

# Mediation in the United Nations

## Mediación en las Naciones Unidas

**Kevin Brown**

Mediation International, Madrid, SPAIN

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**Abstract:** This article focuses on the commonly referred to intractable conflicts that the United Nations, UNDP and other international organizations have been immersed in for many years and how mediation has evolved over the years. International intractable conflicts pose serious threats to the regions where the conflict is occurring as well as neighbouring states and across the globe. Many international actors become involved in attempting to manage the escalation of international conflicts and history has shown us that not all interventions are successful (Israel/Palestine, Cuba/USA, Ukraine/Russia, Spain/England-Gibraltar etc.) In fact, some interventions have exacerbated the conflict and escalated the tension between the parties. The United Nations have implemented numerous programs including an Insider Mediation program to address the intractable conflicts that are occurring across the globe. This article briefly outlines the various conflict resolution approaches undertaken by the UN over the years. .

**Resumen:** El presente artículo se centra en los que conflictos que normalmente se consideran conflictos más difíciles en los que se han implicado las Naciones Unidas, el PNUD y otras organizaciones internacionales durante muchos años, y en cómo ha evolucionado la mediación a lo largo de los años. Los conflictos internacionales más difíciles plantean serias amenazas en las regiones en los que ocurren así como en los países vecinos y en todo el mundo. Muchos actores internacionales se implican en intentar gestionar la escalada de conflictos internacionales y la historia nos ha demostrado que no todas las intervenciones son exitosas (Israel/Palestina, Cuba/EEUU, Ucrania/Rusia, España/Inglaterra-Gibraltar etc.) En efecto, algunas intervenciones han exacerbado el conflicto y han hecho escalar la tensión entre las partes. Las Naciones Unidas han puesto en marcha numerosos programas entre los que se encuentra el programa de Mediación interna para la resolución de los conflictos difíciles que se producen en el mundo. Este artículo resume brevemente los distintos enfoques de la resolución de conflictos utilizados por la ONU a lo largo de los años

**Keywords:** United Nations, Mediation, Conflict Resolution, Insider Mediation, Peace.

**Palabras clave:** Naciones Unidas, mediación, resolución de conflictos, mediación interna, paz.

### Kevin Brown

Is a conflict mitigation specialist fully approved and certified by International Mediation Institute (IMI) to provide Alternative Dispute Resolution (ADR) services to local and international clients.

Kevin has over 25 rich and diverse years as a senior Alternative Dispute Resolution (ADR) specialist, both as an ombudsman/mediator/facilitator and as an academic theorist. His background includes; a Masters degree in International Conflict Analysis and Management with Royal Roads University, Canada; at the time of this writing, he is a PhD candidate with Euclid University studying towards his doctorate in Mediation and Conflict Resolution. He has 25+ years experience in peace-building as an ombudsman/mediator; designer of ADR training programs, over 6000 hours facilitating ADR training programs, extensive experience investigating individual and organizational conflict assessments.

He is honoured to be included on the Roster of Experts with UNDP for mediation and ADR facilitation as well as political transitions.

E-mails about this article should be sent to the author's address: Kevinbarrybrown@gmail.com

*«I believe we have only begun to explore the full potentialities of the United Nations as an instrument for multilateral diplomacy, especially the most useful combinations of public discussion on the one hand and private negotiations and mediation on the other.»*

Dag Hammarskjöld, former Secretary General, United Nations (1954)<sup>1</sup>

I am honoured to have been invited to write this article for Revista de Mediación regarding the subject of Mediation within the United Nations. The following contains a brief outline of the types of mediation which are commonly utilized throughout the United Nations where intractable conflicts occur.

This article is not intended to be represented as an article by the UN nor any of its representatives. This article is not sanctioned by the UN nor any other government authority. It is being written based on my experiences and understanding of how the UN incorporates mediation in conflicts across the globe and I hope that you will find the following informative. I focus on Insider Mediation yet also briefly mention other variations of mediation utilized in the United Nations.

*«International actors are increasingly turning to mediation as the preferred tool for enabling national actors to address conflicts, including contested reforms, elections, and development priorities»* (United Nations Development Programme, 2014, p. 8).

This article focuses on the commonly referred to intractable conflicts that the United Nations, UNDP and other international organizations have been immersed in for many years and how mediation has evolved over the years.

International intractable conflicts pose serious threats to the regions where the conflict is occurring as well as neighbouring states and, quite frankly, across the globe. Many international actors become involved in attempting to manage the escalation of international conflicts and history has shown us that not all interventions are successful (Israel/Palestine, Cuba/USA, Ukraine/Russia, Spain/England-Gibraltar etc.) In fact, some interventions have exacerbated the conflict and escalated the tension between the parties.

*«Since its inception, the United Nations has played a crucial 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»* (Diplomacy and Mediation, n.d).

The important question that every conflict manager should ask is, how can we de-escalate the conflict? My contention is that mediation is the most promising approach

when dealing with intractable conflicts as opposed to the option of violence. This perspective is shared by the United Nations and other Conflict management specialists.

*«During the 68th session, the General Assembly encouraged the United Nations and regional and subregional organizations by adopting General Assembly Resolution 68/303 to continue to develop their mediation capacities; use United Nations Guidance for Effective Mediation in their efforts; increase awareness of the importance of mediation through conferences, seminars and workshops; and to ensure women's equal and full participation in all forums and at all levels of the dispute settlement and conflict resolution process»* (Group of Friends of Mediation, n.d)

Mediation, regardless of how it is implemented, is designed to be non intrusive, voluntary, transparent and non-coercive, which allows the involved parties to dialogue without retribution and is designed so that the parties will be able to speak freely without fear of reprisal. In the international arena, mediation also offers the parties the opportunity to dialogue, hear from all sides, explore options and make decisions independent of outside influences.

When we speak of international mediation, many different images are conjured up; border conflicts, cross border disputes, conflicts involving natural resources, the cutting of timber, ore and mining rights, pre conflict dialogues, post conflict recovery and peace-building as well as other conflicts not normally considered to be intractable (family, e-commerce, commercial and court related conflicts) yet, nonetheless, have an international element to them.

Within these conflicts, one must always be conscious of the possibility of cultural and language complications. The vast majority of conflicts on the international level involve, to some degree, national identity and cultural differences amongst the parties. The rising of intractable conflicts often stems from these identity issues and resolution requires an in-depth knowledge of the culture and identity as well as the underlying needs and interests of the conflicting parties.

The cultural aspects in an international conflict are often foreign to someone not immersed in the culture. There are stereotypes involved, gender differences, age factors, religious implications, all of which may or may not play a role in the conflict. Determining the causal factors in a conflict is never a simple process and individuals external to the conflict can easily make erroneous assumptions about the core reasons in the international conflict which could significantly impact any mediation attempts.

1. International mediation is well defined in the following paragraphs by Jacob Bercovitch in January, 2004,

<sup>1</sup> Citation taken from the Remarks from the United Nations Secretary General, Ban Ki-Moon: «The Legacy of Dag Hammarskjöld for UN Preventive Diplomacy in the 21st century» (Ki-Moon, 22 September 2011).

2. Mediation is an extension of the parties' own efforts to manage their conflict. Where they fail, a third party (mediator) is called in.
3. Thus, mediation involves the intervention of an outsider; an individual, a group or an organization into a conflict between two states or other actors.
4. This intervention is non-coercive, non-violent, and ultimately non-binding.
5. Mediators enter a conflict, whether internal or international, in order to affect it, change it, resolve it, modify or influence it in some way. Their overriding interest is to reduce violence and achieve a peaceful outcome.
6. Mediators bring with them, consciously or otherwise, ideas, knowledge, resources, and prestige. These are used throughout the process to advance the cause of conflict resolution.

Mediation is a voluntary form of conflict management. This means the adversaries in an intractable conflict choose whether to begin or continue mediation or not, and they retain their control over the outcome (if not always over the process) of their conflict, as well as their freedom to accept or reject any aspects of the process or the ultimate agreement.

Mediation operates on an *ad hoc* basis only. Once completed, a mediator departs the arena of the conflict.

As you will see in the following paragraphs, there are numerous forms of mediation which occur in international mediation attempts when intractable conflicts are involved. This article is limited by space so I will provide a very brief description of the various forms of mediation utilized by the United Nations and then expand upon the Standby Mediation Unit, Group of Friends of Mediation as well as Insider Mediation.

## Mediation in the United Nations

### Individual external mediators

Summoned by international organizations to conduct mediations based on the mediator's field of expertise. These mediators are commonly attached to an international expert roster and are highly regarded in the internationally community. They work in local, national and international states that fall under the auspices of The United Nations. These mediators generally return to their home base once the mediation efforts have been completed.

### Insider mediators

Trained by UN or UNDP who have local expertise and have gained the respect of the actors who invite them to mediate the conflict. These individuals are chosen by The United Nations having regard for their background, involvement with community affairs and for the respect they have gained in their community.

### State mediators

Currently there are approximately 200 sovereign states, these mediators are commonly engaged in the intractable conflict and have vested interests in the outcome. Often times, substantial resources are available to the State mediators.

*«States are the most active mediators in international affairs. While some States benefit from a long-standing tradition of mediation and others have only recently become engaged in mediation, these States have very important roles as mediators, mediation supporters and members of Friends groups»* (United Nations, 25 June 2012, p. 16)

### Organizational and Institutional mediators

Are often utilized in complex situations where the state mediators are unable to manage the intractable conflict. These mediators are commonly called in when the conflict continues for an extended period of time and appears very complex. Often these mediators are considered to be Track II diplomats. These mediators may be affiliated with groups such as The Carter Center, Red Cross, as well as civic and humanitarian groups. Organizational and Institutional mediators generally are affiliated with the United Nations, United Nations Development Program, World Bank and others.

### UN Standby Mediators

Is a group of eight senior experts who are prepared to deploy on missions within 72 hours. Their short term missions involve field work supporting United Nations personnel as well as UN partners involved in peace-building, conflict prevention and mediation. The Standby Team offers expert advice and support in the field and from their home base, depending on the circumstances and status of the conflict.

The Standby Mediators field support includes procedural expertise, technical advice, priority setting, situational analysis, possible points of entry, drafting of agendas and memorandums of understanding, designing and facilitation of mediation training as well as coaching.

When not on missions, the Standby Team members are 'on-call' and complete research, design processes, trainings and workshops as well as security procedures.

*«A critical tool in the rapid response capability of the Department of Political Affairs is the Standby Team of Mediation Experts... To give an indication of the demand for this rapid response capacity, from 2008 to 2011 Standby Team members were deployed on more than one hundred occasions. Longer-term needs are met by the Department of Political Affairs through its mediation roster.»* (United Nations, 25 June 2012, p. 9-10)

The United Nations established The Standby Team of Mediators in 2008, who work in the Mediation Support Unit in

**Table 1. The 2016 Standby Team's**

Name:	From:	Fields
Mr. George Andersen	Canada	Power sharing, natural resources, constitutions
Mr. Alejandro Dendaña	Nicaragua	Security arrangements, mediation, dialogue, facilitation process design
Ms. Sakuntala Kadirgamar-Rajasingham	USA	Gender and social inclusion, power sharing, constitutions
Mr. Brendan McAllister	Ireland	Mediation, dialogue and facilitation process design, gender and social inclusion
Mr. Jeffrey Mapendere	Zimbabwe	Security arrangements, mediation, dialogue and facilitation process design
Mr. Pierre Yves Monette	Belgium	Natural resources, constitutions, mediation, dialogue and facilitation process design
Mr. Mark Muller	UK	Mediation, dialogue and facilitation process design
Ms. Christina Murray	South Africa	Constitutions, power sharing

Source: Standby Team of Mediation Experts 2015/16 (2015)

the Department of Political Affairs which falls under the umbrella of the Policy and Mediation Division.

The 2016 Standby Team's expertise lies in the fields of Table 1.

*«The Team's services are available to current United Nations envoys, political and peacekeeping missions and country teams as well as regional organizations and partner organizations with whom the United Nations works closely in conflict mediation and good offices worldwide»* (Standby Team of Mediation Experts 2015/16, 2015)

### Group of Friends of Mediation

Formed in September 2010, the Group of Friends of Mediation has proved to be a useful constellation of Member States and regional actors that have worked to promote the use of mediation to raise awareness of the need for the peaceful settlement of disputes through mediation, encourage relevant actors, including regional arrangements, to undertake mediation, and highlight the importance of the participation of women in all stages and at all levels of a mediation process.

The United Nations Peacekeeper founded a Group of Friends of Mediation in 2010 which includes 43 member states chaired by Turkey and Finland. The group operates at the ministerial level and focuses on the following (Group of Friends of Mediation. (n.d):

- Raise awareness of the need for and utility of mediation

at all stages of the conflict continuum especially with a view to preventing conflict.

- Encourage relevant actors, including regional and sub-regional organizations, to undertake mediation activities and to engage more women in mediation.
- Highlight the importance of the full and effective participation of women at all stages and at all levels of peace processes as well as the crucial role of gender expertise in mediation.
- Provide a forum to bring together expertise and to share lessons learned between different actors.
- Create, foster and expand the network of mediators.
- Improve cooperation and coordination amongst different actors, in order to increase complementarity and coherence of efforts.
- Increase the capabilities for mediation, especially within the UN framework.
- Promote mediation-related capacity building, including through regional arrangements and networks.
- Promote the development of guidelines and/or a code of conduct for mediation, taking into account the specific nature of each conflict.
- Mobilize more resources in order to secure sustained funding for mediation activities.
- Support the development of early warning response capabilities.
- Provide political support to UN appointed mediators.

## Insider Mediation

This writer confesses that the very term 'insider mediator' initially seemed contradictory to the principle of neutrality in mediation yet, with further examination, we see this 'contradiction' does not necessarily exist and mediation and dialogue amongst parties in conflict may best be arranged by local players trained in mediation, negotiation and dialogue skills.

Those familiar with the conflict culture and have a better understanding of who the actors are as well as their driving forces, have proven to be great influencers in the management of international conflicts. It is for these reasons that UNDP implemented their Insider Mediator program.

The Insider Mediators are generally politicians, leaders of government and religious groups as well as other civic minded individuals who have gained the trust and respect of the community. There are now many situations across the globe where these individuals have intervened and assisted in the peaceful resolution of conflicts and political transitions through facilitation, dialogue and mediation processes. Insider mediation has proved to be time and cost effective, capable of working in the shadows or the spotlight and since the insider mediator is familiar with the actors and has access to said actors, the mediation process is significantly simplified allowing immediate interventions.

The UN recognizes that many communities are suspicious of and/or averse to having external mediators becoming involved in their conflicts. The UN implemented a project that involved selecting and training local actors in mediation skills who would later play a role in the community conflicts.

*«Over the course of the past decade, insider mediators have played critical roles in laying the ground-work for formal peace negotiations, mediating recurring conflicts over land and natural resource, building consensus around reforms in the context of political transitions; and, facilitating violence-free elections.»* (United Nations Development Programme, 2014, p. 8).

Insider mediation, as defined in 'Supporting Insider Mediation-Strengthening resilience to conflict' (United Nations Development Programme, 2014) has been utilized in the following categories:

*«Insider mediators have proved successful in ensuring Peaceful elections: facilitating dialogue, breaking Political deadlocks and establishing the groundwork for formal Peace negotiations»* (p. 1).

*«Insider Mediation draws upon the abilities of institutions or individuals that are seen as 'insiders' within a given context to broker differences, build consensus, and resolve conflicts»* (p. 6).

The UN focuses on five areas where Insider Mediation plays a role (Mason, 2009):

### 1. Identifying/providing entry-points:

Individuals with insider knowledge of a conflict situation play a large role in identifying entry points to the conflict. In conflict situations, history has shown that parties in conflict are not always receptive to interventions by unknown sources. Respected insiders can assist the conflict resolution efforts by working with resisting parties and opening lines of communication.

### 2. Building consensus/solving problems:

Once the lines of communication have opened, the Insider Mediator works with the parties through dialogue identifying each parties position and needs. Attempts are made to find commonalities amongst the parties and build consensus.

### 3. Direct mediation:

By the very fact that the parties respect Insider Mediators, they are often directly involved in mediating between the parties. Depending on the Insider Mediator's community affiliation they may also incorporate peace committees and/or peace secretariats as well as other governmental instruments to assist in the mediation process.

### 4. Advocacy:

Conflict resolution processes do not exclusively involve high-level parties. In order for the peace processes to be successful and long standing they require buy-in from all levels including public and grass roots organizations. The Insider Mediator works with the entire community by advocating the benefits of the peace process and the solutions reached.

### 5. Early warning:

Insider Mediators are involved in local and national affairs and often work closely with community leaders. Their insider position affords them opportunities to detect potential conflict escalation and initiate peace building before the situation further deteriorates.

The characteristics of an Insider Mediator varies considerably however there are a few key elements that Insider Mediators share. The most relevant shared trait is a desire to bring peace to those around them. Insider Mediators are locally trained in the fields of mediation, facilitation, negotiation and dialogue and together with their community knowledge and expertise, they become integral components in the resolution of conflicts within their regions.

«The concept of legitimacy relates to the reputation and standing of the insider mediator -whether an individual, group or situation- and is an essential component of the power of the inside mediator» (United Nations Development Programme, 2014, p. 16).

The United Nations describes the key characteristics of an Insider Mediator in «Supporting Insider Media-

tion-Strengthening Resilience to Conflict» with their basic profile and the qualities required to become an Insider Mediator (United Nations Development Programme, 2014, p. 16).

### Profile

- Originate from the country or region in conflict, or are perceived to be insiders by virtue of their longstanding association with a particular group or community;
- Possess longstanding relationships with the individuals, communities or groups involved;
- Have a stake in the outcome of the conflict as members of the society or community affected by the situation, which increases the perception of their legitimacy;
- Skills and abilities are usually innate, not based on formal conflict resolution training;
- Possess in-depth knowledge of the conflict-its actors, their interests, relationships and orientation—as a result of their long-term engagement with the parties and issues at stake; and,
- Possess the capacity to be unbiased and to speak the truth to each side.

### Qualities

- Trusted and accepted by the parties in conflict by virtue of their reputation and status within a society or community (e.g. affiliation to a religious organization);
- Capable of influencing the parties because of their social status or personal rapport with the individuals and groups involved in the situation;
- Authority is granted by the parties in accordance with specific cultural and social norms;
- Strive for long-term solutions, including the development of domestic infrastructures for peace to address future conflict; and,
- Listener, accommodating, willing to seek joint solutions.

Insider Mediators carry out their duties similarly to the way other mediators do. They incorporate trust, transparency, confidentiality, respect, integrity and honesty.

Additionally, Insider Mediators are required to be sensitive to and incorporate the following components to their work.

- Transitional justice
- Leadership
- Gender sensitivity
- Social cohesion
- Do no harm
- Understanding of the conflict
- Conflict analysis, monitoring and evaluation
- Establish skills in mediation, negotiation and dialogue
- Training workshops and practical seminars
- Coaching and mentorship

Trust building remains the most important element between the actors and the mediator. As an Insider Mediator the trust-building may be made easier due to the past relationships the mediator has with the parties (this may also work against the Inside Mediator at times).

Insider Mediators facilitate dialogue processes amongst the actors in an attempt to help the actors see the others' perspective, build cohesion, collaboration and respect between the actors.

Mediation processes are also implemented by the Insider Mediators (as are the facilitation of ADR training sessions) with the hope of finding mechanisms to bring the actors together, resolve concerns, discover interests, consider options and come up with a way to move forward. National conferences and dialogues are often key elements to these processes. The results of these processes are generally binding or may be made binding through a legislative process.

«I wish to see the United Nations and all our partners make full use of the potential of mediation to prevent, manage and resolve disputes and conflicts. We need to have the know-how, the operational dexterity, and the partnerships to undertake mediation professionally and effectively.» (Kimoony, 13 September 2012)

### Conclusion

Outsider mediators have often described Insider Mediators as essential to the conflict resolution process. They are much more than a 'person on the ground' they have intimate knowledge of the various actors involved. They have been cultivating relationships with the actors for many years, they are considered to be a part of the culture, religion or community. They are respected for their integrity and have been trained in the field of mediation, facilitation and dialogue. Most importantly, they are singularly focused on ending the violence and creating a peaceful way forward.

The Insider Mediators also place themselves at risk in high stress situations which creates a burn-out element. This burnout factor is difficult both for the Insider Mediator and for the conflict itself as many of the informal processes require long-term involvement.

Historically, outside mediators have been parachuted into a conflict site with the good intentions of helping those in conflict come to a peaceful resolution. Often times these mediators were indeed not welcomed, treated as outsiders, not trusted regardless of the efforts on the mediator to build trust and ultimately, when the mediator went home, agreements broke down and there was no-one available to assist in the repairs.

With the involvement of Insider Mediators, there is a greater hope for peace sustainability as the Insider Mediator remains in the community, works on the peace process on

an ongoing basis and helps to ensure that the agreements are workable for the members of society. As mediation processes are based on self determination, taking responsibility, empowerment and ownership, having the Insider Mediator work with the various actors has proven to add credibility and sustainability to the process and agreements.

While I recognize that this article is only the tip of the iceberg regarding the use of mediation within the United Nations, I hope it provided an insight into the UN mediations across the globe as it was intended.

The intent was not to provide a comprehensive in-depth analysis of UN mediation programs as there are many sites available for review (many of which are listed in the bibliography) but more so, to provide the Revista de Mediación readers with an overview of the various forms of mediation utilized by the United Nations and in particular, to explain what Insider Mediation involves.

I hope this article has been informative and a great deal more information is available at the World Mediation Summit ([www.worldmediationsummit.com](http://www.worldmediationsummit.com)) so feel free to visit our website and attend the World Mediation Summit-Madrid June 7-10, 2016 at University Complutense Faculty of Law.

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