

CHECK AGAINST DELIVERY

**The role of inter-governmental, state and non-governmental players in
conflict resolution**

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Dear friends, colleagues, ladies and gentlemen,

Let me begin by expressing my gratitude to Director Howard Davies for inviting me to deliver this lecture. I'm delighted to have this opportunity to address the staff, students and the guests of the London School of Economics.

Before I start my lecture, I feel that I have to draw your attention to the fact that I am not a typical mediator. I am a former head of state and I have served under 5 Secretary Generals of the United Nations over a period of 30 years. I can count on the cooperation of the UN, individual governments and regional organizations, like the EU. This was the case in Aceh negotiations. Without this sort of support my tasks would have been much more complicated.

Referring to the title of my lecture today, I first wish to emphasize the importance and usefulness of academic research in improving the quality of conflict resolution. It is my sincere opinion that research is too little utilized in peacemaking and peacebuilding. Academic institutions and think tanks can generate high-quality and policy relevant analysis on the root causes of crises and develop innovative frameworks and methodologies for crisis resolution and for overcoming broader instability. I have recently joined an Advisory Board of an initiative called the ASEM Education Hub. This is a network of European and Asian scholars and practitioners of conflict resolution, who have come together to learn from one another and discuss the areas of work where we could seek more intense collaboration together. It is my firm belief that initiatives like this create added value to peacebuilding efforts.

This lecture will be based on my experiences as a mediator. I want to focus on two different processes that I have led during the recent years; the Aceh peace process, which is a good example of Private Diplomacy, and Kosovo status process, conducted under the auspices of the UN.

Dear Friends,

It is my firm belief that there does not exist such a conflict in this world that cannot be solved. The current trend in indicating lowering of the number of conflicts is in large part due to the increased number of peacekeeping and conflict resolution efforts around the world. Mediation is increasingly used in conflict resolution: in 58% of today's conflicts.

However despite of successful efforts made, half of all countries emerging from civil war fall back into it within 5 years while their peace agreements are often the cause for conflict intensification. Most mediation efforts are unsuccessful and over half of them fail. In my view this is due to a lack of multi-track cooperation in conflict resolution as well as an inability to really tackle the root causes of conflicts.

Conflict resolution is hardly successful unless linked to peacebuilding and conflict prevention activities. In order for any conflict resolution to be effective and to break the cycle of violence, it needs to address the root causes of conflict and support local groups to find their own long-term solutions. The core challenge of conflict resolution is to generate trust and facilitate new relationships among local peoples, groups and institutions.

Conflict resolution does not only need to be linked to national peacebuilding efforts, but it also requires a multidimensional approach. As we all know, a huge majority of conflicts in the current world are internal conflicts with ethnic, religious, economic and many other dimensions. This fact has also had dramatic consequences on the approaches and practices for conflict resolving and peacebuilding. When talking about peace mediation of internal conflicts, it is evident that the very principle of sovereignty is at stake. Governments of war-torn societies are often reluctant to “internationalize” their internal disputes and conflicts. This means, for example, that involvement of the United Nations in conflict resolution or crisis management in the case of these internal conflicts is being considered cautiously and critically by the governments. This was also the case in Aceh.

States and inter-governmental organisations have traditionally been the major engines on conflict resolution. This is gradually changing, mainly due to the changing nature of disputes and conflicts. States are pivotal actors in peacebuilding, but in order to respond to the changing challenges of the of conflict resolution, we need to get beyond firmly governmental approaches. Traditional diplomatic instruments for negotiation have not always proved to be successful. The informal negotiators and mediators, or so-called Track II diplomacy actors, have the benefit of being independent and impartial. They can successfully complement or replace governments and international organizations when these, because of restrictive mandates or bureaucracy, are prevented from taking an active part in conflict resolution. Some actors in need of mediation are more inclined to trust a private diplomacy rather than a state actor, especially when flexible and rapid intervention is needed.

Non-governmental actors can play a significant role as facilitators or mediators of peace process. As the Aceh case clearly indicates sometimes we have to question our conventional modus operandi. The comprehensive approach to conflict resolution will be the guiding principle of my lecture.

Dear Friends,

I have often been asked how to pursue effective conflict resolution. I’m not able to give a fully satisfactory answer to that question. However, I wish to illustrate the complexity of conflict resolution by first shortly describing two unique processes from Aceh and Kosovo. Based on these two efforts, I will highlight some issues I consider to be prerequisites for successful conflict resolution.

There has been many analysis and explanations on the success of Aceh peace process. One of the most common explanations has been that the tsunami that hit Aceh with its tragic consequences was the key factor behind the peace. And of course the effects of this traumatic incident cannot be underestimated. But at the same time, it is good to acknowledge the fact that the contact between the parties and myself was actually established already before the tsunami. A Finnish businessman who had a vision and inspiration about peace in Aceh had started his personal shuttle diplomacy discussion between the parties already earlier. The issue was introduced to me in late 2004.

It is also important to notice that the Crisis Management Initiative (CMI) led process was not the first contact between the parties, the Government of Indonesia and Free Aceh Movement, GAM. Between 1999-2003, a cessation of hostilities agreement was negotiated under the aegis of the Center for Humanitarian Dialogue (Henri Dunant Centre). Even if the agreement failed after half a year, the importance of that process should not be underestimated. And naturally the role and fresh attitude from the side of the new government in Indonesia was crucial for the constructive negotiations.

In January 2005, the Government of Indonesia and the Free Aceh Movement, GAM, met in Helsinki to talk about the conflict that had lasted for almost 30 years. The tsunami had devastated Aceh just a month earlier. From the beginning of the talks I had a feeling that I was surrounded by people who realised that they had in their hands the power to stop further suffering of the Acehnese people.

During the negotiations trust and confidence was gained gradually. The starting point of the negotiations was “A peaceful solution with dignity for all.”

From the point of view of successful outcome a key element was the principle that “nothing is agreed before everything is agreed”. This meant that neither party could claim any victories during the process and use media to communicate their constituencies how successful they had been in the negotiations. All the agreements were included in the MoU and published only in the end. This gave peace for the negotiators to work. I admired the discipline of both parties in this regard.

It is essential to understand that trust can only be created if one party sees the other keeping its promises and to do as was agreed. I made it clear to both parties that if genuine peace is the goal, both sides had also to be prepared to make concessions. And I think that now that we look at the situation it is evident that both sides actually gained much more than they had to give up.

The negotiation process lasted 7 months altogether and included five rounds of talks. All the meetings took place in Helsinki, Finland during a very cold winter time. The first round of talks took place in January and a common understanding on the content of the agreement was reached at the end of the fifth round in July 2005. After that we were able to proceed relatively rapidly and the final agreement, Memorandum of Understanding, as it's been called, was signed 15 August 2005 in Helsinki.

Dear Friends,

let us now turn to Kosovo. As many of you know, the immediate EU concerns in the Western Balkans are provoked by continued uncertainty over status and hence the future of Kosovo. The unsettled status of Kosovo is posing a threat to the otherwise improved stability of the Balkans – arguably the last remaining piece of the dissolution of the former Yugoslavia.

In November 2005, the UN Secretary-General acting on the basis of the conclusions of the Security Council that situation in Kosovo is no longer sustainable asked me to lead the political process to determine Kosovo's future status. In the terms of reference that Secretary-General Kofi Annan gave to me on 14 November 2005, I was told that the Special Envoy will report directly to the Secretary-General. As the Special Envoy I was given maximum leeway in order to undertake my task, and I was expected to revert to the Secretary-General at all stages of the process.

Our work was carried out in close consultations with the Contact Group that includes France, Germany, Italy, the Russian Federation, the United Kingdom, and the United States. In November 2005, the US Under Secretary of State Nicolas Burns expressed the hope on behalf of the Contact Group that the guiding principles would provide a political framework for parties as they enter the status talks. This document was called a "Guiding Principle for a Settlement of Kosovo's Status" and included ten principles. I wish to share with you especially the sixth principle, which says: "The Settlement of Kosovo's status should strengthen regional security and stability. Thus, it will ensure that Kosovo does not return to pre-March 1999 situation. Any solution that is unilateral or results from the use of force would be unacceptable. There will be no changes in the current territory of Kosovo, i.e. no partition of Kosovo and no union of Kosovo with any country or part of any country. The territorial integrity and internal stability of regional neighbors will be fully respected."

I made my first trip to the region at the end of November 2005 and told the leadership in Belgrade that I interpreted the just mentioned guiding principle so that Kosovo will not return to pre-1999 situation, meaning that Kosovo will not return back to Serbia. My hosts, particularly the Prime Minister, did not share this interpretation. Furthermore, during these initial visits to Belgrade and Pristina, it became apparent that the positions and perceptions on the status were entrenched and so widely contradictory, that any immediate attempt to narrow these differences would lead nowhere.

On 31st January 2006 the Contact Group had a meeting in London. In this meeting it was suggested that the Contact Group members would individually deliver following private messages to the Kosovo Status Process parties:

- The unconstitutional abolition of Kosovo's autonomy in 1989 and the ensuing tragic events resulting in the international administration of Kosovo have led to a situation in which a return of Kosovo to Belgrade's rule is not a viable option.
- While today's democratic leadership of Serbia cannot be held accountable for the policies of the Milosevic regime, leaders in Belgrade and Pristina must come to terms with its legacy and have important responsibilities.

- The leaders of Serbia and Kosovo have a responsibility to participate constructively in the status negotiations and prepare their publics for the inevitable and necessary compromises. The status process must result in a secure, multi-ethnic Kosovo that meets the highest standards of human rights, democracy, and rule of law, it should result in better living conditions for all citizens and communities in Kosovo.
- The leadership of Serbia's priority must be to help secure the ethnic Serb community's future in Kosovo. It must focus on sustainable multi-ethnicity in Kosovo, with effective constitutional guarantees and appropriate mechanisms to protect the human rights of all citizens of Kosovo. The Kosovo Serb community has an essential role to play in shaping Kosovo's future and should participate actively in the status process and in the Kosovo Government, Assembly, and working groups.
- The leadership of Kosovo's priority must be to accelerate standards implementation and focus on conforming with democratic values and meeting European standards. In this context, we attaché particular importance to the issues of decentralization; minority rights; establishment of conditions facilitating the return of refugees and displaced persons; mechanisms to allow the participation of all Kosovo communities in government, both on the central and local level; and specific safeguards for the protection of the cultural and religious heritage of Kosovo.
- The international community will establish an post-settlement international civilian and military presence that will exercise appropriate supervision and control of compliance of the provisions of the settlement.
- In this context, the international community reiterates its commitment to the people of Serbia and Kosovo to support their goal of living in prosperity, freedom and security and of realizing their Euro-Atlantic aspirations. We reiterate the importance of full cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY), in particular bringing to justice all those indicted by the tribunal.
- We look forward to concluding the final status process in the course of 2006.

All but the Russian Federation delivered these private messages in the course of February and March 2006 to Belgrade, Pristina and Kosovo Serbs.

I wanted to give you this background in order for you to understand what were the basis of our recommendations and the reasons why we approached the issues as we did. My team and I therefore commenced work in early 2006 with an understanding that we should try to at least close the gap between Belgrade and Pristina on "technical aspects" of status: Rights of Communities and their members; Decentralization; Religious and Cultural Heritage; Economic provisions and Property. Technical agreements or at least rapprochements were thought to then serve as building blocks for the resolution of status.

As positions of Belgrade and Pristina on "technical aspects" became clearer, my office elaborated its own papers in an attempt to accommodate the concerns and aspirations of the two sides and offer possible compromise solutions. These draft elements of agreement were distributed to the parties before the negotiating rounds and formed the basis for discussion.

On 10 March this year I chaired in Vienna a High-level meeting concluding the negotiations on the future status process for Kosovo during which my team, with strong support from the international community, has engaged both parties in 17 rounds of direct talks and 26 expert missions to Belgrade and Pristina.

I regret to say that at the end of the day, there was no will from the parties to move away from their previously stated positions. While in the technical talks, an agreement was within reach in a number of areas – including protection of cultural heritage, community rights, decentralization – parties remained intransigent on the status issue. Belgrade insisted that Kosovo should remain an autonomous province within Serbia, while Pristina insisted on independence. I had hoped, and very much preferred, that this process would lead to a negotiated agreement. But it has left me with no doubt that the parties' respective positions on Kosovo's status do not contain any common ground to achieve such an agreement. I felt that no amount of additional negotiation would change that. It was my firm conclusion that the potential of negotiations was exhausted.

Therefore, I sent my Settlement proposal, which is the best compromise as I see it to the UN Secretary-General in March this year. I envisaged that the supervisory role of the international community will come to an end only once Kosovo has implemented the measures set forth in the proposal.

The UN Secretary-General endorsed my Settlement proposal and forwarded it to the UN Security Council. The suggested solution has enjoyed wide international support, not least within the EU. But this was not enough to produce a resolution that could be adopted by the Security Council. As you know, a Troika established by the Contact Group is now leading an additional attempt to negotiate a settlement with my office in Vienna continuing to be involved in the process and providing support as necessary. I maintain that it is high time to resolve Kosovo's future status. Neither a return of Kosovo under Serbia's rule, which the overwhelming majority of the Kosovo people would not accept, nor a continuation of Kosovo's current political and legal limbo under international administration, are viable options.

I hope that the international community will end this conflict by closing a chapter where history was manipulated and used to fuel violence and hatred. It is high time to move from the conflict management phase to the endgame. I firmly believe that Kosovo is primarily a European issue and the EU cannot afford Kosovo to become just another "frozen conflict". We need a solution to be implemented as soon as the UNSG makes public the CG report on the current mediation efforts, which is due on 10 December. Doing nothing is not an option and my Settlement proposal provides an organised methodology for an UN exit and EU takeover. This requires a strong and consistent united European position in the coming months, which will take intense diplomatic efforts at the highest levels.

Dear friends,

after these two examples from Aceh and Kosovo, I shall try to summarize some of the key issues in a mediation process whether mediated by an NGO, a government or an international organization.

- When we look at each peace process, the issue of legitimate representation is crucial. It is not possible to reach peace without the groups or individuals who are considered as legitimate representatives of the parties. Naturally, participants at the peace table need to include those who have the power to settle and implement agreements. This is not however the whole picture. One

important issue often passed unnoticed in the negotiating tables is the role of women in the peace process. I've been happy to follow the discussion around the UN resolution 1325, which explicitly calls on member states and all parties to include women and civil society groups in peace processes and conflict resolution. I sincerely hope that the good practices and models for strengthening the role of women in peace processes could be seriously created. I also think that research could, and should, play a strong role in advancing this.

- Justice is a necessary ingredient of a lasting peace. When a mediator gets involved with a peace process, there are two main concerns, first to prevent the reoccurrence of the problem that caused the conflict in the first place and secondly to lay the foundations for reconciliation. Role of the strong leadership of both parties to the conflict who could publicly admit wrongdoings of their communities is also a vital tool. The reconciliation process must be encouraged by someone other than the mediator and it might be best addressed through a criminal prosecution. However, recording past injustices and creating the conditions for national reconciliation are not always addressed through criminal law. Available evidence of even massive violations may not always reach the threshold of formal criminal accountability. Also, it needs to be asked whether a prosecution followed by incarceration genuinely serves the interest of reconciliation and accountability. I want to emphasize that this matter requires profound understanding of the complexities of the local context.
- The commitment shown by the parties at negotiations and beyond is the key to the success of any negotiation process. An outside mediator can help to conduct the negotiations but cannot help if the parties do not have enough willingness to find a peaceful solution and be ready to compromise to achieve it.
- Internal political rivalries can seriously hamper the ability of the parties to compromise and therefore no amount of mediator's efforts would lead to a solution acceptable to both parties. The only strategy that could bear fruit in this context would be the involvement of regional powers or the international community to extending pressure on the parties. In that case it is essential that the international community speaks with one voice.
- Even when successful, mediation and peace agreements are not tools to solve all the reasons for the conflict, but offer institutional and political frameworks for parties to live peacefully and continue working together on the issues which they have agreed upon.
- Building mutual confidence between the parties is a process that takes time. The process can be initiated in the negotiations, but will only fully start with both parties sticking to their commitments and implementing them in a reliable manner. This creates trust.
- In the Aceh process, the starting point for the negotiations was "a peaceful solution with dignity for all". It was pivotal.
- It is crucial that a peace agreement is followed by a credible international monitoring mission that ensures that parties implement their obligations. Monitoring of a peace treaty should not be about monitoring only, it should be about offering a hand, giving a concrete support to peace process and the parties of any respective peace process. I don't believe that NGO's necessarily are the best to engage in monitoring the implementation of peace agreements. States and regional organizations are more suited for these tasks.
- And finally, a peace agreement is not an end, it is a beginning. I cannot underline enough the importance of this notion. The implementation of the

treaty and democratic changes in the society are the true test of the agreement, which only time can prove.

In conclusion I would like to make two points that I have often emphasized. First, a peace process should be as clear cut as possible and concentrate on the essential issues that need to be clarified. Because I'm not a technically gifted person, I have often said that a peace agreement must be more clearly written than the instructions for home appliances, of which I'm never able to make any sense. Second point is that mediator must know where he or she is taking the negotiations. It also helps if the mediator's future is not dependent on the mediation process and that the person has other alternatives in his or her life.

I thank you.