



United Nations

Guidance for Effective Mediation

The *United Nations Guidance for Effective Mediation* was issued as an annex to the report of the Secretary-General on *Strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution* (A/66/811, 25 June 2012).

The Guidance is disseminated by the Mediation Support Unit (MSU), based in the Policy and Mediation Division of the Department of Political Affairs. MSU is a service provider that assists the mediation and facilitation initiatives of the United Nations, Member States, regional/subregional organizations and other relevant partners. It is also the institutional repository of mediation knowledge, lessons learned and best practices.

A mobile application of the Guidance for Effective Mediation is also available on the United Nations Peacemaker website:

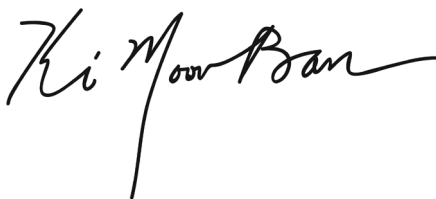
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Foreword

Mediation is one of the most effective methods of preventing, managing and resolving conflicts. To be effective, however, a mediation process requires more than the appointment of a high-profile individual to act as a third party. Antagonists often need to be persuaded of the merits of mediation, and peace processes must be well-supported politically, technically and financially. Ad-hoc and poorly coordinated mediation efforts – even when launched with the best of intentions – do not advance the goal of achieving durable peace.

The *United Nations Guidance for Effective Mediation* is designed to support professional and credible mediation efforts around the world. This concise reference document encompasses the wealth of experience of mediators working at the international, national and local levels. It also draws on the views of beneficiaries of successful mediation processes as well as those who have suffered from failed mediation attempts.

While all disputes and conflicts are unique and require specific approaches, there are good practices that should inform the approaches of all mediators. This publication aims to help parties to strengthen their understanding of effective mediation, and to assist mediators in maximizing the chances for success. I commend this *Guidance* to all those engaged in mediation or interested in this essential tool for the peaceful resolution of disputes and conflicts.



Ban Ki-moon
Secretary-General
United Nations

September 2012

Introduction

The Charter of the United Nations identifies mediation as an important means for the peaceful settlement of disputes and conflicts, and it has proven to be an effective instrument to address both inter-State and intra-State conflicts. *The United Nations Handbook on the Peaceful Settlement of Disputes between States* (1992) further developed understanding of mediation of disputes between States and remains a useful resource.

The report of the Secretary-General on Enhancing mediation and its support activities (S/2009/189) examined the mediation challenges faced by the United Nations and its partners and outlined some considerations for strengthening mediation processes. Mediation actors have continued to adapt their approaches and capacities to meet the changing nature of conflict, particularly in recognition of intra-State conflicts as a threat to international and regional peace and security. General Assembly resolution 65/283, entitled “Strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution”, which was adopted by consensus, recognized the increased use of mediation, reflected on current challenges facing the international community in such mediation efforts, and called on key actors to develop their mediation capacities. The General Assembly also requested the Secretary-General, in consultation with Member States and other relevant actors, to develop guidance for more effective mediation, taking into account, inter alia, lessons learned from past and ongoing mediation processes.

Prepared in response to the request of the General Assembly and in conformity with the Charter of the United Nations, the Guidance aims to inform the design and management of mediation processes. It is intended as a resource for mediators, States and other actors supporting mediation efforts but is also relevant for conflict parties, civil society and other stakeholders. It emphasizes the need for a good understanding of mediation and an appreciation of both its potential and limits as a means for conflict prevention, management and resolution.

About the Guidance

The Guidance draws on the experience of the international community. Inputs from Member States, the United Nations system, regional, subregional and other international organizations, non-governmental organizations (NGOs), women's groups, religious leaders, the academic community, as well as mediators and mediation specialists, informed its development.

The Guidance is not an exhaustive reflection on mediation, nor does it seek to address each of the specific needs or approaches of different mediators, be they States, multilateral, regional or subregional organizations, NGOs or national mediators. Rather, the Guidance aims to address several major issues, in particular the need for a more professional approach to mediation; the requirement for coordination, coherence and complementarity in a field that is becoming increasingly crowded; and the need for mediation efforts to be more inclusive.

To address these issues, the Guidance identifies a number of key fundamentals that should be considered in a mediation effort: preparedness; consent; impartiality; inclusivity; national ownership; international law and normative frameworks; coherence, coordination and complementarity of the mediation effort; and quality peace agreements. The Guidance explains each fundamental, outlines some potential challenges and dilemmas facing mediators and offers some guidance. Throughout, the Guidance recognizes the complexity of the environment within which mediators work and that in many instances mediators confront problems and difficulties they may not be able to resolve. Each situation must be approached differently, and ultimately the political will of the conflict parties is the determining factor for success. Nevertheless, careful attention to these fundamentals can increase the prospects for a successful process, minimize the potential for mediator error and help generate an environment more conducive to mediation.

Mediation logic

Mediation often exists alongside facilitation, good offices and dialogue efforts. Mediation, however, has its own logic and approach, aspects of which may be relevant to other approaches to the peaceful settlement of disputes.

Mediation is a process whereby a third party assists two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements. The premise of mediation is that in the right environment, conflict parties can improve their relationships and move towards cooperation. Mediation outcomes can be limited in scope, dealing with a specific issue in order to contain or manage a conflict, or can tackle a broad range of issues in a comprehensive peace agreement.

Mediation is a voluntary endeavour in which the consent of the parties is critical for a viable process and a durable outcome. The role of the mediator is influenced by the nature of the relationship with the parties: mediators usually have significant room to make procedural proposals and to manage the process, whereas the scope for substantive proposals varies and can change over time.

Rather than being a series of ad hoc diplomatic engagements, mediation is a flexible but structured undertaking. It starts from the moment the mediator engages with the conflict parties and other stakeholders to prepare for a process – and can include informal “talks-about-talks” – and may extend beyond the signing of agreements, even though the function of facilitating the implementation of an agreement may best be performed by others.

An effective mediation process responds to the specificity of the conflict. It takes into account the causes and dynamics of the conflict, the positions, interests and coherence of the parties, the needs of the broader society, as well as the regional and international environments.

Mediation is a specialized activity. Through a professional approach, mediators and their teams provide a buffer for conflict parties and instil confidence in the process and a belief that a peaceful resolution is achievable. A good mediator promotes exchange through listening and dialogue, engenders a spirit of collaboration through

problem solving, ensures that negotiating parties have sufficient knowledge, information and skills to negotiate with confidence and broadens the process to include relevant stakeholders from different segments of a society. Mediators are most successful in assisting negotiating parties to forge agreements when they are well informed, patient, balanced in their approach and discreet.

Effective mediation requires a supportive external environment; most conflicts have a strong regional and international dimension. The actions of other States can help to reinforce a mediated solution or detract from it. A mediator needs to withstand external pressures and avoid unrealistic deadlines while also developing the support of partners for the mediation effort. In some circumstances the mediator's ability to harness incentives or disincentives offered by other actors can be helpful to encourage the parties' commitment to a peace process.

By its very existence, a mediation process has an impact on the balance of power and political calculations within and between different groups. Mediators and the international community, as support actors, need to be sensitive to both the positive and the potentially negative impacts of a mediation process. Mediators need to retain the option either to put their involvement on hold or to withdraw. This may be appropriate if they consider that the parties are pursuing talks in bad faith, if the evolving solution is at odds with international legal obligations, or if other actors are manipulating the process and limiting the mediator's room for manoeuvre. However, this is a sensitive political decision, which needs to weigh the risks of withdrawing against the value of keeping the parties at the table in a faltering process while exploring alternative means for the peaceful settlement of disputes.

Not all conflicts are amenable to mediation. There are some indicators that suggest the potential for effective mediation. First and most importantly, the main conflict parties must be open to trying to negotiate a settlement; second, a mediator must be accepted, credible and well supported; and third, there must be general consensus at the regional and international levels to support the process. When an effective mediation process is hampered, other efforts may be required to contain the conflict or to mitigate the human suffering, but there should be constant efforts to remain engaged so as to identify and seize possible windows of opportunity for mediation in the future.

Mediation fundamentals

The section below outlines key mediation fundamentals that require consideration for an effective process.

Preparedness

Responsible and credible mediation efforts require good preparation. Preparedness combines the individual knowledge and skills of a mediator with a cohesive team of specialists as well as the necessary political, financial and administrative support from the mediating entity.


While not predetermining the outcome, preparedness entails the development of strategies for different phases (such as pre-negotiations, negotiations and implementation), based on comprehensive conflict analysis and stakeholder mapping, including examination of previous mediation initiatives. Since a mediation process is never linear and not all elements can be fully controlled, strategies need to be flexible to respond to the changing context.

Preparedness allows the mediator to guide and monitor the mediation process, help strengthen (where necessary) the negotiating capacity of the conflict parties and other stakeholders, assist them in reaching agreements, and galvanize support (including among international actors) for implementation. A well-prepared and supported mediator is able to manage expectations, maintain a sense of urgency while avoiding quick-fix solutions, and effectively respond to opportunities and challenges in the overall process.



Guidance

Preparedness is first and foremost the responsibility of States or organizations seeking to play a mediating role. These entities should be ready to:

- Commit resources to respond rapidly and to sustain support for the mediation process, including deployment of personnel on a continuous basis for medium- and long-term engagements.
 - Select a competent mediator with the experience, skills, knowledge and cultural sensitivity for the specific conflict situation. The mediator should be considered objective, impartial and authoritative and be a person of integrity. The mediator needs a level of seniority and gravitas commensurate to the conflict context and must be acceptable to the parties. Some disputes require discreet engagement, whereas others need more high-profile initiatives.
 - Reinforce the mediator with a team of specialists, particularly experts in the design of mediation processes, country/regional specialists and legal advisers, as well as with logistics, administrative and security support. Thematic experts should be deployed as required.
 - Undertake conflict analysis and regular internal assessments of the process in order to make adjustments to the mediation strategies as needed.
 - Provide proper preparation, induction and training for mediators and their teams. All team members should understand the gender dimension in their respective areas of expertise.
 - Include a balance of men and women on mediation teams. This also sends a positive signal to the parties with regard to the composition of their delegations.
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Consent

Mediation is a voluntary process that requires the consent of the conflict parties to be effective. Without consent it is unlikely that parties will negotiate in good faith or be committed to the mediation process.

A range of issues can affect whether conflict parties consent to mediation. The integrity of the mediation process, security and confidentiality are important elements in cultivating the consent of the parties, along with the acceptability of the mediator and the mediating entity. However, the dynamics of the conflict are a determining factor, and whether parties consent to mediation may be shaped by an interest to achieve political goals through military means, by political, ideological or psychological considerations, or by the actions of external players. In some instances, parties may also reject mediation initiatives because they do not understand mediation and perceive it as a threat to sovereignty or outside interference. In a multi-actor conflict, some, but not all, conflict parties may agree to the mediation, leaving a mediator with the difficult situation of partial consent to commence a mediation process. Moreover, even where consent is given, it may not always translate into full commitment to the mediation process.

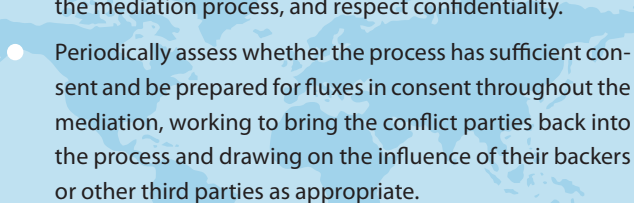
Consent may sometimes be given incrementally, limited at first to the discussion of specific issues before accepting a more comprehensive mediation process. Consent may be conveyed explicitly or more informally (through back channels). Tentative expressions of consent may become more explicit as confidence in the process increases.

Once given, consent may later be withdrawn, especially when there are differences within a party. Armed or political groups may splinter, creating new pressures on the negotiations process. Some splinter groups may pull out of the mediation all together and seek to derail the process.



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Mediators need to create a common understanding with the conflict parties on the mediator's role and the ground rules of the mediation. This understanding may be affected by formal mandates for the potential mediation effort or by informal arrangements with the parties. Based on this, mediators need to:

- Understand whose consent is necessary for a viable mediation process to start. If only some of the conflict parties have agreed to the mediation, the mediator may need to engage with the consenting parties and gradually expand the consent base. Such a judgement of "sufficient consent" should be based on an analysis of the different constituencies and an assessment of the possible impact of an initially limited mediation process, as well as the potential for excluded parties to derail the process.
 - Cultivate consent, in order to create the space for, and a good understanding of, mediation. Informal contacts allow parties to test the waters without committing to a fully fledged mediation process; this can help address possible fears or insecurities.
 - Engage with local and community-based actors or organizations, including women's groups, as well as external actors with access to and relationships with conflict parties to encourage the use of mediation.
 - Use confidence-building measures at different stages to build trust between the conflict parties and between the mediator and the parties, as well as confidence in the mediation process.
 - Be consistent, transparent and even-handed in managing the mediation process, and respect confidentiality.
 - Periodically assess whether the process has sufficient consent and be prepared for fluxes in consent throughout the mediation, working to bring the conflict parties back into the process and drawing on the influence of their backers or other third parties as appropriate.
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Impartiality

Impartiality is a cornerstone of mediation – if a mediation process is perceived to be biased, this can undermine meaningful progress to resolve the conflict. A mediator should be able to run a balanced process that treats all actors fairly and should not have a material interest in the outcome. This also requires that the mediator is able to talk with all actors relevant to resolving the conflict.

Impartiality is not synonymous with neutrality, as a mediator, especially a United Nations mediator, is typically mandated to uphold certain universal principles and values and may need to make them explicitly known to the parties.



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To address the issue of impartiality, mediators should:

- Ensure and seek to demonstrate that the process and the treatment of the parties is fair and balanced, including through an effective communications strategy.
- Be transparent with the conflict parties regarding the laws and norms that guide their involvement.
- Not accept conditions for support from external actors that would affect the impartiality of the process.
- Avoid association with punitive measures against conflict parties by other actors and minimize public criticism of the parties as much as possible, while maintaining frank exchanges in private.
- Handover to another mediator, or mediating entity, if they feel unable to maintain a balanced and impartial approach.



Inclusivity

Inclusivity refers to the extent and manner in which the views and needs of conflict parties and other stakeholders are represented and integrated into the process and outcome of a mediation effort. An inclusive process is more likely to identify and address the root causes of conflict and ensure that the needs of the affected sectors of the population are addressed. Inclusivity also increases the legitimacy and national ownership of the peace agreement and its implementation. In addition, it reduces the likelihood of excluded actors undermining the process. An inclusive process does not imply that all stakeholders participate directly in the formal negotiations, but facilitates interaction between the conflict parties and other stakeholders and creates mechanisms to include all perspectives in the process.

It cannot be assumed that conflict parties have legitimacy with, or represent, the wider public. Mediation efforts that involve only armed groups may send the signal that violence is rewarded. In addition to generating resentment within other sectors of society, this could encourage others to take up arms in order to get a place at the negotiating table. Civil society actors can play a critical role in increasing the legitimacy of a peace process and are potentially important allies. Women leaders and women's groups are often effective in peacemaking at community levels and should therefore be more strongly linked to the high-level mediation process. However, support from civil society and other stakeholders cannot be taken for granted, as some of these actors may have hard-line positions and oppose the mediation.

In designing an inclusive process, mediators face a number of challenges. There may be instances in which not all conflict parties want to engage in mediation or have sufficient levels of coherence to negotiate, making only a partial process possible. Arrest warrants issued by the International Criminal Court, sanctions regimes, and national and international counter-terrorism policies also affect the manner in which some conflict parties may be engaged in a mediation process. Mediators need to protect the space for mediation and their ability to engage with all actors while making sure that the process respects the relevant legal limitations.

In seeking to broaden the process to other stakeholders, mediators may also face constraints from conflict parties who generally seek to determine who, how and when different actors are brought into the process. In some instances, more exclusive dialogue with conflict


parties may be required to move the process forward expeditiously, for example in negotiating ceasefires, especially where parties feel too exposed politically or if their security may be compromised. Mediators need to gauge the comfort levels of conflict parties and convince them of the value of broadening participation. They also have to balance having a transparent process with protecting the confidentiality of the talks.

Mediators have to grapple with the potential tension between inclusivity and efficiency. Mediation processes become more complex (and may be overloaded) when the consultation base expands and/or multiple forums are used to engage actors at different levels. In addition, it may be difficult to engage interest groups that are not easily defined or lack clear leadership, for example social movements and youth groups. These kinds of issues put a premium on stakeholder mapping, planning and management of the process.



Guidance

Building on a comprehensive mapping of all conflict parties and stakeholders, mediators should:

- Identify the level of inclusivity needed for the mediation to start and required for a durable peace that addresses the needs of all affected by the conflict.
 - Communicate with any party or actor necessary to address the conflict, with the knowledge of the other negotiating parties.
 - Limit contacts with actors that have been indicted by the International Criminal Court to what is necessary for the mediation process.
 - Promote understanding among conflict parties of the value of broader participation and minimize preconditions for participation in the process.
 - Ensure systematic and structured consultation with women's groups early in the process to allow for meaningful participation, with specific efforts to include them in the mediation process.
 - Encourage conflict parties to include women in their delegations.
 - Identify partners to help build the capacity of civil society and other relevant stakeholders to engage effectively.
 - Develop mechanisms to broaden participation in the process, and to engage and include the different perspectives within civil society and other stakeholders, throughout the various phases of the peace process.
 - Use different forms of media, including social media and opinion polls, to expand participation, inform and engage the public and identify potential points of contention.
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National ownership

National ownership implies that conflict parties and the broader society commit to the mediation process, agreements and their implementation. This is of critical importance because it is the communities who have suffered the major impact of the conflict, the conflict parties, who have to make the decision to stop the fighting, and society as a whole that must work towards a peaceful future. While solutions cannot be imposed, mediators can be helpful in generating ideas to resolve conflict issues.

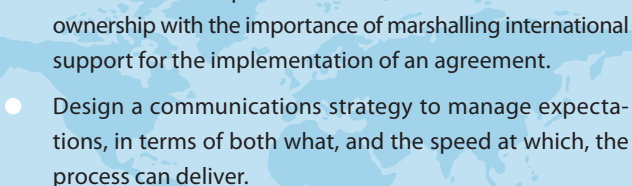
It is challenging, however, for an external mediator to identify whose ownership is necessary and to facilitate ownership of the process beyond people in positions of power. Cultivating and exercising ownership may require strengthening the negotiating capabilities of one or more of the conflict parties, as well as civil society and other stakeholders, to enable their effective participation in the process and ability to engage on often complex issues. The extent to which the process is inclusive has a direct impact on the depth of ownership.

National ownership requires adapting mediation processes to local cultures and norms while also taking into account international law and normative frameworks.



Guidance

In promoting national ownership, mediators should:

- Consult closely with the conflict parties on the design of the mediation process.
 - Inform civil society and other stakeholders about developments in the peace process (respecting confidentiality, where required) and create opportunities and support for them to engage on procedure and substance.
 - Guide conflict parties and help them generate ideas for discussion, ensuring they can claim credit for agreements reached.
 - Identify which conflict parties may need support to strengthen their negotiation capacity and facilitate access to capacity-building support.
 - Encourage and enable conflict parties to inform and consult with their constituencies, including the rank and file, during the mediation process.
 - Be aware of the specific cultural approaches to negotiation and communication and leverage those approaches to the greatest advantage of the process; liaise with and ensure support for local peacemakers and, wherever appropriate, draw on indigenous forms of conflict management and dispute resolution.
 - Protect the mediation process from the undue influence of other external actors, especially with regard to unrealistic external deadlines or incompatible agendas.
 - Sensitize conflict parties to the need to balance national ownership with the importance of marshalling international support for the implementation of an agreement.
 - Design a communications strategy to manage expectations, in terms of both what, and the speed at which, the process can deliver.
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International law and normative frameworks

Mediation takes place within normative and legal frameworks, which may have different implications for different mediators. Mediators conduct their work on the basis of the mandates they receive from their appointing entity and within the parameters set by the entity's rules and regulations. Thus, United Nations mediators work within the framework of the Charter of the United Nations, relevant Security Council and General Assembly resolutions and the Organization's rules and regulations.

Mediators also conduct their work within the framework constituted by the rules of international law that govern the given situation, most prominently global and regional conventions, international humanitarian law, human rights and refugee laws and international criminal law, including, where applicable, the Rome Statute of the International Criminal Court. In addition to binding legal obligations, normative expectations impact on the mediation process, for example regarding justice, truth and reconciliation, the inclusion of civil society, and the empowerment and participation of women in the process.

Consistency with international law and norms contributes to reinforcing the legitimacy of a process and the durability of a peace agreement. It also helps to marshal international support for implementation. However, balancing the demands of conflict parties with the normative and legal frameworks can be a complex process. Mediators frequently have to grapple with the urgency of ending violence in contexts where there is also a clear need to address human rights violations and other international crimes. The applicable law may not be the same for all conflict parties, or their understanding of that law may vary. In addition, while there is a growing international consensus on some norms, not all norms are equally applied in different national contexts and there can be different interpretations within a given society.

Guidance

Mediators must be briefed and familiar with the applicable international law and normative frameworks and should:

- Be clear and convey their mandates and the legal parameters applicable to their work.
- Ensure that the parties understand the demands and limits of applicable conventions and international laws.
- Ensure that communications with the conflict parties and other stakeholders on legal matters and normative expectations are consistent; this is particularly important in instances of co-led or joint mediations.
- Be clear that they cannot endorse peace agreements that provide for amnesties for genocide, crimes against humanity, war crimes or gross violations of human rights, including sexual and gender-based violence; amnesties for other crimes and for political offences, such as treason or rebellion, may be considered – and are often encouraged – in situations of non-international armed conflict.
- Explore with the conflict parties and other stakeholders the timing and sequencing of judicial and non-judicial approaches to address crimes committed during the conflict.
- Balance the need to adhere to international norms without overtly taking on an advocacy role; facilitate access for partners and civil society actors to engage directly with conflict parties and other stakeholders regarding applicable norms.



Coherence, coordination and complementarity of the mediation effort

The increasing number and range of actors involved in mediation makes coherence, coordination and complementarity of mediation efforts both essential and challenging. Coherence encompasses agreed and/or coordinated approaches, while complementarity refers to the need for a clear division of labour based on comparative advantage among mediation actors operating at the different levels.

The actions of the international community, including the United Nations, regional, subregional and other international organizations, States, NGOs, national and local actors, all have an impact on mediation, even if their engagement in a given mediation process may vary. This diversity can be an asset, as each actor can make unique contributions at different stages of a mediation process. But multiplicity also risks actors working at cross-purposes and competing with each other. Different decision-making bodies, political cultures, legal and normative frameworks, levels of resources and financial and administrative rules and procedures will make coherence, coordination and complementarity difficult.

Joint or co-led mediation initiatives have been used as one way to promote coordination among regional and international organizations. While they have served important political purposes, the results have been mixed. It is generally preferable to have a lead mediator from a single entity based on a strategic partnership and coordination with other mediating entities. The lead has to be established on a case-by-case basis.

Coherent support for the mediation effort from international actors and consistent messaging to the conflict parties are other critical aspects in creating an environment conducive for mediation. Interested States and others may not be directly involved in the mediation but still have an impact on the process. Groups of friends and international contact groups, when aligned with the goals of the mediation effort, will often be helpful.

Guidance

Mediating organizations, States and others should consider the following guidance to promote greater coherence, coordination and complementarity in their support and engagement in mediation efforts:

- Mediation processes should have a lead mediator, preferably from a single entity. Mediation initiatives with two or more entities should be based on a coherent mandate from the relevant entities with a single lead mediator. This provides clarity, minimizes forum shopping by the conflict parties and facilitates coordination and the development of a coherent mediation process.
- The decision regarding leadership should be reached through consultations between the relevant entities, taking into account the conflict context and based on comparative advantage. Proximity to the parties should be neither dismissed nor taken for granted as an automatic advantage. Acceptability of the mediating body and their mediator by the conflict parties and the potential effectiveness of the mediation should be key considerations.
- Organizational capacity, capability and available resources should be considered in deciding on the division of labour within the mediation environment.
- Mediation actors should work together to agree on the degree of transparency and coordination mechanisms for information sharing. They should cooperate based on a common mediation strategy, ensure consistent messaging to the parties and avoid duplication or overloading the parties with multiple competing processes.
- International actors should consider establishing coordination mechanisms, such as groups of friends or international contact groups, to provide consistent political and resource support for the mediation effort. They should also recognize that there may be circumstances in which such groups risk replicating the conflict dynamics, which would be unhelpful to the process.

Quality peace agreements

Different kinds of agreements are reached over the course of a mediation process, ranging from those more limited in scope, such as ceasefires or procedural agreements on the nature of talks, to more comprehensive peace agreements. Furthermore, mediation may be required in the implementation stage, although usually by another set of actors so as to avoid reopening the agreement to negotiations.

Peace agreements should end violence and provide a platform to achieve sustainable peace, justice, security and reconciliation. To the extent possible in each situation, they should both address past wrongs and create a common vision for the future of the country, taking into account the differing implications for all segments of society. They should also respect international humanitarian, human rights and refugee laws.

Both the characteristics of the process and the contents of the accord determine the viability of a peace agreement. Its durability is generally based on the degree of political commitment of the conflict parties, buy-in from the population, the extent to which it addresses the root causes of the conflict, and whether it can withstand the stresses of implementation – in particular whether there are adequate processes to deal with possible disagreements that arise during implementation.

The implementation of peace agreements is often highly dependent on external support. The early involvement in the process of implementation support actors as well as donors can help encourage compliance with sometimes difficult concessions made during the negotiations. Although external support is critical to ensure that conflict parties have the capacity to implement the agreement, too much dependency on external assistance can undermine national ownership.



Guidance

To achieve a quality peace agreement, attention must be paid during negotiations and implementation to the process, substance and institutionalization of mechanisms that provide for the non-violent resolution of the conflict and prevent re-emergence of violent conflict. Mediators, conflict parties, other stakeholders and support actors should consider the following criteria:

- The agreement should aim to resolve the major issues and grievances that led to the conflict, either by addressing the root causes directly in the agreement or by establishing new mechanisms and/or institutions to address them over time through democratic processes.
- Where a comprehensive settlement appears unattainable, the mediator should establish with the conflict parties, and through broader consultations, what is the minimum that needs to be achieved in order to commence a peaceful approach to dealing with the remaining aspects of the conflict.
- When agreement cannot be reached on other sensitive issues, the mediator should also help the conflict parties and other stakeholders build into the agreement options or mechanisms for these issues to be addressed at a later time.
- Agreements should be as precise as possible in order to limit the points of contention that would have to be negotiated during the implementation stage.
- The gender dimension of all issues should be clearly articulated, as agreements that are gender neutral have often proven detrimental to the well-being, security and needs of women.
- Agreements should incorporate clear modalities for implementation, monitoring and dispute resolution to address disagreements that may arise during implementation. They should also include guidelines on priorities, the obligations of the respective parties and realistic timetables.

- Local capacity and existing national infrastructures to undertake conflict resolution should be evaluated and strengthened. Agreements should provide for strong dispute resolution mechanisms at different levels, including local and international actors as appropriate, so that problems can be addressed as they arise and not escalate.



Conclusions

The Guidance identifies some key fundamentals for effective mediation and provides some suggestions as to how they may be applied in practice. It makes the case for mediators to have expertise and professional support and recognizes the need for careful assessment, proper planning and regular monitoring and evaluation in order to enhance the chances for success and minimize mediator error. The importance of a supportive external environment for the mediation process is underscored, with emphasis placed on the need for cooperation among entities involved in mediation. While all these factors are important, the success or failure of a mediation process ultimately depends on whether the conflict parties accept mediation and are committed to reaching an agreement. If the parties are genuinely willing to explore a negotiated solution, mediators can play an invaluable role.

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- PREPAREDNESS
 - CONSENT
 - IMPARTIALITY
 - INCLUSIVITY
 - NATIONAL OWNERSHIP
 - INTERNATIONAL LAW AND NORMATIVE FRAMEWORKS
 - COHERENCE, COORDINATION AND COMPLEMENTARITY OF THE MEDIATION EFFORT
 - QUALITY PEACE AGREEMENTS

