

EVALUATION OF SUCCESS IN INTERNATIONAL MEDIATION

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Abstract. *International mediation has become a crucial tool in resolving conflicts between nations. It involves the intervention of a third party who is neutral and impartial to help parties in a dispute reach an agreement. The success of international mediation can be measured by the extent to which the mediator has helped the parties involved in the conflict to reach an agreement that is acceptable to all. This article aims to explore different approaches to evaluating the success of international mediation and the factors that contribute to its effectiveness.*

Keywords: *conflict, international mediation, mediator, success, failure, effectiveness, evaluation, criteria.*

Introduction

International mediation refers to the process of resolving conflicts between countries or groups through the intervention of a neutral third party. Mediation can be an effective tool in resolving disputes as it allows for a peaceful resolution of conflicts without resorting to violence. It was traditionally used in domestic disputes, but has now evolved into international conflicts. As a unique universal organization, the United Nations has played a significant role in promoting international mediation as a means of resolving conflicts between nations. In Article 33 of Chapter VI of the UN Charter it is noted that the parties to any dispute shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.¹

To this day, the criteria of success of international mediation in resolving conflicts between countries or various political groups has been a topic of great interest in the field of conflict resolution. Given that mediation is frequently employed in the most complex international crises, it is debatable whether the mediator's ability to bring the parties to the negotiating table should be deemed a success. Alternatively, should mediation only be granted successful if the parties come to a formal agreement, such as a ceasefire or a partial or complete settlement? However, even with a signed peace agreement, conflicts that have

¹ United Nations Charter, Chapter VI: Pacific Settlement of Disputes // <https://www.un.org/en/about-us/un-charter/chapter-6>

been mediated often revert to violence. As a result, should mediation only be regarded as successful if the peaceful relationship between the formerly warring parties persists for a specific period of time?

There are a lot of mediated conflict cases in history, for instance, the Camp David talks in 1978, where President Carter mediated between Israel and Egypt, resulted in a historic agreement, however, there are different opinions on its success. Similarly, the Oslo talks between Israel and the PLO resulted in another historic agreement, but opinions on its success differ as well. Therefore, it is important to carefully consider what constitutes a successful outcome, how to recognize it, and what factors may influence it. Scholars and practitioners of international mediation share different opinions towards the indicators of success in international mediation.

Criteria for successful mediation

The definition of success in international mediation is a topic of lasting debates among scholars. They have proposed various approaches to defining success and have not reached a consensus on basic criteria for evaluating mediators' accomplishments in promoting peace.

Academic conceptualizations of success have often suffered from definitions that appear to be quite arbitrary, developed on case-by-case basis and are not based upon a solid theoretical foundation. One of the most prominent scholars of international negotiations and mediation Jacob Bercovitch described this problem as such:

“.... Success in conflict management is an elusive quest. Often what appears as successful to one person may be seen as unsuccessful by others. Mediation may seem successful at one time only to be seen as totally unsuccessful months or years later”.²

It is not surprising that there is confusion surrounding the definition of success in international mediation, as there is no one-size-fits-all approach to this process. Parties' objectives and goals can change throughout the mediation, making it difficult to establish consistent criteria for measuring success. Existing studies have primarily focused on factors that influence the outcome of mediation, treating success as a dichotomous phenomenon linked to the existence of a signed agreement. However, this narrow definition does not take into account the parties'

² Sinisa Vukovic, *International Multiparty Mediation and Conflict Management. Challenges of Cooperation and Coordination*, Routledge, 2015, p-34

initial acceptance of mediation or the implementation of agreements. Therefore, a more comprehensive approach is needed to evaluate success in international mediation, which considers the mediator's ability to influence outcomes and promote sustainable peace through the establishment of high-quality peace institutions that address the root causes of the conflict.

According to Jacob Bercovitch, Blair Sheppard was among the first scholars to discuss the concept of mediation success systematically and the one who emphasized the importance of distinguishing between the process and the outcome of any mediation event. The process refers to what happens during mediation, while the outcome is what is achieved as a result of mediation. He believes that success in mediation can refer to either the process or the outcome.³ For instance, success can be achieved if the parties in conflict feel empowered or if their concerns are addressed respectfully, even if there is no successful outcome. Conversely, a process of mediation that is marred by procedural disagreements and dissatisfactions can still lead to a cessation of violence and a formal agreement. When evaluating mediation success, it is essential to determine whether success refers to the process itself or a successful outcome.

Blair Sheppard and Jessica Katz Jameson identified four criteria of success, which relate either to the process or the outcome of the mediation: fairness, efficiency, satisfaction, and effectiveness. However, they emphasize, none of these criteria can be considered as a total indication of success of international mediation. A truly successful mediation is the one that meets multiple criteria. These indications of mediation success can be analyzed independently, but they are all interdependent.⁴

In their collaborative work, Jacob Bercovitch, J.Theodore Anagnoson and Donnette L. Wille write that they decided to modify the opinion about different factors contributing to the evaluation of mediation success such as efficiency, legitimacy, satisfaction or short- or long-term success. Instead, they offered to focus on the behavioral impact of international mediation. They claim that mediation is defined as fully successful when it has made a considerable and positive impact on the conflict or resolved it. Mediation is deemed to be partially successful when it has initiated negotiations and a dialogue between the parties. It is defined as being of limited success when it has achieved only a ceasefire or

³ Jacob Bercovitch, *Theory and Practice of International Mediation. Selected Essays*. Routledge, Conflict and Management. 2011. p-95.

⁴ Ibid. p-97.

a break in hostilities. And it is considered as unsuccessful when it has no discernible or reported impact on the dispute or the parties' behavior.⁵

Stedman, Hoddie, Hartzell, Walter and Fortna draw attention to the question of the duration, and not simply the signing, of peace agreements.⁶ They claim that mediation should have a lasting effect in order to be considered as successful. For instance, mediated peace agreements in Liberia, Sri Lanka, Sierra Leone and Somalia did not last for too long. From this perspective, it is difficult to say that mediation in these cases were a success. J.Bercovitch and L.Simpson note that postconflict management issues play a crucial role in making a mediation successful. Therefore, they suggest a revised model of contingency approach, where the factors of the specificity of the agreement, third-party guarantees, conflict management environment and power-sharing provisions are taken into consideration (*Figure 1*).⁷ In the initial model of contingency approach, the implementation part was absent.

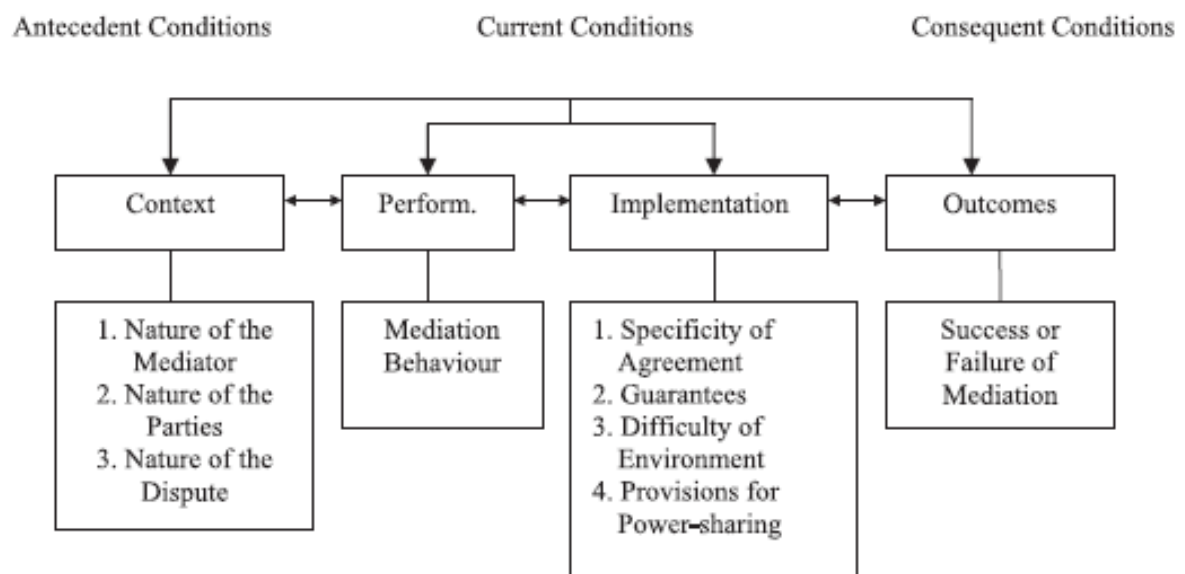


Figure 1. A revised contingency model of mediation.

David Lanz, Martin Wählisch, Lars Kirchhoff and Matthias Siegfried in their work emphasize that despite the challenges in evaluating mediation, it is still possible to do so by adopting a flexible and context-specific approach that takes

⁵ Jacob Bercovitch, J.Theodore Anagnoson, Donnette L. Wille, Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations, *Journal of Peace Research*, vol.28, no.1, 1991, p-9.

⁶ Jacob Bercovitch, Leah Simpson, International Mediation and the Question of Failed Peace Agreements: Improving Conflict Management and Implementation, *PEACE & CHANGE*, Vol. 35, No. 1, January 2010, p-71.

⁷ Ibid. p-79.

into account the complex dilemmas faced by mediators.⁸ It is important to avoid making generalizations about what mediators should or should not do and to recognize that different models of mediation exist, which operate based on varying concepts, goals, and techniques.

Mediation is not solely reliant on the mediator's personality, but rather there are distinct differences between models. Success of mediation depends on the model used during the mediation process and its goal. Three principal models of mediation can be distinguished: power-based deal-brokering mediation, interest-based problem-solving mediation, and transformative long-term mediation.⁹ Each model has its own unique approach and goals for conflict resolution.

Power-based mediation involves the mediator using their power to broker a deal, often using manipulative tactics to get the parties to reach an agreement. Interest-based mediation employs a more facilitative style, focusing on generating creative options for an agreement that satisfies the underlying interests of all parties. Transformative long-term mediation intervenes on different levels with the aim of changing the relationship between the parties and their perceptions of themselves and other parties, empowering and recognizing a broad variety of actors in conflict societies.

In his article, Sinisa Vukovic shares his ideas on mediation success by reflecting on the findings of the three books: “Go-Between” by Wallensteen and Svensson, Beardsley's “Mediation Dilemma” and finally, Grieg and Diehl's “International Mediation”. He underlines the fact that there is no one-size-fits-all frame in evaluating mediation success. Vukovic points out to the three interrelated degrees of success of international mediation: getting the parties to commit to mediation, achievement of a formal agreement, and ensuring the endurance of the agreement in the long term.¹⁰

So, it is obvious that scholars offer various approaches to consider a mediation attempt as successful.

Settlement, Management or Resolution?

From the aforementioned attitudes towards the evaluation of success we can see that it is not an easy task to consider this or that mediation case as success or

⁸ David Lanz, Martin Wählisch, Lars Kirchhoff, Matthias Siegfried, Evaluating Peace Mediation, IFP Mediation Cluster, November 2008, p-10.

⁹ Ibid.

¹⁰ Sinisa Vukovic, Three Degrees of Success in International Mediation, Millennium-Journal of International Studies, 42(3), p-3.

failure. In order to give a concrete answer to the “what-is-success” question in conflict management issues, Tamra Pearson d’Estrée identifies different terms utilized in describing different conflict management impacts: settlement, management and resolution.¹¹ These terms are close to each other because they all deal with conflicts. Nevertheless, they have differences, and it is of crucial importance to differentiate them in order to consider the conflict a failure or success depending on its nature and history. According to the scholar, conflict settlement occurs when violence is stopped or cease-fire happens between the belligerents and damaging aspects of the conflict are neutralized. Conflict management, as Brad Spangler explains, involves the control, but not resolution, of a long-term or deep-rooted conflict. This is the approach taken when complete resolution seems to be impossible, yet something needs to be done. In cases of resolution-resistant or even intractable conflict, it is possible to manage the situation in ways that make it more constructive and less destructive.¹² When the root causes of the conflict are addressed and there is no any other reason for the conflict to erupt again, the term of conflict resolution is used.

To assess the mediation in conflict if it was successful or not it is also essential to note through the prism of which theory of international relations to look at it. Realists claim that the nature of international system is anarchic and, therefore, conflicts are an integral part of the system, as they arise in the result of clash of interests between the actors of international relations. Consequently, conflict settlement is already considered as success for a mediator because resolution is too difficult to achieve. On the contrary, idealism theory followers, who believe that conflicts should not happen and they are deviation in the system, are not satisfied with settlement and do not think it is successful achievement for mediation. They assert that getting to the core roots of the conflict and its resolution should be regarded as a successful mediation. From this perspective, for the realists, Dayton Accords, Camp David as well as Oslo Agreements were successful outcome of international mediation, while idealist view holders think that they were not successful or were partially successful only.

Also, while talking about success and failure of a mediation, it is noteworthy to take into account the goals and ambitions of mediators. In the initial stage, do

¹¹ Jacob Bercovitch, *Theory and Practice of International Mediation. Selected Essays*. Routledge, Conflict and Management. 2011. p-97.

¹² Spangler Brad, *Settlement, Resolution, Management, and Transformation: An Explanation of Terms. Beyond Intractability*. Eds. Guy Burgess and Heidi Burgess. Conflict Information Consortium, University of Colorado, Boulder. Posted: September 2003 // <http://www.beyondintractability.org/essay/meaning-resolution>

they have a goal of settling the conflict or resolving it? Based on the aims and goals, mediators can measure their efforts of mediation according to the results they reach in the end of the process. For example, organizations and states may have different aims before entering the conflict, while organizations have minimum goals like cease-fire, states could want to achieve a total resolution.

Factors contributing to success of international mediation

The mediator plays a neutral role in helping the disputants find mutually acceptable solutions by building trust and facilitating communication. The process of mediation involves different procedural techniques used by professional domestic mediators to achieve this goal. In essence, mediation is a method of resolving conflicts through the presence of a neutral intermediary who enjoys the trust of the disputants and aims to help them reach agreements that they both find acceptable. The mediator serves as a buffer and bridge between the parties, alleviating anger and suspicion and promoting co-operation in addressing the substantive issues in dispute. The parties' common trust in the mediator offsets their mutual distrust and increases their confidence in negotiations. Professional domestic mediators use various procedural techniques to realize the potential of mediation.

The initial stage of international mediation involves persuading the conflicting parties to agree to participate in the process. This is known as pre-negotiation and is a crucial turning point in the relationship between the parties. The mediator must gather as much relevant information as possible, including the parties' underlying interests and needs, in order to tailor a suitable strategy for the mediation. This information can be obtained through various channels, such as fact-finding missions and diplomatic channels. It is important for the mediator to understand the parties' motivations for accepting mediation, as this can be used to highlight the benefits of a negotiated solution and the drawbacks of continued conflict.

Success and effectiveness of international mediation can be measured by the ability of the mediator to bring the parties involved in the conflict to the negotiating table and facilitate the negotiation process. It is important that the mediator must be neutral and impartial to ensure that both parties are comfortable with the mediation process. The mediator should also possess the necessary skills and experience to handle complex negotiations and understand the cultural

differences that may exist between the parties involved. The following are considered as crucial features of successful mediation:

Neutrality and Impartiality

The most crucial factor that contributes to successful international mediation is the neutrality and impartiality of the mediator. The mediator must not have any vested interest in the outcome of the negotiation process. This ensures that both parties are comfortable with the mediation process and that they can trust the mediator to facilitate a fair and equitable agreement.

Communication Skills

Communication skills are essential for a mediator to be effective in international mediation. The mediator must be able to communicate effectively with both parties and understand their cultural differences. The mediator must also be able to listen actively and ask relevant questions to facilitate the negotiation process.

Knowledge of International Law

A mediator who has knowledge of international law is more likely to be successful in international mediation. This is because international law governs the conduct of nations, and a mediator who understands this law is better equipped to facilitate negotiations that are in line with international law.

Experience

Experience is a critical factor that contributes to the success of international mediation. An experienced mediator is more likely to have the skills and knowledge needed to handle complex negotiations and resolve conflicts between nations successfully.

Patience

Patience is one of crucial factors that contribute to the success of international mediation. The mediator must be patient and persistent in facilitating the negotiation process. Sometimes, negotiations can take longer than expected, and the mediator must be willing to work through the process until an agreement is reached.

Motivation

It is important that the mediator as well as the parties to the conflict are willing to manage the conflict. They all should have the aim and strong motivation to bring peace to the situation. In case one of the belligerents does not wish to accept the mediator or does not trust him, the chances of failure of mediation is high.

Ripe moment

Entering into the conflict as a mediator in order to successfully settle the dispute requires also the right time for mediation. At the moment when the parties cannot find a solution to the conflict by themselves; there is a mutually hurting stalemate or deadlock situation; and they agree to accept a third party to help them, there is a huge chance for the mediator to succeed.

Conclusion

International disputes are not fixed or uniform occurrences, but rather differ in terms of various factors such as the parties involved, intensity, escalation, response, meaning, and potential transformation. These factors shape the context of a dispute and have an impact on its progression and outcome. Accordingly, mediation is influenced by the context and characteristics of a situation, including the specific rules, beliefs, attitudes, behaviors, and symbols that contribute to international conflict. As a social process, mediation can vary depending on the disputants involved. In order to be successful, mediation must be adaptable and responsive to different problems, parties, and situations, and must take into account the broader conflict at hand.

It can be concluded that there is no one fixed definition of success in international mediation. There a lot of factors which should be addressed. The notion of success is depended on the history and current state of the conflict, aims of the parties, goals of the mediator, international environment, the agreements achieved as a result, its implementation and duration. Factors, which contribute to the success of mediation include: the nature of the conflict, the nature of the belligerents, the nature of the mediator, strategies used by the mediator during the mediation process, mediator`s experience, knowledge and skills, motivation of the sides and the mediator to succeed, and of course, the ripe moment for the mediation.

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