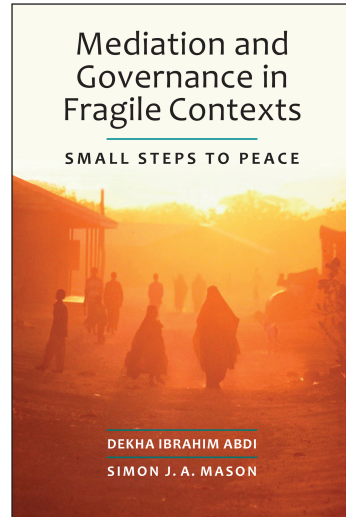


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Mediation and Governance in Fragile Contexts: Small Steps to Peace

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1

Mediation and Governance in Fragile Contexts

The small is as important as the bigger picture. It is these smaller things, if they are coordinated, that can lead to the transformation of the bigger picture. In Dekha's ethnic Somali language, *dadahad* means the person who stands in the middle, the person to whom both sides have access.¹ A mediator facilitates the understanding of both sides through dialogue or discussion and generates the way forward for two or three conflicting groups. Whatever the outcome, it is owned by the people and not suggested by the mediator, who is not arbitrating. The mediator facilitates and is a witness to the discussion, enhancing and bridging the communication between the parties.

In this book we address the question: *How can we mediate and work for peace in fragile contexts?* We seek to answer that question by introducing a new framework for analyzing and practicing mediation in the most challenging contexts. The methods we propose focus on how to deal with violent societal conflict and thus are suited to intercommunity, community-state, and nationwide ethnopolitical conflict. Developed during decades of experience in the Kenyan-Somali context, and drawing on work with conflict parties worldwide, the framework suggested here combines Somali cultural, Islamic, and Western approaches to mediation and peacebuilding, developing an innovative, flexible approach that can be adapted to various conflict contexts.

The book grew out of the collaboration between a Kenyan-Somali peacebuilder (Dekha Ibrahim Abdi) and a Swiss researcher-practitioner (Simon J. A. Mason).² It breaks out of the insider versus outsider dichotomy to develop a framework inspired by the specific work of

Dekha and complemented by more generic mediation approaches from Simon so as to speak to peace practitioners and conflict resolution researchers working in fragile contexts around the globe. Very sadly, Dekha passed away in June 2011 after a car crash, and consequently she was not able to help in finalizing the project. In shorter excerpts in Part 1 and longer case studies in Part 2, Dekha's narrative from our interviews is left true to the original, using an oral history, storytelling style, to maintain the richness of her experiences and insights and to allow readers to draw their own lessons.

A vast literature explores the question of how to mediate conflict, yet almost all existent work has emerged from stable Western democracies, with little, or no, firsthand experience of living within a fragile context. As such, the peacemaking literature often tends to be disconnected from the reality of mediators living and working in conflict contexts. At the same time, the rich experiences and reflections from local peace practitioners seldom reach the Western or global audience, since they are too quickly labeled as unique to the given case, with limited transferability outside of the respective context. In particular, the voices of women mediators working in such contexts remain largely unheard because they are seen to be far removed from the centers of political power dominated by men.

This book is different: we unite the insider perspective from within the conflict context with the outsider perspective on mediation methodology, bringing forth a new approach to the mediation of conflict in fragile contexts. Built on the work of Dekha, a mediator and a woman living in a Muslim context, this approach is also unique in its very clear but nonantagonistic way of dealing with gender questions in a culturally sensitive manner. We hope readers gain insights on the contribution of local mediators, long neglected in the literature, to peacemaking. Outsider mediators such as Kofi Annan in the 2008 Kenyan election crisis are often irreplaceable, but they complement rather than replace local insider mediation teams from within the conflict context.

This book is separated into two parts. In Part 1 we introduce a framework to analyze and guide mediation and peacebuilding practice in fragile contexts. In Part 2 we illustrate this framework with four cases in which Dekha was involved as a peace practitioner.

Part 1 begins with Chapter 2 by outlining some of the specific challenges but also opportunities mediation faces in fragile contexts, in situations where governance is perceived as being ineffective or illegitimate. Though we use the term *fragile context* to refer to situations in which people perceive the forms of state or nonstate governance they experience

as being severely inadequate, we intentionally avoid the problematic concepts of “fragile” or “failed” state. Understanding a context as being fragile in relation to the governance it experiences is well illustrated by the dynamics that took place in the context Dekha grew up in: Wajir is situated in northeastern Kenya, some 500 km from Nairobi, close to the Ethiopian and Somali borders. This area has long been affected by inter-community and cross-border conflicts over land and water as well as political strife that often escalate into violence during periods of drought and around election times. Throughout history, the central state of Kenya intervened in this peripheral region in different ways: at times using a heavy-handed military approach, at times using dialogue to adapt policies, and at times ignoring the region. As a response, the nonstate, traditional clan systems of mediation, justice, security, economic livelihood, and governance have always existed, and continue to exist, in a mixture of harmony and disharmony with the “modern” state forms of governance. In such a context, there is therefore more space for mediation but also a greater degree of complexity to deal with, as mediation moves in a continually changing space of state intervention, absence of the state, and developing (or eroding) forms of state and nonstate governance.

As a response to such challenges, we develop the Short-, Medium-, and Long-Term Linkages (SMALL) Framework for Peace. This provides guidance on the necessary processes and structures and the way peace practitioners can work in fragile contexts. It argues that short-term mediation without linkages to medium- and long-term structures for peace, security, and governance is as short-sighted as long-term peacebuilding and statebuilding or “state formation” efforts that do not adequately address medium- and short-term conflicts and crises.³ The framework thereby responds to the debate on statebuilding (i.e., with a focus on state actors and long-term processes) versus peacebuilding (i.e., with a focus on nonstate actors and shorter-term processes), providing orientation on how to organize peace practice in short-, medium-, and long-term efforts toward peace.⁴ We aim to provide guidance specifically on how to create linkages between these efforts. The four dimensions of this framework are elaborated in Chapters 3 to 6.

In Chapter 3 we explore the short-term responses to conflict, focusing on mediation process design. We argue for a highly contextualized approach, yet one that respects basic principles of mediation. A central element of contextualized process design is careful analysis of the context as well as ongoing adaptation of the various process design dimensions and the linkages between them throughout the process. Mediation (i.e., the short-term peace work) may end with the signing of an agreement, but

further efforts are needed to implement the agreement and avoid conflict reoccurring. This is why peace practice beyond mediation is needed and discussed in Chapter 4.

In Chapter 4, we argue that peace committees (in various contexts called “local peace committees,” “district peace committees,” “peace and security committees,” “early warning, early response systems,” “local councils,” or “security councils”) are the medium-term bridge between the short-term mediation efforts and the long-term efforts of building states for peace. We outline the setup and functions of medium-term structures, including state and nonstate actors, drawing from both customary and modern forms of governance and mediation practice.

In Chapter 5, we outline some of the necessary long-term responses to conflict, providing nuance to the peacebuilding versus statebuilding debate and exploring how to address the structural causes that fuel conflict. We explore the concept of the “predatory sphere,” a space that develops in the fuzzy interface between customary and modern forms of governance—allowing conflict and criminality to go unaddressed. Long-term responses to conflict need to focus on how to harmonize customary and modern forms of governance as well as how to create policy frameworks at the national level that allow for medium- and short-term peace practice to operate.

In Chapter 6, we focus on the people dimension. Mediation processes and structures for peace are shaped by people; we therefore explore how to link inner and outer peace, to be both effective and authentic, with the necessary motivation, mind-set, skills, and knowledge in all three types of peace practice. The importance of motivation is also illustrated by Dekha’s own experience: “Shock and paralysis was what I felt when the local conflict in Wajir turned to violence—children killed, women raped, neighbors unable to greet each other. The shock gave rise to an avalanche of emotions that propelled me and people in Wajir to get the energy and motivation to bring change in our society.”⁵

When questioned about the vision that motivated her work, Dekha responded: “I wanted life for my daughter to be different from the life I had lived when I was young, and the kind of life my mother had lived. We both (my mother and I) were born into a violent, unstable society. I wanted peace in the most basic sense of safety. I wanted my child to be able to count on civilian law to protect her.”⁶

The inner dimension of peace practice needs to be linked to the outer dimension to become effective. This can occur through cross-cleavage collaboration, where people from across the main divides of a conflict collaborate on a mediation team, in the peace process, or on a local peace

committee. Chapter 6 ends with our exploration of how to analyze conflict cleavages and draw the necessary implications for peace practice.

Part 2 is built around case studies, showing what the SMALL Framework for Peace looks like in action. The cases focus heavily on the short-term mediation work—because this book emphasizes mediation—with reflections on how this links to medium- and long-term peace work as well as the transversal skills and roles of a peace practitioner needed in all phases. Each case study starts with a short background on the conflict addressed and ends with a discussion in relation to the SMALL Framework for Peace introduced in Part 1.

Part 2 starts with Chapter 7, which summarizes the Kenyan conflict context since independence, with a special focus on the Kenyan-Somali periphery and the main conflict cleavages. Based on literature, this chapter should help non-Kenyans situate the following case studies in the broader context.

Chapter 8 focuses on Dekha's engagement in pastoral Wajir—where she developed many of her ways of working and where she played the role of an insider mediator. Key issues addressed are how to transform passivity and a sense of victimhood into motivation for peace practice, and how this always requires teamwork and engaging with multiple types of actors. The case study shows how competing peace processes can do harm and what can be done to minimize this problem. The outcome of this peace process was a peace agreement that combined state and customary law, illustrating some of the benefits and challenges of hybrid state and nonstate peacebuilding.

Chapter 9 focuses on Dekha's engagement related to the Pokot-Samburu conflict, detailing the mediation methodology she used in a two-day co-mediation where she acted as an outsider mediator. About five hundred participants were involved in this mediation, calling for creative approaches to format and sequencing. Questions of how to start large meetings, how to deal with impasses, and how to combine intragroup and intergroup formats are highlighted. The chapter ends on the question of how to draft peace agreements and make sure they are implemented.

Chapter 10 focuses on Dekha's mediation support role during the Mandera mediation processes. It shows how responses to conflict crises (short term), establishment of local peace committees (medium term), and work on policy questions (long term) are linked. Mediation and peacebuilding efforts in Mandera, situated close to the borders of Ethiopia and Somalia, had to consider the intercommunity, Kenyan national, and Kenyan-Ethiopian-Somali international dimensions of this conflict. The case study also shows the limits of mediation and how

hard security as well as other approaches such as trauma healing may be needed before, in parallel to, or after mediation.

Chapter 11 outlines the account of Dekha's moment-to-moment engagement during the election crisis of 2007–2008, where she played the role of an insider mediator together with other eminent peace practitioners in the countrywide crisis. It shows how the Concerned Citizens for Peace (CCP) platform developed, and how it engaged with all levels of society. Though a lot has been written about multitrack, inclusive peace processes, this case study illustrates how such a process can actually work in practice: with links to the track-one process run by Kofi Annan as well as outreach to medium-level actors and mobilization of efforts at the grassroots level. The complementarity of local, national, and international mediation is highlighted.

In the final chapter, we discuss the SMALL Framework for Peace in a condensed manner, clarifying its use as an analytical tool and as an approach to guide peace practice. We emphasize how to use the framework and adapt it to various contexts. A central lesson from Dekha's work and this book is that it is possible to bring seeming "opposites" together. Building peace is possible in fragile contexts, even if this often occurs only in small steps.

Notes

1. The more formal word for mediator in Somali is *dhexdhexaadiye*.
2. Dekha and Simon collaborated over the course of seven mediation training workshops between 2008 and 2011: (1) the Insider Mediator's Workshop in Switzerland with the Berghof Foundation, 2008; (2) the Peace Mediation Course in Oberhofen in 2009, 2010, 2011 organized by the Mediation Support Project, a joint initiative of the Center for Security Studies ETH Zurich and swisspeace, funded by the Swiss FDFA, see www.peacemediation.ch; (3) Mediation Training for Intergovernmental Authority on Development (IGAD) Member States in 2010 in Kampala, Entebbe; and (4) Mediation Training at the Graduate Institute in Geneva in 2010 and 2011. Dekha agreed to be interviewed about her mediation work, and Elisabeth Baumgartner (swisspeace, at that time working in the Mediation Support Project) and Simon interviewed her on May 10–12, 2010, and March 15–17, 2011. The audio files were transcribed, edited, and the English carefully corrected by Katrina Abatis, who removed repetition and created grammatically correct sentences while always remaining true to the meaning and style of the audio interviews. Excerpts from the audio interviews can be listened to at www.mediation-governance.ethz.ch.
3. *State formation* can be understood as the "interaction and bargaining processes between government and society"; see Englebert and Tull, "Postconflict Reconstruction in Africa," 138.
4. Call and Wyeth, *Building States to Build Peace*.
5. Ibrahim Abdi, "Acceptance Speech—Dekha Abdi: The Right Livelihood Award."
6. Ibrahim Abdi, "A Discussion with Dekha Ibrahim."