Mediation in Violent Conflict

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Mediation in Violent Conflict

Mediation is a process in which a third party assists the disputants, with their consent, in preventing, managing, or resolving a conflict. It is a widely used conflict resolution tool. Nevertheless, to improve its effectiveness, concepts need to be clarified, its strengths and limits recognized, and the field professionalized.

By Jonas Baumann and
Govinda Clayton

In recent years, mediation and other forms of third party involvement seem to be changing, as illustrated by the cases of Colombia, Myanmar, Syria, Libya, and Yemen. While the future development of mediation remains unclear, the following overview tries to provide tentative orientation, drawing on insights from academia and the mediation policy field.

Mediation is the most common form of third-party conflict management, and a time-tested method for managing and resolving conflicts. Between 1946 and 2015, about half of all civil and inter-state conflicts involved a type of intervention labeled "mediation" – even if this does not always match the UN definition of mediation used above. Throughout this period, inter-state conflicts were more likely to be mediated (42% of conflict years) than civil wars (28% of conflict years), though a look back shows that mediation was used to varying degrees over time. It was relatively rare between 1945 and 1979, and in this period the Cold War dynamics dictated that mediation more commonly addressed interstate conflicts rather than civil wars. This pattern began to change in the 1980s, as civil war mediation became more common.

In particular, the frequency of civil war mediation rose dramatically in the early 1990s and became the primary means through

Former UN Secretary-General Kofi Annan (L) talks with Kenya's President Mwai Kibaki (C) and opposition leader Raila Odinga during mediation talks in Nairobi in January 2008. *T. Mukoya / Reuters*

which the international community attempted to resolve violent intra-state disputes and prevent the reoccurrence of recently terminated conflicts (see Figure 1). In fact, there were as many mediation processes in the 1990s as during the entire Cold War period. Despite a subsequent decline in the use of conflict and post-conflict mediation in late 1990s, it remains a frequently adopted conflict management method.

In what follows, we highlight selected aspects of mediation, focusing on formal mediation processes which involve the political leadership – conscious that many other actors and processes are needed for peace. We start with who mediates and what different mediation styles that can be applied. Building on that, we will look at indicators of the impact of mediation, before highlighting some avenues for developing mediation in the future.
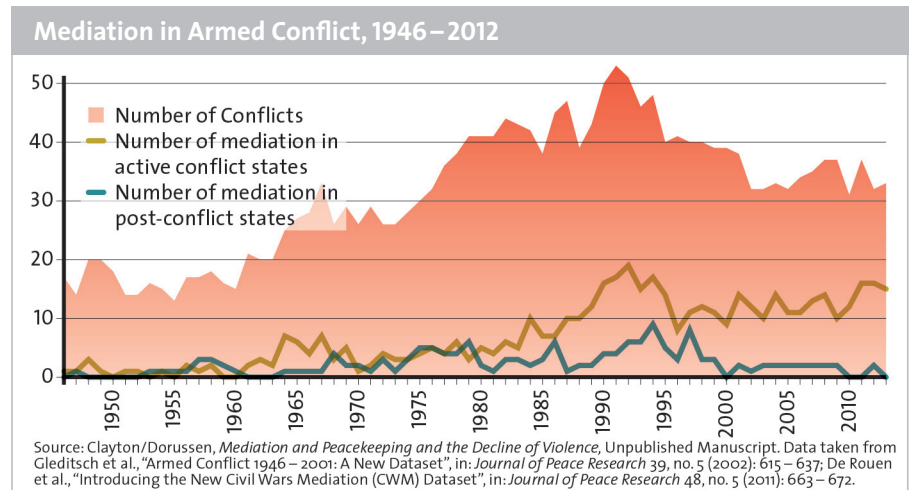
Who Mediates?

Every mediator brings their own individual set of skills, experience, and personality to a process. This set of skills is often independent from the organizational background; however, it has a significant impact on the mediation. At the same time, it is vital that mediation is seen as a team effort, where the chief mediator (normally politically appointed) manages a team of mediation and topical experts who run the various commissions and advise the chief mediator on strategic decisions. Different types of mediation actors can be identified: individuals, states, international organizations (IOs), and non-governmental organizations (NGOs). A mediation process may also combine different types of mediators.

Individual mediators are typically persons of high repute that may act in a private capacity, but are more often mandated by a state, intergovernmental or non-governmental organization. Individual mediators can be former heads of state or other distinguished persons, traditional or religious leaders, or personalities of great moral authority. A well-known example of such a mediator is former UN secretary-general Kofi Annan, who chaired the Panel of Eminent African Personalities that mediated the 2007–08 Kenyan election crisis, supported by the African Union's Panel of the Wise. Another example is the mediation efforts of Martti Ahtissari and the Crisis

State mediators are involved in almost half of all mediation processes.

Management Initiative that led to a peace agreement in 2005 between the Free Aceh Movement (GAM) and the Indonesian government.

State mediators are involved in almost half of all mediation processes. Such mediation can involve various actors, from mediation experts and diplomats to presidents and prime ministers. State mediators are often powerful actors (e.g. the USA, Russia) or smaller states which have specialized in mediation (e.g. Switzerland, Norway). States may have great resources and highly specialized expertise at their disposal, but may also experience political constraints. Their motivation to mediate depends on diverse factors. It can be related to pre-conflict connections with one or both of the parties (e.g. trade, historical, military links) or consequences suffered in direct consequences

Mediation in Armed Conflict, 1946 – 2012

Source: Clayton/Dorussen, *Mediation and Peacekeeping and the Decline of Violence*, Unpublished Manuscript. Data taken from Gleditsch et al., "Armed Conflict 1946 – 2001: A New Dataset", in: *Journal of Peace Research* 39, no. 5 (2002): 615 – 637; De Rouen et al., "Introducing the New Civil Wars Mediation (CWM) Dataset", in: *Journal of Peace Research* 48, no. 5 (2011): 663 – 672.

of the ongoing war (e.g. refugee flows, instability, etc.). States may also seek to mediate to position themselves in the international system and to get access to other key actors (e.g. Switzerland's and Norway's mediation activities have at times helped to provide access to decision-makers in the USA and Russia). At the same time, states may also have normative motivations, such as wanting to help end human suffering.

IOs vary greatly and include actors such as the UN, the EU, the African Union, and the OSCE. Noteworthy, the UN is the single most frequent track 1 mediation actor. IOs may intervene for all kinds of different reasons, yet a number of key conditions are relatively common. Given that IOs are mandated by their member states, they – like states – often offer their services when they have a special connection to one or several of the parties or suffer direct consequences from conflict. IOs often have an interest in stability, and in some cases the promotion of peace and security is even the raison d'être of the organization. IOs may also have significant financial and administrative resources to support a peace process, and can draw on a broad range of practical experience. They can sometimes be quick to react to crises, though this varies greatly across organizations, and the consensus-based decision-making process of some IOs may slow down any response. Beyond mediation, IOs are engaged in a wide range of non-mediation peacebuilding activities. Often they are heavily involved in the implementation of agreements. A good case in point is the on-going Colombia peace process, where the UN was largely absent from

the process per se, but is building up a presence to support the implementation of the agreement between the government and the *Fuerzas Armadas Revolucionarias de Colombia* (FARC). Furthermore, IOs normally take the lead in peacekeeping missions.

NGOs vary greatly in terms of size, resources, and their thematic and geographical scopes. NGOs are more flexible and less bound by political constraints then states and IOs. Further, many specialized NGOs have considerable expertise to offer. Yet, they often face limited resources, donor dependency, and have more difficulties to engage directly with high-level state actors. Consequently, they are less involved in formal mediation processes, and instead engage in parallel processes involving civil society and key stakeholders, or prepare the ground for other mediation actors. They may also be active in mediation support or other peacebuilding activities beyond mediation. Examples of NGOs in peace processes are Conciliation Resources, which played a role developing local peace communities in the Central African Republic, or the Center for Humanitarian Dialogue, which supported the mediation of Kofi Annan in the 2007–08 Kenya election crisis.

Due to the different roles that different mediators can play, it is very rare for one mediation type to mediate alone. Rather, good practice as outlined by the UN is that a chief mediator should be appointed, who manages the process and makes best use of the other mediation actors.

Mediation Styles

All third-party actors have their own idiosyncratic styles and approaches, and most

cases see a combination of styles and third parties. In the practitioner community, it is common to differentiate between mediation (facilitative or directive) and high powered diplomacy, as these styles have implications for the acceptability of the third party by the actors in conflict, as well as for the nature of the process and for the outcome.

Facilitative mediation is the most subtle form of mediation. Facilitative techniques involve the mediator using soft forms of intervention, generally focused on increasing the flow of information and supporting communication between the parties. In this role, mediators shape the process or structure the negotiations, but in a very "hands-off" manner. Mediators help to convene the parties and help them to identify possible agreements themselves, yet do not try to directly create new solutions. By supporting the communication between the parties, such mediators help to create common understanding and reduce misperceptions that often prevent the signing of an agreement. The 1993 Oslo Accords related to the Israeli-Palestinian conflict were largely the result of a facilitative mediation process lead by a Norwegian team. Although the process failed to bring peace, it was an interesting initiative in a very challenging context. Facilitative mediation may be effective in contexts that allow for long-periods of negotiations. The agreements developed in this manner tend to be durable, largely because of the participatory nature of the process. The rather slow nature of facilitative mediation often clashes with the political pressure of quickly reaching an agreement, notably in cases of high-intensity conflicts – where a more directive mediation style, high powered diplomacy or other approaches may be necessary.

In directive (i.e. formulative) mediation, the mediator takes a more active role in the process. A directive mediator takes a more "hands-on" approach when designing the mediation process, including shaping the negotiation environment, timing, location and order of substantive discussions. This also allows the mediator to manage access to information, to redefine contested topics, and to introduce innovative solutions. Lazaro Sumbeiywo, mandated by the Intergovernmental Authority on Development (IGAD) used many of these methods effectively in the process that produced the 2005 Comprehensive Peace Agreement, which ended decades of violent conflict between North and South Sudan. Although

> ## Swiss Mediation Activities
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> The Swiss Federal Department of Foreign Affairs (FDFA) is very active in mediation and peace promotion, in recent years it has accompanied **more than 20 countries in over 30 peace processes**. Its appeal as a mediator is born from the political culture of consensus-building and a long tradition of neutrality. Swiss facilitation and mediation activities are often subsumed under the term **"Good Offices"**, which includes providing space for negotiations (e.g. Syria peace talks), negotiation support (e.g. Myanmar), mediation support (e.g. Colombia) and mediation (e.g. Sudan/Nuba Mountains in 2002 and Armenia-Turkey in 2008–2009). Various Swiss and academic institutions, including the Center for Humanitarian Dialogue, Swisspeace and the Center for Security Studies at the ETH Zurich are also involved in process support, training and research related to mediation.

directive mediators shape the process, they do not dictate the content of a peace agreement. It is precisely because the actors in a conflict have full control over the final agreement that they may be willing to accept mediation in the first place.

This is not the case in high-powered diplomacy, where the third party shapes the content of the final peace agreement and parties lose their decisionmaking autonomy. High-powered diplomacy is a very intrusive form of third-party involvement. For practitioners, the UN and conflict parties, it is considered to be distinct from mediation, as it fails to meet one of the main characteristics of mediation – the voluntary participation of parties. Instead, it is more commonly viewed as a form of coercive diplomacy that can even be combined with outright threat of violence. Nevertheless, in academic and public debates, this form of involvement is often conflated with mediation, leading to a misconception about what a mediation can and cannot do. High-powered diplomacy takes significant control over both the structure and content of the negotiation process. These third parties use leverage to shift the parties' preferences and move them. This can involve both positive inducements, including financial aid and political concessions, and

Mediators help to convene the parties and help them to identify possible agreements themselves.

negative inducements, such as sanctions and military strikes.

For example, a coalition of international states, led by the USA, used a combination of air strikes, sanctions, and political pressure to compel the parties to sign the Dayton Accords, which terminated the war in Bosnia and Herzegovina. As this case demonstrates, high-powered diplomacy

can push the parties to the table and to sign an agreement by increasing the costs of continued conflict. Hence, this approach can be effective in stopping violence. However, the externally imposed nature of the resulting settlements makes them less sustainable in the long term. Indeed, academic studies have shown that agreements generated using such manipulative methods are particularly prone to collapse. High-powered diplomacy tends to favour quick agreements to end deadly violence over consensus-based solutions. This also implies that agreements resulting from manipulative approaches primarily address the visible and urgent issues of the conflict, rather than increasing mutual understanding, addressing root causes and finding space for cooperation or societal transformation. Such involvement may thus be effective in ending violence, but less effective in resolving the conflict. For example, whilst the Dayton Agreement has ended violence, many of the underlying tensions that gave rise to the conflict continue to plague the local society today, meaning it is far from assured that peace would endure without the significant international presence that remains there today.

The choice of style and strategy of third party engagement and its timing therefore all depend on the nature of the conflict, the willingness of the parties to engage in negotiations, and the regional and international context.

Measuring the Impact

The academic literature generally agrees that mediation is an effective means of managing violent conflict. Nevertheless, measuring its precise impact is a challenge. The most common method of evaluation judges mediation according to its ability to produce an agreement that halts the violence. However, this metric has significant shortcomings. It does not take into account the context and nature of the conflict, as not all conflicts are equally complex and equally

Further Reading

MAS ETH Mediation in Peace Processes
www.mas-mediation.ethz.ch

Peace Mediation Course, organized by the Swiss FDFA and the Mediation Support Project (a joint venture of the CSS ETH Zürich and swisspeace, funded by the Swiss FDFA)
www.peacemediation.ch

UN Peace Mediation Resources:
www.peacemaker.un.org

Mediation Support Network
www.mediationsupportnetwork.net

Peter Wallensteen and Isak Svensson, "Talking Peace: International Mediation in Armed Conflicts", in: *Journal of Peace Research* 51, no. 2 (2014): 315–327.

Govinda Clayton, "Relative rebel strength and the onset and outcome of civil war mediation", in: *Journal of Peace Research* 50, no. 5 (2013): 609–22.

Beardsley, Kyle, *The Mediation Dilemma* (New York: Cornell University Press, 2011).

Govinda Clayton and Han Dorussen, *Mediation, Peacekeeping and the Decline of Violence,* Working Paper (2017).

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hard to solve. Notably, in complex contexts, we could even consider the start of a process to be a success, in particular when it leads to other significant results below a full settlement, such as creating a space for humanitarian assistance or developing a format for future negotiations. Another challenge for evaluation is the iterative nature of most peace processes. A peace process commonly involves different actors and processes, each of whom may contribute to the broader goal of peace. This makes it hard to judge any single process without taking into account the broader conflict management landscape.

Furthermore, it bears emphasizing that not all agreements have an equal impact on the conflict, which is why the nature and quality of the agreement reached should also be taken into account. Notably, as empirical research indicates, the design of a peace agreement has significant implications for long-term stability. The peace agreements most likely to lead to durable peace are those that address a range of topical dimensions such as political, social (including gender), cultural, and economic issues.

Moreover, agreements that go beyond the issues at stake and foresee various areas of future cooperation among the parties are more stable. Mediation that focuses on shaping the process and supporting the parties in their efforts to find an agreement is linked to higher probabilities of achieving durable peace.

Overall, and taking into account the difficulties associated with evaluating mediation, the evidence does indicate that mediation can have positive effects. For example, the greater frequency of mediation since the end of the Cold War has contributed to the significant shift in the outcomes of armed violence. During the Cold War only, 8 per cent of conflicts ended through agreement, with 58 per cent of disputes ending through military means. Since 1990, this has reversed to 18 per cent and 14 per cent, respectively. Moreover, and perhaps most importantly, 71 per cent of conflicts (77 of 109) that ended through agreement involved some form of third party intervention. This is strong evidence that under certain conditions mediation really does work.

The Future of Mediation

From these observations follow a number of implications regarding the future of mediation. There is need for clarity of terminology, in particular between academic and policy communities. One example of lack

71% of conflicts that ended through agreement involved third party intervention.

of clarity is the difference between mediation and high-powered diplomacy. The importance of this distinction is specifically emphasized by practitioners. In their experience, the pressure inherent in high-powered diplomacy is likely to elicit resistance from conflict parties; thus, conflating high-powered diplomacy with mediation may prevent the onset of a process and ultimately impede the search for viable, long-term solutions. The need for clarification as to the nature of mediation is also recognized by the UN, which stresses the voluntary character and the consensual nature in its definition of mediation.

It is also important to recognize both the potential and the limitations of mediation, in order to put the method to its best use. Because mediation is sometimes seen as the "golden" solution for all violent conflicts, it is also applied in cases where it cannot work and is prone to fail. Given that failed mediation may also escalate a conflict, caution is advised. Before engaging, mediators must assess the "do no harm"-maxim very carefully. The UN has defined three useful criteria for assessing whether and when mediation can be effective. These are: the willingness of the parties to try negotiations, a minimal regional and international support for the process, and an accepted, credible, and well supported mediator. Using these criteria is important to better use the potential of mediation in contexts where it has the chance to be effective. It also indicates contexts where other complementary efforts are needed, e.g. negotiation or mediation support or general peacebuilding efforts.

Lastly, there is a need to further professionalize mediation in order to increase its effectiveness. While in the 1980s there were in-depth professional training programs for peace mediation, such trainings are largely inexistent today or of shorter duration such as the two weeks Peace Mediation Course. A notable exception is the MAS Mediation in Peace Processes, which is currently being set up by ETH Zurich, Switzerland. This is in line with an increasing and strongly needed professionalization of the peace mediation field. Besides training, institutional structures, career paths, mentoring and a general recognition of mediation as a profession is essential to increase the chances of mediation experts providing high quality support to actors in a conflict who are seeking to reach a peace agreement.

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