underway in parallel with a number of different groups, especially if the groups hold differ-

ent views on the value of confidentiality, transparency, and the impact of media leaks, rumors and gossip.

Failure to build and sustain trust can cause a temporary impasse. Therefore, as will be discussed in the next section, institutionalizing trust is key to breaking through a temporary impasse.

Lack of Authority, Experience and/or Resources

The parties themselves can be a source of temporary impasses because the individuals or the group tasked with negotiating peace lack sufficient authority, experience and/or resources. The peace process can grind to a halt if the peace process team is given a mandate which does not match, in range or substance, the concerns of the stakeholders. Time and momentum can also be lost in setting priorities for the peace process when there is a large number of stakeholders with different views.

One participant at the meeting pointed out that temporary impasses can even take the form of geographical distances and time zone differences – for example, where members of the diaspora are to be involved in the peace negotiations, as was the case with a leading member of the Chin National Front in the Myanmar peace process who was living in exile at the relevant time of negotiations.

Strategies for Breaking Through Impasses and Implications for Mediation Support Actors

Based on the discussions during the MSN meeting and the insights from the cases described above, this paper identifies a number of different strategies for avoiding and minimizing temporary impasses, and breaking through them when they occur. These strategies have implications for how mediation support actors can engage in spotting and minimizing the risk of temporary impasses and supporting processes at a temporary impasse.

1. Encourage Continued Talks and Engagement

When a process is at an impasse, maintaining and encouraging engagement between the parties are vital. If formal talks have been suspended or have ceased, mediators and mediation support actors should encourage parties to engage in informal dialogue and contact. Even if informal dialogue or contact does not immediately yield any substantive results or agreement, it is an alternative to violence. As one meeting participant said, "talking takes time away from fighting". It is secondly an effective way to preserve the trust that has been built up. Thirdly, in such continued conversation and informal talks, the parties and the mediator can learn more about mutual perceptions of the situation and might in the process come up with an idea for a way out of the impasse. Lastly, maintaining communication channels, albeit informal ones, helps to facilitate the motivation for and process of resuming talks.

Such engagement should be undertaken judiciously, taking into account the cause of the impasse and other prevailing circumstances. At times, engagement between the parties may have to take a back seat to intraparty discussions.

2. Focus on Building Trust

Building and nourishing trust between the parties is a key objective of any engagement, formal or informal. Trust helps to temper and balance the anxiety, fear, and other worries that will emerge at an impasse. To build trust between parties, it is important to allow time for them to air their grievances and to acknowledge the grievances of others. Sometimes this can be done through mechanisms in formal talks; however, informal spaces often can be more conducive to building trust. Downtime and social activities are important, as they provide flexible space for people to get to know one another, to show and see different facets of one another and for relationships to be built and to flourish. Including such informal spaces in the process design and encouraging participation form an important facet of the job of a mediator or a mediation support actor.

Trust-building, for the purpose of the peace process rather than the continuation of conflict, must also take place within each of the parties, and within its constituency. The adverse risks and impact of media leaks, rumors and gossip on a peace process are apparent, as discussed above. For these reasons, the process design should include consideration of how the parties will communicate – not just with one another, but also internally and with their constituents. Specific matters to consider include the identity of the individual(s) tasked with the responsibility and invested with the mandate to communicate updates on the process, and the guidelines for the timing and form of communication.

3. Institutionalize Trust and Relationship Between Parties

While acknowledging and recognizing that trust is based on personal relationships, several participants at the meeting pointed out the importance of transforming personal relationships into institutional relationships. Trust needs to be grounded into existing systems or new structures. It is important to create inclusive processes, where a number of representatives from all parties feel that they have contributed to the process and to progress – that credit for progress is shared. This is a difficult and time-consuming undertaking of continuously building, rebuilding and expanding relationships, but the undertaking is indispensable if the parties are to progress to signing and implementing robust agreements.

4. Explore and Identify Innovation

If there is continued communication between the parties, and a level of trust between key actors, exploring and identifying innovative ways to break through an impasse can be easier. In circumstances where there is a relatively high level of trust between the parties, and particularly regarding each other's sincerity to seek a negotiated agreement to end the conflict, parties can approach an impasse not as opposing sides, but rather as one team with a shared interest in continuing the process, as they recognize that all sides would suffer if the process was allowed to fail. In this way, impasses can be reframed as opportunities. If the parties have sufficient trust between them, an impasse does not have to be regarded, or operate as a setback, but rather can serve as impetus for new ideas to flow and new structures to be established.

There are multiple examples of how an impasse can be handled and turned into an opportunity. In the Philippines in 2001, after years of blocked talks between the Government and the MILF, the newly elected President Gloria Macapagal-Arroyo revived the peace process by seeking the assistance of the Malaysian Government as third-party facilitator. The move to involve the government of a neighboring country, which is a fellow member of the Association of Southeast Asian Nations and which recognizes Islam as its

official religion, showed innovative thinking. Talks between GPH and MILF resumed, while Malaysia acted as host in providing meeting venues, facilities and administrative services, but also as go-between for the parties, as referee at meetings and witness to commitments and understandings.[9] Despite ups and downs in the peace talks over the years, this structure was kept intact and even lasted through political changes in 2010 when Benigno Aquino III became president.

Innovation in a bid to break the impasse has involved the use of fresh and sometimes unconventional communication channels. When at an impasse in the midst of the nationwide peace process in Myanmar, the head of the Myanmar Peace Center decided to ask the Centre for Peace & Conflict Studies, an organization with individuals he trusted, to liaise with and provide support to one of the counterparties, the All Burma Students' Democratic Front (ABSDF)[10]. This helped the ABSDF to engage in a meaningful way in the peace process. A ceasefire agreement was signed between the Government and ABSDF in 2013.

In the context of inviting third-party facilitation, it was mentioned at the MSN meeting that the United Nations – and a number of other international agencies – can also be invited to take on such a role. It was said that the United Nations could help to find space between parties and even to 'take the hit' or serve as an external scapegoat. Participants at the meeting also offered, as examples of methods to break through an impasse, case studies and exposure visits for negotiation parties to other countries that had experienced conflict and achieved peace through political settlement.

5. Recognize the Existence of Parallel Processes of Negotiation Within Each Party or its Particular Stakeholders

Within each party that is engaged in negotiation, there is a multitude of interests, personalities and associated stakeholders. A mediation support professional should understand this and be conscientious in working with the gamut of key actors within or associated with each party. It was noted at the MSN meeting that a representative of a negotiating party may make concessions that had not been agreed or even discussed internally within the party. Hence, that representative would have to engage in a parallel process of internal negotiation within the party.

In the GPH-MILF case, there was insufficient support from the members of the legislature and their respec-

tive political parties to endorse the peace agreement. The importance of lobbying and educating parliamentarians (and their constituencies) to ensure that they understand and are in agreement with both the process and resulting agreement was crystallized for participants at the meeting.

This links to the broader discussion on inclusivity, and who should be represented at what point at the negotiation table.

6. Provide Continuous and Broad Capacity-Building

As experience and the cases described above demonstrate, parties engaged in negotiation are not static actors and it would be a mistake to treat them as such. Personnel change, whether through the lapse of time, natural causes or deliberate acts, and so do the identity and number of actors on each side that are involved in the process. Capacity-building should anticipate and respond to these changes and should be designed to reach an increasing group of strategic individuals. These needs can, and do, vary from one party to another, and between different facilitators or mediators. Furthermore, as the peace process evolves, the needs become more diverse and specialized. Hence, mediation support actors should aim to provide both continuous and broad capacity-building.

7. Recognize the Limits of Being Outsiders

People who are engaged in, or affected by complex conflicts must constantly adapt to new circumstances and 'facts on the ground'. When mediators and mediation support actors are facilitating efforts to end a conflict and experiencing the ebbs and flows of a peace process, questions often arise as to whether they are sufficiently adept to cope with changes, or are restrained by their preferred methodologies and approaches, even when these may not necessarily be what is best for the process. The same questions are valid in relation to changes that are temporary impasses.

Mediators and mediation support actors have different mandates, roles and functions in a peace process. This remains true during a temporary impasse. Mediation support actors have a different mandate than the mediator, they are not necessarily bound by impartiality, they tend to attract less publicity, and they tend to have more direct connection with communities and civil society groups. This enables mediation support actors to provide unique, critical support to help break through an impasse. Mediation support actors should be willing to play unusual and/or unglamorous roles.

However, mediation support actors should also accept that sometimes there is no role for them as outsiders. For example, in an impasse, when the way forward is unclear, outsiders can prolong the impasse by trying to carve out a role for themselves, demanding information about what is going on, or otherwise inserting

9   Santos, S.M. Jr. (9 March 2013). "The Role of Islamic Diplomacy in the Mindanao Peace Process". Asia's Peacebuilding Initiatives. Accessed 5 December 2016, *http://peacebuilding.asia/the-role-of-islamic-diploma-cy-in-the-mindanao-peace-process*.

10 The All Burma Students' Democratic Front is an opposition group with an armed wing that had fought alongside ethnic armed groups such as the opposition groups in Myanmar, e.g. the Kachin Independence Army and the Karen National Liberation Army.

themselves into the structure. Some participants at the meeting spoke of such instances, and the added burden on negotiating parties at times to neutralize outsiders by inventing tasks for them to keep them busy and to prevent them from affecting the talks.

Mediation support actors, as outsiders in relation to the conflict and the peace settlement being sought, should take a step back and recognize that local ownership of the process remains vital, as it is the parties themselves that are responsible for the resolution and transformation of their conflict. Mediation support actors should therefore be open to working with home-grown processes without overstepping boundaries and be willing and sufficiently astute to let go of familiar and conventional frameworks and methods, while at times, letting go altogether.

Conclusion

This paper advocates and advances the idea that temporary impasses constitute a distinct concept. It has discussed both the conceptual framework of temporary impasses, as well as some of the forms they have taken in contemporary peace processes and their causes. A significant part of the paper is devoted to strategies for breaking through impasses and implications for mediation support actors. Many of the insights are derived from speakers at the MSN meeting and discussions among participants at the meeting. However, the views set out here do not necessarily reflect consensus opinions of all MSN members.

Through exchanges at the meeting and in the writing of this paper, temporary impasses are viewed from a fresh perspective. Temporary impasses should be regarded not so much as obstacles, but more as opportunities for innovation and change to enable a peace process to move forward. The lull that comes with a temporary impasse can be used by the actors in a peace process – including mediators and mediation support actors – to take stock of the situation, to re-examine the factors and actors that affect the conflict and peacebuilding efforts, and to find more effective ways to resolve and transform the conflict. During a temporary impasse, the system and structure, including communication channels, set up for the negotiations should not be dismantled, but should instead be preserved so that they can be put into service quickly once the parties are in a position to resume negotiation. However, it can be challenging to keep the system and structure in place and hold the parties and the mediation support actors together over an extended period of inactivity.

An impasse does not mean complete cessation of action. Constructive action can still be undertaken during a temporary impasse. Mediation support actors are particularly well-placed to facilitate trust-building and to encourage continued communication (directly between the parties or through the agency of the mediation support actors). They can help transform the system, structure and relationships to serve the next phase of the peace process when negotiations resume (for example, by holding the parties to account in relation to matters on which they have reached agreement; continuing to build trust and capacity; and building support for peace among people affected by the conflict). Moreover, mediation support actors should always be conscious of the possible occurrence of an impasse and work to minimize the emergence of obstacles and the duration of the impasse, as well as putting themselves in a position to be able to respond readily when the negotiating parties encounter an obstacle.

Mediation Support Network

Profile

The Mediation Support Network (MSN) is a small, global network of primarily non-governmental organizations that support mediation in peace negotiations.

Mission

The mission of the MSN is to promote and improve mediation practice, processes, and standards to address political tensions and armed conflict.

Furthermore, the MSN connects different mediation support units and organizations with the intention of

- promoting exchange on planned and ongoing activities to enable synergies and cumulative impact;

- providing opportunities for collaboration, initiating, and encouraging joint activities;

- sharing analysis of trends and ways to address emerging challenges in the field of peace mediation.

Activities

The MSN meets once or twice a year in different locations. The organization of the meetings rotates, with each meeting hosted by a network partner. Each meeting has a primary topical focus that is jointly decided by all network members.

MSN Members in September 2016

- African Centre for the Constructive Resolution of Disputes (ACCORD) www.accord.org.za

- Berghof Foundation www.berghof-foundation.org

- The Carter Center www.cartercenter.org

- Center for Peace Mediation (CPM) www.peacemediation.de

- Centre for Peace and Conflict Studies (CPCS) www.centrepeaceconflictstudies.org

- Centre for Mediation in Africa, University of Pretoria (CMA) www.centreformediation.up.ac.za

- Conciliation Resources (CR) www.c-r.org

- Crisis Management Initiative (CMI) www.cmi.fi

- Folke Bernadotte Academy (FBA) www.folkebernadotteacademy.se

- Foundation for Tolerance International (FTI) www.fti.org.kg

- Centre for Humanitarian Dialogue (HDC) www.hdcentre.org

- Initiative on Quiet Diplomacy (IQD) www.iqdiplomacy.org

- Mediation Support Project (MSP), swisspeace and Center for Security Studies (CSS) ETH Zurich www.swisspeace.ch & www.css.ethz.ch

- Nairobi Peace Initiative (NPI) www.npi-africa.org

- Search for Common Ground (SFCG) www.sfcg.org

- Servicios Y Asesoria Para La Paz (SERAPAZ) www.serapaz.org.mx

- Southeast Asian Conflict Studies Network (SEACSN) www.seacsn.usm.my

- UN Mediation Support Unit (PMD/MSU) www.peacemaker.un.org/mediation-support

- US Institute of Peace (USIP) www.usip.org

- West Africa Network for Peacebuilding (WANEP) www.wanep.org

Previous MSN Discussion Points:

MSN Discussion Points no. 7, Challenges to Mediation Support in Hot Wars: Learnings from Syria and Ukraine, 2015

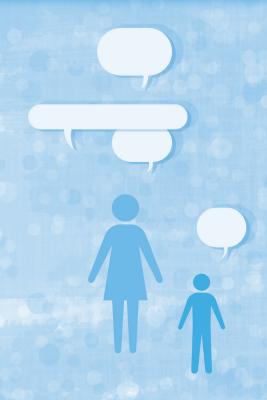MSN Discussion Points no. 6, Inclusivity in Mediation Processes: Lessons from Chiapas, 2015

MSN Discussion Points no. 5, Mediation and Conflict Transformation, 2014

MSN Discussion Points no. 4, Mind the Gap: How Mediation Support Can Better Respond to the Needs of Local Societies, 2013

MSN Discussion Points no. 3, Regional Intergovernmental Organizations in Mediation Efforts: Lessons from West Africa, 2013

MSN Discussion Points no. 2, Translating Mediation Guidance into Practice: Commentary on the UN Guidance for Effective Mediation by the Mediation Support Network, 2013

MSN Discussion Points no. 1, Supporting Peace Processes: Improving Collaboration Between Humanitarian, Development, Security and Mediation Actors, 2011