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Fragile States and Civil Wars: Is Mediation the Answer?

Carmela Lutmar and Jacob Bercovitch

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Fragile States and Civil Wars: Is Mediation the Answer?

Carmela Lutmar
School of Political Sciences
University of Haifa
Mount Carmel, Haifa 31905
Israel

Jacob Bercovitch
School of social and political sciences
University of Canterbury
Christchurch
New Zealand

Abstract

We propose to examine the nature, characteristics, and features of fragile states in the international system, and one of the main features of those states, that is, civil wars. Civil wars have become a major focus of scholarly interest in the last decade or so. The purpose of this chapter is to capture this interest and to highlight it as a central feature of fragile states, examine the nature and prevalence of civil wars in those states, look at civil wars outcomes and consequences, and pay special attention to how civil wars can be terminated. We will argue that one of the main and neglected aspects of civil wars is that they tend to become intractable and produce deadlocks. These prevent any satisfactory termination, whether through negotiation or other means. We wish to add to the existing literature by examining how deadlocks affect civil wars and how best to break out of them. In this chapter we present some conceptual definitions and identify typologies that can help us discuss deadlocks in civil wars in a more systematic manner. We will then see how deadlocks may affect outcomes in civil wars. Our argument is that there is one main mechanism that can be used to terminate deadlocks in civil wars – mediation. By focusing on this mechanism and linking it to the literature on fragile states, we hope to make a substantial contribution to the literature on civil war termination in this chapter.

Introduction

Since the end of the Cold War and the changes it induced in the social, economic, and political environments, a lot of scholarly attention has been given to the nature of conflict in the new post Cold War environment. The traditional bipolar international system changed into a different system; East-West relations have been altered, and alignment tensions decreased, and with it came the expectation that a prolonged period of stability would characterize the new system. The great powers, acting through, and on behalf of, the international community, would effectively prevent any conflict from breaking out. The end of the Cold War, so we were led to believe, marked the end of conflict, or as some scholars said even the "end of history" (see Fukuyama, 1989). An era of long peace was what we all expected at the dawn of the 1990s.

What we have seen since 1991 is not a decrease, but rather an *increase* in the number and intensity of conflicts. The post Cold War period has been characterized by an outbreak of nationalism, the accentuation of national and religious identity, and the eruption of violent conflicts in diverse places all over the globe such as Angola, Myanmar (formerly Burma), Sudan, Iraq, Russia, Turkey, Lebanon, Rwanda, Sudan, Kashmir, Ethiopia, Bosnia, and so on. These conflicts, largely generated within state-boundaries, have become known as civil wars. By one account only seven out of 111 militarized conflicts in the twelve years after 1989 were of the traditional conflicts between two sovereign states, and even these may

have had a strong internal or communal dimension (Sollenberg & Wallensteen, 2001, pp. 629-644). Clearly, as the study of these conflicts began to take the central stage of scholarly attention it became essential to begin to understand them and to develop policies designed to deal with them, ameliorate their destructive manifestations, and examine how we can reach agreements at the end of the conflicts and to make sure they are fully implemented.

Civil wars are among the most dangerous types of conflicts in the international system. Not only do they bring death and destruction to the belligerent parties, they also inflict considerable harm upon the civilian populations in the countries in which they occur through genocide, population displacements, and long-term negative consequences for public health (see Ghobarah, Huth, & Russet, 2003; Harff, 2003; Krain 1997; Moore & Shellman, 2004; Schmeidl 1997). Because they have a propensity to internationalize themselves, and to spill over to neighboring countries, and sometimes to a whole region, civil wars also represent a broader threat to the international community. UN Security Council resolutions have repeatedly underscored the belief that civil wars pose a "threat to international peace and security." For these reasons, understanding the ways in which civil conflicts can be managed, and solved, has become increasingly important for both scholars and practitioners. In this chapter, we argue that one of the main features of fragile states is the prevalence of civil wars, and that one of the main characteristics, but less studied, aspects of civil wars is that they tend to become intractable and produce deadlocks. These prevent any quick and satisfactory termination, whether through negotiation between the warring parties or other means. We hope to contribute to the existing literature by examining how deadlocks affect civil wars and how best to break through them. Firstly, we will offer some conceptual definitions and identify typologies that can help us discuss deadlocks in civil wars in a more systematic manner. Then we will go on to investigate how deadlocks may affect outcomes in civil wars.

We argue here that one important mechanism can be used to terminate deadlocks in civil wars is mediation, and we distinguish between civil wars that are best suited to mediation from those where mediation may not be the best option to pursue.

A sizeable body of literature has focused on examining the causes of civil war (see Dixon, 2009), the conditions under which settlements occur, and the conditions that promote the durability of these settlements (see Collier & Hoeffler, 2004; Doyle & Sambanis, 2000; Elbadawi & Sambanis, 2002; Fearon & Laitin, 2003; Fortna, 2004; Hartzell & Hoddie, 2003; Hartzell, Hoddie, & Rothchild, 2001; Hegre et al., 2001; Hegre & Sambanis, 2006; Licklider, 1995; Mason & Fett, 1996; Sambanis, 2004; Walter, 1997, 2002). In general, however, the existing literature has suffered from two key weaknesses. First, although the literature has placed considerable emphasis on the outcomes of civil wars and civil war conflict management efforts, it has placed less emphasis on the question of when and why most forms of conflict management in civil wars produce deadlocks, and at what stage of the conflict is it wise to initiate management efforts? This omission is especially important to studies of civil war termination, and successful implementation of peace agreements, due to the problem of selection bias. Identifying the conditions under which deadlocks in negotiation attempts occur during civil wars is as important as understanding when and how such deadlocks can be overcome. Without controlling for selection bias, empirical analyses of the conditions associated with civil war termination and getting out of impasses in negotiations may yield faulty inferences. In addition, understanding when third-party interventions in mediating the conflict occur, and when those attempts might yield positive outcomes, can shed light on the prospects of solving civil wars, and the ways practitioners can, and should, approach such conflicts.

The second weakness is one that applies to the conflict management literature in general, and to studies on mediation in particular, and not just to the subset of the civil war literature. In those studies that do focus upon the conditions under which conflict management takes place (e.g., Gilligan & Stedman, 2003; Greig, 2005; Mullenbach, 2005), the literature tends to examine different types of conflict management largely in isolation from one another,

focusing upon when mediation or peacekeeping individually occur, without referring to the occurrence of other types of conflict management. Although this type of work provides valuable insights into specific types of conflict management efforts, it fails to take into account the fact that policymakers have a choice not only regarding whether or not to attempt to manage a conflict, but also in terms of the type of conflict management to be applied. Moreover, it is imperative to examine when those conflict management efforts reach a deadlock, and most importantly, how various tools of breaking those deadlocks operate separately and in conjunction with each other.

From a practical standpoint, third-parties, be they a state or an international organization, upon deciding to manage a civil war, can choose between areliance upon wholly diplomatic strategies or move toward approaches like peacekeeping and peace enforcement that involve military force. In this way, different conflict management tools can be substitutable for one another, with each approach carrying different benefits and drawbacks. In this study, we take one step forward by addressing the concept of deadlock in the context of negotiation in civil wars, and by focusing on two possible ways of breaking those – mediation and leadership change. It is just a first step as there are other techniques for breaking deadlocks in negotiations such as UN involvement, issuing UN Security Council resolutions ("naming and shaming"), applying economic sanctions, arbitration, or even one-sided military intervention. Most and Starr (1984, 1989) developed the concept of foreign policy substitutability, but it has also been applied to domestic political contexts (e.g., Lichbach, 1987; Moore 1998, 2000). Fundamental to this concept is the idea that decision makers choose from a range of policy options, all of which may lead to the same desired outcome. Decision makers choose from the available options according to their preferences and their estimates of the probability of success for each option (Moore, 2000; Palmer & Bhandari, 2000).[1] Key to this conceptualization is the principle that it is difficult to empirically find a strong impact for explanatory variables if only one of the available policy options is included in a model while other options are excluded.

In this chapter, we seek to discuss first the notion of fragile states and their characteristics. Then we will discuss the concept of deadlock, and to better understand the response of the international community to its occurrence in civil conflicts by focusing upon four key questions. First, what are deadlocks, and how can we conceptualize them? Second, under what conditions do deadlocks occur in negotiations in civil wars? Third, when international efforts are made to break a deadlock in a civil conflict, what conditions influence the choice between various tools such as mediation or leadership change in one of the warring states or both? We argue here that the main mechanism that can be used to terminate deadlocks in civil wars is mediation. However, not all civil conflicts are equally suited to this mechanism. Therefore, we will distinguish between civil wars that are best suited to mediation from those where mediation is unlikely to produce a favorable outcome. We argue that whether or not a deadlock is tackled by the mechanism mentioned earlier depends upon the degree to which mediation is deemed to be necessary, the extent to which interests important to third-parties are at stake in the conflict, the costs inherent to not intervening, and the regime type in both warring states. We think that the more democratic a state is, the more open it will be to accept mediation offers, and the higher the probability of success of these efforts. When mediation takes place, the form of mediation that is chosen is tied to the urgency the civil conflict demonstrates for external intervention coupled with the risks the conflict would pose for the mediators. Thus, the political decision to engage in mediation or to wait for a later time is in fact as a two-level decision-making process. At the first stage, third-parties identify whether the negotiation reached a deadlock, and if so whether to intervene at all or remain

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[1] Also see the other articles in the *Journal of Conflict Resolution's* (2000) *44*(1), special issue on foreign policy substitutability.

silent; at the second stage they choose between mediation now and (maybe) mediation at a later stage.

Following a discussion on the characteristics of fragile states, and where they are more likely to emerge, we offer a definition of deadlocks in negotiations, and the potential danger they pose, then we discuss in detail the possible mean used to terminate the deadlocks – mediation. We explain the merits and shortcomings of the option and conclude by offering additional paths for future research.

Conflict in the post cold war era

For more than four decades the Cold War shaped every facet of the international environment. It created an incompatibility of goals and interests between two superpowers and their spheres of influence, and led to tensions and conflicts at both the international and intranational levels. Whilst there was an exceptional level of stability at the superpowers' level, the Third World became the *de facto* location of the majority of conflict, with the after effects of colonialism – namely internal division and economic decline – leaving many Third World countries ripe for external interference and suppressed internal conflict. The United States and the Soviet Union were not directly engaged in a conflict, but rather indirectly, allowing or encouraging their respective client states (mostly in Asia and Africa) to go to war against each other (see also Chapter 13).

Conflict management during that period was characterized mostly by deterrence, suppression and diversion (proxy conflicts) rather than resolution. The United States and Soviet Union intervened unilaterally in a number of conflicts, but their interventions served limited interests, mostly those of leaders or groups supported by either superpower. Conflict suppression as a strategy, under the big umbrella of deterrence and the spheres of superpowers' influence, served paradoxically to intensify latent demands for political identity of various groups.

What we have seen since 1991 has defied all previous expectations of a decrease in the number of conflicts in the international system. In fact, we see an opposite trend, in which the post Cold War period is characterized by a dramatic increase in nationalism, the accentuation of national identity, and the eruption of violent conflicts in places as diverse as Angola, Burma, Sudan, Iraq, Russia, Turkey, Ethiopia, Bosnia, and many other places. These conflicts, largely generated within state-boundaries, have become known as ethnonational conflicts (a superfluous term, as it happens). Only seven out of 111 militarized conflicts in the twelve years after 1989 were of the traditional interstate kind, and even these may have had a strong internal or communal dimension (Sollenberg & Wallensteen, 2001, pp. 629-244). Moreover, these conflicts turn out to be a particular frequent occurrence in fragile (or failed) states. And we turn now to discuss the special characteristics of what is known in the literature as fragile states.

Fragile states

Countries vary in their population size, wealth, ambitions, state capacity, capabilities, and the level of rights constituents enjoy. If we adopt the definition that "nation-states exist to provide a decentralized method of delivering political (public) goods to persons living within designated parameters (borders)" (Rothberg, 2003: 2), and that "… they organize and channel the interests of their people… they buffer or manipulate external forces and influences, champion the local or particular of their adherents, and mediate between the constraints and challenges of the international arena and the dynamism of their own internal economic, political, and social realities," (Ibid: ibid), then we can also say that fragile states are those states that do not perform well, or even fail, on any of those dimensions. The ability to deliver the political public goods, and the effectiveness by which they are delivered,

distinguishes between strong and weak states, and between weak states and fragile states (which may eventually collapse or fail).

The variation in states' performance, and in their performance when it comes to the delivery of political public goods to their constituents can be explained by the strength of their institutions. The stronger they are, the better they can provide with these goods to their citizens. Weak states are characterized by unstable institutions, oftentimes as a result of domestic unrest, civil wars, or a prolonged interstate war. Strong states exhibit full control within their borders on the use of force, they perform well on a range of indicators such as GDP, level of democracy, civil rights, low level of corruption, and high levels of economic development. Weak states on the other hand, are characterized by higher levels of corruption, the rule of law is not fully (or at all) enforced, low level of political, religious, and civil liberties, and in many cases internal violence that originates in tensions between ethnic, religious, or other groups in the society, and the weakness of the institutions and the government's inability to take full control over the use of force.

In fact, we can locate the abovementioned categories on one continuum when on one end we find strong states, and on the other end failed (or failing) states. Fragile states are closer to this end, in that they do not fully perform on one (or more) dimension(s), and as time goes on, they might totally collapse (or fail) – Somalia being the classic example.

Fragile states are characterized by rivalries between various groups within the society, and those oftentimes lead to violent clashes between government forces and armed groups. As Rothberg (2003: 5) mentions: "… it is not the absolute intensity of violence that identifies a failed state… rather, it is the enduring character of that violence (as in Angola, Burundi, and the Sudan), the fact that much of the violence is directed against the existing government or regime, and the inflamed character of the political or geographical demands for shared power or autonomy that rationalize or justify that violence in the minds of the main insurgents". Though we do distinguish between fragile and failed states in that they are proximate categories on the same continuum, they are both quite similar when it comes to the prevalence of civil wars . And it is to the analysis of civil wars that we turn now.

Civil wars

The term civil war is broadly used to describe a wide range of internal conflicts. The scholarly literature refers to all of them as civil wars, though some would argue that ethnic conflicts are a subset, one of many, of civil wars. However, our focus in this paper will be on the broader category known as civil wars.

A civil war is thus a conflict that involves two or more groups within a state. Although civil wars are not unlike other forms of internal violence (e.g., coup, genocide), we usually reserve the term civil wars to those conflicts where the government is one of the parties in conflict. The other group or conflict party may have territorial, political, or economic ambitions which the government is desperately trying not to concede. Traditionally we think of a conflict situation as a civil war if it resulted in 1,000 or more fatalities on both sides. Even with such a high threshold it is with noting that some 37 percent of all countries have experienced civil wars in the 1990s (Fearon & Laitin, 2003).

Civil wars arise when non state groups with a separate sense of identity perceive their governing structure to be incapable of addressing their basic needs and grievances. When such needs are denied, or are not met, various grievances are formed, and demands that the situation be redressed become more and more voluble. Perceived need deprivation, or the desire to gain control of scarce resources (usually coal, diamonds and petroleum) are the basic condition of civil wars. The desire to remove a perceived deprivation or greed for resources is characteristic of the development and conduct of many such conflicts.

If we see civil wars as a new wave sweeping across different regions of the world, engulfing them in convulsive fits of violence in the wake of the collapse of the Soviet Union, then explanations of their causes and proposals for their management, and eventual resolution, are likely to be quite different than if we view them over a much longer term. Scholars have relied too much on end of the Cold War elements in their analyses of civil wars. Ethnic groups and civil wars that originate in grievances between two or more ethnic groups have been around for centuries, hence we can not explain either their occurrence, or their duration, management, and resolution, merely in terms of some structural readjustment that took place twenty years ago (Lake & Rothchild, 1996). Ethnicity is not a new phenomenon; it may play a salient role in many conflicts, but that does not mean it plays a sufficient one. It takes a substantial effort to have issues of ethnicity and identity transformed into violent conflicts (not all or even most conflicts of identity become violent). We should be mindful of this.

Civil wars are associated with high costs, major disruption, refugee flows, persistent violence, economic dislocation, and breakdown in civil society. It has been estimated that civil wars have accounted for 16 million fatalities in the last 45 years (Fearon & Laitin, 2003). There can be no doubt that civil wars cause the main source of disruption and volatility to the international environment. Another feature of civil wars that makes them so difficult to deal with is their tendency to expand geographically and bring in new actors and expand the scope of the original conflict. This makes an original civil war an internationalized phenomenon.

There are a number of processes which may transform a civil war into an international one (see Ganguly & Taras 1998; Gurr, 2000; see also Chapter 14). Civil wars can become internationalized through the spread of refugees across borders, or where one ethnic group is spread across several states, or when ethnic leaders in one state seek sanctuary in another. They can become internationalized through terrorist activities, or partisan interventions on behalf of one of the groups. Finally, there are a number of conflicts with significant ethnic components that become internationalized through international diplomatic activities (such as UN intervention, diplomatic efforts of various statesmen). Bearing in mind the nexus between internal and international conflicts, Bercovitch (2003) suggests that it might be useful to think of different categories of conflict and to examine how each manifests itself and how each can be managed, controlled or prevented. Broadly speaking we can talk about two kinds of conflicts; (a) internationalized civil wars (civil wars which become internationalized through refugees or spread of conflict, and conflicts where external demands for territory, resource, or regime change are superimposed on ethnic identity), and (b) interstate conflicts (where an international conflict affects and exacerbates ethnic identities within a state). They are different conflicts in structure and nature and may require different forms of intervention and termination.

Many of the conflicts that have occupied a prominent place on the international agenda in the last decade or so, such as Sri Lanka, Iraq (vis-à-vis the Kurds), Kashmir, Israel, or Afghanistan, began as civil wars, but quickly spilled over to involve more than one state. In a globalized age, state boundaries become increasingly more porous, thus conflicts that started within a state's borders will have consequences that affect the international system, or the international community may take measures that affect domestic conflicts. Either way, such conflicts rarely remain an internal phenomenon only.

One of the features we wish to examine in this paper is the way each of these conflicts leads itself to being resolved, and the various mechanisms they use to do so. In an empirical examination of 309 international conflicts between 1945 and 1995, Bercovitch and Jackson (1997) find that 131 of the conflicts had a significant ethnic component, and later developed into internationalized conflicts.

Table 1. Geographical region of civil wars with an ethnic component

	Frequency	Percent
Central South America	7	5.3
East Asia and Pacific	15	11.5
West Asia	22	16.8
Europe	14	10.7
Middle East	23	17.6
Africa	50	38.2
Total	131	100.0

Characteristics of internationalized civil wars

Clearly a substantial number of conflicts since 1945 can be described as internationalized conflicts with ethnicity as their salient focus. What are the main features and characteristics of such conflicts, and to what extent do these affect their management and eventual resolution? Internationalized civil wars are both very violent and protracted in nature. Carment's (1993) examination of international conflicts from 1945-1981 found that civil wars with an ethnic component were characterized by a high level of violence in 40 percent of conflicts compared with 30 percent of non-ethnic conflicts. Miall's (1992) findings from the 1945-1985 period reinforce this, with internal conflicts being four-fold more likely to be categorized as "major violent" than international conflicts during the same period. 1994 saw the highest number of conflict-related deaths since 1971, with a total of over one million for the year, many of them civilian (Sivard, 1996). Today, more than 90 percent of all casualties are non-combatants, with violence directed against civilian populations evident in conflicts such as Chechnya, Rwanda, Kosovo, and Afghanistan (*ibid.*).

An analysis of 131 conflicts with a significant ethnic component reveals that most of these conflicts (106) involved the highest hostility level in conflict (with hostility examined on a three point scale from display of force to war), and a very substantial number of these (59) had gone on for three years or more.

Table 2. Reemergence of dispute in internationalized civil wars

	Frequency	Percent
Ongoing dispute	30	22.9
Later dispute emerge	58	44.3
Regional dispute	7	5.3
Continuing tensions	17	13.0
No later dispute emerge	19	14.5
Total	131	100.0

Internationalized civil wars are characterized by a high level of perceived cultural differences. In civil wars with an ethnic component, cultural, linguistic, or religious distinctions play a vital role in shaping the disputants' ways of thinking and influencing their perceptions of themselves and others. The first fact of ethnicity is the application of systematic distinction between insiders and outsiders in a process of inclusion and exclusion that defines the "group." The ability of a protest group to develop and sustain a dispute with the government depends on the group perceiving both a distributional element and an identification element. Without distributional deprivation, identification remains a positive factor and not a motivation for conflict; without an identification element, distributional inequalities remain unfocused and non-mobilizing. Ethnicity provides a focus around which individuals can unite and a basis upon which to construct and maintain a community based on certain features that are perceived and shared within the group. Internal unity and cohesiveness is dependent on a group's ability to clearly define itself as an entity, an in-group, and to distinguish itself from the out-group(s).

Another feature of internationalized civil wars is that they rarely remain dyadic. Civil wars usually spawn a multiplicity of groups, alliances, and sub-ups. These groups sometimes spill over to other countries, and cause the conflict to involve even more countries. It is also very difficult to establish proper leadership or control channels in such conflicts where so many diffuse and ill-defined groups coexist. This clearly compounds the problems policy-makers or conflict practitioners face.

Internationalized civil wars are also characterized by specific issues over which the conflict is typically fought. These are predicated upon value-related issues and fundamental beliefs such as identification, loyalties, individual beliefs, group identities, ethnic relations, and perceptions of separateness and discriminations. Ethnic issues are, like other value-related issues, intangible, intractable, and do not lend themselves easily to political compromise or a negotiated settlement.

Unlike traditional interstate conflicts, which usually end with negotiation and a settlement of sorts, internationalized civil wars often end in expulsion, surrender, or extermination. Most internationalized civil wars either continue for a long time or re-emerge again within 24 months. Zartman (1995) found that less than a third of civil wars in the twentieth century led to negotiations. In a much discussed paper, Kaufman (1996) argued that there was only one possible outcome to violent civil wars with an ethnic component, and that is permanent separation of the parties. Paul Pillar's (1983) study shows that about two-thirds of interstate wars terminated through negotiation, compared to about one-third of internal conflicts. Steadman, after eliminating colonial wars and other "special" cases, found that the incidence of civil wars terminating by negotiation declined to approximately 15 percent (Stedman 1991; Walter 1997).

Parties and issues in internationalizes civil wars

Gurr's *Minorities at Risk*[2] project (1993, 2000) provides a useful classification of political actors in internationalized civil wars. The actors in question are defined as ethnopolitical actors. Two criteria must be met for an actor to be defined as such: (a) collectively suffer, or benefit from, discriminatory policies, (b) collective action, mobilization and defense of own interest are undertaken by such actors. Many shared attributes, of which ethnicity is one, might however lead to collective actions.

Gurr makes a basic distinction between two broad categories of ethnopolitical groups: national peoples and minority peoples. National peoples include ethnonationalists (regionally concentrated people who pursue autonomy), national minorities, and indigenous peoples. Minority peoples include ethnoclasses (ethnically distinct people, occupying a distinct social status), communal contenders (culturally distinct people who seek a share in state power), and religious sects. On the basis of these criteria Gurr identifies 275 ethnopolitical groups, the majority of which are communal contenders (68) or indigenous peoples (66). In another study, Bercovitch found that ethnonationalist groups and communal contenders have been involved in more than 78 percent of the 131 conflicts. Clearly, any approach to conflict management has to be predicated on the nature and identity of the parties in conflict.

One further dimension that needs to be investigated pertains to the issues that mobilize ethnopolitical groups to engage in conflict. Issues in internationalized civil wars represent the political articulation of some grievance, demands, or strategies. Bercovitch identifies a ten-fold categorization of issues in internationalized civil wars that distinguishes between several types of civil wars.

1. *Secessionist conflicts*. These concern the attempt by an ethnic group claiming a homeland withdrawing with its territory from the state.

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[2] *Minorities at Risk Project* (http://www.cidcm.umd.edu/mar/, last consulted March 1, 2010).

2. *Irredentist conflicts.* Such conflicts are characterized by the movement by members of an ethnic group party to retrieve territory that had once been (or is considered to have been) part of their territory.

3. *Autonomy conflicts.* These reflect an ethnic group's desire for the right of self-government of their ethnic group.

4. *De-colonization conflicts.* These are predicated on the desire of an ethnic group to gain independence from a colonial power.

5. *Religious conflicts.* These are founded on concerned ethnic parties that are organized in defense or promotion of their religious beliefs.

6. *Political Voice.* Conflicts defined as political voice concern the distribution of political influence between relative ethnic groups.

7. *Ideology conflicts.* Such conflicts involve ethnic groups mobilizing to contest the dominant political or economic ideology.

8. *Resource conflicts.* These are characterized by different ethnic groups contesting the distribution and control of resources.

9. *Political control conflicts.* These concern conflict between parties over total regime and control of authority changes.

10. *Genocide.* These are conflicts in which there is a policy of deliberately killing members of a specific ethnic group.

Based on the empirical evidence, he also finds that most internationalized civil wars are fought over issues of secession, autonomy, and ideology. All are intangible issues that do not easily lend themselves to a resolution. Or in other words, they often produce a deadlock in the negotiations between the warring parties.

Terminating internationalized civil wars

Managing and terminating internationalized civil wars is a difficult and complex process, but it is not much different to managing any other kinds of conflict. Like other intractable conflicts, civil wars are not unmanageable. Rather than devise a variety of constitutional accommodative arrangements (ranging from autonomy to federalism), we need to think of how to deal with them in terms of the three basic methods of conflict management that apply to all conflicts. Parties in any conflict may resort to different levels of coercion (physical and psychological) to manage their conflict. They may settle the conflict through peaceful forms such as bargaining and negotiation on their own initiative, or the conflict may be managed through the intervention (binding or otherwise) of some third party. Although there is a common perception that most civil wars are terminated through victory by one side, an analysis of all conflict management activities in our 131 cases of conflict reveals that the practice of external, non-coercive intervention by third party mediation was the most common method of dealing with internationalized civil wars.

Non-coercive interventions can be defined according to the degree of involvement by a third party in the conflict management process (see Touval, 1982). Fisher and Keashley (1991) provide a framework for describing such efforts. Using their terminology, it can be said that conciliation involves a trusted intermediary who provides an informal communication link between the parties with the purposes of identifying the issues, reducing tensions and encouraging the parties to shift their negotiating positions. Arbitration and adjudication involve a legitimate and authoritative third party that renders a binding judgment to the parties. Consultation, or problem solving, involves a third party facilitating analysis of the conflict and the development of alternatives through communication and diagnosis based on an analysis and understanding of conflict processes. The fourth form of intervention is peacekeeping, which involves the provision of military personnel by a third party, or parties,

to supervise and monitor a cease-fire, to undertake humanitarian activities, or attempt to prevent open hostilities between the parties. The final form of third-party intervention is mediation and involves the intervention of an intermediary who attempts to facilitate a negotiated settlement of the substantive issues in the conflict.

Table 3. Mediation outcomes in internationalized civil wars

	Frequency	Percent
Mediation offered only	141	8.1
Unsuccessful	934	53.6
Ceasefire	207	11.9
Partial agreement	406	23.3
Full settlement	53	3.0
Total	1741	100.0

Deadlocks in the Termination of Civil Wars

Conflict management efforts can – and often do – grind to a halt, where progress toward any form of settlement or resolution stalls. This phenomenon may be defined as a deadlock or stalemate. A deadlock stops progress in conflict management. It represents a protracted situation of no agreement between the warring sides, where parties simply can not move forward whatever they do. This is particularly the case with internationalized civil wars. A deadlock can be best perceived as a situation where there is no agreement coupled with an obvious halt in the cycle of negotiations. This is thus a situation where there is no progress, no concessions, continued violence, and where a perception of immobility and inactivity takes hold. It is in short a situation of little or no progress or cooperation. As such, a deadlock may trigger escalation and renewed violence between the belligerent parties, and create a feeling that a compromise is no longer possible. Or a deadlock can help negotiators to reverse their course of action and work harder towards a compromise. Deadlocks and stalemates are very typical of civil wars. This is why deadlocks are so important for us to conceptualize and understand, and why we need to know their causes in order to find out the best way of getting out of a deadlock.

We may think of deadlocks in civil wars *structurally* and suggest that they can be of two kinds; *strategic* (where a deadlock relates to real and genuine basic incompatibilities between the parties) or it can be *tactical* (where it results because of failures to coordinate the process of negotiation). Or we may analyze deadlocks in *process* terms and suggest three types of deadlocks; a genuine stalemate in the process of negotiations, an extended delay in the process, and a complete breakdown in the process. Each of these types of deadlocks may require different coping strategies if the parties in conflict are to transform their situation.

Whilst a military victory is a decisive event that may terminate a civil war, a deadlock occurs in the context of non violent conflict management efforts. A deadlock is not limited to situations where parteis exhibit a low motivation to reduce or resolve the conflict (Bloomfield, Nupen, & Harris, 1998, p. 99). A deadlock may occur, *inter alia*, because of inflexible positions, lack of commitment or desire to resolve a conflict, or political leaders' commitment to their official position. On the international stage, the conflicts surrounding the break-up of Yugoslavia in the 1990's represent an excellent example of the difficult realities faced by negotiators. The issues and complications involved in these conflicts were diverse and included ethnic, religious, and economic factors. In the early stages of the conflict, a combined negotiation effort involving the foreign ministers of Luxembourg, Italy, and the Netherlands was initiated, yet despite their continued efforts, substantive progress toward some form of ceasefire was never achieved (Weller, 1992, p. 571).

Deadlocks may represent a major barrier to the dynamics and possible success of any conflict management effort. They are characterized by a high degree of uncertainty and a low

degree of progress. Underdaal (1983), in an early study, presents four primary causes for negotiation deadlock. Firstly, there is the issue of uncertainty. This occurs when disputants are uncertain about aspects of the negotiation process such as the preferences, perceptions, and beliefs of their opposition, or there is uncertainty about the actual effects of certain proposals. When uncertainty is high, parties will fail to realize possible shared interests and gains, and thus increase the likelihood of a deadlock. Secondly, and related to the issue of uncertainty, is the idea of imperfect (and often inaccurate) information as a possible cause of deadlocks. Both imperfect information and uncertainty will make disputants cautious about moving away from the status quo and particularly skeptical about making any commitments. A third factor which may produce a deadlock in negotiation is the tendency for the process to reinforce certain "stakes." When negotiations begin in this fashion, the likelihood of deadlock is pretty high.   For example, the very act of entering negotiations may have serious repercussions for some parties in terms of reputation, standing and position (e.g., for the U.S. to enter into direct negotiations with Iran may in itself send a series of messages that could affect the U.S. position and reputation in other cases). Finally, some negotiations are destined simply to reach a deadlock or fail, simply due to the absence of a politically acceptable solution model (e.g., any negotiations between Israel and the Palestinian faction of Hamas will reach a deadlock in the very first session of negotiations). Deadlocks can thus occur because of any one (or more) of these factors cited above.

To these initial factors we may add further elements that may produce deadlocks. Here we can mention factors such as the number of negotiating parties (e.g., when many parties are involved, a deadlock is more likely to occur), openness and publicity of negotiations (the more secret the negotiations, the higher the chances of a successful outcome), the nature of the issues in conflict (e.g., the more substantive the issues the higher the likelihood of a deadlock), and the rank of negotiators (negotiations conducted by heads of states or prime ministers are less likely to result in a deadlock). Each and every one of these can produce a serious disruption to any negotiation process.

We can group the causes of deadlocks into two main groups – *process* and *structural.* Process factors relate to the way the negotiation process unfolds (e.g., when parties engage in too much bluffing, posturing, and lying, or when they feel they have no incentive to make concessions). Structural factors relate to such causes as asymmetry of power between the parties (which may result in the stronger party simply stonewalling), or because of certain institutional constraints on negotiations (e.g., a lack of clear guidelines on such issues as chairmanship, prominence of issues, level of representation, etc. stymied the Madrid Peace Negotiations in 1992). The last, though by no means the least important factor, is the one we propose to examine here. This argues that deadlocks occur because of certain domestic political structures and interests (e.g., some political leaders may feel their interests would be better served by creating deadlocks and inducing a sense of crisis than by achieving an agreement). We believe this is an important cause of deadlocks and will spend some time below developing and examining this idea.

Lewicki and Litterer (1985, p. 281) suggest that once a deadlock emerges there are six main factors that characterize it, and make the whole conflict management effort that much more complicated. These factors are both of a strategic and psychological nature. First, a deadlocked environment is charged with anger and frustration and these sentiments are directed at the opposing negotiator. Secondly, as a result of this anger and frustration, disputants' positions become increasingly entrenched and rather than searching for ways to make concessions, parties become firmer in their initial demands and resort to threats and deceptions in an effort to force their opposite to back down. Thirdly, channels of communication which had been active are no longer viable except for the purpose of criticism and apportion of blame. Fourthly, the original issues at stake in the conflict have distorted and become ill-defined. Fifthly, the parties perceive extreme differences between their respective positions and areas of commonality are perceived as either minimal or non-existent. Finally, the in-group dynamics of the disputants will change. Disputants will tend to

view those on the same side more favorably and minimize any differences that exist. In an effort to present a united front to opponents, leaders will demand more uniformity within their team and increasingly autocratic and militant leadership styles will emerge (Blake & Mouton, 1961). Whichever way we look at it, deadlocks are very difficult social situations with serious consequences negotiation at any level.

Breaking or Overcoming Deadlocks in Civil Wars

As mentioned earlier, deadlocks present major obstacles preventing progress toward a reduction in conflict. In fact, we can say that deadlocks may actually intensify conflict as disputants become increasingly entrenched in their positions. And yet, on some levels it may be posited that deadlocks actually create opportunities for conflict management, for if nothing else, they at least provide us with signposts as to the real state of the negotiation. Is it possible to see deadlocks as opportunities? There are very few studies that attempt to address this issue. Yet, we must clearly see deadlocks as a warning sign as well as an opportunity. Our task is to ensure the opportunities are grasped and the deadlock broken. This is not an easy task when the causes of a deadlock are structural.

Some scholars believe that all it takes to break a deadlock is to educate the parties and refocus their efforts. William Ury (1991) provides a good example of such an approach. Ury states that certain negotiation situations are particularly susceptible to deadlock and that these situations call for more than just ordinary negotiation skills. These situations are generally characterized by the presence of particularly difficult issues, and clearly hostile disputants. The combination of these two factors creates a deadlock of some sort. To overcome such deadlocks, Ury provides negotiators with a five step process, which he refers to as "breakthrough negotiation." The first step emphasizes the importance of avoiding an adverse reaction to initial positions. This can be achieved by stepping back from the conflict and attempting to distance actions from impulses and reactions. Secondly, disputants must diffuse their anger, fears, and suspicions. Thirdly, Ury emphasizes the importance of reframing an opponent's position rather than rejecting it, as this generally only strengthens and reinforces it. Fourthly, mediators should be enlisted to help disputants to save face and provide them with an easy way out of the conflict. Finally, if one party is still committed to unilateral methods (i.e., violence) in the hope of achieving all its objectives, that party must be educated by third parties and others, as to the folly of this course of action (*ibid.*). Ury's conception of negotiations as a process that can just keep on moving forward irrespective of circumstances is as touching as it is erroneous.

In a similar vein, Bloomfield, Nupen, and Harris (1998, p. 99) outline a number of "tried and tested techniques" which may be useful for overcoming situations of deadlock. The first of these is the idea of building a "coalition of commitment" between members of both the parties who still value the negotiation process. A strong pro-negotiation coalition can increase pressure on those causing the deadlock by the implicit threat that they will take the blame if the talks stall or collapse. A second technique is the use of unofficial channels of communication, which can supplement the official negotiation process. Where a specific issue is causing deadlock, the use of subgroups or subcommittees may be convened to address that specific issue. The use of subgroups can divide the agenda into more manageable segments. A further technique for dealing with specific issues, particularly when emotions are running high, is the use of "proximity talks." This technique eases the pressure on the disputants by separating them into different locations (but in relatively close proximity, for example, different rooms of the same building). Disputants will then communicate entirely through a nominated chairperson.

Lewicki and Litterer (1985, p. 280) also discuss the problem of how to break a negotiation deadlock. They make an important point by noting that negotiation techniques are particularly difficult to implement "in the heat of the battle." Under conditions of mistrust and suspicion, disputants will often view indications of cooperation or concession as tricks or ploys aimed at luring their own party into a position of vulnerability. Lewicki and Litterer introduce a range of

methods to help move disputants away from deadlock. These can be summarized as techniques to reduce or release tension; improvement of the accuracy of communication; controlling the issues that are under negotiation; establishing commonalities; and techniques regarding how to make preferred options more desirable to the opponent (Lewicki & Litterer, 1985, pp. 282-299).

A common theme regarding the causes of deadlock is that the fear of one or both disputants losing face will prevent them from moving toward agreement (Deutsch, 1973; Rubin & Brown, 1975; Tjosvold, 1974). Examples of situations where maintaining face has hindered negotiations include the 1951 Korean ceasefire negotiations, the 1972 Vietnam talks in Paris, and the continuing negotiations in the Middle East (see Brown, 1977, pp. 275-276). In response to this, a deadlock may be broken, by allowing disputants time to present options to their constituents, and seek approval for their actions (see Bloomfield, Nupen, & Harris, 1998, pp. 99-102). Additionally, negotiators may shift responsibility for any concessions on to a mediator, so that they at least can be seen as sticking to their original position.

While acknowledging the importance of saving face in negotiations, Hawkins and Hudson (1990) argue negotiation deadlock primarily occurs when either one or both of the disputants are not having their important needs meet. As such, the first step to resolving deadlock is to re-evaluate the disputants' needs to insure that they are accurately identified. Once disputant needs are accurately identified, the content of discussion, and negotiation style and behaviour should be changed accordingly. Processes such as redefining issues in a new and different manner; finding a bridging issue; recapping areas of agreement; recollection of previous good association; and discussion of the failure to negotiate are all put forward as additional techniques to help disputants move beyond deadlock (Hawkins & Hudson, 1990, pp. 109-110).

Rubin, Pruitt and Kim (1994) suggest a further explanation for negotiation deadlock arguing that stalemate is commonly caused by entrapment. Once disputants invest a certain amount in a conflict, they become increasingly reluctant to sacrifice that investment, regardless of how fruitless the conflict has become. On a large scale, the American involvement in the Vietnam War, or the Soviet invasion of Afghanistan provide us with good examples of how costly entrapment can become (Ibid, p. 209). A range of strategies are recommended to overcome problems of entrapment such as setting limits; ensuring disputants stick to these limits; and reminding disputants of the costs involved (Ibid, pp. 215-216).

What has been considered so far could be described as the "conventional" approaches to negotiation deadlock. Most of these approaches simply see deadlock as a result of problems in the way in which negotiation is applied. As such, the techniques prescribed to deal with deadlock essentially amount to an extension of the negotiation process, for example clarification of positions, or allowing disputants' time to cool their heels. Some research considering negotiation deadlock discusses approaches to the problem which are distinct from the basic negotiation process. Lewicki and Litterer (1985) suggest that when negotiations become deadlocked, it may be necessary to introduce a new form of conflict management. Arbitration, mediation, and process consultation are put forward as potential alternative forms of conflict management. The benefits of moving to a completely new form of conflict management, such as mediation, have been identified by a number of scholars (Bloomfield, Nupen, & Harris, 1998, pp. 108-109; Pruitt & Carnevale, 1993).

Mediation in civil wars

Mediation is an important method of dealing with conflict, and it is the first one we discuss as a way to break deadlocks in negotiations in civil wars. For many reasons it is a favored form of peaceful third-party involvement. Unlike conciliation, mediation allows a mediator to take a more active formal role in the process. Mediation may also include more informal forms of third-party intervention such as the provision of good offices, inquiry, or fact-finding. At its

best, mediation can help the parties address the substantive issues in a conflict. A mediator is able to steer the parties toward agreement through communication and diagnosis, and may press and reward the parties so as to have a degree of control over the context of the conflict and its process.

Mediation, in comparison to other methods of peaceful intervention such as arbitration and adjudication, is a voluntary process in which a third party offers non-binding assistance (in various forms) to the disputants to help them move towards a mutually acceptable agreement. Given the voluntary, non-coercive nature of mediation, and the polarized and entrenched nature of internationalized ethnic conflict, mediation provides, on the face of it, a non-threatening way of transforming, de-escalating, or settling such conflicts.

Mediation is best viewed as a process that is used world wide in numerous kinds of conflicts, interstate as well as intrastate, and can be systematically studied within the broader context of negotiation and conflict management. Definitions of mediation may focus on mediation behavior, mediator identity, or mediator resources (Fisher 1995). Some definitions are broad; others are quite specific. Given the immense scope of mediation, Bercovitch, Anagnoson, & Willie (1991) offers the following broad definition. Mediation is:

A process of conflict management where disputants seek the assistance of, or accept an offer of help from, an individual, group, state or organization to settle their conflict or resolve their differences without resorting to physical violence or invoking the authority of the law (Bercovitch et al., 1991, p. 8).

Parties in conflict, whether domestic or international, have alternatives other than mediation. They choose it *voluntarily* because mediation embodies some international norms they wish to uphold, or because they expect greater payoffs from mediation than from other conflict management methods. Either way mediation is an adaptive form of conflict management – the context of each conflict situation is highly variable in terms of the nature of the parties, the issues, the dispute, and the mediator. Mediation must develop and respond to the context of a conflict if it is to be effective. It is well suited to the reality of civil wars, as parties in such conflicts rarely have the desire or inclination to talk to each other, and their high level of hostility and violence means that talking and communicating with the other is precisely what is required. Outsiders can have a positive influence on the process and evolution of a civil war through discouraging violence or providing facilities to determine resource distribution. Under some well established conditions mediation may prove to be a decisive factor in the termination of civil wars.

Mediation Success in Civil Wars

A number of approaches to the study of mediation have dominated the literature (see Bercovitch & Houston, 1996). Broadly speaking these approaches represent the single case study tradition (see Ott, 1972), experimental studies, interviews and observations (see Kolb, 1983), and the systematic, empirical tradition (see Bercovitch, 1986). This tradition examines a large number of mediation cases, and tries to relate mediation outcomes to a wide array of independent variables describing the context and process of any conflict situation. Wall, Stark, and Standifer (2001) refer to this aspect of the literature as aggregate outcome determinants.

Which are the most important independent variables in affecting, or determining mediation outcomes? The literature on mediation is consistent in identifying four factors as likely to have the most effect on mediation outcomes (Henderson, 1996). These are (a) issues in conflict, (b) conflict level or intensity, (c) mediator rank, and (d) timing of mediation. Let us review each of these in turn.

Issues in conflict are invariably seen as affecting mediation outcomes. Issues define the underlying causes of a conflict. They may not always be clear, but the parties' perception of issues in conflict defines the parameters of any conflict. When dealing with interstate

conflicts, we study issues of territory, sovereignty, security, and ideology (for more on issues and conflict, see Chapter 16). Here, we are interested in the relationship between mediation and our tenfold classification of issues that characterize internationalized civil wars.

Conflict level or intensity refers to the level of costs incurred by both actors in conflict. Conflict costs can be computed to include material costs, human costs, or any other kind of costs (e.g., reputation, etc.). The idea here is that there is some relationship between conflict costs and mediation outcomes. Two contradictory strands characterize the literature; some argue that this relationship is direct, others that it is inverse. Which way does this relationship hold in the case of internationalized civil wars?

The literature on mediation often alludes to the importance of the personal factor (see Young, 1968). Just how important is mediator identity in this equation? Whilst we can hardly evaluate the impact of mediators' personal traits and attributes, we can perhaps analyze the extent to which different mediators, representing different bodies and organizations can bring their organizational attributes and resources to bear. Do impartial mediators or high-rank mediators achieve greater success in internationalized civil wars? Is rank related to outcome? These are all fascinating questions, but out of the scope of this chapter.

Finally, the notion of mediation timing seems to be used by many as a predictor of a successful outcome (e.g., Edmead, 1971; Pruitt, 1981). To be effective, mediation must take place at a propitious moment in the life cycle of a conflict. But how exactly can we recognize a propitious moment? Some argue that it occurs early in a conflict, others suggest that this moment occurs much later in a conflict (see Northedge & Donelan, 1971). Timing certainly affects mediation effectiveness, but in which way? Bercovitch and Lutmar (2010) find that mediation is more likely to occur in international conflicts when there is a leadership change in one (or both) states involved. This brings us to discuss the second way we think can break a deadlock in negotiations in civil wars – leadership change.

Conclusions

Fragile (or failed) states have been plagued by civil wars for many years now. They are amongst the most difficult of all forms of conflict. Civil war causes fatalities, most of them non-combatants, they are nasty and brutish, they are very hard to terminate or resolve, and they cause regional and international instability. What is more, they also tend to re-occur, often with more violence and destruction. Deaths from social dislocation, economic and social collapse which are typical of intense civil wars run into the millions. Whichever way we look at it, it is clear that civil wars merit a very serious analysis indeed.

In this chapter we tried to address the issues of fragile states and civil wars by defining the concepts, distinguishing their various forms, suggesting patterns in the occurrence of civil wars, and highlighting the tendency of most civil wars to internationalize. We have argued that this last feature makes civil war termination even more difficult to achieve. When it comes to termination, most studies address the issue in terms of a military victory (which produces a decisive outcome) and negotiation efforts (which produces at best a murky and uncertain outcome). Our aim has been to try to explore this issue from a different perspective.

We argue above that any form of conflict management in civil wars is likely to produce a stalemate or a deadlock, given the intractable realities of entrenched parties, difficult issues, and a sense of identity and grievance that parties bring with them to a civil war. Conflict management is hardly likely to be a liner process in civil wars. Given that we are likely to face a deadlock in our negotiation efforts, how best to break it? How best to overcome it and move to another phase of conflict management? In this chapter we advance two propositions. We argue that non coercive intervention by an outsider, or outsiders is the best process to break out of a deadlock.

Outsiders, acting as mediators, can help parties in a civil war establish some lines of communication, think about goals and means, and work to develop some credible commitments to a peaceful outcome. Given the complex nature of civil wars where parties do not even countenance talking to each other, it seems that outside intervention is one of the best means of helping to terminate a civil war.

We have presented some initial and tentative data that supports our ideas. This is an exploratory paper and we believe that more research is needed on these two social processes and their contribution to the termination of civil wars. More research is warranted in this area. We need to be able to evaluate the success (whatever that may mean) of these processes. In addition, we need to examine whether they lead to longer periods of peace and reduced chances of recurrence. Many of these questions are still open to debate, and we hope to revisit a few of these questions in our future efforts.

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