

osloFORUM2015

Peacemaking in the new world disorder



Authored by Paul Dziatkowiec, Christina Buchhold, Jonathan Harlander, Massimiliano Verri

Meeting
report

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The Oslo Forum features an annual global event in Oslo, complemented by regional retreats in Africa and Asia. The aim is to improve conflict mediation practice through facilitating open exchange and reflection, providing informal networking opportunities that encourage coordination and cooperation when needed, and allowing space for conflict parties to advance their negotiations.

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Participants have included **Kofi Annan**, former Secretary-General of the United Nations; **Jimmy Carter**, former President of the United States; **Daw Aung San Suu Kyi**, General Secretary of the National League for Democracy in Myanmar; **Juan Manuel Santos**, President of Colombia; **Thabo Mbeki**, former President of South Africa; **Martti Ahtisaari**, former President of Finland; **Mohammad Khatami**, former President of the Islamic Republic of Iran; **Olusegun Obasanjo**, former President of Nigeria; **Gerry Adams**, President of Sinn Féin, and **Fatou Bensouda**, Prosecutor of the International Criminal Court. The Oslo Forum is proud to have hosted several Nobel Peace Prize laureates.

The retreats refrain from making public recommendations, aiming instead to advance conflict mediation practice.

Peacemaking in the new world disorder



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The Centre for Humanitarian Dialogue (HD) is a private diplomacy organisation founded on the principles of humanity, impartiality and independence. Its mission is to help prevent, mitigate, and resolve armed conflict through dialogue and mediation.

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Third page picture: H.E. Mr Olusegun Obasanjo, H.E. Baroness Catherine Ashton and Ms Lyse M. Doucet.

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Peacemaking in the new world disorder

The Oslo Forum 2015 – an overview

The thirteenth annual Oslo Forum (16–17 June 2015) convened a hundred of the world’s prominent armed conflict mediators and peace process actors. They included Colombian President Juan Manuel Santos, Iranian Vice President Masoumeh Ebtekar, senior political leaders of the Afghan Government and the Taliban, Serbian Prime Minister Aleksandar Vucic, Jordanian Foreign Minister Nasser Judeh, Indonesian Foreign Minister Retno Marsudi, Kosovo’s Deputy Prime Minister Hashim Thaçi, former Nigerian President Olusegun Obasanjo, former EU High Representative Catherine Ashton, United Nations Under-Secretary-General for Political Affairs Jeffrey Feltman, International Criminal Court Prosecutor Fatou Bensouda, renowned Oxford academic Paul Collier and many others. Around 40% of the participants were women.

The overarching theme of the event was ‘peacemaking in the new world disorder’, reflecting the momentous events that have shaken up the international system in recent times, including the seizure of territory by non-state armed groups (notably Boko Haram and the Islamic State), deepening geopolitical fissures, fragmentation of states following the ‘Arab spring’, and challenges to state sovereignty in Europe.

President Santos of Colombia spoke frankly about the complexities of the peace process in his country (his opening remarks can be found on pages 12–15). He outlined the challenges of pursuing peace in the face of domestic political opposition, and reflected on the difficulties of striking the right balance between fighting and talking, and managing limited trust between conflict parties.

During the Forum, senior political leaders and representatives of the Afghan Government and Taliban met and for the first time outlined the broad contours of a possible peace

process. Separately, other leaders and negotiators shared their experiences of peacemaking in diverse conflict settings, and mediators such as Catherine Ashton outlined the intricacies of peace process mechanics in contexts as diverse as the Balkans and Iran.

A discussion on the Islamic State (IS) examined the factors that have brought the group such rapid success, including a shrewd combination of discipline, unified leadership and compelling ideology. Participants identified a set of principles that could form the basis of a more effective international response, starting with a more holistic understanding of IS, its strengths and the reasons for its popularity.

Another exchange focused on the Serbia–Kosovo agreement on normalising bilateral relations, which had required deft leadership to shepherd the two societies towards a more constructive and collaborative path, after decades of mutual animosity. Prospects for stability had brightened once leaders accepted that their region’s future could no longer be held hostage by the past.

The Prosecutor of the International Criminal Court, Fatou Bensouda, led a conversation on the nexus between justice and peace, which stressed the complementarities, and addressed the tensions, between the aims

of peacemaking professionals and those of the international legal regime that seeks to hold accountable those responsible for the worst crimes. (The Prosecutor’s opening remarks are reproduced on pages 24–27 of this report.)

The Oslo Debate went to the heart of mediation practice, by challenging perceptions of the mediator’s role: is it to focus solely on ending violence, or does it assume other duties, such as promoting human rights? Those who argued for a broader

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interpretation contended that the mediator has a responsibility to help create mechanisms to prevent a return to violence, which by definition includes ensuring that human rights are addressed during peace talks. Others countered that the mediator, whose function is an impartial one predicated on the trust of the parties, should not dictate norms but must always prioritise ending violence ahead of other considerations.

Other discussions covered peacemaking trends in Asia, insecurity and instability in Northern Africa and the Middle East, Nigeria's multifaceted security challenges, the implications of a nuclear deal for stability in the Middle East, and South Sudan's ongoing turmoil. An absorbing lecture on the dangers of conflict relapse identified important lessons for peacemakers involved in designing peace processes.

The 2015 Oslo Forum provided leading peacemakers a rare opportunity to learn from one another's successes and failures, and, through frank, closed-door discussions, to critically reflect on the state of the mediation profession and generate ideas for responding to newly emerging challenges. The attendance of leaders of conflict parties (for example, representatives of the Afghan Government and the Taliban, the President of Colombia, and national leaders from Serbia and Kosovo) offered a unique chance for not only peer-to-peer reflection but also cross-regional networking which, in turn, should contribute to improving the practice of mediation.

While the immediate prospects for peace appeared decidedly dim in several contexts, the collective experience and wisdom assembled at the Forum generated innovative ideas, and therefore some hope, for effecting positive change in some of the situations discussed.

The Islamic State phenomenon: searching for suitable responses

The growing stature of the Islamic State (IS) is reinforced by two narratives: first, that of savage violence and destruction, which pervades the international media and solidifies the movement's profile and credibility, particularly among outsiders drawn to its mission; and second, that of military conquest and promises of socio-economic redemption, which attracts people who have grown tired of poor government and corrupt dictators. There is a third narrative – one which gets far too little attention – that could counter the allure of the group: that of real life under IS, a precarious existence for anyone falling foul of its harsh decrees.

Through its shrewd combination of discipline, unified leadership and compelling ideology, IS swiftly seized control in the security and governance vacuum that emerged in Iraq and Syria. The movement derived its strength from a simple but powerful message – that its rule, more than any other, could end disorder and deliver righteousness grounded in true Islam. It positioned itself as a guarantor of security and stability, in an environment long lacking in both.

In contrast, the international response to the IS threat has been haphazard. The anti-IS coalition launched serious offensives without first building effective alliances with political forces on the ground. It partnered with corrupt militia commanders in Iraq, resulting in the slapdash formation of ineffective fighting units that disintegrate in the face of a more determined foe, as seen in cities like Mosul.

Some observers argue that the coalition's principal mistake in Syria has been its steadfast refusal to enter into dialogue with Syrian President Assad. Consequently, they say, the anti-IS fight has been left to a ragtag collection of militias and opposition groups that are no match for IS. Others counter that talking to Assad would have made matters worse; it would serve only to bolster a murderous

regime desperate to strengthen its 'war against terror' credentials, and thus increase its international legitimacy. Whatever the case, the coalition has struggled to find effective allies on the ground – a challenge made more difficult by its own narrow view of which groups are sufficiently 'moderate' to warrant engagement.

Three principles could constitute a basis for more effective international action:

- i) Draw a clear distinction between Islam and the behaviour of IS. Islam is moderate by nature; the Quran teaches that proselytising through violence is wrong. Religious authorities and other leaders in the Middle East should therefore confront IS more forcefully on this basic tenet of scripture. In turn, promoting a correct interpretation of religious texts could help prevent new recruits joining IS on the grounds that they are ostensibly serving Allah.
- ii) Fragment the movement at the local level, for instance by negotiating agreements with local 'branches' on basic issues, such as public services. Drawing local representatives away from IS's centralised control could ultimately contribute to its disaggregation.
- iii) Strengthen moderate groups, and encourage them to work together to offer Syrians and Iraqis a viable alternative to IS.

In short, a stronger international response must be based on a more holistic understanding of IS, its strengths and the reasons for its popularity. Above all, the international community has to recognise IS for what it really is: not just a military force, but also an organisation that is perceived to have legitimate social, religious and economic credentials. An effective anti-IS strategy has to counter these perceptions, as well as to overwhelm IS on the battlefield.

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A stronger international response must be based on a more holistic understanding of IS, its strengths and the reasons for its popularity.”

*Dr Michael Vatikiotis, Ms Meredith Preston McGhie, Ms Angelina Jany Teny,
Ms Shadia Marhaban, Ms Eva Kusuma Sundari and Dr David Harland*



H.E. Mr Erik Solheim, Mr Nicholas Haysom and Mr Tim Sebastian

The Balkans: from powder keg to partnership

The Brussels Agreement on normalising relations between Serbia and Kosovo was signed in April 2013. Mediated by then EU High Representative Catherine Ashton, the agreement was a major milestone in the dialogue between the two governments. The EU was well positioned to bring the sides to a deal: for both parties, the prospect of future EU membership was a major incentive to engage in talks.

Leaders on both sides faced considerable opposition at home, particularly from nationalistic forces that vehemently resisted concessions on issues of sovereignty. Still, the dialogue went ahead, with the parties eager to explore what direct engagement might do for political stability in their region. Given the deep sensitivities and domestic hostility on both sides, the talks themselves were confidential. For the same reason, early understandings were reached that certain red lines were not to be crossed in the talks – one of them being the issue of recognition of Kosovo by Serbia.

Dialogue proved difficult from the outset, not least because Serbia and Kosovo had contrasting views of their recent shared history. There was little hope of achieving a common understanding on this point; therefore both sides had to accept that their region's future prospects could not be held hostage by the past.

The dialogue process managed to build respect between the participants, which was essential for a relationship of trust to develop. This in turn made it possible for difficult compromises to be struck, as the parties shifted from a narrative of domination and resistance to an atmosphere of co-existence and cooperation. Eventually the public became aware of the talks, and the positive dynamic forged by the process gradually influenced popular attitudes, as the

respective communities increasingly accepted the need for normal communication between their leaders. The message of the dialogue – that only cooperation can bring real political and economic stability to the region – seems to have taken hold on both sides.

While the situation had improved in Serbia and Kosovo, developments elsewhere in the Western Balkans – namely Bosnia and Macedonia – were of great concern. In both countries, inter-ethnic reconciliation efforts at the community level were being obstructed by divisive politicking by the elites. Bosnians and Macedonians were protesting over similar issues: socio-economic exclusion, unemployment and a lack of space for political expression. While the insipid responses of the two governments were troubling, the good news was that local populations were increasingly energised by aspirations for better government, rather than the nationalistic impulses that had led the Balkans to war in the 1990s.

Through this lens, the Brussels Agreement should be viewed as a historic achievement. The dialogue process that led to it brought the parties from a dynamic characterised

by longstanding hostility to one of relative trust and respect, culminating in the normalisation of bilateral relations. However, the Agreement should not be seen as an endpoint. Many substantive issues are yet to be resolved, for example the Serbia–Kosovo border, and dialogue will need to continue. In this regard, the international community (particularly the EU) still shoulders an important responsibility – among other things, it will be called upon to help the parties identify workable compromises on a series of historically sensitive questions that have, for over twenty years, defied all efforts to resolve them.

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Both sides had to accept that their region's future prospects could not be held hostage by the past.

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H.E. Mr Aleksandar Vučić and H.E. Baroness Catherine Ashton



H.E. Mr Borge Brende



Colombia: a ray of hope

Keynote address by H.E. Mr Juan Manuel Santos, President of the Republic of Colombia

The resistance to diplomatic solutions is nowadays common to most of the major conflicts at the centre of international attention. There are more than 20 active conflicts in the world, and there is just one – *one* – where there is a realistic effort underway to bring it to an end through dialogue: the Colombian conflict.

That's why I am here in Oslo: to share with you how, in my country, we are attempting to solve the longest armed conflict in the Western Hemisphere. There are many difficult challenges ahead – it's true – but no one can deny that our negotiations with the FARC offer a ray of hope in a world darkened by war, terrorism and violence. We have learned that a military solution in the case of Colombia, and in many other conflicts, is not the answer.

Involved since the 1960's in an armed conflict with guerrillas, paramilitaries and drug lords who turned the country's rural areas into territories of crime and atrocities, Colombia had the image of a failed and violent State. Fortunately this is no more. But, we are still trapped in a war logic.

War is not a solution

It is time to recognise that war, as a major deciding mechanism in conflicts, has simply become obsolete. Military “victory” no longer brings peace, simply because in the asymmetric wars of today victory will always be an elusive affair, and there will always be a war after the war. It would be, on the other hand, dangerously naive to believe that the exercise of power and the capacity to intimidate are unnecessary.

In Colombia we had to change the correlation of military forces in our favour as a condition to start the peace process. If our determination to reduce the military capabilities of the FARC had not been realised and positive results had not been obtained, I can assure you that they would not be present at the negotiating table. And if we still send soldiers to fight, it is because we are in “a battle for peace”, as Yitzhak Rabin said in a memorable speech at the signing of Israel's peace with Jordan. He also taught us that sometimes a leader needs to fight terrorism as if there was no peace process, and persist in the search for peace as if there was

no terrorism. This has been my way, however contradictory and costly it may seem. And I truly believe that it is the fastest way to reach a settlement. But – I repeat – more war is certainly not the solution, as many believe, and this is particularly true in the Colombian context.

Global and regional support

Another condition for successful conflict resolution in today's interdependent world is the role that global or regional circumstances can play. This has been patent in our case. A radical change in our foreign policy, which led to an improvement in our relations with our neighbours and the rest of the region, facilitated the beginning of the process. Our neighbours, including Venezuela, Cuba, Chile and lately the United States, are today of great importance for our peace process. Norway has played – I say this with gratitude – a fundamental and positive role. Fortunately today there is not a single country that doesn't support peace in Colombia. We just had unanimous backing from the CELAC* – European Union summit held in Brussels. All the countries of Latin America, the Caribbean and Europe, also called – quite rightly – for faster results. This is also my plea because we have advanced too slowly in the last year.

Learning from the past

We prepared well for these negotiations and we have worked in parallel to create the necessary momentum to allow us to end this 50-year conflict. The FARC's record in past peace talks shows their tendency to try to manipulate them to acquire national and international legitimacy without actually striking a deal. We learned from previous experiences in order to prevent future mistakes. Every step we have taken has a logic and a reason.

Addressing the root causes of the conflict

The failure of the Colombian State to guarantee its presence in the whole country was one of the reasons that allowed the emergence of criminal insurgencies. Having that in mind, in Colombia

*Community of Latin American and Caribbean States.



H.E. Mr Juan Manuel Santos

the post-conflict has already begun and we are addressing the root causes of our conflict; one that has been especially cruel and violent. It has left behind almost 250,000 Colombians dead and more than 7 million victims including masses of displaced persons. Resolving such a conflict requires dealing with practically every aspect of our nation's life.

Colombia's lagging infrastructure has been a handicap for economic development and a recipe for poor security. We are addressing all these challenges. For example, we are implementing the most ambitious infrastructure development and housing projects ever imagined. And we are also designing and implementing modernisation policies in agriculture, energy and technology. All of these major competitive improvements for the country are being complemented with aggressive social reforms. In the last five years, we have created more jobs and pulled out of poverty and extreme poverty more people than any other country in the region. We made education free and for the first time our budget for education is bigger than our military expenditure. Our health system now has universal

coverage and is one of the most progressive in the world. As I have said: "in Havana we are silencing the weapons; in Colombia we are building peace."

Victims

But not only that... We decided to put the victims at the centre of the solution of this conflict. This is the first time this has been done. I signed in the presence of UN Secretary-General Ban Ki-moon the Victims and Land Restitution Law, which contemplates reparation for the victims and restitution of millions of hectares of land, stolen from the peasants through the use of force by guerrillas, paramilitaries and drug lords. This historic law has been the backbone of the agreement already reached with the FARC on Integrated Agrarian Development Policy.

Bear in mind that normally these kinds of laws are implemented only after a conflict has ended. In this case, the law is being put into practice at an enormous fiscal cost while the war – unfortunately – is still going on. For my government, giving back land to dispossessed peasants and offering financial reparation to the victims and to the millions of displaced families became another way to win peace and a way to start healing 50 years of wounds. We have already indemnified five hundred thousand victims. I have been told this is unprecedented in the world.

The path we took

We started secret negotiations almost three and a half years ago to establish a limited agenda that would allow us – assuming we reach an agreement – to end the conflict. It is the first time that the FARC have agreed to such a procedure. The Framework Agreement – signed here in Oslo two and a half years ago – has five items in the agenda:

- 1) Integrated Agrarian Development Policy;
- 2) Political Participation;
- 3) The Problem of Illicit Drugs;
- 4) Victims and Transitional Justice, and
- 5) The End of the Conflict (DDR).

We have already reached agreement on the first three. Never before have we advanced so far in a negotiation with the FARC. In many ways, it constitutes a historic landmark. For example, just to have an agreement on the third item – illicit drugs – is of great importance not only for Colombia but for the world, and has generated tremendous interest and support for the process. Why? Because Colombia has been a centre of drug production and trafficking worldwide. We have been the main exporter of cocaine to the world for the last 30 years. The coca plantations have destroyed thousands and thousands of hectares of our rainforests with devastating consequences for the environment and climate change.

Countries such as Mexico and the nations of Central America, where drug cartels are violently harassing the population, will benefit from peace in Colombia. It would also positively affect the United States and all other drug consuming countries, as well as West Africa, which has become in recent years the transit point of South American drugs on their way to Europe. The FARC have played a very important part in this chapter. Many have accused them of being the number one drug cartel in the world. That's why getting them to break all links to drug trafficking and instead help the government in the substitution of illegal crops and in the destruction of the labs (located deep in the jungles where cocaine is manufactured) would have such an impact. The illicit drug market has paid for their war machinery and they have produced and encouraged this lucrative source of financing. It is critical therefore that we eliminate this hellish business. So addressing the issue within the peace talks was fundamental.

Justice

We are now simultaneously addressing the two last items of the Agenda: the rights of victims and disarmament, demobilisation

and reintegration (DDR). A truth commission was agreed upon two weeks ago and we are starting to talk about the key issue of justice. Here we are entering unexplored terrain: there are no examples of successful peace negotiations in the era of the Rome Statute. We are aware we are setting a precedent.

Transitional justice experts usually deal with past abuses after a peace agreement has been reached. In Colombia we are trying to do both at the same time. This is truly a case of squaring the circle. We want to honour our international obligations, including our obligations under the Rome Statute, and obviously our national legal obligations as well. And more importantly, we want to make sure that whatever legal formula we arrive at, it is one that is perceived by all Colombians as a just formula. That is the basis of a long and lasting peace.

At the same time, arriving at such a formula requires the agreement of both parties at the negotiating table. It is extremely difficult and challenging but we are convinced that the circle can be squared. How? By putting victims' rights – as I mentioned before – at the centre of the negotiation. That is what we have just agreed with the FARC in Havana: to build a comprehensive justice system that will address victims' rights with regard to truth, justice, and reparations, and that will allow us to achieve peace as well.

Trade-offs between peace and full accountability are unavoidable. Still, our aim will always be to achieve the maximum degree of justice that will allow us to attain peace. And to build a system that delivers the greatest accountability possible in a transition to peace. That system will necessarily be a comprehensive justice system that incorporates both judicial and extra-judicial mechanisms designed to satisfy victims' rights, where there can be special criminal treatment for those

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Too frequently, peace processes are defeated by politics, not necessarily by the core issues at the negotiating table.

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H.E. Mr Juan Manuel Santos
and H.E. Mr Borge Brende

who are willing to redress victims by telling the truth and participating in reparation programs. Will we succeed? We don't know. But if we do, we may well become a new model of how to carry out justice in a peace negotiation. Above all, nothing can be done or agreed, particularly when it comes to justice issues, without the democratic consent of the Colombian people.

Sharing our experience

Now let me finally share with you some personal experiences, which illustrate what I believe this Forum is all about. I was duly warned that I would incur a high political cost (as I have); that exercising leadership in times of war, as I did when I was Minister of Defence before becoming President (I was the most popular minister and that is why I became President) is

much easier than exercising leadership in a peace process. War “makes rattling good history, but peace is poor reading.” War in Colombia and elsewhere, you surely know, frequently unites nations, while peace divides them. Abraham Lincoln, who knew this from his own extraordinary life, warned politicians “to avoid measures of popularity if they want to have peace.”

I have certainly learned the lesson. Too frequently, peace processes are defeated by politics, not necessarily by the core issues at the negotiating table. This is exactly what is happening in Colombia. It is hard to believe but peace also has many enemies, many times powerful enemies. And allow me to draw yet another lesson from my own experience.

Conflict tends to inflame and distort the ego and we must rise above the natural urge towards animosity. A leader needs to focus on the political objective of peace, and prevent being drafted into the easiness of war by the changes in the tide of opinion. That is why I always remind myself that this was my mandate when re-elected. It has become my mantra.

Ladies and Gentlemen, formidable difficulties still lie ahead for us in Colombia, and a final agreement is by no means a given. Time, unfortunately, is also running out. But I am confident that we still have a real chance to put this conflict where it belongs: in the history books. Reshaping the reality around us is our duty to future generations. And we should be humbly grateful for the opportunity given to us by our people to serve them to the best of our capacity. I will persevere in my vision for Colombia: a country at peace, better educated and with more equality. If we reach an agreement, if we stop killing each other after half a century of war, the political cost so far incurred will become a profitable investment. If not, I will in any case go to my grave with peace of mind for having tried what I believe to be “the correct thing to do.” Thank you.*

**In line with the Chatham House Rule, details of the question and answer session that followed this address will not be shared.*

Iran nuclear negotiations: implications for the region

Despite general agreement that the P5+1 negotiations on Iran's nuclear programme were of historic importance, contrasting views were expressed on how they are likely to affect the region, and Iran's role therein.

The nuclear talks were, according to some observers, an exceptional opportunity for peace and stability in the region: the achievement of a negotiated, fair and balanced agreement would represent a rare success for the forces of moderation, in a region otherwise afflicted by increasing conflict and extremism. A nuclear agreement might even lead towards a broader regional understanding that would promote order and stability, and assuage the security concerns of States in the region (including Iran itself). This could, for example, be achieved through the future negotiation of a regional security framework.

By contrast, others warned of possible negative consequences of a nuclear deal. For example, lifting sanctions against Iran – a key element of the anticipated deal – would provide the Islamic Republic with additional finances with which to support actors involved in fomenting conflict, such as Hezbollah. Iran's support to such groups not only generates instability in the region, but also fuels a sense of threat among Arab States.

Iran's considerable influence over parts of the region, including Syria and Yemen, was also discussed. Some speakers contended that this leverage was being used to disrupt regional stability and advance what Iran perceived to be its strategic interests. In Syria, for example, Iran's support to the regime has contributed to unspeakable human misery. However, others countered that numerous international actors are feeding the conflict in Syria, and that regional instability is largely a product of Western interventions in Afghanistan and

Iraq, which have fuelled extremism. In that context, Iran's voice is in fact one of moderation.

Regarding Yemen, there was general consensus that the conflict could be solved only politically, not militarily. There, the Islamic Republic is well positioned to exploit its influence over Ansar Allah by encouraging the movement to negotiate in good faith.

While recognising ongoing bilateral problems (including border disputes) with some neighbours, it was noted that Iran had, since President Rouhani's election in 2013, redoubled its efforts to improve relations with its neighbours – particularly Afghanistan, Iraq, Oman and Turkey. However, some participants maintained that many States in the region still distrust Iran's intentions vis-à-vis the region. A common refrain was that prospects for long-term stability in the region will depend largely on an improvement in relations between Iran and Saudi Arabia.

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Prospects for long-term stability in the region will depend largely on an improvement in relations between Iran and Saudi Arabia.”



Ms Rina Amiri

Asia's peace and security challenges

Participants reflected on the ethnic conflict in Myanmar and the recent civil war in Sri Lanka, and the implications for those countries' economic and social development. A discussion of Indonesia's peacemaking experience highlighted the roles States can play in promoting stability and peace in the region.

Myanmar and Sri Lanka have followed different trajectories towards peace. In Myanmar, the peace process has moved forward in the past four years thanks largely to the government's decision to engage in genuine negotiations with the country's ethnic armed groups. Bilateral ceasefires were signed with groups previously excluded from peace talks, and the government abandoned its insistence that they disarm before any negotiations take place. This positive momentum led to in-principle approval in April 2015 of a draft nationwide ceasefire agreement, which represents a potentially historic step towards peace.

Conversely, in Sri Lanka the conflict ended through a military intervention that eliminated the Tamil Tigers' leadership and led to that group's collapse. The stark comparison between the two approaches opened a discussion on the applicability of mediation and peace negotiations, as opposed to the use of force, as a method for achieving peace. Generally, participants considered that while the military option may occasionally end conflicts, victory invariably comes with a prohibitively high human cost. In addition, it does not necessarily put a definitive end to hostilities, if underlying grievances are left unaddressed. Furthermore, the conditions under which war can beget peace are extremely narrow: either armed groups become so centralised that the killing of their leaders precipitates their collapse; or they decide to engage in open confrontation rather than guerrilla warfare, and the government benefits from its overwhelming military superiority.

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The conditions under which war can beget peace are extremely narrow.

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Participants also discussed the relationship between democratisation, peace processes and economic development. One speaker argued that, as Myanmar embarks on a track of rapid economic expansion, it will have to forge a more inclusive national identity if it hopes to effectively play the role of regional link between India and China. In particular, Myanmar needs to improve its handling of the descendants of Indian and Chinese migrants, who have never been considered indigenous despite their 500-year presence in Myanmar. Sri Lanka's political scene might offer an instructive example in this regard; in January 2015, different ethnic groups were able to form a cross-cutting political coalition there. Together, this alliance defeated the incumbent and increasingly undemocratic president. The case demonstrates that ethnic differences can be overcome when disparate groups focus on what can bring them together, rather than on how they differ.

As democratisation progresses in the context of low-intensity conflict in Myanmar, some speakers cautioned that the government would eventually have to focus its attention on the demands of its people vis-à-vis welfare and social services, rather than peace. Should a comprehensive peace deal not yet be in place by then, there is a risk that it might be indefinitely postponed as democratisation takes centre stage.

Participants also reflected on Indonesia's efforts to foster peace in its region, including its role in helping to ease tensions between neighbours. Indonesia's approach to countering violent extremism – a growing concern in the region – places heavy emphasis on good governance, democracy and the efficient provision of social services, notably through education and women's empowerment.

Tackling Nigeria's multifaceted security challenges

Ms Betty Bigombe

While some commentators had predicted a bloodbath before the recent presidential elections in Nigeria, the smooth transition between Goodluck Jonathan and Muhammadu Buhari in May 2015 generated considerable hope for the future of the country. Nevertheless, major security challenges remain, as exemplified by continuing violent militancy in the Niger Delta, inter-ethnic clashes in Plateau State and Boko Haram's relentless brutality in the North of the country. During the Oslo Forum, participants explored possible responses to these formidable challenges, though some cautioned against burdening the new government with unrealistic expectations.

The security issues with which General Buhari must contend are radically different from those of twenty years ago. Nigeria has become considerably more polarised along religious lines, and between North and South. Concurrently, economic inequality has worsened, causing Nigerians to lose faith in their institutions.

In the medium term, the demography of Nigeria – where 65% of the population is under 18 years of age – could contribute to serious security challenges in the absence of efficient development policies. But rampant corruption acts as a brake on Nigeria's development, and therefore on its hopes of ending internal conflicts. Tackling this scourge has to become a top priority, if the new president is to steer the country towards sustainable peace and stability.

Nigeria cannot solve all its security problems alone. Some of them – for example, the threat of Boko Haram – have spread across borders, and Nigeria's neighbours are growing increasingly concerned about their own security. The Buhari government needs to strengthen cooperation with these States. One speaker suggested that the region suffers from a leadership vacuum on security matters, and that Nigeria should move to fill that role.

A purely military solution would never wipe out Boko Haram, which has demonstrated a remarkable ability to adapt and regroup when faced with force. Poor levels of education in the affected areas of the country, the high unemployment rate,



*Ms Alice Nderitu, Ms Kirsi Joenpolvi, Dr Katia Papagianni,
Ambassador Mona Juul and H.E. Mr Olusegun Obasanjo*



corruption and violent repression against the group during the early stages of its development were key factors in the rise of Boko Haram. Thus, appropriate socio-economic and development policies – including a concerted effort to strengthen the rule of law – should be at the forefront of the new government’s strategy. While robust responses to the group’s barbaric behaviour will continue to be necessary, the government should also explore to the fullest the possibility of dialogue.

In the Niger Delta, in order to curb the threat of militancy, the new government should invest significantly in developing the region, make economic governance fairer and more efficient, and

protect oil revenue while combating the region’s environmental degradation. One participant argued that granting amnesties to militants could positively transform the conflict dynamics.

Regarding the tensions in Plateau State, attendees stressed the importance of ongoing mediation efforts, including a bottom-up approach that brings affected communities (including women representatives) into the process. To follow up on these mediation efforts, longer-term peacebuilding strategies – accompanied by effective employment and welfare policies – should be put in place to help deliver clear peace dividends.

The Oslo Debate

Motion: 'The mediator's role is to promote and defend democracy and human rights, not just to end violence'

The 2015 Oslo Debate considered the mediator's fundamental role: is it to focus solely on ending violence, or does the job come with other responsibilities – the promotion of democracy and human rights? The key arguments in favour of the motion are shaded blue below; those against are shaded pink.

The mediator's role

Mediators are not negotiators: their role is to bring the parties together, and assist them in finding an accommodation. A mediator is not a 'values crusader' but a process manager. The content of the agreement is for the parties, not the mediator, to determine.

This argument suggests that the mediator's function is to reinforce the status quo – to allow those who won a seat at the table through violence to dictate the conditions of peace, at the expense of those most affected by conflict. Such an approach rewards violence and, worse, signals to others that, by also committing atrocities, they will influence the country's future. Mediators shouldn't be so passive – they should offer the parties a compass, not just a phone number. Sometimes mediators have to articulate the issues for the parties, particularly when hostile interlocutors have vastly diverging positions.

Each peace process is embedded in its own complex political and social processes, and the mediator has to adapt to that setting, rather than dictating norms. Everything the mediator does is predicated on the trust and consent of the parties.

Yes, but the mediator should take responsibility for helping to ensure that the peace is sustainable. That's in the interest of the parties. The mediator should set the tone, including by helping the parties set an agenda that addresses human rights.

There is a tendency to include too much in an agreement. Mediation is not just a matter of ticking items off a checklist: human rights, democracy, social justice, etc. Many of these issues belong in a political process that should follow the peace agreement and engage a broader set of actors. A checklist is meaningless – the only guarantee of peace is the parties' commitment to it.

But the parties will only be committed if they know they will be held accountable. That can happen only if the mediator helps create mechanisms to prevent a return to violence. If the mediator doesn't do it, who will?

There are many actors who should be trying to persuade the parties to take up these issues - civil society, victims' groups, the media and international courts. For example, Colombian society is putting immense pressure on the peace process to consider human rights issues.

Defining Priorities

The main priority and most immediate concern is always to end the violence. Peace itself brings enormous benefits: it eases humanitarian crisis, reduces torture and other abuses and saves the lives of possible future victims.

Merely securing a ceasefire, in the hope that it will automatically bring peace, is short-sighted. The mediator must do more to lay the groundwork for sustainable peace, by helping to establish institutions that will allow the non-violent settlement of disputes. The protagonists too need to be assured that they will be able to enjoy their rights without the threat of open conflict. Rights are high on most protagonists' agendas; even Boko Haram counts the detention and mistreatment of its members among its chief grievances against the Nigerian State.

When the parties raise these issues, the mediator should certainly put them on the table, and remind parties of their international obligations. However, it's ultimately the responsibility of the parties – not the mediator – to ensure that fundamental rights are protected. Agreements are notoriously fragile: 75% break down during implementation. If the parties don't 'own' the agreement – and any norms it contains – they will not implement it.

The mediator is well placed to educate parties about the importance of human rights. These issues may otherwise never be considered. There are countless examples of processes that failed to address rights, and then collapsed; Angola (1992), Rwanda (1993) and Ivory Coast (2000) were all 'settlements' that aimed to end violence but actually provoked more.

Overly ambitious agreements inevitably break down. The Darfur agreement (2006) failed because mediators insisted on unrealistic provisions. Similarly, during the 1990s mediators imposed unworkable obligations on the protagonists in Burundi, which lacked the institutions to implement them. A later agreement (in 2000) was more carefully adapted to Burundi's particularities: it took heed of minority concerns and designed quotas and other mechanisms to ensure fair ethnic representation in State institutions.

The mediator can also influence proceedings positively, without dictating, by helping to generate ideas and create a framework for discussions. No one is better positioned to ensure that conflict parties consider human rights.

The justice question

If the mediator insists on accountability for all crimes, there will never be real peace. Unfortunately, those who have committed the worst abuses are usually the same people the mediator needs at the table – they command the arms and can therefore stop the conflict.

The peace process shouldn't involve only the parties who perpetrated violence, nor should it ignore the abuses that caused the conflict. That would be an injustice to the broader population.

Few peace processes have settled justice issues well, even where they succeeded otherwise. In Mozambique, perpetrators of war crimes found themselves in parliament, not prison. In Nepal and El Salvador, government and rebel commanders were never brought to justice. At least there was a peace dividend for the rest of society.

El Salvador is a poor example of sustainable peace: it's wracked by institutionalised violence and has the world's highest murder rate. Its 'peace' process empowered those with guns, rather than protecting the rest of society. Similarly, the Cotonou Agreement (1993), which included a blanket amnesty, actually preceded the worst atrocities in the Liberia conflict.

A process can break down over justice. Is it worth risking more years of conflict for the sake of sending a handful of war criminals to prison? For posterity, surely peace is preferable. Colombia may face this difficult trade-off soon. In general, conflict parties negotiating peace are unlikely to subject themselves to real justice. But negotiated outcomes may bring peace for the rest – and that should be the main aim of the mediator.

Beyond revolution: insecurity and instability in the Middle East

Since the ‘Arab revolutions’ of 2011, a number of factors have contributed to destabilising the region, including the growing divide between Sunnis and Shiites, increasing radicalisation, tribal and regional disputes, weakening State institutions, and the shrinking of political space. The Oslo Forum discussion supported the premise that inclusive political processes – which are mostly not being pursued by the region’s governments – could contribute to greater stability in the region.



Dr Thant Myint U

In Iraq, Syria, Yemen and Libya, the absence of credible political processes for addressing grievances has created conditions favourable to radicalisation. In the absence of genuine political debate, ethnic, sectarian and tribal differences have resurfaced as important markers of identity, and become drivers of conflict. Libya is a case in point: while its people are generally ethnically homogenous, tribal and religious identities have been exploited to ‘invent’ hatred between communities.

The closing of political space in many countries in the region has contributed to the rise of extremist groups like Islamic State (IS), and to the marginalisation of Islamist movements in general. Regarding the latter, failure by the governments of the region to distinguish between Islamist movements and radical Islamists is bound to threaten societal cohesion in the longer term. Ostracising all Islamists, which has been occurring in parts of the region, risks driving to radicalism many of those who were once committed to peaceful political dialogue.

The politics of exclusion, often disguised simply as ‘majority rule’, leaves individuals and groups vulnerable to the influence of extremist ideologies. Political exclusion is frequently based on ideology, sectarian or ethnic identity, or – as in the case of former members of the Iraqi security apparatus – affiliation with a previous regime. Regardless of the justification, exclusion often seeks – but generally fails – to weaken extremist groups. Instead it provides already radicalised groups with new allies, a stronger purpose and a common enemy.

One method for countering the growing danger of extremism is the inclusion of disenfranchised actors into political processes. Political inclusion allows for a gradual improvement in understanding between Islamists and secularists, as well as between members of former regimes and supporters of recent revolutions. Reflecting on the Tunisian case, one speaker argued that the previous elites must be allowed to play a role in the post-revolutionary order. This would compel them to contribute constructively to nation-building (and influence their constituencies to do likewise), instead of spoiling from outside the political process.



Political inclusion could also help to overcome potentially dangerous divisions between de facto power holders (including economic elites, religious leaders and the military) and newly elected authorities still establishing their legitimacy. To manage this delicate balancing act, Tunisia, unlike other countries in the region, had opted for national dialogue – a difficult but potentially transformational effort to achieve consensus.

The inclusive road is invariably a difficult one: an inclusive political process takes considerable time to mature, and even longer to produce tangible results. Even then, it may not necessarily lead to a ‘social dialogue’ that addresses other important grievances, like economic inequality. Faced with these difficulties and uncertainties, few countries in the region have demonstrated the resolve or patience needed to pursue a truly inclusive approach. Partly as a result of this, the hopes that spurred the recent revolutions have in most cases gone unrealised.



Mr Gaith Abdul-Ahad

The peace-justice interface: where are we now and what are the challenges ahead?

Guest lecture by Prosecutor Fatou Bensouda, Prosecutor of the International Criminal Court

Excellencies, Distinguished Guests, Ladies and Gentlemen, Allow me at the outset to express my gratitude to the *Royal Norwegian Ministry of Foreign Affairs* and the *Centre for Humanitarian Dialogue* for their gracious invitation, which has given me this opportunity to share a few thoughts with such distinguished company. I am humbled by the collective experiences of so many eminent experts in the field of peace and mediation.

It is a great privilege to share with you my experiences on the interplay between peace and justice as Prosecutor of the International Criminal Court (ICC). How to effectively realise sustainable peace is a critical and complex question, and given the number of conflict zones around the world today, is one that requires our full attention. While certainly not a panacea, I do believe that law can serve as an important tool to stop and prevent violence.

When carefully considered, the fight against impunity for atrocity crimes, which is the cornerstone of the Rome Statute, can indeed make a significant contribution to the pursuit of peace and security in the world. As we have repeatedly observed, the lack of meaningful and effective accountability for atrocity crimes emboldens perpetrators to continue their heinous crimes unchecked.

Additionally, the accountability vacuum created in the absence of justice can not only prolong the bloodletting, but also the intensity and organisation of mass violence. The creation of the International Criminal Court responded to humanity's need: the need to finally ensure that those most responsible for genocide, crimes against humanity, war crimes and potentially, the crime of aggression in the future, are held accountable for their despicable crimes.

The effective investigation and prosecution of such crimes is meant to contribute to their prevention. The debate on peace and justice has always been an important one, and has received much interest. But I believe it has been somewhat misconstrued.

When States gathered at the Rome Conference in 1998, they recognised the intrinsic link between peace and justice, which they settled – legally speaking – under the Rome Statute. With the entry into force of the Rome Statute, a new legal framework

has emerged that sets new parameters of relevance for resolving conflicts. The issue is no longer about whether we agree or disagree with the pursuit of justice in moral or practical sense; it is the law accepted by 123 State Parties.

As a result, when a peace process is initiated, the question should not be about a contest between peace and justice, whether peace and justice can be sequenced or whether under certain circumstances, I, as the ICC Prosecutor, should refrain from exerting my mandate. Rather the line of query should focus on what mechanisms can be employed to ensure that those most responsible for atrocity crimes are held accountable, in accordance with State Parties' obligations under the Rome Statute, while achieving lasting and viable peace and stability.

This is not to say that the intricacies of peace initiatives and consideration are of no interest or relevance to my Office. In most situations before the Court, conflict management and peace initiatives have been underway while our preliminary examinations or investigations and prosecutions are proceeding.

Role of the ICC in peace processes

As you may already be aware, my Office is currently examining nine situations in Afghanistan, Georgia, Palestine, Iraq,

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Prosecutor Fatou Bensouda

Colombia, Guinea, Nigeria, and Ukraine to name a few – with a view to determining whether there is a reasonable basis to proceed with an investigation. This preliminary examination stage is an information-gathering process that, as a mandatory activity under the Rome Statute, drives and permits my Office to determine matters of jurisdiction and admissibility.

In addition, we have opened investigations in nine other situations, the most recent ones being those in Mali and in the Central African Republic. In discharging its mandate, my Office acts independently and impartially, strictly applying the law and objectively following the evidence. We execute our mandate without fear or favour wherever our jurisdiction requires us to act.

Let me first reiterate and underline that my Office's role under the Statute is a strictly legal and judicial one. Political considerations relating to peace and security fall within the mandate of other actors, and certainly do not and will never form part of the decision-making in the Office of the Prosecutor. At the same time, the interplay between conflict resolution initiatives and justice is a prominent feature in all the situations where we are currently working.

We are of course fully aware of the political realities and sensitivities involved, and indeed, we are keen to play a constructive role within the prescribed limits of our mandate as set by the Rome Statute. For instance, where possible, we will inform political actors and mediators of our actions in advance, so that they can factor investigations into their activities. I wish to stress here that the existence of the Court and the conduct of investigations by my Office do not preclude or put an end to peace processes.

If anything, the 'Shadow of the Court', as the UN Secretary-General has once named it, has given substance to the now widely-accepted notion that impunity for atrocity crimes and blanket amnesties for those most responsible for perpetrating them are no longer an option. Beyond that, recent examples demonstrate that it is not only desirable but actually possible to reach peace without abandoning justice.

The Central African Republic is a case in point. The Bangui Forum held last month concluded successfully with the signing by all parties to the conflict of a framework agreement which explicitly rejects impunity and stipulates support for a truth and reconciliation commission, the Special Court being established to address impunity, and ICC investigations. Second, under the Rome Statute, the jurisdiction of the ICC is complementary to that of States.

My Office only investigates and prosecutes crimes where States either cannot or will not do so genuinely – as the ICC is a court of last resort. The situation in Colombia is a clear example where my Office determined that a reasonable basis did exist to believe that war crimes and crimes against humanity had been committed by all sides in the armed conflict in Colombia; however, no investigation has been opened to date by my Office, because the principle of complementarity of jurisdictions came into play. In fact, there are also reasons to believe that the 'Shadow of the Court' induced prosecutors, courts, legislators and members of the Executive Branch to make certain policy choices in conducting investigations and prosecutions, and

setting up accountability mechanisms, starting with the *Justice and Peace Law*. Representatives of my Office meet regularly with the Colombian authorities to consult on justice issues.

I am grateful to His Excellency President Santos for this committed engagement, and his eloquent remarks yesterday about his country's pursuit of sustainable peace secured on the strength of justice and accountability and a recognition of the centrality of the plight of victims. I commend him in these efforts.

Colombia has been under preliminary examination by my Office since 2004. As per our duties, we continue to inquire into relevant national proceedings to determine whether those most responsible for the most serious crimes alleged to have been committed by all parties to the conflict are being brought to account.

An important question at this juncture is how a peace agreement may affect national proceedings and impact on the Office's assessment of the admissibility before the ICC of cases arising out of the situation in Colombia. It appeared to my Office that those within the FARC and ELN, who were alleged to be the most responsible for the most serious crimes, had been the subject of genuine national proceedings. This conclusion was reached on the basis of sentences passed by Colombian judicial authorities on FARC and ELN leaders for conduct relevant for the ICC. The conclusion was, however, made subject to the appropriate execution of the sentences.

While the Rome Statute does provide for sentences in ICC proceedings, it does not prescribe the specific type or length of sentences that States should impose for ICC crimes. In sentencing, States have wide discretion. National laws need only

produce genuine investigations, prosecutions and sanctions that support the overarching goal of the Rome Statute - to end impunity for atrocity crimes.

Effective penal sanctions may therefore take many different forms. They should, however, serve appropriate sentencing goals, such as public condemnation of the criminal conduct, recognition of victims' suffering, and deterrence of further criminal conduct.

I am mindful of the historic challenge Colombia is facing. As I have conveyed on multiple occasions, my Office is at the disposition of Colombia to offer any assistance that is within our realm to play a constructive role and ensure that the cycle of impunity is broken, while reaching lasting peace.

The 'interests of justice' under the Rome Statute

The 'interests of justice' principle allows my Office to decline to open an investigation in certain exceptional circumstances.

For my Office to open an investigation, the conditions of jurisdiction and admissibility must be met. While these two tests are *positive* requirements, the 'interests of justice' is not. On the contrary, the 'interests

of justice' is a potential *countervailing* consideration that might produce a reason *not* to proceed with an investigation, even where the questions of jurisdiction and admissibility have been satisfied. This difference is important.

My Office is not required to establish that an investigation or prosecution *is* in the interests of justice. Rather, as a general rule my Office must proceed *unless* there are specific circumstances that provide substantial reasons to believe it would not be in the interests of justice to do so at that time.

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If the exercise of our jurisdiction were to aggravate the plight of victims, we would refrain from acting.”

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The question of ‘the interests of justice’ must be interpreted in line with the Statute’s object and purpose. This means that it cannot be conceived so broadly as to encompass all issues related to peace and security. That said, in assessing the interests of justice, my Office is obliged by the Rome Statute to consider the *interests of victims* and the *gravity* of the crimes – these are the two important factors that the Statute provides for expressly.

To put it simply: say, if the exercise of our jurisdiction were to aggravate the plight of victims, we would refrain from acting. After all, the ICC was created to address impunity for atrocity crimes with the interests of victims as the bedrock of its work. Furthermore, as I have said before, although the prosecution of atrocity crimes should promote sustainable peace, the State Parties to the Rome Statute created the ICC as a judicial institution and not as a peacemaking institution. Explicit peacemaking is the responsibility of other bodies, such as the United Nations Security Council and, of course, States themselves.

As you are aware, the Rome Statute under its article 16 empowers the Security Council to temporarily defer the opening of an ICC investigation or halt ongoing investigations and prosecutions, if it determines that they would jeopardize international peace and security.

For my part, under the statutory mandate I have received from State Parties, I have a duty to proceed when the criteria of the Rome Statute so dictate. Therefore, I must stress that only *in exceptional circumstances* will my Office conclude that an investigation or prosecution does not serve the interests of justice.

Excellencies, Distinguished Guests, Ladies and Gentlemen, the international legal framework created by the Rome Statute emphasises the vital importance of ending impunity for perpetrators of the most serious crimes. This framework cannot be suspended or ignored as a matter of expediency. Indeed, the law must *no* longer remain silent during war and conflict, but be increasingly seen as a valuable instrument of peacemaking.

This framework offers flexibility to States striving to deliver justice in post-conflict situations. Additionally, the criminal justice framework does by no means exclude other forms of accountability, in complementary fashion to investigations and prosecutions of the main perpetrators of atrocity crimes.

In Albert Einstein’s timeless words: “*Peace is not merely the absence of war, but the presence of justice, of law, and of order.*” By confronting destabilising atrocity crimes through the Rome Statute legal framework, the international community strives to ensure a sustainable transition from armed conflict to peace.

As ICC-Prosecutor, I would like to underscore once again my support for any peace efforts in accordance with the principles and values that the State Parties have enshrined in the Rome Statute. I am certainly committed to doing my part to bring to justice perpetrators of mass crimes, and thereby contribute to the establishment of conditions of peace and stability wherever in the world my jurisdiction allows me to act. Our results are the sum of the actions of many actors involved. If perpetrators and would-be perpetrators of atrocity crimes are to be deterred, a strong and consistent message is required from all quarters – whether from the Court, State Parties, the UN Security Council, or otherwise – that the era of impunity is over; that law and justice will *not* be sacrificed at the altar of political expediency to the detriment of victims. Violence left untamed by the virtues of justice will beget a cycle of violence.

Ladies and Gentlemen, we must do all we can to ensure that security, stability and the *protective embrace of the law* become a reality to be relished *by all, in all corners of the world*. A world that invests in accountability will surely reap its peace dividends. Lest we forget that the olive branch of peace is barren without the trunk of blind justice. Thank you.*

* Please note that this is an abridged version of the original speech. In line with the Chatham House Rule, details of the question and answer session that followed this lecture will not be shared.

A mediator's dilemma: managing versus solving conflicts

Among the many dilemmas mediators face is the question of which tools they should use when managing conflicts, in contrast to trying to resolve them. From the start of their engagement, mediators should be realistic in defining the goals of their work, and sequence their priorities accordingly. Aspiring to resolve a conflict definitively is appropriate in some cases (arguably including Colombia and the Philippines). In other circumstances, however, mediators must acknowledge that conflict management is a more feasible aim, and adjust their strategy. Overzealous peacemakers have often failed to heed this principle, and aimed too high too soon – examples include the conflicts in Mozambique, Sudan and Northern Ireland.

Of course, the profile of the mediator plays a major role in determining what kind of tools can be used in a given context. Some mediators are better placed than others to help 'ripen' a conflict – for example, power-based mediators who can leverage the influence of a powerful government or international

organisation. However, in such a situation, mediators must take care to ensure that their efforts to help ripen a conflict are not interpreted as favouring one side.

Frozen conflicts like Cyprus, Nagorno-Karabakh and Western Sahara pose particularly difficult challenges in this regard. Where the parties are not hurting equally from the conflict, or where they benefit from the status quo, they can be reluctant to push for a resolution. External actors with political and economic interests can also become an obstacle. Even among neighbouring States, a shared interest in regional stability is not necessarily a given, and efforts to unite them in an alliance for peace (for example, through 'groups of friends') can backfire as selfish interests come to the fore. In the case of Western Sahara, for example, the 'group of friends' intensified divisions rather than reviving the peace process. By contrast, in East Timor, a similar group helped to mobilise outside actors in support of the peace process.



Mr Jeffrey D. Feltman and Mr Jeffrey W. Eggers



H.E. Ms Retno L.P. Marsudi



Evidently, power-based mediation has its limitations. In comparison, non-governmental mediators may be perceived as ‘weak’ (that is, lacking enforcement power) but they are often better placed to open discreet channels of communication and serve as ‘incubators’ for creating a climate of dialogue. Unburdened by excessive bureaucracy or public profile, they can quietly help the parties to reframe a stalled process, including by feeding in new ideas. Similarly, Track 2 negotiation channels can reinvigorate a stuttering process by bringing in new thinking and new actors. Naturally, though, conflict parties

sometimes oppose such initiatives, for fear of losing influence over ‘their’ peace talks.

Some tools can hinder as well as help progress. For example, confidence-building measures can create new channels of communication (as in the Nuba Mountains process) and therefore serve as useful tools for crisis management. In other cases, they create a situation in which conflict parties grow comfortable with the status quo, and therefore reluctant to address underlying grievances. Even good ideas can produce bad outcomes.

South Sudan: challenges of regional peacemaking

Throughout the North–South civil war in Sudan, the Sudan People’s Liberation Army (SPLA) struggled with ethnic divisions and personal rivalries. After South Sudan became independent in 2011, the longstanding rivalry between President Kiir and Vice-President Machar resurfaced, with violence erupting between their respective supporters in December 2013. In an attempt to settle the rapidly escalating conflict, member States of the Intergovernmental Authority on Development (IGAD) set up a mediation process, which by the spring of 2015 had reached an impasse.

Key actors involved in the current peace talks in South Sudan met at the Oslo Forum and reflected on the reasons for the failure of earlier efforts to make adequate progress with the parties. Their observations are summarised below.

Partly owing to deficient preparation and organisational capacity, mediators were said to have lacked a clear, shared vision of what they wanted to achieve from the process and, by extension, what they needed to extract from the protagonists. Critically too, the conflict parties themselves were reluctant to take full ownership of the process, and lacked clear objectives – a symptom of their deficient political will.

Many participants argued that the involvement of regional actors – a helpful element in the case of the Comprehensive Peace Agreement (2005) – has so far proved to be an obstacle in the IGAD-led peace process. Neighbouring countries involved in the mediation effort have vested interests in South Sudan. While their influence could have been leveraged to push the parties towards a deal, these States instead focused largely on their own economic and political priorities. Some countries had supported (even militarily) one or the other conflict party,

which blurred the lines between those who could be considered credible mediators and those who were actively involved in the conflict. The paradox was that regional actors could become spoilers if excluded from the peace process. On balance, it was considered that the involvement of the neighbours in the process was crucial.

Looking ahead, some participants voiced concerns that introducing additional actors through an expanded ‘IGAD-Plus’ format (including the United States, Norway, the United Kingdom, the UN, China, the African Union and the EU) – and with it more views, agendas and politics – could further stall rather than reinvigorate the process. Others argued that an IGAD-Plus arrangement could represent an improvement, particularly if it were to be combined with the parallel Arusha process (initiated by Tanzania and South Africa with the aim of reuniting the SPLM) which may produce beneficial synergies.

In a discussion on the future role of the international community, one participant warned that international donors would show limited patience if expected to continue covering the humanitarian costs of a war waged by South Sudanese elites, and funded by local oil revenues. Instead, it was suggested that international actors should reflect on how they might redirect

development assistance in a way that will pressure South Sudan’s leaders to commit to peace.

Overall, participants agreed that South Sudan deserved a new national vision – one premised on the will of its people, rather than contingent on the outcome of destructive power struggles between its elites.

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Professor Chester A. Crocker and Sir Kieran Prendergast

Oslo Forum 2015 agenda

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Tuesday
June 2015

09.00 – 10.30	Opening plenary, including keynote address: ‘Colombia: a ray of hope’	
10.45 – 12.00	Option 1	Option 2
Two parallel sessions	Beyond revolution: insecurity and instability in the Middle East and North Africa	Afghanistan I: paving the path to peace
12.00 – 14.15	Lunch	
12.30 – 13.45	Option 1	Option 2
Two parallel sessions	Guest lecture - ‘The dangers of conflict relapse: lessons for mediators involved in designing peace processes’	Afghanistan II: paving the path to peace
14.15 – 15.45	Option 1	Option 2
Two parallel sessions	Asia’s peace and security challenges	Tackling Nigeria’s multifaceted security challenges
16.00 - 17.30	Option 1	Option 2
Two parallel sessions	Mediation laboratory - ‘A mediator’s dilemma: managing versus solving conflicts’	South Sudan: challenges of regional peacemaking
18.00 – 19.30	The Oslo Debate: ‘The mediator’s role is to promote and defend democracy and human rights, not just to end violence’	
19.30 – 21.30	Formal dinner	

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Wednesday
June 2015

09.00 – 10.30	Option 1	Option 2
Two parallel sessions	The Balkans: from powder keg to partnership	Iran nuclear negotiations: implications for the region
11.00 – 12.30	Mediator's Studio	
12.30 – 14.30	Lunch	
13.00 – 14.00	Lunchtime lecture - 'The peace-justice interface: where are we now and what are the challenges ahead?'	
14.30 – 15.45	Option 1	Option 2
Two parallel sessions	Colombia: negotiating a new future	The Islamic State phenomenon: searching for suitable responses
16.00 – 17.30	Closing plenary: 'Peacemaking in the new world disorder'	

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