

Ethical Issues in Religiously Affiliated Disputes: Sant'Egidio's Mediation in Mozambique and Algeria

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Abstract: Despite its potential, the use of mediation as a conflict resolution mechanism in a religiously affiliated conflict entails a problem in terms of ethical challenges. Both religion and mediation carry its own ethical standards, where, if both collides, might jeopardizes the efficacy of mediation as conflict resolution tool. This article discusses in detail ethical challenges in mediation where religion persists in various manners. Religion might exist in the conflict (1) as the main ideologies of mediator and/or disputants, (2) as the substance being disputed and (3) in the use of religious values as peacemaking resources. Problems may arise in terms of impartiality, conflict of interest, sense of fairness and directiveness, however often it can be seen as situated concept of neutrality especially when the mediator possess profound understanding of the context. As an empirical proof, it is evident Sant'Egidio has faced problems in perception of impartiality, that affected result in both Algeria and Mozambique. This paper further suggests that appropriate pre-mediation assessment in determining the religious dynamic on the dispute is a crucial stage to tackle possible ethical problems to implement mediation in religiously affiliated conflict.

Keyword: religiously affiliated dispute; mediation ethics; Sant'Egidio; Mozambique; Algeria.

Introduction

The crossroad between religion and mediation can be found way back in world history. Confucius teachings have influenced Western Zhou Dynasty to integrate mediation into its administrative governmental administration 2000 years ago (Boulle, 2005). Jewish, Christianity, Islam, Hindu, and Buddhist have incorporated religious practices akin to mediation in each own form (Boulle, 2005). These practices conform to contemporary definition where a third party, who is a respected person like clerics, imam, pastors, rabbi, etc. intercedes problem-solving discussion, sometimes with substantial intervention (Cox & Philpott, 2003). In contemporary context, conflict oftentimes involves people of religious affiliations, or it probably occurs due to religious claims, or simply religion has been used as instrument of mass mobilization (Cox & Philpott, 2003). On the other hand, the use of mediation is still widely found in many conflicts. Understanding that both the existence of religions in many conflicts and the importance of mediation as dispute resolution, the intersection between both is to be expected in the future.

The problem is that literatures on mediation have not explored the effect that religious dimension of conflict might have on mediation's ethical consideration. Bercovitch and Kadayifci-Orellana discussed legitimacy and leverage as factors determining the success or failure of faith-based mediators and the role that faith-based actors have in resolving disputes (Bercovitch & Ayse-Kadayifci-Orellana, 2009). Hurst observed issues regarding religion and mediation in general, reaching a little discussion about impartiality but leaving it largely undefined (Hurst, 2014). Nevertheless, ethical issues serve as limits to distinguish the right from wrong in mediation and for quality measurement, therefore, it is necessary to investigate the relation between religious dimension of conflict and ethical standards in mediation (Spencer & Hardy, Principles of Dispute Resolution, 2009).

Exploring Sant'Egidio's mediation practices has been conducted, but it is important to highlight its potential of ethical dilemmas considering various contexts that Sant'Egidio has been involved in. Sant'Egidio has played a role in becoming in-between for RENAMO and FRELIMO in Mozambique, strengthening the argument that Sant'Egidio is based on civil society that it approaches disputants using religious

leaders in local community (Giro, 1998; Appleby R. S., 2000). In its approach, one important aspect in Sant'Egidio's practice is its attention toward the welfare of society it is serving that Sant'Egidio is not only mediating peace between conflict but also helping affected communities in war-torn countries (Anouilh, 2005). Many also argues that Sant'Egidio uses faith-based mediation in its peace-making efforts, implementing Catholicism as its guiding principle and using prayers, religious networks, as well as its position as faith-based actor in mediation processes (Hegertun, 2010). This paper is created specifically to tackle the issue of ethical dilemmas in mediation especially conducted by a faith-based actor, using faith-based mediation, and involving religious dimension in the conflict.

Methodology

This paper aims to fill the gap in the crossroad between religion and mediation by exploring the ethical challenges in mediation where religious dimension persists. To do so, this paper will first examine how different views on mediation defines attitude and adherence to ethical consideration. Subsequently, the existence of religion in mediation will be explored. This paper will then proceed to analyze the importance of ethical issues in mediation and the ethical challenges that mediators' face in resolving dispute that involves religious dimension. This is the theoretical discussion exploring the potential of ethical dilemmas arising in mediating religiously affiliated disputes. In the next section, this paper will delve into strategies that mediators can use in tackling ethical problems.

To provide empirical evidence, this paper will conduct an analysis of ethical issues in religiously affiliated disputes by comparing two case studies: Sant'Egidio's mediation practice in Mozambique and Algeria. It will first explain Sant'Egidio's rising role in peacemaking across the world supported by existing practices. It will then explain two case studies, which is in Algeria and Mozambique, to find out the depth of Sant'Egidio's mediation in both conflicts. Afterwards, this paper will delve the empirical finding on how the ethical dilemmas emerged in the involvement of Sant'Egidio and how it is perceived based on the above-mentioned theoretical discussion on ethical problems in mediating religiously affiliated disputes.

Discussion

When Religion Enters

Religion enters mediation in three forms. First, disputants and mediator(s) might come from certain religious background, adhering whether strongly or loosely to a religion that it becomes their ethics and governing principles in daily life, or embedded as personal identity. Religion is understood as a community of people adhering to shared beliefs and ideas about supernatural being and its forces, who conduct rituals collectively in a structured organized cult and/or individually (Geertz, 2018). This definition entails that religion have become underlying principle against which parties judge a matter, aware or not, and this might affect their thought process, communication style, negotiation behavior, attitude toward time, face-saving attitude, etc (Bouille, 2005). Mediation might involve parties and mediators from the same or different religious background, which might affect mediators' ability to remain impartial, and/or parties' perception of mediator's impartiality.

Second, the dispute is substantially involving religion, such as debating religious tenets, overlapping religious claims, or social sentiment based on religious background. This may also be extended to include the politicization of religious values, tenet, and identity where adherents are simply identified based on religion. Such cases are widespread across the world, such as the politicization of religious identity in Central Africa's Civil War and regional conflict between Seleka and anti-Balaka. Politicization of religion can also be seen in Trump's Muslim Ban policy. Mediating such dispute is often considered

challenging as religion poses one of the most important factors being highlighted in the case (Appleby R. S., 2000). Third, in terms of mediation process, mediators might involve religious values using sacred texts as peacemaking resources or involving judgement based on religious ethics, widely known as faith-based mediation (Hurst, 2014). For example, the conflict might be about fence, involving neighbors of B religion by mediator from A religion in a faith-based cases, or people of the same religion negotiating inheritance of late relative facilitated by non-religious mediator. Combination of the above elements create great variation of scenario, even complicated ones, attracting many questions about ethical consideration.

As religion-mediation encounter brought advantage to mediation, it also creates further challenges. Hurst argues that there's a potential benefit on the use of religious texts, interfaith dialogue and religious values as conflict resolution resource (Hurst, 2014). Nevertheless, just as colliding components of mediation ethics, religion and mediation have its own ethics that become guiding principle for its practices and combining both might lead to ethical dilemma (Moore, 2003). This situation might put mediator's professionalism into jeopardy since there are two references to observe when performing mediation.

Ethics in Religion and Mediation: Theoretical Discussion

This theoretical discussion would include all forms of affiliation to religion in mediation (parties- religion, substance, and process) and ethical issues relevant in religiously affiliated conflict. While previous discussion about religion in mediation suggests faith-based and secular categories of mediation, this paper will also discuss formal and semi-formal mediation. Formal mediation follows mediation's ethical and practice standards issued by national authorities, while semi-formal mediation is those conducted in more traditional societies not strictly following formal mediation but by practice can be categorized as mediation. The object of analysis is possible religion-mediation ethical dilemma, a situation when the implementation of one at some degree would compromise fulfilment of the other ethics (Rahim, 2001).

Based on their religious affiliation, parties oftentimes prefer to select religious leaders as mediator especially the experienced ones due on their knowledge and perceived wisdom to mediate religiously affiliated dispute. The question is, can religious leader perform mediation that is in accordance with ethical values of mediation? Adherence to these values is essential because the existence of mediation as an alternative dispute resolution is based upon public confidence on the process which relies heavily on mediators' ability to implement mediation in compliance with (or at least approaching minimum requirement of) ethical standards. Similarly, the use religious values, scriptures, texts, rituals, and teaching in peacemaking effort (in this case mediation) might diverge in result according to the dispute being mediated. The following explanation will theoretically discuss various scenarios in which religion persists in mediation based on ethical standards.

1. Self Determination and Mediator's Directiveness

The main question regarding directiveness is that oftentimes, mediators may become too directive of the mediation process. Self-determination means that both the disputants and mediators are in freedom of making decision, to agree or disagree, and/or to continue or terminate the process as well as responding or not responding to a question. Meanwhile, directiveness means that mediator may or may not direct the flow of mediation toward a certain direction based on mediator's judgement. In discussing both aspect of ethical dilemma in mediation, Kadayifci-Orellana and Bercovitch argue that religious leaders have considerably stronger legitimacy and leverage especially among religious population, but this raises question whether religious mediators can remain indirective and not interfering the content and outcome

of dispute (Bercovitch & Ayse- Kadayifci-Orellana, 2009). Bush and Folger articulates the importance of self-determination and empowerment, suggesting that directive and advisory role among mediators should be constrained (Bush & Folger, 1994).

A shallow understanding of such character of mediation would trigger ethical dilemma because religious mediators and faith-based mediation actively use suggestion and advises in directing mediation progress. For example, Pope John Paul I have played this role in mediating Beagle channel dispute between two predominantly Catholic communities, Chile, and Argentina (Barboza, 2014). In his practice, Pope advised both parties based on his moral credibility and suggests matters during the process (Barboza, 2014). Such constrain on self-determination aims to assure that parties make informed decisions (Riley, 2008).

Nonetheless, religious leaders acting as mediator should always be cautious of the advisory role that it might hinder self-determination. Religious values often are directive, compulsory and therefore act as reference values. The problem arises when mediator compel one party something from religious tenet or teaching that compromises his/her self-determination. This might emanate from mediator's perception of disputant based on religious values. When under pressure, disputants lose self-determination due to the lack of freedom in making decision. Judging a disputant based on religious values may become counter-productive when mediator neglects that self-determination is based upon the disputant's perception of mediator's ability to remain neutral. When disputant is being considered as negative or positive, this position provides privilege for one party while burdening the other with prejudices. Therefore, advisory role of mediator should be restricted by his/her ability to remain neutral in facilitating discussion between disputants.

The utilization of sacred texts, religious values and rituals can be beneficial for both processes, in terms of integrating prayers and rituals, and outcome of mediation, by recalling religious values to parties during mediation. Nonetheless, it should be contextualized to the dispute being managed. The use of these resources in faith-based mediation involving parties and mediators of the same religion can be acceptable, however when handling disputants from different religions, mediators should be extra cautious and possess profound comprehension of both religions to avoid extending further clash. Instead of employing both separately, mediators can explore religious values implicit or explicitly found to be compatible during the process to find common ground for parties, which can be considered as manifestation of mediator's directive practice (Hurst, 2014). Such practice can be found throughout various religion all over the world, for example when U Rewata Dhamma (a Buddhist monk) interceded discussion between Myanmar government and Aung San Suu Kyi in 1994; when Organization of Islamic Cooperation (OIC) mediated Philippines government with Moro National Liberation Front; when OIC mediated warlords in Somalia in 1992; and many more (Svensson & Johnstone, 2013).

Rather than seeing this as unethical, such directive practice can be categorized as situated concept of neutrality as Astor and Chinkin proposes (Astor & Chinkin, 1992). The Pope presumably has the knowledge regarding cultural-religious context of both parties, thus he was expected to conduct mediation in a manner that suits this context. This practice is comparable to mediator's attempt to obtain good knowledge of the dispute and parties' before commencing (secular) mediation (Smith, 1994). Therefore, such

situated concept of neutrality means that mediators need not maintain distance from parties prior and after conflict (Boulle, 2005). Mediators' understanding of the context is valued as important resource to facilitate discussion, which means that neutral is not taken as distanced.

Beyond that, religious values and practices may provide a tool for the conditioning of disputants prior or during mediation. In this case, mediator's directiveness may provide an advantage as it restores disputant's ability to think clearly. For example, mediator invites disputants to remain silent for personal prayers. For some people, this opening act serves as a conditioning moment for focus and awareness. This might help the process. In terms of ethical issues, however, it is important to assure that mediator creates safe space for everyone to conduct prayer in their own way that doesn't interfere with others' prayers.

2. *Impartiality*

Apart from situated concept of neutrality, impartiality is a must in any mediation, which means that even religious mediator must observe this ethics. Impartial in this sense means that mediator is free from favoring for or in opposition against parties during mediation (Sourdin, 2012). Despite being a fundamental principle of mediation, scholars have doubt whether absolute neutrality is achievable or not (Spencer & Hardy, Principles of Dispute Resolution, 2009). Rather, Astor and Chinkin prefer to frame neutrality as a continuum in which mediators' practice cannot be classified into neutral/not neutral, thus it should be treated as a process rather than an end state, of maximization of parties' control (Astor & Chinkin, 1992).

This ethical feature poses a challenge for religious mediator sharing similar religious background with one or all parties in dispute. Similar religious background among mediator and all disputants opens possibility of biased judgement based on religious values, instead of promoting parties' control and focus on mediation process. For example, when religious leader-mediator notices that one party is more religious than the other, mediators might become more lenient toward this party. It's tempting to align with those of the same faith since it's easier to understand the logic behind attitude and actions. Moreover, when perceived as mediator's ability to balance power between parties, impartiality poses a challenge when mediator's biased position empowering parties of the same religion, and not the other one when power imbalance happen. Such biased position might also occur when mediator is more lenient toward person of other religion. Whether intentional or not, this taking-side attitude is a breach of mediation ethics. Accordingly, in maintaining impartiality, mediator must be aware of both conscious and unconscious biases, and further assess the impact of mediator's stance prior to entering mediation (Astor & Chinkin, 1992). Raising this issue to parties during preliminary stage to ask for their consent would be vital.

Not only mediators should be wary of such impartialities, but they also must concern with parties' perception of mediators' impartiality. In the case where mediator shares the same religion with one party, the other party could easily fall into impression that mediator would automatically be impartial. Such appearance of impartiality would impede mediation even before the process could start. Mediator's accreditation might be used to demonstrate credibility, while for non-accredited semi-formal mediators, experience and knowledge about conflict milieu serve as the source of accountability, although these does not guarantee that mediators would be impartial. Religious leaders are often chosen to become mediator because of their perceived impartiality, therefore assuming it is not considered important (Bercovitch & Ayse-Kadayifci-Orellana, 2009). However, this are not always true as even religious leaders might also become impartial. Therefore, assuring mediator's accountability is crucial prior to conducting a mediation.

3. *Conflict of Interest and Sense of Fairness*

Additionally, religious leaders' occupation as part of religions' missionary endeavor deserves attention in relation to conflict of interest. While being directive might be acceptable in some circumstances, a directiveness that is intended to drive parties to convert to mediators' faith is

highly unethical. It must not be ignored that mediator might have a personal interest that aligns or conflicts with disputants' interest. It would also be highly unethical if such interests are demonstrated and pursued on mediation table. This case might occur when mediator's religion is dissimilar to parties. It is however difficult to identify such tendency since intention and motive is intangible and immeasurable. In many cases, religious leaders may indeed bear pure moral intention, as Turay argues, that religion carries with it a task for religious leaders to promote social justice and conflict resolution (Turay, 2000). The power to control such unethical practice lies on the hand of parties being mediated, which again highlights the importance of not only parties' control over the process and content but also mediator's commitment to the maximization of parties' control.

Mediator's judgement regarding sense of fairness is essential for the success of mediation but diverging values might cause clash and hinder with the process (Riley, 2008). When parties are from different religious (or even non-religious) background, they might come to a decision that parties would agree but it violates mediator's personal value. Such clash would tempt mediator to terminate the process or direct the conversation in the way that mediator wants. The latter can be categorized as violation to ethical standard, because mediation is bounded to maximize parties' control and should as much as possible be freehanded from the content. The clash might not necessarily be on legal matter, so mediator have no responsibility to report to any legal authority. In such case, mediator must disclose this issue before or during mediation, and when it's unavoidable and unaccepted it is best for mediator to withdraw, if it is deemed necessary. Such withdrawal is indeed unfortunate because it will interrupt resolution, therefore it's best to concentrate on early assessment before mediation.

Sense of fairness also regards the importance of mediators' awareness about the impact that the outcome brings outside mediation table, regarding how the result of mediation is perceived among fellow religious followers and/or whether the mediator have treated the parties fairly (Riley, 2008). Mediation process and information within it might be confidential, but the results and its implementation is oftentimes tangible and visible in public. Such mediation sometimes involves parties with religious-affiliation, and whether legitimate or not, viewed as representation of religious communities, or faith-based

mediators. In such situation, parties are encouraged to discuss public reaction and the impact of mediation outcome, focusing on prediction of best and worst-case scenario.

4. *Mediator's Competence and Accreditation*

To maintain implementation of the above ethics, competence is a particularly intriguing question. Religious leaders may or may not have the accreditation but especially in traditional societies, such accreditation is often waived. Nevertheless, the fact that many religious leaders have not obtained formal accreditation to mediate does not mean that they lack the ability to mediate. Studies on mediation practiced by Malaysian Imams (Islamic leader for congregational prayer) on villages suggests that these mediators employ methods and adhered to ethical standards like impartiality, confidentiality, avoidance of conflict of interest and so on (Wall & Callister, 1999). Further, these mediations follow procedure that resembles conventional mediation, such as private session, joint session, exchange perspectives, negotiation, etc., which indicates semi- formal mediation. Nevertheless, compliance to ethical standard is necessary for existence and serviceability of mediation. To tackle this issue, Huda suggested development in local organization of semi-formal mediation which include monitoring, organization structure, management, and skills of semi-formal local mediators (Huda, 2010).

The abovementioned cases are not exhaustive list of ethical dilemmas, but those not mentioned above can be treated in the same way as in secular mediation. Similar treatment should be

employed when managing other ethical standard not mentioned in this analysis for religiously affiliated mediation, namely confidentiality, termination, settlement record and fee disclosure.

Tackling Ethical Problems

Because each dispute is unique, it deserves its own analysis prior to mediation, therefore the very first thing mediators should do before everything else is appropriate assessment. Astor's idea of situated concept of neutrality should be the foremost consideration in relation to ethical issue, therefore mediators should understand conflict milieu and parties' preferences. This step is crucial stage so that mediator knows what to expect during mediation, predict possible ethical dilemmas and generate proper exit strategies when necessary. In relation to religion in dispute, mediators should be aware of the religious dynamic on the table, whether it is in the form of similarity or difference in religion and whether faith-based mediation would be suitable. Preliminary stage would be an advantageous opportunity for mediators so that mediators can prepare well. Meanwhile during mediation, the most important focus should be on the maximization of parties' control. Besides these, an enforcement body monitoring mediator's ethical conduct and collecting satisfaction report from disputants can play both deterrence effect and control measure.

Empirical Exploration: Sant'Egidio's Mediation in Algeria and Mozambique

To provide empirical analysis to the above-explained theoretical discussion, this paper selects two case studies that applies based the above analysis on ethical issues of mediation in religiously affiliated disputes. It serves as an exemplary case study for mediators and readers to implement the abovementioned theoretical discussion, therefore providing an illustration about dealing with ethical dilemmas in mediating religiously affiliated disputes. To do so, this paper has selected Sant'Egidio as an actor actively conducting mediation based on religion, religious values, among different religious groups, as well as using religious tenet. Sant'Egidio's practices in mediating conflicts in Mozambique and Algeria are chosen because both cases represent different situations in which Sant'Egidio's ethical integrity in mediation is being challenged. To continue, the following section will dissect Sant'Egidio and its role in peacemaking and mediation in Algeria and Mozambique. Afterwards, this paper will discuss the implication of discussed ethical analysis in mediating religiously affiliated disputes.

Sant'Egidio and Global Peacemaking

Sant'Egidio is a Catholic-based civil society organization that has spread its network in many societies across the world (Rocca, 2013). This community began its movement in Italy in 1968 as a volunteer organization working for charity to help the poor and working on interreligious dialogue (Giro, 1998). Founded by Andrea Ricardi, it was established by students at Virgil school in Rome a few years after the Second Vatican Council in 1962 – 1965. This organization is then registered as a public association, recognized in Italy as non-government organizations (NGO). It was built in a convent donated by the Holy See at the city of Trastevere, which was then renovated by the government of Italy (Hegertun, 2010).

Sant'Egidio's fundamental principle in guiding its action is that religion can become a force for peace. Pope's decree that "The Church is for all, particularly the poor" indicates the values and issues that Catholic Church in general and especially Sant'Egidio concern about. The above decree becomes an important basis for Sant'Egidio's activism (Giro, 1998). Therefore, main principles in Sant'Egidio's actions are that (1) prayers comes from the Words of God for people to (2) work on eradicating poverty that emerged because

of (3) warfare, therefore effort to make peace happen is a must (Giro, 1998; Appleby S. , 2001; Marshall, 2004). On this basis, Sant'Egidio initially began its activities to tackle the issue of poverty, but then expanded its coverage to include various problems like disabilities, children, hunger, disasters, and conflict (Marshall, 2004). This activism is always based on Sant'Egidio's commitment to Catholicism as their guiding principle, however in practice, the members are only committed to the religion for prayers and guiding principle. There is no discrimination against people based on religion, especially when serving the poor and the needy, as well as building friendship with people of different faiths (Hegertun, 2010).

Using this extensive network of people-helping-people, Sant'Egidio has become of one of the most influential civil society organizations in the Catholic world. Sant'Egidio believes that local problems are closely connected to international and regional stability, therefore promoting peace in global fora is as important as charities for local poor neighborhood (Giro, 1998). This view has oriented Sant'Egidio's activities toward especially two directions: solving humanitarian issues at grassroot level as well as resolving conflicts through mediation with political leaders. The former is embodied in development assistance and humanitarian aids in times of crises, of which Sant'Egidio has provided in places like Namibia and for Kurdish people in Iran and Iraq (Giro,1998). For this reason, the community then expanded its outreach to include, not only Italy, butalso communities of Sant'Egidios in many countries across the world (Hegertun, 2010). From Italy, communities of Sant'Egidios flourished in many places, including a small community located in the city of Yogyakarta, Indonesia.

In its development, Sant'Egidio has established its presence worldwide in international peacemaking. Despite being based on its social commitment to the poor, this organization extend its belief that peace is crucial for the poor and therefore especially people in the South (Rocca,2013; Marshall, 2004). In Sant'Egidio's belief, often marginalization comes along with conflict and war-torn states are more prone to severe poverty. The case of Sant'Egidio's humanitarian aid to Mozambique has raised concern about the importance of peace for delivering aids, since the effort was halted due to instability and insecurity in Mozambique (Hume, 1995). Therefore, nowadays, there are several directions of Sant'Egidio's peacemaking and peacebuilding efforts: first, (1) conducting interreligious dialogue as exemplified in the effort to conduct annual international meetings with various representatives of religious leaders like Jews, Muslims, Buddhists, and many more since 1987 in many cities (Giro, 1998; Hegertun, 2010). Secondly, Sant'Egidio is also consistently (2) performing as mediators of conflict or dispute, for example when it was mediating multireligious encounter between Greek Catholic, Druze leader and Christian communities amidst tension in Lebanon in 1982 (Marshall, 2004). Third practice is when Sant'Egidio (3) assisted conflict resolution in many cases, one of them in Chad where national reconciliation is held involving various conflicting political-military groups (Giro, 1998). Finally, in its peacebuilding effort, Sant'Egidio is (4) networking with organizations like the United Nations and state governments to synergize efforts in peacemaking (Giro, 1998; Marshall, 2004).

Sant'Egidio's involvement in mediating conflict and peacemaking provides an insight on how a faith-based civil society organization may possess leading role in conflict resolution and peacemaking. Giro perceived this as a 'new role of NGOs in conflict resolution' (Giro, 1998). Faith-based NGOs like Sant'Egidio possess a perceived neutrality and impartiality as it emanates from civil society, therefore eschewing the perception of state interest in its action like mediating conflict. When utilized properly, this perceived neutrality and impartiality might become a valuable resource to mediate prolonged and perplexing conflicts. Moreover, its widespread civil society network is also an important social capital for peacebuilding. This network might become a valuable resource for Sant'Egidio in its peacemaking efforts especially when faced with providing cultural contexts for mediation.

Nonetheless, it is important to peruse the realizations of Sant'Egidio's practices in mediating conflicts. As this paper continues, the following section will explain two case studies in which Sant'Egidio has played significant role in its peacemaking efforts: Mozambique and Algeria. These cases are chosen because each of these represent a different result: a rejection in Algeria and acceptance (often even considered as success) in Mozambique.

Sant'Egidio's Mediation in Algeria and Mozambique

Conflict in both Mozambique and Algeria were the manifestation of post-colonial political struggle in newly independent African countries especially involving politicization of religion and ideological battle characterizing Cold War era. Mozambique experienced a severe conflict between the ruling single-party regime of Frente de Libertacao de Mocambique (FRELIMO) led by a socialist Samora Machel, and a mysterious militant named Resistencia Nacional Mocambicana (RENAMO) led by Alfonso Dhlakama (Edis, 1995). It was highly affected by regional security tension during late 1970s until early 1990s because FRELIMO is evidently supported by ZANU of Zimbabwe as well as Malawi and Tanzania, while RENAMO is supported by the apartheid regime of South Africa and white minority government of Rhodesia (former name of Zimbabwe) (Patel, 1993). FRELIMO was initially the ruling government in Mozambique, but in 1980s, RENAMO successfully and effectively occupied most of Mozambique while FRELIMO resided in cities (Hume, 1995). During Chissano's FRELIMO regime in 1988, Mozambique ruling government opened an opportunity for peace negotiation with Dhlakama by inviting several parties to mediate the deal (Patel, 1993) (Hume, 1995). In this negotiation, both FRELIMO and RENAMO offered each own version of peace deal which was eventually refuted by both sides.

In Mozambique, Sant'Egidio's success in mediation attempt was initiated by exchanging visit between Dhlakama as RENAMO's leader in Gorongosa and Sant'Egidio's headquarter in Rome (Giro, 1998; Hume, 1995; Patel, 1993). The trigger was when FRELIMO government followed suggestion of Soviet Union's restrictive policy that threatened religious practices in Mozambique (Giro, 1998; Hegertun, 2010). From this point, the first meeting between FRELIMO and RENAMO was held in Roma in June – July 1990 through Sant'Egidio's idea that are 'part of the same nation' (Edis, 1995; Hume, 1995). Afterwards, the mediation process is directed to (1) acknowledging that both parties are going toward the same vision for Mozambique in the Preamble document, (2) recognizing the role of FRELIMO as governing party and RENAMO as opposition and (3) agreeing on the exclusion of military means to resolve the conflict. Peace agreement was signed by both parties at 4 October 1992 in Farnesina, Italy after 27-months and 11 talks (Hume, 1995; Giro, 1998).

In quite a different way, conflict in Algeria was driven by civil society demonstration. It began when civil discontent culminated in a massive protest known as Black October demonstrating the ruling Le Pouvoir (Giro, 1998; Hegertun, 2010; Addi, 1996). Post-independence Algeria had been governed by military leaders and its clients in a group of power structure known as Le Pouvoir which is based on tribal connection and material interest, especially represented by National Liberation Front (FLN) (Akacem, 2004; Giro, 1998). Massive discontent pushed the population to turn into Islam as a political ideology, which in 1990 manifested in its support to a new party named Islamic Salvation Front (FIS). The election in 1990 resulted in FIS's victory by 54,25%, however this was responded with prohibition to conduct political campaign in mosques by the ruling FLN government in 1991 (Giro, 1998). This decision sparked a massive strike led by Abbasi Madani and Ali Belhadj of FIS after president Chadli Benjedid continued with the election. However, the result was surprising for FLN where 47, 5% of votes for FIS, which triggered violent clashes

across the country with military wing of FLN spreading terror by eradicating members of FIS and the militant members of FIS and its splitting factions fighting against one another (Giro, 1998; Addi, 1996; Akacem, 2004; Hegertun, 2010).

Sant'Egidio's commitment to creating peace in Algeria, albeit unsuccessful, is manifested in Rome Platform. In this meeting, Sant'Egidio invited members of government and leading parties to discuss the future of Algeria. Representations of each important political elements in Algeria attended the platform, including Anwar Haddam of FIS as the major opposition, Abdelhamid Mehri of FLN as the main party of the government, Socialist Forces Front (FFS) represented by Ait Ahmed, Ahmed Ben Bella of the Movement of Democracy (Hume, 1995) in Algeria (MDA), Ali Yahia of Algerian League for the Defence of Human Rights (LADDH), Abdallah Jaballa of Ennahada, Mahfoud Nahnah of Hamas, Nouredin Boukrouh of Party for Algerian Renewal (PRA) and Louisa Hanoune of the Worker's Party (Giro, 1998; Akacem, 2004; Addi, 1996). Each of the above parties are the leading parties representing major fighting factions in Algerian politics at the moment. Sant'Egidio facilitated discussion on by looking into each of these parties' perspective about the prospects of peace in Algeria and their method in achieving this goal. This platform called for a renewed involvement of Sant'Egidio in building peace in Algeria, however this attempt was halted due to rejection by the Algerian government as they were not invited. Even the government called this meeting a Christian intervention and continuously reject mediation attempt by calling them 'interference' (Akacem, 2004; Addi, 1996; Giro, 1998).

Ethical Challenges in Sant'Egidio's Mediation Practices

In conducting mediation, there are several commitments and principles that guides Sant'Egidio's practices. This section is designed to explore the possible and realized ethical dilemmas faced and possibly its impact on the result and difficulties faced during mediation. The first one is Sant'Egidio's claim of (1) having no political affiliation. This claim, regardless of how it is difficult to verify, suggest commitment to impartiality because it means that Sant'Egidio promises its mediation practice to remain objective without supporting any parties in the dispute regardless of their political ideology. Besides that, this claim is an attempt to create perception that Sant'Egidio as a community is committed to maintain no conflict of interest in its mediation practice. No political affiliation means that Sant'Egidio has no interest in pursuing political power that might hinder its ability to mediate. It should be highlighted, however, that the implementation of the Sant'Egidio's claim of impartiality is contingent on the situation.

The second guiding principle is that Sant'Egidio promised to (2) contextualize its evangelic and ecclesiastical approach in mediation. These two approaches potentially cause ethical dilemma as many disputants may not agree to Sant'Egidio's practice in mediation because of differences of religion or faith that disputants uphold. It is important to note, however, that disputants' perception of mediator's commitment to uphold no conflict of interest is critical in determining whether the disputants are willing to accept their mediator's role. It is evident in Algeria's case where the involvement of Sant'Egidio is integrated into the idea of foreign intervention to local politics, therefore rendering Sant'Egidio as having an interest based on their Christian background. The result is that Algerian government perceived that Sant'Egidio is pursuing its own interest in 'meddling' with Algeria's internal politics which is in opposition especially because of

the politicization of Algeria's Islam identity, thus unwilling to accept its mediation role. It is evident in the above explanation that this principle assisted Sant'Egidio to avoid conflict of interest.

The above principle is also an attempt by Sant'Egidio to create perception that their mediator's directiveness is carefully assessed prior to mediation. From the above claim, it can be assumed that Sant'Egidio will only instrumentalize both evangelical and ecclesiastical approach when appropriate, especially in situation when both disputants are accepting these values. Oftentimes, people of religion would tend to choose a mediator from their own religion, especially when the mediator is well-known or having quite a reputation or promoted by a religious leader. In the case of Mozambique, Sant'Egidio's involvement in mediating RENAMO and FRELIMO is based on the local network of religious leader name Don Jaime Goncalves, which is also supported by the Pope in a predominantly Christian society. Such legitimacy provides a perception of expertise among Mozambican, and that the mediator is supported by the supreme religious leader. In this case, it is possible to involve mediator's directiveness in terms of using evangelical and ecclesiastical approach. On the other hand, using both approaches in mediating people of other religion would be considered inappropriate because this might cause rejection due to the practices incompatible to other religions. As theoretical discussion explained, this shows that Sant'Egidio will assess the situation in mediation prior to conducting it, therefore assuring appropriate level of mediator's directiveness.

The third principle, its commitment to support those in the fringes of society, may compromise Sant'Egidio's impartiality but at the same time suggests its ability to be critical in the result of mediation. Supporting those marginalized communities might lead to the inability to remain neutral especially when mediator's from Sant'Egidio tend to support the demand of these so-called marginalized communities without carefully understanding the interest pursued, whether it is for the marginalized or otherwise. Besides that, Sant'Egidio's understanding of marginalized community might be problematic. On the other hand, its support to marginalized community allows them to continuously check the fairness of the result of mediation. Thus, this principle is a declaration of commitment to impartiality and sense of fairness.

On the issue of self-determination, Sant'Egidio essentially invited all parties without force. In the case of Mozambique, RENAMO was approached for multiple occasions before eventually a representative of Sant'Egidio visited Gosongora. This meeting concluded a long struggle of difficult relations between Sant'Egidio and RENAMO, which was then followed by RENAMO's willingness to visit Rome and then attend negotiation with FRELIMO. In Algeria, Sant'Egidio invited all parties to share their perspectives on the prospect and vision of peaceful Algeria without intentionally orienting toward a peace deal. However, this has found to be problematic as the Algerian government then accused Sant'Egidio of pursuing its interest beyond peacemaking. In terms of ethical question, regardless of the result and difficulties faced afterwards, it is important to assure that parties attend meetings and mediation in by their own decision. In this case, Sant'Egidio has ensured to promote self-determination.

The question remained is that whether mediators of Sant'Egidio has the competence to mediate. Mediating such disputes requires familiarity with both religious context of each disputant as well as practices of facilitating people from different religious background. Accreditation and training might help mediators to increase their skill, however, practicing it might provide more valuable insight for future references especially because practice brought deeper impression and a more effective learning method. In the above cases, it is unclear and too difficult to determine whether mediators possess appropriate skills to mediate, however their competence in peacemaking has proven to be successful in many cases. Therefore, it should

be verified further the mediators chosen for a specific mediation case, yet Sant'Egidio's experience is worth the effort.

Conclusion

Religion and mediation have been practiced alongside one another for peacemaking effort, however ethical challenges that emerged when both religion and mediation are collided have not been explored. Debate on mediation practice and theory is fundamentally about ethical issue when conducting mediation, whether mediators should interfere with conflict substance, being neutral and impartial, or these can be set aside for the sake of dispute settlement. In such situation, mediation can be categorized into process-oriented and settlement-oriented ones. Nevertheless, maintaining ethical standard is necessary in both categories.

When religion becomes a part in mediation, it manifests in several forms: (1) disputant-mediators identity, (2) religious issue as dispute substance and (3) faith-based process. Since both mediation and religion have each own values, both may clash in form of ethical dilemma. Such ethical dilemma may put both mediator's credibility and the existence of mediation as alternative dispute resolution into jeopardy.

Religious leaders are apparently more lenient toward settlement-oriented evaluative mediation that condones mediator's intervention on content and outcome. This should be understood in situated concept of neutrality, so that ethical issue can also be contextualized to fit the situation. Mediator-disputant religious similarity and dissimilarity should be carefully assessed to avoid impartiality. When discussing conflict of interest, it is when mediator is driving parties to mediator's faith that the practice become highly unethical. Accreditation is also a contentious issue; thus some form of monitoring is necessary to maintain proper conduct. At last, preliminary stage is crucial time for mediator to assess mediation comprehensively before mediation.

Empirical exploration on Sant'Egidio's mediation in Algeria and Mozambique suggests that creating a perception of impartiality is crucial for mediation. In principle, Sant'Egidio declared its commitment to conducting ethically acceptable mediation. Situated concept of neutrality is implemented well by Sant'Egidio's approach in carefully assessing dispute, therefore its evangelical and ecclesiastical approach can be utilized accordingly .

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