Conflict Prevention: the Use of Mediation and Facilitation in the Post-Agreement Phase[1]

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1. Introduction

Mediation and facilitation activities are usually seen as third party tools for peace making, aiming to stop or reduce violence and human suffering. The question whether or not mediation can also contribute effectively to conflict prevention has largely been neglected so far. In addition, most of the literature on conflict prevention focuses on the time period before violence occurs. In this paper it is argued that mediation can be used at all stages of a peace process. The period following the signing of peace agreements seems equally crucial for the purpose of conflict prevention.

Mediation as a tool for conflict resolution is currently experiencing a "renaissance". It is nowadays used in various settings where conflicts arise, such as family mediation, neighbourhood mediation, business mediation and others. Consequently, specific and professional mediation tools and strategies adapted to the nature of the conflicts under consideration have emerged.

In the international realm, mediation has long been regarded as an exclusive activity for diplomats and government officials. After the dissolution of the bi-polar world order at the beginning of the nineties, however, the field of mediation has experienced a dramatic shift: various states, non-governmental organisations, individuals and intergovernmental or-

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ganisations have started to act as impartial third parties, trying to bring peace in some of the most intractable violent conflicts around the globe. But mediation is not restrained to the negotiation phase of a peace or cease-fire agreement. Governments and other third parties are realising that mediation and facilitation also play an important role in the implementation phase of a peace agreement.

The present article provides the reader with some basic working definitions of key concepts (section 2), and portrays a concrete facilitation activity by the Swiss government in the aftermath of the violent conflict in Macedonia that has contributed to conflict prevention (section 3). It concludes with some lessons learned and some reflections on the use of mediation as a tool for conflict prevention (section 4).

2. Definitions and Concepts

There are no generally accepted definitions of "mediation" and "conflict prevention". For the purpose of this paper, a few working definitions are suggested and outlined below.

2.1. Mediation and Facilitation

The terms "mediation" and "facilitation" are often used synonymously. However, in the broadest sense, mediation and facilitation can bee seen as one way of supporting negotiations and transforming conflicts, with the support of an acceptable third party.

Mediation is generally defined as "(…) the intervention in a negotiation or a conflict of an acceptable third party who has limited or no authoritative decision-making power but who assists the involved parties in voluntarily reaching a mutually acceptable settlement of issues in dispute. In addition to addressing substantive issues, mediation may also establish or strengthen relationships of trust and respect between parties or terminate relationships in a manner that minimizes costs and psycho-

logical harm".[2] The golden rule for a mediator is the acceptability by all conflict parties. Impartiality may help the mediator to gain high acceptability but it is not always necessary. Thus, a mediator often has a formal mandate to fulfil the role of a third party according to clearly defined rules. In a broad sense, mediation is:[3]

1. an **extension of the parties' own efforts** to manage their conflict,
2. an **intervention by an acceptable third party**,
3. **non-coercive**, **non-violent**, and ultimately **non-binding**,
4. an **attempt to reduce or prevent violence** and achieve a peaceful outcome,
5. a **voluntary form** of conflict management, whereby the conflict parties retain their control over the outcome (if not always over the process), as well as their freedom to accept or reject any aspects of the process or the ultimate agreement.

Since the end of the Cold War, mediation has been used in about 50% of all international crises. Such interventions can be seen as relatively successful: the likelihood of the parties to reach an agreement is approximately five times higher when mediation is used, compared to those cases where no third parties have been involved. Also, the use of mediation increases the chances for longer-term tension reduction.[4] The high acceptability on part of the conflict parties and the low cost on part of the third parties are some of the reasons for the method's wide use.

Facilitation (sometimes referred to as "facilitative mediation") is a more general term that describes third party-assisted dialogue. It is less directive than mediation, and does not focus so much on decision-making, but

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[2]   See Moore, C.: The Mediation Process: Practical Strategies for Resolving Conflict (2nd edition). San Francisco. 2003. p. 15.
[3]   See also: Bercovitch, Jacob: International Mediation and Intractable Conflict. In: Burgess, Guy/Burgess, Heidi (eds.): Beyond Intractability. Conflict Research Consortium, University of Colorado, 2004 <http://www.beyondintractability.org/essay/ med_intractable_conflict/>.
[4]   See: Beardsley, Kyle C./Quinn, David M./Biswas, Bidisha/Wilkenfeld, Jonathan: Mediation Style and Crisis Outcomes. In: Journal of Conflict Resolution, 50 (2006), No. 1, pp. 58-86.

it aims to enhance the mutual understanding of perceptions, interests and needs amongst the parties.[5] Facilitators often don't have an explicit mandate by the conflict parties, act informally and do not get so much involved in the substance of the negotiations.

Phases / Issues	Informal Contacts	Talks about talks	Agreement Phase	Implementation
Goal of the Mediator	• Gain trust to parties • Ripeness • Communication channels	• Framework for talks • from fighting to negotiating	• Stop violence • Building trust • Common vision	• Implementation of agreement • Political bodies and institutions
Possible Milestones	• Direct contact to parties • Agreed to talk about talks	• Clarify issues, agenda, venue, participants	• Cease fire agreement • Peace agreement	• Transitional constitution • Referendum • Elections
Possible Activities of Mediator	• Discrete contacts • "Walking in the parties shoes"	• Shuttle mediation • Coaching • Team up with other mediators	• Negotiation strategy • Mediate between parties • Expertise	• Post - agreement mediation • Monitoring mechanisms
Main Challenges	• Labelling of terrorist • Confidentiality • Personal safety	• Preconditions • Competition amongst mediators • Public participation	• Logistics • Democratic legitimisation • Human rights / Amnesty • Power sharing arrangements	• No longer spotlight • Monitoring mechanisms • "Mediation gaps"

Table 1: Mediation and Facilitation: a multi-topic and multi-phase activity

Mediation and facilitation can be used in all phases of a peace process, between all societal levels of the conflict parties (the so-called track dimension[6]), and in relation to various topics (see Table 1). The term

5 See for example: Fisher, Ronald J.: Interactive Conflict Resolution. In: Zartman, I. William/ Rasmussen, J. Lewis (eds.): Peacemaking in International Conflict: Methods and Techniques. Washington DC: United States Institute of Peace Press, 1997, pp. 239-272; Ropers, Norbert: From Resolution to Transformation: The role of Dialogue Projects. Berlin, Berghof Center for Constructive Conflict Management, 2004 <http://www.berghof-handbook.net>.

6 See Montville, Josef V.: The Arrow and the Olive Branch, the Case for Track Two Diplomacy. In: McDonald, John W./Bendahmane, Diana B. (eds.): Conflict Resolu-

"peace process" describes the sequential phases undertaken to transform a conflict – often taking years or even decades. Various milestones in such a peace process may include: direct contact of the third-party to the conflict parties, agreement of the parties to "talk about talks", agreement on the framework of talks (e.g. venue, participants, broad agenda, and vision of talks), cease-fire agreement, peace agreement and implementation.

2.2. Conflict Prevention

Many different definitions of conflict prevention have been suggested. In very broad terms, the former UN Secretary-General Boutros Boutros-Ghali has described conflict prevention as an "action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur"[7]. In addition to this basic definition, he stresses the importance of addressing the underlying causes of armed conflict as an integral part of conflict prevention (the so-called "structural conflict prevention").[8]

In numerous instances, mediation and facilitation have been used to address tensions between conflict parties that could easily have escalated and resulted in violent conflict. The use of mediation in that sense has often been labelled "preventive diplomacy", trying to prevent the emergence of imminent violence.

The question however, whether or not mediation can also be used as a tool for addressing the structural causes of conflict has largely been neglected so far. "Structural prevention" is traditionally seen as a field of development cooperation activities (such as the fight against poverty, fostering democracy or promoting human rights).

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tion: Track Two Diplomacy. Washington D.C.: Foreign Service Institute, U.S. Department of State, 1987, pp. 5-20.

[7] Boutros-Ghali, Boutros: An Agenda for Peace, New York: United Nations, 1992, paragraph 20.

[8] Ibid., paragraph 23.

In this paper it is argued that mediation and facilitation activities also have a potential beyond the traditional peacemaking activities which just try to prevent violence from occurring in the short term. Experience has shown that many peace or cease-fire agreements are never implemented or collapse after a short period of time and violence reoccurs. Nearly half of all countries that have ended a civil war fall back into conflict within the first decade.[9] Many agreements do not get implemented at all. One of the main reasons for the lack of sustainable success of peace agreements is the short-term focus of third parties: the international community has a tendency to mainly focus on the "hot phases" of a (potential) violent conflict. After a peace or cease-fire agreement is signed, public attention and the interest of the mediators often shift to the next hotspot, somewhere else on the globe. By doing so, the structural dimension of conflict prevention is often neglected and the root causes of violence remain unaddressed. There is great temptation for third parties to focus on the media-ready, snap-shot glory of track-one hand-shakes – even though it is clear that peace requires efforts at all levels of society and well beyond the signing ceremony of a peace agreement.

One way to increase the sustainability of peace agreements is the use of mediation and facilitation strategies by third parties, when the deals that were agreed upon in a peace agreement are to be implemented in reality. A third party should also be committed to perform as a mediator or facilitator in the so called "implementation phase". Supporting the parties to address the real root causes of the conflict contributes to structural conflict prevention.

The following section describes a concrete example of how facilitation can contribute to structural conflict prevention in the post agreement phase.

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[9] Collier, P./Elliott, V.L./ Hegre, H./Hoeffler, A./Reynal-Querol, M./Sambanis, N.: Breaking the Conflict Trap – Civil War and Development Policy. Washington DC: World Bank/Oxford University Press, 2003.

3. The Mavrovo Process in Macedonia

The Swiss engagement in this section highlights the (untapped) potential of mediation and facilitation activities for structural conflict prevention in the "post agreement phase" of a peace process.

3.1. Background of the Conflict

The Republic of Macedonia became independent in 1991, after the collapse of Yugoslavia. The majority of the population of two million inhabitants (about two thirds) are ethnic Macedonians. Albanians comprise about one fourth of the population, while the rest is made up of smaller minorities. The relationship between the majority of ethnic Macedonians and the minority Albanians is at the heart of the Macedonian "identity" crisis. For a long time, Macedonia was proclaimed to be a special case in the Balkans. Despite the strong ethno-political tensions in the 1990s, many believed that Macedonia could be an example of inter-ethnic peaceful co-existence. In spring 2001, however, these hopes were dashed by the appearance of armed Albanian groups and violent clashes. After months of violent conflict (in which about 200 people were killed) and under strong pressure from the international community, the Macedonian political decision makers singed a peace agreement (the Ohrid Agreement). This agreement included a cease-fire, measures to improve the rights of the Albanian minority as well as an agreement on political decentralization. Since the signing of the agreement, headway has been made in implementing it, e.g. concerning a revision of the constitution, changes in the language law or equal representation and participation in state institutions. Nevertheless, despite the Ohrid Agreement, Macedonia remains an ethnically segregated society to a relatively high degree.

3.2. The Mavrovo Process

The Mavrovo Process was initiated in 2003 by the Embassy of Switzerland in Macedonia upon the request of the Macedonian government. The

goal of this process was to support the implementation of the peace agreement (the Ohrid Agreement) and to anchor it in the political awareness of politicians and the population. Subsequently, an ongoing dialogue process was developed and twelve roundtable discussions (each lasting for a few days) have taken place so far in Mavrovo.[10] The roundtable discussions are facilitated by a third party, the Swiss Ambassador to Macedonia, in close cooperation with the *Project on Ethnic Relations* PER.[11]

The concrete aim of the Mavrovo Process was to support confidence-building and cohesion amongst the conflict parties,[12] through the establishment of an informal dialogue platform. Due to the enormous challenges Macedonia is faced with, the political actors (each of whom represent a distinct ethnic community) are permanently tied up in difficult day-to-day negotiations. To make sustainable changes possible, the long-term implications of the Ohrid Agreement would require time to mature. Yet, because of the great expectations, both on part of the international community and the Macedonian population as well as due to the rapid daily political developments, this necessary time of "ripening" is practically non-existent. The possibilities for decision makers to break out of the narrow corset of daily political activities in order to discuss long-term strategic questions are very limited. Notwithstanding, the Mavrovo Process supports the implementation of the Ohrid Agreement which was signed in 2001 under enormous international pressure.

In this sense, the Embassy of Switzerland in Macedonia is continuously facilitating roundtable discussions with representatives coming from the highest political level. The Swiss Ambassador acts as an accepted and trustworthy facilitator who chairs the sessions together with representatives from PER. These meetings take place approximately every three months. The heads of all political parties represented in parliament, top-

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[10] The talks generally took place in Mavrovo, a remote skiing resort in the West of Macedonia, thus the name "Mavrovo-process".

[11] See: <http://www.per-usa.org>.

[12] I.e. within the governing coalition as well as between the government and opposition parties.

ranking government officials and chosen representatives from the international community usually take part in the dialogues.[13]

A key element of the Mavrovo Process is the fact that the roundtable discussions are supported by additional "supportive measures", designed to address the structural dimensions of the Macedonian conflict. Such projects include the elaboration of specific studies (e.g. government PR), study trips to Switzerland (e.g. with regard to the new language law), legal support of the Deputy Prime Minister by a Swiss expert, or capacity building of high-ranking officials in the government. Thus, the facilitation and dialogue activities are closely linked to concrete projects and activities that help address the structural causes that have lead to the armed conflict in Macedonia. All these concrete "supportive measures" were identified in numerous roundtable discussions and aim to address selected key issues at the heart of the Macedonian conflict (such as the use of language). These concrete activities may be seen as tangible outcomes of the rather intangible roundtable discussions.

The Mavrovo Process has been much appreciated by the participants and third parties involved. The possibility for the political leaders from all conflict parties (who would not necessarily talk to each other) to meet informally and discuss strategic aspects of peaceful cohabitation in an informal setting seems to be a useful and effective way to support Macedonia's peace process in the long run. Effective and sustainable conflict prevention requires both, a change of the individual attitudes of the parties to the conflict (interpersonal confidence building, exchange of perceptions, reducing prejudices, etc.) as well as a changes in the larger socio-political framework (e.g. new laws to deal with the structural causes of the conflict).[14]

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[13] Detailed reports on the various roundtables can be found under: <http://www.per-usa.org>.

[14] See also: Anderson, Mary B./Olson, Lara: Confronting War: Critical Lessons for Peace Practitioners. The Collaborative for Development Action. Cambridge, 2003, pp 65-75 <http:// www.cdainc.com>.

4. Conclusion

Mediation and facilitation are tools for third parties aimed at stopping or preventing violence from occurring. The example of the Mavrovo Process shows that the usefulness of mediation and facilitation activities goes well beyond the "hot phases" of a conflict when peace and cease-fire agreements are negotiated. There is an untapped potential of mediation and facilitation in the post-agreement phase of a peace process: The Mavrovo Process shows that an external and impartial party can play a useful role as a facilitator between conflict parties in order to support the implementation of a peace agreement. Such ongoing third-party support can be crucial for the sustainability of a peace process.

If dialogue activities between conflict parties are combined wisely with concrete and effective activities, addressing the root causes of a conflict, mediation can indeed be seen as a tool for structural conflict prevention and long-term tension reduction, i.e. addressing exactly the reasons that lead to violence in first place.

The international community must, however, be ready to remain committed also after the signing ceremony of a peace agreement. The visible and tangible benefits for a mediator or a facilitator who engages in such a phase are clearly not very high, because the world press and the TV cameras have already moved on to the next hot spots somewhere else on the globe. However, the benefits for the conflict parties of having a well-trusted and reliable mediator or facilitator, also after signing a peace accord, can be immense. It seems that especially small (and relatively powerless) states or actors are well placed to act as facilitators in the aftermath of violent conflicts. Such preventive efforts should be promoted even more in the years to come in order to take advantage of the potential mediation has for structural conflict prevention.