

The Mediator's Handbook
for
Durable Peace

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The Mediator's Handbook for Durable Peace

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Further Reading

This handbook is based upon the author's doctoral research conducted at the University of Canterbury, New Zealand and readers seeking further information on the ideas presented here should consult the author's PhD thesis which is available in electronic format through the university's website.

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Introduction

This handbook is for mediators who are interested in creating a durable or lasting peace. The purpose of this handbook is to present a simple model that mediators can utilize to help achieve this aim. Since the model for durable peace is intended to compliment an existing mediation process, this handbook assumes that the reader already has a good working knowledge about mediation.

Several organizations that track the incidents of war across the globe report that many civil wars are presently occurring, and some other studies suggest that there may be an increase of resource-related wars in the future. The negative impacts of these wars are well documented. For numerous reasons, it is therefore desirable to terminate wars and ensure that their termination is permanent.

***Durable
Peace...***

*...is indicated by
peace persisting
over time and it
is illustrative of
long-term
mediation
success.*

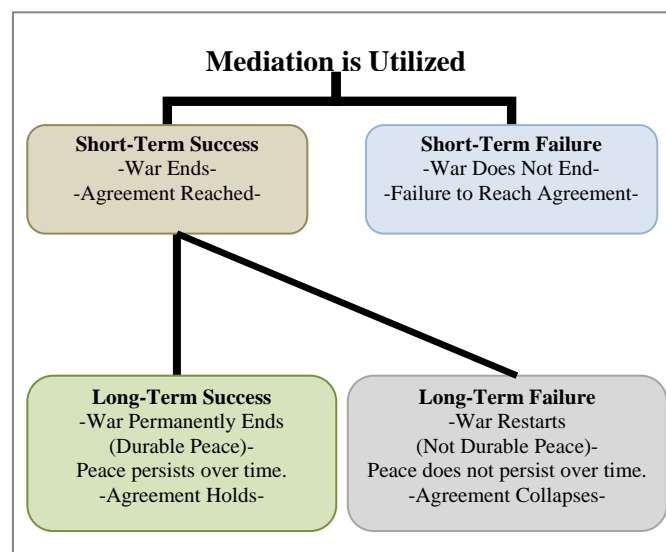
There are several types of third-party interventions for containing, managing, or resolving wars. Mediation is one type of third-party intervention which is often utilized. Simply put, mediation is a process of assisted negotiation between two or more disputing parties

An obvious goal that all mediators strive for is success and mediation success can be defined in multiple ways. One way for defining success considers whether the war is permanently terminated so that a state of durable peace is created – with peace being considered durable if it persists over time.

Durable peace thus represents the long-term success of a mediation process. However, other outcomes are possible. Two short-term and two long-term outcomes are possible when mediation is utilized:

1. Short-term success as indicated by the production of a new peace agreement or the immediate cessation of hostilities.
2. Short-term failure as indicated by the inability to reach a new peace agreement or otherwise end the hostilities between the parties.
3. Long-term success as indicated by the maintenance of peace persisting over time (ie, the lasting cessation of hostilities).
4. Long-term failure as indicated by the eventual collapse of an earlier peace agreement and the resumption of hostilities between the parties.

Short and Long-term Success in Mediation



Unfortunately, mediation often fails to achieve short-term success. When mediation does achieve short-term success, however, then long-term success is even more difficult to create. In fact, there is a critical five-year period during which time peace agreements are especially fragile. This speaks to the need to find new ways to improve the prospects that agreements will hold so that peace can persist.

This handbook outlines a model for mediation to achieve a durable peace and some ideas on how to operationalize the model.

***Two Factors
Vital to the
Creation of
Durable Peace***

Power Dynamics

*Spoiler
Management*

Part I – the Model Described

Signing a new peace agreement is one way in which wars are terminated. Sometimes these agreements hold and a state of durable peace is created. Often, though, the war restarts.

A model for durable peace as well as some underlying assumptions which inform the model are presented here.

A Model for Durable Peace

Two factors vital to the creation of durable peace are the *power dynamics* and *spoiler management*.

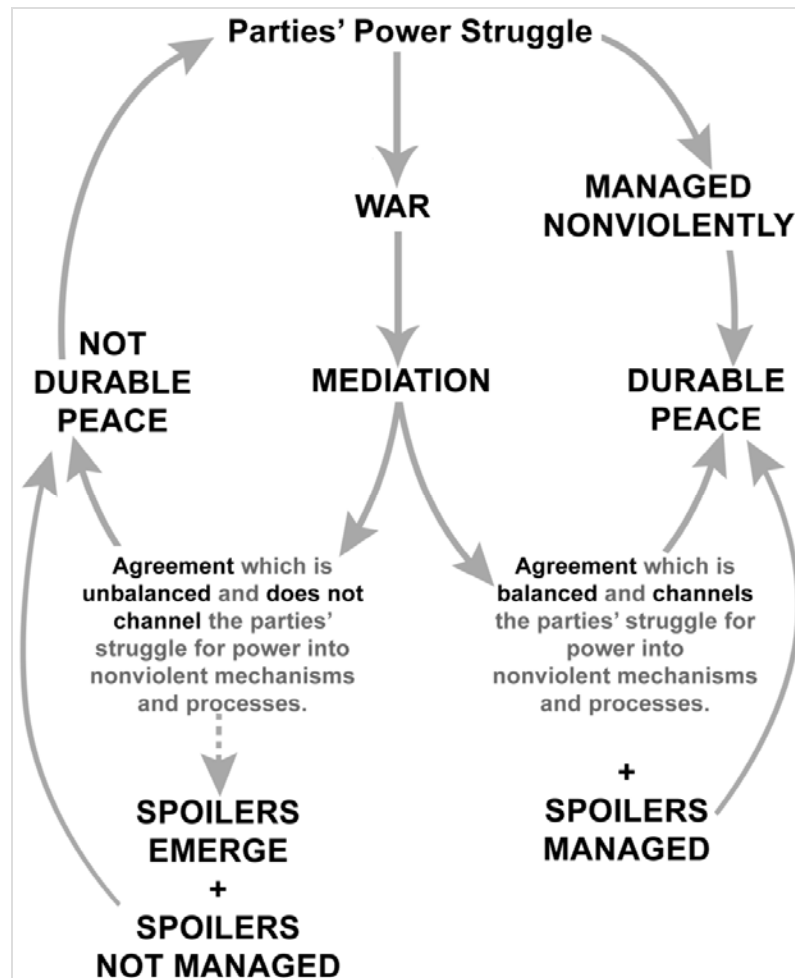
More precisely, the balance of power between the parties at the time of mediation does not need to be equal, but a balanced agreement *is* necessary. Moreover, the post-war struggle for power needs to be channelled into legitimate nonviolent mechanisms and processes.

Importantly, the mediator's process affects the context and vice versa. In more specific terms, matters related to the

design of the agreement and the management of power will affect matters related to the emergence and management of spoilers. Spoilers must therefore also be managed to create durable peace.

A model for durable peace that combines these tenets follows.

A Model for Durable Peace



***Power
Dynamics****Create Balanced
Agreements**Channel the
Struggle for
Power into
nonviolent
Mechanisms and
Process***The Need to Create Balanced
Agreements**

The first way to understand the role of power in creating durable peace relates to the production of balanced agreements.

When the distribution of power between the parties is equal, mediation is more likely to be successful (Bercovitch, Anagnoson, and Wille, 1991). One role of mediation, therefore, is to balance the power between the parties to create a fair and level playing field (Bercovitch and Houston, 2000: 178). By building on this previous research, this model asserts that when the levels of power between the parties are balanced, a more balanced agreement (one which does not overly favour one party at the disadvantage of the other) will likely be reached and that balanced agreements are necessary for creating durable peace.

This model shares the view of Licklider (2001: 699) that, ‘negotiated settlements by definition involve compromises; both sides

have to abandon their goals to reach agreement.’ Thus, a more balanced agreement might be more likely when each side has equal power because each party is making equal concessions.

Moreover, a balanced agreement is necessary for durable peace because an unbalanced agreement which places one party at a disadvantage risks turning that party into spoilers (those that aim to undermine peace). Likewise, Licklider (2001: 700) asserts that, ‘within each side [to the war], a settlement will threaten the interests of individuals and organizations who have the ability to undercut it, those Stephen Stedman (1997, 1998) has called spoilers.’ This point is further reinforced by Fortna’s (2004: 19) study and she, likewise, states that concerns over future gains resulting from the peace agreement will also affect the prospects of a durable peace in that one side may be motivated to re-start the war if it believes that peace is favoring its opponent.

Therefore, any agreement has the potential to create spoilers and a balanced agreement may reduce the likelihood of this occurring.

Channel the Struggle for Power into Nonviolent Mechanisms and Processes

Ensure that the agreement contains provisions for regulating the coercive apparatus of the state. Institutionalize these changes.

Ensure that the agreement deals with the allocation of political power. Institutionalize these changes.

Ensure that the agreement addresses possible uneven economic advantages. Institutionalize these changes.

Channelling the Struggle for Power into Nonviolent Mechanisms and Processes

A second way to understand the role of power in creating durable peace views the struggle for power as a central cause of conflict.

Bercovitch and Houston (2000: 178) state that, ‘the struggle for a party’s control over resources and power is an endemic part of human relations, interactions, and conflict.’ Likewise, Licklider (2001: 706) states that the desire for political power can be one of the major sources of violent conflict and, as such, ‘the most important issue in any civil war settlement is the distribution of political power in the successor state(s). That is, ultimately, what the war has been about.’

When the struggle for power is one of the major causes of a war, then transforming the way in which power is obtained, maintained, and exercised is essential for creating viable peace (Dziedzic and Hawley, 2005: 14).ⁱ

More specifically, Dziedzic and Hawley (2005: 14) suggest that, ‘in the wake of state collapse and internal war, a domestic balance of power must be restored in favor of legitimate institutions of government. Violence-prone power structures must be dislodged. To accomplish, this the motivations and means for pursuing violent conflict must diminish. Peace becomes viable when the capacity of domestic institutions to resolve conflict peacefully prevails over the power of obstructionist forces.’

Similarly, Licklider (2001: 707) states that, ‘aside from stopping the killing, the most important function of the [post-war] transition [period] is to establish a set of political institutions through which societal conflicts may be pursued without large-scale violence.’ In other words, the post-war struggle for power must be channelled into legitimate nonviolent mechanisms and processes in order for peace to persist.

One major way in which mediation can contribute to channelling the post-war struggle for power into nonviolent mechanisms and processes is via the design of the peace agreement.ⁱⁱ Hampson (1996: 217) argues that well-designed peace agreements share some common features and that, ‘the design of an agreement, particularly with regard to its provisions for reconstituting political authority in a country that has been wracked by civil war, can significantly affect the prospects of achieving a viable peace process and durable settlement.’

To this effect, a 'good' agreement will contain power-sharing provisions for the winners and losers in the aftermath of elections or in the absence of these provisions it will, at a minimum, allow equal and fair access to the political process by formerly excluded groups (Hampson, 1996: 218).

Likewise, Hartzell (1999: 4) identified the following three important elements of successful civil war settlements:

- (1) they regulate control of the coercive apparatus of the new state,
- (2) they deal with the allocation of political power in the new state, and
- (3) they address possible uneven economic advantage within the new state.

Hartzell (1999) found that agreements which institutionalize these three elements are the most stable.

In other words, mediation can help channel the post-war struggle for power into nonviolent processes and mechanisms via ensuring that the agreement contains provisions for power-sharing or provisions for the institutionalization of mechanisms related to the control of the coercive apparatus of the state, the allocation of political power, and the limitation of economic advantage by one group within the state.

In sum, because the struggle for power is a central cause of conflict, durable peace may be more likely when mediation channels the struggle for power into nonviolent mechanisms

and processes. Institutionalizing these mechanisms and processes will likely make them more effective and efficient. Moreover, every peace agreement may inadvertently create spoilers with the intent to undermine durable peace. Agreements which are balanced may reduce the likelihood of this occurring.

Spoiler Management

Another factor to consider in the creation of durable peace concerns the management of spoilers. Stedman (1997: 5) defines spoilers as, ‘...leaders and parties who believe that peace emerging from negotiations threatens their power, worldview, and interests, and use violence to undermine attempts to achieve it.’ Spoilers thus represent a threat to durable peace and, therefore, Stedman argues they must be effectively managed in order for peace to endure.ⁱⁱⁱ

Earlier, it was argued that balanced agreements are important for reducing the likelihood that spoilers will emerge. However, if spoilers are already present, then they must be managed by the mediator too in order to ensure that durable peace will be created.

In sum, mediators must manage spoilers for durable peace to endure. Spoilers may already be present or they may emerge from unbalanced agreements. In either case, these leaders and parties must be effectively managed in order to safeguard durable peace.

Underlying Assumptions

The model for durable peace outlined above is based on the following underlying assumptions.

1. What is Important for Short-Term Mediation Success is Different from what is Important for Long-Term Mediation Success

The model for durable peace is based on a new combination of the research for achieving short-term mediation success and research on the durability of peace agreements.

Not every factor considered important for creating short-term mediation success is important however, when aiming for long-term mediation success. From all of the factors considered important for short-term mediation success, only two are important for long-term success. This suggests that what is required for short-term success is not the same as what is required for long-term success.^{iv}

This does not necessarily mean that those factors found to be important for achieving short-term success are any less important than the factors for achieving long-term success. Rather, the two different sets of factors can be paired together as per the following chart.

Factors that Affect Short-Term Mediation Success and the Durability of Peace Agreements

Factor or Variable	Variance	Affect on Mediation Success	Affect on Agreement Durability
Previous Relationship Between the Parties	not friendly	decreases the chances of mediation success	agreement is more likely to fail
	fewer previous disputes		agreement is less likely to fail
Power Differences Between the Parties	equal at the time of mediation	increases the chances of mediation success	no affect on agreement durability
	shifts after the agreement is signed		agreement is more likely to fail
	rebels are strong rather than weak relative to government		agreement is more likely to fail
Conflict Intensity	low	increases the chances of mediation success	
	high		greater risk of agreement failing (intrastate wars)
	high		agreement is less likely to fail (interstate wars)
Mediation Timing	early	increases the chances of mediation success	agreement is less likely to fail
Mediation Strategy	directive	increases the chances of mediation success	
Mediator's Experience	high	increases the chances of mediation success	
Number of Mediation Attempts by the Same Mediator	lots	decreases the chances of mediation success	
Need to Include the Intractable Issues in the Settlement	yes		agreement is less likely to fail
Need to Settle all of the Issues	no		many failed agreements resolved the issues + not necessary for durable peace
Need to Settle the Political Issues	yes		leads to a very durable peace
Types of Issues	territory or security issues	increases the chances of mediation success	
	identity conflicts vs. socio-economic		has no affect
Mediator Impartiality	impartial versus not impartial	Still being debated	
Agreement Design and Terms of the Settlement	good or strong agreement		agreement is less likely to fail
Renegotiation	mediator is available for renegotiation		agreement is less likely to fail
	ongoing mediation occurred after the agreement was signed		agreement is more likely to fail (interstate wars)

2. Viewing War as an Extension of Politics

The model for durable peace views a struggle for power as being at the core of all wars. During peacetime, this struggle for power is largely managed non-violently. War, however, represents the parties' violent struggle for power.

In other words, von Clausewitz's famous concept that war is a continuation of politics by other means is reaffirmed by the model for durable peace.^v Viewed in this manner, mediation re-shapes the struggle for power through the peace agreement and the provisions it contains. This leads to the next implication: all mediation interventions are therefore political.

3. Mediation Interventions are Political Interventions

Because war can be considered a continuation of politics by other means, and mediation is an intervention into a war, all mediation needs to be viewed as being a form of political intervention.^{vi}

In other words, international mediation of armed conflicts should not be framed primarily as some type of psycho-social enterprise and it might be more accurately framed as a process which affects the political aspects of the armed conflict like the size of the military; the functioning of the judicial institutions; the structure and operation of the electoral processes; and lastly the form, shape, and composition of the government. Moreover, mediation and the agreements it produces can shape and alter the structure of the state itself. In sum, this model reinforces the perspective that mediation is a political intervention.

Part II – Utilizing the Model

Various prescriptions for policymakers follow from the model for durable peace. These can be organized along the lines of considerations that are relevant before, during, after, and at all stages of the mediation process.

BEFORE THE PROCESS

Analyze How the Struggle for Power Was Previously Structured

Hampson, Crocker, and Aall (2004: 96) note that because every conflict is unique the first step for mediators who are planning a new intervention is to undertake a strategic analysis that includes among other things a consideration of the power balances.

More specifically, they state that mediators should assess what forms of power matter the most in the conflict, whether they are distributed symmetrically or not between the parties, and whether these patterns are stable (Hampson, Crocker, and Aall, 2004: 101). To add to this, however, it is also important to analyze *how the struggle for power was previously structured*.

That is, stemming directly from the perspective that war can be viewed as a violent struggle for power, it is important for policymakers to understand how the struggle for power was previously structured during times of peace.

Moreover, questions regarding why these ‘normal’ channels broke down and whether they need to be or even can be fixed, abandoned altogether, or restructured should also be answered. If it is deemed appropriate, these former channels can then be rebuilt as part of the current efforts to (re)channel the struggle for power back into these nonviolent mechanisms and processes.

ASSESS

Questions to ask:

- ✓ What forms of power matter most in this violent conflict?
- ✓ Are the various forms of power distributed symmetrically between the parties?
- ✓ Are these patterns stable?
- ✓ How was power previously structured between the parties (during times of peace)?
- ✓ Why did these normal power channels break down?
- ✓ Can or should these channels be fixed, abandoned, or rebuilt as parts of current efforts to (re) channel the struggle for power?

Obviously, there would be no point in rebuilding those structures which led to the outbreak of a war in the first place. In these cases it might be more appropriate to abandon those structures altogether in order to create entirely new ones. Either way, the model for durable peace suggests that

the parties' power struggle must be channeled into nonviolent mechanisms and processes, and an important step towards this end is to understand how the struggle for power was previously structured.

DURING THE PROCESS

Manage the Power Dynamics

In order to manage the power dynamics, the first course of action which mediators should take is to assess the current balance of power between the parties. An inventory of the forms of the parties' power, as per the figure below, and a quantification of these would be necessary. These can then be compared between the two parties to determine which one currently has the balance of power.

Forms of Parties' Power

Military Power
External Diplomatic or Political Support
Finances for Conflict
International Legitimacy or Isolation
Soft-Power (e.g. domestic legitimacy and cohesion, and legitimacy in the eyes of the international community)
Skilled Manpower
Able Leadership

Source: adapted from Crocker, Hampson, and Aall (2004: 101).

ASSESS

- ✓ Continuously monitor the changing balance of power between the parties.

ACT

- ✓ Use tactics to balance the power between the parties.

Importantly, the balance of power is not static, and it is therefore necessary to measure this at different points throughout the mediation process.

If it is judged that there is a power imbalance between the parties, then the mediator should take steps to balance the power in order to improve the

prospects that a balanced agreement will be reached.

Tactics to balance the power between the parties include the following:

- putting pressure on one of the parties
- negotiating on behalf of one of the parties
- actively designing the agreement
- supporting the formation and operation of coalitions
- urging the less powerful side to take more territory
- supporting military interventions which favour the weaker party
- meeting with the parties prior to mediating in order to help them strengthen their position and overcome internal differences
- providing the parties with resources (such as access to legal advice) to assist them with mediation

- putting embargos on the stronger parties
- giving one of the parties legitimacy
- supporting the moderates within both of the parties

Mediators Should Encourage Positional Bargaining

Some research suggests that mediation which looks beyond the parties' positions to address their underlying mutual interests is preferable (see Moore, 2003). However, because

PRODUCE

✓ Create balanced agreements through positional bargaining.

balanced agreements are important for the creation of durable peace, and that one way to recognize that an agreement is balanced is that it equally splits the parties' positions and/or it equally divides resources such as

disputed territory between the parties, a strong emphasis is placed on the long-term durability of agreements that are reached through positional bargaining.^{vii}

The resulting policy recommendation is that mediators should encourage positional bargaining in order to generate balanced agreements.

However, it is necessary to recognize that an agreement might be unbalanced in order to then correct it.

Unbalanced agreements have provisions which would greatly put one party in a disadvantaged position by reducing their power and/or they bypass the issues which drive the violent conflict.

If an agreement is judged to be unbalanced, then steps should be taken to balance it. If an agreement cannot be brought into balance, then implementation should not proceed.

Focus on the Design of Good Agreements and Do Not Implement Bad Agreements

Mediators need to focus on the design of good agreements. Bad agreements should not be implemented.^{viii}

JUDGE

✓ Is the agreement balanced?

IF YES: Proceed with implementation

IF NO:

Delay Implementation,
Renegotiate to create a balanced agreement,
Re-assess (DRR).

Agreement Red Flags:

- ☞ Agreement places one party in a greatly disadvantaged position.
- ☞ Agreement bypasses the issues which drive the conflict.

Some agreements are better-crafted than others. Good agreements are important for the creation of durable peace. Bad agreements, on the other hand, contain the seeds of their

own self-destruction. For these reasons, it is recommended that mediators focus on the design of the agreement, striving to ensure that a good agreement is crafted. If a bad agreement is created, it should not be implemented.

JUDGE

✓ Is the agreement good?

IF YES: Proceed with implementation

IF NO:

Delay Implementation,
Renegotiate to create a good
agreement,
Re-assess (DRR).

Good agreements:

...are **Balanced** &

...**Channel** the Struggle for Power

Good agreements, as discussed above, are balanced. The second aspect of good agreements is that they channel the struggle for power into nonviolent processes and mechanisms.

A number of provisions can be added to agreements to help channel the struggle for power. These provisions are as follows.

Philosophical and Ethical Principles

- A statement saying that the parties commit to respect and observe human rights and fundamental freedoms for all.
- A statement saying that the parties promise to refrain from using violence and will respect the principles set forth in the United Nations Charter.
- A statement saying that the parties will settle disputes between them using peaceful means.

Establishing the Rule of Law and Matters Related to Law Enforcement

- Clauses for establishing a civilian law enforcement agency so that all peoples can live in a safe and secure environment. An important counterpart of the law enforcement agency is the judicial branch.

Normalization of Relationships

- Clauses aimed at normalizing relationships between the parties (e.g. the exchange of ambassadors).
- Clauses calling for establishing various Confidence Building Measures.

Constitutional Provisions

- Clauses establishing a new constitution that provides for the creation of a democratic government in which all citizens are afforded the right to participate.
- Clauses related to establishing a Constitutional Court which has exclusive jurisdiction to decide any dispute that arises between the state institutions.
- Clauses calling for the holding of democratic elections and that the parties vow to respect and honour election results. Any disputes concerning the results of the election will be addressed through the normal constitutional mechanisms, and not through the use of violence.
- To reduce party fears that the elections may be biased, an agreement can contain a clause calling for international observers to be present to verify the election results.

Verification

- Clauses giving third-party guarantees to monitor implementation and ensure that the above processes and mechanisms are established and used by the parties.

Addressing other Grievances and Disputes

- Clauses stating that disputes arising out of the application or interpretation of the agreement will be resolved by negotiations and that any such dispute that cannot be settled by negotiations will then be resolved by either conciliation or arbitration.
- Clauses aimed at establishing a claims commission for the mutual settlement of any financial claims.
- Clauses for establishing tribunals or claims commissions to address other unresolved grievances.
- Clauses for establishing a joint military commission to resolve any military-related complaints, questions, or problems.

Disarmament, Demobilization, and the Separation or Reintegration of Forces

- Clauses specifying how the military will be re-structured and controlled.
- Clauses to specify how forces will be disarmed and demobilized.
- Clauses calling for the separation of forces and the establishment of internationally-monitored buffer zones between them.

Mediators Need to Be Able to Shift Their Focus from Short-Term to Long-Term Success

The model for durable peace implies that mediators will need to be able to shift their focus to achieving long-term success once they are reasonably sure that short-term success is likely to be achieved.

That is, a consideration of the factors important for short-term might preoccupy most of the mediator's time as they try to overcome the various obstacles to short-term success. Once short-term success looks attainable, however, mediators may need to give greater attention to the factors found to be important for creating a durable peace. The resulting policy recommendation is that a focus on both the short and long-term needs to be maintained.

AFTER THE PROCESS

Mediators Need to Recognize Signs that Peace May Fail and Then Take Corrective Actions

ASSESS

- ✓ Are there any signs that the agreement may fail?

ACT

- ✓ Take corrective actions in order to reinforce the agreement and nurture the creation of durable peace.

The model for durable peace implies that mediators need to recognize signs that peace may fail, and then take corrective actions in order to nurture of the creation of a durable peace.

Mediators should be alert for the following **Red Flags**:

- ⌘ The delegations are not legitimate representatives of their parties.
- ⌘ The parties represented are not those primarily responsible for waging the war and/or one or more of the parties responsible for waging the war is not represented in the mediation.^{ix}
- ⌘ The sudden emergence of spoilers.
- ⌘ The presence of spoilers who are not effectively managed.

- ✚ One of the parties rejects the agreement on the terms that it is unbalanced and/or unfair.
- ✚ One of the parties persistently stalls on implementing the agreement and/or is uncooperative.
- ✚ One of the parties 'cheats' on implementation (e.g. by registering fake and/or elderly soldiers for demobilisation while retaining the younger and real soldiers or by falsifying claims about the size of their army).
- ✚ Violations of the agreement are overlooked.
- ✚ Penalties for violating the agreement are given to only one party, even though both parties are responsible for breaches (e.g. enforcement is tilted against one of the parties).
- ✚ There is a sudden shift of power.^x
- ✚ The levels of violence in the post-agreement phase are not reduced and so they are similar to what they were during the war.

AT ALL STAGES OF THE MEDIATION PROCESS

Consider the Political Implications of the Intervention

Mediation is a political intervention and policymakers are therefore well-advised to consider the political implications of their involvement in order to effectively manage this aspect of the process.

ASSESS

- ✓ What are the political implications of this intervention?
- ✓ How is it possible to capitalize on the positive effects of the intervention and mitigate the negative ones?

ACT

- ✓ Capitalize on the positive political effects of the intervention by using these developments to further the cause of creating durable peace.
- ✓ Undertake actions which neutralize the negative political effects of the intervention.

Even the possibility of intervening creates many positive and negative implications, and will affect the political climate surrounding the war. Following through with intervention plans is guaranteed to upset these balances. While it may not be entirely possible to eliminate the potential negative effects from an intervention, it should be possible to mitigate or neutralize at least some of them through good forward planning and taking appropriate follow-up actions.

Proactively Identify and Manage the Spoilers

Durable peace is dependent on managing the spoilers. More precisely, there are two types of spoilers relevant to a consideration of durable peace: those who threaten the short-term success of the mediation process and those who emerge later on during the implementation process to threaten the long-term success of the mediation process.

Since long-term success is not possible without first achieving short-term success, then both of these types of spoilers need to be managed.

Moreover, mediators need to be aware that spoilers can emerge both from within the parties and externally. Since the mediation process itself not only changes the relationship between the parties, but also between the parties and other outside actors, it may be necessary to identify possible spoilers emerging from the far fringes of the war.

Managing spoilers to create long-term mediation success, however, does not mean that all spoiler-initiated violence needs to be eliminated. Low levels of violence in the post-agreement phase are not inconsistent with the creation of durable peace, provided that this violence does not escalate into a full resumption of the war. A realistic approach to implementation would consider that some violence will be likely during this phase, and that contingencies need to be made to limit or contain it.^{xi}

ASSESS

- ✓ Who are the spoilers that might threaten the short-term and long-term success of the mediation process?

ACT

- ✓ Undertake preventive and reactive measures to limit or contain spoiler-initiated violence in the implementation phase.

There are several tactics that a mediator can use to limit or contain violence in the implementation phase. These tactics can be divided into preventive and reactive measures. Before listing these tactics, however, it is important to note that an obvious prerequisite for utilizing any of these measures is that the mediator remains active during the implementation phase. This requires an appropriate mandate and the correct institutional readiness for long-term involvement in the peace process. Moreover, all of the preventive measures are dependent upon the proactive and early identification of spoilers through an ongoing analysis of the dynamics of the conflict.

Preventive Tactics which a mediator can employ to limit or contain violence in the implementation phase include:

- An agreement which calls for the withdrawal of all forces from disputed territories.

- An agreement which calls for the creation of Confidence Building Measures and the normalization of relations between the two parties.
- An agreement which specifies third-party guarantees to monitor the implementation of the agreement.
- Building regional and international support for the peace agreement.
- Providing phased incentives and other rewards for complying with the agreement.

Reactive Tactics which a mediator can employ to limit or contain violence in the implementation phase include the following:

- Not tolerating any breaches of the agreement (e.g. active enforcement is necessary along with punishment). Punishment can include the threat or actual removal of incentives or other rewards plus the threat or actual use of force and/or sanctions.^{xii}
- Supporting military or police operations to arrest the perpetrators of violence.
- The negotiation of new ceasefire agreements.
- Making statements which condemn the violence and/or the party responsible for perpetuating it.^{xiii}

Consider the Possible Advantages of Acting Independently

An increasing amount of literature on international mediation has stressed the value of acting in a coordinated manner with other third parties. The model for durable peace, however, challenges the current trend in the literature concerning the need for greater degrees of coordination.^{xiv}

According to the model for durable peace, mediators should be comfortable blocking the efforts of other third parties at certain times in order to guarantee the short-term success of their own efforts. This does not preclude them from later acting in a coordinated manner, and indeed this may be of great value after an agreement has been reached, but if other third-party actors are presenting an obstacle to achieving short-term success, then they should be blocked from the mediation process.^{xv} In other words, this model calls into question the necessity of *always* coordinating various third-party intervention efforts without fully questioning the value in doing so and the possible alternatives.

Moreover, also related to the notion of coordinating activities horizontally between various actors, is the notion of creating vertical linkages between mediation efforts occurring at the elite level with those occurring at lower levels.

Once again, a large body of literature suggests that this may often be necessary to create successful mediation outcomes. Creating vertical linkages of this type are not required to create durable peace.

Reasons for Blocking Linkages between the Mediation Process and Other Activities

- To prevent the parties from venue shopping.
- To maintain maximum flexibility and control over the process.
- To keep the forward momentum of the process moving.

Mediators Need to be Willing to Sacrifice their Neutrality

This model poses a challenge to Neutral Low Power Mediation (NLPM).^{xvi} The model for durable peace suggests that mediators may need to employ directive tactics to balance power. Because balancing the power between the parties can threaten the mediator's perceived neutrality, these findings would also suggest that mediators may need to sacrifice their neutrality.

Moreover, these findings do not support passive mediation which assumes that any agreement is better than no agreement at all. As noted earlier, mediators should not implement bad agreements. That is, mediators have an ethical role to play in judging the likely outcome of the agreement and calling for the stalled implementation of bad agreements. They may, therefore, need to be willing to be self-critical of their own efforts and willing to admit that a solution that they helped broker is not necessarily a good solution which will

produce a good outcome. This, in turn, may mean siding with one of the parties. In sum, mediators may need to sacrifice their neutrality by assisting the weaker party to become more powerful, weakening the more powerful party, or taking sides with one of the parties against an agreement which they have judged to be a bad agreement.

Mediators Need to Think and Act in Broad as Well as Specific Terms

Another policy recommendation that is related to the assertion made earlier that mediators need to shift focus as they come closer to guaranteeing short-term success, also relates to the perspective of the mediator.

The model for durable peace presented here asserts that mediators need to think and act in very broad terms. The model therefore challenges mediators to widen their venue; they cannot only be concerned with what is happening at the table. They need to be forward thinking too and consider what will happen with the agreement in the implementation phase and whether spoilers will emerge during that phase. When they look for spoilers they must look within the parties themselves, but also more widely to other actors who are not directly involved in the negotiations. In other words, this study places an increased emphasis on the need for what Saunders (2001) has termed ‘circum-negotiation’ – all of the other work that goes on around negotiation for the purpose of beginning, sustaining, and nourishing a peace process. In sum, the findings here imply that mediators need to think and act in broad as well as specific terms.

It was stated earlier that long-term mediation success cannot be ensured without first securing short-term success. There are number of different ways that the mediation process can collapse at certain key points, thus making success unlikely.^{xvii} These can be divided into short-term versus long-term obstacles.^{xviii} The obstacles to short-term success are as follows:

- ☞ Mediation fails to identify the correct parties.^{xix}
- ☞ Mediation fails to bring the (correct) parties together for dialogue.
- ☞ The parties are brought together for dialogue, but mediation fails to reach an agreement.

The obstacle to achieving long-term success is that *an agreement is reached, but it collapses*.

The challenge for mediators is thus twofold:

- mediators must overcome those obstacles to short-term success in order to produce a new peace agreement, and then
- mediators must ensure that the agreement can hold for the critical five-year period during which it is most vulnerable to collapsing in order to help ensure long-term success.

There are a number of ways that mediators can help ensure short-term success. While managing those spoilers that

threaten the short-term success of mediation is one tactic, other tactics would include the following:

- seizing opportunities when they emerge because they can quickly fade
- recognizing that different sources and types of mediator leverage vary in strength and that some can only be used once (so they should only be used at opportune moments), and that
- there are times when it might be appropriate to block the efforts of other third party actors.

There are also a number of ways in which mediators can assure the long-term success of the agreement. Mediators can help assure the long-term success of the agreement by:

- managing those spoilers which emerge later in the implementation phase, and
- designing good agreements.

List of Figures

Short and Long-term Success in Mediation

A Model for Durable Peace

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Notes

ⁱ Viable peace can be understood as a distinct stage which precedes the creation of a self-sustaining peace (Dziedzic, 2005: 270).

ⁱⁱ It also seems plausible that if the trust between the parties is increased during the mediation process, then using violence as part of the post-war struggle for power will be less likely. Mediators can play an important role in building trust and Kydd (2006) defines several ways in which mediators can achieve this. This aspect of mediation, however, is outside the scope of this handbook.

ⁱⁱⁱ Crocker, Hampson, and Aall (2004: 152) also assert that the management of spoilers is a central concern for mediators who are at the stage of securing a settlement.

^{iv} Similarly, Greig (2001) examined short and long-term success in cases of enduring rivalries, and he found that the factors which are conducive to short-term success differ significantly from those that promote an extended improvement in the relationship between the rivalries.

^v It is important to note that the 'Clausewitzian model' of war was originally formulated to account for interstate wars, yet the concept that other (nonstate) actors such as rebel groups would choose to use war to pursue their interests still remains valid (Levy, 2007: 19-20).

^{vi} In a related, but different, concept of the political aspects of mediation Crocker, Hampson, and Aall (2004: 23) state that, 'mediation is an inherently triangular political process...', because the parties are trying to reference themselves towards each other and towards the mediator while the mediator is at the same time trying to re-position them.

^{vii} Of course, it is entirely possible that when an agreement that is equally balanced between the parties' positions is reached then it also corresponds to meeting their underlying mutual interests too. Further research on this topic would be useful to help formulate a more definitive answer to this question.

^{viii} Hampson (1996) reaches a similar conclusion from his study of failed and successful peace agreements.

^{ix} Of most concern are those parties that might eventually become spoilers.

^x Fortna (2004: 106) also identifies large shifts power in the post-agreement phase as being associated with the failure of durable peace in cases of interstate wars; yet her study was unable to confirm a causal relationship between these two variables.

^{xi} Mac Ginty (2006: 112) re-affirms this proposition and he states that, '... violence is not switched off like a tap by the mere agreement of a peace accord. Much violence is structural in nature and often immune to

the provisions of a peace accord that may only relate to the manifestations of violence or its most visible agents in the form of organised armed groups.’

^{xii} That is, both positive punishment (the application of something that the parties find undesirable) and negative punishment (the removal of something that is of value to the parties) can be employed.

^{xiii} This tactic often has very limited value in changing the parties’ behavior.

^{xiv} For an extensive discussion of the role and value of coordination in various peacebuilding activities see the issue of *International Negotiation* (Volume 11, issue number 1, 2006) dedicated to this topic.

^{xv} Hampson (1996) is one such researcher who makes a very strong case for why third-parties need other third-parties during the post-agreement stage.

^{xvi} NLPM, as the name suggests, is a style of mediation in which the mediator strives to remain neutral and they choose to use nondirective tactics (e.g. low power).

^{xvii} There is some research on salvaging these ‘stalled peace processes’. For example, see Mac Ginty (2006).

^{xviii} The use of the term ‘obstacles’ is intentional because it implies that these challenges are predictable and can be overcome via good forward planning and taking appropriate follow-up actions.

^{xix} The correct parties are those that can speak with legitimacy and provide adequate representation of the direct parties to the conflict.

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