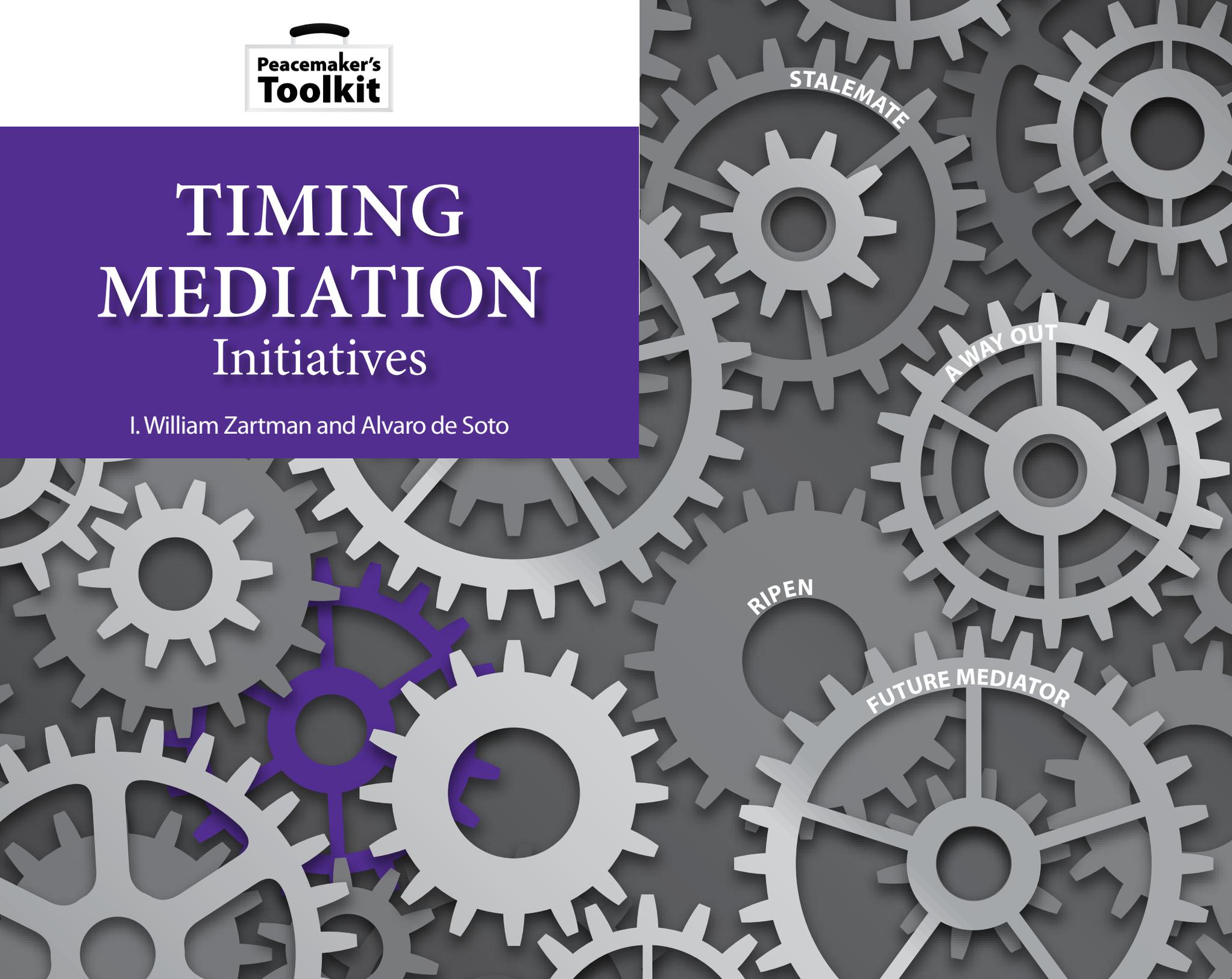


TIMING MEDIATION Initiatives

I. William Zartman and Alvaro de Soto



TIMING MEDIATION INITIATIVES

STEP 1: ASSESS THE EXISTENCE AND PERCEPTION OF A STALEMATE

- **Identify Objective Indicators**
 - Determine If a Stalemate Exists
 - Assess the Extent of Hurt
 - » *Analyze Costs That Produce Pain*
 - » *Recognize That Losses Are a Sign of Pain*
 - » *Evaluate Changes in Leadership*
 - » *Assess Changes in Allies*
- **Identify Subjective Indicators**
 - Evaluate the Meaning behind Official Statements
 - Assess Unofficial Statements in Public Media

STEP 2: ASSESS THE EXISTENCE AND PERCEPTION OF A WAY OUT

- **Identify Objective Indicators**
 - Evaluate Official Statements
 - Assess Preliminary Signs of Cooperation
- **Identify Subjective Indicators**

STEP 3: INDUCE RECOGNITION OF THE STALEMATE AND A WAY OUT

- **Induce Recognition of Stalemate and Pain**
 - Directly Encourage the Perception of a Stalemate
 - Indirectly Encourage the Perception of a Stalemate
- **Induce Perceptions of a Way Out**
 - Sell Solutions
 - Encourage Perceptions
 - Display Creativity

STEP 4: RIPEN THE STALEMATE AND A WAY OUT

- **Ripen the Stalemate**
 - Use Diplomatic Measures
 - Employ Economic Measures
 - Apply Military Measures
- **Ripen the Attractiveness of Negotiating**
 - Use Diplomatic Measures to Reframe the Conflict
 - Declare a Willingness to Engage
 - Determine Prenegotiation Functions

STEP 5: POSITION ONESELF AS A FUTURE MEDIATOR

NOTE: Steps are not sequential. They overlap and should be performed throughout the entire process.

Timing Mediation Initiatives



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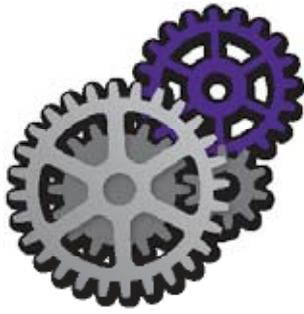
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Introduction

If it is to succeed, a mediation initiative cannot be launched at just any time; the conflict must be ripe for the initiation of negotiation. Parties resolve their conflict only when they have to do so—when each party’s efforts to achieve a unilaterally satisfactory result are blocked and the parties feel trapped in an uncomfortable and costly predicament.

The idea of a ripe moment is by no means new or otherwise unfamiliar to diplomats. “Ripeness of time is one of the absolute essences of diplomacy,” wrote John Campbell more than thirty years ago. “You have to do the right thing at the right time.”¹ Two years earlier, Henry Kissinger had recognized that “stalemate is the most propitious condition for settlement.”² Chester A. Crocker, U.S. assistant secretary of state for Africa between 1981 and 1989, said of the Namibian dispute, “The second half of 1987 was . . . the moment when the situation ‘ripened.’”³ Conversely, practitioners often say that mediation is not advisable because a conflict is not yet ripe. In mid-1992, in the midst of ongoing conflict, the Iranian deputy foreign minister noted, “The situation in Azerbaijan is not ripe for such moves for mediation.”⁴

The concept of a ripe moment centers on the conflicting parties’ perception of a “mutually hurting stalemate” that—optimally—is associated with an impending, past, or recently avoided catastrophe. When parties find themselves locked in a conflict that they cannot escalate to victory and this deadlock is painful to both of them (although not necessarily in equal degree or for the same reasons), they seek an alternative policy, or a “way out.” The catastrophe is an indication of pain that might increase sharply if prompt action to alter the situation is not taken. The stalemate can be viewed as a plateau (a flat and unpromising terrain without relief), and the catastrophe as a precipice (the point where things suddenly and predictably get worse). A more dynamic metaphor is

that of the moment when the upper hand slips and the lower hand rises, both parties moving toward equality, with both movements carrying pain for each party.

Certain elements are necessary for ripeness to occur. In the first place, all conflicting parties must perceive a stalemate. Yet, while ripeness is a matter of perception, that perception is usually related to objective conditions. These can be brought to the conflicting parties' attention by a mediator or an opposing party if they are not immediately recognized by the party itself, and they can be resisted so long as the conflicting party refuses or is otherwise able to block out their perception. It is the perception of the objective condition, not the condition itself, that makes for a mutually hurting stalemate. If the parties do not recognize that they are in an impasse, a mutually hurting stalemate has not (yet) occurred; if the parties do perceive themselves to be at an impasse, no matter how flimsy the evidence, a mutually hurting stalemate exists.

The other element necessary for a ripe moment is also perceptual: a sense of a way out. Parties do not have to be able to identify a specific solution, but they must have the sense that a negotiated solution is possible and that the other party shares that sense and the willingness to search for a solution. Without a sense of a way out, the push for resolution associated with a mutually hurting stalemate leaves the parties with nowhere to go.

Ripeness is not self-implementing; it is only the necessary but insufficient condition for the inauguration of negotiation or mediation, and so it presents an opportunity for mediators. Ripeness must be seized, either by the parties or (if not) by a mediator. Yet, the existence of ripeness guarantees no results by itself. Not all ripe moments are seized and turned into negotiations; implementation of mediation depends first on recognition of the ripeness and then on exploitation of the moment.⁵ Ripeness is therefore not predictive in the sense that one can forecast when a given situation will become ripe. It is predictive in the sense of providing a point at which to identify the elements necessary (if not sufficient) for the productive inauguration of negotiations. As such, the state of ripeness is of great value to policymakers seeking to know when and how to begin a peace process.

The absence of ripeness is not a valid reason for inaction. Prospective mediators (and the parties themselves) can develop a policy of ripening,

cultivating both objective and subjective elements of ripeness if these elements do not appear on their own. If ripening is unproductive, the fallback position for the prospective mediator is positioning, making sure the parties realize that the mediator is present and available whenever they are ready to listen. Two challenges are posed by this notion: how to recognize ripeness and what to do about it. Finding a ripe moment requires conducting research and intelligence studies to identify objective and subjective indicators of ripeness. To establish whether ripeness exists, prospective mediators should regularly study objective facts as well as subjective expressions of pain, impasse, and inability to bear the cost of further escalation related to the objective evidence of stalemate, casualties, and material costs, along with expressions of a sense of a way out.

This toolkit lays out the steps mediators can take to recognize ripeness themselves, to foster the parties' perception of ripeness, and to ripen the conflict. Step 1 describes how the mediator should assess whether a mutually hurting stalemate exists and, if it does, how painful it is. Step 2 focuses on assessing the parties' perception of a way out. In each of these steps, the mediator should assess both objective conditions (such as rising costs of conflict for the parties) that testify to the existence of stalemate, pain, and possibilities of a joint search for an outcome, and subjective indicators (such as official statements by the parties) that show that the parties actually perceive the stalemate, the hurt associated with it, and the possibility of negotiations. Step 3 presents measures the mediator can take to induce the parties' perception of a stalemate and a way out. Step 4 explains how to enhance objective conditions for ripeness, creating a stalemate and the pain associated with it as a basis for further efforts to encourage the perception of the new facts. If ripening is not possible, a mediator should take Step 5, which involves the mediator positioning so that the parties recognize that they can turn to the mediator for help when the situation eventually becomes ripe.

A Word to the Mediator

The following material is written for all types of mediators, to be used and adapted as circumstances and capabilities demand. However, mediators come in different shapes and sizes, and this affects what they can do. Great-power mediators are guided by their own interests, the most important of which is the need to see an end to the conflict. Conflicting

parties, in turn, are governed as much by the importance of demands of their relationship with the mediator as by their interests directly in the conflict. Thus, a more powerful state can be a “mediator with muscle,” playing an active role, serving as a “mediator as manipulator” with the means to sweeten the outcome and restrain the conflict if necessary. These mediators can have a useful role in ripening the conflict objectively and in changing the parties’ perception of it, but they should avoid imposing their own solutions, leaving ownership of the solution firmly in the hands of the parties. States of course do not mediate; their agents do, and a great-power mediator must be careful to ensure that the mandate under which he or she operates is clear and that the various agencies at home are fully behind the mission.

Non-governmental organizations (NGOs) and weaker states have the advantage of being less suspect for their interest in mediation. Thus, they can urge awareness of the stalemate and its associated pain and can propose solutions in a more disinterested way. However, they have little or no power to alter events, and relationships with the conflicting parties may be of less interest to them than to great-power mediators.

The United Nations is located somewhere between the two, but has an additional constraint: UN mediators are fully dependent on the mandate given them by the UN Security Council. The UN secretary-general may initiate a mediating process on his own but only at his own risk and must not get too far out ahead of the Security Council. The institution of “friends” of the secretary-general and his special representative (SRSG) is a particularly helpful device to ensure that support. The SRSG can threaten to withdraw the mediation if the parties do not cooperate, but as with the NGOs and small states, that threat is about the only pressure available. Mediation is 90 percent persuasion in any case.

Whatever the mediator, if there is more than one the most important imperative is coordination! Multiple mediators can easily become competing mediators, undercutting each other and weakening their position (while expecting to strengthen it) with the parties, who can play them off against each other in an outbidding process. Multiple mediators can reinforce each other, on the condition that they agree on a lead mediator and consult among themselves frequently. NGOs and small states can make contacts and provide ideas that large states cannot, and they deserve attention from the lead mediator.

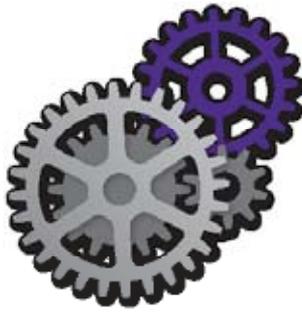
The Peacemaker's Toolkit

This handbook is part of the series *The Peacemaker's Toolkit*, which is being published by the United States Institute of Peace.

For twenty-five years, the United States Institute of Peace has supported the work of mediators through research, training programs, workshops, and publications designed to discover and disseminate the keys to effective mediation. The Institute—mandated by the U.S. Congress to help prevent, manage, and resolve international conflict through nonviolent means—has conceived of *The Peacemaker's Toolkit* as a way of combining its own accumulated expertise with that of other organizations active in the field of mediation. Most publications in the series are produced jointly by the Institute and a partner organization. All publications are carefully reviewed before publication by highly experienced mediators to ensure that the final product will be a useful and reliable resource for practitioners.

The Online Version

There is an online version of *The Peacemaker's Toolkit* that not only presents the text of this handbook but also connects readers to a vast web of information. Links in the online version give readers immediate access to a considerable variety of publications, news reports, directories, and other sources of data regarding ongoing mediation initiatives, case studies, theoretical frameworks, and education and training. These links enable the online *Toolkit* to serve as a “you are here” map to the larger literature on mediation.



STEP 1

Assess the Existence and Perception of a Stalemate

Identify Objective Indicators

Objective indicators provide evidence of the existence of a stalemate and pain associated with it. Objective indicators can include events external to the actions of the parties, as well as the behavior of the parties themselves.

Determine If a Stalemate Exists

Stalemate means parties are caught in a conflict that they cannot win at an acceptable cost: They cannot escalate their way to victory.

Are the conflicting parties stuck in a stalemate? Is the conflict active or merely frozen in inactivity? Have there been attempts by either side to escalate its way out of the stalemate by military—or even political—means? Have those efforts produced no clear outcome except to show that winning is impossible? In these cases, the message is evident and the evidence of a mutual stalemate is direct. The best evidence for a desire to escalate is an attempt to escalate, but the parties may also announce plans, make threats, leak intentions, and so on. But that is not enough; it is the failure of the escalation (“fall back”) that produces the hurting stalemate.

Israel and Hamas escalated their conflict in Gaza in early 2008 until they saw that neither could prevail over the other; an informal cease-fire and secret negotiations ensued; the cycle was repeated again at a higher level of intensity at the beginning of 2009, with the stated purpose, on the part of Israel, of restoring the “deterrent capacity” it had earlier lost.

In 1965, India and Pakistan launched a series of escalations over the Rann of Kutch and Kashmir that demonstrated that Pakistan could not take Kashmir by force and India could threaten but not take Lahore; exhausted, both sides fell back into a cease-fire demanded by the United Nations and then a full truce mediated by the Soviet Union.

In Angola in 1986, both the South African Defense Force and the Angolan army supported by Cuban troops attempted to change the battle line around Cuito Canevale and failed, setting the scene for negotiation.

In November 1989, a major offensive by the Frente Farabundo Martí para la Liberación Nacional (FMLN) failed to ignite a popular insurrection against the armed forces, leading it to conclude that negotiation was the only way out; the armed forces' failure to crush the offensive brought the El Salvador government to the realization that, after eight years of effort, it could not defeat the insurgents, leaving negotiation as the only way out.

The message of failed escalations is particularly clear if one indicator is combined with others; for example, if the efforts to escalate are costly and add to an already unacceptable burden that the escalation seeks to escape, or if the stalemated efforts begin to produce increased casualties—in other words, if there is clear evidence not only of a stalemate but of one that hurts (see the section “Assess the Extent of Hurt,” below).

In South Africa in 1990, newly elected National Party chair and prime minister F. W. de Klerk saw that the regime was no longer able to provide the white minority with security and prosperity, to contain and control the black majority, or to claim international acceptance and legitimacy, and that the cost of these failings was steadily rising.

Has one side made successful attacks in the conflict but then withdrawn to its previous positions? Such “escalations to call” (as opposed to “escalations to raise”) show the opponent that one party can escalate but does not want to and prefers to negotiate.

In the last year of the second Iran-Iraq war in 1988, Iraq repeatedly penetrated Iran and then withdrew, calling on Iran to negotiate an end to hostilities, which it then did. In the Cuban Missile Crisis in 1962, the United States maintained its blockade but reduced the perimeter, as it let a Russian ship not carrying missile parts pass.

Assess the Extent of Hurt

Hurt means that the parties are suffering some costs or losses—physical, financial, or less tangible—as a result of the stalemate. Although hurt is subjective, it is a response to objective conditions that “should cause pain if they would only realize it.” Both parties must feel hurt and stymied for a stalemate to exist, although it is rare that they feel so to the same degree. “Mutual” does not imply symmetry; it simply means that each party feels damaged by the stalemate. If one party hurts more than the other(s), it is a challenge to the mediator to bring them to focus on their own pain and not on the difference in the perceived degree of pain.

Analyze Costs That Produce Pain. Rising absolute costs are clear indicators of a painful stalemate if they do not produce results and if the imbalance between costs and results is noted in a public outcry. Are rising financial costs of the conflict evident?

Relative costs can indicate pain when measured against some standard. Are costs rising above an acceptable level, independent of their results? The acceptable level may have been proclaimed ahead of time in government statements or suddenly “discovered” as the costs rise. Are costs rising compared with expectations in relation either to anticipated outlays or to anticipated results? Results may be achieved, but not to the extent that the parties have led themselves or their public supporters to expect.

Opportunity costs, where conflict costs prevent other preferable expenditures, can also indicate pain. Are popular or necessary alternatives being dropped for lack of funds? Budget, construction, or programmatic discussions may indicate the elimination of items in times of belt-tightening.

Costs—absolute, relative, or opportunity—can be calculated using public information augmented by other sources; the costs themselves are hard statistics. The elements against which costs are compared, such as similarly acceptable levels and expectations, are also statistics, although probably less sharply advertised, and can be gleaned from public media, since they are the basis for public reactions.

Recognize That Losses Are a Sign of Pain. The same kind of reference points used to evaluate costs can be used in regard to losses: officially or unofficially expressed expectations and acceptable limits. As with costs,

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