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JOANA AMARAL

PRE-EMPTIVE OR PREVENTIVE MEDIATION?

**HIGH LEVEL MEDIATION IN THE
WIDENED PREVENTIVE DIPLOMACY
AGENDA**



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ABSTRACT

The continuing changing nature of conflict and violence in the past two decades, coupled with a decrease in financial resources, catapulted preventive diplomacy to the international community's security agenda. If originally the preventive diplomacy doctrine aimed at the short-term goal of preventing violence or conflict escalation, today it has come to encompass tasks aimed at resolving the underlying issues that cause and fuel conflict. In parallel – promptly deployable and cost-effective – mediation has become a more and more sophisticated and increasingly deployed instrument of preventive diplomacy. However, there is no consensus in the literature on how high-level mediation serves preventive diplomacy goals. The question of whether preventing conflict means to prevent the onset of (armed) violence in conflict, or whether it makes sense to talk about violence prevention at later stages of the conflict's cycle, permeates the evolution of the preventive diplomacy doctrine and literature and divides opinion in mediation literature. The following literature review aims to offer an understanding on how mediation works as a preventive diplomacy instrument by synthesizing the literature and bridging it with a contemporary understanding of the concept. It does so through a parallel review of the evolution of the concept of preventive diplomacy and its agenda and conflict mediation literary debates on mediation timing, strategy and outcomes in conflict prevention. It concludes, first, that high-level mediation is better equipped and understood as an instrument of preventive, rather than pre-emptive mediation, and denotes that while the preventive diplomacy agenda has expanded, mediation literature has tended to have a narrow view of the extent to which mediation can contribute to preventive diplomacy goals.

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PRE-EMPTIVE OR PREVENTIVE MEDIATION? HIGH-LEVEL MEDIATION IN THE WIDENED PREVENTIVE DIPLOMACY AGENDA.

1. INTRODUCTION

The strain put on the international community's *peacekeeping* capacity to, timely and adequately, respond to the multiplication of intrastate conflicts in the post-Cold War period brought conflict prevention to the fore of the international peace and security agenda. Consequently, preventive diplomacy developed as a cost-effective *tool box* on how to intervene in conflicts before they escalate into violent confrontation. Additionally, the greater financial constraints brought to United Nations (UN) member-states by the financial crises of our decade, further galvanized the Organization's commitment to resource and advance its preventive diplomacy agenda (Muggah and White 2013). The increasing interest and investment in preventive diplomacy has led, in parallel, to the development and spread of mediation capacities at the UN and regional organizations around the world. The involvement of a third party, whether a diplomat acting on his/her own, an envoy or representative appointed by an international organization or state to assist disputing leaderships to settle or resolve their conflict through negotiations¹, has the capacity to de-escalate conflict and prevent its re-escalation by offering disputants an alternative way of settling their differences (other than militarized conflict). Additionally, requiring less resources and funds while carrying less risks to the human resources employed, mediation can be promptly deployed. However, in conflict mediation literature there is no consensus on when, how and for what purpose mediation can be deployed as preventive diplomacy.

Today, preventive diplomacy aims not only at anticipating violence and persuading disputants to choose dialogue over it, but also to assist disputants "in laying the foundations for a longer-term process to address the underlying causes of conflict" (UN 2011, paragraph 56). However, in conflict literature, preventive diplomacy is ascribed different capacities

¹ This definition of high-level mediation is inspired in Bercovitch's (1986) definition of *international mediation* - also referred to as *elite* or *track I* mediation. The changes to the definition made here aim to not insulate mediation in the conflict management field where Bercovitch places it.

and limitations depending on the "lens" through which it is analysed: the resolution, management and transformation of conflict. The conflict resolution, management and transformation traditions are not strictly defined categories or concepts, and their perspectives on the goals, methods and mechanisms to resolve, manage and transform conflict overlap. Generally, while conflict resolution has referred to the methods and mechanisms that resolve a given conflict's underlying issues, conflict management is used when focus is given to limiting, mitigating and/or containing a conflict, instead of the necessity to solve it (Swanström and Weissman 2005). From the conflict transformation perspective, on the other hand, a conflict must be transformed in order for peace, not security, to be established, through transforming adversarial relationships that emanate from opposing goals between disputants in conflict (Galtung 2007). Depending on the tradition of the author, views on the advantages and limitations of mediation as a preventive diplomacy instrument vary accordingly.

By bringing these "lenses" to the reader's eye, the present review aims to offer an understanding of how mediation serves preventive diplomacy aims by synthesizing the literature and bridging it with the contemporary understanding of the doctrine. The literature selected focuses on how mediation affects conflict before, during and after the actual fighting periods, which is crucial to ascertaining when and for what purpose it should be practiced in order to maximize its contribution to the prevention of conflict or violence. First, this paper reviews the evolution of the concept and practice of preventive diplomacy in UN Secretary General Reports and in conflict literature. It then reviews the preventive diplomacy-related debate in mediation literature, namely the interconnected debates on mediation timing and mediation outcomes. The evolving preventive diplomacy doctrine is then compared to the advantages and limitations mediation exhibits towards the widened preventive diplomacy agenda to discuss its pre-emptive versus its preventive capacity,

which is found to better encapsulate and synthesize the existing debates. It denotes that, while preventive diplomacy has expanded in its objectives and mediation has gained primacy as an instrument of conflict prevention, mediation literature has tended to narrow the extent to which this instrument can contribute to preventive diplomacy goals.

2. THE EVOLVING PREVENTIVE DIPLOMACY DOCTRINE

The preventive diplomacy concept or doctrine was conceived by United Nations Secretary General Dag Hammarskjöld in reaction to a growing need for a more effective response to the multiplication of intrastate conflict in 1961. Ever since, its meaning has been evolving to accompany the challenges posed by the complexity and unpredictability of intrastate conflict, and the need to contain their regional spread and escalation. In conflict literature and in the UN Secretary General's reports, the understanding of preventive diplomacy has shifted from aiming at the short-term goals of violence or conflict escalation prevention, to encompassing the long-term tasks needed for the establishment of a peaceful order that prevents re-escalation. If originally, the preventive diplomacy doctrine mirrored conflict management perspectives, today it has come to encompass tasks aimed at resolving conflict issues and transforming disputants' antagonistic relationships.

Hammarskjöld first introduced the concept of preventive diplomacy as referring to the anticipatory actions that could be taken to avoid crises from developing into full-blown conflicts (UN 1961). However, it was not until the end of the Cold War, when Secretary General Boutros Ghali put forward *An Agenda for Peace*, that preventive diplomacy began to receive more explicit attention in the international peace and security agenda. Ghali defines preventive diplomacy as "to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflict and to limit the spread of the latter when they occur" (UN Secretary General 1992, paragraph 20). Conflict literature, however, advised a narrower view. To Lund (1996, 31-36), both former Secretary Generals had attributed preventive diplomacy too broad of definitions for it to be a meaningful and useful concept. His criticism is that the term conflict implies violence in Ghali's definition and, therefore, preventive diplomacy must address a wider object: not only actual violence but almost any instance of potential violence and, therefore, must act throughout the entire lifespan of a conflict. On the risk of embracing too much to mean anything significant, to the author, preventive diplomacy needed a narrower focus. Therefore, he defines a

preventive diplomacy action as one which occurs to avoid the threat of the use of armed force or armed coercion by states or groups, in order to settle political disputes. Regarding its timing, preventive diplomacy operates between peacetime and crisis diplomacy at the unstable peace stage of a conflict's cycle: before escalation and confrontation, and in de-escalated post-conflict situations of negative peace where violence or coercion are largely terminated but peacebuilding activities have been insufficient to generate stable peace and avoid re-escalation.

In Lund's understanding, preventive diplomacy aims at preventing escalation and re-escalation during times of unstable peace. Preventive diplomacy means both to act pre-emptively and preventively, and therefore, is not concerned with addressing the causes of escalation or contributing to conflict resolution. This point, however, is not consensual in the literature. Tivayamond (2004) argues preventive diplomacy can aim both at short-term conflict management and long-term resolution aims. This distinction is needed in the analysis and research of preventive diplomacy. When aimed at conflict management, preventive diplomacy acts towards defusing escalation. It is progressively active and continuously identifying, as well as treating the potential for a dispute to thwart violence. To the author, preventive diplomacy is a "pro-active" (p.5) task by nature, which results in conflict resolution by creating cooperative long-standing relationships between disputants.

To others yet, preventing conflict re-escalation has increasingly been associated with the need to address the underlying roots of conflict and the inimical relationships groups in conflict develop. Consequently, the literature has evolved to define preventive diplomacy aims in broader terms. Miall et al. (1999), for example, had reconciled preventive diplomacy goals with conflict resolution and transformation goals. To them, preventive diplomacy aims wider than conflict resolution at "bringing parties together to analyse and transform their dispute" through the use of official or unofficial mediation or good offices (pp. 135). In this definition, transformation and resolution are (deeper) aims that preventive diplomacy serves in conflict prevention. In this sense, preventive diplomacy is as much at the heart of conflict prevention as "the effort to resolve a conflict is at the heart of prevention" (pp. 136). The conflict transformation tradition defines preventive diplomacy as a structural action, within which the goals of preventing violence and the production of constructive relationships among disputants are inextricably linked. Wallenstein (1998, 10-12) refers to these double aims of preventing escalation and re-escalation as short-term and long-term. To the author, short-term direct conflict prevention must aspire to the long-term structural prevention of a conflict since the goals of preventing the "immediate avoidance of violence and killing" and the production

of “constructive future relationships among contending groups” are only analytically mutually exclusive and are inextricably linked in practice. In this sense, short-term direct conflict prevention must aspire to the long-term structural prevention of a conflict.

2.1 THE WIDENED PREVENTIVE DIPLOMACY AGENDA

The wider spectrum of action and greater challenge to preventive diplomacy in creating a “culture of prevention” is adopted in 1999 by Secretary General Kofi Annan. Shortly after, however, the “pre-emptive” Bush administration military action in Iraq after 9/11 terrorist attacks diverted any significant commitment or funding away from the agenda put forward by the Secretary General at the time. More recently, Secretary General Ban Ki Moon’s 2011 report to the Security Council on *Preventive Diplomacy: Delivering the Results* reflects a greater commitment by international organizations to conflict prevention, and the UN’s in particular. Part of conflict prevention broader efforts, preventive diplomacy refers “specifically to diplomatic action taken at the earliest possible stage”, but one which “remains highly relevant along the entire conflict spectrum” (art.1) as part of the effort of persuading disputants to “choosing dialogue over violence” (art. 41) and in adequately assisting disputants “in laying the foundations for a longer-term process to address the underlying causes of conflict” (art. 56). Preventive diplomacy is understood and practiced in international organizations such as the UN, as serving a multitude of conflict management and resolution purposes: acting both pre-emptively and preventively towards the short-term goals of preventing conflict escalation and violence and the structural changes that prevent re-escalation in the long-term. For the fulfilment of these aims, international and regional organizations have increased their preventive capacities by developing early warning systems and rapid response instruments, such as flexible financing mechanisms, and the use of special envoys. The establishment of the UN Mediation Support Unit in 2006 and the upsurge in international and regional organization’s will to enhance their mediation capacities, such as the Organization for Security and Cooperation in Europe (OSCE) or European Union, and of the African Union (OSCE&UN 2011), signal the centrality of mediation to preventive diplomacy. In effect, mediation processes multiplied and diversified and mediation has become an ever-more sophisticated and increasingly important instrument of preventive diplomacy.

3. MEDIATION AS A PREVENTIVE DIPLOMACY INSTRUMENT

Mediation has the potential to serve preventive diplomacy in two ways: It offers disputants an alternative path to resolve their differences (other than armed conflict) and it contributes to the emergence of a more just and egalitarian social reality. However, whether both short-term and long-term goals belong to a preventive mediation initiative is not consensual in the literature. Mediation has proven successful in avoiding conflict escalation, but has also contributed to the emergece of *frozen* conflicts. Conversely, having not always been able to produce stable agreements between disputants, mediation has not always been able to prevent violence re-occurrence (Carment et al. 2009).

While mediation has developed into a prime instrument of preventive diplomacy, as it has been already noted, its deployment or initiation in internal conflicts remains problematic. First, its practice rests on treating participants on an equal footing, which means treating a government and non-state actors as such. For the UN, for example, this involves the risk of appearing biased by recognizing the non-governmental groups’ legitimacy to seat at the negotiations table (Wolter 2007). Notwithstanding, due to its capacity to keep disputants at the negotiations table and to avoid a return to fighting, mediation is consensually understood in the literature to be an effective instrument of conflict management (Bercovitch 1998; Bercovitch and DeRouen 2004). In intrastate conflict contexts, disputants’ relationships are deteriorated by discrimination, victimization and social hatred, which reduces their ability, or their will, to cooperate and agree (Fisher 2001; Richmond 1998). However, in these conflicts where parties may not want peace, or are unwilling to compromise, even when formal agreements are reached, violence is prone to re-occur (Quackenbush and Venteicher 2008). How, when and for what purpose then is mediation useful to preventive diplomacy?

3.1 MEDIATION TIMING AND SHORT-TERM PREVENTION

For mediation to be able to prevent the emergence of a conflict in the first place, Bercovitch (1998) states it should be undertaken between disputants with well-defined and legitimate identities and before opposing factions' relationships and positions have hardened. However, mediation has been much more undertaken at later stages in the conflict cycle. Also, drawing on Zartman's theory of ripeness of conflict (2001a), it is believed to be more successful at such stages when the conflict is "drained out" and disputants can no longer sustain the ongoing war effort. However, a preventive action would not allow the hurting stalemate to occur. Therefore, mediation timing and success in preventive diplomacy requires a different logic.

Zartman (2001b, 5) agrees with the conflict transformation tradition that preventive diplomacy does not aim at preventing conflict all together, but preventing its violent expression. Ripeness in preventive negotiation, he argues, is a product of the "mutual perception that the costs of early action are outweighed by the averted cost of future conflict" for which the disputants' early awareness (not early warning) of these costs and of the immediate benefits of negotiating is key. Once the preventive mediation is initiated, the preventive mediator acts to: change the parties' zero-sum perception of the stakes in the conflict; change their antagonistic attitudes into accommodative ones; and persuade them to alter their escalatory behaviour. Preventive mediation thus can happen after the first violent outbreak in a conflict's cycle, whenever there is an attempt to prevent escalation. To Zartman, therefore, preventive mediation can be pre-emptive if disputants are aware that it will be more costly to fight than to negotiate, thus perceiving a mutually hurting stalemate.

The when, or timing, of preventive mediation remains, nonetheless, problematic in acting to pre-empt the first violent outburst in a conflict. It is overambitious to assume that when a conflict is in the process of emergence, the parties will be well defined enough to take part in, or willing to accept, a mediation process. In the case of a war of insurgency, a government will hardly risk allowing a mediation process to legitimize the insurgent's claims internationally and losing control over the conflict. Furthermore, the UN, for example, struggles with being an acceptable mediator to the parties because its members might have a stake in the conflict, or the

Security Council members may be reluctant to place it in the Council's agenda for the same reason (Boutellis and Mikulaschek 2012). Even when parties are well defined, mediators still face the dilemma between responding rapidly and waiting for a 'ripe' time when negotiations can be constructive (OSCE&UN 2011). A recent study by Grieg (2015) suggests that, rather than waiting for the right time, mediators can affect the onset of mediation in low intensity conflicts by engaging in talks with one of the sides. The rapport created with this side and the information that it allows the prospective mediator to gather about the conflict, is believed to strengthen its credibility as an actor and increase the chances of mediation.

Whether high-level conflict mediation can be deployed pre-emptively seems to be more a function of effective early warning systems (Bercovitch 1998) and political will. Also, irrespectively of timing issues, empirical studies of mediations also run into the fallacy of it being virtually impossible to know if a violent conflict could have emerged from a dispute that was address by mediation. Nonetheless, mediation is more frequently employed after the first manifestation of violence because it is when the parties and their leaders are defined and more willing to accept mediation, which cannot be improved by early warning instruments. Hence, it can be in de-escalating a conflict and in acting to prevent a conflict's re-escalation that mediation can be more useful to preventive diplomacy.

3.2 MEDIATION STRATEGIES AND VIOLENCE PREVENTION

To Beardsley (2011) mediation should only be practiced when its short-term benefits of tension reduction and of making the bargaining environment amenable to peace surpass the risk of long-term re-escalation. To the author, mediation generates artificial incentives for peace (especially when leverage is used) and when the mediator exits the conflict, instability tends to return. Therefore, mediation actuality contributes and exacerbates instability in the long-term. Additionally, political leaders may pursue mediation for insincere motives and spoiling, which further increases the risk of mediation contributing to long-term instability. This dichotomy between mediation's short-term and long-term impact originates in the debate regarding whether mediators should or not leverage (meaning to apply pressure on) the parties.

For Kydd (2003), in order to be effective, a mediator has to be seen as credible by the conflicting parties,

which means that they must trust that the mediator is being truthful in the information and counselling he is giving. The argument rests in the assumption that if a neutral or unbiased mediator posits its greater interest in minimizing the possibility of war, she/he will have an incentive to make statements to avoid war and, therefore, will not be trusted by the parties. Only a mediator who is trusted not to use “cheap talk” and who is believed to be on one parties’ side will effectively induce the parties into agreement. However, as Frazier and Dixon (2009, 59) point out, while the offer of reward or the threat of punishment by the mediators are more effective in bringing about settlements, since the parties have been pressured to accept an agreement, they may perceive it as unfair and the agreement may not endure. Arriving at an agreement is not sine qua non to its implementation because the parties can be reluctant to settle the conflict if they perceive the possibility of exploiting the other party in the future (Svensson 2009).

Quinn et al. (2009) find that, even though less intrusive neutral mediation will not be able to induce compromise between the parties as effectively as directive mediation, it is more successful in reducing tensions in the long-run by generating commitment to what was agreed. While high intervention strategies are the most successful in preventing bargaining failures or in effectively securing a formal agreement, low intervention strategies are more successful in resolving the parties’ commitment problems and in reducing conflict tensions in the long-run. Because they are based on improving communication and understanding, the later are more effective in reducing misconceptions and mistrust between the parties in the long-term. Also, directive or leveraging strategies are unlikely to work when the conflicts’ intensity is low because they damage the de-escalated environment. If parties find the mediator to be conducive and self-interested, suspect of the mediators’ intentions or the fairness of an agreement, they may refuse to negotiate or agree (Bercovitch and Gartner 2009). Therefore, while directive mediators can be useful interveners when conflict tension escalates, neutral mediators are more effective at working with the parties in the improvement of their relationship and the development of trust (Frazier and Dixon 2009).

Drawing on existing literature, while leveraging strategies are more effective in reducing tensions and keeping parties at the negotiations table when tensions are high, less intrusive strategies are more

effective at preventing re-escalation in the long-run. However, according to Zartman (2001), preventive mediation aims foremost at preventing conflict escalation and, therefore, to affect disputants’ relationships is an unmanageable goal for preventive mediation, while an opposing perspective is given by Miall et al. (1999). To the later, regardless of the timing in which they are deployed, preventive diplomacy measures must also be effective in generating the necessary conditions for violence not to re-emerge in the longer-run, to which mediation contributes by helping parties come together to analyse and transform their adversarial relationships.

3.3 MEDIATION OUTCOMES AND LONG-TERM PREVENTION

Mediation’s capacity to manage a conflict is somewhat consensual in the literature, but whether it is effective in resolving or transforming a conflict is still in debate. While negotiations tend to focus on finite and divisible interests and not on abstract and complex values and identity issues, the later characterize intrastate conflict. Therefore, mediation is considered unable to solve deep-rooted grievances and disagreements between disputants with irreconcilable interests (Väyryen 1999,; Fisher 2001). Consequently, mediation is criticized by conflict resolution literature for being limited in the sources of conflict it is able to address and, also, for producing elite pacts with institutions that are too rigid to allow for change on those social and political circumstances that caused the conflict in the first place (Lederach 1997, Kaldor 2000).

To avoid the re-escalation of conflict during agreement implementation, Sisk (2003) suggests that settlements be designed not to be finished deals, but rather as a set of rules for future interaction that will need ongoing bargaining or renegotiation. However, to strike such a deal, there needs to be a sufficient improvement of the relationship between the parties, so that enough trust is developed to allow for the necessary re-negotiation periods the implementation of the flexible agreement will require.

To Sisk (2001), the main role of mediation in preventive diplomacy is to prevent a peace process from de-railing, to which spoiler management becomes essential. A spoiler (Stedman 1997) is a leader who perceives a peace process as threatening to its power, worldview, or interests, and who uses violence to undermine it. It has been found, however, that, first, parties may not use violence necessarily

because they do not desire peace. Successful spoiling impacts the peace process in multiple ways: introducing new issues, diverting attention, providing marginalized groups with a voice, delaying or postponing talks, preventing implementation or bringing new actors into the talks (Newman and Richmond 2007, 109). Secondly, spoilers may use violence for reasons that are not clearly directed at derailing the peace process, such as to signal their desire to be at the negotiations table or to express concerns over the agreements' implementation process (Zahar 2010, 270). Thirdly, spoiling may not be entirely negative since it may be a sign that the process is progressing and marginalized groups fear losing their marginal relevance with the conflict's ending (Newman and Richmond 2007) and also, violence has been recognized to have destroyed insipient coalitions for peace or to have pushed parties into settlement (Stedman 2009, 103, 104). Fourthly, spoiling can be both directed at continuing violent conflict and at prolonging negotiations (Newman and Richmond 2007). In this perspective, spoiling gains a broader definition, including parties who may take part in the peace process but are not seriously committed to finding or supporting the solution.

Since, first, spoiling is a source of conflict escalation and, secondly, it is a continued threat to the stability and success of a peace process and, therefore, a source of conflict re-escalation, to identify the causes, the agents and the effects of this phenomenon become crucial to preventive mediation. The complexity and unpredictability of spoiling challenges the mediator's decision on who to bring to the table. To Stedman (1997), while limited and greedy spoilers should be included in the negotiations, total spoilers are committed only to terminating the peace process and should not be included by the mediator. Zahar (2003, 114) contests Stedman's typology on the grounds that the attempt to profile a given actor as a spoiler *ex ante* is risky and does not consider that groups' attitudes and positions are not fixed. To the author, a mediation process' inclusiveness is crucial to the creation of sustainable peace in order to prevent parties from having incentives to renege during settlement implementation.

The literature has so far assessed that the challenge to preventive mediation effectiveness in preventing re-escalation is, first, to be inclusive while preventing spoilers from derailing negotiations or agreement implementation. Secondly, the agreement produced must be flexible to allow for continuous negotiations,

to which end the mediator must balance the parties' needs for immediate security guaranties with the need to push for the creation of flexible institutions that forge political cooperation and reconciliation in the longer-run. Additionally, an active civil society has been found to be fundamental to peace settlement implementation and durable peace (Nilsson, 2012). Inclusivity has become a major focus of attention in the literature in recent years as mediation processes have become more porous. Inclusivity has stretched to mean not only the inclusion of political stakeholders, but also the inclusion or consultation of civil society during negotiations or the use of public diplomacy instruments, such as public opinion polls (Irwin 2003) or "participatory polling" (Interpeace 2014). These more recent emerging debates have unveiled how mediation processes can generate the multi-level political engagement and interaction necessary for reconciliation.

4. CONCLUSION: PRE-EMPTIVE OR PREVENTIVE MEDIATION?

The continuing changing nature of conflict and violence in the past two decades, coupled with a decrease in financial resources, catapulted preventive diplomacy to the international community's security agenda. The growing challenge of, not only preventing the emergence of conflict, but also of preventing violence re-escalation, has come to widen the spectrum of preventive diplomacy aims. Today, its agenda has stretched from aiming not only to manage conflicts in order to prevent violence, but also to address the underlying issues that keep them re-igniting. Since mediation is able to contribute fully to the widened preventive diplomacy challenges with the least cost and risk to human lives, resources have been increasingly channelled to develop mediation units and train mediators in regional organization around the world.

The when, how and purpose of mediation as preventive diplomacy are inexorably linked. Drawing on existing literature, mediation is successful as a preventive diplomacy instrument when bringing disputants to the negotiations table to prevent their conflict from escalating to violent confrontation and, secondly, by keeping the parties at the negotiations table. While leveraging strategies are more effective in preventing escalation, less intrusive strategies that aim at improving the disputant's communication and relationship have a higher re-escalation preventive

capacity. Mediation has, therefore, the potential ability of converting short-term tension reduction into long-term stability by designing a flexible agreement best suited to prevent implementation spoiling and re-escalation. The crucial steps and major challenges to effective preventive mediation are in getting the parties to accept mediation in the first place to prevent the first violent manifestations; when the former is not possible or unsuccessful, to become a viable alternative to conflict to disputants; be able to manage spoilers efforts or attempts, whether violent or non-violent, to terminate or affect negotiations; and, in the process of spoiler management, to be able to devise a sustainable agreement that will prevent re-escalation in the future.

However, as a pre-emptive form of preventive diplomacy, it seems overambitious to assume that when an intrastate conflict is in the process of emergence, the parties will be well defined enough to take part in, or willing to accept, a mediation process. The timing of preventive mediation is dependent not on the availability of the offer to mediate but on the disputants' cost-benefit calculations of the benefits of negotiating now or incurring the future costs of fighting. As a preventive diplomacy instrument, mediation can rapidly be deployed, but only if there is a local political preventive will. Furthermore, especially in conflicts where the government is a disputant, it will be unlikely to accept the involvement of an external actor. On the other hand, as the UN mediation in Libya continues to struggle with, groups may also have no incentive to sit at the table. Furthermore, the changing sources and character of violence also further limits mediation as preventive diplomacy when violence is used by terrorist organizations. Legitimizing the claims of organized groups who use terror and the potential advantage of stopping violence by sitting their leaders at a negotiations table is an ongoing debate in the literature (see in eg. Zartman and Feure 2009).

Mediation can serve preventive diplomacy by defusing conflicts, however, due to the characteristics and implication of its initiation and practice, its deployment cannot be dissociated from the aim of changing the sociologic structures of conflict and the long-term commitment that they require. To prevent conflict re-escalation, despite the timing in which they are deployed, preventive diplomacy measures must also be effective in generating the necessary conditions for violence not to re-emerge in the longer-run. An intervention in a given conflict is

bound to affect its course and can, in fact, worsen rather than ameliorate its propensity to violence. As a result, mediation as a preventive diplomacy instrument must aim both at conflict management and resolution. Yet, others claim, that a deeper societal transformation setting the grounds for enduring peace is needed for preventive diplomacy to be effective. While the conflict transformation and mediation literature is generally sceptical to the role high-level mediation plays in such transformation, the inclusion of civil society in negotiations and engaging in the public is being recognized as contributing to stable agreements and enduring peace. In effect, as the concept of preventive diplomacy and its agenda widens to prevent re-escalation by effectively and durably solving conflicts, mediation can continue to prove itself a reliable and effective instrument of preventive diplomacy.

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