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The Role of Insider Mediators in Peace Processes: A Systematic Approach



Wolfgang Metzner Verlag

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in Peace Processes:
A Systematic Approach**



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und Konfliktmanagement
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Preface

Being a lawyer by training and profession, thinking, learning and writing about the resolution of international – and frequently violent – conflicts has been a new, yet immensely satisfying and rewarding academic experience for me. I am enormously grateful for the opportunity to explore the fascinating field of peace mediation during the master's degree in Mediation and Conflict Management at the *European University Viadrina Frankfurt (Oder)*, and then again when writing my master's thesis, on which this book is based.

Peace processes are typically complex and lengthy affairs. The handshake between high-ranking officials of the warring parties and – to take a striking example – the UN Secretary General as mediator to seal a peace agreement is often just the icing on the cake of years of hard work by many actors on various levels of society. This book examines the role played by the oft-forgotten and invisible mediators at the grassroots level. Insider mediators frequently work tirelessly and with great devotion for little or no remuneration or recognition. Yet their contribution to peace processes can be significant. However, how precisely and under which circumstances this is the case are questions that the current literature has not dealt with systematically or in great depth. By seeking to fill this gap I hope sincerely that the insights and conclusions presented in this book are helpful for the design of peace processes going forward.

I thank my supervisor, *Prof. Dr. Lars Kirchhoff*, for his guidance, helpful comments and generally pleasant conversations. Thank you also to *Ms. Julia von Dobeneck* for her helpful comments as second reviewer of my thesis. I am grateful to the editors, *Dipl.-Psych. Nicole Becker, M.A.*, *Prof. Dr. Ulla Gläßer, LL.M.*, *Dipl.-Psych. Kirsten Schroeter* and *Dr. Felix Wendenburg, M.B.A.*, and the publisher, the *Wolfgang Metzner Verlag*, for including my thesis in this publication series – this is indeed a great honour for me. Finally, this book would not have been possible without the extraordinary support of my beloved wife, *Dr. Anneke Wilhelm*. Not only did she take on more than her share in caring for our three young children so that I can focus on writing, but she additionally took over large portions of the editorial work on my thesis. Her unconditional devotion and commitment to help me complete this project has touched me deeply – thank you!

Martin Wilhelm, September 2020

Abstract

Dass Insider Mediatoren eine wichtige Rolle in Friedensprozessen spielen, ist unumstritten. Eine systematische Aufarbeitung ihres Mehrwerts in der internationalen Konfliktbearbeitung ist jedoch bisher ausgeblieben. Diese Lücke vermag die vorliegende Ausarbeitung zu schließen. Auf Grundlage der wesentlichen Eigenschaften von Insider Mediatoren wird ihr struktureller Bedarf in Friedensprozessen anhand zweier theoretischer Bezugsrahmen herausgearbeitet: Verhandlungstheoretische und sozial-psychologische Erklärungsansätze für Konfliktsachen sowie das Vorliegen gewisser Charakteristika von Gegenwartskonflikten, die den Einsatz von Alternativen zu „Outsider“ Mediatoren strukturell begünstigen. Hierdurch entstehen neue Zugänge und Quellen zur Figur des Insider Mediators, aus denen teils bekannte, aber auch teils neue Erkenntnisse generiert werden, die für die Gestaltung von Friedensprozessen von Vorteil sein könnten. Ein weiteres Anliegen dieser Arbeit ist, das immanente Problem des Verlusts der Parteilichkeit von Insider Mediatoren systematisch darzustellen. Hierzu werden strukturelle Probleme und Gegenmaßnahmen aufgezeigt, die für weitere Forschung zu diesem Thema fruchtbar sein könnten. Insgesamt trägt dieses Buch insbesondere durch die neuen und vielschichtigen methodischen Ansätze sowie die in der Literatur bis dato ausgebliebene systematische Aufarbeitung der strukturellen Anfälligkeit von Insider Mediatoren zu einer echten Dynamisierung des Themas bei.

1. General introduction

Insider mediators play an important role in contemporary peace processes. That much is clear. Since the seminal article of Wehr and Lederach introduced the concept of the “insider-partial mediator” in the early 1990s,¹ there has been a fair amount of literature on insider mediation, particularly in the last two decades or so, highlighting how insider mediators benefit peace processes. However, such writing has either taken a rather narrow theoretical approach² or been of limited scope.³ This treatise attempts to fill this gap by providing a general and systematic analysis of insider mediation and by considering a wide range of theoretical perspectives, particularly from the fields of bargaining and social-psychology, but also making reference to social-anthropological models. Moreover, and perhaps most innovatively, this study will explore what this author considers to be an intrinsic – and therefore essential – challenge to insider mediators’ effectiveness in peace processes, namely the risk that insider mediators are perceived as being biased by the parties.

Given the multiple stages of peace processes, and the many roles that local actors, due to their usual informal function, might take in conflict resolution mechanisms,⁴ a comprehensive examination of local roles in peace processes falls outside the scope of this book. We are rather interested in where the primary role of the local actor is to support the parties in negotiations.⁵ Accordingly, although the lines of various phases of a peace process may often be blurred, our focus will be peace-making measures (of which mediation is an important example),⁶ rather than the

¹ Wehr/Lederach 1991; Wehr/Lederach 1996 (which is a reproduction of Wehr/Lederach 1991).

² By, e.g., considering the topic of insider mediation solely from a practical perspective (by conducting case interviews with insider mediators, for instance) (see, e.g., Mason 2009; Dziatkowicz 2017), from a policy perspective (see, e.g., German Federal Foreign Office 2017; UNDP 2014), from a regional perspective (see, e.g., Hislaire et al. 2010; Ropers 2012; Elgström et al. 2003), from a cultural/religious perspective (see, e.g., Mubashir/Vimalarajah 2016) or from a bargaining or social-psychological perspective (see, e.g. Svensson/Lindgren 2013 and Wehr/Lederach 1991, respectively).

³ See, e.g., the journal articles of Maiese 2005 and Roepstorff/Bernhard 2013.

⁴ E.g. as messenger, human rights advocate, host, facilitator, providing conflict diagnosis, healer, coach, co-ordinator and advising on process design (and often a combination of two or more of such roles (see Mason 2009, 5f.; UNDP 2014, 9f.; Dziatkowicz 2017, 11; Ropers 2012, 196; Gourlay/Ropers 2012, 95).

⁵ Mason 2009, 6.

⁶ Ramsbotham et al. 2016, 122.

closely related stage of conflict prevention and the broader notion of peacebuilding. In particular, any activities that relate to processes of national dialogue after the conclusion of a ceasefire or general peace settlement agreement are not covered.⁷ In saying that, in particular situations insider mediators may take on significantly helpful roles in a pre-peacemaking phase, which would presumably fall under conflict prevention (namely, early warning-early response networks). Situations where insider mediators adopt such functions will thus be indicated, where appropriate.

The specific issue explored by this book is what is the need for involving insider mediators in peace processes, and in which conditions is their involvement particularly beneficial. This question will be analysed against two sets of criteria: first, the causes of conflicts (i.e., how these are addressed by mediation in general and insider mediation in particular); and second, the existence of particular conditions with respect to conflicts and their resolution that favour the use of alternatives to traditional mediation by outsiders.⁸ While the latter is the conventional methodology taken in insider mediation scholarship, the former is indeed a novel approach. These two benchmarks are considered to be particularly useful for examining the role of insider mediators. As regards the former, this is because mediation (including the potential benefits of insider mediation) clearly needs to be able to deal with the causes of conflicts, while, in relation to the latter, in conditions where outsider mediation is structurally inadequate in addressing conflicts, there is a *prima facie* demand for insider mediation.⁹

However, in order to test insider mediation against these theoretical foundations, we must first establish what insider mediation precisely is. The discussion will accordingly start with identifying the distinguishing features of insider mediation (see 2). We will then proceed to providing an overview of the current literature on the causes of international disputes (see 3.2) and the conditions that favour the use of alternatives to outsider mediation (see 3.3). This will lay the foundation

⁷ To be sure, insider mediation has been shown also to be relevant for peacebuilding processes (Roepstorff/Bernhard 2013, 167 (and see the further references cited therein)). However, the bulk of the literature so far appears to relate to peacemaking roles of insider mediators (see applicable literature cited especially at 2 and 3.4 below). Since the intended approach of this book is to build on, and add to, this existing writing, the focus here will likewise be on peacemaking.

⁸ See especially 3.3 below and sources cited therein.

⁹ Parties' (frequently strategic) decision to commence mediation (see, e.g., Giessmann/Wils 2011) does not appear to have a strong bearing on the role of insider mediators, as this decision would typically be taken at the track 1-level, on which insider mediators are generally not active, save for taking a lead role under certain rare conditions (see 2.4 below).

for examining insider mediators' unique role against the abovementioned benchmarks, and the conditions in which insider mediation is of particular utility (see 3.4). This book will then explore the inherent challenge of the parties' perception of bias to the effectiveness of insider mediators' involvement in peace processes (see 4). The study will conclude with a summary, conclusion and outlook (see 5).

While this book does not employ a case study methodology, references to previous peace mediation processes will be made where appropriate.

2. Distinguishing features of insider mediation

2.1. Overview

A review of relevant literature on insider mediation reveals that four primary features are attributed to insider mediation that are said to be essential for their role in peace processes: (i) close connection to the contending parties and the conflict context;¹⁰ (ii) in-depth knowledge of relevant matters and circumstances relating to the conflict, such as cultural, religious and political issues, and of relevant aspects with respect to the conflict itself, such as its content, dynamics and context;¹¹ (iii) the informal nature of insider mediation;¹² and (iv) that they hold societal roles of authority and trust.¹³ These will now be discussed in turn.

2.2. Close connection to parties and conflict context

The literature has broadly described insider mediators as being deeply embedded and personally rooted in the conflict context, culturally and normatively, and having close relationships to the parties.¹⁴ This is said to confer on mediators respect, legitimacy and trust from the disputants and from the society in which the conflict is set.¹⁵ Insider mediators generally also have a vested interest in the conflict's outcome, giving them a strong (long-term) commitment to the mediation process, a sensitivity to finding solutions recognised and valued by all the parties and generally to reaching a (durable) outcome.¹⁶ Indeed, what seems to distinguish insider from outsider mediators is that insiders are essentially connected to the conflict and/or the parties in a way that makes removing themselves from the conflict set-

¹⁰ E.g., Wehr/Lederach 1991, 87; Mason 2009, 4; Elgström et al. 2003, 14, 21; Mubashir/Vimalarajah 2016, 9; German Federal Foreign Office 2017, 3.

¹¹ E.g., Wehr/Lederach 1991, 87; Mason 2009, 4; Elgström et al. 2003, 14; Mubashir/Vimalarajah 2016, 9; German Federal Foreign Office 2017, 3.

¹² See sources cited at 2.4 below.

¹³ See sources cited at 2.5 below.

¹⁴ See sources cited at note 10 above.

¹⁵ German Federal Foreign Office 2017, 3.

¹⁶ E.g., Wehr/Lederach 1991, 87; Elgström et al. 2003, 14; Mason 2009, 4; Hislaire et al. 2010, 9; Mubashir/Vimalarajah 2016, 8; German Federal Foreign Office 2017, 3.

ting and the conflict's consequences difficult (for geographic and/or cultural/normative reasons).¹⁷ Outsiders, by contrast, retain control over determining (the level of) their involvement.¹⁸

It is important to note, however, that identifying who is an insider or an outsider with respect to the degree of their ties to the parties and the conflict setting is not always clear-cut. Whether such a connection exists will often depend, first, on the subjective and, possibly, culturally influenced perceptions of the parties. In relation to the former, a mediator could regard himself as being an insider, while the parties may not.¹⁹ And regarding the latter, different cultures may define the in-group more broadly than others – e.g., Africans are said to more readily include citizens of other African states than Asians would include citizens of other Asian countries.²⁰ And second, the degree of the connection may vary over time with changing circumstances, as determined, e.g., by the particular phase of mediation, the changing nature of issues being mediated and other relevant factors.²¹ Consequently, insider mediators may often only be capable of being defined in relative terms – that is, as being more or less of an insider as compared to others.²²

This lack of conceptual clarity, though possibly unsatisfactory to the conceptual purist, does not detract from the fact that a connection between a mediator and the conflict setting – however difficult its existence and degree may be to determine in any given circumstance – constitutes a variable that explains mediators' role in resolving international conflicts, and thus remains an essential characteristic of insider mediators. The relative nature of closeness in particular circumstances does mean, however, that the conflict context, such as the cultural and religious setting,²³ has to be taken into account when examining the extent to which this feature contributes to insider mediators' utility in peace processes.

¹⁷ Meaning that mediators may often, but need not necessarily, live in the context setting to be classified as insiders.

¹⁸ Roepstorff/Bernhard 2013, 165.

¹⁹ Roepstorff/Bernhard 2013, 165; Mubashir/Vimalarajah 2016, 8.

²⁰ Ropers 2012, 195.

²¹ Roepstorff/Bernhard 2013, 165; Gourlay/Ropers 2012, 92; Ropers 2012, 195.

²² Roepstorff/Bernhard 2013, 165; Mubashir/Vimalarajah 2016, 8.

²³ On culture and religion's impact on the parties' perception of trust for the mediator, which affects their perceived strength of connection with the mediator see 3.3.5 below.

2.3. Knowledge of relevant matters and circumstances

Scholars have found that insider mediators typically have knowledge of cultural norms, the countries' history and political landscape, the dynamics and context of the conflict, as well as of the interests and strategies being pursued by the parties.²⁴

With this intimate knowledge, together with a network or even existing personal relationships within the conflict setting (with the latter two traits deriving from mediators' closeness to the parties and conflict context considered above), insider mediators frequently have access to stakeholders that are already known to be relevant for the conflict resolution, and have the inherent capabilities to identify and integrate into the peace process potential stakeholders that are still outside the radar of the peace process design.

A close connection between mediator and parties often presupposes knowledge of relevant matters and circumstances, which explains why insider mediators are likely to exhibit both these characteristics.

2.4. Informal nature of insider mediation

The overwhelming – albeit implicit – assumption in conflict resolution writing is that insider mediation is typically low-profile by nature, meaning that it is most useful when operating either in unofficial peace processes (i.e., those that lack a clear mandate from the relevant government as well as a procedural framework, such as agreed agendas, rules of engagement and time schedules) or by way of complementing the mediation efforts of high-level mediators²⁵ in official peace processes.²⁶ Insider mediators have accordingly been described, for example, as “[...] unofficial mediation activities, often below the radar of the public (or party) attention, which might pave the way for negotiations.”²⁷

Indeed, insider mediators frequently seem to take on such informal roles in peace processes. Pertinent examples are the insider mediation movement known as the “Concerned Citizens for Peace” as part of a high-level mediation effort led by

²⁴ E.g., German Federal Foreign Office 2017, 3; see also Mason 2009, 4, 16; Smith/Wachira 2010, 9.

²⁵ High-level mediators, external mediators and outsider mediators will be used interchangeably in this study.

²⁶ E.g., Mason 2009, 4; Giessmann/Wils 2009, 6; idem 2011, 187, 188; on the distinction between official and unofficial processes generally see McCartney 2006, 4.

²⁷ Giessmann/Wils 2009, 6.

the then General Secretary of the United Nations, Kofi Annan, during the Kenyan post-election crisis in 2008.²⁸

It would seem that the main comparative advantage of insiders over outsiders when acting in this informal function is their flexibility in conducting mediation. Insiders are more flexible than outsiders primarily because there is a lower degree of general publicity, public assessment and pressure to achieve certain results than where an outsider mediator were involved. Moreover, the absence of procedural requirements, such as time limits, enables insider mediators to adapt their approach to the circumstances, allowing them to delay talks where this seems justified, for example.²⁹

However, a review of previous peace processes shows that low-profile insider mediation, though most prevalent in practice, is not the only form in which insiders become active. In some instances, insider mediators take the lead in official mediation processes (and are therefore referred to as “high-level” insider mediators herein). Conspicuous examples are Oscar Arias’ efforts in ending the Central American wars in the late 1980s in his capacity as then President of Costa Rica,³⁰ Intergovernmental Authority on Development (IGAD), an eight-country trade bloc in east Africa, in Sudan’s peace negotiations in Naivasha from 2002 to 2005, with assistance from a troika comprising the UK, Norway and the US,³¹ and the sole involvement of the Economic Community of West African States (ECOWAS) during the civil wars of Liberia and Sierra Leone that broke out in 1989 and 1991, respectively.³²

This raises the fundamental question whether the fact that high-level insider mediation clearly exists in practice, and, at least in the case of the Central American and Sudanese conflicts mentioned above,³³ could also be regarded as successful, calls into question that the (predominantly) informal nature of insider mediation is an essential feature of it. This author believes that it does not. To the extent that the high-level activities of insider mediators could be seen to benefit peace processes on account of other inherent characteristic, notably having a close connection to, and intimate knowledge of, the conflict context (which were considered above),

²⁸ Mason 2009, 13f.

²⁹ UNDP 2014, 37.

³⁰ Dziatkowicz 2017, 11.

³¹ Giessmann/Wils 2009, 7.

³² Elgström et al. 2003, 19.

³³ Indeed, ECOWAS’ efforts could also be seen as mildly effective, given that the peace plans that had initially been drafted by ECOWAS were eventually implemented, albeit in amended form (Elgström et al. 2003, 19f.).

the rare occurrences of where insider mediators take the lead in formal peace processes is best seen as a valuable extension of, rather than a detraction from, their predominantly informal role in international peace processes. Moreover, the existence of a comparatively low number of counterexamples does not diminish the benefits of the flexibility inherent to the informal nature of insider mediation, as explained above.

However, the distinction between high-level and low-profile insider mediation may have implications for certain general characteristics of, and the mediation style typically employed by, insider mediators. First, high-level insider mediation will, by definition, take place on higher tracks of mediation processes than low-profile mediation: the former on tracks 1 and, possibly, 1.5; the latter generally on tracks 2 and 3.³⁴

Second, since high-level insiders take the lead in official peace processes, they carry substantial responsibility in respect thereof and their activities will also be scrutinised more by the public. Consequently, the parties and the wider public will likely demand that the mediator be a person or organisation with a high level of authority and standing (possibly to reduce the risk of mediation failure). This is demonstrated by the fact that a head of state (Oscar Arias in the Central American conflict) and regional organisations (IGAD and ECOWAS in the Sudanese and Sierra Leone/Liberia wars, respectively) were selected as mediators in the examples mentioned above. Demands that informal insider mediators occupy societal positions of authority and trust would seem to be lower, however, as the discussion of the next essential feature of insider mediation will show.

Third, the fact that high-level mediators will stand in the public eye to a greater extent than their informal counterparts means that the former will be less flexible in conducting the mediation than the latter, as they are likely to be under pressure to deliver results within certain deadlines and are expected to have to adhere to stricter procedural requirements.

Finally, although high-level insiders are less likely to adopt a power mediation approach³⁵ than powerful state high-level mediators, they are certainly more likely (and tempted) to adopt a directive, occasionally even power, mediation approach than informal insider mediators. This is partly due to high-level insider mediators'

³⁴ See Gourlay/Ropers 2012, 96f.

³⁵ I.e., influencing the substantive content of negotiations through negative or positive incentives, including military intervention (Greig/Diehl 2012, 9). Power mediation would seem to be an extreme form of a directive strategy.

position of strength as lead mediator, together with the high levels of societal authority that such mediators typically possess. Moreover, because they frequently represent powerful institutions, such as states (as, e.g., Oscar Arias in Central America) or regional organisations (such as IGAD and ECOWAS in Sudan and Sierra Leone/Liberia, respectively), they may have sufficient resources to (be tempted to) employ a directive, if not power, mediation approach. Indeed, this is precisely what happened in Sierra Leone and Liberia, when the military arm of ECOWAS, the ECOWAS Monitoring Group (ECOMOG), intervened in both civil wars militarily.³⁶ Resources may also be provided by state mediators that are backing the high-level insider mediators, as was the case in the Sudan conflict, for example, where the troika supported the mediation efforts of IGAD, the high-level insider. Low-profile mediators, on the other hand, are likely to employ a facilitative approach. This is because they usually mediate from a lower level of power by virtue of the fact that they typically hold lower levels of societal authority, and, consequently, typically lack the resources to employ power mediation strategies.³⁷

It would seem, then, the fact that high-level insider mediators typically mediate on tracks 1 and, possibly, 1.5 means that they frequently assume certain characteristics and a mediation style akin to outsider mediators: higher societal positions of authority and trust, greater inflexibility in conducting mediation and a directive style of mediation. However, high-level insiders' close connection to the parties and conflict context and their intimate knowledge of matters and circumstances relating to the conflict, means they retain the function and benefits of insider mediators derived from such features.

2.5. Occupation of societal roles of authority and trust

There is some evidence in academic writing, albeit scant, that insider mediators sometimes (ought to) hold societal roles of authority and trust.³⁸ Whether or not this characteristic fulfils an intrinsic function in insider mediation would seem to depend on cultural factors. In Asia, for example, parties expect a mediator to be a

³⁶ Elgström et al. 2003, 21. On how this could facilitate the taint of bias such mediator could be perceived to exhibit, see 4 below.

³⁷ See Bercovitch/Gartner 2009, 36f; see also Bercovitch/Wells 1993, 6; Bercovitch/Houston 1993, 304.

³⁸ Lee/Hwee 2009b, 73; UNDP 2014, 17; see also Ropers 2012, 194; implied in Maiese 2005, 2; Giessmann/Wils 2009, 6.

person of high standing and to employ a directive mediation style.³⁹ Parties of such cultures may well expect the same of insider mediators in international conflicts, lest the mediation loses its effectiveness. Indeed, this pattern may be true for all high-context cultures,⁴⁰ although such practices are, arguably, being overhauled by Western concepts of more formalised, interest-based mediation, based on self-determination of the parties and detachment of the mediator.⁴¹

Inasmuch as a significant transformation of mediation practice toward more Western notions is, in fact, taking place in high-context cultures, and, of course, where international conflicts are situated outside such cultures, even in such situations it may be helpful that insider mediators hold a position of authority, as this may, by and of itself, instil trust in the parties.⁴² Indeed, as noted in the previous subsection, high-level insider mediation would appear to require the mediator to occupy high echelons of political or social positions. For informal insider mediation, however, the extent that this is of value for peace processes would seem to vary according to whether outsiders are involved: where they are not, insiders are at the helm of the mediation process, mediating between track 1 actors, and such actors would presumably feel more comfortable if the mediators have a certain standing in society; where outsiders are involved, however, and insiders accordingly play a complementary role at tracks 2 or 3, actors' demands with respect to insiders' standing are conjectured to be lower.

2.6. Summary and conclusion

Four characteristics appear to distinguish insider mediators: close connection to the parties and conflict setting; knowledge of matters and circumstances relating to the conflict; their informal nature; and their occupation of societal roles of authority and trust.

Of these four attributes, insider mediators' close connection to the conflict and the parties is perhaps the most important, as it offers the strongest and most accurate description of what distinguishes insider from outsider mediators.

That said, the existence and strength of a connection will often depend on the subjective perceptions of the parties and the cultural and religious context of the

³⁹ Alexander 2015, 311.

⁴⁰ *Ibid.*, 308.

⁴¹ *Ibid.*, 309; Roepstorff/Bernhard 2013, 166; Lee/Hwee 2009a, 10ff.

⁴² This applies in particular to religious leaders (see, e.g., Appleby 2001, 827).

conflict, and may vary over time as the conflict dynamics change. This means that insider mediators may often only be capable to being defined in relative terms.

Knowledge of relevant matters and circumstances often goes hand-in-hand with being connected to the conflict. The most important advantage of the knowledge-attribute is that it enables insider mediators to identify and integrate relevant stakeholders into the peace process.

Insider mediators' informal nature is often described as an essential feature in the literature. The greatest advantage deriving from this attribute is insider mediators' flexibility in conducting mediation. This allows them to play a meaningful complementary role to outsider mediators in multi-track peace processes. However, insider mediators are also occasionally found to take the lead in peace processes, leaving their informal nature – and to an extent their flexibility – behind. This does not detract from the fact that insider mediators' predominantly informal nature remains a distinguishing feature, however; their occasional elevation to higher tracks should rather be regarded as a valuable extension of their contribution to peace processes. The dichotomy between insider mediators' informal and more formal roles does impact on certain typical attributes held, and style of mediation employed, by high-level insider mediators though. These are that they will generally mediate on higher tracks, that parties' demands that they are persons of high standing will be greater and that they are more likely to adopt a directive style of mediation.

The final attribute – that insider mediators hold societal roles of authority and trust – is occasionally indicated as a fundamental feature in academic writing. Whether or not a revered societal standing is indispensable to insider mediation would seem to depend on cultural factors (considered as more important by the parties in high-context than in low-context cultures) and on the conflict resolution team structure (more likely to be required where outsider mediators are absent than where insider mediators complement the track 1 efforts of outsider mediators).

Of the four attributes, closeness and knowledge appear to describe each insider mediator, while whether informal nature and high societal standing are present would depend on the circumstances discussed.

3. Need for insider mediation in international peace processes

3.1. Introduction

This section will examine the need for insider mediation in peace processes. It will start out by considering the two benchmarks against which this question will be tested: the causes of conflict (see 3.2) and conditions that favour the use of alternatives to outsider mediation (see 3.3). The discussion of the causes of conflict draws on theoretical perspectives from rational choice theory (which derives from the bargaining model) (see 3.2.1) and from social psychological, domestic politics and constructivist models (see 3.2.2). It should be noted that this does not provide a comprehensive account of the causes of war, but it is believed that it covers the most relevant ones for purposes of this discussion.

Once the rationales for the initiation and protraction of conflicts emerging from these theories have been established, the way in which mediation is generally able to deal with these will be explained. This will set the foundation for applying the essential features of insider mediation considered at section 2 to the theoretical framework, in order to develop the benefits of insider mediation in peace processes and the condition in which insider mediators are of particular utility (see 3.4). This section will conclude at 3.5.

3.2. Causes of conflicts how mediation generally addresses them

3.2.1. Rationalist explanations for conflicts

3.2.1.1. Underlying theoretical foundations

The original underlying model on which the rationalist explanations for international conflicts rests is the so-called “bargaining model of war”.⁴³ This theory regards the essence of international politics as the conflict over scarce resources⁴⁴ – an idea that stems from economics.⁴⁵ Accordingly, conflict – both violent and non-

⁴³ See, e.g., Reiter 2003, 27ff.

⁴⁴ This theory proposes that the content of political issues generally translates into finite goods. Notwithstanding that this practice may in some instances present conceptual difficulties, e.g., where “security” is reframed as a scarce resource (ibid, 28), it nevertheless appears to be accepted in the study of international relations.

⁴⁵ Reiter 2003, 28.

violent – is seen as resulting generally from disagreement over the allocation of finite goods according to the often divergent preferences and goals of the parties.⁴⁶ Given the omnipresence of negotiations in all spheres of international politics, bargaining is postulated as the general mechanism by which disparities in resource allocation are resolved.⁴⁷ Moreover, the insight emerging in the 1950s and 60s that wars are of limited duration and generally end with a war-terminating bargain rather than with a decisive military defeat expanded the bargaining model of war from explaining not only the initiation, but also the perpetuation and termination of international disputes.⁴⁸ Disputes in international politics, according to this theory, are thus seen as *bargaining* over scarce resources.⁴⁹

A crucial component underlying (further developments) of this theory is that actors are regarded as *homines economici*, meaning, *inter alia*, they act rationally and in their self-interest. This implies that parties are assumed to regard the option of war as a legitimate means of accomplishing their political goals – that is, war is seen as a deliberate political choice.⁵⁰ This claim is advanced by the rational-choice theory of international conflict resolution,⁵¹ which began to flourish in the 1980s as part of an increasing trend of formalising the bargaining model of war, particularly in game theoretical terms.⁵² Actors are accordingly assumed to be aware of the costs of waging war, regardless of its outcome, and take these into account when deciding whether to initiate, continue or end wars.⁵³ From this rationalist approach follows the assumption that under conditions where all other things are equal, parties would reach the same settlement agreement before, as they would at the end of a war, and they would thus prefer reaching a compromise avoiding or terminating a war over engaging in protracted costly fighting.⁵⁴

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Kaufmann 1994; Schelling 1960; specifically, on bargaining over the termination of war see generally Kecs-kemeti 1958; Iklé 1991; Pillar 1983; see generally Reiter 2003, 28.

⁴⁹ Reiter 2003, 28.

⁵⁰ Clausewitz 1976; Bueno de Mesquita 1981; see generally Reiter 2003, 28f. This theory thus refrains from placing a self-serving function on war, which distinguishes it from other theories of the causes of international conflicts, such as the organisation and constructivist theories considered at 3.2.2.2 and 3.2.2.3 below (Reiter 2003, 29).

⁵¹ It is regarded as an extension of the bargaining model that falls squarely within the (neo-)realist tradition of international relations (Fearon 1995, 380).

⁵² Reiter 2003, 28f.

⁵³ Ibid, 28.

⁵⁴ Ibid, 29; see also Fearon 1995, 383f.

In reality, of course, such bargaining-averting or bargaining-ceasing war frequently does not take place. Rational choice proponents contend this is because of three conditions that may prevent parties from striking a mutually preferable bargain, namely asymmetric information, commitment problems and the indivisibility of the issues at stake. These conditions will next be briefly discussed in turn, together with the question whether and how mediation generally – that is, without distinguishing between outsider and insider mediators for the moment – and other conflict resolution methods contribute, where applicable, to overcoming the causes of war underlying each condition.

3.2.1.2. The problem of asymmetric information

3.2.1.2.1. The asymmetric information problem explained

According to rational choice theory, parties would conclude the same terms in a pre-war as in a post-war bargain if they had the same level of information about each other's costs and benefits of fighting in both scenarios. However, actors generally have less information about their opponents before, or at the beginning of, than at the end of a war, as they have not had the benefit of observing evidence of the other side's combat-related capabilities – military or otherwise – and resolve⁵⁵ to engage in war exhibited during fighting. Moreover, parties have an incentive to refrain from disclosing private information about their own capabilities and resolve during negotiations, or even to actively misrepresent such information, since this enables them to extract more favourable terms under a bargain that prevents or settles a conflict.⁵⁶

3.2.1.2.2. Contribution of mediation generally in overcoming the asymmetric information problem

Mediators could assist in overcoming the problem of information failures by possessing or obtaining information of the parties' capabilities and resolve (hereafter,

⁵⁵ "Resolve" is commonly used without further operationalisation in international conflict resolution literature. This is presumably because various possible attributes and dispositions of actors that influence their resolve could be subsumed under the term, including the parties' war-fighting capabilities, their attitudes towards risk, the degree to which they value the issue in question, their patience, their willingness to incur various costs and their costs of fighting generally (Rauchhaus 2006, 209). This study will also use resolve in this broad sense.

⁵⁶ On this condition generally see Fearon 1995, 381, 390ff.; Powell 1999, 9ff.; see also Reiter 2003, 29f; for (cursory) earlier accounts see Blainey 1973 and Rosen 1972.

“relevant information”) *ex ante*, and credibly conveying such information to the respective other side.

Whether or not mediators may already hold relevant information depends on whether they have access to it. This would appear to be determined by the closeness of their ties with the actors (e.g., political (because of diplomatic representations in the conflict area or (institutionalised) political alliances, for instance),⁵⁷ geographical (by, say, being member states of the same regional organisation)⁵⁸ or due to being deeply embedded in the conflict setting), or on state actors’ military intelligence capabilities.⁵⁹

If mediators are not already privy to relevant information, then they may seek to obtain such information through their interaction with the parties or through observing the parties’ behaviour during mediation meetings. The effectiveness of mediators in gaining relevant information would seem to depend on three factors: (i) general level of trust between mediator and parties (greater trust increases the willingness to confide in the mediator),⁶⁰ (ii) mediator style (facilitative strategies are likely to elicit more relevant information from parties than directive strategies)⁶¹ and (iii) form of mediation (parties are expected to be more candid in caucus meetings than in joint sessions).⁶²

Once mediators possess relevant information, parties will need to perceive the conveying of such information by the mediator to be plausible, lest the receiver of the information doubt its correctness and the information asymmetry persist. According to rational choice theory, the extent of the alignment of the mediator’s and the parties’ preferences with respect to the outcome of the issues under dispute

⁵⁷ Savun 2009, 99ff.

⁵⁸ See Elgström et al. 2003, 21.

⁵⁹ Savun 2009, 99ff.; Kydd 2003, 600.

⁶⁰ Opinions tend to differ in the literature, however, whether trust derives from a mediator’s impartiality to the parties or from his closeness to the conflict setting, and thus commonly also to (one of) the parties (see discussion at 3.4.1 below).

⁶¹ See Kydd 2006, 459 referring to Bercovitch/Houston 1993, 317. Various typologies of mediator behaviour have been proposed in the literature (see, e.g., contingent/non-contingent (Kochan/Jick 1978), deal-making/orchestration (Kolb 1983, idem 1985), integration, pressing, compensation and inaction (Carnevale/Pruitt 1992), reflexive, non-directive, directive (Kressel 1972), communication-facilitation, procedural, directive (Bercovitch et al. 1991 and Bercovitch/Houston 1993 based on previous approaches adopted by Touval/Zartman 1985 and Jones 1989)).

⁶² See Kydd 2006, 454.

and/or the conflict as such (i.e., whether the result is peace or war)⁶³ determines whether the parties perceive the mediator as a legitimate transmitter of information.⁶⁴ Assuming that mediators are seldom in fact – and, arguably, also ought not be – indifferent to the way in which the preferences of the parties in respect of individual issues of the conflict and the dispute as such are resolved,⁶⁵ the applicable game theory models built in this regard make three related findings:

- 1) a mediator who is biased *against* the party to whom he is delivering relevant information,⁶⁶ will not be perceived by such party as relaying information truthfully because such mediator has an incentive to overstate the power and resolve of the opposing party,⁶⁷ in order to extract a concession from the party to whom the mediator is supplying the information;
- 2) consistent with that logic, a mediator who is biased *in favour* of the party to whom he is passing on relevant information, will always be perceived by such party as conveying information credibly, since such mediator has an incentive to tell the truth about the power and resolve of the other party,⁶⁸ given that the mediator has nothing to gain from lying; and
- 3) a mediator who is *unbiased* – that is, indifferent to the outcome of the individual issues at stake –, and is therefore likely to want to avoid war at all costs,⁶⁹

⁶³ This has been held to constitute one of three forms of partiality, with the other two being relational (i.e., pre-existing relationship between a mediator and the parties) and processual (i.e., unequal procedural treatment of the parties) (Elgström 2014, 42f.).

⁶⁴ See generally Kydd 2003; Smith/Stam 2003; Rauchhaus 2006.

⁶⁵ Claiming that neutrality (which will be used interchangeable with impartiality in this study) in general – and thus including indifference to individual issues of the conflict described above – rarely occurs in reality see Bercovitch 1992 (with the oft-quoted line “[...] any intervention that turns a dyad into a triad simply cannot be neutral” (at 6)); Hopman 1996; cf. Stenelo 1972; Touval/Zartman 1989; on the normative debate see, e.g., Young 1967; Stulberg 1987; Haig 1984 (all favouring neutrality of mediator); and also e.g., Touval 1975; idem 1982; Bercovitch 1992; Bercovitch/Houston 1996; Carnevale/Arad 1996; Zartman/Touval 1996; Jönsson 2002; Regan 2002 (all questioning the merit of neutrality); and see Princen 1992 (arguing that high-powered mediators ought to be biased, while low-powered mediators ought to be impartial).

⁶⁶ In accordance with the meaning given to “issue indifference” above, “bias” here relates to the mediator and the parties’ issue preferences, but not necessarily to the final outcome of the negotiations (namely peace vs. war). Of course, the bias here is relative and not complete, that is – to use the language of game theory – the mediator’s issue preferences is *closer* to the ideal point of one, rather than the other, party, but need not necessarily be *identical* with the ideal point of one of the parties (see Kydd 2006, 451, 457; cf. Rauchhaus 2006, 215ff.; see also Svensson 2007, 181).

⁶⁷ That is, the party the mediator is biased toward.

⁶⁸ That is, the party the mediator is biased against.

⁶⁹ Since the mediator’s “costs of war” are likely to outweigh his issue preference (see Kydd 2006, 456).

will be perceived by both parties as an implausible conveyer of information, as such a mediator has an incentive to overstate the power and resolve of the other side, in order to sway the party to whom the mediator is communicating the relevant information to agree to a peace settlement.⁷⁰

3.2.1.3. Commitment problems

3.2.1.3.1. Commitment problems explained

In situations of anarchy (understood as the absence of an authority capable of policing agreements)⁷¹ there may be (structural) circumstances where one side has an incentive to renege on the terms of an agreement, and is thus unable to credibly commit to be bound by it, precluding the parties from agreeing on a bargain that pre-empts or discontinues a war. A conspicuous example of such a structural situation is where it is apparent during diplomatic talks that one side's bargaining position will improve in the future due to changing circumstances – e.g., gains in military and/or economic power. This would prevent such party from plausibly committing to terms in the present that may seem unfavourable in light of the forthcoming shift in the balance of bargaining power.⁷² Depending on whether such change in circumstances may become evident before or during war, one party's inability to commit may either prompt a preventive war-commencing attack from the opponent⁷³ or result in the opponent's unwillingness to agree to a peace accord, and thus continued fighting,⁷⁴ respectively.

⁷⁰ See on these finding Kydd 2003. It should be noted that Smith/Stam 2003 and Rauchhaus 2006 come to ostensibly different conclusions (“biased” mediators are not credible about disputants’ power (Smith/Stam 2003; “neutral” mediators are credible about parties’ resolve (Rauchhaus 2006)). However, this appears to be due to different definitions of “bias”/“impartiality” rather than conflicting underlying principles (Kydd 2006, 451; see also Duursma 2014, 88f.).

⁷¹ Fearon 1995, 381. Anarchy appears to frequently exist in interstate conflicts, given the general lack of an international arbiter of justice. It may also often be present *de facto* in intrastate conflicts if the government's military capabilities are too weak to contain rebel forces and the general legitimacy of state and judicial institutions is no longer accepted by the insurgents, as is typically the case in so-called weak (or failed) states (see 3.3.2. below).

⁷² Fearon 1995, 381, 401ff.; Reiter 2003, 30.

⁷³ Which would be “rational” according to the rational choice model if the “costs” of the opponent's relative decline in power outweigh the costs of war (Fearon 1995, 406). The increase in Russian military power and future geo-political consequences of this for Germany and Austria in the early 20th Century is used to explain the origins of World War I, for instance (ibid, 407).

⁷⁴ The failure of reaching a peace accord in the 2001/2 peace process in Sri Lanka has been attributed to the Tamil Tiger rebels' inability to credibly commit that they would not use the peace process to enhance their

3.2.1.3.2. Contribution of mediation generally in overcoming commitment problems

Assuming that both parties are aware of the existence of a commitment problem, a mediator could assist the parties to reaching a negotiated settlement that avoids a pre-emptive strike or ends sustained fighting broadly in two ways. First, mediators could alter the basic conditions of the bargaining framework by utilising power mediation strategies, in particular, by providing incentives, rewards, punishments and issuing ultimatums.⁷⁵ Threatening to take military action or impose economic sanctions to bring about a certain outcome would be relevant examples of this mediation approach in this context. Since providing such sticks and carrots requires the availability of resources on the part of mediators, this approach is most commonly adopted by powerful state actors, which generally fall within the definition of outsider, rather than insider, mediators.⁷⁶

The second manner in which mediators may help curb commitment problems is by essentially “guaranteeing” the party whose relative bargaining position would be weakened after the conclusion of the peace settlement that the other side would either not exploit any concessions that cater for the shift in bargaining power, or that the other side would not renege on the terms of the settlement. A mediator could provide such reassurance by making a security guarantee⁷⁷ (which is effectively also a power mediation strategy), or by committing to remain involved in the subsequent peace implementation phase (a so-called “implicit” guarantee).⁷⁸ However, by the same reasoning as with the relaying of private information on resolve and capabilities,⁷⁹ only mediators that are biased in favour of the party that seeks assurance will be perceived by such party as being credible. By the same token, the fact that the other party accepts a mediator biased in favour of its opponent, bears testimony to its commitment not to exploit its stronger bargaining position in future, hence reassuring the other side of its benevolent intentions.⁸⁰

position as against the majority Sinhalese by, e.g., making separatist demands (Svensson 2007, 180f.; see also generally Perera 2003; Uyangoda 2003).

⁷⁵ See generally on power strategies, e.g., Touval/Zartmann 1985; Zartman/Touval 1985; Bercovitch 1992; Bercovitch/Houston 1996; Bercovitch/Gartner 2009.

⁷⁶ See Bercovitch/Gartner 2009, 36f; see also Bercovitch/Wells 1993, 6; Bercovitch/Houston 1993, 304.

⁷⁷ Svensson 2007, 181; see also Walter 2002.

⁷⁸ Fortna 2004, 188.

⁷⁹ Cf. 3.2.1.2 above.

⁸⁰ See Svensson 2007, 181ff. (basing these findings on empirical evidence); see also generally Fearon 1998; Gilady/Russett 2002; Schmidt 2005; Walter 2002. However, for an argument that mediators biased in favour of the party whose bargaining position will become stronger may result in more durable peace agreements in intrastate conflicts see Svensson 2009, 463f.; idem 2013, 22.

It would seem that because the interventions required to overcome commitment problems frequently require power mediation measures, outsider mediators are most suitable for this purpose. Given insider mediators' negligible role in overcoming commitment problems, this will accordingly not form part of the discussion going forward.

3.2.1.4. Indivisibility of issues

3.2.1.4.1. Indivisibility of issues explained

Where the issues in question admit only of an "either-or" outcome, the bargaining space for finding a mutually beneficial compromise may be too narrow to make settlement a cost-beneficial option for each party as compared to engaging in war.⁸¹ However, conflicts over issues that are, by their very nature, indivisible would seem rare in practice. Even issues that may, *prima facie*, be indivisible, such as with territorial or other highly polarised disputes,⁸² would arguably typically be sufficiently complex and multi-layered for the range of possible settlement options to be expanded by employing common (integrative) negotiation techniques, such as making side-payments, linking issues or exploiting parties' divergent time and risk preferences, as well as their priorities in respect of separate issues.⁸³

However, although issues may seldom be indivisible by nature, they may become effectively indivisible by virtue of political or other dynamics. A pertinent example is where a government refuses to settle with an ethnic minority group seeking autonomy in order to avoid setting a precedent that would encourage other ethnic minority groups to follow suit. Here the fear that an initial settlement would open the floodgates to further separatist activities makes the issue *de facto* indivisible.⁸⁴

3.2.1.4.2. Contribution of mediation generally in overcoming indivisibility of issues

Apart from the generic role of distributive negotiators assisting the parties to finding integrative solutions by applying general integrative bargaining techniques,

⁸¹ Fearon 1995, 381f.; Reiter 2003, 30.

⁸² E.g., the conflict between India and Pakistan over Kashmir and between Israel and Palestine over, in particular, the West Bank, Gaza Strip and East Jerusalem.

⁸³ Fearon 1995, 382; on parties' differing risk and time preferences see, e.g., Eidenmüller 1997, 44f.; see also generally Lax/Sebenius 1986, 218ff. and Sebenius 1992, 159ff.

⁸⁴ Reiter 2003, 30; Fearon 1995, 382.

such as the ones mentioned in the previous subsection, it seems the primary function mediation and other conflict management mechanisms can realistically play in promoting the conclusion of settlements over indivisible issues is through the employment of power diplomacy⁸⁵ and/or long-term dialogue processes that include a broad range of relevant stakeholders in the society affected by the conflict.⁸⁶

Since outsider mediators are systematically more amenable to employ power mediation strategies than insider mediators, and long-term dialogue processes – though certainly comprising elements of insider mediation – are not the focus of this study,⁸⁷ the resolution of conflicts over indivisible issues does not seem particularly relevant for the role of insider mediation in peace processes. It will therefore not be considered further in this study.

3.2.2. Psychological, domestic politics and constructivist explanations for conflicts

3.2.2.1. Background

Psychological, domestic politics and constructivist rationales for the initiation and failure to end international conflicts reject the general assumption of rational choice theory that actors (always) act rationally, and thus cost-beneficially. According to these theories, disputants rather enter and prolong wars because of cognitive distortions, organisational and further social-psychological rationales, to divert from domestic political problems with the aim of thereby regaining national political support and as a means of forming and/or strengthening national identity, respectively.⁸⁸ These causes of international disputes and possible counter-balances by mediation in general will now be considered.

⁸⁵ E.g., the US acting as mediator in the conflict between Argentina and the UK over Falkland/Malvinas in 1982 and the Soviet Union mediating in the Kosovo war of 1998/9 (see generally Kydd 2003, 597f.).

⁸⁶ A type of such a dialogue process, which has been widely used in the protracted Israel-Palestine conflict, is (informal) problem-solving workshops discussed at 3.2.2.2 below.

⁸⁷ See the General introduction at 1 above.

⁸⁸ Reiter 2003, 33ff.

3.2.2.2. Cognitive distortions, organisational and further social-psychological rationales

3.2.2.2.1. Cognitive distortions, organisational and further social-psychological rationales explained

A common form of cognitive distortions in international conflicts are errors of attribution.⁸⁹ This causes an actor to interpret the other actor's actions as more ill-intentioned and more threatening or harmful, and its own actions as more well-meaning and more cooperative or harmless, than each action are objectively construed,⁹⁰ which may engender a spiral of (objectively inappropriate) responses and counter-responses that culminates in armed conflict, irrespective of whether this may be cost-beneficial according to rational choice theory. Another oft-observed cognitive bias is the phenomenon of delusional optimism, leading parties to overestimate their own power and chances of winning in battle despite disconfirming objective evidence,⁹¹ resulting (precisely) in a war that is "irrational", and therefore (supposedly) not likely to happen, as rational theorists would have us believe.⁹²

According to organisation theory, judgment and decision-making may also be skewed by factors peculiar to organisations, such as systematic biases and rigidities of their organisational culture and beliefs. This may lead militaries, for example, to view adversaries as inherently hostile, fail to recognise where their chances of winning on the battlefield are, in fact, dwindling or simply overestimate their capabilities despite objective evidence to the contrary, resulting in incommensurate (war-encouraging or war-perpetuating) responses or (self-)destructive continuous fighting, as the case may be.⁹³

A significant social-psychological rationale is Kaufman's symbolic politics theory.⁹⁴ According to this model, extreme ethnic violence is caused by group myths

⁸⁹ I.e., overemphasis of internal factors (i.e., personality and disposition) over external factors (i.e., circumstances) in explaining the behaviour of others and using the reverse order of importance of these two factors in explaining the behaviour of oneself (Colman 2009).

⁹⁰ Jervis 1988, 336ff.; see also Reiter 2003, 34.

⁹¹ E.g., Reiter 2003, 34; on delusory bias generally see Loewenstein et al. 1993, 145, 150ff. and Jolls et al. 2000, 29.

⁹² Asserting that cognitive distortions are influenced by culture see Bercovitch/Elgström 2001, 10, 11.

⁹³ Reiter 2003, 34; see also generally Snyder 1984; Posen 1984; Legro 1995; Katzenbach 1977; Kier 1997; Gartner 1997.

⁹⁴ See Kaufman 2006. This approach is based generally on the social psychological school in explaining ethnic violence (see Horowitz 1985; Petersen 2002).

that justify hostile mass attitudes toward another ethnic group, fears that the aggressor group's existence is threatened and political opportunity for the generation of hostile beliefs and mass mobilisation based thereon. This creates a context for chauvinist leaders to use predatory policy, hostile narratives and symbolic vocabulary to generate hostile mass attitudes. Crucially, such attitudes must insist on ethnic dominance that is motivated by fear of the in-group's extinction (rather than "merely" by the in-group's predatory goals) – in the sense that the security of the in-group and the out-group are perceived to stand in a zero-sum relationship (a so-called security dilemma).⁹⁵ Under these circumstances, ethnic war and/or genocide ensues.⁹⁶ Kaufman persuasively illustrates how these preconditions and processes leading to ethnic war and genocide were present in Sudan's north-south civil war of 1983 to 2005 and the war and genocide in Rwanda of 1994, and why the symbolic politics theory gives a better account of these wars than two manifestations of the rationalist theory – the pure-uncertainty and the elite-predation models.⁹⁷ Kaufman opposes these two models on the grounds that, broadly, the emotion, not the rationality (as proposed by rationalist theory), of fear motivated the northern Sudanese and the Rwandan Hutu elites. Accordingly, war was waged in each case as an end in itself (on account of the factors and patterns described above) rather than as a (calculated and deliberate) means to further the separate parties' respective political goals (as rationalists would claim).⁹⁸

A further social-psychological explanation for international conflicts is mistrust between the disputants. This could hinder parties from engaging in peace talks even where each party is open to such a step, resulting in the commencement or continuation of fighting. Misperceptions and images of the other side based on previous observations and interactions between the parties that causes them to doubt the other side's seriousness and sincerity in its commitment to entering into peace negotiations appears to be the fundamental source of such distrust.⁹⁹ Rational choice theory contends, however, that mistrust derives from a fear of exploitation due to

⁹⁵ Snyder/Jervis 1999, 16, 21.

⁹⁶ Kaufman 2006, *passim*.

⁹⁷ On the pure uncertainty model see Lake/Rothchild 1996; Fearon/Laitin 2000; on the elite predation model see de Figueiredo/Weingast 1999.

⁹⁸ Kaufman 2006.

⁹⁹ This is implied in Kelman 2005, 640, 646, 647, 648; see also Duursma 2014, 84f. This seems to accord with Lewicki and Bunker's "identification-based trust" (Lewicki/Bunker 1995; see generally Billings-Yun 2009).

uncertainty about each other's resolve and power.¹⁰⁰ The origin of mistrust for rationalists is therefore asymmetric information rather than ("irrational") psychological factors, as claimed by social-psychologists. It would seem that these different notions of mistrust are not mutually exclusive, however, as both offer plausible explanations for failures in reaching negotiated outcomes due to an absence of trust between the parties.

The character of mistrust does appear to vary depending on the type of conflict though. As Kelman notes, in protracted existential conflicts between identity groups (as in the Israeli-Palestinian case, for example), mistrust is frequently self-perpetuating, in that the parties can only build mutual trust by entering into a peace process, but it is precisely the lack of trust that is preventing them from doing so.¹⁰¹ This dilemma would seem to be less pronounced in international conflicts over issues other than fundamental values.¹⁰² This is presumably because the relative lower (perceived) intensity and shorter duration of such conflicts leave less room for the escalation of underlying misperceptions about, and images of, the trustworthiness of the enemy compared to protracted ideological conflicts.¹⁰³

3.2.2.2.2. Contribution of mediation generally in overcoming cognitive distortions, organisational and further social-psychological rationales

Externalising the resolution of a conflict to a third party is, in itself, helpful in undoing cognitive distortions, such as attribution errors and delusional optimism, as well as general misperceptions. This is because a change from dyadic to triadic communication – and thus from direct to intermediate communication "via" a third party – holds systematic potential for greater (self-)reflection of (mis-)perceptions and (distorted) interpretations of events, and therefore a better understanding of each other's perspectives and underlying interests – which, indeed, is the very stuff of interest-based mediation.¹⁰⁴ The effectiveness of mediation in fulfilling this purpose would appear to depend on (i) pre-existing ties between a mediator and the parties and a mediator's knowledge of the conflict setting (closer ties and better knowledge increases a mediator's ability to help parties relate to each other's perspectives and interests); (ii) mediator style (facilitative strategies focus more on

¹⁰⁰ Kydd 2006, 449f. This would seem to correspond with Lewicki and Bunker's "knowledge-based trust" (Lewicki/Bunker 1995; see generally Billings-Yun 2009).

¹⁰¹ Kelman 2005, 641, 645, 648.

¹⁰² Ibid.

¹⁰³ By contrast, since the impact of asymmetric information on trust would seem to be the same in every type of conflict, no similar distinction would appear to apply for the rationalist rationale for mistrust.

¹⁰⁴ See, e.g., Gläßer/Kirchhoff 2005, 130f.

exchanging perspectives and finding interests than directive strategies); (iii) experience and skill of the mediator in facilitative techniques of mediation; and (iv) form of mediation (direct communication in joint sessions promotes uncovering and understanding each other's perceptions to a greater extent than indirect communication in shuttle-mediation does).

A facilitative intervention by a third party would likewise seem to be appropriate in respect of distortions of judgment and decision-making in organisations. This is because addressing the factors that contribute to this phenomenon, namely institutionalised biases, organisational culture and rigidities, would require careful and deep probing into (mis-)perceptions, (biased) construction of occurrences and interests in order to aid a change in perspective and appreciation for the underlying interests – all aspects which (interest-based) mediation is naturally strong at.

By contrast, (non-directive) mediation efforts appear to play a less significant role in dealing with ethnic wars and genocides that arise based on Kaufman's conditions and processes of exploitation of ethnic images that prompt hostile mass attitudes. This is because such ethnic images may require a protracted process of national healing and dialogue to break down,¹⁰⁵ and the potential for highly escalated violence inherent to this type of conflict may require a more powerful response in order to avert grave human rights abuses and mass casualties.¹⁰⁶ However, at lower escalation stages of ethnic and other ideological conflicts, there may be a need for conflict prevention measures by means of mediation. Such an approach may be effective in reversing hostile images for the same reason as it would be useful in removing misperceptions and cognitive distortions, namely that it facilitates awareness of (mis-)perceptions, (skewed) interpretation of events and a change in perspectives.

Where the parties are prevented from engaging in negotiations out of fear of being exploited by the other side, involving a third-party intermediary bears significant potential in helping parties (re-)build mutual trust. Given that mediation assists parties in reversing cognitive distortions and hostile images of their adversary generally, mediation would, of course, have the same effect to the extent that such psychological factors give rise to distrust.

¹⁰⁵ E.g., Bercovitch/Elgström 2001, 11.

¹⁰⁶ Bercovitch/Gartner 2009, 22, 37; Bercovitch/Houston 1993, 304, 305. For an influential conceptual framework of conflict escalation see Glasl 1982.

Moreover, the trust of (one of) the parties *in the mediator* may enhance the trust by the parties *in the mediation process as such*.¹⁰⁷ This is because by involving a mediator, the parties would necessarily need to cede some of their control over the resolution of the conflict to the mediator, and if the parties trust the mediator, they would be more willing to do so (by, e.g., providing relevant information with regard to their interests), thereby aiding the effectiveness of the mediation.¹⁰⁸

The source of the trust in the mediator could either be psychological (i.e., based on positive or negative emotions associated with a mediator)¹⁰⁹ or rational (i.e., based on whether a mediator is likely to convey information credibly).¹¹⁰ The presence and level of trust would seem to depend, in the former case, on the relationship between the mediator and the parties generally; and, in the latter case, first, on whether the mediator is impartial in respect of one of the parties' issue preferences (in the game theoretical sense described above)¹¹¹ and, second, on a mediator's reputational incentives, as explained in the next paragraph.

The psychological basis of trust suggests that greater trust in the mediator may provide a context in which parties are more willing to divulge, and in which the mediator is better able to elicit, information relating to the parties' underlying interests, thereby reducing the fear of exploitation. The rational underpinnings of trust, by contrast, are based on the parties' judgment on objective criteria, namely the mediator's (perceived) honesty in vouching for the trustworthiness of the other side. Thus, parties will only believe a mediator where he vouches for the trustworthiness of the other side, if the mediator is not indifferent on the issues in question (meaning he would not want to avoid war at all costs), but not completely biased toward one side either. This is because, in the former situation, the mediator would always say that both sides are trustworthy, even where this is not true, because this would maximise the chances of avoiding war; and, in the latter situation, the mediator would always vouch for the party he is biased toward, regardless of whether that party is trustworthy.¹¹² However, and this is the second variable alluded to earlier, parties may trust even a strongly biased mediator where he would not be

¹⁰⁷ See, e.g., Kydd 2006.

¹⁰⁸ Ibid.

¹⁰⁹ See, e.g., Wehr/Lederach 1991, Billings-Yun 2009.

¹¹⁰ Kydd 2006, 449ff.

¹¹¹ See note 66 above.

¹¹² Kydd 2006, 450, 456f., 459f.

able to remove himself from the conflict setting,¹¹³ and thus has a reputational incentive to be honest.¹¹⁴

How do these rational choice findings, which regard the perceived honesty of the mediator in assuring each of the parties that they will not be exploited by their respective opponents, relate to the ones in respect of the perceived honesty of the mediator in conveying information credibly, which were discussed in relation to the problem of asymmetric information above?¹¹⁵ When comparing the results, it becomes apparent that they differ slightly: parties would believe a mediator when vouching for the trustworthiness of the other side, even where the mediator is perceived to be strongly biased toward the preferred outcome of one of the parties, provided the mediator is closely connected to the conflict setting; however, such closeness to the parties would apparently not cure such a strong bias where the mediator relays information on the power and resolve of the parties. This difference is puzzling, as the fact that a mediator is unable to remove himself from the conflict context should, intuitively, commit him to be honest in his interaction with the parties, regardless of whether the content of the communication relates to the parties' power and resolve or their general seriousness and sincerity in finding a negotiated solution. Perhaps this distinction may be explained away by game theoretical idiosyncrasies, such as the use of incompatible variables or assumptions in the respective models. However, a more compelling explanation appears to be that a close connection of a mediator to the parties and the conflict setting increases the level of the parties' trust in a mediator's dealings with the parties, in respect of information both on the parties' power/resolve and on their general inclination to exploit their opponent.¹¹⁶

That said, the fact that the connection of a mediator's closeness to the parties and the conflict setting may have various degrees¹¹⁷ (e.g., removal from a civil war setting may be more difficult for a local Bishop than a regional organisation), is conjectured to have an impact on the level of trust of the parties in the mediator, resulting in the following pattern: the stronger the connection, the higher the level of trust; the weaker the connection, the lower the level of trust.

¹¹³ As would be the case with insider mediators, for example (see 2.2 above).

¹¹⁴ Kydd 2006, 450, 458, 459f.

¹¹⁵ See 3.2.1.2.2 above.

¹¹⁶ See Svensson/Lindgren 2013, 704; Bercovitch/Kadayifci-Orellana 2009, 187.

¹¹⁷ Rational choice theory is yet to explore this variable quantitatively.

The notions of distrust discussed above would seem to apply to all types of conflict. The same is not true, however, for Kelman's dilemma of mistrust considered in the previous subsection, which would seem to be particularly prevalent in protracted existential conflicts. These are primarily addressed by so-called problem-solving workshops¹¹⁸ (a tool of the broader approach of interactive problem-solving),¹¹⁹ which particularly Kelman and his colleagues have employed in the Israeli-Palestinian conflict over many years. Problem-solving workshops are informal meetings between politically involved and influential members of their societies situated on tracks 2 and 3 and typically facilitated by a panel of social scientists, who are often characterised by a close commitment and/or close familiarity with the two warring communities, giving them an "insider" character as intermediaries. The fact that the meetings are unofficial and non-binding is key in (gradually) breaking down the levels of distrust between the opposing parties, in that this reduces – if not eliminates – the risk of exploitation. This allows for a dialogue in which the parties can understand each other's needs, fears and constraints, and generate ideas for addressing these. Such ideas are then transferred to the political debate and the policy-making process in their respective societies.¹²⁰ Problem-solving workshops are a long-drawn-out process that fall into the category of conflict resolution approaches not covered by this study.¹²¹

Consequently, the distinctive character of mistrust (i.e., whether general or self-perpetual in nature) and the type of conflict in which each of these forms of mistrust arise (i.e., generally vs. in protracted identity conflicts) determines the type of conflict resolution approach that is likely to be effective (i.e., general mediation vs. problem solving workshops).

3.2.2.3. Diversion from domestic problems and formation of group identity

3.2.2.3.1. Diversion from domestic problems and formation of group identity explained

Under the theories of diversion from domestic problems and formation of group identity (also referred to as "constructivist" theory), leaders are willing to wage

¹¹⁸ E.g., Kelman 2005, 641; see also Fisher 1972; idem 1983; Fisher/Keashley 1991.

¹¹⁹ E.g., Kelman 2005, 641ff. This approach derives from pioneering work of John Burton (Burton 1969, idem 1984) and Richard Walton (Walton 1969).

¹²⁰ Kelman 2005, 641ff.

¹²¹ See the General introduction at 1 above.

war as ends in themselves, regardless of the costs of doing so, thus contradicting the underlying assumption of rational choice theory that war is a deliberate choice based on a cost-benefit analysis.¹²² With regard to the theory of domestic politics, the motivation of leaders is rather to divert domestic concern from internal problems with the aim of mobilising support for the current regime from citizens.¹²³ This is a dynamic to which states with weak or non-existent institutions may be particularly susceptible, given that support for the regime is generally weak and violence is a common form of asserting power in such states.¹²⁴

In relation to the constructivist theory, by contrast, leaders use conflicts to generate and solidify group identity. The constructivist view assumes that the perception and interpretation of political phenomena, including war, and actors' judgments and preferences in respect thereof, depend on social interaction and are shaped by norms and culture (or "constructed" by such factors).¹²⁵ An implication of this in the context of conflicts might be that actors, seeking to define their identity, juxtapose an image of "self" in opposition to "other", which some strains of constructivism posit to stand in an ultimately conflictual relationship.¹²⁶ In this sense, the act of fighting itself could be seen to serve the social function of reinforcing this competition between "self" and "other", thereby strengthening the formation of group identity.¹²⁷

3.2.2.3.2. Contribution of mediation generally in overcoming diversion from domestic problems and formation of group identity

The phenomenon where leaders start wars in order to distract from domestic problems and mobilise support does not in and of itself appear to exhibit features that require any particular conflict resolution responses. The appropriate mediation approach would thus depend on factors exogenous to this theory, and responses to this cause of war will therefore not be discussed separately in this study.¹²⁸

¹²² Reiter 2003, 35, 36.

¹²³ Reiter 2003, 35f.; see generally Dassell/Reinhardt 1999; Mansfield/Snyder 2002; Russett/Oneal 2001; Gleditsch/Ward 2000.

¹²⁴ For an elaboration of the features of weak states see 3.3.2 below.

¹²⁵ Reiter 2003, 36.

¹²⁶ Wendt 1999, 274ff.; see generally Mercer 1995.

¹²⁷ Reiter 2003, 36.

¹²⁸ Mediation may address this explanation for conflicts indirectly, however. To the extent that states with weak institutions are structurally vulnerable to wars being waged by leaders encouraged to strengthen their domestic power base (see previous subsection), insider mediation may be of value, as will be elaborated on at 3.4.4 below.

Responses to the formation of group identity are likely to be similar to those found to be appropriate for addressing ethnic wars arising under conditions stipulated under Kaufman's symbolic politics model,¹²⁹ as there are close parallels between these causes of conflict and the theories to which each relates. First, the constructivist notion of intersubjective social factors, on which the formation of group identity is based, underlies the generation of group ethnic myths and mass attitudes that could eventually lead to ethnic-based war under Kaufman's symbolic politics theory. This is because the ethnic myths under the latter are argued to be "constructed" by elements of shared culture and interpretations of history that bind the group together,¹³⁰ which corresponds with the constructivist paradigm of postulating political conditions on social interactions that are moulded by culture and norms.

And second, the perceived necessity of exerting domination over the out-group as a result of the (constructed) security dilemma under the symbolic politics theory suggests the inherent worth attributed to fighting for entrenching group identity, which accords with the constructivist account of the causes of war.

Given these analogies, the constructivist formation of group identity – like Kaufman's insistence on ethnic dominance based on hostile mass attitudes – is likely to give rise to antagonistic images that would require a protracted national dialogue to undo, and lead to intense conflicts that would require a powerful intervention to prevent grave atrocities, especially at later stages of the escalation cycle. Consequently, addressing such cause of conflicts would fall more within the domain of power mediation by outsiders and broad-based national dialogues, and thus outside the sphere of facilitative mediation. However, as with Kaufman's symbolic politics theory, at earlier phases of the escalation spiral, preventative intervention by means of mediation may be apposite, which will be further explored below.¹³¹

3.3. Conditions favouring the use of alternatives to outsider mediation

3.3.1. Changes in nature of conflicts and to conflict resolution approaches

The types of causes and nature of conflicts have changed considerably since the end of the Cold War. During the Cold War, conflicts were predominantly between

¹²⁹ On this cause of war and responses thereto see 3.2.2.2.1 above.

¹³⁰ See Kaufman 2006, 50f. with reference to Smith 1986, 15ff.

¹³¹ See 3.4.3 below.

states, often involving further proxy states on each side, and the causes and issues were generally fairly straightforward, such as national liberation from colonial rule. Roughly since the end of the Cold War, however, there has been a rapid increase of complex, decentralised and often protracted intrastate disputes, often over a broad spectrum of complicated, interdependent and constantly changing issues, involving an intricate web of actors ranging over many, if not all, spheres of society, with the different issues featuring on different societal levels concurrently.¹³² Common forms of such conflicts are the rise of terrorism and responses thereto (e.g., Afghanistan, ongoing since 2001), insurgencies and coups (most recently in 2019 in Sudan, for example), general social unrest aided by the use of technology (e.g., Arab spring in early 2010s), post-election crises, often reflecting pre-existing tensions and divisions (e.g., Kenya of 2008) as well as increasingly disputes over land and natural resources partly due to better exploitation capabilities and often linked to wider social grievances and unrest (e.g., oil war in the Niger Delta, ongoing since the early 1990s).¹³³ Moreover, modern conflicts are often driven by ethnic, cultural or religious differences.¹³⁴

This transformation in the nature of conflicts has demanded a change in conflict resolution approaches. Intricate, protracted and diffuse conflicts of the kind explained above require a multi-track, non-linear and flexible response.¹³⁵ This caters for the fact that the issues in dispute and stakeholders affected by them are frequently located on various levels of society, requiring an intervention on multiple tracks of leadership down to the grassroots level (tracks 1, 1.5, 2 and 3 (vertical dimension)) and possibly involving the constituents on each level (horizontal dimension).¹³⁶ As a result, all relevant stakeholders and their constituents are included and “heard”, and that information on issues, needs, interests and concerns of the lower level stakeholders (on tracks 2 and 3) is fed into the higher-level mediation on track 1 and, possibly, track 1.5, and vice versa. This facilitates “ownership” of the peace process by all spheres of society affected by the conflict, thereby presumably increasing the chances of a more durable peace settlement than one negotiated only on track 1 would achieve.¹³⁷

¹³² UNDP 2014, 12; Dziatkowicz 2017, 7; Giessmann/Wils 2011, 184.

¹³³ UNDP 2014, 12f.

¹³⁴ *Ibid.*, 13.

¹³⁵ Dziatkowicz 2017, 7; Ropers 2012, 195.

¹³⁶ Ropers 2012, 196f.; Gourlay/Ropers 2012, 94ff.

¹³⁷ *Ibid.*

The trend of inclusivity, including the inclusion of women, and ownership by the conflict community has, accordingly, featured on the policy agenda of the international community in recent years.¹³⁸ There is a tension, however, between the advantages of inclusivity and local ownership and the risk of inefficiencies inherent to (total) inclusion.¹³⁹ Moreover, a recent geopolitical trend that has undermined inclusivity is so-called “transactional diplomacy”.¹⁴⁰ This describes the rising competition between global powers, such as the recent economic spat between the US and China and between the West and Russia in the Ukraine crisis in 2013, which is typically characterised by a reversion to distributive, and short-term, diplomacy.¹⁴¹

Moreover, the issues and dynamics of a conflict may either be interdependent or diffuse, and are often constantly changing and asynchronous, frequently resulting in a non-linear process.¹⁴² A multi-track approach allows for this, in that the mediation processes on each level (and perhaps several processes on the same level) are generally autonomous and independent, meaning that each can, in principle, be adapted to the particular circumstances that exist at each level at any given time. The general trend away from multi-year, comprehensive peace agreements – of which a recent example is the Comprehensive Peace Agreement of 2005 in Sudan – towards a differentiation of formats, where different stages (ceasefire, framework for political transition and broad-based national dialogue) may not always run sequentially, but occasionally also concurrently (e.g., the UN Security Council-mandated negotiations in Syria)¹⁴³ needs to be seen in this light.¹⁴⁴ However, such an approach inherently leads to problems in coordinating processes on the various tracks, as this requires good communication structures and collaboration, which may not be well established. This could be made more difficult by resistance to coordinate at various levels (e.g., by the government of Sudan resisting the inclusion of marginalised groups in the Darfur peace talks in 2005/6),¹⁴⁵ or by the broad-

¹³⁸ See, e.g., UN Guidance for Effective Mediation 2012, 11ff.; for a commentary see MSN 2012, 12ff; see also UNDP 2017, 6.

¹³⁹ MSN 2012, 13; see also Lanz 2017, 149.

¹⁴⁰ Guéhenno 2017.

¹⁴¹ Lanz 2017, 148.

¹⁴² See Działkowiec 2017, 7.

¹⁴³ As mandated by UN resolution 2254.

¹⁴⁴ Lanz 2017, 149.

¹⁴⁵ MSN 2012, 15.

based, inclusive approach's susceptibility to mobilising individuals or groups that seek to defend or reinforce existing conflict structures.¹⁴⁶

The multi-track nature of the approach, naturally, also allows for flexibility required by the inherent characteristics of contemporary conflicts.¹⁴⁷ Indeed, flexibility may have become all the more important as a result of an increasingly stronger focus on addressing the root causes of conflicts in order to increase the chances of durable peace.¹⁴⁸ The complexity of modern international conflicts makes identifying and resolving the root causes an intricate and lengthy process – one that may not be capable of being dealt with by agreement, particularly where reaching a ceasefire or final agreement is demanded by the urgency of ending further violence. Addressing the root causes will often require a transformation in perspectives, attitudes and behaviour, ideally during the peacemaking, but, more likely, during the subsequent peacebuilding phase of conflict resolution.¹⁴⁹ Complicating matters further, different factions of the same side may have heterogeneous attitudes and preferences, which may change over time (such as in the Bosnian War of the early 1990s and the ongoing war in Afghanistan), and they may become internally fragmented¹⁵⁰ (e.g., Burundi civil war of 1993–2005 and Darfur, ongoing since 2003).¹⁵¹ Since the process of conflict transformation is likely to require intense mediation sessions with relevant actors over long periods of a peace process and the ability to adjust to changes in attitudes and the emergence of internal fragmentation, it requires significant flexibility of the mediators. This is the case especially in so-called second-generation protracted conflicts.¹⁵² Here violence is prevalent and needs to be contained, but peacemaking efforts are difficult due to a complex web of constantly changing actors and intricate overlap of geopolitical, national and local factors.¹⁵³

3.3.2. Weak or non-existent state and judicial institutions

States that do not have well-functioning – or that lack altogether – state and judicial (enforcement) institutions are referred to as “weak” or “failed” states. In such

¹⁴⁶ Gourlay/Ropers 2012, 94; Körpen et al. 2011; Lanz 2017, 149.

¹⁴⁷ See Dziatkowicz 2017, 7.

¹⁴⁸ Hippler 2009, 104; Giessmann/Wils 2011, 187.

¹⁴⁹ Giessmann/Wils 2011, 185, 186, 187f.

¹⁵⁰ *Ibid.*, 188f.

¹⁵¹ MSN 2012, 15.

¹⁵² See Giessmann/Wils 2011, 186.

¹⁵³ Lanz 2017, 150.

states, the regime does not enjoy the support from the general public and does not have, or has lost, the state monopoly on using force to protect its nationals; rather, such states often themselves inflict oppression and arbitrary violence on its citizens as a means of staying in power. In this vacuum of functioning institutions, citizens frequently seek protection from violence in sub-national groupings, such as religious, ethnic or regional groups, and these often try to assert their autonomy or power by engaging in fighting with each other. In such a context where “official” functions and processes generally have little or no legitimacy, any formal conflict resolution mechanisms – if they exist at all internally or offered (or imposed) by the international community – are not likely to be perceived as being credible either. Instead mediators are generally trusted on account of their relationship with the parties or their reputation (for reasons other than having any associations with the current regime), rather than by virtue of any “official” function they may have.¹⁵⁴

3.3.3. Desire to retain control over conflict resolution

States in which a conflict is located may want to retain control over resolving it. They may be opposed to other states or the international community mingling in its national affairs due to the notion of “Westphalian” sovereignty in international law, as has been observed to be the case in Asia, for example,¹⁵⁵ due to cultural notions of avoiding a loss of face, particularly, likewise, in Asia¹⁵⁶ or due to normative beliefs of autonomy and self-determination. Many African states are an example of the latter in that they have had the tendency in the past to resist assistance from outside, proclaiming that “African challenges require African solutions.” This stance is best understood as an assertion of African identity and autonomy in reaction to Colonial rule.¹⁵⁷ Moreover, resistance to Western intervention in conflicts, in particular, may be based on a fear that Western mediators may attach conditions to a peace settlement that (Western notions) of democratic structures be implemented, which may be foreign to the political system of the state in question.¹⁵⁸

¹⁵⁴ Mason 2009, 5; Gourlay/Ropers 2012, 96.

¹⁵⁵ Ropers 2012, 191; Gourlay/Ropers 2012, 93.

¹⁵⁶ Ibid.

¹⁵⁷ Duursma 3f., 6.

¹⁵⁸ Ropers 2012, 191f.; Gourlay/Ropers 2012, 94.

These factors have, at least in part, been held to be responsible for Egypt's resistance to accept offers of assistance from outside mediation efforts.¹⁵⁹

3.3.4. International community absent from peace processes

The international community may for various reasons be unwilling to getting involved in the conflict resolution process. This was the case, for example, in the civil wars of Sierra Leone and Liberia in the late 1990s, leaving the West African regional organisation, ECOWAS, to largely conducting mediation on its own in these disputes.¹⁶⁰

Furthermore, governments of states external to the conflict may be constrained in engaging in the peace process for policy or legal reasons, as illustrated by the debate around whether states should negotiate with proscribed groups, such as terrorists, particularly in hostage situations.¹⁶¹

3.3.5. Contextual impact on notions of trust in conflict resolution

The degree to which conflict actors trust a mediator may depend on the cultural and religious setting of the conflict. Anthropological, sociological and conflict resolution research has found that certain cultures, such as in Central America and Asia, have a relational-oriented notion of trust, which is based on factors endogenous to the relationship between the relevant persons, such as whether they are connected, have commonalities or stand in a hierarchical relationship – which, in an Asian context, is the case for in-group, but not for out-group, members.¹⁶² Western cultures, by contrast, generally base trust to a greater degree on factors exogenous to the relationship between the parties, such as level of education, experience in mediation and previous achievements.¹⁶³

Indeed, it would seem that differing opinions in the literature as to whether trust derives from a mediator's impartiality to the parties or from his closeness to the

¹⁵⁹ Gourlay/Ropers 2012, 94.

¹⁶⁰ Elgström et al. 2003, 20.

¹⁶¹ Lanz 2017, 150; Gourlay/Ropers 2012, 94.

¹⁶² Lee/Hwee 2009b, 74f.; Roepstorff/Bernhard 2013, 166, 167; Billings-Yun 2009, 149ff.; Wehr/Lederach 1991, 87f.

¹⁶³ Billings-Yun 2009, 149ff.; Roepstorff/Bernhard 2013, 166, 167.

conflict setting, and thus commonly also to (one of) the parties,¹⁶⁴ could well be influenced by cultural differences: impartiality would seem to be closer to the Western notion of mediation, where mediators derive their legitimacy from their substantive and personal detachment from the parties (“as a kind of eunuch from Mars”);¹⁶⁵ while in relational-inclined cultures, such as in Central America and Asia, the authority of the mediator stems from a personal relationship with the disputants and the intimate knowledge shared between the mediator and the disputants, which constitutes the basis of *confianza* (trust) or being part of the in-group in a Central American and Asian contexts, respectively.¹⁶⁶

The cultural context, therefore, appears to influence how trust in the mediator is interpreted – that is, whether a close connection between the mediator and the parties, or rather the mediator’s impartiality, denotes trust. But, irrespective of culture’s impact on the meaning of trust in a certain context, the degree of cultural affinity between the mediator and the parties, of course, also affects the extent of trust felt by the parties in the mediator. Though this appears to be more the case in high-context cultures, such as Asia, than in low-context cultures.¹⁶⁷

Religion would also seem to have an impact on trust. In high-context cultures, such as Asia, a religious affinity between a mediator and the parties would appear to play a strong role, as this could be a factor that determines the existence of an in-group or an out-group relationship; in low-context cultures, by contrast, religious affinity does not influence the level of trust between parties and a mediator to the same extent.¹⁶⁸ Yet, the overarching contextual determinant here is actually again culture, not religion. It is conjectured, however, that a religious context, irrespective of the cultural milieu in which it is set, must also have an influence on the level of trust parties have for a mediator. This would, of course, mean that there might be a greater risk in a religious setting that mediators could lose their partiality to the extent that they are of the same religion (or religious denomination) as one of the parties – a risk that would exist to lesser degree in secular societies. However, prominent religious figures could nevertheless be regarded as credible, and thus

¹⁶⁴ Earlier writings tend to correlate trust with impartiality (see, e.g., Young 1967, 309; Carnevale/Arad 1996, 41; Stenelo 1972, 33ff.; Kleiboer 1997, 29), while the more recent trend in the literature associates trust with strong links of the mediator to the conflict context (see, e.g., Wehr/Lederach 1991, 87ff.; Elgström 2014, 41).

¹⁶⁵ Fisher 1981, 97; see also Alexander 2015, 311, 312; Avruch 1991, 7; Leeds 1997, 86.

¹⁶⁶ Wehr/Lederach 1991, 87; Lee/Hwee 2009b, 74f.; Maiese 2005.

¹⁶⁷ Billings-Yun 2009, 147.

¹⁶⁸ *Ibid.*

trustworthy, based on their general societal role, rather than on a religious affinity felt by the parties. Thus, as Appleby notes: “[t]heir daily contact with the masses, long record of charitable service, and reputation for integrity [...] earned religious leaders an unparalleled legitimacy.”¹⁶⁹

3.4. Conditions in which insider mediation is of particular utility

3.4.1. Overcoming the problem of asymmetric information

3.4.1.1. General

It was explained above that, based on rational choice theory, parties to a conflict typically have imperfect information about the adversary’s power and resolve, and that this gives each party an incentive to withhold or even misrepresent such information in order to improve its bargaining position as against the respective other party. This bears the potential – put in rational choice theory terms – that actors are prevented from entering into mutually beneficial bargains where this could be cost-beneficial for each of them, and instead start or continue waging (“value-minimising”) wars.¹⁷⁰

As we have seen,¹⁷¹ mediation may generally contribute to alleviate the problem of asymmetric information by virtue of their structural capabilities of (i) already possessing relevant information of the parties, (ii) obtaining such information during mediation and (iii) of conveying such information credibly. Indeed, insider mediators’ structural capabilities in all three respects surpass those of outsider mediators in certain conditions, which will now be discussed in turn.¹⁷²

3.4.1.2. Possession of relevant information *ex ante*

Insider mediators seem to be systematically privy to relevant information of the parties due to their inherent knowledge of relevant matters related to the conflict

¹⁶⁹ Appleby 2001, 827.

¹⁷⁰ See 3.2.1.2.1 above.

¹⁷¹ See 3.2.1.2.2 above. Several cross-references to the content of section 3.2.1.2.2 are made in this subsection, and each instance will not be cited separately.

¹⁷² As mentioned above, insider mediation does not seem suitable in curbing the other two rational choice explanations for war, commitment problems and indivisible issues (see 3.2.1.3.2 and 3.2.1.4.2 above).

setting and the parties, which derives from their closeness to the conflict context.¹⁷³ Compared to other possible sources of possessing relevant information that are generally out of reach of insiders (e.g., political allegiances and military intelligence), the intrinsic features of mediators would appear to be structurally superior, as insider mediators, by their very nature, possess relevant information, while whether political and military sources, for example, contain relevant information would depend on exogenous factors.¹⁷⁴ However, the innate advantage of insiders in this regard would be less pronounced for high-level insider mediators, since they would generally mediate on track 1, and their information advantage over (politically well-connected and militarily well-resourced) outsiders on the issues that relate to this higher level would be structurally less than informal mediators' information-advantage over outsiders with respect to the issues relating to tracks 2 and 3.

It should be noted, however, that insider mediators' structural capacities of possessing relevant information would not seem to benefit peace processes in circumstances where mediators hold information only of one party, and at later stages of armed conflicts. Regarding the former, to be sure, where insider mediators have relevant information of both actors, each actor benefits from the prospect of receiving relevant information of the respective other actor. Where insider mediators may only possess information of one side, however, the utility of using such a mediator is likely to be doubted by the opponent. Indeed, insider mediators are systematically likely to gain access to information of only one side in territorial or other polarised conflicts, but not both. This is because the divide between the parties is likely to erect societal barriers, and insider mediators would stand only on one or the other side of such barrier, and, accordingly, fail to gain access to relevant information on the opposite side of the divide. This was the case, for example, in the unarmed insurrection of Kosovo between Rugova's Republic of Kosova and the Milosevic regime, in that the mediation led by the Serbian Orthodox Church was eventually unsuccessful in the late 1990s because, *inter alia*, it failed to gain access to relevant information of the Kosovo insurgency from its position on the Serbian

¹⁷³ See the applicable characteristics of insider mediators discussed at 2.2 and 2.3 above. Any further reference to these two attributes in this subsection will not be cited separately. See also Svensson/Lindgren 2013, 699, 703.

¹⁷⁴ Implied in Savun 2009, 99f.

government's territorial line.¹⁷⁵ Instead, outsider mediators are likely to be more effective particularly in territorial conflicts, as such (indivisible) conflicts are likely to require more powerful measures, such as security guarantees and monitoring and enforcement of territorial agreements, and outsider mediators typically possess the resources required for such measures.¹⁷⁶

With regard to the utility of holding and conveying information at later stages of armed conflicts, the parties' need to obtain relevant information from the mediator will progressively diminish, the longer combat has been proceeding, as actual fighting will provide the parties with information about each other's capabilities and resolve. This suggests that the demand for insider mediators' pre-existing knowledge of relevant information will become less relevant at later stages of armed conflict, and outsider mediation, *ceteris paribus*, accordingly more important. That said, the timing of the involvement of outsider mediators is subject to other variables, particularly that they are more likely to intervene, the higher the level of intensity of a conflict, given that they typically possess sufficient resources for directive responses, which are frequently necessary in such situations on humanitarian grounds. To the extent that the cycle of escalation is not constant in every conflict – i.e., some wars may escalate faster during combat than others –, outsider mediators' interests in pre-empting graver harm in conflicts may lead them to intervene early on, as the UN-AU mediation in Madagascar to avert civil war during the election crisis in 2002 illustrates.¹⁷⁷

3.4.1.3. *Obtaining relevant information during mediation*

Where mediators do not already possess relevant information, they could obtain such information during mediation. As already noted, mediation may generally be a useful forum for obtaining relevant information from the parties, in that they are required to interact and communicate with the mediator during mediation meetings. Mediators can additionally glean relevant information from the parties' non-verbal behaviour observed during mediation sessions. Of the three relevant factors that were identified to determine mediators' effectiveness in this – (i) trust, (ii) mediator style and (iii) form of mediation –, the choice between outsider and insider mediation is only relevant for the first two factors, but not the third factor, as

¹⁷⁵ Svensson/Lindgren 2013, 700, 705, 713f., 717 (based on empirical findings). A counterexample, however, is Bishop Belo's mediation in the East Timorese conflict (ibid, 717).

¹⁷⁶ Ibid, 717.

¹⁷⁷ See Svensson/Lindgren 2013, 700, 706, 717 (based on empirical findings).

whether mediation is conducted in joint or caucus sessions does not seem to be contingent on the type of mediator involved. Accordingly, only the first two factors mentioned will be considered further.

With regard to insider mediators' ability to instil trust in the disputants, we have seen that the source of such trust could be either psychological or rational.¹⁷⁸ Psychological sources focus on emotions of the parties based on the relationship between the parties and the mediator: the stronger the feeling of trust, the greater the parties' willingness to share relevant information with the mediator, as this raises the parties' confidence that the mediator will not use the information in a way that will harm the parties' interests. Rational sources of trust, on the other hand, are mediator partiality and the mediators' reputational incentives, which are both objective criteria on which the parties assess the mediators' likely honesty in vouching for the trustworthiness of the other side.

Insider mediators' innate close connection to the parties and the conflict setting, as well as their knowledge of relevant matters pertaining to the conflict would constitute a psychological source of trust if these attributes are seen from a relational perspective. This is the understanding of trust (*confianza*) of insider mediation of Wehr and Lederach put forward in their seminal article of the early 90s, for example.¹⁷⁹ Unlike the rational notion of trust, the existence and degree of trust in the psychological sense is necessarily contingent on contextual factors, particularly the cultural or religious setting of the conflict.¹⁸⁰ These contextual factors impact on the level of trust parties will generally have in a mediator and the mediation process as such, and will, accordingly, influence the mediator's ability to obtain relevant information from the parties for purposes of reducing information asymmetries.

In relation to the rational sources of trust, the relevant game theory model's findings that a mediator who is unable to extract himself from the setting of the conflict, and thus needs to live with the consequences of its outcome, has an incentive to be honest when vouching for the trustworthiness of parties, even when this would undermine the preferred outcome of the party the mediator is (strongly) biased towards, intuitively seems to reflect reality: insider mediators – precisely because of their inextricable ties to the conflict arena – would be averse to helping one party exploit the other, if this could jeopardise the insider mediator's standing

¹⁷⁸ See 3.2.2.2.2 above. Several cross-references to the content of section 3.2.2.2.2 are made in this subsection, and each instance will not be cited separately.

¹⁷⁹ Wehr/Lederach 1991.

¹⁸⁰ See Jönsson 2002; see also 3.3.5 above.

within the conflict community.¹⁸¹ This may help explain, for example, why the high-level insider mediator, Oscar Arias, then president of Costa Rica, was successful in mediating the Esquipulas agreement that ended the Central American wars in the late 1980s in spite of his (and his country's) interests in the conflict.¹⁸²

What needs to be remembered, however, is that the strength of the connection between mediator and parties has an impact on the level of trust: the stronger the connection, the greater the likely level of trust. This factor is therefore conjectured to impact on the ability of the mediator in obtaining information on the party's resolve and power during mediation accordingly.

With regard to the second factor that determines whether mediators are able to obtain relevant information from the parties, mediator style, we have seen that a facilitative approach to mediation is likely to be more successful than a directive style in eliciting relevant information from the parties, and that insider mediators are inclined to adopt a facilitative approach due to the informal nature of their activities.¹⁸³ However, this is true to a greater extent for low-profile insider mediators than for high-level insider mediators, meaning that the former are more likely to prompt the parties to provide relevant information than the latter.

3.4.1.4. Conveying information credibly

Once mediators possess information about the parties' capabilities and resolve, they are still required to relay such information plausibly. As explained, rational choice theory seems to suggest that, in contrast to assuring the disputants of the other side's trustworthiness in their commitment to the mediation process, mediators' closeness to the conflict arena does not give them an incentive to pass on relevant information credibly, irrespective of any outcome bias they may have. Rather, mediators would only be trusted when conveying relevant information to the party to whom the mediator is (marginally) biased toward. However, it would seem more plausible that a mediator's closeness to the parties and the conflict stage would give him an incentive to be honest when transmitting relevant information, notwithstanding his outcome preferences, as the reputational concerns of the mediator would appear to be the same in this situation as when he is vouching for the

¹⁸¹ Bercovitch/Kadayifci-Orellana 2009, 187; Svensson/Lindgren 2013, 704.

¹⁸² On Oskar Arias role in the peace process generally see Maiese 2005; Leeds 1997, 86. This is not to say, of course, that there may have been psychological dynamics at play that influenced the trust felt for Oscar Arias by the parties.

¹⁸³ See the applicable attribute of insider mediators discussed at 2.4 above. Any further reference to this characteristic in this subsection will not be cited separately.

trustworthiness of the contending party. Hence, given insider mediators' inherent closeness to the parties and the conflict context, they would generally constitute credible transmitters of relevant information. However, as contended earlier, the degree of mediators' connection affects the level of credibility of the mediators: the stronger their connection, the greater their credibility.

3.4.1.5. Summary and conclusion

Mediators' effectiveness in overcoming the problem of asymmetric information depends on the extent to which (i) they have access to information about the parties' capabilities and resolve, (ii) they are able to obtain such information and (iii) they are able to convey such information credibly during mediation. Insider mediators are intrinsically well-placed to overcome asymmetric information in all three respects. They typically possess relevant information due to their inherent knowledge of the parties and relevant matters relating to the conflict, though their utility in this regard appears to be lower in territorial and other highly polarised disputes and at later stages of armed conflicts. Moreover, the information advantage of informal insider mediators over outsiders with respect to information relating to tracks 2 and 3 appears to be larger than the information advantage of high-level insider mediators over outsiders with regard to information concerning track 1.

Furthermore, insider mediators' closeness to the conflict setting and the parties enhances their ability to obtain relevant information during mediation. This feature helps to instil trust in the parties, making them more amenable to divulge relevant information during mediation meetings, though the existence and level of trust may well depend on contextual factors, such as culture or religion, and on the intensity of the connection between the mediator and the parties. Moreover, due to the informal nature of insider mediation, they are more inclined to adopt a facilitative approach to mediation, which tends to be more effective in eliciting relevant information from the parties. This is, however, only true for low-profile insider mediators; high-level insider mediators are more inclined to employ a directive mediation approach. It is important not to overstate the ability of mediators in obtaining relevant information though, as mediation remains a self-determined process, and parties in international disputes are likely to be conscious and wary of divulging information that would weaken their bargaining position, despite the abovementioned features of insider mediation that would help facilitate this.

Finally, insider mediators are likely to be trustworthy transmitters of relevant information due to their closeness to the parties and the conflict setting, though

their credibility will again depend on the strength of their connection to the conflict and the parties.

It would seem that insider mediators are generally effective in helping the parties overcome asymmetric information; however, informal insiders to a greater degree than their high-level counterparts, given that the former have a greater information advantage over outsiders in relation to tracks 2 and 3 than high-level insiders have over outsiders with respect to track 1. The fact that high-level mediators are more likely to adopt a directive mediation style, and may therefore be less successful in obtaining relevant information from the parties than informal insider mediators, appears to be negligible, however. This is because both high-level and informal insider mediators may often already possess relevant information by virtue of their closeness to, and knowledge of, the parties and the conflict setting, and because conflict actors may be generally reluctant to divulge information to mediators that could reduce their bargaining power.

3.4.2. Overcoming psychological and organisational explanations for conflicts

3.4.2.1. General

Certain social-psychological and organisational phenomena were shown to explain the initiation and protraction of conflicts.¹⁸⁴ With regard to the social-psychological rationales, cognitive distortions, such as errors of attribution and delusional optimism, misperceptions or skewed images of the opponent based on historical observations and interactions between the parties could lead either to war-promoting behaviour generally, or to each party mistrusting the respective other side's earnestness in committing to peace negotiations. We saw that mistrust could either be directed at the other party or at the mediator, and, apart from being based on psychological factors (i.e., negative emotions associated with the other side or the mediator), could also stem from rational considerations (uncertainties based on objective considerations, particularly information asymmetries).¹⁸⁵ As mediation's responses to mistrust towards the mediator and the rational basis of mistrust between the parties were already discussed in the previous section, the focus here will be on the psychological form of mistrust between the parties. Since both general war-

¹⁸⁴ See 3.2.2.2.1 above. Several cross-references to the content of section 3.2.2.2.1 are made in this subsection, and each instance will not be cited separately.

¹⁸⁵ See 3.2.2.2.2 above. Several cross-references to the content of section 3.2.2.2.2 are made in this subsection, and each instance will not be cited separately.

facilitating behaviour and mistrust arise because of cognitive distortions, misperceptions and images, mediation's responses to these psychological phenomena is the same, and both these conflict-promoting behaviours will therefore be considered together.

In relation to the organisational rationales, certain factors particular to organisations, such as systematic biases and rigidities of organisational culture and beliefs were shown to distort judgment and decision-making of the leaders of such organisation, resulting them to enter into or continuing conflicts.

As indicated above, externalising the resolution of a conflict to a third party provides inherent opportunities to breaking down cognitive distortions, misperceptions and skewed images of the parties as well as institutionalised biases, organisational culture and rigidities, as this aids clarification and mutual understating of perceptions, interpretations and underlying interests. Of the four factors that determine the effectiveness of mediation in fulfilling this function put forward above – (i) pre-existing ties between the mediator and the parties and mediator knowledge of conflict setting, (ii) mediator style; (iii) experience and skill of the mediator in facilitative techniques of mediation and (iv) form of mediation – insider mediators possess innate qualities that make them more suitable than outsider mediators in certain conditions with respect to factors (i) and (ii), and possibly factor (iii). Factor (iv), however, is not contingent on whether insiders or outsiders mediate, and is thus irrelevant for our purposes. The benefits of insider mediation in responding to social-psychological and organisational rationales for international disputes will now be discussed in turn.

3.4.2.2. Cognitive distortions, misperceptions and mistrust

Insider mediators' intrinsic closeness to the parties and conflict setting,¹⁸⁶ and close knowledge of relevant matters relating to the conflict,¹⁸⁷ would suggest they are structurally well-placed to assist the parties in understanding each other's perspectives and interests (see factor (i)). However, insofar as insider mediators' ability in performing this function depends, *inter alia*, on the level of trust by the parties in the mediator, the cultural and religious setting as well as the degree of the connection between the mediator and parties matters, in the same way as it does with

¹⁸⁶ See Bercovitch/Houston 1993, 302, 317.

¹⁸⁷ See the applicable characteristics of insider mediators discussed at 2.2 and 2.3 above. Any further reference to these two attributes in this subsection will not be cited separately.

respect to insider mediators' role in alleviating the problem of asymmetric information.¹⁸⁸

In relation to factor (ii), facilitative strategies focus more on exchanging perspectives and finding interests than directive strategies.¹⁸⁹ As we have seen, insider mediators acting in an informal function¹⁹⁰ are likely to systematically adopt a facilitative style of mediation, while high-level insider mediators would tend to use a directive approach. This makes the former more, and the latter less, effective in fulfilling this purpose.

Finally, from the fact that low-profile insider mediators generally employ a facilitative style could follow a general assumption that such mediators are generally experienced and skilled in such mediation approach (see factor (iii)). On the other hand, skill and experience often depend on individual circumstances, which makes this hypothesis less compelling.

3.4.2.3. *Organisational rationales*

Since institutionalised biases, organisational culture and rigidities are likely to be deeply rooted in institutional structures, insider mediators' inherent closeness to the conflict stage and knowledge of such institutional idiosyncrasies (see factor (i)) would make them particularly suitable to mediate in this regard. Moreover, a facilitative mediation approach (see factor (ii)) would seem apt. As with counteracting general cognitive distortions and misperceptions, informal – rather than high-level – insider mediators are typically more inclined to use facilitative strategies, and they would therefore likely be more effective in this regard.

That said, the fact that such organisational distortions frequently arise in military institutions¹⁹¹ raises the question whether militaries, given their high-profile nature within the state apparatus, might perhaps deem it more appropriate that a person of a high rank¹⁹² mediate the dispute, and not an informal insider mediator. Due to the advantages of having close knowledge of the institution and its dynamics, a high-level insider mediator would seem more apposite in this context than an outside mediator.

¹⁸⁸ Cf. 3.4.1.3 above.

¹⁸⁹ See Bercovitch 1992, 17.

¹⁹⁰ See the applicable attribute of insider mediators discussed at 2.4 above. Any further reference to this characteristic in this subsection will not be cited separately.

¹⁹¹ Reiter 2003, 34.

¹⁹² This refers to the applicable characteristic of insider mediators discussed at 2.5 above. Any further reference to this characteristic in this subsection will not be cited separately.

3.4.2.4. Summary and conclusion

Insider mediation is helpful in ameliorating cognitive distortions, misperceptions and images generally as well as biases, culture and rigidities peculiar to organisations, which could give rise to conflicts. With regard to the former, insider mediators' close ties to, and intimate knowledge of, the actors and the conflict context, and inclination to employ facilitative mediation (though this applies more to informal than high-level insiders) allows them to be effective in breaking down cognitive distortions, misperceptions and images. However, insider mediators' ability in this regard will hinge on the cultural and religious setting and the extent of the connection between the parties and the mediator.

Regarding organisational factors, since insider mediators are closely connected, and have knowledge of matters specific, to the organisation in question, they are structurally well-placed to deal with the organisation-specific sources of conflict. Moreover, because low-profile insider mediators are more likely to adopt a facilitative approach than their high-level counterparts, informal insider mediation is expected to be where this function will be most usefully employed. However, high-profile organisations, such as militaries may require a person of higher rank. Here a high-level insider mediator would be more appropriate than an outsider mediator given the former's closer connection to, and greater institutional-specific knowledge of, the applicable organisation.

3.4.3. Complementing outsider mediation in multi-track peace processes

Insider mediators' most common role, arguably, is supporting the track 1 and, possibly, track 1.5 efforts of outsider mediators by engaging in the informal processes on the track 2 and 3 levels in a multi-track peace process. As was explained above,¹⁹³ this approach of conflict resolution has been a response to the changed nature of conflicts after the end of the Cold War from largely interstate disputes to complex, often protracted intrastate conflicts, frequently involving numerous intricate issues and actors at various levels of society. It is at the lower, informal, levels of conflict resolution where insider mediators have their greatest comparative advantages over outsiders. The primary reason for this is insider mediators' inherent close connection, and knowledge of relevant matters pertaining, to the applicable

¹⁹³ For theoretical context on this development see 3.3.1 above. Several cross-references to the content of section 3.3.1 are made in this subsection, and each instance will not be cited separately.

conflict setting,¹⁹⁴ as well as their structural flexibility in engaging with relevant actors.¹⁹⁵ Insider mediators' role in this regard has several aspects.

First, by virtue of their systematic closeness to, and knowledge of, a broad range of relevant stakeholders at the lower levels, insider mediators are able to engage with all stakeholders and their constituents, particularly at the middle leadership and grassroots levels of the conflict society (horizontal dimension), feeding their input into the high-level process, which insider mediators are able to access due to the absence of any legal or other constraints. By the same token, insider mediators are able to relay information from the track 1 process to tracks 2 and 3, thereby improving the likelihood that agreements reached at the top level are accepted at the lower levels, ultimately resulting in more durable outcomes than if the track 1 process would take place in isolation (vertical dimension). Clearly, the greater the network of insider mediators, and the better their coordination, the more effective the information flows and the stronger the existing relationships between relevant leaders at each level. A good example of this is the "network of networks" of mediators in the Kenyan post-election crisis in 2008, which strengthened Kofi Annan's track 1 mediation efforts.¹⁹⁶

Second, a network of mediators-approach is also helpful in operating as an early warning-early response system. This could serve to pick up and respond to ethnic or other ideological tensions that are caused by politicians' exploitation of ethnic images that prompt hostile mass attitudes (according to Kaufman's symbolic politics theory) or waging war for the sake of forming and strengthening group identity (according to the constructivist view), for example, while these social-psychological dynamics are still at a low level of escalation, thereby preventing conflicts that have the potential of becoming highly intense.¹⁹⁷ Conspicuous examples of such early warning-early response systems are the networks of local monitors used by ECOWAS and IGAD¹⁹⁸ in their respective regions, the establishment of the National Peace Council of Ghana to prevent election-related violence, and the initiative, referred to Infrastructure for Peace, of several countries establishing structures

¹⁹⁴ See the applicable characteristics of insider mediators discussed at 2.2 and 2.3 above. Any further reference to these two attributes in this subsection will not be cited separately.

¹⁹⁵ Flexibility derives from the informal nature of insider mediation – the feature discussed at 2.4 above. Any further reference to this characteristic in this subsection will not be cited separately.

¹⁹⁶ Gourlay/Ropers 2012, 94ff.; Mason 2009, 13.

¹⁹⁷ For theoretical underpinnings on this response to these two causes of war see 3.2.2.3.2 above.

¹⁹⁸ Nyheim 2009, 74ff.

at village and district levels to support networks of individuals at leadership levels to be involved in conflict resolution.¹⁹⁹

Third, as we have seen, the complexity of contemporary international disputes, combined with a general realisation that the root causes of conflicts be addressed, requires mediators to be exceptionally flexible. As explained, the general need for flexibility must be understood against the background of the changed nature of conflicts after the end of the Cold War, which has required a more multi-layered and flexible approach to resolving international disputes, combined with the need to resolve the root causes of a conflict in order to bring about durable peace.²⁰⁰ This is complex endeavour that frequently requires changing attitudes of the parties more than bringing about concrete compromises on tangible issues.

Finally, as indicated above, especially in second-generation protracted conflicts, different camps of the same side may become internally fragmented over time. Insider mediators' closeness to the parties and intimate knowledge of their preferences enables them to identify such changing relations between the camps, and use its close connection to facilitate this transformation process.²⁰¹

The primary challenges to the effectiveness of insider mediators in performing the abovementioned functions are the need to coordinate the informal and high-level processes and building the capacities of local mediators. Indeed, save for a few exceptions, such as Kenya's network of networks approach²⁰² and the pivotal role played by two women's organisations, Women in Peacebuilding Network and the Mano River Peace Network in bringing about the Accra Peace Accord in 2003,²⁰³ there is a general need for improvement in this regard. Both the need to coordinate multi-track activities and to build local capacities – although important, as they impact on the effectiveness of a mediation process – fall outside the scope of this treatise.²⁰⁴

¹⁹⁹ On Infrastructure for Peace see Tongeren 2011, 16ff.; on early warning-early response see Gourlay/Ropers 2012, 97; see also UNDP 2014, 14.

²⁰⁰ Hippler 2009, 104; Giessmann/Wils 2011, 187.

²⁰¹ Giessmann/Wils 2011, 189.

²⁰² For a more comprehensive account of this approach see text to notes 196 to 199 above.

²⁰³ MSN 2012, 13f.

²⁰⁴ On coordinating mediation efforts of insiders with outsiders see, e.g., Gourlay/Ropers 2012, 100; on the need for coordination generally see, e.g., MSN 2012, 18f.; UN Guidance for Effective Mediation 2012, 18f.

3.4.4. Informal peace processes where outsider mediators are absent

Although insider mediators seem to usually act on the lower levels in support of high-level mediation by outsider mediators, there may be circumstances in which insider mediators may need to act in the absence of outsider mediators, typically in informal mediation processes (i.e., for which there is no official mandate). Such circumstances arise in weak states, where the state in which the conflict is located resists the involvement of external mediators in order to retain political control over the conflict resolution process and where the international community is reluctant or restricted in getting engaged.²⁰⁵

In weak states – which are often countries in transition or post-conflict societies, and which are vulnerable to leaders waging wars to solidify their power²⁰⁶ – insider mediators are well-suited to mediate as a result of their inherent closeness to the parties²⁰⁷ and their flexibility.²⁰⁸ On rare occasions, insiders may – even in unofficial peace processes, as is typically the case in weak states – mediate at the track 1-level, such as business and church leaders, including Bishop Desmond Tutu, during the transition to democracy in South Africa in the early 1990s. Here the cultural (or other) context of the conflict may require that the insider mediator hold a societal position of authority in order for the parties to have trust in the mediator.²⁰⁹ Insider mediators' more familiar role, however, is at lower levels, often in the form of local networks of prominent individuals, which may sometimes take on adjudicatory functions often on matters of customary law, e.g., in Nepal and Liberia.²¹⁰

Where outsiders do not get involved or are rejected by the conflict state, insiders will, naturally, step in, often on track 1, such as the regional organisation, ECO-WAS, in the Sierra Leonean and Liberian civil wars in the early 1990s. This will have implications for their style of mediation, particularly if they are backed by third-party states, as they will then be more inclined to use directive, if not power,

²⁰⁵ On these three circumstances favouring the utility of alternatives to outsider mediation see 3.3.2, 3.3.3 and 3.3.4 above.

²⁰⁶ On weak states' susceptibility to the domestic politics explanation for wars see 3.2.2.3.1 above.

²⁰⁷ See the applicable characteristic of insider mediators discussed at 2.2 above. Any further reference to this attribute in this subsection will not be cited separately.

²⁰⁸ Flexibility derives from the informal nature of insider mediation – the feature discussed at 2.4 above. Any further reference to this characteristic in this subsection will not be cited separately.

²⁰⁹ This refers to the applicable characteristic of insider mediators discussed at 2.5 above. Any further reference to this characteristic in this subsection will not be cited separately.

²¹⁰ Gourlay/Ropers 2012, 96f.

mediation strategies. It would seem, however, that insiders would, even in these situations, be unlikely to act (on their own), the more escalated the conflict is. This is because, first, this would increase the pressure on the international community to get involved, albeit in cooperation with high-level insider mediators if deemed necessary to retain control over the process. And second, the greater resources of external states may be necessary to exert pressure to stop the violence in highly escalated conflicts.²¹¹

3.5. Summary and conclusion

This section examines the role of insider mediation in peace processes by testing the four inherent features of insider mediators (close connection, intimate knowledge, informal nature and high standing, discussed in section 2) against two methodological benchmarks: first, theoretical perspectives on the causes of conflict from rational choice theory (asymmetric information, commitment problems, indivisible issues), social-psychological (cognitive distortions, organisation and further social-psychological rationales), domestic politics (diversion from domestic problems) and constructivist models (formation of group identity); and, second, conditions that favour the use of alternatives to outsider mediation (changes in nature of disputes and in conflict resolution approaches, weak states, international community absent from peace process and contextual impact (culture and religion) on notions of trust).

This analysis has shown the following conditions to impact on the utility of insider mediators in peace processes:

- *Nature of conflicts* — The change in the nature of conflicts in the last three decades is perhaps the most influential structural factor impacting on the prevalence and utility of insider mediation in peace processes. As disputes have become more complex, multi-level and protracted, insider mediators – due to their systematic capabilities that enable them to access lower-level stakeholders, and flexibility in moving between tracks – have become more important in complementing the track 1 mediation process by outsider mediators. Insider mediators' inherent flexibility has allowed them to deal with changing circumstances, including internal fragmentations of parties as well as take preventative measures through early warning-early response systems.

²¹¹ Svensson/Lindgren 2013, 706, 717.

- *Absence of outsider mediators from peace process for various reasons* — Outsider mediators may keep out of peace processes where the circumstances in the state in which the conflict is located is not amenable to formal conflict resolution mechanism, such as in weak states, where the state is unwilling to allow outside assistance for purposes of retaining control over the conflict resolution process or where the international community is reluctant or restricted by internal policy or law to getting involved. In these situations, insiders usually mediate on track 1, and – depending on their own (military) capacities (e.g. regional organisations) or by virtue of being backed by third-party states – may adopt a directive, if not a power, mediation approach. However, in weak states, insider mediators often act in local networks on track 2 and 3 levels, occasionally filling the void of functioning institutions by taking on such roles themselves, such as adjudicating customary law cases. The systematic distinction made between high-level and informal insider mediators is a novel approach and bears significant potential for conducting a more nuanced examination of the role of insider mediation in peace processes.
- *Level of escalation of conflict* — Where the circumstances favouring the sole involvement of insider mediators mentioned above are present, outsider mediators are expected nevertheless to intervene in peace processes in cases where conflicts are highly escalated, given their generally strong resources to engage in power mediation, as this may often be required to avert further violence. Depending on the circumstances, outsiders would either take the lead in the mediation or support the insider, as was the case in Sudan’s peace negotiations in the early 2000s, where IGAD (as insider) was assisted by the US, the UK and Norway, for example. On rare occasions, insiders largely act on their own, as demonstrated by ECOWAS’ mediation of the civil wars in Sierra Leone and Liberia in the early 1990s. The level of escalation also has an impact where a conflict is of a type that bears the intrinsic potential of becoming highly intense if no preventative measures (e.g., early warning-early response networks of insider mediators) are taken, such as ethnic or other identity disputes,²¹² or territorial or other polarised conflicts.
- *Formality of role, cultural and religious setting and degree of connection to conflict context* — It is in their interaction with the parties on lower tracks in an

²¹² E.g., ethnic conflicts caused by mass attitudes according to Kaufman’s symbolic politics theory, such as in Rwanda in 1994 or wars started for the sake of forming and strengthening group identity.

informal and flexible manner that insider mediators can utilise their comparative advantage over outsider mediators in counteracting two important causes of international disputes, namely (i) cognitive distortions, misperceptions and images of parties (though less so in respect of organisational biases and rigidities to the extent that these may frequently arise in military institutions, where high-level insider mediators may be more appropriate), and (ii) asymmetric information between parties (in respect of which informal insider mediators have a structural advantage over high-level insiders). However, insider mediators' effectiveness in performing these functions depends on the cultural and religious context of the conflict, and on the strength of their connection to the conflict setting and the parties.

- *Type of dispute and timing of mediation intervention in armed conflicts* — The effectiveness of insider mediators' intrinsic capabilities to alleviate asymmetric information is reduced in territorial or other polarised conflicts, as they will, by definition, possess information of one side only, and therefore be of less value in helping the parties achieve information parity. Moreover, the longer an armed conflict has been proceeding, the less useful insider mediators' ability to convey relevant information to the parties becomes, as each party's actual fighting will reveal information about their power and resolve to the other side. In such a situation there will rather be a greater need for outsider mediators' power mediation capabilities.

4. Risk of perception of mediator bias

4.1. Introduction

As we have seen, perhaps the most distinctive features of insider mediators are their closeness to, and knowledge of, the conflict setting and the parties. These characteristics are responsible for practically all unique roles played by insider mediators in peace processes. Paradoxically, however, it is this closeness to, and knowledge of, the conflict arena and the parties – and thus precisely the source of insider mediators’ unique benefits – that makes them vulnerable to being perceived as being biased by the parties. The fact that insider mediators’ very strength is likewise their potential weakness makes insider mediator bias an intrinsic problem of peace mediation, justifying prioritising this challenge in this book.

Two issues will be considered in examining the problem of mediator bias: first, conditions under which insider mediators are particularly vulnerable to perceptions of mediator partiality (see 4.2);²¹³ and second, measures counteracting the risk of perceptions of bias (see 4.3).²¹⁴ Although the answers to both questions are of significant practical relevance for designing peace mediation processes, neither question has been systematically addressed in academic writing as yet. This section seeks to fill that gap.

4.2. Conditions vulnerable to perceptions of mediator bias

4.2.1. Possessing military capacities and representing members with independent interests

Any (large) organisations acting as insider mediator that represent members that may themselves have interests in the relevant conflict are generally at risk of losing their internal unity, and consequently being perceived as being partial. Regional

²¹³ It should be noted that only conditions of general application in any given conflict scenario – i.e., those that are structurally vulnerable to mediator partiality – will be considered here. This is because only such structural conditions are sufficiently determinable and predictable to be of utility for research and practice.

²¹⁴ It should be noted that this section is only concerned with mechanisms preventing mediator partiality from arising that are specific to peace mediation. Thus, any general mediation techniques that could be equally effective in international conflicts, such as mediators being transparent about their potential biases and engaging in meta-communication, will not be examined.

organisations that mediate conflicts within their respective regions is the most conspicuous example of this typical form of high-level insider mediation. Moreover, where regional organisations possess military or other capacities that enable them to engage in conflict resolution processes other than mediation, particularly (military) peacekeeping²¹⁵ and, possibly, power mediation,²¹⁶ there is a risk that such regional organisations may indeed get involved in multiple conflict management measures. This can undermine their perceived impartiality.

A case in point is the mediation activities of ECOWAS during the civil wars of Liberia and Sierra Leone that broke out in 1989 and 1991, respectively. The first-mentioned structural characteristic of regional organisations above, namely that where they have members that could hold divergent interests and take differing actions in a conflict to the organisation, is demonstrated by the fact that in both civil wars certain members of ECOWAS blatantly supported a particular party: in Liberia, Ivory Coast and Burkina Faso funded and supplied the rebel army with ammunitions and weapons because of personal ties between the leaders of these two countries and the members of the Liberian ruling elite – in contrast to ECOWAS' general policy; in Sierra Leone, Liberia and Burkina Faso financially and morally supported rebel groups while ECOWAS was trying to get the same rebels to adhere to the ceasefire they had agreed to.²¹⁷ As a result, ECOWAS lost significant credibility as a mediator.

The second-mentioned trait of regional organisations above, viz. that they may have capacities, and indeed proceed, to engage in multiple conflict resolution processes, is illustrated by the military intervention by ECOMOG, the military arm of ECOWAS, in both civil wars: in Liberia, against what it considered rebel forces in order to defend ECOWAS' peace initiatives; and in Sierra Leone, against the military regime so as to reinstall the previous elected government, presumably with the intention of fostering democracy and rule under the state of law in the region.²¹⁸ Thus, by engaging in peacekeeping activities and, arguably, also power mediation in addition to its role as mediator, ECOWAS relinquished its impartiality.²¹⁹

²¹⁵ Ramsbotham et al. 2016, 173.

²¹⁶ Zartman 2007, 13.

²¹⁷ Elgström et al. 2003, 22.

²¹⁸ *Ibid.*, 21.

²¹⁹ *Ibid.*

4.2.2. Highly escalated or territorial or other polarised conflicts

We have seen that outsider mediators are more appropriate than insiders in mediating highly escalated or territorial or other highly polarised conflicts.²²⁰ On occasion, however, insider mediators nevertheless do become active in such conflicts. The reasons for this could be that outsider mediators refrain from getting involved on the abovementioned grounds,²²¹ for example, or because outsider mediators' absence constitutes a favourable process design in resolving the conflict. Where insider mediators act in such situations, the high intensity of escalated conflicts and the clearly defined division between contending parties in territorial conflicts would seem to make overcoming presuppositions held by the parties about the biases of insider mediators particularly difficult.²²²

4.3. Measures counteracting risk of perception of mediator bias

4.3.1. Adopting policies precluding mediators from acting on their own

The abovementioned example of ECOWAS' loss of internal unity and its simultaneous engagement in mediation and its involvement, through ECOMOG, in military peacekeeping actions and, arguably, power mediation in the civil wars of Liberia and Sierra Leone needs to be seen in the context that ECOWAS had largely been left to its own devices by the international community. This is, arguably, crucial for interpreting its simultaneous peacekeeping and power mediation strategies, as the option of passing on such roles to third-party states that are part of the mediation efforts did not exist. A preventative countermeasure for such a situation may be that policies or best practice measures be taken at the international inter-governmental level requiring that the international community engage in mediation processes led by regional organisations, relieving them of peacekeeping or power mediation strategies, or of mediation itself where some of its members pursue their interests in the conflict. A more radical approach is taken by the European Union, for example, which refrains from engaging in mediation or other conflict resolution measures within its borders *per se*.²²³

²²⁰ See 3.4.1.2 above.

²²¹ Namely those discussed at 3.3.3 and 3.3.4 above.

²²² See Gourlay/Ropers 2012, 91f. in relation to highly escalated conflicts.

²²³ Gourlay/Ropers 2012, 99.

4.3.2. Selecting mediators who are impartial by virtue of their official position

Where insider mediators act in highly escalated or territorial or other polarised conflicts, they are most likely to do so on higher tracks as high-level insiders. This is because such a situation arises often in official peace processes where outsiders are absent, meaning that insiders are required to take the lead in mediation, or where insiders mediate on a higher track (possibly together with outsiders) for other reasons, and the highly escalated or polarised nature of the conflict requires directive and powerful measures, which high-level insider mediators are naturally better equipped to employ than their informal counterparts.

An appropriate measure counteracting the inherent difficulty of being perceived as being biased in such situations is to select insider mediators who hold an official position from which a general assumption of impartiality derives. This increases the chances that the parties will perceive the mediator as being neutral. Pertinent examples are religious leaders such as Bishop Desmond Tutu's involvement during intense phases of the South African transition from Apartheid to democracy²²⁴ or Bishop Belo's contribution in the East Timorese territorial conflict.²²⁵ However, insider mediators acting who do not occupy such a function will have a more difficult task in getting the parties to accept their impartiality in highly escalated and territorial/polarised conflicts.

4.3.3. Teams and networks of insider mediators

Even in situations where insider mediators act in their customary informal nature – whether this is in supporting outsiders mediating on higher tracks in official peace processes or acting in the absence of outsiders in unofficial peace processes, e.g. in failed states – there is still a risk that parties may perceive them to be partial. This may be the case in territorial/polarised conflicts that are (still) at a low escalation level, where there may still be scope for insiders' informal mediation efforts on lower tracks. The perception of bias may, however, also exist generally because of the inherent risk that it may arise as a result of insider mediators' inherent closeness to, and knowledge of, the conflict setting and the parties.

²²⁴ Svensson/Lindgren 2013, 699.

²²⁵ *Ibid.*, 717.

An appropriate countervailing measure appears to be that insider mediators work in teams and set up networks of mediators, as this enlarges the pool of available mediators to choose from in order to counterbalance any indication or allegation of bias from the parties in relation to any particular mediator.²²⁶ Moreover, by acting as part of a team or network, the affiliations and orientations of each individual mediator is integrated into the collective group, and thereby, in a sense, “institutionalised”. This shields each individual mediator from allegations of bias from the parties.²²⁷

4.4. Summary and conclusion

While insider mediators’ closeness to, and knowledge of, the conflict arena and parties are the primary sources of their value for mediation processes, these attributes at the same time make insider mediators vulnerable to the parties’ perception of mediator bias. This treatise seeks to systematise this tension by exploring, first, conditions under which insider mediators are structurally particularly susceptible to perceptions of bias and, second, measures to prevent this risk from arising. Regarding the first question, regional organisations, especially those that possess military capacities, and insider mediators acting in highly escalated and territorial or other polarised conflicts would seem to be particularly vulnerable to perceptions of partiality of the parties. In relation to the second issue, there appear to be three plausible countermeasures: (i) that policies or best practices be adopted at the intergovernmental level requiring that the international community assist mediation efforts of regional organisation, or, alternatively, that regional organisations refrain from mediating disputes between its members altogether, as is the case with the European Union, for example; (ii) that insider mediators mediating on higher tracks as high-level insiders be selected who occupy a position of high societal standing from which a general assumption of impartiality derives; and (iii) in respect of polarised conflicts at a low escalation level and disputes generally, that insider mediators operate in teams or networks of mediators.

²²⁶ Mason 2009, 16; German Federal Foreign Office 2016, 3; see also Ropers 2012, 196; Gourlay/Ropers 2012, 92.

²²⁷ See, e.g., the “network of networks” of mediators by the name of the “Concerned Citizens for Peace” in the Kenyan post-election crisis in 2008 (Mason 2009, 14).

Given the novelty of the systematic approach presented in this essay, there is scope for further development in writing and practice based on the findings presented herein.

5. Overall summary, conclusion and outlook

This study has examined under which conditions it is beneficial to involve insider mediators in conducting peace processes. It has done so by testing the role of insider mediators (with reference to their essential features) against two criteria: first, how mediation generally (and insider mediation in particular) most appropriately addresses the causes of conflicts; and second, the presence of characteristics and conditions of conflicts and their resolution that generally favour the use of alternatives to outsider mediation. While the latter is the general approach found in the literature, the former introduces a new methodology to analysing the role of insider mediators.

The conditions that have been found to impact on the utility of insider mediators can be summarised as follows: the nature of conflicts (the fact that modern conflicts are complex and multi-faceted have favoured the complementary role of insider mediators); the absence of outsider mediators from peace processes for various reasons (which, naturally, requires insider mediators to play a more prominent, high-level role on track 1 and, possibly, track 1.5); the level of escalation of conflicts (insider mediators are generally more useful at lower escalation levels); the cultural and religious setting and the degree of connection to the conflict context (which have an impact on the level of trust of the parties in the insider mediators); and the type of dispute and timing of the mediation intervention in armed conflicts (insider mediators are more useful in reducing information asymmetries between the parties in conflicts other than territorial or other polarised conflicts and at earlier stages of conflicts).

The results of the enquiry in this study is partly a confirmation of what general intuition and previous academic writing have suggested, particularly in respect of insider mediators' unique role in informal processes on tracks 2 and 3 (especially due to their inherent flexibility) in complementing the high-level process by outsiders on track 1.

However, some new insights have emerged. First, the distinction between informal and high-level insider mediators, and the importance of this distinction for assessing the role of insider mediators in peace processes. For example, in addressing social-psychological factors that cause conflicts and asymmetric information it was found that informal insider mediators generally have a greater comparative advantage over outsider mediators. Moreover, the structural susceptibility that parties perceive insider mediators to be biased, and the possible countermeasures thereto, are nuanced according to the distinction between high-level and informal

insider mediators. Thus, the vulnerability of regional organisations and the countervailing measures of adopting applicable policies or best practices and selecting relevant insider mediators realistically only apply to high-level insiders. The problem of highly escalated or polarised conflicts, on the other hand, could – with the mentioned subtleties – apply to both types of insider mediators, while acting in teams or networks of mediators clearly only pertains to informal insider mediators. A second important new insight is that the strength of the connection between an insider mediator and the parties matters for the trust that the latter may have in the former, which has implications for insider mediators' role in overcoming information asymmetries and dealing with social-psychological rationales of conflicts, as well as generally performing their complementary function on the lower tracks.

As this study applied a case example methodology, its findings could benefit from quantitative methods (particularly empirical and game theoretical) in future research.

A question that falls outside of the scope of this book is whether, under which circumstances and to what extent the inclusion of insider mediators in peace processes is not just *beneficial*, but also *indispensable*, for peace mediation efforts under the “do no harm”²²⁸ and broader ethical principles of international conflict resolution. Such an enquiry would be important to the extent that it makes a substantive difference whether acts, decisions, tactics or strategies of peacemakers²²⁹ are judged by whether or not they are (merely) advantageous for a peace process (which is the focus of this study) or by whether they cause, or avoid causing, actual harm – a strikingly relevant question given the dreadful humanitarian effects of war. However, establishing universal and objective criteria for measuring harm is clearly difficult.²³⁰ One approach that has been proposed to deal with these complexities better than measuring the direct impact of acts is the “theory of change”. This theory focuses rather on impact-driven planning systems (formulation of objectives, requirements to achieve such objectives and actions that meet such requirements and that are in the circle of influence of the actors).²³¹ It has been suggested that integrating in the “theory of change” not only objectives that seem morally desirable and are likely to achieve widespread political consensus, but also

²²⁸ See the seminal contribution of Anderson 1999.

²²⁹ Or of any actors in various phases of a peace process for that matter or, indeed, humanitarian and development aid workers, where the “do no harm” principle has its roots (Hellmüller et al. 2014, 6).

²³⁰ See Kraus/Kirchhoff 2014, 289f.

²³¹ Hellmüller et al. 2014, 16ff.

those that are unofficial, self-serving and have delegitimising effects may give a more realistic reflection of harm in mediation and helps unfold its functional potential.²³² Applying and developing such criteria in respect of the particular benefits of insider mediators in peace processes would be an interesting and important undertaking. However, the scope of this book cannot do justice to the complexities of this topic, and is therefore better left to future research to tackle.

²³² Kraus/Kirchhoff 2014, 291.

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List of abbreviations

Cf.	compare
ECOMOG	ECOWAS Monitoring Group
ECOWAS	Economic Community of West African States
Ed.	Editor(s)
Edn.	Edition
E.g.	For example
Et al.	And others
f.	On the next (page, paragraph etc.)
ff.	And the following (pages, paragraphs etc.)
Ibid	In the same place
I.e.	That is
IGAD	Intergovernmental Authority on Development
MSN	Mediation Support Network
UN	United Nations
UNDP	United Nations Development Programme
UNDPA	United Nations Department of Political Affairs

Über den Autor

Martin Wilhelm, geboren und aufgewachsen in Namibia, studierte Geistes- und Rechtswissenschaften an der Universität Kapstadt. Nach anschließendem LL.M. an der Humboldt-Universität zu Berlin promovierte er bei Prof. Dr. Dr. Dr. h.c. mult. Klaus J. Hopt zum südafrikanischen Unternehmensinsolvenzrecht mit rechtsvergleichendem und -ökonomischem Ansatz. Während seiner Promotion arbeitete er als wissenschaftlicher Mitarbeiter am Max-Planck-Institut für ausländisches und internationales Privatrecht Hamburg sowie am rechtswissenschaftlichen Lehrstuhl von Prof. Dr. Markus Roth an der Philipps-Universität Marburg mit den Forschungsschwerpunkten Insolvenz-, Gesellschafts- und Investmentrecht, Corporate Governance, Recht der Altersvorsorge und Mediation.

Nach mehrjähriger wissenschaftlicher Tätigkeit wechselte Martin Wilhelm alsdann in die anwaltliche Praxis und beriet in Großkanzleien in Südafrika und Deutschland zum Bank- und Finanz-, Aufsichts- und Kapitalmarktrecht sowie zum internationalen Schiedsrecht. Aufgrund seines Bedürfnisses, eine berufliche Tätigkeit mit stärkerem ideellen Wert auszuüben, wechselte er im Oktober 2020 zur GLS Gemeinschaftsbank, wo er das nachhaltige Investmentfondsgeschäft mitgestaltet.

Zudem ist Martin Wilhelm nebenberuflich in einem namibischen Agrarwirtschaftsunternehmen tätig. Er wohnt mit seiner Frau und drei Kindern in Frankfurt am Main. Im Herbst 2019 schloss er den Masterstudiengang Mediation und Konfliktmanagement der Europa-Universität Viadrina in Frankfurt (Oder) mit dem Master of Arts ab.