

# Näkökohtia kansainväliseen sovitteluun

- Kansainvälinen sovittelu =
- Internationell skiljedom =
- International arbitration / conciliation

“Truth and reconciliation commissions are frequently established by nations emerging from periods marked by human rights violations – coups d'état, military dictatorships, civil wars, etc. – in order to cast light on the events of the past. While such mechanisms can assist in the ultimate prosecution of crimes and punishment of the guilty, they have often been **criticised for perpetuating impunity by enabling violators to seek protection of concurrently adopted amnesty laws.**”

# Suomen kansallinen toimintaohjelma 2008-2011.

(YK:n turvallisuusneuvoston päätöslauselma 1325 ”Naiset, rauha ja turvallisuus”)

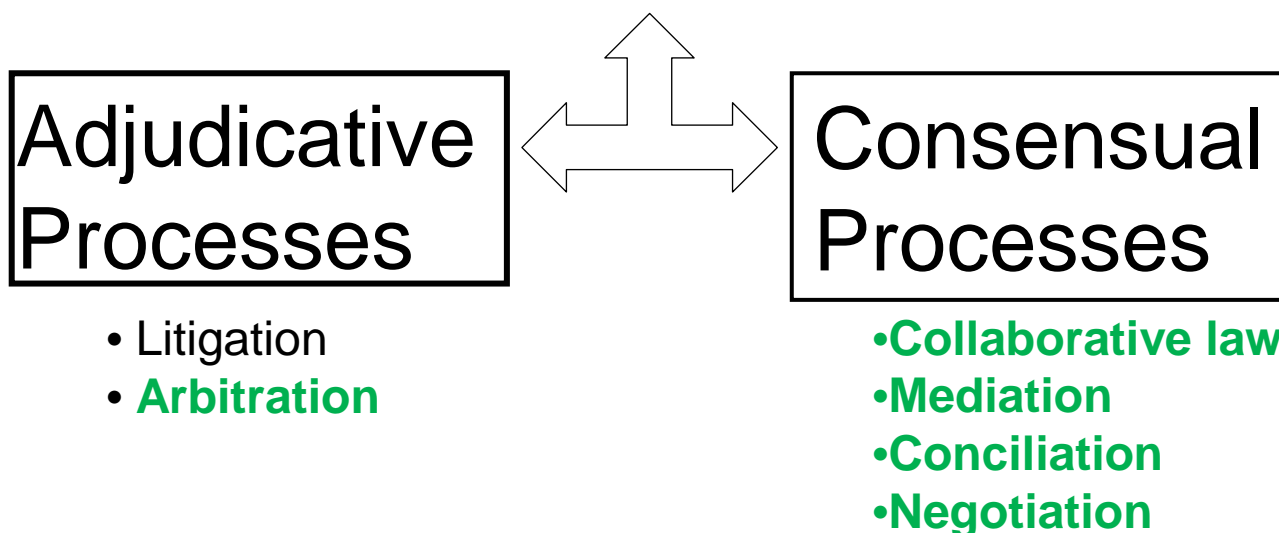
”Suomi toimii YK:ssa ja muilla kansainvälisillä foorumeilla aktiivisesti rankaisemattomuuden torjumiseksi...Yleisten armahdusten ulottaminen kaikkein **vakavimpiin kansainvälisiin rikoksiin, mukaan lukien naisiin ja tyttöihin kohdistuvaan kidutukseen ja seksuaaliseen ja muuhun väkivaltaan** ei ole hyväksyttävää.”

Huom. Päätöslauselman alkuperäinen teksti kuuluu:

”11. *Emphasizes* the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, and war crimes including those relating to sexual and other violence against women and girls, and in this regard *stresses* the need to exclude these crimes, **where feasible** from amnesty provisions” (where feasible ei sisälly kansallisen toimintaohjelman liitteenä olevaan suomennokseen)

# Englanninkielinen terminologia

## Dispute resolution



Some use the term **dispute resolution** to refer only to alternative dispute resolution (ADR), that is, extrajudicial processes used to resolve conflict and potential conflict between and among individuals and organizations.

ADR generally depends on agreement by the parties to use ADR processes, either before or after a dispute has arisen.

# CONCILIATION

## A form of Alternative dispute resolution

- **Conciliation** is an alternative dispute resolution process whereby the parties to a dispute (including future interest disputes) agree to utilize the services of a conciliator, who then **meets with the parties separately in an attempt to resolve their differences**.
- Conciliation differs from arbitration in that the conciliation process, in and of itself, has no legal standing, and **the conciliator usually has no authority to seek evidence or call witnesses, usually writes no decision, and makes no award**.
- Conciliation differs from mediation in that the main **goal is to conciliate, most of the time by seeking concessions**. In mediation, the mediator tries to guide the discussion in a way that optimizes parties needs, takes feelings into account and reframes representations.

# MEDIATION

## A form of Alternative dispute resolution

- **Mediation**, aims to assist two (or more) disputants in reaching an agreement. Whether an agreement results or not, and the content of that agreement (if any) the parties themselves determine — rather than accept something imposed by a third party.
- *Mediation is a discipline in its own right, in a situation where people are trapped in a conflict.*
- Mediators use appropriate techniques and/or skills to open and/or improve dialogue between disputants, aiming to help the parties reach an agreement (with concrete effects) on the disputed matter. Normally, all parties must view the mediator as impartial.

# Citing President Martti Ahtisaari

“A good conflict resolution strategy has to be multi-leveled and needs to include the official process of mediation; the possible quasi official processes promoted by unofficial groups; public peace processes aiming at sustained dialogue; and the various activities of civil society.

At its best, a **multi-track conflict resolution strategy** gains entry at different stages, opens new venues for dialogue, creates leverage and shares costs and risks.”

Acceptance speech for the Dr. Jean Mayer Global Citizenship Award for 2008, by the Institute for Global Leadership of Tufts University, Boston, October 2008.

“**A good mediator is like a harbor pilot.** When the ship sails into the waters near the port, the pilot tells the captain which places to avoid so as not to run aground. Following that advice enables the captain to sail more safely.”

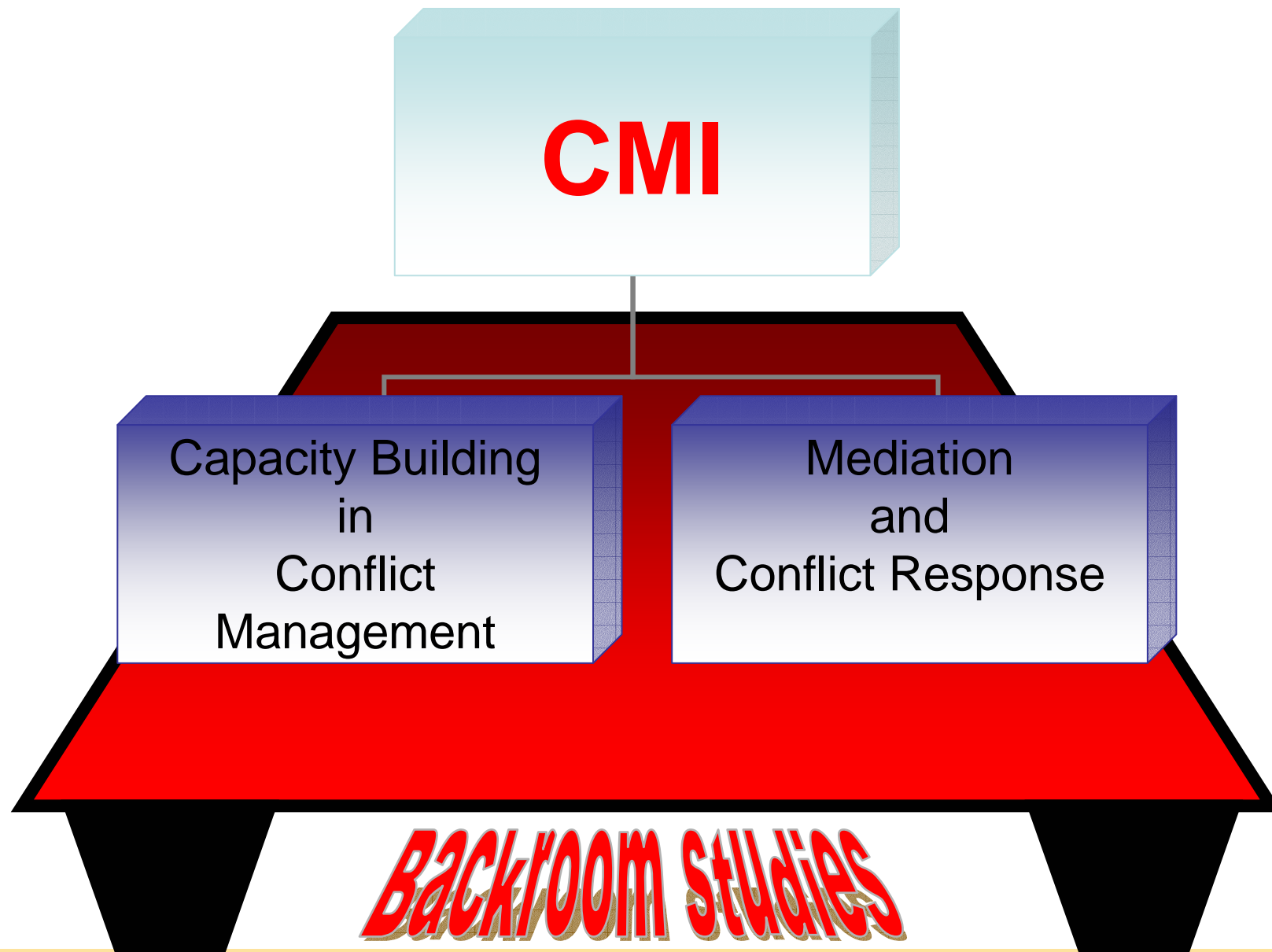
In Katri Merikallio’s book “Making Peace: Ahtisaari and Aceh”, WSOY, 2006.

“In resolving and preventing conflicts, a conventional, purely state-centric approach might not be an option in all cases. Sometimes we have to be ready to challenge our conventional way of doing business. **Non-governmental actors can play a pivotal role** as facilitators or mediators of a peace process.”

Acceptance speech at UNESCO’s Peace Prize Ceremony, October 2008.

“In the peace talks between the Government of Indonesia and the Free Aceh Movement, a key success factor was **the flexibility of the NGO facilitator combined with the leverage of the regional organizations and key states.** For my organization Crisis Management Initiative, right from the start, it was vital to plan the Aceh peace process through **a multilevel as well as a multi-track approach.**”

Keynote at the European Mediation Conference in Belfast, April 2008.



# CMI's structure 1st January 2009



# Aseet tuhotaan korjauskelvottomiksi

Miten muutetaan  
asenteet pysyvästi

