Analysis of multiparty mediation processes

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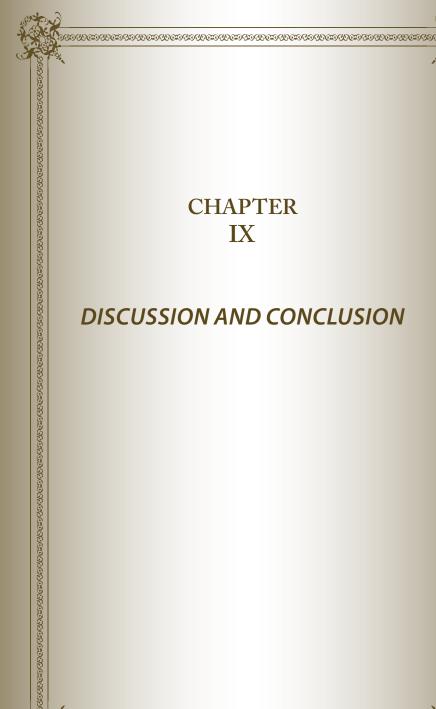|	
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CHAPTER
IX

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 looses 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 loosing 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 chose 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 that 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 reproving 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 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.

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 expre-

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 insomuch 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 and 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 'indispensible', 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.