# The Changing Nature of International Mediation

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## Abstract

*As warfare mutates from intra-state to infra-state, it was Clausewitz himself who created his own paradigmatic exit: War is a chameleon. The changing nature and trajectories of war have also changed the way that international mediators have deployed and used their skillsets. From liberation movements who fought for a new socio-political agenda to fragmented rebel formations and individuals who fight for self-interests and preservation, mediators have still to adapt to the new realities. More often than not, the real actors are invisible or fluid in shape and structure, and interventions tend to be mired by a lack of appropriate response mechanisms. Paired with a dissipation of Western values and culture, the rise of micro-states and secessionist movements, the brewing sandstorms of new wars over a new world power dispensation without end will pose a tremendous challenge for mediators in years to come. The article will contribute to the strengthening of mediation theory and applied practice through a review of past mediation experiences and by arguing that international mediators need to not only operate with state-level instruments but also with local level cultural dialogue capacities (including early warning and early responses) and create safe spaces through integrated and complementarity approaches to interventions.*

## Introduction

Violent extremism, natural resources and elections remain the primary triggers of conflict. 2016 is the starting point, where we can observe that mediation needs to be mixed with other preventive diplomacy instruments in order for complex conflicts to become amenable to multi-dimensional peace efforts. For example, of the 8 AU/REC-led Peace Support Operations that took place in 2016, 83% were considered to be effective or partly effective (Tana Forum, 2018). A mix of instruments proved to have a positive effect on the effectiveness of a peace support operation. This, in return, allows us to understand that the degree and scope of complexity for the third party to regulate the conflict environment and to work toward lasting solutions becomes more and more difficult. The purpose of this article will be devoted to these recent transformations of

peacemaking shaking up the traditional prerogatives of international diplomacy and leading to a mediator 3.0.

## Defining the terms

Mediation is a conflict management tool used across many areas of social, economic, and political life. In the arena of international mediation, it is a process of assisted negotiations, where parties seek to settle their (at times violent) conflict through an agreement with new rules as to how to solve the initial problem and how to engage in better decision-making processes. Whereas negotiation involves a bargaining approach between two parties seeking a solution to a dispute, the use of mediation signals (1) a breakdown in communication and trust between the parties, (2) the introduction of an outside or third party to the negotiation dynamics, and (3) the transformation of destructive conflict to a constructive resolution of the problem (often settled through an agreement). One definition of mediation posits that it is an assistance to two or more interacting parties by third parties who (usually) have no authority to impose an outcome (Sisk, 2009). Another definition sees mediation as a process of conflict management where disputants seek the assistance of, or accept an offer of help from, an individual, a state, or organization to settle their conflict or resolve their differences without resorting to physical force or invoking the authority of law (Bercovitch et al., 2005). Another view emphasizes less the formal role played by the mediator and more the process dynamics, with a focus on how the mediator alters the conflict dynamics between the parties, decidedly becoming himself a player in the conflict.

The nature of the conflict, whether political or not, is ambivalent. It can be analyzed as a drama, a pathology announcing disorder, the sign of the chaos of a system or an institution. On the other hand, it can be considered as the vector of the construction of a collective identity, of the clarification of social rules, as the means of testing the cohesion of a group, as the ferment of

political and social change. What distinguishes political conflicts from others is their close relationship with the conquest or exercise of political power. They are present in all forms of political organization, since in a democracy, it is usual for political and social groups to clash for the conquest of power. It is therefore the modalities of this confrontation that determine our field of observation. The political conflicts which interest us are those in which the opponents (States, social movements, parties ...) do not respect the rules of the democratic fight, using for example the armed struggle and the illegitimate physical violence. Conflict, thus, is the starting point for any mediation activity.

## Mediation pre and post 9/11: A changing and fluid re-conceptualization

Taking a brief look on how conflict has been understood and now that understanding has shifted in its conceptualization, allows a more nuanced understanding on the use of mediation pre and post a 9/11 world. Conflicts would go through life cycles and break down into phases, some of which would be more conducive to intervention than others. Conflict is defined as a social situation where two more or more parties pursue factual or perceived incompatible goals. It can be broken down in behavior, emotions, and mindsets, and the question a mediator needs to address is what are the drivers, dynamics and motivations of each actor that lead to an either violent or non-violent struggle. Based on this technical understanding, the mediator has a range of options that can contribute to the reduction, mitigation and de-escalation of violence into a more constructive mode of managing conflict. Thus, to have chances of success, mediation should intervene at the right moment. The question then is how to recognize this moment. Mediation efforts that come soon after the dispute would have the best chance of success, as well as those that come after a long time. If the conflict is not resolved quickly, efforts in the interim period are unlikely to be effective. According to Zartman (2000), a conflict is ripe to be resolved when a mutually hurting stalemate

occurs, when each of the protagonists realizes that he cannot in any case solve the problem by himself or when he has the feeling that the escalation of conflict leads to disaster, that the costs of conflict are no longer tolerable. Ripeness can also be a function of internal political changes within groups in conflict, such as the emergence of new leaders or tearing in a government previously welded by its warlike aims. In other words, the ripeness of a conflict is not evaluated rationally, but taking into account its psychological dimension, as well as the nature and intensity of the passions that animate its actors. This understanding of conflict and its ripeness has morphed into the question whether the mediator (in the shape of an international organization or state) has the ability to ripen the parties' perceptions that they are in a hurting stalemate or that they indeed need a third-party to assist them in overcoming their perceived incompatibilities. Whereas this method of involving a third-party seemed to have worked pre-9/11, the post-9/11 world tells us a different story in the sense that mediation has become less and less sought or having an impact in most of the highly volatile contexts. This is due to a range of factors that have considerably changed how mediators understand their activities and the leverage they may have onto parties. On the one hand, the disruption of the balance of forces holding together the peace and security structure of the world after the end of the Cold War has been rather impactful. This is due to the proliferation of non-state armed actors which, either genuinely or as proxies, enter the space of the political fray. Whether terrorist organizations, criminal or paramilitary groups, non-state armed actors become more and more apparent as an equal power to the previously dominant government with its ability of capturing state resources for the sake of extending the conflict. Since these actors are characterized more by fragmentation than unitary actors, their strategies are often erratic and unstable. This presents a first growing dilemma for mediators: Who to talk to? Who is representing who and what? Who are the constituents behind a group claiming political grievances? Being

subject to collective action challenges, rebel groups often do not know whether to talk or to fight. This was the case, and still is, with the various Syrian opposition forces who were not able to agree on one coherent strategy in order to negotiate with the government in the failed Geneva II Peace Talks from January 2013. Coming back to the issue of ripeness, it has given way to an added nuance: Negotiability. Negotiability is the attempt to disaggregate ripeness theory by focusing on one actor. The concept of negotiability defines a situation in which a critical mass within a particular conflicting party considers negotiations as desirable, legitimate and achievable alternative to armed struggle. Rather than a linear process or an explicit choice at one particular moment in time as posited by the ripeness theory, negotiability represents an evolving social process involving the participation of different actors within a group (Pearlman, 2010). An armed group, therefore, can at one point consider the conflict negotiable, but as circumstances change, negotiability might be reversed. These circumstances can be based on endogenous factors, such as group composition, leadership, political will, constituency, self-financing possibilities, economic and political support by secondary parties to the conflict, or exogenous, ie the labeling as a terrorist group, seeking long-term dialogue rather than isolation, to name a few. Ripeness and negotiability may not exclude one another, and they tend to be seen as complementary rather than contingent upon.

A good example is the struggle of the Moro Islamic Liberation Front (MILF) between continued fighting and negotiated settlement. Since its establishment in the 1980s, the MILF has alternated between armed struggle and negotiations with the Philippine government. Several periods of large-scale hostilities with the government reinforced the realization within the MILF that it can neither win nor be defeated militarily. The MILF leadership also recognized that continued hostilities mainly result in suffering among the Muslim communities in its heartland. Maintaining close links

with these communities, the MILF has been strongly influenced by the hope of a large majority of the Moro population for a political solution. Yet, the 9/11 discourse on terrorism affected the group's calculus, demonstrating the need to clearly disassociate itself from terrorist groups and tactics to avoid international condemnation and aggression from US operatives. Despite backlashes in the peace process, and some internal dissent, the MILF remains committed to negotiating an end to the conflict. Hence, aware of its limited resources and the vulnerability of its constituencies, the MILF perceives a strong push away from an unpromising armed struggle.

Yet, what works for the MILF example, may not work in other contexts, such as Syria, Yemen, or Mali. But, even in the most intractable of conflicts, mediators need to seek the space for dialogue, not to force ripeness, but to constantly assess readiness and availability of the leadership to think about their interests and the benefits of peace and the costs of war. While there has not been a strategic change in terms of mediation approaches, a potential way forward may lie in the collusion of power diplomacy, enabling a strong environmental context that applies constant pressure onto the armed group, and subtle persuasion, even through the use of support structures and back channels (through the use of NGO's, community-based organizations, churches) that focus on incentivizing the legitimacy and credibility of a negotiated solution. Unfortunately, the securitization of the post 9/11 discourse is leading to more repressive instruments, reducing the space for dialogue and engagement through mediation. This can be observed in Syria, where the Russians have become a party to the conflict by putting boots on the ground, the Malian circles in the sands exemplified through the aggressive push from violent transnational actors and the militarization of the space, and the globalization of extremisms.

## The changing nature of mediation

Apart from the practical dilemmas encountered in the real world, the methods of mediation have not kept pace with the afore mentioned issues. While the issue of ripeness and negotiability has started to find its conceptual bedrock, dealing with hybrid or even cyber warfare remains an elusive mediation back hole. The relative disorder that is observed between the different conceptions of mediation explains the contradictions and inconsistencies of a process that is initially alternative, then gradually institutionalized, and that keeps from its origins an ability to subvert the logic of order and vertical regulations. Because the discourse that exalts empowerment and the autonomy of populations, deinstitutionalization and the relative dispossession of elites and professionals, the transformation of the cognitive relationship between antagonistic groups, the discovery of otherness, the multiplication of deliberative practices respecting the cultural patterns of the populations concerned, will not progress in the same direction as the one that focuses on securing cease-fires, signing formal agreements, which values the usefulness of the mediator's power of influence and the need for certain distortions to the principles of impartiality and independence. Indeed, the breadth of mediation models is astounding. This diversity must be understood not only as a proof of the ideological diversity of points of view, but also as the consequence of economic competition between specialists to control the training market and spread their own models around the world. If many disciples scrupulously apply the model received from their 'master', many frees themselves to a "tinkering" posture, synthesizing several models, or move from one model to another, depending on the characteristics of the conflict and its phases. As part of training in international relations, the reference model is now that of 'multi-track diplomacy'. It usually refers to problem solving or settlement-oriented method: Conflicts are presented as problems to be solved. The objective of the mediator is to seek an agreement solving concrete problems in amicable and realistic terms. It is driven by the desire to get agreements, and therefore the mediator

tries to exert a strong influence on the whole process and to have a directive behavior. To this early model of mediation ranging from the 1970s to the early 2000s, we can juxtapose that of the reasoned negotiation, whose main contribution was to criticize the rustic character of the precedent, to enlighten the distinction between the positions of the opponents (which must be overcome) and their interests (that must be made to emerge), and to conceptualize a win-win logic of search for solutions. Alternatively, and to soften the claims that mediation is blind to the discourse of marginalization and exclusion, came the transformative model, focusing on the awareness of individuals or groups of their capacity to control their own destiny (empowerment) and on the positive transformation of the way they look at each other (recognition). The conflict appears here as a crisis of human interaction. Obtaining an agreement is secondary and success is measured on the criterion of the quality of communication established between the protagonists. We can also mention the narrative model, which is based on the principle of the deconstruction of the cultural roots of conflict in favor of the reconstruction of an alternative common history, or other variants that bring their little touch to these different "doctrines".

In summary, we see a distinction between those whose objective is the resolution of the conflict and others whose project is the regulation, i.e. the mitigation, de-escalation, reduction of the conflict. The former is more directive than the latter, whose preoccupation with expressing subjectivity and emotions requires non-directive listening. Beyond the methodological quarrel, these are two opposing worlds, that of professionals from the business world, law and politics, on the one hand, that of university activists or social work, on the other. But behind these methodological debates, it is also a whole conception of peace that is at stake. The idea that the peace process must necessarily be anchored on formal negotiations and the signing of formal agreements opposes the conviction that it requires a process of relational construction within the

civil society (s) and communities concerned. Thus, it would be futile to ask diplomats to conclude an agreement without first appeasing existing differences between stakeholders and at the local level. The peace process must be engaged not only at the level of senior officials and notables, but at the level of the different strata of society and culture through which each gives meaning to the conflict. In order to avoid pacification without reconciliation, Lederach evokes the need to build lasting peaceful relations based on objective experiences of communication, because if relations are at the source of conflict, they are also the condition of its resolution. It is this work of learning about dialogue and tolerance that would be lacking in the Northern Ireland peace process, which is too elite driven and not mass driven, because the people, strongly *communitarized*, would have remained the passive spectator. Unfortunately, conflict resolution remains an elusive outcome as non-state armed actors and proto-state groups have engaged in more pronounced identity-based conflict, which use ethno-political placeholders and religious differences as the backdrop of unreconciled societies.

One of the responses through which mediation actors try to tackle these new emerging, interdependent, dynamical and interwoven conflicts, is less through multi-track diplomacy (albeit still relevant), but more so through complementarity and enhanced coordination. For example, and as of 2016, ECOWAS has revisited its mediation and preventive diplomacy strategies, by merging multi-track approaches with grass-roots engagement, military capacities and closer coordination with financial and technical partners. The intervention in the Gambia 2016 was a good example of this approach. Another attempt to provide complementary approaches are operational conflict prevention mechanisms, such as the African Union High-Level Implementation Panel (AUHiP). While the AUHIP originally had been tasked with a report on the Darfur conflict ("African Union Panel on Darfur Report," 24 October 2009, available at http://www.sudantribune.com/African-

[Union- Panel-on-Darfur-AUPD,32905](), in early 2010 its mandate was shifted by the AU Peace and Security Commission to "assist the Sudanese parties in implementing the CPA and related processes." ("African Union High Level Implementation Panel Progress Report," African Union Peace and Security Council, 235th Meeting, 2 July 2010, Addis Ababa). This placed the AU at the center of the talks between Khartoum and Juba (a decision supported by the UN leadership). In June 2010, the AUHIP brokered the "Mekelle Memorandum" which committed the parties to holding talks on key post-referendum issues, facilitated by the AUHIP and supported by IGAD, the Assessment and Evaluation Commission[1] and the UN (Secretary-General's Report on Sudan, S/2010/528). This was a critical breakthrough, creating a forum separate from the referendum process in which post-referendum issues could be negotiated, and allowing the referendum preparations to proceed independently.

## Mediation in context: International institutional arrangements

Currently, we can distinguishes four arenas of international safeguarding mechanisms that are interconnected and complementary: the first is that of state diplomacy; the second, that of individuals or institutions cooperating with governments but without the benefit of official authority or status; the third is public dialogue, in which unofficial actors invite influential people to engage in prolonged dialogue to understand the nature of the conflict, develop scenarios alternative and take initiatives; the fourth involves civil society more broadly through actions for the promotion of peace and education without violence. To be effective, the peace process must be pursued in a complementary way (comprehensive strategy) in all these arenas and weave

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[1] The Assessment and Evaluation Commission (AEC) was tasked with monitoring and supporting the implementation of CPA. It was composed of representatives from the Government of Sudan; Government of South Sudan; IGAD; and representatives from Italy, the Netherlands, Norway, the United Kingdom and the United States, all of which had witnessed the peace negotiations leading to the creation of the CPA. The African Union, the Arab League, the European Union and the United Nations had observer status. The AEC provided expert and financial support to the AUHIP during the period covered by this repor

bridges between each of them. This multi-stakeholder mediation, which extols the merits of coordination, information transfer and resource sharing, however, presents the risk of threatening the necessary trust between the protagonists, which needs confidentiality to thrive, and runs up against concern for non-official actors not to be confused with official speakers.

Multiple mediation attempts and a multiplicity of mediation actors is one of the most observed phenomena. These attempts are interlinked with a range of state-based conflict management tools, such as sanctions or embargos to increase the cost of the war for any of the warring parties and nudging them to the negotiation table. In The Gambia, this strategy of interlocking institutionalized mediation attempts worked out rather well: The prelude to ECOWAS' military intervention to oust former president Jammeh took place with Adama Barrow's inauguration on January 19th, 2017 and a concerted effort between the ECOWAS presidency, the UN, the Organization of Francophone States (OIF), and France (with Mali, Guinea and Mauritania supporting the efforts) brought a successful and peaceful transition in The Gambia.

This complex web of interactions was characterized by effective communication and coordination, and policy coherence with the aligned partners, especially the African Union and the UN. This was achieved through joint mission and statements on developments, shuttle diplomacy, endorsement of approaches, and a clear division of labor and responsibilities. In this context, ECOWAS took the lead in mediation and military planning (with Senegal and Nigeria as Troop Contributing Countries), while the African Union provided political and diplomatic support, and the UN leveraged its presence in The Gambia to lead in humanitarian issues and facilitate logistics, contacts, and the organization of meetings with relevant stakeholders. This high-level approach could have been more effective through a greater level of constructive engagement with stakeholders, such as civil society groups and even the Jammeh government. ECOWAS opted to

foreclose the prospect of free and fair elections, however it enabled the possibility of democratic change in The Gambia.

Yet, it is here that we see a more flexible approach to mediation, combining elements of preventive diplomacy, pre-emptive mediation and military intervention. In fact, apart from the model of complementarity expressed in the preceding paragraph, two other possibilities arise: Mediation can have an alternative scope, if and when it can proceed to a methodological break. The transformative model allows, in contrast to the problem-solving, a medium or long-term work on the roots of the conflict and the needs of the parties. It operates through the organization of spaces of dialogue bringing together not only the elites but the representatives of all the political, social or community forces involved. This type of method is recommended for the regulation of deep-rooted conflicts where it produces lasting results as long as the identity and participation needs of the protagonists are deeply worked out. These mediations must then be conceived within the general framework of a *recognition policy*. For, in a "post-socialist" context where fundamental injustice is no longer exploitation but cultural domination, the need for recognition generates a multitude of conflicts. Thanks to the "parity of participation", mediation enacts intersubjectivity. This may be one of the most salient ways to introduce the increase of identity-based grievances in the current mediation space. Mediations can also be organized in places and for conflicts of which States are not interested. We can think of poor countries undermined by internal wars that have little economic or strategic interest. These mediations that compensate for political indifference are the most invisible and it would be good to develop, in liaison with the humanitarian NGOs present and the local populations, a research program to identify them and to put them at the forefront of new strategies and processes to be acquired by aspiring mediators.

## Negotiating secessionist movements – The current phenomenon

A recent development on the African continent sees the emergence of secessionist tendencies and separation of states. Most secessionist movements aim at a negotiated transfer of power and jurisdiction from the host state to their political organizations. The host state authorities may not be ready to negotiate on this issue but may be ready to negotiate with the secessionist leadership on devolution of power to the secessionist groups on the relief of specific grievances that the secessionist highlight in their propaganda or in their demands. In other words, the host state authorities are often ready to negotiate and to accommodate at least some of the secessionist demands. But in some cases of secession no negotiations took place or the negotiations between the two sides broke down without any agreement. In such cases, secessionists proceeded to proclaim secession unilaterally without any agreement with the host state authorities. A unilateral proclamation of secession – often called a unilateral declaration of independence – is a demand to the host state to acquiesce or to unconditionally agree to its loss of control and jurisdiction. Negotiations or negotiated agreements between the host state and the secessionists do not precede all secessions, whether successful or not. In other areas, we see a drive toward autonomy or self-governance, such as in the Philippines (and the Moro claims), Western Sahara, and during the Sudan negotiations for the Comprehensive Peace Agreement in 2005 and South Sudan's subsequent independence in 2009. These conflicts represent about 40% of existing tensions, covering a range of proposed forms of self-governance (e.g. autonomous regions, confederations, symmetrical or asymmetrical federalism, co-sovereignty, freely associated states, hybrid forms of states, etc.). Often times, these are conflicts found in a stalemate situation, and where ripeness or negotiability has not shaped the mediation environment in a transformative way. Western Sahara is a prime example of such a stalemate, though we could argue that we find similar dynamics in

Israel-Palestine, Turkish Kurdistan, and many of the states in the Caucasus region. Even though there has been a settlement plan formulated by the UN in 1991, both parties, Morocco and the Polisario Front, have been unable to find a way to fulfil it or to seek an alternative route. This settlement plan called for holding a referendum on self-determination for the Saharan people based on a census of voters that has existed since colonial times. However, Morocco has put up numerous obstacles to this census, raising the number of possible voters while opposing a referendum that would include independence as an option. In 2003, the UN SG Special Envoy, James Baker, presented the Baker II plan, which called for a three-stage development. During the first stage, prisoners of war would be released, the armed forces would be cantoned and an election campaign would be held. This would pave the way for the second stage, when elections would be held to elect the Western Sahara Authority, the head of the executive branch and the Legislative Assembly, which would have extensive authority except on matters relating to the flag, currency customs, the post, telecommunications, foreign relations, national security, and foreign defense. In the third stage, after four or five years, a referendum would be held, organized by the UN, in which voters could vote for the 1991 settlement plan or for the agreement on autonomy offered by Morocco. All adults who appear on the election list drawn up in late 1999, who were included in the UNHCR repatriation list in October 2000 or have lived continuously in Western Sahara since late 1999 would have the right to vote. Even though the Polisario Front accepted the terms of this plan, it was rejected by the government of Morocco, which was fearful of not winning, despite the fact that the situation seemed to be beneficial to its interests. Since then, a range of UN Envoys (and since 2017 former German president Horst Koehler) have not managed to budge either party's position, despite the frequent consultations made in the rounds of negotiation that have been promoted and the Security Council resolutions, which have called on both parties to negotiate in

good faith. This is a prime example that shows the deadlock within the UN Security Council, if and when members of the Council, and especially any of the five permanent members have vital interests at play. Morocco is a US ally in the War on Terror and the US is unlikely to change the King's stance on the Western Sahara issue, which shows a key foreign policy trait of the current US administrations to rather deal with a potentially unlucky situation than to jeopardize key partners in the projection of its power. On the other hand, France is also a key partner, and therefore unlikely to exert pressure onto Morocco. The solution, however, might entail finding a compromising formula different to the traditional immobile positions, which would mean that Morocco would give in with regards to holding a referendum and the Polisario Front would agree that there would be an intermediate stage of autonomy before the referendum is held.

## Mediator 3.0 and the new frontier of power

The more the new order is unlikely to materialize, the more we will experience an exponential increase in battle fronts. With this, we will also experience a different sub set of actors, such as private military companies, mercenaries, transnational violent groups, narco-traffickers, human traffickers, cartels and regional warlords, all vying for their fiefs and their projection of power. In a sense, the world is going back to a medieval time, where tribes, clans and strategic alliances were the dictum of the times. In this new interconnected web of actors, the rise in hybrid and cyber warfare will bring on new challenges for which either ad hoc mechanisms or institutionalized mediation structures are not prepared to engage. Powerful shadow actors wage powerful shadow wars, using not only the tools of military might, but more so the weapons of digitization, story-telling, and frustrated identities. Where the mediators do not know how and who to engage, the space for negative forces to any peace processes grows exponentially into the cyberspace. Asymmetrical warfare, psychological operations and the spinning of the truth are tools with which

a mediator is accustomed to during his or her training and it is only as of recent that diplomats begrudgingly realize that the internet age has arrived as a tool for both peacemaking and disruption. Whereas the variables may change, the game for power remains unaltered, albeit with many more players. More dramatically, however, is that power is shifting from states to individuals, or even Multi-National Corporations. Power is diffusing. And, it has been disrupted by those missionaries of the internet age. The digital revolution has not only made the planet a global village, but it has also provided fundamentalists and extremists the right tool to win the war of the minds. The transfer of power from hierarchies to networks will generate winners and losers. This new war of power will be fought online, more than offline, and it will be a battle of ideas and values, often carried out through the means of technology (i.e. cyberspace, drones, etc.). The enemies will not be obvious and the front lines won't be drawn on a map. Mediators will have to become "savvy digital mediators" if they want to engage with ISIL and its extremist off-shoots and copycats in the Sahel and elsewhere. Network theories and Social Network Analysis may help the mediators understand better not only how these cells operate but also what their targets are. And ISIL and correlated forces target the grey areas, places where Muslims and Non-Muslims interact. In doing so, they pitch the fight between those who want to live together and those who don't. The new mediator 3.0 will also need to be as creative and present online than her opponents. She will need to take the negotiability of the conflict to these opponents through the online battle of ideas. She will also need to reboot the international system, with a stronger inclusion of the citizen diplomacy agenda, away from the heavy and traditional peace and security model of current days and toward an empowered, resilient, and engaged citizenry.

## Concluding thoughts

It is naturally difficult to accurately assess the nature and efficiency of political mediations. But the quantitative temptations of the American researchers do not seem opportune and only the qualitative companies are able to enlighten us usefully. To appreciate the potential of mediations to transform the political game, we must, from our point of view, take into account two variables that have for the moment remained more or less in the dark, the independence of the mediator and the methodology of the mediation. The first is to measure the degree of political, economic and cultural autonomy of mediators both vis-à-vis States and traditional diplomacy, international institutions and large institutionalized NGOs, but also different arenas of pacification. The conflict spectrum is ranging from the most directive and centered on the search for a formal agreement, at least directive oriented, in a communicational logic, towards a transformation of the reciprocal representations of the protagonists (otherness) and in a logic of *autonomization*, towards a control of their own destiny (empowerment). To take an image often mobilized in the world of mediators, it will be a question of knowing if the mediator is in the hurry without opening the "black box" of the conflict in order to interrupt the hostilities. Or if she opens it so that the needs can be expressed in a reasonable time by avoiding the long temporalities inherent to a cathartic process, or if it has the ambition to keep it open so that all the emotions are released in depth and that the long term building a new relationship. Neotenic potentials of a mediation (in the sense of a metamorphosis of the regulation of political conflicts) will be considered all the stronger as the mediator is independent of the established powers and adopts a non-directive and transformative methodology. These indicators will make it possible to better identify the real issues of mediation, the false nose of good old diplomacy or the fertile momentum of small peacemakers. Ideally, this would also bridge the gap between modern methods of conflict management and indigenous of resolving tensions and moving toward reconciliation.

Evaluating some of the mediation initiatives between 2001 and 2018, we can learn the following lessons:

## Lesson 1: Securing political mediation space

Peacemakers should be determined to promote a just settlement (not an agreement at any price). The outcome of mediated processes depends to some extent on the balance of forces and the local/geopolitical context at the particular moment when negotiations start. Continued fighting is detrimental to the legitimacy and credibility of the mediation process. Nevertheless, and in order to get splinter groups and other non-state armed actors on board (such as in the case of Sudan), an agreement for the temporary suspension of hostilities may create a more conducive climate and avoid military incidents to derail the process. Policy should therefore be to exclude new factions who have violated the cease-fire. Yet, a separate process should be created, either through dialogue or back-channel negotiations, to assess whether the break-away group can be brought back to the mediation process. No isolation or repressive strategies should curtail the mediator's efforts to seek engagement with break-away groups. This would allow an easier handling of potential spoilers to adjust their Best Alternative to A Negotiated Agreement (BATNA) and to stay with mainstream. This is in contrast to the situations in Syria and Yemen, where many ceasefires have been agreed and violated shortly afterward. But the lesson learned here could be that initiating a cease-fire at all costs without the groups being able to present a clear and coherent political agenda would be prone to failure in any case. The most recent peace talks in Khartoum related to ending the conflict in Central African Republic was an effort in the right direction (http://www.rfi.fr/afrique/20190208-rfi-rca-accord-politique-signe-khartoum). The inherent focus of the talks were on power-sharing and political settlement issues. Indeed, the issues of stability and security remain valid, and the balance of forces does favor the many armed groups. But in

terms of securing the political space, the African Union initiative brought together not only the national stakeholders and the armed groups, but also made a concerted effort to rally guarantors and support structures to the negotiations.

## Lesson 2: Fostering transparency

In many violent conflicts, there is an underlying war economy that most stakeholders and spoilers want to maintain. The greatest harm to war profiteers can be done by exposing them (in addition to sanctions). Fact-finding bodies should be mandated from a peacemaking perspective, with the mission to focus on the role of war economies in the perpetuation of the conflict and to unveil the actors, their motives and the mechanisms involved.

## Lesson 3: Building a multilayered mediation

Co-facilitation of international, regional and local powers is key to conducive political mediation. It should take the form of a 4-tier model, involving (1) Western powers, providing leadership and leverage; (2) a regional organization, providing ownership and knowledge; (3) NGOs, providing field knowledge and capacity building; and (4) local/traditional conflict resolution mechanisms, allowing for reconciliation and dialogue. Co-facilitation at the systemic level builds on third party actors' comparative advantages and demonstrates unity and seriousness of peacemaking efforts to belligerents. A good case in point is The Gambia as seen above. It should also include the mastery of technology and digital savvy mediation.

## Lesson 4: Rethinking right to self-determination and the State

The claims for self-determination (through partition or secession) should not be discarded but analyzed based on the political criteria of the claims and the conduct of war overall. Mediators should acknowledge that the sovereignty of the state is no longer considered unconditional. If targeted and continuously (violently) discriminated groups seek self-determination, mediators

should be open to these claims and carefully investigate severity and rigidity of the issue. This strategy would allow governments to establish legitimate and representative institutions, promote participatory and inclusive politics, and adopt a fair redistribution of power and influence in order to prevent, respond to, and reduce separatist tendencies. Prepared mediators can remind governments of the potential consequences of failure to rethink state sovereignty and the right to self-determination.

## Lesson 5: The use of 'smart power' vs. 'muscle' for emerging powers

In order for a nation to assume a mediation role, it essentially needs to exercise smart power: combining coercion (leverage) and attraction (soft power). Therefore, emerging powers can effectively mediate by maintaining strictly facilitator roles that do not require extensive amounts of the other aspects of power, thus no longer needing to rely on the decline of major states' soft power to have the opportunity to mediate. Depending on context, emerging powers in the role of mediators may adopt the formulator role, if deemed necessary and with support through the conflict parties. Mediation solely based on facilitative strategies of communication can contribute to conflict resolution while leaving the disputing parties with the responsibility of using their resources for leverage. Yet, and in order to be recognized as 'constructive mediators' on the international stage, emerging powers making use of political mediation need to move away from a traditional (statist) style of mediation (highly personalized) and toward a more pronounced mediating role, a 'bridge-builder' between the developed and the developing world.

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