POLICY BRIEF

Building on Experiences of Mediation in the Arab World
Assessing Positive Conditions for the Middle East Conference

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As a result of the 2010 Review Conference of the Nuclear Non-Proliferation Treaty (NPT) the international community decided to convene a Conference on the subject of a Middle Eastern zone free of weapons of mass destruction (WMD) and their delivery vehicles (DVs)[1] in 2012. Hence, the Final Document of the event stated that:

"The Secretary-General of the United Nations and the co-sponsors of the 1995 Resolution, in consultation with the States of the region, will convene a conference in 2012, to be attended by all States of the Middle East, on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, on the basis of arrangements freely arrived at by the States of the region, and with the full support and engagement of the nuclear-weapon States."[2]

Thus, the Middle East Conference (MEC) presents a chance for a renewed effort to foster trust and cooperation, which, in the long run, may lead to a lasting peace in the region.

The Central Goal: Exploring Mediation as a Positive Condition for the MEC

The essential objective of this POLICY BRIEF is to shed light on how recent mediation efforts in the Middle East may contribute to realizing the MEC and to advancing its goals. Of course, mediation is a delicate process – it is not always obvious that the intervention of a mediator is needed and it may even complicate the situation. Nonetheless, this POLICY BRIEF assumes that mediation is a constructive approach for realizing the goals of the proposed MEC. Recent experience suggests that mediation is a good basis for making progress towards a Weapons of Mass Destruction/ Delivery Vehicles (WMD/DVs) Free Zone in the Middle East – one that takes into account

Arab norms and ways of thinking. Although very diverse, Arab culture is characterized by a sense of pride, the desire to protect Arab dignity, and a pronounced aversion to feelings of humiliation and injustice. It is also a rich and dynamic culture, one that is open to learning from other regions. Mediation and compromise are elements of Arab culture and they should be capitalized upon by Middle East disarmament efforts.

The potential of mediation for fostering change is however hampered by the conflicts and tensions that dominate the region: the Israeli-Palestinian conflict, the Iranian and Saudi hegemonic ambitions, the rivalries within the Gulf Cooperation Council (GCC), and the widespread fear of Israel's nuclear deterrent are just some examples. Yet, mediation efforts, which are analyzed in this POLICY BRIEF, can potentially decrease the security dilemma in the Middle East and exploring these positive trends is a way of embedding the MEC, which is seemingly only about weapons systems, into the overall regional context.

Additionally, the NPT mandate makes the need for mediation explicit by calling for the appointment of a Facilitator. This first task was accomplished in October 2011 when it was announced that Finnish Ambassador Jaakko Laajava would take up the position and that Finland would host the Conference. Thus, the present assessment of mediation efforts in the Middle East represents a potentially useful contribution to understanding similar problems that might emerge in the MEC process.

Mediation will then be useful in two ways: (1) in the MEC's organization phase in order to convince unwilling parties to come to the negotiating table and (2) once the MEC is under way in order to achieve progress on the issue of a

Abstract

This POLICY BRIEF provides a checklist of factors that increase the chances of success for conducting or facilitating mediation in the Middle East. These guidelines are tested by examining six case studies of recent Middle East mediation efforts and asking whether and how the factors on the checklist influenced the outcomes in each case. Our analysis suggests that the checklist helps to identify those circumstances which are conducive to successful mediation. It is thus a tool to aid policy-makers and practitioners in recognizing or creating conditions for successful mediation. In this respect the checklist approach could be useful as a means for resolving substantive conflicts that arise in the course of the 2012 Middle East Conference. In view of the acute need for cooperative solutions to Middle Eastern conflicts, especially positive mediation experiences are a relevant element for improving the regional context of the envisaged Conference.

This POLICY BRIEF is essentially a policy prescription for those involved in Middle Eastern affairs and policy-making as it provides them with broad guide-lines on how to conduct or facilitate mediation in the region. It draws on a number of contributions from partici-pants of the ACADEMIC PEACE ORCHESTRA MIDDLE EAST workshop held in Budapest, Hungary, from September 26-28, 2011. Participants came from a number of Middle Eastern countries as well as Israel, the United States, and Europe including Germany and Hungary. ∎

Box No. 1: Elements of the Checklist for Successful Mediation

- **Approval** *refers to the degree to which a mediator is approved by the parties to a conflict. The strategy chosen by the mediator will obviously affect the mediator's acceptance by the respective parties. This often depends on the role of the mediator. Some analysts argue that a mediator should be neutral vis-à-vis the conflicting parties while others claim a biased broker has a better chance of persuading the party he or she supports and therefore pushes parties further towards a compromise. Another important issue is the image of the mediator as well as the way he or she is perceived by parties to the conflict. A further issue is the identity of the mediator: sometimes a mediator may be an individual representative, in other cases mediation may be more successful with a pair or a group of mediators (e.g. the Middle East Quartet) or an international organization (e.g. the International Atomic Energy Agency). Sometimes an extra-regional mediator may be desirable, if emotional and political neutrality is important. At other times, a regional actor who knows the traditions, history, and culture of the region is a better choice. These considerations suggest that the choice of a mediator should be handled on a case-by-case basis.*

- **Transformation** *relates to the ability of the mediator to positively influence the context of a conflict situation, e.g. by enhancing trust and helping foster an atmosphere which promotes mutual understanding between the parties. A lot depends on how the conflict is perceived by those involved – is it a battle to be won, or is it a problem to be solved? Transforming the perception of the conflict may also mean that radicalized parties to the conflict must change their self-perceptions. Helping new identities emerge is a way of de-radicalizing the dispute and is often a precondition for normalizing the situation. Since this is very sensitive and complicated, it usually takes a long time. For the facilitator, transforming a conflict by creating a climate of hope and a minimum level of trust is both crucial and extremely challenging.*

- **Communication** *requires the mediator to influence interaction between the parties and also their contacts with the outside world. It is also one of the most important functions of the mediator.*

- **Constructive interpretation of facts** *is based on the idea that flexible understanding of a specific situation may promote the resolution of conflicts. Some scholars have suggested that mediatory efforts often involve some form of manipulation. This is closely connected with the work of transformation – a mediator may provide his or her own understanding of the facts in order to advance the cause of compromise. It must be emphasized, however, that extensively exercised, such interventions may become counterproductive.*

- **Timeliness** *captures the importance of timing in successful mediation. An early intervention may prolong the conflict and a late response may also be deadly, as William Zartman's Mutually Hurting Stalemate Theory argues. According to this concept, some conflicts have to escalate before they can be resolved. However, if the parties continue to aggravate the conflict beyond this point, mediation will not succeed. It must be noted that the timeliness of an intervention is difficult to judge and can never be falsified at the time of actions taken. It is only in retrospective terms that timeliness of such measures could be proven right or wrong.*

- **Influence** *means the degree of control a mediator wields over the parties to a given conflict. It is also connected to approval – a biased go-between may have a better chance of influencing his or her own protégé but such an approach may alienate the opposing party. Influence includes the distribution of power between the parties and the mediator. A strong mediator may have the clout and authority to push the parties towards compromise. On the other hand, a relatively low profile or weaker mediator may be more desirable where more forceful interventions are likely to lead to resentment by the parties involved.*

Sources: Important works that have been used (among others) are Jacob Bercovitch (1986) 'A Case Study of Mediation as a Method of International Conflict Resolution: The Camp David Experience', Review of International Studies, 12(1): 43-65; Marieke Kleiboer (1996) 'Understanding Success and Failure of International Mediation', The Journal of Conflict Resolution, 40(2): 360-389; Marvin C. Ott (1972) 'Mediation as a Method of Conflict Resolution: Two Cases', International Organization, 26(4): 595-618; I. William Zartman (2001) 'The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments', The Global Review of Ethnopolitics, 1(1): 8-18.

possible Middle East WMD/DVs Free Zone as well as other issues on the agenda.

This POLICY BRIEF first elaborates on the conceptual framework of mediation. This framework is then applied to specific case studies in the Middle East and assessed. Although lessons learned in the cases studied are sobering and limited, they also represent positive developments in the process of building trust/confidence in the Middle East. Even failures provide crucial lessons, especially for identifying elements needed for successful mediation.

A Conceptual Framework: The Checklist for Mediation Efforts

In order to provide a sound framework for mediation, one first needs to define what is meant by the terms conflict and mediation. The definition of conflict here draws on the classical work of Glenn H. Snyder and Paul Diesing who propose that they are essentially bargaining processes that always entail a conflict of interest.[3] Since it is assumed that most Middle Eastern disputes have various dimensions (e.g. economic, religious, identity conflicts), the theoretical framework presented must be comprehensive enough to embrace all case studies examined in this paper. Here we rely upon a definition formulated by Jacob Bercovitch, Theodore Anagnoson, and Donette Wille in 1991, according to which mediation is:

"[...] a process of conflict management where disputants seek the assistance of, or accept an offer of help from, an individual, group, state, or organization to settle their conflict or resolve their differences without resorting to physical force or invoking the authority of the law."[4]

Again, this formulation has been chosen for its comprehensiveness. We assume most case studies will fit into this framework. An earlier study of one of the major authors,[5] the literature on mediation, as well as the inputs of the contributing experts, suggest that the most important factors involved in successful mediation are: approval, transformation, communication, constructive interpretation of facts, timeliness, and influence (see Box No. 1).

These six dimensions are recurring themes in the literature on mediation. The theoretical dilemmas posed by these considerations are the most important factors in the practice of mediation. The paper argues, then, that most cases of mediation will include at least some of these dimensions and, accordingly, the following factors will be conducive to successful mediation:

- *Approval of the mediator* by all parties. This does not exclude the possibility that a mediator is partial or even pursues his or her

own interests. The point is that the mediator must be accepted by all parties – this should be reflected in the above-mentioned images, perceptions, interests, and strategies involved in the process of selection. The bias/neutrality and the status of mediator must be evaluated on a case-by-case basis. Under certain circumstances more than one mediator may be needed, whereas in other situations this may complicate the process.

- Ability of the mediator to *transform the context of the conflict*. Encouraging constructive input from the conflicting parties promotes compromise. A climate of hope/minimum trust needs to be achieved in order to provide a basis for successful mediation.
- Ability of the mediator to *control the channels of communication*. This regards the parties and the outside world (e.g. media).
- *Constructive interpretation of facts*. This is generally important but not always necessary. Since it is very difficult to obtain knowledge on the subtle intrigues of mediation negotiations from open sources, this dimension is very difficult to judge from the outside.
- *Timely intervention* of the mediator. An early intervention may be ineffective, since opposing sides are still powerful. Exhausted adversaries are more likely to agree on a compromise.
- *Considerable influence* over the parties. This is important to push them towards agreement. As far as the associated distribution of power is concerned, the power configuration of successful mediation efforts will inevitably vary. Thus, in some cases a powerful go-between will be needed (as in the case of the Camp David Accords) and a less influential actor may be more desirable in others (as in the recent cases of mediation by Qatar).

These principles form a system, the understanding of which can be a useful asset for policymakers and others involved in mediation efforts (see Table No. 1). It is important to emphasize that the usefulness of some of these dimensions have to be evaluated on a case-by-case basis, while some of them overlap. This list is only a guideline and does not claim to be exhaustive nor do these factors guarantee that mediation efforts will be successful.

The Empirical Dimension: Case Studies of Mediation in the Middle East

Case Studies Nos. 1-3: Turkish Mediation

The Budapest workshop examined Turkish mediation efforts in Libya, Syria, and between Iran and the West. Turkey is a relatively popular go-between in Arab societies, since it is generally recognized as having a viable model for reconciling democracy with Islamic values. During the 'Arab Spring', Turkey's strategy was based on protecting the country's presence in Libya while

also pushing for political reforms in countries affected by the regional upheavals.

Case Study No. 1: Turkey's Mediation in Libya

Twenty-five thousand Turkish citizens were living in Libya at the start of the political uprising, leading Ankara to take a cautious approach to the conflict. Instead of supporting a military intervention from the start, Ankara initially tried to use its soft power to mediate between the Libyan opposition and the Gaddafi government. However, many of the factors on the above checklist were not in place. First, the status of the mediator was not clear – Turkey had no official international mandate and other countries were also interested in that role. Libyan opposition forces played off various external actors against each other, increasing the difficulty of Turkey's situation.

There was also a significant problem with approval. Libyan opposition did not want Ankara to mediate in the conflict and by the time Turkey engaged in mediatory efforts, opposition forces had already decided to topple the regime. Thus, there was a lack of common ground between the parties, suggesting also a problem with timing. Turkish mediation initiatives in Libya were hindered by the fact that at least one of the parties was not ready to negotiate. Timing and the opposing parties' perceptions were not ripe for mediation since the parties already had their minds set on escalation of the crisis, resulting in the protesters' demands for arms from Ankara. As a result, Turkey found itself in a very uncomfortable situation with Libyan opposition forces protesting against it at the Turkish consulate in Benghazi because Ankara refused to arm the rebels.

Case Study No. 2: Turkey's Mediation in Syria

In the case of Syria the situation is more complicated for Ankara, since the conflict is taking place in its own backyard and Turkey views the turmoil as a national security threat. The uprisings resulted in some 7,000 Syrian refugees fleeing to Turkey. The scenario of a possible Sunni-Alawite civil war as well as the prospect of unrest spilling over into its Kurdish territories caused Ankara concern. The Erdogan government pushed the Assad regime for further reforms and Turkey also held a conference for Syrian opposition forces in Antalya on June 1-2, 2011.

This suggests that Ankara aims to influence communication among the parties and thereby transform the context of the conflict. In this case, most items of the checklist seem to be in place. However, the timing is not ideal. The two largest Syrian cities, Damascus and Aleppo, have remained relatively calm initially, suggesting a

Table No. 1: The Checklist of Mediation

1. Approval
• *Interests*
• *Strategies*
• *Bias / neutrality*
• *Perceptions / images*
• *Status of mediator*
2. Transformation
• *Minimum trust / climate of hope*
3. Communication
4. Constructive interpretation of facts
5. Timeliness
6. Influence
• *Distribution of power*

lack of critical mass for toppling the regime.[6] The central government may not be interested in finding a negotiated solution and it could increasingly rely on force to remain in power if it perceives that it may get the upper hand in the end. This means that the window of opportunity for successful mediation between the Syrian government and the opposition is closing.

Case Study No. 3: Turkey's Mediation Regarding the Iranian Nuclear Program

The Turkish-Brazilian tandem is an unusual configuration for mediation and one which is also difficult to evaluate. Although the pair of mediators have reached a settlement with Iran on its nuclear program, the agreement has not been recognized by the U.S. and the P5+1.[7] Nonetheless, it has been the first successful endeavor, even if partial, in bringing Iranian enrichment under international legal control since the EU's attempt to do so in 2003-2005. While unable to alleviate Western worries, the agreement could have been an important confidence-building measure as well as a possible platform for further progress on the issue. The deal was achieved because it did not require Iran to suspend its enrichment activities which is a precondition for the P5+1. Such a linkage would have kept Iran from cooperating with Turkey and Brazil. Nonetheless, it does signal Tehran's willingness to cooperate to some extent in resolving the issue.

If we apply our checklist, it is painstakingly obvious what is missing from the list. The U.S. did not really believe that Turkish and Brazilian efforts could result in success and was already focused on getting another round of international sanctions passed at the UN Security Council. Hence the mediatory framework lacked approval from the U.S. side. Conflicting perceptions/images were at play on the two sides and the timing of the mediation effort was not ideal. As a result, success was only partial and the first international agreement on the issue of Iranian enrichment since 2004 was unable to meet the demands of the U.S., Israel, and the EU.

In conclusion, Turkish mediation efforts were hampered by the absence of two items on the list: approval (including conflicting perceptions/images) as well as timing.

Case Study No. 4: The Gulf Cooperation Council's Mediation in Yemen

Riots and protests shook the Yemeni regime in January 2011 (see on this the forthcoming POLICY BRIEF by Lars Berger et al.). The Yemeni political situation is particularly fragile: Sa'da in the North is controlled by the Shiite Houthi tribe; three southern towns have been taken by fighters associated with Al-Qaeda in the Arabian Peninsula, and southern provinces of the country are striving to break away from the North. In addition to the potential for civil war, food prices remain high and there is a shortage of water, fuel, and electricity.

In the midst of this grave situation the Gulf Cooperation Council proposed the so-called "30-60 Transition Plan" in spring 2011. According to the plan, President Ali Abdullah Saleh would step down within 30 days and hand over power to his vice president. Saleh would be granted amnesty and the vice president would be responsible for organizing elections within 60 days. At first, Saleh himself did not accept the plan, although he authorized his vice president to sign it. Yemen's opposition forces signed the plan in April 2011. In November 2011, Yemeni President Saleh finally agreed to the transition plan, handing over power to the vice president. Saudi Arabia, traditionally an influential power in Yemen, has led the mediation process for the Gulf Cooperation Council. This could have both positive and negative implications for the mediation process: Saudi Arabia has sufficient knowledge of the region to be sure, but at the same time, Yemenis disapprove of the deep Saudi involvement in Yemen's domestic affairs. The tribal nature of the society further complicates the mediation process, and the Yemeni crisis is far from being solved.

Saudi and GCC efforts have so far achieved limited results. As far as the checklist is concerned, the most significant problem seems to be approval – the central government does not fully approve of the Saudi and GCC mediatory efforts. Thus, one of the most important factors of the checklist is missing and as a result there has been a lack of significant progress on the issue.

Case Study No. 5: Qatari Mediation in Lebanon

The political stability of Lebanon was seriously challenged in May 2008, when violent clashes took place between government supporters and Hezbollah. Despite the rapid escalation of events, the tiny country of Qatar proved to be an excellent mediator and the crisis was resolved following five days of intense negotiations in Doha. As a result of the negotiated agreement, Hezbollah gained additional influence in government and the Syrian-Iranian vs. U.S.-Saudi proxy rivalry for Lebanon seems to have ended with Lebanon gravitating slightly more towards the former alliance.[8]

Qatar's successful mediation in the Lebanon conflict provides the strongest empirical support to date for the checklist approach. The first and most important factor is the distribution of power. Qatar is politically and militarily not a heavy weight; it does not constitute a threat to any state in the region. At the same time, Hezbollah is a relatively powerful actor in Lebanon. The

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crisis could be resolved due to its strength and willingness to compromise. Hezbollah's demonstration of overwhelming might showed it could topple the central regime – this changed the regimes' political calculations and perceptions and left it more open to negotiations. Hezbollah did not really want to seize central power, however, it wished to flaunt its capabilities as a 'deterrent'. Thus, a relatively small state actor could mediate between a powerful domestic political force and the relatively weak central government. This shows that a strong mediator is not always a precondition for successful conflict resolution/ crisis management – something that should be an important point for the organizers of the MEC. Against this background, the appointed Finnish Facilitator, Ambassador Jaakko Laajava, whose government has a proven record as honest broker, can be thus considered a wise choice.

Timing is also a factor worth examining. The Mutually Hurting Stalemate concept suggests that in some cases escalation of a conflict may be a precondition for its successful resolution. This is true in the case of this conflict in which Hezbollah did just that. It escalated tensions and thereby changed the calculations of the government, which no longer saw fighting as a viable alternative. As a result, it accepted the opportunity presented by the Doha negotiations. The timing was ripe for successful mediation once the political calculations of the government were changed by Hezbollah's escalation of the conflict. The timing in this case can be deemed to have been appropriate.

Another item on the checklist that should be examined is approval. Qatar was successful largely because it was accepted by both parties. Among other things, this had to do with the distribution of power. A powerful regional state which had different vested interests in the region may not have been accepted by the parties. In addition, Qatar's assistance in rebuilding parts of southern Lebanon after the 2006 War between Israel and Hezbollah helped in securing their approval since both parties acknowledged these efforts.

In the case of the Lebanese conflict, communication was controlled extensively by the mediator. First, the negotiation site (Doha) was geographically removed from the actual conflict. Accordingly, parties were cut from their own constituents and also from the local press. Another important issue is transformation. By influencing communication, Qatar publicized certain aspects of negotiations, which led to a cooperative and friendly climate among parties. This critical mass of minimum trust created a climate of hope.

The example of Qatar seems to show that if most elements of the checklist are in place, successful mediation is possible. This could be a particularly important lesson for the Middle East

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Conference. The presence or absence of factors on the checklist could be an important element in determining the success of the MEC process.

Case Study No. 6: Egyptian Mediation between Fatah and Hamas

Palestinian unity has been significantly compromised since Hamas took power in the Gaza Strip in 2006-2007. Following Israel's 2008/2009 operation in Gaza ('Operation Cast Lead') Cairo has been the primary driving force behind reconciliation efforts between Hamas and Fatah.[9]

Due to its geographical location, Egypt considers Palestine important to its national security. Similarly, Palestinians see Egypt as one of the main guarantors of their security. Historically, Cairo has been seen as a relatively credible representative and protector of Palestinian interests. It supported the Palestinian Authority (PA) during and after the 1993 Oslo process. Egypt is also the primary option for Palestinians for sustaining links to the outside world and breaking their dependence on the Israeli economy. As a result, ending Gaza's international isolation requires Cairo's help. Following the election victory of Hamas in Gaza, however, Cairo did not recognize the de facto Gaza government. As a result, Egypt, which most Palestinians viewed as an honest broker, came to be seen as biased towards the PA. This undermined its credibility as mediator between Hamas and Fatah since Hamas had become distrustful of Cairo. This has changed only since the Egyptian uprisings have brought a new government to power, which has taken a more balanced approach towards the two Palestinian factions. As a result, Hamas signed the reconciliation document proposed by Egypt – a plan previously rejected by the Gaza government (see POLICY BRIEF No. 3 by Margret Johannsen et al.).

The most important factor here is approval. First, Cairo was viewed as a credible supporter of the Palestinian cause. Furthermore, as one of the two Arab countries which have concluded a peace treaty with Israel, it possesses legitimacy that other Arab states lack. However, this generally positive image deteriorated in Gaza after Cairo refused to recognize the duly elected government. By contrast, as Egypt took a more balanced approach, Hamas was willing to cooperate. This supports the idea that a neutral mediator could be an important element in the mediation for the Middle East Conference. Hence, the appointment of the Finnish Ambassador Jaakko Laajava as the Facilitator of the MEC can be seen as a viable choice which could positively influence the Conference process.

Communication and transformation are also aspects in the mediation of the Fatah-Hamas conflict which deserve discussion. More specifically, the way these two factors interact with approval is a significant issue. Egypt hosted a number of consultation sessions for the two Palestinian factions – mostly out of public sight. Despite these efforts to control and influence communication channels and hence transform the climate between parties, mediation efforts were unsuccessful because Hamas did not approve of Cairo's role as mediator. Hence, the Egyptian government fostered a dialogue between the Egyptian Muslim Brotherhood and Hamas during the summer and autumn of 2011, in order to increase its standing with the Gaza government as well as to promote Palestinian unity. Due to Egypt's close proximity to Hamas and Fatah, there is also official communication between Egyptians and Palestinians. All these developments suggest that from the items on the checklist, communication and transformation were sufficiently attended by the Egyptian government. However, it lacked the necessary approval by the parties. Once this was achieved, these three elements combined helped produce favorable results.

Constructive interpretation of facts is also important. Egypt is under considerable international pressure to succeed in reaching Palestinian unity. The Arab-Israeli peace process cannot proceed without such unity. As a result, there is an incentive for players to interpret facts on the ground in a constructive fashion.

As far as timing is concerned, the September 20, 2011, deadline to bring the case of Palestinian statehood before the UN constituted 'a natural deadline' for ending reconciliation talks. The internal dynamics of Israeli politics and its refusal to alter settlement policies created a relatively favorable global environment in favor of the Palestinian case.

The influence and the distribution of power are also factors that need to be examined. It is instructive to note that a number of other players

Table No. 2: Summary of Findings – Mixed Mediation Results

Case Study	Most Problematic Items of the Checklist	Outcome of Mediation
Case Study No. 1: Turkey's Mediation in Libya	Approval; (Status of Mediator); Timing	Failure
Case Study No. 2: Turkey's Mediation in Syria	Approval; (Perceptions); Timing	Failure
Case Study No. 3: Turkey's Mediation Regarding the Iranian Nuclear Program	Approval; (Perceptions); Timing	Limited Success
Case Study No. 4: GCC's Mediation in Yemen	Approval; (Perceptions); Timing	Failure
Case Study No. 5: Qatari Mediation in Lebanon	–	Success
Case Study No. 6: Egyptian Mediation between Hamas and Fatah	–	Limited Success

made efforts to facilitate reconciliation between the two Palestinian factions: Turkey, Qatar, Saudi Arabia, and Iran all attempted to solve the problem in one way or another. However, Egypt was the only party approved by the Palestinians. Moreover, most of these prospective mediators were not in a position to deal with the Palestinian issue. Jordan was concerned with its own domestic problems, Qatar was dealing with the Libyan crisis and Saudi Arabia was being kept busy by developments in its own immediate backyard.

In addition to historical factors, Egypt's regional power and credibility as well as its geographical proximity to Palestine seem to have played an important role in Palestinians' approval of Cairo's mediation efforts. In fact, Egypt has become the only viable candidate for mediating in the issue of Palestinian unity. Like in the case of Qatar, the Egyptian case suggests that if most of the items on the checklist are in place, reconciliation efforts can proceed apace – at least after Egypt took a more balanced approach to the two parties. This is the case despite Palestinian measures to bring the issue of statehood before the UN and in spite of the fact that full reconciliation has not been achieved to date.

The Case Studies in Review

Three categories have been used to rank the various outcomes of mediation efforts: failure, limited success, and success (see Table No. 2). Generally, these categories reflect the degree to which items on the checklist were in place during the process of mediation – the more these factors were realized, the more successful the outcome. Although the classification is somewhat intuitive, it is not illogical. However, in some cases we have had to take specific features of the given situation into consideration (Case Studies Nos. 3 and 6 in particular) in order to provide a more sophisticated explanation of the outcomes rather than rigidly sticking to the general rule for assessment. Out of the six case studies presented, three proved to be failures, while two were limited successes (Turkish mediation in the conflict concerning Iranian uranium enrichment as well as the Egyptian mediation in the Palestinian case) and only one was entirely successful (Qatari mediation). The three relatively positive outcomes show a correlation with the cases where most items of the checklist were in place. Also, the deficiencies in cases of failed mediations focus on lack of approval and perceptions as a sub-dimension of that category, as well as poor timing.

Turkish-Brazilian mediation efforts are regarded as a limited success. Although Ankara's mediation created a legal document and an agreement between the mediators and one party to the conflict, the compromise was never recognized by the U.S., the EU or the P5+1. In fact it is not entirely clear whether this effort could be called mediation at all, since other parties

involved in the dispute were never part of the negotiations. A regional actor (Turkey) and an external power (Brazil) made an agreement with one party to the conflict (Iran) on an issue that forms the backbone of its conflict with the other parties (Washington and the EU). But members of this latter group were never really part of the mediation process. It must be noted, however, that despite U.S., EU and P5+1 refusal to recognize the agreement, Turkey may have been in contact with the U.S. during negotiations. Moreover, Washington noted a week before the start of Turkish-Brazilian mediation that the previous fuel-swap proposal offered to Tehran earlier was still on the table. The logic and substance of the Turkish-Brazilian-Iranian deal is not entirely different from the previous initiative supported by Washington.[10] Thus, despite the absence of the U.S., EU members or the P5+1, we judge these circumstances make this a case of limited success instead of all-out failure.

Egyptian mediation could only be successful once Cairo took a more balanced position towards Hamas. Prior to that, one of the most important elements on the checklist, namely approval, was missing. Once the new Egyptian regime made the necessary modifications in its approach, Hamas signed the agreement entitled 'Egyptian Paper of the Palestinian Reconciliation' on April 27, 2011. Despite the remaining tensions between Hamas and Fatah, this outcome can be considered a limited success.

Qatar proved to be the most successful mediator, which raises questions about the theory of a powerful mediator. The Qatari case is the one in which most of the items on the checklist were in place (approval, timing, communication, influence which includes distribution of power, and transformation which also incorporates minimum trust and climate of hope).

Conclusions and Recommendations: Arab Mediation Efforts as Positive Conditions for Realizing the MEC

The case studies discussed above seem to provide evidence that the checklist approach to mediation is a helpful way to cope with Middle Eastern conflicts and mediatory efforts (see Table No. 2). The assessment of the cases is, to a certain extent, arbitrary. Our case studies only dealt with factors that seemed to be the most relevant obstacles or facilitators in the process of reaching an agreement. An item on the checklist that does not feature prominently in the case studies is the constructive interpretation of the facts. As previously mentioned, it is almost impossible to collect information on that issue from open sources. Hence, discussion of this factor was limited. In addition, further research is likely to identify other relevant items as determinants of success. Thus, the model we have proposed has its limits. However, the

Endnotes

1. Delivery vehicles are indirectly included by reference to the 1995 Middle East Resolution of the NPT Review and Extension Conference.

2. Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (2010) 'Final Document', Vol. 1. Online, available at: www.un.org/ga/search/view_doc.asp?symbol=NPT/CONF.2010/50%20%28VOL.I%29 (November 13, 2011).

3. Glenn H. Snyder and Paul Diesing (1977) Conflict Among Nations: Bargaining, Decision Making, and System Structure in International Crises, Princeton, N.J.: Princeton University Press.

4. Jacob Bercovitch, J. Theodore Anagnoson, and Donette L. Wille (1991) 'Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations', Journal of Peace Research, 28(1): 7-17, here p. 8.

5. The conceptual part of the paper extensively builds on: István Balogh (2009) 'Törökország közvetítő szerepe az iráni atomvitában' (Turkey's Mediatiory Role in the Iranian Nuclear Debate), Külügyi Szemle (Review of Foreign Affairs – Hungarian language peer reviewed journal), 8(4): 18-37.

6. 'Life in Syria's Capital Remains Barely Touched by Rebellion', The New York Times, September 5, 2011. Online, available at http://www.nytimes.com/2011/09/06/world/middleeast/06damascus.html?_r=1&pagewanted=1&ref=world (November 10, 2011).

7. The P5+1 group of states consists of the permanent members of the United Nations Security Council plus Germany.

8. On Hezbollah and its emergence and developments, see Judith Palmer Harik (2004) Hezbollah: the Changing Face of Terorrism, London: I.B. Tauris.

9. Ian Black (2011) 'Hamas-Fatah reconciliation a Palestinian form of Arab spring', The Guardian, 27 April. Online, available at http://www.guardian.co.uk/world/2011/apr/27/palestinian-form-arab-spring (August 12, 2011).

10. Alastair Crooke (2010) 'Secretary Clinton's cold shoulder on the Iranian fuel-swap deal', The Middle East Channel, May 26. Online, available at http://mideast.foreignpolicy.com/category/topic/us_foreign_policy?page=5 (November 11, 2011).

Further Reading

• Jacob Bercovitch, Victor Kremenyuk, and I. William Zartman (2009) (eds) The SAGE Handbook of Conflict Resolution, London: SAGE.

• Nathan J. Brown (2008) Can Cairo Reassemble Palestine?, Washington, D.C.: Carnegie Endowment for International Peace. Online, available at http://carne-gieendowment.org/files/cairo_palestine.pdf (August 12, 2011).

• Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (2004) Taming Intractable Conflicts: Mediation in the Hardest Cases, Washington, D.C.: United States Institute of Peace.

• Oliver Ramsbotham, Tom Woodhouse, and Hugh Miall (2011) Contemporary Conflict Resolution: The prevention, management and transformation of deadly conflicts, Cambridge: Polity Press.

• Essam Al Tamimi (ed.) (2009) Practitioner's guide to arbitration in the Middle East and North Africa, Huntington: JurisNet, LLC.

checklist approach suggests that the chances of successful moderation increases, the more items on the list are in place or considered.

All in all, the findings of this POLICY BRIEF suggest that decision-makers should pay particular attention to the following issues:

• Approval, perceptions, and timing of mediatory initiatives seem to be the most problematic elements of mediation. Regarding timeliness, however, one should always remember that it is difficult to judge and only the future can tell whether the time chosen for mediation was right or wrong.
• Approval covers a range of issues: perceptions/images, various interests involved in the process as well as the status of mediator and the issue of bias vs. neutrality. It is one of the most complicated dimensions of mediation.
• The more items of the checklist are in place or considered, the greater the chances of creating circumstances conducive to successful mediation.

In sum, this paper recommends that with a view towards the Middle East Conference similar factors for success will have to be considered. Although weapons are the subject of the MEC, they are embedded in the conflict formations of the Middle East. Thus, at many points during the conference process, it will be necessary to deal with the underlying disputes which to a large extent explain the development of the contested weapons program in the first place. Against this backdrop, the mediation process cannot be left out of the equation. It will be required both in preparing the Conference and also in making it successful. Thus, policy-makers and others will need to be able to identify factors that contribute to a successful outcome. Positive mediation experiences are an important element for improving the regional context of the MEC, given the acute need to design cooperative solutions to Middle Eastern conflicts.

Although the MEC was designed to be a Conference on a WMD/DVs Free Zone in the Middle East, it is highly unlikely that its participants and organizers can avoid including regional conflicts on its agenda. Due to the interconnected nature of disputes in the region, bargaining will undoubtedly involve package deals. Such interconnections almost always make negotiations difficult and sensitive. Hence, mediation cannot be left out of the equation. It will be needed in preparing the Conference and also in making it successful in order to find solutions to at least a number of the problems listed above. Since mediation will be involved in some way or another, policy-makers and those dealing with the region will need tools to identify factors that contribute to successful mediation. This is exactly what the above presented checklist approach to mediation aims to do. ∎