



THE PRESIDENT
OF THE
GENERAL ASSEMBLY

14 May 2012

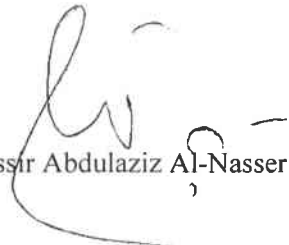
Excellency,

With reference to my letter dated 26 April 2012, I have the pleasure to attach herewith the concept note and program of the informal high level meeting of the United Nations General Assembly on “The Role of Member States in Mediation”, which will be held on 23 May 2012.

As indicated in the program, the morning segment of the meeting will be held in the General Assembly Hall between 10.00-13.00, with the participation of Ministers of Foreign Affairs and other prominent mediators.

The afternoon segment at Conference Room 4 (NLB) between 15.00-17.10 will be an interactive panel discussion. Your brief interventions sharing your experiences, ideas and suggestions, as well as your possible questions to the participating Foreign Ministers in this panel, will be highly appreciated.

Please accept, Excellency, the assurances of my highest consideration.



Nassir Abdulaziz Al-Nasser

Encl: Concept Note and Program.

All Permanent Representatives' and
Permanent Observers
to the United Nations
New York

**INFORMAL HIGH LEVEL MEETING OF THE GENERAL ASSEMBLY
ON "THE ROLE OF MEMBER STATES IN MEDIATION"**

23 MAY 2012

Morning Segment: 10.00 - 13.00, General Assembly Hall

Opening Remarks: 10:00–10:15

- His Excellency Mr. Nassir Abdulaziz Al-Nasser, President of the United Nations General Assembly
- His Excellency Mr. Ban Ki-moon, Secretary-General of the United Nations

Statements: 10:15–13.00

"The Role of Member States in Mediation"

- His Excellency Prof. Dr. Ahmet Davutoğlu, Minister of Foreign Affairs of the Republic of Turkey
- His Excellency Mr. Erkki Tuomioja, Minister for Foreign Affairs of the Republic of Finland
- His Excellency Dr. Khalid Bin Mohammad Al Attiyah, Minister of State for Foreign Affairs of the State of Qatar
- His Excellency Mr. Albert F. Del Rosario, Foreign Affairs Secretary of the Republic of the Philippines
- His Excellency Ambassador Giulio Terzi di Sant'Agata, Minister of Foreign Affairs of Italy
- His Excellency Mr. Youssef Amrani, Minister Delegate for Foreign Affairs and Cooperation of the Kingdom of Morocco
- His Excellency Mr. Gonzalo de Benito Secades, Vice-Minister for Foreign Affairs of Spain
- His Excellency Dr. Wolfgang Waldner, State Secretary for Foreign Affairs of the Republic of Austria
- Mr. Miguel Alessio Robles, Legal Advisor, Office of the Presidency of Mexico
- Ambassador James W. Pardew, Senior Mediator, United States of America
- Mr. Julian Thomas Hottinger, Senior Mediator, Swiss Federal Department of Foreign Affairs

Afternoon Segment: 15.00-17.10, Conference Room 4 (NLB)

Panel Discussion: 15.00-17.00

“The challenge of coherence, coordination and complementarity among various actors in mediation processes”

Moderator:

- Dr. Edward C. Luck, Special Adviser to the UN Secretary-General

Panellists:

- His Excellency Mr. Erkki Tuomioja, Minister for Foreign Affairs of the Republic of Finland
- His Excellency Prof. Dr. Ahmet Davutoğlu, Minister of Foreign Affairs of the Republic of Turkey
- His Excellency Mr. Youssef Amrani, Minister Delegate for Foreign Affairs and Cooperation of the Kingdom of Morocco
- Mr. B. Lynn Pascoe, UN Under-Secretary-General for Political Affairs

Closing Remarks: 17.00-17.10

- His Excellency Mr. Nassir Abdulaziz Al-Nasser, President of the United Nations General Assembly

Award Ceremony: 17.10-17:20

Presentation of the “Award for Global Mediation Diplomacy” to H.E. Mr. Nassir Abdelaziz Al-Nasser, President of the United Nations General Assembly, by Foundation for Subjective Experience and Research (S.E.R.)

INFORMAL HIGH LEVEL MEETING OF THE GENERAL ASSEMBLY ON THE ROLE OF MEMBER STATES IN MEDIATION

(23 May 2012, General Assembly and Conference Room 4/NLB)

CONCEPT NOTE

Background

The General Assembly resolution 65/283 of 28 July 2011, tabled by Finland and Turkey on behalf of the Group of Friends of Mediation, on “Strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution” provided a sound basis and normative framework, and created a real momentum for mediation within the United Nations.

Following this landmark resolution, the President of the General Assembly suggested the theme “the role of mediation in the settlement of disputes” for the General Debate in September 2011. With a view to furthering this issue, the President also identified “peaceful settlement of disputes” as one of his four key areas for the 66th Session.

In this framework, the President organized an interactive meeting on United Nations mediation on 9 November 2011 at the United Nations. This meeting was attended by the Secretary-General as well as former and current high level officials of the United Nations. Thorough discussions were held to collect UN-wide experiences on mediation from the prevention, peacemaking and peacekeeping perspectives. After the meeting, the chair’s summary was distributed, which is attached herewith.

This was followed by another meeting in the United Nations on 11 January 2012 about the role of the regional organizations, convened by the Friends of Mediation. The main focus of the International Istanbul Conference on enhancing peace through mediation on 24-25 February 2012 was the increasing and critical role of track II actors.

Rationale

During the General Debate in September 2011, world leader expressed strong support to the President of the General Assembly for suggesting the theme “the role of mediation in the settlement of disputes” and for his commitment to mediation.

Building on the General Assembly resolution 65/283, the statements made by the leaders of Member States at the General Debate in September, and the events organized since the adoption of the resolution, the President of the General Assembly will convene a high level meeting of the General Assembly on mediation on 23 May 2012 at the United Nations.

The above-mentioned meetings in November 2011 and January 2012 dealt with two of the four main actors in mediation, namely United Nations and regional organizations. The conference in February covered another important actor: track II players. The aim of the high level meeting on 23 May is to complement this process with a focus on the fourth key actor: Member States. In recent years, new Member States in many parts of the world have become actively engaged in mediation efforts to build bridges, settle disputes and resolve conflicts.

Format

This one-day high level meeting will consist of a morning, and an afternoon segment.

The morning segment will be held in the General Assembly Hall between 10.00-13.00. Ministers of Foreign Affairs and other prominent mediators will make statements in this segment to share their experience, knowledge and vision on how to prevent conflicts and enhance peaceful settlement of disputes.

The afternoon segment between 15.00-17.10 will comprise an interactive panel discussion on “the challenge of coherence, coordination and complementarity among various actors in mediation processes” at Conference Room 4 (NLB). This panel will be held with the participation of Ministers of Foreign Affairs. Experience in mediation and geographical distribution have been taken into consideration regarding these Ministers of Foreign Affairs.

Outcome

The high level meeting aims to provide a platform for an in-depth and comprehensive discussion on the role of Member States in peaceful settlement of disputes and conflicts. Distilling from the experience of key mediators, the meeting will seek to identify the challenges and deficiencies in effectively dealing with regional and international conflicts, and explore any other possible means and tools that would help better address these challenges.

Following this informal high level meeting, a chair’s summary on the statements and discussions will be prepared and made available.

The meeting is also expected to be followed by and feed into the Secretary-General’s report and the guidance for more effective mediation, mandated by the General Assembly resolution, and to contribute to the follow-up General Assembly resolution of 65/283, which is planned to be tabled later during this session.

Summary Report

United Nations Mediation: Experiences and Reflections from the Field

An Informal Meeting Organized by the President of the General Assembly

9 November 2011, 3.00-6.00 pm, Conference Room 1, NLB, United Nations

This report summarizes the discussion at an informal meeting organized by the President of the General Assembly on 9 November 2011. The objective of the meeting was to promote mediation and to collect UN-wide experiences, in particular with the aim of contributing to the development of guidance for effective mediation. After opening remarks by Mr. Nassir Abdulaziz Al-Nasser, President of the General Assembly, and Mr. Ban Ki-moon, Secretary-General, a keynote address on the “Role of the United Nations in Contemporary International Mediation: Primus Inter Pares” was presented by Mr. Ahmedou Ould-Abdallah. In a panel discussion chaired by Prof. Brendan O’Leary of the University of Pennsylvania, formerly member of the Standby Team of the Mediation Support Unit, four current and former high-level officials presented their experiences from prevention, peacemaking and peacekeeping perspectives, namely, Ambassador Noel Sinclair, Permanent Observer of Caribbean Community, Ms. Gwi-Yeop Son, Director of Corporate Programs in OCHA, Mr. Taye-Brook Zerihoun, Assistant Secretary-General for Political Affairs, and Ms. Elisabeth A. Lindenmayer, Director of the UN Studies Program at Columbia University. They then responded to questions and comments from Member States and invited participants.

Mediation receives due attention

The United Nations made considerable progress in operationalizing mediation as an invaluable tool for conflict management and resolution. There has also been growing interest by Member States, regional and sub-regional organizations, civil society and academia. Several panelists noted that there were important humanitarian and financial incentives for the use of mediation. Mediation as a conflict management tool is comparatively cheap, and if successfully introduced early, it averts the multiple human and economic costs of conflicts. As an effective tool to prevent, contain and resolve conflicts, mediation is important at all stages of possible conflict cycles.

While it was agreed that mediation can be done well or badly, there is no absolute consensus on what constitutes good or effective mediation. There was agreement that there should be a lead mediator, but not on whether there should be a single agency or single government mediation. There is, for example, some academic evidence that a small-sized coalition of mediators can be more effective than either a single or overly large coalition of mediators.¹ There was agreement that mediation “forum-shopping” should be discouraged and the conflict parties should be encouraged to adhere to one

¹ See e.g. Tobias Böhmelt, “Disaggregating Mediations: The Impact of Multiparty Mediation,” *British Journal of Political Science*, 2011 41: 859-881.

mediation process. Panelists also agreed that mediation strategies were very context-specific. Hence, there are no absolute answers on best practices. Mediators need to be creative and flexible, and adapt their strategies to the circumstances.

It is difficult to determine clearly what constitutes success in mediation: if conflict is avoided should the mediation be credited; if the conflict recurs to what extent is that to be attributed to mediation failures? Several panelists argued that the first priority in mediation is to accomplish the cessation of violent hostilities, but others emphasized that mediation also needs to address the root causes of the conflict.

The speakers observed that mediation was neither a universal remedy that will always work nor a substitute for other conflict management tools. An important question is whether there is sufficient political will, by the conflicting parties as well as external actors, to make a mediation process work. Mediation should not be seen as a rival to peacekeeping; they can be complementary. Peacekeepers can provide mediators with space to develop a comprehensive peace process.

Paradoxes were observed. Inclusive peace processes have multiple merits, especially if armed hardliners can be incorporated into a political settlement that includes new and widely accepted institutional and security arrangements. Some expressed the fear that peaceful agents may be less likely to receive attention in mediation processes – that apparently reward those who resort to arms.

Another possible paradox arose from the discussion of whether mediators should play a role in the implementation of the settlements over which they preside. If the mediators and the principals remain the same, then there may be a danger of the constant re-negotiating of the agreement. On the other hand, if the mediators and the principals change, they are implementing a settlement made by others so they may lack commitment to the agreement and may not fully understand the trade-offs made in its construction.

Some Member States advised that mediation should not be used as an excuse for interference in internal affairs. The territorial integrity and sovereignty has to be respected. International mediation is only appropriate when domestic solutions have failed, and when the government consents to mediation or actively seeks external support. Neutral and impartial mediators are precisely that; they are not authorized to make and enforce their own decisions about the conflict.

No one-size-fits-all

The panelists agreed that lessons from a mediation process may not be easily transferable to other situations, but they welcomed the Mediation Support Unit's commitment to act as reservoir of knowledge and experience acquired, and to assist or train future UN mediators, or mediators from regional organizations, Member States and civil society organizations. Ideally mediators should be briefed on lessons from other cases, and prepared well for their assignments, in full recognition that their future actions will need to be tailored to the context.

Every conflict is different and, therefore, the mediation process has to be adapted to the circumstances. Mediators have to distinguish between contextual knowledge and universal knowledge. The former is acquired through field experiences, immersion and local knowledge, including local languages. But there are universal skills that can be learned – and technical expertise is available to be judiciously drawn upon regarding constitutional options, power-sharing arrangements, electoral and referendum practices, human and minority rights law, and security sector reforms.

With regard to context, many emphasized that mediators must engage in a conflict analysis – aim to understand the root causes and the conflict dynamics, identify the key stakeholders, and define entry points for mediation. Ready-made formulas are unlikely to work, however. It is important to remain open and receptive to what is particular about the country, or countries, about the conflict and about the parties. A mediator has to learn about what is indigenous or customary, what arouses local sensitivities, and what works for the local agents. Furthermore, the mediator should engage in critical self-appraisal, and reserve the option (and incentive) of quitting if their initiative does not seem either appropriate or effective.

The United Nations is a vital actor

The United Nations has a comparative advantage because of its global reach, its expertise, its trustworthiness, as well as its ability to convey international legitimacy. Over the last years, the organization has critically enhanced its capacity to offer consistent and professional support to complex peacemaking processes, and to support Member States and regional organizations in building their own capacities. It is the United Nations at its best, acting together to advise and to service.

Panelists maintained, as did some Member States, that the United Nations does not always have to be center stage amid mediation processes. When regional and sub-regional organization are better placed to take the lead, they should do so, but the United Nations may still have a critical role in supporting the process, through the provision of good offices, and rosters of experienced diplomats and experts. As a complement to regional efforts, the United Nations can make a positive difference because of the credibility and efficiency of its mediation support efforts. Furthermore, the United Nations sometimes functions as the world's mediator of last resort. Its difficulties were recognized: governments may be reluctant to see conflicts internationalized through UN mediation; rebel-groups may regard the United Nations as inherently committed to incumbent governments.

At country level, the United Nations has the capacity to identify and understand early warning signals, not least through its field agencies. The UN Resident Coordinator has an important role in convening all relevant actors, including the local and national government, the UN agencies, civil society and, if applicable, the private sector. He or she may, where appropriate, also assist local actors to do a participatory conflict assessment, and to come up with multidimensional responses.

Several Member State mentioned the central role of the Department of Political Affairs in supporting mediation processes and in strengthening regional organizations, and

welcomed enhancement made in the capacities of DPA and its Mediation Support Unit. Some also pointed to the Peacebuilding Commission's function in accompanying mediation efforts to prevent a relapse of violence in a post-conflict scenario.

Cooperation rather than competition

Rising global interest in mediation has come with a proliferation of mediation actors. The multiplicity of mediators can sometimes be a real problem. When there is disunity among international actors, disputing parties with a potential to spoil the peace process can play different initiatives against each other. If success is to be achieved, international actors have to go the same way and speak with the same voice. Partnership and cooperation is essential to maximize complementarity and minimize inefficiencies.

Successful mediation calls for a coherent and sustainable course of actions under the direction of a lead mediator. Several panelists argued that regional and sub-regional organizations should be the first-responders. Regional organizations are often faster to respond and often have a better understanding of the conflict. In particular, the African Union has a comparative advantage due to its Constitutive Act, which provides it with ample possibilities for rapid intervention. Neighboring states also have a critical role in mediation processes, both positively and negatively.

Some panelists argued that the United Nations should be the lead actor in situation that required a broader and more global approach to conflict resolution. While the participants did not fully agree which actors were best suited to take the lead under what circumstances, they concurred that the decision about the lead mediator depended on the situation. It was mentioned that the decision should be taken at the highest level of the involved organizations. There is need for more strategic dialogue about how to prevent unproductive competition between the United Nations and regional organizations. More lessons should also be drawn from successful cases of partnership, such as the AU-led and UN-supported mediation in Kenya. Research also needs to be done on less successful cases of partnerships to ensure that matters are better managed next time. There is a particular potential to work closely on joint training opportunities and the establishment of mediation rosters.

Including all the relevant local actors

Mediators face a dilemma on which actors to include in the process. While a successful mediation often requires the inclusion of armed agents and hardliners, other non-armed actors should not be marginalized. Inclusion does not necessarily mean that all the actors need to sit at the formal negotiating table. Combatants are often at the center of the immediate problems, so they need to be involved in a structured way. No general answer is possible regarding the 'who' and the 'how'.

There is no simple framework for the inclusion of civil society. Mediators should discuss ways to create an appropriate forum. Civil society should not be assumed to be conflict-free, or innocent. When civil society is fragmented, the mediator must find ways to help its organizations to become a reliable dialogue partner. Local expectations

need to be managed carefully. Several panelists also mentioned the issue of language. The mediator must be able to engage with all local actors; press conferences and important documents should be translated in local languages to keep everybody informed.

Often women are not included in the formal negotiations, but they function as advocates for peace and stability. The mediator should encourage the participation of women as they often take a very constructive role in the process. Women also have a tremendous role to play in promoting mediation.

Mediators and their teams

The actual mediator may even be more important than the organization he or she represents. Mediators are leaders, encouragers and managers. They need to work simultaneously on many fronts and lead by far-seeing suggestions, creativity and cooperative efforts. Moral authority should be conserved and hard work should prevail at all times. The back office of a mediator also has a fundamental role. It is extremely important to have people with profound background and technical knowledge in the team. Several participants made the case for training and the strengthening of technical expertise.

Mediating after a peace agreement

Mediation does not end with the adoption of a peace agreement. There is interdependence between agreements and implementation arrangements. Well-designed agreements are “implementable” and they have implementation plans. It is important to keep the momentum going after the signing of an agreement and raise awareness that compromises are necessary during implementation. It is an open question whether the personnel, both the conflicting parties and the external mediators, who make the agreement should be involved in the implementation – and if so, through what means.

International support for implementation is crucial, but it needs to be better organized. External actors should provide support but not seek to replace the previous parties to the conflict. In the post-conflict stabilization period, external actors need to sustain their support and invest enough to continue the mediation and peacebuilding efforts. Third-party participation in commissions established under agreements has proven useful, e.g. in security sector reform or electoral commissions. The chairing of commissions by third parties may help build trust and improve compromise and accommodation.