



**Teaching Package for GSUM course on
ELEMENTS AND REFLECTIONS ON SUCCESS,
FAILURES, AND LESSONS LEARNED IN
INTERNATIONAL MEDIATION**

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The **Global South Unit for Mediation (GSUM)** is a learning, research and training platform focused on international mediation. The Unit will promote the diffusion of knowledge and expertise among scholars, diplomats, governmental officials and non-governmental actors from the Global South. The GSUM is the result of a partnership between the Institute of International Relations of the Pontifical Catholic University of Rio de Janeiro (IRI/PUC-Rio), the BRICS Policy Center, and the Royal Embassy of Norway in Brazil.

Teaching packages are comprehensive teacher's guides prepared by renowned specialists addressing important topics of the contemporary international mediation agenda. Each Teaching Package covers five lessons and aims to assist academics and professionals interested in teaching classes on the following topics:

- Conflict Resolution and mediation as a field of study and practice
- Actors and Processes of Mediation
- Mediation and the United Nations System
- Mediation and the Global South
- Gender and Mediation
- Elements and Reflections on Success, Failures, and Lessons Learned

The opinions expressed herein are the sole responsibility of the author and does not necessarily reflect the position of the institutions involved.

About the Author

Dr. Esra Çuhadar joined the Department of Political Science and Public Administration at Bilkent University, in Turkey, in 2006. She was a Fulbright Visiting Scholar at Fletcher School of Law and Diplomacy at Tufts University during the 2011-2012 academic year. She also worked as an Assistant Prof. in the Conflict Analysis and Resolution Program of Sabancı University, Istanbul, Turkey. Dr. Cuhadar received her M.A and Ph.D. and an advanced graduate certificate in Applied Conflict Resolution from Maxwell School of Citizenship and Public Affairs, Syracuse University. Dr. Cuhadar's research interests include mediation, interactive conflict resolution workshops, evaluation of peacebuilding and conflict resolution programs, negotiation and mediation pedagogy, and political psychology with a focus on decision groups and political leaders. Her research has been published in academic journals such as *Computers in Human Behavior*, *Negotiation Journal*, *International Negotiation*, *Journal of Peace Research*, *Mediterranean Politics*, *International Studies Perspectives*, *Turkish Studies* and *Perceptions* and also in various book chapters. Besides her research in peacebuilding and conflict resolution, she has conducted numerous trainings and consultations in negotiation and mediation for various groups and organizations in Turkey and elsewhere. She has been working as a regional mediator for the World Bank in Turkey and Caucasus since 2011. She was elected as a member of the International Society for Political Psychology Governing Council (2010-2012) and also served as a board member of the European Mediation Network Initiative. She is one of the editors of *All-Azimuth: A Journal of Foreign Policy and Peace* published by the Center for Foreign Policy and Peace Research of the İhsanDoğramacı Foundation for Peace.

1. Course Description

Context

Success in international mediation revolves around two essential questions. First is, what constitutes success in international mediation? Second, what kind of factors contribute to the success of international mediation efforts? These questions are linked to each other, yet still point to different debates in the literature that has taken place in the last decades. The first one is related to the definition of “success” criteria and the evaluation of mediation efforts based on these criteria. Does reaching an agreement between the adversaries mean successful mediation? Or should rather one be concerned with the quality of the agreement? If the agreement falls apart immediately before being implemented, should one take implementation as a success criteria? Such questions continue to puzzle scholars trying to define what is “success” in mediation. The answer to the first question inevitably affects how the second one is handled in scholarly debates, which is what contributes to successful mediation efforts? Identifying variables that contribute to successful mediation outcomes is closely linked to how success is defined. A number of factors have been discussed so far as affecting the success of mediation. Some are related to the “process” of mediation such as mediator strategies and activities, whereas others pertain to the context in which mediation takes place such as the nature of the conflict. This course aims at the scholarly examination of such questions and debates.

Academic and policy literature

The UN Guidance on Effective Mediation named a number of principles for effective mediation. This was followed by similar policy documents issued by other international organizations. The policy literature on what is “successful mediation” is mostly driven by a normative or anecdotal standpoint. The “lessons learned” literature is very much anecdotal with memoirs written by numerous experienced and famous mediators reporting on what worked and did not work in their particular mediation practice. Though useful, the policy literature has

hardly systematically assessed empirical data on mediation efforts. A separate academic literature developed assessing mediation success. This literature is quite rich, albeit full of contradicting propositions as to what causes mediation success. For instance, while some argue that a biased mediator is more likely to produce successful negotiation outcomes, others propose exactly the opposite. Overall, even though there is ample anecdotal evidence on individual mediation attempts, our theoretical understanding of mediation success emanating from comparative study of mediation efforts is still weak. Finally, there is a disconnection between the policy and academic world working on mediation success with inadequate interaction and information exchange between the two.

Course Overview

The Course focuses on some key issues related to the discussion of mediation success. Some of the issues that will be covered are: success criteria used by scholars to evaluate mediation outcomes and independent variables discussed that explain mediation success. These variables are usually grouped into two categories as context and process variables. The following variables are scrutinized in detail throughout the course: nature of the dispute (ripeness, conflict intensity, nature of the conflict), relationship between conflict parties (readiness, constituency relations), bias and impartiality of the mediator, sequencing and complementarity of mediator strategies and activities, and inclusivity and local ownership in the mediation process.

The Course will explore the dynamics outlined above through presentations by the instructor, class discussion, and analysis of case studies.

2. Prior knowledge requirements

Although no prior knowledge is absolutely required in order to succeed in this course, since the topics covered on mediation are somewhat more advanced, an introductory mediation course before this one would be very useful. An academic background in International Relations or Peace and Conflict Studies

is also beneficial but not essential. Students who read carefully the required readings prior to the start of the course will be adequately prepared.

3. Course Goals and Learning Objectives

Goals

The Course has the following learning objectives:

- Provide students with an overview of the academic and policy literature on mediation success
- Provide students with an understanding of the following issues related to effective mediation: defining success criteria, timing and sequencing of mediation strategies, ripeness and readiness, bias and impartiality, coordination and complementarity, and inclusivity and local ownership.
- Engage students in the examples of successful mediation cases

Relevance of the course

This course is connected to the other five courses by introducing more advanced and highly debated contemporary topics on mediation.

4. Course Breakdown

Day 1: Introduction, what is success in international mediation?

Session 1

Topics: Introduction of the course, schedule, readings, pedagogic approach of the instructor, setting mutual expectations and ground rules for class sessions

Questions: What are the expectations of students from this class? Interactive exercise: State one expectation from this class/instructor. State one expectation about yourself/classmates. Go over these expectations one by one and connect them to the course syllabus.

Session 2

Topics: Exploring the notion of “success” in international mediation, different criteria for success proposed by various scholars, data from Global Peace Index on mediation success (1945-2016)

Questions: What is success in international mediation? When can an international mediation attempt be considered successful? What should be the criteria to evaluate mediation? How feasible it is to talk about success? Should one focus on outcome of mediation or the effectiveness of the process from the perspective of disputants?

Session 3

Topics: Challenges of measuring or evaluating success in mediation, metrics and evaluation criteria used by scholars, anecdotal evidence of success

Questions: What kind of frameworks was used to evaluate the effectiveness of mediation so far? Can we measure success in mediation?

Day 2: Conditions that contribute to successful mediation I (characteristics of the dispute and relationship between the parties): Ripeness, readiness, conflict intensity, and nature of the dispute

Session 4

Topics: Context variables that explain mediation success, nature of the conflict (ripeness, readiness, conflict intensity, type of conflict)

Questions: Is there a right timing (i.e. ripe moment) for the conflict so that mediation can be successful?

Session 5

Topics: “Readiness” of parties for mediation, readiness theory, constituencies and coalitions within conflict parties, power distribution between the parties

Questions: What are the conditions that make the conflict parties “ready” for negotiation and mediation?

Session 6

Topics: Conflict intensity (i.e. degree of threat, intensity of violence), nature of the conflict (i.e. intractable conflicts)

Questions: Does conflict intensity influence the effectiveness of mediation? What is the effectiveness of mediation in intractable conflicts? Does the nature of the conflict (e.g. resource/interest based vs deep rooted value/identity based) affect the success of mediation?

Day 3: Conditions that contribute to success II: bias and impartiality of the mediator

Session 7

Topics: Mediator bias, impartiality

Questions: Do biased or impartial mediators generate more successful mediation outcomes? Does the principle of impartiality in mediation rely on empirical evidence or normative acceptance? Under what conditions biased mediators are useful for mediation outcome?

Session 8-9

Topics: Case studies discussing the performance of impartial vs biased mediators, examining successful mediation cases mediated by impartial and biased mediators

Questions: Under what conditions did the biased mediator reach a successful outcome? Holbrooke mediation in Bosnia Herzegovina will be examined for biased mediator example. Why does impartiality result in more successful mediation outcomes? Case study of St. Edigio mediation in Mozambique will be examined for impartial mediator case.

Note to instructors on case studies:

I assign readings that describe the mediation process in Bosnia and Mozambique. You may also use other cases as examples. You may divide the class into groups

and assign them different cases. Then, you may direct a set of questions about the cases to guide student discussion in groups. I compare/contrast mediation by an “impartial” (e.g. Norway) and of a biased “principal power mediator” (e.g. US). I invite the class to discuss the opportunities and vulnerabilities of each type of mediator. I invite them to share their group discussion and their observations about the case study. What are the (dis)advantages of a biased mediator and an impartial mediator?

Day 4: Conditions that contribute to success III: Sequencing and complementarity/coordination of mediator strategies and activities

Session 10

Topics: Process variables that explain mediation success, sequencing of mediator strategies, mediator roles and tactics

Questions: What are strategies adopted by mediators? What are different roles adopted by mediators? Under what conditions a particular mediation strategy is effective?

Session 11-12

Topics: Complementarity and coordination between multiple mediating entities, contingency theory

Questions: What are the challenges that arise from multiple mediation efforts undertaken simultaneously? Is coordination necessary? Coordination between whom? How is coordination established between multiple intermediaries? Particular dynamics of coordination between international organizations and NGOs? What kind of intermediary is needed in what situation? (contingency approach)

Day 5 - Conditions that contribute to success of mediation efforts IV: Inclusivity and local ownership

Session 13

Topics: Local ownership of mediation processes, top-down vs bottom-up dynamics of mediation process, sustainability of peace agreements

Questions: Does local ownership of the mediation process enhance the likelihood of success? Does local ownership increase the legitimacy and sustainability of a peace agreement? How is local ownership guaranteed in a mediation process? How do top-down and bottom-up dynamics interact with each other in a mediation process?

Session 14

Topics: Role of the mediator in setting up inclusive negotiations, quality peace agreements and mediation success

Questions: Does agreement quality guarantee mediation success? What does it mean to have a “quality” agreement? What is the role of the mediator in achieving a quality agreement? Does an inclusive negotiation process lead to more successful mediation outcomes? How does the mediator set up an inclusive negotiations process?

Session 15

Topics: Case study exercise

Questions: Suppose that you are a mediator, how would you design an inclusive mediation process?

Notes to instructors on how to conduct case studies on inclusive mediation processes:

I divide students into working groups of maximum 4-5 people. Then, I assign a case study to each group. Cases are provided by the instructor and each one is about a negotiation process involving a mediator. Prior to the group work in the classroom, I distribute basic information about the conflict and peace negotiations on that case to each group. They are asked to come to the group having read the information. I also tell them to do more research themselves on the case if they find the information not adequate. Typical cases I choose are: Cyprus, Colombia, Northern Ireland, and Tajikistan. These cases provide a good basis for discussion because they vary in terms of inclusion dynamics, mechanisms of inclusion, and different negotiation outcomes. They also have multiple intermediaries ranging from the UN, regional organizations (e.g. OSCE, EU), NGOs, and local intermediaries. After the groups complete their work, they come back to the large group and present the “inclusive process design” they come up with.

In the beginning of the group work, each group is distributed a set of questions. They have to discuss as a group and come up with a process design for the mediation. They are told that they work as the members of a technical advisor team to the mediator on the case. Their task is to design a mediation process that is inclusive.

These are the questions given to the students for their group work:

- Divide into groups assigned to you
- One case is assigned to each group
- Case study information includes context information, conflict analysis, peace process information
- Suppose you are assigned to the technical advisory team of the mediator in this case
- You are expected to come up with a participation design & strategy

- Answer the questions as a group
- Then present to class in plenary session

As a group you have to answer the following questions:

- Who should be included in the negotiation process? Why?
- How? Which mechanism do you suggest? Why? (State the rationale for each stakeholder)
- Implementation strategy (what will be the architecture)?
- What challenges do you expect in the process? From who?
- What facilitating conditions do you expect in the process? How can you use them to support your effort?

I also tell them the following points based on the lecture provided before. I ask them to refer to the inclusion models identified in my joint research with Thania Paffenholz. (See the reading list and references on broadening public participation project report and Thania Paffenholz chapters in the reading list) Please refer to the reading list for the link.

- Inclusion does not have to be at the negotiation table. Be flexible as a mediator!
- Combination of different models lead to more successful cases.
- Quality of influence matters. Do not have inclusion for the sake of inclusion.
- Can you genuinely include the relevant actor?
- Balancing the normative and strategic/political consideration

5. Questions for Critical Thinking

There are several underlying themes that cut across all topics covered. The first one is the definition of success that constitutes the basis of all evaluation efforts. Classification of mediation efforts as successful or not all depends on how the success benchmark is set. In this, we scholars have a critical role that need to be discussed. I find it important to bring this discussion into open in the classroom with a critical perspective. As scholars, how we define success puts us in a power position which then may shape the policy decisions with regard to mediation. Another important point is that scholars and practitioners tend to define success with very different terms. This is another important debate to encourage critical thinking in the classroom. Can we bridge this gap between scholars and practitioners in defining what is successful? What can be done about that?

6. Teaching Methods and Materials

The course will be taught with the help of several different methods. There will be lectures by the instructor on theories and cases. In addition, students will engage in class discussions based on the questions listed in the syllabus. During the fourth day, the students will be divided into small groups to work on a task related to a specific case.

7. Required Readings

Day 1: Introduction, what is success in international mediation?

Session 1-2

UN Secretary-General, 2012, Guidance for Effective Mediation, New York: United Nations

GPI data, 2015. http://economicsandpeace.org/wp-content/uploads/2015/06/Global-Peace-Index-Report-2015_0.pdf

Session 3

Bercovitch, Jacob, Theodore Anagnoson, and Donnette L. Wille. 1991. "Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations." *Journal of Peace Research* 28(1): 7-17.

Kleiboer, M. 1996. Understanding Success and Failure of International Mediation , *Journal of Conflict Resolution*, Vol. 40, No. 2, pp. 360-389.

Day 2: Conditions that contribute to successful mediation I (characteristics of the dispute and relationship between the parties): Ripeness, readiness, conflict intensity, and nature of the dispute

Session 4

Zartman, W. 1985. *Ripe for resolution: Conflict and intervention in Africa*. New York: Oxford University Press. Chapter 1.

Zartman, W. 2008. "Ripeness Revisited: The Push and Pull of Conflict Management." in I. William Zartman, editor, *Essays on Theory and Practice*. N.Y., Routledge.

Session 5

Pruitt, D. 2007. "Readiness Theory and the Northern Ireland Conflict." *American Behavioral Scientist* 50, 11: 1520–1541.

Session 6

Kriesberg, L. 2005. "Nature, Dynamics, and Phases of Intractability," in Chester A. Crocker, Fen Osler Hampson and Pamela Aall, editors, *Grasping the Nettle: Analyzing Cases of Intractable Conflict*. Washington, D.C.: The United States Institute of Peace Press.

Day 3: Conditions that contribute to success II: Bias and impartiality of the mediator

Session 7

Carnevale, Peter J., and Sharon Arad. 1996. "Bias and Impartiality in International Mediation." In *Resolving International Conflicts: The Theory and Practice of Mediation*, ed. Jacob Bercovitch. Boulder, CO: Lynne Rienner.

Kydd, A. Kydd, Andrew. 2003. "Which Side Are You On? Bias, Credibility, and Mediation." *American Journal of Political Science* 47(4): 597–611.

Savun, B. 2008. Information, Bias, and Mediation Success, *International Studies Quarterly*, vol. 52, pp 25-47.

Session 8-9

Bosnia case study:

Reina Zenelaj, NimetBeriker&EmreHatipoglu. 2015. Determinants of mediation success in post-conflict Bosnia: a focused comparison. *Australian Journal of International Affairs*, <http://dx.doi.org/10.1080/10357718.2015.1024200>

Beriker, Nimet. 1995. "Mediating Regional Conflicts and Negotiating Flexibility: Peace Efforts in Bosnia–Herzegovina." In *Flexibility in International Negotiation and Mediation*, edited by Daniel Druckman and Christopher R. Mitchell. *Annals* 542: 185–201.

Day 4: Conditions that contribute to success III: Sequencing and complementarity/coordination of mediator strategies and activities

Session 10

Joshua Weiss, (2003) "Trajectories Toward Peace: Mediator Sequencing Strategies in Intractable Communal Conflicts." *Negotiation Journal*, Volume: 19 Issue: 2.

Crocker, C.A., Hampson, F.O., and Aall, P. (eds) (1999) *Herding Cats: Multi-Party Mediation in a Complex World*. Washington, D.C.: United States Institute of Peace Press.

Sessions 11-12

Kriesberg, L. 1996. Coordinating Intermediary Peace Efforts, *Negotiation Journal*, vol. 12, issue 4, 341-352.

Nan, S. A. and A. Strimling. Coordination in Conflict Prevention, Conflict Resolution and Peacebuilding, *International Negotiation*, vol 11, issue 1.

Fisher, R. 2007. Assessing the Contingency Model of Third-Party Intervention in Successful Cases of Pre-negotiation, *Journal of Peace Research*, vol. 44, no. 3, pp. 311-329.

Day 5: Conditions that contribute to success of mediation efforts IV: Inclusivity and local ownership

Session 13

McGinty, R. 2010. Hybrid Peace: The Interaction Between Top-Down and Bottom-Up Peace, *Security Dialogue*, vol. 41 no. 4 391-412

Session 14

Bell, C. and O'Rourke, C. 2007. The People's Peace? Peace Agreements, Civil Society, and Participatory Democracy , International Political Science Review, vol. 28, no. 3, 293-324.

Broadening Participation in Peace Negotiations Executive Summary. <http://www.inclusivepeace.org/content/can-inclusive-peace-processes-work-new-evidence-multi-year-research-project>

Session 15

Yemen case study download from: <http://www.inclusivepeace.org/content/inclusive-political-settlements-new-insights-yemens-national-dialogue>

8. Additional Readings

Fisher, R. Coordination Between Track Two and Track One Diplomacy in Successful Cases of Prenegotiation, International Negotiation, vol. 11, issue 1, 65-89.

C. Crocker, F. O. Hampson, and P. Aall. (2003) "Ready for Prime Time: The When, Who, and Why of International Mediation" in Negotiation Journal, April, 151-166.

Paffenholz, T. 2014. Civil society and peace negotiations: Beyond the inclusion-exclusion dichotomy. Negotiation Journal 30 (1): 69-91.

10. Grading Recommendations for the Course

The following assignments and criteria are suggested for course grading:

A. Short reflection essays

Students can be asked to write short reflections essays on any theme they choose. Ask students to pick TWO themes that interest them the most in the course. Each essay should be around 6-8 pages and should include one or more of the following:

- a. A discussion of what they see as conflicting ideas in the literature on that theme especially based on the readings.
- b. A critical response to some theoretical proposition made in class
- c. A synthesis of perspectives that are presented as competing or irrelevant.
- d. A paper relating some ideas from this course to other ideas they encountered in other courses.

B. Group work on case study

Students can also be graded for their performance in the group exercise they will undertake during the 3rd and 5th days.