

## **Rethinking Peace Mediation: Trends and Challenges <1>**

**Catherine Turner and Martin Wählisch <2>**

### **Introduction <2>**

This volume comes at a time when the United Nations, regional organizations, and their Member States are actively seeking new ways of better using mediation to sustain peace. It is also a moment where multilateralism and the principles of the rules-based international order for conflict resolution are under strain. Meanwhile, normative considerations have increasingly shaped the framework for peacemaking in the last decade, seemingly to professionalize the peacemaking field. Operational and practical challenges for mediators have multiplied in a world where the global-local nexus has become tighter and is overshadowed by transnational threats, including terrorism, cybercrimes, and climate change. Fast-moving global megatrends such as rapid urbanization, demographic shifts, technological leaps, and international economic connectivity have changed conflict patterns and challenge peace mediators to adapt their traditional approaches. This book brings together scholarly and practitioner perspectives on this altering landscape of international conflict resolution. It provides new insights and perspectives on the contemporary parameters conflict parties operate in, explores new trends in peace mediation and invites readers to think critically about the future of peacemaking.

### **Trends and Developments in Peace Mediation <2>**

As the nature of conflict has changed over the past centuries, so too have the means available to address them. Peace mediation has increasingly become a diverse field, incorporating a range of new actors and techniques. Non-state mediation support actors, non-state armed groups and even international business corporations are now players in the peace and conflict theatre of this millennium. Conflict resolution ‘science’ and reflective practice have contributed their part in taking stock of lessons learned and identifying best practices, both perceived and proven. The teaching of mediation courses as part of international relations studies, specialized university programs, and various training for practitioners in the peacemaking scene has flourished. In parallel, foreign ministries of some States have progressively institutionalized dedicated mediation units alongside international and regional organizations. As will be explained

in further detail in chapters of this book, the scope of policy documents trying to capture guidance, give instructions or at least provide inspiration to peacemakers has significantly grown. Perhaps this is what is meant when both practitioners and scholars talk about the “professionalization” of peace mediation.

Recent years have seen profound changes in mediation scholarship and practice, including contestation of mainstream and settled postulations of how best to mediate and end conflict (Hinton et al., 2019). This critical turn reflects a significant evolution in dominant understandings of mediation and peace support in policy and practice that started with the shift from an exclusively state-centric approach towards a model rooted in the ‘liberal consensus’ on the value of rule of law and rights-based approaches to peacemaking (Richmond, 2018). Within this contemporary framework, peace mediation is now connected to broader goals of social reconstruction and liberal peacebuilding with new thematic areas of priority, such as constitution-making, gender aspects, and attention to local, bottom-up peacemaking initiatives (Lehti, 2017).

Despite vast efforts to make peace mediation more effective, ordered and utilized, conflict remains a reality of international affairs and maintains intra-state fragility in many regions of the world. Humanity’s fascination with war, high military expenditures and constant developments to weapon systems make the ‘peace industry’ look, comparatively, minor. Without a doubt, the financial investment in war vis-à-vis its prevention are disproportionate. Eventually, attempts to professionalize peacemaking might be the counter movement to the warfare profession where codes of conducts, field manuals, medals, and war memorial have been defining a military elite that is trained to ultimately use force to defend themselves or confront others. Some diplomats claim that they are the genuine peacemakers with the necessary finesse to bring others together and talk them out of military escalation, but only a few foreign office officials have actually been properly tutored and mentored to cope with the role of being an impartial third party equipped with skills that go beyond formal diplomacy techniques and rituals. One indication of the urge for more discipline and deeper understanding of process design and substantive areas is the acknowledgement by the UN General Assembly in 2016 which stressed that “effective mediation and mediation support

require systematic efforts at all levels.”<sup>1</sup> In its landmark resolution adopted by consensus of all Member States, the General Assembly underlined that “timely conflict analysis, development of case-specific strategic road maps for mediation drawing on best practices and lessons learned, and identification of appropriate expertise” are vital.<sup>2</sup> This rather recent development in the UN, in contrast to its seventy-five-year long-mandate for mediation and good offices, shows that the bar for providing adequate peace mediation assistance and support is being set progressively higher. Potentially, it reflects the frustration or aspiration of the international community to handle conflict more instantly and sustainably. The debate in the UN about the “sustaining peace” agenda, including in the Security Council, stands symbol for this trend driven by the hope that smarter ties between the prevention, resolution and peacebuilding continuum could diminish the risk of reoccurring violence.<sup>3</sup>

In contrast, if we disregard the drift towards improving the means and systems for peacemaking, what some might call ‘old school’ mediation is still very present and much needed. This starts with the practice of shuttle diplomacy, the belief in the need for physical face-to-face talks around a negotiation table, and standard components of peace agreements. Indeed, the term peace mediation is now more widely used in international affairs and in the academic literature, which seems to make it sound trendier while real-world practical obstacles remain. Different models of mediation continue to co-exist, with limited effective co-ordination between actors or approaches. As various chapters in this book will show it is noticeable that mediation has become a tool for the projection of the values of the international community such as regarding inclusivity and the respect for the rules of international law. Meanwhile, the re-emergence of global political rivalries and polarization with the loss of entrusted multilateralism presents a new challenge to the overarching consensus on mediation as a key instrument to sustain peace.

### **Challenges to Peace Mediation in the 21st Century <2>**

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<sup>1</sup> General Assembly resolution 70/304, 26 September 2016.

<sup>2</sup> Ibid.

<sup>3</sup> Security Council resolution 2282 (2016), 27 April 2016.

While professionalization and multi-track efforts have been part of a response to trends and developments in peace mediation practice, new challenges have emerged. First, a serious question remains over how best to manage the diversity of voices now present in the mediation space. Just as the scope of conflicts has been fundamentally transformed since the end of the 20th century, moving away from inter-state constellations to conflicts that engage whole societies and involve multiple conflict actors with multiple competing priorities, so too has the range of actors who must be engaged in mediation processes (Griffiths/Whitfield, 2010). As mediation was traditionally understood as a form of peace diplomacy, research has focused on themes such as the choice and motivation of the mediator, the limits of statecraft and soft power, as well as the techniques of peacemaking in this context (Svensson, 2014; Bercovitch/Gartner, 2010; Croker, 2001). Analysis has centred on the relationship between the different actors within the process, and the successes, failures and limitations of particular approaches (Vukovic, 2015; Sisk, 2009; Darby/MacGinty, 2003). Less attention has been paid to the substance of those interactions, the role of support actors, or indeed to the nature of the relationship between mediation and peace (Clowry, 2019; Convergne, 2016). As discussed by both Kastner and Palmiano-Federer in this volume, mediation support entities bring their own values, priorities and understanding to the mediation field. As de Groof suggests in this volume, the practices of mediation support actors have gradually created the norms they purport to implement. This has inevitably led to a creeping lack of conceptual clarity about the core functions, motivations and responsibilities. These contemporary dynamics bring not only practical challenges in terms of co-ordinating the efforts of the different actors, but also normative challenges, as discussed by Pring in this volume, when different players promote different values and objectives to the process. As a result, in some cases mediation efforts are complementary to each other, while in other instances they are lacking strategic links and mutually counterproductive (Lehman-Larsen, 2014).

Second, there is still a lack of clarity, or indeed consensus, on what the lived ‘core’ principles underpinning mediation actually are. For example, it is now widely accepted that as a matter of best practice mediation should be inclusive and that it should observe the rules of international law. And yet there is very little clear guidance on what these terms mean or how they are ought to be operationalized. Landau and Hirblinger in their chapter in this volume highlight the complex and competing understandings of

‘inclusion’ that can be discerned from mediation policy. Tarnaala further exposes the tensions that exist in trying to create space for civil society actors to engage in a state-centric model of mediation. The dominance of the foreign policy paradigm can consequently have the effect of preventing meaningful engagement with local processes and local actors. This risk is pointed out by Van Santen and by Kaye in their chapters where they highlight the exclusion of respectively ‘criminal’ groups and business communities from peacemaking activities. Van Santen in this volume draws attention to the circumstance how the epistemic biases of the mediator will have a significant bearing on who is invited to engage in the process. This is particularly true in respect of the rules on ‘terrorism’ which profoundly shape how mediators engage with armed actors. Addressing these challenges requires looking beyond a limited understanding of inclusion as adding new actors and towards new paradigms for engagement that fundamentally rethink why new groups are included and how they contribute to the effectiveness of mediation.

Third, a challenge is the resurgence of geopolitical polarization and the risk that the liberal consensus that has allowed for the professionalization of the peacemaking field now gives way to a more instrumental use of peace mediation in service of larger strategic aims. Rather than strengthening the existing rules-based international order and supporting multilateral organisations to sustain peace, the trend appears to be towards rivalry and militarisation. There is a risk that mediation becomes exclusively a cover for the promotion of specific foreign policy agendas which would have long-term negative consequences for its acceptance as a form of dispute resolution at any level. A breakdown in consensus on the value of mediation, or the hijacking of its ostensibly impartial process to mask foreign policy interventions is a real concern, and one which peace mediators must be willing to address.

### **Outline of the Book <2>**

Critical thinking has been a common theme in conflict resolution studies, not least as part of self-awareness, its contribution to process empowerment and its scholarly philosophy that is intrinsic for both teaching and learning about peace and conflict (Rothman, 2014). This edited volume aims to contribute to this overall objective to continuously gain deeper perspectives, explore new skills and challenge contemporary

assumptions concerning peacemaking. The evolution of peace and conflict theory has progressed precisely because perceived dogmas of correlation-causation equations, conclusions from regional studies, process design parameters and other issues have been constructively questioned, tested and modified over time. The combination of orthodox and heterodox approaches to peace and conflict in international relations has eventually resulted in the rich variety of mediation, conflict resolution, conflict transformation and peacebuilding understandings that currently exist to make sense of order, norms, structures, power, the role of international organizations and intergroup dynamics (Richmond, 2010). The eclectic and interdisciplinary field of peace studies, considering its multiple teleologies, canons, influences, and biases, was able to improve and grow whenever new, experimental and unconventional views contested the mainstream and settled postulations of how to best mediate and end conflict (Hinton et al., 2019). This book stands in this spirit of constructively “re-thinking” peace mediation based on practitioner-scholarly collaborations for the betterment of peacemaking.

This volume is structured along three main themes which have emerged from recent scholarship on peace mediation and reflect the above-mentioned challenges, namely normativity, inclusivity, and engagement. Each of the themes is interrogated in a series of chapters that take both theoretical and empirical approaches to the theme.

The first theme of normativity considers the normative framework within which peace mediation actors now operate. As noted above, there has been a significant normative turn in mediation in recent years. The full consequences of this have not been fully explored. Each of the chapters offer insight into both the explicit and the implicit effects of the normative turn in mediation. Rather than focusing specifically on the norms themselves, each chapter considers the complex relationship between actors and norms and the ways in which norms shape or are shaped by the practices of mediation actors. Philipp Kastner in his contribution considers the role of norms in the professionalization of the field. Scrutinising documents promulgated by the United Nations, the European Union, the African Union, and the Centre for Humanitarian Dialogue, he highlights that the growing trend to depict peace mediation as a professionalised activity is promoted mainly by experts in this field. He notes how the multiplication of actors in the field and the articulation of a normative framework as an ostensive route to

‘professionalisation’ can, in itself, contribute to the legitimisation of peace mediators, thereby rendering mediation processes more effective. However, Kastner also offers a note of caution. Confronted with the shrinking number of peace agreements he calls for more flexibility in mediation practices and experts’ scope for action. Continuing the interrogation of the relationship between actors and norms, Emmanuel de Groof in his chapter highlights the methodologies and practices that shape the normative framework of peacemaking, offering a multi-dimensional analysis of the way in which peacemaking practices are narrated by key actors. Navigating three normative layers of peace processes he investigates the connexion between, first, the professional deontology of peacemakers, mediation practices and values; second, domestic laws and constitutions; and third, the progressive development of international law in relation to transitional governance. De Groof contemplates the potential consequences of this ‘jurisgenerative train’ arising from the connection between actors and norms on peace practices, the credibility of practitioners, and eventually, on peace processes. In their contributions Sinisa Vukovic and Julia Palmiano-Federer examine the processes of norm diffusion through NGO actors in peace processes. Following her analysis Federer concludes that non-governmental organizations can function as both norm makers and norm takers during peace processes despite, and perhaps due to, their frequent lack of an official mandate. Moreover, she underlines that they lack of awareness concerning their power to encourage particular norms, and to support their broader diffusion within international society, are emphasized. In the final contribution to this section Asli Ozcelik presents an empirically grounded analysis of the role of norms in the Colombian peace process. Focusing on the ways in which norms pertaining to justice shaped the Colombian process, she neatly illustrates the practical challenges of ‘legalised peacemaking’. Through her analysis she highlights how the norm-driven approach to peace mediation, particularly as it pertains to international law, must be assessed with care. Based on the applied case study, Ozcelik warns that international law has a limited prescriptive reach in providing clear and specified normative parameters, and that such regulation risks being strategically instrumentalized during mediation. She emphasizes that international law is political and stresses that therefore claims that compliance with international law renders mediation legitimate or durable should be viewed with a degree of caution

The second section focuses on the concept of inclusion, exploring both conceptual and practical challenges to inclusive process design. From the contributions to this section it becomes clear that inclusion is not simply a matter of adding new groups to the existing structures of mediation, but rather than a genuine commitment to inclusion might require a radical rethinking of some of the assumptions that currently underpin mediation theory and practice. The section begins with a meta-level exploration of the concept of inclusion from Andreas Hirblinger and Dana Landau. The chapter presents a detailed typology for understanding inclusion in peacemaking theory which the authors use to assess instructions for inclusive peace process put forward in key UN documents. Their analysis reveals a tension between the international normative framework – that promotes the protection of included groups – and mediation guidance documents which emphasise the merit of relational framing. They suggest that a relational inclusion strategy may foster a peace that is both more contextually grounded and more focussed on long-term conflict transformation. The theme of tension between the strategy of inclusion and its implementation in practice is continued by Elisa Tarnaala in her contribution on women's peace advocacy and inclusive processes. Tarnaala invites her readers to rethink mediation from the perspective of political transition and social mobilisation, arguing that post-conflict political transition and inclusive peace processes must be negotiated in the light of two key factors: the regime type and the historical space for civil society. She calls for mediation practices that would demonstrate greater sensitivity to national processes and local trajectories. Tarnaala contends that mediation should be considered beyond political transitions that are not contingent on specific time frames, but rather, as episodes where claims and actors involved durably shape the future relations between powerholders and challengers. This theme is continued by Van Santen in her chapter, in which she highlights how current mediation practice is rooted in the liberal peacebuilding paradigm which itself inherently excludes certain groups of social actors from mediation processes. Analysing inclusion through a case study on the politics of inclusion of violent non-state actors in the Mali peace process, Van Santen analyzes the manner in which the drive to render mediation 'inclusive' is adapting to contemporary intrastate conflicts. She suggests that 'new' mediators are less constrained by the liberal peacebuilding agenda and are thus uniquely placed to encompass traditionally excluded 'criminal' elements within negotiations. She urges peace practitioners to redevelop their understanding of the notion of inclusion, ensuring the norm encourages



engagement by mediators at the local level. This theme is also explored by Jeff Seul in his contribution on mediating across worldviews. Seul suggests that mediation is currently ill equipped to mediate where the fundamental drivers of conflict can be attributed to worldviews. In addition to greater local engagement, meaningful inclusion in this context would require grappling with two profound questions: how are worldviews entwined with power structures within the international system, and how might the system need to change if we were to take more seriously other worldviews that have had relatively less influence in international affairs up until now? Finally, Josie Lianne Kaye explores another group traditionally excluded from the ‘political’ business of peacemaking – the business community. Working through the case study of the conflict in Yemen from 2011 to 2016, Kaye critically evaluates the inclusion and exclusion of business leaders from the UN supported peace process. The marginalisation of local businesses, she warns, underscores the imperative of extending the discourse and political practice of inclusion that would give a greater role to local actors. Kaye describes the potential power of influence of local business leaders as an “untapped resource” and makes a case to consider mediation practices through a “business lens”. She considers the latter to be particularly appropriate to overcome the gap between peacemaking and post-conflict reconstruction processes.

The final section brings together aspects that impact, sustain and accelerate engagement in peace processes. Beyond the idea of inclusion, the chapters presented in this section explore the questions of ‘who’ engages, ‘how’ they engage, and ‘when’ in terms of the strategies that they use. In this regard it presents a diverse range of strategies for engagement, and reflections on their strengths and weaknesses. Each of the chapters provide important insights into new trends and challenges for mediation actors. In his contribution Francis Ward analyses options for non-state mediators in the age of multilateral proxy conflicts. Building on the analysis of the engagement of multiple actors in peace processes, Jamie Pring highlights the risks this poses for the coherence of mediation support efforts. Using the relationship between the UN, the African Union, and the Intergovernmental Authority on Development (IGAD) as a case study, Pring highlights that the divergent interests and practices of different organizations and suggests that this divergence in values could hinder collaboration during peace processes. In this context, she urges that capacity building for mediators should be

accompanied by frank discussions concerning deviating normative priorities. This chapter adds an extra layer of depth to the analysis of Kastner in that it highlights the realities of competing values on mediator behaviour. Turning to one of the most recent innovations in mediation, Irene Fellin and Catherine Turner present a comprehensive overview of the establishment of the new networks of women mediators. Their chapter outlines the emergence of these networks from the field of women peace and security and provides not only a detailed overview of the development of networks as a strategy to increase the representation of women in mediation, but also a careful critique of some of the potential barriers and limitations faced by the Networks in fulfilling their role. Central to their analysis is the question of 'how' Networks engage in the peace mediation field. Continuing the inquiry as to 'how' new actors engage in mediation, Miguel Varela assesses the implications of online communications for peace mediators. Highlighting and addressing growing importance of social media in the modern world and peace practices, he concludes that the survival of the profession may depend on mediators' capacity to embrace the prospect of working with digital technologies and to move towards a 'technology of peace or mediation'. Varela also argues that technologies should be contemplated and used as an opportunity to strengthen the link between local and international practitioners, as well as to create more inclusive and better-coordinated mediation processes that have a measurable impact on decision-making. Finally, in their contribution, Mir Mubashir, Julian Klaube and Luxshi Vimalarajah consider the relationship between peace mediation and constitution making. In particular they ask the question of 'when' constitution making should be addressed, suggesting that a closer collaboration between the two processes- which draw on similar techniques- would benefit the field of mediation. They make a case for rethinking and (re)assessing the conceptual and practical relation between mediation and constitution making. They also assess how an interdependent relationship may be forged to better contribute to the transformation of conflict for sustaining peace, calling for the creation of a complex and adaptable design of peace (sub)processes to allow multiple and diverse actors to engage collaboratively with the dynamic nature of the nexus.

Finally, the contribution of Lars Kirchhoff and Anne Kraus reflects on the professionalization of peace mediation with reference to the previous chapters, exploring whether and how professionalization and regulation affect the outcomes of mediated negotiations. Noting that we do not yet know whether the attempts over the

last decade to better regulate mediation have had an impact on the effectiveness of peacemaking, they propose an analytical framework for carrying out precisely this assessment, incorporating the insights of the preceding considerations in this volume. Kirchhoff and Kraus described the professionalization process as being “advanced yet highly volatile” and concluded by calling for further, more detailed research into the causal mechanisms at work during peace mediation.

### **Conclusion <2>**

It remains remarkable that as a form of intervention peace mediation continues to enjoy the support of both liberal internationalists and political realists. This offers optimism to those who are committed to the field. With its emphasis on process, the political task of mediation avoids some of the difficulties associated with both power diplomacy and the enforcement of international law. While sceptics argue that peace mediation failed to deliver instant results in ending the armed conflicts in Syria, Yemen, Libya and elsewhere, and at worst may be being used as a pretext for prolonging the peaceful solution of conflict to win time for a military victory, this does not remove its value. As there are undoubtedly challenges ahead, this volume tries to offer new insights and pose new questions to mediation scholars and practitioners with the aim to strengthen rules-based global order.

The widespread appraisal and expansion of mediation as a dispute resolution tool has noticeably resulted in its growing “professionalisation” over the last decades, domestically, regionally, and internationally in the context of diplomatic peacemaking (Andrews, 2017). Institutionalization, regulation, accreditation, standards, research and theoretical developments are signals of this trend (Alexander, 2017). There is a growing body of internal guidance, policies and aspects of emerging law that provides a more defined normative framework within which peace mediation efforts are to be conducted. Seen in these terms, peace mediation has become indeed a vehicle for the projection of the values of the international community of how conflicts are envisioned to managed, solved or prevented.

Whether the notion of professionalism has led to an improvement in terms of smoother peace processes, enhanced confidence of stakeholders, and eventually more sustainable

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peace agreements still needs vigorous empirical and causal analysis (Wallensteen/Svensson, 2014). Evaluating the success or failure of peace mediation also depends heavily on the way in which its purpose is defined. Nowadays, understandings of the scope and utility of peace mediation seem to be more fluid. Mediation extends along the sustaining peace continuum, which leaves much room for political manoeuvres that might explain its popularity in diplomatic circles.

A relatively new trend is that high-level peace mediation processes are now routinely accompanied or shadowed by a range of external support actors, including quasi-governmental and non-governmental organizations, that are specialized in thematic areas and can engage conflict parties on multiple tracks (Lehti, 2017). As case studies in this volume show, mediation support actors often promise to honour conflict sensitivity but risk imposing predefined models and solutions that suit the interests of donors and agendas of influential conflict bystanders. In an ideal instance, peace mediation support entities would reflect about how and why a desired change is expected to happen in a particular context, applying a critical approach of methodology for planning, participation, and evaluation of their work. However, in practice, peace mediation support is often less grounded in concrete strategies and can be, at worst, disorganized (Lehmann-Larsen, 2014). In this regard, the proliferation of practitioner guidances and normative directions for mediators pose additional challenges to the field as the expectations for due diligence and ‘properly’ performed mediation have risen.

Lastly, “re-thinking peace mediation” describes a compact between scholars and practitioners to jointly pursue innovation and critical approaches to peacemaking. In this spirit, we hope that this volume will motivate further interdisciplinary efforts, challenge thoughts on perfect and imperfect solutions, and nurture constructive curiosity to improve collective efforts to sustain peace.

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