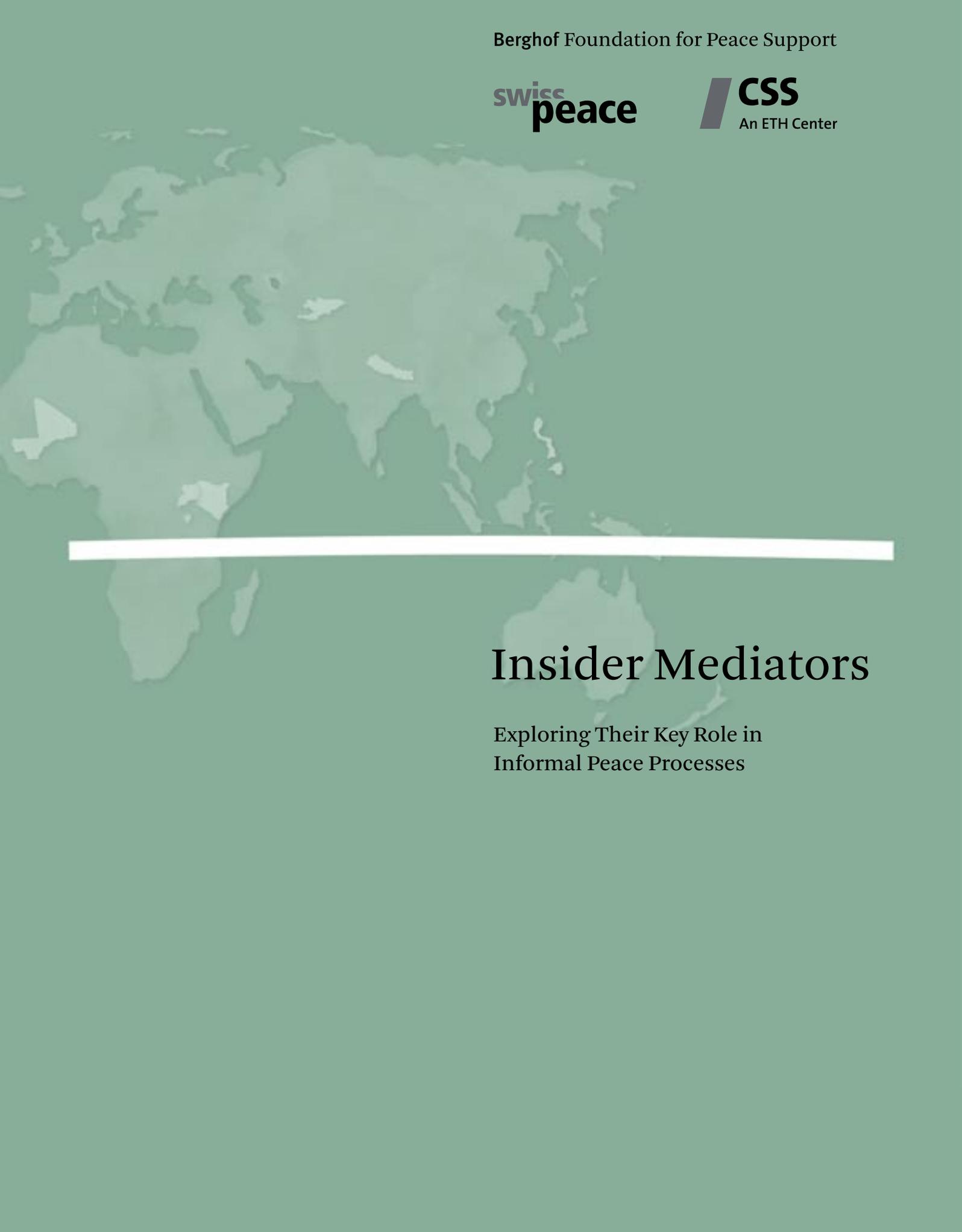


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Insider Mediators

Exploring Their Key Role in
Informal Peace Processes

The **Berghof Foundation for Peace Support (BPS)** was founded in 2004 in Berlin, Germany. A practice-based organisation, BPS seeks to implement innovative concepts and approaches to respond in effective and sustainable ways to the global challenges presented by violent political conflict. While BPS believes in the necessity to engage with ALL relevant actors in a conflict, a focus is put on assisting peace support structures and improving the interfaces between state and non-state actors. Currently BPS is working in the Middle East (Lebanon and Sudan), Asia (Nepal, Sri Lanka, Indonesia), Latin America (Colombia, Guatemala, Bolivia) and the Caucasus (Georgia/Abkhazia/South-Ossetia). (More details under www.berghof-peacesupport.org.)

The **Mediation Support Project (MSP)** was founded in 2005 as a joint venture between the Swiss Peace Foundation (swisspeace) and the Center for Security Studies (CSS) at the ETH Zurich. The MSP aims to increase the effectiveness of peace mediation by supporting mediators and conflict parties in gaining knowledge and skills for peace negotiations. The MSP focuses on research, training, process support and networking. The main part-

ner of MSP is the Swiss Federal Department of Foreign Affairs (FDFA), especially its Political Affairs Division IV. (More details under www.swisspeace.ch/mediation.)

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Preface

This report sheds light on a key set of actors in peace processes: insider mediators. It is based on the experience that most official peace processes are initiated or supplemented by informal, non official peace processes, and that such processes are often facilitated by people from the conflict regions, with in-depth knowledge and great dedication to work on the conflict.

In order to explore the specific role, potential and limitations of local and regional “insider” mediators in today’s peace processes, the Berghof Foundation for Peace Support (BPS) in cooperation with the Mediation Support Project of Swisspeace/CSS-ETH Zurich invited a dozen insider mediators from different parts of the world (Algeria, Burundi, D. R. Congo, Germany, Kenya, Kyrgyzstan, Macedonia, Mali, Mexico, Nepal, Philippines, Sri Lanka, Switzerland and Uganda).

During 12–14 June 2008 a “lessons-learned” workshop was held at Schloss Muenchenwiler in Switzerland under the title: Informal Peace Processes: Learning from the

experiences of “Insider” Mediators. For the financial and logistical support to this workshop we would like to thank the Swiss Federal Department of Foreign Affairs, especially Murezi Michael, FDFA’s program officer for mediation. We also appreciate the support of our Berghof colleagues, especially Dr Oliver Wolleh, Lukas Probst, Stefan Maschinski and Matthew Mackenzie, and of Damiano Sguaitamatti from MSP.

The following study written by Simon Mason from the Mediation Support Project describes the strengths and potentials of insider mediators based on their own presentations on Nepal, Uganda, Mali, Philippines, Burundi, Kenya and Kyrgyzstan. We would like to thank them for their very constructive feedback on this summary article, as well as writing up their rich experiences in the online/ CD ROM chapters. The study ends with a number of insights and recommendations which we believe to be of crucial importance for everyone interested and active in the field of mediation and/or mediation support.

Additional information on CD ROM and online at www.berghof-peacesupport.org

Readers who are interested in more background information might refer to the additional information provided in the attached CD ROM. Here you will find the individual presentations given by the insider mediators from Nepal, the Philippines, Burundi and Kenya. Furthermore, it includes short biographies of the participants and the minutes of the workshop discussions.

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Introduction

“I sometimes lie when I talk to the conflict parties,” one insider mediator said, “I tell them the other side wants to talk with them, even if they have told me they do not want to talk.” But then he corrected himself: “Well, in a sense I am not lying, I am telling a deeper truth: they do want to talk, but for tactical and face-saving reasons they have to say they do not want to talk – even to me in private. Of course if my guess about their real intentions is wrong, then I am lost. But in this case I was right: they finally did sit together to talk.” This example highlights the complex and highly sensitive role of insider mediation in informal peace processes – the topic of this report.

Aim, question and background

The aim of this report is to highlight the roles and relevance of insider mediators in informal peace processes. Our guiding question is: what are the characteristics

Insider mediators may be partial in their relationships, but not necessarily partial in how they mediate

of insider mediators in informal peace processes, their resources, their links to outsider mediators, and their rele-

vance to peace? The study is based on a workshop that took place from 12 – 14 June 2008 attended by a dozen insider mediators from Algeria, Burundi, D. R. Congo, Germany, Kenya, Kyrgyzstan, Macedonia, Mali, Mexico, Nepal, Philippines, Sri Lanka, Switzerland and Uganda. This introductory article tries to pick out some of the many mediation “gems” from the workshop and the separate online chapters on Nepal, Philippines, Burundi and Kenya written by the workshop participants. But first, what do we mean by “informal peace processes” and “insider mediators”?

Formal and informal processes

Formal, official peace processes are characterized by a clear mandate from the side of the government. It is clear who is negotiating at the table, and who is hosting and mediating these talks.¹ The mandate is normally formalized and written. However, such formal peace processes are often initiated and supplemented by informal, non-official peace processes. In such cases the mandate for the mediators is often implicit, rather than explicit. It is based on a relationship of trust rather than on a formal, written mandate.

Insider and outsider mediators

“Insider” mediators often facilitate informal processes. However, there are also cases where insider mediators work in formal processes and cases where outsider mediators work in informal processes. Nevertheless, we focus here on insiders in informal processes, as it seems that it is exactly in informal processes where they have a decisive comparative advantage over outsiders. Insiders have been defined according to geographical proximity to the parties, or as having stakes in the conflict.² A better definition focuses on the cultural and normative closeness between the mediator and the conflict parties. Here insiders are seen to have in-depth knowledge of the situation as well as close relationships to the parties, also allowing them to influence their behaviour on a normative level.³ The term “insider” or “outsider” mediator is a relative term; it only really makes sense in comparison to another mediator. Kofi Annan, for example, is more of an insider mediator in the Kenya post election peace

Insiders are seen to have in-depth knowledge of the situation as well as close relationships to the parties

¹ Negotiations are understood as a process of joint decision-making. Mediation is understood as assisted negotiations, or in the words of Dekha Ibrahim Abdi: “trying to find solutions together”.

² Elgström, Ole (2003) ‘The Honest Broker? The Council Presidency as a Mediator’, in Ole Elgström (ed), European Union Council Presidencies (London: Routledge): 38-54.

³ Carnevale, Peter J. and Choi, Dong-Won (2000) ‘Culture in the Mediation of International Disputes’, International Journal of Psychology 35/2: 105-10. Wehr, Paul (1996) ‘Mediating Conflict in Central America’, Journal of Peace Research 28/1: 85-98.

process than a Martti Ahtisaari would have been, but less of an insider compared to someone like Dekha Ibrahim Abdi or General Lazaro Sumbeiywo. The “inside” view of the conflict provides insider mediators with many strengths (and some weaknesses) compared to other mediators coming from the outside. One of the key weaknesses of insiders, according to the literature ⁴, is that they are more partial than outsiders.

Various forms of partiality

What does partiality mean, however, and what kind of partiality do insider mediators “suffer” from? We generally aggregate at least three different types of “partiality” into the word “partiality”: First, there is “relational partiality”, where the mediator has a closer relationship to one party compared to the other, based on personal, political or economic ties with one party. Second, there is “process partiality”, where the mediator guides the process in a way that is partial to one side compared to the other, for example by giving one side more time to talk, or giving them better sitting positions or hotel rooms. The third form of partiality is termed “outcome partiality”, where the mediator drafts and shapes the agreement in a biased manner.⁵ Insider mediators are generally characterized by “relational partiality”, but not by process or outcome partiality! Mediators tell conflict parties to “separate the person from the behaviour”.⁶ Mediators can tell themselves the same truth: one can be a biased person, but behave in an even-handed manner.

Mediation in the context of weak states⁷

The insider mediators we are focusing on work in the context of a weak or even non-existent “state” and they all deal with political questions. This is a big difference

to mediators working in countries like the USA, Switzerland or China, acting within a functioning “state” with a clear and enforceable legal structure. What does it mean to live in a “weak” state? In one case, for example, it was reported how the police jailed innocent people, so that their family and friends had to bribe the police to let them out of jail. As the jails were empty of regular criminals and the police had little income, this was a way to increase the policemen’s small state paid salaries. Blurred lines between the public and private sphere generally characterize weak states. The “state” does not exist clearly, and so “civil society” does not exist, as that part which is not the state. The state monopoly on violence typical in the West also does not exist. In many cases people even experience the state as the main source of oppression and arbitrary violence. Other forms of protection from violence are therefore sought, i. e. one has to belong to a clan, ethnic tribe, regional entity or religious group that takes care of one’s needs and protects one from violence. This often results in violence between various “constituency” groups protecting their respective members. Mediation in a weak or non-existent state, therefore, works in the vacuum of functioning state institutions and a legal framework. In such situations where the formal, official roles are often misused, violence is a part of everyday life. It is logical in this context, therefore, that mediators are trusted due to personal relationships and reputation, more than due to any formal, “official” role or mandate.

Numerous roles of insider mediators

Due to the less formalized role of insider mediators, they generally take on very different mediation roles, and also change these frequently during a peace process. Key roles played by insider mediators include:

⁴ Welton, G. L., & Pruitt, D. G. (1987). The mediation process: The effects of mediator bias and disputant power. *Personality and Social Psychology Bulletin*, 13, 123-133.

⁵ This typology of “partiality” stems from Elgström (2003) “The Honest Broker”. “Outcome partiality” has also been referred to as “Bias of content” by Carnevale and Choi (2000) “Culture in the Mediation of International Disputes”.

⁶ Perhaps the best example of this approach comes from Gandhi: “I non-co-operate in order that I may be able to co-operate. I cannot satisfy myself with false co-operation - anything inferior to 24 carats gold. My non-co-operation does not prevent me from being friendly even to Sir Michael O’Dwyer and General Dyer. It harms no one, it is non-co-operation with evil, with an evil system and not with the evil-doer.” THE MORAL AND POLITICAL WRITINGS OF MAHATMA GANDHI. Volume I: Civilization, Politics, and Religion. Edited by Raghavan Iyer. Oxford: Clarendon Press/New York, Volume I, p.47.

⁷ This section is mainly based on “Africa Works: Disorder as Political Instrument”. Patrick Chabal and Jean-Pascal Daloz. Bloomington: Indiana University Press, 1999.



messenger, human rights advocacy, host, facilitator, conflict diagnosis, trust builder, healer, trainer, convener, coach and coordinator. One could argue that these roles should not be summarized under the label of 'mediation', but referred to as 'peace building'. Here it is helpful to distinguish between primary and secondary roles. As long as a person's primary role consists in supporting parties in negotiations we suggest calling them mediators, even if they are also involved in secondary roles such as training, coaching or healing as part of this primary mediation role. Although this is not a clear definition, it seems to best fit the reality of multiple mediator roles manifested by the experiences discussed at the workshop. We try to clarify labels and roles for the sake of communication, but most insider mediators will do whatever they do irrespective of what it is called. Let us listen to these experiences with open ears, as travellers exploring the unknown richness of the mediation world.

Our journey through the cases

We first explore the case of Nepal, where insider mediators like Padma Ratna Tuladhar played a very strong role, as there were no formal outsider mediators at all. Second we journey to Uganda, based on her personal experiences, Stella Sabiiti explains the logic of mediation in the most powerful words. Third, our journey takes us to Mali, Ibrahim ag Youssouf points out the necessity of patience and a cultural understanding of silence. We then visit Burundi and the Philippines: both Léonidas Nijimbere and Franklin Quijano were governmental negotiators while at the same time taking on insider mediation roles. They expand our conception of mediation, for example by showing how a member of a conflict party can mediate between the conflict parties and the formal mediator. Finally, we end our journey in Kenya and Kyrgyzstan, both Dekha Ibrahim Abdi and Raya Kadyrova show that ad hoc mediation is not enough, rather a system has to be set up in advance to a crisis, consisting of representatives from all actors of society, so as to enable a rapid mediation response when conflicts escalate.

1 Padma Ratna Tuladhar, Nepal: Where There is No Formal, Outsider Mediator

Getting engaged

Padma Ratna Tuladhar grew into the political mediation work through his engagement as a human rights activist. In the 1990s he was a member of parliament, elected as an independent leftist. He helped to bring various communist parties together into the single United Left Front (ULF). He then facilitated talks between the ULF, other democratic forces and the Royal government to restore parliamentary democracy. This experience led him to be trusted by both the communist, Royalist and the democratic forces, which enabled him to be a facilitator in the 2001, 2003 and 2006 peace talks in Nepal.

Messenger role

One key role he played was that of a messenger before and around the actual face-to-face meetings between the Maoists and the democratic forces. He did this at a time when the Maoists were labelled as terrorists, and it was forbidden to talk with them. At one point he

was also arrested by the government for this kind of work, but some hours later he was set free due to the good relations and reputation he had with key people in the government.

The messenger role was essential to slowly build trust and to commence direct talks

The messenger role was essential for both sides to test the ground, to find out how serious the other side was about negotiating, and to slowly build enough trust to try direct talks. Confusion and lack of communication are the death to any negotiation process; in contrast, opening up communication channels is essential for peace talks to move ahead.

Human rights advocacy

Padma Ratna Tuladhar publicly denounced human rights violations by both the government and the Maoists. Some, for example the wider population, viewed this human rights advocacy role positively. On the other hand he was also labelled as being a Maoist by some of the newspapers when he denounced human rights violations by the government, and they comfortably ignored the times he denounced the Maoist behaviour.

This kind of public human rights role entails risks of being manipulated in the media and being viewed as being biased. This is one reason why it would be seen as being incompatible in a classical Western “impartial” mediation role. The Nepal experience, however, shows that it is possible, dependent on the personality and style in which it is done. In this particular case it may even have been important to keeping the trust of the population in his work and in the peace process.

Holding the threads together

Padma Ratna Tuladhar worked as a mediator between the main conflict parties, but his role also involved being in touch with the wider population and being a key point of contact for diplomats and mediators from the international community. Due to lack of coordination or even competition between some of the international outsider mediators, he also ended up in some cases having to coordinate the outsider mediators (e.g. Carter Center and the Center for Humanitarian Dialogue).

Padma said what he appreciated from these outsider mediators was to learn from experiences elsewhere.⁸ He would have welcomed a stronger role by international mediators, but India did not want this. It is also Nepalese culture that senior politicians moderate their own meetings; this task is not delegated to outsiders. So the mediation of both insiders, like Padma, and outsiders, like Günther Baechler (mediation expert of the Swiss FDFA), was marked by informality.

In the 2006 process they set up a facilitation team of two outsiders and two insiders – an interesting model that makes use of the respective comparative advantages. Padma’s role seems to have been to hold the space in the center of a large web, carefully bringing the various threads together. If you hold such threads too lightly, they slip out of your hands, if you pull them too hard they break. A key to the success of the Nepalese peace process was that it was owned by the Nepalese people, not least of all thanks to people like Padma Ratna Tuladhar.

Informal key point of contact for diplomats and international mediators

⁸ For example, he said it was useful to learn from other cases that it is not realistic to expect rebel groups to give up arms early on in a peace process, as they then lose their leverage.

2 Stella Sabiiti, Uganda: People Can Change Their Violent Behaviour

Getting engaged

Stella Sabiiti came to mediation through her experience of being tortured by the soldiers of Idi Amin in Uganda in the 1970s. During this experience, she realized that the accusations they were shouting at her were lies, and that her torturers knew they were lies, and they also knew that she knew that they were lies. How to make sense of this? Why not just torture without the lies? Perhaps the words of Alexander Solzhenitsyn hold part of the answer: “Violence does not live alone and is not capable of living alone: it is necessarily interwoven with falsehood.” (...) “And no sooner will falsehood be dispersed than the nakedness of violence will be revealed in all its ugliness – and violence, decrepit, will fall.”⁹

When a person is being tortured, the first thing the person does is to avoid eye contact, Stella said. It is a way of protecting ones soul, even as one’s body is being hurt. However, Stella decided consciously to seek eye contact with her torturers. Perhaps she did this because she felt she was going to die anyway, so there was nothing to lose. She did not build contact with them by asking a question such as “why are you doing this?” They would not have answered, or would just have made fun of her. She began the communication with a simple, seemingly irrelevant question: “what did your wife cook for you last night?” At first she was ignored, the torturing went on, but she repeated her question over and over again. Finally, she made contact, and one by one the soldiers started talking to her.¹⁰ This was a transformative moment. In the words of Stella:

“I think God helped me, if I survived, I felt both myself and the soldiers needed to walk out free from that vio-

lent situation. I understood that although I was a victim, those who were doing harm to me were also victims. Because I was dying, I had to believe in God, and God

“What did your wife cook for you last night?”

tells us that we are all his children, created in his image. All of us have to be saved. It is because of that experience that I decided to work with armed groups. The bottom line is that the human person is a wonderful creature, we do bad things, but still we are good. So how to separate the bad things we do from the person we are, is the key challenge of mediation”.¹¹

Stella realized that perpetrators of violence also suffer internally. If one inflicts pain onto others, one inflicts pain onto oneself. This pain may consist of killing all ones internal emotions, so that a perpetrator of violence no longer feels anything, one becomes emotionally dead.¹² From then on, Stella dedicated her life to conflict prevention, resolution and transformation. She has mediated between governments and rebel groups, and has also facilitated many rebel groups in analysis, negotiation and non-violent conflict transformation skills.

Creating learning spaces for rebel groups¹³

Stella prefers not to speak about training, as it infers that people have to learn something from an external expert. The idea is more to create a space for co-learning. For learning happens by recognizing and building

⁹ Alexandr Solzhenitsyn, The Nobel Prize in Literature 1970, Nobel Lecture http://nobelprize.org/nobel_prizes/literature/laureates/1970/solzhenitsyn-lecture.html

¹⁰ Stella Sabiiti at the PDIV annual conference 2008 on “Mediation in Conflicts in Africa”.

¹¹ Stella in action in a training course for a Darfur rebel group in June 2008.

¹² This comes out in the fictional story, but based on truth, of a former soldier in the Rhodesian civil war: “I’ll tell you what the reality was, the real horror of that situation. It wasn’t the effect of the child’s mother. It wasn’t that child’s mangled body or the ridiculousness in death of his new shoes. The horror was that I felt nothing, absolutely nothing for that boy, his mother, or her grief. The horror was that in order to ‘preserve the standards’, ‘maintain civilized rule’, ‘stop the evils of Communism’, in order to do all this, I had to lose my humanity. Totally.” (...) “I never felt emotion again. Not anger, not fear, not love, not hate. Nothing, nothing to this day. Do you have any idea, any idea at all, what nothing feels like?” White Man Black War, Bruce Moore King, Baobab Books, 1988.

¹³ This section is based on observations of the author of Stella in action in a training course for a Darfur rebel group in June 2008.

on the experiences and knowledge of the people. People in a conflict know the situation better than anyone else. The way she supports learning experiences is through images. We do not learn only through logical arguments, but much more through images. The language of images is the language of the soul. One reason for using images is because one thereby avoids analyzing and interpreting the conflict at hand. Stella avoids talking about the conflict the group she is working with is involved in. It could be too traumatic or divisive and it is very likely that she would be viewed as being biased. So she uses images, and the conflict parties make their

The logic of mediation is a logic of change, of transformation

own links to the conflict they are involved in. For example, she asks three of the participants to play a little sketch: one parent, one child and one doctor. The child is ill, what do they do? They play the sketch in about five minutes; there is a lot of laughter. Stella says this is important, often they are coming from traumatic

situations, laughter and lightness helps to relax the soul. Then the group discussion begins. Conflict is like an illness: it is good to first try to solve it yourself, if you can that is the best way. If you can't, you need to know when to go for help. If you go for help, you need to go to someone whom you trust, who is good as a doctor (or mediator). The person you go to should start with a careful analysis, with listening, not with quick diagnoses and prejudices.

Precisely because of her personal experience, Stella communicates the logic of mediation in a very convincing manner: the logic of mediation is a logic of change, of transformation, people do terrible things, but change is nevertheless possible. Today's devil can become an angel, and an angel today can do devilish things tomorrow. This realization slows down our all too quick judgements. It encourages us to try and walk with and understand the others, but also ourselves. Understanding is more important than condemning: it opens the door to forgiveness and moving forwards.

3 Ibrahim ag Youssouf, Mali: Waiting and Understanding Silence

Getting engaged

Ibrahim ag Youssouf mediated in the peace process of Timbuktu that involved the government of Mali and the Tuareg rebel movements in the Northern part of the country. The process helped to prevent the outbreak of civil war, and ended with the “Flame of Peace”, where rebel weapons were burnt on the 27 March 1996.¹⁴ The process was partly funded by the UN, but nevertheless driven by local actors. Active local peace efforts, combined with a Government that is open to dialogue, can be very effective in dealing with rebels and the problem of regional marginalization. While there are still problems in Mali, the conflict is less escalated than in Niger that has adopted a military approach to the situation.¹⁵

Being patient and understanding silence

One of the key lessons from the experience of Ibrahim was the need for patience. He recalled a situation at the early stages of the peace process where a person wanted to convince the other side that talks would be good. The person he was trying to talk to did not mind him being there, sitting on a chair waiting, but he did not want to talk with him, he remained silent. So he kept

going back, every day he would return. He sat on the chair in silence. Only after many long days of waiting, dialogue was opened. In a sense the waiting was a sign of respect, of dedication and seriousness, and thus a door opener. Mediators cannot be in a rush. However, the person had to know or feel what the waiting means. Cultural knowledge is essential; otherwise the request to wait could have been understood as an offence. And who knows, perhaps during their silence they also experienced the Zen truth: “When we are silent we are one. When we speak we are two.”¹⁶

Insider mediators play a key role in all phases of a peace process, but their role is especially striking early on in a process, when one is trying to understand the actors and explore the benefits of negotiations. Cultural proximity enhances trust in this very delicate phase.

Mediators cannot be in a rush

¹⁴ A Peace of Timbuktu: Democratic Governance, Development and African Peacemaking, R. Poulton & I. ag Youssouf, March 1998. See also: Mali: Successful Mediation Effort Could Lead to Lasting Peace (<http://www.conflict-prevention.net/page.php?id=40&formid=73&action=show&surveyid=10>).

¹⁵ Åberg, Annika, Sabina Laederach, David Lanz, Jonathan Litscher, Simon J A Mason and Damiano Sguaitamatti: “Unpacking the Mystery of Mediation in African Peace Processes. Zurich, Bern: Mediation Support Project, Center for Security Studies, ETH Zurich and swisspeace. Online at: www.css.ethz.ch

¹⁶ Morris L. West, *The Ambassador*, New York: Dell Publishing Co., Inc. 1965, p. 16.

4 Franklin Quijano, Philippines: The Trusted Governmental Official

Getting engaged

Franklin Quijano grew up in a mixed Christian-Muslim community in Mindanao, Philippines. His childhood was spent in the context of inter-community tensions and clan wars, called “Rido”. His father was a bus driver traveling between various communities, bringing goods and thereby often representing the last link between the communities who were in conflict with each other. This “go between” role of his father as a bus driver shaped Franklin’s later engagement as a mediator.

To be trusted by ones opponent

Franklin himself was involved in inter-clan mediation already before he was elected as Mayor of the City of Iligan. For four years, he acted as chairperson of a panel of the Government of the Republic of the Philippines that was in dialogue with the Revolutionary Workers Party of Mindanao. As a governmental official trusted by the rebels, he was at times contacted by the Moro National Liberation Front and the Moro Islamic Liberation Front concerning governmental action that was causing them grievances. This way delicate actions that could have escalated could be avoided. Thus in various points in time he was a mediator on the local level due to his personality and background, a governmental negotiator with a rebel group over a long period of time, and finally also a governmental mediator, mediating between his own government and the rebel groups.

Traditional mediators also need economic assets

Franklin pointed out that there used to be a functioning traditional conflict resolution system in place that was replaced and weakened by the colonial powers. Traditional leaders were left on the side, and the existing mediation skills were no longer used. Many clan conflicts escalated because the traditional systems had eroded, without being replaced by functioning new ones. The challenge now is to find a constructive working modus where the traditional and the “modern” court system can function side by side. Mediators in this culture must be wise and must also have the means to provide logistical and development support to implement any agreement. After a settlement is reached, there is often a “Kandori”, a thanksgiving feast, typically paid out of the pocket of the mediator. Thus traditional leaders have to be supported to regain their lost prestige, and for this to happen they must also have the economic assets that go hand in hand with the mediator role.

Franklin’s experience shows that one can hold a governmental position, and still act as a mediator between the very same government and the rebel group fighting the government - a similar experience as the Burundi case discussed below. Trust makes this possible. One can never fully understand what creates “trust”. Yet when one meets Franklin, one guesses that people begin to trust him not just because of his experience and reputation, but also because of his personality, his open and joyful nature.

5 Léonidas Nijimbere, Burundi: Negotiator-cum-Mediator

Getting engaged

Léonidas Nijimbere, similar to the case of Franklin, shows how a governmental official can act as an insider mediator, even when his main role is that of a negotiator. The turning point in the life of Léonidas to take up this role seems to have occurred during his university days. At a time where people from different ethnicities did not talk to each other, he asked a colleague from the other ethnicity to form a music club, the “Cercle Musique” and shortly afterwards a youth reconciliation council. He notes that at a particular date, which he cannot specify, he realized that “I have to put myself in the skin of the other person to reconsider at a very basic level what is going on, and really understand what I had long considered to be false frustrations manifested by people who were no true patriots”.

Mediating between and within one’s own party

Between 1996 and 2003 he acted as a negotiator, in the later years representing the government. Besides this role, however, he also often undertook informal mediation roles. In the formal Arusha peace process between 1998 and 2000 for example, there were moments of tension between the negotiators and the formal mediators. So he mediated between the formal mediator and the negotiators (of which he was one!), using his military background to connect with the formal mediators (who also had a military background). At other times he was negotiating with the other parties, while at the same time mediating within his own party between the more moderate and the more hardliner factions. This kind of work is essential to support intra-party cohesion, which is central to an effective negotiation strategy with the other party.

Mediation as the act of stepping back

Another interesting example of the complex and changing role of such negotiators-cum-mediators was when he agreed not to attend a meeting with the rebel group

Palipehutu FNL in 2003 in Caux, Switzerland. Members of Palipehutu FNL said he had insulted their leader Rwasa in 1999. He did not mind not attending in order to allow the meeting to go ahead, but his own delegation was very upset, and wanted in their turn to demand that certain participants from Palipehutu FNL should not attend. He convinced them that a tit for tat approach was not helpful. This would only escalate the situation. This stepping down from what would have been his right at the table led to confidence building with the Palipehutu FNL. They viewed it as a way of his admitting that he had been wrong. Once they were back in the country, they contacted him, and they now have regular contacts.

We often have fixed ideas of what mediation is and who mediates. Insider mediators like Léonidas shock us into looking at things in a fresh manner. Rather

It may be helpful to look at mediation as a role that can shift much more quickly, like a hat being passed around the room

than looking at mediation as a role, which is fixed to a certain person, it may be helpful to look at mediation as a role that can shift much more quickly, like a hat being passed around the room.¹⁷ When he mediated between his own party and the formal mediator, for example, he had the “mediation hat” on, rather than the formal mediator. At times mediators can sit back and accept a conflict party mediating during a session they are actually in charge of.

¹⁷ See also Arnold Mindel on this idea of roles, e.g. Mindel, 1. 1995. “Sitting in the Fire – Large group transformation using conflict and diversity” Portland, Oregon: Lao Tse Press.

6 Dekha Ibrahim Abdi, Kenya: Network of Networks of Mediators

“The cultural approach that we have used in Kenya, is the restoration of relationship, of both the victim and the offender, and it is to see the pain in both, and try to find a way of healing and restoring the relationship. And that happens through private dialogue with one group, and private dialogue with the other group, and public dialogue with both.”¹⁸ The words of Dekha Ibrahim Abdi highlight the strong focus on relationship typical of insider mediation. Some aspects of this approach are discussed below.

Getting engaged

Dekha Ibrahim Abdi was born in Wajir, Kenya, during a time when there was an ongoing war between the government forces and the guerrilla movement (Shifita War), which ended through a negotiated settlement. Dekha said she took up her peace work following a comment from her mother, who had to keep hiding from the violence. Her mother said: “I was under the bed with you when you were a child. How can I be under the bed with your daughter? When will this violence end?”¹⁹ In 1992, Dekha and other women together with concerned men got involved in grassroots peace work, bringing together people from the different clans.²⁰ She was part of a group of women mediators in the Wajir District in 1998, mediating between two women groups who were fighting over control over the market place.²¹ She supported a mediation process in the Mandera District in 2005 between two communities in the Somalia, Ethiopia, Kenya cross border area. Upon the request of the Kenyan government, she mediated in Pokot/Samburu in 2006, in a conflict between pastoralist groups in the Ugandan, Kenyan cross border area. Finally, Dekha was involved in the post election crisis in 2008, together with four other eminent Kenyans and created a movement for Peace, the “Concerned Citizens for Peace” working on all levels of society.

Switching roles in a clear way

In one case, Dekha was mediating between local communities in the Wajir district in Kenya. The main representative of one of the groups was seriously ill. The woman asked Dekha to represent her at the mediation. Dekha was surprised, how was she to mediate the meeting, and at the same time represent one of the parties? If she did not do it, she would offend the woman, and the meeting would not happen even if it were urgently needed at that specific point in time. If she did do it, she was in danger of being seen as being biased, and it would make it harder for her to fulfil her mediation role. In the end she agreed to the women to do it. The way she managed, was by clarifying which role she was in through her clothing. When she spoke as Dekha the mediator, she just had her normal shawl on. When she spoke as the woman representative, she had another shawl around her head – thus visualizing the internal shift she was doing. It worked, due to the clarity in which she communicated the two roles, as well as the great deal of trust she enjoyed by all the parties involved.

Setting up mediation systems

It is short-sighted to mediate one conflict without establishing any system to deal with conflicts more systematically. As one is then just hopping from one ad hoc mediation to the next. Dekha and others, therefore, set up a “network of networks” of mediators (for details see online chapter on Kenya). In Wajir, where this was established the first time, the inner network consisted of representatives from women’s groups, the government, the business sector, religious leaders, and traditional leaders. Each of these actors represent a network in their own right, therefore the inner circle is a “network of networks”. This network met once a month to discuss the situation and see if any action was needed. If there was a conflict, this group decided on who could best deal with it, thereby forming a sub-network, for example consisting of three different

¹⁸ See the Youtube “A Kenyan Superhero” <http://www.youtube.com/watch?v=pwe6mlExHZg>.

¹⁹ <http://www.africa-faithforpeace.org/doc/prog/test2%20abdi%20english.rtf>

²⁰ Dekha Ibrahim Abdi (Kenya), 2007. The Right Livelihood Award. <http://www.rightlivelihood.org/abdi.html>

²¹ Lederach, John Paul. The Moral Imagination: The Art and Soul of Building Peace. Oxford, MA: Oxford University Press, 2005.

members of the larger network. This sub-group then mediated the conflict. The guiding question is: will the person that speaks be met with open ears? In the Kenyan post election crisis, a similar network of networks of mediators was established, the Concerned Citizens for Peace (CCP)²² (described in more detail in

Setting up a Network of Networks for Mediation

the online Kenyan chapter), but this time with a national breadth and depth. CCP targeted all levels of the country, upstream supporting the National Mediation

Process, thereby linking to the formal mediation efforts. Mid-stream they targeted the government, public institutions, security and the media, and downstream they focused on supporting local actions to transform local violence. The hub of this network was the “Open Forum” – that initially met every day for 2-3 hours. It was open to all Kenyans, 30-60 people attended daily to contribute their thoughts towards the resolution of the crisis. On the 9 January the Open Forum also launched the “Citizens Agenda for Peace”²³ which helped to feed ideas from the broader population into the formal peace process.

Creating space for reflection and mourning

Dekha said how shocked all groups were in Kenya at the outbreak of violence in the post election crisis in 2008. All actors, business, religious groups, traditional groups, women groups etc. had been tied up in the pre-election process on one side or the other, so when the violence erupted, they were all stunned. Very few of them had the distance and lack of involvement in the conflict to become a mediator. The shock impeded action. Dekha then realized over time that these actors first need a moment of self-reflection, of dealing with the situation internally, reflecting on their own role in the pre-election period, before becoming active. One cannot force this process, but one can create space for it. People will not come to a “self-reflection” retreat,

but they will come to a training event. In the context of trainings, Dekha and other mediators created space for self-reflection, inner work, even if it was not labelled as such. Another way to overcome the blockade of shock was through mourning. Participants of the Open Forum came up with the idea of using flowers to express mourning. After negotiating with the Government for permission, a temporary memorial was built where one could lay down flowers in Uhuru Park (that used to be strictly guarded). People from all levels of society brought flowers; similar places were installed in other towns. This allowed for the mourning process to happen. Mourning leads to a new morning!

The model of a network of networks of mediators is a giant’s leap forward in the evolution of dealing with tensions in a society. If all key constituencies are represented in the network of networks, they can inform each other early on when a conflict is about to arise, and they can respond fast and with the appropriate actors and actions. The weakness with mediation as it is typically done is that the mediators are organized only once the conflict has already become escalated. The network of networks of mediators, representing people from all walks of life, jump-starts this difficult starting phase. It also makes it much easier for people to accept mediation, as it is known, and part of the system. In a sense the difference is similar to doing mediation in a school where there is an escalated conflict, to setting up a peer-mediation system. The second approach is a hundred times more effective. The model should be explored for other societies; it has a great potential. The following example from Kyrgyzstan indicates that such systems exist also in other countries, at least in part.

Mourning leads to a new morning!

²² Concerned Citizens for Peace Report: http://www.rightlivelivelihood.org/fileadmin/Files/PDF/Literature_Recipients/Dekha_Abdi/CCP_Report_03-2008.pdf

²³ A Citizens Agenda for Political Dialogue Following the Post 2007 Election Crisis in Kenya, January 9, 2007: http://www.pambazuka.org/actionalerts/images/uploads/Citizens_Agenda_post_2007_Elections_in_Kenya_Final_9_Jan.pdf

7 Raya Kadyrova, Kyrgyzstan: Women Mediating Between Men²⁴

Getting engaged

Raya Kadyrova is the president and initiator of the “Foundation for Tolerance International” (FTI), which is based in Bishkek, Kyrgyzstan. In 2004 the FTI initiated the project “Cooperation between Civil Society, Police and Security Services in Times of Civil Unrest.” The project involved the creation of National Coordination Council (NCC) and Regional Coordination Councils, made up of representatives of the civil society, the authorities, law enforcement and the media (note the parallel to the “networks of networks” system in Kenya!). In 2005 there were heated demonstrations, with some 6000 people calling for the overthrow of the government. The demonstrators took over the state administrative building in Jalalabad. 200 people, including 60 women, remained to guard the building. There were rumours that these people were drunk, which is very insulting, especially for the Muslim women. FTI brought members of the National Coordination Council to Jalalabad. They visited the building and saw for themselves that the rumours were false. They publicly declared this as well. Both sides had arms, so the tension could very easily have escalated into violence.

Pre-talks to clarify venue, participation and aim

Two women mediators of the NCC then began shuttle mediation to bring both parties (government and the demonstrators) together for negotiations. This preparatory talks were needed to clarify key points before a face to face meeting was possible, especially concerning venue, participation and key issues. It was crucial, for example, to find and agree on a venue that was seen by both sides as being “safe”, where they would not fear being taken as hostages by the other side. Both sides also had to first agree on the number and names of the other delegation. They also agreed in these preparatory meetings not to discuss the political demands of the opposition (resignation of the president), but only how to prevent violence in Jalalabad.

Women mediate between men

The meeting then took place, all participants were men, while the two mediators were women, Raya Kadyrova (FTI) and Aziza Abdirasulova (NCC). Both women were nationally recognized and respected. In this case it seemed to have helped greatly to be women, as it allowed them to play a different role than expected from men in relation to questions of power and influence. The negotiations led to an agreement not to use firearms and not to use provocations. The negotiators also asked the facilitators to continue with such meetings. It was appreciated that there were no media or international organizations at the table. The agreement was held firm during subsequent demonstrations.

When Greenpeace is on the high seas, talking to commercial ships in order to try and stop them from killing whales or polluting the sea, they use women to communicate the message over the megaphones. They argue that women are less likely to provoke aggression, more likely to be heard by the other side. The example of Jalalabad seems to be similar, even if it is in a very different situation and cultural context. It is noteworthy that the example of women mediators comes from Kyrgyzstan, a predominately Muslim society. The untapped potential of women mediators, who are recognized and respected in their society, should be further explored and made use of.

Women play different roles relating to questions of power and influence

²⁴ This section is based on Raya Kadyrova's input at the workshop and her powerpoint presentation: “Change through a gender perspective. Example of a successful negotiation, Jalalabad, Kyrgyzstan, March Revolution 2005. At the workshop “Civil Society and Civilian Crisis Management: Enhancing Cooperation and Coherence by Multi Level Dialogues”, 2-4 February 2007, Evangelischen Johannesstift, Berlin, organized by the Evangelische Akademie Iserlohn, Plattform Zivile Konfliktbearbeitung.

Conclusions

To conclude, let us now answer the question set at the start of this article, on the characteristics, resources, links and relevance of insider mediators in informal peace processes:

First, insider mediators are characterized by commitment, in-depth knowledge and relationships

Insider mediators usually exhibit a great deal of commitment and perseverance lasting years or even decades. Media fame or pecuniary interests rarely motivate them, rather they are motivated by the deep desire of their people for peace and an end to the violence. They often experience great risks; this can be direct violence as well as burnout due to the high stress environments they work in. Another risk they face is to be labelled as being biased, and their reputation being tarnished as they get caught up in the fog of war. On the other hand, their long-term commitment and willingness to take risks also give them great legitimacy, respect and trust.

There are mediators who believe one does not need to know much about the conflict, one just needs to know process and method. In the context of political conflict this approach is wrong and dangerous. To be effective, mediators have to know the conflict history, the actors, their interests and strategies. Generally insider mediators have the comparative advantage of in-depth knowledge. All mediators should be good at building relationships. However, in a context where trust is mainly based on personal relationships rather than formal roles and mandates, these skills become even more important.

Second, insider mediators draw on multiple resources, deeply embedded in their cultural context

At least five types of resources seem to motivate and keep insider mediators going:

• **Support by the population**

Insider mediators generally enjoy great support and an informal mandate from the side of the people, the wider population. As long as insider mediators

feel that the wider population supports their work, this is perhaps their greatest source of energy to keep up the work.

• **Teamwork**

All the insider mediators at the workshop spoke of how they work in teams, how they work with networks. No mediation in a peace process is possible by an individual mediator alone. The complexities of mediation efforts at various levels of society, typical for informal processes, call for even greater teamwork. Good mediators can be recognized by how they work with others. The potential danger of being biased as an insider mediator can be greatly compensated for by working in a team: one mediator may be closer to one group, the other to the other group, together they form a team that can work in an impartial manner – as shown by the Concerned Citizens for Peace in Kenya or the negotiations in Jalalabad.

• **Religion and culture**

Many of the insider mediators speak of a religious or spiritual dimension to their work that provides them with inspiration and guidance. There are also cultural practices, ways of understanding reality and communication skills that are unique to a specific culture, and that insider mediators can tap into and make use of in their work.

• **Personal experience and reputation**

There is a personal quality of a mediator, that is greatly shaped by their personal history, where they grew up, what experiences they made. Once they have been involved in one case, they often get asked by the government or another community to mediate elsewhere. Experience is treasure trove for mediators.

• **Material resources**

Besides the non-material resources, money is needed to fund peace activities. The sources are numerous: private and governmental donations from the country in which the conflict is taking place, international funding, and even the mediators' own pocket. Nevertheless, much of an insider mediator's work is voluntary. It is far less commercialized than outsider mediation.

Third, the roles of insider and outsider mediators are complementary

According to the experience of many outsider mediators, insider mediators in informal peace processes are essential at all stages of a peace process – for information, for contacts, for support and as those who hold the threads of society together when it is collapsing. Without the nourishment and long-term engagement of the informal mediation processes, the formal process does not have a chance of working. At the workshop, this point was put forward very strongly by Julian Hottinger, who has been involved in numerous peace processes, both formal and informal, mostly as an outsider mediator.²⁵ The insider mediators at the workshop greatly appreciated this acknowledgement of their key role. Dekha, for example, pointed out how essential the outsider mediation of Kofi Annan was for dealing with the Kenyan post election crisis. However, while it was necessary, there was also a feeling of disempowerment

Insider mediators in informal peace processes are essential at all stages of a peace process

among many Kenyans, why could they not deal with the problem themselves? Formal, outsider mediators may have designed a more professional, well-structured peace process in Nepal. Yet the benefits of greater ownership by not having them do this seem to have far outweighed the weaknesses of an informal, more unstructured process. What seems to be needed, therefore, is to increase the interface and mutual support between outsiders and insiders, between formal and informal peace processes. One idea, for example, that was brainstormed during the workshop, was to have a study of all the insider mediators working in Kenya during the crisis, and then show their work in a book or a television show. Then when Kofi Annan finished his job, he could

have publicly empowered these ongoing insider mediators, pointing out and making visible how important their role was for the longer-term stability of Kenya.

While insider mediators play many roles that outsiders cannot play, the opposite is also true – both are needed. Padma indicated the benefit of learning from other experiences, something that outsiders can often bring with them. One advantage of outsider mediators is that they have a home to go back to and a government that looks out for them if they get kidnapped or threatened. For this reason outsider mediators can do some risky

Both insiders and outsiders are needed, they play complementary roles

tasks that insiders cannot do, because it would simply be too dangerous for them. Mediators also sometimes use “fuse breakers”, experts that come in to tell unpleasant facts to the negotiating parties, i.e. about international law, lack of international support for an agreement etc. This is also typically a good role for outsiders, as they will be hated for what they say (even if it is important that it is said), and so it is good that they can leave on the next plane.

In some cases there is simply no one from the country of conflict that is trusted and who can do the job, the reason why someone from outside can help. As shown by the sketch of Stella, ideally one helps oneself, but if one cannot deal with a problem, it is wise ask for help. The Kenyan General Lazaro Sumbeiywo is an interesting example, as he played a very successful outsider mediator role in the Sudan North South formal peace process, while in Kenya in the post election crisis he played a key (but very different) role as an insider mediator in the wider informal process that was going on at the same time as Kofi Annan was leading the formal one. In short: both insiders and outsiders are needed, they play vital complementary roles.

²⁵ Julian Thomas Hottinger works for the Swiss FDFA expert pool.

**Fourth, relevance of insider mediators:
from a democratic state to a mediated state?**

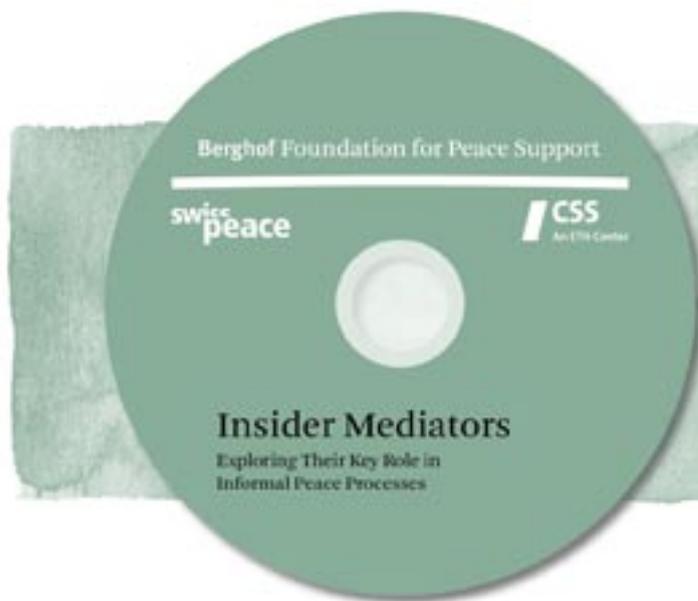
Insider mediators are highly relevant for sustainable peace, especially in “weak” states. Why is this? The answer revolves around their legitimacy and their potential to hold the fabric of society together, during times when it is being torn apart. The examples of this study show how insider mediators supported key historical moments of change in their countries, helping to transform their war-torn society into a more just and peaceful society. A society’s ownership of a peace process and peace agreement is essential for their legitimacy and sustainability. In situations where legitimacy does not exist through free and fair elections, insider mediators that are connected to and trusted by the main constituencies in their country help to legitimize a peace process and outcome – thereby making it sustainable.

Towards the end of the workshop, one of the participants posed an intriguing question: “Do we need to move from a democratic state to a mediated state?” In the context of “weak” states, elections can often cause violence. This seems especially to be the case in countries with multi-party elections, where the parties are built on ethnic or clan basis, and the winner takes all in majority electoral systems. Proportional electoral systems seem more promising, as every representative gets some of the pie to share up and redistribute to their constituency. Such consensus-oriented democracies, however, mean continuous negotiation and mediation, at all levels of government (center, regional, local). In both cases, in “weak” non-existing states as well as in consensus oriented democracies, insider mediators have a lot of work to do: they are the key to sustainable peace.

Additional Information on CD-ROM and online

Readers who are interested in more background information might refer to the additional information provided in the attached CD ROM or online at www.berghof-peacesupport.org

For further information, please contact Oliver Wils, Executive director, Berghof Foundation for Peace Support oliver.wils@berghof-peacesupport.org



Content

- individual presentations given by the insider mediators from Nepal, the Philippines, Burundi and Kenya
- short biographies of the participants
- minutes of the workshop discussions

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The Key to Sustainable Peace: ‘Insider’ Mediators in Informal Peace Processes

The West has long proposed an “outsider/impartial” mediation model, arguing that distance and neutrality towards the conflict parties create acceptance and trust. The West is wrong. Most mediators in the world work along the lines of an “insider/partial” model. These mediators live in the conflict region, are affected by the conflict and they develop personal ties with the conflict parties. This study examines their often-unrecognized contribution to peace. It aims to find out how they mediate, and what makes them effective. Insider mediators are partial in their relationships, but this does not mean that they are partial as regards the process or outcome. We learn that insider mediators play numerous and changing roles: they do not just facilitate between the conflict parties, but also

within conflict parties, between local communities, and even between the negotiators and the formal mediators. They show an enormous perseverance, working before, in parallel and after formal peace processes, staying in the region long after the “outsider” mediator jets to the next conflict. They have in-depth knowledge of the conflict, enjoy a high level of legitimacy and trust from the side of the population, and frequently work in teams. They also undergo great risks, one reason why they need support. Recognizing their key role in peace processes is essential to supporting them (without standardizing them!), and increasing the effectiveness both of formal and informal mediation efforts.