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Analysis of Multiparty Mediation Processes

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Universiteit Leiden
Faculty of Social and Behavioural Sciences

Analysis of Multiparty Mediation Processes
Doctoral Dissertation

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Introduction

In an international system deprived of central authority, mediation has often been advocated as the most suitable way of third-party conflict management. Traditional academic literature studying international mediation, derived most of its insights from labor-management disputes (Zartman 2008). These insights relied mainly on the assumption that the mediation is conducted by a single trustworthy third-party that is deprived of any interest in the conflict. Over the past three decades, this traditional conceptualization of international mediation experienced important advancements and changes. As it will be illustrated later in this research, the issue of impartiality was gradually challenged, and several theories formulated conditions under which a third-party's bias might not be liability to the peace-process. As such, today mediation is defined simply as a process in which a third-party helps conflicting sides to find a solution to their conflict that they cannot find themselves (Touval and Zartman 2006). Nevertheless, despite these important theoretical developments, the core assumption that mediation is conducted by a *single* third-party still limits the practical applicability of various academic studies of international mediation. As numerous cases around the world show, international conflicts are increasingly being managed by more than one third-party.

Contemporary scholarship defines the processes where a conflict is managed (i.e. mediated) by more than one third party as *multiparty mediation* (Crocker et al. 1999; Crocker et al. 2001). Even though in recent years multiparty mediation processes have been under growing academic scrutiny, traditional literature on international mediation recognized the benefits of having multiple mediators working in concert. As emphasized by Zartman, “if a number of conciliators are available to the parties themselves and if a number of friends of the conflicting parties can coordinate their good offices and pressure, the chances of success are improved” (Zartman 1989, 276). To this day, several studies have shown the potential benefits and liabilities of having multiple mediators (Crocker et al. 1999; Crocker et al. 2001, Diehl and Lepgold 2003), the relationship between the size of the mediating coalition and its effectiveness (Böhmelt 2011), and the need to have a cooperative endeavor by multiple mediators in order to achieve success in the mediation process (Whitfield 2007, Böhmelt 2011, Hampson and Zartman 2012).

Contemporary studies of multiparty mediation are unanimous in the claim that *cooperation* is the key ingredient for a successful multiparty mediation. However, apart from empirically confirming that cooperation exerts positive influence on multiparty mediation effectiveness (Böhmelt 2011, 874), the complexities of cooperation as a concept have not yet been scrutinized. Thus, some shortcomings in the previously mentioned studies could be easily observed. First of all, in all of them the concept of cooperation has often been equated to the concept of coordination, which has limited the analytical depth of such studies. Secondly, in each study cooperation has been treated as a static phenomenon, which does not change over time, but is rather observed in a binary manner: as present or not throughout the entire process. Therefore, what these studies failed to integrate was the impact of a potential change of mediators' attitudes that could occur throughout the process. In other words, while in the beginning one mediator might show clear intentions of cooperating with the rest of the mediating coalition and thus contribute to the overall potential effectiveness of the process, along the way as the mediating process unfolds, due to different circumstances, such attitude might completely change. Similarly, an initially non-cooperative mediator might alter its preferences, and decide to cooperate with the rest of the mediators. The fact that mediators' attitudes might change from cooperative to non-cooperative behavior, and *vice-versa*, throughout the process will inevitably have an effect on the effectiveness of the mediating coalition.

Although considerable progress has been made in studying multiparty mediation, the process still poses several unanswered questions. Following the logic of earlier studies that challenged the traditional literature regarding the impartiality of mediators, contemporary research on multiparty mediation still lacks a clear emphasis on specific self-interests that drive various mediators to get involved in managing the conflict. Publically third-parties often invoke humanitarian concerns as their sole motivation to act as mediators. However, given the considerable costs that mediation produces, it is reasonable to presume that mediators are at least as motivated by self-interest as by humanitarian impulses (Touval and Zartman 1985, 8). Mediation represents a useful foreign policy tool that helps international actors to promote specific self-interests (Touval 1992). As such, the investment of substantial material and non-material resources should not be seen as only aimed at

resolving a dispute; it is also done so that mediators can gain something from managing the dispute (Greig 2005). Thus, just as mediators' involvement needs to be compatible with their self-interest, their choice to cooperate once they've committed to mediation also needs to be perceived as useful for the promotion of their self-interests.

International conflicts usually draw into the mediation process all sorts of outside actors, that are "just as numerous and frequently as diverse in their interests as the warring parties themselves" (Hampson and Zartman 2012, 1). Since each mediator will try to promote its self-interests, the larger the number of participants in a multiplayer mediation, the larger the probability of conflicting interests and positions and the more complex the relationship among the parties will be (Crocker et al. 1999). Potential conflict in mediators' interests will have a direct impact on the likelihood of achieving cooperation. In other words, compatibility or convergence of interests between mediators is a necessary precondition for the achievement of cooperation. In this research a special focus is given to the impact of 'drop-outs' - mediators that due to various circumstances believe that non-cooperative behavior is in their self-interest, and as such choose not to cooperate with the rest of the mediating coalition - and potential factors that might change their general strategy/attitude from defection to cooperation. This research identifies three basic factors - exogenous geo-political shifts, change in conflict dynamics and bargaining for cooperation - that might induce mediators to alter their attitude from non-cooperation to cooperation.

Once actors achieve full convergence of interests, the mediating coalition will then have to overcome the challenge of *coordinating* different mediators' actions. While in earlier studies, the conceptual difference between coordination and cooperation was at best blurry, this research will aim to avoid such analytical limitation. When joining a mediating coalition, each mediator enters with a specific set of resources that could be used to leverage the disputants towards a mutually acceptable solution. The theory of international mediation defines these resources as power or leverage, which is 'the ability to move a party in an intended direction' (Touval and Zartman 2006, 436). Such ability derives from the very fact that disputing sides need mediators' assistance in finding solutions to their problems (Touval and Zartman 1985, Touval 1992). Earlier studies have shown that one of the most important comparative advantages of multiparty mediation efforts is in the dynamic where

various mediators pool in their resources, which allows for a creation of necessary incentives for resolution that would have been unavailable through a single mediator (Crocker et al. 1999). A harmonious employment of various leverages can be instrumental for the effectiveness of the mediation process - "where direct leverage is limited it may be borrowed from others" (Crocker et al. 1999, 40). This research looks at *coordination* as a method of synchronized usage of different leverages and resources each mediator has at its disposal in the process in order to create incentives which are instrumental for successfully resolving the conflict. Since power/leverage is never aimlessly employed, the decision to use a particular type of leverage (depending on the mediator's relative capacities) will be directly linked to the self-interest that the mediator aims to promote through the process.

In essence, the aim of this dissertation is to explain in more details the effects of cooperation and coordination on multiparty mediation. As previous illustrated studies have shown, crucial challenges that must be overcome in multiparty mediation processes are the (1) achievement of adequate *cooperation* among the mediators and (2) consequent *coordination* of their activities in the mediation process. While the two concepts have in common the presumption that actors involved in the mediating coalition need to have shared goals on how to resolve the conflict, they is still a clear difference between the two: a necessary prerequisite for a successful cooperation is that all parties recognize mutual benefits of working together; once the parties perceive the benefits of working together, cooperation might lead to a coordinated endeavor which implies a more mechanical process of dividing the labor effectively, and clarifying who needs to do what, when and how.

With all this in mind, crucial ingredients for a successful multiparty mediation seem to be '*consistency in interests*' and '*cooperation and coordination*' between mediators. The aim of this dissertation is to further expand the existing knowledge on multiparty mediation by answering a number of *(sub)research questions*. First of all, how much do the 'consistency of interests' and 'cooperation and coordination' affect the overall process? Given the dynamic nature of cooperation, and likelihood that a party changes its behavior from cooperative to non-cooperative throughout the process of multiparty mediation, it is important to understand if the efforts that lack cooperation inevitably end in failure. Similarly, what happens to the mediation process when mediating par-

ties do not share the same idea and interest in a common solution? At the same time, present research will explore the obstacles in achieving coordination and coherence between various mediators in such an environment and how to surmount the problems that multiple mediators face when operating without a 'common script' in attempting to mediate a negotiated settlement. In other words, this study will investigate which mechanisms (both on the systemic and contextual level) have the potential to deter defection from a (potential) member of the multiparty mediation coalition? Finally, as the number of states and international actors that are involved in mediation increases, a careful assessment is necessary not only of their relative institutional strengths and weaknesses, but also of how to promote complementary efforts and how to synchronize the whole process when one actor is transferring the responsibilities for mediation to others. In other words, this research will try to point out the importance of self-interests that motivate third-parties to get involved and to unveil the link between coordination and self-interests (also described as strategic interests) and the impact of such interaction on the overall effectiveness of the mediating process.

Multiparty mediation is not a new theory of mediation, rather an advancement of the existing knowledge. Therefore this dissertation will start by laying out a theoretical framework of mediation in Chapter 1. Existing literature will reflect the multicausal nature of the mediating process, where interplay of a variety of factors (systemic and behavioral) directly affects the effectiveness of the process. Once the fundamental theoretical framework of international mediation has been described, this research will move to the existing knowledge of multiparty mediation in Chapter 2. Given the existing limitations of current knowledge on multiparty mediation, this research will aim to expand it with a game theoretical model that was developed in order to observe a general pattern of mediators' behavior in multiparty mediation. The model will be interpreted using the Theory of Moves (Brams 1994). Reflecting on the insights from the existing literature on mediation and the game theoretical model, this research will generate several hypotheses regarding the dynamic of cooperation and coordination in multiparty mediation. These will be tested on the basis of five different case studies, of recent international conflicts that were managed through a multiparty endeavor. The existing studies (Kriesberg 1996, Crocker et al. 1999, Crocker et al. 2001, Böhmelt 2011) have all shown that there is a strong correla-

tion between cooperation and coordination among multiple mediators and success in multiparty mediation. Present research will aim to go one step further and try to analyze potential existence of a causal mechanism between success in multiparty mediation and cooperative and coordinated activities of multiple mediators. One of the most suitable methods of examining causality is certainly *process tracing* (George and Bennett 2005, Beach and Pedersen 2012), and this study will conduct a process tracing analysis on five different case studies of multiparty mediation.

The cases were selected based on two criteria. The first one is quite straightforward, and it implies that a particular international conflict was managed by multiple mediators. Second criteria, prescribed in process tracing literature (Beach and Pedersen 2012), implies the existence of both hypothesized X and outcome Y, which in this research means the existence of a cooperative (and coordinated) effort and (un)successful outcome. Therefore, three cases that were selected had a successful outcome - Tajikistan, Namibia and Cambodia - while two failed - Sri Lanka and Kosovo. In principle, using a process tracing method, this research will analyze various dynamics surrounding the achievement of necessary cooperation and subsequent coordination between mediators, and the effect these had on the outcome of the peace process. The dissertation will conclude with a discussion on various factors that could induce the change in mediators' attitudes and promote cooperative behavior within the mediating coalition, which in turn would improve the chances of successfully managing the conflict.

In conclusion, it should be mentioned that nearly the entire dissertation has been already published in various academic forms. The theoretical background in Chapter I together with the existing theory on multiparty mediation from Chapter II (section 2.1) has been published in the Special Issue on Literature Review in the *International Journal of Conflict Management* (Vukovic 2012b). The segment on mediation strategies and mediator's bias from Chapter I was also published in *Cooperation and Conflict* (Vukovic 2011). An abbreviated version of the Chapter II, which included the game theoretical model and existing hypotheses, together with the analysis of three cases studies (Tajikistan, Cambodia and Kosovo) has been published in *International Negotiation* (Vukovic 2012a). Finally, the case of Sri Lanka together with the hypothesis regarding the link between strategic interests and coordination (H9) has been published as a book chapter together with a visiting doctoral fellow Maria Groeneveld-Savisaar (Groeneveld-Savisaar and Vukovic 2011).



CHAPTER
I

THEORETICAL BACKGROUND



CHAPTER I: Theoretical background

1.1 The Need to Manage Conflicts: Different Conflict Management Activities

Among all social processes, conflicts can be identified as the most insidious and costly. In their fundamental form, violent (militarized) conflicts imply a methodical and structured employment of force and violence. Human casualties and material damage, produced in conflicts, are generally regarded as the most salient type of political costs a society might experience (Gartner et al. 2004; Gartner and Segura 2000). Not surprisingly, there is an increasing demand coming from the same (political) actors that are involved in the conflict, accompanied by pressures from both local and global civil society, to manage conflicts.

Since conflicts commonly produce high levels of distrust, conflicting parties often find it useful to delegate management activities to a distinct third party. According to Bercovitch et al. (2007) ‘conflict management is the product of the interaction of strategic choices made by disputants and third parties, rather than the result of a decision by conflict managers to indiscriminately manage any dispute that arises’ (pg. 2). In other words, a decision to manage a conflict is not unilateral but rather a result of a careful analysis by all sides on whether a conflict has become “ripe” for resolution (Zartman, 1989). As the ripeness theory explains, conflict is ripe for resolution when the conflicting parties perceive their present situation to be a “mutually hurting stalemate”. This refers to a situation “when the parties find themselves locked in a conflict from which they cannot escalate to victory and this deadlock is painful to both of them (although not necessarily in equal degree or for the same reasons), they seek an alternative or a Way Out” (Zartman 2001, 8). Both conditions - “mutually hurting stalemate” and “way out” – are based on conflicting parties’ subjective perceptions: they have to recognize that they are in an impasse (no matter what the “evidence” on the ground tells and/or is perceived by someone else) and develop a sense of finding a negotiated solution as an alternative to the fighting. Since ripeness is a perceptual condition, in order to develop a subjective awareness of the present situation as ripe for resolution, parties might look for objective indicators. These indicators can be brought to the

conflicting party by an outside actor or by its opponent (Zartman 2001, 9). Given the costs that conflicts generate, the absence of ripeness is rarely a reason for inaction by third-parties. As Zartman and De Soto emphasize, outside actors “can develop a policy of ripening, cultivating both objective and subjective elements of ripeness if these elements do not appear on their own” (2010, 7). In order to ripen the stalemate and a way out, third parties might employ various measures - diplomatic, economic and/or military – which can help in reframing the conflict and accentuate the attractiveness of conflict management as an alternative to fighting.

Broadly speaking, third-party interventions vary from joining the dispute (i.e. taking side of one of the disputants) to managing the dispute. The main focus of this research is on the latter aspect of intervention. More specifically, the intention is to discuss third-party intermediary interventions, ‘where an actor outside of a dispute solicits or accepts a role to peacefully manage a conflict’ (Frazier and Dixon 2006, 387). Frazier and Dixon (2006) offered a useful taxonomy of different conflict management activities, each one characterized by a different extent of commitment by a third-party to manage the dispute. They divided the third-party intermediary actions into five types: verbal expression, diplomatic approaches, judicial processes, administrative assistance and the use of military force.

Verbal expression might stand for appeals for a cease-fire or even offers to facilitate or mediate the negotiations. According to Frazier and Dixon (2006) they represent the bulk of third-party activities. Nevertheless, ‘third parties are not all talk’, since diplomatic activities (namely mediation) ‘account for slightly over 40% of third party activity’ (pg. 395). The last three types – judicial processes (for example arbitration), administrative (such as humanitarian assistance, election supervision, monitoring) and military (such as military observations, peacekeeping, demobilization monitoring) compose a rather small fraction of third party activities. Since the latter three types inevitably imply increased levels of commitments (such as financial costs, or providing personnel and necessary logistic support) these findings do not come as a surprise. Having this in mind, numerous scholars tried to explain why diplomatic activities are so frequently used. Prior to Frazier and Dixon (2006), Bercovitch et al. (1991) also stressed that diplomatic (i.e. mediation) activities are the most widespread form of active third party conflict

management. The popularity of this method was commonly argued to be due to a belief that it can halt intensification of a dispute while still tackling the whole array of issues to the dispute (Raymond and Kegley, 1985). At the same time, given the fact that mediation is not compulsory, 'it provides another opportunity beyond bilateral negotiations to solve conflicts with only limited infringement upon sovereignty' (Frazier and Dixon 2006, 396). Thus, already for decades, mediation has been vociferously advocated as the most efficient method for solving conflicts that cannot be resolved by peaceful means on a bilateral level between conflicting sides (Ott 1972, Young 1972, Bercovitch 1984, Holsti 1991). The growing interest in mediation as a method of conflict management is also provoked by the acknowledgment that civil or inter-communal conflicts are not easily dealt with by other modes of conflict management (such as legal tribunals, arbitration, or the use of force). In fact, mediation represents a relatively low-cost alternative between the choices of doing nothing and a large scale military intervention.

1.2 Mediation as a Distinct Form of Conflict Management Activity

1.2.1 Definition(s)

Mediation is widely considered to be a non-coercive and voluntary form of conflict management, particularly practical within the intricate dynamics of international relations dominated by the principles of preservation of actors' independence and autonomy (Bercovitch 2005). However, there are small but significant variations among scholars in defining third-party mediation, especially when it comes to actions that are observed. Over time, several definitions of mediation have been formulated. For Mitchell (1981) a distinct feature of mediation as an intermediary activity is in its purpose of achieving some compromise settlement of issues at stake between conflicting sides, or at least ending disruptive conflict behavior. According to Raymond and Kegley (1985) this activity can be seen as a method of conflict management and conflict resolution which brings about the use of third parties to help disputants in reaching a voluntary agreement. They see third party involvement usually through actions of facilitation such as: agenda setting, simplification of communication, clarification of respective po-

sitions, issue ‘reconceptualization’, bargaining facilitation and support for agreement. Moore (1986) on the other hand, emphasizes the nature of mediation as an extension and elaboration of the negotiation process. Through the intervention of an ‘acceptable, impartial and neutral’ third party, holding no ‘authoritative’ power, mediation facilitates conflicting parties so that they can reach a mutually acceptable settlement. Bercovitch, Anagnoson and Wille, also highlighted the importance of mediation as a process that has no commanding power. For them mediation is “a process of conflict management where disputants seek assistance of, or accept an offer of help from, an individual, group, state or organization to settle their conflict or resolve their differences without resorting to physical force or invoking the authority of the law” (Bercovitch et al. 1991, 8).

Mediation usually represents an extension and continuation of parties’ own conflict management efforts (i.e. extension of the negotiations process) where a mediator enters the dispute in order to affect, change, resolve, modify or influence the dynamics of previous relations between conflicting sides (Bercovitch and Houston 1996, Bercovitch 2002). Frazier and Dixon (2006) emphasized the importance of mediators in formulating potential solutions, that are still “legally non-binding” and described third-party mediation as a process during which “the third party proposes specific, non-legally binding options or procedures for the purpose of ending hostilities or crises, or suggest options for resolving a dispute” (pg. 396).

It should be said that, initially, the study of international mediation mostly relied on insights derived from the analysis of collective bargaining in economics (Zartman 2008). Drawing parallels from mediation activities in labor-management disputes, scholars assumed an axiomatic stand toward the role of a mediator as a neutral and impartial third party that was stripped down of any self-interest or leverage in the conflict. As such mediation was often equaled to facilitation and a mediator’s role reduced to a mere channel through which complex communication between disputants can be alleviated. This simplistic and naïve treatment that persisted for several decades (in some cases even to this day), was gradually challenged. As the number of mediation activities increased in international relations, scholars started to unveil complex dynamics behind mediation activities, pointing out the interplay of several factors that might influence the outcome. Already in 1975, Touval emphasized

that a biased mediator is not a liability to the process but a potential advantage as it is able to move the party toward which it is biased to reach a negotiated solution. Following these findings, Zartman and Touval refused mediator's impartiality and neutrality as a necessary prerequisite, and defined mediation in a very simple yet usefully flexible manner, as 'a mode of negotiation in which a third party helps the parties find a solution which they cannot find by themselves' (1996, 446).

With bias not being a taboo anymore, scholars started analyzing mediation strategies that were characterized by both third-parties' self-interest to get involved and a specific leverage that could be used by a mediator to deliver a solution to the dispute. Soon the notions of manipulative and directive mediator were introduced (Touval and Zartman 1985, Bercovitch et al. 1991). By analyzing these and other factors, mediators were no longer just simple bystanders that only facilitate the peace talks; they are rather an active party in the complex dynamics of peace talks, whose particular characteristics become instrumental for the outcome of mediation.

Contemporary scholarship has almost unanimously accepted a multicausal approach in order to explain mediation. This way mediators' characteristics (such as impartiality, interests, leverage, etc.) represent just one set of features that might shed light on the mediation outcome. Other important factors can be clustered as contextual (such as type of the conflict, characteristics of the disputing sides or geopolitical/systemic dynamics) and behavioral (such as mediation strategies).

1.2.2 Incentives to Start the Mediation Process: (im)Partiality, Costs, Interests, Leverage and Legitimacy

Parties will agree to mediation when they perceive it to work in favor of their interests. More specifically, disputants will accept a mediator's offer to the extent that the expected utility of an agreement exceeds the expected utility of continued conflicts (Maoz and Terris 2006). As Zartman and Touval note, mediators are sometimes faced with initial rejections from the disputing parties, "thus their first diplomatic effort must be to convince the parties of the value of their services before mediation can get started" (1996, 446).

At the same time, it would be implausible to expect that mediators are only driven by humanitarian concerns to intervene. Having in mind

considerable investment of resources that mediation calls for it is reasonable to presume that mediators are no less motivated by self-interest than by humanitarian impulses (Touval and Zartman 1985, 8). Mediators play their role in negotiations and spend resources not only because they aim to resolve a dispute, they also seek to gain something from it (Greig 2005). For a lot of actors, international mediation is a useful (foreign) policy instrument through which they can pursue some of their interests without creating too much opposition (Touval 1992).

As indicated previously, conventional standpoints of earlier studies highlighted mediator's *impartiality* as a crucial prerequisite for successful mediation (Assefa 1987, Miall 1992, Hume 1994). It assumed a cause-effect relation between impartiality and success. Namely, a mediator's impartiality was essential for conflicting sides' confidence in the mediator, which, in turn, was needed for the mediator to become acceptable. This in turn, was fundamental for a successful outcome of the mediation. This traditional approach was challenged by numerous scholars who realized that impartiality might be an elusive concept and in turn accentuated the relevance of a biased mediator (Touval and Zartman 1985, Bercovitch et. al 1991). For instance, having a biased mediator may have practical implications in case the mediator has particularly strong relations with the side that has a greater say over the outcome of the conflict. In this case, the less powerful conflicting side might expect that the mediator will use partiality to influence the other side. Similarly biased mediators "might empower weaker parties in their interest of an equitable settlement to end human misery" (Kleiboer 1996, 370). Therefore, in contemporary literature impartiality is generally subordinated to the issue of leverage the mediator has towards the disputing sides.

As Bercovitch and Gartner emphasize, mediation is essentially a "voluntary process". In order to make mediation effective, mediators need to be *perceived* as "*impartial*, acceptable to the disputants, and deserving their trust" (emphasis added; pg. 26). Given the apparent ambiguity of the concept of impartiality, some scholars offered an analysis of *perceived credibility* of a mediator. In other words, while mediators may maintain a biased attitude, and with it contribute to the overall effectiveness of the process, they still need to be perceived as credible in order to be acceptable to the disputants (Maoz and Terris 2006). For Maoz and Terris mediator credibility is the "extent to which dispu-

tants think that (1) the mediator's offer is believable (i.e. the mediator is not bluffing and/or is not being deceived by the opponent) and (2) the mediator can deliver the offer (i.e. mediator can make the offer stick)" (2010, 69). Their empirical analysis confirms that in case mediation takes place, a mediator's credibility "increases the likelihood of a partial or full settlement" (pg. 88). Similarly, Walter (1997) notes that in order to be credible, a guarantor must fulfill at least three basic conditions: it must have a specific self-interest in upholding a promise; it must be willing to use force if necessary (and capable to punish whoever violates the treaty); and to be able to signal determination. Hence, a direct interest which leads to a more unyielding presence by the third party makes the agreement gain necessary relevance for the conflicted parties, which would be additionally induced to obey the contract (Bercovitch 2002). Evidently, there can be no triumphant third party intervention unless there is a direct (*self*)*interest* involved that pushes a new actor to join the process (Kleiboer 1996, Walter 1997, Bercovitch 2002, Carnevale 2002, Pruitt 2002, Bercovitch and Gartner 2006, Touval and Zartman 2006). The interests may have different aspects and vary in intensity. They range from security and stability concerns to economic advantages or even have some normative angle involved. Nonetheless, this interest must be strong enough to set in motion the direct involvement of the third party. Obviously if the interests are weak or null, the results of the mediation process are going to be imperiled (Kleiboer 1996). The significance of a third party's interest in finding an adequate solution through a mediation procedure is that it makes a third party's presence stronger, which directly affects the quality of the agreement, due to the third-party's position as a credible and mutually acceptable guarantor of the contract. Clearly the sole interest of the third party is not sufficient for the mediation procedure to be efficient. In order to have a durable and rock-solid agreement, the third party has to have a specific *leverage* which would stimulate the conflicting sides to obey the rules and uphold the agreement (Kleiboer 1996, Bercovitch and Houston 1996, Bercovitch 2002). Leverage in mediation – 'the ability to move a party in an intended direction' (Touval and Zartman 2006, 436) - derives from the very fact that disputing sides need mediators' assistance in finding solutions to their problems (Touval and Zartman 1985, Touval 1992).

Usually, the literature dealing with third party intervention emphasizes the significance of military power (Walter 1997, Carnevale 2002,

Walter 2004, Werner and Yuen 2005). Since it allows for a very direct involvement for the third party, by being enabled to use coercive means whenever it feels that the agreement was not upheld, this form of power clearly represents a very valuable asset. However, this form of authority is not usually recognized as the most stimulating by the conflicting parties, especially if there are no belligerent activities underway.

Carnevale identified two main forms of power, based on actors' 'will and skill'. On the one hand there is the resource-based aspect of social power, to which he refers to as 'strategic strength' and it is a clear-cut extension of mediation, and on the other there is a behavioral aspect of mediation, which he identifies as 'tactical strength'. According to that classification, "*strategic strength* in mediation refers to what the mediator has, what the mediator brings to the negotiation table; the tactical strength refers to what the mediator does at the negotiation table" (Carnevale 2002, 27-28).

Tactical strength is exemplified through a mediator's premeditated choice of specific techniques and the ability to follow a particular procedure. Most emblematic are: communication tactics (later discussed in communicator strategy, see Touval and Zartman, 1985), image tactics (mediator manages to alter the negative image disputants have of one another), momentum tactics (mediators set in motion a framework of trust which paves the road for further cooperation between the parties), and relational tactics.

On the other hand, *strategic strength* includes different types of social power: legitimate power (a mediator's ability and right to prescribe behavior, accepted by disputants), informational power (a mediator offers "information that makes compliance with the mediator's request seem rational), expert power (a mediator's experience and knowledge of the mediation process recommend him for the job), referent power (found in features such as a mediator's charisma, prestige, status, etc.), coercive power, and reward power (sticks and carrots from the manipulator strategy) (Carnevale 2002, 28; Touval and Zartman, 1985). The latter two have proven to be highly instrumental in recent practices of mediation activities between states and political terrorist organizations.

According to Carnevale (2002), coercive-reward power is closely related to the 'carrots and sticks' approach in mediation. In this case, coercive power refers to the 'pressure' a mediator imposes on efforts to reduce the parties' limits or aspirations. For instance, coercive power can be seen

in threats, such as different types of sanctions, or a lack of support in various multilateral bodies. On the other hand, carrots of mediation are reflected by 'reward power', which Carnevale defines as 'compensation'. It involves the mediator's 'provisions of rewards or benefits' in exchange for a compromise solution or acceptable agreement. These inducements might take diverse forms, such as economic aid, financial support and improvement of a party's international reputation.

Contemporary practice shows that in some cases the mediating coalition must be prepared to employ an extensive amount of resources, which range from targeted financial incentives to military deployment. Sisk (2009) identified three very important rewarding, or non-coercive, measures that mediators can use as leverage: First the transfer of financial means to the parties in conflict, which are intended to encourage them to alter their positions. Second, promises of the deployment of neutral peacekeeping operations to "induce weaker parties to accept vulnerabilities in the post-accord environment... guaranteeing non-defection by other parties' (Sisk 2009, 54). Third, to confer legitimacy to a faction's cause, which would otherwise be marginalized (Sisk 2009, 55). Coercive measures are generally exercised through various forms of threat or punishment. Diplomatic pressure is the softest coercive mechanism at mediators' disposal, and usually it includes different types of 'persuasion, mass media appeals, withdrawing recognition, or public shaming' (Sisk 2009, 55). This tool has been used quite often, especially by mediators, as cases of the US contribution in the Dayton peace talks or their involvement in Sudan's north/south dispute show. A more rigorous coercive measure is the imposition of sanctions regimes, which projects mediators' discontent with party's behavior and attitude in the process. Finally, the most intrusive and violent form of coercive power is the use of military power. Several scholars (Rubin 1980, Hiltrop 1985, 1989) have shown that an intense conflict with an elevated number of casualties necessitates a more powerful/manipulative intervention than a low intensity conflict, mainly because the cost of not reaching a solution is exceptionally high. While weak mediators excel when the parties are motivated to settle but lack the necessary optimism or communication facilities to move forward, strong mediators, like the US, are especially needed when the parties lack sufficient motivation to settle (Pruitt 2002, 51; Bercovitch 2009, 348).

A recent study by Svensson showed that "most effective are those

mediation attempts when both power and pure mediators are active as third parties” (2007, 229). On the one hand, powerful mediators manage to broker a peace agreement much faster than ‘pure’ mediators, and are especially more effective in achieving a deal that regulates the military dimension. On the other, ‘pure’ mediators still tend to be more capable in delivering settlements that cover territorial and political power-sharing arrangements. However a combined intervention, of both types of mediators allows them to produce agreements that manage to regulate both military and power-sharing dimensions, as required in state conflicts with political terrorist organizations.

Another very important type of leverage is reflected through the level of *legitimacy* invested in the mediator. Here Carnevale defines ‘legitimate power’ as influence ‘driven by belief that the mediator has the right to prescribe behavior, and derives from a norm that has been accepted by the disputants’ (2002, 28). This influence is best observable when comparing different types of mediators (see below), thus sometimes a mediation process performed by an international organization is deemed more legitimate and bears with it higher authority than a process carried out by a state (Touval 1992). This issue is directly related to the matter of a mediator’s interests in managing the dispute. Since international organizations represent a composite entity, their interests reflect a specific combination of various interests of their members.

Finally, once mediation is accepted and put in motion, all those involved experience certain *costs*. On the one hand the disputants may be enticed into making unexpected concessions, by giving up a certain level of control over the process which increases the overall level of uncertainty regarding a desired outcome. Thus they may end up accepting less than what was initially planned for a satisfactory outcome, or experience the degradation of political and economic ties with the mediator (Bercovitch and Gartner 2006). At the same time, the mediator is also exposed to certain levels of risk such as domestic and international political costs, diminishing of reputation and criticism in media (Princen 1992). In order to produce successful results “mediators have to possess a high motivation to enter a conflict arena, a strong desire to get involved and a perception of higher benefits than costs” (Bercovitch and Gartner 2006, 332).

1.3 Factors Affecting the Mediation Process and Outcome

Mediators' characteristics (such as impartiality, interests and leverage) represent just one feature which explicates mediation success. Most scholars (Kriesberg 1991, Kleiboer 1996, Bercovitch 2002) agree that defining success is generally very difficult because the evidence is almost always vague. Success and failure are mainly a result of interpretation rather than being discovered by the analysts. As Kleiboer emphasizes, this potential elusiveness might not complicate the research, as long as "embraced definitions and operationalizations of mediation results" are constrained in a systematic way by the analyst (1996, 362). For the purposes of this research, *mediation success* will be defined as a significant (or even essential) contribution to de-escalation of conflict, movement towards an acceptable agreement or reconciliation, under the prevailing conditions (Kriesberg 1991, 20). In order to explain the mediation outcome (i.e. success), the analysis should take into consideration two distinct types of factors: contextual (nature of the dispute and characteristics of the parties) and behavioral (process of mediation and mediation strategies).

1.3.1 Contextual Factors: Systemic Features, Parties' Characteristics and Nature of the Conflict

To evaluate mediation activities it is crucial to consider the overall context and conditions that surround the conflict. The first set of contextual factors can be labeled as *systemic features*. These include all those geopolitical aspects that might affect the outcome of the mediation process. For instance, one of them is the international context. As Kleiboer (1996) explains, the influence of other parties and of other conflicts taking place at the same time are very relevant in this respect. On the one hand, various forms of pressure (such as economic and political) used by outside parties that have an interest in the conflict may have both constructive and destructive effects on conflict management efforts. On the other, concurrent and similar events of conflicts that take place in proximity might have an impact on mediation activities. Kriesberg highlights that when a conflict's salience decreases "as other fights become of greater importance for one or more of the adversaries,

de-escalation is more likely to occur” (1991, 20). This issue is directly related to settlements and documents produced over time in those conflicts. The creation of peace settlements and similar documents has been under careful analysis by conflict management theory. As Fortna (2003) indicates, there are specific mechanisms within cease-fire agreements that might affect the ‘durability of peace’, such as the withdrawal of forces, creation of demilitarized zones, formal cease-fire agreements, peacekeeping, third party guarantees, and dispute resolution procedures (pg. 339). Ultimately, another systemic feature that should not be overlooked is the pattern of alignments on the international level with a specific focus on the distribution of power among the actors.

Apart from the external conditions of the conflict, *internal characteristics* of each party represent an important set of factors that affect the mediation process and outcome. In general, features such as regime type, internal cohesiveness, international capacity and previous relationships between parties represent the focal group of these characteristics. According to Bercovitch (2005), in case the conflict is between open democracies, there are better chances that the mediation activities will have a successful outcome, while in case of non-democratic regimes third party intervention will have to rely much more on coercive methods in order to manage the conflict. The level of internal cohesiveness is directly related to the issue of legitimacy, as the pressure mediators experience from various domestic actors usually complicates a constructive involvement in the mediation process. Thus their legitimacy might be contested by some fractions, which directly reduces their legitimate right to represent the party as a whole. The international capacity is often measured as a party’s capability to endure in conflict and attract international support for its cause. Ultimately, previous relationships between parties directly affect the mediation, since for instance protracted conflicts might develop situations where conflicting sides cement their positions which obstruct the likelihood for a successful outcome of the mediation. In other words if conflicting parties in the past have not had a very constructive relationship, and their enmity is deeply rooted, this might also condition (negatively) the outcome of mediation efforts. Finally, previously mentioned mechanisms in cease-fire agreements – such as the study by Fortna (2003) – are strongly related to the formation and configuration of intra-party relationships over time.

Thus directly related to the nature of relationships between actors

involved in the mediation process is the third set of contextual factors found in the *nature of conflict*. The nature of conflict is vital in establishing how it should be managed. According to Bercovitch “certain issues in conflict, such as beliefs, core values, and identity, have a high saliency and are apt to encourage decision makers to accept high levels of costs” (2005, 108). In cases where the conflict is over intangible issues, mediation activities might be seriously hampered. Issues at stake become the focal point of a conflict’s progression, intensification and termination. At the same time, conflict intensity, costs, and casualties represent elements that have also a very significant impact on mediation activities. Especially problematic are the so called intractable conflicts.

Broadly speaking, *intractable conflicts* are those conflicts that imply perpetual tension and violence; they persist over an extensive period of time and stimulate countless unsuccessful attempts of conflict management. According to Bercovitch (2005) there are several specific characteristics that distinguish intractable conflicts from other malignant social processes. First of all these conflicts have a tendency to be enduring in time, sometimes even for decades. They imply the use of destructive means with frequent acts of militarized activities and violence – which can be also sporadic or suspended (usually referred to as frozen conflicts) – with a large number of civilian casualties. A very distinctive characteristic of intractable conflicts is the fact that there is an extensive list of unsolved or seemingly irreconcilable issues at stake. As Bercovitch points out “this means that the parties in conflict feel that at best they may reach temporary cessations of violence and that they cannot reach fundamental and genuine resolution of their issues” (2005, 100). At the same time intractability implies that the relationship between belligerent parties is tainted with signs of utter animosity and profound sentiments of fear and distrust. Thus unending conflict becomes a fertile ground for creating exaggerated stereotypes and misgiving among parties involved. This only fuels mutual hostile perceptions where potentially each actor becomes inclined to develop an interest in perpetuating the conflict. Having all this in mind, such conflicts might induce a vast array of external actors to engage in managing and resolving the conflict. Few of them, however, tend to be successful.

In fact, according to Bercovitch (2005), “in the context of intractable conflicts it is more sensible to talk about conflict management only ... since the very intractability of the conflicts we are dealing with me-

ans that they can at best be managed, contained or de-escalated; they are unlikely to be resolved” (pg. 104). Bercovitch considers success of a conflict management activity in intractable conflicts when the process achieves a degree of change in the basic structure of the conflict, and the issue structure and actor transformation. According to Bercovitch’s (2005) data, mediation represents almost 44 percent of total conflict management activities aimed at resolving intractable conflicts. Despite the fact that mediation is ‘ideally suited for intractable conflict’ due to its ‘low-visibility, low-cost, and voluntary method of conflict management’, mediation is conditioned by several factors which affect the level of its success (pg. 119). His study shows that more than 52 percent of mediation efforts in intractable conflicts end in failure while full settlement is achieved only in 5.2 percent. The failure of mediation in intractable conflicts can be derived from several aspects. First of all, many attempts to mediate fail because major powers have ‘competing interests’ (idem). At the same time, there may also be many ‘spoilers’ who have serious problems with conceding anything and are implicitly determined to preserve the status quo of an intractable conflict (idem). This leads us to the second group of factors which affect the mediation process and outcome.

1.3.2 Behavioral Factors: Mediation Process and Role of the Mediator

There are numerous scholars (e.g. Kolb 1983) who strongly contributed to defining mediation strategy and behavior. In mediation literature, strategy is defined as ‘a broad plan of action designed to indicate which measures may be taken to achieve desired objectives in conflicts’ while behavior refers to actual ‘tactics, techniques, or instruments’ at a mediator’s disposal (Bercovitch 2005, 113). This research will reflect on the typology put forward by Touval and Zartman (1985; 1989; 1996) who classified the mediator’s behavior and corresponding strategies on an intervention scale ranging from low to high. At the low end of this scale are strategies labeled as communication-facilitation. Using this strategy, the mediator assumes a very passive role in the process. This passivity is mirrored in the level of involvement which is based on channeling information to the parties and facilitating collaboration while exercising modest control over the actual process of mediation. Tactics that are im-

plemented are purely procedural, and they include establishing contact with conflicting sides, developing confidence of the parties, facilitating communication, identifying pertinent issues and elucidating the overall situation for both sides. In this case, the mediator is reluctant to take sides and is rather inclined to allow the interests of all sides to be taken into consideration.

The second strategy is more active and allows the mediator to assume a more formal control over the process. Procedural-formative strategy implies that the mediator actually enters the substance of the negotiation. Since the conflict might imply a certain level of distrust that impedes the parties to communicate with each other directly, the mediator takes over the role of a formulator. For Zartman and Touval 'formulas are the key to a negotiated solution to a conflict; they provide a common understanding of the problem and its solution or a shared notion of justice to govern an outcome' (1996, 454). Acting as a formulator, the mediator persuades conflicting sides that suggested solutions to their dispute are valid. Since persuasion requires a certain level of involvement the mediator does not only act as a communicator but needs to get involved much more directly in the process, by offering innovative solutions which could downplay those commitments that constrain the parties. Thus the tactics at a mediator's disposal vary from choosing the conveying site, formulation of protocol and drafting the procedure of mediation.

Finally the most active strategy a mediator might use is described as directive- manipulator. In this case the mediator becomes 'the full participant' who is able to affect the substance of the bargaining process by presenting incentives or delivering ultimatums to the disputing sides. In other words, the mediator uses its power to induce the parties to a settlement. Tactics that are at a mediator's disposal vary from 'taking responsibility for concessions, making substantive suggestions and proposals, making parties aware of nonagreement... rewarding party concessions... pressing parties to show flexibility, promising resources or threatening withdrawal' (Bercovitch 2005, 115).

This research describes a successful outcome as an effort toward de-escalation of conflict, thus it is important to discuss some crucial steps towards de-escalation such as preparation, initiation, negotiation and implementation (Kriesberg 1991). In the preparation stage, the mediator explores which parties are willing to discuss de-escalation and which

parties can be excluded from the process in order to make the process more efficient. In the initiation stage the parties start discussing the pertinent issues which will lead them to de-escalation. In case there was a scarce level of exploration in the preparation stage the mediation might be hampered already in the initiation phase through inadequate proposals. Nevertheless, the main stage of a mediation process is facilitating negotiation between disputing sides. Negotiation dynamics have been under strict scrutiny by numerous scholars (Zartman and Berman 1982, Druckman 1997). For the purposes of this research, the analysis will focus on theoretical contributions provided by Lax and Sebenius (1991).

In a nutshell, the negotiation process is characterized by several techniques such as party arithmetic, identification of key negotiators, subtraction of players, sorting out the preferences and issues and affecting the BATNA (Best Alternative To a Negotiated Agreement). So for instance, the mediator needs to have a very clear idea who its negotiating partners are and identify the most constructive ones. If the situation allows, the mediator might want to exclude those destructive elements which are less willing to engage in the de-escalating process, in order to have a successful outcome. At the same time, the mediator needs, firstly, to explore the situation to the most minute of details and, secondly, be clear what the issues at stake are and establish the best way to proceed with negotiations. This - usually referred to as 'strategic sequencing' (Lax and Sebenius 1991) - could be done by either starting with low issues or with the most salient ones, depending on the type of conflict. Finally an active mediator needs to be able to manipulate the situation, and offer incentives to conflicting sides which might induce them to detach from initially planned positions and perceived alternatives and accept the negotiated agreement. Thus in the implementation stage the mediator seeks 'to gain support for the settlement by the constituencies of the negotiating parties. A formal mediation offers legitimacy and credibility to an agreement... and improves the likelihood of compliance' (Kriesberg 1991, 25).

As Zartman and Touval note, "mediation is a triangular relationship" (1996, 445). All parties involved invest significant resources, time and personnel. Mediators deliver resources and other capacities proportionate to their rank and status. Thus another significant issue that needs to be addressed is the type of mediator that specific circumstances demand.

1.3.3 Potential Mediators

Up to date, most of the scholarly literature on mediation, as a form of third-party intervention, focused its attention on effectiveness (Bercovitch et al. 1991). However, directly related to the argument of effectiveness is the debate on the most suitable type of conflict manager to deliver a nonviolent resolution to a dispute. Frazier and Dixon (2006) made a noteworthy contribution in this regard. Their work on Militarized Interstate Disputes (MID) was an important effort to parse out the differences in efficiency between three forms of actors acting as mediators: states, coalitions of states, and multilateral bodies.

Their work departs from a historical analysis, which identifies a clear pattern of third party intervention by these three types of actors. As highlighted in their work, traditionally, states were the principal third parties because they were the only actors invested with legitimacy on the international level. In fact while the international system was dominated by 'realpolitik' conceptions of interstate relations, management of conflicts was consigned mainly to the powerful states. However, quite often even the most powerful states were induced to form coalitions with other states, in order to create a more unbiased setting for negotiating peace. On the other hand, since the end of the Second World War, non-state actors (notably international organizations, and non-governmental organizations) gradually became essential intermediaries.

Following this line of thought Crocker et al. (1999) indicated a number of recent important developments in international politics that have changed both the content and the nature of international mediation. The end of the Cold War has untied (to a certain extent) international organizations from the preexisting bipolar constraints and allowed them to take on new roles in mediation and conflict management in general. Regional organizations and coalitions of small and medium sized powers have also become more active as mediators, facilitators and conflict managers. Even in cases where great powers have intervened due to domestic political pressure or because of threats to their national interests, there is seemingly greater willingness to share the costs of intervention with other international actors. As previously mentioned, given the high risks, costs and resources that mediation implies, motivations for an outside actor to act as a mediator are found in their domestic and international self-interest. For states, self-interest is mirrored

in attempts to produce settlements that will “increase the prospects of stability, deny their rivals opportunities for intervention, earn them the gratitude of one or both parties, or enable them to continue to have a role in future relations” (Zartman and Touval 1996, 446). In principle, the activities of states as mediators are a genuine blend of both defensive and offensive goals. Defensive reasons are seen in cases when the conflict prolongation directly threatens outside states’ interests who are then inclined to intervene. Also, continuation of conflict might induce other states to join, so a fear of such escalation encourages states to intervene as mediators. Finally, in some cases the conflict intensity attracts more than one state to intervene, so the mediation activity becomes a shared enterprise. In these cases, cooperation between mediators is essential.

Offensive motives of state intervention are in short “the desire to extend and increase influence” (idem, 447). In this case, a very important factor is a mediator’s leverage on disputing parties. Through its power, the mediator can enhance its influence and create an environment in which the actual mediation success is dependent on its involvement. This strong presence is reflected in situations where conflicting sides “depend on it to garner concessions from the other party” and when the mediator assumes the role of a guarantor of the agreement. Nevertheless, since mediation bears inevitable costs for mediators, third parties are much more inclined to share these costs with fellow countries and even more to pursue these activities through collective entities such as international organizations.

Undoubtedly, motives behind involvement of international organizations (excluding military alliances) are much more complex. Rarely, an international organization has the leverage and resources its member-states possess. Lacking these capabilities, it has to rely on its status as a global/regional organization (i.e. the United Nations and the European Union), the legitimacy it acquires from this status, its credibility as an international actor, the cohesiveness of its members, and mediators’ experience and persuasiveness (Fretter 2002, 98). Many of the establishing charters and statutes of interventional organizations have promotion of peace and security (globally and/or regionally) as their distinct element. At the same time, these entities are also constrained by specific interests of their member-states. Despite the fact that interests of member states might differ, international organizations attain their perceived

legitimacy from two sides: on the one side because their interests are a result of channeling and balancing process of diverging member-states' interests, and on the other side, because of the norms and values that are recognized as commonly shared and promoted by the same member-states. The acceptability of international organizations as mediators is reflected in the possibility that conflicting sides can address their different opinions to all member states and potentially find support within. The last group of potential mediators can be found in actors that this research will label as 'low key' and they are individuals and NGOs – actors that have no coercive power on the international level and rely on their reputation as successful mediators whose primary interest is in ending the conflict itself. Individuals that are not government officials or political actors might contribute to the efforts of de-escalating the conflict, through their distinct capabilities such as a developed network of contacts, and/or previous experience in mediation. Such actors, despite their limited effectiveness, if accepted, might reduce the friction through unofficial talks between conflicting sides and pave the road for a more formal process.

NGOs represent a type of actor whose interests are “not as apparent or suspect as the primary players of power politics” (Zartman and Touval 1996, 450). They are interested in establishing and maintaining the role and reputation of a good and successful mediator over time. The extensive presence of development, humanitarian and religious NGOs in countries and regions affected by conflicts has produced a very valuable entry point to the conflict. However, apart from trying to alleviate the problems of violent conflicts, NGOs also see themselves as having the necessary capacity, knowledge and expertise to instigate a process of dialogue between conflicting sides. This position should not be viewed as egoistic, because NGOs do not only tend to enhance their position but actually believe they have something new to offer to the process (*idem*).

Although each type of potential mediator has been under serious academic scrutiny, they all have been analyzed separately. However, as experience shows mediation activities are quite often conducted by more than one mediator. Therefore, reflecting on insights from studies that analyzed each type separately, this research goes one step further and in the next chapter aims to extend the study of international mediation to the dynamics and principles generated in multiparty mediation activities.



CHAPTER
II

MULTIPARTY MEDIATION

CHAPTER II: Multiparty Mediation

2.1 Existing theory

2.1.1 Definition

While in certain settings (such as domestic or legal disputes) it is customary for mediation to be conducted by a single trustworthy actor with a necessary degree of authority, international conflicts usually draw into the mediation process all sorts of outside actors, that are “just as numerous and frequently as diverse in their interests as the warring parties themselves” (Hampson and Zartman 2012, 1). By noticing this significant difference, several scholars and practitioners of conflict resolution have underlined that today the multiplication of mediators is less a matter of choice and more a fact of life (Crocker et al 1999; Sisk 2009). The popularity of mediation as a conflict management activity and recent proliferation of potential mediators shifted the interest of academia to analyze the process and dynamics of multiparty mediation (Crocker et al 1999, Crocker et al 2001, Diehl and Lepgold 2003, Whitfield 2007, Böhmelt 2011, Hampson and Zartman 2012).

In their analysis, Frazier and Dixon (2006) find that the more the mediation effort is multilateral the greater the chance of a negotiated settlement (pg. 403), as “coalitions serve as a good example of how states utilize their power in an ad hoc but multilateral manner. Coalitions provide states the opportunity to act outside of formal multilateral settings but with some of the benefits of multilateralism such as legitimacy and pooling of resources” (2006, 391).

It is very simplistic to assume that coalitions are formed only by states. In the contemporary international society, which is increasingly becoming multilateral, ad hoc coalitions are continuously changing shape. The archetypical ad hoc coalitions of states are now complemented by participation of other multilateral bodies. In fact “multiparty mediation refers to attempts by many third parties to assist peace negotiations in any given conflict ... it may be undertaken by international or regional organizations, national governments and non-governmental organizations” (Crocker et al. 1999, 230). These attempts may occur sequentially – one institution at a time – over the life of the conflict, or may occur simultaneously involving many different mediators with various

institutional bases on the ground at the same time. In fact, the concept refers to simultaneous interventions by more than one mediator in a conflict, interventions by composite actors such as contact groups as well as sequential mediated interventions that again involve more than one party. Thus the real multilateralism of different ad hoc coalitions can be perceived by parties in conflict as formed not to serve the interest of only one state, but to produce a body that will act with an increased level of legitimacy since it might bring together states and IOs that all act upon a specific interest.

Since mediation is being undertaken by a variety of institutions, comprised of individual states, coalitions of the willing, international organizations, and various transnational NGOs, a number of very important questions challenge contemporary academia (Crocker et al. 1999): how and why these multiparty interventions take place; who is endowed with leadership; what establishes the extent of dedication in terms of human and financial resources; who is accountable for keeping an already mediated settlement on track and preventing the collapse of the agreement lest it become orphaned. As the number of states and international actors that are involved in mediation increases, a careful assessment is necessary not only of their relative institutional strengths and weaknesses, but also of how to promote complementary efforts and how to synchronize the whole process when one actor is transferring the responsibilities for mediation to others. Finally, it would be of great value to know more about the main obstacles in achieving coordination and coherence between various mediators in such an environment and how to surmount the problems that multiple mediators face when operating without a 'common script' in attempting to mediate a negotiated settlement.

2.1.2 Benefits and Liabilities of Multiparty Mediation

According to practitioner literature (Crocker et al. 1999) there are several serious challenges that the process of multiparty mediation is faced with. In case the mediation is conducted by a multitude of actors there is always a possibility of confusion in the process. Namely, as Crocker, Hampson and Aall specify, 'if there is no shared analysis of the problem and no sense of a common solution, different mediators will confuse the parties' (2001, 57). This lack of shared ideas tends to produce

mixed signals, which will be sent to conflicting sides, and consequently undermine the mediation efforts. With multiple mediators, disputing sides might tend to go ‘forum shopping’ with different mediators for several reasons. UN Secretary General Ban Ki-Moon noted that “multiple actors competing for a mediation role create an opportunity for forum shopping as intermediaries are played off against each other. Such a fragmented international response reinforces fragmentation in the conflict and complicates resolution” (Ban Ki-Moon 2009). At the same time, forum shopping can turn into a useful tool for procrastination of the overall negotiation process for those parties that lack the real commitment to achieve a settlement. Mediators might also channel their lack of commitment by ‘passing the buck’ to other mediators once things go wrong, in order to avoid being part of a failed effort.

Despite these downturns, multiparty mediation has become a very practical solution to modern day conflicts which require elevated levels of commitment in order to manage them. Since rarely a single entity (being a state or an international/regional organization) is either capable or willing to invest as much as is really required, more than one third party represents a good alternative. First of all, not every mediator enters the process with the same level or type of leverage. A combination of mediators with different leverages might contribute to the efficiency of collective activity, since the process might rely on ‘borrowing leverages’ from various sides. Participation of influential regional and global actors in the mediating coalition can contribute in ‘restructuring’ both domestic and regional relationships that hamper the achievement of a negotiated solution. Finally Crocker, Hampson and Aall emphasize that multiparty mediation’s advantage is that it permits different mediators to enter the process according to their capabilities and thus contribute to the facilitation of negotiation and communication between the conflicting sides (Crocker et al. 2001; 1999). This fact is directly related to the conflict cycle also developed in their analysis.

2.1.3 Conflict Cycle and Comparative Advantage of Different Kinds of Mediators

According to Crocker, Hampson and Aall, at the ‘low end’ of the conflict curve, which indicates the period prior to the occurrence of belligerent activities, the combined interventions by non-official actors

can be efficient in ‘defusing conflicts before they escalate’ (2001, 61). At that time, parties are still inclined to talk to each other, so they might reject efforts by outside states and international organizations perceiving them as interfering with internal issues. By creating informal settings for communication, mediators might help the parties avoid the pressure from respective constituencies, and thus improve the likelihood of achieving a negotiated settlement. In the ‘middle range’ of the conflict curve, parties are reluctant to accept outside intervention, as mutual relationships and perceptions between the parties have solidified due to escalation of violence (2003, 241). In this case the conflict is still not ripe for mutual acceptance that a settlement needs. Thus some low key mediators (i.e. NGOs) might be useful to establish communication between the parties without making them lose face since publicly they might be committed to pursue conflicting policies. Once the communication has been established it is useful to introduce mediators that have coercive/reward power that can be used in a formal setting – a tactic described as “mediation with muscle” (Crocker et al.1999, 242; Crocker et al. 2001, 62). The use of coercive threats and side payments by third parties might induce conflicting sides to change their pre-coined options and convince them away from violence. Without these incentives, parties will have little reason to participate in talks and will be more inclined to continue with hostilities as a means to achieve an acceptable solution. Consequently the ‘upper end’ of the conflict curve requires even stronger presence of mediators with ‘muscle’ that will be able to develop the needed amount of pressure on parties and lead them away from conflicting deadlock. According to Crocker, Hampton and Aall, at this point it is expected from mediators to develop inventive and plausible solutions for ‘confidence-building measures, cease fire monitoring, verification proposals’, to make sure that obligations are being executed and other types of ‘political guarantees’ that facilitate addressing the most complex security issues pertinent to the parties (Crocker et al. 1999, 242). In the end, under these circumstances success can be obtained only if mediators apply effective procedural control over the process.

2.1.4 Composition of the Mediating Coalition

According to a study by Strimling (2008), mediation conducted simultaneously by official diplomats and private facilitators are most likely when their efforts are characterized by high levels of communication, coordination, collaboration and integration. For Böhmelt (2011) these four factors could be best observed in coalitions composed of democratic states. Democratic peace literature argues that one of the most important norms of democracies is the peaceful resolution of conflicts (Dixon 1994, Bercovitch and Huston 2000, Mitchell 2002). Dixon (1994) already showed that democratic opponents are more likely to reach a peaceful settlement because their systems are based on norms that promote compromise and non-violence. At the same time, democratic features such as transparency and inclusivity decrease the level of uncertainty and facilitate communication. In multiparty coalitions composed of democracies this helps mediators to overcome collective action problems and consequently promotes cooperative interactions (Böhmelt 2011, 112). The same argument can be applied to concept of coordination because coordination is also best achieved through predictable procedures that reflect those present in democratic societies. However, despite expectations that democracies are best suited for multiparty mediation, according to Böhmelt chances for effective conflict resolution are not driven by regime type (2011, 127). In fact, as experience shows, on numerous occasions multiparty mediation was successful even when it was conducted by a coalition composed of democratic and non-democratic states.

Since the diversity of regimes in the coalition was not an obstacle to achieve success, the composition should be observed from the angle of previous relationships between mediators. For instance, patterns of predictable behavior that are instrumental for a more cooperative and coordinated effort between mediators can develop through a series of repeated mediation interactions. As it was previously stated, while it is useful for a coalition to be composed of actors that have compatible interests, the “team of rivals” hypothesis (Hampson and Zartman 2012) illustrates that successful mediation is also possible even if mediators have competing interests. The crucial challenge is to have “negotiating teams that are not necessarily comprised of likeminded, ideological soul mates but are ‘teams of rivals’ who develop mutual respect and a common

understanding that they share wider strategic interests and goals which go beyond the conflict in question” (Hampson and Zartman 2011, 17). Positive past relations between actors that intervene as mediators in a given conflict – even with conflicting agendas – might contribute to the success of multiparty mediation activity through a coordinated effort.

Conflicting sides are often reluctant to accept third party mediation if they perceive an external actor’s preferences bias to the advantage of the opposing side. Prior to their decision to start negotiations, conflicting sides do a cost-benefit analysis on whether continuing the conflict is less advantageous than resorting to a negotiated settlement. At the same time, the achieved settlement needs to deliver results that would increase (if not maximize) the utility for both sides; otherwise they would just resort to war (Bercovitch et al. 2007). Since the conflict is intractable to the extent that conflicting sides are unable to achieve a settlement bilaterally, the role of the mediating coalition becomes very delicate. It is quite possible that each one of the actors within the coalition will have a distinct agenda to promote, and thus be inclined to one of the disputants’ claims. This way, a confirmation that their claims are well embedded within the coalition will certainly give a positive impulse to both conflicting parties to accept the multilateral mediation. As previously stated, multiparty mediation allows a distinct mechanism of ‘borrowing leverage’. Generally, increasing leverage in such circumstances improves the position of mediators in the process and contributes to the efficiency of collective activity. Involvement of important regional and global actors in the process can help change relationships between conflicting parties that hamper the achievement of a negotiated solution. As such, the various mediators may provide numerous carrots and sticks that can facilitate and improve communication between parties and change the attitudes of parties that are not fully committed to achieving an agreement.

For the purposes of this research, the analysis will focus on two types of actors that are invested with a particular amount of relative leverage and are capable of conducting a formal mediation process: states and international organizations. As previously illustrated, international organizations rarely have any coercive power of their own whenever they join the mediation process, but they have to rely on their member-states. Presently, the only type of power international organizations have at their disposal is reward power. But the main type of leverage inter-

national organizations can count on is legitimacy. This type of leverage makes them being perceived as credible and thus acceptable mediators, which makes them a valuable asset for a potential mediating coalition. But quite often, legitimacy in itself is not enough to keep the process going and abusing reward power might have a converse effect. States on the other hand, usually have at their disposal coercive means and (on occasions) reward policies towards conflicting sides, but their legitimacy is much more limited. For this reason a very beneficial feature of multiparty mediation - 'borrowing leverage' - can be observed through the creation of a specific leverage which blends coercive-reward power and legitimacy.

As explained earlier, 'borrowing leverage' is a clear illustration of a coordinated activity. In cases when the mediating coalition lacks the necessary leverage to move the parties toward an agreement, they might explore the option of including those actors that possess the much needed leverage. Once a new actor offers or is invited to join the mediating coalition, the crucial challenge for a multiparty endeavor is to achieve the necessary level of "mutual respect" despite the possibility that their interest in the dispute might be conflicting.

2.2 Advancing the Theory of Multiparty Mediation

2.2.1 Challenges of Cooperation and Coordination

Reflecting on the previous statement by Frazier and Dixon (2006), the more multilateral the mediation effort is, the greater the chance of a negotiated settlement; there might also be a converse relationship between the number of players and issues in a multiparty mediation and the probability of creating and supporting a synchronized intervention strategy. As Crocker, Hampson and Aall claim, "increasing numbers and difficulties in negotiation are related to heterogeneity of interests and perceptions" (1999, 250). So the larger the number of participants in a multiparty mediation, the larger the probability of conflicting interests and positions, and the more complex the relationship among the parties will be (*idem*, 252). Böhmelt (2011) empirically confirms this argument. He finds that the relationship between the size of a mediating coalition and the effectiveness of a multiparty mediation effort can be illustrated with a U-shape: "both small and very large groups are

less likely than medium-sized intervening coalitions to mediate disputes effectively” (Böhmelt 2011, 109). He argues that a single mediator or a small group rarely have the needed amount of leverage to produce crucial incentives for the parties in conflict; while the bigger coalitions are more likely to possess the necessary leverage. However their size makes them more difficult to organize and does not allow them to have a “greater heterogeneity of interests” (Böhmelt 2011, 122).

In cases where the mediation is conducted by a coalition, intractable barriers of the process can be avoided if interests of mediators are homogeneous or converging and the coalition is ready to delegate power and accountability to the mediator while also granting the mediator the authority to bargain for the group as a whole (Crocker et al 1999, 252). However, in reality mediators often do not have a shared interest in the conflict. It is hard to imagine that a mediating effort could be successful if conducted by mediators with competing interests that do not wish to cooperate with each other. In cases where mediators have competing interests and diverse alliances (relationships) with parties in conflict, mediation coalitions can be seen as “teams of rivals” (Hampson and Zartman 2012). In such cases, in order to be efficient, the mediators agree to work as a team, which is a clear signal of acceptance of cooperation (initial cooperation), while still maintaining diverging interests. The fact that they maintain diverging interests sends a signal to the parties in conflict that their stakes might be secured (i.e. they have an ally in the team of rivals).

Having all this in mind, key concepts for a successful multiparty mediation appear to be ‘*consistency in interests*’ and ‘*cooperation and coordination*’ between mediators. But how much does this affect the overall process? Do efforts that lack cooperation inevitably end in failure? What happens to the mediation process when mediating parties do not share the same idea and interest in a common solution?

Crucial challenges that must be overcome in multiparty mediation processes are the (1) achievement of adequate *cooperation* among the mediators and (2) consequent *coordination* of their activities in the mediation process. Böhmelt (2011) already showed that cooperative interactions between mediators improve the likelihood of mediation success. Looking at coordination, Crocker notes that when broader policy objectives diverge, this tends to result in confusion and a lack of *coordination* in negotiation efforts (emphasis added, Crocker et al. 1999,

687). Similarly, according to Zartman, “if a number of conciliators are available to the parties themselves and if a number of friends of the conflicting parties can *coordinate* their good offices and pressure, the chances of success are improved” (emphasis added, Zartman 1989, 276). Unfortunately, existing literature goes only as far as to make it clear that for a successful mediation it is important to achieve necessary cooperation and coordination among the actors as if these features were exogenous to the process. Synchronized activities are only observed as if they are either present or not in the process, without considering whether or not these features might change over time and if this change could have an impact on the overall mediation process.

As numerous cases of multiparty mediation indicate, it is not rare that parties who are initially willing to pool their resources and act in concert, at a certain point decide to stop cooperating with the rest of the coalition. However, without this willingness to continue cooperating with other mediators, it is illusory to talk about coordinated activities. Given that cooperation is a precondition for coordination, under what conditions will potential dropouts see cooperation as their dominant strategy? How does cooperation or lack of cooperation affect the outcome of peace talks?

It would be implausible to expect that mediators are only driven by humanitarian concerns to intervene. Bearing in mind the considerable investment of resources that mediation requires, it is reasonable to presume that mediators are at least as motivated by self-interest as by humanitarian impulses (Touval and Zartman 1985, 8). Mediators play their role in negotiations and spend resources not only because they aim to resolve a dispute, they also seek to gain something from it (Greig 2005; Touval 1992). In a similar vein, just as their involvement needs to be compatible with their self-interest, their choice to cooperate once they’ve committed to mediation also needs to be perceived as useful for the promotion of their self-interests.

Cooperation can be understood as a situation where parties agree to work together to produce new gains for each of the participants that would be unavailable to them by unilateral action, at some cost (Zartman and Touval 2010, 1). It implies a dynamic through which conflicting interests can be pooled together in order to achieve common interests. When faced with a shared problem, parties can choose from three scenarios: unilateral action, cooperative action and not acting at

all. In most cases, parties are inclined to act on their own; or as Touval phrases it, to act “unilaterally if possible, multilaterally if necessary” (Touval 2010). The decision to act unilaterally is directly related to the costs that cooperation implies – when the cost of cooperation is greater than the perceived benefits, parties will defect.

Depending on the type of conflict, cooperation may occur on two different levels: between the parties to a conflict directly, via negotiations, or with the help of outside parties, via mediation. In both cases, according to Zartman, cooperation is a direct consequence of three elements that parties take into consideration (Zartman 2010). The first one is the ‘effectiveness’ of cooperation as opposed to more conflictual strategies. The second is the cost/benefit calculation of cooperating. Finally, actors must consider ‘playback effects’ – the reputational costs that an actor may suffer for non-cooperative behavior. Each one of these elements plays a crucial role in parties’ decisions for or against cooperation.

In the realm of multiparty mediation, cooperation can be observed in its full complexity. In order to attain a successful outcome, cooperation needs to take place on three distinct yet highly interrelated levels. First of all, since the dynamics of the conflict impede the parties from negotiating directly (i.e. bilaterally), they have to choose to cooperate with the third parties in order to find a commonly acceptable solution. At the same time, since the conflict is mediated by a multitude of outside actors, these actors also need to come up with a ‘common script’ which will serve as a clear guideline for resolving the dispute. Thus all the third parties need to cooperate among themselves and reduce the possibility of sending mixed signals which might jeopardize the management process. Finally, it should not be forgotten that each outside actor also has a specific interest in resolving the conflict, and this interest is directly related to the mediator’s relations with one (or both) disputing sides. For this reason it is essential that cooperation takes place also on this third level, as this is the level that gives outside actors their added leverage.

Once cooperation is in place along all of these dimensions, we may move one step further and start observing the dynamics of *coordination*. Cooperation and coordination are not two distinct processes; rather, coordination represents a subset dynamic of a larger cooperation process. While both cooperation and coordination imply that the actors involved need to have shared goals, there is still a very clear difference between

en the two phenomena. A precondition for cooperation to be successful is that all parties recognize mutual benefits of working in concert. Once acknowledged as beneficial, cooperation opens the doors to the dynamics of coordination which involves the more mechanical aspects of dividing the labor effectively, and clarifying who needs to do what, when and how. In other words coordination is the next step in the process of achieving full cooperation, as parties make sure that they do not cross purposes or stumble over each other in their efforts to accomplish their shared cooperative goal.

This research looks at coordination as a method of synchronized usage of different leverages and resources each mediator has at its disposal in the process in order to create necessary incentives for resolution that would have been unavailable through a single mediator. As Crocker, Hampson and Aall already underlined, a harmonious employment of various leverages represents a crucial element of an effective multiparty mediation process: “where direct leverage is limited it may be borrowed from others” (Crocker et al. 1999, 40).

It is essential to keep in mind that while producing new gains, cooperation is also generating certain costs for participants. When multiple mediators act in concert, they all face dual costs: those of cooperating plus the inevitable costs of mediation. Given the combined costs of multiparty mediation, for cooperation to take place, parties need to know that benefits will outweigh detriments. However, as previously mentioned, it is not uncommon that at a certain point in the process of cooperating, a party decides to defect from the group. Defection may come in different forms – from procrastination to the full abandonment of the process – but its distinct feature in multiparty mediation processes is the fact that a party is unwilling to use the full potential of its leverage and resources to move the conflicting parties toward an agreement.

2.2.2 Game theoretical model

In order to fully understand the complexities of achieving cooperation in a multiparty mediation effort, this research will first provide an abstraction of the process through a game theoretical model. Game theoretic approaches are useful inasmuch as they allow us to analyze the decisions parties make regarding potential strategies available to them in the mediation process as they pursue maximization of their expected

utilities. Numerous studies of mediation have already benefited from the use of rational choice models (Kydd 2003, Kydd 2006, Maoz and Terris 2006). The intention here is not to create a new theoretical model, but to bring into play those findings that can help understand general relationship patterns between parties and enhance our understanding of specific decisions they made as the process of mediation advanced.

Because one of the underlining assumptions of this research is that cooperation can change over time, the model will utilize the dynamic Theory of Moves (ToM). Brams developed this theory in order to bring, “a dynamic dimension to the classical theory of games, which its founders characterized as ‘thoroughly static’” (von Neumann and Morgenstern 1944; 3rd edn, 1953, pg. 44 as quoted in Brams 1994, 1). The first rule of ToM is that a game has to start at an outcome, called “initial state” (Brams 1994, 22). The assumption is that from this state, players can aspire to move to a better state by switching their strategies. As Brams explains it, “as they look ahead at their possible moves, the possible counter-moves of other players, their own counter-counter-moves, and so on, the players try to anticipate where play will terminate” (Brams 1994, 7). Thus, the game ends when, after a series of “alternating responses,” the player who has the next move decides not to switch its strategy (Brams 1994, 22). Another important rule of ToM is that a player will not move from an initial state if this move “leads to a less preferred final state; or returns play to the initial state” (Brams 1994, 27). Brams calls this rule “a *rationality rule*, because it provides the basis for players to determine whether they can do better by moving from a state or remaining in it” (Brams 1994, 28). The last rule is that of “*precedence*”, and it implies that once a player makes a move “its move overrides the player who stays, so the outcome will be induced by a player who moves” (idem). As each player looks ahead and makes rational calculations where to move from each initial state, the process ends in outcomes that Brams calls *nonmyopic equilibria* or NME (Brams 1994, 33).

Brams’ theory proves its applicability to the case of mediation by arguing that:

“some decisions are made collectively by players in which case it would be reasonable to say that they choose strategies from scratch, either simultaneously or by coordinating their choices. But if say two countries are coordinating their choices, as when they agree to sign a treaty, the important question is what individualistic calculations led them to this point. The formality of jointly signing a treaty is the culmination of their negotiations, which covers up the move-countermove process that preceded it. This is precisely what ToM is designed to uncover” (Brams 1994, 23).

For the purposes of simplification let's assume that there are two disputing sides – side A and side B – who are unable to negotiate a settlement themselves. The intractable nature of their conflict and the issues at stake draw attention from more than one outside actor who have an interest in managing the peace process. Again, for the purposes of simplification, let's assume that we have (at least) three such players, each one with specific interests in the conflict, leverages they can exert in the peace process and relationships they have with other mediators and conflicting sides. Therefore, let's presume that mediators 1 and 3 are what scholarship calls *biased mediators* due to the particular nature of their relationship with parties to the dispute (Touval and Zartman 1985). Mediator 1 is biased toward party A, and has particular leverage over it, so as it is able to move party A in an intended direction. The same relationship can be found between mediator 3 and party B. On the other hand, mediator 2 is what scholarship calls a *pure mediator*, who does not have any special relationship with neither of the conflicting sides but nevertheless has a strong interest in resolving the conflict. The model will assume that mediator 2 is the only actor that is unwilling to dropout from the process, while actors 1 and 3 might opt for this strategy, and thus undermine cooperation within the mediating coalition. Under all these assumptions, the model prescribes four different scenarios. In the first scenario all three mediators choose to cooperate throughout the process. In the second and the third scenario, actors 1 and 3 respectively choose to defect from the group while still maintaining a biased relationship with either A or B. In the fourth scenario both 1 and 3 chose to deflect, leaving the entire mediating process to 2, though they again keep biased relations with conflicting sides.

The model⁽¹⁾ prescribes two choices (X) for each actor involved: to cooperate (1) or not to cooperate (0). That is: $X_A, X_B, X_1, X_2, X_3 = 0$ or 1 . All other values in the model also range from 0 to 1.

In case parties are unable to engage in mediation, payoffs of resolving the conflict through fighting are described through expected utility functions:

1 This model was originally developed during the 2009 YSSP research at IIASA, Laxenburg, Austria, and further expanded to its current state together with Dr. Ben Allen (Harvard University).

$$A : P_w^A U_f^A - C_f^A$$

$$B : P_w^B U_f^B - C_f^B$$

$$1 : U_{\mathcal{A}}^1 P_w^A$$

$$2 : 0$$

$$3 : U_{\mathcal{B}}^3 P_w^B$$

Where, P_w is the probability that a conflicting party will win by fighting; U_f is the utility of winning through fighting, which is supposed to be very high ($U_f \approx 1$) given the fact that through fighting a party can either win or lose; C_f represents the costs of fighting, which are supposed to be also high ($C_f \approx 1$) in order to make the option of fighting not appealing; finally as third parties are not involved directly in the conflict their payoffs are related to the probability of winning by a side they support and the utility of that victory ($U_{\mathcal{A}}^1, U_{\mathcal{B}}^3$); obviously party 2 does not have any utility if the fighting continues.

If there is agreement to conduct mediation, each actor has a payoff. The payoffs are still described through an expected utility function which for each conflicting side is:

$$P_m^A U_g^A - C_m + i_1^A X_1$$

$$P_m^B U_g^B - C_m + i_3^B X_3$$

Where, P_m is the probability of winning through mediation for a conflicting side; U_g represents the utility each conflicting side has from an agreement achieved through mediation ($U_g < U_f$); C_m is the cost of mediation; i is the influence a biased mediator has on a conflicting side. This relationship represents a cost that biased mediators face in order to influence their partners in conflict - it should not be too high, otherwise mediation is not very attractive for outside actors.

$$P_m \text{ has a function: } \begin{aligned} P_m^A &= (P_m^A)^{(0)} + Q_{m1}^A X_1 - Q_{m3}^B X_3 ; \\ P_m^B &= (P_m^B)^{(0)} + Q_{m3}^B X_3 - Q_{m1}^A X_1 \end{aligned}$$

$(P_m)^{(0)}$ stands for a fixed probability of winning through mediation; Q_m indicates the influence an outside party has on the mediation process – it comes into play only if $X=1$; the probability has a negative Q_m of the opposing side since an outside player by increasing chances of winning for their partners also decreases the probability of winning for the other conflicting side.

The cost of mediation C_m has a function: $C_m = C_m^{(0)} + C_m^{(1)}(2 - X_1 - X_3)$;

$C_m^{(0)}$ indicates the fixed costs of mediation; the other part of the formula stands for additional costs of mediation that A and B face each time an outside actor does not participate in mediation – this refers to biased mediators 1 and 3, as the model assumes that neutral mediator 2 will always be engaged in the mediation process.

The model prescribes that mediators also benefit from participating in the mediating process. Biased mediators have a utility from what their partner state in the conflict wins through a reached agreement (U_{Aag}^1 , U_{Bag}^3) - multiplied by the probability of them winning - which comes at a cost of their influence/relation with the conflicting side (i). Thus the payoffs for biased mediators are:

$$\begin{aligned} U_{Aag}^1 P_m^A - i_1^A \\ U_{Bag}^3 P_m^B - i_1^B \end{aligned}$$

Fighting occurs unless both conflicting sides agree to mediation. For mediation to occur, both of these inequalities must be satisfied:

$$\begin{aligned} P_m^A U_{Aag}^A - C_m + i_1^A X_1 &> P_w^A U_f^A - C_f^A \\ P_m^B U_{Bag}^B - C_m + i_3^B X_3 &> P_w^B U_f^B - C_f^B \end{aligned} \quad (1)$$

CASE 1: Neither mediator cooperates

If neither mediator cooperates, the conditions for mediation (1) become:

$$\begin{aligned} (P_m^A)^{(0)}U_{Aag}^A - C_m &> P_w^A U_f^A - C_f^A \\ (P_m^B)^{(0)}U_{Bag}^B - C_m &> P_w^B U_f^B - C_f^B \end{aligned} \quad (2)$$

If conditions (2) fail, fighting continues. The mediation receives expected payoffs

$$P_w^A U_{\mathcal{A}}^1 - C_f^1 \quad \text{and} \quad P_w^B U_{\mathcal{B}}^3 - C_f^3$$

If conditions (2) hold, mediation takes place under mediator 2, without cooperation from 1 and 3. The mediators receive expected payoffs:

$$(P_m^A)^{(0)}U_{Aag}^1 \quad \text{and} \quad (P_m^B)^{(0)}U_{Bag}^3$$

CASE2: One mediator cooperates

In case mediator 1 cooperates, but mediator 3 does not, the conditions for mediation become:

$$\begin{aligned} (P_m^A)^{(0)} + Q_{m1}^A)U_g^A - C_m + i_1^A &> P_w^A U_f^A - C_f^A \\ (P_m^B)^{(0)} - Q_{m1}^A)U_g^B - C_m &> P_w^B U_f^B - C_f^B \end{aligned} \quad (3)$$

If conditions (3) fail, fighting continues, and mediators receive expected payoffs

$$P_w^A U_f^A - C_f^A \quad \text{and} \quad P_w^B U_f^B - C_f^B$$

If conditions (3) hold, mediation takes place under mediators 1 and 2, without cooperation from 3. The mediators receive expected payoffs:

$$(P_m^A)^{(0)} + Q_{m1}^A)U_{Aag}^1 - C_m - i_1^A \quad \text{and} \quad (P_m^B)^{(0)} - Q_{m1}^A)U_{Bag}^3 - C_m$$

The case that mediator 3 cooperates and mediator 1 does not is similar.

CASE 3: Both mediators cooperate

If both mediators cooperate, conditions for mediation are

$$\begin{aligned} (P_m^A)^{(0)} + Q_{m1}^A - Q_{m3}^B)U_g^A - C_m + i_1^A &> P_w^A U_f^A - C_f^A \\ (P_m^B)^{(0)} - Q_{m1}^A + Q_{m3}^B)U_g^B - C_m + i_3^B &> P_w^B U_f^B - C_f^B \end{aligned} \quad (4)$$

If conditions (4) fail, fighting continues. The mediators receive expected payoffs

$$P_w^A U_f^A - C_f^A \quad \text{and} \quad P_w^B U_f^B - C_f^B$$

If conditions (4) hold, mediation takes place under all mediators. The mediators receive expected payoffs

$$\begin{aligned} (P_m^A)^{(0)} + Q_{m1}^A - Q_{m3}^B)U_{Aag}^1 - C_m - i_1^A \\ (P_m^B)^{(0)} - Q_{m1}^A + Q_{m3}^B)U_{Bag}^3 - C_m - i_3^B \end{aligned}$$

Finally, if both

$$\begin{aligned} (P_m^A)^{(0)} - Q_{m3}^B)U_{Aag}^A - C_m > P_w^A U_f^A - C_f^A \\ (P_m^B)^{(0)} - Q_{m1}^A)U_{Bag}^B - C_m > P_w^B U_f^B - C_f^B \end{aligned}$$

then mediation is so good that the parties agree to it no matter what. In this case, the actions of mediators are determined by weighing their costs of cooperating against the utility they gain from influencing the mediation.

Thus, mediator 1 will cooperate if

$$Q_{m1}^A U_{Aag}^A - i_1^A - C_m > 0$$

and mediator 3 will cooperate if

$$Q_{m3}^B U_{Bag}^B - i_3^B - C_m > 0$$

The model predicts that cooperation in the process of multiparty mediation can be explained through an inverted prisoner's dilemma. This

dilemma describes a situation in which the conflicting sides (A and B) get involved in the mediation process, regardless of the action of the mediators. In other words, the mediation process will continue even if one mediator decides not to cooperate with the rest of the group. Using the theory of moves, we can interpret the model as follows:

		1	
		Cooperates	No cooperation
3	Cooperates	2 (c)	1 (b)
	No cooperation	4 (b)	3 (a)

Point (a) is a common starting point for all international conflicts. It is the moment when a conflict assumes necessary characteristics to encourage outside actors to get involved. Numerous studies have examined the phenomena, of who, when and why mediates (Bercovitch and Schneider 2000; Greig and Regan 2008). As the model shows, here mediation is conducted by one outside actor (number 2) that parties perceive as trustworthy and unbiased. In this point, each biased mediator chooses not to participate in mediation, while still maintaining a biased relationship with a particular conflicting side. In this case, outside actors avoid both the costs of mediation and of cooperation. At the same time, they still maintain a special relationship with one of the parties at dispute, and thus indirectly still exercise some influence over the mediation process, being conducted by actor 2 alone. Theoretically speaking, this outcome is NME, because it creates greater benefits than any other, so in case the game started at this point, rational actors would not move from it. Nonetheless, as only one mediator is involved in the process we

cannot talk about multiparty mediation taking place in this state.

In the contemporary dynamics of international relations, we can expect to observe a proliferation of actors willing to step in and manage a conflict in accordance with their particular interests. Knowing that it can benefit more by joining the mediation coalition, one actor might decide to opt for a cooperative strategy from the beginning. Thus, the game actually starts in points (b), when one biased mediator decides to start cooperating with mediator number 2. In this state the mediator that does not cooperate with the other two faces smaller benefits compared to the one that chose to take part in mediating efforts through cooperation (1,4) or (4,1). Nevertheless, in reality we often witness that some actors purposefully chose not to cooperate with other mediators. Why would this be the case? Because their rationality is myopic, actors may fail to recognize that the game cannot revert to point (a), where a non-cooperative strategy created far greater benefits. Here the choice of non-cooperation (point (a)) is complemented by the fact that some actors aim to use their biased position to influence the behavior of a particular side in the conflict and consequently to spoil the mediation efforts of other actors. In fact, as the rule of ToM dictates, the next move is that of a player that does not yet cooperate, and its next move cannot be to move the other player back to non-cooperative behavior. Thus they need to realize that the best they can hope to achieve given the game's progress is a move to point c.

However appealing the non-cooperation decision might appear at a first glance, spoiling the process might actually backfire. When an outside actor decides not to cooperate while others are engaged in the mediation, it undercuts its own potential to exercise influence over other actors involved in the mediation and loses the potential to create benefits for itself and its partner side in the conflict. While the biased mediator stays outside the coalition, the side it is supporting might still remain trapped in the process, and it is to be expected that in such a constellation, there are less chances that potential solutions will be tilted to its advantage. When one side in the conflict is losing through mediation, so will its outside partners, even though they are officially not cooperating in the process. For example, their international reputation might be undermined, as might their leverage to influence future developments in the process. In such circumstances both the non-cooperative outside actor and its partner party to the conflict will face far smaller

benefits than those who opt to cooperate and potentially (through constructive dialogue and exercising necessary leverage) move the proposed solution to their advantage.

Faced with a lower payoff, a rational second biased mediator decides to cooperate, which moves the game to its final state found in point (c), which is the outcome of the game and a NME. Even though in this case their utility is smaller than in point (a) (due to the costs of both mediating and cooperating), they will undeniably experience bigger benefits than if they are not part of the mediating coalition. In such a setting each mediator will be able to exercise a certain pressure over the process, and bargain in favor of the side in the conflict that they have special relations with. Biased mediators attain important utility as their partner involved in the conflict gains through mediation. Thus, despite the costs of mediating and acting in concert, the second outside actor still manages to create greater benefits through coordinated activities than if it opted for a defecting strategy, assuming that mutual defection is not an option. This goes in line with the initial statement that cooperation implies the creation of new gains for each party that were unavailable to them by unilateral action, albeit at some costs.

2.3 Insights from the model and formulation of hypotheses

This model underlines that employment of cooperative strategies for parties involved is actually more beneficial than spoiling the process. In fact, even cumulative costs of cooperating and mediating complemented with potential benefits of acting as a spoiler still do not manage to match the benefits generated by cooperative strategies. Since cooperation proves to be decidedly beneficial not only to the process but to the parties themselves, it is important to understand what should be done once a party opts to defect from a group. As noted by Sisk, “game theory contributes to mediation strategies through the finding that one can *encourage moderation and deter ‘defection’* in bargaining relationships by not allowing a player to gain from a defection strategy, even if it imposes additional costs to cooperation to prevent a defector’s gain” (emphasis added Sisk 2009, 48).

In view of the fact that defection is often a direct expression of a party’s self-interested goals, another way of encouraging change is to

engage a defecting party in a bargaining process, where an alternative to their current behavior can be found. It is not always very clear who should take responsibility to steer a party off a non-cooperative course. While in most cases coordination of mediating activities is attributed to players with necessary levels of credibility and legitimacy, they often do not have the same leverage over those mediators who represent key patron states for conflicting sides. Having key patron states or lead-states on board has proven to be essential for the peace process. These actors - usually an interested regional state or a global power with considerable influence in the region - should be ready to produce a well thought-out blend of carrots and sticks against the parties, and guide them toward a mutually acceptable solution (Sisk 2009). With such capabilities these third-parties generally act as biased mediators that were already introduced and illustrated in the game theoretical model. Reflecting on the previously illustrated statement by Touval and Zartman (1985) about the utility of biased mediators, and their potential constructive role, this research proposes the following hypothesis:

H1: While cooperating with other mediators, biased mediators are useful inasmuch as they can use their special relationship with one conflicting side to influence its behavior, positions and perceptions and consequently move it toward an agreement.

However, when these actors decide to stop cooperating with the rest of the group, the conflicting side they have a special relationship with might also stop cooperating with other mediators and potentially even defect from the process. By cementing their positions, non-cooperative actors produce significant complications for the bargaining process and put at risk all the mediation efforts.

As experience shows in these situations the responsibility for encouraging a mediator to develop a common idea about a final solution and opt for a cooperative strategy is on the rest of the mediating coalition. More precisely, it is the actors who have strong self-interests in the conflict's outcome that generally take initiative to negotiate with defecting mediators. Confrontation of self-interests between mediators in order to find common ground on an acceptable outcome to the conflict shifts the focus from negotiating with conflicting sides (mediating) to *negotiation between mediators*. This research proposes three hypotheses

in this regard:

H2: When the mediating coalition is faced with conflicting interests, if one mediator decides to defect from the group dynamic, this will lead the peace process into a deadlock.

H3: If the mediators manage to achieve convergence of policy objectives among them, there are bigger chances that the peace process will be successful.

H4: In case mediators do not reach such convergence, the conflicting sides will be induced to defect from negotiations, making it more likely for the peace process to fail.

If interpreted through classical game theory, cooperation represents a dominant strategy in this model, and the Nash equilibrium is point (c) (2,2). ToM also provides a similar interpretation, given that once the multiparty mediation starts, cooperative behavior produces higher payoffs than defection, and the final state is also in point (c). Overall, cooperation can be identified as a rational strategy that leads to nonmyopic equilibria. Once a party chooses to cooperate, short-term goals which induced a party to defect are no longer a priority. Rather, for a rational outside party that received low payoffs from a defecting strategy, cooperation becomes a useful mechanism through which it is possible to limit the other side's utility. In other words, cooperation proves to be decidedly beneficial not only to the process but to the parties themselves. Reflecting on the previous statement by Sisk (2009, 48) that game theory can help understand how to "encourage moderation and deter 'defection'" in mediation activities, the model might provide useful insights that could be further elaborated in order to better understand what might induce a party to deter from defective strategies and switch to cooperation.

Discouraging defection is certainly not a simple task, as it directly implies interference in another party's policy objectives. In this case it is not enough just to reprove non-cooperative behavior or warn that such a strategy is not constructive for the overall process of mediation and leave it at that. It is necessary that the defecting party comes to recognize the benefits of deciding to change its strategy and pursue cooperative strategies. This research proposes at least three general reasons why a

party would change its policy objectives, and all three will be further tested through case studies.

On the one hand, *exogenous geo-political shifts* - significant developments on a systemic level caused by pivotal political, social, economic and/or natural events - might encourage a party to rethink its guiding principles. This is because no policy objective is ever self-motivated or independently strong enough to linger indefinitely; it should rather be seen as a building block of a complex network of strategic choices developed by each actor in the international arena. Since such incidents rarely affect one actor at a time, they may cause not only a shift in priorities within a party, but also a *convergence of interests* among several actors. Once their interests are compatible, parties will be more inclined to cooperate.

H5: A strong geo-political shift will induce the defecting mediator to change its strategy and engage in a cooperative mediation effort to manage the conflict.

On the other hand, *changes in the conflict dynamics* might induce those outside actors that are directly involved in the conflict - for example by providing logistical and/or military support - to consider using mediation as a viable option for ending the conflict. This argument follows the logic of the theory of 'ripeness' (Zartman 1989) which prescribes specific conditions for ripeness to occur. In principle the theory focuses on conflicting parties' perceptions that they are in a 'mutually hurting stalemate' and that they can identify 'a sense of way out' through mediation. Zartman and notes that "these can be brought to the conflicting parties' attention by a mediator or an opposing party if they are not immediately recognized by the party itself, and they can be resisted so long as the conflicting party refuses or is otherwise able to block out their perception" (Zartman and de Soto 2010, 6). A similar logic could be applied to the perception of a mediator that has been invested in the conflict but is not a direct party to the conflict. As Sisk rightfully noted, once the mediation process starts it does not produce an automatic termination of hostilities (2010). In fact, violence can be seen as a "beyond-the-table tactic used not as an alternative to bargaining but as an integral part of the negotiation" (Sisk 2010, 2-3).

H6: An increase in costs of supporting a war will induce the defecting mediator to change its strategy and engage in a cooperative mediation effort to manage the conflict.

Both exogenous geo-political shifts and changes of conflict dynamic imply that the defectors will change their strategy by their own initiative. However, a third trigger of cooperation is also feasible – the initiative might come from the rest of the coalition, through *bargaining for cooperation*. In view of the fact that defection is often a direct expression of party's self-interested goals, another way of encouraging change is to engage a defecting party in a bargaining process, where an alternative to their current behavior can be found by offering them sufficient incentives to make participation an attractive option. Hampson and Zartman refer to this challenge as building a "team of rivals," and notes that even when the mediation is conducted by "global or regional competitors," they still need to "have the wisdom to realize that they share a common problem or project which can only be resolved together" (Hampson and Zartman 2012, 2).

As previously stated, when cooperating with other mediators, biased mediators are useful inasmuch as they can use their special relationship with one conflicting side to influence its behavior, positions and perceptions and consequently move it toward an agreement (Touval and Zartman 1985). However, when these actors decide not to cooperate with the rest of the group, the conflicting side that they have a special relationship with might suffer in the negotiation process. The potential mediator's decision to deflect is costly for the state it supports. In such circumstances, the party to the conflict might find the agreement less attractive, and consequently refuse to accept it. By cementing their positions, non-cooperative actors produce significant complications for the bargaining process and put mediation efforts at risk. As the case studies show, the lack of conflicting side's willingness to cooperate in the peace process might range from a mere stalling of the process to the use of violence as a "beyond-the-table tactic" (Sisk 2010, 2-3). At a certain point, the coalition members might pick up this signal, approach the defector and bargain for a new arrangement which will create new benefits for both. However, it is not always clear who should take responsibility for steering a party off a non-cooperative course. As experience shows that in these situations, the responsibility for encouraging a mediator to

develop a common idea about a final solution and opt for cooperative strategy might rest with others in the mediating coalition.

H7: If a mediator's defecting strategy produces high costs in the mediation process for the state it supports, this will induce the defecting mediator to change its strategy and engage in a cooperative mediation effort to manage the conflict.

Overall, cooperation can be achieved when mediators perceive cooperation as being in their self-interest. The reasons why some actors decide not to cooperate can be described as myopic rationality. Mediators that see defection as their strategic choice are those that focus on short-term instead of long term goals. However, the choice of defection will inevitably have an impact not only on the mediating coalition, but also on the overall process, as it might encourage (at least) one disputing side to stop cooperating in the peace process. This dynamic is directly related to the fact that mediators often have a particular relationship with (at least) one of the disputing sides, which induces them to get involved in the mediation process and correlates the pursuit of self-interest with the promotion of a partner state's agenda.

Thus, when the mediating coalition is faced with a potential dropout from the group, mediators might need to negotiate with the dropout to find a compromise solution that can bridge their conflicting interests in order to (re)establish a cooperative relationship. The outcome of this rapprochement will have a direct effect on the overall mediation effort. Accordingly, this research proposes the following hypothesis:

H8: If the mediators manage to reach/negotiate an agreement with the dropout, the mediation process is more likely to be successful.

Even when multiple mediators manage to achieve a convergence of interests in managing a conflict, their efforts to operationalize and synchronize their activities often prove to be incongruous. As indicated previously, one of the most challenging aspects of multiparty mediation is the problem of *coordination*. In the case of multiparty mediations, coordination prescribes a method of synchronized usage of different leverages and resources each mediator has at its disposal in the process in order to create necessary incentives for resolution that would have

been unavailable through a single mediator. A harmonious employment of various leverages can be instrumental for the effectiveness of the mediation process: where direct leverage is limited it may be borrowed from others (Crocker et al. 1999, 40). In order to reduce or resolve the conflict while still satisfying self-interests, third parties can resort to three key methods or strategies that define their relations with the conflicting parties. Ranging from most passive to most invasive, they can act as communicator-facilitator, formulator, or manipulator (Touval and Zartman 1985).

Coordination among mediators sends a strong signal to disputing sides about their commitment to manage and resolve the conflict. A strong dedication in alleviating the problem will increase the credibility of the group, reduce the chances of sending mixed signals to the conflicting sides, and minimize the chances for conflicting sides to go 'forum shopping'. As a result there will be fewer options for procrastination of achieving a negotiated settlement. At the same time, a well coordinated mediating coalition will be able to exploit the comparative advantages of all the mediators – each one entering the process with a specific leverage. This way they are able to produce specific incentives for resolution that are not available through mediation conducted by a single mediator. Thus, impending liabilities of multiparty mediation are directly diminished while the benefits are exploited through coordination of mediators involved in the process. Coordination of mediator activities implies overall synchronization of communicator, formulator and manipulator roles (Touval and Zartman, 1985; Zartman and Touval, 1996) along with similar negotiating tactics by all mediators depending on their comparative advantage (Lax and Sebenius 1991).

Full employment of mediators' leverages is directly related with self-interests that drive mediators to get involved in the process. Manipulation strategies that imply powerful interventions by mediators are most needed when the conflict has escalated to the point that the costs of continuing become too high. In contemporary mediation literature, these costs are generally attributed to the conflicting sides. The ripe moment to negotiate is when conflicting sides have reached a "mutually hurting stalemate," and any further continuation would only be costlier than resorting to peace talks (Touval and Zartman 1985).

But current scholarship fails to address another important issue: what about the costs that mediators face, especially when they resort

to the most coercive measures at their disposal? The mere fact that a state is prepared to take very costly measures to change the dynamics in a conflict in which it is not directly involved implies that the state has something more at stake.

The size of the country in conflict is rarely a factor. Even the smallest countries, whether islands or landlocked, may represent something of strategic importance for more powerful states. A good example in this regard is the case of Taiwan and its strategic relevance for the United States (Ross 2006; Wu 2006). A conflict, regardless of the size of the country involved, attracts attention from outside and induces third parties to intervene as mediators.

Powerful states that might assume the role of lead state are driven by geopolitical considerations much wider than the resolution of any specific conflict—considerations that embrace both defensive and offensive motives. The capability to “mediate with muscle” is what distinguishes strong mediators. The mediator’s power to punish the disputants—coercive power—encourages respect for the mediator, and greater cooperation in making concessions (Carnevale et al. 1989). In cases when the conflict has escalated to the point that disputants cannot engage in joint problem solving, forceful mediator intervention becomes most effective (Carnevale 2002).

Strategic power is never applied aimlessly. Rather, it is a direct consequence of the powerful mediator’s premeditated decision on whether applying that power is in its best interest. These strategic interests are rarely found in an official document that sets the guidelines for future involvement. However, by looking at the different elements that influence state behavior, we may well discern what is strategically important for a powerful state. Reflecting on the U.S. role in Northern Ireland and the Middle East, we can see that specific features of the United States’ relations with actors in those areas determine the likelihood of a U.S. intervention in specific conflicts. This research proposes the following elements as the most significant in defining strategic interests:

- Proximity to vital economic resources (e.g., water, oil, gas) and corresponding infrastructure
- Economic relations
- Proximity to the source of security instability
- Political relations and ideological compatibility

- Proximity to a rival-power state, and relations with it
- Proximity to a partner state, and relations with it
- Historical record

Current multiparty mediation scholarship comes short in explaining under which circumstances we can expect a powerful state to intervene in its full capacity. Instead, it focuses either on the possibility of “borrowing leverage” from a powerful state or on the importance of having a powerful state in the mediating coalition. While less coercive measures have become the norm in mediation activities, especially because of the lower costs they produce for mediators, coercive power has not been applied as often. Although one might expect a powerful state to use its leverage whenever necessary, this is seldom the case in reality. Groneveld-Savisaar and Vukovic (2011) used the case of Sri Lanka to illustrate the link between strategic-interest and coercive power. They argue that the key factor that drives lead states to employ the most coercive measures, thus investing considerable resources, to resolve the conflict is its strategic interests. In other words, when the parties lack sufficient motivation to settle and strategic strength is needed, the strategic power must have a strategic incentive to use that power. This research will expand this argument by linking a coordinated use of leverages between mediators and strategic interests that drive them to get involved, through the following hypothesis:

H9: The stronger the mediators’ strategic interest in the conflict the higher the chances of successful mediation through a coordinated effort by mediators in a coalition.

Jones identifies two necessary conditions for effective coordination: a high degree of international commitment and a rough correspondence of interests of the major powers (Jones 2002, 90). While both the ‘high degree of international commitment’ and ‘correspondence of interests’ point out the importance of prior achievement of cooperation between multiple mediators and strategic relevance of the conflict for them, Jones also hints to a very important aspect of effective coordination - that of a *leadership*. According to Jones, “ideally, strategic coordination should establish clear lead actors in the mediation... it should allow those lead actors to set priorities, to ensure those priorities are pursued by all

the third-party actors involved, and to provide consistency across phases of a political process” (Jones 2002, 111). In other words the role of the lead actor is to guide and coordinate multiparty mediation activities.

Kriesberg points out that “the choice of the person or organizations which take on the leadership or the coordinating role may be made by the adversaries themselves, by the intermediaries, based on assessing who would have the interest and resources, or through a power struggle” (Kriesberg 1996, 348). While the choice of assigning (or assuming) the leadership role appears to be quite contextual and ad hoc, as no actor, be it a powerful state or an international organization, would ever be inclined to easily give up its authority or room to maneuver in the mediation process (Jones 2002, 112). So the real aspects that need to be assessed are the conditions under which a particular third-party is most suitable to lead and coordinate mediation activities.

The utility of having major powers involved in the process has been highlighted by several studies (Jones 2002, Sisk 2009, Hampson and Zartman 2012). According to Sisk (2009), the primary role of a powerful state in a multiparty mediation effort is to ‘play heavy’. He argues that “one state, usually an interested regional state or a global power with significant influence in the region should sustain the focus and provide the communications, diplomatic consistency, intelligence, and finance to make the mediation more effective. This lead state should also be willing to provide strongly structured incentives and sanctions against the parties” (Sisk 2009, 53).

While the value of having a powerful state in the mediating coalition is quite clear, assigning the leadership role to it might prove to be counterproductive. Jones pointed out an important limitation of having a powerful state coordinating the mediation activities. According to him, “coordination by a major power will tend to be coordination in support of one party, as distinct from impartial support to the peace process itself” (Jones 2002, 111). In fact, the role of a lead actor might be translated into that of ‘mediating between mediators’. As emphasized by Jones, “lead actors should also be given the authority to resolve disputes between third parties about those priorities or about strategies used to achieve them” (Jones 2002, 111). As stated previously the potential utility of a biased mediator derives from its ability to ‘deliver’ the conflicting party with which it has close relationships to an agreement. This unique dynamic of international mediation is quite difficult to re-

plicate on the level of the mediating coalition, as the lead-state might not have sufficient or adequate power to leverage the other mediators to a more coordinating dynamic coordination. In such conditions, a coordinated effort might be best achieved under the lead of an actor that has the ability to prescribe collective behavior, and this ability should derive from a norm accepted by all participants. In other words, the most suitable actor to coordinate mediation activities is that one with most legitimate power (Carnevale 2002, 28).

In international mediation, legitimacy has been often associated with actions undertaken by international organizations, especially the UN (Touval 1992). As Touval points out, the UN's most resourceful leverage is "the aura of legitimacy" as its actions "carry as representing the consensus of the international community" (Touval 1994, 52). For Rubin, legitimate power of the UN derives from a general perception that the UN is "the official representative of the world community" (Rubin 1992, 265). Following this argument both Jones (2002) and Sisk (2009) highlighted the importance of assigning the role of a lead actor in charge of coordinating mediation activities to an international organization - namely the UN, and its Special Representatives of the Secretary General (SRSG). According to Sisk, coordination acquires the necessary level of legitimacy under the leadership of the SRSG especially as the "involvement in and coordination of the mediating effort by the UN Special Representative of the Secretary General (SRSG) lends a necessary credibility and consensus and coherence to the initiative" (Sisk 2009, 52). Jones also claims that "there can be little doubt that there is a high correlation between effective strategic coordination and the presence and good management of an SRSG or equivalent" (Jones 2002, 96). However, Jones points out that proliferation of international actors with competing interests and strategic disagreement and the diminishing authority of the UN have unquestionably "constrained the capacity of the UN to perform essential strategic coordination functions" (Jones 2002, 111). More importantly, "a clear, consistent alternative has not yet emerged" (*idem*).

Overall it appears that unless there is a compatibility of interests between powerful states and other mediators (both international and/or regional organizations and small and/or medium sized states) successful coordination of mediation activities cannot take place, which undermines the chances of success. In light of this limitation, it appears that

the crucial element for a properly executed coordination in multiparty mediation is that the lead actor has the necessary degree of legitimate power to guide the mediating coalition's activities, and the necessary degree of compatibility of interests with major powers (Jones 2002, 90). Therefore, this research proposes the following hypothesis regarding the lead actors.

H10: The more legitimate the lead actor, the more successful the mediating efforts will be.

H11a: In cases where multiparty mediating activities are coordinated by an international organization – the more compatible with powerful states' interests its guidance is the more successful the process.

H11b: In cases where multiparty mediation activities are coordinated by a small or medium sized state – the more compatible with powerful states' interests its guidance is the more successful the process.

H11c: In cases where multiparty mediation activities are coordinated by a powerful state – the more that state's agenda is in line with other third-parties' expectations the more successful the process.



**CHAPTER
III**

METHODOLOGY



CHAPTER III: Methodology

3.1 The problem of causality in social science research

Given the multicausal nature of mediation processes, a mere analysis of correlation between independent variables and outcome does not help much in understanding if there was actually a causal mechanism present during the process. Although numerous studies (Crocker et al. 1999, Kriesberg 1996, Böhmelt 2011) have already shown that there is a strong correlation between cooperation (and coordination) among multiple mediators and success in multiparty mediation, these studies may not provide a clear indication of the existence of a causal mechanism which actually links success with the dynamics of cooperation and coordination.

A causal mechanism can be defined as “a complex system, which produces an outcome by the interaction of a number of parts” (Glennan 1996, 52). Similarly, casual mechanisms represent “analytical constructs that provide hypothetical links between observable events” (Hedström and Swedburg 1998, 13). However, observing causal mechanisms might prove to be a difficult task. According to George and Bennett, causal mechanisms are “ultimately unobservable physical, social, or psychological processes through which agents with causal capacities operate” (George and Bennett 2005, 137). Similarly, Hedström and Swedberg argue that causal mechanisms are primarily social constructs and as such they do not have a real-world existence (Hedström and Swedburg 1998). For instance, the case of the Cuban missile crisis, studied by Allison and Zelikow (1999), represents an important example of ‘group think’ mechanisms, where the emphasis is on the small-group forms of intrapersonal pressures that generate a specific outcome. In this case socio-psychological factors play a crucial role in the causal chain of events however they are quite difficult to measure. Thus the only possibility in such cases is to rely on measuring the mechanisms in an indirect form through ‘proxies’ or ‘indicators’ of the observable implications (Beach and Pedersen 2012, 62-63).

In an attempt to solve this problem, Reskin proposes that any analysis interested in explaining how an outcome was produced should scrutinize only “observable” causal mechanisms, and thus exclude various psychological and macro-level mechanisms (Reskin 2003). Beach

and Pedersen expand this claim by pointing out to the need of carefully operationalizing a specific mechanism, as “there are some types of causal mechanisms that can be conceptualized and operationalized in a manner that permits quite close observations of actual mechanisms, and where plentiful evidence exists that enable us to measure the mechanisms quite closely” (Beach and Pedersen 2012, 62). Thus, if a research design accepts that mechanisms are directly observable then the task of operationalization of a particular mechanism should focus on identifying and examining “the empirical fingerprints” that the mechanism leaves in the empirical record (Beach and Pedersen 2012, 63). However, even if a research departs from an assumption that a causal mechanism is unobservable, it should still look into observable implication that a mechanisms should leave. Thus, Beach and Pedersen emphasize, that “the two positions result in similar forms of operationalization” (Beach and Pedersen 2012, 63).

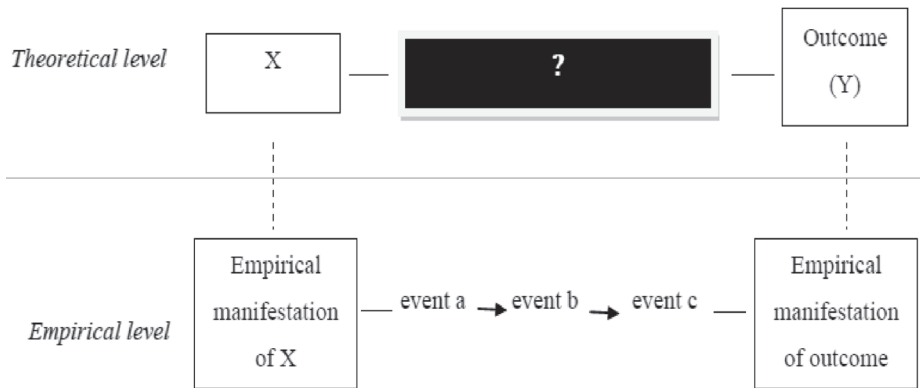
3.2 Process tracing method

Overall, as pointed out by Gerring, if properly designed, causal mechanisms allow us to “peer into the box of causality to locate the intermediate factors lying between some structural cause and its purported effect” (Gerring 2007, 45). Beach and Pedersen argue that the *only* methodological approach which permits a serious analysis of causal mechanisms is *process tracing* (Beach and Pedersen 2012, 7). In principle, process tracing entails “attempts to identify the intervening causal process - the causal chain and causal mechanism - between an independent variable (or variables) and the outcome of the dependent variable” (George and Bennett 2005, 206). George and Bennett use dominos to illustrate the causal chain:

“Suppose that a colleague shows you fifty numbered dominos standing upright in a straight line with their dots facing the same way on the table in a room, but puts a blind in front of the dominos so that only number one and number fifty are visible. She then sends you out of the room and when she calls you back in you observe that domino number one and domino number fifty are now lying flat with their tops pointing in the same direction; that is, they co-vary. Does this mean that either domino caused the other to fail? Not necessarily. Your colleague could have pushed over only dominos one and fifty, or bumped the table in a way that only these two dominos fell, or that all the dominos fell at once. You must remove the blind and look at the intervening dominos, which gave evidence on potential process.”

Tracing the process that may have led to an outcome helps narrow the list of potential causes (George and Bennett 2005, 207). More importantly, process-tracing points out to potential within-case inferences about the causal processes by generating various observations within the case. Thus, the explanation of the outcome is directly dependent of the way these observations are linked together. As George and Bennett point out, “it is the very lack of independence among these observations that makes them a powerful tool for inference” (George and Bennett 2005, 207). The blindfold from the previous example represents the ‘box of causality’, Beach and Pedersen (2012, 65) illustrate this through a diagram (Figure 1):

Figure 1:



Therefore, process tracing can be defined as a method that involves the analysis of evidence or indicators present within the case that provide sufficient support (or otherwise overturn) for what was hypothesized. The primary focus is to unfold a hypothesized causal mechanism through ‘observable implications’ of hypothesized explanations (Bennett 2010, 208). George and Bennett warn that “in process tracing *all* the intervening steps in a case must be as predicted by a hypothesis or else that hypothesis must be amended - perhaps trivially or perhaps fundamentally - to explain the case” (George and Bennett 2005, 207).

Since this research in part generated hypotheses from a game-theoretical model, it should be emphasized that process tracing comple-

ments well rational choice approaches. As George and Bennett point out, “process tracing is a method; rational choice models are theories... many proponents of the rational choice approach that its efficacy must be judged in part by the empirical testing of decision making-processes; process tracing provides an opportunity to do so” (George and Bennett 2005, 208). The aim of this research is to test and refine theoretical insights built from a deductive framework developed through the game theoretical model. Formal models are useful as they help predict outcomes however they are likely to fail to generate acceptable causal explanations. Proper casual explanations necessitate “empirically substantiated assertions about both the causal effects of independent variables and causal mechanisms or the observed processes that led to an outcome” (George and Bennett 2005, 208).

At the same time this research expanded insights from the game theoretical model, by including different assumptions present in existing theories of international mediation. Process tracing can be used for both theory testing and theory development. Beach and Pedersen explain that “in theory testing, a causal mechanism is hypothesized to be present in a population of cases of a phenomenon... here the goals is to evaluate whether there is evidence that the hypothesized causal mechanism linking X and Y was present in the case and it functioned as theorized” (Beach and Pedersen 2012, 19). The idea is to go further than existing correlations between X and Y, by opening the ‘box of causality’. On the other hand, “theory building process tracing involves a theory about a causal mechanism between X and Y that can be generalized to a population of a given phenomenon, starting from a situation where we are in the dark regarding the mechanisms” (Beach and Pedersen 2012, 20). In other words, in cases where theory is underspecified, especially regarding the causal mechanisms, then process tracing method helps identifying one or more causal processes.

Hypotheses that were generated in this research can be treated as both theory testing and theory development. The difference between theory testing and theory building is what Beach and Pedersen call “theory-before-fact versus fact-before-theory”, meaning that “in theory building process tracing, empirical material is used to build a hypothesized theory, inferring first that what is found reflect observable implications of an underlying causal mechanism... a second influential leap is then made by inferring from these observable implications that they

actually reflects an underlying causal mechanism” (Beach and Pedersen 2012, 25). Therefore, on the one side, since H1, H3, H4, H10 and H11 have all been generated from the existing theoretical assumptions, they will be used for theory testing. On the other, H2, H5, H6, H7, H8, and H9 are all products of iterative research, where causal mechanisms were generated from observable implications; as such they will be employed for theory building.

3.3 Case Study Selection and Operationalization of Variables

3.3.1 Case Selection

This research will conduct case study research of five recent international conflicts that were managed by multiple mediators. As Beach and Pedersen (2012) prescribe, the selection criteria was based on two principles: the fact that a given international crisis was managed by a multiparty mediation endeavor, and more importantly that each process had both the hypothesized X (in this case observable dynamics of cooperation and/or coordination between mediators) and outcome Y (success or failure of multiparty mediation activities). In order to achieve a large degree of theoretical relevance the cases were selected from different regional and spatial contexts: different continents, different historical circumstances and managed by different international actors (even though some actors, such as the US and Russia/Soviet Union tend to be quite present within almost all cases). Therefore, the present study will reflect on three cases that contemporary scholarship describes as successful and two that were unsuccessful. Successful cases of multiparty mediation took place in Tajikistan (Iji 2001; Abdullaev and Barnes 2001), Namibia (Zartman 1989; Crocker 1999) and Cambodia (Solomon 2000; Hampson and Zartman 2012). Multiparty mediation efforts were unsuccessful to yield any results in managing the conflicts in Kosovo (Ker-Lindsay 2009) and Sri Lanka (Goodhand et al. 2011).

3.3.2 Empirical Evidence and Potential Limitations

Hypothesized aspects of causal mechanism represent predicted evi-

dence. In process tracing, predicted evidence is close to what Brady, Collier and Seawright, identify as “causal process observations” which include “an insight or piece of data that provides information about the context or mechanism and contributes a different kind of leverage in causal inference” (Collier et al. 2004, 252). According to Beach and Pedersen, “in operationalizing empirical tests of causal mechanisms we develop predictions of what we should expect to see in the empirical record if a hypothesized part of a causal mechanism is present (predicted evidence), formulated in a manner that maximizes the level of certainty and uniqueness” (Beach and Pedersen 2012, 155). Therefore in order to proceed with process tracing it is important to define the central concepts of this research.

Traditional methodology defines central concepts as variables (King et al. 1994). In such a case, causal relationships are formulated in relation to independent variable (or variables) that cause variation in the dependent variable. Gerring points out that this type of relationship usually indicates a probabilistic causal relationship, where a change in value of the independent variable increases the likelihood of a dependent variables occurrence (Gerring 2005, 167). Since the term ‘variable’ implies that a concept needs to indicate a level of variance, Beach and Pedersen argue that in process tracing it is more appropriate to talk about ‘conditions’, which primarily indicate the presence (or a lack) of a particular concept (2012, 73). At the same time, process tracing requires that not only variables (or conditions) are operationalized, but also mechanisms in-between. This allows the research to identify the theorized *process* as particular ‘causal forces’ are transmitted through a causal mechanism to produce an outcome (Beach and Pedersen 2012, 76). However, it should be noted that testing mechanisms can prove to be quite difficult, as causal mechanisms are mostly unobservable. While important evidence can be generated from primary and secondary documentation, it is still very difficult to expect that there will be a very obvious indicator of causality. In light of these limitations, this research will nevertheless aim to accumulate sufficient empirical evidence that would provide sufficient support about the indication of causality that occurs in a specific case.

According to Yin, in case study research there are six sources of evidence: documentation, archival records, interviews, direct observations, participant-observation, and physical artifacts (Yin 2003, 85). Given the nature of present research, evidence will be primarily traced using

various types of documentation. Documents include: agendas, memoranda, communiqués, announcements and minutes of the meetings, and other written reports of the events. They also include administrative documents (such as proposal, progress reports, and other internal records) and formal studies or evaluations of the same “site” under study (Yin 2003, 86). Weaknesses of using documents as sources of evidence are various types of bias that might emerge (the unknown bias of the report’s author, biased selectivity) and a limited accessibility to specific documents. Thus instead of relying on a single source of evidence, this research will employ different forms of triangulation - development of converging lines of inquiry - in order to strengthen the support for the existence of evidence. It will employ triangulation of data sources and of deferent evaluators (primarily using other empirical studies of the same phenomena).

3.3.3 Variables (Conditions)

Interests refer to a set of a mediator’s preferences regarding both the dynamics of the undergoing conflict and the wider context which might include relations with other (potential) mediators and regional/global strategic concerns. As explained previously, interests are rarely formulated within a single and easily traceable document. The closest formats of such kind are various “doctrines” that are associated to numerous states, which reflect on a set of strategic concerns and preferences that states have regarding a wider geo-political context (either global or regional). In relation to the particular conflict areas, these formulations include (previously indicated) aspects such as: proximity to vital economic resources and corresponding infrastructure, economic relations with specific actors (most likely governments of the involved state), proximity to the source of global or regional instability, past relations and ideological compatibilities, proximity to rival and/or partner states, and a historical record. Such formulations have been under serious academic scrutiny. Therefore, these studies will represent one of the crucial insights into mediators’ preferences. At the same time, this research will aim to trace additional information that indicates the nature of a mediators’ preferences in a particular conflict, by looking into available official statements issued by a relevant actor. These could include public statements by officials that either addresses the particularities of the conflict or the

actor's wider geo-political preferences.

Convergence of Interests. This research hypothesized that potential convergence of interests might occur under three conditions. *Geo-political shift* represents the first condition under which convergence of interests might occur. Such shifts can be identified in official documents and/or in statements by officials that emphasize an imminent political rapprochement between two or more actors on the international level. The second hypothesized condition for the achievement of convergence of interests is represented through the *costs of supporting the ongoing warfare*. While such costs could be calculated and present in official actor's documents, there is no actual threshold which would represent a turning point in an actor's preferences. This condition is more in line with a perceptive dynamic present in ripeness theory (Zartman 1989), where an actor endures a continuous "pain" by bearing the costs of war without gaining expected pay-offs. Since it is a perceptive matter, this condition will rely primarily on indications of a trend of increased costs. Finally, this research hypothesized that convergence of interests could be achieved if *mediators negotiate a solution amongst themselves*. This condition is present only once the actors commit to employ what was mutually agreed on. A mere indication of willingness, without actually committing to it, does not represent sufficient indication of the condition's achievement.

Cooperation. This research will use the previously illustrated definition of cooperation by Zartman and Touval, who define cooperation as "a situation where parties agree to work together to produce new gains for each of the participants that would be unavailable to them by unilateral action, at some cost" (Zartman and Touval 2010, 1). As the definition suggests cooperation is only achieved once parties perceive it to be compatible with their interests and start working together. There are rarely any clear indicators, in a form of official documents, which could point toward the dynamic of cooperation. The condition is nevertheless more observable while it unfolds as actors show signs of managing the conflict through a joint effort. These signs can be traced in public statements by actors' representatives and/or empirical studies that provide sufficient support for indicators of actors' willingness to work together and subsequent joint engagement in managing the conflict.

Coordination. This research defined coordination as a method of synchronized usage of different leverages and resources that each me-

diator has at its disposal in the process in order to create necessary incentives for resolution that would have been unavailable through a single mediator. It occurs only once there is sufficient indication that supports the achievement of cooperation among actors. The process of coordination is also difficult to locate within an official document and even in a public statement by an actor's official. It is rather a condition which is traceable by actors' behavior, in which mediators start leveraging the actors toward an agreement. Leveraging can be observed by the use of "carrots and sticks" that alter the attitudes of conflicting parties and induces them to compromise.

This will now be tested systematically by an in-depth analysis of five case studies.



CHAPTER
IV

TAJIKISTAN

Chapter IV: Tajikistan

The lengthy peace process which put an end to a violent civil war in Tajikistan represents a fairly successful case of multiparty mediation where activities of external actors were “exceptionally well coordinated” (Barnes and Abdulaev 2001, 11). This was an extremely complex process where essential contribution to resolution of the conflict came from a wide variety of actors. Most of the rounds of talks, supported by the OSCE, were held under the auspices of the UN, while observer states took turns in hosting them and thus providing substantial contribution in reaching an agreement (Iji 2001). At the same time the process also benefited from the participation of different non-state actors and was aided by a very dynamic second-track dialogue process which came out of the US-Soviet Dartmouth Conference (Rubin 1998; Saunders 1999).

Nevertheless, among all the different mediators involved, Russia and Iran played a pivotal role in the peace process. According to Iji, “it was their collaboration that moved the intractable conflict in Tajikistan toward a settlement” (Iji 2001, 365). Both countries had strong interests in the conflict and highly developed relationships with warring parties which all together allowed them to assume the role of potentially effective third-parties. Barnes and Abdullaev point out the fact that “with an interest in the outcome of the war, they became in effect ‘secondary parties’ to the conflict... although they contributed initially to the war effort they later became vital resources to the peace process” (Barnes and Abdullaev 2001, 8). According to Hay, the main three reasons for the breakthrough in the negotiations were: conflicting parties were exhausted from continuous fighting, Russia and Iran managed to reach a convergence of interests to promote peace in Tajikistan, and security concerns created by the Taliban taking over of Kabul (Hay 2001, 39). These factors allowed for a UN-led and coordinated multiparty mediation effort to produce a mutually acceptable solution for the parties in conflict.

Therefore, the peace process in Tajikistan has the potential of representing a case of multiparty mediation where eventual success was directly dependent on the interests of powerful neighboring states, regional geo-political conditions and international organization’s legitimate power to coordinate activities of multiple third-parties.

4.1 The Nature of Conflict

4.1.1 Sources of Intractability

Tajikistan's physical geography of a landlocked mountainous country induced the creation of several culturally diverse groupings. Although the majority of these groups are "a part of Iranian cultural world and are predominately Sunni Muslims", the mountainous terrain "has always made travel between different regions difficult... creating a significant obstacle to communication as well as social and economic integration" (Akiner and Barnes 2001, 18). The simplest distinction of the various ethno-cultural groupings in the country can be made between the populations that has lived in the flatlands in the northern part of the country, which "in ancient times were part of the rich urban-based culture of Transoxiana", and populations that inhabited mountainous areas in the rest of the county, which resulted in a creation of "strong localized identities" (Akiner and Barnes 2001, 18).

Until the USSR assumed control over the territory in the 1920s, there was almost no contact between the populations of these areas. The first decade of Soviet rule widened the gap between different communities (Roy 2001). Especially important was the impact of different policies that were drafted in Moscow, which treated quite differently the northern part of the country compared to the rest. While the plains in the north were gradually industrialized and modernized, the mountainous regions were widely ignored and therefore populations that lived there not only maintained and strengthened their local identities, they also continued to live as their ancestors did for centuries. In principle, the most significant political, social and cultural traits of contemporary Tajikistan were formed during the Soviet rule.

4.1.2 Development of Deep Feelings of Distrust and Mutual Hatred

Already in the early 1920s, Basmachi fighters from the mountainous areas showed intent of stopping the advancement of the Soviet Union to Central Asia. In order to suppress any form of resistance, "the Red Army massacred more than 10,000 Tajiks and Uzbeks between 1922 and 1926, according to official estimates" (Akiner and Barnes 2001, 19).

Large parts of the population found refuge in the neighboring Afghanistan, in an attempt to escape “violent purges, forcible resettlement and collectivization, and religious persecution” (idem). According to Akiner and Barnes, “these events had a lasting effect that contributed to the conflict dynamics which emerged during the civil war in the 1990s” (Akiner and Barnes 2001, 19).

In the early 1930s, the Soviet regime started promoting the collectivization and industrialization policies, which required a forcible transfer of people from the central and eastern areas of the country to the north. While these policies produced the first migratory dynamic in the country’s history, there was no evidence of any integration between populations. Rather, such policies “generated conflict by stimulating inter-group competition and sharpening perceptions of social difference” (Akiner and Barnes 2001, 19). Forced relocation and mixing of the people from different regions transformed the previously loose regional affiliations into a “more fixed group identity based on regional origin” (Roy 2001, 23).

Despite continuous efforts by central authorities in Moscow to organize Tajikistan along the secular-socialist lines, most of the population, especially in the predominant rural areas, maintained their clan loyalties and religious observances (Hiro 1998). According to Roy, “these networks have commonly been used to maximize access to and control over resources and they were translated into the political and administrative structures of the Soviet Union” (Roy 2001, 23). Even the politics of the local Communist Party evolved around the regional divide. In a centralized one-party rule system the only method of career advancement was loyalty to the party elite. The Party endorsed “administrative territorial divisions” and was “grouped around district, province and republic level committees” (Roy 2001, 23). Established clan loyalties combined with party association represented the source of political factionalism. While ideological differences were virtually inexistent, political divide followed the territorial cleavage, which emphasized regional administrative divisions. For Roy, “this generated inter-regional antagonisms in the struggle for access to power, goods and other benefits” (Roy 2001, 23).

4.1.3 Internal Characteristics of the Conflicting Sides and the Creation of Irreconcilable Positions

From the beginning of the Soviet rule, the power in Tajikistan was concentrated within two regions – Sogd or Sughd, also referred to as Leninabad in the north and Khatlon in the south east. Leninabad was by far the region that produced the largest number of public officials. While representatives from other regions held various powerful positions in the Soviet system, “all the first secretaries of the Tajik Communist Party from 1946 to 1991 were Leninabadis” (Roy 2001, 23). Due to their administrative positions, apparatchiks from Leninabad were able to develop very strong ties with the ruling elite in Moscow and enjoy the benefits of a much more advanced regional economy than the rest of the country.

On the other hand, the politically completely marginalized and economically deprived southwestern region of Gorno-Badakhshan, bordering Afghanistan, became a breeding ground for clandestine Islamist movements. What started off as an underground network for Islamic worship which rejected the authority of the official state-controlled Islamic structures, the movements slowly started assuming a political agenda. Despite some differences, “by the early 1990s an alliance was formed between the leaders of the distinct Islamic factions who made up the Islamic Renaissance Party (IRP): the new radicals (led by Said Abdullo Nuri), and what was at the time Tajikistan’s official religious establishment (led by Khoji Akbar Turajonzoda)” (Akiner and Barnes 2001, 20).

Throughout the 1980s regional, political and economical disparity, turmoil in neighboring Afghanistan and proliferation of opposition forces were acutely challenging the authorities in Dushanbe. Along with Islamic movements, the underground political scene also generated various secular socio-political movements, such as the Democratic Party of Tajikistan (DPT), which initially had a very strong following. The first clear signs of popular dissatisfaction materialized in the street riots in February 1990, when participants attacked ethnic Russians and other Europeans while shouting “long live the Islamic Republic of Tajikistan” (Hiro 1998, 20). However, while most people in Tajikistan consider Islam to be of crucial importance to their socio-cultural heritage, it seemed that “most did not support the creation of an Islamic state” (Akiner

and Barnes 2001, 20). It appeared that even local religious leaders were not convinced that movements such as IPR represented the only and the best alternative to the decaying one-party rule of the Communist Party.

In principle, in the last two decades of the twentieth century, the political elites in Tajikistan failed to find adequate policies which would tackle the mounting problems of inter-regional disparities. According to Abdullo, the crucial challenges that the country was facing as the Soviet system was eroding were “disparities that had arisen from the increasing economic role of southern population, the demographic structure of the population, ideological diversification, and unequal participation in political decision-making in a country dominated by a northern political elite” (Abdullo 2001, 48).

4.1.4 Employment of Repressive Measures

By 1989, inter-group skirmishes over the allocation of scarce resources escalated into violent clashes. Inter-ethnic confrontations between Tajiks and other ethnic groups - mainly Uzbeks and Kyrgyz - become more regular. After a series of protests, Tajik replaced Russian as official language. This action drove large parts of Russian minority to flee the country. Xenophobic sentiment continued to linger, and on several occasions sparks violent protests - such as protests against re-housing of Armenian refugees in Dushanbe (Abdullaev and Barnes 2001, 83).

Following the dissolution of the USSR, the Tajik Supreme Soviet declared independence of Tajikistan on 9 September 1991. At the same time, facing strong public pressure the central authorities recognized and licensed several opposition movements such as IRP, the DPT and the Rastakhiz (Resurgence) People’s Organization. A 14-day rally in Dushanbe “brings an estimated 10,000 protesters on to the streets” calling for multiparty elections (Abdullaev and Barnes 2001, 83). All the opposition parties took part in the November 1991 presidential elections, eventually won by the Communist Party’s candidate from the Leninabad region, Rahmon Naiyev. The election results were immediately contested by all opposition leaders, accusing the ruling elite of rigging the process and taking advantage of disproportionate access to resources.

Following the election results, the opposition intensified its con-

testation of the communist regime and especially Naiyev's decision to create a government consisting only of Leninabadis from Sughd and Kulyabis from the Khatlon region. In May 1992 demonstrations prompted Naiyev to exercise his emergency powers and form a 'presidential guard', which also consisted only of Leninabadis and Kulyabis. Attempts to counter the pressure from the opposition turned into a military confrontation with some deaths (Iji 2001, 360; Abdullaev and Barnes 2001, 83). As the situation deteriorated, Naiyev tried to appease the situation by accommodating the opposition within a coalition government. However this experiment did not live very long and only managed to outrage the neo-communist elite, taking a country into a full-blown conflict. While Dushanbe was occupied by opposition forces, Naiyev urged the Community of Independent States (CIS) to send peace-keeping troops.

For Russia this situation was absolutely unacceptable, so without any hesitation it helped neo-communist forces from Kulyab to reclaim Dushanbe and push the opposition forces toward the Tajiki-Afghan border. In the meantime, the dissatisfied communist elite replaced Rahmon Naiyev with Emomali Rakhmonov from Kulyab who formed a government predominantly composed by loyal cadre from Leninabad and Kulyab. By the spring of 1993, the repercussions of the intense fighting were more than 30,000 dead and more than 300,000 displaced (Hiro 1998).

4.2 Involvement of International Actors

4.2.1 Powerful States and Their Interests in the Conflict

In July 1993, 25 Russian border guards were killed during an offensive by opposition forces that took place along the border with Afghanistan. Moscow's exasperation was best expressed by an irritated president Yeltzin who publically questioned Russian policy objectives until then, asking 'Why did we not have a plan to protect this border, which everyone must understand is effectively Russia's, not Tajikistan's?' (Hiro 1998, 20). It was evident that Kremlin's strong line now regarded the Tajik-Afghan border as 'an advanced Russian base', even though it is 1,450 km from Russian territory, 'that can protect Russia from the infiltration of guns, narcotics and Islamic fundamentalism' (Hiro 1995, 15).

Already in August 1993, the new doctrine was materialized through Russian-Tajik military cooperation, which paved the road for 25,000 Russian troops to be located in Tajikistan out of which 17,000 positioned along the border with Afghanistan. The second step was taken in November 1993 when the Tajiki government signed a document which subordinated its finances to Russia (*idem*). Tajikistan remained the only newly independent country in Central Asia that continued using the Russian ruble as the only official currency. It was clear that the Tajiki government's survival depended directly on Russian support.

Officially, the Russian military maintained a neutral stand in the Tajik civil war. However, there are numerous claims that "the army supported pro-government forces with vehicles, ammunition and weapons" (Abdullaev and Barnes 2001, 93). Again, officially the Russian government indicated a clear interest to maintain and develop official relations only with the Tajiki government. However, from 1993, as many members of the opposition, especially those from the DPT, found refuge in Moscow, Russian officials started encouraging the parties to talk and subsequently acted as a key sponsor of the inter-Tajik negotiations (Abdullaev and Barnes 2001, 93).

In order to counterbalance the asymmetric power, the Islamic-democratic coalition tried to find external support in Iran. The special relationship between two countries mainly revolved around cultural and religious issues: Tajikistan was the only Farsi-speaking new Muslim country in Central Asia. However, despite implicit appeals to Iran, manifestations of Islamic slogans - that echoed Iranian revolutionary days - were only a symbolic indicator of radicalization of the pro-Iranian Islamic agenda. In reality the Islamic-democratic opposition 'neither believed in the possibility or desirability of an Islamic alternative nor was it even united in a preference for and ideologically tainted political model for Tajikistan' (Mesbahi 1997, 143). The common agenda for the opposition forces was a pursuit of a democratic political system founded on a new constitution. From the beginning, it was absolutely clear to the authorities in Teheran that Tajikistan was not 'ready' for an Islamic revolution, due to its soviet heritage which largely dissociated the population from Islam, and regional/clan fragmentation. At the same time Iran was faced with a wide-ranging and formidable regional and international consensus, promoted by Russia and the US, on the issue of the Islamic threat and Iranian influence in Tajikistan (Mesbahi 1997, 148).

Iran's hesitation to fully promote an Islamic agenda in Tajikistan created problems for the opposition forces. Authorities in Teheran refused to provide armaments when it was most needed and on occasions failed to provide direct rhetorical support for the opposition through diplomatic means (Mesbahi 1997, 150). Nevertheless, Iran remained the biggest and most influential outside actor that was voicing out an undisputed support for the opposition.

Both Russia and Iran had an obvious leverage over the conflicting sides. Adequate use of such power represented a crucial resource that would allow the mediating coalition to produce necessary incentives in order to leverage the government and the United Tajiki Opposition (UTO) towards a mutually acceptable solution. However, in order to produce such incentives biased mediators need to assume a cooperative attitude. As this research hypothesized (H1), while cooperating with other mediators, biased mediators are useful as they can use their special relationship with one conflicting side to influence its behavior, positions and perceptions and consequently move it toward an agreement. This dynamic will be further analyzed and traced through out the present case study.

Finally, reflecting on Russia's and Iran's formation and projection of interests toward Tajikistan, the country was of high strategic importance for both regional powers. As indicated in the theoretical chapter, once third-parties show intent of cooperating with each other, in order to produce the necessary incentives and successfully manage the conflict, third-parties need to coordinate their activities and adequately use various leverages at their disposal in order to guide the parties toward a mutually acceptable solution. The intent of adequately applying necessary and available leverages is directly related to the strategic importance of the country for the involved third-parties. As hypothesized earlier (H10) the stronger the mediators' strategic interest in the conflict for a mediator the higher the chances of successful mediation through a coordinated effort by mediators in a coalition. The prospects of employing adequate (and necessary) leverage in order to steer the two conflicting sides toward an agreement will be further explored in the rest of the chapter.

4.2.2 Involvement of the UN

According to Goryayev “the UN was recognized as the leading international body driving the peace process and *coordinating* international responses to the crisis” (emphasis added, Goryayev 2001, 32). The UN got involved already in September of 1992, when it dispatched the first fact-finding mission to explore the conflict dynamics more closely. Once the mission reported in detail about the high levels of violence - defining the turmoil as civil war - the UN decided to dispatch a new mission (November 1992) which also interacted with representatives of neighboring states. These first consultations paved the road for future cooperation between the UN and neighboring countries that were able to exert necessary the political, economic, and military influence over the conflicting parties in order to move them toward a peaceful solution. By January of 1993 Secretary General established a small United Nations Mission of Observers in Tajikistan (UNMOT), mandated to monitor the situation on the ground and ascertain positions of all concerned parties. The information provided by the UNMOT prompted the Secretary General to appoint a full-time Special Envoy “mandated to concentrate on achieving a ceasefire and establishing the process of negotiations for a political solution” (Goryayev 2001, 34).

Goryayev points out that “over a period of seven years, the Special Envoys/Representatives and their staff were responsible for designing the negotiation process, maintaining contacts with all parties to the conflict and integrating the efforts of other countries and organizations” (Goryayev 2001, 34). While lacking muscle, the UN was able to provide leadership in coordinating the activities of various third-parties (Iji 2001, 347). The mediation process showed that the Special Envoys were extremely devoted to maintain and strengthen their relations with the officials from the neighboring countries as they were. Regular communication and consultations with the observer countries created an opportunity for the UN negotiating team to “inform the governments on the negotiations, to *coordinate* plans and actions, and to prepare for future rounds of talks” (emphasis added Hay 2001, 40). Such actions generated the needed degree of trust in the activities conducted by the UN, and assured the neighboring countries (especially Russia and Iran) that the UN led negotiations will not endanger the interest they had in the region. According to Hay, “the consultations with observer governments

kept them informed, engaged and confident that the Tajik delegations and the mediators were taking their views and interests into account” (Hay 2001, 42).

Throughout the process, the UN mediating team was not only in charge of facilitating the communication between the belligerents, they were also in charge of formulating proposals and drafting initial text to the agreement. In order to assure the interested states, and especially Russia and Iran, the UN mediators “often coordinated the compromise solutions they proposed” which “helped the observers to feel a sense of ownership over the negotiating process” (Hay 2001, 43). Such trust building efforts generated reciprocal attitudes among the observing countries. For the UN mediators it was of crucial importance to have the support of the powerful states, especially Russia which had strong military, political and economic interests in the region. For this reason the UN team regularly informed and consulted the Security Council, which generated a strong support for the SRSG’s mediating efforts from the Security Council.

While well equipped to perform the mediator roles of communicator and formulator, the UN lacked ‘muscle’ in the mediation process. The only leverage it had was that of legitimacy. As pointed out by Iji, “the UN’s legitimate and moral authority served as a complement to the incentives supplied by Russia and Iran” (Iji 2001, 376). This was especially important when the two conflicting parties showed no interest to compromise. In such critical conditions UN mediators would stop the negotiation process and consult the neighboring countries’ officials - especially those from Russia and Iran - share their formulas, draft new proposals, and “request them to use their leverage with the parties to encourage them to compromise” (Hay 2001, 43). Therefore, as hypothesized in H10 and H11a, the necessary conditions for a successful coordination - the needed level of legitimacy and compatibility of interests between the international organization and major powers - were present, and greatly contributed to the success of the mediation process. However, in order to come to the required degree of cooperation, both major powers first needed to achieve a mutual convergence of interests. This was neither a simple nor a fast endeavor.

4.3 Multiparty Mediation

4.3.1 Initial Lack of Cooperation Between Third Parties

In such a disproportional constellation of forces, where the government had an upper hand from Moscow, while the opposition was failing to find similar support elsewhere, Russia saw an opportune moment to initiate inter-Tajik negotiations under UN auspices. Reflecting on a previously illustrated game theoretical model, at this point the multiparty mediation process starts, and the 'game' is in *point b*, where the mediator that indicates attentions of cooperating with other third parties - in this case Russia showing intent to use the good offices of the UN - manages to reap comparatively higher benefits than those third-parties that are not part of the multiparty mediation endeavor - which in this case is Iran. The benefits stem directly from the ability to guide and direct the process in a way which is compatible with 'cooperative' mediator's interests, especially as these interests are not counterbalanced by the involvement of the other 'non-cooperative' mediator.

Already since the attacks on the border station in July 1993, despite the strong line assumed by the Russian army and president Yeltzin, the Russian ministry of foreign affairs was exploring the possibility of finding a settlement through negotiation. Acting as communicator and facilitator, Russia established direct contacts with the opposition leaders that found refuge in Teheran. Resorting to shuttle diplomacy, Russian envoys managed to encourage both sides in the conflict to start negotiations (Gretsky 1995; Iji 2001).

The first round of talks was held in Moscow from 5th to 9th of April 1994. The two sides managed to agree on an agenda for succeeding rounds of negotiation, classifying three categories of issues that needed to be tackled: political settlement, refugees and internally displaced persons, and the structure of the government of Tajikistan (Iji 2001, 360). From the start, substantial discrepancy over the 'sequencing' (Lax and Sebenius 1991) of these issues emerged. The government wanted first to see the mutiny end and a solution to the refugee problem, while the opposition called for an "all-party council to govern the country and the legalization of opposition parties" (Iji 2001, 360).

The following second round of talks was held in Teheran, from 18th until 28th of June 1994. The key issue on the agenda was achievement

of a ceasefire. Despite the initial readiness to come to an understanding regarding the ceasefire, parties failed to agree on a timeframe for its implementation. Once the talks failed, the government abruptly decided to hold a referendum on the new constitution and presidential elections, scheduling both for September. Irritated by this move, the opposition intensified military operations around the border with Afghanistan and the situation deteriorated even further.

Russia was not happy with an ongoing conflict, especially as it was endangering its troops located in the country. It decided to resort to manipulative strategies in order to force the government to sign a ceasefire agreement and to postpone elections and referendum (Hay 2001). At the same time Iranian diplomats used the same tactics with the opposition leaders. Shortly thereafter, a ceasefire was reached at a consultative meeting in Teheran in September 1994. According to Hay, the deputy foreign ministers of Russia and Iran “were instrumental in convincing the respective Tajik delegations to sign the Drat Agreement on a Temporary Ceasefire prepared by the UN negotiating team” (Hay 2001, 40). Compatibility of interest between two major powers, coupled by the coordinating efforts of the UN whose positions did not contradict major powers’ interests, were the necessary conditions for achieving the agreement. The armistice was eventually extended until February 1995 during the third round of talks in Islamabad, held from 20th until 31st of October 1994 (Iji 2001). This was a clear indication how a cooperative and coordinated effort by biased third-parties can produce sufficient incentives to leverage the disputants toward an agreement.

However, despite these important contributions for achieving a cessation of hostilities, Russia was still not fully committed to broker a negotiated solution to the conflict. According to Iji “Moscow helped jump-start the negotiations, move them forward, and focus the attention of the parties on talking rather than fighting, but was not prepared to pressure Rakhmonov strongly enough to accept power sharing with the opposition” (Iji 2001, 366). Such an attitude sent mixed signals to its partners in Dushanbe that were focused on regaining power through new elections (presidential in November 1994 and parliamentary in February 1995) and a referendum on the constitution (February 1995), that excluded participation of the opposition parties. The government’s decision reduced the already fragile confidence the opposition had in the peace process, so the spotlight once again shifted toward the frontli-

nes. Evidently, the lack of a strong presence of Iran in this phase of the process was directly hurting the opposition forces. They were clearly experiencing comparatively lower payoffs from the peace process (as predicted by the game-theoretical model), which in turn induced them to resort to violence in order to improve their negotiating positions.

As the belligerent activities escalated, the two conflicting sides agreed to meet in Moscow in April 1995, and discuss the possibility of extending the armistice. The opposition accepted the talks under the condition that they would lead to a more substantial negotiation over a potential political settlement. On the eve of this meeting, the Russian Foreign Minister Kozyrev issued a statement addressed to Russians living outside Russia, emphasizing: “We have at our disposal an arsenal of methods to defend our compatriots” (Hiro 1995, 15). The opposition understood this as a direct warning and walked out from the UN-chaired meeting. Motivated by this unyielding Russian position, the Tajik president Rakhmonov reacted in a self-assured tone and offered to meet the opposition leader, Said Nuri, from IRP, “any time, anywhere” (Hiro 1995, 14).

After this statement a series of summits and rounds of talks were held. In most of the occasions, these talks only served as an outlet for both sides to channel their disagreement, without achieving any substantial progress. Evidently, the government was still having an upper hand in the peace process, especially given the overwhelming role of their Russian partners. However they were hurting on the battlefield, as the opposition resorted to violence to distort the present balance of power at the negotiating table, where they were still experiencing lower payoffs. Again lack of substantial Iran presence in the peace process was hurting the UTO.

During a series of summits and rounds of talks, worth mentioning are the agreements on refugees and prisoners of war achieved during the fourth round of talks in Almaty (22nd May – 1st of June 1995). Another important event was signing of the Protocol on the Fundamental Principles for Establishing Peace and National Accord in Tajikistan, which was a result of the Rakhmonov-Nuri summit facilitated by Iran in Teheran on July 19 and following indirect talks through the UN envoy. This protocol was “delineating the road to and the overall shape of a final settlement” (Iji 2001, 362). Despite Iran’s contribution in drafting the Protocol, its mediation potential was still not set in full motion.

Teheran still maintained financial and political support, together with a somewhat clandestine military assistance to the Islamic-democratic coalition. Iran's biggest hope was to create "an effective contestant against the Rakhmonov regime, although Teheran continued to be very careful to maintain good relations with the government side" (Iji 2001, 366). While both sides in conflict started sending signals of readiness to start negotiating on political issues, fighting on the ground never actually stopped. Evidently, conflicting sides used violence as an off-the-table-tactic, in order to improve their bargaining position (Sisk 2009). As the situation deteriorated, the consecutive (fifth) round of talks that was in Ashgabat, Turkmenistan – November 30, 1995 and 8-21 July 1996 - focused mainly (again) on finding an agreement on a ceasefire.

It was evident that neither side was fully committed to negotiate a peace agreement. Even though the peace process had been underway for more than two years high levels of mutual distrust still existed. The opposition questioned the legitimacy of the neo-communists to participate in negotiations as an official government, given the electoral frauds that had occurred over time. Its military success throughout the conflict was impressive, proving to Iran that its support was worthwhile. On the other hand, the government did not recognize opposition forces as an equal partner with whom they would not only negotiate, but eventually share the power. Government did not have to look far to find support for its claims. Russia was "most unlikely to let Tajik Islamist share power in a country which it regards as crucial to its own security" (Hiro 1996, 14). Clearly, while outside support was still available for their respective unilateral solutions, the Tajik parties participated in negotiations only 'half-heartedly' (Iji 2001, 366).

As this research hypothesized (H2), when the mediating coalition is faced with conflicting interests, if one mediator decides to defect from the group dynamic, this will have an important impact on the dynamics of peace process between negotiators. At the same time Russia and Iran still did not have a shared idea on a potential solution to the conflict, which would help them to push the parties toward a peaceful solution to their dispute. As previously hypothesized (H4), in case mediators do not reach convergence of interests, the conflicting sides will be induced to defect from negotiations, making it more likely for the peace process to fail. In the case of Tajikistan, this was unequivocally indicated by the unyielding positions of both the government and UTO. Neither side

was inclined to show any intent to compromise, and abandon maximalist claims in the peacemaking process.

4.3.2 Convergence of Interests Between Multiple Mediators

Just when the peace process was approaching a severe deadlock, in September 1996, violent events in nearby Afghanistan produced enough reasons for Russia and Iran to settle the conflict in Tajikistan (Abdullaev and Babakhanov 1998; Abdullo 2001). The storming of Kabul was the “last drop” that induced Russia to rethink its policy objectives that supported a military solution to the conflict. By then, the neo-communist regime in Dushanbe was in a serious decay, while the opposition forces were gaining momentum on the battlefield. Realizing a weakening of its military forces and its inability to fight Muslim insurgents – a lesson learned in a 20-month long conflict in Chechnya in 1995–96 – Russia came to view that “the cost of further military involvement in Tajikistan to be too high” (Iji 2001, 366). Since the Tajik–Afghan border was still considered to be ‘a Russian border’, Moscow urgently needed a stable Tajikistan to serve as a buffer zone against the threat of Islamic fundamentalism coming from Afghanistan (Iji 2001, 367).

Iran was also prompted to modify its policy objectives in Tajikistan. Despite the temporary military success of the opposition forces, it was already clear to Teheran that chances of an armed seizure of power were extremely small. And even in that case, in the eyes of policy makers in Teheran, Tajikistan was never ready to be modeled into an Islamic state. For this reason Iran was always very careful to maintain some relationship with the government in Dushanbe, at last within the cultural and religious dimensions. According to several observers, “Iran attached more importance to the maintenance of good relations with Russia than to the creation of an Islamic state in Tajikistan” (Iji 2001, 367). In fact, just in order to preserve good relations with authorities in Moscow, Teheran never provided all the assistance requested by the opposition forces (Mesbahi 1997). So when the Taliban militia gained power in Afghanistan, Iran immediately realized that the conflict in Tajikistan needed to be resolved as soon as possible. For Iran, a stable Tajikistan represented a solid shield against the regime in Afghanistan that was “adverse to their interests because of geopolitical, ethnic and religious reasons” (Iji 2001, 367).

Given the novel developments, two lead-states had converging interests in resolving the conflict in Tajikistan. As theorized previously (H3), if the mediators manage to achieve convergence of policy objectives among them, there are bigger chances that the peace process will be successful. In this case, both Russia and Iran shared an idea over the final outcome to the conflict: the final agreement should be based on a power-sharing arrangement between the government and the opposition (Hiro 1998). As Iji noted, “such coincidence of interests and positions rendered possible the joint mediation by Russia and Iran in the Tajik conflict... once Russia and Iran became serious about settling the conflict through a cooperative mediation effort, the negotiation began to gain momentum” (Iji 2001, 368).

In fact, both states took the conflict resolution process much more seriously. Using particular leverages at their disposal as biased mediators and lead-states, they resorted to manipulative strategies in order to move both conflicting sides toward an agreement. In cases where outside actors have a strong strategic interest in a country or region, which prompts them to manage a conflict (H9), the stronger the mediators’ strategic interest in the conflict the higher the chances of successful mediation through a coordinated effort by mediators in a coalition. As indicated previously, Tajikistan possessed all the necessary traits of a strategically important zone for both Russia and Iran. Therefore, a well coordinated action by both Russia and Iran soon brought results. Both conflicting sides, exhausted by continuous fighting, saw a military solution to the conflict as an unattainable option. Eventually as their sponsor-states definitely stopped providing assistance for military actions, both the government and the opposition started taking the option of actually negotiating a solution much more seriously. Thus, Rakhmonov and Nuri, each one experiencing increasing pressure from the outside patron states, agreed to meet and discuss the most delicate issues of the peace agreement. By December 1996 they managed to find a mutually acceptable formula for the final solution. In the following rounds of talks, hosted by Iran (Teheran, 6-19 January 1997) and Russia (Moscow 26th February – 8th of March 1997), thanks to well synchronized activities of powerful states, parties managed to overcome all the differences in opinion, accepted to make important concessions regarding the future power-sharing arrangement and paved the way to the actual peace agreement signed on June 27, 1997 in Moscow. According to Hay, “the

personal contribution of Russian Foreign Minister Primakov and his deputy Mr. Pashtukov, were invaluable for reaching agreement on the Protocol on Military Issues in March 1997, one of the most important documents of the process. The direct involvement of Iranian Foreign Minister Velayati facilitated the signing of Protocol on Refugees in January 1997” (Hay 2001, 40). What was even more remarkable was the fact that Russia and Iran were not only focused putting pressure on the negotiators; they also used all the necessary means in order to create a proper atmosphere for the negotiations. Especially important for them was to isolate the ‘spoilers’ (Stedman 1997) who had problems accepting the proposed power-sharing solution. An unprecedented demonstration of Russian dedication to achieve an uphold the peace settlement happened in August 1997, when Russian air forces bombed a garrison of governmental forces led by generals unhappy with the peace agreement and the power-sharing arrangement it prescribed. Evidently, Moscow was “deadly serious” about helping Rakhmonov implement the peace treaty (Hiro 1997, 14).

Looking back at the game theoretical model, the apparent convergence of interests moved the process to *point c*. In other words, the process reached the NME. The convergence of interests was a direct result of a series of factor. As hypothesized earlier (H5), a strong geo-political shift will induce the defecting mediator to change its strategy and engage in a cooperative meditation effort to manage the conflict. The storming of Kabul by Taliban forces represented a serious geopolitical challenge for both Russia and Iran. While the Tajik civil war could be treated as an isolated conflict, which could be contained within a region, without any fear of it spilling over to other countries, neither third party showed any intent to push for a more peaceful solution to the dispute. However, the projected and feared spill-over effect from Afghanistan induced Russia and Iran to rethink their policies toward the region, and thus find a stronger interest to stabilize the situation in Tajikistan as soon as possible. Therefore, the convergence of interests between two mediators was directly induced by a serious geo-political change in the region, and the causal link between Taliban occupation of Kabul and Russia and Iran’s convergence of interests could be deduced.

At the same time, this research hypothesized (H6) that an increase in costs of supporting a war will induce the defecting mediator to change its strategy and engage in a cooperative meditation effort to

manage the conflict. Both Russia and Iran found the amounting costs of perpetuating the war unbearable and in contrast to their self-interests. As indicated previously, Russia was especially harmed by the ongoing warfare, and this realization directly induced Moscow officials to rethink their policies regarding the peace process in Tajikistan. Therefore, the causal linkage between increasing costs of supporting warfare and convergence of interests between third parties could be observed. Once Russia and Iran realized that a military solution to the conflict was unattainable, they were able to reformulate their policies toward their partners and using specific power at their disposal and leverage them through a cooperative endeavor to find a mutually acceptable solution, as hypothesized in H1. While Iran was less affected by the costs of war, it was more prone to rethink its policies toward the conflict, due to the ineffectiveness of its strategy to produce any outcome that is in line with its self-interests. The same attitude can be attributed to Russia's change of attitude. This is in line with what was previously hypothesized (H7) - if a mediator's defecting strategy produces high costs in the mediation process for the state it supports, this will induce the defecting mediator to change its strategy and engage in a cooperative mediation effort to manage the conflict.



CHAPTER
V

NAMIBIA

CHAPTER V: Namibia

A much different case of multiparty mediation occurred throughout the 1980s in Southern Africa. The peace settlement signed on December 22, 1988 at the UN headquarters in New York, by officials representing Angola, Cuba and South Africa, which granted Namibia with a long awaited independence, represented a successful conclusion of an eight years long US lead diplomatic endeavor that saw engaged a multitude of international actors. Intricate dynamics of the Cold War era coupled with regional problems dating back to the League of Nations, were enough reasons for the US to understand that acting alone was not enough, and that its mediatory clout, even as a superpower was finite (Crocker 1999, 229). In order to guide all parties involved in the regional imbroglio toward a settlement they needed a much larger diplomatic involvement of various global and regional players.

Looking back, it appears quite clear that the peacemaking process could not succeed without valuable diplomatic inputs provided by members of the Western Contact Group (the United Kingdom, France, West Germany and Canada), frontline states (Tanzania, Zambia, Zimbabwe, Mozambique and Botswana) and UN and its suborganizations (Iji 2011). According to Crocker, “the multiparty character of the mediation was designed to neutralize the obstruction of competing parties and states, and add reach, credibility, and access to international and regional efforts” (Crocker 1999, 207). However, the most significant contribution to the US mediation initiative came from their fiercest Cold War rivals in Moscow. In fact it was the rapprochement between the USSR and the US that broke the deadlock in the negotiation process (Berridge 1989, Wood 1993, Pycroft 1994). When the Soviet Union radically altered its policy objectives and “abandoned reflexive obstructionism” in order to “do creative things together” (Crocker 1999, 239), the peace process managed to overcome Cold War constraints and produce a settlement for a longstanding problem in Southern Africa.

The rapprochement between the US and the USSR was of crucial importance. It allowed for an US-led mediation (primarily conducted by Chester Crocker who at that time was the US Assistant Secretary of State for African Affairs) to achieve the necessary level of legitimacy, and consequently produce success through a well coordinated peace process. Thus, despite the fact the US acted as a biased mediator with

a specific set of interest it aimed to promote in the peace process, its role was acceptable to both the disputants and the other powerful state (USSR) (Berridge 1989, 469).

Therefore, the case of Namibia provides a unique opportunity to observe a case where the outcome was dependent on the interests of global powers and global geo-political conditions. At the same time, the case will also show how intrinsic dynamics of warfare induced multiple mediators and actors on the ground to achieve the necessary level of convergence of interests, and consequently through a peace process coordinated by a powerful state produce a mutually acceptable solution to the conflict.

5.1 The Nature of Conflict

5.1.1 Sources of Intractability

The territory of present-day Namibia was occupied by Germany after the Berlin congress in 1878 and remained in its possession until the end of the Great War when the League of Nations decided to confer it to South Africa as a 'class C' mandate which stayed for administering the territory as an integral part of the governing state (Zartman 1989, 174). After a series of events in the post-World War II period and a growing global decolonization pressure, in 1968 the UN changed the name of the territory of Southwest Africa to Namibia. Soon after, in 1971, following several appeals and rulings in favor of South Africa, the International Court of Justice ruled South Africa's presence there illegal (Crocker 1999, 207). However the real challenge to the South African presence in Namibia was created after a sudden Portuguese withdrawal from the region in 1975 leaving Angola completely vulnerable to a consequent Soviet-backed Cuban intervention. The link with the events unfolding in neighboring Angola will prove to be of crucial importance for the subsequent mediation process, as both aspects - the power vacuum in Angola and Namibia's claim for independence - would eventually be linked and managed jointly by international actors.

5.1.2 Development of Deep Feelings of Distrust, Mutual Hatred and Irreconcilable Positions

During the wave of decolonization after the Second World War, on the territories of present day Angola and Namibia, several groups formed with national liberation as their main goal. Each one embodied a particular societal mark, and was inclined to promote a specific socio-political agenda.

During the German colonial rule the Herero community of central Namibia and Nama from the south were subjected to brutal exploitation and genocide (Olusoga and Erichsen 2010). Already from the 1920s, when the territory was transferred to a South African administration (at that time a British dominion), the ideal of an independent Namibia started to emerge. In fact, a few thousand Hereros managed to escape the German “extermination order” of 1904, finding exile in present-day Botswana (Vigne 1987, 87.). According to Vigne, “it was through the efforts of exiles that Namibians themselves were able to bring the issue of Namibia to the attention of the UN, despite the virtual imprisonment of the majority of their own country, and the exile of many more” (Vigne 1987, 87). The growing sense of Namibian nationhood was further strengthened in the midst of the global wave of decolonization resulting in a strong resistance to South African rule. Colonial hardship was further aggravated with the introduction of apartheid policies in 1948. During the 1950s several political movements emerged, such as South West Africa’s People Organization (SWAPO) - an inexperienced, populist and non-aligned movement - and the South West African National Union (SWANU) - a sophisticated, perhaps elitist and Peking oriented (Vigne 1987, 88). The turning point happened in 1964, when the newly formed Organization of African Union (OAU) put forward a direct question to both movements about their readiness to take up arms against the South African occupation. SWAPO’s ‘yes’ led to its recognition, while SWANU’s refusal to accept the prospects of armed struggle meant the withdrawal of OAU support (Vigne 1987, 88). As a result SWAPO emerged as the “sole and authentic representative of the Namibian people” in the eyes of the UN (A/RES/3111, 1973; A/RES/31/146, 1976).

As many African countries, from its onset Angola represented a conglomerate of different peoples and groups, each with its distinct history

and traditions (Meijer and Birmingham 2004, 10). Their shared experience mainly started with the Portuguese colonial expansion in the region. Under the colonial regime the Angolan society experienced highly discriminatory legislation, which “separated the indigenous population from a tiny elite of ‘civilized’ individuals (or *assimilados*) who enjoyed some of the rights of Portuguese citizens” (Meijer and Birmingham 2004, 11). Such racial and discriminatory politics unquestionably left an important mark on the future societal dynamics in Angola. Social cleavages that were generated by the colonial rule conditioned the future relationships between different social groups which were characterized by high levels of mistrust and suspicion.

While in Namibia SWAPO was able to assume the role of a “sole and authentic representative” of the people, which was able to challenge the South African rule, in Angola things were quite different. The territory was affected by an unbroken rivalry between various elites. Over time three very strong groupings emerged, all promoting the idea of national liberation. The National Front for the Liberation of Angola (FNLA), led by Holden Roberto, was initially the strongest one, reflecting the aspirations of the elites from the north, primarily from the hinterland of Kinshasa, while still maintaining some cultural links with the old Kongo kingdom (Meijer and Birmingham 2004, 12).

The Popular Movement for the Liberation of Angola (MPLA), emerged from the territory populated by the Mbundu people from the surroundings of Luanda, but it also included several urban communities of both indigenous and mixed-race descent. Finally, the Union of Total Independence of Angola (UNITA) led by Jonas Savimbi, promoted the economic interests of the Ovimbundu people and their merchant leaders from the southern *planalto* (Meijer and Birmingham 2004, 12). However, according to Meijer and Birmingham, “to a large extent the ethnic identification of these movements has come about as a result of conscious political maneuvering by each leadership rather than as a genuine expression of popular sentiment and aspiration” (Meijer and Birmingham 2004, 12). Promotion of particular interests was only aggravated with the power vacuum left after the end of Portuguese colonial rule, as each movement aspired to establish power over the entire country.

5.1.3 Internal Characteristics of the Conflicting Sides and Employment of Repressive Measures

The anti-colonial struggle in Angola started in the early 1960s and was characterized by the methods of guerilla warfare. Since none of the armed movements was able to considerably challenge the colonial rule, they tried to outmaneuver each other on the political and diplomatic level. For this reason the nationalist movements were very eager to attain the necessary support from abroad. The FNLA managed to secure the backing of some of the African countries, the US and China, and in 1962 established a Revolutionary Government of Angola in Exile (GRAE) which was initially recognized by OUA as a legitimate representative of Angola and a successor of the colonial rule (Meijer and Birmingham 2004, 13). However, despite being militarily much weaker, by 1975 the MPLA managed to outmaneuver FNLA diplomatically and shift the OUA support to its favor.

Both movements suffered strongly from internal fractionalization. Especially vulnerable in this regards was FNLA, whose government in exile suffered a serious hit in 1964 when Jonas Savimbi - a Minister of Foreign Affairs at that time - accused FNLA of being militarily ineffective, dependent of the US and affected by nepotism and authoritarian leadership of Holden Roberto (Meijer and Birmingham 2004, 13). He went on to visit a number of states - interestingly enough mainly communist ones - looking for support. In 1966 he established UNITA. Meijer and Birmingham point out that "by exploiting the feelings of exclusion in Angola's largest ethnic group, the Ovimbundu, Savimbi built up his own constituency in the centre and south of the country" (idem).

The first Angolan war - which was part of a greater Portuguese colonial war - was brought to an end in 1974, not because of the effectiveness of anti-colonial movements, but due to a growing pressure and dissatisfaction of the public opinion in Portugal. In fact, the process of decolonization was a direct result of the April 1974 military coup which overthrew the Salazar-Caetano regime in Portugal. As the Portuguese power grip over Angola was decreasing, sporadic violence broke out across the country. During the turmoil the armies of MPLA, FNLA and UNTA jointly patrolled the country with the aim of preserving peace (Meijer and Birmingham 2004). In January 1975, thanks to a

strong international pressure, the Portuguese authorities and the three movements signed the Alvor Accords which prescribed the establishment of a transitional government, a new constitution, elections and independence for Angola. The accords however soon collapsed, creating a pretext for the power struggle between three factions.

At the same time, although in exile, SWAPO was challenging the South African rule in Namibia. Over time the movement opened offices in several cities across Africa, eventually opening one at the UN. Although very active on the diplomatic front, SWAPO received the necessary 'push' to resort to violence only with the rulings of the International Court of Justice over the issue of Namibia's independence. The Court started deliberating on the issue due to South African's refusal to transfer the territory over to an UN Trusteeship Council. Ethiopia and Liberia that had asked for a "contentious judgment" of South West Africa, in 1966 received a favorable advisory opinion from the Court. However, this only caused further complications, as months later the Court reversed its earlier opinion stating that the two countries had "*no locus standi*" and that the case was inadmissible (Vigne 1987, 89). Although, numerous international partners were persuading SWAPO to resort to legal means and use the UN system to gain the necessary support for independence, at that moment it was clear that SWAPO could secure independence only through fighting (Vigne 1987, 90).

On July 18, 1966, the same day the ICJ reversed its earlier opinion, SWAPO declared its intention to start a military campaign against South Africa. The movement was already preparing for this move, and in August 1966 the first units entered northern Namibia (Vigne 1987, 90). The movement was poorly equipped and undertrained to confront the South African forces. Nevertheless, they were resolute in their aims. In the midst of the early military campaign, SWAPO still tried to rally international support. The reversed decision of the ICJ, which South Africa proclaimed as its victory, motivated the members of the UN General Assembly to pass Resolution 2145 and terminate the present Mandate which was conferred by the League of Nations, as South Africa had failed to fulfill its obligations from the mandate it no longer has the right to administer the territory, and that henceforth South West Africa would come under the direct responsibility of the UN (A/RES/2145, 1966). Bypassing the Security Council, the General Assembly also established a 'de jure' government of the territory with a

Commissioner as its executive, and renamed the territory to Namibia (Vigne 1987, 92). This decision was strongly objected by South African trading partners from the West.

It was an unwritten rule during the Cold War that each liberation movement in Africa gets associated with a specific ideological camp (or similar). Despite often being labeled as a member of the “Casablanca Group” - which included the African National Congress (ANC), Liberation Congress of Mozambique (FRELIMO), MPLA and Zimbabwe’s African People’s Union (ZAPU) - SWAPO tried to establish a distinctive and non-aligned position. According to Vigne there were two reasons for this: first of all, due to a long history of oppression and genocide, the Namibians “felt themselves as yet ill-equipped to serve as equal partners with the imperial powers of East and West”; secondly, while rejected by the US and UK, SWAPO was very hesitant to accept the authority of the USSR (Vigne 1987, 92). SWAPO’s initial choice of assuming a non-aligned stand was aimed at preserving internal unity - something that other liberation movements could only aspire to. Nevertheless, in the midst of Cold War super-power rivalry, SWAPO’s struggle against US’ allies in South Africa, gave enough reason for the Soviets to support its cause. Over time, SWAPO’s ties with the Soviets improved and strengthened, which made them highly unpopular with the US and its western allies.

While unable to garner international support from the powerful Western states, matters turned to SWAPO’s favor with another ICJ ruling. In 1975, the ICJ passed a new Advisory Opinion, this time stating that the continued presence of South Africa in Namibia was illegal. It called the UN member states to recognize the illegality of South African presence and refrain from any acts that could imply the legality of its administration in Namibia. At the same time South Africa was obliged to withdraw its administration from Namibia (ICJ 1975). Despite objections from some western states, the illegality of South African rule in Namibia was clearly established.

The events in neighboring Angola, where the Portuguese were agreeing on a transfer of power and accepting the independence of its former colony, inspired SWAPO to continue its struggle against the South African regime. However, the situation in Angola soon became more complicated. Following the collapse of the Alvor Accords, the power struggle between three main factions became extremely violent.

Thanks to an external support from the Soviet block, on 11 November 1975, the MPLA declared Angola's independence and installed Agostinho Neto as its first President (Meijer and Birmingham 2004, 10; Pycroft 1994, 242). The FNLA and UNITA were excluded from the newly established government, which in fact was a socialist one-party regime. Gradually the new system, which was organized along the Marxist-Leninist lines, received international recognition, however not from the US (Meijer and Birmingham 2004, 13).

By the end of the 1970s FNLA followers were integrated into the system, thanks to a rapprochement between the MPLA and Zaire's President Mobutu Sese Seko, who was very close to FNLA's leader Holden Roberto. The FNLA army, which at one point represented a foreign-armed force with thousands of recruits, "disintegrated without being formally disarmed or demobilized" (Meijer and Birmingham 2004, 15). This left UNITA as the main contender for power in Angola. With the collapse of the Alvor Accords, UNITA started receiving support from South Africa, at first in a clandestine form. By 1983, the partnership with UNITA became an official policy of the government in Pretoria (Accords 2004, 82). At the same time, the fact that UNITA was fighting a Marxist-Leninist regime was enough reason for the US to directly support the movement.

The turmoil that followed saw a simultaneous unfolding of three different armed conflicts. The first one was the bush war along the Namibian border with Angola between the South African Defense Force (SADF) and the SWAPO. The second and third conflict saw the SADF involved in the Angolan civil war, where it assisted the UNITA fight the MPLA, which enjoyed Cuba's unequivocal support. The US mediation efforts tackled the problem of mainly resolving conflicts involving South African and Cuban military presence both in Namibia and Angola and concentrated on a settlement that would see withdrawal of foreign forces from both countries. By then, as far the Angolan civil war was concerned, "no external party had the standing or legitimacy to force it mediation on the Angolan parties, still less to create yet another linkage of the external to the internal Angolan issues" (Crocker 1999, 224).

As the conflict in Vietnam was approaching an end, Angola and Namibia became a fertile ground for another super-power proxy war. In fact, as Pycroft notes "the influence of super-power rivalry became

one the defining characteristics of southern African regional politics” (Pycroft 1994, 242). According to Meijer and Birmingham, “each side was not so much defending a specific interest in Angola as playing out geo-political rivalry” (Meijer and Birmingham 2004, 15).

5.2 Involvement of International Actors and Their Interests in the Conflict

The unfolding situation in the region gave enough reason for the Soviet Union to advance its ambition of implementing the ‘Brezhnev Doctrine’ in southern Africa. Under that doctrine, the détente and peaceful coexistence with the ‘imperialist camp’ were a result of a favorable shift in balance of power and as a form of struggle between the two systems. For Moscow the agreements between the two global powers were a reflection of the Soviet success in the “diplomatic struggle of the two worlds” (Mitchell 1978, 381). Brezhnev even stated that “détente by no means annuls the battle of ideas” (Brezhnev cited in Mitchell 1987, 381). According to Mitchell, under the Brezhnev doctrine “the Soviet support for national liberation movements, particularly in southern Africa, is presumably based upon the assumption that the general crisis of capitalism makes the West more vulnerable to pressure” (Mitchell 1978, 381). In other words, the success of the liberation movements was perceived as a means to an end, which was the increasing weight of the socialist system in world politics (*idem*).

Following the rationale of the Brezhnev doctrine, the Soviets used the turmoil and instability that emerged during the collapse of the Portuguese colonial rule in Angola, in order to advance their role on the global level. Pycroft noted that “the victory of the Soviet-backed MPLA over the South African and United States assisted UNITA and FNLA forces in the first round of the Angolan civil war in 1975 and 1976 provided the Soviet Union with a foothold in southern Africa, which it improved through support for the MPLA in Angola, SWAPO in Namibia, the African National Congress (ANC) in South Africa, and Frelimo after independence in Mozambique” (Pycroft 1994, 242). The Soviet (and Cuban) support for the MPLA started already in the 1960s, but was initially quite insufficient to allow the MPLA to challenge the Portuguese colonial rule. Over time the Soviet support become

fundamental for the MPLA's cause. The heavy armaments that were provided to the movement in the most delicate moments of the civil war in 1975 were of crucial importance for MPLA's success in obtaining control of the capital and declaring Angola an independent country. In 1976, the USSR established even closer relations with the MPLA by signing the Treaty of Friendship and Cooperation (Meijer 2004, 86). At its first congress in December 1977, the movement transformed itself into a Marxist-Leninist party signaling its unquestioned affiliation with the Soviet block.

Cuba was another close ally of the MPLA. Cuban interest in the region started with Che Guevarra's visit to Central Africa in 1964. During the 1975 civil war, Cuba assisted the MPLA, by first sending military advisors, and eventually dispatching troops in response to South African intervention in support of UNITA. By February 1976, Cuba had dispatched around 14,000 troops to support the MPLA, with a clear intention of consolidating Soviet influence in the region (Accords 2004, 87). After the independence of Angola, Cuba continued to provide the much needed military support but it also assisted the government in rebuilding the country by providing it with engineers, teachers, doctors, and civil servants (idem).

American interests to intervene in the conflict were also primarily political and evolved around the 'Reagan Doctrine'. The doctrine had anti-communism as its *raison d'être* and promoted the idea of supporting anti-communist resistance around the world (Oye et al. 1987). Thus, not surprisingly during the Angolan civil war in 1975 and 1976 the US assisted the anti-communist movements. In principle, in southern Africa the Reagan administration tried to promote the policies of 'constructive engagement' - which were introduced by Assistant Secretary Chester Crocker in 1981 - with the primary aim of countering the Soviet presence in the region (Crocker 1992; Davies 2007). Under this policy, "any leader that was opposed to Soviet ideology and expansion was courted by America" (Pycroft 1994, 243). The US found a close ally in South Africa's Prime Minister P.W. Botha (who would later become the President), who was engaged in a struggle with a Soviet-backed SWAPO in Namibia. The policies of constructive engagement for the South Africa government had a dual impact: on the one side it was an opportunity for South Africa to regain the lost western support, and on the other it offered a cloud of legitimacy for the government's disruptive

actions both domestically and in the region.

According to Pycroft, “for Angola, the most significant component of constructive engagement was the US’s introduction, in 1982, of ‘linkage’ into negotiation for Namibia’s independence” (Pycroft 1994, 243). In a nutshell, the linkage meant that an independent Namibia could not be achieved without the withdrawal of Cuban troops from Angola, thus tying together the faith of two countries. In principle, the US was interested in achieving a smooth, peaceful and stable transition from colonial rule to self-government (Zartman 1989, 182). The main dilemma the US had was to choose between a continued apartheid South African sovereignty over Namibia, strongly opposed by the international community, or an UN endorsed independence for the territory, which would most likely also entail a pro-Marxist SWAPO government in Namibia. By the mid-1970s, as South African policies became incompatible with principles cherished by the US administration, policy makers in Washington realized that any further resistance to Namibian nationalism, which had the UN backing, would only backfire on the long run. Thus the key concern of the US was to prevent a war from escalating even more. The US feared that any further intensification of fighting would only draw in their Soviet rivals into the conflict, making it necessary for the US to align with apartheid South Africa, a scenario they absolutely wanted to avoid.

With the help of partner western states in the Security Council – France, the United Kingdom, Canada and West Germany – in September 1978 the US managed to pass UN Security Council Resolution 345 that prescribed a “set of complex arrangements for the territory’s transition to independence under South African administrative control with simultaneous UN monitoring and supervision” (Crocker 1999, 214). Once the framework for upcoming peacemaking activities was set up, in 1981 the new Reagan administration took on the task to reestablish “coordinated working relations among the Western Five” or the Western Contact Group, whose global leverage and reputation would become useful for the upcoming peace making efforts (Zartman 1989; Iji 2011).

South Africa was very skeptical about intentions of the US and its allies in Southern Africa, given the apparent UN advocacy for Namibia’s independence and a growing support for SWAPO on the East River. However what mostly affected Pretoria’s uneasiness was a lack of reacti-

on by the US and its allies to the Soviet-Cuban intervention in Angola. Until then, the West hesitated to include the Angola question into the peacemaking equation of Namibia's final status. It was deemed as rather dangerous to address the issue of Cuban presence in Angola, and consequently lose Angola's assistance in Namibia negotiations, as it was feared that the rest of the international community might see this as western countries' prioritization of the communist question over the one of decolonization in Africa. From a practical angle, the West was aware that addressing the Cuban presence in Angola would necessarily provoke Moscow to react, at least on a diplomatic level.

However, despite these concerns, it became quite clear to the new US administration (under President George H. W. Bush) that perpetuating this logic would only keep the peace process in deadlock, as South Africa made it quite clear that its cooperation in the process directly depended on the extent of Cuban presence in the region. Even Angolan leaders recognized the connection between Namibian and Angolan events when they stated that "Cubans could leave Angola *after* Namibia's independence under Resolution 435" (Crocker 1999, 216). So the US chose to risk and decided to restructure negotiations in order to include the Angolan factor as well. According to Crocker the 'linkage strategy' had two advantages: "a far better chance to nail Pretoria down to a firm commitment on Resolution 435 and an appropriate US response to Soviet extension of the Brezhnev doctrine to the Third World, including Africa" (Crocker 1999, 216). The US hoped that a well coordinated mediation effort, which put diplomatic pressure on the Soviet-Cuban-Angolan group, would weaken the current Soviet martial policies in Africa. Therefore, as hypothesized in H1 and H11c, while the stage for mediation was set, the US still needed some type of compliance, even tacit, from the Soviets. In other words, potential success of mediation efforts was directly related to the ability of the Soviets to use their bias position in order to leverage their partners in conflict to change strategies and opt for a peaceful settlement of the dispute. At the same time, the willingness to leverage both Cubans and Angolans toward an agreement would indicate that the US and the USSR have managed to establish a common idea of resolving the conflict through mediation and thus indicate Soviet willingness to participate in US led and coordinated mediation activities.

In reality, Moscow had quite limited interests in Namibia, or as Za-

rtman puts it, “no interests to lose or defend and everything to gain” (Zartman 1989, 183). Its involvement in the conflict was incomparable to the levels achieved in Angola; it was based on arming SWAPO forces and providing modest amounts of training for them. In principle, the USSR was unconvinced that South African acquiescence to a negotiated independence for Namibia was actually achievable. Nevertheless, the Soviet Union has been more appreciative of conflict resolution on the issue - as it was unwilling to take the costs of maintaining the conflict - than one would expect, with its objections giving way to active support (Zartman 1989, 184). In fact, Moscow’s stand on the issue drastically changed over the span of eight years, departing from straightforward obstructionism of every Western effort to find a solution to fundamental cooperation with the US which eventually helped steer the parties toward a peace agreement.

This shift in policy was a direct result a drastic change that occurred with Gorbachev’s accession to power and his new ‘perestroika’ policies (Shearman 1987). Although the US-led mediation attempts were never formally objected by the Soviets - as a result of the *détente* and coexistence prescribed by the Brezhnev doctrine - the mediation process was unable to produce any success as the mediators did not have sufficient leverage over the warring parties. Soviets had an obvious leverage over the MPLA and Cuba, but in light of the Cold War power rivalry with the US, they were unwilling to use it to assist the US in mediating the conflict. In fact, under the Brezhnev doctrine Soviets saw the US’s inability to mediate the conflict as a reflection of the ‘imperialist block’s’ decreasing global power and - since the bipolar dynamics of the Cold War were a zero sum game - an indication of the increasing Soviet influence in international relations. The rapprochement between the USSR and US that happened during the Gorbachev’s mandate was more a result of a larger geo-political shift in Soviet policies toward the US and its allies, than anything else.

5.3 Multiparty Mediation Process

5.3.1 Initial lack of cooperation between third parties

The unequivocal tendency to hamper any western initiative Moscow had exercised already during the preparation of the Resolution 435. In

face of a clear support by SWAPO and frontline states for the proposed text, Soviets backed off and abstained from vetoing the text in the Security Council. However, once the resolution was adopted, Moscow became its strongest promoter, now opposing any modification of the text. Thus, the US intention to link questions of Namibia and Angola, was strongly opposed as it represented “nothing less than an attempt to block Resolution 435, to force capitulations of Angola and its departure from the socialist camp, to join forces with Pretoria in creating a pro-Western security zone, and reverse the tide of history in Southern Africa” (Crocker 1999, 234).

The Soviet position was rapidly transposed on to the Angolan-Cuban joint communiqué in February 1982, a statement which officially proclaimed that Angolans and Cubans would decide upon a timeframe of Cuban withdrawal from the country only *after* Namibia was granted independence. Angola wanted to be assured that Cuban withdrawal would not allow for invasion by South African troops, as it had already occurred on two occasions, in 1976 and 1979, when withdrawal was interrupted by South African attacks on Angola (Zartman 1989, 212). The US was aware that the linkage strategy was introducing the necessity to accommodate Moscow in the process, as its leverage over the Angolans and Cubans might turn out to be instrumental for a successful outcome.

Increased UNITA military activities amplified Angola’s need for a stronger backing by its allies. By 1982 the number of Cuban troops increased to about 25 000, and the government in Luanda signed arms supplies agreements with the Soviet Union in mid-May 1983 and early January 1984 (Zartman 1989, 219). As the MPLA was strongly dependent on Soviet and Cuban support, the US administration assumed that any Angolan position and proposal had been ‘cleared’ in Havana and Moscow (Crocker 1999, 235). Since the Soviets were refusing any direct negotiation with the US, officials in Washington opted for a more cautious approach. Crocker points out that during these years, US and Soviet officials held a series of ‘informal exchanges’ on Southern Africa, where the US aimed to “avoid surprises, to probe for constructive openings and offer Moscow a chance to bid and to explain to US purposes and indicate how they might serve the interests of both sides” (Crocker 1999, 234). However, the initial exchanges did not produce any results as Moscow was insistent on bringing up legalistic issues and unwilling

to suggest any alternatives emphasizing their support for the latest Angolan positions.

In the meantime, various US attempts to promote the linkage strategy did not find any success in Pretoria and Luanda. Both sides were unwilling to compromise as any such move was perceived as dangerous for the national interest and the weakening of positions on the battleground. It was a clear 'game of chicken' between the parties, as they were unwilling to make the first move fearing the reaction of the other side. The US became fully aware that the conflict was still not 'ripe' for resolution and that on their own they were unable to achieve a settlement (Zartman 1989, 214-225). Quite problematic for the US was its lack of leverage, especially of 'sticks' over authorities in Pretoria, necessary to induce them to compromise. Unsatisfied with the South African uneasiness to cooperate, in 1985, the US adopted limited sanctions against Pretoria as a reaction to their apartheid policies, and started considering the option of clandestine support of the UNITA forces. Until then the US had limited ability to support UNITA, because of the Clark Amendment to the US Arms Export Control Act from 1976, which banned the US to aid any paramilitary activity in Angola (Berridge 1989). The intention was to put pressure on Pretoria and make it realize that the linkage-strategy was a good alternative to a complete isolation. The Amendment was repealed in July 1985, and already in 1986 the US provided UNITA with 10 million dollars in direct military aid. The assistance progressively increased to 80 million dollars under the Bush administration (Pycroft 1994, 245). According to Pycroft, "the increased US commitment to UNITA came as South Africa began reassessing its commitment to retaining control over Namibia, and therefore questioning its need to maintain UNITA as a bargaining chip in the linkage equation" (Pycroft 1994, 245). Nevertheless, South Africa, motivated by success on the battlefield in 1985, still did not see this as a plausible alternative. Two important events, one on the global level and one on the battleground, changed things dramatically.

5.3.2 Convergence of Interests between Third Parties

With the arrival of Gorbachev to power in 1985, the Soviet Union started an important transition in its relations to regional policies. The new Soviet leadership began publicly calling for 'political solutions' to

regional conflicts (Shearman 1987, 1111). The articulation of the new post-Brezhnev foreign policy of the Soviet Union was secondary to the need to concentrate on reforming the Soviet economy and society. According to Pycroft, the expensive foreign adventures in places such as Afghanistan and Angola had to be reduced as they were producing unbearable costs to the crippling Soviet economy, while at the same time the Soviet Union was quite willing to achieve “a limited rapprochement with the US to facilitate access to Western finance and technology” (Pycroft 1994, 244). It should be noted that these were only initial steps which did not immediately imply a reduction in opposing the US proposals (Crocker 1999, 235). In fact, publically the Soviet Union kept challenging the US led initiatives, asking for the process to be conferred to the UN, the African Union and the Non-Aligned Movement. More importantly, the Soviet Union still kept discouraging any Angolan cooperation with Washington and “criticized UN Secretariat officials for undertaking quiet probes of Luanda’s latest thinking on a linkage-based settlement” (Crocker 1999, 235). As hypothesized in H2, mediators’ inability to reach convergence of interests was leading the process into a deadlock. For the US this meant that a bigger obstacle to a smooth mediation process was not in Luanda’s positions but in Moscow’s lack of cooperation. In March 1987, after consulting its allies Angola decided to resume direct talks with the US. In order to make its negotiating position stronger, Moscow advised Luanda to undertake a massive offensive against UNITA (Crocker 1999, 236), using violence as an off-the-table tactic in order to improve ones negotiating position (Sisk 2009). As hypothesized in H4, defecting strategies of one of the mediators induced a party in conflict that was supported by the defecting mediator to defect from the peace process as well.

However, the strategy proposed by the Soviets actually backfired. The Soviet-Angolan assault in late 1987 was a fiasco, with thousands of Angolan troops killed and a large portion of Soviet military hardware either destroyed or captured. As the costs of supporting the conflict were increasing, Moscow started arguing for a political settlement, while still maintaining a hard line on US led endeavors. One of the crucial implications of the Gorbachev shift in foreign policy was that the MPLA could no longer depend upon “unqualified support” from the USSR and Cuba. A deteriorating economic situation in the Soviet Union induced officials in Moscow to reconsider overstressing their military

involvement around the globe. Pycroft notes that “although there was a commitment from the Soviet leadership to maintain the military presence in Angola to counter UNITA and South Africa, pressure began to mount on the MPLA to find a negotiated settlement” (Pycroft 1994, 244). While the Soviet military support was quite substantial, it came with a high cost. The MPLA had to finance this military support with oil and diamond revenue, and this was imposing a severe debt on the country’s economy. Almost 65% of Angola’s debt was with the USSR, and the presence of Cuban troops was costing the country 250 million dollars a year (Pycroft 1994, 244).

On the other hand, the MPLA had enough reason to believe that it could find partners in the West. First of all, the US was the largest importer of Angolan goods - especially oil - with a trade worth more than 2 billion dollars in 1990 (Pycroft 1994, 244). Secondly, despite the fact that the regime in Luanda was not recognized by the US, this did not prevent close contacts between the State Department and the MPLA (Berridge 1989, 470). In fact, Crocker was quite interested to have the MPLA at the negotiation table, and for this reason he initially even opposed the repeal of the Clark Amendment as he feared that this would drive the MPLA away from the talks (Berridge 1989, 470). Nevertheless, US unyielding support for UNITA’s cause was a direct indication to MPLA that a military victory was quite impossible, and that a negotiated settlement should be sought (Pycroft 1994, 245).

While acknowledging Cuba’s decision that its forces would have to leave Angola, Soviets maintained a firm position that Angola would not be “thrown to wolves” (Crocker 1999, 237). Despite these affirmations, the Soviet Union still did not propose any viable alternative to the linkage strategy. It was the Cubans who did not participate in the latest military debacle that made two crucial choices. First of all, Havana decided to shift the unfavorable balance of power created with the latest SADF-UNITA victory over their allies, and sent 15 000 fresh troops to Angola’s border with Namibia. It was a clear signal to South Africa that celebration time was over, and that a military solution to the conflict was far from being attainable for Pretoria (Berridge 1989; Pycroft 1994).

Ultimately, the US produced the necessary stick which induced South Africa to engage in negotiations. As the Soviet influence in Southern Africa was decreasing, the need of having South Africa as

an anti-communist ally was put to question. This induced the US to gradually start reconsidering its policy of constructive engagement with South Africa. Especially problematic were the apartheid policies of the Botha administration. In October 1986, the US Congress passed the Comprehensive Anti-Apartheid Act, which imposed a strict set of economic and trade sanctions on South Africa. These policies caused severe complications to the South African economy, plunging the country into recession (Pycroft 1994, 245). Amounting problems, both on the battlefield and domestically, induced the officials in Pretoria to find a way to “re-establish favorable relations with the international community and stave off further sanctions” (idem). Thus, South Africa started signaling readiness to join the negotiations with the US and together with Angola started drafting a proposal on the timetable for the withdrawal. In other words, Pretoria was looking for an ‘honorable exit’. The situation was slowly becoming ripe for resolution: the parties were entering a hurting stalemate as it was clear that a military solution to the conflict was unattainable to any of the parties, thus they started perceiving a ‘way out’ through negotiations (Zartman 1989).

An important impact of the linkage strategy was the gradual exclusion of SWAPO and UNITA from the peace process. The isolation of the two movements was not done because of their predisposition to spoil the process, but was a calculated decision by Crocker to design a proper ‘party arithmetic’ which would include all the parties relevant for the achievement of a negotiated settlement, and exclude those whose presence could be problematic and disputed. According to Berridge, “the South Africans pressed for SWAPO’s exclusion because of their hatred of it, and found the United States receptive because this would make it easier to reconcile UNITA - which had a vital interest in developments in Namibia as well as in Angola - to being excluded as well” (Berridge 1989, 472).

Having both Cuba and Angola willing to talk to South Africa, the US decided to accommodate the Soviets in the peace process, while hoping to “neutralize residual obstructionism” and hopefully obtain “valuable insights and even help” (Crocker 1999, 237). In present circumstances, with the new policy outlook of the Gorbachev administration which was voicing out the need for policy solutions and was coupled with Moscow’s unwillingness to assume any more military costs in the region, the US opted for a careful approach. In April 1988 three in-

depth US-Soviet consultations were held, and as a final result for the first time the Soviet Union decided to publicly support a US led mediation process. In return the US bestowed them with an 'observer' status which was never fully defined. Meetings with the Soviets continued throughout the tripartite negotiations mediated by the US. It was tripartite (Angola-Cuba-South Africa) because Cuba explicitly asked to be included in the talks as a part of the Angola team. As underlined by Crocker, US-Soviet meetings soon moved from "debates about the shape of an acceptable settlement" to more practical issues of "how the two sides might advance those points agreed on and how current obstacles could be handled" (Crocker 1999, 237).

Full exploratory meetings between three sides and the US started in the beginning of May 1988 in London. The first meeting saw an immediate Angolan offer for a four-year Cuban withdrawal from Angola and a one-year withdrawal of SADF from Namibia. Before the troop withdrawal, however, the proposal called for a previous stop to US and South African support for UNITA. The South African delegation responded with a counterproposal asking for a Cuban withdrawal before Namibian independence and at the same time reconciliation between MPLA and UNITA (Zartman 1989, 230). Fortunately parties agreed to evaluate each others' proposals so they decided to meet again in Cairo at the end of June 1988. In the meantime, a series of US-Soviet consultations intensified, bearing more fruits than ever before. During their meetings both sides explored the options of strengthening cooperation of the three parties in the peace process. According to the Soviet sources, the US guaranteed South African implementation of Resolution 435 if in return the Cubans withdrew their forces from Angola within three years. During a Reagan-Gorbachev summit in Moscow in May, the two sides agreed to deliver a peace settlement within four months – in order to celebrate it at the tenth anniversary of Resolution 435. The two global powers, each backing a particular side in the conflict, had achieved necessary convergence of interests which allowed for a coordinated mediation process to take place (Zartman 1999, 230), providing support for what was previously hypothesized in H1 and H11c.

This coordination was best demonstrated during the talks in Cairo, which almost broke down due to an unexpected Cuban and Angolan 'ideological tirade' regarding apartheid policies of South Africa. The Soviet delegation immediately exercised necessary pressure on its allies

and brought them back to the point of negotiation (Zartman 1989, 231). Thanks to this unprecedented move by the Soviets, the next talks in New York saw all the parties work on the actual text of the settlement. The three sides started increasing levels of cooperation, and opted to neglect the timetable of withdrawal in favor of “indispensable principles” for the final settlement. These included: “aspects of cooperation (aid) for development, right to peace, right to self-determination, non-aggression, non-interference, non-use of force, and respect for territorial integrity and inviolability of frontiers, as well as recognition of roles – the United States as mediator and permanent members of the Security Council as guarantors” (Zartman 1989, 231). The principles were later ratified by all three sides and by SWAPO. After this, negotiations focused on developing details about the timetable for the withdrawal.

Also as a sign of willingness to elevate cooperation to the highest level, US officials continuously briefed Soviet colleagues about the “mediator’s priorities and game plans” (Crocker 1999, 238). The US hoped that by providing essential information, Soviets would play their part and induce Angola and Cuba to reach an agreement with South Africa about the timetable. At the same time Moscow also intensified communication with South Africa, and contributed to the overall super-power encouragement for authorities in Pretoria. Ultimately, through their consultations, US representatives convinced the Soviets to terminate their requests for a suspension of US support on UNITA, and encouraged them to put pressure on Angola for achieving national reconciliation with UNITA. This closed the circle, as all the issues were covered by the peace process. Shortly after, following a very painstaking negotiation on the details of withdrawal, on 22 December 22 1988 Cuba, Angola and South Africa signed a peace agreement at the UN headquarters in New York.

Just as in the case of Tajikistan, the US and USSR acted as biased mediators in the sense of the game theoretical model presented earlier. The case shows sufficient support for hypotheses H3 and H4, indicating that when the mediators manage to achieve convergence of policy objectives among them, there are bigger chances that the peace process will be successful. In other words, as long as the US and the Soviet Union were unable to achieve convergence of interests in managing the conflict, any attempt at finding a peaceful solution was unsuccessful as a mediator’s defection was perceived as a sufficient reason for the con-

flicting parties not to commit to the peace process. At the same time, as was hypothesized earlier (H1), biased mediators are useful of the effectiveness to the process, as long as they maintain cooperative behavior with other mediators, as they can use their special relationship with one conflicting side to influence its behavior, positions and perceptions and consequently move it toward an agreement. However, the process also witnessed a considerably different dynamic of multiparty mediation from the one that took place in Tajikistan. The crucial difference between the two cases concerns the leadership role of coordinating mediation activities. While in Tajikistan this role was filled by the Special Envoys of the UN, in the case of Namibia, the leadership role was assumed by the US.

Although the US as a powerful state had a clear set of interests to promote in the conflict, and undeniably a biased attitude toward particular conflicting sides (UNITA and South Africa, as it will be explained later), it managed to be an effective coordinator for two reasons. First of all, over time its mediation activities were recognized as 'indispensible' even by the disputants with whom it had no special relations (MPLA and Cuba). This generated the necessary level of legitimacy to prescribe behavior, as was hypothesized by H10. In fact this status was publicly and explicitly accepted by all the parties in conflict, which considered the US-led mediation to be one of the 14 principles that were crucial to a peaceful settlement of their conflict (Berridge 1989, 469). At the same time, as hypothesized in H11c, it acquired the necessary degree of consent and convergence of interests with the USSR (which was the key patron state of both the Angolan MPLA and Cuba). This (causal link) permitted for the coordination to be effective even though it was conducted by a biased powerful state.

The convergence of interests was induced by a larger geo-political shift that occurred once (the new) leadership in the Soviet Union realized that past geo-political preferences were not generating sufficient returns in the conflict: the conflict was too costly and the parties were not gaining any results from the mediation process. Such a change in perceptions was further strengthened by the reached stalemate between Cuban and South African forces, and their partners in Angola and Namibia. It was an unequivocal indication that a military victory in the conflict is unfeasible and that the present non-cooperative strategy in the peace process was not producing any substantial results that wo-

uld outweigh the military stalemate. Such dynamics provide sufficient support for causal links that were hypothesized in H5, H6 and H7.



**CHAPTER
VI**

CAMBODIA



CHAPTER VI: Cambodia

Civil war in Cambodia saw involved four different Khmer factions and each one had an outside sponsor state (Solomon 1999). Despite its reputation from the war in Vietnam and the bipolar constraints of the Cold War, the US was seen as the most 'neutral' member of the Security Council, "with the political influence and resources to help structure the settlement" (Solomon 2000, 4). At the moment the US-led peace talks took place in the last months of 1989, the government in Phnom Penh was headed by Hun Sen, whose faction assumed power thanks to a Vietnamese military incursion into Cambodia in December 1978 which overthrew the Khmer Rouge regime (Hampson and Zartman 2012, 4). The pro-Vietnamese government, named People's Republic of Kampuchea (PRK), was backed only by the USSR and its allies and did not enjoy support of the West. Also, it was certainly not in good relations with the authorities in Beijing. China was concerned with Vietnamese expansionist policies interpreting them as Soviet efforts to contain Chinese influence in South-East Asia. Once dethroned, Khmer Rouge fled to the jungles along the border with Thailand and thanks to the Chinese support, started an insurgency campaign against Vietnam's client regime (Solomon 1999, 284).

Given its experience with Vietnam, and the positioning of the Soviet Union in the matter, the United States chose China for a partner. It was clear to the US that China was interested to improve its international reputation after the June 1989 events on Tiananmen Square, and thus be more willing to cooperate with the US even at a cost of distancing themselves from the Khmer Rouge (Hampson and Zartman 2012, 6). The two sides managed to reach initial convergence of interests in supporting a future coalition government led by Prince Sihanouk, who governed the Cambodia in its first decade as an independent state, only to be toppled by Khmer Rouge forces in 1963. Ironically, Chinese acceptance of Sihanouk was coupled with a request to allow for Khmer Rouge to be included in the future power-sharing arrangement. The US did not object to this, as it wanted to keep Khmer Rouge engaged in the peace process, fearing that otherwise they might act as spoilers. At the same time, the US was confident that if Khmer Rouge accepted to participate in the future political life of Cambodia, its unpopularity with local people would certainly not allow them to gain power through elections.

6.1 Nature of the conflict

6.1.1 Sources of Intractability

During the French colonial rule, Cambodia was a relatively peaceful area. The majority of its population was ethnic Khmers, with Buddhism as the most dominant religion. At the same time almost a fifth of the country's inhabitants were ethnic and religious minorities. Interestingly, these minorities also had a distinct work related role in the society. As Kiernan points out, "Vietnamese, Chinese, and Muslim Chams worked mostly in rubber plantations or as clerks, shopkeepers, and fisherfolk, while a score of small ethnolinguistic groups, such as the Jarai, Tampuan, and Kreung, populated the upland northeast" (Kiernan 2002, 483). After World War II, the colonial rule was gradually challenged and resisted by organized independence movements of Vietnamese (Viet Minh) and nationalist Khmer Issarak (independence) forces. Over time the lengthy anti-colonial struggle produced a Vietnamese-sponsored Cambodian communist movement, the Khmer People's Revolutionary Party (KPRP), which received an "increasing though not unchallenged" support from the Issarak nationalists (Kiernan 1985; Kiernan 2002). As the KPRP slowly gained leadership over the Issarak membership, several anti-communist movements started emerging. By 1952 these anti-KPRP movements started campaigns of massacres targeting ethnic Vietnamese and Cham populations (Kiernan 1985).

Cambodia became independent in 1953, as a result of the French defeat in the First Indochina War. King Norodom Sihanouk, who according to Hampson and Zartman (2012) was a mercurial figure, immediately assumed a foreign policy of neutrality. This was a carefully calculated decision in the midst of the Cold War dynamics. As Kiernan points out, on the one side he tried to accommodate the communist forces and acknowledge their role in Cambodia's struggle for independence, while at the same time fearful of their potential disruptive behavior if the country was to assume a more pro-western stand (Kiernan 2002, 484). The policy of neutrality was also aimed at keeping a peaceful relationship with the neighboring Vietnam.

In the first decade of independent Cambodia, Sihanouk's policies of neutrality managed to appease both the moderate nationalist and veteran communists, transforming the country into a one-party kingdom

(Kiernan 2002, 484). Dissatisfied forces - both from the left and from the right - either found exile in Vietnam or headed for the hills deep in the country-side waiting for an opportune moment to return. Veteran leaders of the demobilized KPRP - who generally came from a rural, Buddhist and pro-Vietnamese background - were gradually replaced by a group of younger, urban, Paris-trained, anti-Vietnamese militants headed by Saloth Sar, Ieng Sary and Son Sen. According to Kiernan's accounts, "from the jungles of remote northeast, the new party leadership planned an armed rebellion against Sihanouk's regime, ignoring his independent nationalism and labeling him a U.S. puppet" (Kiernan 2002, 484). Fearful for its survival, Sihanouk's regime started employing harsh policies against all leftist forces pushing the moderate communist veterans to join the new young leaders of KPRP.

6.1.2 Development of Deep Feelings of Distrust and Employment of Repressive Measures

However, the biggest threat for Cambodia's stability in the mid 1960s came with the intensification of the US campaign in Vietnam. The border between the two countries was over flooded by Khmer and Vietnamese-communist refugees escaping Saigon's and US' advancement. By 1967 the communist forces - now renamed Communist Party of Kampuchea (CPK) - under Saloth Sar's leadership started a small scale insurgency which provoked a disproportionate reaction of the government. The Cambodia countryside was dragged into a civil war. Unable to cope with the challenges provoked by the war in Vietnam and CPK's rebellion, on 18 March 1970 Sihanouk's government was toppled in a military coup led by General Lon Nol.

Finding refuge in Beijing, Sihanouk found allies in the CPK and its leader Saloth Sar who started using his name 'code name' Pol Pot - or Brother Number One (Kiernan 2002, 485). The country was immediately renamed into the Khmer Republic, and Lon Nol became its first President. Under his directive, the army started a campaign of massacres of ethnic Vietnamese, forcing around 300,000 to flee across border to Vietnam. According to Kiernan, this set a precedent for intensified "ethnic cleansing" by the Khmer Rouge - a colloquial term used for the CPK (Kiernan 2002, 485).

In fact, although assisted by the Vietnamese army as a reaction to

the US' support for the Republican forces in their anti-communist campaign when the Vietnamese conflict spilled over to Cambodia, "the Khmer Rouge central leadership attacked its Vietnamese allies as early as 1970, killed a thousand Khmer communist returnees from Hanoi, and in 1973-74, stepped up violence against ethnic Vietnamese civilians, purged and killed ethnic Thai and other minority members of CPK regional committees, banned an allied group of ethnic Cham Muslim revolutionaries, and instigated severe repression of Muslim communities" (Kiernan 2002, 485). In the meantime Lon Nol's government was losing credibility and support, as its policies were tainted with numerous cases of corruption and a repressive military regime. Continuous fighting with the communist culminated in 1975, when the Khmer Rouge forces seized the capital Phnom Penh - one of the bastions of Lon Nol's power - deported its two million residents to the country side and established a new state of Democratic Kampuchea (DK) (Kiernan 2002, 485).

The new regime immediately started applying severe policies of mass deportations of people from urban areas into agricultural labor camps in the northwestern part of the country, eventually doubling the population of that area. Unbearable living conditions caused the death of tens of thousands of people. At the same time the Khmer Rouge started purging the former Khmer Republic officials, army officers, civil servants, and even the peasants from the northwest who were related to the officials from the former regime. By 1979, more than a million people had died due to starvation, poor living conditions and extreme repression (Gordon 1986). Under attack were also numerous minorities. Between 1975 and 1979 more than a half of the ethnic Chinese population - around 250,000 people - had perished, more than 100,000 Cham Muslims were killed or starved to death, and more than 10,000 Vietnamese were killed and the remaining 100,000 Vietnamese expelled from the country (Kiernan 1985).

The Khmer Rouge also conducted sporadic incursions into the Vietnamese territory. The cross-border attacks motivated Vietnam to intervene, invading Cambodia on 25 December, 1978 and taking over Phnom Penh on 9 January, 1979 (Gordon 1986). Officials and forces loyal to the Khmer Rouge once again fled to the mountains, leaving the country in the hands of Heng Samrin and his rebels supported by 150,000 Vietnamese troops. The country was again renamed, this time

to the People's Republic of Kampuchea (PRK). Finding refuge in the sanctuaries mostly along the country's northern and western borders with Thailand, for more than a decade the Khmer Rouge continued to challenge the new government and the Vietnamese military (Gordon 1986, 66).

6.1.3 Internal Characteristics of the Conflicting Sides and Creation of Irreconcilable Positions

The new governing elite consisted primarily of former Khmer Rouge officials - such as Hun Sen and Chea Sim - that defected to Vietnam in 1978 (Berquist 1998, 93). Their policies largely avoided "to stress Cambodian grandeur at the expense of Vietnamese intentions and took a more realistic view of power relations between the two states" (Ashley 1998, 17). Due to its dependency on Vietnamese support, throughout the 1980s Cambodia remained quite isolated from the international community.

In fact, while ejected from power, Pol Pot and his Khmer Rouge managed to maintain a strong international backing from China and the US. By 1982 together with the royalist National United Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia (FUN-CINPEC) led by the exiled Prince Sihanouk, who had a strong backing of both China and the US, and a non-communist movement the Khmer People's National Liberation Front led by Son Sann, the Khmer Rouge successfully formed an exiled Coalition Government of Democratic Kampuchea (CGDK) (Solomon 2000, 15; Ashley 17). They were joined by a shared hatred toward Vietnam and dependence on foreign support.

6.2 Involvement of International Actors and Their Interests in the Conflict

The irreconcilable positions of various Cambodian actors cannot be properly understood without a careful assessment of diverging interests and standpoints of major international and regional powers. In fact, the years that followed actually saw a conflict on three levels which not only included the overthrown Khmer Rouge and the new Heng Samrin re-

gime, but also Vietnam, China, the USSR, the US and their numerous allies. Solomon pointed out that already in 1970s “Indochina became a cockpit of the global rivalry between the Soviet Union and China that developed after the breakdown of their alliance in 1960” (Solomon 2000, 10). Thus the first two levels of conflict are what Gordon refers to as ‘East-East’ struggle, as they personalized a clash within the communist ideological camp. On the one side there was the obvious struggle between two communist groups in Cambodia - the Khmer Rouge and Heng Samrin’s PRK. This struggle had a second, more regional level, which saw the conflict between China and Vietnam - again two members of the communist block. According to Gordon, already in February 1979, as “punishment” for Hanoi’s invasion of Cambodia, China launched a brief attack on several northern provinces of Vietnam (Gordon 1986, 66). The tension between two regional powers increased over time, resulting in Chinese leader Deng Xiaoping’s public threat of a second invasion of Vietnam unless Hanoi withdraws its forces from Cambodia (Gordon 1986, 67; Solomon 2002, 11).

China and Vietnam have had a long lasting rivalry in the region. As Gordon points out, this has always been an uneasy relationship, as “the Vietnamese have never doubted that the long-term challenge to their independence emanates from Beijing, and the Chinese have always regarded Vietnam and Indochina as their nation’s ‘soft underbelly’” (Gordon 1986, 67). The name Vietnam comes from the Chinese term ‘An nam’ which means ‘Pacified South’ (Gordon 1986, 68). Vietnam’s regional expansionist ambition to unify all of Indochina was strongly opposed by China. Beijing perceived this scenario to be a direct threat to its national stability - in fact, almost all the French colonial advancements toward China throughout centuries have been conducted from the south. Therefore, in 1954 during the Geneva conference, which was convened as the French were defeated by Viet Minh, the Chinese ‘consistently opposed’ a unified Indochina and instead “strongly endorsed the concept of separate Indochinese states” (Gordon 1986, 67). During the conference China’s position was well in line with the positions of other major powers: for the French tried to preserve as much influence as possible, thus conceding to an independent Vietnam only the northern territories; the US followed its French allies; and so did the Soviet Union hoping to gain French support on banning a German rearmament in Europe. Facing pressure from all sides Vietnam accepted the creation of

Cambodia and Laos. As Gordon points out, “Prince Sihanouk knew at that time, the legitimacy given to Cambodia’s independence at Geneva (as well as that accorded Laos) owed much to China’s support” (Gordon 1986, 68).

Hoping to establish a strong and lasting influence in Cambodia, Vietnam trained and supported a vast number of high ranking members of the Khmer Rouge during their unrest against the republican regime. However, as soon as he got to power, Pol Pot, quite suspicious of Vietnam’s plans, commanded a series of purges to be executed with the aim of ousting the ‘Hanoi Khmers’, and on several occasions tried to alter the border with Vietnam. More importantly, “he had Chinese support from the outset” (Gordon 1986, 69). These provocations eventually resulted in a Vietnamese intervention which put an end to the Khmer Rouge regime.

In its regional power-struggle with China, as a result of the 1960 Sino-Soviet, Vietnam managed to find a strong ally in the Soviet Union. Moscow has been Hanoi’s strongest ally since the war with the US. Thanks to the Soviet financial assistance - which amounted to about 2 billion dollar per year - Vietnam was able to keep its economy afloat and sustain the Cambodian occupation. In return the Soviets could use the strategically highly important Vietnamese naval and air bases in Cam Ranh Bay and Da Nang (Gordon 1986, 67). The tensions between two communist super-powers lasted until the end of the 1980s. As recorded by Solomon, “as late as 1989, Deng Xiaoping told President Bush that Moscow’s relationship with Vietnam and Cambodia were a threat to China because they represented a continuation of Soviet efforts to ‘encircle’ his country going back to the Khrushchev and Brezhnev eras” (Solomon 2002, 11, fn 4).

In order to counter the Vietnamese presence in Cambodia, China openly supported the Khmer Rouge. In 1984, Xiaoping stated “I do not understand why some people want to remove Pol Pot... it is true that he made some mistakes in the past but now he is leading the fight against the Vietnamese aggressors” (cited in Kiernan 2002, 488). Throughout the 1980s, on a yearly base, China supplied the Khmer Rouge with 100 million dollars in weapons (Kiernan 2002, 488).

The US involvement in Indochina during the Sino-Soviet alliance in the 1950s was aimed at containing the spread of influence of communism. In the 1960s this policy resulted in a lengthy, costly and most

importantly unsuccessful attempt to hamper revolutionary nationalism under the communist banner in Vietnam and Cambodia. Between 1969 and 1973 the US extensively bombed Cambodia, hoping to cut off the North Vietnamese supply routes and contain the expansion of the Khmer communist forces (Bergquist 1998, 100). The US also provided 'active support' to Lon Nol in overthrowing Sihanouk, whose foreign policy of neutrality the US perceived as "insufficiently supportive of US interests" (Bergquist 1998, 100). However, after the Sino-Soviet split, in 1972 Washington found "a common cause with China in shared opposition to the expansionist Soviet Union and its allies" (Solomon 2002, 12). In 1975, during a visit to Indonesia, President Ford announced that "despite the severe setback of Vietnam... the United States intends to continue a strong interest in and influence in the Pacific, South East Asia and Asia. As a whole we hope to expand this influence" (cited in Kernan 2002, 487). This claim was not aimed at China, because during the same visit Kissinger added, "we believe that China does not have expansionist aims now... Their first concern is the Soviet Union and their second Vietnam... the Chinese want to use Cambodia to balance off Vietnam... we don't like Cambodia, for the government in many ways is worse than Vietnam, but we would like it to be independent. We don't discourage Thailand and China from drawing closer to Cambodia" (cited in Kiernan 2002, 487). The US 'winked semipublicly' (to use Brezinski's term) at the Chinese to aid the Khmer Rouge. In 1979 Kissinger revealed, "I encouraged the Chinese to support Pol Pot. Pol Pot was an abomination. We could never support him, but China could" (cited in Kiernan 2002, 487).

According to Kiernan, it was for "geopolitical reasons, while the Cambodian genocide progressed, [that] Washington, Beijing and Bangkok all supported the continued independent existence of the Khmer Rouge regime" (Kiernan 2002, 487). This common cause with China induced the US to promote the policies which internationally isolated the PRK after the overthrow of Pol Pot in 1979. They held on to Cambodia's seat in the UN, assigning it to the Coalition Government of Democratic Kampuchea - thus absolving the Khmer Rouge for their genocidal regime (Ashley 1998, 17; Kiernan 2002, 488). Throughout the 1980s the US strongly opposed any effort to investigate the Khmer Rouge for their genocidal regime. The US Secretary of State Schultz even called "stupid" the Australian initiative for a dialogue over Cambodia,

and declined to support Australian Foreign Minister Hayden's proposal for an international tribunal (Kiernan 2002, 489). He even stressed his opposition of conducting peace talks which would include Vietnam, warning the neighboring states "to be extremely cautious in formulating peace proposals for Kampuchea because Vietnam might one day accept them" (cited in Kiernan 2002, 489). Even the new administration, under President Bush, had no problems with the Khmer Rouge, and actually proposed that they get included in the future government of Cambodia (Kiernan 2002, 489). Together with China, the US sponsored the two smaller anti-Vietnamese Khmer resistance movements led by Prince Sihanouk and Son Sann. At the same time, it did not object Beijing's support of the Khmer Rouge, as both countries were "determined to prevent Hanoi from consolidating its client government in Phnom Penh led by a former Khmer Rouge commander Hun Sen" (Solomon 2012, 12).

The combination of such different positions resulted in a clear stalemate. On the one side China, supported by the US, insisted that Vietnam immediately had to evacuate from Cambodia, on the other Vietnam, supported by the Soviet Union, asked for clear guarantees that Khmer Rouge play no role in the future governmental arrangements and that China abandons the policy of threats toward Hanoi. As noted by Gordon, "the involvement of the outside major powers, introduces to the Indochina conflict the classic formula for explosive international politics, in which external states often have a greater impact on developments than those directly involved" (Gordon 1986, 67). It was clear that the powerful outside power had both the leverage to guide the belligerents towards a mutually acceptable solution (as was hypothesized in H1) and a strong interest to achieve an outcome compatible with their strategic goals (as was hypothesized in H9).

6.3 Multiparty Mediation Process

6.3.1 Initial Lack of Cooperation Between Third Parties

Early contacts between Prince Sihanouk and Hun Sen took place already in December 1987. They met in Paris to discuss the possibility of formulating a power-sharing arrangement between the two non-communist movements and the Hun Sen regime. Although this had

a potential of ending the war, it was rejected by the US and China “on the ground that it excluded the Khmer Rouge and legitimized Vietnamese-backed regime already in power” (Chandler 1998, 19). It was obvious that any solution to the conflict would have to include all four Khmer factions. More importantly, any future negotiations had to tackle a number of questions that had to be compatible with major powers’ interests. These issues were: the withdrawal of the Vietnamese troops from Cambodia, demobilization of paramilitary forces, establishment of measures that would prevent potential retaliatory activities, and a formula for organizing the elections which would produce a legitimate and internationally recognized government (Chandler 1998, 19).

The importance of powerful outside actors was immediately evident during the first regional forum on Cambodia held in Jakarta in 1988. The meeting was attended by all Southeast Asian states, and only managed to produce the necessary guidelines for any future settlement (Ratner 1993, 5). The new talks were scheduled to take place in Paris, in a year, but this time with a direct involvement of major powers. As Meijer points out, from the beginning, the Paris agreements were worked out by foreign powers who exercised tight control over the factions and the form the final settlement would take (Chandler 1998, 19).

As previously explained, the US and China had a shared goal in opposing Vietnam’s occupation of Cambodia, while at the same time openly supporting different anti-Vietnamese factions in the country. The new Bush administration knew that an open support for the Khmer Rouge was a liability, so in an attempt to block the recognition of the Vietnamese installed government of Hun Sen, the US adopted a policy of supporting the Coalition Government (Sihanouk - Son Sann - Khmer Rouge) as the legitimate incumbent government in Cambodia (Solomon 2000, 20). As noted by Solomon, who was Assistant Secretary of State for East Asian and Pacific Affairs and was to be appointed as an US envoy in the peace process, “the evolution of great power cooperation on a Cambodia settlement was complicated in early June 1989 by the violent events at Tiananmen Square... overnight our official contacts with China became a domestic political liability” (Solomon 2000, 20). These events sparked a vast amount of criticism of the Chinese government. In the days that followed, in an attempt to improve their international reputation, the Chinese became extremely sensitive about their continuing support for the Khmer Rouge. As Solomon points out,

“the criticism increased Beijing’s interest in a political settlement of the Cambodia conflict in a way that would distance China from Pol Pot and his movement. Nonetheless, China’s strategic objective remained consonant with that of the United States: to prevent Vietnam from establishing hegemony over all of Indochina” (Solomon 2000, 20-21). The looming convergence of interests between the US and China was pushing the mediation process to a direction which was unacceptable for Vietnam and its partners in Phnom Penh. Reflecting on the game theoretical model the peace process was at *point b*. Cooperative behavior - as illustrated in the model - was producing much higher payoffs to the Chinese, as all of their priorities and interests were promoted through the process.

The Paris Peace Conference was held in August 1989, and was attended by 18 countries and four Cambodian factions (Chandler 1998, 19). According to Solomon, the US “was not inclined to take the lead on Indochina issues”, it was rather inclined to support the French and Indonesians (that organized the conference) in their preparations (Solomon 2000, 21). For the Paris conference the US had a list of five goals that had to be included in the peace settlement: “an immediate ceasefire and the eventual termination of all foreign military assistance to the Khmer factions; the formation of an interim administration headed by Prince Sihanouk; the establishment of a process that would culminate in the internationally supervised election of a new constitutional government the voluntary return of the large Khmer refugee population in Thailand; and the creation of an international control mechanism to implement a settlement process monitored by the UN” (Solomon 2000, 24).

The Vietnamese were aiming at a much different solution. Solomon refers to this position as “a partial solution” to the Cambodian Conflict. The Vietnamese wanted “to limit the international involvement in a settlement to verification of the withdrawal of their troops, perhaps some oversight of an election, but no arrangement that would weaken the authority of their client regime” (Solomon 2000, 24).

The US and China proposed a ‘quadripartite’ government, which unequivocally meant a transfer of a quarter of Hun Sen’s power to the Khmer Rouge. Vietnam expressed its strong opposition to the inclusion of Khmer Rouge not only in the future governmental arrangement, but in the peace process itself. They were concerned that in case the Khmer

Rouge would get a role in the future power-sharing arrangement this could create a possibility for them to return to power and subsequently retaliate. Vietnamese Foreign Minister Nguyen Co Thach, stuck to the idea that “only Hun Sen government, intact had the power to prevent the dreaded Khmer Rouge from fighting their way back to power” (Solomon 2000, 25). In other words, Vietnam was quite opposed to the ‘quadripartite government’. Solomon points out that this position had “little resonance among the conference participants, who generally supported the view that the best way to constrain the Khmer Rouge was to give them some stake in a political process subject to international supervision” (Solomon 2000, 25). As Vietnam was not showing signs of cooperation, Hun Sen’s delegation continued requesting that the potential Vietnamese withdrawal be “linked to the guarantees of a non-return to power of the Khmer Rouge” (Chandler 1998, 19). As Chandler points out, “this was simply interpreted as political maneuvering on the part of the SoC [abbreviation for State of Cambodia] to stall the peace process” (Chandler 1998, 19).

According to Bert, China was not enthusiastic about the return to power of the Khmer Rouge however it used them as a bargaining chip, recognizing that “the Khmer Rouge was the only force in Cambodia capable of standing up to the government militarily, and it used the KR to achieve its objectives, either encouraging them with arms support or pressuring them to participate in negotiations” (Bert 1993, 329). Thus the main Chinese strategic interest was to have Cambodia free of Vietnamese influence, which was quite in line with US interests and those of the ASEAN countries (Bert 1993, 330). As noted by Kiernan, “China’s involvement brought Khmer Rouge protégés to center stage” (Kiernan 2002, 489). It was obvious that any agreement would require unanimity. With a veto power in their hands, the Khmer Rouge could both obstruct any compromise, and while stalling the negotiation, rearm and improve their military power. Kiernan shows Pol Pot’s briefings to his generals, where he indicated his intention to delay elections (which were one of the issues that were discussed in Paris) until his forces controlled the countryside: “the outside world keeps demanding a political end to the war in Kampuchea, I could end the war now if I wanted, because the outside world is waiting for me. But I am buying time to give you, comrades, the opportunity to carry out all the tasks. If it doesn’t end politically and ends militarily, that is good” (cited in Kiernan 2002,

489). Thus during the Paris talks, representatives of the Khmer Rouge insisted that their rule was not characterized by genocide, and indicated their support for a coalition government under Sihanouk as the only way for Cambodia to regain its sovereignty lost in a Vietnamese “colonial” rule through Hun Sen (Hampson and Zartman 2012, 6). Although, Vietnam was experiencing noticeable pressure, it still did not perceive any utility in accepting the terms proposed by the US and China. At the same time, the uncompromising position of China led the Khmer Rouge to assume also an uncompromising position. The unyielding positions between main sponsor states led the peace conference into failure as each of their client movements was unwilling to compromise. Such dynamics are in line with what was previously hypothesized in H4 - namely that in case mediators are unable to reach convergence of interests, the conflicting sides will be induced to defect from negotiations, making it more likely for the peace process to fail. In fact, in light of the imminent failure of the peace talks “on the ground in Cambodia, the Khmer Rouge, the Khmer People’s National Liberation Front (KPNLF), and Hun Sen’s State of Cambodia were launching new tests of military strength” (Solomon 2000, 31). Especially symptomatic was the lack of Vietnam’s convergence of interests with the rest of the mediating coalition - especially the US and China - which was driving the process into a deadlock (Solomon 2000, 84), as hypothesized in H2. At the same time, the Vietnamese unyielding position was creating lower payoffs for the Hun Sen government, as they were experiencing stronger pressure from the rest of the conference to accept the ‘quadripartite government’, which induced them to defect from the process, end soon after engage in belligerent activities against other Khmer factions, as hypothesized in H4.

However, a significant change took place when Moscow “delivered a secret warning to the Vietnamese that it would no longer subsidize Vietnam’s occupation of Cambodia and its tug-of-war with China” (Hampson and Zartman 2012, 5). Soon after that, Vietnam announced that it would withdraw its troops from Cambodia. This significant change in conflict dynamics was strongly related to an earlier larger geo-political shift in Moscow’s foreign policy that saw the advent of Gorbachev to power. Similar to the previously described case of Namibia, the new Gorbachev doctrine saw the developments in Southeast Asia as a chance in strengthening relations with China.

During a speech in Vladivostok in 1986, primarily aimed at the Chinese audience, Gorbachev pointed out that the Soviet Union should abandon the policy objective of being as strong as any possible coalition of states opposing it. It was an indication that the Soviet Union economically could not sustain the strategy of maintaining parity with the US, Europe, China and Japan combined (Nguyen 1993, 285). Thus he suggested a pact between two continental powers, united by their real or imagined grievances against the West, which Nguyen calls “Eastern Rapallo” (Nguyen 1993, 286). Gorbachev emphasized that both countries had similar priorities in improving their domestic economies and thus it would be of mutual benefit to mend their differences and engage in constructive economic relations (Shearman 1987, 1101). Knowing that the Soviet support of Vietnam had been perceived as a direct threat to Chinese interests, already in 1985 Gorbachev informed the General Secretary of the Vietnamese Communist Party, Le Duan that Moscow wished to see an improvement in Vietnam’s relations with China. Two years later, Duan’s replacement, Nguyen Van Linh, was informed that Moscow believed a solution to the Cambodian question rested in “national reconciliation and unification of all patriotic forces in Kampuchea” (Shearman 1987, 1101). Although important and novel, these early changes in Soviet positions did not generate sufficient pressure which in turn would provoke a change in Vietnam’s position. Nevertheless, Vietnam was slowly feeling isolated from the international community. The withdrawal of Vietnamese troops - promised to the Soviet Union - only aggravated the conflict between the government and insurgent forces. The resistance forces slowly gained ground from Hun Sen’s troops, putting significant pressure on the Vietnamese and Hun Sen to explore possibilities of a peaceful settlement. Vietnam announced its plans to withdraw troops from Cambodia already in April 1989. However the withdrawal was conducted in stages, as the last troops left the country only after the first Paris talks, in September 1989 (Ratner 1993, 5). However, in light of a waning Soviet willingness to support the Vietnamese policies in the region, and the high costs that the occupation was producing, the withdrawal paved the way for more substantial talks (Bert 1993). Such developments might provide important evidence in support of what was previously hypothesized in H6, as an increase in costs supporting the war might induce the defecting third-party to change its strategy and engage in a cooperative mediation effort to ma-

nage the conflict. This will be further analyzed in the rest of the case.

6.3.2 Convergence of Interests Between Third Parties

The United States became aware that a good way to detach various Khmer factions from their outside sources of dependence was by transferring the problem to an in-tune Security Council P-5 that could induce the warring parties to compromise. Solomon points out that “the Paris Conference had had an ambiguous outcome regarding a role for the United Nations in a peace process, some proposed it, a few opposed it” (Solomon 2000, 34). According to Hampson and Zartman (2012) the US had two reasons for transferring the problem to the UN. First of all, in case the peace process succeeded the US wanted to avoid being the sole responsible of Cambodia’s post-conflict reconstruction, so it wanted to see the financial burden shared with other countries. More importantly, “the only way to wean the various Cambodian factions from their regional and great power backers was through a concerted P5 team-based effort that would, in effect, force Cambodia’s factions to compromise and make concessions at the negotiating table” (Hampson and Zartman 2012, 6). The strongest opponents to this US position were Vietnam and the Hun Sen regime. In their eyes, a strong involvement of the UN would undermine Cambodian sovereignty. The only way to prevent the Khmer Rouge from retaliating, they argued, was to preserve the integrity and military capabilities of the current Hun Sen government.

The US initiated creating momentum among the five permanent members of the Security Council (P-5), and a framework for the future UN involvement in Cambodia was emerging. From January until August 1990, the P-5 held six rounds of talks. During the first session that took place in Paris, all participants unanimously accepted the US draft which indicated a need for an enhanced UN involvement, especially regarding the verification of the withdrawal of Vietnam’s forces, monitoring of the elections, assistance in the protection of human rights and a smooth repatriation of refugees (Solomon 2000, 40). However, this early convergence of interest also pointed out major obstacles for achieving a settlement. Among the most complex ones were the issues of security, in light of continuous fighting between various Khmer factions; transitional government until the elections could be organized; and

Cambodian sovereignty.

On the issue of security, the P-5 concurred “to stabilize a cease-fire, contending military factions should be put under the UN control in cantonments where they would be disarmed and eventually reorganized into a national army under the authority of the Cambodian government that would emerge from the elections” (Solomon 2000, 42). The problem of a provisional administration for the country was solved with the establishment of the Supreme National Council (SNC). On this matter the Chinese insisted that they would not support any settlement which would not prescribe an active role for the Khmer Rouge. The US was quite apprehensive of the future role of the Khmer Rouge - especially in light of an increasing public outrage of the US’s indirect support for the Khmer Rouge - as this would legitimize their past doings. The solution was in assigning “individuals representing the full range of Cambodian public opinion and deprived of any operational authority” to the SNC instead of organizations and movements (Solomon 2000, 42). Thus, while the Khmer Rouge would not be presented as a separate body, it would still have one of their officials as a full member of the Council. According to Solomon, “this gave the Chinese sufficient political leverage to “deliver” their client to the settlement” (Solomon 2000, 42). However, as the negotiations between the P-5 progressed, it became quite obvious that the Soviet Union and China were unable to find a mutually acceptable formula regarding the degree of UN involvement in implementing the peace agreement. On one side, the Soviets refused to accept any significant role for the UN, indicating respect for Cambodian sovereignty, which was an euphemism for the concern that a strong involvement could endanger government’s chances in the upcoming elections. On the other, the Chinese were asking for a complete disarmament of the government, claiming that such a move would serve the purpose of creating equal chances for everyone in the elections, while in reality Beijing was trying to weaken Hun Sen’s chances (Hampson and Zartman 2012, 7; Solomon 1999; Solomon 2000).

While the Soviet Union and China were struggling to find an agreement, the United States was experiencing a serious challenge on the domestic front. Solomon recounts that “during the fall of 1989, and into the spring of 1990, domestic political pressure in the United States had been building against any agreement that would seem to legitimize the Khmer Rouge by including their leadership in a settlement plan, much

less increase the party's chance of returning to power by some combination of military and political maneuvering" (Solomon 2000, 44). The strongest hit to the US position came in April 1990. Following a screening of a documentary on ABC news, which claimed that the US financial support intended for Prince Sihanouk was ending up in the hands of the Khmer Rouge, a bi-partisan group of US Congressmen wrote to the Secretary of State James Baker asking for a radical change in US foreign policy. They asked for an immediate termination of support for Prince Sihanouk and Khmer Rouge and a subsequent sift in preference towards Hun Sen and his pro-Vietnamese government. The letter stated that "China is the problem, not the solution in Cambodia" and that US policy "should be based, first and foremost, upon preventing the return to power of the Khmer Rouge" (Solomon 2000, 44-45). The Congressmen threatened that in case "the administration did not shift its approach to a Cambodian settlement away from Sihanouk's coalition, Congress would cut off all financial support for the noncommunist resistance - FUNCINPEC and the KPNLF" (Solomon 2000, 45).

This radical shift - also known as 'the Baker shift' - in the US' position was first announced to Soviets during the fifth P-5 session in Paris in July 1990. Baker stated that the US intended to withdraw its recognition of the representatives of Cambodia's coalition (that included Sihanouk and the Khmer Rouge) in the UN (Hampson and Zartman 2012, 8). He also indicated that the US was considering initiating consultations with the Vietnamese government and their partners in Cambodia (Solomon 2000, 46). The shift represented a 'political bombshell' for the negotiation process. It was clear that the US was about to switch sides and have policies much closer to the positions of Vietnam and the USSR.

China was very concerned that this change would cement Hun Sen's position and jeopardize the momentum that was already created in the peace process. Privately they even admitted that the 'Baker shift' caused grave confusion in Chinese leadership (Solomon 2000, 46). Thus the Chinese decided to push stronger for the achievement of an agreement within the P-5, as a way of keeping the Khmer Rouge involved in the political settlement (Solomon 2000, 46). Interestingly, reflecting on the game theoretical model, the Chinese choice to stay in the mediation process permitted the process to avoid a potential myopic equilibrium, and consequently move the mediation efforts into NME. Vietnam on

its part, apprehensive of the Soviet decision to improve its relations with China and stop supporting its cause in Cambodia, saw this as a chance to achieve a greater convergence of interests with the US. In light of the new policy priorities, the US officials openly indicated their readiness to improve bilateral relations with Hanoi, under the condition that they would accept an UN-managed settlement for Cambodia. Isolated Hanoi was also well aware that it had to “give up on Ho Chi Minh’s dream of an Indochina Federation... and to normalize relations with China on Beijing’s terms” (Solomon 2000, 78). As a result Hanoi became more inclined to compromise and to explore constructive ways to engage all of the Khmer factions in the future political processes. At the same time, China was careful not to make a move which would shift the blame of spoiling the process to them. For this reason authorities in Beijing decided to put pressure on the Khmer Rouge telling them to “stay on the course and reach a political settlement” (Hampson and Zartman 2012, 8).

On August 1990, at their sixth and last meeting in New York, all the members of the Security Council accepted a framework agreement that “formally recognized that there could not be a settlement without the participation of all factions and that the Khmer Rouge had to be included to avoid the continuation of the civil war” (Hampson and Zartman 2012, 8); that the UN would take over the role of a transitional government until the elections are organized; that Cambodia’s sovereignty would be ‘embodied’ in a Supreme National Council composed out of individuals, and that this body would not have any authority before the UN monitored elections would take place (Solomon 2000, 47). It was an unequivocal indication that all the major powers - the US, China and Russia (that represented Vietnam’s interests) - managed to achieve convergence of interests in solving the conflict. The process was now in *point c*, as each party evidently achieved less than what it initially aimed at, but more than what was gaining from non cooperative behavior. As Solomon pointed out, now the challenge was to “convince the conflicting parties to accept the settlement” (idem). These developments provide support for what was previously hypothesized in H3 and H4, as the mediators’ ability to achieve convergence of policy objectives among them, improved the chances of achieving success through mediation. Thus, as long as the mediators were unable to reach a convergence of interests, the peace process could not yield any results.

Once the P-5 plan became public, the Chinese Vice Foreign Minister visited Hanoi to convince Vietnamese colleagues to support the framework. According to Solomon, the initiative failed because the Vietnamese Foreign Minister Thach “gratuitously insulted the visiting Chinese envoy in an effort to keep the diplomacy deadlocked” (Solomon 2000, 74). After this incident, in September 1990, Chinese and Vietnamese officials started a series of secret bilateral negotiations in order to resolve their differences. As a result of these consultations, “extremely nationalistic” Thach was retired from his position in June 1991. Soon after that, Sino-Vietnamese relations “were fully normalized” (Solomon 2000, 75). Unfortunately, there are no public records of these meetings. However their frequency in a short period of time - according to Solomon (2000, 74, fn 53) there were four secret meetings from September 1990 until the spring of 1991 - was a clear indication of the two sides’ readiness to exit the lingering quagmire of their bilateral relations. Once reconciled, both sides exercised “irresistible pressure” on their Cambodian partners – Hun Sen for the Vietnamese and Khmer Rouge for the Chinese - to accept the compromises in the interest of the settlement (Solomon 2000, 78). In August 1991, it was clear that all parties accepted the proposed framework, moving the process to point (c) as indicated in the game theoretical model. As all major regional and global actors that were involved in the peace process showed intention of resolving their differences and exiting Indochina, the signing of a final settlement plan was a matter of days. In two months, specific details of the plan were discussed and the agreement was ratified in Paris on 23 October 1991.

As a direct participant in the peace process, Solomon points out that “it is clear that the parallel and mutually reinforcing reconciliations of 1991 between Beijing and Moscow, and Beijing and Hanoi, made possible the fundamental political deals that enabled the Perm Five’s peace plan for Cambodia to fall into place” (Solomon 2000, 78). Such developments provide support for H8, as the evident convergence of interests was a direct result of mediators’ ability to negotiate a solution amongst themselves. At the same time, as hypothesized in H1, the constructive role of China, Soviet Union and Vietnam in the multiparty mediation process was best observed in their ability to influence their client Khmer factions, and move them towards a mutually acceptable solution. However, this role was only fulfilled once the parties managed

to reach a convergence of interests, as hypothesized in H3. On the one side, the Sino-Soviet rapprochement that culminated with a P-5 agreement was a result of a major geo-political shift which was the advent of Gorbachev to power, indicating evidence to support hypothesis H5. On the other, the Soviet decision to stop financing the Vietnamese “tug of war” with China and change the strategies toward Beijing, offer evidence in support for H6. Similarly, the Sino-Vietnamese rapprochement was also a result of a geo-political change - Soviet waning influence induced Vietnam to seek partners in the US and China - and awareness that the costs of supporting the war through occupation were becoming too high, especially as the Soviets cut their financial support, which is evidence in support for H7.

The intra-P-5 negotiations that generated the convergence of interests, while conducted under the US leadership, benefited greatly from the legitimacy of the UN. In fact, the US used the legitimacy of the UN to guide the conflicting communist super-powers to an agreement. This was strongly in line with the effects hypothesized in H10. As hypothesized in H11c, the US was able to take the leadership role only once its goals were not jeopardizing those of the other P-5. In fact, the compromise solution that was achieved within the P-5 indicates that each side had to accept less than what they initially aimed, confirming the dynamics described in the model that a cooperative solution will still produce some costs.



CHAPTER
VII

KOSOVO

CHAPTER VII: Kosovo

Contemporary conflict management scholarship describes the situation in Kosovo as an undeniable case of intractable conflict (Burg 2005). It is characterized by contending requests to the rights of self-determination, sovereignty and territorial integrity. It persisted over time developing psychological manifestations of deep feelings of distrust and mutual hatred, conducted through the employment of destructive means and violence and refused to yield to endeavors aimed at reaching a political settlement, indicating its undeniable intractable nature. The case of Kosovo offers a unique opportunity to explore two distinct phases of the peace process within the same conflict, which despite the inevitable change of actors (*vis-à-vis* their leadership) still did not produce any success.

7.1 The Nature of Conflict

7.1.1 Sources of Intractability

As Burg notices, “the dissolution of Yugoslavia can be attributed to the effects of several mutually reinforcing conflicts” (Burg 2005, 184). The focal feature of all these conflicts can be found in mounting ethno-nationalism among the various peoples of Yugoslavia which was induced by unresolved historical disputes and by contemporary conflicts on political and economic issues. Mounting claims to self-determination in Kosovo were directly linked with both territory and ethnic identity. A territorially compact Albanian ethnic majority was defying domination by the Serb minority and the existing political regime in Belgrade. The easiness with which justifiable economic and political issues were able to inflame temporarily subdued ethno-nationalism and provoke internal conflict was undoubtedly proven in 1968 when frustration over the economic situation in the province agitated nationalistic strife between the Albanian population in Kosovo and Serbian authorities in Belgrade. In fact, by the late 1960s the situation in Kosovo was quite dire – it was the most undeveloped part of Yugoslavia in all socio-economic features with the highest rate of illiteracy – 36 percent were officially illiterate, while a much larger number was not working literate (Ramet 1992, 189).

In 1974, Yugoslav federal authorities managed to appease the claims for self-determination in Kosovo, by granting the province an extensive level of autonomy and a status of a federal unit, although formally still a province within the republic of Serbia. Gradually the Albanian population was emancipated and assigned to high administrative positions. According to Ramet, it was at this moment that “the Albanians were becoming restless ... when the slow beginnings of reform had become unmistakable – a confirmation of Machiavelli and Crane Brinton’s proposition that repression becomes intolerable once reforms are begun” (1992, 190). In fact, the level of underdevelopment in Kosovo was continuing to fuel popular restlessness. Again socio-economic issues were easily translated into political agitation which culminated in a series of riots, subversive activities and use of violence in 1981 across the entire province. Such demonstrations resulted in more than one thousand deaths and much more injured (Ramet 1992, 196). The protestors were now publicly echoing revolutionary tones that were flirting with separatist tendencies: Kosovo reconstituted as a republic or utter secession (Troebst 1998). The federal authorities reacted without delay, tightening the grip over the province.

7.1.2 The Development of Deep Feelings of Distrust and Mutual Hatred

In the upcoming years, the anti-Albanian sentiment was hitting every pore of society. The authorities expanded their list of potential suspects, so several thousands of Kosovo Albanians were prosecuted for separatism between 1981 and 1987. Fueled by the stories of exiled Serbs from Kosovo, Belgrade, media started publishing articles of Albanian atrocities which genuinely contributed to the development of irrevocable stereotypes of Kosovo Albanians in the eyes of the Serbian audience. The exaggerations in storytelling went so far that Belgrade newspapers started labeling the crisis in Kosovo as ‘ethnic cleansing’ of Serbs (Banac 2001). By 1986, Serbia was inflamed with nationalism, peaking with the infamous Memorandum of the Serbian Academy of Science and Arts that lamented over Serbia’s faith in the Yugoslavian community, and echoed a direct warning over the imminent loss of Kosovo. The hatred was inflamed so much that Serbs stated boycotting shops and trade with Albanians, which cut down their sales by as much as 85 % (Ramet 1992, 199).

7.1.3 The Employment of Repressive Measures

The constant demographic decline of the Slavic population in the province was invigorating nationalistic rhetoric and policies of the new party elite in Belgrade. The underlying aim of Serbian nationalists that assumed highest ranks in the party (on the republican level), was the implementation of a program that would reduce the number of Albanians in Kosovo (Banac 2001). The accession of Slobodan Milošević to power in 1987 signaled a new and more dramatic escalation of the conflict in Kosovo. He intervened in Kosovo with heavy security forces and revoked the province's autonomy. Under 'emergency measures', ethnic Albanians were forced out from public institutions (Ramet 1992, Troebst 1998). Serbian authorities intensified the policy of dismissal of Albanians from jobs in public enterprises. According to statistics from that time, more than "100 000 Albanians were fired from factories, mines, schools, hospitals, judiciary, cultural institutions, media public services, municipal and regional authorities, etc. and replaced by Serbs, Montenegrins, or pro-Serbian Albanians" (Troebst 1998). Serbian authorities issued orders for outlawing all Albanian political, cultural, sport and media organizations and associations. Albanian students were expelled from universities and a new curriculum in Serbian language and with Serbian textbooks was imposed. Albanians were not allowed to make any transaction on real-estate markets without a special permission from the authorities (Caplan 1998, 751). Repressive measures and violence, exercised by the security forces, distinguished Kosovo as the region with some of the worst human rights records in Europe of that time (Nizich 1992).

7.1.4 The Creation of Irreconcilable Positions

The expelled Albanian political elite started developing new forms of organization and resistance. The Albanian political leaders in Kosovo developed a strategy of non-violent resistance, and established 'parallel' state structures in the province. In 1991 an underground referendum was organized, where almost 100 percent of participants – all of them Albanians – voted in favor of an independent Kosovo. This motivated the elites to proclaim the Republic of Kosovo as an independent and sovereign state. At the same time, emboldened by the referendum, mem-

bers of this 'parallel government' organized both parliamentary elections where the Democratic League of Kosovo (LDK) won an absolute majority (89 percent) and presidential elections which confirmed LDK's leader Ibrahim Rugova as the undisputable leader.

From then on, Kosovo was a clear example of apartheid in Europe (Banac 2001). On the one hand, there was the official Serbian regime of occupation which excluded the Albanians from every aspect of society, and a 'shadow state' established by ethnic Albanians. The Serbian authorities 'tolerated' this clandestine state which signified the definite separation of two ethnic communities and absolute exclusion of Albanians as citizens of Serbia. The non-violent approach of Albanian elites to resist Serbian policies was the only option, given the tremendous power disparity between Kosovo Albanians and the Serbian authorities. This Gandhian approach collected large sympathy in the West which was very slow (if not reluctant) to start pressuring Belgrade to change its policies in the province.

The situation at this moment was clear. The zero-sum issues that divided both sides made compromising very difficult. Thus the early attempts of international involvement in the crisis were faced with a serious challenge of formulating effective approaches in order to create a non-zero-sum outcome.

Despite the apparent pattern of neglect on behalf of the international community, the biggest disappointment for Albanians in Kosovo originated with the Dayton agreements in 1995 that ended the civil war in Bosnia. For several years the low degree of inter-ethnic friction and the illusion of stability in Kosovo – due to repressive policies which excluded Albanians from participating in the system on one side and shadow state structures established by the same Albanians on the other – indirectly motivated the international community to overlook the real situation on the ground. According to Caplan it was the absence of war in Kosovo that made foreign countries believe that there was no urgent need to deal with the question (1998, 751). It seemed as if non-violent resistance which developed sympathies in the West was the 'victim of its own success' (Caplan 1998, 751). Despite Western sympathies, the Albanian leadership was lacking a strong ally for their cause. In fact, at that time Milošević was identified as 'the factor of stability', whose collaboration was essential for bringing and maintaining peace in ex-Yugoslav countries. So not surprisingly, until March 1998, both the

American administration and its European colleagues were reluctant to accept any claim of independence from the Kosovo Albanian elites.

For Albanians in Kosovo, Dayton was an obvious signal that ethnic territories have legitimacy (given the fact that the *Republika Srpska* was established) and that international attention can only be obtained through war (Surroi 1996). The disappointment culminated with the increasing support of the Albanian population for the radical separatist Kosovo Liberation Army (UCK). Their militant activities against Serb forces in the province soon brought them control over almost 30% of Kosovo's territory. Gradually even some members of the political elite started supporting the guerilla warfare of the UCK, claiming that the "path of nonviolence has gotten (them) nowhere... the Kosovo Liberation Army is fighting for (their) freedom" (Caplan 1998, 752). It was obvious that Dayton represented the turning point for Kosovo Albanians and their future demands. Demands for extended autonomy and a return to the situation prescribed by the Constitution from 1974 were now overruled. The only political aim at that point was an independent Kosovo.

7.1.5 Internal Characteristics of the Conflicting Sides

The radicalization of the Kosovo Albanian separatist tendencies was rapidly restricting the space for any compromise solution. The international community was resolute only to achieve a mutually acceptable compromise solution. Given the fact that already in 1991, the overwhelming majority of Kosovo Albanians voted in favor of independence, it was unlikely that the population would settle for restoration of autonomy which the international community was trying to sponsor as a compromise. In fact, after seven years of frozen and intractable conflict, which was marked by the establishment of an apartheid system, Albanians in Kosovo had less reason now to accept any form of political autonomy within Serbia. As a direct consequence of the conflict's intractability, there was no trust in Serbian authorities that they would guarantee their autonomy, given the fact that it was the same authorities that had abolished it.

As the mediation literature suggests (e.g. Bercovitch 2005), in case of intractable conflicts, one of the main goals for successful mediation would be actor transformation. In the case of Kosovo, a stable settle-

ment would seem to be attainable only through the establishment of a truly democratic regime in Belgrade. However, at that time, opposition forces in Serbia were considerably silent to what was happening in Kosovo, while the strongest opposition parties were even defending Milošević for his policies in the province (Caplan 1998, Troebst 1998). Even public opinion seemed to be complacent. According to a survey done by the Helsinki Committee for the Human Rights Office in Belgrade:

“An independent Kosovo, or the Republic of Kosovo within the FRY, is admissible in the view of only a negligible number of our respondents. Likewise, very few respondents would accept a division of Kosovo. A vast percentage (41.8%) believes that the solution is to be looked for in the forcible or ‘peaceful’ expulsion of the Albanians. On the other hand, 27.2% of those manifesting ‘democratic tolerance’ would be willing, at best, to grant the Albanians their cultural autonomy. [...] In other words, in the case of Kosovo is the Serbian public opinion neither willing to search for a compromise nor even for a minimum democratic solution” (Troebst 1998, 21-22)

Problematic was also the situation in the Kosovo Albanian political elite. The non-violent tactics of Rugova and his LDK were losing public support due to increasing popularity of warring methods of radicals from the UCK. At the same time, other political parties were less inclined to negotiate with Belgrade about autonomy. The Parliamentary Party of Kosovo (PPK), the biggest opposition party in Priština, headed by Adem Demaci, promoted as a compromise – less was not an option – a reconstruction of Yugoslavia as a confederation or association of independent states of Kosovo, Montenegro and Serbia, better known as ‘project Balkania’. Clearly this option was even less acceptable for Serbia, and thus not even considered by policy makers in Belgrade.

The deep radicalization of political elites on both sides was a direct obstacle to a long lasting solution. To rise above the deadlock, the international community – that wanted to resolve the crisis through negotiations – was challenged by two conflicting principles that they had to reconcile: autonomy for Kosovo and sovereignty of Yugoslavia. The latter principle was mirrored in the fact that Belgrade was reluctant to accept any foreign third party intervention, claiming that the situation in Kosovo was an internal affair. The principle of inviolability of state sovereignty and territorial integrity was something that the international community was not trying to jeopardize, given the new dyna-

mics in the region and globally. There was a fear that recklessness in approaching the situation might serve as a signal for other states to intervene elsewhere according to their own judgments (i.e. there was a direct apprehension that Russia might use this as a clout for intervening in ex-Soviet states) (Caplan 1998). For this reason, any form of direct intervention was put aside, especially the use of force unless authorized by the UN Security Council.

The surfacing of the UCK was putting extreme pressure on the LDK leadership to show determination in achieving independence. Since the LDK was insistent on non-violent methods, it understood UCK's pressure as an additional motive for trying to find some compromise with Belgrade, otherwise large-scale violence would be unavoidable. Along with the intra-Albanian power-struggle, the regime in Belgrade was also subjected to internal pressures from the emerging democratically oriented opposition, headed by Democratic Party (Demokratska stranka, DS) forces in 1996. The DS were compelling Milošević to seek to achieve some progress towards finding a settlement that would pacify the situation in Kosovo. A result of this 'convergence of interest' between Rugova and Milošević was the negotiated settlement in September of 1996 on normalization of the education system facilitated by mediation activities of an international non-governmental organization, Comunità di Sant'Egidio (Troebst 1998). Already successful in mediating the conflict in Mozambique, involvement of this NGO was accepted because its interests were not suspicious to either side, but perceived as mainly motivated to contribute in de-escalating the conflict. Clearly, given the fact that there was no true international guarantor ready to exercise pressure on both sides for the realization of the agreement, the sides were unwilling to implement the negotiated agreement. So it merely resulted in a demonstration of good will - mainly towards the international community - to achieve some results in bridging the differences, but nothing further as clear incentives were missing. As in all intractable conflicts, conflicting parties felt that "at best they may reach temporary cessations of violence and that they cannot reach a fundamental and genuine resolution of their issues" (Bercovitch 2005, 100).

7.2 Involvement of International Actors and their Interests in the Conflict

During the 1980s, initial steps to encourage dialogue between Kosovo Albanians and Serbs were taken by governmental and non-governmental third parties, but none of them made any significant progress. In fact while the Serbs were resisting any third-party involvement, especially from abroad - both from foreign governments and non-governmental organizations - Albanians were of the opposite opinion. Both sides were well aware of the repercussions of such third-party involvement - it would internationalize their conflict.

During the Cold War period, the Western countries were well aware of the nationalist tensions in Yugoslavia, so for this reason they supported Tito's firm regime, which was able to keep ethnic tensions under control. Soon after Tito's death in 1980, these projections proved to be right, as was shown by the 1981 violent clashes between Albanians and Serbs in Kosovo. With the end of the Cold War, the American and European stand toward issues in Yugoslavia started to change radically. The geopolitical relevance of Yugoslavia was fading away, and the country became just one of the many communist countries that needed to democratize its system and liberalize its economy. In this respect, the situation in Kosovo appeared to be the perfect lens through which Yugoslavia was viewed.

Severe abuses of human rights in Kosovo represented the main concern for American diplomats of that time. However, this concern was more superficial than what was needed for Americans to be more actively engaged in managing the crisis. In fact, the limits of American policy were best described by Zimmerman who assumed the Ambassadorial post in Belgrade in 1989: "I was to reassert the traditional mantra of US support for Yugoslavia's unity, independence and territorial integrity. But I would add that the United States could only support unity in the context of democracy; it would strongly oppose unity imposed or preserved by force" (Zimmermann 1995, 3). At the same time, for the US, the situation in Kosovo represented only a component of the overall crisis Yugoslavia was going through.

American unwillingness to take action was made easier by West Europeans' argument that Europe should be the one dealing with issues in Yugoslavia. The logic behind this claim derived from the fact that

almost half of Yugoslav foreign trade was with the countries from the European Community (EC), while only a fraction went to the US. Although there was apparent motivation to act, Western European countries lacked a common perception of the situation in the country. Touval argues that “their divergent attitudes stemmed largely from cultural-historical preconceptions existing in their respective societies” (Touval 1996, 410). Despite the fact that the EC tended to send a comprehensive signal of its position in the matter, EC member states were sending contradictory signals. On the one side the United Kingdom and France were insisting that the primary concern should be given to the preservation of Yugoslav unity and territorial integrity, while Italy and newly unified Germany were much more inclined to emphasize the necessity of promoting primarily human rights and democratic standards which for them represented euphemisms for the principle of self-determination. Such ambiguity in the European position was further complicated by the fact that their main interest was oriented towards the evolving situation in the rich northern republics of Slovenia and Croatia that were looking for allies in their separatist tendencies. Kosovo was largely ignored.

In fact, the politically powerful European states were willing to act with determination, but only through unofficial channels, because they wanted to avoid being criticized that they were “violating the normative and legal injunction against interference in the internal affairs of a sovereign state” (Touval 1996, 413). Any attempt of direct involvement, namely mediation, would have entailed exhaustive participation in Yugoslavia’s internal politics, which Western countries wanted to avoid. But this had no effect on the crisis in Kosovo. Even when Western countries eliminated their stand on the necessary preservation of Yugoslav unity, the right to secession was recognized only to those entities that had the status of a republic in the federation which Kosovo never managed to obtain. This happened once the wars in Slovenia and Croatia started and the EC rushed to establish an arbitration commission better known as Badinter Commission (after Robert Badinter, chief jurist and president of the French Constitutional Court), which was supposed to resolve discrepancies between parties in the Yugoslav crisis. More importantly, this commission issued several crucial opinions that rapidly became pillars around which the international community’s future activities revolved. For Kosovo, one finding of the Badinter Commission

was essential: in the process of dissolution, the international community was in fact recognizing the right of secession for those entities that had the status of a federal unit, i.e. republics, but not for the autonomous provinces. Despite the fact that Kosovo requested recognition as a sovereign state, along with other republics, and following the results of a clandestine referendum on independence, the EC refused to consider it (Caplan 1998). In a nutshell, by the 1990s, efforts of preventive diplomacy regarding the crisis in Kosovo were both weak and ineffective – because of the reluctance of outside actors to be engaged more directly and their holistic approach to the situation in Yugoslavia in general.

Along with the radicalization of Albanians in Kosovo, the international community also gave Milošević large space for maneuvering in the province. Soon after the Dayton agreement was signed, Western countries started lifting previously imposed sanctions from Serbia and Montenegro (then known as the Federal Republic of Yugoslavia, FRY). Initially sanctions were supposed to be lifted only in case the FRY implemented a set of laws that would improve minority rights, especially regarding Albanians in Kosovo. This matter was neglected due to the constructive work of Milošević in Dayton. On 23 February 1998, the US envoy to the region, Richard Gelbard, labeled the UCK as a terrorist group whose activities were strongly condemned by the US. Milošević interpreted this as a clear signal to launch several large-scale attacks against the Albanian population in Kosovo under the clout of anti-terrorist activities.

The upsurge of conflict in Kosovo did not draw synchronized attention from the international community to mediate a settlement, until KLA activities became a serious challenge to Serb dominance in Kosovo, which resulted in a disproportionate retaliation by Serb forces and subsequent humanitarian crisis. As Burg notes, “it was the onset of fighting between Serbian (formally Yugoslav) military and police units and the KLA, and especially the use of disproportionate force by Serbs against civilians in Kosovo, in early 1998 that prompted US and international efforts to mediate the conflict” (Burg 2005, 202).

The initial efforts were showing signs of ‘continual equivocation’ (Caplan 1998). The Contact Group, composed of six nations (the US, U.K., France, Germany, Italy and Russia), often threatened to reestablish sanctions unless authorities in Belgrade withdrew their special forces from the province and begun a process of dialogue with the Ko-

sovo Albanian leaders. Despite the fact that Milošević was not complying with its demands, the Contact Group was reluctant to impose and strengthen sanctions and chose to be rather more flexible with deadlines. The hesitancy of the international community in this period can be traced in various factors, but there are two which deserve special attention. First of all, for the first time, a non-Western country was included in the coalition of international actors that was active in managing the conflict – Russia. Emerging from the ashes of the dissolved USSR, Russia was now assuming a much more active role in international politics. Its absence from previous conflict management activities in Yugoslavia was to change. Perceived as a country that had a particular influence over authorities in Belgrade, Western countries had a strategic interest to include Russia as a partner in their coalition, because it would allow them to create necessary incentives to encourage Belgrade to collaborate and move toward a negotiated settlement. Nevertheless, as a member of the Contact Group, Russia was the most insistent in refusing to support many of the sanctions suggested by other states. On the other hand, Western countries were ever so more willing to apply more radical measures if the fighting in Kosovo continued – especially compared to previous conflicts in Yugoslavia. For Caplan these divisions have prevented the Contact Group “from acting with greater determination” (1998, 754).

The second matter which contributed to the hesitance of the international community was the fact that it shared a common interest in preventing the independence of Kosovo, as a possible precedent for separatist aspirations across the globe. Despite the fact that international actors differed on the means to get engaged, they were all reluctant to use measures that would weaken the Serbian repressive regime in Kosovo. Especially when reports of growing strength of the UCK were starting to come in, the Contact Group stopped insisting so vociferously that Belgrade should reduce its special forces in the province. The Group started demanding only a suspension of attacks on the civilian population in Kosovo.

However, the crisis in Kosovo was dramatically deteriorating. By the end of March, Serbian security forces launched large scale military attacks against civilian communities in Kosovo which resulted in the displacement of approximately 200,000 Albanians from their homes. Faced with an alarming humanitarian situation, the UN Security Co-

uncil immediately responded; on 31 of March 1998 it adopted resolution 1160 under Chapter VII which imposed an arms embargo on Yugoslavia. The resolution also called for a substantive and meaningful dialogue on political status issues between Belgrade and Kosovo Albanian authorities, and recognized the willingness of the Contact Group to facilitate the talks. The resolution concluded that the outcome of such talks should be founded on the principle of Yugoslav territorial integrity, respect for the OSCE standards and the Charter of the UN, and should promote an “enhanced status for Kosovo” which would imply a larger degree of autonomy and “meaningful” self-administration (S/RES/1160, 1998). The implications of this resolution went even further, considering that the document in fact labeled the situation in Kosovo as a threat to international peace and security. Even so, authorities in Belgrade were reluctant to accept any foreign involvement in the case, claiming that the issue was purely internal.

Despite the reluctance of the authorities in Belgrade to accept third party involvement while the situation in Kosovo was further deteriorating, the Serbian government was gradually experiencing considerable pressure from abroad. It first started communicating about the issue with US diplomats. At that time, as a clear sign of a unipolar power-balance in the world, the American administration was demonstrating the biggest determination to manage the conflict and if necessary to exert the use of force. Despite the fact that the US was orchestrating the whole process, it had to rely on the assistance by other members of the Contact Group. It was Russia who managed to extract a very important concession from authorities in Belgrade, who agreed to restart negotiations with Kosovo leaders in June 1998, “to the extent that terrorist activities are halted” (Crawford 2002, 508). This time Kosovo leaders were not collaborating, due to extreme pressure imposed on them by the UCK not to accept anything but full independence for the province. Slowly, US officials using facilitator strategies were able to start indirect negotiations with Belgrade and Priština, using a distinct form of shuttle diplomacy mixed with sporadic threats of military intervention, since the two sides did not want to negotiate directly. The lack of direct communication was a sign that compromise was far from being attainable, especially since the authorities from both sides were very limited in their bargaining power. This time, both sides had considerably less space to maneuver, just as in 1996 when they signed the (never imple-

mented) agreement on education in Kosovo. It was virtually impossible to reconcile the claims of independence and reaffirmation of Kosovo as an integral part of Serbia. From June until October, several attempts of shuttle diplomacy by US officials failed because Kosovo leaders could not accept proposals from the international community, saying that Kosovo would stay an integral and unalienable part of Serbia.

Given the futile results, belligerent activities between the UCK and Serbian forces again escalated, resulting in another UN Security Council resolution which condemned all acts of violence in Kosovo, in particular the “indiscriminate use of force by Serb security forces” and again urged both parties to cease fire and seek a political solution (S/RES/1199, 1998). It is also noteworthy to observe that by that time, US officials gradually stopped labeling the UCK strictly as a terrorist group. In fact, already in July 1998, James Rubin, the spokesperson of the State Department said that “not all activities of UCK should be considered as terrorism”. From that moment on, the UCK was getting more legitimacy in the eyes of the international community (B92, 2008). In a short while, the position of the UCK would change from a terrorist group into a partner in the mediation process, enabling the third parties to engage them more directly in the peace process.

During this process, the US officials were losing leverage towards the LDK and Milošević, while they had no leverage whatsoever over the UCK (Burg 2005, Crawford 2002). After mixing diplomacy with threats of using military force to impose a settlement, an agreement concluded between Richard Holbrooke and Milošević in October 1998 that called for the reduction of Serbian security forces and their withdrawal from Kosovo fell apart because this was used by the UCK to expand its power in the province. Not surprisingly, by the end of 1998, the negotiations became completely ineffective.

While the futility of negotiation efforts was becoming more evident, the situation in Kosovo was becoming more unstable. The level of violence was drastically increasing; the conflict was demonstrating all elements of intractability. By the end of 1998, Serbian forces responded to the UCK’s expansion of power in the province with a systematic campaign across all municipalities forcing more than 300,000 ethnic Albanians to leave their homes, accompanied with countless civilian casualties. Serbia claimed that their actions were legitimate and directed towards terrorists in Kosovo. However, soon the international commu-

nity would discover that attacks were directed against the Albanian civil community as a whole, rather than terrorist cells of the UCK. The turning point was in January 1999, when the foreign press released a story of mass murder of 45 ethnic Albanian civilians in Račak, executed at a close range by Serbian forces (Weller 1999). Confronted with an unprecedented level of hostilities, the Contact Group swiftly reacted.

Since conflict intensity was high, with elevated levels of violence and distrust between the parties, tactics of communication and formulation were not enough. The Contact Group ministers immediately met in London and assumed a more decisive role using a directive-manipulator strategy. The ministers “unreservedly condemned” what happened in Račak, stressing that the situation in Kosovo which “remains a threat to peace and security in the region, [was] raising the prospect of a humanitarian catastrophe” (Chairman’s conclusions, 1999). Blaming both the Belgrade authorities and the UCK for perpetuating conflict and violence in the province, they called them to end their belligerent activities and commit themselves to a process of negotiation which would lead to a political settlement. The negotiations needed to reestablish ‘substantial autonomy of Kosovo’ in a form agreed by both sides. Parties should gather in Rambouillet by the 6th of February, and proceed negotiating with direct involvement of the Contact Group. The statement concluded that “the Contact Group will hold both sides accountable if they fail to take the opportunity now offered to them, just as the Group stands ready to work with both sides to realize the benefits for them of a peaceful solution” (Chairman’s conclusions 1999).

Despite the fact that the Rambouillet conference was mainly about the fate of Kosovo, it became an exceptional opportunity to become an arena where most of the friction lingering in the post Cold-War transformation process, surfaced out. According to Weller (1999), it was an excellent opportunity for a “fundamental change in the roles of international actors”. It was also an undeniable statement against the materialization of a unipolar system dominated by the US.

First of all, the steady emergence of Russia as the new-old global power was most emblematically represented by its membership in the Contact Group and presence at the Rambouillet conference in particular. Moscow developed a firm foreign policy stand which aimed to deject the concept of an imposed settlement upon Yugoslav authorities, especially if enforced by NATO. In case that would turn out to be un-

feasible, Russia's priority was to maintain a managing role for itself in the future administration of the situation. At that time, the best way to achieve such aspirations was to promote the involvement in the crisis of collective bodies where Russia could block decisions requiring consensus (Weller 1999). Along with the Contact Group, these bodies were also the OSCE - which provides an additional layer of institutional authority in conflict management and where decisions are made using consensus - and more importantly, the United Nations Security Council where Russia is invested with veto powers.

As Levitin (2000) explains, the Russian interest in the situation in Kosovo was marginal during the early 1990s. The first reported talks with Belgrade regarding the crisis took place only in 1996. For far too long Moscow was ignoring the information about the allocation of Serbian security forces in the province especially in the period when violence was culminating (1997-1998). Such laxity deprived policy makers in Moscow from the possibility to acknowledge the importance of moderate forces in Kosovo - namely the non-violent resistance movement - and thus indirectly contributed to the consequential upsurge of radical forces in the province. The first contacts with leaders from Priština were established only in July 1998. Undoubtedly, by then, Russia assumed a role of a passive bystander in the crisis settlement. Finally, this lack of interest was best observed in the Russian 'withdrawal' of its veto in discussions on Kosovo, both in the Contact Group and the UN Security Council throughout the years. The first concrete involvement of Russian diplomats was in the second part of 1998, when Moscow exercised its relative leverage over Belgrade, given the traditionally close relations between the two capitals and shared religious and Slavic heritage. Russia, faced with an imminent realization of a NATO bombing campaign in Yugoslavia, managed to pressure Milošević through indirect channels, to accept negotiations with Priština which temporarily suspended the use of coercive force. It was a clear signal for the rest of the international community that Russia could act as a useful biased mediator as it possessed the necessary leverage to create essential incentives for Serbia to cooperate more on solving the conflict. Despite this contribution, it was only in Rambouillet that the Russians actually got involved in a more constructive discussion in formulating peace plans with Western countries of the Contact Group, which had been active in this matter already since mid-1998. According to Levitin, "the real

reason for Russia's reluctance to join in serious discussions concerning Kosovo's legal status stemmed not from a substantive gap between Russian and Western positions, but from the Russian habit of inertia, delay and fear of decision-making" (Levitin 2005, 136). Such attitude was a consequence of "lack of clear vision" of Russian geo-political preferences in the Balkans that persisted in Moscow during the 1990s (Levitin 2005). In other words Russia was lacking a clear idea of its interests in the region.

Until mid-1998, Russia had a very rigid position on the issue of Kosovo's legal status. In 1997, when the Contact Group drafted a very vague formulation for Kosovo's autonomy, Russia's traditional historical relations with Serbia prompted Moscow to insist that the principle of self-governance gets accepted only if the province remained within Serbia's formal jurisdiction (Levitin 2005, 136). With the outbreak of hostilities in the second half of 1998, Moscow started contemplating the idea of a special status for Kosovo, always within the Yugoslav federation. Despite this change of attitude, Russia was very slow to adapt to group dynamics within the Contact Group. During the shuttle diplomacy episode, conducted by US envoys in late 1998, Russia in principle did not oppose any of the formulations proposed for a settlement. However, lack of vision and inertia in the conduct of foreign affairs made Russia assume a "kind of slack resistance" (Levitin 2005, 136).

France was also aspiring to advance its role as a global power and tried to challenge the US position to delegate future decision-making mechanisms towards NATO and away from the UN Security Council, where France was enjoying the same leverage as Russia. Germany and Italy were also more inclined to strengthen the role of the UN, and initially even indicating that they would not support any use of coercive means by NATO unless approved by a Security Council resolution. The choice of Rambouillet for negotiation talks (instead of an American air base, e.g. Dayton, Ohio where the Bosnian war was settled) was an implicit signal to the US that their European partners were resolute to approach the crisis in Kosovo with more determination.

The only European country that was differing from this position was the United Kingdom. In fact, policy makers in London were much more inclined towards US policies in this matter and shared the idea that NATO should maintain the dominant role in the future administration of the conflict. However, both countries were well aware that

a forceful action by NATO, without a clear mandate from the Security Council, would only increase friction within the Contact Group during the Rambouillet talks. The fact that there was an undeniable humanitarian crisis in the province, gave much more room to consider a coercive action and promote it to partners in the Contact Group. Even the UN officials backed this vision. The UN Secretary General Kofi Annan, in his visit to NATO headquarters, stressed the importance of ‘contemplating’ the use of force to halt internal conflict, despite the reluctance of the host government, especially bearing in mind the Bosnian experience (Anan 1999).

In order to have everyone on board and create *internal coherence*, the US strengthened diplomatic contacts with all members of the Contact Group. Despite the initial differences, all European countries eventually agreed to employ coercive power through NATO as a necessary incentive in the upcoming talks. The NATO Secretary-General Javier Solana publicly announced full support for a political settlement under mediation of the Contact Group, which would reaffirm sovereignty and territorial integrity of Yugoslavia and completely protect human and other rights of all ethnic groups. At the same time, NATO called both sides to end the violence and pursue their goals through peaceful means; Yugoslav authorities were asked to start reducing the number of security forces in the province while Kosovo Albanians were told to immediately cease hostilities and provocative actions (Weller 1999, 221). Shortly after, NATO officials directly threatened Yugoslav officials with air strikes, despite the continuous acknowledgement of Yugoslav territorial integrity and sovereignty, in case they failed to commit to achieve a settlement. They also threatened that they would take all appropriate measures against the Kosovo Albanian leaders, in case they failed to comply with the demands of the international community. The threat of use of force was justified as a forcible humanitarian action (Weller 1999, 223).

At this point, the stage was set for ‘mediation with muscle’. By the end of January 1999, the foreign ministers of the US and Russia met and jointly declared that they were determined to “maintain close contact in order to *coordinate* US and Russian support for a resolution of the crisis” (emphasis added, Weller 1999, 221). For the US, the only acceptable strategy for tackling the situation in Kosovo would be a combination of “diplomacy with a credible threat of force”, for which they already

had support of their allies and it would be promoted through Contact Group (Weller 1999, 221). Even though policy makers in Washington were showing the highest level of commitment to resolve the conflict in Kosovo, they were aware that they needed partners in order to make indispensable inducements for both sides to sit at the negotiation table.

7.3 Multiparty Mediation Process

7.3.1 The Contact Group's Mediation Strategy

Despite the initial internal struggle for power, the Contact Group managed to find coherence and shared the idea that the conflict in Kosovo needed to be managed as promptly as possible. The Contact Group immediately stepped in with a directive-manipulator strategy and presented to the parties a document containing "non-negotiable principles/basic elements" for a settlement. Principles were divided into four groups: a) general elements, including the necessity of an immediate end of violence and respect of ceasefire; peaceful solution through dialogue; an interim agreement - a mechanism for a mutual settlement after an interim period of three years; no unilateral change of the interim status; and international involvement and full cooperation by the parties on implementation; b) governance in Kosovo, including a high level of self-governance for Kosovo through own institutions; harmonization of Serbian and federal laws with the interim agreement; and members of all national communities to be fairly represented at all levels of administration; c) protection of human rights including judicial protection of human rights guaranteed by international conventions, establishment of an ombudsman office, and a considerable role for international bodies such as the OSCE in the implementation process (Weller 1999, 225-226). The general principles also included preservation of territorial integrity of the FRY and neighboring countries; protection of rights of the members of all national communities within the FRY; protection of rights for members of all national communities in FRY; free and fair elections in Kosovo; amnesty and release of prisoners (*idem*).

It was mandatory for the parties to take notice of these non-negotiable principles. The mediators did not require a formal consent on the principles, since they were considering the decision of the parties to participate in negotiations as an implicit acceptance. Most of the prin-

ciples were a compilation of proposed suggestions by the US envoys in the shuttle diplomacy period. The crucial addition was the mechanism of an interim agreement that implied a transitional phase of three years, after which a final settlement should be achieved.

7.3.2 Party Arithmetic

The Serbian delegation was composed of three groups. First of all, there were prominent political figures from Belgrade that were directly mandated by Milošević. Along with them, the delegation included individuals that were acting as representatives of several non-Albanian ethnic groups from Kosovo. However, from the beginning, their representativeness was put under serious doubt, when numerous communities in Kosovo learned about their presence in Rambouillet. As it turned out, during the conference, their role was considerably marginal, and they were included by Belgrade authorities only as a demonstration of alleged coherence of non-Albanian constituencies in Kosovo. Most importantly, the delegation consisted of professional negotiators and experts that assumed leading roles once the process started.

The Kosovo delegation was also controversial: members of the leading party LDK composed only one third of the overall delegation. The rest of the delegation grouped representatives of opposition parties in Kosovo, whose stands on the issues were far less flexible and more inclined towards the UCK. And more importantly, there were a considerable number of representatives from the UCK itself. The UCK not only became a negotiating partner, but its leader Hashim Thaci was also assigned to head the tripartite presidency of the Kosovo delegation. The delegation was primarily broadened due to extreme pressure coming from Kosovo. This was viewed as acceptable also by the mediators, because they realized that by excluding the UCK (and other opposition parties) from all previous negotiations, they were only losing leverage over them. Considering that the UCK became an important actor in the conflict, mediators used a particular form of party arithmetic. It implied inclusiveness of additional players that might be constructive for the implementation phase once the settlement had been achieved.

The mediation was conducted by three key negotiators – Christopher Hill (US), Wolfgang Petritsch (representing the European Union), and Boris Mayorski (Russian Federation), all appointed by the Contact

Group, and were expected to represent the interest of the entire coalition and not of their state of origin. Since the Contact Group on previous occasions, had declared a shared commitment to resolve the conflict, had 'muscle' at its disposal, and support from very relevant international organizations (such as the UN and the OSCE), the mediators immediately assumed both formulator and manipulator strategies.

7.3.3 The Mediation Process

At the beginning of the conference, both sides received a draft version of the political settlement which consisted of a framework agreement and three annexes (on the Constitution of Kosovo, elections and an ombudsman). The mediators also formulated a very strict procedure for the process of negotiations. Namely, the parties were not expected to engage in direct talks, but rather supposed to submit comments on the drafts. In case both sides agreed on a modification of the text, that change would immediately be included; in case there was no consensus, the alteration of the text would not take place and the draft would stay unchanged. Modifications were not allowed to diverge from the non-negotiable principles (Weller 1999).

From the beginning, the Kosovo delegation assumed a very constructive strategy, and immediately submitted written comments on the draft, claiming that in principle the document was acceptable and that they would suggest some changes in order to improve it. On the other side, the Serbian delegation was much less constructive, as it did not produce any comments for some time, but engaged in several attempts to downplay the position of the Kosovo delegation, but with no success (Weller 1999).

The Kosovo delegation hoped that its constructive role would be rewarded by the mediators, but that never happened. In fact, the mediators were much more occupied with urging the Serbian delegation to submit some comments and suggestions on the first draft. The first proposal from the Serbian block was in absolute collision with non-negotiable principles, so the mediators "then proceeded to engage the FRY/Serb delegation in an intensive dialogue, so as to whittle down the wide-ranging comments in to a more limited number of submissions which might be discussed" (Weller 1999, 229). In such circumstances, the Kosovo delegation and its comments were largely ignored by the

mediators, until some progress with the other side was made. The revised draft by mediators came as a shock to the Kosovo delegation, because it included almost all demands from the Serbian side (such as the legal status of Kosovo to be placed into the constitutional settlement, veto powers for all community leaders in Kosovo were introduced, and a limiting of the authority of Kosovar institutions), while suggestions from the Kosovo delegation were largely ignored and only few were included (Weller 1999).

Once the revised draft was presented, mediators suggested to both parties to consider it as a final version of political settlement. Both sides declined this offer. The Kosovo delegation refused to receive the document, considering it as a direct result of talks between mediators and the Serbian delegation, which represented a breach of faith that they had in the process. In other words, the presentation of the draft developed a feeling of distrust and betrayal which seriously jeopardized further constructive participation from the Kosovo delegation. However, the mediators were insistent on the matter. Since there was no going back to the original draft, the Kosovo delegation presented a statement containing a list of necessary changes that needed to be considered if negotiations were to succeed. The Serbian delegation was also insisting on further changes. Realizing that neither side was willing to accept the document, mediators extended the deadline and took into consideration positions from both sides.

This time the procedure was somewhat different. Negotiations were actually conducted in a form of genuine proximity talks (Weller 1999, 232). It meant that substantive suggestions from one side were channeled through a body of legal experts to the other side. In case the other side refused to accept suggested changes, the mediators would aim to reduce the scope of alterations and refine them through negotiations with both sides until they would concur. Using this method, in a very short lap of time, mediators were able to produce a new draft that merged all previous annexes into a comprehensive document which was entitled Interim Agreement for Peace and Self-Government in Kosovo (S/1999/648, 1999). In sum, the agreement prescribed that Kosovo would not be an independent state but a component part of Yugoslavia with a status somewhere between an autonomous province and a federal unit. Federal laws were supposed to remain in force in Kosovo as long as they were compatible with the agreement. The proposed constitution

of Kosovo was deeply rooted in the Yugoslav federal tradition, and prescribed 'sovereign rights at the level of the autonomous sub-state entities' (Stahn 2001, 538). The status of Kosovo within Yugoslavia was to be safeguarded by an international supervisory institution with binding decision-making powers. It meant that Kosovo would become a sub-state entity under international guarantee and supervision, without assuming characteristics of an international protectorate or international territory. Despite the international military presence of Kosovo Forces (KFOR), Kosovo still remained under the overall external protection of Belgrade (Stahn 2001, 538).

In the meantime, the mediators also had to put additional pressure on both sides, especially on the UCK, which was still reluctant to accept anything below independence and was very reluctant to accept the process of demilitarization, given the high level of distrust and animosity towards Serbian security forces. Thus through a *coordinated* activity, representatives of military staffs from all western countries in the Contact Group discussed issues of demilitarization in practice, and mechanisms of international guarantees that the security in the province would be under strict control. From that moment, it was implicit that the KFOR would be a NATO-led mission. Ultimately, a very important concession was given to the Kosovo delegation, which consisted of inclusion of the phrase "will of the people" in the part referring to the interim period of three years. It meant that implicitly, the people of Kosovo were granted a mechanism and a possibility to achieve independence after this period. At this point, the Kosovo delegation was persuaded by mediators (especially the representative from the US) to accept the agreement. The initial response was that the delegation needed time to consult the constituencies in Kosovo, but after a short while, the Kosovo delegation issued a declaration which "noted that in order to facilitate such consultations, the delegation had voted in favor of the agreement as presented in the negotiations on 23 February" (Stahn 2001, 233). According to Ker-Lindsay, they were aware that unless they accepted the proposed agreement they would inevitably lose any form of international support (Ker-Lindsay 2009, 14).

The position of the Serbian delegation was somewhat more confusing. While it was evident that the opposite side was not willing to accept the agreement, Serbs were issuing statements containing demands for further concessions. However, once it was clear that the Koso-

vo delegation was going to sign the document, the Serbian delegation stepped forward with a declaration which emphasized the considerable progress towards commonly acceptable solutions that was made during the negotiations. At the same time, it asked for further clarifications on the issues of Kosovo's self-government, and on international presence in Kosovo during the implementation of the agreement. Thus, for the Serbian delegation, the reasons for talks were still not exhausted, and negotiations were far from being concluded.

The Contact Group, faced with firm stands on both sides, issued a joint statement that was a clear sign of a directive strategy. The statement was echoing an ultimatum for both sides. The statement noted that "important efforts of the parties and the unstinting commitment of our negotiators Ambassadors Hill, Petritsch and Mayorsky, have led to a *consensus*" on substantial issues regarding self-governance and autonomy of Kosovo and established a "political framework ... and groundwork... for finalizing the implementation... including" [emphasis added] (Contact Group Statement, 1999). The mediators indicated that the document needed to be completed and signed as a whole by both sides, in the upcoming conference on 15 March in Paris, which would cover all aspects of implementation. The future conference was not intended to be a place where talks on the political settlement could be reopened, but only discussions on the issues of implementation of the agreement.

In Paris, the Kosovo delegation immediately submitted a letter in which it indicated its full acceptance of the interim agreement from 23 February. The mediators were reluctant to pressure the Kosovo delegation to immediately sign, and advised them to postpone this act until the Serbian delegation was on board. The Serbian side still had its reservations toward the document. In direct communication with Serbian delegates, the mediators indicated "the *unanimous view* of the Contact Group that only technical adjustments can be considered which, of course, must be accepted as such and approved by the other delegation" [emphasis added] (Weller 1999, 234). It was a clear signal for the Serbian delegation that possibilities for further concessions were completely exhausted at this point. However, the Serbs did not accept this, and instead issued a counter-draft which was undoubtedly to reopen discussions on the political settlement from the beginning. The draft was asking for a formal subordination of Kosovo to the federal and republican system and complete marginalization of provincial in-

stitutions. According to some observers, such a proposal was aiming to formalize an “institutional system of apartheid” (Weller 1999, 235). Ultimately, the draft completely struck out the part regarding outside military and civilian presence for the implementation phase. For the Serbian delegation it was absolutely unacceptable that NATO forces assumed any control in Kosovo (Black, 1999). In those days, Milošević, in presence of Russian officials, stepped out and determinedly announced that Serbia would never accept to withdraw its forces from Kosovo and allow the presence of foreign troops on its own soil (B92, 2008). On 18 March, the Kosovo delegation signed the agreement, in a formal ceremony that was not attended by the Russian delegate Mayorski. It showed that coherence and coordination within the Contact Group was falling short. For the first time, one of the mediators was not acting as a representative of the entire coalition, but rather of a particular country.

7.3.4 Emergence of Diverging Interests between the Mediators

According to Levitin (2000), Serbia was insisting on the matter of not accepting a NATO-led international military presence in Kosovo, believing that it would have support from the Russian delegation. During the conference, Russian officials were constantly trying to find reasons to cast doubt over the Kosovo delegation, labeling it as ‘illegitimate’ and inappropriately composed due to the presence of the UCK. However, these were not real concerns, but rather tactical feints, without any strategic purpose, that were sending false signals to the Serbian delegation. Russian officials were well aware that the agreement was not feasible without an outside military that would implement it. Yet they avoided to discuss a mutually acceptable arrangement and declined to offer any sensible alternative to Western plans to use NATO forces, which contributed to the lack of coordination within mediators. As Levitin claims, “the Russian habit of procrastination, especially with regard to the military annex of the agreement, contributed to Rambouillet’s collapse” (Levitin 2000, 137). Notwithstanding these hard accusations, it was obvious that Russia was not sharing the same vision about the common solution to the conflict anymore. Its interests were now diverging from the rest of the coalition, which contributed to the lack of coordination between mediators. It meant that the mediators were

unable to coordinate their leverages on both sides: while one group was exercising pressure creating required incentives on the Kosovo delegation to accept the agreement, Russians were abstaining from exercising indispensable leverage on the Serbian delegation to do the same. As a consequence, the Serbian delegation perceived these mixed signals as an inducement to assume a much more unyielding position that eventually stopped them from signing the agreement.

The emerging division within the Contact Group did not surface out immediately. In fact, the mediators tried once more to convince the Serbian delegation to accept the agreement, reminding them that they were mediating with muscle. Once this attempt failed, the Contact Group issued a statement with which it indicated that the Rambouillet Accords were the only peaceful solution to the crisis in Kosovo, acknowledged the opportunity taken by the Kosovo delegation to accept the Interim Agreement, and blaming the Serbian delegation in its attempt to unravel the conference. For all members of the Contact Group, there was no purpose to extend the talks. Negotiations were adjourned until Serbs expressed their acceptance of the final document. The Contact Group was resolute to engage in consultations with other international partners that should be ready to act. They earnestly warned authorities in Belgrade to uphold any military activity in Kosovo, because “such violations would have the gravest consequences” (Weller 1999, 236). As hypothesized in H2, Russian lack of cooperation with the rest of the Contact Group directly guided the process into a deadlock.

Despite these warnings, Serbian authorities were continuing their initial strategy of deploring troops to Kosovo. At the same time when the Contact Group was issuing the last statement, Serbian security forces strengthened the grip over Kosovo, using extremely violent measures managed to displace around 200,000 of ethnic Albanians outside of the province. This was a crucial error in their strategy (Posen 2000). These developments represent clear evidence in support of the previously hypothesized H4 dynamic, where in case mediators do not reach such convergence, the conflicting sides will be induced to defect from negotiations, making it more likely for the peace process to fail. Violent measures in Kosovo accompanied by open reluctance to accept the Agreement (the final attempt by Holbrooke on March 23 to persuade Milošević ended in failure) were a signal for the Western countries that

‘muscle’ at their disposal (i.e. NATO) needed to be deployed. On the 24 March 1999, NATO air forces started a bombing campaign of Serbia, which ended after 11 weeks, with numerous civilian and military casualties and extreme material damage.

The start of the NATO campaign provoked a particularly harsh rhetoric on the part of Russia. Officials in Moscow immediately condemned the use of force without authorization of the UN Security Council, and made symbolic gestures to seize cooperation with NATO (Smith and Plater-Zyberk, 1999). According to Antonenko (2000), Russia’s reaction to the bombing campaign had little to do with the situation regarding Kosovo, but was a direct materialization of a larger anti-NATO sentiment and an escape route for post-Soviet frustrations. For Levitin “the deterioration has to be understood in the context of more general and long standing trends in Russian foreign policy” (Levitin 2000, 138). Moscow was also continuing to send very mixed signals regarding the issue. For instance on March 25, the Russian Foreign Minister Ivanov emphasized that Belgrade should be aware of its responsibility for resolving the problem in Kosovo and opt to accept the political settlement drafted in Rambouillet. The day after, he declared that the Rambouillet peace documents are “practically null and void” (Smith and Plater-Zyberk 1999, 4). Nevertheless, in his speech at the *Duma*, Russian President Yel’tzin highlighted that “the tragic mistake of the American leadership should not result in a prolonged crisis of US-Russian partnership” (Smith and Plater-Zyberk 1999, 4). Such mixed signals were a clear indication of Russia’s persistent inability to formulate a clear set of preferences regarding the issue, as on the one side it wanted to maintain its influence in Serbia while on the other side it was eager to improve its relations with the rest of the Contact Group.

Looking back at the model, despite initial confidence that the mediators were able to find internal coherence within the Contact Group and aimed at successfully coordinating the multiparty mediation efforts, the process never moved from *point b*. On the one side, initial readiness by Russia to work together with the rest of the Contact Group initially guided both sides to accept a peace conference and negotiate together, which represents an important step toward success. This offers important support for what was hypothesized in H3, as apparent convergence of interests was guiding the process toward the path of success. However, on the other side, Russia’s initial readiness proved to be a façade as it

was unwilling to employ the necessary leverage to induce their partners in conflict (in this case Serbian government) to accept a compromised solution that was drafted in Rambouillet. As hypothesized in H1 biased mediators are useful for the process as long as they can extract concessions from their partners in conflict. While the Western states were able to induce the Kosovo delegation to compromise (thus providing important evidence for the causal mechanism hypothesized in H1) the Russians were unwilling to exercise the needed amount of leverage which would “deliver” the Serbian government to an agreement. Finally, the lack of success could be associated to Russia’s lack of a clear formulation of preferences, which did not permit an adequate coordination of mediators and their leverages, as was hypothesized in H9.

7.3.5 Inclusion of the UN into the Process

Russian readiness to be still treated as a partner in the West was best demonstrated in June 1999, when the NATO campaign was about to turn into a ground operation. Despite the open opposition to NATO intervention, Russia extracted a very important concession from Belgrade. Using necessary leverage through informal channels and backdoor communication, Russian officials persuaded Milošević to accept a cease-fire which would allow an international NATO-led military presence in Kosovo. Russians acted in the name of the entire Contact Group, offering to Milošević that the international military presence would be under the UN flag, and thus reduce the possibility of Serbia losing face domestically and abroad. More importantly, Serbia and Russia had converging interests to include the UN as a new actor in future conflict management activities. In Serbia, Milošević publicly stated that by transferring future management of the problems in Kosovo to the UN, Serbia would preserve its sovereignty and territorial integrity that were guaranteed by the UN Charter. He claimed that problems from Kosovo would finally be dealt within the body whose responsibility is to preserve global peace and security, and thus reduce the impact of the coalition that used muscle to manage the conflict. This was a direct indication that for Serbian authorities, the UN was invested with essential legitimacy to act as a new player whose legitimacy was derived from norms and values that were inherent to the organization. On the other side, Russia managed to transfer future management activities to a body

where it had more mechanisms of control. Such developments had a potential of providing useful evidence in line with what was hypothesized in 11a, as potential future success was directly related to the fact that upcoming UN-led (coordinated) mediation activities were initially compatible with interests of powerful states as Russia was in this case. In order to create necessary legitimacy for this move, Russia assured officials in Belgrade that the UN Security Council would pass a resolution that would formalize this presence. Given the fact that for Serbia the UN involvement was crucial at this point, the official presentation of the document was done by special envoy Martti Ahtisaari, which was adopted by the Serb parliament on June 3. It meant that the mediation process was now joined by a new actor, this time an international organization. Until then, UN involvement was somewhat sporadic, and largely conditioned by power-politics on the international level. It was mostly based on the occasional issuing of a resolution, but it was lacking any direct involvement in the process.

7.4 The new reality in Kosovo

7.4.1 The Kumanovo Agreement and UN Security Council Resolution 1244

The ceasefire was signed on the 9th of June in Kumanovo, a Macedonian town on the border with Serbia. The Kumanovo Agreement reaffirmed the document presented by Ahtisaari to include deployment in Kosovo under UN auspices of effective international civil and security presences. It was noted that the UN Security Council was set to adopt a resolution regarding the deployment of an international security force (KFOR), that would ‘operate without hindrance within Kosovo and with the authority to take all necessary action to establish and maintain a secure environment for all citizens of Kosovo and otherwise carry out its mission’ (Kumanovo Agreement 1999). The following day, the UN Security Council passed resolution 1244, which set the foundations for a new reality in Kosovo. The resolution was an evident proof of compromise within the Contact Group which was transposed in the Security Council. It undeniably refrained from recognizing Kosovo as an independent state which reflected the Russian stand, but also abstained from delivering any binding statements regarding Kosovo’s final

status that was in line with the Western countries' position. The conciliatory formula was endorsing sovereignty and territorial integrity of the FRY, while assigning the interim UN Mission in Kosovo (UNMIK) with the task of 'facilitating a political process designed to determine Kosovo's future status, taking into account the Rambouillet accords' (S/RES/1244, cl.11, 1999). As Stahn (2001) noted, this vague formula allowed a variety of scenarios. Evidently, the allusion to the sovereignty of the FRY seemed to signify that in any potential future scenario regarding Kosovo, this province would remain part of the FRY. Nevertheless, by mentioning the Rambouillet Agreement which prescribed that the future status would be determined by the 'will of people', the resolution seemed to be more open to interpretations concerning Kosovo's final status.

Pending final settlement of Kosovo's status, the resolution charged UNMIK (headed by a Special Representative of the Secretary-General) with the administration of the province. Its mandate was to promote the establishment of substantial autonomy and self-government in Kosovo, perform basic civilian administrative functions, organize elections and maintain law and order with all means necessary (Stahn 2001). Despite the fact that the resolution did not lay down a strict deadline for the establishment of necessary institutions, once they were established, they had to be transferred to the people of Kosovo in anticipation of a final settlement (Stahn 2001). In practice, the Mission was bestowed with classical powers of a state: the Mission introduced a different currency, established its own legal system and signed international agreements on behalf of the province. In other words, in practice, from the beginning, the FRY was dispossessed of its sovereign rights over Kosovo under the United Nations interim administration (Stahn 2001). As the Secretary-General pointed out, UNMIK became "the only legitimate authority in Kosovo" (S/1999/1250, par.35). According to several authors (Stahn 2001, Stahn 2001a, Ruffert 2001, Kreilkamp 2003, Perritt Jr. 2005, Knoll 2005, Knoll 2006; van Willigen 2009), Kosovo was transformed into an 'internationalized territory'. This neutral term indicated that the FRY was prohibited from exercising any form of power in Kosovo, while the UN administration was "pre-empted from disposing over the territory" (Stahn 2001, 540). In legal terms, the UN would act as a *trustee* that had absolute administering power over the province for a *limited time* without acting as a new sovereign (Ruffert 2001, Stahn

2001). Once the task of preparing the province for self-governance was complete, UNMIK had to transfer its authority to a different entity that, according to the resolution, should be found under a political settlement (Stahn 2001a).

7.4.2 UNMIK Regulations and the Constitutional Framework for Provisional Self-Government

From the beginning of its mission, the Special Representative issued various regulations which contained basic ‘constitutional’ rules. According to these regulations, all powers (legislative, executive and judiciary) were vested in UNMIK and had to be exercised by the Special Representative. Institutions that were gradually being established (the Banking and Payments Authority of Kosovo, the Independent Media Commission, the Housing and Property Directorate, the Housing Claims Commission, etc.) were characterized by joint administration – a Kosovar and an UNMIK representative – and were based on the idea of good governance and other democratic principles. As Ruffert noted, the UN were “furnishing Kosovo ... with governmental and administrative institutions to bestow upon the respective populations the opportunity to exercise their rights of self-determination” (2001, 626).

In May 2001, the Special Representative promulgated the Constitutional Framework for Provisional Self-Government (Constitutional Framework) which was intended to be a major step towards the establishment of provisional self-government in Kosovo, beginning with the election of a constituent assembly in November 2001 (Regulation 2001/9, Kreilkamp 2003). Under this document, the Provisional Institutions of Self-Government (PISG) were to be: the Kosovo Assembly, the President of Kosovo, the Kosovo Government, and the Kosovo courts – institutions that would “normally be associated with a state of the sub-entities of federation” (Stahn 2001a, 151). It is very important to note the latter fact, because such a scenario – Kosovo enjoying the status of a *de facto* equal federal entity in Yugoslavia while *de jure* still part of Serbia – was prescribed by the Rambouillet Accords, which were turned down by FRY at that time.

Again the document was a result of a political compromise which was reflected in (again) ambiguous language. Despite the fact that the term ‘constitutional’ might have provoked high expectations among Ko-

sovo Albanians, the document did not have any direct reference to the achievement of independence for the province and in fact thoroughly avoided any term directly associated with it. At the same time, the FRY was not mentioned at all in the entire document. In laymen terms, Kosovo was not explicitly confirmed to be part of either the FRY or Serbia, which implicitly meant total suspension of their administrative control in Kosovo. This document initiated a slow devolution of power from UNMIK to local authorities. Significant aspects of legislative, executive, and judicial power were to be transferred to local institutions (both of the central and municipal administration). Soon after the adoption of the Constitutional Framework, both the Special Representative and UNMIK were facing severe criticism: internally, from Belgrade and from the international community. According to the report by the Independent International Commission on Kosovo, “under UNMIK constitutional provisions ... the UN administration retains ... vice regal powers, appropriate to colonial dependency, rather than to a self-governing people” (Kreilkamp 2003, 648). The report emphasized that the international administrators had “pervasive distrust of the administrative and political capacity of the population” which seems to clarify the reasons behind constitutional provisions adopted in the Framework (idem). The report that was published in 2001 called the international community to grant Kosovo with “conditional independence” which is “quite distinct from limited self-rule under UNMIK” (Kreilkamp 2003, 651).

Serbian authorities in Belgrade were not pleased with the Framework, claiming that it was violating the spirit of Resolution 1244 which “enshrines their right to carry out certain state functions in what they still view as Serbian province” (Knoll 2005, fn. 16). Based on this position, the Serbian government encouraged the Serbian minority living in Kosovo to boycott the provisional institutions, and for this reason established parallel structures of government in municipalities where Serbs were the majority, especially in the areas of education, justice and health care. By not participating in provisional institutions, the Serbian side implicitly acknowledged the fact that provisional institutions that were being established were to be exclusively Kosovar and out of Belgrade’s control. This made it possible for the Kosovo Albanians to feel absolutely detached from Serbian presence in the province. Given the fact that UNMIK was mandated with an interim assignment, it

was part of its task to strengthen the established institutions in order to accomplish “the setting-up and development of meaningful self-government in Kosovo pending a final settlement” (Regulation 2001/9, par. 2). Gradually, Kosovo was establishing all the institutions that were necessary to have a functioning independent state.

In such an environment, the province awaited the signal from the Security Council that the talks on future status might begin. On 23 May 2005, the UN Secretary General appointed Ambassador Kai Eide to carry out a comprehensive assessment of the situation in Kosovo in order to appraise if the conditions were suitable to permit political discussion on final status. On 7 October 2005, Eide concluded that “while the standards implementation in Kosovo had been uneven, the time was ripe to enter the final-status negotiation process” (D’Aspremont 2007, 650). His remarks were immediately approved by the UN Security Council, which a few days later decided to initiate “a political process designed to determine Kosovo’s future status” (S/PRST/2005/51). The Council appointed Martti Ahtisaari as a Secretary General’s Special Envoy for Kosovo (UNOSEK), who on 14 November 2005 officially begun consultations and talks with Kosovo Albanians and Serbian authorities.

7.5 Multiparty Mediation by the UN

7.5.1 The Initial Coherence in the Contact Group

From the beginning, Ahtisaari has been given ‘considerable room to maneuver’ by the Contact Group (ICG, 2006). The Contact Group provided him with a working framework, through Ten Guiding Principles. He was instructed that once started, the process cannot be blocked and must be brought to conclusion, that the result may be determined by who quits the table first rather than by compromise (Idem, 1). The settlement needs to include and promote elements such as regional stability, sustainable multi-ethnicity, preservation of international civil presence in the province, dismissal of partitioning Kosovo, and highlight that any unilateral moves or acts of violence would not be tolerated. From that moment it was evident that the new process of mediation was a particular combination of formulator and directive strategies. On the one hand, the Contact Group was again prescribing non-negotiable

principles and setting up the expected spirit of the agreement, while Ahtisaari was supposed to explore, formulate and offer best solutions to both sides. Despite the fact that the ten principles were non-negotiable, it was already questionable whether they were prescribing a very clear mandate for Ahtisaari as to where the process should lead.

Privately, all Contact Group countries saw monitored, conditional independence as the only viable outcome. According to a British diplomat, during the December 2005 meeting in Paris, “the taboo on the outcome had completely gone ... everyone was talking about independence, and in front of Russians... they did not object” (ICG 2006, 11). Indeed, on several occasions, Russian diplomats had indicated their acceptance that full independence was the only viable outcome (ICG 2006, 2). It appeared that Russia perceived the new reality in Kosovo in the same way as other members of the Contact Group. The developing consensus in the Contact Group was translated in London, in January 2006, into the joint Ministerial Statement, where it indicated that the settlement had to be “acceptable to the people of Kosovo”, and that there was no going back to the status prior to 1999 (Contact Group London Statement, 2006). However, the real concern whether and when to publicly announce the Contact Group’s view of the outcome remained. There was a fear that expressing their support for the independence of Kosovo too soon, Priština - satisfied with the outcome – might not be willing to give any concessions afterwards, while dissatisfied Serbia would leave the negotiations. The Contact Group’s goal was “to get sufficient acquiescence from both sides so a settlement can be written into a new Security Council resolution to supersede 1244” (ICG 2006, 13). Indeed, none of the Contact Group’s members was inclined to impose a solution without at least Belgrade’s implicit consent. For this reason, the Contact Group and Ahtisaari’s team insisted that Kosovo Albanians would need to deserve their independence through tangible initiatives and concessions in order to accommodate Serbian requests. As Ahtisaari’s deputy Rohan immediately indicated “their aspirations and status will not come automatically... much work has to be done” (Rohan 2005).

7.5.2 Actor Transformation and UN Legitimacy

From the beginning of his mandate, Ahtisaari assumed a very con-

structive procedural-formulator strategy. He first explored the positions of both sides for a period of three months, through informal talks in Belgrade and Priština. It is noteworthy to highlight that in the interim period, the two sides went through a phase of actor transformation, which is commonly identified as a very valuable feature in managing intractable conflicts (Bercovitch 2005). In Serbia, Milošević was ousted by a more democratic government. In Kosovo, Rugova died in January 2006 (just before the first official round of talks begun) and the political party of the demilitarized UCK took over. Despite the fact that there were new actors on both sides, neither one changed its previous position. In Belgrade, the new government was ready to negotiate with Priština, thereby indicating its detachment from pre-1999 politics of stubbornness; but it remained resolute that Kosovo was an integral part of Serbia, as resolution 1244 prescribed. For the Serbian authorities, the UN-led mediation process was supposed to provide sufficient assurance that Kosovo could not secede from Serbia, because it would violate resolution 1244 which directly described Kosovo as an integral part of Serbia. They also warned that any decision made by the UN envoy had to be in line with the UN Charter that undoubtedly guaranteed inviolability of borders of a sovereign state. Thus for the Serbian side, the UN was invested with an essential level of legitimacy to prescribe future behavior deriving from norms (i.e. the UN Charter and the resolution 1244) that officials in Belgrade viewed as essential in the upcoming process.

On the other side, transformed UCK leaders were expecting formalization of the actual situation on the ground, where Kosovo was already developing all necessary institutions for a functioning independent state and where Serbia did not have any influence since 1999. Thus authorities in Kosovo also perceived the UN involvement as a mechanism through which the mediation process would gain more legitimacy, because the new contextual factors that were conditioning the ongoing mediation process were a direct normative product of the UN and its specialized bodies. They assumed that the UN would not neglect the reality on the ground which was directly set up by the UN administration of the province. It was clear that both sides maintained unyielding positions from their previous administrations that, again, were extremely difficult to reconcile.

7.5.3 The Mediation Process

Ahtisaari realized that the only way to reduce the gap between the two sides, was if he could structure the negotiations in such a way that ‘technical’ issues, which were causing less friction, were tackled first. This way both sides would provide concessions, which would consequently pave the road to the last question regarding final status. He set up a timeframe for talks, and stressed his expectancy that negotiations should be concluded within 2006. Technical issues that were to be tackled were: decentralization, community rights, protection of the Serbian Orthodox Church, claims of state property and debt. The official talks started on 20 February 2006 in Vienna, where Ahtisaari and his team (UNO-SEK) had their headquarters. Once again, the selection of the place for the talks was an indication that the issue was of primary concern for the European countries of the Contact Group, and that it was expected that, through the EU, they would be able to create expected incentives for both sides to agree on a negotiated settlement. The EU policies were perceived as the main carrot in the process, as both Serbia and Kosovo declared their commitment to the EU integration process.

The talks were conducted less expediently than what was initially expected. In five rounds of talk, substantial differences between the two sides surfaced out. The Kosovo delegation was initially extremely reluctant to talk about decentralization, unless the issue of status was first addressed. On the other side, the Serbian delegation, which was getting signals from the Contact Group that Kosovo was going to be granted conditional and monitored independence, wanted to stall the talks as much as possible and use that time to lobby within the Contact Group, especially with the Russian officials, emphasizing their legalistic approach towards the issue. Nevertheless, signals that were coming from Western capitals and Moscow were not encouraging. France was the first member of the Contact Group that indirectly warned Serbia that its legalistic approach against Kosovo independence would not find support and that it needed to face reality (ICG, 2006). Soon after that, Italy advised Serbia to realize that conditional independence would be the main topic of the talks in Vienna. Finally, in late 2005, Russia made it clear to Serbia that Moscow would not be drawn “into confrontation with the West over Kosovo” and that they would not veto a new Secu-

riety Council resolution that would promote independence, given that might be the outcome of the negotiation process (ICG 2006, 11).

Under considerable pressure from the outside, the Kosovo delegation started giving out remarkable concessions regarding decentralization, protection of minority rights and the Serbian Orthodox Church. These concessions, however, were paralleled by increased signaling from the Contact Group - on several occasions it was unofficially announced that there was consensus within the Contact Group on the final status and that the people of Kosovo should be better prepared for independence (B92, 2006). And while the Kosovo delegation was complimented for its efforts to compromise, the Serbian delegation was warned for its inflexibility in negotiations. The fact was that the Serbian delegation did not even have a platform for negotiations until the end of March, so despite the fact that procrastination might have appeared tactical, it was primarily unintentional. However, once the platform was presented, the Serbian delegation demonstrated a certain will for compromise by offering a formula, "less than independence more than autonomy", for Kosovo as part of Serbia. According to Serbian Foreign Minister Drašković, in light of the new reality on the ground and the change of political elites in Belgrade, the Serbian government was ready to accept that it did not have authority over Kosovo, and that Kosovo would be able to retain 95 percent of control and administration, while only foreign affairs and the military would be in the domain of Serbia or as he put it "Kosovo can get everything apart from a separate seat in the UN" (Drašković 2006). Ironically, the Serbian delegation was now offering the same platform that the Rambouillet accords prescribed, which was callously rejected by Milošević.

As the time for negotiations was running out, the mediators were becoming well aware that it was highly unlikely that they would achieve a negotiated settlement on Kosovo's final status. It was clear that once Kosovo officials were aware of the fact that independence was imminent, they would become impatient, less disposed to negotiate, and would start to urge the international community to formalize their new status. On the other hand, high officials from Serbia, also realizing forthcoming independence for Kosovo, stated that recognizing Kosovo was not an option and equal to political and national suicide for every politician in the country, and that no one is disposed to assume such responsibility (Jeremić, 2006).

7.5.4 Emergence of Diverging Interests within the Contact Group

Once the mediators anticipated that all opportunities to achieve a mutually acceptable settlement were exhausted, they decided to delegate the issue to the UN Security Council to “impose independence” (ICGa, 2006) through a superseding resolution. At that moment, within the Contact Group, initial fractions were surfacing out. The Quint (the informal group of western members of the Contact Group) was well aware that the Serbian side was correct in its reassertions that the Security Council could not declare Kosovo independent, because it was against the UN Charter to violate a member state’s sovereignty and territorial integrity. For this reason, they were trying to establish a method through which using a new Security Council resolution, the settlement might be imposed. The most uncertain factor at that moment was Russia’s stand. Russia started claiming that it would not support any settlement that would be imposed on Serbia, and that the outcome should be acceptable for both sides. Despite the fact that Russia signed the London Ministerial Statement, this dissent was deriving from Moscow’s newly formulated foreign policy interests, which were again sending very confusing signals to both Serbia and the rest of the Contact Group. The Contact Group members were confident that Russia was inclined to benefit from the precedent established by Kosovo’s independence by securing international recognition of ‘friendly mini-states’ – Abkhazia, South Ossetia and Transdniestria – which would break away from Georgia and Moldova using Kosovo as a model (ICGa, 2006). Despite the fact that Russia had a large interest in having Kosovo as a negative precedent, publicly it was renouncing it, stating that “if Kosovo’s independence is recognized despite Serbia’s will, this will create a very negative precedent in international relations” and that it was ready to use veto power in case the Kosovo solution did not conform to Russia’s interests (Lavrov quoted in ICGa 2006, 2). Clearly, Serbia understood this as an explicit support for its position, and consequently hardened its stand.

Given the new developments, the rest of the Contact Group aimed to reduce friction and a potential domino effect, by arguing uniqueness of the Kosovo case and that it could not provide a blueprint for other secessions and self-determination claims (ICGa 2006, 2). The first com-

promise within the Group was formulated in the New York Statement, where ministers looked forward to a “durable solution to the last major issue related to the break-up of Yugoslavia” (Contact Group New York Statement 2006). Following this statement, and recognizing that the opportunities for negotiations had been exhausted, Ahtisaari decided to present a comprehensive settlement package to the Contact Group. Given the potential discomfort of Russians with the term independence, he opted for a document that would only in substance imply independence, while refraining from using the actual word. The settlement’s lack of direct reference to independence was intended to curtail the resistance, and improve the chances, of its acceptance by all members of the Contact Group and by both conflicting sides, and “postpone any discord until a later point in the process” (ICGa 2006, 3).

The presentation of the document was scheduled for September 2006, but it was postponed until February 2007 due to parliamentary elections in Serbia, and fear of the Contact Group that even implicit consideration of Kosovo’s independence would result in yet another actor transformation in Serbia, but this time a less constructive one. Serbia interpreted statements coming from Russia as an indicator of a lack of consensus within the coalition. Consequently it represented a possibility to stall the process and delayed the formation of government until the last moment in May 2007, in order to avoid being blamed for ‘losing’ Kosovo and expecting that the Contact Group would be less inclined to impose a resolution without an executive authority in Serbia (ICG 2007, 7). Ahtisaari presented two documents to the Secretary General: the Proposal – an outline for state formation that was harmonizing the idea of an internationally supervised entity and an independent state – and the Report on the reasons behind the proposal. He explained his position as follows (S/2007/168, 2007):

“For the past eight years, Kosovo and Serbia have been governed in complete separation. The establishment of the United Nations Mission in Kosovo (UNMIK) pursuant to resolution 1244 (1999), and its assumption of all legislative, executive and judicial authority throughout Kosovo, has created a situation in which Serbia has not exercised any governing authority over Kosovo. This is a reality one cannot deny; it is irreversible. A return of Serbian rule over Kosovo would not be acceptable to the overwhelming majority of the people of Kosovo. Belgrade could not regain its authority without provoking violent opposition. Autonomy of Kosovo within the borders of Serbia — however notional such autonomy may be — is simply not tenable... Upon careful consideration of Kosovo’s recent history, the realities of Kosovo today and taking into account the negotiations with the parties, I have come to the conclusion that the only viable option for Kosovo is independence, to be supervised for an initial

period by the international community.”

The UN Security Council held a closed meeting on 19 March 2007, where all the diverging interests and perceptions surfaced out. For the Western countries of the Contact Group both the proposal and the report were supposed to be accepted, because Kosovo urgently needed a sustainable solution to its status and any delay would lead to instability. The Russian delegation, however, proposed retention of resolution 1244 with selective implementation of parts of the proposal. It also rejected any notion of time running out for Kosovo, and objected to make a rushed decision. Most importantly, Russia accused Ahtisaari for conducting shallow and abbreviated negotiations (ICG 2007, 6).

Russian refusal to accept the proposal formulated by Ahtisaari indicates that in case the mediation efforts conducted (and coordinated) by an international organization are not compatible with a powerful state's interest, the mediation effort is less likely to be successful - a dynamic hypothesized in H11a. At the same time, lack of success can be attributed to a lack of convergence of interests between Russia and the rest of the Contact Group, which conferred the needed level of legitimacy to the UN envoy to formulate and if needed impose a solution on their behalf as well. Lack of convergence of interest once again led the process to a deadlock, as hypothesized in H2. Finally, while initial indication of a convergence of interests within the Contact Group induces Serbia to start realizing that the independence of Kosovo was imminent, eventual Russian defection from the rest of the Contact Group induced the Serbian government not to accept Ahtisaari's proposal and to start stalling the process - a dynamic which provides (important) evidence in support of H4.

7.6 The Additional Attempt to Mediate by the Troika

7.6.1 Diverging Ideas on the Process between Mediators

Faced with Russian dissent, the US, UK, and France decided to stop drafting a new Security Council resolution. The French president Sarkozy proposed another round of talks, this time conducted by the Troika – US, Russia and the EU – in order to accommodate Russian demands that negotiations need to continue until both sides find a mutually acceptable solution. For the first time in the Kosovo conflict,

the EU assumed a role of the actor with the most responsibility in the process. The talks took place in Brussels. The role of the EU was to balance opposite stands of the US and Russia, and using a formulator role, thereby trying to ensure that every conceivable solution would be taken into consideration. Just as Ahtisaari, the Troika avoided talking about status issues, but rather focused on cooperation and future relations between Serbia and Kosovo. A fourteen-point document was proposed which outlined that special relations between the two sides were based on the principles that: a) Belgrade will not govern nor reestablish a physical presence in Kosovo; b) it will not interfere in Priština's relations with international financial institutions nor hamper Kosovo's EU stabilization and association process; and finally, c) that it accepts Kosovo's complete integration in regional bodies, especially economic institutions (Troika proposal, 2007). Again, the mediators were confronted with unyielding positions from both sides. While Belgrade was insisting that negotiations should focus on substantial autonomy for Kosovo, Priština was considering independence as non-negotiable and wanted to negotiate its post-status relations.

However, the lack of consensus on how the negotiations should be conducted was not anymore just between Belgrade and Priština. This time, mediators had highly opposite views on the format of talks. The EU representative, Wolfgang Ischinger, who proposed the fourteen points, assumed a much more formal role, using the formulator strategy. His idea was that the Troika talks should leave 'no stone unturned' in the search for a compromise agreement "which even if only partial could have shifted some responsibility from Western capitals to Belgrade and Priština" (ICGa, 2007). On the other hand the Russian diplomat Aleksandr Botsan-Kharchenko translated his country's position of "not imposing a settlement" into a communicator strategy, claiming that the two sides needed to find a compromise on their own, and that the mediators should only facilitate the talks. The differences in positions about the format of talks undoubtedly reflected the diverging interests between the mediators, who obviously did not share the same idea on the common solution to the conflict. The lack of shared ideas between mediators directly affected their coordination. During the negotiations, mediators were rarely offering joint proposals, rather individual suggestions that were openly rejected during official talks by other mediators.

7.6.2 Lack of Coordination between Mediators

Initially, mediators agreed to ‘suggest’ to both parties an ‘Ahtisaari-plus plan’, which implied a loose association or union between Serbia and Kosovo, which aimed to complement the plan for internal governance from Ahtisaari’s proposal. The ‘suggestion’ was at first informal, in order to explore the positions on both sides regarding the proposed ‘association of states’ model. For Priština, this represented an ‘Ahtisaari minus plan’, since it was shrinking political independence in exchange for an extremely ‘interdependent’ relationship with Belgrade and access to global financial institutions. For Serbian officials, the association of states model was absolutely unacceptable as it formulated ‘independence by another name’ (ICGa 2007, 4). Despite such positions, all Western capitals urged Ischinger to present this model officially, because apparently, there was little hope for compromise and mediators needed to assume a much more directive role. However, Russia blocked the official presentation, and the Troika had to compromise for a vaguer ‘neutral status’ proposal, according to which Serbia and Kosovo would concur on instruments for stabilizing their relations ‘prior to and regardless of the ultimate status decision’ (Idem). It was obvious that mediations were not going forward at all. In such conditions, the mediation process became not only a reconciliation process between Belgrade and Priština, but also a process of appeasement between the three mediators. The difficulty of reconciling US, Russian, and European positions were evident until the end of talks, which directly hampered the Contact Group from giving any clear recommendation to the UN Secretary-General. On December 10th, after two years of negotiations and eight years after the first international involvement, the Troika officially declared negotiations exhausted without reaching any compromise.

The failure of the Contact Group to formulate a common platform was a direct indication that its member states did not share a common interest in reaching a solution to the Kosovo problem. Their inability to negotiate an agreement amongst themselves consequently led the peace process to a deadlock, as neither party in conflict was willing to compromise any further - providing sufficient support for H2.



CHAPTER
VIII

SRI LANKA

CHAPTER VIII: Sri Lanka

The civil war in Sri Lanka, an ethnic conflict between the government and the Liberation Tigers of Tamil Elam (LTTE), has been one of the longest, most intractable intrastate conflicts in Asia. According to the International Crisis Group (ICG), more than 70,000 people were killed in the north and east from the 1980s to 2006 (ICG 2006). Hundreds of thousands have been displaced, many of them more than once. Several unmediated and mediated peace talks have taken place, but none has ever produced a peace agreement. The last peace attempt, which formally lasted from 2002 to 2006, producing the cease-fire agreement (CFA), six rounds of peace talks in 2003, and two rounds in 2006, became defunct in 2006, when the warring parties once again started exploring a military solution to the conflict. This chapter discusses Sri Lanka's fifth peace process during 2002-2006, for this was the duration of the peace talks before hostilities resumed.

The fifth Sri Lanka peace process was highly internationalized, involving several important world players that had both tactical and strategic means at their disposal. Also, as Goodhand argues, the case is interesting because of "the emergence, more by default than by design, of a strategic complementarity between different international actors. . . . Each had different approaches, different sets of alliances within Sri Lankan society and consequently different points of leverage" (Goodhand 2006a, 39-40).

The Sri Lanka peace process represents a unique case of a failed multiparty mediation effort potentially due to third-parties' lack of strategic interests to manage the conflict in a coordinated effort. The case offers an opportunity of exploring the relevance of a lack of third-parties' strategic interests to coordinate their mediating activities and employ the needed leverage to guide the conflicting parties toward a mutually successful solution. While the parties involved in the mediation coalition indicated their willingness to work together, their lack of strategic interests hampered the possibility of achieving a convergence of interests needed for a successful mediation effort.

8.1 Nature of the Conflict

8.1.1 Sources of Intractability and Employment of Repressive Measures

The events that developed into the Sri Lankan ethnic conflict started after the end of the British colonization, with the new constitution of 1948. According to Rotberg, the 1948 constitution “lacked a bill of rights like India’s,” or anything that could provide “effective formal protection for minorities” (Rotberg 1999, 5). The state’s discriminatory policies led to anti-Tamil riots in 1956, followed by the deadlier riots of 1958, 1977, 1981, and 1983. Since 1983, the country has been entangled in a civil war waged between the Sinhalese dominated government and the Tamil community, which was primarily represented by the LTTE. From 1983 until 2006 the civil war has caused more than 74,000 victims, and large areas of the country have been “ethnically cleansed” from Tamils (Sisk 2009, 148). The infamous 1983 riot caused thousands of Tamil refugees to flee to India and Western countries—the beginning of the large Sri Lankan Tamil diaspora. This diaspora later played a major role in financing the war waged against the government (DeVotta 2007). The full-scale war between the Sri Lankan defense forces and the LTTE started in 1983 and ended on May 19, 2009, with the government declaring victory over the rebels.

All these developments led to the further development of Tamil militant groups, most notably the LTTE, founded in 1976 and led by Velupillai Prabhakaran. They were created as a reaction to the 1972 constitutional changes, which prescribed Buddhism as the country’s primary religion and Sinhalese as the official national language (Stewart 2002; Sisk 2009). LTTE was able to successfully formulate the nationalistic ideology of the Tamils and develop a parallel economic system within the territories it controlled. The central goal for the LTTE was an independent country, the Tamil homeland called Eelam. Rotberg argues that “by the time the war begun the Sri Lankan society had become irredeemably polarized” (Rotberg 1999, 7). As the Tamil frustrations grew, periodic episodes of violence aggravated the strained relations between two communities. By 1983, violence spread to Colombo, with hundreds of Tamils killed by Sinhala mobs “with the tacit tolerance of security forces” (Sisk 2009, 152). The riots were provoked by ambiguous reports that around the area of Jaffna the LTTE had killed 13 Sri

Lankan army personnel, inducing retaliation by the army in which 44 Tamils were killed (Sisk 2009, 152). The Human Rights Watch argued that the events were an orchestrated event, as “the police and soldiers stood by and watched as Tamils were attacked... in some cases they perpetrated the acts themselves... the violence was well organized and politically supported... high ranking officials, including government ministers were accused of orchestrating the violence” (Human Rights Watch 1995, 88). Sri Lanka’s civil war has produced five distinguishable rounds of peace talks: The Thimpu talks in 1985, the Indo-Lanka Accord in 1987, the Premadasa/LTTE talks in 1989-1990, the Kumaratunga/LTTE talks in 1994-1995, and the Wickremesinghe/LTTE-Rajapaksa/LTTE talks in 2002-2006.

8.1.2 Failed peace processes

According to Sisk, a history of failed peace processes contributed to the conflict’s intractability (Sisk 2009, 153). Significantly, some of these talks avoided the core political issues, instead concentrating on humanitarian, logistical, or military issues (Rupesinghe 2006c). Also, the negotiations were occasions for the warring parties to rearm themselves and, as Uyangoda puts it, “discover new differences” and “reconstitute the conflict” (Uyangoda 2007, viii). Biswas observes, “While the party in power tends to adopt a more conciliatory position, the one in opposition follows a more belligerent and critical path. This, in turn, impacts the progress of talks between the government and the Tamil separatists. Ultimately, this has created a situation where facilitative intervention does create room for talks but no agreement is reached” (Biswas 2006, 59).

The significant developments preceding the peace process were the economic recession in Sri Lanka, the escalation of the war in 1999-2001, which made for a war-weary population, and the post-9/11 atmosphere worldwide. Until then, the LTTE, through its strong lobby abroad—particularly in countries with a large Tamil diaspora—had been able to sell itself as an organization of freedom fighters, protecting a Tamil minority that had been harassed by the majority rule for decades. As Paikiasothy Saravanamuttu, head of the local non-governmental organization (NGO) Centre for Policy Alternatives, points out, “11 September impacted on the LTTE’s political psyche and its room for manoeuvre

internationally in respect of funds, legitimacy and acquisition of weapons” (Saravanamuttu 2003, 132). In the changed environment, it became more difficult for the LTTE to keep up its freedom-fighter image and thereby ensure the same level of fund-raising from its diaspora and NGOs in Western countries. Moreover, several powerful countries had already listed the LTTE as a terrorist organization, further limiting its ability to operate in these countries: in India since 1992, the United States since 1997, and the UK since 2001. All these developments made the LTTE revise its tactics and increased its motivation to look for a settlement. At the end of 2001, the economic crisis and the escalation of the war led to the government’s fall, and a coalition of parties called the United National Front (UNF), led by the United National Party (UNP), won the elections in December 2001. This coalition was led by Ranil Wickremesinghe, Sri Lankan prime minister during 2001-04 and the so-called architect of the peace process. Chandrika Bandaranaike Kumaratunga, of the Sri Lanka Freedom Party (SLFP), remained president, which led to an uneasy cohabitation.

8.1.3 Prelude to the Peace Process

The UNF government, and Wickremesinghe in particular, made very clear from the start that its priorities were the peace process, with the inclusion of the international community, and the revival of the economy (Bastian 2006). After Wickremesinghe took office, things started to move rapidly. The cease-fire agreement, signed in February 2002, provided for the end of hostilities and the establishment of the Sri Lankan Monitoring Mission (SLMM) to monitor implementation of the cease-fire between the parties. From September 2002 to March 2003, six rounds of direct negotiations were held between the LTTE and the government of Sri Lanka. The SLMM was a monitoring team comprising Norway, Sweden, Finland, Denmark, and Iceland, whose role was to be an impartial instrument to monitor the CFA and facilitate the resolution of disputes over implementation. With the resumption of hostilities, the SLMM became more war monitor than peace monitor. Its operations were further complicated in the summer of 2006 when, following the EU ban on the LTTE, the LTTE demanded the departure of all EU countries from the mission. The SLMM remained in Sri Lanka until the abrogation of the CFA by the Sri Lankan government

in January 2008 (SLMM 2008). Another significant achievement was the statement, made by the parties at an Oslo press conference in 2002, on their intention to explore the federal option. The parties stated that they had agreed “to explore a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil-speaking people based on a federal structure within a united Sri Lanka” (Daily Mirror 2002). This was the first time the parties considered a federal solution and the LTTE backed down from its secessionist goal (Höglund and Svensson 2006).

8.2 Multiparty Mediation Process

8.2.1 Involvement of International Actors and their Interests in the Conflict

A conscious effort to create an “international safety net” was one of the most important strategies of the UNF. Prime Minister Wickremesinghe’s first policy statement, before the CFA was signed, made it clear that he considered international opinion a key factor in guaranteeing peace in Sri Lanka. As Sunil Bastian points out, this strategy brought in the United States, Japan, and the EU as cochairs of the peace process, in addition to Norway. “In doing so, the UNF managed to secure the involvement of a ‘superpower,’ its major trading partners and Sri Lanka’s largest donor, in the peace process” (Bastian 2006, 247). The common motivator for the external actors was the perception of the Sri Lanka case as an “easy win” (Goodhand 2006b). Goodhand argues that in 2002, international actors were willing to “prioritize peacebuilding because it appeared to be a low risk-high opportunity situation” (Goodhand 2006a, 15). And Uyangoda criticized the international community for focusing mainly on short-term success and approaching the peace talks “as an exercise that should produce an early peace deal” (Uyangoda 2006, 4).

The mediating actors were divided into those that engaged the LTTE (Norway, the EU, and Japan) and the United States, which did not. However, the United States did signal to the rebels “that a change in LTTE behavior could lead to a change in the U.S. approach” (Lunstead 2007, 16). Donors encouraged the establishment of joint government-LTTE mechanisms, such as the Post-Tsunami Operational Manage-

ment Structure, but these initiatives did not succeed.

Norway, a small country with no specific geopolitical interests or colonial past, has had a good record of conflict mediation since the early 1990s. Until its involvement in Sri Lanka, Norway has played a prominent role in the following peace processes: the Oslo Accords (until 1993); Guatemala (1996); Haiti, Sudan, Cyprus, and Kosovo (1999); and Colombia (2000) (Bullion 2001). There are perhaps three main reasons for Norway's becoming involved as a mediator in several peace processes. First, its political and social culture is considered suitable for mediation activities, since it has a tradition of development assistance. Second, an image as a peacemaker and a "great moral power" is important for Norway's self-perception (Höglund and Svensson 2009, 179). Third, engaging in the peace talks of intrastate wars has enabled Norway, a small and distant Nordic country, to be an arbiter between the global powers and the developing countries, thereby taking a much more significant role on the international arena than it would have otherwise (Moolakkattu 2005; Höglund and Svensson 2009). Kelleher and Taulbee point out that Norway has a consistent approach to peacemaking, the key components being time, patience, secrecy, funding, and activist facilitation. By taking a leading role in Sri Lanka, Norway seemed to deviate from its preference to hold more of a supportive and low-profile role and to "conduct relevant activities under the 'radar screen' of public scrutiny" (Kelleher and Taulbee 2005, 80).

Norway first became involved in Sri Lanka's peace process in 1999-2000. Erik Solheim was appointed as a special adviser to the Norwegian Department of Foreign Affairs in March 2000 and took a full role as facilitator after the UNF government took office in December 2001 (Bullion 2001). One of the main reasons the actors chose Norway as the mediator was that it had no strategic interests in Sri Lanka. As Foreign Minister Lakshman Kadirgamar stated, Norway was considered suitable since it is a small, faraway country with no colonial background and, therefore, was seen as not having an agenda of its own. Moreover, it also had experience in peacemaking (Ram 2001). Also in Norway's favor, India accepted it as an external mediator, because India did not see this small, remote country as a threat to its own strategic interests in the region (Moolakkattu 2005). Norwegians themselves have pointed out that they got involved for a mix of reasons, beginning with its long-term development aid projects in Sri Lanka and also including

personal contacts through Norwegian NGOs and individuals (Rupesinghe 2006b). And Norway's interest in Sri Lanka may not have been related to the conflict itself but rather to the possibility of getting access to the highest offices of the global powers (Höglund and Svensson 2009). Although Norway's wider reputational concerns may explain why it stayed involved in Sri Lanka's conflict long after the peace process became defunct, they were not likely a main reason for Norway's original involvement in the process in 1999-2000. For one thing, at that time Norway could not have foreseen a regime change and subsequent successful start of the process, which would attract other players.

According to the statements made by Norwegian mediators, Norway's primary role was as a facilitator. Its involvement ranged from facilitating communication between the parties to more concrete formulator roles in drafting the CFA and the Oslo Declaration. Norway made it clear from the beginning that it saw itself as merely a "postman" between the two sides (Economist 2001). It defined its job as finding the common ground that integrated the most important concerns of both parties that both might later accept. The Norwegian facilitators stated clearly that ownership of the conflict was with the warring parties and not with themselves. Erik Solheim stressed that "it has to be remembered that at the end of the day President Mahinda Rajapaksha and the LTTE leader Prabhakaran will decide. If they want peace, we are here to assist. If they want war, there is nothing we can do" (Rupesinghe 2006b, 344-45). The Norwegians' job of postman was also endorsed by the Sri Lankan government. In April 2001, Foreign Minister Lakshman Kadirgamar said in an interview, "But when it comes to substantive negotiation, the Norwegians will have no particular role at all. . . . They will have no mandate to propose solutions. They will certainly have no mandate to make any judgmental decisions. In that sense, they're not arbitrators, they're not judges, they're not mediators" (Ram 2001). This strategy of staying out of ownership of the conflict and focusing on the "two-party model" has been later criticized as having reduced Norway's legitimacy, and when the peace process became stalled, Norway did have rather limited leverage to stop the escalation of the conflict (Höglund and Svensson 2009). It was also suggested that this neutral role of low-key facilitator was alien to the collectivist culture of Asia, thereby creating confusion (Moolakkattu 2005).

Norway's second tactic was, in cooperation with Prime Minister

Wickremesinghe, to widen and strengthen the international safety net. As a result of this strategy, the United States as the global player, the EU as the biggest trading partner, and Japan as the biggest donor became the co-chairs to the process. Although India was not officially involved in the process as a co-chair, Norway held regular consultations with India throughout the process and considered its consent on the different steps of the peace process crucial to progress.

Third, Norway tried very hard to appear impartial to both parties and to the public of Sri Lanka. As the Norwegian facilitators themselves put it, “Our only principle is that of not excluding talking to anyone” (Martin 2006, 125). Engaging directly with the LTTE, thereby giving legitimacy to a group that several powerful countries had already listed as a terrorist organization, was not making them many friends among Sinhala nationalists. Also, as Harriet Martin states, “In becoming facilitators for the peace process in Sri Lanka, the Norwegians were taking on a pariah insurgency group with whom none of their natural political allies could even, officially at least, have tea with” (Martin 2006, 126).

But this tactic of impartiality failed, partly because the image of impartiality is difficult to uphold in asymmetrical conflicts, and thus, right at the beginning of the process, Norway (through Erik Solheim) came under criticism for being biased in favor of the LTTE (Höglund and Svensson 2009). Additionally, wearing a hat of a monitor of the cease-fire violations by being involved in the SLMM did not help maintain Norway’s reputation as a neutral mediator. In their attempt to treat both parties as equal, the Norwegians were not helped by the LTTE’s enthusiastic comments calling them “the white tigers” (Martin 2006, 113).

Fourth, as in previous peace processes, one of Norway’s tactics was to be patient and keep focused on long-term goals. During the peace talks, Norway demonstrated laudable patience with the warring parties. The realities of working under this level of criticism created a survivalist attitude in the facilitating team. As one of the facilitators put it, “If you want to get involved in this process, you should not expect not to get your fingers burned, you should expect to get them electrocuted” (Martin 2006, 116). Norway did put up with the fierce attacks from Sinhala nationalists, and personal abuse in the local media. During the peace process, the Norwegian embassy was picketed by protestors carrying coffins with dead bodies inside and burning the Norwegian flag

(ICG 2006). Considering all this pressure, Norway's commitment to the peace process was consistent and intrepid. Its mediation activities relied primarily on low-key tactical strength. But Norway did seem to realize that more strategic strength was needed to keep the parties at the negotiating table. To that end, it brought in big powers that had the necessary sticks and carrots, as custodians of the process, in the hope that they might compensate for Norway's lack of strategic strength. This seemed reasonable because, as discussed earlier, mediations that combine strategic and tactical strength tend to be more successful than those with only one or the other. The remaining part of the chapter will discuss why this strategy did not prove successful.

The United States has repeatedly demonstrated, in peace processes all over the world, that it can and will use its manipulative strength. Strong involvement in very visible conflicts has contributed to the perception that if the United States is involved, it likely has a strong, even hidden, agenda in that particular country and is ready to deploy its strategic strength. But the United States had neither a historical record nor strong trade and economic relations with Sri Lanka, and U.S. development assistance had already decreased significantly since the end of the Cold War and was slated to be cut even further, from around \$5 million annually in 2001-04 to \$2 million in 2005 (USAID 2000). Although some Sri Lankan Tamils live in the United States, the diaspora there, at 35,000 people, is too small to significantly influence U.S. politics or policymaking (Bandarage 2009, 21). It has been argued that the United States has military interests regarding Trincomalee Harbor and runway facilities in Sri Lanka (Noyahr 2006). But Jeffrey Lunstead, U.S. ambassador to Sri Lanka in 2003-06, has stated that the United States does not have "significant strategic interests in Sri Lanka" (Lunstead 2007, 11). Lunstead contrasts Trincomalee with Singapore, where the U.S. Navy has a major facility: "Singapore is ideal because of its internal stability, its superb facilities and infrastructure, and its position. Trincomalee currently lacks all of these, and is unlikely to gain any of them in the foreseeable future" (Lunstead 2007, 11). Moreover, even within South Asia, U.S. strategic interests are focused on India as a nuclear power and a growing economic partner but also, to some extent, a political partner in the region. The United States also has strategic interests in Pakistan as a nuclear power and in the tensions between India and Pakistan and Afghanistan regarding the battle against al-Qaeda

(Kronstadt 2004, Lunstead 2007). Also, since India has made clear that it demands primacy in its immediate neighborhood and since both political and military relations between the United States and India have been improving significantly over the past few years, the United States was not interested in stepping on India's toes over Sri Lanka. As Lunstead argues, the United States shared information and, to lesser extent, coordinated its policies with India during its involvement in Sri Lanka's peace process (Lunstead 2007).

The only area where the United States had certain strategic interests in Sri Lanka was in "political relations and ideological compatibility," namely, the war on terror. But it is important to keep in mind that the LTTE was a very localized terrorist organization that carried out its activities, especially in recent times, mainly in Sri Lanka. Its ties with worldwide terrorist organizations such as al-Qaeda are either insignificant or nonexistent; therefore, its power to threaten U.S. interests is minimal compared to that of terrorist groups with worldwide activities (Lunstead 2007).

So why did the United States get involved in Sri Lanka's peace process in the first place? Lunstead points out that it was not due to any dramatic change in U.S. strategic interests, but because regime change in Sri Lanka brought to power a pro-West, pro-free-market prime minister and because of Deputy Secretary of State Richard Armitage's personal interest (Lunstead 2007, 13). In a speech delivered in Washington in 2003, Armitage asked, "Why should the United States invest significant attention and resources to Sri Lanka, especially at a time when we have such overwhelming competing interests?" (Armitage 2003, 89). He admitted that self-interest did not truly justify U.S. involvement, yet his reply when questioned was nevertheless straightforward: ". . . because it can be done. And because it is the right thing to do. Because the parties to the conflict appear to be ready to reach a resolution, more so than at any other time in the past twenty years." The most significant part of his answer, "because it can be done," was also supported by Teresita Schaffer, another former U.S. ambassador to Sri Lanka, who also gave as one of the reasons for U.S. involvement in the Sri Lankan conflict that "there was the real possibility of success" (Noyahr 2006, 373). This perception of an "easy win" was, as Goodhand points out, common for all the main international actors in this peace process (Goodhand 2006a, 2006b). It was the main reason for the United States and others getting

engaged in the process and then sneaking away when success proved more elusive.

The U.S. position consisted of three components: “pressuring the LTTE, engaging with the government and supporting activities aimed at peaceful transformation” (Frerks and Klem 2006, 43). Since the United States had banned the LTTE in 1997, it could not provide material assistance, and LTTE officials could not obtain visas to the United States. The condition for U.S. engagement with the LTTE was that the LTTE give up the violent struggle. It would have been politically untenable in the post-9/11 world to meet with terrorist representatives, and therefore, the United States had no direct talks with the LTTE. The United States was the only cochair to give military aid to the Sri Lankan government. Although military assistance funding never reached high levels, it could have contributed to a feeling within the LTTE that the international community was reducing its options (Lunstead 2007). At first, the U.S. policy not to engage with the LTTE seemed to work out well enough within the framework of the cochairs, in which the United States took the role of “bad cop” while the EU played the “good cop,” engaging directly with the LTTE (Höglund and Svensson 2011). But the LTTE suspended the talks after the U.S. decision not to let it attend the Washington Development Conference in April 2003. Although some have argued that this occasion was rather a ready excuse for the LTTE to get out of the peace process, the U.S. decision provided that excuse nonetheless. In response, the United States maintained its pressure, stating that the movement’s reasons to withdraw were “not convincing” (Asian Tribune 2003).

The limited U.S. strategic interest in Sri Lanka showed also in the waning U.S. interest in the peace process. According to Lunstead, it was first the deterioration of the peace process and then the beginning of a second George W. Bush administration, in January 2005, that resulted in Deputy Secretary Armitage’s departure (Lunstead 2007, 33). But it is also important to note that in March 2003, the United States started its military operation in Iraq—an operation that became highly criticized and was clearly one of the Bush administration’s main strategic foreign policy interests. The stalled peace process in a small, faraway country “with minimal strategic interests for the US, with a deteriorating security situation based in part on the inability of Sri Lankan political elements to cooperate,” was not a priority for the United States (Lunstead

2007, 33). The United States remained engaged in the peace process through the cochair framework, but its visible involvement did not go beyond condemning statements regarding the escalation of the hostilities, and human rights and humanitarian concerns.

The European Union has also been called a “reluctant cochair” due to its modest involvement in Sri Lanka before and at the beginning of the peace process (Noyahr 2006, 387). Similarly to the U.S. involvement, the EU’s involvement in Sri Lanka was minimal before the 2002 peace process. In 2001, the European Commission downgraded the delegation in Colombo, leaving a nonresident head of delegation based in Delhi, and only one diplomat based in Colombo. Heavy lobbying from Sri Lankan officials brought the EU reluctantly to involve itself in the peace process, which led to its role as a cochair (Noyahr 2006). The EU’s main strategy seemed to be to “stick with the Norwegians,” and it kept a low profile throughout the peace process because of “the absence of major direct interests” (Frerks and Klem 2006, 46). Most EU member states do not have strong interests in Sri Lanka, and only seven of the twenty-seven members have diplomatic missions there: the UK, Sweden, the Netherlands, France, Italy, Germany, and Romania. The country with the closest ties to Sri Lanka is its former colonizer, the UK, which had 300,000 Sri Lankans living in its territory. Other EU member states do have Tamil diasporas, but these are small: some 100,000 Sri Lankan Tamils live in France, 60,000 in Germany, 24,000 in Italy, 7,000 in the Netherlands, 6,000 in Sweden, and 600 in Finland (Bandarage 2009, 21). With the EU cast as the “good cop,” in November 2003 EC Commissioner on External Relations Chris Patten met with the LTTE’s leader, Prabhakaran, in Kilinochchi (European Commission 2003). Some saw this as swimming against the current, since some other top officials, such as UN Secretary-General Kofi Annan, had decided not to visit the LTTE (Frerks and Klem 2006). Sri Lankan media heavily criticized the EU for the visit, with local newspapers screaming, “Keep Patten out of the country,” and accusing him of “bloody European gumption and insolence of the highest order” (Martin 2006, 116). The EU was keeping to its “stick with the Norwegians” tactics by visiting Kilinochchi after the Norwegians’ statement to the diplomatic community in Colombo that the LTTE needed to see people in order to grow into the political mainstream. But after the visit, the EU issued a strong statement on the LTTE’s human rights violations and warned the group that it must

comply with international human rights standards if it wished to obtain “recognition as a political player in Sri Lanka” (Martin 2006, 128). The LTTE lost its “good cop” in May 2006, when the EU used one of its sticks and listed the LTTE as a terrorist organization in response to the August 2005 assassination of Sri Lankan Foreign Minister Kadirgamar, and other human rights violations. The Council of the EU’s declaration stated that the decision should not come as a surprise to anybody. “Several warnings have already been provided to the LTTE, which the LTTE has systematically ignored” (Council of the European Union 2006). Although the EU did not focus that much on denouncing terrorism, it did concentrate on human rights violations such as child recruitment and political killings (Frerks and Klem 2006). Therefore, although it was ready to engage with the LTTE despite the LTTE’s reputation and the overall “war on terror” environment, it was the use of specific methods typical of terrorist organisations, such as assassinations of top officials and other grave human rights violations, that made Brussels take a strong stance.

The success of this stick (or carrot, from the perspective of Sri Lanka’s government) regarding the progress of the peace talks was not really clear and seemed rather limited. The EU remained committed to the process in Sri Lanka to some degree, issuing condemning statements, alone and in cooperation with other cochairs, regarding humanitarian and human rights concerns. However, during the period of 2002-06, the EU did nothing beyond this. Also, it has been argued that the conflict got little attention in Brussels—for example, the ICG observed, “While fighting raged in August 2006, the situation did not even reach the agenda of EU foreign ministers meeting in Brussels.” The ICG also suggested the “limited geopolitical impact” of Sri Lanka’s conflict as the reason for this low interest (ICG 2006, 19).

Until recent years, *Japan*, despite being an economic superpower, was not active in global politics but remained satisfied in the role of a passive donor. Recent years have seen a gradual shift in its international positioning, with it emphasizing noneconomic sources of power, such as military and diplomatic power. Laurence argues that one of the most important reasons for this change is concern over China’s increasing influence (Laurence 2007). Japan assumed a prominent role one month after the peace talks started, when Yasushi Akashi, a former UN under-secretary for humanitarian affairs, was appointed special envoy for the

Sri Lankan peace process. The Japanese Government hosted the donors' conference in June 2003, to discuss the peace negotiations and international assistance for development and reconstruction in Sri Lanka (Noyahr 2006). Japanese policy in Sri Lanka's peace process was to position aid as a major engine of peace. But Japan did not want to resort to conditionalities or political pressure. Moreover, Japanese ties with Sri Lanka have traditionally been very government focused, and this policy continued in the peace process. Although Japan had not banned the LTTE, it refrained from making funds available to it. It was not that Japan wanted to punish the LTTE as a terrorist organization, but rather that Japanese aid in general flowed through governments and, in exceptional cases, through UN agencies. According to Frerks and Klem, "It was clear that Japan wants to enter the international arena of peace-building and also wants to keep the money flowing. They were sucked into the Tokyo process but were not very happy about it" (Frerks and Klem 2006, 45).

India was the only country with strong strategic interests in Sri Lanka. For decades, India has perceived itself as the regional manager of South Asia and has not allowed other external forces' involvement in the region (Rao 1988). "India has always had substantial intelligence resources in Sri Lanka, including being involved in counterinsurgency initiatives against the LTTE, whose autonomous power India seeks to crush" (Philipson and Thangarajah 2005, 47). The Sri Lankan conflict has influenced India's political situation, since already in the 1980s the conflict spilled over into the south Indian State of Tamil Nadu, where Tamil guerrilla groups set up and where thousands of Sri Lankan Tamils fled following the anti-Tamil riots in 1983 (Samaranayake 2006). Several Tamil Nadu political parties used the resulting large-scale sympathy in Tamil Nadu. The Indo-Sri Lanka Peace Accord, signed by the governments of India and Sri Lanka in 1987, and the subsequent mission by the Indian Peace Keeping Force (IPKF) in Sri Lanka were failures: The Indian armed forces failed to disarm the LTTE while losing some 1,300 troops (Bullion 2001). This was a shock for India, and it showed the limits of India's capacity to deploy strategic strength and act as a security manager in South Asia. The peacekeeping saga ended for India with the LTTE's assassination of former prime minister Rajiv Gandhi in 1991. India banned the LTTE as a terrorist organization the following year and issued an arrest warrant for Prabhakaran. Thereaf-

ter, India has kept a firm stand in not getting formally involved in Sri Lanka's peace process. After the fifth process started off, Indian foreign secretary Kanwal Sibal visited Sri Lanka and admitted that though "logically we should be involved," the "legal complexities" were such that "our options are certainly limited" (Sambandan 2002). These legal complexities are based on the LTTE's banning for crimes in India, including the assassination of Rajiv Gandhi. But because all parties recognized India's strategic interests in Sri Lanka, both the government and the LTTE, as well as the mediators, regularly consulted India. The Norwegians stressed that all the key points were discussed with India since the peace could not be achieved without India's support and since "India's interest in Sri Lanka is legitimate" (Rupesinghe 2006b, 339). Nonetheless, India accepted the Norwegian involvement only with great reluctance and generally resented the increased internationalization in its own "backyard" (Philipson and Thangarajah 2005).

Although, India had clearly stated that it would not become a formal party to the fifth peace process, there were still voices calling for its stronger intervention after the fighting resumed. As the CPA report points out, in the case of more limited international interest in Sri Lanka, India would have been the only candidate for high-profile intervention as the regional power, but in this case it was "conditioned by the 'once bitten twice shy' effect of the IPKF experience in the late 80s." The CPA further states that Indian interest in Sri Lanka has also changed as economic interests are increasingly taking the central place. "Consequently, high profile political or in the extreme case, military intervention, carries with it the risks of upsetting and even undermining the growing economic stake" (CPA 2007, 5).

8.2.2 The Cochair system

The cochairs of the peace process—Norway, Japan, the United States, and the EU—became institutionalized as a group at the Tokyo Conference on Reconstruction and Development of Sri Lanka, which took place in June 2003 without the LTTE's participation. At this conference, the donors collectively pledged foreign aid of approximately US\$4.5 billion over the four-year period 2003-06 and closely linked this to the progress of the peace talks (Shanmugaratnam and Stokke 2004). This conditionality policy, perceived as a big carrot, was about to become a

big failure by the international community. Positive incentives did not succeed in getting the parties back to the negotiating table. Neither Sri Lanka nor the LTTE was aid dependent, and the conference added to the LTTE's increasing unhappiness, since it felt that it was not being treated as an equal party. Also, the LTTE saw no point in international fund-raising when "it did not have a legally constituted instrument under its control to receive the funds for reconstruction" (Shanmugaratnam and Stokke 2004, 16). Since several important donors still banned the LTTE, it was not clear how the organization could enjoy the benefits of the policy of incentives. In the end, the tsunami that struck Sri Lanka in December 2004 flushed away the remnants of the conditionality policy because "the threat of withholding aid in an 'over-aided' environment will have very little effect" (Goodhand and Klem 2005, 14). The "donors dangled the carrot assuming the process was moving in the right direction, but when this proved to be a false assumption they did not replace the carrot with a stick" (Frerks and Klem 2006, 54).

Relations between cochairs were considered good: they were mainly speaking with one voice by issuing common statements, with no significant spoilers among them. The cochair mechanism provided a broad base as well as a division of labor (ICG 2006).

But this division of labor was accidental and "based purely upon the policies of the home foreign ministry and aid ministry policies, not on the needs of the peace process in Sri Lanka" (Philipson and Thangarajah 2005, 48). Moreover, the way the mediators split the tasks did not seem to put to good use the different types and degrees of leverage that each could apply to the warring parties. Although it could be argued that the U.S. strategy of being a biased mediator who would deliver the government could have produced important results, this potential was never used to the fullest (Touval and Zartman 1985). On one hand, the United States lacked the strategic interest to motivate its use of more decisive carrots and sticks in its relations with the government in Colombo. On the other, by widely ignoring the LTTE, the United States weakened the chances of making the LTTE more flexible in peace talks. The United States has engaged with terrorist organizations before, when engagement furthered its own strategic interests. Not talking to the LTTE was a policy choice, not a legal requirement (Lunstead 2007). Therefore, this suggests that the limited role of the United States resulted from its limited strategic interests in the conflict.

The cochairs' use of sticks was limited to condemning statements. Several scholars and organizations, including Uyangoda, Bouffard and Carment, Smith, and the CPA, have criticized this level of involvement that does not go beyond scolding. As the parties to the conflict became aware of the mediators' limited interests and restrained use of sticks, the mediating parties' leverage was also limited. The CPA stated that the government of Sri Lanka was aware of the limits to international interests in Sri Lanka, which paved the way to the "let's see what we can get away with" attitude toward international opinion." Moreover, the government also realized that it could engage with other, non-Western international actors, such as Pakistan, Iran, China, and Russia, which were willing to offer their assistance without any conditions (CPA 2007). That prediction proved true. The new kid on the block, offering unconditional financial, military, and diplomatic support, has been, since early 2007, a player with straightforward—and certainly strategic—interests: China. After the March 2007 agreement that allowed China to build a \$1 billion port in southern Sri Lanka, allegedly to use as a refueling and docking station for its navy, Beijing appears to have significantly increased arms sales to Sri Lanka. China has also provided crucial diplomatic support in the UN Security Council, blocking efforts to put Sri Lanka on the agenda, and also boosted financial aid to Sri Lanka, even as Western countries have reduced their contributions (Page 2009). A spoiler had indeed emerged.

8.2.3 Failure of the Peace Process

In 2003, the United States barred the LTTE from attending a seminar held in Washington to discuss the peace process, on the grounds that the United States listed the LTTE as a terrorist organization. In response, the LTTE suspended the talks and refused to attend the Tokyo conference of June 2003, where donors had pledged \$4.5 billion to the peace process. The LTTE stated that the international community and the Sri Lankan government had failed to recognize it as an equal party to the process. The peace process stalled. This was complicated by the cohabitation crisis between President Kumaratunga, of SLFP, and Prime Minister Wikremesinghe, of UNP. The crisis had been simmering since the beginning of the peace process, because the president, who was the commander in chief, head of state, and head of the cabi-

net—with the power to call for elections at any time she liked after the government had been in office for a year—was largely excluded from the peace process. The crisis culminated in the president's taking over three key ministries in November 2003, followed by the dissolution of the parliament and, finally, the downfall of the UNF government (Fernando 2006). But Oslo's facilitation continued after the government changed and also after the newly elected president, with a nationalist and pro-military-solution platform, Mahinda Rajapaksa of the SLFP, came to power in 2005.

In 2006, the no-war, no-peace period that had lasted since the peace process stalled in 2003 descended into a low-intensity conflict, then into open war, particularly in the east. Nonetheless, two rounds of peace talks (Geneva I and II) did take place in 2006 in Geneva. The first round was held on February 19-20, and the second on October 28-29. But the 2006 efforts to get the peace process moving essentially failed. The failure to implement the agreements of Geneva I severely undermined the prospects for further talks.

The peace talks, which had started off so promisingly, led by a deeply committed prime minister and experienced Norwegian mediators, stalled in 2003 and failed in 2006, for a variety of reasons. For one, Sri Lanka's ethnic conflict has repeatedly demonstrated a capacity for intense reescalation (Uyangoda 2007). As Höglund and Svensson point out, one of the motivations for the cease-fire, for both sides, may have been the opportunity to rearm and reorganize for the future (Höglund and Svensson 2009). Therefore, it appears that one of the reasons the peace process failed was because the parties never really lost the appetite for a military solution (Smith 2007). Second, the parties failed to sign even an interim settlement agreement. With no political agreement, the relationship between the government and the LTTE was based entirely on the CFA. Uyangoda points out that the basis for the negotiations and the CFA "was the preservation of the parties' strategic interests through a condition of no-war. . . . Consequently, the problem-solving and conflict transformation approach became entirely absent" (Uyangoda 2006, 4). Third, the peace process was focused exclusively on two parties: the government, led by Wickremesinghe, and the LTTE. President Kumaratunga and other southern political elites were largely excluded from the process, and non-LTTE Tamil parties and Muslim parties had no role at all. As pointed out by the ICG, "much of the dynamic of

this conflict is within ethnic communities, and the failure of the peace process to address this, made a lasting peace less likely” (ICG 2006, i). In 2004, two significant developments changed the balance of power between the parties. The defection of the LTTE’s eastern commander, Vinayagamoorthy Muralitharan, known as Colonel Karuna, and the losses suffered by the LTTE’s naval wing in the tsunami of December 2004 led some sections of the government and armed forces to believe that the LTTE’s offensive capacity was weakened and that a highly concentrated war against the LTTE, with the help of the breakaway faction, would be winnable (Uyangoda 2006).

In conclusion, all the above-mentioned developments induced the parties to start exploring their military options again and contributed to the subsequent failure of the talks. But without discounting the internal developments that contributed to the failure of the peace talks, it is important to understand the part that the international mediators and their self-interest played in the peace process. Third-parties’ interests proved to be quite weak to engage in a properly coordinated multiparty mediation process. Therefore, the evident lack of strategic interests within the cochair system created an environment within which Norway was unable to successfully coordinate multiparty mediation efforts through the cochair system - providing support for previously hypothesized H9. The leverage that the third parties possessed was never used to guide the disputants toward a mutually acceptable solution. Instead the mediators, such as the US or even the EU, blocked any possibility of reaching a solution through the peace process due to their reluctance to engage in direct talks with the LTTE. This “defection” strategy created internal incoherence within mediating coalition, which was a signal for the government (which had solid relations with the US and the EU) that a military solution could be still explored. This provides sufficient evidence of the existence of a causal mechanism that was previously hypothesized in H9, indicating that in case mediators do not reach a convergence of interests, the conflicting sides will be induced to defect from negotiations, making it more likely for the peace process to fail.

The fact that in the case of Sri Lanka the needed strategic interests hampered the achievement of convergence of interests between the third-parties as the process was unfolding. Weak interests in the conflict induced the parties not to rethink their policies as the peace process was hitting the wall. This research hypothesized that in cases where the third

parties realize that their ongoing strategies are not producing expected result they will be induced to rethink their policies (H7). However, due to a lack of interest in the conflict the parties were not also interested in altering their strategies. As the mediators were unable to reach convergence of interests, and rather maintained their initial position regarding the conflict, the conflicting sides saw this as a signal of not committing to the peace process as well, and eventually resorted back to violence, which confirms previously hypothesized H4.



CHAPTER
IX

DISCUSSION AND CONCLUSION

Chapter IX: Discussion and Conclusion

9.1 Insights from the model

The model presented in this dissertation underlines that employment of cooperative strategies for parties involved is actually more beneficial than spoiling the process. In fact, even cumulative costs of cooperating and mediating complemented with potential benefits of acting as a spoiler still do not manage to match the benefits generated by cooperative strategies. As the model shows, although the choice of non-cooperating at first might appear appealing for a third-party, spoiling the process might actually backfire. Third-party's decision not to cooperate while the multiparty endeavor is under way - thus implying that other mediators are engaged in the mediation in a cooperative manner - undercuts its own potential to exercise influence (or leverage) in the mediation and loses the potential to create expected benefits for itself and its partner side in the conflict. As long as the biased mediator is outside the mediating coalition, the conflicting party it is supporting might still remain in the process. In such circumstances the chances that potential solutions will be tilted to its partner's advantage (i.e. conflicting side it supports) get reduced. Consequently, as that particular conflicting side is losing through mediation, so will its outside partners (i.e. biased mediators), even though they are officially not cooperating in the process. For instance, the international reputation of a third party might be undermined. At the same time their leverage to influence future developments in the process might be considerably undercut. Therefore, the model induces a conclusion that both the non-cooperative outside actor and its partner party to the conflict will face far smaller benefits than those who opt to cooperate and potentially (through constructive dialogue and exercising necessary leverage) move the proposed solution to their advantage.

In light of a lower payoff, it is expected that a rational (biased) mediator will choose to alter its strategy and start cooperating with the rest of the group. Although the process of cooperation implies certain costs, and as such produces smaller utility than in cases when no party cooperates (point (a) in the model), the choice of altering the strategy and start cooperating will undeniably generate bigger benefits compared to those attained if a mediator remains outside the mediating coalition. By

being a part of the mediating coalition, each mediator is able to exercise a certain influence over the process, and potentially negotiate a solution that is in favor of the side in the conflict that they have special relations with. Thus, (biased) mediators attain important utility as the conflicting side that they support actually starts gaining important benefits through mediation. Despite the costs of mediating and cooperating, the second outside actor still manages to create greater benefits through coordinated activities than if it opted to spoil the process and stay outside of the coalition. This only if the assumption from ToM - that mutual defection is not an option any more - continues to hold. Therefore, the model prescribes a dynamic that unequivocally remains in line with the initial statement and definition that cooperation implies the creation of new gains for each party that were unavailable to them by unilateral action, albeit at some costs (Zartman and Touval 2010).

If interpreted through classical game theory, cooperation represents a dominant strategy in this model, and the Nash equilibrium is point (c) (2,2). ToM also provides a similar interpretation, given that once the multiparty mediation starts, cooperative behavior produces higher payoffs than defection, and the final state is also in point (c). Overall, cooperation can be identified as a rational strategy that leads to nonmyopic equilibria. Once a party chooses to cooperate, short-term goals which induced a party to defect are no longer a priority. Rather, for a rational outside party that received low payoffs from a defecting strategy, cooperation becomes a useful mechanism through which it is possible to limit the other side's utility.

9.2 Analyzing cooperation and coordination

As cooperation proved to be decidedly beneficial not only to the overall process but more importantly also to the parties themselves, this research also wanted to go a step further and understand what mechanisms can induce a party to deter from defecting from the group. This notion has been already put forward by Sisk, who emphasized that the "game theory contributes to mediation strategies through the finding that one can *encourage moderation and deter 'defection'* in bargaining relationships by not allowing a player to gain from a defection strategy, even if it imposes additional costs to cooperation to prevent a defector's gain" (emphasis added Sisk 2009, 48).

Inducing a party to switch from defection to cooperative behavior is obviously not a simple process, as it directly implies interference in another party's policy objectives. It would be too simplistic to assume that just by reprimanding party's non-cooperative behavior or warning that such behavior is not constructive for the overall process of mediation would motivate a change in defector's strategy. This research departed from a rational choice assumption that in order to change its stratagem and pursue cooperative strategies the defecting party needs to realize the potential benefits of such a change. As third-parties get involved in managing a particular conflict not only for altruistic and humanitarian reasons but also to gain something from it (Greig 2005), the choice of cooperating also needs to be in line with party's self-interests. This research hypothesized three different reasons why a party would change its policy objectives.

On one hand, significant developments on a systemic level caused by dramatic political, social, economic and/or natural events might induce a party to rethink its current guiding principles. This research referred to this mechanism as *exogenous geo-political shifts*. The rationale for assuming that such developments might alter third-party's behavior from non-cooperative to cooperative stems from the assumption that no policy objective is ever self-motivated or self-sufficient to linger indefinitely; it is rather a building block of a complex network of strategic choices developed by each actor in the international arena. Since such incidents rarely affect one actor at a time they may cause not only a shift in priorities with one party but also the needed *convergence of interests* among several actors that might induce cooperative behavior. In other words, once their interests are compatible, third-parties will be more inclined to cooperate.

On the other hand, following the logic of 'ripeness' theory (Zartman 1989), *changes in the conflict dynamics* might induce those outside actors that are directly involved in the conflict - for example by providing logistical and/or military support - to consider using mediation as a 'way out' and a suitable alternative to end the conflict in a peaceful manner. Mediators are rarely just passive bystanders. Once involved in managing a conflict, mediators unequivocally become an important element that affects both the conflict dynamics and more importantly potential solution of the dispute.

Finally, taking into account that defection is often a direct expres-

ssion of a party's self-interested goals, another way of deterring a party from defecting is to engage it in a bargaining process, where an alternative to its current strategy can be found. Confrontation of self-interests between mediators in order to find common ground on an acceptable outcome to the conflict shifts the focus from negotiating with conflicting sides (mediating) to *negotiation between mediators*.

To sum up, when the mediating coalition is faced with conflicting interests, if one mediator decides to defect from the group dynamic, this will have an important impact on the negotiation dynamics between the conflicting sides. If the mediators manage to achieve convergence of policy objectives among them, there are bigger chances that the peace process will be successful. In case mediators do not reach such convergence, the conflicting sides will be induced to defect from negotiations, making it more likely for the peace process to fail. Combined insights from existing international mediation theory and the game-theoretical model were tested on five case studies.

9.2.1 Exogenous Geo-Political Shifts

Exogenous geo-political shifts - significant developments on a systemic level caused by pivotal political, social, economic and/or natural events - might encourage a party to rethink its guiding principles. This is because no policy objective is ever self-motivated or independently strong enough to linger indefinitely; it should rather be seen as a building block of a complex network of strategic choices developed by each actor in the international arena. Since such incidents rarely affect one actor at a time, they may cause not only a shift in priorities within a party, but also a convergence of interests among several actors. Once their interests are compatible, parties will be more inclined to cooperate. As the case of Tajikistan shows, Taliban storming of Kabul induced Russia and Iran to rethink their policies in the region, put more pressure on conflicting sides in Tajikistan and drive them toward a commonly acceptable solution. In Cambodia, two events had a similar impact. As Hampson and Zartman indicate, "Gorbachev's accession to power in the Soviet Union in the mid 1980s brought changes in the interests and positions of major outside parties. As a part of its overall effort to normalize relations with China, the Soviet Union began to step up its own efforts to resolve the conflict, by encouraging Vietnam to withdraw its

army unit from Cambodia and threatening termination of its military and economic aid to Vietnam” (2012, 4). In fact the secret warning that the USSR delivered to Vietnam, in which they indicated their intention to stop supporting Vietnam’s military presence in Cambodia and confrontation with China, resulted in Vietnam’s announcement of troop withdrawal (which initially did not produce needed results to move the process toward an agreement) that on the long run contributed to Sino-Vietnamese rapprochement. In Namibia, the advent of Gorbachev to power also proved to be of crucial importance for the achievement of rapprochement between the USSR and the US, and their subsequent convergence of interests in managing the conflict through by linking together the issues pertinent to the conflicts in Angola and Namibia. Finally in Kosovo, changes on the systemic level also had an effect, however this time negative. When Russia started restoring its global relevance in the late 90s, its policies shifted from implicit compliance to implicit confrontation with the West, especially with the US. For Levitin this “deterioration has to be understood in the context of more general and long standing trends in Russian foreign policy” (Levitin 2000, 138).

9.2.2 Changes in Conflict Dynamics

Changes in the conflict dynamics might induce those outside actors that are directly involved in the conflict - for example by providing logistical and/or military support – to consider using mediation as a viable option for ending the conflict. This argument follows the logic of the theory of ‘ripeness’ (Zartman 1989) which prescribes specific conditions for ripeness to occur. In principle the theory focuses on conflicting parties’ perceptions that they are in a “mutually hurting stalemate” and that they can identify “a sense of way out” through mediation. Zartman notes that, “these can be brought to the conflicting parties’ attention by a mediator or an opposing party if they are not immediately recognized by the party itself, and they can be resisted so long as the conflicting party refuses or is otherwise able to block out their perception” (Zartman and de Soto 2010, 6). A similar logic could be applied to the perception of a mediator that has been invested in the conflict but is not a direct party to the conflict. As Sisk rightfully noted, once the mediation process starts it does not produce an automatic termination of hostilities

(2010). In fact, violence can be seen as a “beyond-the-table tactic used not as an alternative to bargaining but as an integral part of the negotiation” (Sisk 2010, 2-3). As the increase in the costs of supporting a war get complemented with a perception of a potential stalemate which might only exacerbate those costs, the outside party might perceive a ripe moment to change its strategy and engage in a cooperative mediation effort to manage the conflict. In case of Tajikistan, each time the parties failed to come to an agreement, they would resort to violence. This was especially problematic for Russia that had stationed troops. Aware that such violent dynamics produce unwanted costs in lives and military equipment, Russia would resort to more active strategies in order to push the government to accommodate the opposition and find a commonly acceptable solution. In the case of Namibia the achieved stalemate between Cuban and South African troops was an indication that a military victory in the conflict is unfeasible and that the present non cooperative strategy in the peace process was not producing any substantial results that would outweigh the military stalemate. In the case of Cambodia, the Soviet decision to stop financing the Vietnamese “tug of war” with China and change the strategies toward Beijing induced a more cooperative strategy for both between Soviet Union and China, and between China and Vietnam. Finally, in the case of Kosovo, the new reality on the ground created by UNMIK’s presence, prompted Russia to agree with the rest of the Contact Group on independence as a viable solution to the problem. However this convergence did not last for long, and chances of acting in concert faded.

9.2.3 Negotiating for cooperation

Both exogenous geo-political shifts and changes of conflict dynamic imply that the defector will change their strategy by their own initiative. However, a third trigger of cooperation is also feasible – the initiative might come from the rest of the coalition, through bargaining for cooperation. In view of the fact that defection is often a direct expression of party’s self-interested goals, another way of encouraging change is to engage a defecting party in a bargaining process, where an alternative to their current behavior can be found by offering them sufficient incentives to make participation an attractive option. Zartman refers to this challenge as building a ‘team of rivals’, and notes that even when the

mediation is conducted by “global or regional competitors,” they still need to “have the wisdom to realize that they share a common problem or project which can only be resolved together” (Hampson and Zartman 2012, 2).

When cooperating with other mediators, biased mediators are useful inasmuch as they can use their special relationship with one conflicting side to influence its behavior, positions and perceptions and consequently move it toward an agreement (Touval and Zartman 1985). However, when these actors decide not to cooperate with the rest of the group, the conflicting side that they have a special relationship with might suffer in the negotiation process. The potential mediator’s decision to deflect is costly for the state it supports. In such circumstances, the party to the conflict might find the agreement less attractive, and consequently refuse to accept it. By cementing their positions, non-cooperative actors produce significant complications for the bargaining process and put mediation efforts at risk. As the case studies show, the lack of conflicting side’s to cooperate in the peace process might range from a mere stalling of the process to the use of violence as a “beyond-the-table tactic” (Sisk 2010, 2-3).

At a certain point, the coalition members might pick up this signal, approach the defector and bargain for a new arrangement which will create new benefits for both. However, it is not always clear who should take responsibility for steering a party off a non-cooperative course. As experience shows in these situations, the responsibility for encouraging a mediator to develop a common idea about a final solution and opt for cooperative strategy might rest with others in the mediating coalition. In the case of Cambodia, the US managed to create momentum within the P5 and negotiate an acceptable solution for USSR and China which was crucial for the success of the peace process. Nonetheless, as noted by Solomon, “ultimately, the success came when the two major protagonists in the region’s conflicts of the 1980’s and 1990s – China and Vietnam made a secret, bilateral deal to reconcile their differences and support the United Nations peace plan for Cambodia” (Solomon 2000, 4). A similar dynamic was also tried in the case of Kosovo with the last attempt by Troika, when the EU not only tried to find a solution to the conflict but also to mediate a solution acceptable to other mediators (the US and Russia). However this effort eventually failed driving the process to a deadlock.

In sum, although each of the three reasons to change policy objectives seem to work on their own, success is most guaranteed if combined. The case of Cambodia proves this point, as “the combined effects of a military stalemate among Cambodia’s political factions, diplomatic efforts to construct a settlement during the preceding decade by a number of interested parties, and the desire of the major powers to disengage from Indochina’s travails created a context for successful diplomacy” (Solomon 2000, 4).

9.2.4 Strategic Interest, Legitimacy and Achievement of Coordination

All five case studies also provided sufficient support for previously hypothesized dynamics regarding the coordination of multiple mediators. As expected, the stronger the mediators’ strategic interest in the conflict for a mediator the higher the chances of successful mediation through a coordinated effort by mediators in a coalition. The case of Sri Lanka indicates the significance of strategic interests for a coordinated endeavor between multiple mediators. As the cochairs lacked strategic interests in the conflict, they were unwilling to employ their leverages to guide the parties in conflict toward an agreement, making the Norway-led mediation efforts to a deadlock. Similarly, in case of Tajikistan, strategic relevance of the area for both Russia and Iran, especially in light of a perceived threat coming from Afghanistan and increasing costs of supporting the warfare for Russia which was not yielding expected results (i.e. victory through military means), allowed for a well coordinated mediation activity under the UN leadership. The UN leadership was perceived as legitimate by both Russia and Iran as its involvement was not incompatible with their interests in the conflict. A somewhat different dynamic was observed in the case of Namibia, where the US - generally perceived as a powerful state - had a clear set of interests to promote in the conflict, and was certainly biased toward particular conflicting sides; it still managed to be an effective coordinator of mediation activities. First of all, its mediation activities were gradually accepted and publically stated by all conflicting sides as ‘indispensable’, allowing the US to acquire the necessary degree of legitimacy as was hypothesized in H10. At the same time the US managed to generate converging interests with the USSR (key patron state of

MPLA and Cuba) which in turn, as was hypothesized in 11c, allowed for a successfully coordinated multiparty mediation effort by a powerful (and biased) state. Similarly, in the case of Cambodia, the US managed to successfully coordinate mediation activities even though it was quite clear to all the parties involved that it had an agenda it was trying to promote. However, in this case the success was more related to the fact that the US was able to ‘borrow’ the needed degree of legitimacy from the UN, as it skillfully transferred the bargaining process between mediators (with incompatible interests) to the UN bodies. Again, just as in the case of Namibia, the US was able to take the leadership role once the powerful states managed to reach an agreement and reach a convergence of interests amongst themselves, as was hypothesized in H11c. Finally, in the case of Kosovo, the strategic interests of key patron states were not moving towards a convergence point (as was the case in Tajikistan, Cambodia and Namibia). In fact, every time the parties signaled readiness to work together and transfer the responsibility of coordination to a particular party, such as the UN, the conflicting sides were moving toward reaching an agreement. However, the necessary degree of legitimacy, that the UN initially enjoyed (most likely do to its reputation and credibility) was gradually challenged by those third parties (in this case Russia) who saw UN’s agenda and proposals for conflict resolution as incompatible with their interests.

Therefore, reflecting on what was previously stated for all case studies it could be concluded that a successfully coordinated multiparty mediation activity is directly dependent on the compatibility of interests between the party that coordinates and third-parties that have strong vested interests in the conflict and leverage to influence the behavior of at least one of the conflicting sides. Consequently, while coordinator’s legitimacy is a very important ingredient for a successfully coordinated effort, it can not be put into effect before the third-parties have reached the needed convergence of interest. This in other words supports the initial premise of this research, where the first step of a successful multiparty mediation effort is the achievement of third-parties’ willingness to cooperate (convergence of interests), which opens the doors to the second stage of coordination where the parties split the task of leveraging the parties toward an agreement.

9.3 Conclusion

This research departed from the assumption that cooperation between mediators is not only beneficial to the multiparty mediation process but also to them as rational actors who are driven by self-interests. Even despite the inevitable costs of mediation coupled with costs of cooperating, cooperation still proves to be more beneficial than defecting strategies.

As the five case studies illustrate, cooperation between mediators is by no means exogenous to the process. First of all, cooperation changes in intensity according to the dynamics of the conflict and of the conflict management process.

As all three examples show, when outside parties do not have converging interests on how the conflict should end they often resort to limited cooperation. Limited cooperation produces a limited result. When third parties are unwilling to use its full mediating potential – for instance, when a patron state is unwilling to use more directive strategies to move the partner party in conflict toward an agreement – this choice might send mixed signals to the conflicting parties which might produce lack of commitment to negotiate a settlement. In other words, lack of cooperation within the mediating coalition directly gets transposed into the lack of cooperation between the conflicting sides and third parties.

However when the situation on the ground changes and becomes unbearable to the outside actors they might decide to achieve full cooperation. Cooperating in these circumstances becomes more ‘cost/benefit efficient’ and ‘effective’ (Zartman 2009) than previous strategies. At the same time, if these changes do not induce all parties to engage in cooperative manner, then one party that has been ‘convinced’ tries to encourage those ones that are still resorting to defecting strategies. As the case studies suggest, the party which has the strongest interest in resolving the conflict will most likely be the one that will try to encourage the other side to establish a more cooperative mutual relationship. Ultimately, it is worth noting that coordination might also be related to a much bigger framework of relations and strategic choices an outside party has and makes. As most (self) interests are interrelated into a network of strategic interests, developments on the regional and global level which might endanger these strategic interests have the potential

in inducing a third party of radically shifting its outlook on the actual conflict. In these circumstances cooperation again proves to be more 'cost/benefit efficient' and 'effective', which allows the third party to explore the option of cooperating in order to preserve its self-interests. As parties manage to achieve convergence of interests and become able to work from a 'common script', this sends a strong signal to the parties in conflict that they should also be more inclined to cooperate and compromise both with mediators and other conflicting side. Overall, this signaling helps the mediating effort to move conflicting sides more smoothly toward an agreement.



ACRONYMS



Acronyms:

ANC - African National Congress
ASEAN - Association of Southeast Asian Nations
CFA - Cease-Fire Agreement
CGDK - Coalition Government of Democratic Kampuchea
CIS - Community of Independent States
CPK - Communist Party of Kampuchea
DK - Democratic Kampuchea
DPT - Democratic Party of Tajikistan
DS - Democratic Party in Serbia
EU - European Union
FNLA - National Front for the Liberation of Angola
FRY - Federal Republic of Yugoslavia
FUNCINPEC - National United Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia
GRAE - Revolutionary Government of Angola in Exile
ICG - International Crisis Group
ICJ - International Court of Justice
IO - International Organization
IRP - Islamic Renaissance Party
KFOR - Kosovo Forces
KPNLF - Khmer People's National Liberation Front
KPRP - Khmer People's Revolutionary Party
LDK - Democratic League of Kosovo
LTTE - Liberation Tigers of Tamil Elam
MID - Militarized Interstate Disputes
MPLA - Popular Movement for the Liberation of Angola
NATO - North Atlantic Treaty Organization
NGO - Non Governmental organization
NME - Nonmyopic equilibria
OUA - Organization of African Union
OSCE - Organization for Security and Cooperation in Europe
P-5 - Permanent Five Members of the Security Council of the United Nations
PISG - Provisional Institutions of Self-Government
PPK - Parliamentary Party of Kosovo

PRK - People's Republic of Kampuchea
SADF - South African Defense Force
SNC - Supreme National Council
SWANU - South West African National Union
SWAPO - South West Africa's People Organization
SRCG - Special Representatives of the Secretary General
ToM - Theory of Moves
UCK – Kosovo Liberation Army
UK – United Kingdom
UN – United Nations
UNF - United National Front
UNITA - Union of Total Independence of Angola
UNMIK – United Nations Interim Administration Mission in Kosovo
UNMOT - United Nations Mission of Observers in Tajikistan
UNOSEK – UN Office of the Special Envoy for Kosovo
UNSC – United Nations Security Council
UNSCR – United Nations Security Council Resolution
US – United States (of America)
USSR – Union of Soviet Socialist Republics (Soviet Union)
UTO - United Tajiki Opposition



SUMMARY



Summary

Contemporary scholarship defines the processes where a conflict is managed (i.e. mediated) by more than one third party as *multiparty mediation* (Crocker et al. 1999; Crocker et al. 2001). Even though in recent years multiparty mediation processes have been under growing academic scrutiny, traditional literature on international mediation recognized the benefits of having multiple mediators working in concert. As emphasized by Zartman, “if a number of conciliators are available to the parties themselves and if a number of friends of the conflicting parties can coordinate their good offices and pressure, the chances of success are improved” (Zartman 1989, 276). To this day, several studies have shown the potential benefits and liabilities of having multiple mediators (Crocker et al. 1999; Crocker et al. 2001, Diehl and Lepgold 2003), the relationship between the size of the mediating coalition and its effectiveness (Böhmelt 2011), and the need to have a cooperative endeavor by multiple mediators in order to achieve success in the mediation process (Whitfield 2007, Böhmelt 2011, Hampson and Zartman 2012).

In essence, the aim of this dissertation is to explain in more details the effects of cooperation and coordination on multiparty mediation. As previous illustrated studies have shown, crucial challenges that must be overcome in multiparty mediation processes are the (1) achievement of adequate *cooperation* among the mediators and (2) consequent *coordination* of their activities in the mediation process. While the two concepts have in common the presumption that actors involved in the mediating coalition need to have shared goals on how to resolve the conflict, there is still a clear difference between the two: a necessary prerequisite for a successful cooperation is that all parties recognize mutual benefits of working together; once the parties perceive the benefits of working together, cooperation might lead to a coordinated endeavor which implies a more mechanical process of dividing the labor effectively, and clarifying who needs to do what, when and how.

Crucial ingredients for a successful multiparty mediation seem to be ‘*consistency in interests*’ and ‘*cooperation and coordination*’ between mediators. The aim of this dissertation is to further expand the existing knowledge on multiparty mediation by answering a number of (*sub*) *research questions*. First of all, how much do the ‘consistency of interests’ and ‘cooperation and coordination’ affect the overall process? Given the

dynamic nature of cooperation, and likelihood that a party changes its behavior from cooperative to non-cooperative throughout the process of multiparty mediation, it is important to understand if the efforts that lack cooperation inevitably end in failure? Similarly, what happens to the mediation process when mediating parties do not share the same idea and interest in a common solution? At the same time, present research explored the obstacles in achieving coordination and coherence between various mediators in such an environment and how to surmount the problems that multiple mediators face when operating without a 'common script' in attempting to mediate a negotiated settlement. In other words, this study will investigate which mechanisms (both on the systemic and contextual level) have the potential to deter defection from a (potential) member of the multiparty mediation coalition? Finally, as the number of states and international actors that are involved in mediation increases, a careful assessment is necessary not only of their relative institutional strengths and weaknesses, but also of how to promote complementary efforts and how to synchronize the whole process when one actor is transferring the responsibilities for mediation to others. In other words, this research will try to point out the importance of self-interests that motivate third-parties to get involved and to unveil the link between coordination and self-interests (also described as strategic interests) and the impact of such interaction on the overall effectiveness of the mediating process.

Multiparty mediation is not a new theory of mediation, rather an advancement of the existing knowledge of international mediation as method of conflict management. Therefore, this dissertation will start by laying out a theoretical framework of mediation in Chapter 1. Existing literature will reflect the multicausal nature of the mediating process, where interplay of a variety of factors (systemic and behavioral) directly affects the effectiveness of the process. Once the fundamental theoretical framework of international mediation has been described, this research will move to the existing knowledge of multiparty mediation in Chapter 2. Given the existing limitations of current knowledge on multiparty mediation, this research will aim to expand it with a game theoretical model that was developed in order to observe a general pattern of mediators' behavior in multiparty mediation. The model will be interpreted using the Theory of Moves (Brams 1994). Reflecting on the insights from the existing literature on mediation and the game the-

oretical model, this research will generate several hypotheses regarding the dynamic of cooperation and coordination in multiparty mediation. These will be tested on the basis of five different case studies, of recent international conflicts that were managed through a multiparty endeavor. The existing studies (Kriesberg 1996, Crocker et al. 1999, Crocker et al. 2001, Böhmelt 2011) have all shown that there is a strong correlation between cooperation and coordination among multiple mediators and success in multiparty mediation. Present research will aim to go one step further and try to analyze potential existence of a causal mechanism between success in multiparty mediation and cooperative and coordinated activities of multiple mediators. One of the most suitable methods of examining causality is certainly *process tracing* (George and Bennett 2005, Beach and Pedersen 2012), and this study will conduct a process tracing analysis on five different case studies of multiparty mediation.

The cases were selected based on two criteria. The first one is quite straightforward, and it implies that a particular international conflict was managed by multiple mediators. Second criteria, prescribed in process tracing literature (Beach and Pedersen 2012), implies the existence of both hypothesized X and outcome Y, which in this research means the existence of a cooperative (and coordinated) effort and (un)successful outcome. Therefore, three cases that were selected had a successful outcome - Tajikistan, Namibia and Cambodia - while two failed - Sri Lanka and Kosovo. In principle, using a process tracing method, this research will analyze various dynamics surrounding the achievement of necessary cooperation and subsequent coordination between mediators, and the effect these had on the outcome of the peace process. The dissertation will conclude with a discussion on various factors that could induce the change in mediators' attitudes and promote cooperative behavior within the mediating coalition, which in turn would improve the chances of successfully managing the conflict.

The model presented in this dissertation underlines that employment of cooperative strategies for parties involved is actually more beneficial than spoiling the process. In fact, even cumulative costs of cooperating and mediating complemented with potential benefits of acting as a spoiler still do not manage to match the benefits generated by cooperative strategies. As the model shows, although the choice of non-cooperating at first might appear appealing for a third-party, spoiling the process might actually backfire. Third-party's decision not to cooperate while

the multiparty endeavor is under way - thus implying that other mediators are engaged in the mediation in a cooperative manner - undercuts its own potential to exercise influence (or leverage) in the mediation and loses the potential to create expected benefits for itself and its partner side in the conflict. As long as the biased mediator is outside the mediating coalition, the conflicting party it is supporting might still remain in the process. In such circumstances the chances that potential solutions will be tilted to its partner's advantage (i.e. conflicting side it supports) get reduced. Consequently, as that particular conflicting side is losing through mediation, so will its outside partners (i.e. biased mediators), even though they are officially not cooperating in the process. For instance, the international reputation of a third party might be undermined. At the same time their leverage to influence future developments in the process might be considerably undercut. Therefore, the model induces a conclusion that both the non-cooperative outside actor and its partner party to the conflict will face far smaller benefits than those who opt to cooperate and potentially (through constructive dialogue and exercising necessary leverage) move the proposed solution to their advantage.

In light of a lower payoff, it is expected that a rational (biased) mediator will choose to alter its strategy and start cooperating with the rest of the group. Although the process of cooperation implies certain costs, and as such produces smaller utility than in cases when no party cooperates, the choice of altering the strategy and start cooperating will undeniably generate bigger benefits compared to those attained if a mediator remains outside the mediating coalition. By being a part of the mediating coalition, each mediator is able to exercise a certain influence over the process, and potentially negotiate a solution that is in favor of the side in the conflict that they have special relations with. Thus, (biased) mediators attain important utility as the conflicting side that they support actually starts gaining important benefits through mediation. Despite the costs of mediating and cooperating, the second outside actor still manages to create greater benefits through coordinated activities than if it opted to spoil the process and stay outside of the coalition. This only if the assumption from ToM - that mutual defection is not an option any more - continues to hold. Therefore, the model prescribes a dynamic that unequivocally remains in line with the initial statement and definition that cooperation implies the creation of new gains for

each party that were unavailable to them by unilateral action, albeit at some costs (Zartman and Touval 2010).

If interpreted through classical game theory, cooperation represents a dominant strategy in this model. ToM also provides a similar interpretation, given that once the multiparty mediation starts, cooperative behavior produces higher payoffs than defection. Overall, cooperation can be identified as a rational strategy that leads to nonmyopic equilibria. Once a party chooses to cooperate, short-term goals which induced a party to defect are no longer a priority. Rather, for a rational outside party that received low payoffs from a defecting strategy, cooperation becomes a useful mechanism through which it is possible to limit the other side's utility.

As cooperation proved to be decidedly beneficial not only to the overall process but more importantly also to the parties themselves, this research also wanted to go a step further and understand what mechanisms can induce a party to deter from defecting from the group. This notion has been already put forward by Sisk, who emphasized that the “game theory contributes to mediation strategies through the finding that one can *encourage moderation and deter ‘defection’* in bargaining relationships by not allowing a player to gain from a defection strategy, even if it imposes additional costs to cooperation to prevent a defector's gain” (emphasis added Sisk 2009, 48).

Inducing a party to switch from defection to cooperative behavior is obviously not a simple process, as it directly implies interference in another party's policy objectives. It would be too simplistic to assume that just by reproofing party's non-cooperative behavior or warning that such behavior is not constructive for the overall process of mediation would motivate a change in defector's strategy. This research departed from a rational choice assumption that in order to change its stratagem and pursue cooperative strategies the defecting party needs to realize the potential benefits of such a change. As third-parties get involved in managing a particular conflict not only for altruistic and humanitarian reasons but also to gain something from it (Greig 2005), the choice of cooperating also needs to be in line with party's self-interests. This research hypothesized three different reasons why a party would change its policy objectives.

On one hand, significant developments on a systemic level caused by dramatic political, social, economic and/or natural events might in-

duce a party to rethink its current guiding principles. This research referred to this mechanism as *exogenous geo-political shifts*. The rationale for assuming that such developments might alter third-party's behavior from non-cooperative to cooperative stems from the assumption that no policy objective is ever self-motivated or self-sufficient to linger indefinitely; it is rather a building block of a complex network of strategic choices developed by each actor in the international arena. Since such incidents rarely affect one actor at a time they may cause not only a shift in priorities with on party but also the needed *convergence of interests* among several actors that might induce cooperative behavior. In other words, once their interests are compatible, third-parties will be more inclined to cooperate. As the case of Tajikistan shows, Taliban storming of Kabul induced Russia and Iran to rethink their policies in the region, put more pressure on conflicting sides in Tajikistan and drive them toward a commonly acceptable solution. In Cambodia, two events had a similar impact. As Hampson and Zartman indicate, "Gorbachev's accession to power in the Soviet Union in the mid 1980s brought changes in the interests and positions of major outside parties. As a part of its overall effort to normalize relations with China, the Soviet Union began to step up its own efforts to resolve the conflict, by encouraging Vietnam to withdraw its army unit from Cambodia and threatening termination of its military and economic aid to Vietnam" (2012, 4). In fact the secret warning that the USSR delivered to Vietnam, in which they indicated their intention to stop supporting Vietnam's military presence in Cambodia and confrontation with China, resulted in Vietnam's announcement of troop withdrawal (which initially did not produce needed results to move the process toward an agreement) that on the long run contributed to Sino-Vietnamese rapprochement. In Namibia, the advent of Gorbachev to power also proved to be of crucial importance for the achievement of rapprochement between the USSR and the US, and their subsequent convergence of interests in managing the conflict through by linking together the issues pertinent to the conflicts in Angola and Namibia. Finally in Kosovo, changes on the systemic level also had an effect, however this time negative. When Russia started restoring its global relevance in the late 90s, its policies shifted from implicit compliance to implicit confrontation with the West, especially with the US. For Levitin this "deterioration has to be understood in the context of more general and long standing trends in Russian foreign policy" (Le-

vitin 2000, 138).

On the other hand, following the logic of 'ripeness' theory (Zartman 1989), *changes in the conflict dynamics* might induce those outside actors that are directly involved in the conflict - for example by providing logistical and/or military support - to consider using mediation as a 'way out' and a suitable alternative to end the conflict in a peaceful manner. Mediators are rarely just passive bystanders. Once involved in managing a conflict, mediators unequivocally become an important element that affects both the conflict dynamics and more importantly potential solution of the dispute. In case of Tajikistan, each time the parties failed to come to an agreement, they would resort to violence. This was especially problematic for Russia that had stationed troops. Aware that such violent dynamics produce unwanted costs in lives and military equipment, Russia would resort to more active strategies in order to push the government to accommodate the opposition and find a commonly acceptable solution. In the case of Namibia the achieved stalemate between Cuban and South African troops was an indication that a military victory in the conflict is unfeasible and that the present non cooperative strategy in the peace process was not producing any substantial results that would outweigh the military stalemate. In the case of Cambodia, the Soviet decision to stop financing the Vietnamese "tug of war" with China and change the strategies toward Beijing induced a more cooperative strategy for both between Soviet Union and China, and between China and Vietnam. Finally, in the case of Kosovo, the new reality on the ground created by UNMIK's presence, prompted Russia to agree with the rest of the Contact Group on independence as a viable solution to the problem. However this convergence did not last for long, and chances of acting in concert faded.

Finally, taking into account that defection is often a direct expression of a party's self-interested goals, another way of deterring a party from defecting is to engage it in a bargaining process, where an alternative to its current strategy can be found. Confrontation of self-interests between mediators in order to find common ground on an acceptable outcome to the conflict shifts the focus from negotiating with conflicting sides (mediating) to *negotiation between mediators*. As experience shows in these situations, the responsibility for encouraging a mediator to develop a common idea about a final solution and opt for cooperative strategy might rest with others in the mediating coalition. In the case

of Cambodia, the US managed to create momentum within the P5 and negotiate an acceptable solution for USSR and China which was crucial for the success of the peace process. Nonetheless, as noted by Solomon, “ultimately, the success came when the two major protagonists in the region’s conflicts of the 1980’s and 1990s – China and Vietnam made a secret, bilateral deal to reconcile their differences and support the United Nations peace plan for Cambodia” (Solomon 2000, 4). A similar dynamic was also tried in the case of Kosovo with the last attempt by Troika, when the EU not only tried to find a solution to the conflict but also to mediate a solution acceptable to other mediators (the US and Russia). However this effort eventually failed driving the process to a deadlock.

Although each of the three reasons to change policy objectives seem to work on their own, success is most guaranteed if combined. The case of Cambodia proves this point, as “the combined effects of a military stalemate among Cambodia’s political factions, diplomatic efforts to construct a settlement during the preceding decade by a number of interested parties, and the desire of the major powers to disengage from Indochina’s travails created a context for successful diplomacy” (Solomon 2000, 4).

To sum up, when the mediating coalition is faced with conflicting interests, if one mediator decides to defect from the group dynamic, this will have an important impact on the negotiation dynamics between the conflicting sides. If the mediators manage to achieve convergence of policy objectives among them, there are bigger chances that the peace process will be successful. In case mediators do not reach such convergence, the conflicting sides will be induced to defect from negotiations, making it more likely for the peace process to fail.

All five case studies also provided sufficient support for previously hypothesized dynamics regarding the coordination of multiple mediators. As expected, the stronger the mediators’ strategic interest in the conflict for a mediator the higher the chances of successful mediation through a coordinated effort by mediators in a coalition. Therefore, reflecting on what was previously stated for all case studies it could be concluded that a successfully coordinated multiparty mediation activity is directly dependent on the compatibility of interests between the party that coordinates and third-parties that have strong vested interests in the conflict and leverage to influence the behavior of at least one of

the conflicting sides. Consequently, while coordinator's legitimacy is a very important ingredient for a successfully coordinated effort, it can not be put into effect before the third-parties have reached the needed convergence of interest. This in other words supports the initial premise of this research, where the first step of a successful multiparty mediation effort is the achievement of third-parties' willingness to cooperate (convergence of interests), which opens the doors to the second stage of coordination where the parties split the task of leveraging the parties toward an agreement.

This research departed from the assumption that cooperation between mediators is not only beneficial to the multiparty mediation process but also to them as rational actors who are driven by self-interests. Even despite the inevitable costs of mediation coupled with costs of cooperating, cooperation still proves to be more beneficial than defecting strategies.

As the five case studies illustrate, cooperation between mediators is by no means exogenous to the process. First of all, cooperation changes in intensity according to the dynamics of the conflict and of the conflict management process. As all three examples show, when outside parties do not have converging interests on how the conflict should end they often resort to limited cooperation. Limited cooperation produces a limited result. When third parties are unwilling to use its full mediating potential – for instance, when a patron state is unwilling to use more directive strategies to move the partner party in conflict toward an agreement - this choice might send mixed signals to the conflicting parties which might produce lack of commitment to negotiate a settlement. In other words, lack of cooperation within the mediating coalition directly gets transposed into the lack of cooperation between the conflicting sides and third parties.

However when the situation on the ground changes and becomes unbearable to the outside actors they might decide to achieve full cooperation. Cooperating in these circumstances becomes more 'cost/benefit efficient' and 'effective' (Zartman 2009) than previous strategies. At the same time, if these changes do not induce all parties to engage in a cooperative manner, then one party that has been 'convinced' tries to encourage those ones that are still resorting to defecting strategies. As the case studies suggest, the party which has the strongest interest in resolving the conflict will most likely be the one that will try to encour-

rage the other side to establish a more cooperative mutual relationship. Ultimately, it is worth noting that coordination might also be related to a much bigger framework of relations and strategic choices an outside party has and makes. As most (self) interests are interrelated into a network of strategic interests, developments on the regional and global level which might endanger these strategic interests have the potential in inducing a third party of radically shifting its outlook on the actual conflict. Again in these circumstances cooperation again proves to be more 'cost/benefit efficient' and 'effective', which allows the third party to explore the option of cooperating in order to preserve its self-interests.

As parties manage to achieve convergence of interests and become able to work from a 'common script', this sends a strong signal to the parties in conflict that they should also be more inclined to cooperate and compromise both with mediators and the other conflicting side. Overall, this signaling helps the mediating effort to move conflicting sides more smoothly toward an agreement.



SAMENVATTING



Samenvatting

Bij bemiddeling in internationale conflicten is steeds vaker sprake van meer dan één bemiddelende partij. In de literatuur wordt dit *multiparty mediation* genoemd (Crocker et al. 1999; Crocker et al. 2001). Recente casussen van *multiparty mediation* oogstten veel kritiek, maar de traditionele literatuur over internationale conflictbeheersing ziet voordelen in gecoördineerde bemiddeling door meerdere partijen. Zartman benadrukt: “if a number of conciliators are available to the parties themselves and if a number of friends of the conflicting parties can coordinate their good offices and pressure, the chances of success are improved” (Zartman 1989, 276). Meerdere onderzoekers hebben zich beziggehouden met *multiparty mediation*. Er is bestudeerd welke kansen en risico’s dergelijke bemiddelingsprocessen met zich meebrengen (Crocker et al. 1999; Crocker et al. 2001, Diehl en Lepgold 2003). Tevens is er gekeken naar de relatie tussen de grootte van de bemiddelende coalitie en de doeltreffendheid ervan (Böhmelt 2011). Daarnaast is onderzocht wat het belang is van samenwerking en afstemming tussen de betrokken bemiddelaars voor een geslaagde *multiparty mediation* (Whitfield 2007, Böhmelt 2011, Hampson en Zartman 2012).

In dit proefschrift worden de effecten van coöperatie en coördinatie in *multiparty mediation* nader onderzocht. De bovengenoemde studies hebben aangetoond dat er twee cruciale uitdagingen zijn in ieder *multiparty mediation* proces: (1) het bereiken van een adequate coöperatie tussen de bemiddelaars en (2) consequente coördinatie van hun activiteiten in het bemiddelingsproces. Zowel coöperatie als coördinatie veronderstellen dat de bemiddelaars hetzelfde doel voor ogen hebben aangaande het oplossen van het conflict. Voorts is een vereiste dat alle partijen de voordelen inzien van samenwerking. Daardoor wordt immers coördinatie mogelijk en kunnen zij hun inspanningen op elkaar afstemmen. Dit maakt de weg vrij voor een meer efficiënte organisatie van *mediation* en een taakverdeling tussen de bemiddelaars.

Coöperatie en coördinatie zijn voor het welslagen van *multiparty mediation* van cruciaal belang. Dat vergt een zekere ‘consistentie van belangen’ tussen de bemiddelaars. In dit proefschrift zijn deze bevindingen kritisch onderzocht. De onderliggende vragen van dit onderzoek luiden als volgt. In hoeverre beïnvloeden de ‘consistentie van belangen’ en de ‘coöperatie en coördinatie’ tussen de bemiddelaars het bemiddelings-

proces? Een zekere dynamiek is inherent aan iedere samenwerking; de voorkeuren van bemiddelaars zijn geen statisch gegeven. Partijen kunnen gedurende het proces van opstelling veranderen, bijvoorbeeld van coöperatief naar niet-coöperatief. Maar wil dit ook zeggen dat *mediation* zonder coöperatie onvermijdelijk mislukt? En wat gebeurt er wanneer de bemiddelaars niet opereren vanuit gedeelde belangen of streven naar verschillende oplossingen?

Dit proefschrift heeft tevens onderzocht wat de obstakels zijn voor het bereiken van samenwerking en belangenconvergentie tussen meerdere bemiddelaars onder dergelijke dynamische condities. Het ontbreken van een ‘gemeenschappelijk script’ tussen de bemiddelaars bemoeilijkt de onderhandelingen. Hoe kan dit probleem worden opgelost? In dit proefschrift is bekeken welke mechanismen (op het systemische en het contextuele niveau) (potentiële) bemiddelaars aan boord van de *multiparty mediation* kunnen houden.

Tenslotte is, met het oog op een alsmaar groeiend aantal bemiddelaars – staten en andere internationale actoren – niet alleen gekeken naar ieders relatieve institutionele sterke en zwakke punten, maar ook naar de wijze waarop een gemeenschappelijk, gecoördineerd optreden kan worden bevorderd en de vraag hoe er moet worden omgegaan met de overdracht van verantwoordelijkheden tussen bemiddelaars.

Daarmee raakt dit onderzoek expliciet aan het eigenbelang dat een derde partij motiveert (blijvend) te participeren als bemiddelaar in een *multiparty mediation*. Bemiddelingsproces. Er is getracht om inzicht te geven in de relatie leggen tussen enerzijds coördinatie en coöperatie en anderzijds het eigenbelang, dan wel de strategische interesses, van bemiddelende partijen. Onderzocht is wat de invloed is van deze wisselwerking op de algehele effectiviteit van het *mediation* proces.

Multiparty mediation is niet zozeer een nieuwe bemiddelingstheorie; zij bouwt voort op de bestaande inzichten met betrekking tot bemiddeling als een methode voor het hanteren van internationale conflicten. Dit proefschrift begint dan ook met een schets van een theoretisch kader voor *mediation*. Aan de hand van de bestaande literatuur wordt de multi-causaliteit van het bemiddelingsproces belicht. Er wordt bekeken hoe de interactie tussen verschillende (systemische en gedrags-) factoren de effectiviteit van het bemiddelingsproces beïnvloedt. In hoofdstuk twee wordt vervolgens ingegaan op de bestaande inzichten omtrent *multiparty mediation*. Er wordt geconstateerd dat deze enigszins

beperkt zijn. Om in deze leemte te voorzien, introduceert dit onderzoek een speltheoretisch model, waarmee algemene patronen kunnen worden ontdekt in het gedrag van bemiddelaars. Dit model wordt geïnterpreteerd met behulp van de *Theory of Moves* (Brams, 1994). Indachtig de bestaande literatuur over mediation en met gebruikmaking van het speltheoretische model worden enkele hypothesen geformuleerd aangaande de dynamiek van coöperatie en coördinatie in *multiparty mediation*. Deze worden getoetst aan de hand van vijf *case studies* van recente internationale conflicten waarin *multiparty mediation* is toegepast: Tadzjikistan, Namibië, Cambodja, Kosovo en Sri Lanka.

Eerdere studies (Kriesberg 1996, Crocker et al. 1999, Crocker et al. 2001, Böhmelt 2011) hebben aangetoond dat er een sterke correlatie bestaat tussen enerzijds coördinatie en coöperatie tussen de bemiddelaars en anderzijds het succes van *mediation*. Dit onderzoek gaat een stap verder en onderzoekt welk causaal mechanisme mogelijk ten grondslag ligt aan deze correlatie. Met behulp van *process tracing* (George and Bennett 2005, Beach and Pedersen 2012), een zeer geschikte methode om causale relaties te analyseren, worden de vijf casus bestudeerd. Er is gekeken naar de dynamiek in het bereiken van de noodzakelijke coöperatie en coördinatie tussen de betrokken bemiddelende partijen en het effect daarvan op het vredesproces. Drie van de vijf casus bleken een succes: Tadzjikistan, Namibië en Cambodja. In de andere twee gevallen was *multiparty mediation* geen succes: Sri Lanka en Kosovo. Het proefschrift eindigt met een discussie over de verschillende factoren die het gedrag van bemiddelaars kunnen beïnvloeden, opdat zij beter samenwerken en hun inspanningen meer op elkaar afstemmen, hetgeen de kans vergroot op een succesvolle oplossing van conflicten.

Het model dat wordt uitgewerkt in deze studie, toont aan dat bemiddelaars meer baat hebben bij het volgen van coöperatieve strategieën dan bij het tegenwerken van het bemiddelingsproces — zelfs wanneer men de cumulatieve kosten van coöperatie en bemiddeling optelt bij de potentiële voordelen van eventueel obstructief of destructief handelen. Op het eerste gezicht kan het aantrekkelijk lijken voor een derde om zich non-coöperatief op te stellen, maar uit het model volgt dat dit veeleer een ongewenst effect sorteert. Wanneer een *multiparty mediation* reeds in gang is gezet — en de overige bemiddelaars dus impliciet aangeven samen te willen werken — ondermijnt het niet-samenwerken de positie van de niet-coöperatieve bemiddelaar. Hij/zij kan minder invloed uit-

oefenen op het bemiddelingsproces. Daardoor wordt de mogelijkheid beperkt de eigen belangen te behartigen en voordelen te behalen uit het proces — noch ten gunste van zichzelf, noch ten bate van de partnerpartij in het conflict. Ook wanneer de partnerpartij zelf wél betrokken blijft in het bemiddelingsproces, kan zij daarin schade oplopen. De partnerpartij heeft zonder bevriende bemiddelaar immers minder invloed op het uiteindelijke akkoord. De kans is niet denkbeeldig dat dit akkoord ook daardoor nadelig uitvalt voor de niet-coöperatieve partij.

Bovendien zijn aan non-coöperatie ook langere-termijnrisico's verbonden. De internationale reputatie kan erdoor worden geschaad. Dit kan de invloed van de niet-coöperatieve partij in toekomstige internationale conflicten verminderen. Volgens het in dit proefschrift toegepaste model zijn een niet-coöperatieve buitenstaander en diens partnerpartij dan ook slechter af dan de partijen die voor samenwerking kiezen.

De onderliggende aanname van het model, in lijn met de *Theory of Moves*, is dat wederzijdse non-coöperatie geen rationele optie is. De kosten-batenanalyse valt immers voor alle bemiddelaars hetzelfde uit: door samenwerking creëren zij kansen die niet voorhanden zijn wanneer de partijen unilateraal zouden handelen, zij het met enkele kosten (Zartman en Touval, 2010).

Bezien vanuit de klassieke speltheorie is coöperatie de dominante strategie. Wanneer het bemiddelingsproces eenmaal is begonnen, en de partijen ook hun lange-termijnbelangen in acht nemen, brengt medewerking altijd meer nut (*utility*) op dan tegenwerking. Voor een rationele partij die zich eerder afzijdig hield van de bemiddeling (ofwel: non-coöperatief gedrag vertoonde), is een coöperatieve opstelling nu juist hét middel om het nut (*utility*) van de andere partijen te verminderen.

Na de vaststelling dat samenwerking zowel het bemiddelingsproces dient als ook de belangen van alle betrokken partijen, zet dit proefschrift een volgende stap. Onderzocht is welke mechanismen partijen ervan kunnen weerhouden om non-coöperatief gedrag te vertonen. Zoals Sisk stelt: “game theory contributes to mediation strategies through the finding that one can *encourage moderation and deter ‘defection’* in bargaining relationships by not allowing a player to gain from a defection strategy, even if it imposes additional costs to cooperation to prevent a defector’s gain” (mijn nadruk; Sisk 2009, 48).

Het blijkt niet eenvoudig een derde partij ertoe te bewegen om van non-coöperatie over te gaan tot samenwerking. Er kan niet simpelweg

worden volstaan met een berisping of een beroep op het algemeen belang. Bemiddelaars participeren namelijk niet enkel om altruïstische en humanitaire redenen, maar ook omdat zij er zelf wat uit willen halen (Greig 2005). In dit proefschrift wordt uitgegaan van deze aanname uit de rationele-keuzetheorie: als rationele actoren kiezen partijen hun beleidsdoelen met het oog op hun eigenbelang. Willen bemiddelaars die niet geneigd zijn tot participatie, hun strategie wijzigen en alsnog gaan samenwerken in een *multiparty mediation* coalitie, dan moeten zij daarin potentiële voordelen voor zichzelf zien.

In dit proefschrift zijn drie hypotheses getoetst over de vraag waarom partijen hun beleidsdoelen zouden bijstellen en zouden overgaan tot coöperatie. De eerste hypothese houdt in dat grootschalige en dramatische politieke, sociale, economische veranderingen en/of natuurrampen partijen ertoe kunnen dwingen hun beleidsdoelen te herzien. In dergelijke gevallen is sprake van 'exogene geopolitieke verschuivingen' (*exogeneous geopolitical shifts*). De aanname is dat deze *shifts* gedragsveranderingen teweeg kunnen brengen omdat geen enkel beleidsdoel geheel op zichzelf staat. Integendeel, beleidsdoelen zijn slechts één klein onderdeel van een complex netwerk van strategische keuzes die actoren maken in de internationale arena. Dergelijke *shifts* betreffen meestal meerdere actoren. Daarom is het mogelijk dat deze niet alleen leiden tot gewijzigde prioriteiten en strategieveranderingen bij één partij; zij kunnen ook een convergentie van belangen tussen meerdere partijen in de hand werken. En dat bevordert coöperatief gedrag. Met andere woorden, exogene geopolitieke verschuivingen kunnen de belangen van meerdere actoren doen samenvallen en daarmee de dynamiek in *mediation* processen beïnvloeden.

Zo bracht in de casus Tadzjikistan de bestorming van Kabul door de Taliban veranderingen teweeg in de opstelling van Rusland en Iran. Dit incident bracht beide partijen ertoe hun beleid ten aanzien van de regio te herzien. Zij kwamen tot het besef zij meer druk moesten uitoefenen op de strijdende partijen in Tadzjikistan om tot een oplossing te komen die voor alle partijen aanvaardbaar was.

In de casus Cambodja hadden twee exogene verschuivingen een vergelijkbaar effect. Zoals Hampson en Zartman hebben beschreven: "Gorbachev's accession to power in the Soviet Union in the mid 1980s brought changes in the interests and positions of major outside parties. As a part of its overall effort to normalize relations with China, the

Soviet Union began to step up its own efforts to resolve the conflict, by encouraging Vietnam to withdraw its army unit from Cambodia and threatening termination of its military and economic aid to Vietnam” (2012, 4). Daarnaast deed de Sovjet-Unie, in het geheim, een waarschuwing uitgaan aan Vietnam. De sovjets gaven te kennen Vietnam niet langer te steunen in hun militaire aanwezigheid in Cambodja en hun confrontatie met China. Dit bracht Vietnam ertoe zijn milities uit Cambodja terug te trekken. In eerste instantie leidde dit niet tot het gewenste resultaat, maar uiteindelijk leidde deze geopolitieke verschuiving tot *rapprochement* tussen China en Vietnam.

In de casus Namibië was de toenadering tussen de Sovjet-Unie en de VS van doorslaggevend belang. Beide grootmachten hadden tegengestelde belangen in de conflicten die werden uitgevochten in Angola en Namibië. Met de komst van Gorbatsjov werd belangenconvergentie mogelijk en werd samenwerking in de bemiddeling in beide conflicten een reële optie.

In Kosovo brachten exogene geopolitieke verschuivingen juist negatieve veranderingen met zich mee. Aan het eind van de jaren '90 probeerde Rusland zijn positie als grootmacht te heroveren. De opstelling veranderde van impliciete meegaandheid met het Westen naar impliciete confrontatie – met name met de VS. Zoals Levitin stelt: deze “deterioration has to be understood in the context of more general and long standing trends in Russian foreign policy” (Levitin 2000, 138).

De tweede hypothese met betrekking tot factoren die kunnen leiden tot beleidsveranderingen inzake participatie in *mediation*, is geënt op de *Ripeness Theory* (Zartman 1989). Getoetst is in hoeverre veranderingen in de dynamiek van conflicten (*changes in conflict dynamics*) partijen ertoe kunnen dwingen hun beleidsdoelen bij te stellen. Actoren die geen partij zijn in een conflict, maar wel daarin zijn betrokken – bijvoorbeeld door het verlenen van logistieke of militaire steun – kunnen in de dynamiek van een conflict een aanleiding zien om *mediation* te gaan toepassen als een uitweg uit het conflict en een vreedzaam, voordeliger alternatief om het conflict te beslechten. Bemiddelaars zijn zelden enkel passieve toeschouwers. Eens zij actief in de oplossing van het conflict worden betrokken, gaan zij de dynamiek van het conflict mede bepalen en, belangrijker nog, de lijnen uitzetten voor een mogelijke oplossing ervan.

In het geval van Tadzjikistan zochten de strijdende partijen, steeds

als zij er niet in slaagden tot een akkoord te komen, hun toevlucht tot geweld. Dit was vooral een probleem voor Rusland, dat troepen had gestationeerd in de republiek. Rusland raakte meer en meer doordrongen van de ongewenste verliezen aan levens en militair materieel die deze gewelddadige dynamiek met zich meebracht. Het gevolg was een meer actieve strategie om de Tadzjiekse overheid ervan te overtuigen de oppositie tegemoet te komen en een voor iedereen aanvaardbare oplossing te vinden.

In de casus Namibië was de patstelling tussen de Cubaanse en Zuid-Afrikaanse troepen een indicatie dat een militaire overwinning in het conflict niet haalbaar was en dat een non-coöperatieve strategie in het vredesproces niet langer opwoog tegen de nadelen van deze voortdurende impasse.

In Cambodja leidde het besluit van de Sovjet-Unie om de Vietnamese *tug of war* met China niet langer te financieren en de relaties met Beijing te verbeteren tot een verandering in de dynamiek van het conflict. Zowel China en Vietnam als ook de Sovjet-Unie en China gingen over tot een nieuwe, meer coöperatieve strategie.

In de casus Kosovo, tenslotte, zette een nieuwe factor in het conflict — de aanwezigheid van UNMIK — Rusland ertoe aan om mee te gaan in de zienswijze van de overige leden van de Contact Group en de onafhankelijkheid van de republiek als een levensvatbare optie te accepteren. Deze convergentie van belangen hield echter niet lang stand en de kansen voor eensgezind handelen in dit conflict verslechterden.

Non-coöperatie in *multiparty mediation* komt dikwijls voort uit het eigenbelang van een partij. Een derde hypothese die in dit proefschrift is getoetst, houdt in dat onwillige partijen aan het bemiddelingsproces kunnen worden gecommiteerd door hen te betrekken in onderhandelingen die een gunstig alternatief bieden voor hun strategie. Daarmee verwordt *mediation* tot een confrontatie van de eigenbelangen van bemiddelaars om raakvlakken te vinden voor een wederzijds aanvaardbare oplossing van het conflict. De nadruk verschuift van onderhandelingen met de strijdende partijen naar een onderhandeling tussen de bemiddelaars. De ervaring leert dat het in zulke situaties aan de overige, welwillende bemiddelaars is een oplossing te bedenken voor het conflict waarin ook de onwillige partij zich kan vinden.

In het conflict in Cambodja slaagden de VS erin een momentum binnen de P5 te creëren en een oplossing uit te onderhandelen die zo-

wel voor de Sovjet-Unie als ook voor China aanvaardbaar was. Dit bleek cruciaal voor het succes van de bemiddeling. Niettemin, zoals Solomon beargumenteert, “ultimately, the success came when the two major protagonists in the region’s conflicts of the 1980’s and 1990s – China and Vietnam made a secret, bilateral deal to reconcile their differences and support the United Nations peace plan for Cambodia” (Solomon 2000, 4).

Een vergelijkbare dynamiek is te ontwaren in de laatste bemiddelingspoging die de Trojka in Kosovo ondernam. In dit geval zocht de EU niet alleen een naar een oplossing voor het conflict zelf; men hield ook oog voor de belangen van de twee andere bemiddelaars, de VS en Rusland. Deze poging mislukte echter, waardoor het gehele bemiddelingsproces in een impasse terecht kwam.

Uit dit onderzoek blijkt dat exogene geopolitieke verschuivingen, veranderingen in de dynamiek van een conflict en het verzoenen van de belangen van bemiddelaars coöperatie in *multiparty mediation* kunnen bevorderen. De meeste kans op een succesvolle bemiddeling bestaat als deze factoren tegelijkertijd optreden.

De casus Cambodja illustreert dit punt. Daar bleek dat “the combined effects of a military stalemate among Cambodia’s political factions, diplomatic efforts to construct a settlement during the preceding decade by a number of interested parties, and the desire of the major powers to disengage from Indochina’s travails created a context for successful diplomacy” (Solomon 2000, 4).

Wanneer een coalitie van bemiddelaars zich ziet geconfronteerd met tegenstrijdige belangen en één partij besluit uit de onderhandelingen te stappen, dan heeft dit belangrijke gevolgen voor het bemiddelingsproces. Wanneer de *mediators* erin slagen hun beleidsdoelen te laten convergeren, is de kans groter dat er succes wordt geboekt in het vredesproces. Andersom leidt niet-convergentie eerder tot non-coöperatie en falen van het vredesproces.

De vijf case studies in dit proefschrift bevestigen tevens de veronderstelde belangenafweging die speelt in de coördinatie van de participatie van meerdere bemiddelaars. Hoe groter het strategisch belang van de bemiddelaars in een conflict, des te groter wordt de kans op gecoördineerde *multiparty mediation*. Uit dit onderzoek blijkt voorts dat succes daarvan direct afhankelijk is van de verenigbaarheid van de belangen van de coördinerende partij en die van van de derde partijen. Eveneens van belang is de mate waarin deze derde partijen een belang hebben in

het onderhavige conflict en hoeveel invloed zij kunnen uitoefenen op het gedrag van tenminste een van de strijdende partijen. De legitimiteit van de coördinerende partij kan pas ten gelde worden gemaakt wanneer de derde partijen een convergentie van belangen hebben bereikt. Daarmee is aan het uitgangspunt van dit onderzoek voldaan: de eerste stap in een succesvolle *multiparty mediation* behelst het bereiken van bereidwilligheid tot coöperatie onder de bemiddelaars. Dit maakt de weg vrij voor de tweede fase binnen het bemiddelingsproces: coördinatie van de inspanningen van de bemiddelaars waarmee zij de strijdende partijen richting een akkoord kunnen sturen.

Een tweede aanname van dit proefschrift luidt dat samenwerking tussen meerdere bemiddelaars niet alleen voordelig is voor het bemiddelingsproces, maar ook voor de bemiddelaars zelf. Zij zijn rationele actoren die zich laten leiden door hun eigenbelang. Met bemiddelingsinspanningen en coöperatie zijn weliswaar kosten gemoeid, maar uit de in dit onderzoek bestudeerde praktijk blijkt dat samenwerking meer nut oplevert dan non-coöperatief gedrag.

Zoals de vijf case studies laten zien, is coöperatie tussen de bemiddelaars absoluut niet exogeen aan het proces. Ten eerste beïnvloedt de dynamiek van het conflict de intensiteit van samenwerking en het daarmee het proces van conflictbeheersing. De voorbeelden die in dit proefschrift zijn aangehaald, tonen aan dat derde partijen, wanneer zij geen convergerende belangen koesteren ten aanzien van de uitkomst van een conflict, dikwijls kiezen voor een beperkte samenwerking. Beperkte samenwerking levert op haar beurt weinig resultaat voor het vredesproces. Wanneer derden niet hun volledige potentieel voor bemiddeling gebruiken – bijvoorbeeld door na te laten druk op een bevriende partij uit te oefenen – zendt dit gemengde signalen naar de strijdende partijen en kan dit ten koste gaan van hun bereidheid om een oplossing uit te onderhandelen. Een gebrek aan coöperatie binnen de bemiddelende coalitie vertaalt zich direct in een gebrek aan coöperatie tussen de strijdende partijen en derden.

Wanneer echter het conflict voor derde partijen onwenselijke vormen aanneemt, kunnen deze besluiten volledig coöperatief te handelen. Samenwerken in deze omstandigheden wordt dan meer *cost/benefit efficient* en *effective* (Zartman 2009) dan de tot dan toe gevolgde strategieën. Indien dergelijke ontwikkelingen in het conflict er niet toe leiden dat alle partijen coöperatief gedrag gaan vertonen, dan kan de partij, die

wel is omgegaan, proberen de non-coöperatieve partijen te overtuigen van de noodzaak van samenwerking. De case studies in dit proefschrift suggereren dat het meestal de partij is die het meest gebaat is bij een oplossing van het conflict die deze rol van aanjager op zich neemt.

Het vraagstuk van coördinatie kan ook worden gerelateerd aan het grotere kader van betrekkingen die een externe partij onderhoudt en de strategische keuzes die zij maakt. Aangezien (eigen)belangen daarmee doorgaans nauw verband houden, kunnen veranderingen op regionaal en mondiaal niveau die deze belangen in gevaar brengen, een derde partij ertoe bewegen haar visie op een conflict radicaal te wijzigen. Ook dan wordt coöperatief gedrag meer *cost/benefit efficient* en effectief, omdat partijen zodoende hun (eigen)belangen kunnen veiligstellen.

Wanneer de partijen die zijn betrokken in *multiparty mediation* een convergentie van belangen bereiken en gaan samenwerken vanuit een gedeeld script, dan zenden zij een krachtig signaal uit naar de strijdende partijen: ook zij zouden meer geneigd moeten zijn tot coöperatie en compromissen, zowel met de bemiddelaars als ook onderling. Een dergelijk signaal ondersteunt het bemiddelingsproces en de stelt de strijdende partijen in staat om eenvoudiger tot een vergelijk te komen.



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CURRICULUM VITAE



Curriculum Vitae

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