A New Framework for the Evaluation of Mediation Success *

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*The upsurge in mediation activities during the last half-century has given rise to the systematic study of factors determining mediation success. Nevertheless, contemporary theories have only resulted in incomplete explanations of the conditions necessary for successful mediation activities. This essay proposes the creation of a new framework for the evaluation of mediation success, based on the partial accomplishments of the Contingency and the Meta-theoretical models. Furthermore, this essay seeks to spark a debate about the evolution of mediation theory in general. Is the creation of a new framework possible, or do its methodological inconsistencies make it a futile exercise?

INTRODUCTION: THE STUDY OF MEDIATION SUCCESS

Regardless of how they might be defined, conflicts constitute an intrinsic element of social interactions. From the personal to the international, conflict permeates all aspects of our lives and generates an infinite number of dynamics around it. Due to their confrontational nature, people have instinctively sought ways to reduce the negative effects of conflicting attitudes. As a result, the practice of mediation has emerged as a feature in the management of conflicting relations.

Mediation activities have seen a particular upsurge in the last half-century. Bercovitch and Houston’s study of 241 international conflicts between 1945 and 1990 reveal that mediation was employed almost six times more often than any other conflict management activity. This newfound pervasiveness has allowed mediation to establish itself as an important discipline amongst the social sciences.

But despite its widespread use, mediation has not provided a guaranteed antidote for conflict. According to Bercovitch and Houston, mediation attempts ‘failed’ in 55% of the cases studied. With this in mind, academics have tried to uncover the factors that determine mediation success and failure, and whether these factors can be used by practitioners to decide when mediation is viable.

The complexities surrounding the study of mediation success have lead to the development of strong relativist attitudes. Practitioners, in particular, tend to regard

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* A previous version of this essay was awarded with the BSIS Alumni Pen Prize for the best dissertation in the International Conflict Analysis program.
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2 Ibid., p. 1718.
mediation as a craft, only learned through the hardships of practice, unsuited to be encapsulated into rigorous academic theory. 3 William Simkin, one of the first practitioners to reflect on the mediation process, characterized any attempt to define “typical mediation behaviour” as an “exercise in futility” due to the infinite number of variables that would need to be considered. Rather than attempting to uncover its tendencies and dynamics, Simkin related mediation success to the mediator’s ability to empathize with the surroundings. 4 This pragmatic approach relativized the value of any systematic approach to the study of mediation success.

As a response to the relativist argument, theorists have attempted to apply international relations and social-psychological reasoning to develop a systematic study of mediation success. In order to undertake such a complex task, theorists have narrowed their focus to two areas of study: the mediation context and the mediation process. The study of the context relates the outcome of mediation activates to the environment in which they take place, while study of the process makes mediation outcomes dependant upon the dynamics generated by mediator behaviour. Although their interdependence has seldom been put in question, these two different approaches have tended to provide parallel theories about the factors determining mediation success.

Theorists of the mediation process have sought to establish its predominance as a determinant factor in mediation success. They argue that mediators can produce successful outcomes, regardless of the situation, through the use of specific techniques. Some of the most renowned approaches in the field of mediation, including John Burton’s problem solving workshops and Fisher and Ury’s principled negotiation techniques, belong to this tradition. 5 However, in order isolate variables pertaining to the process, these theories build on reductionist assumptions about the context and its relation to the outcome. Burton, for instance, claims conflicting attitudes to be generally fuelled by basic human needs, while Fisher and Ury maintain the existence of underlying interests behind any confrontational stance. Simplifying the nature of conflict allows these theories to hold the context constant and concentrate entirely on the study of the mediation process, albeit at the detriment of a comprehensive approach to the study of mediation success.

In a similar way, theorists of the mediation context have sought to uncover the direct relationship between mediation outcomes and the environment in which mediation activities take place. In order to validate this connection, they have based their theories on empirical tests and methodologies. Some have tried to establish a direct, all determining


link between the outcome and a single contextual variable. Zartman, for instance, has made the possibility of success in mediation directly dependent on whether or not actors perceive to be in a “mutually hurting stalemate.” 6 However, the reliance on a single variable fails to give a clear picture of how different contextual variables relate to the outcome and to each other. In order to tackle this problem, some theorists have tried linking large arrays of variables to the incidence of mediation, in what Nicholson calls “weak explanations.” 7 The Contingency Model, put forth by Bercovitch, Anagnoson and Wille, attempts to do just this by examining the relation between variables pertaining to the nature of the dispute, the nature of the parties and the nature of the mediator, and a successful outcome. Notwithstanding the inconsistencies resulting from the use of arbitrary operational definitions for each variable, the contingency model offers a comprehensive description of the different factors that determine the nature of the mediation context. However, due to its overt reliance on empirical testing, the model fails to explain the relation between contextual dynamics and the mediation outcome.

The failure of both the context and the process oriented theories to provide a solid research program for the study of mediation success has brought up questions concerning the theoretical and methodological underlining on which these are based. Marieke Kleiboer has been one of the strong advocates of giving the study of mediation success some stronger theoretical foundations. A good understanding of the factors determining mediation success, she maintains, can only be reached by problematizing the concept of “success.” 8 This entails defining mediation success in accordance with a series of deep rooted social scientific and philosophical assumptions. Making core assumptions explicit allows for a coherent operationalization of both contextual and procedural variables. Kleiboer’s Meta-theoretical Model generates theoretically cohesive units for the study of mediation success. However, in order to maintain its cohesiveness, the model relies on ideal mediation types which abstract reality and fail to exploit the conceptual richness captured through empirical observation.

The partial advances made by the above mentioned approaches accentuate the need for a more solid theory of mediation success. Unlike other disciplines where contending theories and research programs have become incommensurable, 9 different approaches to the study of mediation success seem to build on the other’s shortcomings. The lack of a leading paradigm represents an opportunity to redefine some of the theoretical bases on which mediation success research is currently undertaken. A further look at the “conflicting claims about mediation success” 10 reveals a discretionary use of implicit methodological and theoretical assumptions, rather than a real ideological fallacy. In order to overcome this theoretical disarray, the study of mediation success

should focus on the construction of new frameworks that provide the cohesiveness that contemporary approaches lack.

In an effort to undertake the development of a more cohesive framework, this essay will attempt to synthesize Bercovitch at al.’s contingency model and Kleiboer’s meta-theoretical model. The contingency model, a process-based approach, relates an ample range of contextual aspects to the mediation’s outcome. In order to empirically test these relations, Bercovitch et al. extrapolate operational variables from established concepts present in mediation literature. What ensues is a series of weak, and sometimes contradictory, correlations between arbitrarily defined contextual variables. The meta-theoretical model, on the other hand, tackles the study of mediation success through the creation of mediation ideal types. Each ideal type is made up of a series of assumptions about the nature of conflict and social scientific research which condition the definition of success and the variables used to study it. The amalgamation of these two approaches has as aim to capitalize on their strengths and, by the same token, to minimize their weaknesses. This way, the strong normative foundations of the latter will provide the perfect foil to the conceptual richness of the former.

The philosophical parameters for the creation of this new framework will be derived from Lakatos’ work on sophisticated methodological falsification. According to Lakatos, scientific evolution takes place when theories, sharing the same core assumptions as their predecessors, are able to explain novel phenomena. Rather than replacing one theory with another, this essay seeks to complement one theory with another. Following this logic, the meta-theoretical model will supply the core assumptions lacking in the operationalization of variables in the contingency model. By making core assumptions explicit, this new framework will attempt to show the multidimensional nature of each concept related to mediation success; and by the same token, explain some of the conceptual contradictions encountered throughout mediation literature.

The first section sets the stage by highlighting both the conceptual plurality and normative shortcomings of the contingency model. The model’s attempt to operationalize contextual variables on the basis of established mediation related theories fails to produce coherent links between contextual variables and the incidence of successful outcomes. Nevertheless, the model’s broad overview of context related theories provides the conceptual richness lacking in the meta-theoretical approach.

The use of Kleiboer’s meta-theoretical model seeks to build on the contingency model’s conceptual richness, by providing it with a strong normative base. Using Burrell and Morgan’s multi-paradigm model, Kleiboer is able to construct a framework where assumptions about the nature and dynamics of conflict, and the nature of social theorizing form the basis of ideal mediation types. Each of the four ideal types developed puts forth a different definition of mediation success contingent to its assumptions. By keeping meta-theoretical assumptions constant the new framework seeks to deconstruct each concept described by the contingency model. This way, elusive concepts, such as timing, ripeness, balance of power, and others will yield different definitions contingent to definition of mediation success they are associated with.

Lakatos, op. cit., p. 35.
In order to better illustrate some of its explanatory advantages, the resulting framework will be used to evaluate the lack of mediation initiatives to resolve certain armed conflicts. The Colombian case provides a good example of a resilient conflict where wide-scale mediation initiatives have failed to materialize. However, researchers have been unable to uncover the dynamics that have prevented mediation activities from taking place. Some, like Chernick, allude to the existence of ripeness between conflicting parties in Colombia, but fail to explain its effect on potential mediation initiatives. Ripeness makes allusion to the appropriate set of circumstances needed for a conflict to be amenable to resolution, but can adopt different connotations depending on the theoretical assumptions used to define it. The application of the new model provides a framework for the deconstruction of the concept of ripeness and its role in the Colombian conflict.

SETTING THE STAGE: THE CONTINGENCY MODEL

The contingency model assumes that successful outcomes are contingent upon the context in which mediation activities are undertaken. According to Bercovitch and Langley, the model’s strength resides in its ability to simplify the mediation process, providing both a tool for the systematic classification of mediation theories and a heuristic device for the creation of new mediation theories. In addition to offering a simple representation of the process-outcome relationship, the contingency model provides a simple way of testing the relationship. Epistemically, the model puts faith on the ability of social scientists to find generative mechanisms and predict how events become possible. In his own study of negotiation success, Jackson describes this methodology as a “descriptive analytical approach [relying] on quantitative methods which stipulate variables, attributes and relationships in the search for factors which correlate with successful outcomes.” Therefore, the simplified equation of the mediation process is used to systematically classify different concepts, which are then arbitrarily transformed into operational variables. Following this logic, Edmead’s theory favouring early intervention results in the claim that mediation efforts started between one and three months after a conflict breakout are 18% more likely to end in success than those started after 12 months.

However straightforward the contingency approach might appear, its lack of explicit theoretical assumptions put its explanatory power into question. Despite the model’s attempt to develop a quasi research program by building on established theories

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14 Nichols, op. cit., pp. 3054.
of mediation success, Bercovitch et al, forego the most crucial principle of Lakatosian sophisticated falsification: In order for a theory to replace another it must not only explain novel phenomena, but conserve the original’s “hard core” assumptions. The contingency model extrapolates variables from established theories with complete disregard of their ontological assumptions. The concept of conflict intensity, for instance, is originally described by Bercovitch et al. as one presenting contradictory views, where, depending on the definition of conflict, high intensity levels are regarded as both increasing and diminishing the incidence of mediation success. However, the model’s operationalization of the number of fatalities as a proxy of conflict intensity sacrifices this concept’s subjective ontological elements.

According to Dessler, a theory’s explanatory power is directly related to its ontology. Theories that explain more phenomena while maintaining the same ontological framework, can be consider better that their contenders. The contingency model’s attempt to create a more robust theory fails due to its disregard for the ontological bases of the theories it aspires to build upon. As a result the contingency model presents a series of separate empirical ad-hoc tests for already established hypothesis about independent factors influencing mediation outcomes. Yet despite its ontological inconsistencies, or maybe because of them, the contingency model supplies the ideal conceptual raw material for the creation of a new framework. As Kleiboer argues, the theoretical pluralism proposed by the contingency model hides a “normative vacuum” in which solid criteria are replaced by implicit biases about the nature of mediation and what constitutes its success. Once this vacuum is filled, the conceptual richness of the contingency model will become the basis for a strong evaluation of mediation success determinants.

The following sections summarize the concepts employed by the contingency model to define the mediation context. Each concept will be associated with a range of theoretical propositions in an attempt to illustrate the pluralist nature of the model. Amongst the factors concerning the nature of the dispute the notions of ripeness, timing and the nature of the conflict’s issues will be explored. The nature of the parties and their relationship, including their identification, cohesiveness, political structure, motives to accept mediation, historical relationship and balance of power will be followed by variables pertaining to the nature of the mediator such as status, impartiality and use of leverage. The last section will make a note on the role of the international system, which despite not being included in the original model, constitutes an equally important contextual variable.

The Nature of the Conflict

The interconnecting concepts of timing, ripeness and issue characterization are all crucial to the understanding of the nature of the conflict and the influence it has in the development of successful mediation initiatives. This section seeks to identify the different approaches used to define each concept and its relation to the mediation outcome.

The study of timing relates to the importance of undertaking action in a certain sequence. The timing of intervention has traditionally been defined in terms of early or late intervention. Advocates of early intervention, such as Edmead, believed third party intervention to be more likely to succeed when embarked upon the breakout of hostilities. Bercovitch and Houston, on the other hand, advocate the idea that intervention is more likely to be successful when following a “test of strength between the disputants,” from the seventh to the thirty-sixth month of the conflict. In response to this empirical oversimplification, Kreisberg emphasizes the dependent nature of timing upon other variables such as the mediator’s strategy, the party’s relationship and the domestic and the international contexts. But rather than attempting to overcome this complexity, Kreisberg accepts it as a constraint, arguing that “timing is never simply right of wrong.” Keashly and Fisher attempt to take Kreisberg’s weak explanation one step further, as they elaborate a comprehensive normative approach to the timing of successful interventions. By making assumptions about the increasing presence of subjective elements related to the progressive escalation of conflict, Keashly and Fisher propose a series of strategies to be used sequentially as the conflict escalates from

23 Frank Edmead, Analysis and Prediction in International Mediation (London: Unitar, 1971)
24 Bercovitch and Houston, op. cit., pp. 22-23.
stage to the next. All characterizations of timing presuppose the existence of different causes of conflict yielding substantially dissimilar conclusions about its role in the outcome of mediation efforts.

Following a similar logic to timing, the concept of ripeness is, nevertheless, the more prescriptive of the two. Ripeness makes allusion to the appropriate set of circumstances needed for a conflict to be amenable to resolution. In contrast to timing, its normative nature simplifies the recognition of its theoretical foundations and allows for a better description of the different approaches employed for its study. Perhaps the most wide known approach to the study of ripeness is William Zartman’s mutually hurting stalemate model. Zartman argues that two important conditions must be present for conflict to be ripe: First, parties must reach a hurting stalemate, or plateau, in which neither one can reach its objectives through continuing confrontation. This permanent feeling of discomfort, says, Zartman, should be coupled by the threat of an imminent catastrophe, as each party perceives the continuation of the conflict as an imminent danger to the any of the gains they might have attained so far. Based on a rational actor framework, the mutually hurting stalemate model assumes that actors finding themselves in pain producing situations will seek more advantageous alternatives to conflict. However widespread the use of this rational framework has become, it has come under challenge from advocates of the entrapment model of ripeness. Originally developed by Edmead, the entrapment model argues that conflicting actors tend to regard pain as an investment rather than a cost. Hence, the more pain a party incurs the more committed it will becomes to the use of violence. This paradoxical dynamic generates a cycle of violence were parties find themselves constantly under pressure to reinforce their commitment to the struggle.

According to Rubin the psycho-emotional nature of entrapment dynamics lends itself to sudden emotional changes that can facilitate intervention efforts. Also focusing on subjective factors, Mitchell proposes an optimistic definition of ripeness. He claims that ripeness exists when the conflicting parties realize that they can better attain their goals by finding alternatives to costly struggle. However, only when the appropriate communication channels, the shift in

30 Zartman identifies the hurting stalemate with the image of the plateau, and the imminent catastrophe with the image of the precipice. The mutually hurting stalemate is represented by a combination of both images. See, I William Zartman, “Ripeness: The Hurting Stalemate and Beyond,” in Paul C. Stern and Daniel Druckman (eds.) International Conflict Resolution After the Cold War (Washington D.C.: National Academy Press, 2000), pp. 228-229.
31 The original entrapment model was developed by, Edmead, op. cit.; and further treated in Timothy D. Sisk, “Peacemaking in Civil Wars,” Columbia International Affairs Online (18 Jul. 2002), available: http://www.ciaonet.org/pub/sit02/html, p. 3.
mindsets and principles, the necessary resources and the alternative fields of investment are all present, will parties be able to perceive these enticing opportunities.  

This series of models illustrates the importance of assumption when defining abstract concepts such as ripeness. By placing more or less emphasis on objective criteria each model arrives at a different definition of ripeness. The resulting spectrum of approaches reveals some of the circumstances under which these different forms of ripeness present themselves, and the heterogeneous nature of their relation with mediation success. But, perhaps more importantly, the different definitions of ripeness reflect the importance that meta-theoretical assumptions have when attempting to determine the relation between the mediation context and mediation success.

Similarly to ripeness, the nature the conflict’s issues has also been identified as an important determinant of mediation success. Due to their eclectic nature, approaches to the study of the issues differ methodologically rather than ontologically. Bercovitch and Langley, for instance, apply empirical methods in order to verify the incidence of different types of issues in mediation outcomes. Their results indicate that successful mediators focus on tangible rather than intangible issues; and that mediation efforts involving territorial and security issues are more likely to succeed than those concerning ideological or self determination issues.  

As a complement these material and substantive measures, Moore, vindicates the existence of a direct relationship between the number of issues in a conflict and the probability of mediation success. Shifting from the empirical, other theorists have sought to provide a more in-depth understanding of the nature of the issues. Barach and Webel argue that issues concerning ideology, moral and religious beliefs and personal values tend to be more rigid since they are based on fundamental assumptions that cannot be proved right or wrong. Rubin echoes this thought when he identifies the difference between interest based conflict – which can, through the use certain techniques, provide a win-win outcome for contending parties – and value based conflicts which are by nature zero-sum and non negotiable. Complementing this parallel methodological current, Rubin and Brown, suggest that the presence of a larger number of issues allows mediators to fraction and mix issues, creating packages that are better perceived by both parties. So, depending on the methodological approach, the nature of the issues and their link to the mediation outcome will take diametrically different forms.

The Nature of the Parties and their Relationship

38 An example of these techniques is presented by Fisher, Ury and Patton. They argue that when parties concentrate on interests and not positions they will find a framework for agreement. See, R. Fisher, W. Ury and B.M. Patton, *Getting to Yes* (New York: Penguin, 1991)
Whether they are internal to the parties or make reference to the interaction between them, variables pertaining to the nature of the parties and their relationship are treated as crucial in the contingency model’s definition of mediation success.

Party identification has become an important factor in determining mediation success. In his study of the Sudanese conflict, Assefa recognizes the difficulties that civil conflicts represent in terms of party identification. Due to their illegal nature, parties to intrastate conflicts seek to stay elusive, unintendedly diminishing the prospect of a successful mediation process. 40 While this approach highlights some of the objective difficulties, other scholars have concentrated on the subjective dimension of party identification. In his study of the Israeli-Palestinian conflict, Kelman gives precedence to acknowledgement over identification. He claims that, by acknowledging each other, parties take the first step in constructing an appropriate framework for resolution. Regardless of their differences in focus, both identification and acknowledgement appear as key factors affecting the outcome of mediation efforts.

Cohesiveness and representation have also surged as important concepts with regards to intra-party dynamics. Scholars have traditionally used different parameters to define cohesiveness. Some, like Stedman, have concentrated on the role of intra-group cohesiveness, while others, such as Putnam, define cohesiveness in terms of the relationship between the core party and its constituencies. Stedman believes that group leaders commanding high levels of legitimacy, are more likely to compromise regardless of their ideology. 41 Putnam’s two-level game theory, on the other hand, defines cohesiveness in terms of the emergence of “win-sets.” 42 Since agreements made by leaders need to be ratified by their respective constituencies, cohesiveness can be measured in terms of the party’s ability to find agreements that are acceptable at both levels. Finally, Stephens reconciles both views in his model of mediation acceptance by placing emphasis on both leadership and constituency dynamics. 43 In recognizing the salience of both approaches, Stephens’ model seeks to attain a middle ground, which avoids dealing with the ontological contradictions and level of analysis questions. Yet it is precisely in light of these differences that the conceptualization of cohesiveness constitutes an important step in the study of mediation success.

Also important in the study of party dynamics are the parties’ motivations for accepting mediation initiatives. Acceptance has traditionally been regarded as the basic “threshold” of any successful mediation process. 44 Traditional approaches assume that parties are compelled to accept mediation by a natural desire to reduce violence and

40 Hizkias Assefa, Mediation of Civil Wars, Approaches & Strategies: The Sudan Conflict (Boulder: Westview, 1987)
44 Ibid., pp. 5355.
resolve conflict. Based on optimistic assumptions, traditional approaches have lost ground to rational cost-benefit models of party motivation. Amid these rational scholars, some have linked actor acceptance criteria to the mediator’s ability to influence the outcome. Zartman and Touval, for instance, claim actors will accept mediators that bring with them the expectation of a better settlement or at least the guarantee that the settlement will not be violated. Others, like Richmond, believe motives for accepting mediation relate to the attainment of pre-negotiation objectives, rather than to the resolution of the conflict itself. Actors, he argues, tend to accept mediators on the basis of the empowerment or legitimacy they provide, the role they might play as allies or scapegoats, and the time they give parties to regroup and strategically reorganize. Only recently have scholars started recognizing the importance of perceptions in the acceptance of mediation activities. Kressel, for example, identifies each party’s ideology, sense of justice and psycho-emotional situation, as important determinants of mediator acceptance. Once again, these shifts from the rational to the emotional, and from the functional to the strategic, demonstrate the importance meta-theoretical assumptions have when attempting to explain how a concept such as acceptance relates to the mediation outcome.

In similar fashion, the study of party relations has yielded different views about their connection to mediation outcomes. The historical interaction among parties provides the structural background within which mediation activities must take place. According to Leng and Regan, shared political and cultural structures facilitate comprehension between conflicting parties. Political and social structures, they claim, act as binding entities that force party behavior to converge with that of its opponent. “The prospect of having to share a living environment with the opponent,” adds Stedman “might motivate parties to respect settlements.” Lewicki and Whitehoff, on the other hand, associate historical relationship with the building of trust. History, they argue, teaches parties whether or not their opponents are trustworthy and under what circumstances their trust might become compromised. According to them, the likelihood of intervention success increases when party relationships are based on trust, and they decrease dramatically on

46 Some of the characteristics that allow mediators to change the outcome will be discussed in the following section.
51 Stedman, op. cit., pp. 1213.
the presence of ambivalence. The different emphasis placed on observables and unobservable structures by these theories reflects the different assumptions made by theorists about the effects of the parties’ historical relationship on the outcome of mediation.

The contingency model also identifies the issue of the balance of power as being of capital importance when determining mediation success. In his study of peacemaking in civil wars, Zartman identifies the difficulties associated with resolving conflict under conditions of power asymmetry. 53 More powerful parties, he says, will systematically attempt to subdue their opponents by force. However, in some of his latter writings, Zartman develops a more subjective interpretation of power, which accommodates for balanced negotiations under asymmetric conditions. By operationalizing power as the ability to persuade and make an opponent change his position, Zartman shows how weaker party’s can overcome their physical constrains. Due to their more precarious position, weaker parties are generally more willing to do whatever is necessary to change their opponent’s perspective. 54 This shift in ontological focus, from the material to the psychological, illustrates how the concept of power can have different effects on the likelihood of mediation success.

The Nature of the Mediator

The contingency model singles the nature of the mediator as a crucial factor in determining mediation outcomes. Nevertheless, concepts such as impartiality, leverage and status, remain elusive and result in different explanations on their role as determinants of mediation success.

The concept of mediator impartiality has generated a large debate with regard to its status as a prerequisite of successful mediation processes. Only an actor who is perceived as impartial to the internal issues of the conflict, 55 says Assefa, will be able to mediate effectively. Nevertheless, argue Touval and Zartman, it is in light of their biases that mediators can be more or less effective. By siding with one of the parties, mediators create positive expectations amongst opponents: Allies are reassured that their interests are well represented, while opponents expect that the mediator’s closeness to the opposing party will increase their ability to convince them to yield. 56

Furthermore, impartiality can also be defined in terms of mediator motivation. Mitchell believes that the promise of material, influential, security and status rewards conditions mediator behaviour. According to him, mediation will be more or less successful depending on the type of rewards present and how these relate to the outcome.

56 Touval and Zartman, op. cit., p. 257.
of the mediation process. These nuances represent the different perspectives on the relation between impartiality of mediation success, and show how the notion of success framework is dependent upon the framework used to study it.

A similar observation can be made about the concept of leverage and its importance to mediation success. Broadly defined, leverage refers to a mediator’s ability to pressure parties into changing their behaviour. Some scholars believe leverage to be a function of the parties’ motivation for settlement: The more parties need an agreement, the more vulnerable they become to pressure from a mediator. However, leverage can also be defined in terms of the mediator’s ability to use the carrot and the stick. According to Touval, carrots represent the resources and side payments that a mediator brings to the table, while the stick makes allusion to the use of force in pressuring the parties. Leverage is crucial, she says, when attempting to persuade intransigent parties to make concession and or ensure the abidance of a final agreement. Yet, in her analysis of the Dayton Agreement, she recognizes to the transitory success of coercive measures, pointing to the fact that once the threat of force is removed parties tend to return to their original positions.

Finally, the literature identifies the status of the mediator as playing a key role in the incidence of mediation success. According to Botes and Mitchell the status of the mediator relates to their organizational hierarchy. Higher organizational posts have more authority therefore more room to maneuver when acting as mediators. However, a higher status does not necessarily ensure mediation success. Some analysts believe status to be contingent upon the negotiation track used. McDonald claims that official representatives are more efficient at mediating in official settings, while informal, or track two efforts yield better result when lead by skilled nonofficial academics and practitioners. Once again, the different definitions of a concept such as the status of the mediation yield proportionally different conclusions about its effect on mediation success.

**The Nature of the International System**

Despite not being mentioned in the original contingency model, the nature of the international structure constitutes an important contextual variable in determining

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59 Touval and Zartman, *op. cit.*, p. 263.  
mediation success. The different ways of conceptualizing the dynamics of the international structure have an important bearing in the evolution of mediation practices.

Inter-paradigm debates have yielded different characterizations of the international system. Each paradigm imposes a different set of actors and dynamics, which precondition the possibility of mediation success. The realist paradigm, for instance, recognizes the state as the main actor in the international arena. According to realists the state is subject to two different logics: anarchy governs its external existence, while hierarchy prevails internally. This differentiation of external and internal dynamics has lead scholars to study them on different analytical levels. However, the end of the cold war has brought with it a change the focus of international relations theory from interstate to intrastate conflicts. According to the traditional realist picture of the world, only states have legitimacy to resolve conflicts within their own boundaries. In response to the realist paradigm, scholars of the pluralist traditions have characterized the international system in terms of the “inter-subjective” exchanges of social groups. Within this new framework, intrastate conflict follows the dynamics of social interaction, and can thus be successfully mediated by a variety of actors who ‘understand’ these dynamics. Therefore, depending on the way we characterize the international structure, the possibility of international mediation of internal conflicts becomes more elusive.

Regardless of its inability to understand intrastate conflicts, the realist paradigm does offer an important series of concepts which can be applied within the state. As Rasmusen recognizes, the rational struggle for power and resources and the existence of security dilemmas in weak states, represent sources of conflict both within and between states. Realist theories of mediation have created mediation frameworks to deal with these dynamics, which can be transposed into national arena. Thus, through the generalization of certain assumptions made by realists about the nature of conflict, we can create mediation frameworks that can be applied both at the national and the international level.

The range of assumptions used by each theory related to the mediation context has a clear effect on its conclusions about mediation success. Whether they relate to the parties, the mediator or the international system, theories conceptualize the factors affecting mediation outcomes according to a specific point of view. The plurality of definitions present in the contingency model illustrates this point in fact.

However, due to its lack of a strong meta-theoretical base, the contingency model is unable to build on the different approaches taken towards the study of mediation success, prompting it to resort to empirical testing. The understanding of the underlying

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64 Michael Banks, op. cit., p. 7.
65 Kenneth Waltz, “Political Structures,” in Robert Keohane (ed.) Neorealism and its Critics (New York: Columbia University Press, 1986), p. 81. This is a reprint of the Chapter 5 of Theories of International Politics by the same author.
assumption made by each theory about the nature of the conflict and of the social sciences becomes a necessity when seeking to build on the conceptual plurality proposed by the contingency model.

A NEW FRAMEWORK FOR THE EVALUATION OF MEDIATION SUCCESS - SYNTHESIZING THE META-THEORETICAL AND THE CONTINGENCY MODELS

Theories, whether implicit or explicit, are necessary when trying to explain or understand the world around us. Theories allow us to make generalizations about the world around by keeping a set of initial conditions constant. But keeping conditions constant entails making certain assumptions about their nature. These assumptions provide us with a frame of reference, which is not only crucial for the development of individual theories, but to the development of social scientific research in general.

In their explanations of the historical development of science, both Kuhn and Lakatos underscore the importance of transcendental theoretical assumptions. Kuhn argues that science progresses through periods of normal science, during which researchers accepted a common set of assumptions about how to “see the world and practicing science in it.” The body of knowledge that results from each period constitutes a series of theories sharing the same meta-theoretical assumptions, also known as a paradigm. In response to the Khunian model of scientific evolution, Lakatos developed the concept of sophisticated methodological falsification. According to him, theories can only be replaced by new theories that explained more phenomena while maintaining the same negative heuristic. The negative heuristic contains the core, irrefutable, assumptions around which concentric theories revolve to form scientific research programs. Regardless of their difference, both the Khunian and the Lakatosian models illustrate is the importance of shared assumptions with regards to the development of paradigms or scientific research models.

The failure of the contingency model to cope with the different underlying assumptions of theories related to mediation success has prevented it from becoming a cohesive research platform. However, the model’s overview of the different theoretical approaches used in the study of each concept related to mediation success represents an important first step towards the creation of a more coherent framework. This new framework should supply a strong normative while conserving the conceptual richness of the contingency approach.

The meta-theoretical model provides the means of overcoming the shortcomings of the contingency model with regards to the study of mediation success. The following section illustrates some of the features of the meta-theoretical model highlighting its advantages in terms of theoretical cohesion.

The Meta-Theoretical Model

69 Nicholson, op. cit., chapter 2.
71 Lakatos, op. cit., p. 35.
“We need to do more than just search for shared definitions, amass data and produce or test additional hypothesis,” says Kleiboer when referring to the study of mediation success. According to her, third party intervention is comprised of different realities. Each reality corresponds to a different set of assumptions about the nature of conflict and its management, and the nature of social scientific research. Drawing on the study of organizational paradigms done by Burrell and Morgan, Kleiboer seeks to construct a meta theoretical model able to cope with the intricate assumptions of these various realities.

The multi-paradigm approach provides the base of the meta-theoretical model. Originally developed by Burrell and Morgan for the study of organizational theory, the multi-paradigm approach is based on the premise that all theories are based on a philosophy of science and a theory of society. Each philosophy of science is made up of assumptions about ontology, epistemology, human nature and methodology. Two dimensions, the subjectivist and the objectivist, crosscut these four categories and delineate the different “paradigms” of social scientific research. The subjectivist dimension comprises theories based on a specific series of assumptions: A nominalist ontology, giving precedence to mentally constructed structures such as “names, concepts and labels;” an anti-positivist epistemology, rejecting the usefulness of objective explanations due the relativistic nature of the social world; a voluntaristic explanation of human nature, based on the idea that men can determine and change their destiny; and an ideographic methodology, seeking to understand the social world by trying to get as close as possible to the subject’s point of view. The objectivist dimension, on the other hand, encompasses theories built around a realist ontology, sustaining superiority of hard, tangible structures; a positivist epistemology, seeking to establish causal relationships in order to explain and predict social phenomena; a deterministic human nature, where actor activities are determined by the environment in which he lives; and a nomothetic methodology, emphasizing the importance of being technical and systematic when collecting observations. In order to separate the different realities of mediation activities, Kleiboer uses these criteria as of the axis in her model.

The second set of assumptions put forth by multi-paradigm approach involve the nature of society. The first dimension comprises theoretical currents seeking to explain the dynamics by which society seeks cohesion and order. The second, in contrast, covers currents concentrating on the conflicting and ever-changing dynamics of social organization. However, mediation efforts are generally carried out in conflict environments. In order to accommodate to this nuance Kleiboer’s model replaced the nature of society for the nature of conflict.

The juxtaposition of the two dimensions creates four different ideal types of mediation. Each ideal type, argues Kleiboer, responds to different set of assumptions about, the nature of conflict and conflict management, and about the philosophical and methodological nature of conflict management theory. These assumptions will provide the appropriate criteria upon which to coherently define some of the elusive concepts encountered in the contingency model. The result will be meta-theoretical framework

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which will allow us to relate theories about contextual variables to specific definitions of mediation success.

Figure 2. Model of Social scientific paradigms

Ideal Types of Mediation

The four ideal types of international mediation all respond to different assumptions with regards to the causes of conflict and the nature of mediation theorizing. Each ideal type represents a cohesive unit comprising all aspects of mediation. First, mediation as power brokerage, which combines an objectivist view of science with the belief that challenges to the order of society are the causes of conflict. The second ideal type, mediation as political problem solving, combines a subjective philosophy of science with the view that conflicts are simply the manifestations of glitches in the established order. The third ideal type alludes to mediation as the restructuring of relationships, and combines a view of conflict as an opportunity for social change with a subjective approach to mediation research. The final ideal type, mediation as domination, rejects the possibility of mediation success and will therefore be ignored for the purpose of this analysis. By following a specific set of assumptions, each ideal type represents a different view of what constitutes mediation success.

The first ideal type, mediation as power brokerage, is based on a series of assumptions about the nature of conflict and scientific research, which condition the definition of successful mediation outcomes. This ideal type is based on the assumption that conflict, whether international or internal, is caused by competition over sources of power. Due to the nature of the international system, states are left to the logic of anarchy, where survival and security are directly linked to the notions of force and power. These same dynamics can be encountered in intrastate settings where, due to the weakness of the political structure, security dilemmas arise. As Burton puts it, this conception suggests that conflicts are clashes over objective interests, which must be

75 Kenneth Waltz, Political Structures, op. cit., p. 89.
distributed according to relative power bargaining. Hopmann makes a similar distinction, when he characterizes the objectivist perspective of conflict as the “pursuit of gains at the expense of others in a largely zero-sum competition.” This realist explanation assumes that actors cannot overcome the structural constraints which create conflicts, and they can only react rationally to these conditions as benefit maximizers.

Mediation success is therefore defined in terms of the third party’s abilities to eliminate the mediate threats fuelling conflict. An ideal outcome, in terms of this ideal type would be the reaching of a settlement, which both parties are satisfied by.

Mediation as political problem solving, involves a different set of assumptions about the nature of conflict and scientific research. Due to its subjectivist philosophy of science, this ideal type concentrates on the role of socially created perception in the fuelling of conflict. According to Jervis, policy makers can make misperceptions and miscalculations of the opponent’s capacities and intentions, which affect the escalation into conflict. The presence of incompatible ideologies and moral values will also help exacerbate a dispute. Mediators within this ideal type, says Kleiboer, seek to reestablish order by eliminating the temporary psychological factors that have prompted parties on the way to road to violence. According to this premise, mediation success relies on the third party’s ability to assist the parties in “viewing the conflict as a shared problem,... [and] recognizing that the relationship between the parties has cooperative as well as competitive elements.”

The third ideal type, mediation as structuring relationship, defines conflict not as a problem of order, but as an opportunity to change social relationships. This view is combined with a subjective approach to social scientific research, giving primacy to inter-subjective structures. The nature of conflict, according to this ideal type, lies in party perceptions about the legitimacy of the social structures within which they exist. The underlying causes of struggle, as Burton describes, rest on the inability of people to fulfill their basic human necessities. People rebel in situations where they feel their social contracts are not being respected. This characterization of conflict presents an opportunity for change, which mediators must harness to transform social relations. Therefore, mediation success, with regards to this ideal type, consists of a conscious common effort to remodel social structures.

79 Kleiboer, Multiple Realities, op. cit., p. 97.
82 Kleiboer, Multiple Realities, op. cit., p. 85.
Reconciling the Meta-Theoretical and the Contingency Model

The meta-theoretical and the contingency models build on each others weaknesses. By using specific assumptions about the essence of mediation, the meta-theoretical model abstracts reality to create cohesive theoretical units. Conversely, the contingency model attempts to create a comprehensive approach at the expense of its theoretical cohesiveness. As a result of this mix of theories, the contingency model loses some of its explanatory power, but provides a rich classification of concepts related to mediation success. However, much both model’s shortcomings prevent them from providing an efficient framework for the evaluation of factors affecting mediation success, it is the complementarity of their strengths which ultimately represent an opportunity to a better model.

According to Laktosian logic, theories need to share their predecessor’s core assumptions in order to replace them. 86 In order to fulfil this requirement, the new framework will attempt to associate the different conceptual definitions encountered in the contingency model to a respective ideal type from the meta-theoretical model. This way, the theoretical assumptions used by both models to define concepts such as balance of power, will coincide. For instance, the contingency model identified balance of power as an important contextual variable, related to the outcome of mediation. Balance of power, as defined by Zartman, refers to the existence of symmetrical forces between combating parties. 87 This definition assumes the primacy of material aspects of power corresponding to an objectivist view of social theorizing. Power symmetry, according to Zartman leads rational actors to recognize their inability to subdue their opponents, therefore making them more willing to seek a settlement. These same rational competitive assumptions form the foundations of the power-brokerage ideal type. This

ideal type, associates mediation success to the elimination of immediate violent threats and the maintenance of order through the bargaining of settlements, which satisfy both parties.

By linking each definition to an ideal type, the new framework is able to construct meaningful statements about the factors that determine mediation success. Thus, when defining balance of power in terms of physical power parity, the new framework concludes, it will have a positive effect on the creation of settlements which temporarily stop violent activities and satisfy the interests of the parts. The connection between contextual variables, such as balance of power, and successful mediation outcomes becomes clearer when using the proposed framework.

Whether or not some of the relationships that surge from the new framework are testable or not, surpasses the extent of the current study. Nevertheless, the new framework provides a coherent way to evaluate some of the factors that affect mediation success. Such a theoretical exercise constitutes an important tool when dealing with the complex realities of contemporary conflicts.

**IMPLICATIONS FOR THE STUDY OF MEDIATION SUCCESS**

In order to illustrate some of its benefits, the resulting framework will be used to evaluate why wide-scale mediation initiatives have failed to materialize in the context of the Colombian conflict. To facilitate the use of the new framework, this case study will focus on a single variable, namely ripeness. Ripeness has been informally associated to
the Colombian conflict, without resulting in any conclusion about its relation to the lack of mediation initiatives. The following analysis will attempt to extend the understanding about how ripeness and its dynamics have played a role in the absence of mediation efforts.

However arbitrary it might seem, the choice of the Colombian case has not been made lightly. Since the beginning of President Alvaro Uribe’s mandate in 2002, strong diplomatic efforts to attract mediator interest have failed to materialize. To what extent has the existence of ripeness, or the lack thereof, played a role in this phenomenon? The new framework provides an efficient tool to answer this question in a comprehensive manner. The concept of ripeness refers, in general terms, to the precise conditions under which a conflict is most amenable to resolution. Following the new framework’s logic each definition of ripeness must be encapsulated within an ideal mediation type.

Zartman identifies ripeness in terms of the existence of mutually hurting stalemates. 88 Druckman and Mooradian operationalize mutually hurting stalemates in objective terms as sudden raises in the military capabilities of the “underdog” leading to the recognition, by both parties, of negotiation as the only alternative to attain their goals. 89 This definition gives primacy to the material aspects that generate mutually hurting stalemates, while relying on a rational dynamic to conflict; these two assumptions link it to the power brokerage ideal type.

Edmead’s characterization of ripeness as entrapment, 90 on the other hand, fits into the ideal type of mediation as political problem solving. Edmead places emphasis on the psychological process the leads actors in a conflict to regard unbearable costs as investments. By basing his approach on the psychological dynamics of conflict, and the social interpretation of costs as investments, Edmead implicitly abides by the same assumptions underlying the political problem solving ideal type.

Finally, by extrapolating the assumption on which Mitchell bases his enticing opportunities model, 91 we can place its definition of ripeness within the third ideal type of mediation as restructuring relationships. Mitchell defines ripeness as the moment when parties recognize that the resolution of the conflict will result in the creation of more solid social structures. According to this view, conflict represents an opportunity to transform social relations. These assumptions illustrate the link between Mitchell’s definition and the conflict transformation ideal type.

Each conceptualization of ripeness has played and important and unique role in absence of mediation initiatives towards the Colombian conflict. The use of the new framework for evaluation success allows a better understanding of how the dynamics of ripeness have played a role in the evolution of the Colombian conflict.

Following power brokerage logic, conditions for a mutually hurting stalemate seem to exist between the FARC (Colombia Revolutionary Armed Forced) 92 and the Colombian government. The combination of the government’s military apathy, during the

90 Edmead, op. cit., pp. 30.
91 Mitchell, Cutting Losses, op. cit., pp. 469471.
92 This is the largest and the most active insurgent organization in Colombia.
1960s and 70s, and the FARC’s newfound financial stability after the fall of the Soviet Union precipitated an increase in their military operations. In 1983 the FARC counted 5,000 troops, figure which rose to 17,000 by 2001. Parallel to their growth came, according to Ortiz, a qualitative enhancement of their organization, creating 200 men mobile blocks, equipped with state of the art weaponry acquired from international drug and weapons dealers, and trained by international subversive organizations. As Chernick points out, this rapid growth in the military capacity of the FARC has created a situation were neither party knows it is unable to subdue the other militarily. These conditions suggest the existence of a rational type of ripeness based on material assumptions. However, the lack of mediation initiatives point to lack of other types of ripeness.

When applying Edmead’s entrapment model we do not find the internalization of costs necessary for ripeness to exist. In fact, there is clearly a consensus amongst the leadership of both the FARC and the government about the existence of a mutually hurting stalemate. The secretariat’s spokesman Raul Reyes, has, in different occasions, expressed the FARC’s general contempt towards the escalating levels of “violence, death and destruction,” which, he says, they desperately want to avoid. On the government’s side, it has been the military factions which have historically failed to acknowledge the existence of a stalemate and the desirability of a negotiated solution. Yet recently, ex-commander in chief of the Colombian armed forces, Fernando Tapias, recognized the growing consent within the military about the impossibility of a forceful victory against

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93 The FARC operated in areas containing only 5% of the population and so it became easy for the government to simply contain any incursion, rather than actively trying to subdue them. See, Thomas Marks, “Colombian Army Adaptation to FARC Insurgency,” Strategic Studies Institute, Report, (January 2002), p. 910.


98 Mark Chernick, op. cit., p. 182.


100 Despite being organized in separate regional blocks, the FARC have ensured a cohesive political voice by creating a general staff, or secretariat, responsible for the general operation of the organization. The Secretariat was created in the National Plenary Session of 1973 and its tasks were defined in 1978 during the 6th general Conference. See, Ortiz, op. cit., p. 133.


the FARC, and accepted that a political solution is the only way out.\textsuperscript{103} This opinion has also been voiced by President Uribe and his councillors. This strong rationalization of the costs does not provide the highly psychological tension needed for problem solving experts to take advantage of.

When applying the enticing opportunities model to the Colombian conflict, we realize, once again that the Colombian conflict is not ripe for transformation initiatives. During the Samper (1994-1998) and Pastrana (1998-2002) administrations the scheme of talks during war was designed to deal with the misperceptions that lead each party to deny assurances to the other.\textsuperscript{104} This way, parties, without having to feel vulnerable, would be able to communicate, diffuse some of their misperceptions, create trust and find common interests. Simultaneously, the United Nations Development Program launched “Destino Colombia” (“Colombian Destiny”), an initiative for the promotion of democratic participative dialogue, called.\textsuperscript{105} This dialogue framework, in which FARC representatives participated, empowered the parts and allowed them to propose new ways of social interaction and organization that might address their needs and transform the conflict. Yet, as UNDP representative in Brussels Maria Noel Vaeza confirmed, the FARC representatives utilized this framework strategically. During the dialogue sessions, the FARC managed to convince the government that a demilitarized zone would transform their relationship. When president Pastrana came into office he agreed to this initiative until finally become clear that the FARC were using this zone as a strategic stronghold to increase their financial strength through the cultivation of commercialization of illegal drugs.\textsuperscript{106} The preponderance of rationality over psychological disposition to change shows how the Colombian conflict is not ripe for transformation.

This multi-theoretical analysis of the Colombian conflict illustrates the prevalence of rational to psychological dynamics of ripeness. Having said this, the use of the new framework assumes mediation as power brokerage to be the only viable course of action.

Despite not being the only explanation as to why conflict resolution or transformation initiatives have not taken place, the study’s conclusion does present one of the factors that have influenced this phenomenon. The question as to why, despite the existence of ripeness, power brokerage initiatives have not crystallized, needs to be further study in light of our new framework. Concepts relating to the mediator motivations and flexibility might provide insights with regards to the absence of power brokers in Colombia.


\textsuperscript{106} Maria Noel Vaeza, Director of Latin American Affairs, UNDP, personal interview (15 May, 2004).
But perhaps more importantly than its empirical exactness, this short case study shows how the combination of the meta-theoretical and the contingency models yields a framework, which allows for the testing of hypothesis with regards to mediation and the determinant of its success.

CONCLUSIONS

This essay set out to explore the viability of creating a new framework for the evaluation of mediation success. Rather than using a more practical deductive approach, this essay opted to follow a Lakatosian view of theory creation. According to Lakatos scientific research programs progress as new theories build on old ones while maintaining their core assumptions intact. This new framework for the evaluation of the conditions conducive to mediation success, builds on the conceptual richness of the contingency model and the solid normative base of the meta-theoretical model. By combining concepts and ideal types sharing the same assumptions, the new framework aims to clarify the influence that certain contextual variables have on the mediation outcome. The link between concepts and narrow definitions of mediation success, allows for a more refined understanding of how certain factors do or do not contribute to establish the right conditions for successful mediation activities. A case in point is the study of ripeness in the Colombian, where despite never having materialized, some of the conditions for power brokerage exist.

Although Kleiboer disagrees with the use of her model as a classification tool for existing theories of mediation, the creation of a new framework for the evaluation of success presents an important theoretical challenge for scholars of mediation. The synergy of the contingency and meta-theoretical model does present a series of methodological challenges, which should be considered further. Kleiboer claims that the lack of explicit assumptions in most mediation theories makes it impossible to associate them to an ideal mediation type of mediation. The question of whether or not it is possible to deduct, or deconstruct, a theory’s assumptions is one left unanswered by this essay. Yet, it is in light of these deficiencies that this essay provides real value, not by making precise claims, but by encouraging a theoretical debate.