Support for ‘insider’ mediators: 
A gap in EU ambitions for mediation?

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INTRODUCTION

Despite relying on a combination of internal and external actors for peace mediation within the EU, the EU Concept on mediation support does not acknowledge, much less prepare for, the support of mediation efforts by ‘insiders’. This article argues that in focusing its support for capacity building on ‘outsider’ mediators, the EU is missing an opportunity to better collaborate with the majority of active peace mediators who work within their own conflict context. Their role is especially important in regions in which outside mediators are not welcome, but as the EU’s own experience has shown they can also play a critical complementary role in linking external high-level mediation efforts with broader conflict transformation processes.

WHAT IS AN ‘INSIDER MEDIATOR’ AND HOW DO THEY DIFFER FROM ‘OUTSIDER’ MEDIATORS?

In Christopher W. Moore’s classic book on mediation he defines mediation as ‘the intervention in a negotiation or a conflict of an acceptable third party who has limited or no authoritative decision-making power, who assists the involved parties to voluntarily reach a mutually acceptable settlement of the issues in dispute.’

further stresses the importance of the third party being an ‘outsider’, because this will provide the parties with new perspectives and encourage an effective process towards a problem-solving relationship.

But Moore also acknowledges that apart from this ‘independent mediator’ there are two other types, which he calls the ‘authoritative mediator’ and the ‘social network mediator’.⁹⁵ Authoritative mediation is sometimes also described as ‘mediation with muscle’, in which the third party can command power over the conflicting parties or mobilise resources to promote, or even enforce, the outcome of the mediated settlement. In the EU this is often referred to as ‘power-based, deal brokering’ mediation and it is characteristic of direct high-level mediation engagement in the context of Common Foreign and Security Policy, in regions in which the EU has a high level of influence. Past examples include the joint US/EU mediation team of EU SG/HR Javier Solana; François Léotard (France) and James Pardew (US) in reaching the Ohrid Agreement in the Former Yugoslav Republic of Macedonia in 2001; the SG/HR Solana and Aleksander Kwasniewski (Poland) mediation in the Ukrainian Orange Revolution in 2004; and the Sarkozy (EU Presidency) and Kouchner (France) mediation of the cease-fire agreement in the 2008 Georgian-Russian conflict.

The social network mediator is part of the social fabric in which the conflict takes place and has an interest in promoting non-violent and constructive relationships within this network. She/he is not necessarily ‘impartial’, but is perceived as trying to be ‘fair’.

In the peacebuilding field, the term ‘insider-partial mediators’ was used by Lederach and Wehr in contrast to the North-American preference for ‘outsider-neutral mediators’.⁹⁶ They argued that in the context of highly collectivist societies, a number of which can be found in Central America, those with a high stature, credibility and influence, who command wide-spread trust in their fairness, might be best qualified as mediators, even if they are aligned to one of the conflicting parties.

Critics of this view emphasise that in highly escalated conflicts even insiders who command a high level of respect across conflicting communities are often looked at with scepticism, and sometimes

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suspicion, because of their partiality. The best response in these cases is to have several insiders with different links to the conflicting parties. They can achieve ‘multipartiality’ through their collaboration as a ‘collective’. This concept of ‘multipartial’ mediation is similar to that of ‘omnipartial’ mediation, which emphasises the importance of transparency of the goals and interests of mediators over considerations of ‘impartiality’.

The ongoing debate on the cultural adequacy of different models of mediation has also drawn attention to the advantages of ‘insider mediators’. For example, the Singapore Mediation Centre argues that ‘Asian mediation’ embraces social harmony, including hierarchical social relations, with emphasis placed on collective identities and the importance of ‘face saving’ features. These are best taken care of by knowledgeable insiders.⁹⁷ Similarly, hybrid models of mediation, such as the concept of ‘Facilitative Wise-Elder Mediation’ in Ethiopia which aims to combine Western with traditional approaches to mediation, are seen as providing a better cultural fit than outsider models.⁹⁸ In general we are convinced that the mediation field needs a much more elaborated repertoire of such combinations to be effective in non-Western contexts.⁹⁹

In practice, the insider-outsider differentiation is not always clear-cut because mediators can have multiple identities and allegiances. Whether or not they are seen as ‘insiders’ will therefore depend on the context. Also, in some conflicts the question of who is an ‘insider’ is already part of the conflict. One example is a conflict about the self-determination of one region within a larger nation state, where protagonists of this region might argue that all those who live outside this region are ‘outsiders’. Nevertheless, most would agree that there is a significant difference between mediators who are living within a ‘conflict system’ and those who live outside this system.

Although there is no widely agreed definition of insider mediators, this one has found recognition in the context of the Insider Mediators Platform Africa: “Insider Mediators are trusted and respected insiders who work at multiple levels in a conflicted society, who have

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⁹⁹ M Brigg & R Bleiker (eds), Mediating Across Differences. Oceanic and Asian Approaches to Conflict Resolution, University of Hawai‘i Press, Honolulu, 2011.
a deep knowledge of the dynamics and context of the conflict, who share a normative and cultural closeness with the conflicting parties and who demonstrate a nuanced sensitivity in their contribution to finding solutions to conflicts that are owned and valued by the parties themselves.”

Insider mediators can come from civil society, academia, politics and public service. Comparative studies of insider mediators conclude that they are characterised by: an in-depth knowledge of the local situation, a high level of commitment and a broad network of personal relationships. The resources that they draw on include: support from a significant part of the population, collaboration with like-minded activists, inspiration, including through religion or spirituality, and some access to material resources. In accordance with the ‘social network mediation’ model, insider mediators typically work with networks of networks. They form teams and task forces with each other to engage separately with different stakeholder groups. These include grassroots communities and influential internal stakeholders such as the police, military, political parties, professional associations and outstanding individuals. They also value and often work to promote the engagement of influential ‘outsiders’.

**THE IMPORTANCE OF ‘INSIDER MEDIATORS’**

There are at least three reasons why insider mediators are important:

1. **Insider mediators operate where external mediators can’t**

There are a number of reasons why outsider mediators (no matter how able or how well supported) may not be invited to facilitate peace talks. Just as EU member states have been reluctant to grant the EU a mandate in internal dispute resolution, most states jealously guard their sovereignty and are reluctant to invite ‘outsiders’ to mediate conflicts that they have a stake in. This may be linked to concerns about loss of face, particularly in Asia, or to potentially

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conflicting interests. For example, governmental reluctance to accept outside third party mediators is particularly pronounced where the third party has a colonial past in the region. Alternatively, the host government may have no interest in the ‘package’ of external interventions designed to establish a post-conflict ‘liberal peace’, which external mediation is perceived to be a part of. According to this view, external mediation can lead to further external interventions, including outside support for the promotion of multi-party democracy, market liberalisation, the rule of law and the downsizing or reform of the military. These concerns are at least part of the reason why Egypt and other countries in the MENA region have resisted outside mediation efforts during their recent/on-going transitions. Similarly, most governments resist external contacts/mediation with armed non-state groups, as this may be seen as granting them recognition or legitimacy.

2. ‘Insider’ mediators complement the role of outsiders
The field of peace mediation has matured significantly in the past two decades, with professional standards outlining how external mediators should deal with issues of substance, relationships, process and results. There is also an impressive body of knowledge on how to deal with mediation challenges such as asymmetry, intra-party conflicts, difficult personalities and spoilers. At the same time, it is increasingly apparent that that we still know relatively little about how to link high-level peace negotiation with the broader peace process. According to conventional wisdom, the best way to promote effective peace processes is to work with a ‘multi-track’ strategy which envisages parallel mediation processes (ideally one) at the track-1 level and a series of other pro-peace engagements in tracks — 2 and — 3. The basic rationale behind this is to mobilise support at the lower levels, assuming that this will translate into an enlarged and strengthened peace constituency that will undergird the track-1 peace mediation process. In reality, the interaction between tracks is difficult and uncommon. There is resistance at every level and strengthening a peace constituency can also mobilise people to defend and stabilise the existing conflict system. This is also part of the explanation for why most peace-processes are non-linear¹⁰² and

around a third of all conflicts re-emerge after negotiated settlements have been reached.¹⁰³

The peace researcher and practitioner Lederach envisions peace promotion as a space in which change makers are needed to build relationships and peace capacities ‘horizontally’ between the conflicting parties, as well as ‘vertically’ between the leadership and lower levels of the conflict society. In diagram 2, below, insider mediators are located within the classical pyramid model as persons who have horizontal links to the conflicting parties, particularly at the middle leadership level, and at the same time can also reach out vertically to tracks –1 and –3.

But in this context it is also important to emphasise that one should not expand the category of insider mediators to subsume all kinds of peace engagement, e.g. peace advocacy, the monitoring of conflict and peace, protection, peace education, trauma work, etc. It makes most sense to interpret the insider mediators as a sub-group within the wider group of insider peacebuilders. The unique feature of insider mediators in this context is that they engage directly in communications with representatives from the disputing parties. This does not only include persons who are located in the centre of the conflict spectrum, but can also comprise persons closer to the ends of this spectrum. The decisive point is here that their “mediating” potential and capacity depends on the overall collective of the people involved being sufficiently “multipartial”.

Insider mediators can play a critical role in ensuring that track-1 processes are informed about lower level processes, and vice versa, and that agreements reached within them are likely to be accepted by a broader range of stakeholders. One example of such linking up relates to the collaboration between a network of influential insiders who had informally worked to contain the violence during the immediate post 2007/8 election violence in Kenya and the subsequent mediation engagement of Kofi Annan. Their cooperation ensured that Annan’s mediation efforts built on and strengthened a web of existing relationships between authoritative figures that were active in reducing violence within their communities.¹⁰⁴

3. **Insider mediators are particularly relevant for countries in transition and for fragile contexts.**

One of the basic assumptions of the concept of liberal, democratic peace is that settling conflicts can best be achieved in the context of working towards multi-party democracy, the rule of law, a market economy, sufficient social standards and an active civil society. Unfortunately, achieving this kind of a ‘mature democracy’ takes decades. In the meantime, the society is confronted with an increasing number of conflicts and has to mitigate and transform them without well-established legal and constitutional mechanisms. In these situations, which are characteristic of post conflict societies, and many other fragile contexts, insider mediators, national dialogues and other mechanisms for inclusive problem solving are crucial if a peaceful transition process is to be maintained.

In many post-conflict and fragile societies, mediation of political conflict is not managed through formal government structures and political processes. On the contrary, politics is characterised by (often violent) winner takes all electoral contests where political leaders are rewarded for sustaining systems of patronage rather than promoting ‘good governance’. Precisely because government institutions are not well-adapted to foster a mediative culture or to promote just governance in (post) conflict contexts, informal mechanisms play a relatively large role in mediation at all levels of society. These mechanisms include networks of authoritative individuals who act as facilitators and mediators in track-1 negotiations (e.g. the role of

business and church leaders in the South African transition in the early 1990s) but more commonly at track-2 and -3 levels. Indeed, in many conflict-affected countries the majority of domestic and land disputes are resolved through mediation efforts by local networks of individuals.¹⁰⁵ These often serve to complement, if not substitute for, formal systems of justice.

Insider mediators also play an active role in preventing or containing conflict. In Africa this role is increasingly recognised and institutionalised at regional, national and local levels. For example, the early warning-early response systems used by the regional organisations ECOWAS and IGAD rely on networks of local monitors who also act as first response teams, exploring and mediating local tensions while also alerting and involving governmental and regional actors.¹⁰⁶ At the national level some countries have institutionalised the practice of networks of insider mediators to prevent and address election-related violence in particular. This is, for example, the case with the establishment of the National Peace Council of Ghana. A greater number of countries are building up governmental structures at the village and district levels that support and give a mandate to networks of authoritative individuals, allowing them to play a role in dispute resolution. These initiatives are increasingly acknowledged and are now collectively referred to as Infrastructures for Peace (I4P).¹⁰⁷

¹⁰⁵ For example, the Brief Overview of Political Dispute Resolution at the Local Level in Nepal, the Carter Center, December 2010, shows that a large majority of political and non-political disputes do not involve political parties or party members, and are handled largely outside of state mechanisms. They documented a variety of informal mechanisms. The most common at local level are ad hoc panels of prominent citizens and representatives of community organisations (women’s groups, youth leaders, microcredit organisations etc.) that either mediate or adjudicate disputes. Similarly a study of Justice systems in Liberia noted the dominance and different forms of customary dispute resolution — including mediation and arbitration by networks of prominent individuals see Looking for Justice: Liberian Experiences and Perception of Local Justice Options, United States Institute for Peace, 2009.


DOES THE EU SUPPORT INSIDER MEDIATORS?

Peace negotiations within the EU have been mediated by a mix of ‘insiders’ and ‘outsiders’. For example, the combination of work by outsiders, namely the International Contact Group for the Basque conflict, and influential insiders is credited with prompting the 2011 ETA ceasefire and progress towards political normalisation in the Basque country. Similarly, the collaboration between outsiders — government officials from the United States — and a range of ‘insiders’ working at different levels facilitated the peace process in Northern Ireland.

The EU has played an important indirect role in supporting peace processes within its territory. In the case of Northern Ireland, for example, its role is seen as providing space for shifts at the political level and support for a range of track - 2 and - 3 dialogues through the European Commission 'Peace Programme'.¹⁰⁸ Moreover, the process of EU integration is itself seen as a 'peace project'. This was evidently the view of the Nobel Peace Committee who awarded the EU the Nobel Peace Prize in 2012. EU policy documents also support the view that the process of regional integration, which involves extensive negotiations to manage an increasingly intricate web of interdependencies, is a means to internal conflict prevention.¹⁰⁹ However, the EU has not directly engaged in track-1 mediation within its territory because its member states have not granted the institution a mandate to do so. Although the External Action Service includes an office of ‘Mediator,’ its mandate is limited to addressing disputes within the EU bureaucracy. Furthermore, the mediation ‘instruments’ managed by the External Action Service are designed to be used outside the EU.

In this sense the EU is a relatively unusual regional organisation. Many others have created, or are in the process of creating, structures for dispute resolution between or within their members. This is certainly true of regional organisations in Africa, which include, for

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¹⁰⁸ One study found that ‘From the standpoint of Northern Ireland, the EU offered the prospect of a political space, a kind of umbrella under which it was safe to explore alternative examples and possibilities of sovereignty, autonomy, identity, and allegiance. The EU also provided both funding perceived to be independent of the British and Irish governments, and a more universal set of standards against which to interpret events at home.’ N FITZDUFF and S WILLIAMS, How did Northern Ireland Move Towards Peace? Cumulative Impact Study, CDA, 2007.

example, the African Union (with its Panel of the Wise), the Economic Community Of West African States (ECOWAS), the Southern African Development Community (SADC) and the Intergovernmental Authority on Development (IGAD)\textsuperscript{110}. It is also true of the Organisation for Security Cooperation in Europe (OSCE) and, to a lesser extent, the Association of Southeast Asian Nations (ASEAN)\textsuperscript{111}.

While the EU harbours no ambition to be directly engaged in peace mediation within its territory, many argue that the EU should expand its role in high level peace mediation beyond its borders.\textsuperscript{112} Support for external high-level mediation efforts is generally popular, with external engagement promising high visibility and deal-brokering opportunities. It is also increasingly popular within the EU, and in the 2009 EU Concept on Mediation EU member states agreed to strengthen the EU’s capacity for direct engagement in peace mediation. Past experience suggests that this is likely to be geographically limited to Europe’s near abroad where EU influence and leverage is greatest. In other regions, the EU is more likely to be called upon to support mediation efforts led by others.

The 2009 EU Concept on Mediation acknowledges that the EU’s role in supporting the mediation of others is as important as its direct engagement in mediation, and in practice the EU provides substantial financial support for the mediation efforts and mediation support conducted by other international organisations. It funds and collaborates with the UN Department of Political Affairs Mediation Support Unit, finances AU mediation efforts and supports a range of mediation support activities conducted by international NGOs that specialise in peace mediation and mediation support.

The extent to which the EU supports the mediation efforts of insider mediators is less clear. The EU has not developed programmes that aim to support insider mediators within high-level track 1 political processes and EU aid is rarely used to support efforts that explicitly aim to link local track 2 or track 3 dialogue to track 1 negotiation efforts (by insiders or outsiders). The EU does, however, provide support for a broad range of peacebuilding activities, many of which include components of dialogue and mediation at track 2 or track 3

\textsuperscript{110} L PERAL ‘A European-engendered Peace Institute — Give it a chance’ in this report.
\textsuperscript{111} Although ASEAN does have some formal mechanisms, in practice these are not used. Rather, members engage in discreet behind the scenes management of some conflicts.
\textsuperscript{112} E VUCHEVA, “EU could do more for peace, Ahtisaari says”, euobserver.com, 2 April 2009. Available at: http://euobserver.com/24/27893.
levels. For example, in 2011 the Instrument for Stability (IfS) funded projects in Bolivia, Egypt, Georgia, Côte d’Ivoire, Kosovo and the Kyrgyz Republic with clear potential to support the work of insider mediators.¹¹³ Whether they do will ultimately depend on the quality of both the project design and partner selection. In practice, EU support is typically granted to international intermediaries, while local partners are only occasionally selected in terms of their mediation role. There are, however, signs that this too is changing. For instance, it has recently been decided that the IfS will support projects that explicitly aim to build on local mediative capacity in 10 ‘pilot’ countries. This suggests a growing awareness within the EU of the role that insider mediators can and do play and a willingness to explore if and how these capacities can be nurtured using EU aid instruments.

Despite its importance, there has been little recognition by the international community of the role played by insider mediators and few attempts to explore how local mediative capacity can best be strengthened. In some cases, external mediation teams arrive (for example, in recent African Union mediation efforts in Madagascar or the most recent UN intervention in Afghanistan) without attempting to link up with the network of insider mediators who already play a role. While these teams of high profile outsiders may have the leverage to secure a deal, they are often not linked to track -2 or -3 efforts and risk doing harm by uncoupling a high-level political negotiation from the broader peace process. As a minimum, therefore, international actors including the UN and EU need to be better at identifying the local mediation actors and networks and linking up with them.

The challenge of how donors and international organisations can also help build local mediative capacity is perhaps bigger still. In practice, international aid has also been used to support the creation of national institutions (so-called Infrastructures of Peace) with a conflict resolution mandate, e.g. Local and District-level Peace Committees, national Ministries for Peace and Reconciliation, or National Peace Councils with a mandate to resolve conflict especially during election periods. In addition, donors have supported the work of the dozen or so specialist peace mediation support/public

diplomacy NGOs that are actively involved in conducting or supporting mediation, either globally or on a regional basis. As indicated above, there is also increasing support for alternative dispute resolution mechanisms at track -2 or -3 levels — run either by NGOs or in cooperation with local government. These seek to complement the work of the formal justice sector and deal principally with domestic and land-related disputes, especially in conflict-affected countries such as Eastern DRC, South Sudan, Nepal and Liberia.

But in some contexts, “institutionalising” mediative capacity — by creating formal national institutions or NGOs — may not be the only or most appropriate response. One of the common characteristics of insider mediators is that they mobilise networks in relatively informal ways, by forming teams or sub-networks that are appropriate for each particular situation. Institutionalising or funding them may not always have the desired impact. Indeed, creating and providing Western funding for organisations may undermine personal credibility or subvert their core mediative function. The Local Peace Committees in Nepal is a case in point. Donor funding for these local infrastructures for peace, based on the positive South African experience, did not have the intended result. While the Committees were designed to include influential locals, few are now trusted to play a mediation role. In short, providing support to empower and advance the work of insider mediators requires political knowledge and acumen as well as creativity and is not easily translated into programmable aid.

Despite the challenges associated with identifying and supporting insider mediators, it is nevertheless critical that the EU expands its ambitions in mediation support in order to have a better understanding of who the insider mediators are and how to link up with or support them. Without doing so, the efforts of outsider mediators are likely to be less effective and less likely to deliver sustainable and transformative peace processes.


CONCLUSIONS

Although the EU’s own experience confirms the important, complementary role of insider mediators, this is not recognised in EU policy or plans designed to strengthen mediation support. To begin to address this gap, there are a number of ways that insider mediators could be integrated into current plans to strengthen EU mediation support. Firstly, the EU could include informal groups or actors that play an insider mediator role in its plans to provide mediation support to non-state actors. Secondly, the EU could support peer-to-peer efforts in order to share expertise and build capacity, including the national or regional platforms of insiders that play a mediation role. Finally, the EU could seek to include individuals with ‘insider mediation’ experience – including but not limited to the EU member states – in its plans to develop rosters of individuals for mediation support.

To better link the EU’s own mediation efforts with insider mediators, the EU could endeavour to systematically share experiences between insider mediators and EU political representatives in-country.¹¹⁶ It should also continue to support and learn from efforts that aim to build on existing informal mechanisms and capacity, including through Infrastructures for Peace. Should the proposed European Institute for Peace be created,¹¹⁷ its mandate should include research into and assessment of existing mediative capacity and the development of options that would allow the EU to better support insider mediators.

¹¹⁶ EU political representatives in country include: the political sections of EU Delegations, the offices of EU Special Representatives or Envoys, and EU Common Security and Defence Policy missions – especially where they have a role in monitoring and/or implementing aspects of a peace agreement.

¹¹⁷ See the contributions by L PERAL and A HERRBERG in this report.
Mediator and mediator is not the same. There are different levels of qualification. Mostly levels are not shown in certifications. Integrated Mediation shows them. We respect that not everybody, who is interested in learning mediation, wants to become a mediator. We also respect that others do not need a full scale training in order to deal with mediation in business. Star mediators. We do respect the different needs by three different levels of qualification. The degrees are marked with stars: Star Mediator: Full and deep understanding of mediation. Trainings are minimum 90 hours. Star Mediat... 2012. â€œSupport for â€œ Insiderâ€™s Mediators: A Gap in EU Ambitions for Mediation?â€ In Strengthening the EUâ€™s Peace Mediation Capacities: Leveraging for Peace through New Ideas and Thinking, edited by Tanja Tamminen, 90â€“102. Finnish Institute of International Affair (FIIA). link >. Research exploring the key role of Insider Mediators in informal peace processes (2008 â€“ 9). This seminal work that summarises and builds on findings of a â€œlessons-learnedâ€ workshop on Informal Peace Processes in 2008 still inspires our research on insider mediation. When supporting insider mediation, it is important to have a clearly formulated and planned exit strategy, ideally jointly devised with insider mediators. The abrupt ending of projects or projects with no clear ending contribute to insecurity and affect the morale of insider mediators. A sudden withdrawal of support could even put insider mediators in a vulnerable position. When deciding to extend support to insider mediation processes, a joint discussion on possible risks for both sides is essential. As with all externally supported peacebuilding initiatives, long-term commitment is vital. Lo 3Supporting Insider Mediation: Strengthening resilience to conflict and turbulence. Executive Summary. Peace is not an elusive goal, but certainly one that requires sustained effort, well before and long after the signing of an â€œofficialâ€ peace agreement. Disagreements over reforms, tensions around natural resources, and conflicts that emerge as a result of political transitions all require constant negotiation, dialogue, and compromise. Insider mediators - working overtly or behind the scenes - use their influence and legitimacy to constructively alter the behaviour, relationships and trajectory of parties in conflict. Using facilitation, dialogue and mediation, they work horizontally and vertically, formally and informally, at local, regional and national levels. The European Union (EU) was involved in numerous intervention activities, ranging from good offices to peacekeeping, in the former Yugoslavia. At times, such regional initiatives were conducted in conjunction with the UN; at other times such initiatives were undertaken unilaterally, and independently of the UN. This article builds on experience from ECOWAS interventions in West Africa to analyse the pros and cons of regional mediation and to test this argument. What lessons can be drawn and what recommendations can be derived from these cases?