

At the Gates to Peace: Mediators as Gatekeepers

Limiting the number of parties and reducing external interference in peace mediation used to be considered the recipe for success. Yet, this logic of exclusion has been countered by an ever-growing expectation of inclusivity to create a just and sustainable peace. In this policy brief, we explore how attempts to balance exclusion and inclusion affects the roles and responsibilities of peace mediators.

Brief Points

- Mediators may act as *gatekeepers* by influencing who is let into negotiation processes. They may facilitate *exclusion* through secret meetings and communications between conflict parties. They may also actively seek to exclude parties they perceive as illegitimate or disruptive.
- Mediators can nudge warring parties to accept a more *inclusive* process. Such door-opening functions may involve greater demands for gender inclusion and democratic elections, consultations with civil society groups, or initiating an international ‘group of friends’.
- The role as gatekeeper can be exercised as a ‘bouncer’ through coercion, as a ‘dealer’ by exchanging services, or as a ‘charmer’ by alluding to the norms and interests of the parties.

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Introduction

In recent decades, inclusion has become the norm in international mediation, based on the logic that inclusive peace processes promote justice and sustainability in peace agreements.¹ Women, youth, victims, minorities, religious groups, and other civil society actors are among the groups who have been given growing room at the negotiation table. However, the inclusion of actors beyond the warring parties has been viewed by scholars and practitioners as both complicated and as reducing the chances for reaching an agreement.² This raises a series of questions regarding the role and responsibility of mediators as “gatekeepers” who influence conditions about who is admitted to observe or participate in peace talks and when, how and where new actors are admitted. In this brief, we explore these questions based on a review of existing literature, case studies, and input from scholars and practitioners.³

International peace mediation is a form of third-party intervention that follows ‘a consent-based process of changing a situation of conflict in the direction toward peace, without resorting to either the use of force or the law’.⁴ The immediate post-Cold War period was the heyday of such mediation.⁵ Whether in Palestine, Sudan or the Balkans, there was a firm belief in mediation as the way to solve conflicts.

Since the 1990s, there has been a multiplication of mediation actors and an increasing professionalization of the mediator function.⁶ In effect, the normative expectations have expanded from simply ending war to generating a just and sustainable peace.⁷ Meanwhile, mediation efforts

face ever-growing constraints due to increasing polarization on the superpower level and the rise of complex internationalized intrastate wars.⁸ This context requires a more nuanced conception of the roles and responsibilities of peace mediators and their gatekeeping functions.

Inclusion/Exclusion

The UN Guidance on Effective Mediation from 2012 defines ‘inclusivity’ as representing the ‘views and needs of conflict parties and other stakeholders in the process and outcome of a mediation effort’.⁹ The document further specifies that inclusivity does not necessarily imply that *all* stakeholders participate directly in the formal negotiations, and that the mediator ‘facilitates interaction between the conflict parties and other stakeholders and creates mechanisms to include all perspectives in the process’.¹⁰

Thania Paffenholz has grouped these forms of interaction and mechanisms into nine types that are of immediate relevance to the role of mediators as gatekeepers: 1) direct representation of civil society groups at the negotiation table; 2) observer status; 3) official consultative forums that run parallel to official negotiations; 4) less formal consultations; 5) inclusive post-agreement mechanisms; 6) high-level civil society initiatives; 7) public participation; 8) public decision making; 9) mass action.¹¹ In addition to these nine spaces, emergent technologies and social media have added new dimensions of digital inclusion and exclusion across these types.¹²

Levels of inclusion vary from process to process, depending on the structure and phases of the negotiations, the strategies of the parties, and the

mandate of the mediator. In some cases, the pre-negotiation phase can be more inclusive as the mediator and the conflict parties engage in broad political discussions to prepare for the actual negotiations. The main negotiation phase is typically more exclusive when it comes to direct talks ‘around the table’ (track 1) as these tend to take on a more binary format between the warring parties. In the implementation phase, however, talks can open up and become more inclusive again.

Creative mediators can find ways to make the core talks more inclusive by facilitating the mechanisms listed above through support rooms, track 2 processes, women’s advisory boards, or ‘groups of friends’. For example, in the Syrian peace talks, a women’s advisory board was named to hold side-meetings to produce ideas that were fed into the negotiations. As Alex de Waal has argued, it is also necessary to consider the backstage of track 1 negotiations as an essential, and often more exclusive, part of officially inclusive negotiation dynamics.¹³

Handling the Villains

In parallel to an increased focus on inclusion, scholars and practitioners have debated the question of engaging diplomatically with problematic actors (often defined as ‘spoilers’ if they are non-state actors).¹⁴ The difficult question of negotiating with the ‘villain’ also complicates conflict resolution in situations where the state is the central human rights abuser and responsible for massive war crimes (e.g., the Syrian regime).¹⁵

Since the start of the so-called ‘war on terror’, actors such as the US and the EU have used terror labelling as a security mechanism to delegitimize militant groups. The use of terror labelling has adversely affected certain peace processes because it has been used to bar core conflict parties from participating in talks and negotiations. A well-known example here would be Hamas, which is labelled as a terror group by the EU and the US. Paradoxically, the same mechanism can hinder terror-labelling actors from serving as mediators because they are not allowed to talk to representatives of groups labelled as terrorists. On the other hand, a series of states have become increasingly abusive of human rights, but mediators have little choice but to include them in the negotiations because the state is the core actor in the conflict. Often mediators are invited by the state and thus are there on their ‘mercy’, which can generate

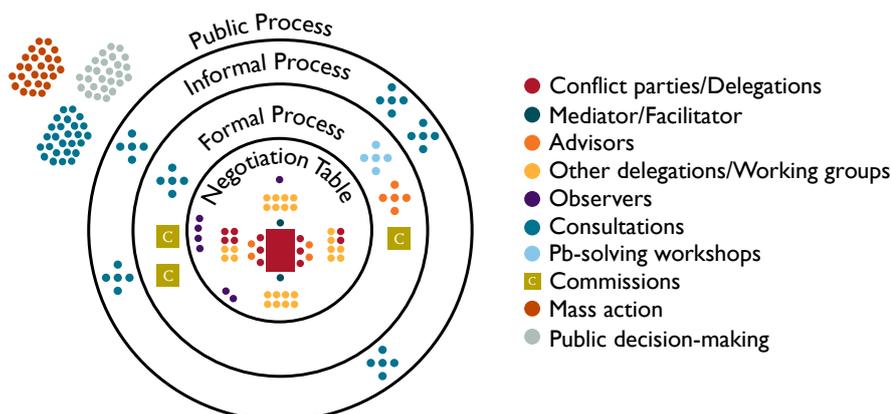


Figure 1: Inclusion in practice. Source: Inclusive Peace¹⁹

problematic power relations that constrain the mediators' room of manoeuvre significantly.

Both terror labelling and the inclusion of the highly abusive state powers in peace talks highlight the normative challenges to such gatekeeping. For instance, terror labelling risks lowering the incentive for such groups to support the peace process, precisely because it excludes them. On the other hand, including extreme actors can give unwarranted legitimacy to the 'villain'. The Taliban is a well-known example of a group that initially excluded from critical diplomatic meetings, such as the meeting on the future of Afghanistan in 2001 in Bonn. In this situation, they had no incentive to support the peace process. But later, in 2018, when the Taliban entered negotiations with the US (this time excluding the Afghan government), this 'villain' was granted significant legitimacy.

Forms of Gatekeeping

To grasp the nuances of the mediator's role when it comes to shaping inclusion and exclusion in peace talks, we suggest using the metaphor of gatekeeping. A gatekeeper is 'a person whose job is to open and close a gate and to prevent people entering without permission; someone who has the power to decide who gets particular resources and opportunities, and who does not'.¹⁶ We use the concept in an extended sense as including roles as 'gate maker', 'smuggler' and 'recruiter'. Hence, a mediator not only has to sort through those persons who have lined up at the gate to the negotiating table, he or she must also forge new gates, letting people in through backdoors, actively recruiting participants or even preparing them for participation. We acknowledge that gatekeeping also pertains to information and this certainly applies to peace talks. However, for this current discussion, we limit our focus to actors.

The resources at mediators' disposal for gatekeeping depends on what sort of agency they represent. As Svensson writes, the mediator is always an individual, but can represent 'a single country, formal or informal groups of countries, regional or global intergovernmental organizations, civil society organizations inside or outside the country in conflict, or even, occasionally, individuals acting on their own'.¹⁷ Often, multiple agencies of these various types are involved in a peace process at different levels, complicating the role of gatekeeping and

introducing an element of inclusion and exclusion with regard to other mediators.¹⁸

It makes a fundamental difference for the role as gatekeeper whether the mediator is the "owner" of the process, an "aide" providing expert services or a "servant" operating at the mercy of others. As 'owner', the mediator may freely pick and choose the participants, while as 'aide' the mediator may have valued input, and as a 'servant' may be confined to a predefined 'guest list'.

As argued above, there may be multiple throughways for mediators to gatekeep during peace processes, including: 1) the gate to the "negotiation table", 2) to formal and informal processes surrounding the negotiations, and 3) to wider public processes (see Figure 1). In practice, however, these spaces and processes are not discrete and often overlap and intersect, thus requiring mediators to keep a wider view of how actors may move between and among these spaces.

The Bouncer, the Dealer and the Charmer

More common characterizations describe mediators as 'manipulators', 'formulators' and 'facilitators'. But we prefer to use descriptions that play with the metaphor of the mediator as gatekeeper. In this light, the mediator is more helpfully viewed as a 'bouncer', 'dealer' or 'charmer'.

The bouncer would typically be a strong mediator with coercive capabilities. The superpowers, who typically take on such a role, also sit on the UN Security Council which creates the mediation mandate. The bouncer thus has a very active role in deciding who the legitimate parties are and what criteria need to be met to be allowed into the negotiations. The US role in blocking PLO participation in Arab-Israeli negotiations is a case in point.

The dealer has less coercive power (or is less willing to use it) than the bouncer. Instead, these mediators treat inclusion and exclusion as a bargaining chip in a larger political game. Or they might mobilise economic resources to get their way. An invitation to participate in a peace process or an encouragement to stay away may be coupled with promises of international recognition or financial support, pledged by the dealer. De Waal provides examples from the Horn of Africa where he describes negotiations and mediation as a "political marketplace"

in which participation and agreements have a literal price.²⁰ Mediators may also encourage participation through *per diems* or host talks in attractive far-away destinations and pay the travel cost for desired parties while effectively excluding others who cannot afford the travel and accommodations on their own.

The charmer relies on credibility and 'sweet talking' (persuasion) to convince parties to be more inclusive by trying to satisfy their interests. Unless combined with some bouncing and dealing, the charmer's room for manoeuvre is relatively limited and requires more on creativity and nudging to fulfil the mediator's mandate. For example, a charmer may invite 'experts' who describe the benefits of inclusion or exclusion to external actors, or the charmer may raise the topic of inclusion in one-on-one conversations with the parties or find novel ways to support activists working for more inclusive peace talks. Norway's role in nudging the parties to include women at the peace table, along with women's rights activist groups, in Colombia is a case in point.

No matter how mediators bounce, deal or charm for inclusion or exclusion, it is never given that they will be successful. If there is a clear asymmetry between the conflict parties, the mediator may be forced to accept the exclusionary terms of the strongest party. The mediator might also be limited by mediator competition. If warring parties face a situation where multiple alternative mediation tracks exist, the parties can engage in forum or framework shopping. For example, we have seen in recent year how the Syrian regime has moved between the parallel Geneva and Astana processes for the Syria conflict, searching for the forum that best serves its interests. In these instances, the mediator's room for manoeuvre is limited.

Mediator Responsibility

While we are discussing the roles of mediators in this brief, it should be remembered here that it is the parties themselves, not the mediators, who are responsible for the outcome of peace talks. As the Norwegian Ministry of Foreign Affairs writes, 'the overall responsibility for the peace process always lies with the parties themselves'.²¹ However, while mediators do not decide the outcome of mediation, their efforts may *shape* the outcome in several ways and that includes gatekeeping.

Given that role, one may ask what responsibility that follows from this role? The ethic of ‘do no harm’ guides medicine and development aid. Could this be applied to peace mediation, too? ‘Do-no-harm’ refers to a negative duty or responsibility, but do mediating actors also have a positive duty to, for example, include marginalized groups? Do they have a different form of responsibility if the mediation style is facilitation rather than more direct mediation or manipulation? And are some forms of gatekeeping more appropriate than others?

Mediation efforts – and mediators – will often be confronted with questions about their role in the pursuit of justice, such as the facilitation of amnesties or the insistence on tribunals. Does this responsibility also pertain to who is included in the talks in the first place, independent of the outcome? For instance, recent mediation efforts in South Sudan could be criticised for enabling an unsustainable peace among war criminals. Yet, it remains an open question as to what a more ‘ethical’ mediation role might realistically entail in such cases where the ‘villains’ hold the keys to the peace.

While mediators can shape peace processes, we should be careful not to overstate their influence in terms of credit or blame. A bad mediator can make talks more difficult, and a good mediator can find creative solutions in a deadlock. But, at the end of the day, it is the parties themselves who must make the concessions, find solutions, and give consent to the process and outcome.

Yet, as we have seen, both states and organisations involved in mediation efforts tend to have a principled foundation that affect how they operate. More attention should be devoted to how these principles are translated through the role and responsibility of mediation by paying closer attention to the forms gatekeeping might take. ■

Notes

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PRIO

The Peace Research Institute Oslo (PRIO) is a non-profit peace research institute (established in 1959) whose overarching purpose is to conduct research on the conditions for peaceful relations between states, groups and people. The institute is independent, international and interdisciplinary, and explores issues related to all facets of peace and conflict.