

Assessing the Risks of Conducting Emergency Mediations in War Zones

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INTRODUCTION

Faced with armed conflict and violent unrest, civilians in war zones are left vulnerable to threats of violence and great deprivations. While humanitarian organizations working in conflicts areas provide lifesaving emergency services in sometimes highly volatile contexts, many are increasingly realizing that these activities are not enough for citizens yearning for security and a return to normalcy. This latter task is often relegated to the State and Track-I actors. But peace processes can take years to stabilize a country and while underway often limit themselves to resolving political dynamics in the capital. In the meantime, citizens in the rest of the country are suffering at the hands of armed men perpetrating daily atrocities and horrendous human rights violations.

Not without controversy, international NGOs have started venturing into the conflict resolution space to help resolve local clashes around land, security, economic and displacement issues. Entering this new programmatic area is not happening without generating fears and opposition from traditionalists and hard core humanitarians.

This paper will look at the challenges faced by humanitarian organization as they explore providing emergency mediation services for the protection of civilians. It will look at the risks conflict resolution dialogue processes can pose to participants and their communities; to mediation staff and their operations as well as assess the potential risks of exacerbating conflict dynamics. The paper will also examine mediation approaches and strategies that can help mitigate these risks. Risks are inherently present in all conflict environments and, as with any other NGO programs, should be weighed against the benefits of improving the lives of civilians in war zones.

BACKGROUND

Communities in Transition (CIT) is a conflict management consulting firm that empowers individuals to address conflict-related challenges in a collaborative and sustainable way. It does so

by (1) conducting conflict analysis and assessments; (2) facilitating conflict resolution dialogue processes; and (3) providing conflict management training.

CIT also started and leads an International Mediators Community of Practice (IMCP) that includes over 800 peacemakers and peacemaking institutions from 15 different countries. The IMCP provides an informal platform for discussion between mediation practitioners, trainers, academics and providers of mediation support services who actively engage in international third-party conflict transformation, to strengthen the skills of mediators and increase the use of dialogue processes in complex conflict contexts.

Emergency Community Mediation: CIT defines emergency community mediation activities as short-term mediation activities implemented by international and national mediation experts. During rapid deployment periods of 1-3 months at any stage of a peace process, mediation surge teams facilitate third-party dialogue processes between parties in conflict with the objective of lowering civilian casualties.

The Emergency Community Mediation strategy includes the following activities: (1) assessing conflict dynamics; (2) training insider mediators in mediation, conflict resolution dialogue facilitation, and restorative justice skill; (3) coaching insider mediators as they facilitate various problem-solving dialogues; and (4) integrating conflict resolution mechanisms within the appropriate peace process infrastructure or networks of effective action.

Thus far, this process has been used to help resolve agro-pastoral, inter-ethnic and inter-religious conflicts around economic, land, displacement and security issues. Invited parties include community representatives, religious, traditional and local authorities, economic actors, armed groups and militias, peacekeeping forces, NGOs and members of the international community.

Risk Assessment: a proper risk assessment would systematically identify the factors that could threaten human security and program implementation by identifying the impact and probability of each threat. This is not the objective of this paper. Instead, I try to summarize and respond to a number of criticism raised primarily by NGOs and other international actors cautious about the implementation of emergency mediation activities in the Central African Republic (CAR) during the period leading up to CAR's National Dialogue, the Bangui National Forum (January - May 2015).

I will look at the risks conflict resolution dialogue processes can pose to participants and their communities; to mediation staff and their operations as well as assess the potential risks of exacerbating conflict dynamics. In response to these concerns, the paper will also examine mediation approaches and strategies that can help mitigate these risks.

I. RISKS TO BENEFICIARIES AND THEIR COMMUNITIES

1.1. Risk of re-victimization inside the mediation space due to exposure to armed groups: *there are many risks that parties take when deciding to participate in a dialogue process with people that have caused them harm. The potential for re-traumatization is high when victims face armed groups, especially if the initial stages of the dialogue are virulent, high in intensity and low in remorse or empathy. Victims may be overcome with emotions causing additional suffering and harm. Belligerents may seize on those vulnerabilities and use these unequal power relations to reassert their authority and propagate fear.*

Mitigation strategy: when choosing mediation, one must be cautious that this is indeed the right tool being used at the right time for that particular conflict. A dialogue process that include a clear victim and self-acknowledged perpetrators requires a restorative justice process rather than mediation. If indeed mediation is appropriate, thoroughly explaining to everyone involved the process you will be facilitating and sharing with everyone who will be attending and what to expect allows parties to make their own decision about participating. It also enables the parties to prepare themselves for all eventualities, since the mediator cannot control the content of the discussions. In addition, the mediator must also make their own assessment of the capacity and readiness of the parties to discuss highly sensitive issues. During the dialogue, the mediator must at all times protect the psychological and physical safety of the parties involved and manage power dynamics to avoid manipulations and abuses, ensuring that all voices are being heard and diverse opinions explored while building understanding and helping to realign perceptions.

Participants who have committed crimes must also be clear that mediation does not exonerate them from facing judicial proceedings for criminal activities.

1.2. Risk of armed groups intimidating other parties and imposing their preferred outcome during the mediation: *differing power dynamics are inherent to any mediation process, whether facilitating a corporate-community-government conflict or inter-governmental consultations. There are always those that try to use their strength to impose their will. In the case of armed groups, that power imbalanced is even more pronounced, especially if armed groups are the only ones in possession of weapons. Faced with this threat, community members and local state actors may find themselves unwilling to speak up or acquiescing out of fear. Armed groups who participate with the intention of intimidating and solidifying their control can also threaten your process and manipulate the outcome.*

Mitigating strategy: community mediation is about reestablishing relationships and re-aligning perceptions, so the process does not include creating leverage to counter an armed group's de

facto power. Therefore the timeline belongs to the parties. So knowing when the moment is ripe is a critical aspect of entering complex conflict dynamics. Using local knowledge to assess ripeness and map stakeholders' power dynamics is an integral part of deciding whether it is a good time to engage or not and the parties and ready for dialogue. The mediations' impact on conflict, gender and other group dynamics needs to be monitored throughout the process and after the dialogue.

Pre-mediation training to strengthen a party's negotiation skills and confidence or to fill technical knowledge deficits are other ways of diminishing power differentials. A word of caution to avoid that capacity building with one side not be perceived as partial to the other. Offering support to all sides may be a way of getting around that.

While participation is voluntary, it is also voluntary for the mediator who can discontinue the dialogue process at any time, if they see that it is being manipulated to harm others, if threats are being made and options generated no longer reflect the self-determination of all involved.

1.3. Risk of retribution after the mediation process: Especially if a conflict has already led to thousands of deaths and millions displaced, the risk of re-escalation is great. Irrespective of how the peace process is advancing, on the ground armed groups are in control of the area. Representatives who attend mediation may have bought into the process and see the value of a negotiated solution, but that may not always be the case for the rest of their elements. Not just for armed groups but for all stakeholders, participation may be perceived as selling-out, too soon, or worse as a betrayal of those people who have lost their lives. These varying degrees of community support for a mediated process may create significant risks to the safety of participants who find themselves ostracized or worse threatened for engaging in dialogue with the "other" side. For an insider mediator, the same risks apply. Local mediators may be perceived as a threat to the interests of those benefiting from the chaos, in spite of the high degree of legitimacy they may have earned for carrying out the mediation. And these risks do not end once an agreement has been achieved, they can remain long after the dialogues are over.

The sensitive nature of the discussions may also pose a threat to those involved. Individuals who speak out may face retribution and be killed. Rumors, misinformation and mischaracterizations about the mediation can distort the content of the conversations as well as the motivation and intentions of those who spoke.

Mitigation strategy: prior assessment of the level of intra-group consensus about the initiative, the threat that participating may pose and the capacity of those invited to manage these pressures is key. Assessing and monitoring how being part of a mediation may impact that person's role in their community, their reputation and their safety is a critical part of the process. That information

should be used to determine your dialogue sequence logic and determine if intra-group dialogues need to occur in advance of a multi-stakeholder consultation. Establishing early-warning systems can help also anticipate rising tensions.

During and after the mediation, having parties prepare joint statements can help control rumors and pre-empt any assumptions about what was said. Asking parties what they are and are not comfortable discussing may also help create explicit boundaries for a safe conversation to occur.

II. RISKS TO EXTERNAL MEDIATION STAFF AND OPERATIONS

II.1. Risk to the security of external mediators: for outsiders coming into a community to mediate or to support the work of an insider mediator, the risks are similar to an NGO staff working in a conflict zone. Being a foreigner carries with it perception biases, prejudices and assumptions linked to the race, ethnicity, nationality, gender and the economic status of the expat. Conspiracy theories always abound and can create an atmosphere of insecurity for the mediator.

Interactions with armed groups is fairly typical for humanitarian organizations who maintain positive relationships with them to secure access for their programming needs. The focus of the mediator's interactions is slightly different though, as they seek to engage armed groups to protect not their own operations but civilians. Although the volatility of the people is the same, the sensitivity of the issues being discussed poses an additional risk to mediators because they touch sometimes at the very existence of belligerents.

Mitigating strategy: engaging in relationship-building activities, demonstrating consistency and honesty is crucial to establishing trust with belligerents and dispelling early misperceptions about one's person, role and your activities. Always working in tandem with local peacemakers facilitates one's pre-mediation assessments and mapping to understand nuanced power dynamics and the complexity of the conflict context. Obtaining a mandate from each participants and their explicit permission to facilitate this type of dialogue, lays the bases for an inclusive and voluntary process in which each party remains in control and joins as a willing participants. Anyone can end the process at any time.

In practice, engaging these often idle young men and addressing some of their concerns is welcomed by militias who feel discriminated against and stigmatized by NGOs, ostracized by the communities around them and left to fend for themselves by their hierarchy. Moving slowly, transparently and with everyone's consent can help mitigate the risk of armed groups feeling

threatened by a mediator. A clear explanation of the process, your role, vertical linkages to the peace process, who will be invited and what could potentially be discussed can go a long way in managing expectations and mitigating threats.

What is also important is that the mediator's sending agency, not work at counter-purpose to the dialogues and interfere with the legitimacy of the mediation. For example engaging in advocacy or data collection work may create confusion and foster doubt around the real motives and intentions of the external mediator and his or her sending agency.

II.2. Risk of carrying sensitive information: internal information sharing is important for the coordination of activities, with headquarters and other internal agency staff. As with any sensitive information there are always risks of losses, thefts or unauthorized accesses or disclosures. The types of interactions and information mediators are privy too, also makes them very desirable sources for a number of international and national actors. There is a tension between relationship-building and confidentiality. Dynamics can quickly shift and put the mediator at risk if their use of information is seen as manipulative, misleading and/or self-serving.

The media in high-profile cases can also be a threat to community mediators, but for different reasons. Most professional mediators have enough savvy to manage public messages, however the media creates an element of pressure and can promote unrealistic public expectations that can derail a mediator's strategy and influence the parties.

Rumors are also powerful threats to mediators who can quickly see their reputation and work destroyed by unfounded conspiracy theories and false accusations.

Mitigating strategies: Trust must be built and the dialogue space protected for the parties to feel comfortable to move from positions to interests. Agency procedures guiding the handling of sensitive information can protect beneficiaries, staff and its operations. It can add clarity for stakeholders as to what to expect with the use of the information they share and how it will be used as well as provide clear boundaries for mediators. Noted should also be that one cannot control what the parties themselves will do with the information they hear from others, so confidentiality typically only binds the mediator.

Never run from the media. It's always better to control the message than let people imagine what they cannot see. To balance the privacy of the parties and the need for the public to know, focus media interview on the process rather than the content of the conversations. Discuss public statements during the mediation and make that part of the issues the parties can agree upon

moving forward. Just as the media can put unwanted pressure on everyone involved, it can also be used to build confidence in the process and highlight successes.

II.3. Risk of blurring boundaries between the apolitical and the political: humanitarian principles are central to establishing and maintaining access to affected populations whether in the context of a natural disasters, armed conflicts or a complex emergency. While emergency community mediation have a humanitarian purpose, is in theory operationally independent and certainly impartial, it departs from typical humanitarian work in its vertical coordination with the track-I peace process. Most NGOs are staunchly apolitical and will even avoid participating in peace processes to preserve their reputation as apolitical which they see as intimately linked to their ability to access communities in needs.

For emergency mediation to be most effective, civilian protection activities must be linked with, yet not controlled by, the official peace process because all local conflict dynamics have drivers rooted far away from the physical location of the armed groups. These men take orders from leaders involved in peace negotiation and who themselves respond to pressures often from outside the country. These relationships cannot be ignored. Community mediation activities may even carry the risks of venturing into the responsibility of internationally mandated actors.

The issues that parties want to resolve at a local level are very often tied to the State's capacity or inability to govern. Unequivocally, emergency mediation breaks these silos and puts in the locals' hands the power to resolve security, corruption, governance and other highly politicized issues. It breaks with conventional wisdom that some issues need to wait on political reforms or the State. However, locally created recommendations and agreements should feed, with the parties' consent, into the broader peace process so that Track-I negotiations are informed by and respond to local conflict dynamics.

Mitigation strategies: the distinction that is often missed is that while the process and the issues can be highly politicized, the mediator is him or herself apolitical: although not neutral, they are impartial, have no stake in the parties' priorities or the solutions proposed. His or her aim is solely the protection of civilians. What that looks like, depends on the participants.

Vertical coordination with Track-I actors, as well as horizontal collaboration with NGOs and CSOs is critical to avert working at cross purposes, avoid duplication and minimize misunderstandings and competition.

II.4. Risk of being instrumentalized by donors: *in conflict contexts, where official and traditional conflict resolution mechanisms have been disrupted by violence and local peacemakers displaced or killed, external emergency mediation support provides that additional confidence and can be a catalyst to those left behind to act as circuit-breakers in the cycle of violence. As with any emergency programs, these short-term interventions are funded by outside donors who see value in providing life-saving services in areas they themselves cannot access. Despite these noble objectives, governments, regional, and multilateral organizations all have geopolitical interests, as do implementing partners who need to maintain their operations. Mediation programs are not impervious to sometimes politicized intervention choices and pragmatic programming.*

Dangerous is the perception by the community that emergency mediation programs are an extension of those institutions' policies run by the same countries that are too often perceived to support the very oppressive regimes at the source of the community' plight and insecurity.

Mitigation strategy: diversifying funding sources and basing interventions on needs can help provide mediators with additional control and independence over their program focus areas and justify one's presence in a specific area.

Demonstrated impartiality in the field is a key principle that can help counter suspicions of government control and demonstrate that civilian protection is the only motive for your presence. This can only be proven by the actions of the mediators. Designing a process in which the parties create their own solutions and nationals decide on their own on the resolution of the problems they themselves prioritize goes a long way in reassuring the community of the mediators' intentions.

III. RISKS OF EXACERBATING NATIONAL CONFLICT DYNAMICS

III.1. Risk of legitimizing armed groups or violations: *because mediators seek out parties who have emerged as leaders through violence and force, the multi-stakeholder conflict resolution dialogue process can be perceived to give importance to folks who have chosen to take up arms and prey on the community. By engaging armed groups, mediators can be seen as contributing to the institutionalization of militia or even rewarding impunity, instead of fostering and strengthening moral authority figures such as religious leaders and other social groups.*

Another challenge that is of increasing concern to mediators is the changing nature of armed groups from ideologically motivated rebels to fragments militias more akin to gangs than hierarchical armed forces. Participant selection is difficult when faced with fragmented groups with a flat or little hierarchy and loose command and control from self-appointed leaders. This can create dynamics of competition to be the one invited and represent an entity.

Mitigating strategy: emergency mediators engage all parties to a conflict without bias. In some contexts categorizing groups as the “good” guys or “bad” guys is not as simple as identifying who is armed. There are many contributing factors to why a conflict becomes violent. The mediation process suspends judgement and labels and seeks to provide a space for everyone to discuss and resolve their grievances. It does not replace or shield participants from judicial proceedings.

Emergency mediation does not offer participants per diems, transportation funds or provide any other financial assistance or incentives for participating or even implementing the agreement. Participants are asked to problem-solve using the resource at their disposal. This approach helps minimize competition for funds and aligns with the interests of those interested in resolution.

Highly fragmented conflict environments make community mediation that much more useful, particularly in contexts where a Track-I negotiated agreement is seen as an advancement opportunity for the next officer in line. If resolution can be found with lower level foot soldiers less pressure remains to advance one’s goals using violence.

III.2. Risk of exacerbating the conflict if mediation does not work or if parties are dissatisfied with the outcome: *a failed mediation process can embitter parties to trying mediation again. Parties may look at a failed mediation attempt and decide that dialogue does not work. An agreement may have the consensus of the participants but not the buy-in of the communities they represent. As mentioned above, participation may be perceived as a betrayal. A group’s identity can shape itself around conflictual relationships and peace may be difficult to grasp and quickly sabotaged to retain in-group cohesion.*

Mitigation strategy: dialogue should be presented as a mechanism and a reiterative tool to parties in conflict. A process can be designed to include check-in points with the community to ensure widespread support for the solutions the participants are committing to. While there are many strategies to help build consensus and find common ground, at the end of the day the reconciliation of parties in conflict cannot be forced and depends on the parties’ willingness to do so. While an agreement can be achieved, conflict transformation will depend on the integration of that agreement in an existing peace architecture and the development of mechanisms that can help its implementation withstand the shocks of inevitable bumps in the road.

CONCLUSION

As a protection activity, emergency community mediation can be a life-saving intervention where violence has shattered legal and traditional conflict resolution mechanisms. To mitigate the risks such interventions can pose to beneficiaries, communities, staff and their operations, establishing mechanisms to monitor threats to civilians are important safeguards. Critical to the effectiveness and sustainability of the conflict resolution process is the implementation of a sound approach that anticipates and prevents rising tensions due to bringing conflict parties together and a reliable methodology for observing changes in conflict dynamics, ensuring that activities “do no harm,” even long after the mediation team has left.