

# On Mediation Efficacy: Clarifying the Current Controversy

Written by Afa'anwi Ma'abo Che

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AFA'ANWI MA'ABO CHE, APR 11 2013

Recent failed mediation efforts in Côte d'Ivoire, Libya and Syria have revitalized the debate on the efficacy of mediation. Depending on their motivations and intervention modes, negotiation mediators can be either neutral or biased. Neutral mediators typically restrict themselves to facilitative roles, simply encouraging direct dialogue between disputants. Biased mediators are more involved and inclined to intercede manipulatively or directly in favour of their protégés.[1] Manipulative mediators wield so much leverage that they can effectively amplify costs of conflict continuation (by, for instance, threatening penalties) and benefits of conflict termination (by rewarding compromise). But are these two mediation categories (that is, neutral/facilitative and biased/manipulative) equally effective? Current empirical evidence is clouded in controversy. While some like Bercovitch and Lee (2003), Bercovitch (2004) and Svensson (2009) reveal greater levels of success for biased/directive mediation, others like Beardsley et al. (2006) project neutral/facilitative mediation as the more successful approach towards durable peace.

This article discusses two major lines of deficiency with the former category of studies in an attempt to reconcile contradictory evidence on the efficacy of different mediator-types and mediation-styles. Proceeding sequentially, the first critique debunks the incidence of peace agreements as a basis for inferring manipulative mediation success and accentuates the relevance of adherence to peace deals; the second attacks brief time-spans or historical periods over which the performance of biased mediators is assessed. Brief time-frames potentially skew assessment outcomes in favour of manipulative mediation, which requires shorter time-spans than facilitative mediation to induce peace agreements.

### **Peace Accords: Evidence of Mediation Efficacy?**

Scholars who find biased/manipulative mediation to be more successful tend to evaluate mediation success narrowly, almost solely in terms of the capacity of mediation to produce peace deals. Svensson (2009) comparatively analyzes the quality of agreements generated by the two mediation-kinds and proceeds to use such analysis as a measure of mediator performance. Exclusively focusing on the quality of negotiated agreements as a yard stick for mediator efficacy, Svensson (p.464) concludes that:

Neutral mediators do not generate institutional peace agreements that the international community values and that presumably are important for peace and democracy, such as political or territorial power sharing, international guarantees, repatriation, and provisions for amnesty. Rather, these types of provisions are commonly the result of negotiation processes in which at least one side is biased toward any side.

Critically, however, a negotiation process is incomplete if it ends at the level of agreements. A complete process is composed of three phases, namely: negotiations, agreements and implementation (Walter 2002). Negotiations translate to peace only when disputants accept and commit to the implementation of agreements reached. Biased mediation may well be more likely than neutral mediation to produce peace agreements, but such agreements face the risk of rejection – and possible relapse to war – if one side (potentially the non-aligned side) leaves negotiations unsatisfied with the bargaining process and/or its outcomes. A notable source of dissatisfaction during negotiations is procedural injustice (see Hollander-Blumoff and Tyler 2008). Manipulated processes are arguably more susceptible

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to injustices than facilitated processes. This proposition has as its premise the calculation that biased mediators aim, at least in part, to sustain the strategic interests of their ally. Accordingly, they are inclined to defend rather than deliver their side as they 'look for stipulations that protect their side' (Svensson p.449), whilst either enticing or coercing the non-aligned side to concede.

Manipulative mediators, though proficient in producing peace agreements because of their magnitude of control over negotiations, latently render the process distributive in favour of their protégé. The outcomes of a biased distributive process are largely unequal individual gains that could induce feelings of unfairness and dissatisfaction on the side reaping smaller gains. These negative sentiments could cause one party to reject the mediated agreements, perilously risking a resumption of violence. Thus, violence loomed when Rwandan Tutsi rebels, tacitly supported by Tanzanian mediators in the Arusha peace process (1992 – 1993), became a legitimate part of government and the national army through the protocols on power sharing and military integration. Accorded only marginal ministries, the opposing Hutu regime rebuffed agreements, labeling them 'scraps of paper' (quoted in Khadiagala 2002, 473) and resorting to genocide.

Protagonists of manipulative mediation might counter-argue that, a commitment by biased mediators to enforce agreements potentially increases the likelihood of peace outcomes. Explicit commitments to enforce elevate the costs of renegeing on accords signed unwillingly. Accordingly, such commitments stand to dissuade dissatisfied signatories from resuming violence. However, manipulative mediator commitments to enforcement might also fail to deter disgruntled disputants under certain circumstances, such as:

a) cases where enforcement entails armed action but mediators are militarily incapable or inadequately equipped. This typically applies to non-governmental and intergovernmental organizations in sub-Saharan Africa. As documented by some scholars including Söderbaum and Tavares (2009), the African Union (AU) and its regional associates (such as the Economic Community of West African States, or ECOWAS) are plagued by a plethora of logistical and operational challenges that undermine peace-enforcement capacities. Hence, when African organizations undertake mediation missions with enforcement commitments, seldom are discontented disputants deterred; and

b) cases where mediating bodies with enforcement responsibilities are militarily robust but warring groups are willing and able to frustrate perceived biased mediation. For example, when France successfully mediated a ceasefire agreement in Côte d'Ivoire (2000 – 2004) between the latter's then government-loyal Christian South and insurgent Muslim North, President Gbagbo's forces were still willing to defy France's military patrol of the ceasefire zone by orchestrating attacks against French military bases.

What (a) and (b) imply is that, commitments to enforce peace agreements may well prove unproductive for conflict settlement if one or both disputants leave negotiations unhappy with mediator-manipulation. Therefore, even though manipulative mediation is efficient for generating agreements and reducing tensions, it is less effective for comprehensive conflict resolution. Facilitative, integrative mediation proffers a better promise. However, initiating and sustaining dialogue between zero-sum disputants can be very difficult if mediators fail to adopt certain strategies associated with power mediation. In particular, formulated peace proposals by facilitative mediators are likely to impact conflict resolution and democracy construction more significantly than facilitative efforts void of formulated peace proposals.

### **The Skewed Effect of Evaluating Mediation over Short Time-spans**

In addition to weaknesses pertaining to (substantially) restricted assessments of mediator performance, Svensson (2009) can be criticized for (temporally) limiting his analysis to a relatively peaceful post-Cold War period (1989 – 2004). A more plausible test would cover the turbulent Cold War era marked by several hostilities between Communist and anti-Communist forces (as in Korea, Vietnam, Afghanistan). At that time, antagonism in world politics was so high that, on average, up to four nation-states were involved in war on any given day between 1945 and 1980 (Morgan 1994, 1). There was, however, a dip in tensions throughout the 1980s and early 1990s following Gorbachev's reforms in the Soviet Union, which contributed significantly to ending the Cold War.

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Assessing the impact of mediation on the many conflicts that unfolded during the Cold War period should generate more credible and statistically-significant findings than exclusively focusing on the post-Cold War era. Moreover, given that facilitative mediation requires relatively longer periods to yield lasting peace than does manipulative mediation to produce negotiated accords, shorter time frames are perhaps more suitable for empirical evaluations of manipulative mediators and less suitable for assessing facilitative mediation. So, it is no surprise that Svensson finds biased mediators outperforming neutral mediators in his temporally short (15-year) study.

In sum, there are significant weaknesses with empirical studies backing biased/manipulative mediation as a more effective mode of mediation relative to neutral/facilitative mediation. Primarily, scholars like Svensson conceptualize mediation effectiveness narrowly – in terms of ability to successfully orchestrate (quality) agreements. However, as critically argued in this article, mediation is associated with a three-phase negotiation process which, beyond talks and agreements, aims at durable peace. Peace is attainable only if agreements are mutually accepted by disputants and effectively implemented. It is further articulated that facilitative mediation is more likely to affect negotiations in an integrative manner than manipulative mediation. Accordingly, agreements generated by the latter are less prone to acceptance and implementation than agreements by the former. Thus, biased/manipulative mediators are more efficient in generating agreements but are less effective in producing peace; conversely, neutral/facilitative mediators are less efficient but more effective. In other words, facilitative mediators have less leverage to swiftly engender peace agreements but harbour more integrity to arbitrate impartially, thereby inducing confidence for mutual acceptance and compliance with peace accords. Short time-frame assessments predispose empirical evidence in favour of manipulative efficiency over facilitative efficacy. Having illuminated the divide in the debate on mediation efficacy, the challenge now is for students of mediation to develop and propose strategies to enhance manipulative effectiveness and facilitative efficiency.

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Svensson, I. (2009) Who Brings Which Peace? Neutral Versus Biased Mediation and International Peace Arrangements in Civil Wars. *Journal of Conflict Resolution*, 53 (3), 446–469.

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[1] Herein, protégés refer to the disputants with whom interveners empathize and/or share closer relations. For instance, whilst seeking a negotiated settlement to Côte d'Ivoire's post-presidential poll crisis of 2011, African Union and United Nations mediators sided with the incumbent leader's challenger (Alassane Ouattara) as their protégé.

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**Afa'anwi Ma'abo Che** holds a Ph.D in Politics from Swansea University, UK. He is a winner of Johns Hopkins University's School of Advanced International Studies – China Africa Research Initiative's research grant/fellowship for 2019. Afa'anwi is a Senior Lecturer in International Relations and Peace Studies and the Deputy Director of postgraduate studies at Kampala International University, Uganda. He has published in reputable outlets, including the UN-affiliated *Peace and Conflict Review*, *Peace and Conflict Studies*, *International Journal on World Peace* and on E-IR.