

# *What is peace mediation?* *Understanding the sources of* **conceptual confusion in the** **practice and study of mediation.**

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## HOW TO REFER TO THIS BRIEF:

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**IT IS IMPORTANT** all relevant stakeholders agree on what peace mediation means in a peace process. Clarity on the purpose and methods of mediation helps build trust, facilitates effective communication, and increases the likelihood of successful conflict resolution. The core principles of mediation are widely understood as third party-assisted negotiations aimed at preventing, managing, or resolving armed conflict in which the conflict parties consent to the mediator taking some control over the process. However, these principles are not applied consistently within and across practice and research communities. On the one hand, policymakers and practitioners who work with conflict parties often prioritize contextual sensitivities and clarity of meaning over strict adherence to consistent labelling. Academics, on the other hand, require a consistent definition that allows for learning and comparison across cases and tend to prefer a broader definition that captures a wider range of activities and cases. As a result, defining mediation consistently across communities in all contexts can be challenging. This research brief examines the sources of conceptual confusion about what mediation is.

## Policy recommendations

1. Conflict parties, mediators and third-party peacemakers should agree on the label given to any third-party assistance within their particular context.
2. Third parties must ensure that all conflict actors involved in the process provide their consent, based on a clear understanding of the scope of the assistance offered, for it to be classified as “mediation”.
3. Scholars who engage with practitioners and policymakers should explain the purpose and logic of their chosen definitions and why this might depart from the terms used in practice.

# Introduction

Practitioners and policymakers must clearly define what they mean when using the term “mediation”. This is necessary to help conflict parties understand what to expect from third parties, to establish coordination and communication, increase the acceptability of mediation for conflict parties, and enhance learning across contexts.<sup>1</sup> This brief first explains why this topic is of importance, then examines po-

tential challenges in the definition of mediation, focusing on three tenets of mediation practice that distinguish it from other peacemaking activities: (1) a third party assists negotiations; (2) the mediator provides some minimal level of control or structure over the overall process; and (3) the parties consent to the involvement of the third party and the outcome of the process.<sup>2</sup>

## *The importance of ensuring a* **common understanding and shared objectives among stakeholders**

**PRACTITIONERS AND POLICYMAKERS** must clearly define what they mean when using the term ‘mediation’ in order to avoid at least three potential pitfalls:

First, the term mediation could be misused to give a different activity the appearance of legitimacy. If the term is associated with manipulation and pressure, this can lead to a lack of acceptance by conflict parties.

Second, unintentionally using of different terms for mediation roles (e.g., “facilitation” or “Good Offices”) can lead to confusion and inappropriate use of an approach in a given context. Flexible use of labels is not the problem as such if the terms are explained. But using terms that are not explained and do not bring clarity to parties or between third parties, risks creating confusion or mistrust.

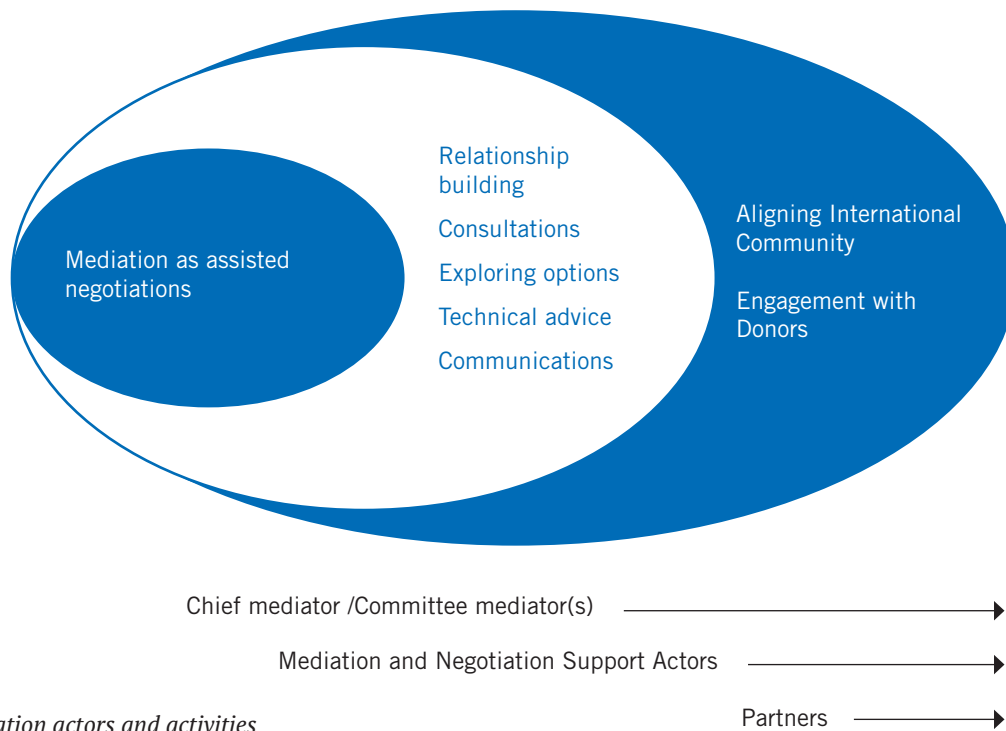
Third, an unclear definition of mediation makes learning more challenging. Lack of clarity on the

conceptual boundaries of mediation makes it harder to assess when and how to use mediation.

### ***Third Parties: Mediator vs Mediation?***

Mediation processes involve several third-party actors, each undertaking a series of distinct but connected activities. Which of these actors and activities fall under mediation is the first point of possible confusion.

When a third party plays a leading role in assisting a process of (direct or indirect) negotiation, this is generally understood as mediation. The lead mediator and their team design and manage the process, chair in-person talks, and shuttle between different actors. The third party often assumes the title of “mediator” or “facilitator” (chief or committee). This is represented as the innermost circle in figure 1.



**Figure 1:** Mediation actors and activities

But many related activities occur prior, during, and after the rounds of negotiations that may not be considered mediation. Third parties often engage in activities to build trust and relations with the conflict parties, identify issues for negotiation, build capacity, provide technical advice, and manage communications. These activities often involve the chief mediator, but also a broader array of third-party actors who would not be referred to as mediators. In Figure 1, we refer to this broader array of actors as mediation and negotiation support actors. Broader still, mediation also typically involves a series of – often political – partners and donors that help support and advance the process and who often are crucial to its success. But this type of engagement can rarely be considered mediation as these actors exert little method-based influence of the process.

Different communities adopt different definitions of mediation and which actor to include in the different circles in Figure 1. Most quantitative academic research tends to limit their analysis to clearly defined rounds of assisted negotiations, excluding the broader array of activities. The reason for this is that mediation datasets often rely on news sources,

making it harder for researchers to identify the broader range of activities that typically occur in private or informal settings.

Moreover, quantitative research relies on identifying key points of variation. In many cases, broader mediation support activities occur more constantly, making it harder for statistical analyses to assess the impact of such efforts. In contrast, practitioners and non-governmental organizations have many terms that are often used in different ways to describe the diverse set of activities in the three circles of Figure 1. For example, some practitioners distinguish mediation support (third party assists other third parties assisting negotiations) from negotiation support (third party assists only one side in the negotiations), while others lump these activities together under the broader term “mediation support” (all efforts to assist the mediation process more broadly).

Furthermore, the type of third-party activity needed in a given context changes over time and depends on a third party’s access and perspective. For example, if a third party mediates between two opposition groups in preparation for them to engage with

a government actor, this may be mediation from that third party's perspective, but mediation or negotiation support from the perspective of the mediator running the process between the government and the opposition. With a shift from "one table" mediations to "multiple table" mediations in a peace process on different tracks and involving both formal and informal activities, some practitioners argue that the quantitative academic research focusing only on track one, formal mediation misses vast amounts of necessary activities to move towards peace. Quantitative and qualitative academic research focusing on local mediation has partly responded to this and is currently starting to fill this gap.<sup>3</sup>

### A structured process

The second core tenet of mediation is that it involves a structured, third-party led dialogue covering both the *time* and *space* of negotiations. A settlement is more likely when a process is designed such that earlier steps help prepare the ground for subsequent phases. A mediator also structures the negotiation space, specifically with regard to the chosen formats (e.g., plenary, committee), forms (e.g., informal, formal), locations (close to, far from conflict), and venue (e.g., set up of room).

This tenet distinguishes mediation from approaches not involving any third party (e.g., bilateral dialogue), involving a third party that does not structure the process (e.g., dialogue facilitation), and those in which the actions of the third party extend beyond structuring the process to the imposition of certain content outcomes (e.g., military intervention). Herein lies two primary areas of confusion in both research and practice, relating to what we term the lower threshold (i.e., the minimum acceptable level of mediator control of the process), and the higher threshold (i.e., the maximum acceptable level of mediator-imposed structure).

### The lower threshold: minimal level of third-party control of the process

For an activity to be considered mediation there must be some minimal level of control exerted on the structure of the process by a third party. In theory, this lower threshold is relatively clear, but in the practical application, there are several sources of potential confusion.

Firstly, it is often hard to determine if indeed the third party provides sufficient structure to the time and space of the process, or if it is passive and lacks agency in shaping the process.

Secondly, activities that alone fall short of mediation can themselves transition into mediation for a while. For example, in 1972, Ethiopia offered Good Offices to the Sudanese government and southern rebels. This initially involved only the provision of a venue, but as the talks progressed, Ethiopian Emperor Haile Selassie became directly involved in the peace talks, meeting both sides, chairing the talks, and making proposals.<sup>4</sup> Thus, in this case, it could be argued that the provision of Good Offices transitioned into, or became a part of, a broader mediation process.

Thirdly, political sensitivities can often shape the label given to a third party. For example, as a response to the civil war in Nigeria, the Organization of

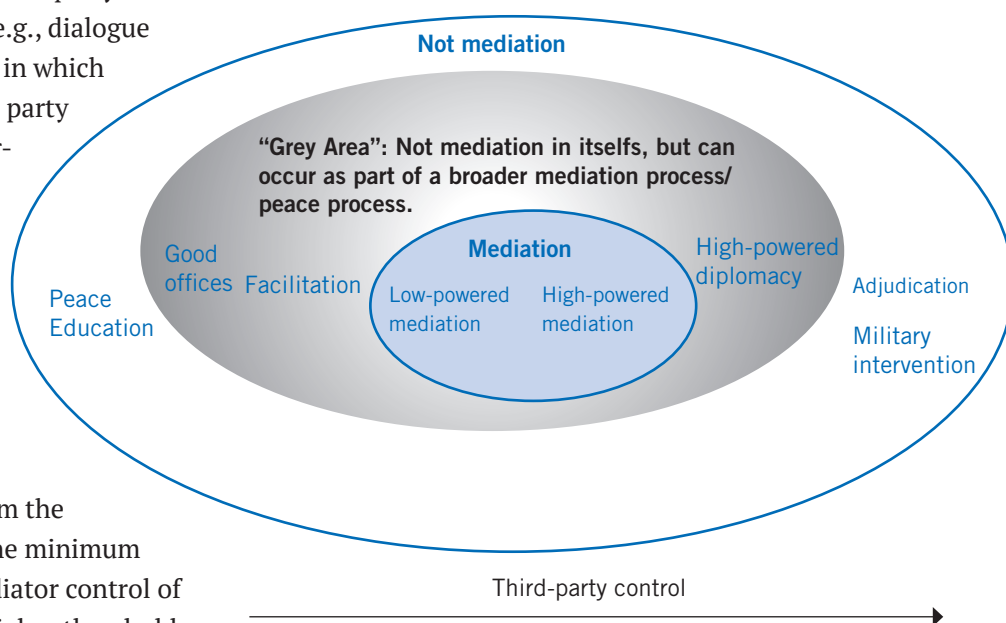


Figure 2: Third-party forms of conflict management



African Unity created a special commission of six heads of state in September 1967. Careful to avoid any implicit recognition of Biafra through mediation, the peacemaking effort was referred to as a “consultative mission”, even though the heads of state clearly tried to make peace between the conflict parties through shuttling between them and making proposals.<sup>5</sup> In the Colombia-FARC process, Norway and Cuba instead acted as “guarantors” of the process. This reflected the parties’ desire to retain control, and the process was thus clearly a negotiation process. Yet at certain key junctures, the guarantors provided process and sequencing advice that might, in other contexts, have been labelled mediation, mediation support, or negotiation support.

***The higher threshold: maximal level of third-party influence***

The United Nations (UN) Guidance for Effective Mediation states that mediation requires consent. Academic research is likewise clear on this point.<sup>6</sup> Consent distinguishes mediation from other approaches that rely on physical force or the authority of law. Yet confusion can arise from practical challenges in applying this principle.

Firstly, it is often unclear to what extent conflict parties’ consent is undermined by any pressure that a third party might apply. One useful approach is to distinguish between pressure on process versus pressure on content. Hottinger distinguishes between low-powered mediation, where the mediator exerts no or very little pressure on the process; “high-powered mediation”, where the mediator exerts pressure on the process but not the content; and “high-powered diplomacy”, where the third party exerts pressure on both process and content.<sup>7</sup>

Secondly, it is unclear to what extent third parties should be judged only according to their actions, or also incorporate both explicit and implicit threats that might undermine the principle of consent. For instance, in the final meeting of the Darfur peace process in May 2006, an American diplomat told one of the rebel leaders that was hesitant to sign a peace agreement: “Have no doubt where I stand. I am a good friend, and I am a fearsome enemy”.<sup>8</sup> Following

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*A settlement is more likely when a process is designed such that earlier steps help prepare the ground for subsequent phases.”*

this intervention, the rebel leader decided to sign a peace agreement with the Sudanese government. In this case, the actor retained their agency to grant or withhold consent for the agreement, but the threat implied by the American diplomat might lead some to question the extent to which the party could truly voluntarily decide on this deal. Thus, in this case the term “high-powered diplomacy” rather than mediation may be most appropriate.

Thirdly, this challenge is further complicated by the different actors and roles involved in mediation (figure 1). In many cases, it is an external party outside of the core mediation team that threatens the punishment or applies pressure on the parties. Peacemaking efforts are still mediation if the pressure is exerted by a third party other than the main mediator.<sup>9</sup> But whether pressure undermines mediation is potentially shaped by the type of connection and level of coordination with the mediator, things that are likely to be challenging to observe from outside the process.

Fourthly, third party led dialogue is a fluid process, where dialogue can shift to negotiation, to mediation, and then back again to bilateral negotiations. The approaches used by the third party are likely to vary over time. Often a mediator will rely predominantly on facilitation and other low-powered mediation approaches. A question remains, however: if the same third party were to apply pressure in one moment in such a way that the consent of the parties is

undermined would this mean that the whole process is better not considered mediation?

Fifthly, there exists some debate as to the relationship between impartiality and consent. Some definitions of mediation highlight that a mediator needs to be impartial but others do not.<sup>10</sup> In practice, there have been many third-party peacemaking efforts by third parties that are biased, through their relations with one actor, or because multilateral organizations bring norms to the table that can bias them towards one or the other actor. In principle, this does not necessarily undermine consent, and the debate is rather about what bias means (i.e., bias regarding relationship, values, content, process, or outcome) and about how bias affects the consent and effectiveness of mediation.

Differing views of consent, therefore, complicate attempts to define mediation in practice. Within the practice world, there is often a preference for reserving the label of mediation to clearly non-coercive peacemaking activities, because this helps conflict parties understand what is being offered: a third-party process that is more active than dialogue facilitation for example, however not involving the application of pressure in such a way that would undermine

the key principle of consent. While acknowledging that conceived in this way mediation might not necessarily always be the most appropriate tool,<sup>11</sup> at least by strictly adhering to a more narrow definition of mediation focusing on consent – as posited by the UN Guidance – the conflict parties understand that when they accept to partake in a mediated process it is different from other more coercive approaches such as high-powered diplomacy.

Academic researchers instead tend to favor a broader definition that extends to include forms of third-party conflict management that potentially infringe upon the parties' consent.<sup>12</sup> For instance, Beardsley *et al.* distinguish facilitation mediation, formulation mediation, and what they refer to as a “manipulative” mediation. This third label is indicative of some of the main differences of opinion and confusion across academic and practitioner communities. No practitioner, policy maker, or actor working directly with conflict parties would ever want to associate themselves with any form of mediation that is “manipulative”. Thus, what might be a relatively intuitive label from an academic perspective is deeply unhelpful when trying to inform the work of those in the field.

## Conclusions

The core tenets of mediation are widely agreed upon both within practice and academia. Yet, several nuances make the application of any definition difficult. For policymakers and practitioners working on a process, the label used will also be shaped by the contextual sensitivities and preferences of those involved. Clarity of meaning amongst practitioners, however, is necessary to avoid confusion and communicate clearly between third parties and with actors in conflict. Whether this is done by multiple terms that are each time explained afresh, or by a more generally used term with an agreed definition, is of secondary importance.

Practitioners should however be aware that for academics, for whom learning and comparison across

cases is of greater importance, a broader approach is often likely to be preferred, and practicalities (e.g., access in terms of what is observable) are also likely to be reflected in any approach adopted. In addition, once one definitional approach is established within a research community, there is a logic to keep using it to facilitate comparison over time.

Thus, ultimately, whether a narrower or a wide definition of mediation is adopted will always depend on the actor's preferences and purpose. The key is for everyone to define the term they use, and be explicit about the choices made, and the logic for doing so. This will help to build better and more productive communication between practitioners and academic researcher working to advance mediation.

# Endnotes

We would like to thank the Mediation Support Project (CSS ETH Zurich and swisspeace, funded by the Swiss Federal Department of Foreign Affairs).

- <sup>1</sup> Laurie Nathan, "Marching Orders: Exploring the Mediation Mandate," *African Security* 10, no. 3-4, 2017.
- <sup>2</sup> United Nations. *United Nations Guidance for Effective Mediation*. New York: United Nations, 2012. Scholars have developed substantially similar tenets. See, e.g., Jacob Bercovitch, "The Structure and Diversity of Mediation in International Relations," in *Mediation in International Relations: Multiple Approaches to Conflict Management*, ed. Jacob Bercovitch and Jeffery Z. Rubin, Basingstoke: Macmillan, p. 7. 1992.
- <sup>3</sup> For an example of quantitative research: Allard Duursma, "Making disorder more manageable: The short-term effectiveness of local mediation in Darfur", *Journal of Peace Research* 58(3), pp. 554–567, 2021. An example of qualitative, practitioner-oriented research: Bekha Ibrahim Abdi and Simon J. A. Mason, *Mediation and Governance in Fragile Contexts: Small Steps to Peace*, Boulder: Lynne Rienner Press. 2019.
- <sup>4</sup> Hizkias Assefa, *Mediation of Civil Wars: Approaches and Strategies - the Sudan Conflict*, Boulder: Westview Press, pp. 140-141. 1987; Abel Alier, *Southern Sudan: Too Many Agreements Dishonoured*, Exeter: Ithaca Press, p. 111, 1990.
- <sup>5</sup> B. David Meyers, "Intraregional Conflict Management by the Organization of African Unity," *International Organization* 28, no. 3. p. 35. 1974.; John J. Stremlau, *The International Politics of the Nigerian Civil War, 1967- 1970*, Princeton: Princeton University Press, pp. 93, 1977.
- <sup>6</sup> Christopher W. Moore, *The Mediation Process: Practical Strategies for Resolving Conflict*, San Francisco: Jossey-Bass, p. 6, 1986.
- <sup>7</sup> Julian Thomas Hottinger, Presentation in the Peace Mediation Course, Oberhofen, Switzerland, 15 June 2016.
- <sup>8</sup> Alex De Waal, "Darfur's Deadline: The Final Days of the Abuja Peace Process," in *War in Darfur and the Search for Peace*, ed. Alex De Waal, London: Global Equity Initiative, p. 273. 2007.
- <sup>9</sup> Laurie Nathan, "When Push Comes to Shove: The Failure of International Mediation in African Civil Wars," *Track Two* 8, no. 2, p. 14. 1999.
- <sup>10</sup> Roland J. Fisher, "Methods of Third-Party Intervention," Berghof Handbook for Conflict Transformations, p. 159, 2001.
- <sup>11</sup> I. William Zartman, *Cowardly Lions: Missed Opportunities to Prevent Deadly Conflict and State Collapse*, Boulder: Lynne Rienner, 2005.
- <sup>12</sup> Kyle C. Beardsley et al., "Mediation Style and Crisis Outcomes," *The Journal of Conflict Resolution*, 50, no. 1, p: 63. 2006.

## Author biography

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