

Expert Meeting
within the Framework of the Conflict Cycle – V to V Dialogue
“Strengthening the Mediation – Support capacity within the OSCE”
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“Enhancing OSCE Mediation Services”

Mediation lies at the very heart of the OSCE conflict resolution mandate. In the Helsinki Final Act it is described as a peaceful means to be used by participating States in good faith and in a spirit of co-operation, in order to reach a rapid and equitable solution of their disputes, on the basis of international law. Therefore, participating States are encouraged to make use of the OSCE good offices and mediation services, to promote dialogue and cooperation.

Mediation is widely understood as a structured process and shall be respected as such, rather than being turned into a procedure or even a tool to protract the status-quo or to micro-manage the conflict situation. At the same time it is political in nature and managerial in style; a costly and complicated task.

Mediation can hardly be successful as a “one-man’s show”. It is rather a collective endeavor, a mutually reinforcing task, where the main stakeholders vary in status and availability of resources. In any event, the successful mediator is the one characterized by a neutral approach, an all-inclusive judgment and accessibility that overcomes barriers of local misperception and confrontation.

In an increasingly demanding international environment, mediation processes have become complicated and progressively multifaceted. In this regard, OSCE mediation services will be judged by their ability to maintain and even increase the share of the Organization as **a mutually reinforcing provider** to mediation processes.

The task of enhancing the OSCE mediation services requires an all inclusive approach, with the core understanding that mediation is part of the Organization’s broader mandate in conflict prevention and resolution. My conclusions are based on the difficulties we faced as the 2009 OSCE mediation team or the weaknesses we observed in the operational system of the Organization, but also on the cooperative advantages at the disposal of every OSCE mediator.

After decades of uninterrupted engagement in mediating between conflicting parties in the Western Balkans, the South Caucasus and Moldova, current OSCE mediation services remind more of an old fashioned, though well equipped and eye-catching, steam locomotive that is pulling behind coaches of enormous experience and political weight. However, the prospects of ever reaching its destinations have become, in the meantime, ambiguous, as the cargo to be still delivered, has aged and cannot meet

*) Redistribution due to change of distribution status text remains unchanged

anymore the expectations of the end-users; even worse, other high-speed rails are moving faster, projecting a more promising profile in the existing mediation processes.

Against this background, contemporary OSCE mediation services need to be approached both from an operational and a political point of view. Moreover, OSCE participating States must take into account the fact that mediation has an indispensable proactive or even early **preventive character**, usually neglected by OSCE mediation undertakings. Likewise, they have to note that the relevance of the mediation process might last longer than the core peacemaking phase, by contributing to the implementation of peace accords in a post-conflict peacebuilding environment.

In this respect, issues related to the **operability**, the **continuity**, the **visibility** and the **shared responsibility** of the OSCE mediation services have to be addressed.

↳ **Within the OSCE, it is undisputable that mediation responsibility lies primarily and mainly with the Chairman-in-Office**, who can exercise its tasks through appointed Personal or Special Representatives and Envoys. However, OSCE practice does not exclude the use of mediating services of the Secretary General and the Director of the CPC, a potential that certainly merits some further consideration. Parliamentarians certainly can play a positive role in mediating disputes too. Moreover, OSCE field missions have played and are playing, in accordance with their mandates, an important role in promoting understanding and mediating disputes as a type of preventive diplomacy.

Nevertheless, **the preventive nature of mediation has been underestimated or even neglected**. Mediation services have been often utilized in an ad-hoc and spontaneous manner, mainly when crises or conflicts stood already at OSCE's doorstep. The MC Porto Decision No 8/02 on "the role of the OSCE Chairmanship-in-Office" provides that the Chairmanship may resort to appoint a Personal Representative while dealing "urgently with a crisis or conflict".

In this regard, I wish to recall the former High Commissioner for National Minorities, Mr. Max van der Stoel, who back in 1993 said, and I quote, "Clearly the international community must involve itself proactively to contain and reduce ethnic tensions, particularly those that may one day develop into conflicts threatening international peace...outside involvement shall be early, impartial and with the aim of promoting a process of confidence-building and mediation"¹.

However, even the HCNM's distinctive mandate to pursue a quiet and preventive mediating diplomacy falls short when it comes to addressing interstate affairs or new challenges and threats. In such cases, the OSCE mediation tools lack resources and confidence of engagement to overcome lines that can no longer be penetrated by means of interethnic conciliation.

Our strategic dialogue within the "**Corfu Process**" raised the importance of early response and early action throughout the whole conflict cycle. When it comes to mediation as an early response mechanism, a threefold approach is required: the OSCE needs, in a timely and clear manner, to understand the nature of the conflict, conceptualize its appropriate role in the mediation process and bring sufficient resources

¹ HCNM Max van der Stoel address to the Closing Banquet of the Martin Ennals Memorial Symposium on Self-Determination, March 6, 1993, Saskatoon, Canada.

to bear on the resolution of the conflict. Therefore, in order to act proactively, timely and in a consistent manner the Chairmanship and the OSCE institutions need at their disposal well developed and professional mediation skills.

Nevertheless, when the Chairmanship assumes its responsibilities on January 1st, it relies mainly on its own national resources that can be recruited on an ad-hoc basis and for a short period of time. It can also rely on highly qualified resources within the Organization, which, however, are scattered throughout the OSCE institutions and executive bodies. On the other hand, the rotation of Chairmanships and OSCE staff creates additional difficulties that hamper consolidation and coherence of efforts, affecting their operability and continuity and thus undermining OSCE practical engagement in the mediation field.

↳ **The issue at hand undoubtedly calls for an enhanced OSCE mediation service, including a strengthened and structured mediation support capacity, enabling early preparedness and efficiency of OSCE mediators and teams.**

In my view, the OSCE mediator on protracted conflicts could be compared to a contemporary Wagner's Flying Dutchman, cursed to roaming the skies forever without rest. I can hardly recall the Greek OSCE Special Representative, Ambassador Charalampos Christopoulos, having his feet on the ground for more than three days. I am sure that current and past Chairmanships share similar experiences.

These long flying journeys have proven the necessity for a well-equipped mediation supporting team, on board and on the ground. Professional "co-pilots", "technicians", "communicators", "analysts" and "air traffic controllers" shall form the **solid backbone mediation support capacity** of the OSCE mediator, as an integral part of existing OSCE operational capacities, in order to enhance mediation skills of incoming Chairmanships and OSCE executive structures, by performing the following tasks:

- ⇒ provide the mediator with **sufficient information and systematic support** from Vienna, such as analytical reports and briefing notes that inform his decisions and help shape his actions,
- ⇒ develop and maintain a precise and reliable **conceptual approach and methodology** to OSCE mediation activities, and
- ⇒ offer constant **training** for OSCE teams and mediators, as well as for an increasingly needed network of local mediator's assisting networks, in particular, where an OSCE field operation does not exist.

In other words, the know-how of the Secretariat needs to be consolidated and systematized, in order to provide the Chairmanship and its Representatives with a solid basis to act upon and a starting point to build on. However, the mediation service, as such, **must retain its flexibility in devising an appropriate role for itself within the mediation process and in employing various conflict prevention strategies.** In this connection, however, a set of mediation modalities in connection to early action could be explored.

↳ As stated earlier, **an enhanced mediation service cannot be understood solely from its operational side, but also has to provide adequate answer of a more political nature**, taking into account the complexity and the new challenges in conflict resolution.

Modern conflicts are diverse in their causes and consequences, and they are increasingly interrelated as well as regional in character. Although their conventional aspects of security continue to remain relevant, other non-military security fields are gaining importance making the process of peace-making more complicated than ever. When adding new transnational threats or environmental and economic challenges, it becomes clear that mediation support could become a multi-factorial challenge.

This raises the question of availability of well-trained experts, including at track-two level, at the disposal of the mediators, whenever and wherever needed, to address, for example, legal, economic and environmental issues that could fuel hostility between conflicting parties.

In contemporary times, mediation activities have to be seen from the perspective of a more competitive international environment, where, in general, resources devoted to mediation are limited or inequitably distributed among different mediating actors. In addition, a multiplying engagement of international actors at the regional level, though beneficial per se, does not exclude the overlapping of activities and even contradicting and mutually antagonizing attitudes, that might complicate the already sensitive balance of the mediation process.

For example, in 2009, we were faced with the dilemma of rightly discerning between appropriate competences of the OSCE, the CoE or the ICRC concerning issues of disappearances and detainees in the S. Caucasus fronts.

Into the bargain, as soon as the number of international actors increases, parties to the conflict tend to easily fall into the trap of a forum shopping in pursuing micro-interests, thus endangering the essentially unified approach of the mediation process.

In this regard, OSCE Institutions do not seem to be immune from inconsistencies in policy planning, as their diversity of approach in conflict resolution might, if uncoordinated, lead to contradicting messages that harm the mediation process. While the autonomy of the OSCE institutions remains essential, an OSCE mediation support capacity could and should contribute to **synthesizing and synergizing** relevant activities of the OSCE institutions. Moreover, it could become a focal point for **communication and coordination** of OSCE's activities with those of other international Organizations.

↳ **Another important question relates to the issue of preserving the political ownership of the OSCE mediation service while, at the same time, ensuring continuity and maximizing its visibility.**

It is clear that while the Secretariat is the carrier of the know-how, the Chairmanship has the entrusted political responsibility to carry out the OSCE mediation efforts. The Chairmanship is expected to show political will in this respect and to fully exercise its good offices in resolving existing and preventing emerging conflicts.

There is no doubt that every Chairmanship has a vision, but for it to become reality and bring tangible results, it has to be transformed into a shared vision. Moreover, it is a common observation for past Chairmanships that the initial pressure for quick results in mediating between conflicting parties in the OSCE area, evolves steadily into a mature understanding of **shared ownership and shared responsibility.**

In this spirit, the Greek delegation proposed within the “Corfu Process” to consider the possibilities of a **multi-annual appointment of Special Representatives** on protracted conflicts; that is for a period of office which exceeds the one year period of the Chairmanship. The OSCE Troika or three consecutive Chairmanships could be tasked with their selection, after appropriate consultations, in process similar to the appointment of the OSCE Special Representatives and Coordinators for combating trafficking in human beings. The office of the Special Representatives could be financed through the unified budget or by extra-budgetary contribution, in order to maintain their ability and flexibility to implement activities timely and efficiently, in the same way as the Minsk Group activities are been supported.

However, beyond any doubt, the operational empowerment of Special Representatives seems to be of more importance than their selection process or the financing of their activities as such. It goes without saying that **the CiO shall maintain its character as the source of political vision**, the one that captures the vision of the “56”. Special Representatives remain accountable to the CiO and through him to the OSCE Permanent Council.

However, the following arguments could offer some ground in support of empowering the office of the Special Representatives on conflicts, in order, also, to address the questions of continuity and visibility.

First, mediation know-how is not only knowledge obtained in official meetings and talks or from legal and academic resources. It is also the results of a variety of relations that the mediator develops and maintains personally. At the end, **effective mediation is about personal contacts and network building**. Moreover, a result oriented mediation process is about gradual and well-balanced build up of carefully designed steps, endowed with patience and tolerance that aims at creating conditions for a sustainable resolution.

Second, if anything, a mediator has to gain and maintain the confidence of the parties between whom he or she is mediating. Annual rotation of the OSCE mediators certainly put them in a **less favorable position** than their colleagues, co-facilitators or co-chairs that represent other Organizations in the mediation process. Although there is a good practice in place of handing over mediation responsibilities from one Chairmanship to the next and introducing incoming teams into negotiation processes, in the course of time valuable experience, institutional details, historical memory and, most importantly, personal contacts, necessary in keeping the pace of consultations, are being lost.

Third, one of the advantages of OSCE mediation is that it is based on a multilateral approach. One of its obvious disadvantages is that it contains the risk to become hostage of national interest that might create stumbling blocks for future endeavors. The cultural and national background of the mediator matters as it supports his basic understanding of the conflict background. His acceptability by the conflict parties, however, is facilitated by its clear **impartiality and neutrality**, which could be seriously harmed as the OSCE mediator rotates on an annual basis.

Against this background, I would suggest to consider **revisiting the part of the MC Decision 8/02** related to the appointment of the Personal Representatives, by adjusting its provisions to an enhanced OSCE mediation services. In this respect, the OSCE could learn from developments within other international fora, in particular from the UN, that

have set forth to modernize and strengthen their mediation instruments and institutional frameworks.

Good mediation services resemble, in my view, **a vehicle**, for which the Secretariat is the mechanic, providing all necessary technical and operational parts, the Chairmanship the engine and behind the steering wheel is an experienced, hard working, consistent and brave mediator. The “56” fuel the car with their political will and good-faith. However, a strong, competitive and contemporary vehicle is also in need of a well equipped and functional “Engine Control Unit”.

Finally, while considering the operational parameters to strengthen the OSCE mediation support capacity through the systematization of the know-how and the optimization of the available tools in order to put the political priorities of the participating States into operation, we shall bear in mind the relevant recommendations of the Report of the Eminent Persons that rightly advised in this respect to “resist the proliferation of structures in the OSCE”².

In conclusion, I wish to offer some remarks concerning the profile of an OSCE mediator:

- He/ she is expected to remain neutral, flexible, cooperative and proactive, and, at the same time, uncompromised concerning OSCE values and principles.
- His/ her activities and positions need to be transparent; however their confidentiality has to be protected.
- He/she needs to be innovative and daring enough to make proposals, even if from the outset they are bound to fail.
- He/she shall be able to manage the process but also catch the opportunity to overcome status-quo boundaries.
- His/her accessibility needs to be guaranteed by all participating States without having to compromise core OSCE principles.

An effective OSCE mediator could learn a lot from a beekeeping business, where a good beekeeper (mediator) sets up his beehives (mediation activities) in pasture (conflict areas) and with due care, hard work and patience waits for the right time to collect the sweet product of honey (peace and reconciliation). In the meantime, he or she is observing and listening carefully as his little bees (participants in the mediation process) slowly build up their societies, while being watchful not to be stung. A good mediator, like a good beekeeper needs to know how to “smoke out” the bees. A Russian proverb says in this regard that “Until you have smoked out the bees, you can’t eat the honey”. However, an Italian proverb rightly points out that “All the honey a bee gathers during its lifetime doesn’t sweeten its sting”. And the sting of mediation in the OSCE area is, as elsewhere too, “bitter, hard and aches” but its product is “sweet” as peace is.

² “Final Report and Recommendations of the Panel of Eminent Persons on Strengthening the Effectiveness of the OSCE”, 27 June 2005, page 27, para. 43