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KEY TERMS AND DEFINITIONS IN CONFLICT MANAGEMENT AND INTERNATIONAL MEDIATION: LITERATURE REVIEW

Abstract

The following article reviews the academic scholarship on conflict management and mediation related terms and issues relevant for my doctoral research at the Institute for European Studies of Tbilisi State University. In particular, I study and assess the conflict management and mediation efforts of the European Union in Georgia and Moldova in 2004-2016. The following information is a part of the chapter on literature review of the doctoral thesis.

Keywords: *conflict management, mediation, mediation success*

Crisis Management

As Tardy (2015) clarifies, “[in] broad terms, crisis management is about preventing a crisis from occurring, responding to an ongoing crisis, or assisting in the consolidation of peace (or order) once the acute phase of a crisis has passed. It is not necessarily about conflict resolution” (p. 9). In other words, it includes everything from conflict prevention to conflict resolution to conflict management to peace building.

Primary feature of crisis management is its security-centered, multidimensional and complex nature. First, security “combines a traditional definition of state security (crisis management often involves reinforcing the state apparatus) with a more human security approach that establishes the link between the security of the state and that of individuals” (Tardy, 2015, p. 10). In such understanding, crisis management is primarily a security-related activity but also includes development-related agenda as an integral part of long-term and sustainable peace.

Second, based on the previous argument, crisis management covers a wide range of activities concerning “security, civilian protection, the rule of law, security sector reform, institution-building, electoral support, economic recovery and development, humanitarian assistance, human rights, good governance, demobilization and reintegration of former combatants, etc.” (Tardy, 2015, p. 11). The wide variety of issues is complemented by similarly multiple types of actors involved in the processes.

Third, the multidimensional crisis management aimed at achieving peace and security is understandably a complex process.

Conflict management

Conflict management is believed to be “an attempt by actors involved in conflict to reduce the level of hostility and generate some order in their relations” (Bercovitch & Regan, 1999, p. 3). For the purpose of this doctoral research, the EU conflict management typically is a “long-term engagement with a particular country or region, an engagement that, over time, will necessitate different conflict management policies, including military crisis management, development and humanitarian aid efforts, and mediation between conflict parties” (Wolff & Whitman, 2012, p. 5). The EU documents barely use the term ‘conflict resolution’, preferring ‘crisis management’ or ‘conflict prevention’. However, some researchers note that the EU conflict management “subsumes these two sets of policies, but also covers a third, commonly referred to as conflict settlement or resolution, that is, policies aimed at finding a compromise between parties that will allow them to address remaining and/or future disputes between

them by political or judicial means, rather than by recourse to violence” (Wolff & Whitman, 2012, p. 5). Therefore, I sometimes use these terms interchangeably, having ‘conflict management’ in mind.

Conflict management activities

There are various actions that a manager can use to make the stalemates sit around a table, discuss their differences and agree on mutually acceptable compromise, ranging from the most passive verbal statement to the most active direct military-related intervention, from minimum to maximum in terms of engagement and commitment, in terms of financial costs, relevant personnel and logistical support. In their seminal work, Frazier & Dixon (2006) identify five core forms of conflict management efforts: verbal actions, diplomatic approaches, judicial processes, administrative assistance and militaristic responses.

It goes without saying that these activities are not necessarily independent and isolated from each other. To the contrary, some scholars demonstrate that in most cases, they are interrelated and complement each other (Ramsbotham, 2011; Carneiro, Novais & Neves, 2014, pp. 15-28).

Meanwhile, the United Nations Codebook and Operational Definitions can be a useful document in better understanding the issue by identifying and defining several key concepts. If adapted from the UN to the EU, according to this code, the involvement of the European Union in conflict resolution processes in Georgia and Moldova can generally be understood in this study as an EU action aiming at ending hostilities and other violent behavior, or addressing the roots of conflict and this way resolving the problem. This may include the following activities: “fact-finding, offering of good offices, condemnation, call for action by adversaries (includes call for cease-fire, withdrawal, negotiation, etc.), mediation (includes proposing a solution, offering advice, and conciliation of differences), [humanitarian efforts,] arbitration (formal binding settlement by arbitral body), sanctions, observer group, emergency military forces”, etc. In this regard, for the purpose of this research, the EU engagement encompasses all actions and decisions of the EU institutions, its bodies and representatives attempting to end the conflict in these countries.

Mediation

Raymond & Kegley (1985, in Vuković, 2016) classify mediation “as an activity in which a third party helps the disputant to reach a voluntary agreement using facilitative methods such as agenda setting, simplification of communication, clarification of respective positions, issue ‘reconceptualization’, bargaining facilitation and support for agreement” (p. 11).

As Tocchi (2004) believes, mediation is a third-party intervention with the main goal of a mediator ‘to enhance the incentives for an agreement by altering the payoff structure of the bargain [...] by adding, denying, promising or threatening side payments to negotiations thereby increasing the prospects for a win-win agreement’ (p. 3).

The term ‘mediation’ is defined in this research, originally developed by Bercovitch (2006), “as a process of conflict management, related to, but distinct from the parties’ own negotiations, where those in conflict seek the assistance of, or accept an offer of help from, an outsider (whether an individual, an organization, a group, or a state) to change their perceptions or behavior, and to do so without resorting to physical force or invoking the authority of law” (p. 290).

This definition implies that any mediation situation includes: “(a) parties in conflict, (b) a mediator, (c) a process of mediation, and (d) the context of mediation” as essential elements for understanding “the nature, quality, and success of any mediation event” (Ramsbotham, 2011; Bercovitch, 2006, pp. 290-291).

On the basis of the mediation definition, a mediator can logically be anything and anybody from a state to an international/regional organization to a non-governmental/civil society organization to a respectable and trustworthy individual (Bercovitch & Fretter, 2004, pp. 16-17).

Mediator’s role is important, sometimes more decisively so than of the parties of conflict because amidst the political and military deadlock, mediators can ease the tension and facilitate the resolution by “[bringing] with them consciously or otherwise, ideas, knowledge, resources and interests, of their own or of the group they represent” (Bercovitch & Jackson, 2009, p. 35).

Practice of international mediation is familiar with the situation when more than one third party is involved in the process. Scholars usually call it (Crocker, 1999) and describe it as process with “sequential, simultaneous and composite involvement of more than one external actor in mediating a dispute” (Vuković, 2016, p. 39).

Mediator's mandate

Another related important term is the "mediator's mandate". It indicates "the manner in which a third party enters the dispute" and can establish initial expectation of what the mediator's activities and success is or should be (Vuković, 2016, p. 13). It is usually expected that the mediation efforts will be reflected in a long-lasting solution. However, it can be the case that mediation does not directly seek a formal resolution but can rather aim to improve and maintain the "communication channels between conflicting parties, [alleviate]... humanitarian crises and [explore]... elements that could be used for a final agreement in possible future mediation activities" (Vuković, 2016, p. 13).

Mediation Success

First thing that catches the reader's attention while talking about mediation success is that it is an abstract concept. Although there is a considerable body of work on other characteristics of conflicts and mediation (Bercovitch, 2006; Frazier & Dixon, 2009; Hopmann, 1996), there is still no clear and concrete definition of success in the field of conflict mediation. It is widely defined by using other equally elusive concepts such as fairness, justice, stability, efficiency, satisfaction, etc. But what is fairness itself? What is justice, efficiency or satisfaction? Are there measurement criteria/indicators for these concepts? It is, however, important for the development of conflict management theory and practice to have an explicit definition and unambiguous understanding of success.

It was Blair Sheppard (1984) who, as one of the first scholars of international relations trying to define the notion of success, suggested the consideration of the process and the outcome as two key aspects of mediation events. As Bercovitch (2006) further clarifies, "[the] process refers to what transpires at the mediation table, and the outcome refers to what has been achieved (or not achieved) as a result of mediation" (p. 292). Such differentiation between a success in the process and a successful outcome can indeed make the assessment of mediation more feasible.

Other scholars attempted to define success by reference to its four criteria: effectiveness, satisfaction, fairness and efficiency (Sheppard, 1984; Jameson, 1999; Bercovitch & Langley, 1993). Susskind & Cruikshank (1987) had a different understanding of mediation, considering fairness, efficiency, wisdom and stability as its most important indices. These researchers made a valuable contribution to the academic scholarship in defining these vague notions and thus aiding the understanding of the concept of mediation success.

In an attempt to avoid ambiguity and provide a better understanding, Sheppard (1984) breaks down the notion of fairness into several more observable indicators, including "levels of process neutrality, disputant control, equitability, consistency of results and consistency with accepted norms" (p. 144). Other scholars characterize fairness as "improvement of procedure and institution of precedent, access to information, opportunity for expression", etc. (Bercovitch, 2006, p. 292; Jameson, 1999; Susskind & Cruikshank, 1987).

As for participant satisfaction, it is clear that if participants are satisfied with the mediation process/outcome, their positive perception of success and therefore their commitment increases. This is directly connected to another indicator of success – stability: more the participant satisfaction in the process and/or outcome, greater the stability of the mediation process and more stable and longer-lasting the outcome. Nevertheless, as Bercovitch (2006) neatly puts it,

"party satisfaction is largely perpetual and has a very personal quality. Satisfaction is often deemed an almost emotional response to the achievement of a goal or attainment of some requirement. The sorts of goals taken into an event by those involved in conflict are personal in nature and formed by the specific configuration of their personality, environment, [values and expectations]" (p. 293).

Effectiveness is a more observable indicator of mediation, as it is "a measure of results achieved, change brought about, or behavioral transformation" (Bercovitch, 2006, p. 294; Frazier & Dixon, 2009). All in all, Bercovitch (2006) concludes that

"for mediation to be deemed successful, it must have some (positive) impact, or effect, on the conflict. Here, we are talking about such changes as moving from violent to non-violent behavior, signing an agreement, accepting a ceasefire or settlement, or agreeing to a peacekeeping/monitoring force/mission, among others. If any of these has occurred as a result of mediation, we can safely say that the mediation was effective, and thus successful. Effectiveness allows us to observe what has changed after a mediator

has entered a conflict. It is to a large extent much less subject to perceptual disagreements and more easily observable and measurable" (p. 294).

For example, Achkar, Samy & Carment (2009) believe that success in mediation is indeed not a "resolution of conflict", but... the cessation of violence and the initiation of a very long process whereby adversaries can address mutual grievances and the underlying causes of hostility" (p. 216).

Measuring the EU missions and operations, Rodt (2017) offers 4 criteria to assess their effectiveness in operational conflict prevention. She argues that "effectiveness is when a mission/operation achieves its purpose in an appropriate manner when seen from the perspective of the intervener as well as the conflict in which it intervenes (at least in part) to prevent (further) violent conflict" (p. 79). Her framework of effectiveness in operation conflict prevention takes into consideration the fulfilment of politico-strategic goals and key operational objectives (internal goal attainment); timeliness, efficiency and cost-effectiveness of implementation (internal appropriateness); prevention of initiation, continuation, diffusion, escalation and intensification of (further) violent conflict (external goal attainment); and proportional prevention – positive, meaningful and sustainable contribution made by necessary and sufficient means (external appropriateness).

Efficiency is another criterion of successes that needs our particular attention. It aims at the procedural and temporal dimension of conflict management and "addresses such issues as the cost of conflict management, resources devoted to it, timeliness and disruptiveness of the undertaking" (Bercovitch, 2006, p. 295). Talking about efficiency, Susskind & Cruikshank (1987) imply that a "fair agreement is not acceptable if it takes an inordinately long time to achieve or if it costs several times what it should have" (p. 22).

So far, the discussion has been on the situations when agreement has been achieved or changes have been witnessed in the conflict situation as a result of the mediation process. That is a relatively easier state of affairs, because there is something that conflict parties or impartial scholars can observe and measure. Indeed, in this case there can be either a signed agreement (success) or an absence of a signed agreement (failure). Other mid-processes, such as acceptance of mediation or implementation of the signed document, have no room in this strict success-failure dichotomy.

Nevertheless, there are often more options between these two extremes. Indeed, there are more complicated scenarios with no agreement and no change (Melin, 2013). In such cases, what mid-achievement can be labeled as success? For this reason, researchers often consider several notions that are helpful in identifying a wider array of mediation success: settlement, management, resolution and transformation.

Although all are useful terms in general, two of them can have particular importance for this research (management was discussed above in detail). In particular, as Bercovitch (2006) clarifies, a "settlement takes place when conflict-generating behavior (most notably of the damaging or destructive kind) is neutralized, dampened, reduced, or eliminated", while "[resolution]... occurs when the root causes of a conflict are addressed, thus negating the threat of further conflict-generating behavior" (pp. 295-296). Settlement may entail elements of enforcement, while resolution does not. Settlement outcome can be negotiated or imposed (Jones, Bremer & Singer, 1996), while resolution can be negotiated and not imposed. Primarily, settlement addresses the conflict's symptoms, expressions, signs, while resolution targets its causes and roots. Settlement cannot and is not designed to eliminate the need of the parties to re-visit the conflict, while real successfulness of resolution can be assessed with this criterion. Most scholars acknowledge that settlement can be more effective in "value-added disputes, small-scale, interpersonal or group conflicts", while resolution can be well-served for "interest-based disputes, large-scale, complex, international conflicts" (Bercovitch, 2006, pp. 295-296; 1984).

Referring to different theories of international relations, the above-mentioned characterization of settlement vs resolution dichotomy evidently indicates the ground upon which to build a clear understanding of mediation success. On the one hand, if scholars belong to a neo-liberal school of thought, their assessment criteria would be focused primarily on a reduction or elimination of violence and conflict-generating behavior because a full-fledge conflict resolution is not feasible due to structural arrangements and prevailing rules of a 'system defined by power politic behavior' (Bercovitch & Houston, 1996). Or as Bercovitch (2006) precisely puts it, "conflict itself is natural, unavoidable, and unlikely to be resolved [in such kind of system] and, hence, success is best judged as the ability to avert, or end, the damaging aspects of conflict" (p. 296). In other words, if a mediator aims at conflict settlement or studies effectiveness of this process, settlement can be reckoned as a successful mediation outcome.

However, on the other hand, if scholars belong to a school of idealistic theories of international relations, they would argue that

“the possibilities of transformation and the malleability of all social situations in international relations may have more exacting requirements. If conflict is perceived as an aberration of sorts, born out of structural discrepancies, rather than as part of the natural order of things, one is more likely to consider comprehensive resolution possible, and, hence, the prime indicator of mediation success” (Bercovitch, 2006, p. 296).

Researchers investigating such cases would qualify the conflict settlement as a failure or rather an insufficient success of a mediator to manage the conflict, “leaving conflict to smolder beneath the surface before erupting again” (Burton, 1987, p. 32).

Few would argue that resolution is not a better option leaving less room for re-eruption of violent behavior. Nevertheless, in the real world, taking into consideration the protracted destruction and hostilities, vested interests and political short-termism of adversaries and strategic players, resources invested by these actors, and many other factors, successful resolution is a rare phenomenon (Zellner, 2016). For this reason, in situations where resolution is not feasible or realistic, academic scholarship often deems settlement the only feasibly successful result.

Another interesting dimension in assessing the mediation success is offered by Kriesberg (2005) in his seminal work. The author explains that “mediation success is best understood as a significant (or even essential) contribution to de-escalation of conflict, movement towards an acceptable agreement or reconciliation, under the prevailing conditions” (p. 20). This dynamic process entails several stages. During the first stage, mediator tries to bring the conflicting parties to the table (i.e. acceptance of mediation). Information about the conflict as well as the interests of the respective sides is critically important for a mediator who in turn can use it to change the expectations and increase the attractiveness of the peaceful and negotiated alternatives (Rauchhaus, 2006). For this reason, “the first degree of success in international mediation is reflected in the mediator’s ability to transform conflictual relations and de-escalate the conflict by getting the parties to the table” (Vuković, 2016, p. 35).

The second stage can be that of absence/presence of formal agreement. It can be presumed that the EU had success in achieving a ceasefire agreement between Russia and Georgia in 2008 and mini-successes in the Geneva discussions, like the establishment of Incident Prevention and Reaction Mechanism, locking parties to the negotiation table, etc. But if we analyze it deeper (in terms of their implementation and daily functioning), these accomplishments can be questioned. Furthermore, academically speaking, several researchers do not even label a ceasefire agreement as a success at all because it is the least comprehensive agreement and “while [it is] the simplest form of agreement to achieve, [it is] the easiest to break” (Greig & Diehl, 2012, p. 105; Vuković, 2016, p. 36).

Choice of Mediation

Mediation can be differentiated from negotiations. Bercovitch (2011) argues that

“[the] key differences between the two methods relate to the additional resources and expanded relationships and communication possibilities that a mediator brings to the conflict management” (p. 154).

Various studies have demonstrated that negotiation is an important tool in the conflict resolution, especially when these conflicts are not complicated, highly intensive and the parties are asymmetric in power. In contrast, mediation is used more often “in disputes characterized by high complexity, high intensity, long duration, unequal and fractionated parties, and where the willingness of the parties to settle peacefully is in doubt” (Bercovitch & Jackson, 2001, p. 59). Indeed, many influential scholars consider that as long as a “disparity [i.e. a rough power parity between the parties] will dispose the stronger party to reject negotiation in the first place, or at least resist a compromise”, mediation (rather than a two-sided negotiation) can best serve this kind of asymmetric disputes (Zartman, 1981; Kleiboer, 1996).

Moreover, the research data demonstrates that more the power disparity between the conflicting sides, more chances for the mediation to occur (Bercovitch & Jackson, 2001, pp. 70-71). Similarly, more the difference between the “identity and power capabilities” of the belligerents, less possibility for direct negotiations (Bercovitch & Houston, 1996, p. 21; Kleiboer, 1996). Rationale behind the ‘identity capability’ argument is simple: “when parties to a conflict do not share either the same political system or the same set of cultural norms and values, negotiation becomes very difficult indeed. This is because - shared norms and sociopolitical similarity minimize misperception and facilitate a successful conclusion to the conflict” (Bercovitch & Houston 1996, p. 21).

Conclusion

This article was dedicated to essential aspects of the existing body of academic literature in the field of conflict management and international mediation. In particular, it examined crisis management, conflict management, mediation, mediator's mandate, mediation success and choice of mediation as key terms and definitions to comprehensively understand my doctoral study and effectively link it to existing knowledge.

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