

THE ROLES, FUNCTION AND EFFECTIVENESS OF THE THIRD PARTY
MEDIATION IN PEACE PROCESSES

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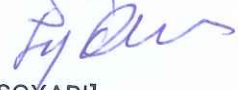
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ETİK BEYAN

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ABSTRACT

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As a result of the transition in warfare since the end of the Cold War, the term peace, which conventionally has been referred to inter-state settlements, became to be affiliated with “the resolution of ethnopolitical conflicts”. In this milieu, mediation has gained more importance in the peace processes proliferated over the last decades, as a non-violent political activity for resolution of those “new-wars” or “micro-conflicts” coming to prominence in recent decades.

Mediation is an essential part of the peace processes put in place to find a solution for the conflicts or civil wars. In most of the cases, the success of the peace process largely depends on “the effectiveness and success of the third-party mediation”, among many other factors. Based on this presumption, the thesis aims to explore the roles and effectiveness of third-party mediation in peace processes through the peace and conflict studies literature, by focusing on two cases where third-party mediation has been successfully applied: Northern Ireland Peace and Aceh Peace Process. While the thesis is focused on the former USA senator George Mitchell's mediation activities in the first case, it analyzes the former Finnish Prime Minister Martti Ahtisaari's mediation role in the latter. Through these two cases, the thesis descriptively reveals how mediators might be significance to in managing with whole “peace process” in general and helping the negotiators to reach a formal agreement, in particular.

Keywords: conflict resolution, peace processes, third party mediation, Aceh, Northern Ireland

ÖZET

ACAR, Erhan. *The Roles, Functions and Effectiveness of Third Party Mediation in Peace Processes*, Yüksek Lisans Tezi, Ankara, 2019.

Siyaset literatüründe, geleneksel olarak devletler arası antlaşmaları ve uzlaşmaları ifade eden Barış kavramı, özellikle Soğuk Savaş'ın sona ermesinden bu yana devletler arası muharebe biçimlerinin minimum düzeye inmesinin bir sonucu olarak sıklıkla “etno-politik çatışmaların çözümü” ile ilişkilendirildi. Böyle bir politik ortamda, Arabuluculuk “yeni savaşlar” ya da “mikro çatışmalar” gibi çeşitli şekilde adlandırılan çatışmaların şiddetsiz şekilde çözülmesi için devreye sokulan “Barış Süreçlerinde” sıklıkla başvurulan araçlarından biri olarak ön plana çıkmıştır.

Arabuluculuk, etno-politik çatışmalar veya iç savaşlar için bir çözüm bulmak amacıyla uygulanan Barış Süreçlerinin önemli bir parçasıdır. Birçok durumda, Barış Sürecinin başarısı, diğer birçok faktörün yanı sıra, büyük ölçüde “üçüncü taraf arabuluculuğunun etkinliği ve başarısına” bağlıdır. Tez, bu varsayımdan yola çıkarak, arabuluculuğunun başarıyla uygulandığı iki vakaya odaklanarak, arabuluculuğunun Barış ve Çatışma Çalışmaları literatürü çerçevesinde barış süreçlerindeki rollerini ve etkinliğini araştırmayı amaçlamaktadır: Kuzey İrlanda Barış ve Aceh Barış süreci. Tez, birinci vaka olarak eski ABD senatörü George Mitchell'in Kuzey İrlanda'daki arabuluculuk faaliyetlerine odaklanırken, ikincisinde ise Finlandiya eski Başbakanı Martti Ahtisaari'nin Helsinki Görüşmeleri olarak da bilinen Aceh Barış Sürecindeki Arabuluculuk rolünü analiz ediyor. Tez, bu iki pratik örnekten alınan derslere dayanarak, arabulucuların genel olarak bütün “Barış Süreci” boyunca faaliyetlerine değinmekle beraber, spesifik olarak Barış Süreçlerinin “Müzakere” aşamasında çatışan tarafların resmi bir anlaşmaya varmaları noktasında oynadıkları role odaklanmaktadır.

Anahtar Kelimeler: Çatışma Çözümü, Barış Süreçleri, Arabuluculuk, Aceh, Kuzey İrlanda

TABLE OF CONTENTS

ACCEPTANCE AND APPROVAL	İ
YAYIMLAMA VE FIKRI MÜLKİYET HAKLARI	İİ
ETİK BEYANI	İİİ
ABSTRACT	İV
ÖZET	V
TABLE OF CONTENTS.....	VI
INTRODUCTION	1
CHAPTER ONE: THIRD-PARTY MEDIATION: ROLES, FORMS AND EFFECTIVENESS	5
1.1.MEDIATION: THE CONCEPT, DEFINITION	5
1.2.EFFECTIVENESS OF THIRD PARTY MEDIATION.....	7
1.2.1. Mediation Track and Effectiveness.....	7
1.2.2. Impartiality/Neutrality and Internal/External Mediation.....	7
1.2.3. The Context of The Conflict	8
1.2.4. The Actors and Power Relations	8
CHAPTER TWO: CONFLICT RESOLUTION, PEACE PROCESSES AND, MEDIATION	10
2.1. CONFLICT RESOLUTION.....	10

2.1.1. A Theory of Conflict Resolution: Galtungian Approach	11
2.1.1.1. Conflict.....	11
2.1.1.2. Violence: Direct, Structural and Cultural.....	13
2.1.1.3. The Relation Between Violence and Conflict.....	14
2.1.1.4. Galtungian Peace Theory	15
2.2. PEACE PROCESS.....	16
2.2.1. Preparation for Process	17
2.2.2. Negotiations	19
2.2.3. Peace Accords.....	20
2.2.4. Peacebuilding and Reconciliation.....	21
2.2.5. A Review: Third-Party Mediation in Peace Processes	22
CHAPTER THREE: A CASE OF EFFECTIVE THIRD-PARTY MEDIATION: GEORGE MITCHELL IN NORTHERN IRELAND	27
3.1. NORTHERN IRELAND CONFLICT.....	27
3.1.1. The Roots of the Conflict	26
3.1.2. The Troubles: Once Upon a Time in Northern Ireland	28
3.1.3. The Peace Process.....	29
3.1.4. George Mitchell in the Resolution Process: A Case of Effective Mediation with Muscle.....	31
3.1.4.1. Decommissioning Body and Mitchell Principles (1995-1996)	32

3.1.4.2. The Forum for Political Dialogue (1996-1997).....	33
3.1.4.4. Negotiating on the Good Friday Agreement (1997-1998)	34
3.1.4.5. A Review on Mitchell’s Role as a Mediator.....	36
CHAPTER FOUR: A CASE OF EFFECTIVE MEDIATION: MARTTI AHTISAARI IN ACEH.....	39
4.1. Background of the ACEH Conflict.....	39
4.2. The Peace Process.....	41
3.2.3. Martti Ahtisaari in the Peace Process	44
3.2.3.1. Rule Making for the Negotiations	45
3.2.3.2. Issues of the Negotiations	47
3.2.3.2. A Review on Ahtisaari’s Mediation in the Negotiations	50
CONCLUSION	53
BIBLIOGRAPHY	58
APPENDIX 1. ETHICS BOARD WAIVER FORM	68
APPENDIX 2. ORIGINALITY REPORT	69

INTRODUCTION

The characteristic of warfare has markedly changed since the early 1990s when the Cold War ended. The proxy wars experienced during the Cold War paved way for the “new wars”¹ (Kaldor, 2012) in countries such as South Africa, Sudan, Colombia, Rwanda and Bosnia in the post-cold war period. As a consequence of such transition in warfare, the term peace which conventionally has been referred to inter-state settlements is now often associated with the resolution of those “new wars”. In this milieu, mediation has gained more importance in the peace processes proliferated over the last decades as a non-violent political activity for resolution of those “new-wars” or “micro-conflicts”.

Mediation has been an important part of the peace processes that employed to find a solution for the conflicts or civil wars in South Africa, Argentina, Northern Ireland, Guatemala, Sudan Bosnia, and Kosovo, etc. In most of the cases, “the success of the peace process” has been depended on the effectiveness and success of the third-party mediation, among many other factors. Based on this presumption, the thesis aims to explore the roles and effectiveness of “third-party mediation” in resolution processes of conflicts (peace processes).

Mediation, as Bercovitch writes “is a procedure predicated upon the process of negotiations” or “continuation of negotiations by other means”. (Bercovitch, 1992). Therefore, as he further writes “it can only be studied as an aspect of the broader context or structure of negotiations and parties’ own efforts to manage their conflict” (P.3). In other words, the essence of work of mediators in peace processes, that is, in the processes of transformation of conflicts within democratic contexts, is to enable the

¹There are several definitions which are referred to contemporary armed conflicts, such as of t inter-communal conflicts/civil wars, intra-state conflicts, or ethno-political conflicts, ethnic conflicts, micro conflict and so forth. In this thesis, the term “conflict” is used as general terms covering up all these definitions, which indeed may have slight differences from each other.

language for communication and dialogue between conflicting parties to reach out a compromise. Such a standpoint regarding language concurs with the liberal mainstream thesis which is based on the idea that language is “medium of reconciliation and mediation, of peaceful co-existence” (Žižek, 2008a, p. 1). For instance, Benjamin in his ‘Critique on Violence’ as a response to the question “Is any nonviolent resolution of conflict possible?” writes:

“..Nonviolent agreement is possible wherever a civilized outlook allows to use of unalloyed means of agreement. ... There is a sphere of human agreement that is wholly inaccessible to violence: the proper sphere of “understanding”, language.” (Benjamin, 1996, p. 244)

A similar understanding of language is one of the keys to the political philosophy of Arendt. For Arendt (1990), in so far as man is “a political being endowed with speech violence is to be located out of political realm” (pp. 18-19)

The studies on mediation suggest that “the field is not monolithic but pluralistic” (Bush & Folger, 2005). Bush and Folger (2005) identify four stories on the Mediation Process, which describe the diversity of the mediation practice as well as studies on it: 1) The Satisfaction Story considers the mediation as an activity to satisfy needs of conflicting sides. ; 2) “The Social Justice Story” considers mediation as an essential leverage for building strong communities by organizing individuals around common interests; 3) The Transformation Story explains the mediation as an activity “to transform the quality of the conflict interaction itself, so that conflicts can actually strengthen both the parties themselves and the society they are part of” ; 4) The Oppression Story considers the mediation as “a dangerous instrument for increasing the power of the State over the individual and power of the strong over the weak”.

I would like to underline that in this thesis the mediation is being studied based on the *transformation story*. The transformative approach is not prescriptive but descriptive in essence. It does not aim to impose a moral value on the conflicting parties but only assist them to transform their conflict. In this regard, As Bush and Folger (2005) write “parties are helped to transform their conflict interaction from destructive to constructive” (pp.22-233).

The thesis is built out of four chapters. The first Chapter gives “a detailed literature review” for mediation. It begins with explanation third-party mediation and different models. Chapter lastly deals with the success and effectiveness of mediation in peace processes.

Chapter Two focuses on “Conflict Resolution” and “Peace Process”, as mediation is understood and studied as a part of nonviolent resolution processes of conflict, that is, of peace processes. After a brief of the evolution of the Conflict Resolution as field and academic activity, the Chapter moves its focus on the term Peace Process, giving a general frame for peace processes. At the end of the chapter, “effectiveness of mediation” and “the success of peace processes” are discussed briefly.

Chapter Three focuses on two cases of effective mediation. The first case selected to analyze mediation is the Northern Ireland Peace Process. To do so, the thesis particularly is focused on George Mitchell’s mediation activities in the transformation of the conflict. The second case selected to be scrutinized in this chapter is Martti Ahtisaari’s mediation activities in Aceh Peace Process which was carried out to end the conflict in Indonesia. The reason why these two cases were selected is due to the fact that both these cases are well-known with the participation of mediators and positive contribution of them in the transformation of deadly conflicts. One another reason for the selection of these cases is the fact that the contexts of these conflicts are quite dissimilar to each other.

In the final chapter, the two cases are briefly compared and the effectiveness and success of mediation are reviewed. The thesis concludes with the existing need for more empirical studies to better analyze and understand the role of mediation in resolution processes of conflict.

Research Questions

The initial question of the thesis is “what is conflict resolution and peace processes?” The second question is “what is the roles of mediators and how they can be more effective during a peace process?” The third question “how mediators functioned and what they have done in Northern Ireland and Aceh (Indonesia) Peace Processes?”

The thesis tries to provide a critique of the initiatives and scrutinize the mediation work in Northern Ireland and Aceh, based on the existing literature on mediation and peace processes.

Data Collection

The research aims to “find out and criticize intermediary peace initiatives” during the peace process of Northern Ireland and Aceh. “To collect data”, in this thesis “process tracing method” is deployed to explore the details of the processes and mediation activities. The essential features of “process tracing” is to seek “evidence of the pressures, incentives, motivations, and decision making calculus” (Marsh & Stoker, 2010, p. 92) In other words, as a methodology it helps to reveal “the causal chain and the causal mechanism of the focused process of the case” (George, Bennett, Lynn-Jones, Mille, & George, 2005, p. 206). Therefore, “process-tracing” is believed to a suitable method for the research.

Academic Contribution

There are several studies on the Mediation activities both in Northern Ireland and Aceh. Nevertheless, there is no research focused roles and effectiveness of mediation practices particularly during the negotiation stage of Northern Ireland and Aceh Peace Processes. The thesis is specifically focused on mediation roles and effectiveness in the Negotiation phase in those two cases. Therefore, the thesis is hoped to be a useful contribution to the existing literature.

CHAPTER 1: THIRD PARTY MEDIATION: ROLES FORMS AND EFFECTIVENESS

1.1. MEDIATION: THE CONCEPT AND DEFINITION

In the current discourse of the Peace and Conflict Studies (Hereafter, PACS), there is not a consensus about limits, criteria, and roles of mediation. Consequently, there are several definitions suggested for mediation, mostly differing according to the standpoint of the researcher. According to Bercovitch (2011) “mediation is a method of conflict management”. Wallenstein's (2002) approach to mediation, on the other hand, is particularly focused on reaching an agreement between adversaries, which is more related to conflict resolution rather than management. Lederach (1997) and Bush and Folger (2005) approach to the mediation from a transformative perspective, which has been an alternative to conflict resolution, management, and prevention. To cover the common features of these reviews, mediation can be briefly identified as “the intervention of a skilled and impartial intermediary working to facilitate a mutually acceptable negotiated settlement on the issues that are the substance of the dispute between the parties” (Fisher R. J., 2011, p. 159).

It should be said that “taxonomy of mediation” and another third party” initiatives” is one of the points of contestation among scholars. Mediation sometimes is used in a broader sense, covering all forms of non-violent “third-party activities” in conflict (Reimann, 2004, p. 42). The categorization suggested by Christopher Mitchell is an example in this regard. Fisher and Keashly (2011, p. 166), on the other hand, suggest a taxonomy that categorizes mediation as “a specific method of third-party intervention”.

Mitchell (2003) identifies a similar classification of the third party, diverging from Fisher on two points. Firstly, he categorizes the peace workers’ activities based on specific roles, thus using the term meditation in a broader concept than the way Fisher has used. Secondly, he categorizes those mediatory roles into three periods of

negotiation processes; “pre-negotiation”, “during a negotiation” and “post-agreement” (Mitchell C. , 2003, pp. 102-103).

One point that needs to be clarified beforehand is the term *third party* in conflict resolution. The notion “third party” entails that conflict is “dyadic” structurally. The third party is the “outsider involved” in conflict. To put it differently, the third party conventionally is understood as a symbol of “third eyes”, engaging in the conflict resolution process with a specific power (coercive power/authority or soft). If the third party is involved in as a mediator, he/she is expected to have “equal distance” to other parties. This relational balance between mediation and the “conflicting parties” is referred to as “impartiality” and “neutrality” (Hale & Nix, 1997).

In the PACS, the perspectives to the third party are various and disputable. The common idea is that a single form of the third party might not be applicable to every conflict scenario (Fisher R. J., 2011). Therefore, the third parties are often categorized by the level of power. Fisher (2011) argues that a conventional method involves in the cases as “power over”, while relatively new approaches like problem-solving functions as “power with” (p. 158) .

1.2. EFFECTIVENESS OF THE THIRD PARTY- MEDIATION

Firstly, it needs to be noted that “effectiveness of mediation” is a controversial topic in the “existing literature”. For some researchers, “the indicator of the effectiveness of the mediation is the level of actors’ satisfaction” about the results (Böhmelt, 2011, p. 87). Some others, directly focusing on the outcomes, make simple categorizations of the third party activities as “successful” and “unsuccessful”. For instance, Bercovitch (2013) suggests two broad criteria to assess the “effect” and “consequences” of mediation: “subjective” and “objective criteria” (2013, pp. 350-353). Accordingly, “the subjective criteria refers to the mediators’ perception” about the transformation of the conflictual relation (Bercovitch, 2013, p.351). On the other hand, “objective criteria”,

contrary to “subjective criteria”, is based on “substantive indicators that can be demonstrated empirically” (Bercovitch, 2013, p. 352). The changes in the level of violence, fatalities, or any diplomatic contact among the parties can be a pointer of “objective criteria” (Bercovitch, 2013, p. 352).

1.2.1. Mediation Track and Effectiveness

In his book, Böhmelt writes that the “leverage and resources of the track of diplomacies” are effective on the results. Accordingly “the more leverage is available and resources are invested by a specific track, the more effective a track intervention” (Böhmelt, 2011, p. 84). Lederach (1997), on the other hand, has emphasized the role of “middle range level actors” in processes of peacebuilding. He writes that “the very nature of contemporary, internal, protracted conflicts suggests that the need for theories and approaches keyed to the middle range” (1997, p. 60).

1.2.2. Impartiality/Neutrality and Internal/External Mediation

The concern of conflicting parties about security, deception, distrust to each other, and pressure of the conceived power relation leads to the characteristic of the third parties to be highly critical. Therefore, in most of the intractable conflict, the parties are convinced to carry out dialogues only when there are trusted and respected mediators. This reality in conflicting cases has led the peace researcher to more focus on impartiality and neutrality of mediators. Impartiality refers to “taking an interest all of those affected properly into account” (Ramsbotham, Woodhouse, & Miall, 2012, p. 320). On the other hand, neutrality refers to “non-political engagement into conflict” (Ramsbotham, Woodhouse, & Miall, 2012, p. 321). Indeed, the researcher has put forward quite controversial ideas about neutrality and impartiality of mediators. Fisher (2011) argues that the impartiality of the mediator is critical to building a trustful relationship. On the contrary, Lederach (1997) asserts that “partiality is not always

detrimental to intermediary work” (p. 50). Some others have suggested that in some cases “insider-partial mediators”, that is, “mediator from within the conflict”, might be more fruitful (Wehr & Lederach, 1996, p. 58). For example, Wehr and Lederach (1996) inform us that in the Sandinista-Yatama conflict in Central America the people preferred for trust, that is, “confianza”, rather than neutrality. In this context, insider partial personalities like Andy Shogreen and Gustavo Parajon involved as mediators in the Sandinista-Yatama conflict (Wehr & Lederach, 1996, p. 66).

1.2.3. Context of the Conflict

The mediators usually are expected to be familiar to some extent with conflict they are involved in. They should have at least basic knowledge of the conflicting parties, cultural setting, environment, the history and root causes of the conflict. That is to say that they should have at least basic knowledge of the context and characteristic of the conflict to be successful (Bercovitch, 2011, p. 7).

A context, according to Bercovitch (2011) “refers to a social environment in which all social process takes place” (p. 8). Ho-Won Jeong (2008) writes that “the history of conflict, and its physical and organizational settings, constitute the context of an ongoing episode” (p. 38). He underlines the relation of conflict with different dynamics in a given period of time. Bercovitch (2011), on the other hand, handles the context as “environmental parameters of conflict” (p. 179).

1.2.4. Actors and Power Relations

As Wallensteen (2002) writes “... actors are the ones who know the conflict most intimately. This makes them the actors who most legitimately can decide when the conflict is over” (p.5). Political parties can be divided into two categories: “*primary*” and “*secondary parties*”. Accordingly, “the primary parties” refers to people that are directly engaged in conflict. The secondary parties, on the other hand, are not

directly involved in the conflict but they somehow influence the conflict by giving support to one of the primary parties.

In most of the intra-state conflict, there is an asymmetrical power relation between parties, which is a critical challenge for mediators. The general view is that the conflicts with “relatively equal power relation” between disputants are “more likely” to be transformed positively (Zartman & Rubin, 2000, pp. 4-5). This assumption has been backed up with an “experimental study” focused on the power relation between disputants has (Weitzman & Weitzman, 2006, p. 212).

CHAPTER TWO

CONFLICT RESOLUTION, PEACE PROCESSES, AND MEDIATION

2.1. CONFLICT RESOLUTION

“Conflict resolution” can be defined as a “*social situation where the armed conflicting parties in a (voluntary) agreement resolve to peacefully live with-and/or dissolve-their basic incompatibilities and henceforth cease to use arms against one another*”. (Wallensteen, 2002, p. 50). However, it must be noted that like most of concepts in the PACS there not a consensus on the “Conflict Resolution”, perhaps due to the fact that the field is relatively new. Some writers use the notion in a “broader sense” referring to any activity initiated to get peaceful outcomes (Ramsbotham, Woodhouse, & Miall, 2012, p. 9). Some others prefer to use the term “conflict transformation” instead of “conflict resolution” (Lederach, 2014; Dietrich, 2013, p. 13). According to the advocates of “the transformation approach”, the concept is “relation-centered”, contrary to the resolution approach which is “content-centered”. And, it particularly focuses to make a “substantial change in destructive relationships” (Lederach, 1997, p. 82)

The critiques put forward by the advocates of the difference of “conflict transformation from conflict resolution” are worth to consider. However, both concepts in fact are reconcilable with each other and most of researchers tend to use the both concepts in the same meaning. For example Wallensteen (2002) seeks a broader approach, arguing that “the definition of conflict resolution has to take the transformative approach into account” because there is close connection between the “concepts” (p. 50). Similarly, Ramsbotham, Woodhouse and Miall (2012) argue that both terms amount to the same thing in the end.

As we have mentioned in the introduction, the thesis adopts a transformative perspective. Therefore, while it is not blind to the nuance between the two concepts, it

acknowledge the term “Conflict Resolution” as a general label defining the field, including “conflict transformation”.

In agreement with this, it must be said that the preference for the term “conflict transformation” implies the pre-admission that conflicts cannot be “resolved”, that is, ended up, as they are indispensable part of human being, but destructive violence can be minimized, if not wholly eradicated. In the context of “democracy”, a transformation of destructive violent conflict into a minimized violence condition can be perhaps explained best with the Chantal Mouffe’s (2005) double conception: *antagonism* and *agonism*². In the words of Mouffe (2005):

While antagonism is we/they relation in which the two sides are enemies who do not share any common ground, agonism is a we/they relation where the conflicting parties, although acknowledging that there is no rational solution to their conflict, nevertheless recognize the legitimacy of their opponents. They are “adversaries”, not enemies. This means that, while in conflict, they see themselves as belonging to the same political association, as sharing a common symbolic space within which the conflict takes place. We could say that the task of democracy is to transform antagonism into agonism (p.20)

2.1.1. A Theory of Conflict Resolution: Galtungian Peace Theory

2.1.1.1. Conflict

Johan Galtung, “one of the founders of peace and conflict studies”, delineates three different aspects of the conflict: *Behavioral interpretation*, a subjective-attitudinal *interpretation* that focus on the inner world of actors, and trans-subjective relational *contradiction interpretation* (Galtung, 2007, p. 22). Thus taking different views such as behavioral, attitudinal and relational contradiction into consideration, Galtung suggested a theory of conflict which has influenced many researchers of conflict and peace

² As such, in this thesis the terms “peace”, “conflict transformation” and “conflict resolution” refer to the political transformation from “antagonism” to “agonism”.

studies. He saw the conflict as a triadic construct and suggested that conflict is the sum total of Attitudes/Assumptions, behavior and contradiction/content (Galtung, 1996, p. 71).

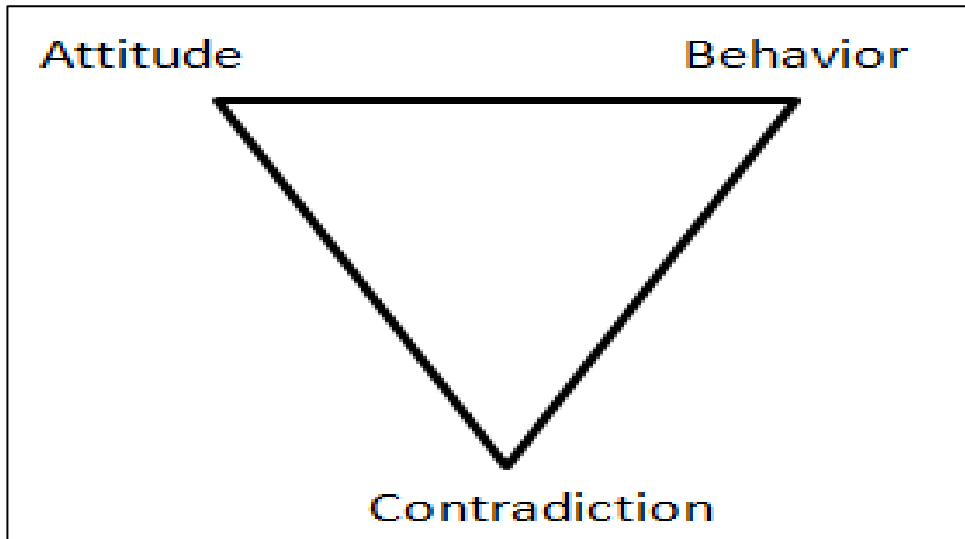


Figure 1: Galtung's "Conflict Triangle".

In the conflict triangle, the Contradiction(C) refers to the issues of the conflict; Attitude (A) to latent sides of the conflict; and the Behaviors (B) to the visible part of the conflict. Galtung interprets conflict via a triangle which tilts in favor of C, accordingly "the C aspect" is defined as the "root of the conflict", the B and A as "meta-conflict" after the C (Galtung, 2007, p. 22). Having defined conflict triangle based on the Contradiction, Galtung notes that any other ABC sequence is possible empirically, so are the A or B oriented interpretations of the conflict. Yet he underlines the fact that only one element oriented interpretation, whether be A, B or C oriented, is inevitably to be reductionism.

2.1.1.2. Violence: Direct, Structural and Cultural

Let us now investigate the phenomenon of violence in Galtungian aspect, since his concept of violence is comprehensive as much as it is practical for us. Galtung sees violence as “avoidable insults to basic human needs, and more generally to life” (Galtung, 1996, p. 197), which means that violence “is not intrinsic to human nature” and can be ended up. Galtung speaks of three types of violence: “Direct”, “structural” and “cultural violence”. *Direct violence* can be defined as visible or physical violence such as killing and maiming. In cases of direct violence, there is a sender of violence, namely an actor. Differently from “direct violence”, “*structural violence*” refers to violence without an actor, that is, violence embedded in a social structure (Galtung, 1996, p. 2). Galtung explains direct violence and structural violence taking basic human needs into consideration as he considers human needs when he gives a general definition of violence Galtung (1990) speaks of four needs: “survival needs, well-being needs, identify needs, freedom needs” (p. 292). Direct violence, regarding the four needs, respectively, refers to actions such as killing and so on. Structural violence, if juxtapose in the same order, correspond to “exploitation” (A); “Exploitation” (B); “penetration”, “segmentation”; “marginalization”; “fragmentation”. Exploitation A refers to cases when underdogs die being so disadvantaged. Exploitation B is in question when underdogs are “left in a permanent unwanted state of misery” (p. 293).

“*Cultural violence*” is the third type of violence in Galtungian aspect. Galtung (1990) forwards:

By 'cultural violence' we mean those aspects of culture, the symbolic sphere of our existence-exemplified by religion and ideology, language and art, empirical science and formal science (logic, mathematics) – that can be used to justify or legitimize direct or structural violence (p. 291).

Galtung has used the image of a triangle to explain the triadic concept of violence, just as he has resorted to the same method in explaining conflict. The image of triangle helps both to simplify the understanding of it and to relate three types of violence to each other. Regarding the interrelation of three types of violence, he stresses the differences

among each other in terms of time and duration; “Direct violence is an event; structural violence is a process with ups and downs; cultural violence is an invariant, a ‘permanence’, remaining essentially the same for long periods, given the slow transformations of basic culture” (p. 294). The interconnection of three types of violence is a critical point to comprehend his conceptualization of violence. The relation of three types of violence seems to have been best explained in the words of Dietrich as reads that “the different manifestations of which in physical, structural, or cultural violence cannot be understood as a linear chain of cause and effect, but as an interrelation having effects in all directions” (Dietrich, 2006) .

I would like to note that Galtung’s conceptualization of violence as well as of conflict is essential to understand his peace conceptualization that will be explained later on in this chapter.

2.1.1.3. The Relation between Violence and Conflict

At first glance, the term conflict may quickly be linked to violence. However, the largely received view in the PACS “welcomes conflict”, making a clear distinction between “conflict” and “violent forms of conflict”. The advocates of this view argue that conflict is a “natural social phenomenon” bringing about to “socio-political change” and “new opportunities”. According to this interpretation “conflict is not a negative phenomenon, but positive and constructive in many ways” (Dietrich, 2013, p. 6). Galtung (2004), underlying “inevitability of conflict” in social life, writes that “conflict prevention is meaningless, but violence can be avoided” (p. 2).

By the explanation above, we tried to give an illustration as to why do scholars seem to have carefully avoided including violence in definition of conflict. As the arguments denote, the drives of this tendency have roots in the functional aspect of conflict in general. While considering conflict in term of its functions, “most of the scholars of peace and conflict studies” seem to have been disinterested to a discussion over the constructive function of violence. Nevertheless, although an alternative study of conflict

based on clear differentiation from violent forms of conflicts might be possible, in fact, it is not anything but the violence that leads conflicts to be “politically and academically important field” to be focused on. In this regard Galtung (2016) says “had it not been for the destruction, violence, that may accompany conflict the field would not have attracted so much attention as it does” (p. 37). To put into another word, we are “interested” in the transformation of conflicts because of “the destruction” they cause rather than of opportunities if there is any.

2.1.1.4. Galtungian Peace Theory

Galtung’s peace approach is the most well-known and accepted approach to the literature of the PACS. One point that makes it appropriate for us is the fact that it has been put forward with an understanding that based on “conflict transformation” and “peacebuilding”. Galtung’s “conceptualization of peace” is consistent with his conflict and violence theories, which have been explained earlier in the thesis. Hence, I would like to remind the reader that we must take his conflict and violence theories into consideration to comprehend his peace conceptualization.

Galtung introduced “negative and positive peace” as a dicephalous concept of peace taking his “direct”, “structural” and “cultural violence” triad as the departure point. Accordingly, *negative peace* is referred to the state in which direct violence or physical violence does not exist (Galtung, 1996, p. 14). Positive peace means the “absence of direct, structural and as well as cultural violence”. Thus, negative peace is pertained to change in conflict behavior, while positive peace is achieved by removing structural contradiction and changing attitudes (Ramsbotham, Woodhouse, & Miall, 2012, p. 11). Negative peace is relatively a narrow concept of peace and it may go hand on hand with structural and cultural problems such as repression, deprivation, exploitation. However, the positive peace is much broader concepts which might include legitimacy, justice (Ramsbotham, Woodhouse, & Miall, 2012, p. 12). It also can recovers what Christopher Mitchell called “slippery ideas”, such as “equality”, “tolerance”, “reconciled enemies”, (Dietrich, 2012).

Resolution process of conflict in contemporary discourse in peace and conflict studies is widely are called as “peace processes”. Therefore, in the next section, “the discursive formation” of the “peace process” in the political realm will be briefly explained.

2.2. PEACE PROCESSES

The end of the cold war marked “the end of history” for neo-liberals, which means that the liberal democracy gained a final victory against its antithesis, Soviet Union, and as a result, the world entered into an era of “liberal peace” (Fukuyama, 1992). This liberal thesis also entailed that “inter-state warfare” came to an end with the “collapse of Soviet Union” and defeat of communism. Nevertheless, the dramatic transition in warfare has not brought peace to the world as the “liberal peace project” generated a new form of conflicts in “the post-cold war era”. The conflicts emerged in “the post-cold war” period were defined as “new wars” (Kaldor, 2012). The term is useful to define the intra-state armed conflicts. Nevertheless, it must be noted that those conflicts are not new in fact but “came to prominence” due to the fact that “inter-state wars” became very rare since “the end of Cold War” (Newman, 2006, p. 140).

As a result of this global transition, the term peace has increasingly been associated with the resolution of those intra-state conflicts. This new dominant peace concept has been based on two particular means “consensus” and “the right of intervention” (Hardt & Negri, 2000). In a similar vein, Üstündağ (2014) analyzes the proliferation of the peace processes in terms of the relation between “nation-states” and the “ethnopolitical” communities “oppressed” by those states. Accordingly, the violence of nation-states against those communities is no longer “sustainable” due to several reasons such as “*international community pressure, the stalemate of conflict and economy-politic of global capitalism*” (Üstündağ, 2014). Thus, she approaches to nation-states’ practices of peace processes with “insurgents” or the “terrorists” as a process of reconstruction process relied on three specific aims: 1) *re-monopolize the law and violence*; 2)

singularize different historical discourse and memories of the others ; 3) securitization process, that is, re-securitization of the geography for global capital (pp. 181-182).

In was the milieu of post-cold war in which “Peace processes” as a term has come to be used as a “generic label” to cover the activities that are employed to re-settle those new conflicts (Tongue, 2014, pp. 1-35). The “peace processes” is often associated with “(neo)liberal peace”. That is, *“the outcome should ostensibly be democratic, incorporate free and globalized markets, and aspire to human rights protection, and the rule of law, justice and economic development”* (Newman & Richmond, 2006, p. 2). The peace process entails that “there is at least some momentum to efforts to resolve a conflict” (Tongue, 2014). It can be defined as *“active attempt at the prevention and management of conflict between and within states, a remit covering the treatment of inter-state, inter-communal and intra-communal violence”* (Tongue, 2014). According to another definition, it is “persistent peace initiatives involving the main antagonists in a protracted conflict” (Darby & Ginty, 2003, p. 2)

The Peace processes usually have five stages; “the preparing for peace; negotiations”; “peace accords”; “peacebuilding activities and reconciliation” (Darby & Ginty, 2003). However, the stages of the peace process delineated here “are not necessarily sequential. That is to say, the framework of the peace process might not be “a linear progression” (pp. 243,148).

2.2.1. Preparation for the Process

Peace processes and peace initiative take place as a result of a political conscious decision made by the political actors (Darby & Ginty, 2003, p. 1). That is to say, they would not occur without a political program, objectives, and risk-taking. Therefore a peace process needs a period of preparation to emerge. Preparation methods and policies may vary from case to case, depending on the context of the conflict. Informal

initiatives such as secret talks and back-channel diplomacy are usually applied as confidence-building measures for primary decision-makers in most cases. In South Africa, F.W. de Klerk, 7th President of South Africa, carried out secret dialogue with Mandela soon after he came to power, which finally led to transformation of the conflict (Fisas, 2013, p. 111) Similar secret peace activities have been carried out in Northern Ireland between John Hume and British Government; in Oslo, 1990, between Palestinian and Israeli politicians, among many other peace processes (Fisas, 2016).

The political risk of a peace initiative may be of vital importance for the political carrier of decision maker actors, for there might be objectors of the peace process as much as supporters. It must be noted that despite any good faith, pre-negotiations always bear the risk of conflict escalation. As Darby and Ginty (2003, p.9) write “often it is easier to continue the conflict than to investigate the possibilities of peace and the accompanying accusations of treachery”. Nevertheless, it also needs to be mentioned that, in contemporary politics, new methods such as detailed opinion surveys, advertising and the advantage of communication level have increasingly been deployed to determine policy and make political decisions to be successful. Political actors and parties, especially within the multi-party democratic system as a result of competition for power, spend a good deal of their budgets in surveying society and advertising to popularize their ideology and policies. During the peace processes, those new methods have increasingly been used to transform public opinion towards peace, that is, to create a peaceful atmosphere, as well as to recognize the needs, to foresee and minimize the risk of initiatives (Irwin, 2002).

The question of timing for a peace initiative is one of the essential topics in the literature of the PACS. The idea of “ripeness” has been introduced by Zartman (2008, p. 232) to explain why and when to engage in conflict for a peaceful solution. Zartman argues that a “hurting stalemate” is the best time to commence a peace initiative (Zartman I. W., 2001, p. 4). He writes “*the concept of ripe moment centers on the parties’ perception of a mutually hurting stalemate, optimally associated with an impending, past or recently avoided catastrophe*” (2003, p. 19). The notion of hurting

stalemate is referred to a deadlock in a conflict in which parties “*cannot escalate to victory and this deadlock is painful*” and therefore “*they seek an alternative or way out*” (Zartman I. W., 2003, p. 19). The conditions such as “mutual recognition”, “valid spokespersons” and a “deadline” are the conditions other than hurting stalemate for a conflict to be ripe for a negotiated settlement (Ramsbotham, Woodhouse, & Miall, 2012, p. 178).

The theory of ripeness has been criticized from several points of views. Lederach (2003) has criticized it for being “the eye of the beholder” of conflicts (2003, pp. 39-40). Accordingly, what ripeness suggests is to be an “onlooker to a case of ongoing violent conflict” (Lederach, 2003, pp. 39-40). As an alternative to ripeness, he comes up with the suggestion of “cultivation” against ripeness theory (Lederach, 2003, p. 44).

In a similar vein, Jeffrey Rubin (1991) argues that there might be many ripe moments. Having been opposed to classical ripeness theory seeking for a specific time period for “hurting stalemate”, “deadlock”, and “mutual catastrophe”, he believes that there might be “many ripe moments” and mediators should try to create ripe moments regardless of the conflict stage (Rubin, 1991, pp. 237-246).

In general terms, the preparation phase is an explorative period which includes diplomatic methods such as “back- channel”, “secret dialogues” and “informal diplomacy”. The question of timing at this stage is standing out. In addition to this, in this stage, the parties reach a compromise over a pre-agreement. The pre-agreement, which can also be called the “roadmap”, often provides a “working schema” for the process (Fisas, 2013, p. 14)

2.2.2. Negotiations

Negotiation can be briefly defined as “a genteel form of conflict that transforms issues into words” (Pruitt, 2013, p. 112). In peace processes, negotiation as a subprocess or stage is referred to as direct and indirect formal or principled dialogues between parties.

In this stage, the conflicting parties often publicly announce the initiatives and they are also expected to declare a unilateral or bilateral ceasefire. The formal negotiations usually are held after the secret talks proved fruitful. For instance, In the Colombian case, the Government declared the peace process and, following a two year long secret explanatory talks (Fisas, 2016, p. 113). Similarly, in South Africa, formal negotiations were announced after Mandela-Government secret talks.

The Negotiations is the process in which root causes and needs are discussed and ideas are exchanged. At this phase, the parties are expected to discuss the core issues to reach out an agreement based on “win-win” or a “positive-sum solution” (Guelke, 2003, pp. 63-64).

Nevertheless, the declaration for formal or principled negotiations does not mean the conflict ended up, but rather it refers to a beginning of new phase with the potential of a re-escalation of violence in case it fails. As such, during negotiations, spoilers and violence are usually considered to be elements that should be carefully managed with.

2.2.3. Peace Accords

Peace accords are both legal and political documents which formally indicate the will and commitment of the conflicting parties to end up the conflict. The content of agreements differs depending on “the nature of the conflicts”. Although each conflict might have some unique elements and issues, it is possible to make a general categorization of accords. In general terms, the peace settlements for intra-state conflicts usually include “Independence/autonomy/power sharing”, “human rights guarantees” or “fair distribution” (Varenes, 2003, p. 153).

The data about violent conflicts provided by The Uppsala Conflict Data Program (UCDP) is often used in recent years. According to the UCDP Peace Agreement Dataset report, “196 peace accords” have been signed for “resolution of intra-state conflicts” in 44 countries in the period 1946-2011. While 131 agreements are regarded to have been

successful, 65 of those agreements have failed mostly followed by the “rejuvenation of violence”. This data suggest that a peace agreement is not sufficient to “secure lasting peace”, hence the “post-agreement process” is important as much as the “pre-agreement process”. (Çicek, 2018, pp. 38-39; UCDP Peace Agreement Data Set)

In most of the agreements the issues such as “demobilization of fighters”, “disarmament”, “human rights”, “economic reconstruction”, and “justice”, are given priority. In addition to that, “spoilers”, “demobilizing fighters”, “security for civil” and “local capacities for peace” needs to be addressed for an agreement to be “successful” (Varenes, 2002, p. 150; Çicek, 2018, pp. 39-47; Oberschall, 2007, p. 187).

2.2.4. Peacebuilding and Reconciliation

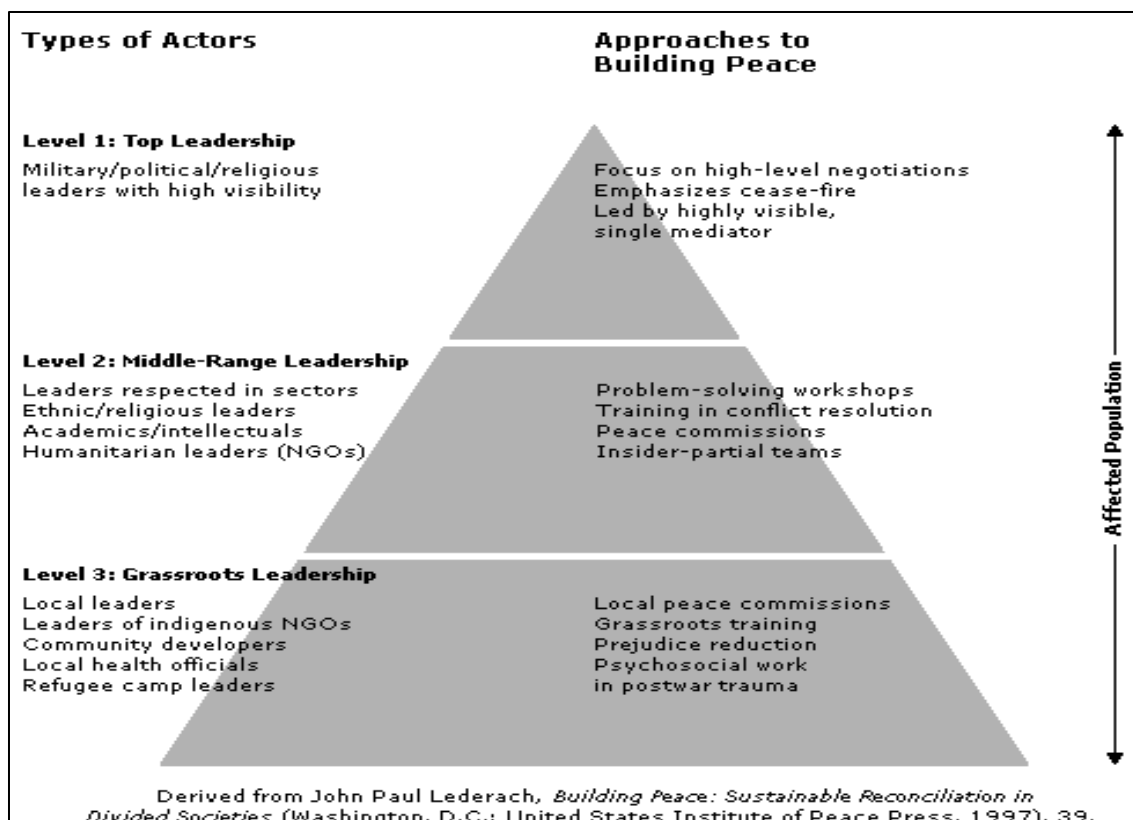
The concept of peacebuilding is often referred to as “post-agreement” or “post-conflict peace implementation” activities and processes. In the existing literature, nevertheless, there is not a “standard” description of peacebuilding. Some writers use the term to refer to a post-conflict or post-agreement process. Some others define it more broadly encompassing each phase of peace processes. For instance, Lederach (1997) defines peacebuilding as “a comprehensive concept that encompasses, generates, sustains the full array of processes, approaches, and stages need to transform conflict toward more sustainable, peaceful relationships” (p.20)

In general terms, peacebuilding is composed of three essential elements. The first is “rehabilitation and reconciliation” of a post-conflict society. This includes “post-trauma healing”, “rights to justice and truth”. The second is “institutional mechanisms” for security and socio-political issues, which have the capacity to address the root causes of conflict. And the last is the need for third parties (national, local or international) to help to create conditions for peace in post-agreement or post-conflict societies (David, 2002, p. 41)

Reconciliation, As Bar-Simon-Tov (2004) states “addresses the cognitive and emotional barriers to normalization and stabilization” (p. 4). It might be defined as “*restoring friendship and harmony between rival sides after the solution of a conflict, or transformation the relations between rival sides from hostility and resentments to friendly and harmonious relations*” (p. 5). Third parties can involve in reconciliation processes in different roles with the consent of the conflicting parties. Nevertheless, reconciliation is “mutual and consensual process”, therefore it cannot be “imposed” on antagonists by third parties (p. 5).

2.2.5. A Review: Third-Party Mediation in Peace Processes

To understand the function and roles of the intermediary peacemaker within a context is a very complicated task given the multiplicity of ideas and concepts has been suggested in the literature and applied in conflict cases. Therefore, I would like to introduce Lederach’s leadership pyramid analysis to minimize the complexity of tasks and different form of mediation peacemaking activities. Lederach regards peacebuilding as “*a comprehensive concept that encompasses, generates, sustains the full array of processes, approaches, and stages need to transform conflict toward more sustainable, peaceful relationships*” (Lederach, 1997, p. 20). Lederach first analyzes the leadership in post-conflict societies to explain his peacebuilding account. He identifies leaders within three broad categories using a pyramid: “The Top-level”, “The Middle-range”, and “The Grassroots leadership”.



As illustrated, Lederach reconciles the tracks of peace initiatives, types, and functions of intermediary initiatives with the level of actors making the analysis of levels of leadership that involve and engage in peaceful activities (the figure 1).

The formalization tracks of diplomatic (intermediary) initiatives that we will apply as an analytic tool (Figure 3) has been clearly introduced by Ramsbotham et al. (Ramsbotham, Woodhouse, & Miall, 2012, p. 29)

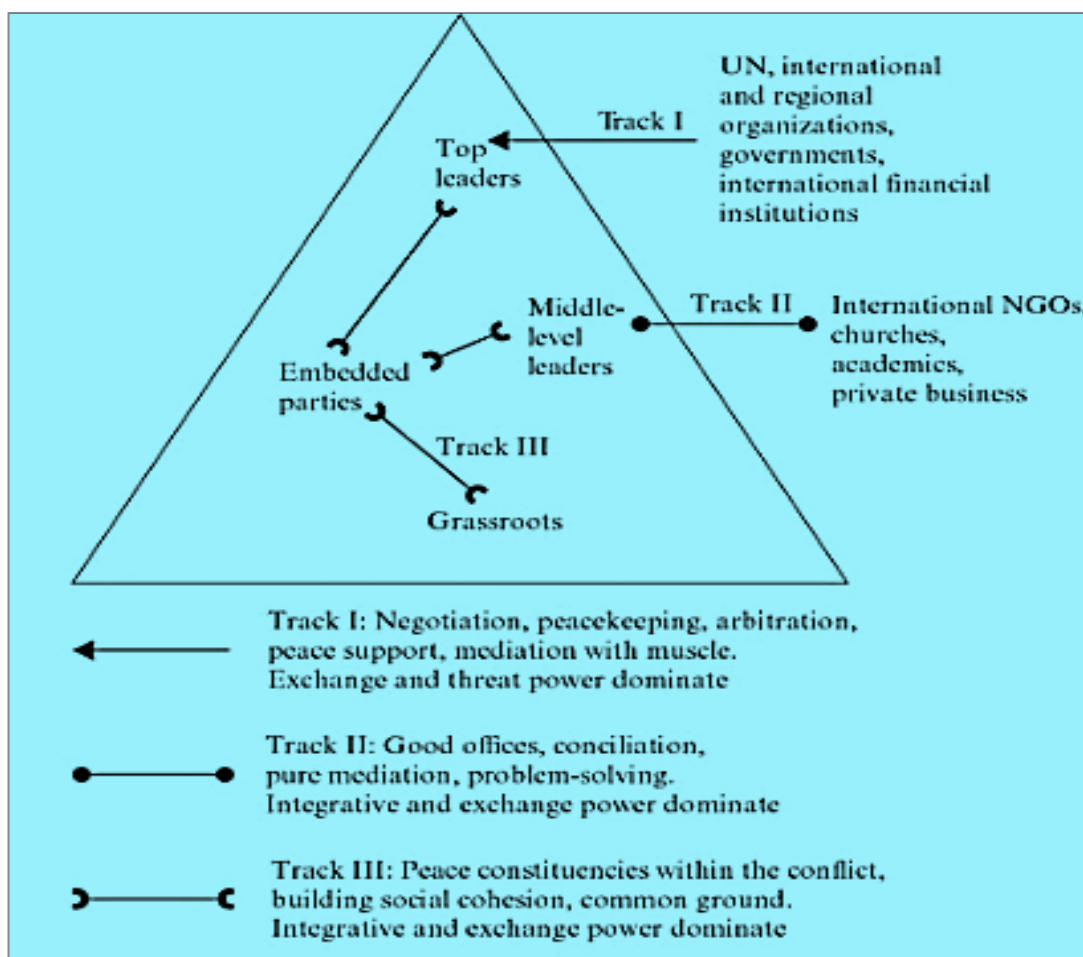


Figure 1: Multi-Track Diplomacy and Levels approaches

As can be seen above (figure 3) the Lederach's levels pyramid has been combined and matched up with the track –one, track-two and track-three diplomacy approach. Accordingly Top Leader Level comes across with track-one diplomacy that involves the international actors such as the UN, Governments, and international financial organizations. Middle Range Level actors fall with initiatives of Track-two diplomacy that is referred to actors such as International NGOs, churches, academics, private business. And the grassroots level come across with track-three diplomacy that referred to activities primarily focused on grassroots. To put it another way, the first approach is based on top-down peace initiatives that involve peace initiatives such as negotiation, peacekeeping, arbitration, peace support, mediation with muscle (power). The second

approach is referred to middle range approach based on initiatives such as good offices, conciliation, pure mediation, problem-solving workshops. The third is referred to bottom-up approach that based on peace constituencies, building social cohesion and common ground.

Some quantitative studies have suggested that there is no relation “between activities of mediation” and the “success of peace processes” (Çicek, 2018, p. 72). Some others have found the positive role of non-violent mediation in resolution processes of conflict (Fortna, 2004, p. 271; Hartzell, Hoddie, & Rothchild, 2001; Böhmelt, 2011). According to another view, multi-level activities led by “international actors” is more likely to be successful, compared to “traditional peacekeeping” and “peace enforcement” (Çicek, 2018, p. 72).

A number of “qualitative studies”, on the other hand, have pointed “the need and importance” of mediation in peace processes (Chigas, 2014; Böhmelt, 2011). Accordingly, mediators are particularly required in some cases where there is “lack of trust” and consequently direct dialogue between antagonists is very difficult (Darby & Ginty, 2003, p. 61).

Third-party mediators can play “important roles” in each stage of a peace process. For example, they can assist parties while “making agreements” by providing “resources and services” to parties (Kriesberg, 2009, pp. 164-165). They can facilitate the first contact between parties and also make the rules in structuring processes, that is, in setting “roadmaps” (Toit, 2003, p. 89).

Mitchell (2003), on the other hand, has submitted a similar categorization of intermediary peace work, diverging, however, in two points from Fisher. categorized these different types as different roles and functions of mediation, thus using the term mediation in a broad concept that covers some different roles and functions. Secondly, he categorized

those functions/roles in terms of the process of negotiation into three periods: pre-negotiation, during negotiation and post-agreement as follow:

Pre-negotiation

Explorer. Determines adversaries' readiness for the contract; sketches range of possible solutions.

Reassurer. Reassures adversaries that other not wholly bent on 'victory'.

Decoupler. Assist external patrons to withdraw from core conflict. Enlist patrons in other positive tasks.

Unifier. Repairs intra-party cleavages and encourages consensus on interest, core values, concessions.

Enskiller. Develops skills and competencies needed to enable adversaries to reach a durable solution.

Convener. Initiates the process of talks provides the venue and legitimize contacts and meetings.

During talks or negotiations

Facilitator. Fulfills functions within the meeting to enable a fruitful exchange of versions, aims and visions.

Envisioner. Provides new data, ideas, theories and options for adversaries to adapt.

Enhancer. Provides additional resources to assist in the search for positive-sum solutions.

Guarantor. Provides insurance against talks breaking down and offers to guarantee any durable solutions.

Legitimiser. Adds prestige and legitimacy to any agreed solutions.

Post-agreement

Verifier. Reassures adversaries that terms of the agreement are being fulfilled.

Implementer. Imposes sanctions non-performance of agreement.

Reconciler. Assist in long-term actions to build new relationships among and within adversaries (Mitchell, 2003, p. 84).

CHAPTER THREE
A CASE OF EFFECTIVE THIRD-PARTY MEDIATION:
GEORGE MITCHELL IN NORTHERN IRELAND

3.1. NORTHERN IRELAND CONFLICT

3.1.1. Roots of the Conflict

The roots of the conflict in Northern Ireland date back until the 1170s, following Britain invasion in the Pale, a part of Dublin (McKeown, 2013, p. 3). In the history of conflict, a sectarian division led by Henry 8 in the midst of 16th century, The Ulster Plantation process which caused to pressure and economic deprivation on Irish people, Penal Laws (1695-1727) legislated against Catholics, and increased relative economic disparity between Catholics and Protestant and through the 18th century is significant developments. Through the end of the 19th century, Irish culture and language began to draw more interest in combining with ideas such as freedom and nationalism. The Irish Socialist Republican Party 1896 and Sinn Fein in 1905, which not long after became a key actor in Northern Ireland, were founded. The Easter Rising in 1916 led by James Connoly, the founder of the Irish Socialist Republican Party, was suppressed as Connoly and most of the rebels were killed. However, the riot led to rising of Sinn Fein as a pro-nationalist and pro-catholic party, which was approved by the voters with the result of a general election in 1918 (Cronin, 2001, pp. 198-199). Sinn Fein, refusing to take the seats in Westminster, established an Irish parliament in Dublin and began to The War of Independence, which ended in 1920 with “the Government of Ireland Act”. However, neither The Ulster Protestants nor Nationalist Catholics were satisfied with the arrangement. As a result, both sides established subordinate administrations; the six countries of Ulster on one side and rest of 26 countries on the other constituted (Gidron, Katz, & Hasenfeld, 2002, pp. 48-49). The Northern Ireland (Ulster countries) demanding for its own parliament remained as a part of The United Kingdom. The other

“26 countries” founded “The Free State”, which later on called “the Republic of Ireland”.

3.1.2. The Troubles: Once Upon a Time in Northern Ireland

National and religious identities after partition backed and formed with political tendencies in Northern Ireland. Unionist Protestants and Catholics Nationalist supporting sociopolitical reforms and independence made up two opposite fronts. Consequently, the political and social events of the 1960s emerged in Northern Ireland as well as most countries in Europe and around the world. The Unionists opposed and resisted against the demands of Catholics for more “equitable access to political power”, socio-cultural recognition and rights (Ginty & Darby, 2002, p. 16) Thus, a “Duce Street March” organized in Londonderry where “the Northern Ireland Civil Right Association” (NICRA) demonstrated for the rights of Protestants clashing with “Royal Ulster Constabulary (RUC)” on 5 October 1968. This collide is referred to as the beginning of the violent decades-long period known as The Troubles. The first death of Troubles was recorded on 12 July 1969 (on the main Protestant Orange Order day of the year) with the death of a policeman, Francis McCloskey (Gillespie, 2009). The conflict continued resulting in many casualties and deaths in the next decade. In 1971, 2,000 people (Catholics) were interned and 14 protesters been killed by the army in 1972. In 1973 the British government took over the control of the country and IRA extended its campaign to England (Tonge, 2006, p. 216). British state (army and police), republican paramilitaries (the PIRA), “Irish National Liberation Army (INLA)” and Unionist paramilitary groups such as “the Ulster Defence Association/Ulster Freedom Fighters (UDA/UFF)” and The “Ulster Volunteer Force (UVF)” were the conflicting groups.

<u>Nationalist</u>	<u>Unionist</u>
Catholic	Protestant
Republican	Loyalist (to the United Kingdom)
40% of the population of Ulster	60 % of the population of Ulster
Main parties: Sein Fein, SDLP	Main Parties: UUP, DUP, UDUP
Main Armed organization: IRA	Paramilitary Organization: Ulster Defence Association (UDA), Ulster Freedom Fighters (UFF), Ulster Volunteer Force (UVF)
Republican Paramilitaries: the PIRA, Irish National Liberation Army (INLA)	Key Leaders: David Trimble, Ian Paisley
Key leaders: Gerry Adams, John Hume	Want to be with the United Kingdom
Want to rejoin the Republic of Ireland	

Table 1: Basic Terms of Conflict

Consequently, by the midst of the 1990s about 3500 people had been killed. Up to 2002, the death toll increased to 3665. The Irish Republican Army (IRA) has been considered responsible for 2,148 deaths; and Loyalist (Unionist) paramilitaries (mainly UDA, UFF, and UVF) for 1.1701 deaths (Tonge, 2006). In addition to deaths around 30.000 people have been injured during the Troubles (McKeown, 2013, p. 10). Finally, the Troubles “ended” after the “Northern Ireland Peace Agreement (NIPA)” signed in 1998. The accord is commonly called as “Good Friday Agreement”.

3.1.3. The Peace Process

The process of the “Good Friday Agreement” that gave an end to roughly “three-decade-long” violent conflict in Northern Ireland has been very difficult. Several negotiation initiatives and accords carried out since 1970s such as “the Sunningdale Agreement (1973)”, “the Anglo-Ireland Agreement (1985)” and “the Downing Street Declaration (1993)” failed to end the violence in the country. Nevertheless, the last two constituted the first steps for the process of transformation of the conflict. The Anglo-Irish Agreement is often said to be the first initiative of the peace process by scholars (Ginty & Darby, 2002; Loughlin, 2008, p. 54). With the agreement, the UK and Republic of Ireland accepted and legalized the Republic’s advisory role on Northern

Ireland. The agreement was preceded with secret talks between London and Gerry Adams, “the leader of Sinn Fein” after Adams elected to the British Parliament in 1983. These developments re-opened a door for back-channel dialogue and secret talks between the English Government and Catholics. In 1987, John Hume³, “the leader of the Social Democratic and Labour Party (SDLP)” and the British Government conducted “secret talks” to find out a solution for the conflict. In 1988, Hume this time involved in talks with Gerry Adams. In 1991, the talks were announced by Peter Brooke, the State Secretary. The talks between “the UUP,” “DUP” and “Alliance Party”, in which Sinn Fein excluded due to its relation with IRA was indeed “talks about talks” and ended in November of 1992 without any deal (Ginty & Darby, 2002, p. 26). In 1993, Garry Adams (Sinn Fein) and John Hume (SDLP) resumed talks. In the same year, the British and Irish governments agreed on the “Downing Street Declaration” as “a legal basis” for more accurate dialogue for a resolution. In 1994, the US president Bill Clinton and the EU’s affords for resolution of the conflict encouraged the parties for peace talks. In the same year, the IRA and the Combined Loyalist Military Command, loyalist paramilitaries, declared a ceasefire. Thus the conditions appeared to be getting more proper for carrying out formal negotiations among disputed parties in the Northern Ireland.

In February 1995, the British and Irish Governments, who appeared as “the guardians” and “organizers of the process”, formed and published the “Framework for the Future” document. The document provided a conceptual framework for potential political negotiations to come (Ginty & Darby, 2002, pp. 30-31). Towards the end of the year, the British and Irish governments formed “the International Body on Decommissioning of Weapons”. The governments appointed former US senator and Bill Clinton “special economic adviser” on the Northern Ireland as the chairman of the commission. He was accompanied by “former Finnish prime minister” Harri Holkeri and “Canadian General” John de Chastelain (Owen, 2002, p. 40). The role of the commission was very critical as decommissioning became the only major problem prevented the parties to involve in formal negotiation. The members of the commission led by Mitchell carried out a

³ Hume was awarded with Nobel Peace Prize due to his contribution to Northern Ireland Peace Process

series of meeting with parties and government officials for nearly two months and released their report. The reports rejected the idea of decommissioning prior negotiations and recommended parallel decommissioning, which meant that the formal negotiations and the activities for decommissioning should start at the same time. (Oberschall, 2007, p. 169) Finally, Mitchell's proposal was accepted and first negotiations, in which Sinn Fein excluded because of IRA resumed violence, started under Mitchell's chairmanship. In 1997, when there was still no deal agreed by the parties, with Tony Blair (The Worker's party) elected as the British Prime Minister the process gained new momentum as he was very decisive to find a solution by the consent of conflicting sides. In this context, the political parties and actors appeared to be more willing for materializing a deal, as they were aware that "direct rule might prevail for many years to come" (Armstrong et al, P.2) as an alternative to a potential deal. Blair administration immediately set about involving Sinn Fein into the negotiations. After "the IRA" declared a "new ceasefire" the last barrier in front of Sinn Fein to enter the negotiations lifted. After a period of talks and negotiation, the parties finally came to an agreement in April of 1998. Thus, after a long process of negotiations the Northern Ireland Peace Agreement, or as widely known "Good Friday Agreement" ended up the violent conflict lasted more than three decades in Northern Ireland.

3.1.4. George Mitchell in Peace Process: A Case of Effective Mediation with Muscle

George Mitchell was born in 1933 to a Catholic family and raised in Waterville, Maine. His father, an orphaned son of Irish immigrants, was adopted and raised by a Lebanese immigrant family. George Mitchell became "a member of the Senate" in 1980 and the Majority Leader in 1988. In early 1995, he retired from the Senate and in the same year he became Bill Clinton's "special economic adviser" on "Northern Ireland". Through the end of the year the "British" and Irish Governments" asked Mitchell to "chair" the "International Body on Decommissioning of Weapon" that was created to deal with the disarmament question and peace process. Thus, Mitchell, who already had been familiar

to the Northern Ireland question being an adviser to President Clinton, officially engaged in the process as a mediator with the demand and consent of two governments.

3.1.4.1. Decommissioning Body and Mitchell Principles (1995-96)

The political atmosphere in the midst of 1990s was more peaceful than before. With President Clinton, the USA seemed more interested in Northern Ireland politics and “resolution of the conflict”. On the other hand, the EU was looking forward to a resolution of the conflict related to its two member countries, The UK and the Republic of Ireland. Moreover, the Irish people were tired of the conflict and their voices for peace were increasing. In these circumstances, “the British and Irish Governments” seemed willing and serious to collaborate to resolve the conflict. The two governments wanted to bring conflicting parties together for talks and negotiations to find a joint solution. Nevertheless, the problem of disarmament appeared to be the major concern to initiate such a process, as the British government preconditioned paramilitary decommissioning for entry into talks and negotiations. In response, the IRA opposing the British Government believed that it would be enough to declare a ceasefire for entry into talks and disarmament would be a part of the resolution process. Namely, disarmament would depend on the result of the negotiations (Fitzduff, 2002).

“The British and Irish Governments” formed the “International Body on Decommissioning of Weapons” (also known as Mitchell Commission) to find out a compromise on the disagreement of disarmament. George Mitchell was appointed to chair the body together with “the former Finnish prime minister Harri Holkeri” and “former Canadian General John de Chastelain”. The Mitchell commission carried out talks with the conflicting sides and political parties in the Northern Ireland. In January 1996, following a series of the talks and interviews lasted for six weeks “Mitchell Commission” finally released its report. The report refused the idea of disarmament prior to talks and suggested “parallel decommissioning”. Regarding the proposal of the report Mitchell has stated that “in the real world of Northern Ireland, prior decommissioning simply was not a practical solution” (Oberschall, 2007, p. 169). The report proposed to start the process of the talks and disarmament at the same time.

Accordingly, there would be a parallel decommissioning under an independent and impartial commission headed by De Chastelain, a former Canadian General.

One of the most important parts of the report was the principles required from the actors and parties as pre-condition to be allowed to enter into the talks. The parties to negotiations have to be committed to “the six principles”, which famously came to be called “the Mitchell Principles” (Knox & Quirk, 2000, p. 39).

The British Government and Loyalist did not welcome the idea of “parallel decommissioning” as they were insistent about disarmament prior to the talks. The IRA, on the other hand, rejected the idea of nonviolence which was the most significant motive over the principles and ended its unilateral ceasefire on 9 February 1996. The end of the ceasefire was followed by a bomb attack on London (Ginty & Darby, 2002, p. 32). Despite the IRA’s violence, the British government and other parties finally accepted Mitchell’s principles and set about creating a forum for the talks to be chaired by Mitchell and his friends.

3.1.4.2. The Forum for Political Dialogue (1996-97)

“The Forum for Political Dialogue” as a parallel activity of decommissioning was created and sponsored by “the British and Irish Governments” jointly. “The all-party talks” would be chaired by George Mitchell and his team. Participation into the talks would be legitimized with an elective process, and parties would nominate their representative for the negotiations among the members elected to the forum. In March, “the British and Irish governments” released the “Ground Rules for Substantive All-Party Talks”. The idea of “election to the forum” and “the Ground Rules” of the talks was shaped by the Mitchell and his team. The paper included a significant principle that “nothing would be agreed until everything was agreed” (Ginty & Darby, 2002, p. 33). This principle, later on, would be implemented to the negotiations of “Good Friday Agreement” as well and known as one of the most striking points of Mitchell Principles.

On 11 June of 1996, the talks chaired by George Mitchell, Holkeri and de Chastelain started. The Sinn Fein was not allowed to participate because of IRA's ending ceasefire, whereas the Loyalist political parties such as the PUP, the UDP which associated with the loyalist paramilitary organization participated into the talks due to the loyalist paramilitaries were maintaining ceasefire (Fitzduff, 2002, p. 128). The Unionist led by Ian Paisley opposed to Mitchell as chairman. They believed that the governments imposed as the Chairman and the ground rules granted too much power in the chairmen. In the first day of the talks, Ian Paisley and other Unionist leaders left the talks in protest as the Chairmen led by Mitchell entered the room. In the following day, Mitchell personally met with two Unionist leaders, Paisley, and Robert McCartney, and persuaded them to turn back to the talks. Mitchell describes the situation of the first day that *"it was an unpromising start, I was supposed to preside over negotiations involving two governments and ten political parties...But two were so opposed to my serving as a chair that they stormed out in protest, while another party (Sinn Fein) was outside trying to get in"* (Mitchell G. , 1999, p. 54)

In August of 1996, the parties finally reached an agreement on ground rules for the talks. The agreed agenda envisioned the plenary session, three strands, and a Business Committee. The first strand was about "internal relations" between "the UK" and all parties of Northern Ireland; the second was on the Irish-Ulster ties, and the last strand was on the UK-Irish relations. Until 1997, the talks which had been stuck in discussions on building an agenda for the negotiations on issues and voting rules, in the beginning, was prevented once again this time with the impasse of decommissioning. On March 1997 the talks adjourned until June due to forthcoming elections.

3.1.4.3. Negotiating on the Good Friday Agreement (1997-1998)

The general elections held in May 1997 resulted in victory Tony Blair, the leader of Labour Party and Blair became the new president of the Kingdom. Tony Blair, as a gesture of his close interest in the Irish Question, made his "first visit outside London as Prime Minister". He seemed more flexible and decisive than his predecessors to find a

resolution for the conflict, as he declared that the peace process would resume and wanted the “Sinn Fein” to participate in the talks. During his visit to Belfast, he urged to the Sinn Fein that *“The settlement train is leaving. I want you on that train. But it is leaving anyway and I will not allow it to wait for you. You cannot hold the process ransom any longer. So, end the violence now”* (Mitchell G. , 1999, p. 102). In this context, the political parties and actors appeared to be more willing for materializing a deal, as they were aware that “direct rule might prevail for many years to come” as an alternative to a potential deal (Armstrong et al, 2019, P.2). Blair administration immediately tried to involve “Sinn Fein” into the negotiations. After the IRA declared a new “ceasefire” the last barrier in front of Sinn Fein to enter the negotiations lifted. Thus negotiations chaired by Mitchell and his team including Sinn Fein negotiation team led by Garry Adams re-started with the support and mandate of newly elected the UK President Blair and Irish Government.

In the new phase of the negotiations, finally parties were able to talk on the real issues and roots causes of the conflict, after a long process spent on the discussions about agenda, setting rules and formalities since 1996. In this course, Mitchell used different new strategies to reach an agreement. He carried out talks of some of the plenary sessions in a smaller room, where only two delegates allowed for participating. These meetings were more intimate, parties were getting closer to each other, talking directly face to face, hearing each other without a microphone or note-takers.

The second strategy used by Mitchell was timing the negotiations. Indeed, the timing issue was first reminded by Tony Blair, as he warned the parties of the negotiations that the legal time for the Forum was to be expired in May 1998. This helped Mitchell to put pressure on the negotiating sides to materialize an agreement before the deadline. He considered the political development and national and religious days in scheduling the process of the talks. As he later wrote:

As I studied the calendar, the second weekend in April, Easter weekend, leaped out at me. It had historical significance in Ireland. It was an important weekend in Northern Ireland, a religious society. If there were an agreement by Easter, there could be a

referendum in late May and an Assembly election in late June (before the height of the marching season) (Mitchell G. , 1999, p. 143)

Setting a deadline motivated and encouraged the participant to faster the dialogues and materialize an agreement. Finally, on April 10, 1998, the parties gathered in Belfast and adopted the Good Friday Accords.

Nevertheless, in the post-agreement process, during the implementation of the agreement, decommissioning remained as the major problem and concern in Northern Ireland. As a reaction to the unwillingness of IRA to disarm, the UUP avoided from taking part in the “power-sharing executive” in July. The tensions increased and the parties exchanged accusations against each other. In this context, the Governments once again asked George Mitchell to review the implementation process and report it. As a final duty for the peace process, Mitchell reviewed the developments and released his report in November 1999. Following the report, the impasse was surmounted after the IRA confirmed that it would “appoint a representative” to the “Independent Commission on Disarmament” led by former Canadian General John De Chastelain (Fitzduff, 2002, p. 131)

3.1.4.4. A Review on Mitchell’s Role as a Mediator

In the beginning, the parties (especially radical Loyalists) opposed to Mitchell’s participation into the talks as the chairman. On the other hand, Sinn Fein, the most important legal political actor on the Republican side was opposed to Mitchell principles of nonviolence. Nevertheless, Mitchell and other chairmen earned the trust of all parties including Loyalists. Mitchell insistence and dedication to finding a compromise perhaps have paved the way for such acceptance of him as chairman by the conflicting parties. Also, it must be noted that Mitchell did not leave the ongoing process even when his brother was about to pass away and his wife was giving birth to his son.

Mitchell and his team's activities leading to the Good Friday Agreement were *Top-Level* given the Lederach's categorization of leadership in peacebuilding (Lederach, 1997). The participants of the talks were well-known political actors in Northern Ireland politics. They worked under the close scrutiny of the news media. And each decision and gesture or speech given by these actors were very determined for their voters and political carrier. For Mitchell and other chairmen, it was not easy to lead them a compromise as they were strongly defending their positions and wanted to be the winner side at the end of the negotiations. Moreover, as Mitchell on the winner-loser position of leaders in Northern Ireland states in a press interview that they want not only to win, but also want to make sure that the other guy loses⁴

As a former Senate Major Leader and adviser to President Clinton, Mitchell had a certain power as a political figure and mediator. The USA president Clinton was very interested in Northern Ireland and made a number of key appointments to alleviate the conflict and watch the political development in Northern Ireland. In 1994, he appointed Commerce Secretary Ron Brown to involve in the Belfast investment conference. Also, he appointed Jean Kennedy Smith as US ambassador to Dublin (1993-98) and George Mitchell as a special economic adviser on Northern Ireland, which would be the beginning of Mitchell's role as an intermediary in the peace process. (Ginty & Darby, 2002, p. 114)

Mitchell's participation in the talks as a chair and mediator was legitimated as he had been officially invited by both British and Irish Governments. During his mission as a mediator, he closely worked with both British and Irish Governments. Especially when Tony Blair came to the power in the UK, he found a strong actor supporting the process and his works as a mediator. Thus, by 1997, he had the back-power support of Bill Clinton of the United States and Tony Blair of the United Kingdom which encouraged and motivated him to complete his mission in the peace process.

⁴ Interview with *New York Times* reporter Warren Hodge, April 15, 2000, last reached on

Nevertheless, to whatever extent effective Mitchell's mediation with his principles and strategies might be, it would be erroneous to argue that the peace was imposed on Irish people by third-party mediators, or was created by the third parties. On the contrary, the peace was demanded by Irish People and the conflict transformed by the local parties and local political actors. In the referendum held in May 1998, The Good Friday Agreement got 71 % "Yes" vote in Northern Ireland. On the other side, "the support for the agreement" was 94 % in the Republic (Ginty & Darby, 2002). What Mitchell and other chairmen did was assisting them to find a compromise in the pre-negotiation phase, during negotiation to reach an agreement and post-agreement process, by offering alternative choices, showing different perspectives, using some mediation strategies such as setting deadlines, scheduling the issues, creating sub-group talks, conducting shuttle-diplomacy among opposite parties, giving press reports to encourage Irish people for peace, finding solutions to keep the parties on the negotiation table when the crisis such as spoiler violence emerged. In this regard, Mitchell once stated in a report that "I had no real power. All, I had was the power of persuasion" (Germond & Witcover, 1998, p. 888).

CHAPTER FOUR

A CASE OF EFFECTIVE THIRD-PARTY MEDIAN: MARTTI AHTISAARI IN ACEH

4.1. BACKGROUND OF THE ACEH CONFLICT

The armed conflict in Aceh, a province in “the Northern Island of Sumatra”, has been between “Gerakan Aceh Merdeka” (Free Aceh Movement, hereafter the “GAM”) and “Indonesian” Government forces. Started in the 1970s, the conflict lasted about three decades, causing to death of 16000 people on both sides and displacement of tens of thousands of Acehnese (Lingga, 2007). Following the earthquake and tsunami in 2004, the GAM and Indonesian Government carried out negotiations mediated by Martti Ahtisaari, “the former president of Finland”, which resulted in “the Memorandum for Understanding Agreement” in 2005. The agreement gave an end to the armed conflict and opened a new era of the post-conflict reconciliation in the country.

Indeed, Aceh has been a conflictual area in the last 150 years. Until their latest rebellion against the Republic of Indonesia, Acehnese people had pursued guerilla warfare against Dutch colonization (1873-1942) and “Japanese occupation” throughout the Second World War. When the Japanese occupation ended up following “the Second World War”, The Republic of the United States of Indonesia was declared. Although Aceh initially recognized as an autonomous province, a process of integration into the Province of North Sumatra was formally accepted by the Indonesian Government in 1951, which paved the way for a period of conflict between Aceh and the Indonesian State government based in Jakarta. In 1959, six years after Daud Beureueh (then the Governor) declared Aceh’s joining into the Darul Islam movement led by Kartosuwiryo, the central government finally granted the Speacial District status for Aceh (Prasetyo & Birks, 2010; Bertrand, 2004).

In 1965, when Major General Suharto came to power in Jakarta, another phase of the conflict began between the central government and Aceh. Suharto followed a brutal policy of centralization using extreme violence and suppression methods, which is

known as the *New Order*. (Törnquist, 2010) In order to materialize his political agenda, he initially formed Command for “the Restoration of Security and Public Order (KOPKAMTIB)” and tried to legitimize the brutality and violence as a fight against the PKI (Partai Komunis Indonesia, or Indonesia’s Communist Party). (Prasetyo & Birks, 2010)

Under Suharto’s New Order, Aceh was highly militarized and divided into a number of territories to be directly governed by the Central government. In 1971, Aceh importance dramatically increased after oil and gas reserves discovered and thence the characteristic of the conflict between Acehnese and the Central Government changed, taking more economic shape. The unfair economic distribution of Aceh economic resources, increased industrial pollution, resettlement program and increased transmigration policy led by the Central government compounding with oppression and violence of the New Order on local governance and self-rule paved the way for the rebel of the GAM led by Teungku Hasan di Tiro, a former member of the “Darul Islam movement”. The clashes between “the Indonesian National Forces” and “the GAM” started in 1976 when Hasan di Tiro proclaimed independence for Aceh (Prasetyo & Birks, 2010; Tadjoeeddin, 2014). The response of Suharto to the rebellion was very harsh, as he immediately sent troops to suppress the GAM as soon as possible. The increased military operations on Aceh compounded with killing and torturing of civilians suspected to be the GAM sympathizers and imprisonment of Acehnese politicians. In 1979, when the military operations were on the climax, Hasan Di Tiro managed to flee, first to the USA then to Sweden, in where he settled and established a government in exile in 1979. Meanwhile, most of Di Tiro’s followers went to Libya to get military training. In the following years, as Suharto’s “New Order” became more brutal the GAM fighters received more support from different communities of Aceh and also having been trained in Libya, they followed guerilla warfare against Indonesian state forces more professionally (Prasetyo & Birks, 2010; Tadjoeeddin, 2014) As a result, the degree of violence increased resulting in casualties on both sides including civilians.

In 1995, following a wave of social unrest, the political climate in the country signaled for a change. Suharto and his “New Order” policy finally lost its legitimate in 1997, when the social unrest merged with the economic crisis. In 1998, Suharto finally stepped down, which indicated the end of “the New Order policy” with which he had ruled the country since 1966. The successive government followed a policy of reform and decentralization of the power called *reformasi* (Prasetyo & Birks, 2010, p. 54).

Although the end of Suharto rule did not mean a sharp end of conflict and violence over Aceh, as the most of issues such as economic distribution of income of natural sources, local governance, and militarization, reconciliation, victims’ demand of justice after three decades of extremely violent regime remained to be addressed and resolved, nevertheless, towards the new millennium, the conflicting parties seemed more disposed to find a compromise for their issues of conflict after three decades of the conflict.

4.2. THE PEACE PROCESS

The new process of decentralization and democracy policy pursued by the successive government led by President Habibie after the Suharto rule brought about hope for peace in Aceh conflict. By 1998, the civil political organizations, civilian groups, particularly women and students, had increasingly been speaking out demanding peace, normalization, and justice. Nevertheless, Aceh was not the only location of an ethno-political conflict of Indonesia, which is one of the most multi-ethnic countries in the world, as the country was suffering from the armed conflicts in other regions of the country like East Timor and Papua. Under this delicate condition, a development in one of these conflicts could impact the other. As such, when East Timor gained independence through an UN-sponsored referendum held in 1999 after the decades-long armed conflict between East Timorese and Jakarta (Central Government) the conflict in Aceh intensified dramatically (Tadjoeddin, 2014, p. 2). The independence of East Timor encouraged the GAM to materialize its goal of independence. As a consequence of this political tension, the level of violence increased in the province.

President Habibie's socio-economical approach based on "win-win" idea defining the central-local governance relationship, which materialized with the two decentralization laws passed in the Indonesian parliament in 1999 and 2001, the latter granting special autonomy to Aceh, did not ease the independence demand of the GAM (Tadjoeddin, 2014, p. 17). On the contrary, fueled with the independence of East Timor, the GAM seemed more organized and militarily much stronger in the armed conflict against the Central Government.

The first attempts for the solution of the conflict were made in the 2000s, when Dr. Zaini Abdullah (On behalf of the GAM) and the Indonesian Minister of Foreign Affairs, Hassan Wirayuda met in Geneva for talks. The negotiations mediated by "the Henry Dunant Centre (HDC)" resulted in "an agreement" called "Humanitarian Pause" on "12 May 2000" and welcomed by the local, national and international community" (Prasetyo & Birks, 2010, p. 63). The next dialogue for peace was initiated through the period 2002-2003. Martin Griffiths of the HDC mediated the talks between the Government represented by Ambassador S. Wiryono and GAM represented by Dr. Zaini Abdullah, which resulted in the "Cessation of Hostilities Framework Agreement" (CoHA) on "9 December 2002". Despite support from ASEAN, the US and Japanese governments to proceed with further negotiations and implementation in the post-agreement process, by the midst of 2003 the agreement proved to be failed, particularly due to lack of trust among parties. The Government led by President Megawati Sukarnoputri, in turn, increased the level of its military operations by 2003. Thus the mediation activities of the HDC could not bring lasting peace to the country.

In general elections of 2004, President Yudhoyono and Vice President Yusuf Kalla once again came to power. The newly elected Government carried out back-channel dialogue with the GAM leaders with the facilitation efforts of a Finnish businessman Juha Christiansen. Although the new Government already seemed to be intending for conducting negotiations with the GAM, the serious initiatives for peace came a few days after a major earthquake and following Tsunami hitting around Aceh on 26 December 2004, which devastated country resulting in the death of more than 132000

people, mostly Acehese including the GAM fighters. These catastrophes led the conflicting parties immediately to agree for sitting down around the table of negotiation to reach out a compromise over the issues. The GAM declared an informal ceasefire to allow humanitarian work to be carried in the region. In 2004, the Government declared its willingness to carry out a meeting with the GAM leaders. The “GAM” and the “Indonesian Government” agreed on “*the Crisis Management Initiative*” led by “former” Finland President Martti Ahtisaari to be a facilitator of the negotiations, the names to be engaged in the negotiations on behalf of both sides and Helsinki as the location of the negotiations. (Fisas, 2007, p. 111)

Timing of the negotiations between the GAM and Indonesian Government is often explained with Zartman’s (2003) theory of ripe moment and hurting stalemate. As explained earlier in this thesis, according to Zartman the best time for a peace initiative to be practiced is when there is a deadlock causing to “mutually hurting stalemate” (Zartman I. W., 2003, p. 19). The theory is based on the assumption that under these given circumstances the parties tend to seek for a “way out” from the conflict (Zartman I. W., 2003, p. 19).

The theory seems convincing in explaining why the Indonesian Government and GAM seriously set up for peace in Helsinki. Nevertheless, according to some researchers the main reason why the GAM engaged in negotiations after the “Tsunami” and “gave up” their will for “full independence” was due to their suffering from the intensified military operations and the fact that their demand for independence had not gained much support of international community rather than Tsunami (Törnquist, 2010, p. 12).

4.2.1. Martti Ahtisaari of the CMI and the Helsinki Process

Martti Ahtisaari was born in 1937 in Finland. He graduated from the University of Oulu in 1959 and joined the Ministry for Foreign Affairs of Finland in 1965. Later on, he served for the UN as “Special Representative of the Secretary-General” for Namibia. In 1991 he was appointed “Secretary of the State in the Ministry for Foreign Affairs” of Finland. In 1994, he was elected “President of the Republic of Finland” and served until 2001, when he retired and founded his own NGO, Crisis Management Initiative (CMI). Ahtisaari has engaged in Northern Ireland Conflict, South Africa, Kosovo, and recently in Aceh as a mediator, received the Nobel Peace Prize of 2008⁵ because of his successful activities as a peace-broker and mediator particularly in the latter case.

Ahtisaari was contacted to be engaged to the Aceh Peace Process by Juha Christiansen, a businessman from Finland who has made investments in Indonesia and also a close friend of Farid Husein, Jusuf Kalla’s deputy at the Coordinating Ministry for People’s Welfare (Lingga, 2007). In that time, Ahtisaari was the retired President of Finland, and chairman of the Crisis Management Initiative (CMI), which founded by himself in 2000.

Ahtisaari’s involvement in the process as a mediator and facilitator in the negotiations was welcomed both by the GAM and by the Indonesian Government. While the GAM leaders were trying to internationalize the conflict, for the Indonesian Government the Aceh Conflict was an interior issue, and they would oppose any formal mediator or third state to be involved as a mediator. At the end of the day, Ahtisaari was suitable for the standing point of both parties. From the perspective of the GAM’s leaders, Ahtisaari, being a former president of Finland, a leading European Country, and with track-records in the resolution of the conflict in several cases around the world, had prestige, power and international personality to mediate fairly and impartially. As a mediator, Ahtisaari was appealing for the Indonesian Government too, because he was a

⁵ https://www.nobelprize.org/uploads/2018/06/nobelguide_pea.pdf, last reached time 10.3.2019

retired president and no longer was an officially and actively working statesman, so his participation would not risk official internationalization of Aceh. After each party appealed to be a mediator in the negotiations, Ahtisaari's mediation activities in the negotiations between the GAM and Indonesian Government started. (Kivimaki & Gorman, 2008)

4.2.2. Rule Making for the Negotiations

Ahtisaari had carefully analyzed the previous mediation activities performed by the HDC, resulting in the CoHA, the peace accord that failed eventually. On the contrary to the HDC, Ahtisaari and MCI took a more active and determinant position during the negotiations. From the outset, he adopted a general rule for the overall negotiation that *"nothing is agreed until everything is agreed"* (Miller, 2009, p. 158). The rule which is famously known as one of Mitchell's principles was adopted in the Northern Ireland Peace Process. In Helsinki Negotiations, it once again became an operating rule and principle that conditioned that either party does not adhere to an agreement that was not final and complete and agreed by all parties. The principal helped the negotiating parties to reduce the pressure from the constituencies and national critics in particular that were accusing the Indonesian Government with a concession to separatism and so on (Aspinall, 2008).

The second principle adopted by Ahtisaari was setting the time limit for the negotiations. He informed the parties that the negotiations would be limited with a period of six months. In this regard, he put that *"A clear mandate also implies a clear time frame. If there are genuine needs and reasons for an extension, this is acceptable. But it simply cannot be an open-ended process or it will go on forever"*.⁶ The deadline was put to pressure the negotiators to focus on the core issues and to avoid them from endless talks and discussions on many details of the conflict without reaching a concrete solution. Ahtisaari's view on this matter was that *"the agreement should be brief and*

⁶ https://www.c-r.org/downloads/Accord%205Delivering%20peace%20for%20Aceh_2008_ENG.pdf,last last reached on 4.4.2019

general in content if it was too detailed, then they would never reach results” (Aspinall, 2008).

As a third characteristic of the process, the negotiations were inclusive and open to any group relevant to the Aceh conflict. With this principle, Ahtisaari aimed to minimize the elite characteristic of negotiations by welcoming the other groups or parties which felt excluded from the process (Törnquist, 2010, pp. 21-23). The criteria led to the voice of middle ranks and grassroots to be heard in the negotiations. Both negotiation teams received advisory and consultations from international civil organizations and contacted local and national organizations and actors during the negotiations. (Wandi & Patria, 2015)

It must be noted that even from the beginning Ahtisaari asked for “the EU to engage in the process”, particularly to be monitoring body should the negotiations generated an applicable agreement. Based on his previous experiences, he was convinced that an NGO cannot and should not be the monitor peace agreements, hence the EU participation in the post-agreement process as the monitor was critical to secure the implementation of the agreement.⁷ Eventually, he convinced “the EU” to take part in the process with the consent of the negotiating sides.

Ahtisaari also put some limitations and conditions on negotiators’ relation with news media. Although Ahtisaari would like the negotiators to be isolated from the press, he was well aware that it was not possible as the delegates of both sides were highly popular persons and they were under strict scrutiny of national and international news media. Hence he wanted them to avoid leaking out every detail of the process and it was agreed by the parties. Ahtisaari’s view on this matter briefly was that “both the mediation team and parties had a choice-be nice to the press or work to try to solve real

⁷“ https://www.c-r.org/downloads/Accord%2020_5Delivering%20peace%20for%20Aceh_2008_ENG.pdf”, last reaching on 4.4.2019

problems and find an agreement”.⁸ The result of the process proved they opted for the latter obviously.

4.2.3. Issues of Negotiations

The Helsinki Negotiations was planned to be held as five rounds within a period of six months. The first round of the formal negotiations in Helsinki carried out from 27 to 29 January 2005. The major issue discussed in the first round was the governance of Aceh. In this round, the first impasse of the negotiations emerged, as the Indonesian Government’s negotiators suggested the principle of autonomy be the basis for the negotiations, and the GAM negotiators immediately opposed this idea, in turn. (Martina, 2015, pp. 167-169) Having suffered of a “special autonomy” rule granted by the Indonesian Government for decades, The GAM negotiators were very skeptical of and decisive to not accept any deal based on “special autonomy”, although they were willing to discuss some of the provisions of the existing special autonomy such as “human rights” and “economic governance” (Wandi & Patria, 2015, p. 14). A the GAM negotiators have stated:

“If the words ‘independence’ and ‘referendum’ were taboo to Indonesia, we were allergic to ‘autonomy,’ which represented for us an abhorrent system of brutal oppression and impunity for murders, rapes, disappearances, massacres and all sorts of other brutalities. We knew that people in Aceh would not accept another autonomy law”⁹

The impasse became more entrenched, as The GAM’s negotiator Malik Mahmud as a response to the suggestion of special autonomy stated that the Government must fully withdraw from Aceh, Aceh should be declared a demilitarized zone and the “special autonomy” must be ended as it was an obstacle for the negotiations to be continued. The GAM team also came up with a deal plan entailing propositions such as “a ceasefire for 15 years” and rights of the referendum for Aceh. These suggestions, immediately opposed by the Government, as they believed that would, in the end, lead to independence for Aceh.¹⁰

⁸“ https://www.c-r.org/downloads/Accord%2020_5Delivering%20peace%20for%20Aceh_2008_ENG.pdf”

⁹“ https://www.c-r.org/downloads/Accord%2020_7The%20Helsinki%20negotiations_2008_ENG.pdf”

¹⁰“ https://www.c-r.org/downloads/Accord%2020_7The%20Helsinki%20negotiations_2008_ENG.pdf”

Ahtisaari well figured out that the Negotiations was about to collapse and he had to minimize the distance between two parties. From the outset, indeed, he knew well that “the Government” would not “accept Independence or referendum for Independence. To come over the impasse he needed to talk to GAM negotiators in private:

“I don’t want to hear about independence or referendum, we are going to discuss your acceptance of the autonomy status. Don’t waste your time trying to smuggle in ideas of independence of referendum- if you want to do so you’d better go back to wherever you have come from”¹¹

In addition to the pressure of this sort put on the GAM negotiators by Ahtisaari, the GAM initial proposal for an initial ceasefire also did not find acceptance either by the Government or Ahtisaari, as for the latter the primary principle was clear “nothing was agreed until everything was agreed”.

Ahtisaari, on the other hand, also realizing how the GAM side was skeptical to the special autonomy just as the Government was to Independence or Referendum, was trying to find a compromise that would not exactly refer either to special autonomy or independence. It seemed that the disagreement was in act more terminological rather than the contents. (Wandi & Patria, 2015) Finally, a compromise was found during the second, as the GAM negotiators renounced their demand for independence as a part of negotiations and suggesting “self-government” as a base of negotiations, instead. The term self-government as an alternative to autonomy was in fact first articulated by Ahtisaari himself in a TV interview in Finnish and was welcomed by the GAM negotiators before long. Although the Government was skeptical to the term and some nationalist circles criticized the term as the base of the negotiations, eventually it was accepted and adopted by two parties.

A second major impasse after the independence-autonomy discussion emerged in the third round when the GAM negotiators suggested the right of building up local political parties in Aceh, which was forbidden within the existing law regarding with the parties in Indonesia. According to the constitution the political parties had to be organized on

¹¹ https://www.c-r.org/downloads/accord%202020_5Delivering%20peace%20for%20Aceh_2008_ENG.pdf

nation-wide networks. The Government believed that a local political party would be used as a platform by the GAM to get independence or to promote the idea of separation.

Eventually, the government's negotiators conceded on this issue, coming up with formulations of "local parties with national characteristics". Thus the compromise on this matter was found.

The last major issue impeding the continued negotiations was about the monitoring of during and post-agreement applications in Aceh. Even from the outset, Ahtisaari tried to involve "the EU" into "the peace process" particularly to play a role in monitoring the peace process. On the other hand, it was clear that the Indonesian Government would oppose any official engagement of any other governments as a third party, to not lead the internationalization of the conflict. However, the Negotiation process was "financially supported" by "the European Commission's Rapid Reaction Mechanism" and the Dutch and Finnish Governments. In addition to these Governments, the Swiss Government and "the Swedish Olof Palme Centre" provided consultation and "support to parties" in the negotiation process ¹²(CMI, Final Report). That is to say, the process indeed was quite internationalized. Moreover, Aceh and the armed conflict became tightly scrutinized by the international news media and non-governmental organizations following the Tsunami devastating the country. Nevertheless, the fact that the Negotiations was being mediated by a non-governmental organization and there was no any other government officials involved in the negotiations as a third party was the key factors for the Indonesian Government to believe that the process was internal.

Using his personal political charisma and connections, Ahtisaari convinced the EU administrators to involve in the peace process to provide monitoring along with the ASEAN. Nevertheless, the Indonesian Governments immediately opposed the EU perceiving the EU's involve as a foreign interference into their internal affairs. On the other hand, the GAM would not accept a monitor body formed by ASEAN alone, as the

¹² http://acehpeaceprocess.net/pdf/aceh_report5_web.pdf

Indonesian Government was one of the strong countries in the ASEAN and any monitoring committee formed by ASEAN could be vulnerable to the pressure of the Indonesian Government. Under these very delicate circumstances, Ahtisaari was of opinion that:

“One thing that history teaches us is that NGOs should not monitor peace agreements. Very early on the EU monitoring role was a key idea. We need to know who can do what-what one can and cannot do... the government did not want to internationalize the Aceh question-for them it was an internal matter”.¹³

Eventually, both the GAM and Indonesian Governments accepted the EU and ASEAN to provide monitoring for the peace process together in Aceh.

4.2.4. A Review of Ahtisaari’s Mediation in the Negotiations

Although in the received literature, the Helsinki negotiations are counted as a successful case in our day, when the beginning of the negotiations announced only a few believed that process would “bring about lasting peace to the conflict”. The main elements driving to such hopelessness was the recent experiences and agreements which signed in the period of 1998-2003 but doomed to failure in the end, leading escalation in the conflict, let alone peace.

Much of this success has been referred to Ahtisaari’s and the CMI mediation in the negotiations. Ahtisaari, indeed, was the key actor in the negotiations resulted in the final agreement the Memorandum of Understanding. First of all, he had the trust of both parties and was well-respected not just by negotiator teams but also by Indonesian People. As a ‘former’ president of Finland he was a non-governmental character for Indonesian Government, on the other hand as “former” President of Finland he was a sufficiently official and international mediator for the GAM. On the contrary to previous meditators involved in the negotiation between GAM and Indonesian Government, he played a more dominant role in Helsinki, by setting up some principles

¹³ https://www.c-r.org/downloads/Accord%2020_5Delivering%20peace%20for%20Aceh_2008_ENG.pdf

and using several strategies to move the parties towards a compromise. In the beginning, he clarified his demand for a comprehensive solution rather than a ceasefire formulated with the main principle that “nothing would be agreed until everything was agreed”, which in most of the impasse became a key to push the parties towards a compromise (Aspinall, 2013, p. 57). In this regard, one another important strategy he used was to put a deadline for the negotiations. The time frame turned out to be an impetus for the negotiators to find a compromise. Ahtisaari also wanted the negotiators to be careful and sensitive about their speeches to the news media, in order to not violate the continued negotiations or not cause an impediment for the agenda. He also carried out face to face talks with the negotiator teams in person out of the negotiation table, giving advice and trying to persuade them to be moderate in their demands, especially in times of deadlocks in the negotiations. Lastly but not least, he used his political connections to be backed up by the EU both financially and politically.

In brief, Ahtisaari performed an effective mediation exemplary in “the negotiations between the GAM and Indonesian Government”, which held in Helsinki in 2005. Nevertheless, it must not be forgotten that no mediators can assist the conflicting parties to “reach out an agreement” unless the elements regarding the context of the conflict are proper for peace. In the case of Aceh, we can list a “number of elements” which are “relevant” to the contexts of the conflict. As Aspinall (2013, p. 58) argued, the democratization process started in 1996 and general exhausting were two essential elements of underlying conditions combined with Tsunami, which became a trigger factor pushing the parties to find a compromise. In addition to these factors, internationalization of the peace process and the three features of the accord (autonomy, political participation, and economic cooption) have helped the conflicting actors to abide by the agreement.

Lastly, it must be noted that the good faith of the parties for ending up the conflict and finding a settlement is one of the key factors. Lasting peace cannot be forcibly imposed on the negotiating parties by others; the conditions and terms of the peace need to be

interiorized and even demanded first by the disputants themselves rather than third parties.

CONCLUSION

Conflict resolution has been increasingly developing as both an academic and practical “field” in the age of ethno-political conflicts. The momentum of consistent affords for non-violent resolution of those conflicts are referred to the peace process in the PACS. Third-party mediation activities, in this context, attract growing attention as an essential part of the peace process or conflict resolution processes, particularly during the negotiation process, which is the core to a peace process.

Peace Processes usually have three main phases. The first phase is the pre-negotiation phase, which consists of preparation for formal negotiations. The second phase is formal-negotiations, in which conflicting parties involved in more formal dialogues to find out a compromise with a “final agreement to give an end to the conflict”. The third phase is the post-agreement or post-negotiation phase, which consists of implementation of the agreed terms and conditions, reconciliation and peacebuilding activities. Third-party mediation can be applied in various forms and methods in “each phase” of a peace process. In the “pre-negotiation process” it can be a very useful tool to make the first contacts between disputants, searching for the possibility of negotiations and convincing the parties to involve in talks. In that phase, mediators may function as an explorer, researcher convener, etc. The Negotiations, “the second phase of the peace process”, is the “most important part of a peace process” a failure in the negotiation would be the failure of not just a part of it but of the whole process. The first and the most important function of the third-party mediators in a peace process is that they provide a location where the conflicting parties feel safe after they decided to meet and talk. Secondly, they chair these meetings and manage the negotiations. The mediators in that phase usually function as a facilitator, guarantor and legitimizer and so on. The job of mediators does not end up once the agreement is signed. Usually, mediators work in the post-agreement process of peace as well. In the post-agreement phase, they work in reconciliatory organizations and in monitoring commissions verifying the implementations.

As seen, the work of mediation is a rather broad topic. In order to narrow down the lance of the analysis, in this thesis I have tried to explain the ways mediators effectively function within a negotiation setting; as a “third-party actor” assisting the “conflicting parties” to reach out a compromise with a final agreement to bring lasting peace to the conflict. As explained in the Chapter One and Two, the effectiveness and success of third party-mediation depend on several elements that are mostly related to the context of the conflict as well as to the capacity and methodology of the mediators. In a conflict case, “the root causes” and “issues of the conflict”, the cultural codes of people, the intensity of the conflict, the actors and power relations among them are essential elements shaping the contexts of the conflict. On the other hand, the effectivity or success of the mediators generally depends on several factors such as credibility by the disputants, objectivity, form, and level of power, strategies and methods they practice. In general terms, some certain criteria enabling mediators to chair and coordinate the process are standing out: first they need to be entrusted and confirmed by the negotiators, second they have to be as much objective as possible, or at least be considered so by the parties, third they need to have a certain power to manage with the negotiations, fourth they must know the roots causes and “characteristics of the conflict” and cultural setting of the “people involved” in the conflict. Finally, they must know how to maintain clear communication during the talks

Nonetheless, it must be noted that there is no exact prescription to identify an exact form of mediators to be effective or successful. For instance, in some cases, insider-impartial mediators might be more effective than an outsider or neutrals, or vice versa. Similarly, it is very difficult to single out a specific form of power for an effective mediation, as mediation with muscle or without muscle might be more fruitful than one another depending on the developments in the case and the context of the conflict.

As briefly mentioned above, in this thesis we have focused on the role of mediation and effectiveness of mediation in the peace process in general, and in the negotiation phase of the peace process in particular. To do so, mediation has been viewed and analyzed

within the context of negotiations and bargaining. The thesis aimed to descriptively explain the roles that third-party mediation plays in the negotiation phase of a peace process to be effective in helping the negotiating parties to reach out a compromise materialized as a final agreement. Although much of it has been based on theoretical arguments and literature, the study also focused on two cases, Northern Ireland and Aceh Conflicts, where applied peace process and mediation activities are widely considered as successful. As the study has revealed in detail, the former US senator George Mitchell in the first case and former Finland's Prime Minister Martti Ahtisaari in the latter played significant roles as third-party mediators.¹⁴ The meditation practices in those two cases had both similarities and differences. The Northern Ireland Peace Process was an attempt to find out a solution for a European Conflict, following the collapse of the Cold War. The liberal west, The USA and EU, paid great attention to the resolution of the armed conflict as an attempt to realize its peace project. The UK, then an important member of the EU, with new Prime Minister Tony Blair of Labor Party took serious steps towards a non-violent solution for the conflict. It was in this context that Senator George Mitchell involved in the peace process as an effective mediator backed by the USA, England, and EU and was trusted by the parties of the conflict, including the IRA. The personal character, the experience of George Mitchell and the methods, strategies and the principles he used during his mediation work consisted of the rest of the factors leading to a positive outcome in the peace process. It also must be noted that, although those outer powers financially supported the peace process and the country, the formal negotiation was held in Northern Ireland, contrary to most of the other peace processes, in which negotiations have been held in a third country, often the home-country of the mediator.

The Aceh Conflict and Peace Process, on the other hand, is an Asian issue. Indonesia is a country with a colonial background, and one of the most multi-ethnic countries in the world. Aceh has been a location of conflict between Acehnese and outsiders for more than a century; respectively between Acehnese and Dutch colonization, Japanese

¹⁴It is not surprising that the both peacemakers were awarded with Nobel Peace Prize, particularly due to their successful mediation activities in ending the decades-long armed conflicts.

expansion and Indonesian central government based in Jakarta following its becoming independence. The conflict between Aceh and Indonesia intensified after the invention of natural resources founded in the region in the early of 1970s. The GAM, the militarist organization founded by Hasan De Tiro, emerged as a rebel group with the aim of a free and independent Aceh and became the dominant actor in Aceh's politics over the following three decades. After more than four decades of the authoritarian regime led by Suharto, Indonesia experienced a process of democratization since 1998 and after that time several peace initiatives were staged to find a solution for Aceh question. It was the general context of the conflict, in which "former Finnish President" Martti Ahtisaari engaged in as "a mediator". The conflicting parties had no change but to involve in dialogue after the Tsunami hit the country, devastating particularly Aceh region. This catastrophe convinced the parties to involve in dialogue for a settlement. Thus, Martti Ahtisaari became the mediator of the negotiation upon the joint appeal of disputants. Unlike to "the Northern Ireland Peace Process", the negotiators were convened in Helsinki, the capital city of Finland. That is, the first important role of Ahtisaari and its organization the CMI was to provide a conflict-free location for the representative of the parties. Compared to George Mitchell in Northern Ireland, Ahtisaari seemed to have less power. Nevertheless, he had the respect and trust of the disputants and the prestige as a former president of a small yet very respectful European Country with strong international relations. He personally also had critical contacts within the EU and the world and was a well-known peace-broker due to its earlier activities in some other conflict zones such as Bosnia. In addition to these factors, he inserted several tactics and strategies during the negotiations, which helped him to secure the continued negotiations and persuade the parties not to leave the table of negotiations especially when the crisis emerged. The strategies used by Ahtisaari were in fact very similar to those used by George Mitchell. Like Mitchell, he set a deadline for the negotiations and made sub-group face to face talks to focus on a particular issue and fasten the process. He wanted the parties to be interested in the main issues and avoid going through too much detail and being stuck in the past. More importantly, he applied the principle "nothing is agreed until everything is agreed", which has been the most important elements of Mitchell's famous principles. Lastly, although both Aceh

and Northern Ireland negotiation process might be categorized as top-level initiative, they were quite inclusive and open to any party, group or actor that was relevant to the conflict.

As described through the two cases being focused on in this thesis, effectiveness, and success of third-party mediation in the negotiation phase of peace processes are strictly dependent on several factors such as the context of the conflict, capacity, and forms of the mediators, and the methods and strategies used by them. Nevertheless, it must be not forgotten that the roles and functions of mediators in peace processes are not limited to negotiation for a settlement. They play critical roles in the pre-negotiation process as well as in the post-agreement process. Therefore, I would like to conclude the thesis by stating that more case studies are required to better analyze and understand what the promise of mediation is as a method for nonviolent resolution of conflicts in different phases of peace processes. As Zartman (2008) writes in this connection:

...much of the greatly expanded understanding involves from case studies – largely comparative case studies – used either to generate or to test conceptual and theoretical generalizations. Empirical soundness, including a feel for the subject, harnessed to a concern for usefulness through accurate generalizations and concepts, can be achieved – perhaps even best achieved – through comparative case studies (p. 266).

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APPENDIX 1 ETHICS BOARD WAIVER FORM

	<p>HACETTEPE UNIVERSITY GRADUATE SCHOOL OF SOCIAL SCIENCES ETHICS COMMISSION FORM FOR THESIS</p>
<p>HACETTEPE UNIVERSITY GRADUATE SCHOOL OF SOCIAL SCIENCES PEACE STUDIES DEPARTMENT</p> <p style="text-align: right;">Date: .../.../.....</p> <p>Thesis Title: THE ROLES, FUNCTIONS AND EFFECTIVENESS OF THE THIRD PARTY MEDIATION IN PEACE PROCESSES</p> <p>My thesis work related to the title above:</p> <ol style="list-style-type: none"> 1. Does not perform experimentation on animals or people. 2. Does not necessitate the use of biological material (blood, urine, biological fluids and samples, etc.). 3. Does not involve any interference of the body's integrity. 4. Is not based on observational and descriptive research (survey, interview, measures/scales, data scanning, system-model development). <p>I declare, I have carefully read Hacettepe University's Ethics Regulations and the Commission's Guidelines, and in order to proceed with my thesis according to these regulations I do not have to get permission from the Ethics Board/Commission for anything; in any infringement of the regulations I accept all legal responsibility and I declare that all the information I have provided is true.</p> <p>I respectfully submit this for approval.</p>	
<p>Name Surname: ERHAN ACAR</p> <p>Student No: N17226864</p> <p>Department: PEACE STUDIES</p> <p>Program: PEACE AND CONFLICT STUDIES</p> <p>Status: <input checked="" type="checkbox"/> MA <input type="checkbox"/> Ph.D. <input type="checkbox"/> Combined MA/ Ph.D.</p>	<p style="text-align: right;">Date and Signature</p> <p style="text-align: right; font-size: 1.2em;">30.05.2019</p> <p style="text-align: right; font-size: 1.5em;"><i>[Signature]</i></p>
<p><u>ADVISER COMMENTS AND APPROVAL</u></p> <p style="font-size: 1.5em; text-align: center;"><i>Doc. Dr. Mete Kaan KAYNAR</i></p> <p style="text-align: center;"><i>[Signature]</i></p> <p style="text-align: center; font-size: 0.8em;">Assoc. Prof. Dr. Mete Kaan KAYNAR</p>	

APPENDIX 2 THESIS ORIGINALITY REPORT



HACETTEPE UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES
MASTER'S THESIS ORIGINALITY REPORT

HACETTEPE UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES
PEACE STUDIES DEPARTMENT

Date: 30/05/2019

Thesis Title : THE ROLES, FUNCTIONS AND EFFECTIVENESS OF THE THIRD PARTY MEDIATION IN PEACE PROCESSES

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Name Surname: ERHAN ACAR

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Date and Signature

31.05.2019

[Handwritten Signature]

ADVISOR APPROVAL

APPROVED.

[Handwritten Signature]
Assoc. Prof. Dr. Mete Kaan KAYNAR