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Developing an OSCE Mediation-Support Capacity: First Steps

Introduction

The Organization for Security and Co-operation in Europe (OSCE) was the first security organization to conceive of, and adopt, a concept of comprehensive and co-operative security. This unique approach also entails a commitment to work towards the peaceful settlement of disputes. In the form of the 1975 Helsinki Final Act, the CSCE/OSCE received an explicit mandate stipulating that disputes were to be settled peacefully. Participating States agreed that they “will use such means as negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice including any settlement procedure agreed to in advance of disputes to which they are parties”.¹

The strengths of the OSCE as a mediator lie in its broad membership as well as in the fact that all participating States meet on a weekly basis and on equal footing in the Permanent Council (PC) and the Forum for Security Co-operation (FSC) to discuss their security concerns. In addition, the Organization is equipped with a set of unique instruments and tools to carry out its mediation role. These are wielded variously by the Chairperson-in-Office and his or her Personal and Special Representatives; the Secretary General and the Director of the Conflict Prevention Centre (CPC); the institutions, especially the High Commissioner on National Minorities (HCNM); the field operations; and the OSCE Parliamentary Assembly.

Furthermore, the OSCE participating States have developed specific mechanisms and procedures over time that are at their disposal for the management and settlement of conflicts.² In most crisis situations that the OSCE has to respond to, a combination of the instruments mentioned above is ap-

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1 Final Act of Helsinki, Final Act of the Conference on Security and Co-operation in Europe, Helsinki, 1 August 1975, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht 1993, pp. 141-217, here: p. 145.

2 For an overview of OSCE mechanisms and procedures, see the *Summary of OSCE Mechanisms and Procedures*, SEC.GAL/120/08, 20 June 2008, at: <http://www.osce.org/cpc/documents/34427>.

plied. This allows the Organization to ensure effective and co-ordinated mediation efforts throughout all phases of a conflict cycle.

The Need for a Mediation-Support Capability

Mediation support can entail a wide variety of activities, including facilitating knowledge management, carrying out conflict analyses and providing topical, geographic, and process expertise that is relevant to mediation processes. It may also include logistical support, training, and capacity-building activities. So far, mediation support in the OSCE has generally been organized in a less than systematic manner and with much of the existing knowledge resting with specific mediators and relevant regional desks in the Conflict Prevention Centre's Policy Support Service. Moreover, the OSCE has no standardized system for identifying and retrieving relevant experience in the area of mediation.

The need to develop a mediation-support capability in the OSCE is crucial for at least three reasons. First, the OSCE continues to be involved in the mediation of three protracted conflicts. The Organization serves as co-chair to the Geneva Discussions, together with the United Nations (UN) and the European Union (EU), addressing security and humanitarian issues in the areas affected by the August 2008 conflict in Georgia. The OSCE is the only international organization directly involved in the process of conflict settlement in relation to the Nagorno-Karabakh conflict. The OSCE also maintains its formal participation in the political process to settle the Transdniestrian conflict. Other political crises, such as the unrest in Kyrgyzstan in the first half of 2010, have also involved mediation efforts on the part of the OSCE Chairmanship and its Special Representative as well as the Director of the CPC.

Second, the OSCE has to maintain continuity in mediation efforts from one Chairmanship to the next. Performing this task effectively requires the provision of enhanced analytical support to incoming Chairmanships in order that they may learn from past OSCE experiences. Compilations of lessons learned and best practices as well as instruments to ensure the preservation of institutional memory have proven to be helpful. Even though some of the OSCE's successes in mediating in protracted conflicts are small (e.g., its valuable work in communities at grassroots level), it is nevertheless vital that the Organization's unique mediation experience is captured and recorded over time. Given the annual rotation of the Chairperson-in-Office's Special Representative for Protracted Conflicts and the limited availability of institutional knowledge, the OSCE requires a more systematic approach to mediation support.

Third, as part of the "Corfu Process", the OSCE's dialogue on the future of European security, which was initiated by the Greek OSCE Chairmanship

in 2009 and carried forward under the Chairmanship of Kazakhstan in 2010, several participating States also emphasized the need to support mediation. For example, a proposal distributed by Belgium, Canada, the Netherlands, Romania, Slovakia, Ukraine, the United Kingdom, and the United States recommended the establishment of civilian operations or missions capable of addressing issues such as mediation and support for political negotiations.³ Moreover, during the discussions on issues related to the role of the OSCE in early warning, conflict prevention and resolution, crisis management, and post-conflict rehabilitation, many participating States stressed the importance of strengthening the analytical capabilities of OSCE executive structures.

The ongoing development of an OSCE mediation-support capacity therefore deserves a closer look. Three areas of activities will be discussed here: (1) enhancing co-operation with the UN; (2) learning lessons from past experiences through the debriefing of the Chairperson-in-Office's Special Representatives and by facilitating knowledge-sharing at regular mediation retreats; and (3) facilitating training of OSCE staff in mediation and mediation support within the framework of co-operation with other international organizations and policy-relevant institutions.

Enhancing Co-operation with the United Nations

Among the first steps the CPC took towards building a mediation-support capacity was its co-operation with the newly established Mediation Support Unit (MSU) in the United Nations Department of Political Affairs (UNDPA).⁴ This began in late 2006 with the joint organization of a two-day regional consultation exercise entitled "Operationalising Mediation Support: Lessons from Mediation Experience in the OSCE Area", at Mont Pèlerin, Switzerland.⁵

The Mont-Pèlerin consultation, which took place on 22-23 May 2007, was the third in a series of regional consultations on mediation initiated by the UNDPA,⁶ which aimed at drawing key lessons from the mediation and conflict resolution experiences of the UN and its partners in their respective

3 Cf. *Food-for-Thought Paper on "Ideas on a Civilian Operation/Mission to improve the OSCE Response in Post-Crisis and Post-Conflict Rehabilitation"*, 6 April 2010, PC.DEL/94/10/Corr.3.

4 In December 2005, the UN General Assembly approved the creation of a "core mediation support function", which then led to the establishment of the Mediation Support Unit (MSU) in the UN Department of Political Affairs in 2006. The major objective of the MSU is to develop Lessons Learned and Best Practices and to archive UN experiences in mediation. See Miriam Fugfugosh, *Operationalising Mediation Support: Lessons from Mediation Experiences in the OSCE Area*, Geneva Papers 3, Geneva 2008. For further reference, see also United Nations Security Council, *Report of the Secretary-General on enhancing mediation and its support activities*, S/2009/189, 8 April 2009.

5 See Fugfugosh, cited above (Note 4).

6 The first consultation took place in South Africa on 16-17 October 2006; the second in Costa Rica on 15-16 March 2007.

regions of the world. The objective of this particular consultation was to explore the main challenges facing mediation efforts organized under the UN and OSCE aegis from the perspective of mediators and their teams. Particular attention was given to lessons learned and best practices from past experiences of mediation and identification of the services and support that would be most helpful to mediators.

To stimulate an open and constructive discussion, attendance at the event was limited to around 30 high-level participants, most of whom had concrete and in-depth experience related to conflict mediation in the OSCE area. The majority of the participants were representatives of the OSCE, the UN, the EU, and the Council of Europe (CoE), with several individuals also from academia and civil society.

Participants described the consultation as successful and a positive contribution towards closer co-operation on mediation and mediation-support efforts among the various international partners, particularly the UN and the OSCE. UNDPA representatives underlined that existing and future mediation efforts also included the OSCE, and more informal ways needed to be identified to discuss joint efforts.

In particular, participants pointed out the following: (1) there is an overarching need for mediators to acquire extensive knowledge of the conflict with which they were dealing. Such knowledge not only provides mediators with a better understanding of the context into which they have been introduced, but also puts them in a better position to map the conflict situation and develop mediation scenarios and strategies; (2) international organizations involved in supporting mediation teams on the ground should assist mediators in getting the best possible access to information relevant to the conflict situation; and (3) knowledge of the history of the mediation process itself is a necessary prerequisite for successful mediation. Consequently, mediators could benefit significantly from knowledge about the work of their predecessors, and the successes and failures they experienced.

The key recommendations of the Mont-Pèlerin consultation included the following: Best practices have to be improved; systematic debriefings and end-of-mission reporting are essential components of a repository of knowledge on mediation processes; and the mechanisms for preparing those products also require improvement. The exercise also highlighted the need for systematic training of mediators and support teams.

Learning Lessons and Sharing Best Practices

Taking some of these Mont-Pèlerin recommendations into account, and as part of its lessons-learned and best-practices approach to mediation and mediation support, the CPC started to debrief OSCE Chairmanships and their Special Representatives in 2007. Although this procedure has only been in

place for a relatively short period of time, three OSCE Chairmanships and their Special Representatives have so far been debriefed, yielding crucial information on how crisis and conflict situations have been addressed. While the debriefing reports are confidential and only available to present and future Chairmanships, the Secretary General, and the Director of the CPC, together with a limited number of Secretariat staff, the systematic analysis of these debriefings has already released valuable insights that have been made accessible to OSCE Chairmanships.

In addition, recognizing the importance of sharing experiences amongst mediators to enhance the effectiveness of the OSCE in the area of mediation and facilitation, the CPC organized its first high-level mediation retreat in 2009, with the assistance of Swisspeace, a peace research institute in Switzerland. Held in Vienna from 22-23 October 2009, the OSCE Mediation Retreat brought together a large number of experienced OSCE mediators and facilitators, representatives of the OSCE Troika, and mediation support staff from the Secretariat. Besides enabling participants to learn from each other's experiences, the Retreat, during which the protracted conflicts in Moldova, Georgia, and Nagorno-Karabakh were explored in depth, aimed to enhance the continuity of OSCE mediation efforts, which has suffered as a result of the yearly rotation of Chairmanships and their Special Representatives.

The Retreat also highlighted challenges that the OSCE faces, which sometimes prevent it from being an effective mediator despite the instruments it has available. These include a lack of financial and human resources, the limited terms in office of Personal and Special Representatives of the Chairperson-in-Office, and the growing but still small repository of knowledge. Moreover, it underlined that in situations where OSCE participating States lacked the political will to act decisively, the Organization's mediating role was often hindered or blocked.

Although not all these challenges can or are likely to be addressed, the 2009 Retreat resulted in a number of major recommendations, key among them being that if the OSCE is keen to step up its mediation efforts, it needs to improve the continuity of mediation activities by enhancing mediation-support activities and appointing Special and Personal Representatives for a longer period of time. In addition, the OSCE's comprehensive approach to mediation should be further developed in collaboration with a range of inter-governmental (e.g., the UN and the EU) and civil society actors, with each contributing according to its comparative advantages. In this regard, some participants argued that the successes of OSCE involvement in grassroots dialogue facilitation efforts should be better promoted. Finally, the participants recommended that the OSCE should learn more systematically from past mediation experiences by debriefing mediators and making lessons learned available within the relevant OSCE bodies.

The Mediation Retreat strengthened the belief within the CPC that the concept of mediation support deserves further attention. Whereas successful

mediation used to be perceived as something that depended largely on a mediator's skills and personality, mediators, researchers, and policy-makers alike seem recently to have come to agree that it is a skill that can be acquired and improved.

The Importance of Training

Training is an important component of capacity building in mediation and mediation support. Unsurprisingly therefore, co-operation on training was identified during consultations between the OSCE and the UN in Mont Pèlerin as a concrete action point for engagement between the two organizations. Since then, the need for joint training has been raised during OSCE-UN staff talks and in informal consultations between the two organizations.

Accordingly, the CPC's Operations Service/Planning and Analysis Team (CPC-OS/PAT) approached the UNDPA Europe Division and Policy Planning and Mediation Support Unit (PPMSU) to explore opportunities for joint training on mediation and mediation support. In parallel, the PPMSU continued to finalize its plans for the extension of a three-year partnership with Sweden's Folke Bernadotte Academy (FBA) on mediation training. That partnership provides for capacity building of regional organizations, including the tailoring of modules to the specific needs of each case. Fortunately, PPMSU was able to include joint UN-OSCE mediation and mediation-support training as part of the assistance package provided by the FBA.

The first joint training activity between the OSCE and the UN took place at the FBA's training facility in Sandö, Sweden, on 8-14 April 2010. The training had the objectives of strengthening the mediation and mediation-support capacities of both organizations, and enhancing co-operation between them and their respective staff in these areas. About ten to twelve staff members with equivalent positions from each organization – divided between Secretariat/Headquarters and the field operation/missions – participated in the training, along with two members of staff from the General Secretariat of the Council of the European Union and experts and facilitators from the FBA.

The training was developed with knowledge transfer and skills building as learning goals, and the modules used, which were facilitated by experts from the FBA, the OSCE, and the UN, were based on real case studies of mediation/facilitation efforts, both high-level and community-level, and taught using interactive tools. The cases used were based on aspects of the Moldovan-Transdniestrian, Georgian-Abkhaz, and Georgian-South Ossetian conflicts. In the latter two, the UN and the OSCE have played a role as mediators. The training dealt with all the phases of a mediation process.

The curriculum also took into account the interest of the two organizations in capturing and sharing lessons learned, including addressing the chal-

lence of knowledge-sharing between Headquarters/Secretariat and field operations,⁷ and the modules were designed to give numerous opportunities for discussions on this topic. Beyond the training itself, moreover, the event aimed to provide an opportunity to facilitate exchanges and create networks between staff from the Headquarters/Secretariat and field personnel from the two organizations. This was intended to ensure that such exchanges could continue to contribute to practical co-operation on current mediation efforts involving the three organizations.

At the end of the week-long event, all the participants were unanimous in their opinion that the training had been very successful and highly useful. The fact that UN and OSCE participants included both desk and field staff who had dealt with the conflicts used as case studies added to the practical value of the training. It meant that an opportunity was provided to interact personally and to exchange information and experiences on concrete issues and situations. Moreover, the participants proposed that the joint training should be an annual event between the three participating organizations (with the EU also increasing its participation to match that of the OSCE and the UN).

Following this event, it was agreed within the OSCE Secretariat that the CPC-OS/PAT should continue its close co-operation with the PPMSU and the EU to share information and expertise on issues related to mediation and mediation support, including the identification of possibilities for further joint training opportunities. In addition to institutionalizing the type of training already conducted, a number of other suggestions for future OSCE/UN/EU co-operation in the area of mediation and conflict prevention have also been identified.

First, the existing partnership between the UNDPA and the CPC in the fields of mediation and mediation support should be enhanced. Improvement of capacity building, training, and access to available mediation-support resources are natural areas where this partnership clearly has a potential to be expanded. Maintaining the established periodic teleconferences between the CPC/OS and the UNDPA is seen as an efficient way to continue such a process.

Second, interaction and information-sharing between OSCE, UN, and EU staff should be enhanced. In order to facilitate a common understanding of issues, potentially leading to joint analysis and more co-ordinated strategies (for example, with regard to the Geneva Discussions), the network built between equivalent staff from the Secretariat/Headquarters and field operation/mission levels that took part in the training could be used for this purpose. Such a partnership could also be expanded to include greater co-

7 A recent UNDPA survey on lessons learned/knowledge-sharing identified the sharing of information on lessons learned as an area where co-ordination between Headquarters and field missions can be strengthened. The CPC has also identified the need to strengthen knowledge-sharing between the Secretariat, field operations, and other relevant OSCE bodies (such as the OSCE High Commissioner on National Minorities).

ordination and joint brainstorming sessions, as well as regional co-ordination and strategic planning (for instance, on complementary issues such as funding, civil society projects, and internal rules).

Third, co-operation between the OSCE and the FBA should be increased. The FBA expressed an interest in organizing a follow-up to the training as well as taking further steps in dialogue and mediation training and capacity building with the OSCE. Such a training and capacity-building programme could be flexible and include not only standard general training but also issue- or conflict-based retreats or workshops with staff working directly on specific issues or conflicts in the field. Individuals representing the various parties to a conflict could also be invited to such events as a collaborative, common learning exercise with the UN and other partner organizations.

Concluding Thoughts

This contribution has demonstrated that, when developing a more systematic and co-ordinated approach to mediation processes, the OSCE Secretariat does not need to work in a vacuum. Other organizations such as the UN initiated similar exercises several years ago, and the OSCE has been able to benefit greatly from them in terms of knowledge and information sharing. More recently, the EU started to strengthen its mediation and dialogue capacities. Other regional organizations are also following suit.

Co-operation between the UN, the EU, and the OSCE and between the OSCE and other regional organizations is vital to ensure that each can learn from the others' experiences, recognize their strengths and weaknesses, and avoid overlap. This was also recognized at a retreat held outside New York in January 2010 by the UN Secretary-General and the heads of other international and regional organizations.⁸ Joint training is anticipated to continue for purposes of enhancing co-operation with other international actors as well as developing and sharing intra-organizational expertise in mediation support, including best practices.

There are also numerous non-governmental organizations and think tanks that can provide expertise and perform policy-relevant research in the area of mediation and mediation support, as has been demonstrated in the cases of the FBA and Swisspeace. The creation of mediation-support capabilities is thus a highly beneficial means of enhancing the Organization's co-operation with other international organizations and institutions, which also comes under the purview of the OSCE's Corfu Process.

8 On 13 January 2010, the UN Security Council discussed co-operation between the UN and regional and subregional organizations in maintaining international peace and security. On this occasion, the UN Secretary-General gave a briefing to the Security Council on the retreat with the heads of international and regional organizations, noting "the need for better clarity in mediation arrangements." See United Nations Security Council, 6257th meeting, 13 January 2010, S/PV.6257.