

Power in mediation: does size matter?

Harriet Martin¹

The end of the Cold War saw the rise in the international belief that mediation was an art worth pursuing when in the 1990s increasing numbers of conflicts started ending by negotiation. Yet it is no coincidence that the end of the Cold War also saw the rise of a uni-polar world in which the US could act as a superpower for peace, backing, pushing, and where necessary bombing parties to the negotiating table. So does talk of a decline in US diplomatic power spell the end of this mediation heyday? Or does the power to make a durable peace come from multiple sources – the mediator’s personality, relationships within a process, perceptions from outside it, not to mention the political evolution of a country? And while bringing in the big boy diplomats can be vital to getting a deal, a deal in itself is not necessarily an agreement for peace.

Big power diplomacy: the must-have ingredient?

What do you need to get a mediation to work? Surely the more powerful the forces driving a peace process, the better the chances of it working? You might think to bring in a superpower (and as yet the US is the only candidate available) and a half-decent mediator and you’d be sorted. After all when the US decides it’s going to make peace, it seems that peace can be made. Bosnia, Kosovo, and South Sudan all seem to illustrate the point. So why is it that despite phenomenal diplomatic effort the US hasn’t managed to get the Darfur deal of May 2006 to stick?

Is it that the Bush administration actually didn’t *decide* on peace in Darfur? Despite the outraged rhetoric the problem never climbed high enough up the State Department’s “to do” list to merit the necessary diplomatic effort. Or is it about the nature of the power used? In Bosnia and Kosovo the US used violent power in the form of bombs to get the parties to the negotiating table. And in the case of South Sudan it was Khartoum’s fear of the American “bombing for peace” technique which in part drove five years of difficult negotiations. There is no such evident threat hanging over Khartoum in the case of Darfur, so maybe this is why despite the international protests, the butchery in that remote region continues.

Many argue now that things have changed and the US is actually no longer in a position to resolve Darfur. It is China which holds the key leverage. As Khartoum's most important trading partner, and would-be backer, only Beijing has the power to enforce peace in Darfur. The rise of this usurper superpower-in-waiting has coincided with 9/11 and the US invasion of Iraq. These events have profoundly shifted the global balance of power and have led commentators such as former Secretary of State Madeline Albright to talk of the emergence of a multi-polar world. In private, some senior European politicians are more despairing, and now talk instead of the difficulty of working in a "no-polar" world.

What has all this meant for Darfur? On the face of it, US determination to get peace made when it decides to do so, has not lessened. American diplomats would argue that they sweated blood to get a deal in Darfur. *And* that they managed it. But deals are not peace agreements. And it may be that the Darfur agreement, which AU mediators were pressured into achieving in a matter of weeks, has not stuck because it was simply a poor agreement. And this may be why that by the time the deadline expired; only one of the three rebel groups had signed it. And while being trumpeted by the international community as some form of success, this half-baked half-signed agreement has not only split the rebel groups but fuelled the conflict.

Defining power in mediation

Power in mediation is the capacity to effect change within the process which pushes it towards a conclusion. Ultimately, the power to do this rests with the parties. It is they who have the sovereignty of the process. It is they who have the power to say yes or no. But knowing that parties will remain ambivalent about peace right through to the signing (and often beyond) as they constantly reassess where their interests lie, they need to be helped (and often pressured) to make peace. This is where the external power diplomacy comes in, along with the mediator, and all the carrots and sticks that will be needed along the way in order to get the two sides to sign an agreement.

Even though strong backing from the State Department significantly increases the odds that a process will end in an agreement, there is a downside to too much of it. The more a process is dominated by power diplomacy, very often, the weaker the agreement that results. In addition to the Darfur Agreement, the 1995 Dayton Accords for Bosnia are an earlier example of the limitations of mediation made entirely by external power. Here the mediator, his institution, and the chief backer were all batting for the same side. The result on paper looks enviable. In just three weeks Richard Holbrooke secured an agreement after three years of bloody war. But the solution he came up with was not negotiated between the two sides, but imposed on them, with only minimal buy-in from the parties. And it is widely accepted that it has only lasted because the deal remains secured by foreign military force, in much the same way that the talks themselves were achieved.

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The other examples of power-driven peace agreements are similar stories of only partial success. Kosovo was bombed successfully into a stalemate, but an actual resolution to the conflict nearly a decade on remains elusive. Afghanistan is another example of where a hurried peace agreement followed hot on the heels of a US bombing campaign, in this instance against the Taliban. Several key factions, not least the Taliban themselves, were not included in the process, which is, perhaps, one of the reasons why the Bonn Agreement of 2002 has never managed to achieve a proper peace in the country. And in South Sudan there are rising doubts over whether the hard won agreement will be ever implemented.

These results point to the dilemma of power of diplomacy in mediation. It is absolutely necessary but it must be balanced with other sources of power. This is partly because the stronger the US sponsorship of a mediation, the stronger the US interest in the outcome. Much like a commercial sponsor who puts money into a football match because there are clear benefits from being publicly associated with a successful event, diplomatic power also seeks to profit from opportunities for peace. It has to. A powerful sponsor like the US can only justify the (political and financial) expense of its involvement if it is able to satisfy the demands of a domestic audience or lobby group, strategic interests in the region, and make the most of the process by gaining, for example, access to mineral resources or development contracts in the conflict zone. All this manifests itself in the pressure the US – and others – will put on a process to get a particular outcome and have it done and dusted by a certain deadline.

For the mediator, the danger of this is that at some point their interests and those of their sponsors on whom they rely, may clash. The mediator's interest is for a resolution to the conflict and a sustainable agreement. But the mediator can be helped by the process itself which has the potential to act as a curious leveller of power. This means the same type of power applied at different points in the process will produce different results. So in the case of South Sudan, for instance, unquestionably US power was vital for getting those parties to the process and staying in it. Yet it was US power which frequently threatened to derail the process when it was applied too heavily. The recent Cyprus mediation depended on robust US and British support in New York to push it through. Yet it was the very strength of that support which, in part, led the Greek Cypriots to reject the UN's solution. In Northern Uganda it was Kony's ICC indictment which was the trigger to get the LRA to the negotiating table. Yet now, Kony and his cohorts say that they will not do a deal until the indictments are dropped.

So what matters is not the magnitude of power in a mediation but how and when it is applied. This is where the power of the mediator comes in to play. His or her job is to act as a conductor to this orchestral cacophony of power sources, bringing them in loudly or softly depending on the changing needs of the process.

The power of the mediator

One of the main ways the literature has defined how power works in mediation is through the notion of the "strong" and "weak" mediator. In short a strong mediator

has the leverage to pull in outside influences of power as necessary in order to push a process through and a weak mediator does not. External diplomatic power has the potential to bring with it a wide range of carrots such as World Bank money, military aid, better regional relations, as well as sticks like suspension of loans, sanctions or at its most extreme military action.

Although the idea of strong and weak mediators gives us an indication of their theoretical chances of success, it is a rather clinical approach which ignores the complex way power operates in a process. It also implies that the only power of significance is external pressure, whereas power can come from the parties, the domestic environment as well as the dynamics of the process itself, not least the personality and skill of the mediator.

Yet despite the importance of the mediator, the terms “strong” and “weak” actually refer to the institution the mediator represents and not the mediator himself. The difference between the two is not simply technical. The role the mediator’s personality plays in a process is different from that of the leverage (or lack of it) of his or her institution. And just as an oyster needs to be able to manoeuvre a bit within its shell, a mediator also may need to create some distance occasionally, from his or her organisation. If there is a perception that the mediator is being manipulated whether by his own institution or his diplomatic sponsors, he will struggle to retain the trust of the parties in whose interests he is working.

The power of the mediator’s personality

The process which led to the South Sudan agreement can teach us a lot about how power works within mediation. IGAD, as a regional organisation for the Horn of Africa might have been notionally a strong mediator since its members, all neighbouring states, had a keen interest in resolving two decades of conflict which had affected them all. But the political reality was it was weak, a weakness exacerbated by the determination and commitment of the chief sponsor of the talks, the US.

The US dominated this process. If the US had had its way completely the agreement reached would have looked quite different – one thing they had pushed for example, was a “Shar’ia-free” Khartoum in support of the (American) principle of equality of religion and freedom of expression. It is inconceivable for many to think that the Sudanese government would ever have agreed to such a thing. Had the notion been pushed too far the process would have collapsed. It almost did. What stopped it was the forceful personality of Lazaro Sumbeiywo, who battled with any solutions he considered “UnSudanese” to the point that he threatened to shoot the American envoy to the talks. Not once, but twice. “I had to build a spider’s web to keep them in but also out,” Sumbeiywo later said of his technique of turning the power tap on and off in order to protect the process from the influence of the very backers who were vital to seeing it through.

At the other end from the mediation spectrum sits the Oslo process. Cited amongst academics as a prime example of the power of “neutral facilitation”, most understand it as a process in which the Norwegians enabled the two sides in the Middle

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East to meet and the rest was down to them. Yet members of both the Israeli and Palestinian negotiating teams involved in the talks concede that it was the persuasive, compelling and shrewd personality of Terje Roed Larson, who actively drove the process on a daily basis. By cajoling and charming the negotiators in equal measure, he was key to giving the talks the momentum needed to push them through to an agreement.

In contrast the Norwegians' facilitation in Sri Lanka has been a facilitation run by facilitators. This worked well when both parties were committed to the process and six rounds of talks in six months produced substantial results in 2002. Yet in such an instance the parties don't just have sovereignty over the process, they also have total power over it too. And so despite the Norwegians working tirelessly to get the talks back on track, they have found that they actually have no traction on the process itself. And in this case, while the US has been supportive diplomatically, it cannot help as it has not played the role of a power backer.

The power of fear, belief and perception

The power of the mediator's personality needs to operate independently from – and as these examples show, sometimes in contradiction to – other sources of power within the process. The energy that comes from such conflicts in a process is often what is needed to keep it going. Peace-making is after all, war at the negotiating table, war which is fought between and refereed by big personalities, over big and emotive issues. These feelings, even when not rational, matter. For if those big proud characters in the negotiating teams feel they are in danger of being coerced or humiliated by more powerful forces in the mediation, it is the process that pays the price.

Such was the case in Cyprus in the 2004 run up to EU membership. In this instance the UN was a strong mediator because of the international commitment at Security Council level. In order to see the reluctant parties through, de Soto and his team made the UN – a naturally risk averse institution – diplomatically robust and assertive. So we have the case of an (unexpectedly) strong institution effectively pulling in widespread diplomatic backing, coupled with a strong and flamboyant mediator personality. So why did it fail?

The very obvious answer is that de Soto was up against the impossible: the hard-liner President Papadopoulos had no incentive to negotiate as Greece had got the rest of the EU to let his part of the island join, whether or not there was an agreement. But for those interested in the detail of how mediation plays out, Papadopoulos' crowd say they felt bullied personally by de Soto (for whom they developed an open antipathy), and coerced by an international diplomatic consortium whom they perceived only wanted Cyprus united in order to fulfil a (US led, UK backed) plot to get Turkey into the EU.

The word that matters here is "perceived". Perceptions have extraordinary power in mediation and can, as this case suggests, be more powerful than the most determined and supported of UN diplomatic efforts. Most people would dismiss

Papadopoulos' whinging as thinly veiled spin; yet with the help of a willing media, the people they peddled it to did not. They believed what their president told them, and they voted to reject the UN plan.

Parties, ballot boxes and the power of babies

The parties may have sovereignty within a process, but they are not actually in control of the outcome, because that is dictated as much by what is going on outside the process, as within it. The parties don't exist in the isolation of the process but are constantly answerable to their own constituents, and where the democratic process allows, the people. And while mediators may struggle over the difficulty of negotiating with the parties, these parties in turn must spend the process in tough negotiations with those people who allow them to stay in power. Gerry Adams, the Sinn Féin leader, says that during the Northern Ireland process the most difficult negotiation was with his own side.

The domestic democratic process itself often has the power to make or break an ongoing peace process. Elections held at the right moment may give the government negotiators the mandate they need to reinvigorate a stale mediation and, with the luxury of a four year terms ahead of them, make commitments and take political risk not possible at other moments in the electoral cycle. This seemed the case for HD's Aceh mediation immediately after the election of President Megawati Sukarnoputri in July 2001 as she appointed some of those already involved in the process to senior posts in her government. In Sri Lanka, in December of the same year, Ranil Wickremesinghe narrowly won the election from President Kumaratunga's party but with enough of a mandate to carry out six rounds of peace talks.

But the electoral process can also work against a mediation. For as a government's energy is increasingly absorbed by the chances of peace, it often finds that a neglected and suspicious electorate will express its disapproval and fear through the ballot box. So just when a process seems to be going well, suddenly those sitting on the government side of the negotiating table may disappear following an election. And they are likely to be replaced with a new team whose commitment to the process is quite possibly more sceptical than their predecessors. This happened in the Cyprus process when the arch hardliner Papadopoulos replaced President Clerides, a known supporter of the UN peace plan. It also happened in Sri Lanka, when despite – or maybe because of – Wickremisinghe's progress at the negotiating table – his party lost when new elections were called. Under the new President, Mahinda Rajapakse, the process has withered into war.

Where conflicts and their mediations have dragged on for years, changing population sizes and developments in the economy can end up influencing the balance at the negotiating table. In the Middle East, Israelis have long talked of their fear of being outbred by the Palestinians. In Bosnia, a growing Muslim population was cited by the Serbs as a key reason for why they "needed" a separate state. In Northern Ireland, over the course of decades, the fear became a reality as the size of the

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Protestant community declined in parts of Belfast while the Catholic community grew. Both sides knew that the fruits of this change would eventually be evident at the ballot box. So better for the Unionists, hitherto seen as the stronger of the two parties, to make a deal sooner than later. Sinn Féin's position at the negotiating table was also boosted by the sudden strong economic development of the South of the country over the last decade. The Republic of Ireland was no longer just a key backer, but an increasingly rich one too. And while foreign investment has flooded into the South, this had not happened in the North of the country, where unemployment remained an issue, not least because of the "troubles".

It's the history, stupid

Just like the inducements and threats that external powers bring to a mediation, these domestic changes also can affect the chances of peace at the negotiating table. The difference between these external and internal sources of power is that one is artificial and calculated and controllable and the other stems from a process bigger than all the international will in the world, and that is the historical development of a country. But such is our collective habit of examining mediation from the top down that we all too easily focus on the sponsors and the diplomatic energy, the inducement of World Bank money and even the techniques and tactics of the mediator driving a process. It is almost as if a process were its own little independent fiefdom immune from the country in which the conflict is taking place.

Of course, if the international community lost faith in the potential of power diplomacy, of coercing in the name of peace, of pressuring until the agreement is signed, we would lose this important new found belief in our collective capacity to end war by peaceful means. Yet the belief in this power needs to come with an awareness of its limitations and a sense of humility. Because although super powers and brilliant mediators have a vital role to play, the reality is that many an attempted peace process, be it driven by "strong" big power diplomacy, or "weak" facilitation, will end up as no more than a footnote in the history of a nation at war. ■

Endnotes

- 1 Harriet Martin covered the war in Bosnia for the Financial Times and the Economist in the mid-1990s, and subsequently worked at the BBC in London. After a spell writing for the Independent from Geneva, she worked as a speechwriter and political analyst for the UN. She is the author of *Kings of Peace, Pawns of War – the untold story of peacemaking* (Continuum 2006) and is currently working on a follow up book looking at mediation from the perspective of conflict parties.