A Genealogy of Mediation in International Relations:

From 'Analogue' to 'Digital' Forms of Global Justice or Managed War?[1]

Abstract

What does it mean to mediate in the contemporary world? During the Cold War and since various forms of international intervention maintained a fragile strategic and territorially sovereign balance between states and their elite leaders, or built new states and inculcated new norms. In the post-Cold War era intervention and mediation shifted beyond the balance of power and towards the liberal peace, as in Bosnia Herzegovina. In the case of Northern Ireland, identity, territorial sovereignty, and the nature of governance also began to be mediated, leading to more complex, post-liberal formulations. This article offers and evaluates a genealogy of the evolution of international mediation.

Keywords: international mediation, post-liberalism, Cyprus, Middle East, Bosnia, Northern Ireland

Introduction

During the Cold War, and since, international mediation has become a well-recognised tool of conflict management and diplomacy, used by the US, the UN, a range of INGO and private

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actors (Bercovitch 1992). It has shifted from *Realpolitik* to the norms of the UN Charter, in line with the foreign policy of the US and EU: concerted attempts have been made to support and improve its application (Touval 2003: UN 2009).

Mediation has been regularly used at 'great power' conferences (eg for nuclear disarmament) or by major powers between smaller ones (such as in the Middle East leading to the Camp David Agreement in 1978, or the Dayton Agreement in the 1995). It has been used to create cease-fires and adjust borders (as with the Naivasha Agreement signed in 2005 between the Sudan People's Liberation Movement and the Government of Sudan), and to arrange reparations (as during Colombian peace talks).[2] It has often aimed at constitutional settlements, as in the Cyprus conflict from 1964 onwards, at the Paris Talks over Cambodia in 1989-91, Dayton for Bosnia-Herzegovina in 1995, and Rambouillet over Kosovo in 1999. It has been a tool of last resort during on-going violence, as with UN mediation over the Syrian conflict in 2014. It has been used for issues of WMD disarmament (as with various attempts with Saddam Hussein in the 1990s and 2000s), and or to bring about compliance with international law or legal procedures (as with the pursuit of suspected Serbian war criminals in the late 1990s). It has been recently used in Yemen, Syria and Libya, and the EU has established a Mediation Support Team to strengthen its External Action Service.[3] However, the use of mediation has also shifted to small-scale conflicts in the global south, rather than dealing with the deep structural conflicts in the international system. Broad teams of mediators have been deployed in such conflicts since the 1990s, however, often connecting mediation to civil society actors. In 2014, the UN General Assembly issued a resolution

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[2]   Camp   David   Accords.   (1978)   available   at http://www.incore.ulst.ac.uk/cds/agreements/pdf/is14.pdf. General Framework Agreement for Peace   in   Bosnia   and   Herzegovina.   (1995)   available   at http://www.state.gov/p/eur/rls/or/dayton/52577.htm. Naivasha Agreement. (2005) available at http://unmis.unmissions.org/Default.aspx?tabid=515.
[3] See for example, http://eeas.europa.eu/cfsp/conflict_prevention/index_en.htm.

aimed at strengthening mediation (UN General Assembly, Resolution 2014), in line with the EU (EU, 2009), but does this coordinated response go far enough (Bhattarai, 2016: 43)?

This paper outlines a genealogical approach to mediation in theory. It outlines stage 1 forms of mediation, meaning traditional, realist conceptions. Then the paper discusses the contours of liberal mediation representing stage 2 in its evolution, with its cosmopolitan and normative goals. It then turns to stage 3, which is divided between two possible post-liberal forms: essentially a hybrid of strategic, liberal, and local forms of mediation (broadly defined) and technological/neoliberal alternatives.

It refers to several cases, including Cyprus, the Middle East, Bosnia, and Northern Ireland, which have received considerable attention. In the Middle East (principally Egypt-Israel in the 1970s during the Cold war) mediation supported a traditional system of territorial sovereignty. In Cyprus, UN and later EU mediation has tried to transcend territorialism and nationalism. In Bosnia Herzegovina, mediation aimed at a liberal peace type settlement, supported by a classic post-Cold War Peacebuilding operation. In Northern Ireland mediation occurred in the new normative and more integrated order of the post-Cold war, and managed to develop a new and less territorial system of governance. Using these cases, through a critical mode of analysis connected to genealogy and 'eirenism' (the subaltern view of politics, power, and peace (====: introduction)), this paper shows how mediation praxis may be evolving (Assefa 1987; Bercovitch et al. 1992; Kleibor 1996; Mandell et al. 1991; Princen 1991; =====; Ryan 1990). These stages overlap, carry continuities, and indicate specific differences across eras and cases, but they also connect the changing structure of international order to the development of methods to maintain it- from analogue to digital (to deploy a contemporary analogy). The article concludes with some comments about what a genealogically informed version of mediation might entail.

Genealogy and Mediation

Standard analyses of mediation generally attempt to place it within a framework of reconstruction or bargaining (Bercovitch, 1999), with the goal being a stabilisation of the existing order and its associated territorial and normative rationalities. A genealogical approach would underline the limits of such a conservative, hierarchical, and static form of an analysis particularly in terms of power, justice and rights claims. It would attempt to uncover hidden, historical power relations and resistances through the process of mediation, setting the scene for a just settlement. This raises an important contemporary question: what does it mean to 'mediate' in a world in transition and in broader, less literal terms, as IR passes into a new, probably post-liberal era where emancipatory discourses are entwined with structural forms of power? System maintenance may well contradict the critical goals of disputants, particularly if civil society actors are involved in negotiations. A critical or indeed post-structuralist view of mediation highlights the relations between often violently different historical positions and interests. It speaks to larger, post-colonial and genealogical questions about the nature of the order that is being reproduced, resisted, or reformed (Foucault, 1972: 83).

Any form of mediation inhabits a space between claims made about politics backed by violence in the state centric dimension, in the diplomatic and material frame, in historical and normative dimensions, and according to social and subaltern perspectives. A genealogical approach places mediation within an interpersonal diplomatic framework within the states-system and also in the broader, multi-dimensional terms of historical and distributive justice across the global commons (Connolly, 2017). It highlights the subaltern struggle for rights and sustainability just as much as the elite struggle for order and control (Spivak, 1988, Scott, 1992, Escobar 1995, Bell, 1996, Connolly 2017).

This evolution can be broken down into three main stages, as follows.

Stage 1: Mediation in Modernity: Maintaining State-Centric Order

International mediation was theorised during the Cold War as a high-level, short-term process that aimed at a fragile strategic balance of power between states and their elite leaders, using a mixture of diplomacy, status and overt power (Bercovitch 1996; Zartman et al. 1997). Mediation was an official process of conflict management where disputants were assisted by an outside an individual, organization, group, or a state, to settle a conflict without further use of violence according to the law, applying techniques, resources, legitimacy or knowledge brought in by the third party. Disputants retained control over the process, it was ad hoc, and impermanent (Bercovitch, 2004).

The cases of the UN Secretary General's mediation in Cyprus since 1964 and US Presidential mediation in the Middle East in the mid-1970s, indicate its main dynamics and constraints. These conflicts and the resultant peace negotiations were asymmetrical in that non-state and state actors attempted to maintain or gain sovereignty and contest disputed land and borders in order to enter the states-system. They involved appealing to the authority and legitimacy of the states-system and its elite representatives: the only framework through which political objectives could be met (Miall 1992). Regional and global actors/ states became involved as a consequence, bilaterally or multilaterally. External actors had little or no recourse direct to affected populations, and generally had to respect the status and positions of their diplomatic, political, or military representatives and interlocutors, because of their mutual endorsement of the norm of sovereignty. Regional security and state sovereignty were placed at a higher premium than human security though restitution for wrongs against civilian populations was sometimes sought. Global and regional hegemons

determined how priorities are organised, however. In genealogical terms this led to system-maintenance, in which the struggle for rights and recognition could only occur within an analogue (territorial, institutional, and sovereign) framework of national self-determination, where no significant superpower concerns were raised (Pierson 2002: Kissinger 1994).

In Cyprus and in the absence of any powerful interests or associated mediators (as with US President Carter at Camp David), the UN Secretary General and his representatives initially tried to design a peace treaty, using the security and political space provided by the presence of a UN peacekeeping force (UNFICYP). From its beginning in 1964 this process did not meet with the satisfaction of the then dominant Greek Cypriot side which felt it repeated the mistakes of the 1960 constitution in favouring the minority, Turkish Cypriot side. The Greek Cypriot side argued that the norm of national self-determination for the majority meant they should not have to make concessions to the minority, even at the behest of a moral authority such as the UN Secretary General. This strategy backfired when in 1974 right-wing extremists launch a coup in Cyprus in favour of even more nationalist positions. This provided Turkish forces with a reason to act to create a new status more in their territorial, if not political or legal, favour (Birand 1985:1-11).

Subsequently, the UN mediation process simply adapted to the new geopolitical power structures (despite calls for justice), grounding the legitimacy of peace on the potential, if reluctant, consent of all sides' governments. This created a dynamic where for political reasons both side preferred continuing talks (and escaping blame for failure) to making concessions, which has held ever since. Mediation was mainly involved in maintaining the talks though preliminary part-agreements were signed in 1977 and 1977. Sophisticated mediation tools were used to arrive at these positions, including 'shuttle mediation' to overcome the two sides unequal legal status, and the production of non-binding

'non-papers' to avoid inadvertent recognition of the north. Such elite level tactics blocked compromise and filtered widely across both societies (Constantinou & Papadakis 2001).

Mediation effectively maintained the status quo, satisfying the 'devious objectives' of the disputants to preserve their current positions and give little away (===), though discussions have inched forward over five decades. At times both parties have run the risk of being identified as spoilers in their attempt to manipulate the peace process, and have spent much of their negotiating energies on avoiding making compromises or taking blame (Doyle 2011:261). As the debate has been framed by territoriality, sovereignty, and conservative understandings of international law, little progress has been possible, especially as the mediator has little practical leverage.

Under the conditions of potential EU accession, and a framework which would both be more liberalised and less territorialised, as well as the collapse in the legitimacy of ethnic identity as an ordering system, the early 2000s looked more promising. UN mediation now led to a draft agreement, because benefits had increased for both sides, including the Turkish side, in the guise of EU integration. Militarism, ethno-nationalism and majoritarianism now appeared to be retrograde (The Annan Plan 2004). A concerted nationalist campaign blocked the Annan Plan however, leaving UN and EU personnel furious (Hannay 2004:37-54: Palley 2005). International mediation, its assumptions of give and take according to an incentive structure within the framework of a now revised form of territorial statehood, appeared to be flawed.

Similar dynamics can be gleaned from other stage 1 type cases from this era. Power and territoriality were contested by leaders in the case of mediation between Israel and Egypt (Princen 1992). Elite level power mediation, as practiced by President Carter, could only bring about a solution by removing key issues from the table (in this case the Palestinian situation). His mediation did not judge the nature of the involved states' regimes, but

exercised power and diplomatic ambiguity, carving up the issues into what could be solved quickly and what had to be left out, regardless of injustice. In this case (as in Cyprus), the wider public was rarely consulted. This allowed elites to continue to avoid certain issues, leading to unresolved and potentially conflict inducing problems for the future (Wright 2014:243).

The usual approaches of constructive ambiguity in the agreement actually preserved the status of the negotiating teams through allowing them to claim success, albeit at the expense of a positive peace. Mediation focussed on offering substantial incentives and state defined security interests between disputants, who regularly threatened to end the process, implying a return to war. In neither of these cases were disputants able to think or act outside of state security frameworks, and thus they were not able to deal with identity or rights issues in a way commensurate with basic notions of human rights or social perceptions of what might be just. Indeed, the danger was that an agreement might provide incentives for further violence (Keen 2012:31). Justice was diluted by claiming success whilst preserving power and status.

Stage 1 type agreements, even if backed by force and lacking justice, may achieve legitimacy within the states-system, however, as was the case between Israel and Egypt in 1979. Mediation through the role of a powerful or status wielding (normally male), representative of the state was aimed at mitigating the clash of interests between power bases, resulting in a trading of concessions in return for international incentives, which maintains the states-system and minimises direct violence. It is thus inherently conservative. It involves accepting structural violence: badly drawn boundaries, sometimes war crimes, movements of populations, refugees, damage to property, and so on, in the interests of a removal of the threat of violence for a security community or the international community, removing any conceptual threat for the latter. Its heritage is of mainly European, elite diplomacy

(Constantinou & DerDerien, 2010: Constantinou 2004), the Westphalian system of sovereignty, and an elite-led, military and rational-legal discourse. Stage 1 mediation adopted problem-solving approaches to maintain territorial, material, ideological, normative and hierarchical aspects of the current order.

Civilian populations were generally seen as relatively passive audiences to attempts to replace violence with discursive institutional processes, ceasefires, and mutual recognition, which led to formal agreements. However, most peace processes, from Camp David to the Oslo process, were ultimately been blocked by the very issues they tried to resolve. Indeed, the very frameworks used to make progress have often also become new points of contention (Wright 2014:243). The fate of the Oslo process might be indicative for current talks in Syria, in Libya, and in South Sudan. Recommendations for, or indeed actual, uses of power, have often been the result in order to unravel the resultant deadlocks (Princen 1992: Holbrooke, 1998) in order to support the integrity of the terms set by the states-system and global governance (Zartman et al. 2010).

Non-state actors posed extremely difficult obstacles for this system, in terms of including their demands, accepting their legitimacy, power, and status, and ultimately resolving their issues, as attempts at mediation including Tamil representatives in Sri Lanka, Turkish Cypriot representatives in Cyprus, Kosovo Albanians in Kosovo, or Palestinians in the Middle East peace prices, at various times have regularly illustrated.

The limitations of stage 1 mediation led to 'devious objectives' and spoiling (Stedman, 1997). Disputants involved in stage 1 type mediation tended to avoid trading concessions, and the continuation of the 'peace' process became more important than a settlement in order to avoid the dismantling of elite power structures. In the absence of military victory a peace process fills the space between losing and conceding to geopolitical,

normative, or ideological imposition. Alternatively spoilers used limited violence to guide the process towards their goals.

Stage 1 mediation in the Middle East (principally Egypt-Israel and Israel-Palestine), led to ever increasingly sophisticated systems of territorial control. In Cyprus the role of the UN and EU has failed to transcend territorial-nationalism (but may now be on the brink of doing so). In the related literatures there were frequent discussions of 'ripe moments', 'hurting stalemates', power, neutrality and impartiality. The eventual conclusions of these debates suggested that mediators needed to understand the language and praxis of diplomacy, and if success was to be achieved, access to some of the power that states controlled (Newman et al. 2006). Success was thus defined as either a basic and agreed security order (a cease-fire or a new border), and possibly to contribute to a more sophisticated framework (eg constitutional change) (Kleiboer 1996:376). In many cases, as with the TRNC, Palestine, Kashmir, or Western Sahara, the existing state and self-determination system has not been able to resolve secessionist political claims in the medium of long-term. Awkward status-quos have emerged in such situations, though in some (as in Kashmir) violence has resumed or the agreement did not stick, even in a rudimentary manner.

In maintaining the existing state-system stage 1 mediation pointed to systemic failure in its analogue form. Despite its claims of pragmatism through limited goals, stage 1 outcomes have been determined by historical and state-centric power relations rather than diplomacy or norms. It has sustained the logical of territoriality and the rationalities associated with both social and international hierarchies of groups and states. Ceasefires often broke down, as in the Middle East after the 1967 war, or peacekeeping forces were drawn into local and regional conflicts as in Congo after 1960. Mediation processes often stumbled on, making only incremental gains, as in Cyprus after 1964. Talks for the sake of talks, avoiding blame, non-papers, back-sliding, and maintaining the integrity of the states-system,

all tended to take priority over the assumption of a compromise agreement (Kleiboer 1996). This rationality of mediation concluded that mediators with power were more effective, and implicitly became an apologia for the excesses of power over justice (Princen 1992). Only a few theoretical contributions offered problematized versions of this debate: occasionally the role of culture in communication was raised (Cohen 1996:107) and on rare occasions, alternative rationalities were offered (Constantinou, 2004).

Stage 2: Liberal Approaches to International Mediation

Debates about unofficial forms of mediation, the diversity of power, the limits of consent or neutrality, and the role of civil society and NGOs soon began to emerge in response to the problems inherent in stage 1 approaches (Dixon 1996: Fisher, 2006). After the Cold War mediation began to be connected with the liberal peace and its normative political and economic framework within the confines of the existing states-system (Paris 2004): foregrounding democracy, human rights and free trade. Mediation began to be seen more broadly as a way of settling, resolving, or pacifying differences through diplomacy, law, institutional reform, and thus state and regional design. A peace process would incorporate power sharing, consociational arrangements between elites, as well as negotiations over international borders and the redistribution of territory (O'Leary 2005). Such development is exemplified by debates on regional integration in the EU as a normative process, or statebuilding debates on how best to build a better polity (Manners 2008; Paris et al. 2009).

The pros and cons of liberal peace approaches to mediation have been the topic of some debate since the 1990s when the use of UN mediation in particular began to significantly increase (Convergne, 2016: 137) and a related epistemic community began to emerge (*ibid*: 144). This meant peace processes would require significant structural and

normative changes in conflict-affected societies, following 'best-practice' in western post-war states. In genealogical terms, this is where the civilising mission of colonial states was translated into modernisation, development, democratisation and rights: trusteeship gave way to assimilation into the liberal international architecture. State fragility as well as state power were now more clearly understood, and informal and non-state actors were increasingly prominent. Civil society was now an important part of a viable peace system, crystallised by basic human rights norms. Civil society, NGOs, informal actors, as well as more traditional mediators began to form teams working for a common goal (Garrigues, 2015).

Diplomatically, liberal peacebuilding (as it came to be known) followed on in the footsteps of Carter's power mediation in the Middle East: Richard Holbrooke's mediation in the Bosnian conflict at Dayton was indicative of a realist-liberal evolution. Holbrooke's role in the Bosnian conflict exploited a combination of American power, EU incentive structures, and the disputants' exhaustion (van Es 2002). It clearly pointed to the need for democratic, liberal, rights-oriented power-sharing across relatively segregated ethnic lines. Thus, stage 2 mediation attempted to foreground rights and institutions over unmoderated geopolitical power but power mediation also remained crucial (Holbrooke 1998: Kostic 2009: Keane 2001:61). Secondary aims were to restabilise the country and region, through a division of territory and power-sharing according to ethnic identity. Justice was secondary to these goals but violence was successfully proscribed because of the presence of NATO-led Implementation Force troops, and because the Office of the High Representative policed the boundaries of civil politics, along with the Organization for Security and Co-operation in Europe. The construction of a liberal state was marred, however, by the fact that both the process and the OHR were subsequently seen as unaccountable by the population.

Stage 2 mediation thus addressed but also accentuated the tension between peace and justice. It maintained the structures of the post-Cold War world: the resultant states-system,

liberal political arrangements, and distribution of global capital under globalisation. It also saw more ambitious objectives entering its normative and cosmopolitan repertoire, supporting rights and civil society. Such ambition was reflected in institutional developments, including the formation of the Mediation Support Unit within UNDPA in 2006, and more hybrid approaches, such as in the Philippines, which included states, INGOs, academics, and social actors (Convergne, 2016: 138). The EU attempted to strengthen its mediation capacities in 2009, also reflecting this evolution (Council of the European Union, 2009).

The broadening of mediation theory and practice presented some paradoxes, as a consequence. In Liberia civil society was included in the peace process as well as warlords, raising concerns about the latter's impunity and appeasement. Civil society was understandably concerned about the elite's role (Toure 2002), yet power-sharing dictated their presence: there could be no peace without either powerful elites or social actors. This led to a dilemma: including corrupt elites, as in Cambodia or Tajikistan, meant injustice is hard to eradicate from the state (Keane 2001:34). The concept of 'spoilers' (Stedman 1997) was also added to explain the actions of those actors who seemed to be impervious to the 'good sense' of liberal approaches (Newman et al. 2006). The new logic of cosmopolitan norms meant that geopolitical and social stratification could not be endorsed by any peace agreement, but instead must be significantly modified by a settlement.

It was still indicative of an international discourse in which liberal approaches to mediation operated in the analogue, formal, terrain of the state-centric world, albeit states that were to be democratic and respect international law. However, a genealogical perspective highlights post-colonial and euro-centric limitations in terms of the distribution of power and statehood, material resources, and the normative framework upon which it was based.

Hiatus

By the 1990s multilateralism and the liberal international architecture had become deadlocked. It was becoming clear that the states-system, identity, regionalism, international law, global trade, and trans-national movements are all entwined, often agonistically. This should have been unsurprising: identity, culture, and material distribution across the state and international system have long been seen as contradictory but necessarily formative and influential of political order, itself subject to power and ideology (Tilly 1993:5; Tilly 1990:15; Tilly 1985:169-191). However, the centrality of the state, and the 'naturalised' hierarchy of international order were increasingly being widely challenged (Krohn-Hansen et al. 2005).

Stage 2 mediation offered comprehensive and multidimensional forms of peacebuilding, in which mediation played a role in disseminating the liberal peace to conflict-affected areas outside of the global north. Such strategies soon came to be seen as order producing only in the short term, and more likely to be connected with the stabilisation of an unjust order. Indeed the legitimacy of the unreformed UN system was also being challenged in an increasingly post-colonial environment, more concerned with rights and equality than coordination and efficiency.

Consequently, a genealogical perspective of stage 2 forms of mediation depicted it as a Eurocentric tool for managing the post-Cold War status quo. Its normative grounding in rights and democracy is limited in a world shaped by colonialism, the Cold War ideological struggle, capitalism and inequality. Furthermore, mediation theory had not engaged with the critical developments that had occurred in international theory or politics over the last 25 years. There is not yet any engagement with post-colonial theory, little with gender, Social constructivism, critical theory, nor much of an interest in environmental dynamics. Since the early 2000s mediation as an ordering tool has carried limited weight (except perhaps in the

Global South). It appears to have become overloaded with norms and tasks, mediating different cultural and normative systems including that of the UN (UN, 2012:12-14), whilst being unable to respond to deeper structural issues of representation, inequality, and sustainable, or to support global justice.

As in Cyprus, international statesmen and women are reluctant to risk their reputation with failure or rejection, and sense that they have little moral or material weight to exert. Many senior players in international relations have never been involved in mediation and only a few, such as Lakhdar Brahimi or Hans Blix, have been willing to risk a potential 'graveyard for diplomats'.[4] Conflicts often are unmediated for long periods: as in eastern Ukraine, Syria, and the rise of ISIS in Iraq and across the region, or in the South China seas. Stage 1 and 2 forms of mediation have been unable to deal with the recent changes in the hierarchy of states, the emergence of 'hybrid war' (Glenn 2009; Deep 2015), the advancement of democracy and human rights, the emphasis on globalised capital, the emergence of various transnational networks, new technologies, and an increasing emphasis on sustainability.

Even in cases where mediation continues sporadically, as in Cyprus, Syria or in South Sudan recently, international support is lacking and such roles are easily brushed off or ignored, due to the wide variety of actors and limited clarity in terms of who holds legitimate political authority (Garrigues, 2015: 3). At one level this indicates a lack of international consensus and political will, a lack of resources, a lack of weight attributed to discourses of compromise and cooperation: at another it indicates that many conflicts operate outside of the limits of the states-system or liberal international architecture.

Some of this may be attributed to the War on Terror and the invasion of Iraq and Afghanistan, which has partially discredited the West and its institutions, as well as failures in

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[4] This epithet has been widely used over the last decades of analysis of the Cyprus Problem. 'Island of Troubles', *The Economist*, 19 December 2002.

peace processes from the Middle East to Cyprus without any real penalty, and the inconsistency of a world order based on sovereignty and global capitalism rather than human security and than international law. It may also be related to the rise of other key actors and their very different positions on international order, including China and Russia in particular.

Some of these factors were very much the case with the UN attempt to mediate in Libya in 2011, which failed because Gaddafi could not accept the need for a political transition nor the claims of the revolutionaries. The UN Security Council was also divided and it was difficult to identify who were the parties to the conflict, what their positions were, and who actually held power. There were few institutions and little experience of political compromise. It did fit with not stage 2 forms of mediation (Bartu 2014), and stage 1 approaches appeared to be too anachronistic to deploy.

Uncertainty about the nature of conflict in today's world as well as the unsuitability of existing tools has led to a search for new thinking (Convergne 2016: 136 & 152). In the next section I discuss the emergence of a third framework as a response.

Stage 3 Post-Liberal Mediation

A response to the genealogical critique of both forms of mediation is now required, one that recognises the dangers of deeper, structural and direct forms of power, expands the rights of civil society, refrains from depoliticising technocratic governmentality and neo-trusteeship, and thus and is closely connected to global justice. What would a genealogically informed version of mediation aimed at global justice in an increasingly fluid and digital world, rather than geopolitics (as in stage 1) or liberal peace (as in stage 2) entail?

Stage 3 mediation as a broad communicative and discursive practice has to navigate between the analogue echoes of 17th and 18th Century understandings of sovereignty, 19th and

20th Century understandings of liberalism and capitalism, and the neoliberal and post-liberal world of the 2000s, now including a far wider range of voices than ever before. Much of the language used in stage 1 and 2 formats needs to be thoroughly reconfigured to respond to temporal, environmental, cultural, and material matters as viewed from the subaltern positionality. It still has to contend with obstructive and regressive power: mediating state and elite interests in the mould of 19th Century *Realpolitik*, as well as the subaltern claims made against a peace agreement, state, and international architecture. Increasingly, diverse mediation and dialogue networks make a more post-liberal version plausible as the understanding of the dynamics of discursive approaches to conflict deepens (Ramsbotham, 2010).

Mediation now occurs in a post-liberal world where many of the post-war structures and frameworks have shifted (===). If mediation was to be improved as respond to these shifts, post-liberal approaches would continue to engage with liberalism, but also offer a global justice oriented sensibility and sensitivity. They would rest upon a global epistemic community of understanding and justice, rather than merely on northern practices.[5] Their post-colonial underpinnings point to on-going power-relations with state relations and the global economy (Sabaratnam, 2011: 781-803). However, since the 1990s, back channel mediation, informal diplomacy, citizen diplomacy and conflict resolution approaches have become influential. Similarly, a growing NGO and INGO community have become heavily involved in delivering services to diverse communities, as well as advising governments and international actors. Governments, IGOs, and IFIs have encountered a wide variety of identities and positionalities in their engagements around the world since the 1990s, which has caused them to be more, though not deeply, reflexive and inclusive (though it has also caused their securitisation (Duffield 2012)). Post-liberal approaches highlight the

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[5] See for example the Mediation Support Network.

accommodation in the context of difference, less direct forms of intervention (after the debacles in Afghanistan and Iraq), and social forms of legitimacy. The strict hierarchies of diplomacy that mediation once deferred to are now hard to sustain. Informal actors, networks, polities that are not states, and issues that are outside of the secular, westernised, normative framework system may become more prominent. Justice demands across time and space have become much broader and more forcefully claimed than even 25 years ago.

This indicates further requirements for new forms of mediation. In a more digital and fluid framework, mediation has to be able to operate across mobile and networked platforms of agency and authority, with a view not merely to maintaining the states-system or inculcating liberal norms, but with a view to enabling global justice. A progressive re-arrangement of material resources within and across all types of state and societies would inevitably become part of mediation, the solutions it produces and the political arrangements that emanate from such settlements. It would require the extension of concepts like human security, structural inequality, distributive and historical injustice, the limitations of sovereignty, the global commons, post-colonial politics, the pros and cons of political liberalism, and intervention. Its rationality and logic would have to be driven by local, everyday issues, and agency, to a significant degree, meaning an engagement with contextual knowledge and systems, the use of co-mediation incorporating local social movements, peace committees, and other scalar and transversal movements (Accord, 2015: 14). These broad processes then need to be refined into networked, mobile, transversal and trans-scalar forms of social legitimacy, then legitimate authority (probably at the 'state' level), and reformed regional and international architecture: global governance and capital would be tools for global justice.

Thus, mediation could be developed in the context of three relatively recent issues:

(i) the need for pluralism across widely divergent normative and identity frameworks;

(ii) the need for development and growing equality across different temporal, geographic and material positionalities (distributive, historical, and global justice);

(iii) and the need for long-term environmental sustainability within a critical human security framework underpinned by networked agency and mobile subjects.

Thus post-liberal mediation would mediate difference through inter-subjectivity, widely varying positionalities, as well as work towards environmental and social sustainability, through and beyond the state (Jabri 1990; Brigg et al. 2011). It would need to engage across the local to global scales, mediating the inconsistencies and tensions that emerge through a broad epistemic community, both multi-vertical and multi-lateral. It would need to produce settlements acceptable for critical and mobile subjects. In other words, these 'impossible tasks' would demand forms of mediation aimed at global justice.

Hints of stage 3 mediation might be seen in the case of Northern Ireland. Here the role of a concert of mediators, from the US, UK, EU, back-door, formal, and across society, civil and others, began to develop an approach that was concerned with de-emphasising homogeneity, territory, and centralised sites of governance (Wolff 2004). It aimed to resolve the range of identity, religious, territorial, and governance issues that had fed the conflict since the 1960s, as well as addressing longer standing issues stemming from British policy throughout the 20th Century. Mediation on the part of a range of US, UK, formal and informal individuals and groups dismantled territorial sovereignty to a degree through system of governance shared between institutions in Belfast, Dublin, London, and Brussels, as well as a range of informal actors. This represented an attempt to accommodate sectarian difference, navigate around the problem of multiple claims over territory, competing governance systems, as well as material inequality (Powell 2008; Cox et al. 2006). To date the Good

Friday Accords of 1998 are perhaps the most stable of the agreements so far examined, even though they have also been regularly challenged and the neoliberal economic framing that has more recently emerged has undermined them further. Mediation supported the accommodation of wide and competing claims and a less centralised, territorialised mode of governance, aimed at equalisation. This might be termed post-liberal: it bridged but did not challenge difference; it found ways of allowing but dampening territorialism and centralised government; and though capitalism was essential to it, more significant was the social and infrastructural parts of the agreement funded by vast UK and EU funds.[6]

After the discursive turn, and in the context of Bourdieuian notions of habitus, in a world where fixed categories are weakened, it is time to update 'international mediation' as praxis for an agonistic, multi-discursive world, of scales, relationships, mobility, networks, and justice demands across time and space. This world is hesitantly accepting the necessity of inclusivity and equality, or equa-liberty in the words of Balibar. Micro-solidarities, heterotopias, and a range of networked agencies are pushing in this direction (Massey 2007:184, 200; Escobar 2008:11-12; Balibar 2002; Michel 1984; Foucault 2002a; Foucault 2002b; Bhabha 1994). Negotiation, mediation, translation, thus complement the production of a progressive and legitimate order.

Post-liberal mediation might be characterised in the following manner: it is a broad, bridging activity, involving a scalar range of actors, from the local to the global, from the informal to the formal, often working in teams. Sometimes it is hard to see who mediators are, as roles slip and change. It operates in different fora, according to different norms and interests simultaneously. Mediation spans the realms of identity, emergency assistance,

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[6] See in particular the "EU Programme for Peace & Reconciliation in Northern Ireland and the Border Region of Ireland", which in its latest iteration has been '…aimed at reinforcing progress towards a peaceful and stable society and promoting reconciliation.' http://www.dfpni.gov.uk/index/finance/european-funding/eu-funding-2007-2013/peace_iii_programme_2007-2013.htm.

custom and cultural praxis, to military, territorial, political, and status issues across transnational networks. It requires the identification and overturning of inequalities and discrimination, and political or economic interests cannot trump local legitimacy or social norms in situ or at the regional level. It has become so broad, and so much characterised by encounters and alterity that often the process is more important than a quick result, and different actors change and take over to maintain the process over the longer term, even if an agreement appears unlikely. Mediation increasingly spans different temporal and structural orders, from the post- colonial, to the liberal peace, and beyond. Thus post-liberal mediation involves mediating the tension between different historical epochs, different scales, cultures, and identities, different material circumstances, and different forms of legitimate authority. It requires a pluriversal outcome and translation (Bhabha 1994; Geertz 1973). It requires a progressive engagement with the intensively networked nature of power spanning temporal, geographical, institutional, material, and normative dimensions. Post-liberal mediation revolves around not local ownership of elite-level agreements, but complex relationalities connecting multiple sites of legitimacy in a mobile, complex, fluid, and expanding rights framework.

Or An Alternative Version of Stage 3? Neoliberal and Technological Mediation

Mediation after the liberal international era also points in a different direction. A neoliberal and technological form endorses the power and exclusion that a genealogical analysis uncovers, rather than resists it. Global justice is rebuffed in this guise rather than a focal point, displaced by demonstrations of new types of military and technological power by states, geopolitical, and non-state actors. As in Syria since 2011, mediation is limited, focused

at perhaps even less than a negative peace. It may relate to state elites, capital, and non-state actors, as well as be connected to military and technological capacity to dampen conflict, but does not aspire to a formal solution in the liberal sense. It does not even aim at a cease-fire but instead mediates the continuation of violence in order to avoid further escalation. It has little concern with the plight of populations affected by war or global justice (Lundgren, 2016). States are under little pressure to adopt liberal values. There are many spaces, such as across the Middle East, where intervention means the avoidance of deep structural and geopolitical problems in the state or international system, and merely the mitigation (but not ending) of violence.

This type of mediation operates on the relations between geopolitics, the state, technology and capital, and non-state actors- violent and non-violent. It is connected to perspectives of resilience and self-helping but remotely governed political subjects, envisioned under modern global governance (Chandler 2014: Duffield, 2002). In conflict-affected situations, rather than international or state forms of physical or diplomatic intervention drawing on normative, governmental, or direct power, this would be based on 'atmospheric power' related to a range of technical, informational, social and military, capabilities, as well as global capital. It removes its human distant-near components, and does not involve any ethical objectives (===). It replaces civil society and rights with resilience praxis, and geopolitics with capital and technology (Chandler 2014). It does not require an end to war.

In this sense mediation would be based on the technological capacity of distant actors operating according to their hegemonic values and interests. It is now becoming possible to intervene, mediate, conduct peacekeeping and peacebuilding, deliver humanitarian aid, and so on from thousands of miles away, with very limited physical presence. This level of virtuality does not mediate the interests and ethics of divergent subalterns, or expand their

rights. Nor is it supposed to secure their territory. In other words, the underlying logic of this type of approach would represent a lubrication of geopolitical and geo-economic priorities, with technology being used to block claims for expanded rights or global justice: mediation would revert to mitigation on behalf of distant interveners, themselves agents of neoliberal global governance.

Conclusion

In the cases of Cyprus and the Middle East in the 1970s mediation focussed on power, status and territory. In the post-Cold War era intervention began to mediate the sovereign state and identity with the liberal peace, as in Bosnia Herzegovina where rights and democracy were central to the Dayton Accords. In the case of Northern Ireland, identity, territorial sovereignty, and the nature of governance also began to be mediated, leading to more complex, post-liberal and pluralist approaches. With the onset of more directly neoliberal forms of statebuilding in Iraq and Afghanistan, territorial sovereignty began to be mediated by capital and new technologies of intervention along with revived counter-insurgency practices, leading to a reversion to a more securitised form of territorial sovereignty. Mediation shifted away from war-endings and state reform as a consequence, and towards the maintenance of acceptable and profitable violence to a point where it did not directly threaten international order.

Thus, there appears to be four main stages through which to understand the evolution of mediation from a genealogical perspective. They span the narrow diplomatic function of mediating between warring parties to maintain the states-system to the broader, discursive and critical approach of mediating differences that cause direct or structural forms of violence through epistemological coalitions (Hass 1992) emerging in liberal and post-liberal approaches, and finally, the mediation of non-state claims, capital, technology and

geopolitics. Their underlying rationalities span realism and territoriality, liberalism, rights, and global governance, critical theory, post-colonialism and global justice. Mediation, first rooted in the states-system, shifted towards euro-centric encounters with others, and then to either relationality and global justice or technical fixes under global capital.

Mediation of the analogue international system and the old international liberal architecture has failed systemically, not necessarily in reducing violence but in creating sustainable systems: a way forward is not to revert to a system of managed violence, but to advance mediation genealogically. This requires the incorporation of local political claims for expanded rights in a fluid and digital international framework where legitimate authority is made up of shifting networks and relationships, and global justice is the goal. The Oslo Accords, the Dayton Peace Agreement, the Annan Plan, and even the Good Friday Accords would look quite different as a result and such limitations have been acknowledged at the policy level.[7] It is not enough to expand the numbers of 'trained' mediators across local to global, formal to informal scales: there must be a much more critical epistemological framing specifically related to questions of justice- temporal, material, and environmental. There is evidence in the UN and EU that such rethinking is underway[8] about how to mediate conflict in a mobile, polycentric and pluriversal, networked and yet power oriented world, in which micro-solidarities vie with mainstream state and international architecture, and long term sustainability has now become a far more urgent requirement. It raises the question of how to address local issues of rights and needs in both historical and global contexts, and how densely networked social, state, and international architecture might capture and embed such political and ethical values? Almost any individual, located almost anywhere in the world, can now quickly find access to the information necessary to determine their relative position

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[7] See "A More Secure World: Our Shared Responsibility", Report of the Secretary-General's High Level Panel on Threats, Challenges, and Change, 2004.
[8] See Confidential Sources, *Personal Interviews*, UN Peacebuilding Commission, UNDP, and DPKO, New York, March 2016.

in the world vis-à-vis others: new forms of mediation are thus required to address the more sophisticated ethico-political claims that are arising as a consequence. A response to the genealogical critiques outlined above would thus connect the practice and theory of mediation not to realpolitik, liberal norms, or global capital, but to global justice.

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