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CONFLICT TRANSFORMATION IN PRACTICE

APPROACHES TO CONFLICT TRANSFORMATION

LESSONS FROM ALGERIA, DENMARK, EGYPT, KENYA,
MOROCCO, TAJIKISTAN AND YEMEN

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CORDOBA NOW FORUM



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Disclaimer: Any opinions expressed in this report present the views of the contributors alone, and not necessarily those of their respective institutions.

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Abstract

This report looks at conflict transformation methods employed by third-parties and what lessons can be learned from practical experience. Following an introductory chapter that presents an overview of conflict transformation theory and an introduction to process design, the main body of the report presents case studies of dialogue processes, mediation space and diapraxis, culturally-balanced co-mediation, local mediation, ombuds institutions, and early warning and rapid response mechanisms. The cases are based on experiences from Algeria, Denmark, Egypt, Kenya, Morocco, Tajikistan and Yemen. While each case yields its own individual lessons a number of common points for reflection emerge. Many of the cases highlight the limits to the influence of any third-party intervener while nonetheless confirming that, under the right circumstances and with the right approach, they can play a constructive role. The examples of local mediation and culturally-balanced co-mediation emphasize that the traditional notion of a neutral outsider is not the only approach to ensuring third-party neutrality and impartiality. The importance of establishing clear objectives for a process is made clear although the different nature of the interventions illustrates that sometimes the objective will be quite specific while in other cases it will start quite broad until discussion with the parties helps to narrow it down. From the discussion on ombuds institutions and early warning mechanisms a clear message emerges that the sustainability of conflict resolution mechanisms requires some degree of institutionalization. Finally, the diversity of experiences represented in the report confirms the fundamental truth that every conflict is different and requires its own tailor-made approach which can only be designed based on a sound analysis and understanding of the conflict.

INTRODUCTION

The aim of this report is to learn about how conflict transformation methods work in practice through examination of a series of specific cases. It is hoped that the dissemination of these lessons will be of use to a wide range of peace activists and policy-makers.

The report is based on presentations and discussions that took place during a workshop of the Cordoba Now Forum that was held in September 2012 in Montreux, Switzerland. The Cordoba Now Forum is a group of researchers and peace activists from across North Africa, the Middle East and Europe who are interested in the transformation of political conflicts which are characterized by the interplay between religion and politics. The workshop was co-organized by the Cordoba Foundation of Geneva and the Center for Security Studies of the Swiss Federal Institute of Technology Zurich (ETH Zurich) with the support of the Religion, Politics and Conflict sector of activity of the Human Security Division of the Swiss Federal Department of Foreign Affairs.

The workshop examined a range of methods used in conflict transformation, combining theoretical inputs with presentations on specific conflict transformation initiatives and processes drawn from members' own experiences. The first chapter of this report provides a brief overview of some key concepts in the field of conflict transformation and an introduction to designing conflict transformation processes. Each subsequent chapter then focuses on a particular conflict transformation method (e.g. dialogue, co-mediation), beginning with a short theoretical introduction, which is followed by one or more case studies of the application of the method in different contexts. Based on these cases, the final chapter suggests some general conclusions and points for reflection.

AN INTRODUCTION TO CONFLICT TRANSFORMATION

This opening chapter presents some key definitions and concepts in conflict transformation in order to situate the methods discussed in the rest of this report within a broad theoretical framework. The second section then presents a basic framework for how to start designing a conflict transformation process.

1. A BRIEF OVERVIEW OF CONFLICT TRANSFORMATION THEORY AND PRACTICE¹

"I have nothing new to teach the world. Truth and non-violence are as old as the hills." – Gandhi

Defining conflict transformation

Conflict transformation is about transforming the way that societies deal with conflict, moving them from violent to non-violent means. Its goal is to build just, sustainable societies that resolve differences non-violently. To achieve this it must address both the direct and structural causes of violent conflict. It assumes that conflict is an inevitable aspect of social change.² At the same time it assumes that the way we deal with conflict need not be violent and that the reason violent conflict emerges or escalates is because parties do not have agreed mechanisms for resolving conflict non-violently.³

¹ Special thanks to Sabina Stein of CSS, ETH Zurich for her presentation. This section is a summary of the main points of the presentation and the subsequent group discussion, rather than a direct transcript of the speaker's input.

² Conflict is understood as an incompatible interaction between at least two actors (Rychard & Mason, 2005)

³ Violence can be defined as the abusive use of power to impose an outcome on someone (Hoffman, 2007). Political violence can be both direct (use of force) or structural (laws, institutions, policy and procedural practices which exclude, injure, and perpetrate injustice on people) (Galtung, 1969).

Intervening to transform conflicts

Conflict transformation initiatives that aim to transform conflicts can take a wide variety of forms. Each conflict transformation initiative will, implicitly or explicitly, be based upon a theory of how it is going to bring about a change in the conflict. Which theory of change someone chooses to base their initiative on depends upon their analysis of the conflict. There are two key dimensions to consider when choosing a theory of change:

1. The type of change desired
2. The type of actor involved

Lederach (1997) suggests that the types of change can be broken down into four categories:

1. Personal change (changes in individual attitudes, behaviours, identity and perceptions)
2. Relationship change (changes in communication patterns, interpersonal and inter-group cooperation, decision-making processes, conflict management mechanisms)
3. Cultural change (changes in the way conflict is viewed or understood, changes in views of the "other"; use (or not) of traditional conflict resolution mechanisms.)
4. Structural change (changes in inequality, racial, religious, or ethnic discrimination, and institutional patterns (access, inclusion))

He divides actors into three types (or levels): top leadership (military/political/religious leaders with high visibility), middle-range leadership (leaders respected in particular

sectors, e.g. academic or NGO) and grassroots leadership (local and community-level leaders).

Breaking things down in a similar way, the Reflecting on Peace Practice (RPP) project addresses the two key dimensions of the type of change and the type of actor with a simple matrix which situates initiatives according to two considerations: (i) whether they work at the level of “key people” (focusing on a limited number of influentials) or “more people” (targeting as many people as possible), and (ii) if they are working at the

individual/personal or the socio-political level. Building on this framework, findings from the RPP project suggest that while an initiative may bring about change at the personal level, this change also needs to be transferred to the socio-political level in order to contribute to peace “writ large”, i.e. peace at a societal level. Similarly, while an initiative may target key people, if the change in these key people is to contribute to peace “writ large” it must somehow transfer into change amongst many people (Anderson and Olson, 2003).

Methods used in conflict transformation

Once the desired change and the type of actor involved are clear, the means or method of intervention must be chosen. As stated above, it is possible to adopt many different approaches to conflict transformation. The rest of this report focuses on highlighting a number of particular methods that feature some degree of third-party involvement⁴. The diagram below (inspired by Moore, 2003, p. 7) organizes such third party methods according to the relative strength of the third party and the autonomy of the conflict actors. Those methods highlighted in grey are examined in more detail in this report with the use of case studies from specific contexts. Before that, the next section tackles briefly the key question of how to go about designing a conflict transformation process and presents one basic model as a useful starting point.

Conflict Transformation Methods

Increasing strength of third party but decreasing autonomy of actors

Dialogue	Diapraxis & Mediation Space	Mediation (Local & Co)	Ombudsman	Third-Party Decision (arbitration, judicial decision)	Law enforcement (e.g. security services intervention)
(Early Warning and Rapid Response can span spectrum depending on type of response)						

(Methods in grey-shaded boxes are examined in this report)

⁴ A third-party is understood as an actor with no direct stake in the conflict. They can be either external, from outside the conflict context, or local, from within the context.

2. DESIGNING PROCESSES: THE ACCP MODEL⁵

One of the major difficulties in mediation, facilitation and dialogue is how to design the process. Process design is extremely complicated. Processes have different rhythms at different moments and they can change drastically as they progress. A process cannot be designed from A to Z at the outset. It may start one way and get to a certain stage and then an adjustment will be necessary. Process design, therefore, requires flexibility and permanent adjustments as well as some kind of guiding framework or model.

There are a number of models that can be applied to designing a process. The choice of model is strongly influenced by the stage of the conflict, the cultural context, the socio-political context and the objectives to be reached. The model presented here is a basic model that is often used at an initial stage to help draw a path towards the desired objectives. This model is not applicable in all cases and it is not a solution to everything but it is a common tool used by mediators and facilitators early on in order to lay things out clearly.

Mediators and facilitators do not pretend that they have an in-depth knowledge of the context, content or actors involved in a conflict. Their challenge is to lay out all the available information so that it is visible, usable and in a form that can be matched to the established objectives. Organizing the knowledge can be no less important than the knowledge itself. This is where the ACCP model can be useful. Its basic premise is that

in order to reach your objectives you must have a clear insight into the four baskets of actors, content, context and process (ACCP). The ACCP model is a simple scheme for laying things out flat and making sure nothing is omitted. If it is done well at the beginning it should make it easier to maintain control over the process. ACCP can also be a useful exercise if things feel like they are spinning out of control. However, it is only useful when clear objectives have been established for the process.

Clarify objectives

Objectives are the starting point. Without clarity regarding the objectives of the process it is very hard to identify the actors, frame the content, lay out the context and design a process. In any process it is important to know what is being aimed at, even if the objectives are very general and long-term. Often you may start with vague objectives that are built on and refined later. The initial objective could be something as simple as having different actors work together on one specific issue, e.g. the management of shared natural resources. It can then later be broken down into a principal objective and some smaller specific objectives or short, medium and long term objectives.

In some processes the objective is established without the actors. If the third party initially sets the objective without involving the actors in the conflict, they will need to be brought on board and the objective will need to be adapted to make it acceptable to them. Ideally the objective should be constructed jointly by those designing the process and those who will participate. However, not all the relevant actors may be involved at the very beginning. A process may begin with a group of important actors which is then enlarged.

Once the objective is identified, the next stage is to consider the four baskets. Although

⁵ Special thanks to Julian Hottinger, Swiss FDFA, for his presentation on this topic. This section is a summary of the main points from the presentation and the subsequent group discussion, rather than a direct transcript of the speaker's input.

there is a logical initial order in which to treat the baskets, it will be necessary to constantly work on all four in parallel in order to maintain a clear overview. Over-focusing on one and forgetting the rest can lead to problems and may result in losing sight of the objectives.

The four baskets

Basket 1 - Actors: This is often the first basket to be worked on. Who needs to be brought into the process? Some actors might be central, others on the periphery. It is important to identify those that need to be involved in order to reach the objectives. The actors help establish the content and may have influence on the context. Each will have their own positions and interests. The actors may also change over time.

Basket 2 - Content: As content and actors are strongly linked it is logical to consider content immediately after examining actors. What are the issues that have to be addressed? What are the different details and different insights? What will be discussed in the process? In working on this basket it may be necessary to go back to the actor basket to refine it and then come back again.

Basket 3 - Context: The context basket should be treated third although it is often forgotten. It is also the hardest to work on. This basket is about considering the environment in which the conflict is taking place. It consists of the factors that shape the conflict and the process rather than the issues that will be directly addressed in the process. It includes not just the immediate environment of the actors but also the national and international environment. The context has to be considered in two ways: the process designer's reading of the context and the principal actors' perception of it. The context has a strong influence on the other baskets and is the hardest element to control. Sometimes the context does not allow things

to happen as planned or desired and processes end up reacting to the context more than influencing it.

Basket 4 - Process: Once analysis of the context is complete, it is possible to start looking at process. To reach the objectives, what is the best way to proceed? If meetings are to be held five key points need to be decided: the venue, the frequency, the participants, whether to use a mediator and who it should be, and the common goal of the meetings. The process design will be influenced by the other three baskets. There will be logical steps which are evident and unavoidable which go in the direction of the established objectives. These steps will need to be carefully sequenced. It is also helpful to set short term markers of points to reach along the way but care should be taken to avoid mapping out a rigid timeframe. The first step would be to discuss the general theme to reach a common understanding of what it concerns. Secondly, agreement should be reached on what the different issues are. Thirdly, some form of agreement on one issue should be reached. This step-by-step work takes time but although things may move slowly it does not mean that the process is not working. In this regard, it is important to keep track of the various little steps in order to create a sense of progress and avoid going in circles.

Ending a process before its objectives are met

The ACCP model can be a useful starting point. A final thought to keep in mind at the outset of designing a process is that one must always be prepared to end a process before its objectives have been achieved. Sometimes this might require a conscious decision, other times a process may just come to a de facto end. The notion of "do no harm" should always be a core guiding principle. When there is a risk of doing more harm than good, the process should be brought to an end. For

example, the risk could be that actors become polarized and the prospects for future constructive debate are ruined. Sometimes external factors, i.e. specific incidents in the context, may lead to a premature end to the

process either by forcing a postponement that drags into a de facto end or making immediate abandonment of the process necessary.



CONFLICT TRANSFORMATION METHODS

1. DIALOGUE

Dialogue processes are about bringing different actors together to discuss and exchange in order to build mutual understanding and trust. Practical cases from Yemen and Morocco highlight the challenges involved as well as a number of key points to take into consideration when entering into such processes.

THEORY

Dialogue is a term that can be interpreted in many different ways. In this report we understand a dialogue process as a series of meetings between two or more actors in conflict, with the intention of exchanging perceptions and building understanding and trust. It does not primarily aim at decisions and implementable action. It is rather a form of conversation that seeks to inform but not to persuade or resolve. In this way it is different from negotiation and mediation. Dialogue processes are often supported by a facilitator, who is in contact with both sides.⁶

Dialogue processes aim to breakdown stereotypes and humanize the “other side” by creating a willingness and ability to listen, and an openness to new ideas. By fostering respect for the other’s views, they try to create deeper understanding between the parties of the needs and interests of the other side and to move the parties towards a different kind of communication.

In deep-rooted, value-based conflicts, the development of such mutual respect and understanding is often essential before people can begin to discuss “resolution” or “consensus”.

⁶ For more on dialogue see Pruitt and Phillip, 2007.

CASE STUDY: YEMEN⁷

Background

Inspired by events in North Africa, popular protests against the government began in Yemen in early 2011. Eleven months later, following increasing local and international pressure, President Saleh signed the Gulf Cooperation Council (GCC) initiative in November 2011, agreeing to step down and hand over power. Since then Yemen has been going through a period of political transition. Outside powers are playing a pivotal role although competing regional and international agendas (Iranian, Saudi, American and European) are complicating things. A UN-backed implementation document has set the agenda for the management of the transition. Amongst other things, it calls for a National Dialogue Conference to review and revise the constitution before new elections in February 2014. A Preparatory Committee on National Dialogue has been preparing the ground for this National Dialogue Conference which is due to begin in February 2013. Such a dialogue faces many challenges.

⁷ Special thanks to Ezzedine El Asbahi of the Human Rights Information and Training Centre, Yemen for his presentation on this topic. This section is a summary of the main points from the presentation and the subsequent group discussion, rather than a direct transcript of the speaker’s input.

The political environment in Yemen is characterized by division and a lack of trust. There is no consensus within the government about the way forward. The army and the security apparatus are divided. The capital is split between different army factions and half of Yemen is not under government control. The South of the country wants to secede and represents a huge area of insecurity. In the North a Sunni-Shia conflict continues. The main actors have no clear vision about the future and are generally focused on their own narrow self-interests. A political vision needs to be built by people who are not constrained by tribal or party affiliations.

Despite this need, there is a lot of ambivalence about a national dialogue. Not all parties to the conflict are genuine about dialogue. Some military people still believe they have not exhausted the possibilities offered by the use of force and think that in the future they will be able to find a military solution. Many political parties are entering the dialogue for fear of external sanctions and not because of a real interest in dialogue.

Civil society dialogue initiative

Convinced of the need for dialogue, a group of civil society activists decided to launch a civil society dialogue to lay out a vision for the future of the country and to push the conflict parties to enter into a dialogue. In December 2011 the Human Rights Information and Training Centre (HRITC) brought together one hundred and twenty actors in Cairo in order to jointly develop a clear vision of what kind of society Yemen needs.

Following the conference, it was decided that there was a need to continue the process in order to reach out to new actors and to continue to build support for a constructive dialogue on the future of Yemen. The Committee for Societal Participation was set up in order to build bridges and to create

space for consultation between civil society and the political parties. It has organized a series of meetings in different parts of the country and with different sectors of society including political parties, parliamentarians, North and South representatives, personalities from the private sector, academics, women and young people.

Particular attention was given to rising clan tensions in the city of Taiz over the nomination of the governor Shuqi Ahmed Haal Said. These tensions threatened the stability and climate for dialogue in Taiz. HRITC took the initiative to mediate the situation between the governor and the political parties contesting his nomination in order to create a climate conducive to dialogue. Other specific efforts focused on engaging with the historical leadership of the South and finding ways for them to support peace.

The civil society dialogue initiative has made possible the open discussion of sensitive issues. It is no longer unthinkable to ask the question, "What kind of state do we want?" The initiative has also particularly sought to make women's voices heard as they have been especially marginalized in discussions about the future of Yemen. Its key output has been the draft document laying out a vision for the future of Yemen entitled "Where is Yemen Headed?" The document put on the table new issues such as the type of the state Yemen wants to be (e.g. a federation of regions? Of territories? Of North and South?). The President has adopted the issue as a topic for discussion during the National Dialogue Conference due to begin in February 2013.

Key challenges and lessons

➤ Will, ownership and vision

The experience of trying to launch the UN-backed official national dialogue process in Yemen has highlighted some important

lessons for all dialogue initiatives. Firstly, it has drawn attention to the importance of the voluntary nature of participation. If parties are coerced into dialogue their participation will not be based on a genuine willingness to engage the other side. Nor will they have the requisite openness to other points of view. Relatedly, the process has been hindered by a lack of local-ownership. The conflict parties must feel ownership of the dialogue. If they sense that the agenda is being dictated by third parties and outside interests their commitment to the process may be undermined. Thirdly, there is a sense in some quarters that the UN-supported process is just dialogue for the sake of dialogue. A dialogue process needs to have a clear aim. It should be about building a vision or how to reach certain goals. Without this it will fail to generate a sense of commitment and may lead to increased frustrations.

➤ **The complementary role of civil society**

The experience in Yemen has shown how civil society can help to generate options and build a vision of the future when conflict parties may face too many political constraints to do so. For such efforts to be effective it needs to be clear how civil society processes can feed into official processes. Organizers of civil society initiatives need to reach out to the coordinators of the official political process and, similarly, official processes need to ensure they are aware of and engaging with civil society initiatives. The risks involved for civil society activists should not be underestimated. Organizers of the Yemen civil society dialogue received personal threats against them. Every effort needs to be made by all concerned to ensure that there is a safe space for civil society to engage without threat of intimidation or violence.

➤ **Practical process points**

Dialogues take time. The way the agenda is constructed is very important. There must be time for things to develop at a pace everyone is comfortable with. It can be helpful to start with one or two issues around which consensus can be built relatively easily. This will help to create confidence in the process and between parties. It is recommended to avoid putting explosive issues on the agenda early on as they will only give rise to heated debate and risk undermining the process.

The role played by the facilitator is crucial. All parties to the dialogue need to be convinced of the impartiality and integrity of the facilitator. When a facilitator is an outsider, particular attention needs to be paid to the conflict parties' perceptions of the role foreign agendas have played in the selection of the facilitator.

CASE STUDY: MOROCCO⁸

Background

The existence of violent jihadi strains of Salafism has created tensions in Moroccan society. Most of the adherents of these movements have a low level of formal education and are easily influenced and infiltrated. They are often instrumentalized and led towards extremism. Such Salafis who use violence foment tension inside their families, their cities, their mosques and their neighborhoods. They can undermine reformist and non-violent initiatives and block the process of development. Nonetheless, it is important to recognize that they represent a segment of society, that they

⁸ Special thanks to Mohamed Rafiqui for his presentation on this topic. This section is a summary of the main points from the presentation and the subsequent group discussion, rather than a direct transcript of the speaker's input.

are part of the people. A security solution alone cannot deal with this phenomenon. These people must be integrated into society and dialogue is a key tool in this regard.

In Morocco, many Salafis of different strains have been arrested by the government on security grounds and imprisoned in the past decade. While many did come from a violent jihadist background, this was not the case for all. The state has largely failed to distinguish between the different Salafi tendencies and their differing attitudes to violence, appearing largely disinterested in the fate of those who claim to have been unfairly arrested.

The dialogue initiative with Salafi prisoners

In 2009 a dialogue initiative known as *Ansifûna* ("be fair with us") was launched amongst Salafi prisoners in Moroccan prisons in co-ordination with the Al Karama Forum for Human Rights. It aimed to establish a consensus amongst Salafi prisoners around some basic minimum principles. The dialogue began in an informal manner, aiming particularly to shift the convictions of those who had chosen the path of violence. It gradually took on a more formalized form. A consensus paper was drafted. It promoted two major principles: (i) rejection of violence, not out of fear for the regime but because of the negative consequences on the society as a whole (ii) not calling people *kafirs* (infidels). It was publicized in the media and in as many detention centers as possible. At first the promoters of the paper, themselves Salafis, were accused of being soft, of making too many concessions and submitting to the authorities. They were harassed and received death threats. However, with some patience, the initiative gained increasing acceptance amongst the detainees. Now 90-95% of Salafi detainees who are still in prison agree with the initiative. It is hoped the initiative can be a way to help resolve the situation of the

security detainees held in unclear circumstances. If detainees sign up to the principles espoused, it may serve as a step towards finding a framework with the authorities in which the legal situation of these detainees can be reviewed and releases foreseen. Many of those who did sign up to this initiative and were released have integrated into society, living peaceful lives.

Key lessons from previous dialogues with Salafis that informed the design of the initiative

➤ Use the right person to initiate dialogue

The person initiating the dialogue and seeking to engage with jihadist Salafis needs to have credibility. Credibility requires a number of things. Firstly, the person must be perceived as neutral. They cannot be someone representing the regime or from a group perceived as pro-regime. Secondly, the person must be respected for their integrity. The people they will be engaging have principled positions and need to be able to respect whoever is seeking to engage them. Ulemas and sheikhs are often appropriate people as they enjoy credibility with everyone and stand for opposition to injustice and despotism. Thirdly, the person must have a good knowledge and understanding of the background of the people they are reaching out to. They must understand what their intellectual reference points are and be familiar with the writers and thinkers that inspire their ideology. For example, it is necessary to be familiar with the writings of the ulema of the Najdi school.⁹ Fourthly, the person must have the right skills. They will require a strong scholarly background that enables them to respond to

⁹ Founded by the religious leader Muhammad ibn Abd al-Wahhab, founder of the Wahhabi movement.

controversial points and engage their counterparts in real debate. They also need to be grounded in reality and skilled in dialogue and discussion. In Saudi Arabia, for example, there exists a current of well-versed and independent Wahhabis engaging with and convincing young people to move away from jihadist tendencies.

Credible initiators of dialogue are often in short supply. Institutions which train and support dialogue initiators should be created. In these institutions dialogue initiators can be trained in the technical and practical aspects of dialogue, and particularly in the area of *maqâced* (religious reasoning). The *Assakîna* ('quietness') campaign in Saudi Arabia is an example. Bringing sheikhs and ulemas from other countries is another way of sourcing credible expertise. People are often more disposed to listen and dialogue with those from abroad.

➤ **Get the content of the dialogue right**

A dialogue must acknowledge and address the core issues of concern and the motives that led people down the path of jihad and violence. These often include issues such as the occupation of Palestinian territories, Western positions that are provocative to young people, and the corruption and authoritarianism of Arab regimes. It is important to differentiate between two different motivations for violence: violence used to propagate an ideology or violence used in defence against state violence.

Discussions with the jihadis that start from the same point of reference, based on the main academic texts they use, will be most effective (for example, Ibn Taymiyya on political participation). Writers who come from a different point of reference in Islam should be avoided as they won't be accepted.

The first aim in the dialogue should be to convince those with jihadist tendencies to abandon violence. Once they start to shift

their viewpoint from violence to nonviolence there will be a certain opening and a personal de-radicalization. Starting immediately with denouncements of the practice of *takfir* and addressing relations with Shi'a Muslims, for example, will lose them. It is important to go step by step and be realistic. Moving them away from the logic of *takfir* – to stop thinking that this or that group are *kafirs* – is essential if there is to be an acceptance of diversity of thought and diversity of belief. However, this cannot be done as a first step but only addressed later. Talk of universal values should be avoided as this is a very advanced stage in any discussion. Even moderate Islamists have differences on this. A dialogue process with Salafis needs to be very gradual, taking them from one point to another: from absolute to relative, with the first step being the acceptance of the principle of non-violence.

The initiators of the dialogue should also be careful in the language they use. They may have difficulties distinguishing between different currents among the "extremists", mixing up the jihadis with the "takfirees". They should avoid labeling people and groups as they will inevitably get something wrong and the parties will feel alienated and poorly understood.

Ultimately, the dialogue should aim to undermine jihadi ideologies. For example, the absolute belief that engagement in politics is *haram* should be challenged by pushing them to see that it is not an absolute and that it is possible to have a diversity of opinion on this issue. Key to this is to show that different positions on many issues can be reached from the same references (e.g. armed struggle, foreigners, the treatment of civilians in Islam). Promoting the writings of credible Salafi authors can shake the convictions of jihadis because they are close to their point of view. Such writing should engage with the arguments of the jihadis in a positive and polite way while refuting them on the basis of

sound academic argument. The texts of Sâoui and Abderrahmane Abdelkhalek, for example, have had a strong impact in the past.

➤ **Create positive conditions for the success of dialogue**

For success, such dialogue projects must work on three separate but related dimensions. Firstly, they must work on the positions of the jihadis, as described in the preceding section. Secondly, they must address their human rights concerns. Many people have become or remain extremists because of experiences of having their human rights violated. These violations need to be addressed in order for them to be mentally open to dialogue. Thirdly, the social dimension, including the poverty of detainees' families, must be addressed.

A strong sense of socio-economic injustice is often a significant motivator of violent Salafis and finding ways to address their concerns is necessary to end their hatred against the state and against society.

Changes in society may provide opportunities or new conditions for dialogue that should be seized. For example, the Arab Spring and the dynamism launched by the M20 movement in Morocco have brought new ideas to the Salafi movements. There is a greater ability to coexist with society and to accept difference. Spaces should be created for the reformist Salafi movements and they should be provided with the moral and material support to counterbalance extremism.

Finally, be patient. Results take time.

2. MEDIATION SPACE AND DIAPRAXISⁱ

Creating safe social spaces where parties can come together to discuss and develop practical joint projects for addressing aspects of the conflict is an approach of particular relevance to conflicts where parties hold different worldviews. This approach was applied with some success to the conflict in Tajikistan between secular and Islamist actors.

ⁱ Special thanks to Jean-Nicolas Bitter, Swiss FDFA, for his presentation on this topic. This section is a summary of the main points from the presentation and the subsequent group discussion, rather than a direct transcript of the speaker's input.

THEORY

Definitions

The notion of a mediation space does not conceive of mediation in the classical sense of negotiations supported by an acceptable third party. Rather it is a process involving the creation of social spaces between divided groups, as opposed to a process lodged in the work of an individual or small team (Lederach, 2002). It can be understood as the interaction between two (or more) discourses as they confront each other and seek to coordinate their actions in a non-violent way.

The concept of “diapraxis” complements the mediation space approach. Diapraxis is a process whereby joint action between conflict actors is made a key goal of a dialogue or negotiation process, rather than only a dialogue aiming at understanding the other side, or talking for the sake of talking (Bitter, 2011).

When and how to employ the approach

Why employ the concept of a mediation space? In a track-1 negotiation process there is no guarantee that decisions will translate down to the community level which is the level where people have the power to implement things. A mediation space aims to bring together the people who have implementation power. This includes

insiders from all sides who are connected to the issue, who have constituencies, who are the interpreters of the founding discourse of their constituencies and can go back to their constituencies with legitimacy and get their support for whatever they have signed up to. It requires people who are willing to imagine a new future and who are willing to learn and get involved in the process. The concept is particularly helpful when working in contexts where parties hold different worldviews because in such situations discussions can be difficult and may require an approach different from a classical negotiation process.

How the approach is different to a normal dialogue process

Dialogue is meeting the other to understand the other but it does not necessarily bring the parties further. It hopefully leads to confidence building but this is not always the case, especially when parties have different worldviews. When dialogue does not result in a change in actions it can actually deepen mistrust because things are not changing or things are misinterpreted. Talk is often not enough. Action is important. Parties may need to see the other side act in a way that builds trust. In order to find an outlet for action it is important to create something practical together that seeks to address an aspect of the conflict. Such practical ideas should come out of a dialogue between the parties rather than being imposed by one party or coming from the outside.

Setting up the process

Define a space where interaction can take place. Participants need to feel it is a safe place for discussion so some “red lines” need to be established. These are lines everyone agrees they do not want to cross in the discussion. To do this some sense of a basic common vision is needed but it does not require reaching agreement on doctrine or a worldview. A common vision can be as simple as “at some point we are going to have to live together”. Red lines are defined according to the context and according to the participants. They are not imposed but need to be agreed to by all participating parties. In such a process in Sri Lanka, for example, it was agreed nothing would be said against the Dharma (the teachings of Buddha), nothing against the government of Sri Lanka, and nothing that could antagonize the communities involved in the conflict. Agreeing the red lines is itself part of the process of discussion and can take time. As discussions progress to the practical, participants themselves start obtaining the thinking and the methodology of mediators. They start to think how to create new spaces and new roles. Discussion is mostly not about positions or interests. It focuses on imagining practical ways forward. The hope is that the participants begin to develop practical projects that deal with sensitive issues that are relevant to the transformation of the conflict.

CASE STUDY: TAJIKISTAN¹⁰

Background

Between 1992 and 1997 Tajikistan experienced a very bloody civil war. Following the conflict, one of the

perpetuating divisions in the country was between secularist forces (neo-communist, nearly all anti-religious) and Islamic forces (a loose term for a wide variety of actors) who were allied to democratic forces. There was, and still is today, huge mistrust between the two sides. During the civil war, the Islamic forces almost got the upper hand until the conflict was frozen and secular forces gradually gained in influence. The secularists, who dominated the government, were afraid that the Islamic forces would use the mosques to preach and incite an uprising against the government. There was heavy repression of Islamic actors and spaces.

The process

German researchers at the Center for OSCE Research launched a dialogue process bringing together secular and Islamic actors. Out of this a document was drafted proposing areas for possible confidence-building measures which was sent to the president of the republic. However the document remained quite conceptual and abstract. The process was failing to build confidence and translate into practice so attention shifted to concrete projects, in order to build confidence. Working groups linked to the dialogue process were established which aimed to create new realities through projects. These working groups became mediation spaces where representatives from secular groups, from the government and from religious groups came together to discuss concrete issues. One working group on religious education focused on the question of how to work together on strengthening religious education in Tajikistan in a way acceptable to all (religious education having been weakened during communist rule). Another working group entitled “Law, Politics, and Religion” aimed at improving the Law on Religion. These and other working groups were successfully able to develop and implement concrete ideas of

¹⁰ For more on this case see Bitter and von Blarer, 2011.

how to address the particular issues they were mandated to work on.

Lessons learned

➤ Focus on practical co-operation not value differences

Debates about values or worldviews tended to divide the participants whereas a focus on confidence-building through practical co-operation on concrete issues helped to build confidence and common ground.

➤ Ideas for co-operation should be developed jointly

For there to be ownership and commitment to pursue them, ideas for joint practical co-operation between the parties need to be jointly formulated and developed together, rather than imposed from outside.

➤ Jointly agreeing red lines as a first step in a dialogue

A mediation space requires the parties to agree the parameters for a dialogue. In defining parameters it is often easier to find agreement on “red-lines”, i.e. things that should not be said or done rather than trying to formulate joint positive or aspirational guidelines.

3. CULTURALLY-BALANCED CO-MEDIATION

In conflicts where there are significant cultural differences between the parties, a mixed mediation team made up of mediators who are culturally-close to the parties can help to build confidence and avoid misunderstandings. Such an approach, complemented by the addition of cultural advisors for the conflict parties, was used to mediate tensions over the Danish cartoons crisis of 2005-6.

THEORY¹¹

Conflict transformation methods can be unilateral (involving one actor), bi-lateral (involving two actors, e.g. dialogue or negotiations) or multi-lateral efforts (involving multiple actors, often dialogue or negotiation processes with third-party assistance).

Mediation can be defined as the support of negotiations by an acceptable third party.¹² Co-mediation is mediation carried out by two or more mediators that cooperate with each other. The classical co-mediation situation involves a chief mediator who works with a supporting team. The chief mediator makes the key strategic decisions and the team members' contributions are usually related to their expertise on a particular topic.

Culturally-balanced co-mediation is when members of the co-mediation team come from culturally, ethnically or religiously different backgrounds and these are relevant to the conflict they are mediating. This model has unique advantages in inter-community conflicts, especially in cases where it is hard to find a single mediator trusted by all sides. By having a co-mediation team representing the different cultural or religious backgrounds of the actors in question, impartiality is gained at the level of the team, rather than at the level of the individual mediator.

At the same time culturally-balanced co-mediation brings its own challenges. There is a risk that the mediators' lack of neutrality (their closeness to one side) may impact their impartiality (their ability to treat all sides equally).¹³ Their closeness to the conflict may make it hard for them to be sufficiently detached to be effective and being part of a co-mediation team may not be enough to balance this out. There is also a danger that the selected cultural backgrounds of the mediator(s) may not be relevant to the conflict. Finally, in all co-mediation, competition between the mediators and confusion over their roles can arise. This can be best avoided by ensuring that there is clarity from the outset between the different mediators regarding role division.

CASE STUDY: DENMARK¹⁴

Background

On 30 September 2005 the Danish daily newspaper Jyllands-Posten published "The Face of Mohammed" cartoons. About 5,000 people from the Muslim community attended demonstrations in Denmark. The cartoons were reproduced by many other Danish and international newspapers. There was

¹¹ See also Mason and Kassam, 2011.

¹² Negotiations are here defined as interdependent decision-making.

¹³ This can also be a risk for a single mediator who is close to one or both parties. See the local mediator case study for more on this.

¹⁴ Special thanks to Abbas Aroua, Director of the Cordoba Foundation and one of the mediators in this case, for his presentation on this topic. This section is a summary of the main points from the presentation and the subsequent group discussion, rather than a direct transcript of the speaker's input.

widespread, intense anger in the Muslim world expressed both through popular protest and by various governments in Muslim countries. Danish Prime Minister Anders Fogh Rasmussen refused to receive ambassadors from a number of Muslim countries which lead to an escalation of acts of violence and popular protest in many Muslim countries.

The process

The Cordoba Foundation in Geneva intervened to mediate in the crisis and on 13 February 2006 hosted a meeting between delegations representing the Muslim and Danish sides.

The Muslim delegation was made up of two people sent by three key organizations with influence on global Muslim opinion and the demonstrators: the Global Anti-Aggression Campaign, the International Committee of Support of the Final Prophet, and the Union of Muslim Scholars.

On the Danish side, the Danish Ministry of Foreign Affairs mandated a three-person delegation which was headed by a Muslim ambassador accompanied by a Bishop and a Professor of Islamic Studies.

The mediation team, aiming for cultural balance, was made up of two people: a Christian, Swiss-Spanish woman who was a member of the Geneva parliament and the person in charge of public relations at the Cordoba Foundation, and an Algerian, Muslim man who is the Director of the Cordoba Foundation. He sat next to the Danish delegation and she sat next to the Muslim delegation.

Before the first mediation session the Director of the Cordoba Foundation received a telephone call from the Danish delegation asking whether they could have an advisor in the negotiations and proposing that the Muslim writer and academic Tariq Ramadan

would fulfill this role. The request was agreed to and, in order to create a balance, a similar “cultural advisor” was identified for the Muslim delegation – the Norwegian academic Johan Galtung. The role of these advisors turned out to be very important. Ramadan gave very good advice and arguments to the Danish side which were well founded in Islamic thought. Galtung supported the Muslim side with advice and arguments based on his Western values.

During the discussions many issues were raised, including the situation of Muslim minorities in Denmark, the non-recognition of certain rights, the recurrent Western aggressions against Muslim countries, and in particular the invasion of Iraq, where Denmark was involved as a member of the military coalition. A number of future steps to address the conflict were discussed including support for Muslim communities in Denmark, reconsideration of the Danish presence in Iraq and international seminars on freedom of expression. Unfortunately external events overtook the process, a second planned meeting never took place and the process stalled.¹⁵

Key lessons from the experience

➤ The positive consequences of achieving cultural balance

The fact that it was a culturally-balanced co-mediation played an important role in confidence-building. Each side felt that they got a fair hearing of their arguments and concerns. Additionally, the decision to appoint advisors to each delegation who were culturally-close to the other delegation had positive consequences. Both advisors were able to play a constructive role in helping their delegation understand the

¹⁵ For a more detailed presentation of this case see Mason, Aroua and Aberg, 2010.

other's point of view and convincing the other delegation of the merits of the points raised by their delegation.

➤ **Confusion of roles**

The mediation did have to deal with a confusion of roles. The confusion was not with the mediators but rather the role played by the head of the Danish delegation. Despite expectations, his ostentatious emphasis of his Muslim background and his assumed cultural proximity to the Muslim delegation caused more confusion about where he really stood on key issues, rather than helping to build trust. This unexpected ambiguity confused both the Muslim delegation and the mediators.

➤ **The detrimental role of well-intentioned but uncoordinated actions**

Before a second mediation meeting could be organized, there was a visit to Denmark by some high profile Muslim preachers who travelled to Denmark from the Gulf region and Egypt to promote reconciliation.

They made a number of public “appeasing” statements calling for reconciliation, possibly also motivated by the media coverage they got through such actions. The Danish government then lost interest in the mediation, preferring to engage with these preachers who seemed to be promising a quick-fix solution to the problem. No second mediation meeting was organized and the chance to find a genuine long-term solution to the problem was missed. Despite the good intentions of these Muslim preachers, who had no background or training in conflict transformation issues, a lack of co-ordination with on-going initiatives meant that they had a detrimental effect on the mediation process.

4. LOCAL MEDIATORS

This case study illustrates the positive role a local mediator was able to play in mediating between two different communities and the authorities in an Algerian town while also highlighting some of the limitations any mediator faces in trying to help parties to a conflict to reach a sustainable solution.

THEORY

Local mediators can be defined as mediators who share the same geographical origins as the parties or mediators who have a stake in the conflict. More specifically they are usually characterized by their in-depth knowledge of the situation as well as close relationships to the parties to the conflict. While this closeness is an advantage it can also be a disadvantage, leaving them open to criticisms of partiality.¹⁶

CASE STUDY: ALGERIA¹⁷

This case study relates to a recent conflict in a town in south-eastern Algeria near the Tunisian border.

Background to the conflict

Tensions between the Berber community and the Arab community in the town were steadily rising since autumn 2011 and were marked by a series of violent events. The origins of the crisis lay in the decision of the local government to build a school in an area of town dominated by the Berber community. The other community wanted it to be built in their area and tried to pressure the government. They stopped their children from going to school for two terms and went as far as burning down the town hall. The

provincial authorities, afraid of provoking an escalation of a local conflict into a regional- or national-level conflict (as had happened in the past), originally chose not to interfere in the deteriorating community relations.

The crisis between the two communities came to a climax when two young men from the Berber community were killed on the 27th night of Ramadan. These killings led to a potentially explosive situation between the two communities with calls for revenge and justice. The security forces were obliged to intervene to impose a buffer zone to prevent further violence.

The escalating conflict had serious consequences: the buffer zone became permanent, the daily lives of the communities were disrupted (transport, food and water supply, family relations), and people were displaced from one part of town to another. The security of people and public servants were at risk. Children of the Arab community were not attending school because their parents refused to let them attend the school in the Berber community area. There was a real risk of a prolonged state of insecurity and of the crisis escalating into regional, or even, national unrest. (Precedents for such a scenario exist in the region. The Berriane riots in Ghardaia 2008-10 claimed around 15 lives and peace there remains very precarious). Furthermore, in the context of the political upheavals in the wider region, the government was wary of a repeat of the Tunisian Sidi Bouzid scenario, where a local incident triggered nationwide protests, which eventually toppled the Ben Ali regime. The government (and provincial authorities) were therefore very unsure of how to deal with this local conflict, which had already

¹⁶ For more on local mediators see Mason, 2009.

¹⁷ Thank you to Lakhdar Ghetas of the Cordoba Foundation, and the mediator in this case, for his presentation on this topic. This section is a summary of the main points from the presentation and the subsequent group discussion, rather than a direct transcript of the speaker's input.

claimed lives, and where the local authorities found themselves accused by the Berber community of bearing responsibility for the loss of life and damage to property.

The main actors and the relations between them

There were a number of key actors with an influence on the handling of the conflict. However, they had differing agendas and approaches to addressing the crisis.

The central government supported and protected the local security and political authorities (the head of the security forces and the provincial governor) and looked to them to take the lead in containing and resolving the crisis. Their primary concern was that an escalation or spreading of the crisis be avoided. The local authorities promoted traditional tribal structures (tribal chieftains, the mosque, Sufi Orders, and government-affiliated religious organizations) as the primary conflict resolution agents and were mistrustful of other civil society organizations. The traditional institutions felt their prestige and privileges were being threatened by a civil society invigorated by the social changes taking place across the region since 2011. However, they had been unable to reform and re-invent their role in the local community and were feeling under pressure from the government to maintain the status-quo, i.e. resolve the conflict through traditional tribal structures and avoid the Berber community's calls for the opening of an investigation into the role of local authorities in the year-long crisis.

In return, many civil society organizations were mistrustful of local authorities and the central government. They considered the local authorities responsible for the tragic outcome of the crisis. Similarly they viewed certain political leaders as having cynically manipulated inter-community tensions for

political gain in upcoming local and legislative elections. They viewed the tribal structures as out-dated mechanisms unequipped to deal with the complex new reality and believed the chieftains and Sufi orders were colluding with, and were propped up by, the government. Civil society organizations were therefore striving to take the place of traditional mechanisms in resolving the crisis. Youth groups and young people (including young women – their active involvement being a surprise for all in this very conservative community) were playing a significant role, feeling empowered by the social change since 2011. At the same time the youth movement was also wary of being manipulated or used by civil society leaders seeking to further personal agendas.

The mediation process

The authorities had originally hoped the conflict would just go away but instead it snowballed. After the killings the authorities realised they needed to take action but, not knowing what to do, they were open to the efforts and initiative of a local mediator.

The mediator was from the area and, despite his Berber origins, he was acceptable as a broker because he was perceived not to have close ties to either community. He had been living abroad permanently for the previous five years and had been away for much of the previous fourteen. His past as an active member of civil society (running summer schools and cultural associations) meant that he was known in the area and accepted. He was also perceived as having sufficient distance from the authorities having had confrontations with them in the past over the closing of some associations he had been involved with. As he was present on the spot it was easy for him to talk to young people and to the elders to understand what was going on. He formed a team and presented a plan on how to mediate the conflict.

The mediation team spoke with all the different actors on the ground. All had to be involved as all could potentially spoil the process. There were two-tracks to the process: one track on reconciliation working with traditional structures and one with the government (chief of police, governor, and local government). The aim of the first track was to manage the crisis and address the fears and tense atmosphere among the population. In volatile situations it is important to manage the situation first before even thinking of resolving or transforming it. The second track with official structures focused on addressing the material triggers of the crisis.

The priority of the first track was to contain a potential explosion of the situation. There were many calls for revenge coming from within the Berber community. Although the imposition of the buffer zone, and even a curfew in the first week following the killings prevented travel and contact between the two communities, there was an urgent need to address the agitated atmosphere within the Berber community. The traditional structures were useful for managing the immediate crisis. Several meetings were held with the key actors in the community (youth leaders, mosque Imams, tribal chieftains, and notable figures of the community) in order to take the pulse of each actor separately. Subsequently, joint meetings brought together representatives from each group in order to convince them of the need to promote a spirit of reconciliation amongst their constituencies and supporters. In addition, they worked to agree on a set of reasonable demands to be raised at the local political and security level, i.e. the second track, where efforts for conflict resolution were dealt with at an official level. Some channels of communication were also opened with the Arab community through indirect messengers and Berbers married to Arabs in the other community.

A select group of these key actors from the Berber community then met with a provincial delegation, comprised of the governor, the provincial police and security commanders, and the member of parliament for the region. The meeting lasted half a day and the delegation was briefed about the reality on the ground and informed about the community's demands. They requested that the government open an investigation into the role of the local authorities in the crisis and that the killers be brought to justice. Until justice was done, and in order to defuse any potential friction or tension during the investigation period, temporary appeasement measures were also demanded (temporary buffer zone; re-location of administrative staff and civil servants, teachers, high school students; re-arrangement of public transport services; farming irrigation matters, etc.). A similar meeting took place two days later between representatives of the Arab community and the government delegation. The Arab community's delegation focused on their demand that the high school be built in their area.

Outcome so far

The government's agenda was simply to calm things down. They were not interested in foreseeing and addressing potential future flashpoints. They wanted to see the crisis contained locally and wanted to avoid setting a precedent by giving in to civil society and community demands. They favoured a solution based on tribal reconciliation by means of the mosque, tribal chieftains and government-controlled organisations. On the other hand, the community that the murder victims came from wanted a proper legal investigation. They were not only seeking rapid justice, with the killers being prosecuted, but believed the role and performance of local administrative and security authorities should also be examined. There was a push from the community to

seize the opportunity to re-set society - state relations.

Despite the mediation team advocating that the longer-term issues be addressed, the government refused. Within a few weeks there were demonstrations on the streets demanding justice and punishment of the killers. Young people from the Berber community, frustrated by the length of the process, returned to the streets, demonstrating and burning trucks. The authorities arrested people, the local governor felt himself bound to relocate the students of the Arab community to a nearby town and things were back to square one.

Key lessons from the experience

➤ The advantages of a local mediator

The use of a local mediator in this case had distinct advantages. The familiarity with the context, the cultural affinity with the parties and the possession of a pre-existing network of contacts meant that no time was lost, a team could be formed quickly and engaging the parties was relatively easy. The fact that the invitation came from one of the parties and that the mediator was accepted by all parties helped to allay any concerns that the parties could have viewed the mediator's local connections as compromising his impartiality. Familiarity with the actors also helped the mediator to more easily assess the agendas and calculations of each party and actor. Such awareness is vital, particularly when not all actors may be sincere about looking for a solution to conflict.

➤ Being clear about which level of conflict is being addressed

There were a number of levels of the conflict that could have been addressed. For example, there were the immediate triggers which included the two murders, and there were longer-term underlying issues to do with a history of animosity between the two

communities. While ideally a mediation process would attempt to reach a sustainable solution that addresses all levels of conflict, this is often not realistic. It is important to set system boundaries and to prioritize; to decide which levels of conflict are to be addressed and in what order. In this case the reluctance of the government to go beyond addressing the immediate crisis effectively defined the scope of the mediation. This is not surprising. Getting agreement from all actors to work on stopping immediate violence is easier than getting support for long-term work on conflict transformation and reconciliation. Depending on the stage or level of the conflict being addressed, different mechanisms may be useful at different times. In this case traditional mechanisms had an important role to play in halting immediate violence but they needed to be complemented by additional technical and structural solutions to address the root causes of the conflict.

➤ Seize opportunities that present themselves

Changes in the political and social reality can present new opportunities. In this case, wider regional developments and the growing voice of civil society meant the government no longer had all the cards in its hands and there was room for initiative by others. Sometimes one simply has to seize such opportunities and act.

➤ The importance of a sincere engagement by all actors and the destructive role of spoilers

In this case the state, represented by the local and provincial authorities, was a key actor to have on board. However, their reluctance to address the underlying causes of the conflict or to engage sincerely with the concerns of civil society, limited the possibilities of transforming the conflict. While a precarious short-term stability could be established by

the reconciliation track, it was soon undermined by the failure of the official track to address the longer-term issues and the town remains a long way from a sustainable peace. Efforts were also undermined by spoilers within the Arab community who limited the engagement of that community in serious discussions. Influential community members were more interested in adopting hard-line positions in order to court their constituency three months before the local elections.

This led to the Arab community demands being largely focused on concerns about the school and seemingly failing to take into account the gravity of the situation or to engage with the concerns of the other side.



5. OMBUDSPERSONⁱⁱ

Ombuds institutions are well established in many countries as defenders of citizens' rights. Reviewing how they can work as a check and balance in diverse political systems illuminates some of the challenges facing analogous institutions in North Africa and the limits of such institutions when the democratic infrastructure is weak.

ⁱⁱ Special thanks to Dieter von Blarer, Ombudsman in Basel, Switzerland for his presentation on this topic. This section is a summary of the main points from the presentation and the subsequent group discussion, rather than a direct transcript of the speaker's input.

THEORY

An ombudsperson is a person with a formal institutional role to act as a trusted intermediary and honest broker between individual citizens and the state (as represented by its various institutions and agencies). Ombudspersons act as defenders of peoples' rights as defined in domestic, constitutional or human rights law. They work towards fair and equitable solutions to protect citizens against a powerful state administration while also taking into account the rightful interests of the state.¹⁸

The term ombudsperson or ombudsman is translated in various ways in different countries which reflect the slightly different nuances or emphases given to the role depending on the context.

- Defensor del Pueblo (Spain and Latin America)
- Difensore Civico (Italy)
- Commissioner for Human Rights (Eastern Europe and CIS countries)
- Police Commissioner (United Kingdom)
- Bürgerbeauftragter (Germany and Switzerland)

¹⁸ The 1993 United Nations Paris Principles serve as the international benchmark by which national human rights institutions are measured. See <http://nhri.ohchr.org/EN/Pages/default.aspx> for more details.

- Médiateur de la République (France)

In Switzerland ombudspersons are elected by the regional parliaments.¹⁹ They are an instrument of the parliament to keep a check on the executive and the public administration. Other such instruments include the Control Council of the Parliament, the Financial Council of the Parliament, the Independent Financial Audit Office and the Special Investigation Council of the Parliament. Since they are regularly elected by parliament, ombudspersons enjoy a high degree of legitimacy and independence from the executive.

Ombudspersons are usually mandated to carry out a number of activities including receiving and investigating complaints, carrying out investigations upon their own initiative, mitigating conflicts, protecting the constitutional and human rights of individuals, intervening with the administration (including security structures within the jurisdiction), protecting the administration against unfounded complaints, giving legal advice, issuing recommendations, and reporting to the parliament. In some cases the ombudsperson has a very robust mandate and can even take cases or parliamentary legislation to the constitutional or supreme court.

¹⁹ On the national level attempts to introduce an ombuds institution have not been successful so far.

In carrying out their mandate ombudspersons employ a number of working methods. When carrying out investigations they may listen to all parties, interview witnesses, request access to and consult relevant official files and even carry out on-site inspections. This may sometimes result in them issuing a report or making recommendations. Where there is a dispute they may act as a facilitator or mediator between one or more parties.

While the prevention of violence is not usually part of the core mandate of an ombudsperson, it is in the mandate in as far as they are part of the institutional set up to protect the basic human rights of citizens. During situations of violence an ombudsperson will investigate the conduct of security services. Interventions by ombudspersons may also sometimes have the effect of preventing violence. Given their position, they are often highly appreciated as an independent honest-broker between potentially violent parties and the government. The exact role they can play is highly dependent on the personality of the individual office-holder and on the institutional set up.

CASE STUDY: NORTH AFRICA²⁰

In many North African countries such as Egypt and Morocco similar institutions to ombuds institutions exist. The recent revolutions offer the opportunity to reform these institutions so that they can become more effective. The revolutionary momentum could be harnessed in order to make use of the legislature to support the establishment or reform of such institutions. However, any

attempts at reform need to take a number of points into account.

Ombudspersons or similar institutions will only be effective if they have legitimacy. This must come through elections of the office-holders. The legitimacy and effectiveness of current institutions in Morocco and Algeria, for example, is compromised because they were established by top-down initiatives with the office-holders being appointed.

As well as legitimacy, ombudspersons need to be empowered with a certain authority. They need ways of pressuring the government. For this reason democracy is a prerequisite for such institutions to be able to fulfill their functions properly. Often ombudspersons have a mandate from parliament and are a tool for parliament to hold the executive accountable in its administration of the state. Only when some basic democratic institutions exist and governments are held accountable through elections will they be sensitive and responsive to the interventions and recommendations of ombudspersons.

In many North African countries, although similar institutions to ombudspersons exist, they are often overloaded by complaints from citizens and/or blocked due to the absence of mechanisms to deal with complaints. In Algeria, for example, the institution became so overloaded that it was dissolved 30 months after its creation. There must be an established mechanism for the institution to treat complaints and cases, otherwise system overload and blockages will render the institution ineffective.

²⁰ This section has been compiled on the basis of a discussion between Cordoba Now Forum members on the relevance of ombuds institutions to the North African context

6. EARLY WARNING AND RAPID RESPONSE MECHANISMS

Establishing regional or national mechanisms to provide early warning of potential outbreaks of violence is a way of institutionalizing conflict prevention and enabling rapid responses in order to de-escalate tensions. The two case studies are from different points in time in the establishment of such a mechanism. In Egypt, some of the current challenges being faced in the early days of setting up such a mechanism are examined, while the Kenya case is able to draw a number of lessons learned from the successful establishment of a mechanism.

THEORY

Early warning often takes the form of a network of actors jointly designing and implementing conflict prevention strategies. Monitoring helps ascertain whether and when violent conflicts can be expected to occur, with the objective of preventing this from happening by means of a “rapid response”. The decision on what form of response is most appropriate will depend on

the particular circumstances. It may involve mediation, legal means, intervention by security forces, investigation by an ombudsperson, or some other means of intervention. The advantage of these mechanisms, sometimes also discussed in terms of “infrastructures for peace” (Van Tongeren, 2011), is that they are in place before tensions arise and can be more effective than ad hoc interventions in the wake of an outbreak of violence.

CASE STUDY: EGYPT²¹

Background

In Egypt, conflicts between Muslim and Christian communities often have their roots in socio-economic factors but manifest themselves in religious terms. During the 30 years of Mubarak’s rule the regime often manipulated such conflicts to fuel tensions between different religious communities. Tensions could easily be exacerbated by reproducing sectarian discourses and stirring up grievances on both sides. One typical example is the conflicts that sometimes erupted in connection with the building of churches. Sometimes a Christian community would get an oral authorization from the

authorities and start building a church. There would be a reaction from the Muslim side and the government might back-track, saying it had never granted a permit. The security services may then have also intervened. In some cases this prevented the violence from escalating but in other cases it did not help.

After the revolution two parallel efforts to prevent such outbreaks of violent conflict emerged: a central networking effort started by the state to deal with social, economic and religious tensions and a local level effort, often building on traditional conflict transformation mechanisms, to form clan and neighborhood networks to provide security and avoid conflict escalation.

The national level

After the revolution the National Council for Justice and Equality (NCJE) was set up to address inter-community problems. It had a number of sub-committees, including one responsible for early warning and rapid response (EWRR) to conflicts.

The first action of the EWRR sub-committee was to map the actors, the issues and the

²¹ Special thanks to Nagwan El Ashwal of MADA foundation and member of the mentioned sub-committee on early warning and rapid response for her presentation on this topic. This section is a summary of the main points from the presentation and the subsequent group discussion, rather than a direct transcript of the speaker’s input.

areas affected, or potentially affected by inter-community violence. This helped to decide where to intervene, and who should be intervening (e.g. direct intervention by the sub-committee members alone or intervention by the sub-committee members in cooperation with the army). The work of the sub-committee was communicated in each region in order to facilitate access and build legitimacy. Without this the members would have been seen as intruders. When the sub-committee received information that a region was experiencing conflict between religious communities it would consider sending a team to the affected region. Often the conflict may have started with a man from one community harassing a woman from another community. It would then escalate and draw in more people and institutions. The work of the team was to understand the roots of the conflict and to try and help the communities to address it. It would identify and speak to the stakeholders and often collaborated directly with the local sheikh and priest or existing local response councils.

In the context of the continuing political changes in Egypt, the NCJE and its sub-committees were suspended by the prime-minister Kamal El Ganzory in early 2012. There are however hopes that as the political transition continues, the work of the EWRR sub-committee will be revived. Originally, the members of the sub-committee were drawn from civil society. The state security agencies were not included and co-operation with the army was limited. In the future the sub-committee would aim to broaden its membership to be more inclusive and include representatives of the security agencies, the army, and the executive. A largely civilian sub-committee may be able to de-escalate tensions in the short term but long-term solutions to these conflicts require the involvement of all stakeholders, and must include both state and civilian actors.

The local level

During and after the revolution, there was a change at the community level. In both urban and rural areas, a respectful atmosphere and a spirit of harmony developed. Young people took the initiative and went to elders to establish networks of Muslim elders and Christian church representatives. These networks have worked very well on the ground to prevent and address conflicts around issues such as land, water, and relations between men and women. The networks were able to detect potential flash points and mechanisms for resolution before there was an escalation.

In Upper Egypt the networks established were based on traditional local councils which dealt with problems between different clans. These councils, known as “Majlis Urfi”, were traditionally made up of wise, respected people from all communities and they worked in a balanced way to deal with problems. During the Mubarak regime some of these councils became corrupt and politicized as the regime forced them to include parliamentarians and they became a forum for confrontation between the political parties. The councils were also not very representative being made up largely of elders. They did include some younger members but women were not represented. In rebuilding these traditional structures after the revolution, emphasis has been put on broadening their membership in order to increase their legitimacy.

Key lessons and challenges

➤ Linking local and national efforts

For a truly effective early warning and response infrastructure there needs to be a linking of national and local efforts. There is often a tension between the local level and the center, but this needs to be overcome for conflict prevention to be effective. The local-center tension has been compounded

recently in Egypt by the fact that not everyone approved of the idea of the traditional councils being used as conflict resolution mechanisms, as there was confusion about the compatibility of customary approaches and modern legal mechanisms. Critics recognized that the traditional councils may previously have had a role to play in filling a vacuum in the absence of the rule of law in certain communities. However, they wanted to avoid that the traditional councils be promoted as a substitute to the rule of law. This concern has since largely been addressed following a decision declaring that upholding the law is part of the role of these traditional councils.

➤ **Lack of coordination between conflict resolution actors**

A number of actors have long been involved in efforts to resolve conflicts. They are protective of their role and resistant to new initiatives that they feel threaten their monopoly. For example, religious authorities such as Al-Azhar, the Coptic Church and Salafi sheikhs are often involved in mediation efforts. The largest political parties also believe they can solve problems through their local networks. The question is how all actors, existing and new, can best work together to prevent and manage conflict. Greater coordination is needed so that various efforts develop synergies, rather than exist in competition with one another. If actors do not feel that they are part of a solution they may block it. An effective early warning and rapid response mechanism will therefore clearly need to take an inclusive approach, bringing all relevant actors on board.

➤ **Need for a clear institutional mandate**

There have been a number of challenges to the establishment of a mechanism at a national level. At the beginning the EWRR sub-committee was faced with the problem

that some members were not impartial and would feed other members false information. To avoid this there needs to be a clear and transparent process for selecting and appointing members. At an institutional level there have also been setbacks with the suspension of the National Council for Justice and Equality. Despite this, the early warning sub-committee went on working informally. There is support within the presidency to officially re-launch its work but some elements of the state administration are less enthusiastic. Some form of official mandate will however be necessary if the mechanism is to have the legitimacy and authority to bring together all necessary stakeholders.

CASE STUDY: KENYA²²

Background

Wajir is a district in Kenya's North-Eastern Province inhabited by Somali pastoralist communities made up of three main clans who depend on livestock for their livelihood. Over the past decades, it has been the scene of violent inter-clan clashes. These conflicts, which reached a peak in the 1990s had several complex, and interrelated causes. The most visible was the struggle for control over scarce resources, both land and water. This competition was aggravated by political rivalry. There was a strong link between access to land and political representation in the national arena. The 1990s were also a transition period, from one-party to multi-party rule. The transition process did not go

²² Special thanks to Halima Shuria, herself involved in the work of Wajir Peace and Development Committee (WPDC) for her presentation on this topic which drew on a presentation compiled by Dekha Ibrahim Abdi one of the founders of WPDC. This section is a summary of the main points from the presentation and the subsequent group discussion, rather than a direct transcript of the speaker's input.

smoothly, with political clashes, stolen elections and bitter recriminations. Recurring droughts added more pressure to the situation with one occurring in 1991, immediately before the national election in 1992. Wajir's geographic proximity to neighbouring states – Ethiopia and Somalia – aggravated the situation further with refugees crossing the border and guns easily finding their way into the hands of clan chiefs and their clansmen. Finally, high levels of poverty and youth unemployment meant there was a large body of idle youth who became part of the problem. By 1992, there was fierce fighting in the region and a state of emergency was declared. All normal life ground to a halt. All the structures that should have done something about the violence failed. The government and district commissioner were powerless. The traditional tribal system broke down. The religious system was also compromised because the sheikhs took sides in the conflict.

Establishing an early warning and rapid response network

In 1992, frustrated by the curfew imposed as a result of the instability, a small group of women decided to take action in order to restore peace in the district. They started by liaising with their male counterparts and together they discussed who and how they should approach the elders in their various clans in order to get the traditional system back on track. Secondly, they tried to address the break-down in the system of government by asking one of the members of parliament to help to try and remove the current district commissioner who was contributing to the escalation of the conflict. Thirdly, they contacted Somali religious leaders in other regions asking them to help to restore responsible behaviour to the religious system.

Once all three systems started to work again and some semblance of peace was achieved,

the team started to set up mechanisms for monitoring the situation so that future conflicts could be avoided and rapid response teams were set up to deal with conflicts as they arose.

The market was one of the key places where any indication of a conflict could be detected as this is where all the clans and also pastoralists would come to buy and sell. One of the older women was put in charge of monitoring the market and reporting to the committee. Other key spots were watering points and voting sites.

The group made two fundamental decisions regarding the approach to be used to resolve conflict:

- 1) It would draw on traditional conflict resolution mechanisms. They chose to revive basic methods of conflict resolution used by ethnic Somalis since pre-colonial times to encourage the equitable sharing of resources. These traditional conflict resolution methods focused on the restoration of the relationship between victim and offender, on an extensive use of dialogue and on the use of legitimate mediators from within the communities.
- 2) It would be systematic. The women realized that what was needed was a system that would allow their communities to respond at the earliest signs of conflict, to divert any violence. It thus had to be a rapid response system. The weakness with mediation as it is typically done is that the mediators are organized only once the conflict has already escalated.

Seeking to expand the work that had already started in the markets, the peace initiative next approached the elders. They encouraged the elders to seek a cease-fire and organise

reconciliatory meetings between the warring clans. The Elders for Peace group was formed. The peace initiative then targeted religious leaders, encouraging them to preach peace in open-air markets across the district. Finally, it brought young people onboard, also enlisting them into the peace initiative. The four groups – women, elders, religious leaders, and young people – worked together in order to organise mediation between the warring parties (with representatives of minority groups acting as moderators). The process brought together people from all clans. The peace group also enlisted government support – both at the local and national level.

Through coordinated work, the peace initiative was able to help warring parties negotiate a ceasefire agreement that became known as the Al Fatah agreement. The agreement combined both customary and state law and had both local and national signatories. The backing the government and security services gave to the initiative was crucial to its success as it linked the local to the national level. However, the agreement was not enough as the violence spread to other districts. The framework of engagement had to be expanded.

Institutionalization Phase

Once the agreement was in place, the Wajir Peace and Development Committee (WPDC) was set up to implement the agreement. It consisted of representatives of all actors – clans, government security organs, parliamentarians, civil servants, Muslim and Christian religious leaders and NGOs. Heads of department or other persons could be invited to a meeting depending on the issue at hand and did not become permanent members. The WPDC took the form of a “network of networks” of mediators – it became an institutionalized system with a rapid response to local conflicts.

The inner network consisted of representatives from women’s groups, the government, the business sector, youth, religious leaders and traditional leaders. Each of these actors represented a network in its own right; therefore the inner circle was a network of networks. The inner network met once a month to discuss the situation and see if any action was needed. If there was a conflict the group decided on who could best deal with it and would form a sub-group or rapid response team. The key criterion for selecting the response team members was whether the person would be welcomed and listened to by the conflicting parties. The rapid response teams often involved state security personnel alongside community members. The community being visited would feel at ease to talk to the security forces because of the presence of an elder within the rapid response team.²³

Lessons Learned

➤ Draw on traditional and cultural resources and link them to formal systems

WPDC founding member and well-known peace activist, Dekha Ibrahim Abdimade the point that for lasting conflict resolution, traditional systems are crucial. She emphasized that religion can be an important element in people’s heritage and traditions and can be appealed to as an important source of inspiration for peace work.

It is important to find ways to link customary law and formal law: customary law is needed in many contexts and can work hand in hand with formal, national law. In the Wajir case, thanks to this melding of customary and formal law, elders became part of the system, rather than fighting the governmental system

²³ For more on this case see the film “The Wajir Story” on the website of Responding to Conflict: <http://www.respond.org/pages/films.html>

and vice versa. Nonetheless, it is important to clarify which system is to be used when and how. There is a danger of creating a grey area of law which fails to bring criminals to justice. The process of reaching clarity must be culturally sensitive. Standards must be sought that are acceptable for different cultures, yet still respect these cultures. Agreements and laws cannot be judged good or bad independently of the context in which they are made. Acceptability by all actors has to be the key criteria. While respect for different cultures is essential it should also be recognized that such work also transforms different cultures so that they can deal with conflicts in new ways.

➤ **Inclusivity is the key to success**

Including a plethora of parties allows you to understand the worldviews, the conflict issues, where people stand and what can be done. Inclusivity helps the process to become locally-owned and locally-driven because a sense of public ownership comes through public participation. Having numerous stakeholders involved also meant greater flexibility and ability to respond to emerging crises. If all key constituencies are represented in the network of networks, they can inform each other early on when a conflict is about to arise, and they can respond fast with the appropriate actors and actions. In the Wajir case it was possible to create tailor-made subcommittees for specific crises as they arose with the actors best suited to address the issues and parties involved. Relationships need to be built before the crisis comes.

One of the key lessons of these networks is that they always involved state and non-state actors. Community, political and security actors need to be included in a process, even if the conflict initially seems to be just community-based. If the agreement is to be sustainable, then these three actors need to be included. In Wajir, by merging the

competing mechanisms for dealing with violence (state and non-state), making them complementary, giving-up ownership, and making it more inclusive, it was possible to get all the actors on board and make peace. Bringing state institutions on board also helps them to feel that they are not just part of the problem but also part of the solution. If they are left out they will be offended. The state is also important in guaranteeing the implementation of an agreement.

➤ **The gender dimension of peace-making**

Somali society has a long-standing tradition that only men can become elders. Nonetheless, women play an important part in Somali society, particularly in situations of war and peace. The women exert a strong influence over whether the men take a war-like or peaceful stance. There is a Somali saying, “a war started by a woman does not end. A peace started by a woman lasts.” Women and men may also have different and complementary perspectives. It is important that both are heard. Men are often parties to the conflict and may consequently want to frame issues in a given way. The experience of WPDC not only enabled women to have their perspective heard but also to transform their role from that of “victims” to that of peace brokers.

➤ **Interventions should be based on on-going analysis**

Flexibility and responsiveness in peace programming are vital, as the context is dynamic and change is constant. The initial point of departure must be an analysis of the context and conflict conducted with those involved. Analysis should be happening continuously, in different shapes and forms, and interventions must be adapted in light of insights and developments that arise during implementation. This requires being ready to reflect and constantly learn, and to create the

physical and mental space to think and observe. Analysis is not only about understanding the context in order to make an intervention; analysis, when carried out with stakeholders in the conflict, is itself an intervention because you are trying to make sense of the conflict and its dynamics. Seeking to make sense of the conflict when you live in a place in conflict is itself transformative and empowering. A participative analysis can be a transformative experience for all concerned and can help to define specific intervention strategies.

Organizations and individuals have also to be attuned to the bigger picture. One has to design context-specific action that is informed by analysis but that is also linked to the wider conflict. A peace committee should not only be good at responding to conflicts but also look at the underlying structural issues. It should be contributing to policy development at local and national level.

An effective peace committee has six key functions ²⁴:

1. Emerging conflict: responding to immediate causes of conflict
2. Strategic conflict: addressing underlying causes of conflict
3. Participation and ownership: mobilizing, sensitizing, organizing
4. Management and systems: administering, coordinating
5. Capacity development: training
6. Policy and advocacy: raising policy awareness, guidance

²⁴ Abdi, Dekha Ibrahim, 29 January 2007, CamelBell Consultants with thanks to Garissa District Peace Committee and National Steering Committee Kenya.

CONCLUSION

The varied nature of the cases presented in this report makes clear how context-specific conflict transformation processes must be. Nevertheless, while the cases represent a wide variety of contexts, approaches and experiences, it is still possible to identify some common points for reflection.

➤ **The limits of third party influence – keeping ambitions humble**

The diagram at the end of the introductory overview chapter on conflict transformation theory and practice offered a basic typology of different conflict transformation methods involving third parties. The methods were presented on a continuum representing the relative strengths of the third party in opposition to the autonomy of the conflict actors. A primary point the cases in this report serve to highlight is that, whatever the method, the power of the third party is extremely limited. For example, the limited success of mediation in the Algerian and Danish cartoon cases highlighted the ease with which the parties abandoned the process when they felt it was no longer in their interests. Even in the case of Yemen, where third parties have exerted influence to shape a process and pressure parties into a national dialogue, this “flexing of muscle” may have pushed parties further than they were willing to go at the expense of a genuine commitment to dialogue. The Tajikistan and Kenya cases, on the other hand, do show that, under the right circumstances and with the right approach, third parties can play a constructive role in helping conflicting parties to address their differences. Third party interveners must remain humble in their ambitions and conscious of how the parties and the larger context will determine the role they are able to play.

➤ **Impartial rather than neutral**

What the cases confirm is that being an effective third party requires acceptance by all the different parties and impartiality towards them. In traditional mediation practice the concept of an effective third party is of a neutral outsider. However it is increasingly questioned whether many outsiders can ever really be considered neutral. The Morocco, Algeria and Danish cartoon cases present an alternative approach which favors local and culturally-close mediators and facilitators who may have better access and acceptability than outsiders. Their impartiality is evaluated, not through the lack of ties to either side (neutrality), but in the way that the mediator, or mediating team, treats all parties, i.e. in a fair and balanced manner.

➤ **Setting objectives is key but can be approached in different ways**

The introduction to process design emphasized the importance of setting objectives and the presentations of the cases show how they all implicitly or explicitly had a clear vision of what they were trying to achieve. What also comes out is that the process of objective-setting can differ widely from case to case. In the Moroccan Salafi dialogue for example it was clear that there was a very specific objective from the outset of engaging in dialogue with jihadist Salafis in order to move them away from violence. In the Yemen and Tajikistan examples the original aim of the processes remained very broad and was situated at the level of bringing parties together to elaborate a common vision (in the case of Yemen) or find practical ways of living together (Tajikistan). Sometimes an initial analysis can identify a clear, discrete objective that can usefully be pursued to transform the conflict. Other times an initial objective will be broadly formulated and will only be narrowed down later as the parties are brought into the process.

➤ **Sustainability requires institutionalization**

The examination of ombuds institutions and early warning rapid response mechanisms raised the issue of institutionalization. While ad hoc interventions may be successful in addressing particular conflicts, if conflict transformation is ultimately about a sustainable societal shift towards peaceful mechanisms for resolving conflicts, then some form of institutionalization of conflict resolution mechanisms is essential. This will contribute to effective mechanisms being preserved and thus ready to act in a timely fashion in order to prevent conflicts from escalating. In North Africa the current transition period in many countries provides new challenges but also new opportunities to develop and embed conflict resolution mechanisms in the structure of the state. As we saw, creating institutions and mechanisms needs to be done in an inclusive manner if they are to enjoy legitimacy. Furthermore, the precise nature of the mandate given to such institutions, in addition to the means at their disposal, heavily dictates their effectiveness and the degree of influence they can have on preventing and resolving disputes.

➤ **Tailor-made processes based on sound analysis**

While this report has presented a range of methods for intervening, equally important to choosing the right method is designing a process that fits the particular situation. This can only be done through a thorough analysis (using, for example, the ACCP model) and tailoring the process to the particular situation. What works in one context may well not work in another as so many factors can vary, from the nature of the conflict to the nature of the state. Third parties aiming to support processes must therefore approach each new situation with fresh eyes, flexibility and an open mind.

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