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**Report of the Secretary-General on enhancing mediation
and its support activities***Summary*

The present report examines the challenges faced by the United Nations and its partners in providing professional mediation assistance to parties in conflict. It describes the need for experienced and knowledgeable mediators and support teams, with women adequately represented, and sufficient resources to provide assistance at an early stage to help parties design and pursue processes that will address the root causes of their conflicts, overcome obstacles that block progress, and achieve agreements that lead to sustainable peace. It discusses the importance of building local, national and regional capacity for mediation and the need for coherent partnership between the United Nations, regional and subregional organizations, States and non-governmental organizations. The cost-effectiveness of mediation in the constructive resolution of disputes is highlighted.



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I. Introduction

1. On 23 September 2008, the President of Burkina Faso convened a high-level meeting of the Security Council on “mediation and settlement of disputes”. In the presidential statement adopted on the same day (S/PRST/2008/36), the Council requested a report on mediation and its support activities, which takes into account experiences of the United Nations and other key actors, and makes recommendations for enhancing the effectiveness of United Nations mediation. The present report is prepared pursuant to that request after wide consultation.¹

II. Experience of the United Nations and regional organizations in mediation

2. United Nations mediation takes place within the normative standards set by the Charter of the United Nations and international law. Article 2, paragraph 3, of the Charter requires Member States to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered. Article 33, paragraph 1, requires Member States to seek a solution by peaceful means to any dispute to which they might be party if that dispute is of such a nature that its continuance is likely to endanger the maintenance of international peace and security. Of the various means that the Charter suggests for this purpose, mediation has proved to be the most promising. Since the peaceful resolution of disputes is a sovereign responsibility, building effective local and national capacity within States should be a priority. When assistance is needed, valuable support can be offered by the United Nations, regional and subregional organizations, and other actors.

3. Since its inception, the United Nations has played a useful role in helping to mediate inter- and intra-State conflicts at all stages: before they escalate into armed conflict, after the outbreak of violence, and during implementation of peace agreements. Good offices and mediation are carried out by the Secretary-General and his representatives and envoys at the request of the parties, on the Secretary-General’s initiative, or in response to a request from the Security Council or the General Assembly.² In 1992, the Department of Political Affairs was established to assist in this work. The Department’s senior staff and six regional divisions work closely with its special political missions and my office.

4. In 2004, the High-level Panel on Threats, Challenges and Change noted in its report that, while demand for United Nations mediation had skyrocketed in the past 10 years, resources devoted to this function had remained minimal.³ It recommended that the Department of Political Affairs be restructured and provided with additional resources to offer “more consistent and professional mediation

¹ A wide range of consultations was held with representatives of Member States, regional and subregional organizations and non-governmental organizations, as well as with the relevant departments and agencies of the United Nations system.

² The authority to provide good offices has been well established in the Charter, in various resolutions of the General Assembly, and from extensive practice. The range of activities carried out by the Secretary-General and his staff have included good offices, mediation, facilitation, dialogue processes, and even arbitration.

³ “A more secure world: our shared responsibility” (see A/59/565, para. 102).

support”. I am pleased that this restructuring has begun and that Member States have provided a significant portion of the resources I requested.

5. As part of the restructuring, and as an outcome of the 2005 World Summit’s recognition of the important role of the good offices of the Secretary-General, including in the mediation of disputes and its support for the Secretary-General’s efforts to strengthen his capacity in this area,⁴ I have established a small Mediation Support Unit in the Department of Political Affairs following approval by the General Assembly. Envisaged as a service provider for the entire United Nations system, it supports the mediation efforts of relevant departments as well as representatives, envoys and resident coordinators. The work of the Mediation Support Unit is coordinated within the Department of Political Affairs and the United Nations through two mediation focal point systems. It also provides mediation support to United Nations partners, such as regional and subregional organizations, as well as to States.

6. Despite constraints throughout the cold war, a number of good offices and mediation efforts were successfully undertaken.⁵ Since then, the United Nations has been involved in offering mediation, with varying degrees of success, in, for example, Afghanistan, Angola, Bougainville, the Central African Republic, Colombia, Cyprus, East Timor, El Salvador, Equatorial Guinea/Gabon, Georgia, Guatemala, Guyana/Venezuela, Haiti, Iran/Iraq, Myanmar, Nepal, Nicaragua, Nigeria/Cameroon, Tajikistan, the former Yugoslavia, the former Yugoslav Republic of Macedonia, and Western Sahara. In other cases, senior staff of the Department of Political Affairs have helped to reduce tension through quiet diplomacy. When United Nations peacekeeping missions or peacebuilding offices are established, the heads of mission and mission staff frequently engage in good offices or mediation to ensure that the peace process moves forward. Indeed, staff throughout the United Nations system are involved at many different levels in negotiation/mediation as they undertake their everyday activities.

7. The United Nations does not, of course, have a monopoly on mediation. “Resort to regional agencies or arrangements” is another option outlined in Article 33 of the Charter. Chapter VIII of the Charter requires Member States to make every effort to resolve their “local” disputes through those arrangements or by those agencies before referring them to the Security Council. It also enjoins the Security Council to encourage the settlement of local disputes by these means. Regional and subregional organizations, as well as a few States and non-governmental organizations, are now playing an increasingly active role in mediation and are further developing their capacity. The United Nations has partnered with some of those actors, either jointly or in a supportive role, in, for example, Bosnia and Herzegovina, Burundi, Cambodia, the Comoros, Côte d’Ivoire, Croatia, the Democratic Republic of the Congo, Eastern Slavonia, Ethiopia/Eritrea, the Great Lakes, Guinea, Guinea-Bissau, Haiti, Iraq, Kenya, Kosovo, Lebanon, Liberia, Mauritania, Mozambique, the Middle East, Namibia, Rwanda, Sierra Leone, Somalia, the Sudan, Uganda and West Africa.

8. Despite its proven cost-effectiveness, the practice of mediation has received remarkably little attention or support. Instead, our efforts have been concentrated on

⁴ General Assembly resolution 60/1, para. 76.

⁵ *Handbook on the Peaceful Settlement of Disputes between States* (United Nations publication, Sales. No. E.92.V.7).

the more costly tasks of dealing with the shattered remnants of devastated lives, communities and institutions of State, while the daunting challenge of reconstruction has absorbed resources that could have gone into early dispute resolution. As experience, lessons learned and best practices accumulate, it is imperative that we use this knowledge to strengthen our capacity to practise mediation more professionally and effectively throughout the entire international system.

III. Lessons learned and mediation challenges

9. Experience has highlighted a number of issues that must be addressed if we are to enhance the practice and outcome of mediation: When is the best time to provide third-party mediation? Who is most likely, in a given situation, to be able to help parties resolve their dispute or conflict? Who should be involved as partners in supporting the process and with what division of responsibility? How can the process be designed to maximize success? How can obstacles be avoided or dealt with most effectively? How can peace agreements that facilitate implementation be achieved? How can mediation be used throughout the implementation process to ensure that peace will become sustainable?

A. Resolving disputes in a timely manner

10. The most favourable time to resolve disputes is at an early stage, before they turn into violent conflict — when issues are less complicated; parties fewer; positions less hardened; relationships less damaged; and emotions more contained. When the threshold of armed conflict is crossed, the ensuing violence transforms the dynamic as loss of life and property, and dramatically increases grievances on all sides. The actions of each side are seen by the other as provocation requiring retaliation and both gains and losses reinforce escalation — in the first instance, because of the hope of prevailing; in the second, out of a sense of injustice and desire to even the score. As violence continues, issues expand and become more generalized. The number of parties grows, as new groups join the fray and existing groups splinter into factions. Conflicts spread geographically as alliances are formed and flows of weapons and rebels, as well as refugees fleeing the fighting, spill over into neighbouring States. In the worst cases, what began as a local conflict quickly engulfs surrounding countries or an entire subregion or region. The rapid transformation of a peacetime economy into a war economy creates new incentives for belligerents that make war more profitable than peace. The longer conflict persists, the more intractable it becomes, making its resolution ever more difficult; its impact on people, communities, institutions of State and the subregion or region ever more devastating; and the cost of rebuilding ever more expensive. Thus, even when disputes turn into armed conflict, the sooner mediation is initiated, the better.

11. The term “ripeness” is sometimes used to refer to parties’ calculations of the cost-benefits of entering mediation versus continuing the conflict. As originally understood, conflicts were considered “ripe for resolution” when parties reached a “mutually-hurting stalemate”. Regrettably, this led some to conclude that the international community should wait for a “hurting stalemate” to develop before offering mediation; but this turned out to be costly for all concerned, since

opportunities for early resolution were lost and a stalemate sometimes led, instead, to intractability. While a “hurting stalemate” may be one factor that leads to peace talks, other factors, such as a change in leadership or a change in the regional or geopolitical environment, can also do so. This concept has now been reformulated to take into account the role that third parties can play in cultivating and fostering ripeness at an early stage through the introduction of new ideas, skills, resources, and creativity.

B. Establishing a lead actor

12. Entry points for mediation vary. In some cases, parties seek assistance from the United Nations, a regional or subregional organization or another entity with which they have an association. In others, mediation is offered and parties are helped to understand its merits.

13. For mediation to succeed, it must be guided by a lead actor. Multiple actors competing for a mediation role create an opportunity for forum shopping as intermediaries are played off against one another. Such a fragmented international response reinforces fragmentation in the conflict and complicates resolution. Careful consideration is required as to who has the comparative advantage for the lead role. In some cases, one organization may assume this to be its prerogative, and the United Nations is considered to be an option of “last resort”. But evidence suggests that failed mediation efforts further intractability, as options for resolution become discredited and parties begin to doubt the utility of mediation, making the task of the United Nations, when it does become involved, more difficult. Thus, a key consideration in selecting the lead actor is who has the right combination of attributes so that failed mediation attempts do not accumulate, making the conflict ever more difficult to resolve.

14. Regardless of who is in the lead, there is a need for other actors to support the process in a coherent, well-coordinated manner. Different third-party mediators possess distinct advantages and disadvantages (as detailed in the annex). Rather than viewing these actors as either/or dichotomies, it is more useful to consider how institutions can work together to achieve synergy.

C. Selecting the most appropriate mediator/mediation team

15. The creation of a dedicated mediator database would help to ensure that mediators with the right set of attributes can be found for each situation. Political, as well as mediation skill, experience, knowledge and judgement are essential. Relevant languages are important, as are personal characteristics suitable for the cultural context. An in-depth understanding of all aspects of the conflict is necessary, although this can be attained on the ground through rigorous consultation. Mediators should be perceived as trustworthy, impartial — while adhering to the Charter — and authoritative. Good listening and problem-solving skills are indispensable, as is the capacity to understand parties’ motivations and concerns. The ability to communicate effectively and to give honest feedback is crucial, as are patience, persistence, creativity and willingness to take the initiative. Mediators should have a high tolerance for criticism and stress. Skill at handling the media and the ability to build a network of political and financial support for the

process are also important, along with an understanding of the importance of working closely with the rest of the United Nations system in a coordinated approach to the country and region.⁶

16. The Security Council in its resolution 1325 (2000) explicitly urged the Secretary-General to appoint more women as special representatives and envoys to pursue good offices on his behalf. Only eight women have ever been appointed to this role,⁷ and although all were or are involved in mediation during their missions, none have been appointed to an exclusively good offices/mediation role. As will be discussed in the recommendations, I am urgently addressing this issue.

17. Mediators also require support from a highly skilled professional team that possesses similar skill sets to those listed above. Team members should be qualified to prepare background briefings and proposals; identify experts on key substantive issues; offer advice on legal matters; draft agreements; talk with parties (at the mediator's request); prepare logistics; and assist with a communication strategy and media relations. Women should be appropriately represented at decision-making levels. It is also useful to include specialized expertise in human rights, gender, child protection, refugees and internally displaced persons, security arrangements, constitution-making, elections, power-sharing, rule of law, transitional justice, and wealth-sharing, so that these issues are properly reflected in the agreement. If the agreement is to be implemented by a United Nations field presence, the team should consult with the relevant Department to ensure that the agreement is implementable. As the agreement is drafted, liaison with the Office of Legal Affairs and other relevant departments or agencies, such as the Office of the United Nations High Commissioner for Human Rights, ensures that the peace agreements are legally correct and in compliance with United Nations principles and practice.

18. States also play a role in supporting mediation as Friends (of the Secretary-General or the process). They often host rounds of talks; encourage parties to be creative and flexible in finding innovative solutions that address core interests; reinforce progress; provide ideas, financial assistance and technical expertise; help to "level the playing field" when the parties' power is asymmetrical; show international support for agreements by being present at signing ceremonies; and provide resources for implementation. Experience suggests that the selection of Friends is best undertaken by the mediator and that it is wise to keep the number of Friends small and manageable. Friends need to be trusted by the parties and should possess good political instincts, creativity, and support the mediator's agenda. It is also best if they have experience in the country and can provide credible advocacy for the process with leaders, constituents, and the international community. Finally, it is important that Friends believe that peace is possible and are willing to stay the course.

⁶ Careful selection of mediators ensures that the "seven deadly sins of mediation", namely, ignorance, arrogance, partiality, impotence, haste, inflexibility and false promises, are avoided. See L. Brahimi and S. Ahmed, "In pursuit of sustainable peace: the seven deadly sins of mediation" (New York, New York University Center on International Cooperation, 2008).

⁷ Margaret Anstee in Angola (1992-1994); Angela King in South Africa (1992-1994); Elizabeth Rehn in Bosnia and Herzegovina (1997-1999); Ann Hercus in Cyprus (1998-1999); Heidi Tagliavini in Georgia (2002-2006); Caroline McAskie in Burundi (2004-2006); Ellen Margretha Løj in Liberia (2007-present); and Karin Landgren in Nepal (2009-present). Currently, four Deputy Special Representatives of the Secretary-General in peacekeeping missions are women.

D. Engaging the parties early

19. Early, low-key engagement by staff of the Department of Political Affairs, an envoy, or sometimes a resident coordinator is often a useful first step in persuading parties of the merits of mediation. Informal discussion aimed at understanding how parties see the situation and their aspirations and concerns is important, since the act of listening creates trust and begins to establish a relationship. From the parties' perspective, trust means confidence that a potential mediator will be impartial, professional, and have the skill to guide the process towards an acceptable outcome. Engaging in in-depth discussion allows parties to take stock of the situation and the possibilities for resolution. Since parties in dispute may not know how to resolve their differences, training can strengthen the constructive negotiation skills of key actors, and experience-sharing with participants from other peace processes can provide a better sense of what mediation can offer.

20. Experience has also shown that mediators may need to assuage parties' fears, since Governments may resist a United Nations role out of concern that it will "internationalize" the problem and give legitimacy to opposition or rebel movements. Opposition or rebel movements may fear that, as an intergovernmental body, the United Nations will favour the Government. United Nations mediators have found it useful to explain that mediation is a service that the Organization offers and that, rather than representing outside interference, it is, instead, a form of professional assistance.

E. Structuring mediation to address the root causes of conflict

21. Once a decision to enter mediation is made, United Nations mediators have often found it useful to reach agreement on procedural arrangements before entering substantive talks. A framework agreement usually sets out who the negotiating teams will be; who the mediator will be; his or her right to talk to any group deemed helpful; and how mediation will be structured (through direct or indirect talks or both). It frequently commits parties not to abandon the talks unilaterally and contains agreement on venue, agenda, and timeline, as well as procedures for interacting with the media.⁸ We have found that time and effort invested in this phase are well spent, as too many processes falter owing to lack of agreement on basic procedural issues.

22. Deciding whom to include in a mediation process and how to include them is fundamental. In general, the process should be as inclusive as possible, since excluded parties have greater motivation to act as spoilers. We have found that one means of balancing warring parties is to involve a broad-based group of widely respected nationals, such as elders, scholars, and leaders of women's and religious groups. But this presents a dilemma since mediation tends to become more complicated as the number of parties expands. Thus, innovative approaches are needed to ensure that civil society voices are fully heard and that the rights of

⁸ In El Salvador, the United Nations mediator carried out shuttle diplomacy over a period of eight weeks to work out a Framework Agreement in order to avoid procedural wrangling that had bogged down previous processes. Following agreement from both parties, the Framework Agreement was initialled in a plenary session and signed before the Secretary-General in a solemn ceremony designed to give sufficient weight to the undertaking.

refugees, internally displaced persons and other victims of conflict, as well as those traditionally marginalized, are taken into account.⁹ “Nothing about us, without us” has become the slogan for ensuring that all stakeholders’ issues are addressed. Encouraging a broad base of civil society groups to support the peace process provides an enabling environment and typically leads to a more sustainable outcome.

23. In its resolutions 1325 (2000) and 1820 (2008), the Security Council called for an increase in the participation of women at decision-making levels in peace processes. Indeed, most processes still involve only the male representatives of warring parties. The absence of women and the resultant failure of peace agreements to deal with women’s issues leads, however, to perpetuation of discrimination against women, their continued marginalization in the post-conflict society, and de facto impunity for abuses such as sexual violence during conflict. Peace processes, therefore, need to ensure not only adequate representation of women as participants and observers but also gender expertise in agenda-setting, substantive talks and implementation, in order to redress past inequalities, so that new institutions can be built to provide greater social justice for all.

24. Without the assistance of a skilled intermediary, parties typically view negotiation as a bargaining process that transfers their power struggle from the military arena to the negotiation table. In pursuit of winning at the table what they could not win on the battlefield, they advance their positions (solutions) and argue against those of the other side, often employing a range of coercive tactics to force the other to make concessions, including recriminations, threats, ultimatums and walk-outs. Such tactics, however, usually backfire, causing the other side to react in kind and bringing the process to a standstill.

25. The mediator’s challenge is to transform this adversarial process into one of problem-solving. In our usual practice, the mediator becomes an interlocutor with each party to understand its core interests and concerns and to help it move away from entrenched positions to explore innovative options that might address its interests, as well as those of the other side. New ideas are gradually introduced and international standards, practices and models examined. The more promising options are refined by the mediator with feedback from the parties and pieced together until a mutually acceptable agreement is achieved on each or all of the issues. The gradual building of confidence and the subsequent improvement in atmosphere that comes from sequential successes, as well as the encouragement of Friends, helps to nudge reluctant parties towards accommodation. How mediation is structured also affects outcome. United Nations mediators have favoured shuttle or proximity talks over joint sessions with all parties, since the latter are more confrontational — as parties are tempted to rehash the past, restate and justify their well-known positions and engage in tit-for-tat exchanges. Since mediators usually want to assist parties in moving away from entrenched positions to explore innovative options, indirect talks are usually considered more productive, until a

⁹ The Guatemalan peace process established an Assembly of Civil Society, composed of a wide range of Guatemalan civil society groups. While the Assembly did not participate directly in the mediation between the Government and the guerrillas, it did provide background texts for discussion by the parties and had the right to review and express views on all agreements reached in the bilateral talks, which, although not binding, did exert considerable pressure on the parties to take into consideration a broader range of interests. In cases where it is not possible to bring all parties into the process, other options may be explored.

greater level of confidence is achieved. After sufficient exploration and probing of interests and options, mediators often submit a single negotiating text to both sides and ask them to suggest changes. Following further discussion to clarify concerns, the mediator revises the draft and again presents it for comment until, in an iterative manner, the text evolves into something that all sides can accept. Ample time is required, however, to ensure that parties feel a sense of ownership over the process and outcome. Although separate agreements may be reached on various agenda items, most United Nations mediators adopt the rule of “nothing is agreed until everything is agreed” to ensure that latitude for trade-offs on priority issues remains.

26. In certain situations, United Nations mediation is carried out in a more formal plenary format but, even in this setting, indirect talks occur on the margins of meetings to move the process forward. Some mediation efforts have also employed joint technical or working groups to develop more creative and detailed proposals for consideration by those at the table.¹⁰

F. Using influence/leverage wisely

27. Leverage can be useful in mediation, but it must be exercised effectively. The key to effective leverage has been understanding the parties’ interests and providing incentives that address their aspirations and concerns. Involving parties as partners in a mutual exploration of incentives increases the chance of success and leads to a greater sense of ownership and increased likelihood that they will accept responsibility for necessary changes. Essentially, the better one understands the parties’ motivation, the more likely one is to be able to influence the process. Evidence suggests that the ill-conceived or simplistic use of externally imposed leverage often causes resistance and backfires, especially when parties believe that conceding to such pressure threatens important values, such as their sense of identity, honour, or commitment to a goal, or creates loss of face with constituents.

28. In United Nations mediation, the most effective leverage is often the mediator’s relationship with the parties, his or her moral persuasion, and intangible incentives such as recognition, assistance or legitimacy. Early engagement with the United Nations system and the donor community has also proved to be a powerful source of leverage, enabling parties to see the benefits of working towards agreement. Pledging conferences, following the signing of peace agreements, have offered tangible incentives.

29. Although United Nations mediators do not themselves employ disincentives, other actors, such as the Security Council, sometimes do, for example, through targeted sanctions, including commodity sanctions; travel bans; asset freezes; and arms embargoes. In such instances, mediators have helped parties to weigh up their options and consider how to avoid incurring such costs. While disincentives have been widely studied and applied, positive incentives have not received much attention and further work to refine them is merited.

¹⁰ This was done in the Cyprus negotiations in the lead-up to the referendum, when 12 working groups with up to 300 Greek and Turkish Cypriot lawyers and other experts worked constructively around the clock to produce the largest peace treaty ever developed.

G. Managing spoilers

30. Experience has demonstrated that one of the greatest risks to mediation comes from parties who believe that peace threatens their interests — for example, their power or the benefit they derive from the war economy — and who then use violence to undermine the process. This is particularly likely when talks are making progress or when agreement is near, since internal divisions within rebel movements or Governments become more pronounced and lead to hard-line break-away factions that are opposed to the process.

31. The United Nations has learned that it is important to identify whether a spoiler problem resides in the leadership or the constituents. Where there is considerable intra-party disagreement between moderates and hardliners, the leader may sign an agreement but be afraid to implement it for fear of backlash from hard-line constituents. Careful assessment of spoilers' motivation is required for the mediator and the international community to respond appropriately.

32. Several types of spoilers have been identified and strategies devised for dealing with them. In some cases, mediators have been able to address their concerns and re-engage them in the process, for example by responding to their security fears with guarantees. In other cases, the “departing train strategy” (where the mediator asserts that the process will go forward regardless of whether a party joins or not) has been used. When peace is achieved, the party that has excluded itself may change its analysis as the advantages of participation become clearer. Threats to withdraw international support have been shown to be dangerous, since they give spoilers veto power over the process. In some cases, coercion or threats of coercion have resulted in spoilers coming to the table, but, to be effective, such actions need to be credible and backed by appropriate and timely responses. Disincentives, however, have not always been as effective as expected, as parties often value their resistance to coercion more than they do the losses they will suffer.

33. Spoilers are often motivated by the power and status of being a wartime leader, as well as the benefit derived from a war economy. The profits earned by black marketeers, drug lords, smugglers, traffickers, and government or guerrilla commanders cannot be underestimated. In previous United Nations reports it has been noted that spoilers have the greatest incentive to defect from peace processes when they have independent sources of income to pay soldiers, buy weapons, and enrich themselves. Where income from the export of narcotics or valuable commodities cannot be stopped, peace is less likely.¹¹ Although civil wars often begin with the aim of taking over, retaining control of, or seceding from a State, many quickly mutate into wars in which economic incentives come to the fore. In such situations, the problem is not simply the breakdown of the previous system but the emergence of a new system of power, profit and protection. This underlines the importance of early action to mount skilled, well-designed and well-resourced efforts to resolve disputes or conflicts before their reach extends into the murky world of transnational crime.

34. The role of international actors is crucial to the control of spoilers and the recent judicious imposition of targeted sanctions has been used to good effect in a

¹¹ Report of the Panel on United Nations Peace Operations, 21 August 2000 (see S/2000/809).

number of situations.¹² In general, where there has been coherent international action to support a peace process and deal with spoiler behaviour, the situation has been managed; where this coherence has not been present, spoilers have succeeded in derailing the process at great cost. The failure of the Arusha and Bicesse Accords, due to the action of spoilers, led to the death of an estimated three million people.¹³ External actors must also be dissuaded from supporting spoilers with weapons, money and sanctuary.

H. Accommodating peace and justice

35. When conflicts lead to gross violations of human rights and international humanitarian law, peace and justice are indivisible. In practice, addressing both can sometimes be a challenge for mediators, parties, civil society, and the international community. The cultural context, the stability of the post-conflict environment, and the wider normative standards and practices of the United Nations must be taken into account. To ensure that transitional justice issues are adequately covered in the agreement, mediators should rely on the expertise developed within the United Nations system and by relevant external experts. Widespread national consultation with civil society groups, including victims, is also vital, particularly where their perspectives are not represented by the negotiating parties.

36. Some important normative boundaries for United Nations mediators are detailed in my predecessor's report on the rule of law and transitional justice in conflict and post-conflict societies, in which it is stated that United Nations-endorsed peace agreements can never promise amnesties for genocide, war crimes, crimes against humanity or gross violations of human rights.¹⁴ When parties seek to condition their participation in peace processes on demands for amnesty, United Nations mediators should adhere to these norms, follow the guidelines for such situations, and consult with relevant partners at Headquarters.

37. Where serious crimes have been committed, pursuing international justice during mediation can generate considerable tension and affect the outcome, since indicted parties may cease cooperation and actively obstruct the process. Ignoring the administration of justice, however, leads to a culture of impunity that will undermine sustainable peace. Now that the International Criminal Court has been established, mediators should make the international legal position clear to the parties. They should understand that, if the jurisdiction of the International Criminal Court is established in a particular situation, then, as an independent judicial body, the Court will proceed to deal with it in accordance with the relevant provisions of the Rome Statute and the process of justice will take its course.

¹² For example, in Angola, Côte d'Ivoire, Darfur, the Democratic Republic of the Congo, Liberia, Sierra Leone, and Somalia.

¹³ See report of the Secretary-General of 21 March 2005 entitled "*In larger freedom: towards development, security and human rights for all*" (A/59/2005), para. 86.

¹⁴ Report of the Secretary-General of 23 August 2004 on the rule of law and transitional justice in conflict and post-conflict societies (S/2004/616), para. 10.

I. Achieving peace agreements that facilitate implementation

38. Experience has shown that peace agreements must meet certain criteria to withstand the stress of implementation. We have learned that, when the United Nations is expected to have an implementation role, it should be involved in brokering the agreement or, at the very least, have sufficient input into framing it to ensure that it is implementable.

39. Agreements that resolve all major issues and grievances that led to tensions in the first place — either by addressing the root causes directly or by establishing new institutions to deal with them over time — tend to be the most viable. Generally, agreements that are more complete are easier to implement since more of the issues in contention have been decided, leaving less to be negotiated during implementation. Of critical importance is finding a model for power-sharing that fits the unique characteristics of the situation. Post-conflict electoral systems are best designed to provide for broad and inclusive representation and avoid dominance by single parties or elements of society, so that losers do not have an incentive to take up arms again.

40. Agreements must also respect international standards. The Mediation Support Unit has prepared a series of Operational Guidance Notes¹⁵ based on existing United Nations policies, guidelines and standards to help mediators and their teams think through the most important process and thematic issues.

41. Viable agreements also need to be acceptable to the majority of constituents. While mediators and parties usually seek to maintain confidentiality with regard to the internal dynamics of the mediation process, a communications strategy remains important as talks continue, in order to establish appropriate expectations and to prepare the public for the outcome. Once an agreement is signed, a more robust media campaign is needed to inform the population of the opportunity for constructive change and to engage them in active participation in reconstruction.

42. The most effective peace agreements have also been those with clear guidelines about implementation priorities and realistic timetables.

43. Having a strong dispute resolution mechanism, as part of the structure that will monitor implementation and prevent or resolve crises, is critical to outcome.¹⁶ Careful attention should be given to the composition of this structure, including selection of the most appropriate local and international actors. To ensure that such structures are effective, there is often a need to develop the capacities of those involved for collaborative leadership, consensus-building and constructive negotiation. Some of these issues will be discussed in my forthcoming report on peacebuilding.

¹⁵ Available from www.un.org/peacemaker.

¹⁶ In Tajikistan, for example, the Commission on National Reconciliation was created by the peace agreement on the basis of parity between the Government and the opposition, with equal numbers from each side and with several subcommissions to manage different issues. A Contact Group of Guarantor States and Organizations, chaired by the Representative of the Secretary-General, assisted the parties and the Commission and its support was crucial during several crises.

J. Mediating throughout implementation

44. Mediation does not end once an agreement is signed. Formal and informal good offices or mediation are required throughout implementation. Different aspects of the agreement, such as restoration of security and basic services; disarmament, demobilization and reintegration; return of refugees and internally displaced persons; promotion of human rights; security sector reform; child protection; adoption of a constitution; holding of elections; rebuilding institutions; establishing transitional justice mechanisms; and restarting the economy, are addressed at different times and details need to be negotiated and carefully sequenced. Understanding parties' interests and seeking innovative ways to address their concerns is as important in this context as in any other. Some of these issues can be dealt with by means of the dispute resolution mechanism that is established, but others call for wider dialogue between diverse groups within society. United Nations field entities should utilize mediation and dialogue specialists to assist the mission and country team in promoting national dialogue and reconciliation.

45. When a significant breakdown in implementation occurs, heads of mission are often compelled to devote more time and energy to resolving the crisis. On occasion, an outside mediator has been deployed but, to be effective, the mediator needs to complement and work in close coordination with the head of mission to ensure that his or her efforts are in step with the common strategic vision of the mission and the country.

K. Providing mediation support

46. Systematic preparation for mediation can address many of the challenges discussed above. To accomplish this, the Mediation Support Unit has established its internal capacity along thematic, as well as process-design lines, to provide operational support to mediation efforts. The Unit is now routinely involved in assessment and planning missions to establish and support mediation processes. In 2008, the Unit added a standby team of experts to assist mediators and parties by providing ideas, models, and proposals for innovative approaches to constitutional, power-sharing, wealth-sharing, transitional justice, reconciliation and security issues. The Mediation Support Unit can deploy this team within days of a request. I am pleased to report that by late 2008, the Unit had supported 18 ongoing or new peace processes and was beginning to assist the Southern African Development Community, the Economic Community of Central African States, the African Union and the European Union in strengthening their mediation capacities. As our repository of knowledge grows, the Unit will translate this information into operational guidance and make it available on its UN Peacemaker website.¹⁷

47. Through support from voluntary contributions, the Mediation Support Unit has recently established mediation start-up funds. These highly flexible funds are modest, but early contributions have already proved useful. They have allowed the Department of Political Affairs to send political affairs officers and process and thematic experts to plan and facilitate talks and provided funding for the logistics required. These funds will have to be supplemented in the near future.

¹⁷ www.un.org/peacemaker.

L. Strengthening regional capacity for mediation

48. As linkages have become more apparent, we have realized the importance of viewing conflicts in their regional or subregional context. Accordingly, we have made a greater effort to work closely with our regional and subregional partners. In addressing inter-related conflicts, we have mostly employed a conflict-by-conflict approach, where the removal of one conflict provides momentum for the resolution of the next. More recently, however, we have tried a bolder, subregional approach in which the problems of the subregion are tackled in a broader, more coordinated fashion, for instance, through the International Conference on the Great Lakes Region. Other subregions or regions may benefit from a similar, more holistic approach.

49. In our attempts to work jointly with regional organizations, several types of partnership have been utilized. The first model is where one organization assumes the lead role and others take secondary roles as observers or Friends, providing political and/or technical support. A second is when the United Nations and a regional or subregional organization are involved in joint mediation but one mediator is appointed to represent both. While this has the advantage of providing both regional and international support, close coordination is needed between headquarters to avoid a clash of political or bureaucratic approaches. A co-mediation model has also been used, where the United Nations and a regional organization both appoint a mediator, and the two work together. This has the same benefits and disadvantages as a jointly appointed mediator, but is dependent on the ability of the co-mediators to work together effectively. One example of excellent cooperation between the United Nations and a subregional organization is the United Nations Office for West Africa. Since its creation in 2002, its staff have worked with the Economic Community of West African States on a daily basis, assuming different but complementary roles in different situations, resulting in several successful mediation efforts.

50. How the United Nations and regional organizations decide on partnership arrangements has not been regularized. As outlined in my report on the relationship between the United Nations and regional organizations in the maintenance of international peace and security,¹⁸ a more strategic discussion should be held on ways to establish a clearer framework for effective decision-making and coordination, including a common code of conduct.

51. The need to strengthen the capacity of regional and subregional organizations has been extensively reviewed in two of my recent reports and in the 10-year capacity-building programme for the African Union.¹⁹ The United Nations has a

¹⁸ See footnote 19.

¹⁹ Report of the Secretary-General of 7 April 2008 on the relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security (S/2008/186); report of the Secretary-General of 8 August 2008 on cooperation between the United Nations and regional and other organizations (S/2008/531 and Corr.1); and Declaration on enhancing United Nations-African Union cooperation: framework for the ten-year capacity-building programme for the African Union (A/61/630, annex; also available from www.aumission-ny.org/declaration.htm). See also the report of the African Union-United Nations panel on modalities for support to African Union operations (S/2008/813).

two-year workplan with the African Union to build its mediation capacity and I call on all partners to work within this framework.

M. Strengthening national/local capacity for conflict prevention/resolution

52. Given the promise it holds for States to resolve inter-group tension without recourse to violence, the development of national and local mechanisms for addressing grievances and reducing tension through mediation, facilitation and dialogue has received surprisingly little attention. Recent efforts by the Inter-Agency Framework Team for Conflict Prevention and the joint programme of the United Nations Development Programme (UNDP) and the Department of Political Affairs on building national capacity for conflict prevention to place peace and development advisers in UNDP offices to build national and local capacity and mechanisms have begun to redress this. Although this work goes beyond mediation to include other peace processes, one promising approach is the development of a national architecture for dispute resolution through national, regional and district peace councils to provide mediation and prevent local conflicts from escalating and spreading. Given the African Union's call for all its members to establish, by 2004, national institutions or mechanisms for prevention, management and resolution of conflicts at community and national levels, much remains to be done.²⁰

53. Local and national capacity for mediation and dialogue is particularly important in post-conflict situations as part of the strategy to prevent the recurrence of violence. Efforts to strengthen rule of law and security sector institutions could be augmented by a parallel investment in local and national dispute resolution mechanisms, as is now being done in some peacebuilding missions.²¹

N. Ensuring Security Council support for mediation

54. The Security Council has an important role to play in all stages of the conflict cycle in supporting the Secretary-General, the Secretariat and United Nations missions as they work with parties and local populations. Although successful good offices and mediation may require greater discretion than peacekeeping or peacebuilding, it remains important to keep the Council abreast of the overall progress of peacemaking efforts. I appreciate the Council's willingness to give United Nations mediators the necessary time and space to work with the parties to find a resolution for which they can feel ownership. I also welcome the Council's understanding that its mandates are most effective when they place mediation within the framework of the Charter and do not pre-determine its outcome, since this can undermine parties' incentive to negotiate. Experience has shown that mediation is most successful when the Council is united, its responses appropriately timed, and its support sustained.

²⁰ Memorandum of Understanding on Security, Stability, Development and Cooperation in Africa, adopted at the Heads of State and Government First Standing Conference on Security, Stability, Development and Cooperation in Africa, held at Durban, South Africa, on 8 and 9 July 2002.

²¹ For example, in the integrated offices in Burundi and Sierra Leone.

55. In some situations, the Security Council's endorsement of a mediator has helped to clarify the situation and strengthen the mediator's hand, even when the mediator is from a regional or subregional organization. In such cases, the designated mediator can then have further talks with other actors to clarify their roles.

56. In crisis situations, the Security Council has sometimes supported the mediator through Council missions and face-to-face meetings with actors on the ground. These have been most useful when carefully coordinated with the Secretariat and when there is a clear objective. Recommendations in the reports of such missions have been useful to mediators in supporting their efforts. Such missions can also help to influence other regional actors to support the process, thereby changing the dynamics.

57. Recently, the Security Council has used its instruments of persuasion to deal with spoilers by adopting targeted sanctions and by creating expert panels to investigate war economies and help the relevant sanctions committees to identify the individuals and entities to be targeted. When names are named in the reports of those expert groups and when Council measures are reinforced with appropriate action, such as listing violators and implementation of individual targeted sanctions, this has an important influence on both internal and external spoilers. Curbing the access of rebels to funding for their activities through commodity sanctions, the establishment of such control systems as the Kimberly Process Certification Scheme, and stemming the flow of funds from diasporas to warring groups have also helped.

O. Resourcing mediation efforts

58. As discussed throughout this report, successful mediation is complicated and requires the rapid deployment of a mediator and support teams when a situation is deteriorating, as well as setting up an infrastructure for talks. While these are not costly in comparison to dealing with the aftermath of conflict, they require readily available resources. Far too often, critical time has been lost in identifying a potential mediator, mobilizing support staff and technical expertise, and lining up donors — as opposed to having such capacities ready. Even successful recent examples, such as the mediation support provided by the United Nations after the 2007/08 electoral crisis in Kenya, or more recent efforts in the eastern Democratic Republic of the Congo and Madagascar, posed major challenges in mounting timely assistance in the absence of adequate means.

59. Mediation must be properly resourced and mediators and their teams ready to be deployed quickly. Early mediation in a preventive context can, if successful, obviate the need for some peacekeeping missions. More effective mediation at the peacemaking stage could result in peace agreements that were more implementable. Robust mediation capacity during implementation could lead to the more rapid and efficient consolidation of peace. Indeed, enhancing our Organization's capacity in all of its approaches to conflict — mediation, peacekeeping and peacebuilding — is likely to reduce overall financial costs to the United Nations as well as the human costs of conflict. In this context, I welcome the recent decision by the Security Council to conduct a strategic review of peacekeeping and look forward to the outcome of this and related initiatives.

IV. Summary and recommendations

60. Given the centrality of the peaceful settlement of disputes to the mission of the United Nations and the proven cost-effectiveness of skilled third-party mediation, it is surprising that so little attention and resources have been devoted to building this capacity within the United Nations system, especially in the light of the rapid development in the study and practice of mediation as a discipline or profession in academia and the private sector. The ability of the United Nations to carry out mediation has also been severely hampered by the lack of adequate, dedicated human and financial resources; by the absence of sufficient resources for staff in the regional divisions of the Department of Political Affairs to travel to the field; and by the relative lack of attention to this area compared to improvements in our peacekeeping and humanitarian efforts.

61. Too often in the past, mediators have been dispatched without the full benefit of specialized training and background information, giving United Nations efforts an ad hoc quality too dependent on trial and error. The pool of experienced United Nations mediators has been limited and many of the surprisingly small group of those who carried out successful mediation have retired or left the Organization. Efforts to identify promising United Nations staff or others outside the United Nations who might be groomed for such a role remain nascent. The few training programmes created to enhance the skills of United Nations staff are reliant on voluntary funding²² and training for senior mediators does not exist. Although we have learned many lessons, there has been insufficient effort to capture, organize and pass these on to future mediators.²³

²² In 1993, UNITAR established the annual UNITAR-IPI Fellowship Programme in Peacemaking and Preventive Diplomacy to provide training to middle- and senior-level United Nations staff, diplomats and staff from regional organizations. Over the 16 years of its existence, the programme has provided in-depth training to 536 participants in conflict analysis, negotiation and mediation. In 2000, UNITAR established a similar programme for African diplomats and staff from the African Union and subregional organizations, which has provided in-depth training in conflict analysis, negotiation and mediation to 372 participants. In addition, UNITAR holds an annual Seminar for Current Special and Personal Representatives and Envoys of the Secretary-General, at which Special Representatives and senior Headquarters and agency staff share experiences and discuss issues of mutual concern. From 1998 to 2007, the United Nations System Staff College organized a training course on early warning and preventive measures, which has provided training to 1,412 staff from the United Nations system, regional organizations, non-governmental organizations and Governments. Currently, the Staff College offers training and knowledge-sharing in cooperation with the Inter-Agency Framework Team for Conflict Prevention to country teams wishing to integrate conflict prevention into United Nations planning and programming processes. It is also developing an annual programme in conflict prevention: analysis for action, which will be available to United Nations staff and others. More recently, the Folke Bernadotte Academy of Sweden has also begun to provide training to staff from the United Nations, regional and subregional organizations, Governments and civil society organizations in mediation and dialogue processes. That course, entitled "Facilitation of dialogue processes and mediation efforts", is a week-long programme and has provided training to 184 participants to date.

²³ Exceptions are the UNITAR book, *On Being a Special Representative of the Secretary-General* (which captured lessons learned from extensive interviews with Representatives and Special Representatives of the Secretary-General), the UN Peacemaker website, and after action reviews, which are now being routinely carried out by the Mediation Support Unit.

62. It is clear that we have much to do to professionalize our mediation capacity and that of our partners. The recent decisions of the General Assembly to reinforce the capacity of the Department of Political Affairs through additional staff and the creation of the Mediation Support Unit provide an opening that can be built upon to attain this goal. To redress the remaining inadequacies, I offer the following recommendations:

(a) **Strengthen conflict prevention and resolution through early United Nations engagement.** It is essential to make the United Nations more proactive in preventive diplomacy, good offices, mediation, facilitation and dialogue. The recent strengthening of the Department of Political Affairs provides the Organization with a modest but meaningful capacity to offer early support in this regard, as part of the broader efforts of the United Nations system in a particular country. This capacity can be used to enhance our quiet efforts for the peaceful, early and consensual settlement of disputes, either directly or with regional or subregional organizations or other partners. It is also important to increase the voluntary funding available to manage start-up and short-term mediation. We will also reinforce the mediation support provided by the Department of Political Affairs to representatives, envoys and resident coordinators.

(b) **Professionalize operational support to mediators.** It is important for my mediators to have at their disposal a reasonable level of operational support. In addition to political analysts, this includes (a) experts on the design and management of mediation, facilitation and national dialogue processes; (b) thematic experts from specialized partners within the United Nations system, as well as external experts — on issues such as security arrangements, constitution-making, elections, power-sharing, the rule of law, human rights, refugees and internally displaced persons, gender, child protection, transitional justice, and wealth-sharing; (c) flexible funding arrangements; and (d) versatile administrative and logistics options for different situations. I have asked the Department of Political Affairs to develop a multi-year programme to provide operational support to mediation, facilitation and dialogue processes which will draw upon the expertise of United Nations departments and agencies. This programme will continue to rely on some measure of voluntary contributions for operational costs. The Department is also tasked, working closely with relevant parts of the United Nations system, to develop administrative and logistic options to support mediation.

(c) **Develop the next generation of United Nations mediators: Opportunities should be created for United Nations staff, throughout their careers, to acquire professional mediation know-how commensurate with the preventive diplomacy and peacemaking responsibilities of the Organization and to train a large number of our regional specialists in these techniques. I welcome the decision of the General Assembly to support my proposals on the management of human resources, which provides the foundation for the professionalization and specialization of mediation support. There should also be a structured partnership with Member States, regional organizations and non-governmental organizations to share rosters and databases for good offices, mediation, facilitation and dialogue processes. I appeal to Member States to support the existing training programmes for staff from the United Nations and regional and subregional organizations in these areas, most of which are funded from voluntary contributions.**

(d) **Integrate mediation support into United Nations field presences.** Given the continuing need for good offices or mediation during the implementation phase and the fact that United Nations missions are often mandated with such tasks, United Nations field presences should have access to mediation, facilitation and dialogue expertise. This capacity would support the head of mission in his or her conflict resolution efforts and could assist in national reconciliation processes and in developing negotiation skills among host-country stakeholders.

(e) **Build on the early progress of the Mediation Support Unit.** Within a short period and with strong support from Member States, the Mediation Support Unit has become a practical tool for supporting the good offices and mediation efforts of the United Nations and regional organizations. This includes the deployment of mediation experts at short notice to support teams on the ground, the provision of analytical support based on best practices, and modest but flexible funding for discreet consultations with the parties. The next steps for the Unit's development include preparation of a reliable roster or database of mediators at different levels, more systematic attention to lessons learned and the creation of guidance materials. To attain these goals, I count on the support of Member States through both regular budget and voluntary contributions.

(f) **Foster gender balance and expertise in senior mediation posts.** In resolution 1325 (2000), the Security Council urged the Secretary-General to appoint more women as special representatives and envoys to pursue good offices. I intend to make this a reality. To this end, I have directed senior managers to always include qualified women in the nominations they submit for senior posts and I count on the support of the Council to assist me in this effort. Given the importance of addressing sexual violence in conflict situations, pursuant to resolution 1820 (2008), there is an urgent need to ensure that all senior mediators are provided with the expertise to address such issues and to enhance women's participation at peace talks. Expertise in gender issues is also required in other aspects of peace agreements, such as power-sharing, wealth-sharing, and security and justice measures.

(g) **Develop closer partnerships with regional and subregional organizations and other mediation actors.** I request the Department of Political Affairs to continue to collaborate and partner with regional and subregional organizations, Member States and non-governmental organizations on the establishment, management and implementation of peace processes as described in my recent reports and in the 10-year capacity-building programme for the African Union. The Department should be ready to offer its support to mediation partners, assist in building their mediation capacity, and exchange lessons learned and best practices. The Organization should also learn from these partners.

(h) **Promote national and local capacity in conflict prevention and resolution.** It is my intention to prioritize United Nations support to strengthen national and local capacities in mediation, facilitation and dialogue. I strongly endorse the African Union's call for its members to establish national institutions or mechanisms for conflict prevention and resolution, and I invite all States Members of the United Nations to consider how to build their own national and local capacity to reduce tension and resolve grievances through such approaches. The United Nations stands ready to assist in this endeavour.

63. Although there is solid evidence that efforts by the United Nations and our partners have made an impact in reducing the number of conflicts around the world,²⁴ new dangers are on the horizon. Competition for scarce resources is a powerful driver of conflict, especially when added to existing grievances between groups. As a result of the economic downturn, climate change and the growing depletion of resources, from arable land to water to oil, disputes within and between States may become more common in the future. Our Organization and our partners will need all of the knowledge, skill, wisdom and resources we can muster to meet this daunting challenge. Since one of the most promising approaches to the peaceful settlement of disputes is skilful third-party mediation, we, the United Nations, have a responsibility to “we the peoples” to professionalize our efforts to resolve conflicts constructively rather than destructively and to “save succeeding generations from the scourge of war”.

²⁴ Human Security Project, *Human Security Report 2005: War and Peace in the 21st Century* (London, Oxford University Press, 2005).

Annex

Comparative advantages of different international actors for mediation

1. As the only global intergovernmental organization whose primary function is the maintenance of international peace and security, the United Nations has a number of distinct advantages. One is that all 192 Member States, by virtue of becoming members of the Organization, have agreed to resolve their disputes peacefully, to respect human rights, to work for social and economic justice, to practise tolerance, and to live together in peace. Since some regions do not yet have regional organizations and a number of States do not belong to any regional arrangement or agency, the coverage of the United Nations is greater than that of regional organizations, singly or collectively. The United Nations also provides the most comprehensive dispute settlement system available, with a full range of organs — the General Assembly, the Security Council, the International Court of Justice and the Secretary-General — and a wide range of methods. By virtue of its more than 60 years of work in this field, the United Nations has more institutional experience in mediation than any other organization, as well as extensive expertise in the implementation of peace agreements through the deployment of multiple peacekeeping operations. Finally, the human and financial resources of the United Nations, although small in relation to its enormous mandate, are considerably greater than those of most other intergovernmental, governmental or non-governmental organizations operating in the field of conflict prevention and resolution.

2. In recent years, there has been a burgeoning of regional and subregional organizations. In Africa, the African Union and African subregional organizations, such as the Economic Community of West African States, the Southern African Development Community, the Intergovernmental Authority on Development and the Economic Community of Central African States, have been steadily gaining experience in mediation. Elsewhere, the European Union, the Organization for Security and Cooperation in Europe and the Commonwealth have been increasingly engaged in mediation efforts, and the Organization of American States, the Association of Southeast Asian Nations and the Pacific Islands Forum have quietly offered assistance in their own regions. The Commonwealth of Independent States, the League of Arab States and the Organization of the Islamic Conference also have undertaken or supported mediation efforts among their members and a number of other organizations are also building capacity in this area. Each of these has developed its own unique approach to mediation based on the particular historical and cultural context of the region and organization and the experience of its previous multilateral efforts. A more systematic sharing of these different approaches as well as the lessons learned and best practices, within and between regions, could be very productive. Like the United Nations, regional and subregional organizations have advantages and disadvantages. One advantage is that their members are often more familiar with the parties and the situation on the ground. Proximity can make a situation more salient and ensure earlier attention to a problem since neighbours are likely to take a greater interest in conflict prevention in an adjacent State if they fear that fighting could spread or result in uncontrolled flows of arms or refugees through their territory. In some situations, however, neighbours may have a vested interest, such as when members of an aggrieved

group in a neighbouring State are “ethnic kin”. Regional politics can play either a positive or a negative role. In some cases, regional influence may have more impact on the warring parties than international influence; in others, the opposite may be true. While regional approaches are often effective, vigilance is required in situations where regional rivalries and cleavages cause Governments to take sides, thus leading to a wider conflict. In each situation, careful consideration is required by both the regional and international actors as to which organization might be best placed to become the lead actor.

3. A number of Member States have acted as third-party intermediaries in various situations around the world, in addition to their more traditional support role as Friends of the process. Big Power mediation has long been practised by powerful States in areas they regard as their spheres of influence or where their perceived strategic interests are at stake, but mediation has also been undertaken by a number of smaller States for a variety of reasons, including their desire to resolve problems that negatively affect their own well-being. “Local solutions to local problems” has become a common theme in recent years as States, alone or in partnership, have offered their own mediation services to improve regional stability and avoid international attention. A few States have also worked to develop their mediation expertise as part of a more modern approach to foreign affairs and development issues, where peace and development are seen as indivisible and sustainable peace as a necessary prerequisite for sustainable development. Compared to intergovernmental organizations, State actors often have the advantage of flexibility; the ability to become involved more quickly, quietly and discreetly; and have fewer legal restrictions. They are also sometimes more acceptable to other Governments.

4. A small number of non-governmental organizations is also now involved in offering mediation services in situations that have been neglected by others.^a Their success in a few situations augurs well for their further development as peacemakers in their own right, although their lack of capacity to carry out the full implementation of agreements remains a serious drawback. Another very important role has been the careful analysis of situations on the ground in potential or actual conflict situations and the provision of recommendations for action by the United Nations and the international community which, because of their quality, are often consulted by policymakers.^b The multiplicity of different kinds of non-governmental organizations means that they can support a peace process in a variety of ways, if the envoy or his or her mediation team are aware of and take advantage of this opportunity. Early engagement is one area where some non-governmental organizations can be useful. Since their decision-making processes are typically less complicated than those of other actors, they can mobilize resources and act quickly — for example, become involved in establishing preliminary contact between parties. They may also be less threatening to States parties, as their engagement is usually perceived as conferring less legitimacy on the adversary. Since they are not seen as pursuing their own geopolitical or regional goals or capable of using coercive forms of leverage, they may be perceived as less threatening to the parties and thus be more able to create an environment of trust,

^a These include the Carter Center, the Community of Sant’ Egidio, the Centre for Humanitarian dialogue and the Crisis Management Initiative.

^b The International Crisis Group is the pre-eminent model for this kind of very valuable political analysis, although a number of human rights non-governmental organizations also routinely offer valuable analysis and recommendations.

where parties feel free to test ideas and build relationships. Non-governmental organizations can help to facilitate informal processes that can feed into official mediation efforts, where those who have influence on the official negotiators are brought together in problem-solving workshops to enhance understanding of one another's interests, to explore creative ideas for resolving differences and to build channels of communication. Non-governmental organizations are also useful when they possess particular expertise on thematic, regional or process issues, which can be used to assist official mediators or the parties themselves. Local non-governmental organizations, which may have been involved in a particular context for years, can contribute to building constituencies for peace by engaging influential individuals and grass-roots actors and by linking these processes to official peace talks. They can help to ensure that civil society voices are heard, especially the voices of those that are often excluded, such as women, young people, victims, displaced persons and ethnic minorities, and that their perspectives are considered in the official mediation process. Most non-governmental organizations, however, have far more limited resources than the United Nations or regional and subregional organizations, as they are usually entirely dependent on voluntary contributions, making their staying power more tenuous.

5. To be truly effective, contemporary peace processes require the contribution of multiple actors whose assistance can be tapped at different stages of the process in accordance with their specific strengths. A creative multi-track approach to mediation thus involves a multitude of actors working in concert with one lead actor.
