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From stalemate and crisis to successful mediation

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What makes mediation a useful tool for settling conflicts and under which conditions is it likely to produce the best results? Many researchers and practitioners struggle with assessing the appropriate way of mediating. Following this debate, some issues and conditions that either complicate or facilitate mediation are discussed in this article.

From stalemate and crisis to successful mediation

Annika Aldegarmann

The timing of mediation is seen as crucial to settling a conflict, the first requisite being a mutually hurting stalemate, and the second a form of crisis. In a stalemate the parties are faced with increasing costs of war and the realisation that they don't have the means necessary to win or achieve what they had set out to accomplish. This creates a deadlock which is mutually hurting for the warring actors and, hence, a need to make a compromise on goals (Wallensteen, 2007:43).

The second important factor for timing is an impending crisis. It could be an economic collapse, the loss of an important ally, a devastating loss of civilians or combatants, an environmental disaster and so on. Such a crisis affects the warring parties' view on the future as the conditions change drastically and "it marks a time limit to the judgment that 'things can't go on like this'" (Zartman and Touval, 2007:445), thus generating the worst possible outlooks for the disputants, and the best conditions for mediation to pursue conflict resolution.

Mediation as bargaining

Since there is no actual guarantee that mediation will always lead to an agreement or sustainable peace, the question of why it is still often used and deemed as an important tool for resolving conflicts is best answered by explaining the most dominant theoretical standpoint on this matter: the bargaining theory. Within this view, all actors are rational and employ rational behaviour when assessing a situation. In a conflict this means that the parties have objectives which they think that they can achieve and are calculating the probability of

being able either to achieve their goal, or make concessions. This is often referred to as the cost-benefit calculation (Werner and Yuen, 2005:261). Sooner or later, the warring parties will face the problem of the costs of war and perceive a negotiable solution. The theoretical zone in which the perceptions of both parties converge is often referred to as the bargaining area. Thus, what was once non-negotiable can become negotiable.

So why do actors not simply settle their disputes through negotiations in the first place? Because they tend to overestimate their own capabilities and underestimate the costs – something which within the bargaining theory is often explained by lack of information or information failure. When media-

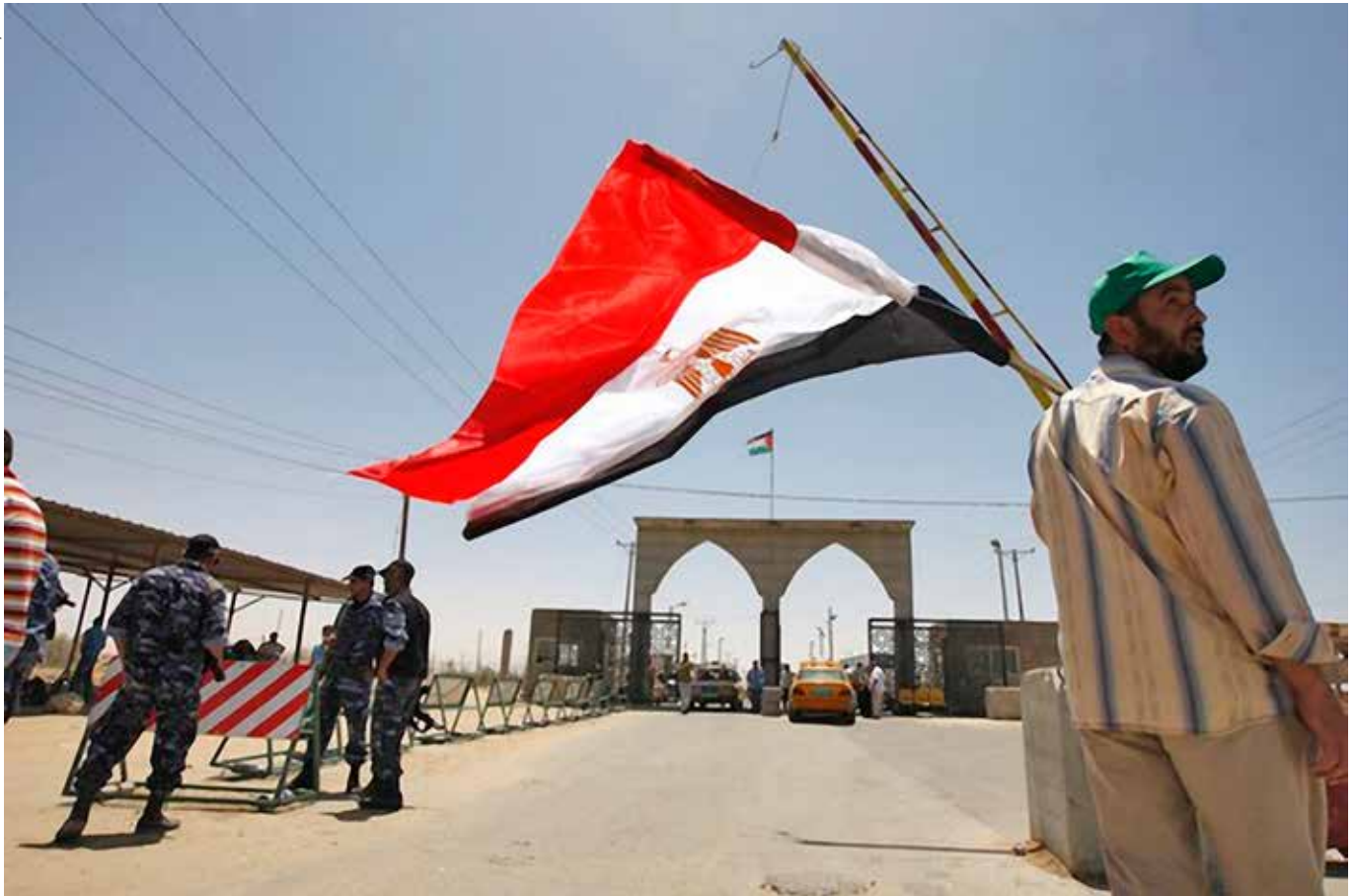
tors step in, they have the power to add further information to negotiations and through this information build trust between the parties. Eliminating insecurities of capabilities is, therefore, the central focus of mediation and negotiation within this view.

A mediator's role and challenge

One of the great mediation theory debates is that of a mediator's bias or non-bias. An unbiased and non-coercive mediator can build trust between parties and allow them to settle a dispute without risking to pressure one party to comply to the point where negotiations are disrupted (Nathan, 1999:3). The notion of the existence of an unbiased mediator is questioned by several authors, many of them sharing a rationalist



In June 1999, a UN resolution decided to deploy a UN mission in Kosovo, UNMIK, for international civil and security presence in Kosovo. Secretary-General Kofi Annan (right) visited the area in 2002, here arriving in Priština.



The Rafah Border Crossing lies on the international border between Egypt and the Gaza Strip that was recognised by the 1979 Israel-Egypt Peace Treaty and confirmed during the 1982 Israeli withdrawal from the Sinai Peninsula. The crossing was managed by the Israel Airports Authority until Israel evacuated Gaza on 11 September 2005 as part of Israel's unilateral disengagement plan. It subsequently became the task of the European Union Border Assistance Mission Rafah to monitor the crossing.

view of mediation as bargaining. In the view of Zartman and Touval (2007:438), "Mediators are players in the plot of relations surrounding a conflict, and so they have an interest in its outcome; otherwise, they would not mediate". It has also been argued that confusion and ill-defined incentives of mediators may actually harm the negotiation (Young, 1972:63). Thus, the discussion transforms into one about levels of biasness and motives of mediators.

International organisations may seek to increase the notion of their influence and capabilities. States may have economic or political motives, or simply an interest in the region, fearing spillover effects or instability. Mediation also offers a type of involvement where states can deny other states the opportunity to intervene and, in this sense, can exclude other powers from meddling, or use mediation as a way to circumvent their real responsibility (Zartman and Touval, 2007:438-441). These motives suggest that biased mediators primarily enter into conflict resolution with

selfish or semi-selfish motives, again raising the issue of their possible negative effects.

The question is then best dealt with by assessing the achievements and the effectiveness of the mediator. It has been argued that when a mediator is directly rewarded in some way through their bargaining with the warring actors, this raises the ability and success of bargaining capabilities, i.e. incentives actually affect the mediation in a positive way (Young, 1972:62). This should then suggest that the more influence, power, pride or reputation is at stake, the more rewarding is a successful mediation, and therefore it is more likely that the mediator is indeed biased.

From a bargaining and game theory oriented view, disputants always want to make the best deal possible without losing (the cost-benefit calculation) and this gives them incentives to simply bluff their opponent, hoping that they will make concessions they would not have made otherwise. But, as pointed out by Kydd (2003:599), disputants

may also consider bluffing the mediator, should they enter into negotiations, for the same reasons. Thus, using a mediator with enough information to call bluffs will increase the probability of a settlement. The only kind of mediator that would have access to this type of information is the biased one. In the same sense, a biased mediator would also provide credibility through information and own stake.

In theory, a biased mediator would have access to one of the disputants' critical information. The other disputant would receive this information from the mediator and perceive a crystal-clear bargaining scope. The mediator would then make an offer in the light of this information that the other disputant would accept, because they know that they will not get a better one; the credibility and information is sufficient. It is especially effective when the mediator is a great power that is allied with the more powerful of the disputants and they can convince their ally to make concessions that no one else can.

This has been apparent in many conflicts involving the U.S. and Israel, where the U.S. engaging as a mediator was critical to reaching a deal with the Israelis. For example, it was known that the then Secretary of State, Henry Kissinger, was pro-Israel and yet he mediated between Israel, Egypt and Syria after the 1973 war, because he could prompt Israel to make concessions that no one else could, and still affirm their most important terms (Hopmann, 1996:266).

Strategies for mediation

The strategy used by mediators is reflected in their behaviour during negotiations. They may use coercive measures, rewards, or simply act passively to facilitate a settlement. Three common strategies are communication facilitation, procedural, and directive. The first one is fairly passive, and the key role is to act as a channel of information between the disputants. The second employs control over setting, communication, structure and publicity in order to reach an agreement, and the last one uses coercive measures, ultimatums, and reframing to influence the incentives of the parties (Bercovitch, 2011:117).

The use of the strategies is seen as coherent with the type of mediator that is assigned. The more coercive the strategy, the more likely it is used by a powerful

Mediation can do little to help actors who exclude themselves from bargaining completely.

state or organisation with the means and capabilities of carrying out their threats. For instance, during the Kosovo war in 1998, the UN Security Council adopted resolution 1199 which clearly stated that the situation in Kosovo was a threat to peace and security in the region, facilitating the possibility for the UN to intervene militarily, while NATO approved an 'activation order' enabling them to use airstrikes, should Serbia choose to ignore the resolution. So, effectively, Serbian President Slobodan Milošević was more or less coerced to return to the negotiation table (Bjola, 2009:95).

The nature of a conflict can also dictate what kind of strategy is best employed. For instance, in conflicts where parties share a particularly deep-rooted animosity combined with pride and big audience costs, it may be effective to use manipulative strategies so that the mediator presents the opposite party's solution as their own suggestion, allowing the other disputant to save face when accepting the offer. Evaluating how much of the success of mediation can be linked to the use of a particular strategy is a major project in itself and often difficult to assess, as many factors are at play and it is very complicated to replay the scenario using a different strategy (Wallensteen, 2007:271).

When mediation fails

Under what circumstances should mediation not be used as an instrument of conflict resolution, and where is it least likely to achieve its goals? Some type of flexibility of goals is required to make any conflict negotiable. Thus, mediation can do little to help actors who exclude themselves from bargaining completely. Considering the dominant rationalist view, actors who completely ignore costs are also unlikely to experience mediation, since they simply will never be affected by a hurting stalemate. Actors who fit these descriptions are terrorists and hostage takers (Zartman and Touval, 2007:438). Unrealistic terms are often met by brute force, as seen in Algeria in January 2013 when terrorists connected to Al Qaeda invaded a gas company industry, kidnapped its employees and demanded that French troops should immediately leave northern Mali.

If several mediators are assigned to the same conflict, more than a few issues can disrupt their probability of success. First, some mediators may have different goals and incentives which can create competitiveness among them, and cause disputes that hurt the original negotiations. Second, if part of the mediator's probability of success lies in the strategies used, and the mediator is trying to use enforcing measures or threats of termination, this strategy can never be effective if multiple mediators stand ready to resume talks with the parties (Betts, 1999:174-178). These issues have plagued the many mediation attempts in the Nagorno-Karabakh conflict, as Turkey and Russia were interested in the oil-pipeline development and Iran

feared instability caused by refugees. Russia also wanted military presence in the region and switched sides depending on what party would allow it to station its troops. The mediating states' diverse motives coupled with aims at increasing their own regional influence, effectively made mediation a part of the problem and prolonged the conflict (Betts, 1999:170).

The lessons learned from failed mediation should indeed not be forgotten, as self-interest and power struggles are not situational but rather recurring issues, which need to be turned into a positive and not a negative force for peacebuilding. 🌿

References

- Bercovitch, J. (2011). *Theory and practice of international mediation: selected essays*. (Routledge: New York)
- Betts, W. (1999). 'Third party mediation: an obstacle to peace in Ngorno Karabakh' SAIS Review, vol. 19, no. 2
- Bjola, C. (2009). *Legitimizing the use of force in international politics: Kosovo, Iraq and the ethics of intervention*. Routledge: New York
- Hopmann, P. T. (1996). *The negotiation process and the resolution of international conflicts*. University of South Carolina Press: Columbia, SC
- Kydd, A. (2003). 'Which Side Are You On? Bias, credibility and Mediation' *American Journal of Political Science*, vol. 47, no. 4
- Nathan, L. (1999). 'When push comes to shove: the failure of international mediation in African civil wars' *Track Two*, vol. 8, no. 2
- Wallensteen, P. (2007). *Understanding conflict resolution: war peace and the global system*. Sage Publications Ltd: London
- Werner, S., and Yuen, A. (2005). 'Making and keeping peace' *International Organization*, vol. 59, no. 2
- Young, O. R. (1972). 'Intermediaries: Additional Thoughts on Third Parties' *Journal of Conflict Resolution*, vol. 16, no. 1
- Zartman, W. and Touval, S. (2007). 'International Mediation', eds C.A. Crocker et al., *Leashing the dogs of war: conflict management in a divided world*. United States Institute of Peace Press: Washington