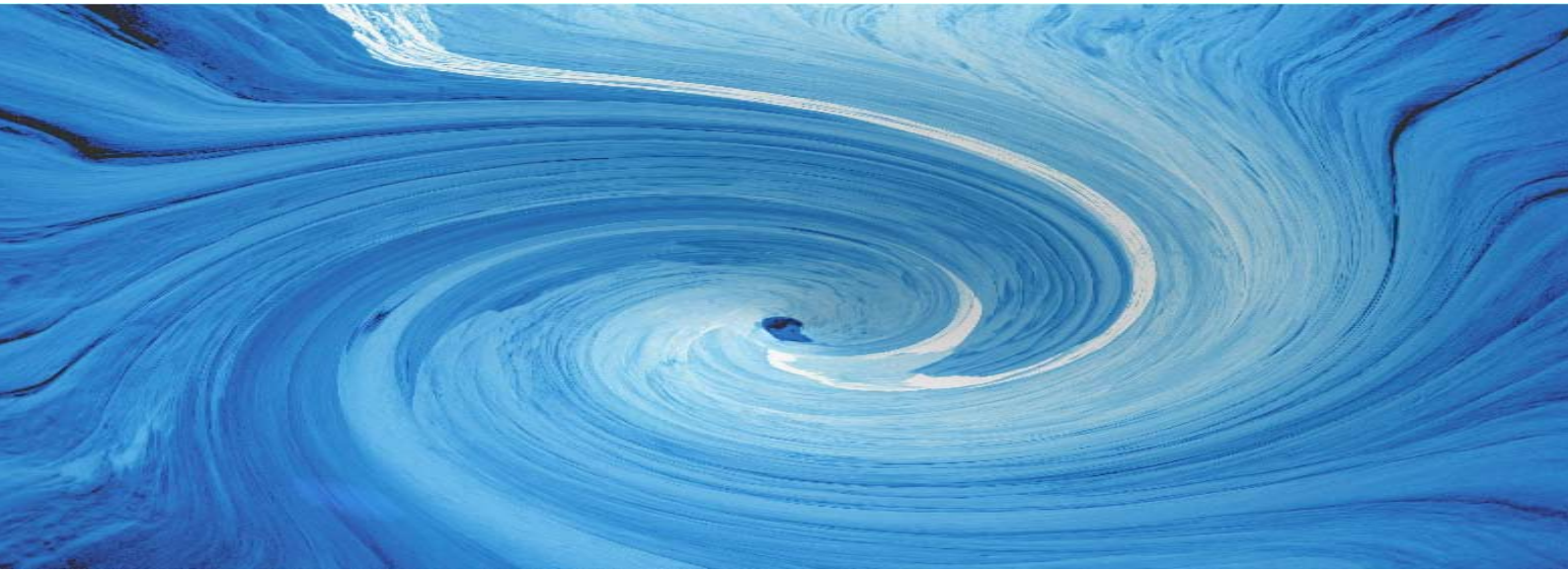




Mediation in Intrastate Conflicts

The Contribution of Track-Two Mediation Activities
to Prevent Violence in the Aceh Conflict

Barbara Kemper

INEF Report
88/2007

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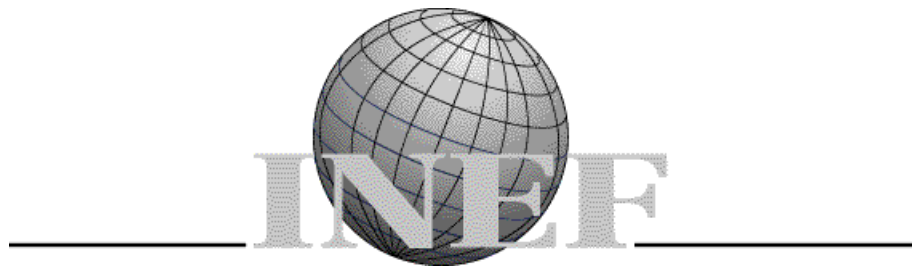
With a Foreword by Prof. Ian Macduff

(Director of the Centre for Conflict Resolution,
Victoria University of Wellington, New Zealand)

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Abstract

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Mediation and its possible contribution to the resolution of intrastate conflicts has gained increasing attention in today's international arena. Especially the advantages of nongovernmental personnel to act as mediators (track-two mediation) even on the highest political level in contrast to official state representatives, or state-like authorities appear worth being identified. Successful past mediation initiatives by such actors have already presented their obvious potential in this regard.

Following this assumption, this study analyses the question under which conditions mediation activities of nongovernmental actors – especially in relation to the question of the importance of a mediator's kind and degree of leverage - can contribute to the prevention of violence in such conflicts?

The report presents a theory-testing qualitative comparative case study of two mediation processes both of success and failure that have been conducted by nongovernmental actors in Aceh. Twelve hypotheses encompassing conditions identified as important for mediation success in intrastate conflicts have been tested on both cases in order to identify those factors, which apparently have been most crucial for the positive outcome of the successful mediation. These factors are related to the conflict, the conflicting parties as well as to the person of the mediator and present themselves as strongly contingent and interdependent in their impact on a mediation outcome.

In particular, the empirical results of the analysis point out the importance of the question of leverage a nongovernmental mediator apparently needs to have on hand for a mediation to be successful. Given the necessary support official authorities can provide in cases when nongovernmental personnel appears to be the better suited mediator, this study emphasizes the need for a further constructive development of the communication and cooperation between international actors and interveners to a conflict on all levels of society.

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Foreword

We shall not cease from exploration
And the end of all our exploring
Will be to arrive where we started
And know the place for the first time.

T.S. Eliot, "Little Gidding" (No. 4 of "Four Quartets")

The last thirty years have seen a significant growth in the use and recognition of mediation, in both the domestic and international spheres. Mediation is hardly new: it is one of the oldest and most enduring forms of resolving conflicts in many non-Western societies. Its "translation" to and reception in Western legal and political systems has, however, been marked by two important developments at least. The first is that mediation, having been introduced in Western legal systems as an "alternative" to adjudication, as a means of overcoming some of the perceived deficits of formal and institutionalised procedures, has made the transition to now being recognised as a mainstream process. Indeed, in European, American and other jurisdictions, mediation is increasingly associated with the courts, by way of pre-trial processes, court-linked mediation, judge-led mediation, or some other hybrid that affirms the links between the institutional structures of law and the discursive, participatory process of mediation.

The second key development is that, during this transition from the marginal to mainstream, mediation has been the subject of intense practical and academic scrutiny. Not all of that scrutiny has been favourable: mediation has challenged conventional assumptions about the role of the legal profession, the primacy of publicly declared rules, and issues such as the confidentiality of processes and outcomes. Much of that analysis has, however, drawn together the strands of political, communications, jurisprudential, international relations, intercultural and ethnic theory, to provide a rich tapestry of understanding the nature of conflict and its management.

The combined effect of these two developments has been, on the one hand, the emergence of a complex network of professionals working in a range of fields of mediation and, on the other, the production of this significant body of empirical, theoretical and critical work, not only on mediation, but also more generally on the manner in which we learn to resolve conflicts. Both of these are "works in progress". Regrettably, both the domestic and international spheres will continue to provide opportunities for both practice and empirical work. Regrettably, too, not all of the experiences will be unmitigated success stories. However, there is now sufficient depth in our combined experience of these last few decades to allow some sound conclusions to be drawn, on the basis of which practitioners may better judge their interventions and the prospects for success in mediation.

Barbara Kemper's paper is one such contribution to this ongoing analysis. At the outset, one of the important questions to be asked is as to what constitutes

“success” in mediation – whether this requires, in the international arena, the total cessation of hostilities or whether it can be measured in terms of more incremental, sometimes flawed steps towards that cessation.

In addition to such outcome-oriented evaluations, important empirical and comparative research – of which this essay is an example – has explored the variables that are likely to contribute to the efficacy of mediator interventions. Whereas the early developments in mediation might now be regarded as relatively naïve and idealistic, resting on assumptions that the process of mediation and the simple principles of confidentiality, disputant participation, and a non-coercive role for mediators would produce “good” outcomes, it is now abundantly clear that both conflict and mediation deserve a more richly textured analysis.

Readers of this paper will find such an analysis. In particular, and by comparing two interventions in the same conflict in Aceh, the author is able to draw attention to those factors – variables – that shape the role and effectiveness of mediation and mediators. In particular, one factor stands out – principally because it appears to contradict the early principles of the non-intrusive, facilitative mediator: in the international context at least, and probably in the domestic context, the capacity of the mediator to exercise “leverage” appears as a key factor. This should hardly be surprising: if mediation is about effecting change, about facilitating and promoting movement in conflict, then what we look for are those factors which, within the boundaries of ethical and culturally sensitive practice, will allow or encourage change.

Clearly, caution needs to be exercised in generalising from the analysis of one conflict. However, this paper permits the reader to return to one of the oldest forms of conflict management and to identify ways of grounding professional practice in a better understanding of the role and impact of mediators.

Prof. Ian Macduff

Wellington, New Zealand, April 2007

Introduction

Since the end of the Cold War in the late 1980s, a decrease of interstate and an increase of intrastate conflicts can be observed in the international arena. In 2005, 178 of the 249 counted crises were intrastate conflicts (see HIIK 2005: 5). Moreover, the most violent conflicts, namely "severe crises" and "wars",¹ are intrastate. These conflicts - occasionally referred to as "new wars"² (Münkler 2002) - present themselves as extremely brutal and devastating, especially when issues of ethnic diversity are involved (see Kriesberg 2001: 414; Rothman/Olson 2001: 289).

While intrastate conflicts provide many opportunities for their management, mediation has received growing attention by peacemakers as the most complex and promising approach.³ However, though mediation has been practised widely in interstate wars, its use has been less popular in intrastate conflicts, which apparently

are much more difficult to mediate: between 1945 and 1993 in only fourteen intrastate conflicts was a successful negotiated settlement said to have been achieved (see Olson/Pearson 2002: 421; Wallensteen 2002: 135). Even more, it has been determined that "negotiated settlements of civil wars are less likely to prevail than results of military victories" (Licklider 1995: 685).

In this context, it has been argued that track-one actors,⁴ who have the power to influence or to put pressure on the parties, were the more effective mediators (see Bercovitch/Derouen 2004: 162; Bercovitch/Houston 2000: 175). However, states show a tendency to reject such track-one mediation efforts, which is rooted in their fear of losing sovereignty and autonomy (see Bercovitch 2004: 2) and to appear as being incompetent to handle own domestic affairs. Therefore, mediation initiatives by nongovernmental actors gain increasing attention. While these actors already play an important role in such high-level violent conflicts in track-two diplomacy,⁵ or peace building on the grassroots-level, they still rarely gain entry to mediate on a high-

1 The term "severe crisis" is defined as a conflict in which "violent force is repeatedly used in an organized way". The term "war" describes a type of violent conflict in which "violent force is used with a certain continuity in an organized and systematic way. The conflict parties exercise extensive measures, depending on the situation. The extent of destruction is massive and of long duration" (HIIK 2005: 3).

2 In this context it must be taken into account that the term "new wars" is not beyond controversy. Though in reality the nature and impact of conflicts has changed due to globalisation and technological as well as socio-economical changes, it is argued that many of the so-called "new wars" not really reflect new types of warfare but an ongoing development, which has taken place over the whole past century (see Newman 2004: 185).

3 See e.g. Bercovitch 2004: 1; Bercovitch/Rubin 1992; Bercovitch/Houston 1996; Folger/Jones 1994; Kressel/Pruitt 1989; Crocker et al. 1999b; Touval/Zartman 1985; Zartman/Rasmussen 1997.

4 The term track-one refers to "official representatives of a state or state-like authority and involves interaction with other states or state-like authorities" (Nan 2003: 1). In contrast to that, the track-two level of a society might refer to its middle-range actors, such as academics, religious or ethnic leaders (see Lederach 1997: 27), while the lowest, the so-called grassroots-level covers "all sorts of actors from communities to local NGOs and small associations that are usually based in the rural areas and could eventually represent some sort of local leadership, but not necessarily" (Table in Pfaffenholz 2003).

5 For instance, by leading pre-negotiations, problem-solving workshops, or the facilitation of dialogue (see e.g. Fisher 2005; Bavly 1999; Havermans 1999; Kelman 2005).

her political level. However, in particular due to successful mediation activities of nongovernmental religious organizations, such as the Quakers, Sant Egidio, or the World Council of Churches (WCC) and the All African Conference of Churches (AACC), a strong argument exists that these intermediaries might have a higher potential for mediating intrastate conflicts because of their nongovernmental, non-political status.

It is therefore worth identifying the advantages of such actors in contrast to official interveners, particularly given the fact that they, due to their status, generally have no coercive power to influence the disputing parties at any time (see Aall 2001: 374f.). The question arising at this stage is what conditions might be required for these actors to be successful. Therefore, this study will focus on the leading research question *under which conditions do track-two mediation activities contribute to the prevention of violence in intrastate conflicts?* This core question is based on the assumption that track-two mediation has a potential to contribute to the prevention of violence in such conflicts even on a higher political and society level.

By later comparing two mediation processes that have been conducted by track-two actors in Aceh, Indonesia, this study will contribute to the thinking on the particular potential of track-two mediators in this regard. Furthermore, it is an attempt to provide some deeper insight on factors, which appear to be most crucial for track-two mediation in intrastate conflicts to be successful. As in the academic field there already exists a huge range of such "prerequisites for achieving mediation success" (Kleiboer 1996: 376), the objective here is to

limit this number for more concrete research and clearer results, and to identify those conditions which appear to be most crucial in influencing a successful outcome of mediation. However, being aware of the limitations of this study and therefore of the depth of its analysis and results, this study does not claim to be exhaustive and the results need to be viewed with some caution.

The following chapter will start by explaining the methodology for the subsequent analysis of the Aceh cases, including the presentation of working definitions used for this study. In chapter 2, the theoretical framework, encompassing the variables and hypotheses to be tested, will be introduced. While chapter 3 offers brief background information on the Aceh conflict and the mediation processes that will be examined, in chapter 3.1 twelve hypotheses will be tested on both cases. Chapter 3.2 will analyse the results of the case studies in order to extract those conditions, which seem to have been the most crucial to the mediation failure and success in the Aceh case. In chapter 4, these results will then be reviewed in light of the present state of debate in the literature to identify the possible contribution of this study to the existing field of research. Finally, chapter 5 will provide an overall conclusion on the findings of this paper and will suggest future research desiderata on this topic.⁶

⁶ This report is based on the master thesis, which the author submitted for the degree of the Master of Peace and Security Studies at the University of Hamburg. The author expresses appreciation to her supervisors, Christoph Weller (INEF, University of Duisburg-Essen) and Ian Macduff (Victoria University, Wellington, New Zealand) for helpful comments.



1. Methodological Background

In this chapter, the methodology for the subsequent analysis of the Aceh cases, including a range of working definitions used for this study, will be presented. Additionally, the choice of theory as well as of appropriate cases for the later analysis will be reflected.

1.1 Structured Focussed Comparison

The methodology used for the subsequent analysis will be a structured focussed comparison (see George/Bennett 2005: 67ff.). To identify those factors, which might be most crucial for successful track-two mediation in intrastate conflicts, the research design of this study will be based on a theory-testing comparative qualitative case study. Though theory-driven comparative case studies on this matter are said to be an exception (see Reiman 2004: 56), these might offer a deeper insight on a couple of really critical dimensions than quantitative case studies are able to do (see Bercovitch/Regan 2002: 16).

Twelve hypotheses on conditions identified as important to the success of a mediation process will be adopted from the results of a hypothesis-testing study on the Sudan by Hizkias Assefa (1987). In this case, summarized under three clusters, Assefa has tested a variety of factors with regard to their influence on the successful outcome of mediation efforts that have been conducted by the WCC and AACC in Sudan in 1971/72. These various factors represent the independent variables of his hypotheses. The dependant variable refers to the success of the mediation, therefore to

its successful outcome (see Assefa 1987: 12 f.). Those twelve hypotheses of Assefa, which have been supported by evidence in the Sudan case (see *ibid*: 151 ff.), will be discussed and adopted for the later analysis.

As it is important in the methodology of structured focussed comparison to build “upon previous studies and variable definitions as much as possible” (George/Bennett 2005: 70), a clearly formulated theoretical framework matching with the research focus of this study was required. So far, in the academic field a substantial number of quantitative case studies (see Bercovitch et al. 1991; Bercovitch/Houston 1996; Bercovitch/Derouen 2004; *ibid*, 2005; Nathan 1999; Olson/Pearson 2002; Wilkenfeld et al. 2003) have been undertaken with the objective to test and identify those conditions, which appear to have a certain impact on a mediation outcome. In this regard, different investigators have engaged in research on various conditions related to the success of mediation in international relations. As only few of them in their studies differentiate between interstate and intrastate conflicts but rather have applied a huge majority of conditions firstly discussed in the context of international crises to the latter one, a clear distinction in this respect cannot clearly be drawn. Therefore, the literature focussing on this topic is characterized by a large quantity of material and is highly confusing following the “long-standing disputes” (Nathan 1999: 14) on factors and conditions, which are said to influence the success of a mediation process.



In contrast to other hypotheses having been tested in different quantitative or qualitative research, Assefa's supported hypotheses result from a case study matching with all key components - *intrastate conflict* and *track-two mediation* - of this research as subsequently defined. Therefore, even though his theoretical framework is somewhat dated, it nevertheless appeared worthwhile applying it for a further qualitative comparative case study. Using Assefa's hypotheses, this research builds upon a previous study and variable definitions as much as possible (see George/Bennett 2005: 70). Furthermore, Assefa's hypotheses still represent the foundation of key variables, whose contributions to the success of mediation are discussed in the literature. Adopting his proven framework instead of creating a new theory out of the huge quantity of already existing material on success conditions for mediation in the international or intrastate context as mentioned above therefore allows placing this research within the framework of the established theory and literature. The approach chosen aims at identifying the contribution this work might still have to offer to the existing field of research in this concrete matter, instead of merely further adding to the large quantity of already given material. Moreover, it provides a deeper insight on some apparently critical dimensions influencing the outcome of mediation.

1.2. Definitions, Terms, Concepts

Having reflected the choice of theory underlying the subsequent analysis, in the following the working definitions for the key components of my research question – intrastate conflicts and track-two mediation – will be

presented with the further objective to depict their applicability in context to the use of Assefa's theoretical framework.

Intrastate Conflicts

The term *intrastate conflicts* as used in this work refers to such violent armed conflicts, which in the scientific literature might be called (ethnic) civil wars (see Nathan 1999; Assefa 1987; Walter 2002; Bercovitch/Derouen 2005), or ethno-political conflicts (see Ropers 1997; Molzbichler 2004). Such conflicts furthermore can involve issues like secessionism, autonomy, or religion (see Bercovitch/Derouen 2005: 98) and therefore may include questions of identity, security, and a feeling of well-being (see Rupesinghe 1995: 71 f.).

While during the 19th and the beginning of the 20th century predominantly interstate conflicts – meaning wars between different states – were the feature of the international arena (see Böge 2004: 3), intrastate conflicts often take place between the state and the civilian population, whereby the civilian population may belong to a different ethnicity or minority group than the dominant elite. However, intrastate conflicts often develop into crossing-border wars and become regionalized for example due to floods of refugees, or the building of refugee camps on territory close to the border in neighbouring states (see *ibid*). Therefore, the term intrastate conflict as used in this paper also covers such regionalized or internationalised wars that take place within the bounds of a several states encompassing regional conflict system (see *ibid*).

Although Assefa has described the Sudan case, on which he tested his hypotheses, as a “civil war” – in his



theory referring to a conflict of secessionism (see Assefa 1987: 4) – these can be adopted for the later analysis as the broader term “intrastate conflicts” as understood in this study encompasses such conflicts of secession.

Track-Two Mediation

This term is not easy to define in relation to other third party intervention strategies, such as arbitration, facilitation or conciliation, good offices, fact-finding, consultation or problem solving, and peacekeeping and the quite broad generic use of the term *mediation* within the academic field. While on the one hand mediation must be seen as closely related to these other methods, it needs to be sharply differentiated from them in its rather pure form. Nevertheless, mediation may incorporate components of some of these other intervention tools, such as

good offices or fact-finding (see Assefa 1987: 4). Therefore, it will be defined as “the intervention in a negotiation or a conflict of an acceptable third party who has limited or no authoritative decision-making power, which assists the involved parties to voluntarily reach a mutually acceptable settlement of the issues in dispute. In addition to addressing substantive issues, mediation may also establish or strengthen relationships of trust and respect between parties or terminate relationships in a manner that minimizes costs and psychological harm” (Moore 2003: 15). Such an intervention is a “pacific, non-coercive and non-binding approach to conflict management” (Fisher 2001: 4; Bercovitch 1997: 127), in which the parties, not the mediator, decide about accepting the outcome of the process (see Ropers 1995: 48).

List of further third-party intervention tools

Good offices:

Good offices is described as an intervention by a third-party only playing a “channel-role” between the conflicting parties for delivering messages and information (Bercovitch 1989: 285).

Facilitation / Conciliation:

The mediator holds a less active role than in mediation, basically trying to lead the conflicting parties to starting direct negotiations (Berridge 2002: 188; Fisher 2001: 11). Additionally, conciliation has been described as an attempt to resolve a dispute by examining it in depth by an independent third party, which afterwards provides non-binding recommendations for a settlement (Berridge 2002: 188).

Consultation:

This incorporates problem solving “through communication and analysis” by facilitative means by a third party (Bercovitch/Derouen 2004: 153; Fisher 2001: 11; Fisher/Keashley 1991: 33).

Power mediation:

While this strategy builds on the functions of mediation, it involves a third party using coercion or some kind of leverage during the mediation process (Fisher/Keashley 1991: 33).

*Arbitration:*

Unlike mediation and its “non-coercive” and “inherently political” character (Bercovitch/Derouen 2005: 101; 2004: 153), this method uses judicial procedures and ends with the return of a verdict by the third party the conflicting parties have to accept (Touval/Zartman 1989: 117).

Peacekeeping:

Peacekeeping involves the provision of military personnel by an outside party to supervise and monitor a ceasefire between the antagonists” (Fisher/Keasley 1991: 34).

In addition, within the academic field, there is no clear consensus on the meaning of *track-two*. Generally, this term will be less related to mediation than to “track-two diplomacy”. The latter, following its initial definition created by Montville in 1981 (see Bavly 1999: 51), refers to “unofficial, informal interaction between members of adversary groups or nations, which aim to develop strategies, influence public opinion, and organize human and material resources in ways that might help resolve their conflict” (quoted from *ibid*: 8). Over the years, this “track-approach” has been further developed (see e.g. McDonald/Diamond 1996; Bavly 1999: 10ff; Lederach 1997).

With their *Multi-Track-Diplomacy* approach, which can also be found in the *Multiparty Mediation* approach by Crocker et al. (1999a) and the “*More People and Key People*” with “*Individual/Personal and Socio/Political*” model by Anderson/Olson (2003: 54ff.), McDonald and Diamond (1996) for example, in expansion of the term track-two, have created a conceptual and practical framework of nine tracks. These describe the different levels on which peacemaking and conflict resolution should take place, and how they may refer to each other.

In this context, especially Lederach (1997) needs to be referred to, as his approach is based on the idea that

peace building most ideally should take place on a multi-track level. Following his *Pyramid of Levels of Involvement in Ethno political Conflict Management* model, the range of actors in conflict can be seen as a triangle. Within this framework, issue-based mediation is regarded as an instrument used on the top leadership level, whereas more social-psychological approaches are seen as best used on the medium and grassroots level (see Lederach 1995: 207ff.). Lederach divides the society of a conflicting party into three levels (tracks), on all of which different third party intervention strategies, including mediation, can be applied. On a track-two level, he refers to the middle-range actors in a society, such as academics, religious or ethnic leaders (see *ibid* 1997: 27; Chigas 2003).

For the purpose of this study, however, the term track-two is related to the characteristic of the mediator (see Kay 2002/2003: 8; Hottinger 2005). Therefore, track-two mediation exclusively refers to mediation activities as defined above, conducted by nongovernmental, non-political persons (see Bailey 1985: 205), such as conflict resolution professionals, nongovernmental organizations, or religious leaders and groups.⁷ Besides that, this study does not aim to cover the entire range

⁷ In this context see Bailey 1985, who uses the term “non-official mediation”.



of potential track-two mediation efforts, but rather focuses on processes, which involve track-one participants, thus either official policy or decision makers of the conflicting parties – a combination occasionally referred to as “track-one-and-a-half” (Crocker et al. 1999a: 12; Lassila 2006).

Referring briefly to Assefa’s theory, in the Sudan case the mediation processes had been conducted by two nongovernmental, non-political religious organisations, the AACC and WCC, and therefore by track-two mediators as defined in this paper.

1.3. Methodological Reflection on the Choice of Comparable Cases

The cases on which Assefa’s twelve supported hypotheses will be tested will be two mediation processes both of which have been conducted by track-two actors during the conflict in Aceh. These have been the Centre for Humanitarian Dialogue (HDC) and the Crisis Management Initiative (CMI) of former Finnish President Martti Ahtisaari. The objective of this study is to compare two mediation processes in terms of both success and failure. In both cases Assefa’s hypotheses will be tested in order to extract some key conditions whose variance may be the reason for the different outcomes of the mediation processes with regard to the dependant variable (see George/Bennett 2005: 81). With this approach, a further identification of some of Assefa’s key conditions as being most crucial within a “ranking” might be possible and offer some deeper insights.

The two Aceh processes, which will be analysed, have been chosen for several reasons: firstly, because they both cover all characteristics, which

match with the leading research question of this paper. Secondly, the criteria for the choice of comparable research subjects had been to find two cases, which showed as many similarities in as many aspects as possible, but varied with regard to the dependant variable. These conditions and variables, which account for the different outcomes as observable differences between such cases in relation to the dependent variable then can only be associated with the independent variable (see Burnham et al., 2004: 80, 63). As the two Aceh mediation processes differ in their outcome while being related to the same conflict and having both been conducted by track-two mediators, though unpredictable variables and changing conflict dynamics must be taken into account, they presented themselves as best suitable.

In addition to that, besides their topicality, these processes have been chosen due to the need to find cases that are sufficiently documented for testing the hypotheses. The material used for this work had to be taken out of secondary literature, such as books, articles from various professional journals and texts of organizations and institutions offered in the Internet. This material has been written by scholars and academics as well as by practitioners with field experience. Additionally, professional journals have frequently been used. Referring to the empirical analysis of the Aceh cases, the policy studies of the East-West Centre Washington need to be mentioned most notably. These have been chosen as they provide a detailed description and partial analysis of lessons learnt with regard to the respective mediation processes. Furthermore, as these studies in large part are based on extensive interviews with the actors having been involved



in the processes as well as on Indonesian newspaper articles, they present-

ted themselves as reliable.

2. Assefa's Theoretical Framework

In this chapter, Assefa's theoretical framework, on which the later analysis will build on, will be presented.

Hizkias Assefa's study (1987) consists of three parts. In the beginning of his work, the author has provided a brief overview of the then state of mediation theory in order to develop hypotheses on useful conditions, which contribute to the success of mediation in civil wars. He has used three different clusters, under which he has summarized these various factors related to the *nature and characteristics of the conflict*, the *characteristics of the parties*, and the *characteristics and skills of the mediator*. In the second part, he factually and historically has described the Sudan Civil War that lasted from 1955 until 1972 by examining its root causes, dynamics as well as the peace process. In this part, he has further depicted the successful mediation process that had been conducted by the WCC and AACC in Sudan in 1971/72 and which led to the signing of a peace agreement. In the last part of his work, Assefa then brings together the theory and practice by analysing those factors, which apparently had been important for the successful outcome of the mediation. Twelve of Assefa's created hypotheses on conditions identified as important to the success of a mediation process were either supported by the Sudan case or partly needed to be reformulated. These hypotheses will be distilled for the subsequent case study on Aceh.

2.1 Variables

The independent variables of the hypotheses present the conditions regarded as influential for a mediation outcome. The dependant variable refers to the success of the mediation, therefore to its successful outcome (see Assefa 1987: 12 f.). As Assefa has not explained its dependant variable in detail, mediation success will be regarded as related to behavioural indicators defining the conflict in its different stages during the mediation process (see Bercovitch/Regan 2002: 7). That might be the prevention of violence, or the achievement of some sort of agreement. The prevention of violence again is understood as the reduction, mitigation, or even ending of direct, physical violence in the conflict.

The achieved successful outcome as defined above is expected to last at least for a period of six months. That is, because a time period between six and twelve months is said to be the most critical time fraught with uncertainty with regard to the re-occurrence of violence or the breaking of an agreement (see Aspinall 2005a: ix; Huber 2004: 10). The minimum expected time period has been chosen for two reasons: firstly, though a period of six months is clearly not enough to resolve the root causes and issues of a conflict, after such time policy makers can at least claim a first success for holding on to the conflict resolution process. Secondly, it pre-



sents a sufficient break in fighting to get the parties prepared and become open minded to starting a meaningful dialogue (see Regan 1996: 343). In diametrical opposition to this definition of mediation success, the mediation is regarded as having failed when no improvement in the parties' behaviour can be indicated, or when this improvement has not outlasted the period of six months.

In the following, the independent variables depicting the conditions Assefa had identified as important for a mediation success will be presented as hypotheses to be tested in the chosen case studies. For this analysis, Assefa's classification of these factors into three different clusters will be adopted.

2.2 Hypotheses

The nature and characteristics of the conflict

Concerning the nature and characteristics of the conflict, Assefa's first hypothesis supported by evidence of the Sudan case refers to the influence of the *duration of a conflict* on the mediation outcome. Assefa found that the duration of a conflict contributes to the success of the mediation process if it lasts long enough for the parties to test and therefore become aware of each other's strength (see 1987: 194). He further hypothesized in this context that a *stalemate*, when accompanied by the *parties' perception of high and rising costs* in case of ongoing fighting, were needed to achieve a successful outcome of the mediation process (see *ibid*: 195). Therefore, two different hypotheses can be formulated:

- (H1) *Mediation in intrastate conflicts is more likely to be successful, the longer the duration of the conflict.*
- (H2) *Mediation in intrastate conflicts is more likely to be successful when a stalemate exists and the parties have the perception of high and rising costs in case of non-settlement.*

Referring to the issues in conflict, it has been proven by the Sudan case that the *multiplicity or the multidimensionality of issues in negotiations* contributes to a successful mediation outcome (see *ibid*: 197). Furthermore, it has been seen that "*zero-sum issues*", and in concrete conflicts over secessionism, were typically not resolvable by mediative means. Assefa has argued that on the one hand the question of autonomy created space for negotiations; on the other hand he doubted that the mediation would have been successful had the Sudan rebels stuck to their aim to achieve an independent sovereign state (see *ibid*: 196). Therefore, the subsequent hypotheses can be articulated:

- (H3) *Mediation in intrastate conflicts is unlikely to be successful when these deal with zero-sum issues such as secession, as long as the insurgents' goal is that of achieving an independent sovereign state.*
- (H4) *Mediation in intrastate conflicts is more likely to be successful the greater the number and dimensions of the issues in the conflict.*

The characteristics of the parties

Concerning the characteristics of the parties, it has been proven by Assefa that a *clear identification* and an *inner unity* of the parties are of importance



for the successful outcome of mediation (see *ibid*: 191). Besides that, the Sudan case provides evidence that the absence of earlier personal animosity between the parties contributes to a successful mediation process. This leads to the following hypothesis:

(H5) *Mediation in intrastate conflicts is more likely to be successful the more clearly identifiable and inwardly cohesive the parties are, and when there is no intense personal conflict among the leaders of the warring groups.*

The last hypothesis comprised under this cluster questions the impact of the *parties' dependence on outside powers support* on the mediation process. Assefa's results from the Sudan case lead to the following hypothesis (see *ibid*: 194):

(H6) *Mediation in intrastate conflicts is more likely to be successful, the more the parties to the conflict realize their sense of weakness as a result of the unreliability of outside powers' help.*

The characteristics and skills of the mediator

Concerning the *characteristics and skills of the mediator*, Assefa examined a list suggested by Ott (see 1972: 599). This list covers factors such as impartiality, independence or neutrality, acceptability and respectability by the parties, knowledge and skills, leverage, international support, and the potential of the mediator to provide the required physical resources. Following Assefa, the mediators in Sudan displayed most of these characteristics (see 1987: 197), of which only few have been discussed in detail. Therefore, Assefa's general hypothesis will be adopted as far as it has been supported by evidence:

(H7) *Mediation in intrastate conflicts is more likely to be successful when the mediator is impartial; independent from the parties; acceptable to both; has the respect of all the parties; is credible as one with past success in settling disputes; has the knowledge and skills to deal with the issues; and has the required physical resources.*

Besides that, the question of the mediator's *leverage* received special attention. As Assefa could not come to any clear conclusion on that topic, referring to the most he was able to say, the following hypothesis of him will be provided (see *ibid*: 198):

(H8) *Mediation in intrastate conflicts is more likely to be successful when the intermediary has a certain amount of leverage, be it moral or material, although the amount of leverage may not have to be very great.*

With regard to the necessary *knowledge and skills* a mediator should possess, Assefa offers the following enumeration: conflict situation analysis skills; empathy; active listening; sense of timing; knowledge, trust and credibility development; skills and knowledge in mediation, communication, imagination; skills in joint-costing; meaning to help the parties calculate their costs; and skills and knowledge in crisis management (see *ibid*: 26). As Assefa states that it is hardly possible to find a mediator fulfilling these entire range of requirements, or to analyse if each of these conditions have been provided in the process, his following more general hypothesis will be offered (see *ibid*: 197):

(H9) *Mediation in intrastate conflicts is more likely to be successful when the mediator satisfies a substantial package of knowledge and skills.*



Assefa further refers to the *sense of timing* a mediator should consider when deciding to intervene in a conflict (see *ibid*: 198). This question is related to considerations on the “ripeness” of a conflict for intervention and if it were important to create such a moment (see Rubin. 1991: 238). The findings from the Sudan case lead to the hypothesis that:

(H10) *The sooner the mediator becomes involved in the conflict instead of waiting on the outside for the appropriate time, and by trial and error, regulates his or her activities according to the opportunities and constraints of the situation, the more likely is the mediation to succeed.*

In relation to the *potential of nongovernmental actors* in the role of the mediator in intrastate conflicts and closely linked to the question of leverage of such actors, Assefa concluded from the Sudan case that the connection of a mediator to an international nongovernmental, non-political organization would contribute to the success of the mediation (see *ibid* 1987: 200). Therefore, it can be hypothesized that:

(H11) *Mediation in intrastate conflicts is more likely to be successful when the mediator is assumed to belong*

to an international nongovernmental, non-political organisation.

In relation to the stalemate issue, Assefa has also discussed a possible strategy called “*empowerment*”. He has questioned if, and to what extent the mediator could support the weaker disputant to achieve power parity between the conflicting parties (see *ibid*: 195). The Sudan case supported the assumption that such a strategy must not be that obvious that the mediator’s neutrality can be questioned. Consequently, the following hypothesis can be provided:

(H12) *Mediation in intrastate conflicts is more likely to be successful when without endangering the neutral position of the mediator a non-visible empowerment of the weaker conflicting party increases her bargaining potential.*

In this chapter, by presenting Assefa’s hypotheses and a detailed definition of crucial variables the theoretical framework for the following comparative case study has been outlined. Below, this theory will be tested on the two Aceh mediation processes in order to identify those conditions, which appear to be crucial for track-two mediation to be most likely successful in intrastate conflicts.

3. Aceh – Mediation Activities Towards Peace?

The Aceh conflict has been one of Asia’s longest-running internal crises. An armed struggle for independence from Indonesia led by the separatist Free Aceh Movement (GAM) began in 1976 and was fostered and accompanied by many grievances for the Acehnese civil society relating to hu-

man rights abuses as well as to the distribution of natural resource incomes.

When HDC got involved in Aceh at the end of 1999 and started to facilitate the first dialogue process ever between representatives of the Government of the Republic of Indonesia



(GoI) and the leadership of GAM, the conflict up to then had cost about 10,000 lives. HDC managed to lead the negotiations into two cease-fires: the "Humanitarian Pause", which came into effect in May 2000 and broke down in 2001, and the Cessation of Hostilities Agreement (COHA)⁸, which was signed on December 9, 2002. Particularly the COHA was intended to build the basis for peace negotiations towards final solutions for the political issues at stake. Further, for the implementation of the COHA, a Joint Security Committee (JSC)⁹ was established to monitor its compliance. During the first three months after its signing, the COHA led to a significant decrease of violence down from 87 fatalities a month in the nine months before the signing of the COHA (see Reid 2004: 312), to only 15 casualties in the month of its signing (see HDC: Aceh-Overview). Nevertheless, within a period of six months after its signing, violence re-escalated in Aceh, ending in the revocation of the COHA and the declaration of martial law by the GoI aimed at the complete annihilation of GAM. This was followed by the severest and largest attacks against Aceh launched by the Indonesian military (see Huber 2004: 1ff.).

In the two years that followed the failure of the COHA, these attacks

against GAM continued. At the end of 2004, talks reopened again aiming at a resumption of the peace negotiations. In January 2005, following the tsunami catastrophe in December 2004, with the involvement of CMI the conflicting parties got back to the bargaining table. These negotiations between the GoI and GAM finally resulted in the signing of a new agreement, the Memorandum of Understanding (MoU)¹⁰ on August 15, 2005 (see Aspinnall 2005a: viif.). In comparison to the negotiation phase from January till August 2005, when violence increased steadily resulting in 179 deaths and 172 injuries, since the signing of the MoU a significant drop of violent clashes could be noted (see Sukma 2005: 13). At the time of writing, the peace process remains on track (see ICG 2006, N° 48) and has been monitored by the Aceh Monitoring Mission (AMM)¹¹, which ensured the implementation of the MoU (see Sukma 2005: 12).¹²

10 By signing the MoU, the parties committed themselves to aim at achieving a permanent peaceful settlement. For example, it contains agreements on the future governing of Aceh, the political participation of the province, economic issues, the rule of law, human rights issues, and rules for amnesty and reintegration of GAM fighters into society. For further information, please see CMI, <http://www.cmi.fi/files/Aceh_MoU.pdf> (last access July 1, 2006).

11 The AMM had been deployed by member countries of the European Union (EU) and the Association of South-East Asian Nations (ASEAN) as well as Norway and Switzerland and became operational on September 15, 2005. The AMM stayed involved in Aceh until December 15, 2006, when it finally retreated from Aceh.

12 For more detailed information on the mediation processes, please see HD, Centre for Humanitarian Dialogue, Aceh, Indonesia – Activities, <<http://www.hdcentre.org/Aceh%2C+Indonesia>> (last access July 3, 2006) and CMI, <http://www.cmi.fi/?content=aceh_project> (last access January 28, 2007).

8 For further information on the content of the COHA, please see HD, Centre for Humanitarian Dialogue, Aceh, Indonesia <<http://www.hdcentre.org/Aceh%2C+Indonesia>> (last access July 3, 2006).

9 Consisting of only 148 personnel in March 2003 of which 48 were unarmed peace-monitoring teams from the Philippines as well as Thailand which worked alongside GAM and representatives of the Tentara Nasional Indonesia (TNI), the Indonesian military, this mechanism in the end was powerless and not able to deal with upcoming spoiling activities and violations of the COHA due to its structural weakness (see Sukma 2004: 20; Huber 2004: 35ff.).



3.1 Testing the Hypotheses

By analysing the period over nearly four years that HDC was involved in the Aceh conflict, this process can be distinguished into four phases during which HDC played different roles: the pre-negotiation phase, the actual negotiation phase, the phase of the agreement itself, and the phase of its implementation (see Huber 2004: 70). For the purpose of this study and with regard to the interdependence and interplay of the different phases, the whole process needs to be taken into account. However, the particular focus of the analysis will lie on the negotiations which began in January 2001, as at this time the dialogue changed into official peace talks (see Leary 2004: 314), finally leading to the signing of the COHA as the more critical and especially latter agreement. The preliminary facilitation process to these dialogues and the "Humanitarian Pause" as an interim agreement are interpreted as having formed the basis for further series of discussions (see *ibid*). Nevertheless, when testing the hypotheses on this formal mediation process, the impact of the preceding initiatives (see *ibid*) will be taken into account.

In the following, Assefa's hypotheses will be tested on both Aceh processes conducted by HDC (Aceh I) and CMI (Aceh II), beginning with those belonging to Assefa's first cluster of conditions related to the nature and characteristics of the conflict.

Hypotheses on the nature and characteristics of the conflict

Hypothesis 1: In reference to the characteristics of the conflict, it has been suggested that mediation in intrastate conflicts is more likely to be successful, the longer the duration of the conflict.

Aceh I: The separatist conflict in Aceh existed since the declaration of Aceh's independence by Hasan di Tiro, the founder of GAM, in 1976 (see Huber 2004: 90; Aspinall/Crouch 2003: 87). Therefore, when HDC intervened in 1999, the conflict had already lasted for more than twenty years, long enough for both parties to become aware of and extensively test each other's strengths and weaknesses. Nevertheless, this did not prevent the later recurrence of violence and the failure of the COHA and of the mediation process. It can be assumed that the duration of the conflict might have had some influence at least on the decision of the parties to agree on peace talks. However, given the final failure of the mediation, the Aceh I case does not offer corroborative evidence that mediation is more likely to be successful the longer the duration of a conflict.

Aceh II: At the end of 2004 / early 2005 when peace talks reopened, there still existed this mutual awareness of each other's strengths and weaknesses. That probably partly influenced the disputants' decision to get back at the bargaining table. Though, GAM was also confronted with an increasing battle fatigue within its lines and a fading support of its followers. That appears to have resulted rather from the increased intensity of Indonesia's military actions against Aceh since the declaration of martial law in 2003 than from the mere duration of the conflict (see Aspinall 2005a: 8; ICG 2005: 1). Already in the past, GAM had repeatedly presented itself as being able to retreat in the underground when being in the defensive and weakened by military suppression, just to finally resurrect again with new military power (see Aspinall 2005a: 12). Therefore, it is difficult to answer this hypothesis in



the affirmative. Furthermore, with regard to the marginal time difference between the two mediation efforts in comparison to the duration of the conflict overall, at least it does not appear proper to regard this factor as having had a strong and meaningful impact on the positive mediation outcome of this process.

Hypothesis 2: It has further been hypothesized that mediation in intrastate conflicts is more likely to be successful when a stalemate exists and the parties have the perception of high and rising costs in case of non-settlement.

Aceh I: When HDC got involved in the conflict in late 1999, the parties faced a hurting military stalemate (see Aspinall/Crouch 2003: 11; Kay 2002/2003: 3). However, at the time of the signing of the COHA in 2002, the parties did not face this pressure anymore (see Huber 2004: 3), but were aware of the very high costs a return to war would involve (see Reid 2004: 313). As the mediation failed, in turn it could be assumed that the existence of a stalemate in addition to the mere awareness of high and rising costs might have contributed to a positive outcome of this process.

On the other hand, the given facts do not necessarily lead to such a conclusion. However, the existence of a stalemate in addition to the mere awareness of high and rising costs at least would have caused the parties much more pressure for change. That would have further fostered the parties' will to adhere to the agreement and the absence of the reuse of violence. Therefore, it seems probable that mediation in intrastate conflicts is more likely to be successful if a stalemate under such conditions is given, though the hypothesis cannot be an-

swered in the affirmative without reservation.

Aceh II: Contrary to the time of the failure of the COHA, when peace talks started again at the end of 2004/early 2005, not a mutual but rather a one-sided stalemate existed at the disadvantage of GAM (see ICG 2005: 4). GAM had suffered serious setbacks especially presented by the killing of a substantial number of its fighters following the ongoing and striking military operations against Aceh (see Aspinall 2005a: 8). This had led to a battle fatigue within its lines (see above), which even worsened following the tsunami catastrophe as well as the then even more intensified military operations conducted by TNI (see ICG 2005: 5). This combat fatigue and the perceptible decline in its ranks accompanied by the awareness of high and rising costs presented a peaceful solution much more appealing to GAM than the alternative of ongoing fighting. Unlike GAM, the TNI had experienced some "high-profile victories" (Aspinall 2005a: 8) and was not confronted by the sense of a hurting stalemate (see *ibid.*: 13). Following this, though obviously no mutually hurting stalemate existed, the mediation process led to a successful outcome.

While the question remains why the GoI did not try to completely annihilate GAM at that stage, this might have resulted from its awareness of the costs that would accompany an ongoing war (see Kassim 2005). Besides that, at least some members of the GoI had realized that despite GAM's weaker position a military victory would not be easily achievable (see Aspinall 2005a: 13). The parties had begun to realize that "their previous violent strategies were failing" (*ibid.*: 66). According to that, the Aceh II



case suggests that not only a mutual, but also even a one-sided stalemate accompanied by both parties' awareness of high costs and the assumption that a final military victory remains questionable, contributes to the success of mediation.

However, in that context two conflict-external influencing variables must be taken into account. Firstly, the willingness of a relatively newly elected GoI of Susilo Bambang Yudhoyono as president and Jusuf Kalla as vice president, whose policy was directed at defending and favouring a peaceful solution to the conflict (see Aspinall 2005a: 37); and secondly, the impact the tsunami had on the region and both parties.¹³

Hypothesis 3: In relation to the impact of zero-sum issues on a mediation process, it has been suggested that mediation in intrastate conflicts is unlikely to be successful when these deal with zero-sum issues such as secession, as long as the insurgents' goal is that of achieving an independent sovereign state.

Aceh I: During the whole HDC mediation process, the conflicting parties found themselves in a "fragile bargaining zone" (Huber 2004: 30). The GoI did not take into consideration a possible secession of Aceh from Indonesia but rather felt irrevocably

committed to Indonesia's territorial integrity (see Aspinall/Crouch 2003: x). In contrast to that, GAM continued insisting on Aceh's independence in a way incompatibly opposed to the absolute highest level of autonomy the GoI was willing to offer for negotiations (see Aspinall 2005a: 4; Huber 2004: 30). Even though in 2001 the GoI had already proposed a law on special autonomy for Aceh (see Aspinall/Crouch 2003: 25)¹⁴, GAM first refused to compromise. Later, GAM at least agreed that a new framework for talks could – as an interim solution – be based on autonomy (see HD, Centre for Humanitarian Dialogue: Aceh, Indonesia-Activities).

While a peace agreement was reached, GAM after the signing of the COHA emphasized again that it would stick to its independence claim. This did not leave any room for further negotiations to reach a mutually *durable* agreement in relation to political solutions but left both parties irreconcilable (see Schulze 2004: 46, 48; Reid 2004: 45; Sukma 2005: 8). The GoI started undermining the COHA and finally used pressure on GAM by threatening it with an ultimatum before launching its military coups, which ended in the final collapse of the COHA on May 18, 2003 and the declaration of martial law against Aceh (see Aspinall/Crouch 2003: 1).

It can be presumed though that had GAM moved away from its independence claim and forward towards some compromise, the mediation might have been successful. The government had more scope for concessions in terms of autonomy, but would have never accepted Aceh's

¹³ The tsunami is partly regarded as having been a significant factor in changing the dynamics of the conflict, as both conflicting parties within a couple of days after the catastrophe announced a ceasefire and their return to negotiations (see Sukma 2005: 5, 10). Others interpret its impact as less decisive but rather understand it as a "circuit breaker" (Aspinall 2005a: 16) due to the fact that the first steps towards new peace talks already started in 2004, before the tsunami hit Aceh. Nevertheless, this catastrophe at least provided the parties with the moral obligation and justification to return to peace negotiations without losing face (see *ibid.*: 2, 21; Sukma 2005: 6).

¹⁴ The Special Autonomy Law 2001 contained "provisions on natural resource revenue sharing, political arrangements, and religious and cultural autonomy" (Aspinall 2005a: 5).



secession from Indonesia. Due to these facts, this case supports the hypothesis that a mediation process cannot succeed as long as rebels in conflicts over such “lose-all” or “win-all” issues (see Assefa 1987: 22) do not disavow their main claim for independence.

Aceh II: During the first round of the formal peace talks of CMI’s intervention, both parties still irrevocably stuck to their own views. The situation only changed when GAM during the second and third round of the peace talks suddenly declared its – if not permanent then at least temporary – withdrawal from its independence claim (see Panontongan 2005). GAM then aimed at a solution based on “self-government” (see Aspinall 2005a: 26).

This offer is regarded as a major indicator for the breakthrough to the peace talks (see *ibid.*). The parties were finally able to step back from the discussion deadlock they were facing (see *ibid.*: 27) towards a newly found basis for dialogue, compromise and concessions, unlikely to have been possible otherwise. The newly raised issue of “self-governing” paved the way for a new direction in and built the basis for negotiations on issues important for achieving “a workable political agreement” (*ibid.*: 66). GAM’s offer contributed strongly to the possible final signing of the MoU as a much more robust agreement, and following this to a significant decrease of violence still lasting today. This provides evidence for the reverse hypothesis that as long as the insurgents stick to their aim to achieve a sovereign, independent state, mediation is unlikely to be successful.

Hypothesis 4: Under the same cluster it has further been contented that mediation in intrastate conflicts is more likely to be successful the greater the number and dimensions of the issues in the conflict.

Aceh I: In the Aceh I case, the issues in dispute were complex. Throughout the whole time of HDC’s involvement, these were addressed in diverse peace negotiation talks (see Huber 2004: 47f.). Nevertheless, this did not prevent the failure of the mediation process. The reason might be that although a great number of topics was identified and framed in pre-negotiation workshops as well as during talks in 2002, these issues were not discussed in terms of content before the signing of the COHA.¹⁵ In fact, they were only laid down in summary documents without binding character for further consultation (see *ibid.*: 26). Therefore, the negotiations remained limited to “framework discussions” about a ceasefire and its best implementation and monitoring, the disarmament of GAM, and an all-inclusive dialogue in which the various other political topics should later be addressed (see Aspinall/Crouch 2003: 46). The failure of having substantive peace talks put an enormous pressure on GAM, which should disarm without having any guarantee and safety that afterwards their political issues would be taken into serious consideration (see *ibid.*).

With regard to the later failure of the mediation, this leads to the assumption that the pure complexity and identification of issues in conflict by itself is not of advantage. It can rather be reckoned that *involving* a

15 As one of the HDC mediators in Aceh, Bill Dowell, stated: “The first thing we have to do is (agree) a ceasefire in the field. After that, we can discuss the political solution” (as quoted in BBC News Online, November 19, 2002).



greater number of divisive issues in the preliminary negotiations in terms of content might have led to a successful outcome of the process. Firstly, this could have fostered trust building between the belligerents and could have offered both parties more opportunities to move forward towards compromise (see *ibid*). Secondly, had these issues been already addressed in the COHA, it might have appeared as a much more comprehensive political document than rather a pure arrangement on the cessation of violence. This way, the parties might have been more motivated and especially trusting to stick to it.

On the other hand, this conclusion is not without reservations. The inclusion of a multiplicity of issues, which might have (partially) presented themselves as intractable ones, could have also further complicated and in the end sabotaged the ceasefire discussions (see *ibid*: 47). Therefore, this hypothesis cannot be affirmed unquestionably.

Aceh II: In contrast to the HDC intervention, CMI, and in particular Ahtisaari, used the formula “nothing is agreed until everything is agreed” (see Aspinall 2005a: 23). A huge number and dimension of issues were already addressed in terms of content during the negotiations and then laid down in the MoU.¹⁶ Once GAM had stepped back from its independence claim, this strategy fostered the positive development of the negotiations. CMI could force both parties to work out manageable compromises on the core issues in dispute (see *ibid*: 1f, 23; Sukma 2005: 11) by teaching them to

deeply and creatively think about their needs and how far they actually differed. This approach and the possible complexity of the agenda made it easier for the parties to provide mutual incentives as well as to make concessions (see Aspinall 2005a: 23).

Consequently, this case proves the hypothesis that a multiplicity and complexity of issues affect the success of mediation by offering the mediator the possibility to foster a more creative interaction between the conflicting parties, directed at achieving compromise and flexibility. Though it remains questionable if this approach would have also been successful without the previous intervention of HDC from which CMI profited (see Arola 2005), had the rebels stuck to their independence claim, and had the conflict dynamics been similar to those at the time of HDC’s intervention.

Hypotheses on the characteristics of the parties

*Hypothesis 5: Concerning the characteristics of the parties it has been contended that mediation in intrastate conflicts is more likely to be successful the more clearly identifiable and internally cohesive the parties are, and when there is no intense personal conflict among the leaders of the warring groups.*¹⁷

Aceh I: This assumption has been proven with respect to the HDC mediation process. Referring to GAM, it was difficult for HDC to determine the best negotiation partner, as leading figures of GAM were difficult to

16 These were related to questions of security and demilitarisation, monitoring and enforcement, amnesty and economic compensation for former GAM fighters, and to the political status of Aceh in the coming future (see Aspinall 2005a: 22; Sukma 2005: 11).

17 In this context, it has further been suggested that an existing intense personal conflict between the leaders of the disputing parties would affect the mediation process. With regard to the Aceh case, due to a lack of information about the personal relationships between the respective leaders and persons involved in the negotiation process, this hypothesis can neither be confirmed nor refuted.



identify. Though the GoI preferred to negotiate with the Malaysia-based "Free Aceh Movement Government Council", known as Majelis Pemerintahan Gerakan Aceh Merdeka (MP-GAM), HDC finally prioritized solely on GAM's leadership in Sweden as it was more present on the ground (see Ishak 2002). Furthermore, GAM threatened not to participate in dialogues if MP-GAM or non-GAM Acehnese would get involved in the process (see Huber 2004: 51). The difficulties in the representation of GAM were directly associated with the problems of its internal cohesiveness (see *ibid.*). Though GAM fighters in Aceh generally stayed loyal to their exiled leadership, nevertheless Aceh's provincial leaders acted partially in a debilitating and counterproductive way (see *ibid.*: 53).

Additionally, the Indonesian side was also deeply divided.¹⁸ According to its inner dissension, a clear identification of key people for the negotiations was difficult. HDC first failed to get the Indonesian military on board. Although later meetings between GAM and TNI commanders took place (see Ishak 2002), this is said to have worsened the existing tensions between the diverse Indonesian parties. Later on, this failure was reflected in spoiling activities during the implementation phases first of the Humanitarian Pause and then of the COHA, which disturbed the peace process (see Panontongan 2005; Huber 2004: 22).

Furthermore, the disunity within the Indonesian side went that far that

former Indonesian President Megawati did not even publicly announce the signing of the COHA to sell the peace process to the civil society or to parliamentary bodies (see Huber 2004: 53). HDC itself lacked the necessary skills to neutralize the non-cohesiveness of the GoI and this way to help achieving progress in the peace talks (see *ibid.*: 51).

Although the level of influence on the mediation process remains questionable, it can be determined that the non-cohesiveness particularly of the GoI, and the lack of sufficient political support of the peace initiative on the national level contributed to the negative outcome of the mediation. Though a more experienced and skilled mediator than HDC might have been able to cushion this disunity of the party and its effects on the process, this result in turn confirms the hypothesis that mediation is more likely to be successful the more internally cohesive and the clearer identifiable the conflicting parties are.

Aceh II: While GAM, though having experienced some serious internal tensions following the failure of the COHA, stayed united and loyal to its Sweden-based exile leadership (see Aspinall 2005b: 8), the Indonesian side remained divided. Admittedly, the changes in the GoI's leadership in 2004, when Susilo Bambang Yudhoyono replaced president Megawati and Jusuf Kalla became vice president, set the example that the hardliner front within the GoI had lost influence (see Aspinall 2005a: 31). Nevertheless, many high ranking members of the central GoI as well as security officials were not open-minded towards bargaining, but stuck to a "no-compromise-strategy" (see Aspinall 2005b: 9) and rather expected GAM to eventually accept the government's

18 Various groups, in particular the TNI already rejected the beginning of the peace talks (see Aspinall/Crouch 2003: 2ff.). It did not accept GAM as a negotiation partner (see Ishak 2002) and held the opinion that the only solution to the conflict would be its complete annihilation (see *ibid.*: 13).

offer relating to the “Special Autonomy Law” (see Aspinall 2005a: 32). Also the TNI still opposed negotiations, though in public most of its personnel stressed its willingness to act in ways consistent with the GoI’s orders. The provincial government of Aceh again partly supported the military hardliner approach, while others favoured a peaceful solution to the conflict (see Aspinall 2005b: 10f.).

However, despite the inner disunity of the Indonesian side, this mediation process led to a successful outcome. This development seems to be related to the election of Yodhoyono and Kalla, which had shifted the balance within the GoI to the advantage of those defending and favouring peaceful negotiations (see Aspinall 2005a: 37). This new government has been able to exercise some level of control over the TNI and to hold a strong position to carry out its peace promoting policy (see Sukma 2005: 10). Furthermore, particularly the flamboyant personality of vice president Kalla, who not only initiated the reopening of the peace talks, but moreover as chairman of Indonesia’s largest party in parliament enjoyed a high degree of influence (see *ibid*), deserves special recognition. As a very charismatic and powerful figure in Indonesia’s political arena, he chose the path to energetically and publicly defend the peace process throughout the media (see Aspinall 2005a: 35f.). This behaviour was a remarkably new way of dealing with the conflict. So far, the non-negotiable unity of Indonesia had been the only position openly expressed. In addition, Kalla enjoyed good relationships to Islamic groups throughout the country, which enabled him even further to pursue Yodhoyono’s and his aim to reach a peaceful solution for the conflict (see Sukma 2005: 10).

It remains questionable, or even unlikely, that the mediation efforts of CMI would have had succeeded had the former government of Megawati stayed in power (see Aspinall 2005a: 37). This leads to the conclusion that the successful outcome of the mediation process in spite of the inner disunity of Indonesia was not achieved because of its less disrupting impact, but rather because of the unpredictable variable of a political change and of a powerful leading figure gaining influence. Consequently, it can be determined that mediation still appears more likely to be successful the more inwardly cohesive the parties are.

Hypothesis 6: It has further been hypothesized that mediation in intrastate conflicts is more likely to be successful, the more the parties to the conflict realize their sense of weakness as a result of the unreliability of outside powers’ help.

Aceh I: This hypothesis cannot readily be answered for the Aceh I case. Due to the information available it cannot be concluded that the parties in the Aceh conflict had to rely on outside powers in a classical sense.

Aceh II: Contrary to that, after the tsunami catastrophe in December 2004, Aceh suddenly received an enormous international attention and support in a “powerful humanitarian context” (Sukma 2005: 9) accompanied by unexpected worldwide compassion and sympathy (see Aspinall 2005a: 19ff). This factor appears to have fostered the parties’ decision to reopen the peace talks; though first steps in this direction had already been taken predated to that event (see ICG 2005: 1). After the experience of the failure of the COHA, when GAM had again lost any international recognition, it was now desperate to re-





engage the international community (see Aspinall 2005a: 27, 57).

This motivation has further been driven by the expectations from the Acehnese civil society and the need to receive ongoing emergency relief, reconstruction support as well as donor funding from the international community. The GoI was also aware of the fact that ongoing fighting would endanger the international relief efforts (see Sukma 2005: 9f.). While increasing international efforts to promote a peaceful resolution to the conflict apparently further fostered this development, the GoI later even accepted a stronger international involvement in terms of peacekeeping against its fear to diminish its sovereignty (see Aspinall 2005a: 20, 47).

Following this, in support of this hypothesis it can be assumed that the dependence on outside power's help accompanied by the realization of own weakness apparently advanced the parties' willingness to negotiate and therefore contributed to the positive mediation outcome.

Hypotheses on the characteristics and skills of the mediator

Hypothesis 7: Within this third cluster of hypotheses, it has been contented that mediation in intrastate conflicts is more likely to be successful when the mediator is impartial; independent from the parties; acceptable to both; has the respect of all the parties; is credible as one with past success in settling disputes; has the knowledge and skills to deal with the issues; and has the required physical resources.

Aceh I: Despite being a new and relatively unknown NGO, HDC nevertheless gained the respect and acceptability from the parties. Without any experience in mediating

political disputes, its staff could demonstrate themselves as having a high-level of humanitarian expertise following the involvement in various UN-humanitarian missions worldwide (see Aspinall/Crouch 2003: 10; Huber 2004: 23). Furthermore, HDC tried to balance this lack by bringing outside expert groups¹⁹ into the mediation process, and by seeking external expertise, for example through the Carter Centre (see Huber 2004: 43).

Besides, HDC offered the required physical resources by providing a neutral environment when talks took place at HDC's headquarter in Geneva. This has been an important factor for the exile GAM leadership to ensure a feeling of safety and security (see Schulze 2004: 44; Leary 2004: 322). Yet, as HDC fulfilled these conditions while the mediation process failed nevertheless, it remains questionable to what extent they influenced the outcome of the mediation.

HDC's status furthermore provided it with an independent and neutral position in the eyes of the parties. Though HDC had very much a point of view of wanting to stop the violence (see Leary 2004: 317) and a desire to achieve international reputation (see Huber 2004: 4), it was (seen) sufficiently technically neutral and impartial (see *ibid.*: 4; 43; Aspinall/Crouch 2003: 49). However, its personal partiality led HDC to an overestimation of its actual mediation abilities and its potential to guarantee security through the JSC during the

¹⁹ In 2001, HDC formed a team called the "wise men", which got involved in the peace talks as mediators. This group consisted of the retired U.S. Marine General Anthony Zinni, former Thai Foreign Minister Surin Pitsuan, the former Yugoslav ambassador to Indonesia, Budimir Loncar, and the former Swedish diplomat Bengt Soderberg (see Aspinall/Crouch 2003: 27; Huber 2004: 27).

implementation phase of the COHA (see Huber 2004: 35). HDC's motivation towards international recognition made it quite dependant on the GoI, on which it had less influence than on GAM (see *ibid*: 59). Without being able to address the level of influence on the mediation outcome, it can be assumed that HDC's lack of personal impartiality might have had at least some impact on decisions it took out of its ambition, which contributed to the failure of the mediation. This leads to the reverse assumption that mediation might be more likely to be successful when the mediator is impartial.

Besides that, HDC lacked the cultural knowledge and skills concerning the region and its people. Therefore, it was more difficult for it to address and understand the root causes and underlying obstacles of the conflict as well as the main concerns of the conflicting parties. HDC clearly overcame this handicap throughout the years of its involvement in Aceh (see *ibid*: 43) especially by creating a culturally mixed team of international as well as Acehnese staff (see *ibid*: 11). Nevertheless, for example by not sufficiently diagnosing and understanding the motivation and underlying aims of both parties and the abilities of spoilers in undermining the peace process, HDC simply missed being a "reflective practitioner" (see *ibid*: 40). Though this lack of cultural knowledge and understanding might not have had a strong impact on the negotiations in terms of reaching an agreement, in any case it influenced the breakdown of the COHA. Therefore, it had a strong negative impact on the failure of the mediation process, which in turn supports this hypothesis.

Aceh II: As most of these characteristics have been displayed by CMI, the Aceh II case supports this hypothesis. CMI, and in particular Martii Ahtisaari, who took over the main mediator's role in the Aceh II process, received a high degree of respect and acceptability from the parties. Due to his previous involvement in various peace processes and to his work as a diplomat as well as for the United Nations (UN), Ahtisaari enjoyed a high reputation and status providing him with a high level of credibility (see Aspinall 2005a: 19).

However, while being a neutral outsider entering the dispute, CMI did not completely stick to an impartial role but rather partly took over the position of the GoI, which had made unquestionably clear that it would only further negotiate to reach a final settlement on the basis of the still existing Special Autonomy Law (see *ibid*: 23). As stated by a CMI member, "the general aim of the negotiations was to establish a process leading to a peaceful settlement of the Aceh conflict *within the framework of autonomy*" (see Arola 2005).

While Ahtisaari did not want to ask the rebels to give up on their claim for independence in the beginning of the negotiations, he was aware of the GoI's non-negotiable position in terms of Indonesia's integrity (see *ibid*: 23), which meant that peace had to be built on an agreement that was based on some form of autonomy for Aceh integrated in Indonesia. While the GoI exerted pressure on GAM by threatening it with further military operations, the CMI team and in particular Ahtisaari later in the process followed and occasionally actively supported the irrevocable position of





the government. At that stage, he apparently stepped back from his even technically impartial stance not to lose the negotiations by repeatedly mentioning that a resolution of the conflict would only be possible if being based on some sort of special autonomy. This way he made undoubtedly clear that GAM's original goal of achieving Aceh's independence would never be achievable. Through his strategy "nothing is agreed until everything is agreed" he further aimed at fostering the rebels to examine the autonomy option (see Aspinall 2005a: 25).²⁰

Besides that, the pressure on GAM further increased through the international involvement of various ambassadors and diplomats trying to convince the GAM negotiators of a solution respecting Indonesia's territorial integrity. Although within GAM's lines voices became more frequent which criticized CMI's position, GAM did not leave the process but rather finally declared its willingness to ac-

cept a solution based on "self-government" (see *ibid*: 25f.).

Despite the "technical partiality" of CMI on this issue, the mediation process was successful. This result raises the question of the actual importance and impact of a mediator's complete impartiality on the outcome of a mediation process, and in turn, of possible contributions of (subtle) partiality in deadlock situations. It appears that the – at least temporarily – "technical partiality" of CMI contributed to the successful outcome of the mediation, though it remains questionable how much the "capitulation" of GAM might have further been influenced by other factors and circumstances at that stage of the conflict. However, the Aceh II case suggests that complete impartiality might not be necessary to achieve a positive outcome of the mediation and therefore does not support the hypothesis that mediation is more likely to be successful when the mediator is impartial.

20 According to Meeri-Maria Jaarva from CMI, "no ceasefire before a political solution was not something Ahtisaari and CMI imposed or even suggested, but rather something that the GoI had as their bottom line and we had to accept. „ Nothing is agreed until everything is agreed" was not really related to that. It was first of all a media strategy, preventing parties to claim victories in front of their own constituencies when the process was still ongoing. Secondly, it related to the issue of autonomy and independence. While GAM did during the talks announce that they will let go of their claim for independence, this was not our aim. Ahtisaari's thinking was rather that while independence was not on the table in the negotiations, because he felt it is an unrealistic aim when no part of the international community supported it, he did not demand the GAM to accept autonomy during the negotiations. Nothing being agreed before everything was agreed, GAM could see the "whole package", for instance what the GoI would offer inside the framework of autonomy, and then decide if that was enough for them to give up independence" (Email exchange of October 5, 2006).

Hypothesis 8: In this context, it has further been argued that mediation in intra-state conflicts is more likely to be successful when the intermediary has a certain amount of leverage, be it moral or material, although the amount of leverage may not have to be very great.

Aceh I: HDC as a nongovernmental organization with a low profile clearly lacked the kind of leverage states or international bodies can use to put a certain amount of pressure on the parties when necessary (see Aspinall/Crouch 2003: 49). Besides that, during the different phases of its involvement, HDC did not use its probable main source of leverage, namely the threat to withdraw itself from the peace talks (see Huber 2004: 71), but various other forms to exert influence

on the parties and to keep the negotiations under control.

As GAM desperately aimed at receiving international recognition and legitimacy (see Aspinall 2005a: 59), and the GoI realized a chance to improve Indonesia's negative international image due to the East Timor crisis (see Huber 2004: 19), solely the fact of HDC's involvement provided it with some sort of moral or legitimate leverage, which it could use as a "carrot" (see Schulze 2004: 51ff.). However, in view of the fact that the mediation process failed, the possible influence of this sort of leverage on a mediation outcome can hardly be examined.

Occasionally, HDC was also capable of exerting some kind of "political leverage" following a great support its initiative received from various states, demonstrated through well-publicized visits of US- and EU-ambassadors throughout 2001/2002 (see *ibid*: 27). Besides that, HDC borrowed political and expertise leverage through the involvement of an outside experts group²¹ and the "wise men".²² This way, HDC tried to create broader interest in a successful peace process and to have major power states clearly show their interest in the conflict's outcome (see Kay 2002/2003: 8). Then, during the negotiations leading to the signing of the COHA, HDC arranged a meeting between six Acehese society leaders and GAM nego-

tiators that is said to have convinced GAM to stick to the peace talks (see Reid 2004: 30; Huber 2004: 30).

Although HDC had some moral leverage and had been able to borrow political and expertise leverage from other actors, the mediation process finally failed. Its own power was so limited that HDC during the negotiation phase was not able to significantly influence or lead the parties and to keep their actions in line of the peace process. Besides that, HDC did not have the necessary influence to get the Aceh civil society sufficiently involved in the process (see Huber 2004: 57). This might have put more pressure on the belligerents to concentrate on a peaceful solution of the conflict (see *ibid*: 3) and could have broadened the internal support for the later implementation of and adherence to the COHA. Though this had been one of its initial main aims, HDC saw itself confronted with both GAM's and the GoI's reservations towards this approach (see *ibid*: 58f.).

HDC's main deficiency has obviously been the lack of sufficient political backing and international support, probably due to its low profile status. This became especially obvious during the later implementation phase of the COHA (see *ibid*: 38, 70). When violence finally escalated in March/April 2003, HDC and the JSC did not have the ability to counter the violations of the COHA due to the latter's weak structure (see Reid 2004: 313). Though HDC received at least financial backing from the United States of America (US), the EU, Norway, and the World Bank (see Huber 2004: ix; Sukma 2004: 20), which provided it with some "carrots" to offer (see Schulze 2004: 44), in the end these donor countries were not willing to take over direct responsibility for the

21 This team consisted of the conflict resolution specialist William Ury, the international lawyer Hurst Hannum, a member of the British House of Lords, and the human rights advocate Eric (Lord) Avebury (see Huber 2004: 27).

22 The wise men acted as observers to the talks by participating in the negotiations and offering advice to the process. The process profited especially from this group's high political as well as media profile and their obvious linkages to important countries (see Huber 2004: 27f.).





peace process. Furthermore, HDC especially lacked the contact to the UN and in particular to the Security Council and authoritative member states. These solely could have had the power to punish violating actions of the parties or to use “carrot and sticks” to exert influence (see Huber 2004: 38).

This lack of sufficient international support and therefore leverage has presumably been one factor contributing to the failure of the mediation process. Though the leverage HDC did have was obviously sufficient to lead the mediation process to the signing of an agreement, it was apparently not enough for achieving a successful mediation outcome by reaching a *durable* agreement and prevention of violence. While it is impossible to indicate the level of influence a higher degree of leverage might have had on the HDC process, the Aceh I case suggests that some sort of moral and low-level expertise and political leverage clearly does not appear to be sufficient but a higher degree of it might be required.

Aceh II: In contrast to that, due to his political history, Ahtisaari brought a greater degree of authority and leverage to the mediation process than HDC (see Aspinall 2005a: 19). In fact, he seems to have had some sort of “track-one leverage” “covered” in a track-two context by now being a non-governmental actor.

Through his connections and close relations to high political personnel in the international arena (see *ibid*: 19), Ahtisaari received the necessary international support and backing providing him with a higher degree of “political leverage”. This is said to have been of particular importance in the first rounds of the talks when GAM needed to be convinced to even-

tually step back from its independence claim. Foreign ambassadors who started intervening in the process exerted political leverage by repeatedly pointing out to GAM that the only possible solution of the conflict would need to be built on autonomy respecting Indonesian’s territorial integrity (see *ibid*: 23, 25). Moreover, following the tsunami catastrophe, various political leaders promoted the achievement of a peaceful resolution of the conflict (see *ibid*: 20). This international support and political backing which had some “carrot and sticks” effect (see *ibid*: 19) has proven itself as invaluable at decisive phases of the mediation process and apparently contributed to GAM’s withdrawal from its independence claim.

Besides other factors having influenced the process it appears rather unlikely that a mediator with less political leverage and backing could have led the parties to a successful outcome of the mediation. Consequently, this hypothesis can be answered in the affirmative, though just moral leverage does not seem to be sufficient.

Hypothesis 9: It has further been assumed that mediation in intrastate conflicts is more likely to be successful when the mediator satisfies a substantial package of knowledge and skills.

Aceh I: At the beginning of its involvement in Aceh, though HDC lacked any knowledge and skills in mediating political disputes, it had some experience in negotiations. However, it can be generally said that HDC’s choice of a “humanitarian mediation” approach and its changing strategies during the process were led by “entrepreneurship, improvisation, and learning through trial and error” (Huber 2004: 41). On the one hand,



HDC overcame its insufficient mediation experience by hiring the outside experts as support for the dialogue rounds (see hypothesis 8) and by seeking advice, for example from the Carter Centre (see hypothesis 7). Nevertheless, it was incapable of building sufficient trust between the beligerents (see Aspinall/Crouch 2003: 49; Huber 2004: 43, 71) and missed the opportunities given to an experienced mediator to influence the parties and shape the choice of issues in conflict to discuss during negotiations (see Huber 2004: 45f.). Due to its lack of mediation experience, in some situations HDC was simply inattentive, or not able to adequately deal with either national-level (see *ibid*: 54) or upcoming conflict dynamics, such as the danger of spoiling activities. Here HDC clearly lacked the skills to implement strategies how to most efficiently come up against these issues (see *ibid*: 40). These failures seem to have strongly influenced the negative outcome of the mediation process. Without knowing how the process might have developed had it been led by a better skilled mediator, in the supportive of this hypothesis it can be concluded that a mediator fulfilling a substantive package of skills required for such a task increases the potential to achieve a successful mediation outcome.

Aceh II: Due to his previous involvement in other conflicts (see Aspinall 2005a: 19), Ahtisaari brought sufficient experience and skills to the negotiations. CMI presented its professionalism by a detailed in-depth study of the conflict as well as of the mediation process led by HDC prior to its intervention. This was accompanied by the consultation of participants of these earlier peace talks (see ICG 2005: 6). This way, Ahtisaari and his team got an impression about the crux and

weaknesses of the earlier processes and the COHA. One apparent advantage of CMI was the possibility to analyse the failure of HDC's previous mediation attempts not to repeat the same mistakes (see Aspinall 2005a: 66). Therefore, CMI profited from these earlier lessons learned (see Arola 2005). Ahtisaari apparently followed a somewhat directive mediation strategy by partly giving up on his impartial stance in the first rounds of the negotiations backing the viewpoint of the GoI, which he further combined with a more "creative tactic" by insisting on his formula. He then managed to break deadlocks and to foster consensus and compromises at difficult discussion points during the process (see *ibid*).

Due to his expertise (leverage), with the MoU Ahtisaari also reached the signing of a much more complex, detailed and thus robust agreement (see Aspinall 2005a: 42). By consistently insisting on his formula he forced the parties to think creatively and to find compromises on the issues dividing them (see *ibid*: 22f.). Believing himself that the working field of NGOs ends when touching the monitoring area, he then managed to convince the parties to accept a much stronger monitoring mechanism. Knowing that the "UN would not be accepted because GoI saw Aceh as an internal affair" (see as quoted in *ibid*: 47), he proposed ASEAN and in a second step the EU as two regional organizations. In contrast to the COHA, which lacked the necessary political authority to guarantee its implementation, the MoU became "a direct buy-in by important states" (*ibid*: 46).

Following this, it appears unquestionable that the skills and knowledge of CMI and Ahtisaari in particu-



lar contributed highly to the successful outcome of the mediation process. Therefore, the Aceh II case supports this hypothesis.

Hypothesis 10: It has also been hypothesized that the sooner the mediator becomes involved in the conflict instead of waiting on the outside for the appropriate time, and by trial and error, regulates his or her activities according to the opportunities and constraints of the situation, the more likely is the mediation to succeed.

Aceh I: In 1999, HDC decided to try getting involved in the Aceh conflict due to the worldwide spreading rumours that Indonesia would possibly break up. Though it was not focussed on Aceh in the first place, it decided in its favour because of the long duration of this violent conflict, Aceh's strategic position as well as the possibility to work with the GAM leadership in exile (see Huber 2004: 20). Furthermore, its involvement happened at a time when Indonesia was experiencing changes in the political system following the breakdown of the authoritarian Suharto regime (see *ibid*: viii). However, it is assumed that its involvement and later staying in the conflict did not result from calculation but rather happened fortuitously (see *ibid*; Reid 2004: 311).

Nevertheless, though HDC acted as hypothesized, the mediation process failed. Consequently, it neither appears that the way HDC got involved in the conflict had an essential impact on the outcome of the mediation nor can this be neglected. Therefore, the HDC intervention does not provide any clear argument pro or contra this hypothesis.

Aceh II: The first initiative to resume negotiation talks between GAM and the GoI came from vice president

Kalla already in early 2004. Kalla chose two different tracks to get into contact with GAM to test out the situation: on the one hand, he used trusted intermediaries, who contacted GAM's field commanders. Secondly, he looked for ways to reach GAM's leadership in Sweden (see Aspinall 2005a: 16; ICG 2005: 2ff.).²³ Only during the second step, Juha Christensen, a Finnish businessperson, approached Martii Ahtisaari to act as the mediator (see Aspinall 2005a: 18). As Ahtisaari did not introduce himself as a possible intermediary, this case does not give the necessary input to respond to the hypothesis, when and how a mediator should best intervene into a conflict.

Hypothesis 11: It has further been suggested that mediation in intrastate conflicts is more likely to be successful when the mediator is assumed to belong to an international nongovernmental, non-political organisation.

Aceh I: Right from the very beginning, the GoI as well as the Indonesian military elite strongly rejected any high-profile international involvement by international bodies such as the UN. Even though the US, Japan, the EU as well as the World Bank supported the peace negotiations by partly financing HDC, this influence from international side was unofficial and invisible. Therefore, it does not seem to have had a strong impact on the process (see Aspinall/Crouch 2003: 50). HDC precisely took advantage of its status as an international nongovernmental and non-political organization, as its involvement did not threaten the GoI's

23 For contacting GAM's commanders in the field, Kalla used the services of track-two actors, in concrete of businesspersons with connections to GAM (see Aspinall 2005a: 16ff; ICG 2005: 2ff.).



sovereignty (see Kay 2002/2003: 8; Leary 2004: 323). This is further proven by the fact that the GoI itself encouraged HDC in August 2000 to take over the mediator's position to lead the political dialogue between the belligerents (see Huber 2004: 41). As the GoI would have never accepted a track-one actor as mediator, even though the mediation process did not result in a successful outcome, this hypothesis is supported by the Aceh case.

Aceh II: Even after the tsunami, the GoI still clearly regarded the Aceh conflict as an internal affair (see Aspinall 2005a: 47). By choosing again a small NGO instead of a governmental body as mediator, the GoI could still publicly argue that the conflict was neither going to be internationalised (see *ibid*: 19) nor that it was going to foster providing GAM with legitimacy. Thus, any more official support could have been counterproductive to the negotiations. It can be concluded that the GoI would have never accepted any international governmental body but merely a track-two actor as mediator. Therefore, it appears that not only the assumption, but also the fact that the mediator belonged to a nongovernmental organization consequently contributed to the positive mediation outcome.

Hypothesis 12: The last hypothesis discussed suggests that mediation in intrastate conflicts is more likely to be successful when without endangering the neutral position of the mediator a non-visible empowerment of the weaker conflicting party increases her bargaining potential.

Aceh I: During the whole process, HDC somehow tried to equalize the parties' power in negotiation. Beginning already in the pre-negotiation phase, among the group of outside

experts HDC invited Lord Eric Avebury, a member of the British House and a human rights advocate, to join the talks. Avebury had been a long-time friend to GAM and was trusted by its founder Hasan di Tiro (Leary 2004: 319). His task was to support and reassure GAM that HDC's intention was positive, and to be its advocate (Huber 2004: 27).

Through the involvement of the "wise men" in the negotiation phase in mid-2001, GAM as the less experienced party also received support in formulating and advocating its position (see *ibid*). This way, GAM was empowered to increase its bargaining potential. On the other hand, the outer experts emphasized to GAM that it would not receive any international support for its independence claim on Aceh. At the same time, they stressed towards the GoI that the international community was supporting Indonesia's integrity (see *ibid*). The fact that this strategy did not endanger the neutral role of HDC as mediator might be explained by HDC's tactic to "use" outsider parties to take over this (biased) role. However, though it has been argued that GAM clearly valued the involvement of these experts (see *ibid*), it cannot be determined if, and to what extent particularly the empowerment of GAM influenced the process. Therefore, if, and to what degree a connection may be established to the outcome of the mediation process remains questionable.

Aceh II: This case does not provide a clear answer to the hypothesis. As far as information is provided, GAM had the support of a political advisor, Damien Kingsbury, who accompanied the rebels during this new process and while adopting their new policy to step back from their independence claim (see Aspinall 2005a:



26). Furthermore, according to Meeri-Maria Jaarva from CMI, "GAM was receiving support for their negotiation tactics, agenda formulation and consultation with wider community from the Swedish Olof Palme Center. We were in contact with them, but did not participate" (Email exchange of October 5, 2006). Even so, with regard to the partly biased position the mediator team took over in favour of GoI, the effect of this empowerment somewhat remains questionable, especially as pressure had apparently been exerted on GAM to step back from its independence claim (see Aspinall 2005a: 25). Following this, though the mediation led to a successful outcome, this hypothesis cannot be answered in certainty.

In this chapter, Assefa's hypotheses have been tested on two mediation processes of both success and failure having been conducted by HDC and CMI in Aceh to identify the validity of their conditions towards the respective mediation outcome. As the previous analysis shows, while the two Aceh processes support some of Assefa's hypotheses, they refute others. In addition to that, some of these especially with regard to the Aceh I case could not clearly be affirmed without reservations. External unpredictable and uncontrollable factors due to new conflict dynamics have apparently further influenced the independent variables by shaping the outcome of the mediation processes. In the second Aceh case, such factors have been a change in both parties' leadership, new political dynamics within the Indonesian party, the tsunami catastrophe, and in this context the opening of Aceh to the international world (see Sukma 2005: 9).

3.2 Analyzing Similarities and Differences

To identify these conditions, which appear to have been the most crucial ones for the positive mediation outcome in the Aceh II case, this section will focus on the key differences between the two processes. In particular, those conditions will be examined, which were fulfilled in the successful case in contrast to the failed HDC mediation. That is, because generally it is what sets these mediation processes apart that seems to have been decisive in shaping their different outcomes. However, in this context, the occurrence of unpredictable variables due to changing conflict dynamics (see above) must be carefully taken into account.

Similarities of the Aceh cases

Referring to similarities in relation to the *nature and characteristics of the conflict*, due to the marginal time difference between the failed mediation attempt by HDC in 2003 and the reopening of negotiations in early 2005, the mere *duration* of the Aceh conflict (see hypothesis 1) could not be seen as having had any influence on the mediation outcome. At least, the possible positive influence of the time factor is probably insignificant.

Besides that, in both processes the *number and dimension of issues under contention* were many and intricate (see hypothesis 4). In contrast to the failed HDC process, during the negotiations leading to the MoU these had already been addressed in terms of content. Following this, it was not the mere existence of the *multiplicity and multidimensionality of the issues in conflict*, but their salience during the

negotiations and their inclusion in the MoU that contributed to the positive outcome of the CMI process. Comparing the cases, this apparently depended on *how* and *when* these multiple issues were included in the negotiations as well as on the willingness of the parties (see Aspinall 2005a: 23).

During the CMI process, the involvement of a high number and dimension of issues under contention apparently provided the ground for further bargaining accompanied by compromise and incentives, which ended in the signing of a much more extensive peace agreement presumably having fostered the parties' willingness to stick to it. While in relation to the HDC process the possible positive influence of such a strategy remained questionable (see Aspinall/Crouch 2003: 47), the analysis of the successful CMI mediation leads to the conclusion that at the right time this factor, in conjunction with others, has been important. However, it apparently has not been of crucial influence, as it presents itself as being too strongly dependent on the interactivity of other factors.

The similar *characteristics of the mediators*, in both cases were: a) the independence from the parties, b) being acceptable to both, c) having the disputants' respect, as well as d) being able to offer the required physical resources (see hypothesis 7). While the rank of influence of these factors in comparison to others can hardly be assessed, it can be said that these appear as basic conditions that have had a positive and strong influence on the mediation outcome. In particular the possibility to offer the required physical resources in this context is most notable as it offered the exiled leadership of GAM safety and security to

attend the negotiations (see Schulze 2004: 44; Leary 2004: 322).

A further factor has been the assumption, indeed the fact, of *the mediators belonging to a nongovernmental, non-political body* (see hypothesis 11). For the Aceh process, this factor is most likely to have had a strong influence on the mediation outcome without reservation. The GoI at the time of both interventions would have never accepted the movement of any international governmental body in the conflict (see Aspinall 2005a: 47; Aspinall/Crouch 2003: 50). Hence, though not differing between the cases, this factor appears to have been a pre-condition for getting an acceptable outsider mediator at all involved in the conflict and therefore a mediation process eventually started. Therefore, this factor seems to even have crucially fostered and influenced the course of the mediation process.

Contrary to that, while in both processes GAM as the weaker conflicting party received some sort of empowerment (see hypothesis 12), the effect of this factor on the mediation outcome remained questionable in both cases.

Differences between the Aceh cases

Apart from these similarities, it is what sets the two mediation processes apart that – keeping in mind the influence of unpredictable variables – seems to be most decisive for the different outcomes of the two cases. In this context, two conditions can clearly be ruled out, which apparently had not been fulfilled in the success case and therefore had no impact on the mediation outcome.

Firstly, the mediator had not chosen to get involved in the conflict (see hypothesis 10), but Ahtisaari had been





approached as mediator by use of unofficial track-two diplomacy.²⁴ Secondly, while HDC as the mediator remained at least technically *impartial* (see hypothesis 7), Ahtisaari and his CMI team in relation to GAM's independence claim partly gave up on their impartial stance to the advantage of the GoI (see Aspinall 2005a: 23).

Referring to those factors, which contrary to HDC's intervention were present in the CMI process and therefore seem to have been the most crucial conditions having influenced the positive outcome of the process, in relation to the *nature and characteristics of the conflict*, first that has been GAM's withdrawal from its *independence claim* (see hypothesis 4). In contrast to the HDC process, when such a move of GAM had not even been open for consideration (see Aspinall 2005a: 4; Huber 2004: 30), during the CMI intervention GAM finally stepped back from that aim (see Panontongan 2005). This move of GAM led to a major breakthrough in the negotiations (see Aspinall 2005a: 26), which paved the way for further bargaining, finally ending in the signing of a workable peace agreement still lasting today.

Secondly, interrelated and interdependent to this factor, the existence of the – merely one-sided – *stalemate* to the disadvantage of GAM accompanied by the GoI's doubts that a military victory could ever be reached and the awareness of high and raising costs belongs to the apparently most powerful conditions for the successful Aceh II case (see hypothesis 2). This shift in the parties' strengths, and in particular with regard to GAM's weakening fighting spirit, appears to have been a "chief factor" for the parties'

willingness to return to and stay at the bargaining table (see Aspinall 2005a: 57).

In relation to the *characteristics of the parties*, another crucial factor had been the *realization of weakness* following the tsunami catastrophe accompanied by the awareness that international support might be withdrawn from Aceh in case of ongoing use of violence (see hypothesis 6). At the time of the HDC process, GAM had already desperately aimed at receiving international recognition and legitimacy but was not dependent on outside powers' help. In contrast to that, after the tsunami and due to the devastating situation in the region, the Acehnese clearly needed and both conflicting parties wanted the international community to stay involved in Aceh (see *ibid*: 27, 57; Sukma 2005: 10). This desire of GAM connected with its weaker position following the stalemate it faced appears to further have been closely related to its stepping back from the independence claim.

In addition to that, the difference between the cases related to the *internal disunity* particularly of the Indonesian side (see hypothesis 5) presents another most crucial factor. The actual condition – a natural *internal cohesiveness* – was not fulfilled on the Indonesian side in both cases. During HDC's intervention, this led to spoiling activities, which had a crucial impact on the breakdown of the COHA (see Panontongan 2005; Huber 2004: 22). Contrary to that, at the time of CMI's intervention, Vice-President Kalla as a charismatic and powerful politician by way of his status and peace-promoting interaction in combination with a strong peace fostering government (see Aspinall 2005a: 35ff.; Sukma 2005: 10) achieved building an

24 For detailed information, please see Aspinall 2005a: 16.

atmosphere within Indonesia's lines, which might be described as some sort of "artificial unity". As it is doubted that the CMI mediation process would have succeeded had Megawati's government remained in power, this "artificial unity" in contrast to the HDC process had a decisive influence on the successful mediation process.

Finally, referring to the *characteristics and skills of the mediator*, the obviously crucial factors having most likely contributed to the success of the Aceh II case have been the question of *leverage* of the mediator (see hypothesis 8), of his (*im*) *partiality* (hypothesis 7) and the mediator's expertise and skills (see hypothesis 9). In both cases, the mediators had some leverage. However, the difference to be drawn relates to the degree and kind of leverage. While both mediators provided moral or legitimate leverage through their intervention, a clear and crucial distinction has to be made in relation to their political leverage as well as their expertise.

The "political leverage" factor has apparently most powerfully worked out in favour of the successful outcome of the CMI process. This condition seems to be strongly dependent on and interrelated with the international support a mediator achieves, which again highly depends on the international status the mediator enjoys. HDC as an unknown NGO was deficient in all these respects and just occasionally could borrow political leverage. CMI and in particular Ahtisaari in contrast brought a high level of political authority to the process due to Ahtisaari's own former political status and his connections to influential people in the international arena (see Aspinall 2005a: 19). Unlike HDC, this "political leverage" obviously allowed Ahtisaari to lead the

mediation in a more directive manner by partly taking over a rather biased position, and to exert influence on GAM to accept a solution based on autonomy. In this context, Ahtisaari also received the necessary support of the international community, for example through the intervention of foreign ambassadors.

Contrary to HDC, CMI and particularly Ahtisaari partly took over a rather partial role in support of the GoI. This "technical partiality" and the degree of (political) leverage Ahtisaari could bring to the process appear to have been a key combination to exert the necessary influence on GAM to break the deadlock. On the other hand, also during the HDC process it had already been tried to influence GAM through the involvement of outside experts (see Huber 2004: 27). However, in the HDC case such international support as was given was rather of an informal nature and especially lacking with regard to the implementation of the COHA (see *ibid*: 38). During CMI's intervention again, international support and backing seem to have been much more on stage, closely related to the international recognition Aceh received following the tsunami catastrophe. Seemingly that stronger political backing and international support provided CMI with much more political leverage, making a crucial difference.

With regard to the mediator's knowledge and skills, HDC had hardly any *mediation expertise*, but had to borrow this expertise (see Huber 2004: 27) through the involvement of outside experts. Ahtisaari again could offer his own expertise due to his working history and past involvement in political negotiations (see Aspinall 2005a: 19). According to his experiences and

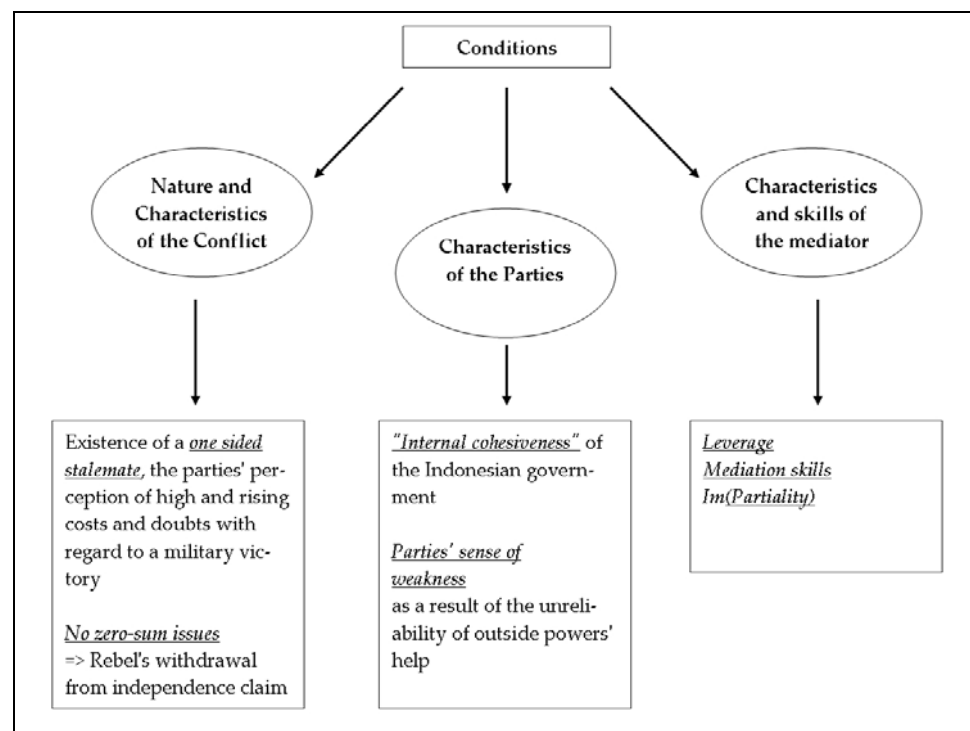




by obviously choosing the right strategy, he had the ability to manage and creatively influence the process and the parties immensely and achieved the creation of a much more robust peace agreement. Furthermore, the combination of political leverage and expertise of CMI enabled it to bring in and convince the parties to accept a much stronger monitoring mechanism to guarantee the later implementation and adherence of the MoU (see Aspinall 2005a: 42, 4.). This had been a deficiency in the first mediation process (see Panontongan 2005; Hu-

ber 2004: 22), which had strongly influenced its failure. Although CMI also profited from HDC's previous efforts in Aceh (see Arola 2005), the mediators' *skills and knowledge* and the expertise leverage a mediator can further use resulting out of these clearly differed decisively between the cases. However, it has to be borne in mind that particularly the new and weakened position of GAM as well as the new conflict dynamics following the tsunami catastrophe played a decisive role.

Crucial conditions derived from Assefa's hypotheses



In this chapter, the results from testing the hypotheses on the two Aceh mediation processes have briefly been summarized and set in context to identify these conditions, which appear to have been most cru-

cial to the success of track-two mediation in an intrastate conflict. In the following, these will be reflected on the topical state of debate in the academic field on this matter.



4. The Results in the Context of the Present State of Debates

Below, relating to the interim resume and the previous analysis, the empirical results from testing Assefa's hypotheses on the two Aceh mediation processes will be discussed in terms of the current state of literature in order to illustrate how they fit into the present state of research. In this context, it will mainly be referred to Assefa's conditions that have been identified as the most significant ones for the successful Aceh case and to those, which have received considerable attention in the scholarly field, but have not been supported by the previous analysis. In a second step, additional factors, which appear to have had an impact on the positive mediation outcome but were not encompassed by Assefa's hypotheses, will be presented. However, as these were partly covered in the discussion of Assefa's hypotheses and due to the limitations of this study, these will only briefly be touched on.

4.1 The Nature and Characteristics of the Conflict

Relating to the *nature and characteristics of the conflict*, the analysis of the Aceh case proves the general scholarly agreement that the point of time when mediation is attempted, the "propitious moment" (Bercovitch/Derouen 2004: 155) displays a significant factor (see Bercovitch 1997: 145).

The academic world seems to agree that as far as possible such a situation exists, which may be characterized as "the ripe moment" for an intervention to be propitious. The

"*ripeness*" of a conflict is said to refer "to both to a condition to the conflict and to the right time for intervention" (Fisher 2001: 20). In this connexion, some scholars argue that an intervention can be seen as most promising by entering the dispute as soon as possible before fronts between the conflicting parties harden. Others assume that mediation can only be successfully applied after a "minimum time period" (Kleiboer 1996, 363; Bercovitch et al. 1991: 22), or even later when parties are tiring, costs are soaring, and mediation appears to be the better alternative to ongoing fighting (see Hopmann 1991: 40).

A different group of scholars regards a conflict as "ripe" for intervention due to the existence of unendurable conditions such as a "mutual hurting stalemate" between the conflicting parties (see Zartman 2005: 10 f.; Olson/Pearson, 2002: 441; Assefa 1987: 195; Bercovitch 1997: 145). Advocates of this theory regard the existence of a *stalemate*, or at least a change in power relations as a "benchmark in a conflict" for the evaluation of mediation success in terms of a conflict's "*ripeness*". That is, because mediation always depends heavily on the willingness of the parties to peacefully settle a conflict (see Zartman 2005; Touval/Zartman 2001: 434; *ibid* 1985: 16; Olson/Pearson, 2002: 441; Rubin 1992: 251; Arola 2005). Therefore, the existence of such a factor is said to raise the actors' willingness towards negotiations and therefore also the chances for mediation success.

Referring to this scholarly debate, the results of the Aceh analysis sup-



port the *stalemate* theory. Though the literature speaks about a “mutually hurting stalemate”, following the comparison of the Aceh processes the parties’ willingness has apparently been strongly fostered by even only a one-sided stalemate. This had been accompanied by GoI’s perception that the parties were facing an unbearable situation “that appears likely to become very costly” (Touval/Zartman 1985: 16). In contrast to that, an assumed significance of the duration of the conflict remained questionable.

In addition, the results from Assefa’s hypotheses dealing with the *issues* in conflict match with the current state of scholarly debate. The literature regards the number and complexity of issues under contention as an advantage for mediation, by offering the mediator opportunities to persuade a party to compromise (see Assefa 1987: 196). Furthermore, it seemingly agrees that the issues in conflict and the way they are perceived make a difference in relation to the mediation outcome. Scholars have determined that intrastate conflicts dealing with issues of sovereignty, such as those about secessionism and autonomy, are less likely to be able to be mediated due to their intractability because of the deadlocked situation of the parties (see e.g. Bercovitch/Houston 1996: 24; Bercovitch/Derouen 2005: 111; Bercovitch et al. 1991: 13f.). This assumption has been proven right by the Aceh case study, which demonstrated clearly - as long as GAM stuck to its independence claim - that conflicts about such zero-sum, or “lose-all”, “win-all” issues in particular due to their “all-or-nothing nature” make mediation extraordinary difficult (see Huber 2004: 5).

4.2 The Characteristics of the Parties

Referring to the characteristics of the parties, the comparison of the two Aceh mediation processes shows that the *internal disunity* of conflicting parties makes a clear identification of acceptable key people difficult for the mediator. Failures of a clear identification of those can apparently lead to spoiling activities heavily endangering the implementation of an agreement. This has also been concluded by the scholarly field, though generally in relation to interstate disputes. Scholars like Kressel/Pruitt (1989: 405), Bercovitch/Houston (1996: 21), Assefa (1987: 13), or Ott (1972) not only regard internal disunity and quarrels within one group as disruptive factors to the mediation process. They also especially emphasize that the conflicting parties need to be clearly definable and legitimate identities. However, following the Aceh case study, such disunity within a party does not necessarily prevent the signing of an agreement, but apparently heavily endangers its implementation phase.

The condition on the *realization of weakness and dependence on external help* apparently has not received a high level of attention in the academic field so far. However, due to the Aceh analysis such an (unexpected) dependence on external help following an “event” like the tsunami catastrophe, and the awareness of its possible loss in case of ongoing fighting apparently may further foster strongly the willingness of the parties to achieve a peaceful settlement.

4.3 The Characteristics and Skills of the Mediator

In relation to the necessary characteristics and skills a successful mediator should incorporate, Ott (1972: 599) has named a long list of conditions identified as likely to be crucial for a successful mediation process, at least if a substantial combination of some of these resources is offered (see hypothesis 7). In context to track-two mediation, in the academic field especially the question of *leverage* has gained increasing attention. Some academics even regard this factor as one of the most crucial ones for a successful mediation outcome, or as “the ticket to mediation” (Touval/Zartman 2001: 436; *ibid*, 1989: 129; see Crocker et al. 1999b: 21; Bercovitch et al. 1991: 15; Bercovitch/Houston 1996: 26; Bercovitch 1997: 146).

While the term *leverage* lacks an explicit definition, it is often set in context to power and influence in terms of using “carrots and sticks” (Touval/Zartman 1985: 13). High-ranking track-one mediators are generally said to possess a much higher degree of leverage. They can use their political as well as social influence to persuade the conflicting parties of a mediation in one way or another (see Bercovitch 1997: 146). Contrary to that, track-two actors lack that same kind of leverage by nature of their status. In this context, scholars have defined six different types of leverage a mediator could use. Of these, solely two refer to the use of coercive power. The other four – generally spoken – rather build on the personal qualities and abilities of the mediator in terms of legitimacy and authority, relationship-based influence as well as expert knowledge and skills (see Rubin 1992: 256 ff.; Touval/Zartman 2001: 437 ff.). This development is said to create

space for track-two actors to use a quite different kind of power to influence the mediation outcome (see Aall 2001: 375). Explicitly referring to the cases of Sudan (see Assefa 1987) and Mozambique (see Hume 1994), it has further been argued that a mediator himself must never exercise power, not to undermine his credibility and effectiveness (see Nathan 1999: 9, 12). The only personal interest of a mediator should rather lie in achieving a peaceful settlement for the conflict at stage (see Ott 1972: 597).

Following the comparative analysis of both Aceh mediation processes, some sort of moral, political and expertise leverage, the latter being based on the mediators’ skills, are clearly important sources track-two actors can use to exert influence on the parties. With regard to HDC, these obviously can be sufficient to reach an agreement. This result is also read in the current state of scholarly debate: forms of “soft power” (see Aall 2001: 374), - besides others referring to the legitimacy a mediator can offer the disputants, to his expertise and his relationship to the parties (see Rubin 1992: 256 ff.; Touval/Zartman 2001: 437 ff.) - are assumed to create space for mediation by track-two actors.

However, it seems that the crux following the Aceh analysis is that for achieving a workable, solid agreement and its implementation apparently the *degree* of leverage makes a crucial difference. It appears that for mediation at the violent stage of an intractable conflict a higher degree of leverage and authority, especially political one following international support and backing, is indispensable. This political leverage might be executed by external pressure, or result from a mediator’s own higher level of authority (see Aspinall 2005a: 19).





This result matches with the “*Contingency Model*” of Fisher/Keashley (1991; 1996) in combination with Glasl’s (2003) “*Nine Stages Escalation Model*”, which relates the type of intervention to the level of escalation of the conflict. This model identifies various types of third party intervention – from good offices to peacekeeping – and links their usefulness and effectiveness to different escalation stages in a conflict at which they seem most likely applicable (see Fisher/Keashley 1991; *ibid* 1996; Glasl 2003). The underlying assumption of this model is that every conflict has its own dynamics consisting of interrelated, interdependent and interacting objective as well as subjective elements influencing the conflict’s process at all stages of its de-escalation and escalation (see Fisher/Keashley 1996: 240). In relation to that model, the higher the escalation stage of a dispute, the more powerful the intervention method. This approach is further elaborated by the so-called Cross-Track-Concept (see Mason/Siegfried 2005: 195). In this regard it is argued that the effectiveness of conflict resolution, and therefore also of mediation as one of its intervention tools, lies in and fundamentally depends on the coordination and interplay of the various actors on and between all different levels as well as on their diverse methods. This is called the “interactive conflict resolution approach” of these strategies (Olson/Pearson 2002: 423; see Crocker et al. 1999b: 41).

In this context, following the Aceh case also the question of *neutrality* and *impartiality* of a mediator, which adhere to the classic “Western mediation style” (see Moore 2003: 53; Assefa 1987: 22), has presented itself as further critical. Scholars have determined that probably no mediator can be

completely impartial, but must be able to separate his personal opinion from the process (see Moore 2003: 54) to assure at least “technical impartiality” (Nathan 1999: 3). On the contrary, in relation to interstate conflicts it has even been argued that some degree of partiality of the mediator would raise the parties’ influence on him and could in turn increase his acceptability. Impartiality again is assumed not to be decisive for the outcome of a mediation process (see Touval/Zartman 2001: 432; *ibid* 1989: 121 ff.; Bercovitch/Houston 1996: 26; Fisher 2001: 20).

Against the argumentation that a mediator must at least hold onto “technical impartiality”, in the Aceh case rather the at least temporarily partiality of CMI combined with the higher level of “political leverage” appear to have been indispensable as long as GAM stuck to its claim for independence. It further seems that this partiality has only been possible because of the mediator’s access to the necessary degree of leverage (see Kleiboer 1996: 372; Reiman 2004: 44). This leverage Ahtisaari could provide has obviously been *the* “ticket to mediation”. It allowed him to partly take over a rather biased position in favour of GoI and to exert influence on GAM in a more directive manner when it was necessary to lead the parties away from the deadlock situation they faced towards the breakthrough of the negotiations. In addition, this leverage seems to have been connected to the status and credibility of the mediator as well as to the international support he received.

With regard to the expertise (leverage) of a mediator, the literature regards mediative skills and knowledge as a most important dimension in mediation success. That in particu-

lar, as a more experienced mediator is said to reach the signing of more solid and robust agreements, which again may foster trust and credibility between the parties (see Bercovitch/Derouen 2004: 159). The Aceh case demonstrates clearly how a higher level of mediation expertise attributes to the achievement of a higher quality, durable settlement, which again raises the credibility and trust in the opposite party.

4.4 Additional Factors Based on the Present State of the Art

Following the analysis of the Aceh cases, certain factors not covered by Assefa's hypotheses appear to have had a crucial impact on the mediation outcome as well. Though, due to the limitations of this study, these will only briefly be touched on.

In relation to the *nature and characteristics of a conflict*, this has been the increased *intensity of the conflict* at the time of CMI's intervention (see hypothesis 1, chapter 3.1). Due to the examination of the impact the *conflict intensity* has on a mediation outcome measured in terms of fatalities, in the academic field a high intensity of a conflict is regarded as decreasing the chances for mediation success (see Bercovitch/Derouen 2005: 108; Bercovitch/Houston 1996: 23f.). Contrary to that, it has been determined that even when the intensity of the conflict rather increases than decreases that would not prevent the signing of a negotiated agreement (see Assefa 1987: 194f.). In extension to these views, the Aceh II case might provide evidence that the intensity of a conflict leading to a battle fatigue of the combatants might even contribute to the successful outcome of mediation.

A further factor relates to the *willingness of the parties* in relation to the initiation of the mediation process. While HDC initiated its involvement in Aceh, in contrast to that in the second case the GoI demonstrated its interest in reopening peace talks by using track-two diplomacy efforts, by which CMI eventually was approached as mediator (see hypothesis 10). Following the information available it has not become clear if and to what extent this fact might have made a difference between the outcomes of the two processes. Nevertheless, academics assume that the willingness of the actors demonstrated by their initiation of the mediation process would be a fundamental condition for its success (see Bercovitch/Derouen 2005: 108; *ibid* 2004: 166; Olson/Pearson 2002: 441; Nathan 1999: 5 f.) and would demonstrate the parties' readiness for compromise (see Rubin 1991: 244).

Furthermore, the *international support* a mediator receives and the *status* he enjoys apparently played a fundamental role in the Aceh case. Though these factors, including the various forms of leverage, are mainly discussed individually in the academic field, there is a need to regard them in context. It has become obvious by comparing the two processes that the degree of leverage a mediator can exert on the parties depends highly on the international support and status he enjoys (see hypothesis 8). As Ahtisaari, contrary to HDC, had the necessary leverage due to his status and his therefore international support, it seems to be clear that the higher the rank of the mediator, the higher his international support, the higher his leverage and following this the more likely the mediation to be successful. This assumption is supported by scholars determining that "the





higher the mediator's status, the greater the chances of success" (see Kleinboer 1996: 373). Following this, the Aceh case also depicts the strong contingency between all these conditions.

One obvious deficiency of Assefa's theory relates to the question of the *strategy of the mediator* best applied. In today's academic field this factor - in contrast to Assefa's theory - presents a fourth cluster that is regarded as a key component in the evaluation of mediation success (see e.g. Bercovitch/Derouen 2004: 156; Bercovitch 1992: 17; Touval/Zartman 1985: 11 ff.; Wilkenfeld et al. 2003: 283; Ropers 1995: 49 ff.; Beardsley et al 2006: 63; Moore 2003; 55 f; Kleinboer 1996: 375).

Scholars broadly differ between two typologies encompassing rather passive as well as active mediation strategies. While some distinguish between the mediator's role as a communicator, a formulator, or a manipulator (see Bercovitch/Derouen 2004: 156; Bercovitch 1992: 17; Touval/Zartman 1985: 11 ff.; Wilkenfeld et al. 2003: 283), others differentiate between facilitation or reflective behaviour, non-directive mediation, or directive mediation (see Ropers 1995: 49 ff.; see also Moore 2003; 55 f.).

With regard to the latter theory, *facilitation* is described as the most passive method and can be seen as a "starting point" for mediation. This method focuses for example on gaining the parties' trust, receiving knowledge about the parties as well as the issues in dispute, but also on fostering mutual empathy and a new understanding of the conflict by changing perceptions (see Beardsley et al 2006: 63; Ropers 1995: 50). *Non-directive mediation* aims at leading the parties to a mutual acceptable solution of the conflict, whereby the mediator plays a more active role but helps

on a minimum level (see Kleinboer 1996: 375; Ropers 1995: 50 f.). In *directive mediation* again the mediator holds a more activist position by extending his non-directive role through making suggestions and proposals, or by exerting pressure to force the parties into an agreement (see Bercovitch/Derouen 2004: 157). This method appears similar to the role of a mediator as a *manipulator* and can furthermore be set in context to the question of leverage.

The *communicator* also plays a rather passive role as "go-between" by channelling information between the parties, making contact, or identifying issues. The *formulator* has more control over the process and may decide about its setting, or he helps the parties more actively through his creativity to redefine their issues, or to find solutions for the conflict (see *ibid*). However, scholars have further argued that a mediator should not be deadlocked by solely sticking to one respective strategy, but rather should adapt the most useful method in view of possibly changing conflict dynamics (see Touval/Zartmann 1985: 261).

It appears that the difference in strategies used by the mediators in Aceh has been a crucial factor for the mediation outcome as well. Seemingly, CMI in contrast to HDC²⁵ partially used a rather directive strategy to lead the process, following the formula "nothing is agreed until everything is agreed", combined with playing a formulator role by fostering the parties' creativity. In this regard, the comparison of the cases shows an apparent further linkage between the

25 HDC's role - following its low degree of leverage and a strategy based on a humanitarian approach (see Huber 2004: viii) - might rather be classified as a combination of having been a formulator and a communicator.

strategy a mediator *is able* to use and the degree of leverage he can provide, which relates again to his status, international support, expertise – and finally to the willingness of the parties (see above). This matches with empirical results presented in the literature determining that directive mediation as an influencing factor improves the chances for a successful mediation outcome (see Bercovitch/Derouen 2004: 162). The difficulty arising in this context is that due to limited detailed information available particularly on that factor it remains difficult to draw any clear conclusion.

In addition to these factors, a further apparent crucial role played the *changes in leadership* of both parties. With regard to the GoI, the comparison of the Aceh processes presents that influencing leaders or members of a conflicting party - when strongly committed to peace - might have the power to undermine, or better “control” internal quarrels. This way they may create an “*artificial unity*” (see hypothesis 5). Furthermore, it has been argued that also the new negotiators on GAM’s side might have played a crucial role in relation to the successful outcome of this mediation. Such factors influencing the dynamic nature of a conflict are also said in the literature to might be decisive “in determining mediation success” (Olson/Pearson 2002: 441).

The comparison of the cases has further made clear that for mediation success as defined in this study the presence of *strong peacekeeping forces* for guaranteeing the implementation of an agreement appears as a most crucial factor. HDC’s attempt to take over all necessary roles to be played

in a peace process, from a facilitator to a peacekeeper, by establishing the JSC has not presented itself as being effective. As Ahtisaari has stated, the working field of an NGO ends when touching the monitoring area (see Aspinall 2005a: 47). While HDC and the JSC were unable to control the upcoming spoiling activities due to the JSC’s weakness and to adequately react to violations of the COHA, the AMM has been a much stronger monitoring mechanism of higher political authority.

A last complementary condition worth adding are the *previous mediation attempts* of HDC and their possible impact on the outcome of the Aceh II case. These have been characterized as contributions to the successful mediation process of CMI (see Arola 2005). CMI could build on the lessons learned of the previous mediation attempts by being able to fall back upon the general agenda HDC had created as well as on its information on possible discussion blocks (see Aspinall 2005a: 22).

In this chapter, the results from testing Assefa’s hypotheses on the two Aceh mediation processes have been reflected in the context of the present state of debate in the academic field with the objective to place these within the established theory and literature and to identify the contribution this study might have to offer to the existing field of research on the actual potential of track-two mediation activities to prevent violence in intrastate conflicts. Additionally, further apparently decisive factors, which had not been encompassed by Assefa’s hypotheses, have briefly been examined.





5. Conclusion

In the following, the comparative results from testing Assefa's hypotheses will again be briefly summarized and the usefulness of the method of adopting his hypotheses will be discussed. In this context, the validity of this approach as well as difficulties, which came up during the empirical analysis, will be mentioned. After that, more general conclusions will be drawn based on the results of the empirical analysis. Finally, desiderata for future research, which have been revealed during the analysis, will be outlined.

5.1 Empirical Results Based on Assefa's Hypotheses

When talking about Assefa's theoretical framework, applying his hypotheses for the comparative analysis of the mediation processes in Aceh turned out to be useful and relevant. However, a difficulty had been the fact that all of Assefa's hypotheses had been formulated in the positive. Following this, especially in relation to the negative Aceh I example, the final conclusion on the influence of some of the discussed conditions remains a bit indistinct. Nevertheless, the trend mainly indicated rather an affirmation than a refutation of the hypotheses. By testing them on the success case Aceh II, the majority of these were supported and due to the comparison of the two processes, only two conditions were answered in the negative, while the influence of the "empowerment-condition" on the positive mediation outcome remained questionable.

As presented in the previous chapter, while being aware of the fact that

Assefa's theoretical framework is not exhaustive, in particular with regard to the large scope of inquiry of such conditions discussed in the academic field, this approach has been helpful as a "starting point" for the purpose of this analysis. Nevertheless, Assefa's theoretical framework lacks particularly one key factor strongly influencing the outcome of mediation. That is a process variable, related to the mediator's strategy, which is widely debated and used as a fourth cluster in the topical literature on mediation. However, as the analysis and the discussion of the present state of literature has shown, Assefa's hypotheses generally remain congruent with the key variables still topical and debated in the scholarly field. Having tested and identified these key factors now provides the necessary basis to move forward towards further inquiry into this topic.

By comparing the results of the Aceh I and Aceh II processes, it has been possible to isolate some conditions, which turned out as apparently having been the most crucial ones in explaining the different outcomes in the Aceh case. Referring to Assefa's conditions first, these resulted from all three clusters. In sum, relating to the nature and characteristics of the conflict, the existence of an at least one-sided *stalemate* accompanied by the awareness of high and raising costs and GAM's withdrawal from its *independence claim* belonged to this group. Referring to the characteristics of the parties, these have been the "internal cohesiveness" of the GoI due to the creation of some "artificial unity" as well as the realization of *weakness and dependence* on external help following the tsunami ca-



tastrophe. Finally, with regard to the person of the mediator, his or her degree of *leverage* and *expertise* as well as the question of his (*im*) *partiality* were characterized as most influencing factors. This way, the huge scope of conditions covered by Assefa's hypotheses regarded as influential ones for a successful mediation could be organized in a "ranking list" and limited to a smaller number of most crucial ones for a deeper insight.

In addition to those conditions, which had been covered by Assefa's hypotheses, certain other factors, such as changes in political leaderships, the mediator's strategy, his status and the international support the mediator receives, or the willingness of the parties have been pointed out as apparently further crucial ones.

As these results solely build on one specific conflict with two instances of mediation and due to the limitation of empirical information available²⁶ by exclusively having been able to use secondary literature, any general deduction to be drawn based on these findings remains necessarily tentative. The uniqueness of each conflict and the changing dynamics of its nature as demonstrated by the previous analysis limit the scope of any such generalization.

When it comes to answering the core research question of this study, the comparison of the two Aceh processes shows that successful mediation by track-two mediators depends on a number of influencing factors being interdependent and contingent. However, despite the uniqueness of each conflict or of situations and dy-

namics even within the same conflict, the Aceh case has illustrated the existence of indicating factors. These have been for example changing leaderships, unpredictable occurrences, or changes in power relations between the parties, which obviously foster the chances of successful mediation.

In addition, the Aceh case proves that track-two actors have a potential to prevent violence in intrastate conflicts, even when intervening on a higher political level generally assigned to track-one actors. Their outstanding advantage is that they can cope with the needs of both conflicting parties. While a track-two intervention in itself may provide the insurgents with legitimacy, due to these actors' nongovernmental and non-political status it apparently neither compromises the respective government's reputation to be able to handle its own domestic affairs, nor its sovereignty. Especially the latter factor seems to increase their attractiveness as intermediaries in such disputes.

The necessary key component seemingly remaining is the question of leverage in all its facets – political, expertise, and moral – the track-two mediator obviously needs to have on hand for the mediation to be most likely successful. As the Aceh case has indicated, it appears that the success of a track-two actor's mediative intervention in an intrastate conflict besides other factors heavily depends on a higher degree of leverage he can use. The level of leverage seemingly is related to his international support, which again is strongly connected to the mediator's international reputation and status. Obviously, when intervening on the highest political level in such conflicts, the mediator – though ideally being track-two personnel not

²⁶ Contacting CMI to gain further information about its involvement in Aceh I was informed that the centre itself has not yet analysed its role as mediator in the conflict, but intends to complete this in the future.



endangering the sovereignty of a state – needs to have track-one leverage and influence on hand.

This leads to the conclusion that for mediation to be most likely successful in intrastate conflicts not only interventions on all tracks and society levels by different actors have to take place. In particular, these apparently need to be constructively linked, in terms of this study especially between the track-one and track-two level. A close cooperation between these two levels following the Aceh case appears indispensable. In this regard, not only the communication between the conflicting parties needs to be fostered and supported. In particular, also the communication and cooperation between international actors and interveners to a conflict needs to be further constructively developed given the necessary support track-one actors can provide in cases when track-two personnel appears to be the better suited mediator in a respective conflict.

5.2 Future Research

Following this, future research should be focused on such a complementary cross track “interactive conflict resolution approach” (see Mason/Siegfried

2005: 195; Fisher 1997; Olson/Pearson 2002: 423) and in particular should deal with the question of how to best link the different tracks. In addition, the question of leverage needs to be further explored. The communication between international actors intervening in such crises needs to be further developed in order to achieve the most efficient utilization possible of personal as well as material resources in conflict mitigation and resolution. Instead of working alongside each other, a closer cooperation between these various actors working in different professional fields on all society levels apparently needs to be further fostered. In this context, the possible effectiveness of mediation between these various international actors and donors to improve the constructiveness, communication and use of available resources for peace building should be examined. In addition, the question on the role of individual actors, nongovernmental organizations, or institutions such as the EU to play a mediator, or coordinator role for achieving improvement in the cooperation and coordination of peace-building efforts between all different intervention levels in conflicting zones appears to be of increasing interest and value.



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List of Acronyms

AACC	All African Conference of Churches
AMM	Aceh Monitoring Mission
ASEAN	Association of Southeast Asian Nations
CMI	Crisis Management Initiative
COHA	Cessation of Hostilities Agreement
EU	European Union
GAM	Gerakan Aceh Merdeka (Free Aceh Movement)
GoI	Government of Indonesia
HDC	Centre for Humanitarian Dialogue (previously, the Henry Dunant Centre)
ICG	International Crisis Group
MP-GAM	Majelis Pemerintahan Gerakan Aceh Merdeka (Free Aceh Movement Government Council)
MoU	Memorandum of Understanding
NGO	Nongovernmental Organisation
TNI	Tenatara Nasional Indonesia (Indonesian National Military)
UN	United Nations
US	United States of America
WCC	World Council of Churches

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