MEDIATION AS A PEACEFUL SOLUTION IN INTERNATIONAL CONFLICTS

By

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Abstract

This dissertation was written as part of the Master of Arts in Dispute Resolution program at the Independent College Dublin (ICD).

We present in this study the concept of mediation as a means of facilitating a peaceful resolution of international conflicts, a method that has been used widely for quite some time. The purpose of our presentation will be to examine the history of peaceful conflict resolution, international conventions and treaties that have encouraged the search for a peaceful solution to disputes, which has proven to be detrimental to armed conflict over time. As a result of wars and other international conflicts throughout history, the international system of States has experienced changes in its approach to armed conflict: as the costs of armed conflict became insurmountable, the idea of seeking peace gained a greater basis of support. During the Hague Conferences of 1899 and 1907, the Convention for the Peaceful Settlement of International Disputes was adopted, which provides a framework for our understanding of the institutionalization and promotion of peaceful resolution of international conflicts. In the following section, we will discuss mediation in international conflicts, its primary characteristics, and how it operates within international organizations, particularly within the United Nations.

We will study a case study, in international mediation, in order to gain a practical understanding of how this tool can be used. We will assess the present state of the art with respect to one of the methods available for the peaceful resolution of conflicts (mediation) within the context of one possible dimension of conflict (the international conflict), always keeping in mind that the ultimate objective is the finding of peaceful solutions to international conflicts.
Keywords: Conflict Resolution; Peace Research; Alternative Dispute Resolution; Mediation; United Nations Organization

Introduction

Legal scholars as well as those in the field of international relations study and are interested in international conflicts. Both fields of study seek to comprehend the causes of conflict as well as the agents of peace in an international context. There have been numerous efforts to ensure that States resort less and less to war to resolve their disputes, and numerous studies and practices have been conducted on this topic[1]. In this work, we seek to understand the process of peaceful conflict resolution among international organizations through a particular tool: mediation.

Conflict resolution by mediation is a non-jurisdictional process, or a political process. Generally speaking, when there is a conflict, the parties can take one of two paths: either direct confrontation (war, economic embargoes, etc.) or a non-violent approach for resolving the issue. A third party is an excellent option for these parties when they opt for the second option, but fail to develop resolutions that are satisfactory for both parties. It will depend on the amount of power they want to attribute to it (jurisdictional or non-jurisdictional) whether they use contentious techniques or not. In the case of a third party with decision-making authority, it will define the dispute with imperative power, and its response will be binding on the parties. However, if the parties prefer to take a protagonist stance in relation to the outcome, the third party will only play a supporting role by providing communication and collaboration so that the parties may identify their interests and determine the best course of action (Tartuce and Verçoso, 2011, pp. 107-108).

In the international arena, conflict mediation strategies are becoming increasingly relevant and useful. They are emerging from the binary logic of winners and losers, which applies not only to wars, but also to International Courts. The awareness of conflicting states to actively participate in the coordination of activities that can help cool or even eliminate conflict, to the mutual benefit of both parties. In the

[1] In spite of the fact that the principle of peaceful settlement of disputes had been the subject of various sources of international law before the creation of the United Nations, the principle is translated into a duty by the UN, as a corollary of the prohibition of the use of force in international relations - the UN Charter enshrines the principle as a principle of international law.

following paragraphs, we address our approach and the line of construction of this study. Next, we describe its organizational structure.

Consequently, this study aims to explore alternatives to permanent international courts for resolving international disputes. It is not our intention to declare which method is better, but to determine in what situations it may be advantageous to use one method over another. As a means of understanding when each method of peaceful conflict resolution is appropriate, we will not only discuss the doctrine, but we will also analyze a case practice in which mediation has been used. For us, knowing the techniques of each process is very important, but understanding the ways in which it is practiced is essential, not only for scholars of the subject, but also for mediators as a support material. As a result, we have included a practical study.

In order to organize this research, a linear logic is used starting with the delineation of the theme. A clipping of this type is necessary in order to clarify the terms that are intended to be employed in this study. We will also describe various types of peaceful resolution of international conflicts at this point, but only for didactic purposes; we will not delve deeply into these issues since, as already mentioned, our focus here is on mediation.

Next, we will discuss the conflict in more detail and how it can be resolved. For this purpose, a historical overview of the subject is necessary, with special attention given to the development of mediation. Toward this end, we will refer to the Hague Conferences of 1899 and 1907, through the Covenant of the League of Nations. We will conclude by reviewing the Charter of the United Nations.

Additionally, we will discuss other efforts for a peaceful resolution of international conflicts. However, we will not discuss them in detail as these efforts are outside the scope of this paper, which will be more methodological in nature. In conclusion, we will close the first part of the research, incorporating the last reflections and connecting the topics so that the reader can gain insights.

In the second part of this thesis, we will begin to examine mediation as a non-jurisdictional means of resolving international conflicts. We will begin by exploring what mediation is, how it is structured and how it is applied in the international arena. In addition, we will explore the differences between mediation and good offices. We will utilize the context to illustrate the types of mediation and mediators that may be able to assist, and, subsequently, when mediation may be necessary.

In a mediation process, there are various phases ranging from the start to the possible settlement, including joint sessions, private sessions, and negotiation. We will discuss each of these phases, the techniques used by mediators, as well as what the doctrine has accomplished to date. Since mediation is a relatively new system, it is possible to examine this from a broader perspective. The role of the United Nations in conflict resolution will be discussed. Ultimately, we will conclude the chapter with a case study of international mediation. In this case, we discuss the rupture of diplomatic relations between Colombia and Ecuador, and the mediation process that followed.

As a final step, we will discuss the results of this research, with a view to bringing a broader understanding of the process of peaceful conflict resolution employed here, as well as questions that may arise from the discussion. In this research we will, once more, present the state of the art regarding the peaceful resolution of international conflicts, particularly mediation, so that at the end of it, we can answer what we posed at the beginning: in what situations will mediation be effective? How can this field be improved? In addressing this question, we do not intend to encompass a wide range of results and solutions, however, we intend to observe what is already known about this field of study and what needs to be explored.

In view of the topic's breadth and potential for many approaches, we will focus on the thematic aspect of this investigation, leaving open the possibility that a further investigation may be conducted in the future.

1. Literature Review

1.1 History

The search for conflict resolution through means that do not involve the use of force dates back to antiquity. The Greek cities and the Roman Empire, for example, had their own mechanisms of negotiation, arbitration and even mediation. Despite the relevance of the study of the ways in which these methods have been developed over time, we chose in this work to delimit our time frame starting in the 19th century to the present day. We reinforce that, due to the nature of this work, it is not possible to carry out an extensive research of each Conference and Treaty for more than two centuries, so we will seek those of greater practical relevance to be approached in detail, without forgetting to refer to others.

The discussion on the forms of peaceful resolution of conflicts in the international legal system is the object of study of numerous sources of International Law, since the 19th century. As a demonstration of these efforts, the First International Congress for Peace took place in London in 1834, in which a possible abandonment of the use of war as a political means was discussed and the alternative for the solution of international conflicts was presented. to arbitration. Subsequently, the Second Peace Congress took place in Paris, focusing on the problem of disarmament, which emphasized the need to create an international arbitration court.

By examining the countless cases that have been registered, it is quite evident that the arbitration system was developed in the 19th century as a method for finding a peaceful resolution to disputes. In order to avoid armed conflicts, many countries turned to this institution throughout the century. Due to this, in the Hague Conferences of 1899 and 1907, arbitration was defined as a method of resolving disputes between states through the appointment of judges of their choice and in accordance with the law (Caridade de Freitas, 2012, p. 527).

It should be noted that even at the beginning of the 20th century, in 1914, many of the binding arbitration treaties were bilateral agreements: we can mention 139 conventions linking 47 countries.

In this regard, we must consider the Geneva Protocol of 1924, which was directly connected to the Covenant of the League of Nations, and which was a clear failure for several reasons, primarily because it attempted to mandate the solution method to be adopted for each type of conflict, rather than leaving it up to the states individually.

The period between the First and Second World Wars "is marked by the search for the conclusion of bilateral treaties, where arbitration is often added to conciliation and by attempts at multilateral compromises." As part of this same period, the General Assembly of the Societies of Nations adopted the General Act on the Peaceful Settlement of International Disputes, signed on September 26, 1928, in Geneva, which entered into force after a short period of time and covered 23 States (Dinh, Dailler and Pellet, 1999, p. 768).

All efforts made thus far regarding the attempt to resolve conflicts through peaceful means have shared this characteristic of non-use of force. Through the First Congresses for Peace, to the Hague Conferences, to the General Arbitration Act (revised in 1949), to the efforts of the United Nations, and other regional organizations, there are numerous attempts to promote the resolution of international disputes through dialogue diplomatic relations, bilateral negotiations, mediation efforts, and arbitration proceedings. To cite some examples, "[...] progress [seems] more sensitive within certain regions, particularly in Latin America and Europe: Pact of Bogotá of April 30, 1948, revised by the Buenos Aires Protocol of 1967; Strasbourg Convention of 29 April 1957 within the framework of the Council of Europe; Protocol of 21 July 1964 concerning the Mediation Commission, of Disputes and Arbitration within the framework of the O.U.A.; Arab League Pact of March 22, 1945; C.S.C.E. – Helsinki Final Act of 1975, supplemented by the Paris Charter for a New Europe of 1990, and the principles of Valletta de 1991" (Dinh, Daillier and Pellet, 1999, p. 722).

In the contemporary scenario, research related to means of peaceful conflict resolution was largely financed in entities and states located in the Northern Hemisphere and two main axes can be highlighted, these being Studies for Peace and the field of Conflict Resolution.

Johan Gultang founded the Peace Studies Institute in 1959 in Oslo, based on the International Peace Research Institute of Oslo (PRIO). In the United States, the field of Conflict Resolution has its origins in the Journal of Conflict Resolution, which is a journal that focuses on analyzing the causes of wars and the conditions for their prevention and resolution (Herz and Drumond, 2016, p.19).

1.1.1 The Hague Convention (1899-1907)

In the Hague Conferences of 1899 and 1907, arbitration was institutionalized as a peaceful means of conflict resolution. During the first Conference in 1899, title IV, which covers articles 15 to 57, was devoted to arbitration; there was also discussion of the possibility for the powers to offer their good offices and recourse to mediation (title II) if they so desired, according to Article IV of the Convention.

As a result of the Hague Conference of 1899, a milestone was reached in Public International Law, as "the participants had the objective of promoting the maintenance of the general peace and creating the conditions for the amicable solution of international conflicts, through the permanent institution of an arbitral jurisdiction" (Caridade de Freitas, 2012, p.566). It was 94 delegates representing 26 States attended this conference, which was suggested by Tsar Nicholas II of Russia.

By analyzing the articles XV and XVI of the 1899 Convention, we can determine that the signatory states made every effort to prevent the use of force. We will highlight articles II, IV, and V, which address mediation in the context of the present study. Article II states that "In case of serious disagreement or conflict, before an appeal to arms, the Signatory Powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly Powers" (Convention for the Pacific Settlement of International Disputes, 1899).

Article IV of the same document addresses the role of the mediator: "The part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the States at variance.". Finally, in Article V: "The functions of the mediator are at an end when once it is declared, either by one of the parties to the dispute or by the mediator himself, that the

means of reconciliation proposed by him are not accepted". In addition to consecrating mediation and good offices, the possibility of another resource was also foreseen before the arbitration – the establishment of International Commissions of Inquiry, also in an attempt to resolve differences of opinion in relation to facts.

1.1.2 League of Nations

From the Congress of Vienna (May 1814 to June 1815) until the outbreak of the First World War, the idea has been propagated that conflicts can be avoided and even peace achieved through a balance of power and military alliances. As a result of the outbreak of World War I, this concept proved to be incorrect. The international context after World War I was quite different from that of 1914. State relations had changed as a result of factors such as the emergence of the United States in the international arena. That occurred as a result of its decisive role at the end of the war. – and, mainly, "the end of illusions about the potentialities of the balance of powers as a means of preventing conflicts" (Campos et all., 2008, p. 211-213).

On June 28, 1919, at the end of World War I, the Treaty of Versailles was signed, which established the creation of an International Organization that would monitor threats to peace: the League of Nations. This organization was established by the Treaty of Versailles, which approved the Pact, a document with twenty-six articles the contents of which were very innovative for that time, and that outlined the objectives of this organization.

Therefore, the Covenant of the League of Nations includes the principle of peaceful resolution of disputes, whether by diplomatic, juridical, or political means. It is stipulated in articles 12, number 1114 and 13, number 1115 that this is to be accomplished through an intervention by the League of Nations Council.

Although the SDN was not abolished with the outbreak of World War II - which took place in 1946 - the organization has virtually ceased to exist since then. This International Organization has clearly failed

to achieve its primary objective of maintaining international peace and security; however, as a precursor and forerunner of the United Nations, it contributed significantly to the construction of contemporary international society (Campos et all., 2012, p. 222).

After the end of World War II, the United Nations was established, which is the topic of our analysis in the following section. In order to prevent the recurrence of SDN errors, efforts were made. Several aspects of the SDN legacy were taken into account in the creation of the new post-war world organization: i) the development of multilateral negotiation techniques; ii) the experience of running an international secretariat; iii) the experience of international cooperation in the economic and social fields; and iv) the creation of a permanent international court (Idem).

1.1.3 The United Nations

On 26 June 1945, at the end of the United Nations Conference on International Organization, the United Nations Charter was formally adopted. This was as a result of the San Francisco Conference. The Charter became effective on 24 October 1945.

The United Nations (UN) established its objectives in Article 1 (United Nations Charter, 1945), which is as follows:

> 1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and inter-national law, adjustment or settlement of inter-national disputes or situations which might lead to a breach of the peace;
>
> 2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all with-out distinction as to race, sex, language, or religion; and

4. To be a center for harmonizing the actions of nations in the attainment of these common ends.

It is a well-known fact that the UN was established in response to the horrors of the Second World War. Therefore, we see its primary role as maintaining world peace and security, even avoiding a recurrence of the conditions which led to the aforementioned War.

Consequently, the United Nations should serve as a focal point of coordination and guidance for all States of the International Community. We observe that the UN has a wider range of attributions than any of the LN's non-protagonist functions.

The United Nations has been continuously involved in the peaceful resolution of conflicts since its foundation, and we will learn more about this subject in the next chapter, devoted to mediation. In this regard, it is now appropriate to refer to some efforts, such as the 1982 Declaration on the peaceful resolution of conflicts adopted by the General Assembly of the Organization. Before, in 1970, there was the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States.

In our next topic, we will discuss Chapter 6 of the UN Charter, which we consider to be one of the most important points of analysis of this work. The first step toward understanding Chapter 6 and its articles is, however, to refer to Chapter 2. Due to the fact that this article contains the principles that the members of the United Nations will follow in their international operations, particularly in regard to the resolution of their disputes. For these reasons:

1. “All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
2. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.” (United Nations Charter, 1945)

The United Nations has been engaged in the peaceful resolution of conflicts since its inception. According to Article 33 of the United Nations Charter, the duty to resort to peaceful means of conflict resolution requires states to use any of the available options, and this includes methods such as negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, and even other means not listed - such as good offices, which are not part of the UN Charter but have frequently been referred to in diplomatic contexts of non-violent conflict resolution over time. Furthermore, it is worthwhile considering the possibility of using regional agreements and entities such as the Organization of American States, for example. This would enable them to serve as a third party in the resolution of disputes.

Regarding Article 33 of the United Nations Charter, it is noteworthy that there is no imposed rule regarding the type of method to be used to resolve the conflict; however, “the nature and stage of the conflict largely determine the effectiveness of the required means. The success of the choice thus depends on the suitability or suitability of the means used” (Queiroz, 2009, p. 319).

1.1.3.1 Chapter 6

Chapter 6 of the Charter of the United Nations provides the foundation for all international efforts to ensure the peaceful resolution of conflict. We find in this chapter the techniques suggested to be used by States as well as the measures that may be taken, for instance, by the U.N. Security Council, in the event of threats to peace and international security. In summary, there is an effort to clarify the

responsibilities of States - the primary agents of international peace and security - as well as the general assembly and the UN Security Council, the secondary agents (Brant, 2008, p. 502).

As such, Chapter 6 will provide us with a framework for analyzing the subsequent Chapters/Parts of this work.

Article 33

1. "The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means." (United Nations Charter, 1945)

The following are the possible means of resolving conflicts peacefully as indicated in * 1: negotiation, inquiry, mediation, conciliation, arbitration, or judicial resolution. The purpose of this study is to establish a thematic approach that addresses a non-jurisdictional means of resolving a dispute: mediation.

Mediation will be discussed in Chapter II. Although we recognize the significance of the other methods presented by the United Nations Charter, here we will present them only as a complement and even as a starting point for future comparison. Negotiation refers to a direct and immediate understanding between the parties that is established through available diplomatic channels. In addition, the investigation is conducted by the establishment of a commission that will investigate the facts that form the basis of the conflict. In contrast, conciliation is conducted by an independent commission that examines the issues at hand and offers a solution.

The States covered by the rule of seeking to resolve their disputes, primarily through peaceful means, are only those signatories of the United Nations Charter or those that are not part of the organization

would also be bound by it. Currently, we can say that “in the current stage of legal doctrine, there is, however, no doubt that the duty expressed by the paragraph is a rule of customary law, binding, therefore, to all States of the international system” (Brant, 2008, p. 506).

There may be a question as to whether there is a precedent among methods of resolving disputes peacefully. Can the jurisdictional solution, for example, be preferred over non-jurisdictional methods? It is necessary, as we will see in the following chapters, to analyze the conflict variables in order to determine the appropriate method to be used. According to the text of article 33 of the United Nations Charter, there is no privilege whatsoever.

Specifically, Article 33 of the Charter of the United Nations refers to the "choice" of peaceful means of resolving disputes. In large measure, the effectiveness of the means required depends upon the nature and stage of the conflict. Consequently, the success of this choice depends on the suitability or adequacy of the means employed. Generally, the method of peacefully settling disputes is limited to States.

In order to understand the origins of the processes of peaceful resolution of conflicts, and changes that occurred on the international scene between the 19th and 21st century, it is necessary to review some previous references, which are relevant in the construction of the historical process discussed in this chapter. As we have observed, mediation has been used for a long time and is experiencing increased use as a result of the complex international environment. We believe that all of the information presented here provides a solid foundation for continuing our work.

There will be a variety of aspects and contexts to mediation in the following chapters, and whenever some historical clarification is required, we will consult the information contained in this chapter.

1.2 Alternative Dispute Resolution

Various techniques and strategies can be employed in order to resolve international conflicts. Prior to entering this field, we must define, at least in general terms, “What is conflict resolution?” We selected to understand it as follows “the settlement or avoidance of disputes between individuals or groups of people through solutions that refrain from violence and that attempt to reunify and re-harmonize the people involved in internal conflicts, or that attempt to preserve amicable relations with external societies” (Bonta, 1996, p. 406). Consequently, international law and international relations offer increasingly strengthened methods of resolving disputes in this regard. To understand the means to resolve international conflicts without resorting to the use of force, it is simply necessary to turn to the Charter of the United Nations (UN Charter, 1945), which contains its chapter 6 exclusively dedicated to the Peaceful Settlement of Disputes.

As discussed above, Chapter 6 of the UN Charter describes several different means of resolving international conflicts on a peaceful basis, such as negotiation, mediation, and arbitration. However, it is essential to stress that general international law does not impose any obligation upon states to use one mode of peaceful settlement to the exclusion of any other. Our focus is on mediation as a peaceful means of conflict resolution or a mechanism for resolving international disputes. Thus, before discussing the historical context of mediation, we will briefly describe Alternative Dispute Resolution, otherwise known as ADR.

Alternative Dispute Resolution - ADR - is characterized by its lack of imposition on parties of a specific form of settlement, to a given conflict (in a court, for example, or in mandatory arbitration), but rather by its aiding them to establish dialogue among themselves, as protagonists in the construction of a potential agreement (Leslie and Kingston, 1998, p. 13). This is one of the essential features of ADR, helping the parties to “find an amicable solution without going to court” (Leslie and Kingston, 1998, p. 14). An alternative dispute resolution process is consensual, which means that both parties are free to choose whether to proceed through this route or through the court system. Despite this, we emphasize that ADR is not meant to replace other forms of dispute resolution. Due to the need for consensus between the parties to resort to alternative dispute resolution, it must comply with international law: “There is definitely no right time to use ADR during the currency of a dispute. ADR methods are

sufficiently flexible to allow them to be used at almost any stage. Logically, however, the most obvious time to consider and use a mediation or other ADR process is before or shortly after commencement of proceedings" (Leslie and Kingston, 1998, p.17).

In parallel, it is important to highlight some of the benefits and disadvantages of alternative dispute resolution methods. These advantages can be described as follows: 1) costs; 2) speed; 3) control; 4) flexibility; 5) maintenance of the relationship between the parties; and 6) confidentiality. Mediation, for example, is generally less expensive than a court proceeding - and here we are not merely discussing the material costs, but also the wear and tear that is associated with litigation. Furthermore, mediation is generally quicker. The processing of a dispute by a court or tribunal may require a much longer time than, for example, an arbitral tribunal established by the parties themselves. Control, as mentioned above, is an aspect of dispute resolution that requires the parties to be present and actively involved. Consequently, this can even be a method of re-establishing relationships that were previously damaged or shattered, and it can provide the basis for future relationships. Additionally, confidentiality will vary based on the process, but it can also be regarded as an advantage of alternative dispute resolution.

It should be noted, however, that ADR is not appropriate in the following circumstances: a) if one of the parties does not sincerely desire resolution; b) a) when a legal precedent exists; b) when a protective order is required from a court for one of the parties; c) when one of the parties believes that there is an initial need for litigation so that, after judging, they can begin negotiating; and, d) when one of the parties wishes for the dispute to be made public in order to exert pressure on public opinion or in commercial cases. (Leslie and Kingston, 1998, p.18). However, in terms of a disadvantage of using ADR, it is possible to perceive this method as weak, but this concept has been questioned and refuted by a number of scholars and theorists in this area, as an example we should mention Roger Fisher, William Ury, Carrie Menkel Meadow, and Jacob Bercovitch.

If we extend the debate on ADR to the international arena, we are able to address conflict situations that threaten peace and security internationally. Among these would be the first one where there is still some search for a solution, and there may even be an attempt to use peaceful means to resolve

the conflict. Secondly, the onset of armed conflict or its imminence - that is, the use of force has already been reported. In recent years, however, the use of force by States in international conflicts has been ruled out by the Charter of the United Nations, so that only a very few conflicts are actually settled using force. In other words, the impediment to the use of force in international relations "is raised to the level of an imperative norm of absolute value. At the same time, the obligation to resolve conflicts by peaceful means which is its corollary, acquires the same imperative character" (Dinh, Dailler and Pellet, 1999, p. 722). This premise is already reinforced by Articles 2 and 33 of the United Nations Charter, but we can add the Declaration on the Principles of International Law pertaining to Friendly Relations and Cooperation between States to that list.

To serve as a basis for the analyses to be performed on the following topics, we have provided an overview of the means of resolving international conflicts through peaceful means. In this paper, we will explore the history of mediation as a means of conflict resolution, highlighting the milestones reached by International Law and International Relations in this field of study and action. The ideas outlined above will form the basis of the research/work that we will conduct later, which will be centred around the mediation method.

1.3 International Mediation

Mediation is a non-jurisdictional means of peaceful conflict resolution. The term "mediation as coming from the Latin mediare denotes the act of intervening, dividing in half and, of course, mediating" (Spengler, 2010, p. 317). Mediation is a different approach to resolving a conflict and resolving the issues presented in a dispute, where communication needs to be established (or re-established) (which may have been interrupted during litigation).

There has been extensive discussion about where we can find the origins of mediation. For more than four thousand years, Mesopotamia has utilized mediation as a method of resolving conflict. A number of mediation cases have already taken place in the 19th century, and articles have already appeared in International Conferences which mention the use of mediation. According to article 8 of the Paris

Conference of 1856, for example, “If there should arise between the Sublime Porte and one or more of the other Signing Powers, any misunderstanding which might endanger the maintenance of their relations, the Sublime Porte, and each of such Powers, before having recourse to the use of force, shall afford the other Contracting Parties the opportunity of preventing such an extremity by means of their Mediation”. Similarly, the Berlin Conference, held in 1885, ruled in article 12 that “Signatory Powers of the present Act, or the Powers which may become parties to it, these Powers bind themselves, before appealing to arms, to have recourse to the mediation of one or more of the friendly Powers.”

At the end of the 19th century and the beginning of the 20th century the Hague Conferences elaborated their title in terms of Good Offices and Mediation, defining in Arts 2nd to 8th two types of mediation: requested or required and spontaneous. According to art 2 of the treaty, the powers in conflict have the option of asking for the intervention of a third friendly power. It is outlined in article 3 that foreign powers may offer their good offices to or mediate between States in conflict, but this procedure has not always been well received by the parties involved in conflict (Caridade de Freitas, 2012, p. 541).

There was a renewed effort towards maintaining international peace and security following the Second World War that led to the establishment of a new international organization, the United Nations, which in its Charter provides for a Chapter - the sixth - devoted to the peaceful resolution of disputes. Mediation is mentioned as one of the options to which states may resort in order to resolve their differences. A new phase in the resolution of international conflicts emerged with the adoption of the United Nations Charter, which formed the basis for several other resolutions made by the organization itself, as well as the encouragement of researchers to conduct academic debate and even the establishment of centres dedicated to mediation and other methods.

The United Nations General Assembly adopted a resolution on 22 June 2011 affirming the importance of international mediation as a means to protect and resolve conflicts (United Nations General Assembly, 2011). In this resolution, the UN acknowledges the central role mediation plays in contemporary conflict resolution, as mediation is already explicitly mentioned in Chapter 6 of the U.N. Charter. Several studies endorse this position. In the past 77 years, 70 percent of conflicts have been

resolved through mediation, and the likelihood of a peaceful settlement increases sixfold with the involvement of third parties (Bercovitch and Gartner, 2009; Frazier and Dixon, 2009). Consequently, it can be said that mediation has increasingly been recognized as an adequate solution for various types of international disputes and is increasingly used as a form of conflict resolution. Power and deterrence are becoming increasingly ineffective in dealing with the problems and conflicts facing humanity at the end of this century and perhaps beyond. “One of the most important outcomes of the power process is the patterns of communication regarding conflict and possible collaboration” (Nagan and Hammer 2004, p. 152) ; the most coherent and effective answer to such questions can be found in mediation (Bercovitch in Herz & Drumond, 2016, p.51).

Mediation is a strategy outlined in Chapter 6 of the UN Charter for resolving disputes peacefully through which a third party acts as a facilitator. This could be a State, an individual, or an international organization. Mediation is characterized as a "non-coercive, non-violent, and non-binding" approach to conflict resolution. (Bercovitch in Herz and Drumond, 2016, p. 29). Non-coercive means that mediation only occurs when the parties are explicitly willing to participate. Mediation takes place on a completely voluntary basis, and there is no coercion involved in the process. A non-binding agreement implies that the parties may withdraw from mediation at any time, without incurring any liability. In order to do so, they must justify their actions. Mediation provides parties in conflict with an unparalleled level of freedom of action and movement.

In essence, international mediation is the process through which a neutral third party facilitates communication between conflicting parties so that those involved can genuinely find "a consensual way out to overcome their impasses" (Tartuce and Veçoso, 2011, p. 106). In mediation, it is understood that the parties are active agents in the development of agreements and resolutions. This means that the mediator does not directly influence the ultimate decision and cannot propose agreements or make declarations. In the drafting of a final agreement, the terms proposed by the parties are used as a basis; the mediator acts only as a facilitator, which means that all decision-making authority rests with the parties. By virtue of this characteristic, conflict mediation is a process that strives to enhance the autonomy of the parties in the management of conflicting interests, and if a final agreement is reached,

there are greater assurances that it will be implemented as intended because it was directly produced by the parties involved.

After discussing the elements of conflict mediation, much discussion has focused on how to determine whether the final process is successful. In addition to compliance with final agreements, the reestablishment of a healthy relationship between parties in the long term can be an indication that mediation was successful. In particular, this is true when mediation is capable of preventing the onset or escalation of armed conflict. Therefore, mediation serves as a mechanism for achieving a peaceful resolution of conflict.

After the conclusion of this research, we will try to provide readers with a comprehensive understanding of this process of peaceful resolution. Therefore, we offer once again the current state of the art regarding the peaceful resolution of international conflicts, or mediation, so that this study is able to answer what was stated at the outset: which situations are conducive to the successful use of mediation.

1.4 Mediation as a means to resolution

Mediation is usually chosen by conflicting parties, of their own free will, as a method of conflict resolution. When the situation warrants it, the process may be indicated. In these circumstances, mediation is seen as a tool for achieving certain objectives in the context of the conflict. Depending on the level of the conflict, direct dialogue may not be feasible in some cases. In addition, the mediation clause is still not as common as the arbitration clause in treaties, where it can be proposed even before a conflict arises. In light of the foregoing, when is mediation appropriate in international disputes? In some cases, this mechanism can be used when there has already been violence between parties, can be used as a precautionary technique to prevent the escalation of a conflict; it may be used to address disputes directly or to address issues related to the causes of conflict, such as the inclusion of minorities or marginalized groups, or the settlement of disputes between rivals after a conflict has occurred (Herz in in Herz and Drumond, 2016, p. 21). As a result, mediation can be beneficial in numerous ways. There

are several ways in which a third party can intervene, including limiting the escalation of the conflict, ensuring compliance with international law and treaties, avoiding the use of force, and re-establishing good relations throughout the conflict (Fretter in in Herz and Drumond, 2016, p. 216). Due to the dissent involved, the parties in conflict are unable to make an assessment of the scenario since they do not have the context of the conflict at hand, and they are, in most cases, focused only on their immediate gains and aggressive bargaining tactics. Mediation in this context entails the mediator seeing the demands of both parties and facilitating dialogue between them by utilizing appropriate tools and methods so that views are enlarged, and communication becomes easier until the conflicting sides are able to converse with one another and, as expected of the mediation method, begin to establish solutions by themselves, with the mediator acting merely as a facilitator. A mediator can be a valuable resource in clarifying disagreements between the conflicting parties regarding values and perspectives. (Bercovitch in in Herz and Drumond, 2016, p. 61.)

The use of mediation is often cited as a benefit, such as the fact that it does not require a complex structure in order to function: it can be conducted in person or even over the telephone. Due to this, the process is more agile and less bureaucratic than, for example, arbitration. Additionally, the parties retain even more control than they would have with arbitration, because they determine, together, the resolution of the dispute - which increases the likelihood that it will be adhered to. In other words, mediation is a legitimate means of resolving conflicts in specific circumstances, such as when “(i) conflicts are complex, tied up and last for a long time; (ii) the efforts of the parties involved to deal with the conflict were exhausted; (iii) neither party is prepared to tolerate further escalation in the dispute and (iv) the parties are prepared to break from their pattern of conflict through mutual cooperation and through the establishment of some kind of contact or communication between them.” (Tartuce and Veçoso, 2011, pp. 109-110).

How else might mediation benefit the parties in conflict? As Bercovitch (Herz and Drumond, 2016, p. 36) discusses, in addition to the reasons already outlined, parties can also view mediation as a means of publicly demonstrating their commitment to the international norm of peaceful conflict resolution, since for many States their image on the international stage carries substantial weight and value. The

acceptance of mediation by parties, regardless of their motivations, is a crucial step to the peaceful resolution of conflict and increases the culture of resorting to mediation. As a consequence, it is worthwhile to analyze the importance of mediation in international conflicts and, to achieve that, we created a table based on several academic studies on mediation's role in international conflicts:

Author	Conflict	Number of conflicts	Mediation's number in these conflicts	Successful settlements result from mediated conflicts
Northedge and Donelan (1971)	International conflicts between 1945 and 1970	50 cases	31 cases	7 cases
Marc Zacher (1979)	Controlling conflicts for regional organizations between 1945-1977	Aproximally 115 cases	40 cases	21 cases
Bercovitch (1989)	International disputes after 1945	72 cases	44 cases	There is no data
Bercovitch (1996)	International disputes between 1945 and 1990	241 cases	145 cases	There is no data

Table: created by the author from data from Bercovitch in Herz and Drumond, 2016, pp. 32-33

As these data demonstrate, mediation is a common practice in the international arena; on the contrary, it is extremely prevalent and in recent years, it has become increasingly widespread and systematic.

1.4.1 Mediators and mediation types

There are several questions that arise when it comes to international mediation: why mediate? What are the steps involved? When should mediation be used? Would mediation be the most effective course of action in the present case? What exactly do mediators do? There is no objective answer to some of these questions. Everything depends on the depth of analysis of the situation and the involvement of the parties in the conflict, as well as the historical background of the parties. As we have already discussed, mediation is used for a variety of reasons. These include the fact that it is one of the forms of peaceful conflict resolution recommended by the United Nations Charter. It also provides a high degree of autonomy to the parties, which jurisdictional methods are unable to provide. On the topic of mediating, we will discuss the structural process that is typically involved in mediating. Specifically, we will strive to understand two issues here: whether there are different types of mediation and who is capable of acting as a mediator.

In mediating conflicts, "a broad range of actors participate daily, such as individuals, government representatives, religious leaders, regional, non-governmental, and international organizations, as well as ad hoc groups or nations of all sizes" (Bercovitch in Herz and Drumond, 2016, p. 35). In addition, these agents should possess a wide range of skills, such as communication, and negotiating skills, as well as know-how to promote acceptance between parties, a sense of trust, and knowledge and access to information about the conflict. I think it is worthwhile to note a disagreement among scholars regarding the level of mediator intervention. A growing number of authors are asserting that the mediator should be a facilitator of communication among the parties in conflict and should not propose solutions or intervene directly, either by advising or interfering with the parties. Alternatively, there are those who contend that a mediator must have a strategic approach, leading the mediation in accordance with a previously established tactic with the ultimate goal of bringing the parties together to agree. In our previous statement, we stated that there is no right or wrong, as long as the entire procedure is agreed upon by both parties and the mediator prior to its beginning.

According to Bercovitch (2002), the presence of a mediator alters perceptions and actions of the parties to a conflict. The role of a mediator is to facilitate the process of changing attitudes between the parties. This is a crucial aspect of mediation. By adding a mediator to a conflict, the dynamics of the participants' interactions are changed significantly, since mediators can encourage agreement, persuade a revision of viewpoints, impose sanctions and rewards for shifting bargaining positions, and develop ideas for new possible settlement terms.

Mediator neutrality is another topic that is also in a grey area, for example, both Henry Kissinger and US President Jimmy Carter, still in government, "were far from being considered neutral, but they were still effective and successful mediators"(Bercovitch in Herz and Drumond, 2016, p. 31). There is even the Carter Center, a mediation center that has participated in several cases, one of which will be dealt with at the end of this chapter. Still on who can act as a mediator, this can be part of a government that is not a direct party to the conflict, or also an employee of an international organization. Some mediation processes may also be conducted by non-governmental individuals or groups that are not ordinarily perceived as mediators. These actors include, for example, representatives of religious congregations, journalists and academics, representing audiences that are not directly involved in the dispute." (Louis in Herz and Drumond, 2016, p. 65).

If the question is who can act as a mediator in conflict under international law, then the correct answer would be whoever the parties choose. Of course, he is expected to have experience and to inspire trust among litigants. As such, the United Nations and its various agencies, including the Secretary-General, are suitable candidates. In addition, there are regional organizations such as the Organization of American States (OAS), as well as private institutions such as the Carter Center. Conflict resolution is often handled by government representatives, non-governmental organizations, and religious organizations. Among this wide range of mediator options, we can distinguish two categories known as Diplomacy Track I and Diplomacy Track II (Herz in Herz and Drumond, 2016, pp. 125, 126). Diplomacy Track I covers mediation performed by officials who are representing the State in an official capacity. This includes diplomats, heads of state or governments, or other officials authorized by the State to perform this function. Furthermore, international and regional organizations, such as the UN, OAS, and

AU, are included in this classification. We refer to diplomacy track II, also known as citizen diplomacy when the mediators are unofficial actors (Idem, p. 126). Participants in this category consist of activists, public figures, non-governmental organizations, and academics, among others, who do not have an official relationship with a State or an International Organization.

In our view, there are many possibilities for who can act as a mediator, but the most relevant aspect is that mediation actually contributes to the mutual accommodation of the conflict (Louis in Herz and Drumond, p. 72). Therefore, who is capable of mediating? It has been shown that there is a wide variety of mediators and mediation activities that may be used. Based on what we discussed above, we decided in this work to group the mediators into three categories: the first group would consist of the United Nations and everything it encompasses; the second would be States and individual mediators and the third would be institutions and international organizations. We would like to emphasize that this division is one of many ways to assist in the understanding of international mediation. We do not intend to close any possibility that it may be altered, nor do we deny the possibility of other classification schemes. Nevertheless, it is an interesting way to understand that a mediator in the international mediation context can be anyone who wishes to promote the common good and find a solution to conflicts through peaceful means.

1.4.2 Mediation Process

During the mediation process, there are different phases that utilize a variety of procedures and techniques in order to ensure the success of the company. We will approach the stages that frequently occur during mediation in a systematic and methodical manner. There are various approaches and strategies employed by mediators (Fretter in Herz and Drumond, 2016, p. 218), more or less intuitively: to facilitate communication between parties in conflict in the hope of reaching a resolution to their dispute and, in the end, coming to an agreement.

Generally, mediation involves a sequence of events to be followed. Adopting this methodology contributed to the process's reliability. We will follow this structure of the mediation process. Each

mediation is unique, and some of the phases may be omitted or altered. Based on the literature on the subject, we will discuss all the phases of effective mediation as recommended by the United Nations.

The mediation process consists of the following phases:

A) Preparation or pre-mediation;
B) Terms of consent and impartiality;
C) Beginning of conversations;
D) Establishment of an agenda;
E) Private sessions with the parties and the mediator (caucus);
F) Negotiation of possible solutions;
G) Termination with the possibility or without agreement between the parties.

During the pre-mediation phase, it is crucial that all of the current processes are allowed to flow in the direction that is desired, and this should always be the goal of the mediator. At this point, the conflict is being analyzed in an effort to understand how much the parties are involved in the future mediation process. The process of understanding the causes of the dispute, the variables involved, both political, economic, and social, as well as preparing a schedule of activities to deliver to the mediated parties is very important to success. During this phase, the mediator initiates contact with the parties and discusses their expectations, but mostly in an informal manner. The mediator will explore the issue at hand. Following the preparation of a plan of action, the parties to the conflict agree to a term of mediation in which they affirm that they are participating voluntarily and the mediator attests to its neutrality as a third-party facilitator.

A dialogue between the parties is then initiated. “Strategic choices made at this early stage – about the parties involved, topics addressed and negotiation format – can fail if they are not appropriate to the context in which they are made – that is, considering, for example, the severity of the conflict and the distrust between the parties" (Louis in Herz and Drumond, 2016, p. 69). Following this initial discussion, in which each side is able to present their arguments and concerns, it is strongly recommended that

the mediator proceed to create an agenda, in other words, to identify the main points to be discussed in the negotiation. In the course of developing the agenda, we also consider the diversity of issues to be addressed and how they might be related in the event of a compromise. Therefore, the mediator is only a facilitator of the negotiation process and encourages the parties to jointly set the agenda. Once again, we emphasize the need for the parties to feel and, in fact, be in charge of the mediation process.

During the pre-negotiation period, the mediator may be able to determine whether each party needs a private session. A mediator may be able to better understand each party's interests in a private conversation setting if there is a distrustful atmosphere at the mediation table. A mediator must be able to comprehend the interests underlying the demands of the parties. Mediation is a confidential process, and any information extracted from the private sessions can only be used in negotiations with the express permission of the parties, in accordance with the consent and impartiality agreement that was signed at the beginning of the process.

When the parties are in the negotiation phase, the mediator, who understands how the conflict is imposed and can take into account the actual interests of the parties, will encourage direct discussions between the parties and assist them in coming up with suggestions and alternative strategies for resolving the dispute, taking into consideration the points on the agenda, in order to enhance the dialogue.

Negotiation can result in an agreement - or not, depending on the mediation process. Upon reaching a consensus regarding how to end the conflict, an agreement is prepared, which is signed by both parties, and the third party. A number of factors contribute to the success of mediation, including the degree of conflict escalation, the history of the relationship between the parties, the experience and credibility of the mediators, their level of impartiality, and the entire context in which the conflict occurs (Fretter in Herz and Drumond, 2016, p. 227). I would like to emphasize that signing an agreement at the conclusion of the mediation process does not represent the end of the process. "It is especially important to develop an understanding of the need to continue the mediation after signing the agreements. Often, the entire mediation process is undermined due to the absence of follow-up,

support, or even coercive mechanisms to ensure compliance with the agreements reached.” (Herz in Herz and Drumond, 2016, p. 131). Consequently, even "after signing an agreement (the mediators) are required to remain involved, whether in a monitoring capacity, enforcing sanctions in case of non-compliance, or even serving as reconcilers, helping to rebuild the relationship between the parties" (Idem).

1.5 The role of the United Nations in mediating international conflicts

The United Nations plays an important role in the management of international conflicts. There is a chapter in the founding Charter dedicated to the peaceful resolution of conflicts, and there are many efforts being made by its agencies as well as by the Security Council and Secretary-General. The UN manages conflicts in a variety of ways, however, for the purposes of our work, we have examined particularly Chapter 6 and the guidelines released by the organization in an effort to encourage the use of international mediation.

In the event of a conflict, the United Nations can act as a mediator, usually in conjunction with other strategies, and is commonly represented by the figure of the Secretary-General. Combining strategies may also be used in addition to mediation, in order to find the best solution for managing the conflict. It is also possible for the General Assembly and the Security Council of the United Nations to serve as a forum by which the conflicting parties can enter into dialogue.

In recent years, the Organization has made a concerted effort to improve its institutional mechanisms in order to better adapt to the realities of international mediation. A Mediation Support Unit was established within its Political Affairs Department in 2006. The unit has a group of trained mediators called the Team of Specialists in Mediation, which can be quickly mobilized to assist professional mediators who are already in the field or to initiate a mediation process (Herz in Herz and Drumond, 2016, p. 128).

The UN General Assembly adopted its first resolution on conflict mediation in 2011 (A/RES/65/283) and the Secretary-General published a report in 2012 (A/66/811) with the purpose of assisting mediators in their role as negotiators in the process of peaceful conflict resolution.

Despite its fundamental pillars, the United Nations has the mediation characteristic of being flexible and accessible. Taking part in mediation is part of an array of diplomatic efforts to resolve disputes peacefully, which is envisioned in Chapter 6 of its Charter, and which is accompanied by an increasing number of internal reinforcements. An important feature of the United Nations is its impartiality, that is, the group of states that constitute the Organization is neutral and impartial on matters they must deal with within it. As a third-party mediator, the organization is able to achieve trustworthiness due to its impartiality. "UN mediation offers sufficient flexibility to apply at any stage of the conflict and is accessible enough to complement other diplomatic efforts" (Fretter in Herz and Drumond, 2016, p. 242).

International mediation is clearly a priority of the United Nations' activities. It is not only one of the forms of peaceful settlement of disputes in international law as stated in most international law manuals, but it is a preponderant form of conflict resolution today, according to the United Nations" (Tartuce and Veçoso, 2011, p. 114) and is becoming increasingly structured and institutionalized.

1.5.1 United Nations Guidance for Effective Mediation

The purpose of this presentation will be to present the most important points of this document so significant in the contemporary development of the study of mediation, especially in the context of the UN. Additionally, we will present the main points highlighted in this chapter, make our interventions and contextualize them with the other issues already addressed within this chapter. In order to establish a dynamic in this process, sometimes we will look to practical examples in order to better illustrate the theory, but also in order to gain an overall understanding of the doctrine.

United Nations Guidance for Effective Mediation is the outcome of a report by the UN Secretary-General, released in 2012, titled Strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution (A/66/811, 2012), following a request made by the AG, which also requested that the SG consult with the Member States and significant actors, to identify guidelines for the effective use of mediation. (United Nations Guidance for Effective Mediation, 2012, p. 2). SG Ban Ki-moon has emphasized in the preface to this document the significance of mediation as a method of preventing, managing, and resolving disputes. In the words of the Secretary-General, "the United Nations guidance for effective mediation is designed to support professional and credible mediation efforts around the world." (United Nations Guidance for Effective Mediation, 2012, p. 1).

As a result of the real experience derived from mediation in international contexts, these Guidelines demonstrate the need for a professionalization of mediation through research, techniques, and methodologies. As we have seen from other authors' approaches, the Guidance reinforces this need as well as an initiative by the United Nations to lead the process in this direction. After emphasizing all of this, we will proceed to the analysis of the Guidance, and specifically, the process it proposes for mediation, referred to as the basic foundations, that must be taken into account in order for the mediation to be effective. There are five fundamentals identified as follows: 1) preparedness; 2) consent; 3) impartiality; 4) inclusivity; 5) national ownership; 6) international law and normative frameworks; 7) coherence, coordination, and complementarity of the mediation effort and 8) quality peace agreements (United Nations Guidance for Effective Mediation, 2012).

An important factor in achieving the desired result in a mediation process lies in the timing of the preparation process - namely, that the conflict is resolved peacefully or, at the very least, is not escalated. “Preparedness combines the individual knowledge and skills of a mediator with a cohesive team of specialists as well as the necessary political, financial and administrative support from the mediating entity.” (United Nations Guidance for Effective Mediation, 2012, p. 8). Here, depending upon the characteristics of the conflict and the parties involved, strategies are discussed for the phases of mediation that usually occur, such as pre-negotiation, negotiations, and implementation. In light of the fact that mediation is not a linear process, “and not all elements can be fully controlled, strategies need

to be flexible to respond to the changing context." (United Nations Guidance for Effective Mediation, 2012, p. 8). Therefore, a crucial aspect of preparation is to ensure that the third party understands the expectations of the conflicting parties, establishes a plan to meet these expectations, and develops a negotiation strategy, not for itself, but for the parties as a possible alternative in the event of a breakdown in communication. Prepared mediators are crucial to the successful conduct of mediation and even to the possibility of reaching a feasible agreement. All of this can be attributed to good conflict analysis and strategy development as well as the ability to adjust them as new needs arise. All this involves "reinforcing the mediator with a team of specialists and (...) providing proper preparation, induction, and training for mediators and their teams (Idem, p. 9).

Secondly, the UN Guidelines for Effective Mediation address consent, an essential element of mediation. As we mentioned earlier, mediation is a voluntary process; the parties must consent to the process. Without the parties' consent and genuine involvement, mediation would not be possible. As a key to achieving consent between the parties to the dispute, trust in the mediation process is essential, and can often "be given incrementally, limited at first to the discussion of specific issues before accepting a more comprehensive mediation process" (United Nations Guidance for Effective Mediation, 2012, p. 10).

There are, however, two pertinent issues to take into consideration: numerous factors can impact the consent of the parties, as well as the fact that consent may be withdrawn at any time during the mediation process. Concerning concerns that may interfere with consent, we can name the next element addressed in the Guidance and which we will discuss below, the confidentiality of the mediation process. These questions enhance the integrity of the mediation process, its security, and, more importantly, whether the mediator and his team are accepted by the parties. It is important to reinforce that "in some instances, parties may also reject mediation initiatives because they do not understand mediation and perceive it as a threat to sovereignty or outside interference" (Idem, 2012, p. 10).

It is vital that mediation be continuously developed as a technique that consists of reliable elements and generates knowledge about this method of peaceful conflict resolution; as Bercovitch emphasizes (in Herz and Drumond, 2011, p.28) “the most useful way to approach mediation is to associate it with a related strategy, negotiation, while emphasizing its particular characteristics and conditions”. A withdrawal of consent - after the mediation has already taken place and much of the mediation has already occurred - is the right of the parties and usually occurs when the interests cannot be reconciled, but there is still a possibility for "armed or political groups may splinter, creating new pressures on the negotiations process” (United Nations Guidance for Effective Mediation, 2012, p. 10). Due to this, it is very important to maintain informal contact with the parties during the mediation process, to reinforce trust in the mediation process and to ensure that the mediator is always transparent and impartial. In the same vein, the guidelines also recommend that evaluations should be conducted frequently to "assess whether the process has sufficient consent and be prepared for fluxes in consent throughout the mediation” (Idem, 2012, p. 11).

Next, we will discuss the third foundation of the Guidance, which is impartiality. According to the Secretary General’s annex, impartiality is “a cornerstone of mediation – if a mediation process is perceived to be biased, this can undermine meaningful progress to resolve the conflict" (Idem, 2012, p.12). Mediation cannot take place without the consent of the parties, and that consent only occurs if the third party assumes the role of a neutral third party, does not have any relationship to any of the conflicting parties, and has no interest in the outcome of the process in any way. Finally, only an impartial mediator can obtain the parties' consent to commence a mediation, and that consent is what determines whether it will be successful. As a result, impartiality is directly associated with consent, since no one exists without the other. Here it is important to emphasize the difference between impartiality and neutrality: “impartiality is not synonymous with neutrality, since the mediator – especially the United Nations mediator – typically has a mandate to uphold some universal principles and values, and it may be necessary for the mediator to explicitly make such principles and values known by the parties” (Idem, 2012, p. 12). According to the Guidance for Mediation, the mediator should strive to demonstrate fairness and balance in how he or she treats the parties, use an effective communication strategy in navigating the mediation process using the norms involved, not accept any

support or influence from external actors who may control the mediation process, and utilize private conversations with the parties for honest discussions if desired. During these private sessions, a great deal of work can be accomplished if the mediator has already demonstrated his impartiality and gained the trust of the parties.

A further point highlighted by the Guidance is inclusiveness. This is not a stage in the mediation process, but a fundamental characteristic that must be maintained throughout the process. The concepts of inclusiveness refer to representing the interests of the parties and working toward positive outcomes for all parties: “an inclusive process is more likely to identify and address the root causes of conflict and ensure that the needs of the affected sectors of the population are addressed”, in addition to facilitating interaction between them. It also focuses upon characteristics of intra-state wars, although in a less clear manner. We retain the emphasis on this part of the document for the reason that, in the current context, such conflict could present a threat to international peace and security, which falls within the scope of our study. As a result, inclusiveness cannot be used as an excuse for violence, and “it cannot be assumed that conflict parties have legitimacy with, or represent, the wider public. Mediation efforts that involve only armed groups may send the signal that violence is rewarded. In addition to generating resentment within other sectors of society, this could encourage others to take up arms in order to get a place at the negotiating table" (United Nations Guidance for Effective Mediation, 2012, p. 13). Mediators should never assume that all parties to the conflict will support this process, including those who are indirectly involved, so it is essential to involve all stakeholders.

The Guidance specifies a particular detail to be considered in inclusiveness, which is the respect for legal limits, for example, in cases where there are individuals indicted by the International Criminal Court. Cases such as “arrest warrants issued by the International Criminal Court, sanctions regimes, and national and international counter-terrorism policies also affect the manner in which some conflict parties may be engaged in a mediation process. Mediators need to protect the space for mediation and their ability to engage with all actors while making sure that the process respects the relevant legal limitations" (United Nations Guidance for Effective Mediation, 2012, p. 13). Consequently, mediators are confronted with the challenge of balancing inclusiveness with efficiency. Therefore, it is pertinent

to “identify the level of inclusivity needed for the mediation to start and required for a durable peace that addresses the needs of all affected by the conflict" (Idem, 2012, p. 15).

We now turn our attention toward the fifth foundation of the Guidance, namely national ownership, which is nothing more than a commitment to the mediation process, a willingness to dialogue and even to implement potential future agreements. “While solutions cannot be imposed[2], mediators can be useful in generating ideas for resolving conflict issues. (...) National ownership requires adapting mediation processes to local cultures and norms while also taking into account international law and normative frameworks” (United Nations Guidance for Effective Mediation, 2012, p. 16).

Based on the cue provided by the Guidance, we shall now address international law and normative frameworks in the sixth foundation. These aspects have been discussed throughout this chapter, so we would like to focus on a few key points, such as the fact that mediation should take place within a framework of established norms and laws, and that all mandates must be respected by the third party. According to the United Nations, the mediators work within the scope of their mandate, and other mediators follow a "framework constituted by the rules of international law that govern the given situation, most prominently global and regional conventions, international humanitarian law, human rights and refugee laws and international criminal law" (Idem, 2012, p. 18). This builds confidence and legitimacy in the mediation process, based on international law and standards, making a lasting peace agreement more likely; however mediators "cannot endorse peace agreements that provide for amnesties for genocide, crimes against humanity, war crimes or gross violations of human rights, including sexual and gender-based violence" (Idem, 2012, p. 19).

It is important to apply coherence, coordination, and complementarity in the mediation process so that an agreement can be reached that will last over time. This is nothing more than a form of directive/hierarchical structure within the mediation process, in which there must be a "lead mediator, preferably from a single entity" (United Nations Guidance for Effective Mediation, 2012, p.

[2] The doctrine is certainly not uniform, since some authors advocate intervening directly from the third party, allied or opposite to the third party, and others advocate facilitating dialogue rather than intervening in any way with potential solutions. The United Nations endorses the position outlined above.

21). Moreover, in addition to the available resources, there also needs to be “organizational capacity and capability” (Idem) to ensure that those involved in mediation cooperate, share information (within the limits of confidentiality), and, “based on a common mediation strategy, ensure consistent messaging to the parties” (Idem).

Lastly, the eighth foundation highlights the prospects for quality peace agreements, particularly those that are realized, ending the conflict and establishing a lasting peace process. In this regard, “the Agreements should be as precise as possible in order to limit the points of contention that would have to be negotiated during the implementation stage" (United Nations Guidance for Effective Mediation, 2012, p. 23).

The following concludes our brief outline of the United Nations Guidance for Effective Mediation, which outline eight fundamental elements of a successful mediation process, as well as practices that could be employed. In the document, numerous references are made to the necessity of preparing the mediator, organizing a support group, involving the parties, and creating a network of support and assistance throughout the process. Thus, “while all these factors are important, the success or failure of a mediation process ultimately depends on whether the conflict parties accept mediation and are committed to reaching an agreement. If the parties are genuinely willing to explore a negotiated solution, mediators can play an invaluable role" (United Nations Guidance for Effective Mediation, 2012, p. 25).

1.5.2 Challenges in International Mediation

Mediation is a method of resolving conflicts peacefully that offers many advantages, as we have discussed in our work. There are, however, some factors that weigh against mediation. This method is not suitable for every type of international litigation, for example. In situations, such as when there is no possibility of dialogue between the parties, the first element of mediation is missing: the parties' willingness to engage in mediation. It is imperative to understand the nature of the conflict and its demands. As litigation escalates, seeking mediation at an early stage may not be the best course of

action; perhaps after the litigation has cooled down, it can be considered a practical option. For lasting and comprehensive peace to be achieved, the parties will have to stop fighting as well as settle the differences that caused the conflict to begin with. There is a continuing risk of flare-ups between the opposing parties if the existing dispute is not resolved in a timely manner (Greig and Diehl, 2012).

The impartiality of the mediator is also a controversial issue. According to some authors, this impartiality may be questioned and is not a guarantee that the mediation will succeed; there are other factors involved, these being “more a question of resource use, leverage and influence than a question of the mediator's impartiality” (Tartuce and Verçoso, 2011, p. 111).

As we continue on this topic, much is discussed about a mediator's legal authority and the various interests that come from assuming the role of mediator. This mediator may wish to increase his or her own personal power status, gain access to sensitive conflict information, or even initiate unofficial mediations. The consequence of this is the lack of credibility of the process and even further escalation of the conflict (Bercovitch in Herz and Drumond, 2016, p. 35). Mediators must know when to step back, or even withdraw from a process, if they perceive that their influence and interference are resulting in unwanted outcomes, for example, “if the evolving solution is at odds with international legal obligations, or if other actors are manipulating the process and limiting the mediator’s room for manoeuvre. However, this is a sensitive political decision, which needs to weigh the risks of withdrawing against the value of keeping the parties at the table in a faltering process while exploring alternative means for the peaceful settlement of disputes" (United Nations Guidance for Effective Mediation, 2012, p. 07).

Parties to a dispute may also request mediation in bad faith, either to gain time during the negotiation process, or to gain access to data that is sensitive to their dispute. Additionally, “one of the apparent parts is seeking a resolution to the conflict when, in fact, it is buying time in order to obtain better negotiation terms in the future.” (Louis in Herz and Drumond, 2016, p. 71). There is also the manner in which the power relationship between disputing parties is determined, and we should emphasize that it goes well beyond military might: the recognition of the presence of the other party is in itself a process

that can spur or hinder any attempt at mediation. If the adversaries do not recognize each other as legitimate, the process of resolving any conflict between them can be more complicated.

Furthermore, cultural, ideological, social, and economic factors need to be considered in relation to the parties, since they can have either coercive or non-coercive effects on the negotiation process. It is therefore the mediator's responsibility to perceive if there is an imbalance between the parties during mediation and to work to mitigate this imbalance, to avoid one party being able to dominate the other with power games, or even to make the party seen as an underdog give up the process when feeling intimidated. Among other strategies, the mediator must use active communication techniques, private sessions, and a focus on interests, in order to attempt to mitigate potential power disparities.

Also, it is important to note that mediation is a process which does not guarantee much predictability, due to the fact that the parties can withdraw from the process at any time, as it is not legally binding. “This disadvantage can be repaired by the figure of a mediator endowed with the necessary resources to lead those involved to a common point of conflict analysis” (Spengler, 2010, p. 333).

As we have discussed throughout this chapter, it is important to remember that no method of peaceful conflict resolution is without disadvantages. Every choice of method will always be accompanied by pros and cons. In light of the inherent weaknesses of mediation, the mediator may be able to equip himself with tools designed to mitigate these shortcomings and correct them as soon as they arise.

2. Research Methodology

2.1 Introduction

The term "research methods" refers to the tools used to collect, analyze, and interpret research data. These tools are capable of serving a variety of purposes, based on their qualitative or quantitative characteristics. Choosing a research methodology will depend on the type of study being conducted.

In its simplest form, a research method describes how the researcher performs various activities during an investigation. Choosing an appropriate research method is crucial because it will have a direct impact on the final result of the research and will generally determine whether the study can be considered successful or educational. It is the method by which research is conducted that determines its reliability and validity.

2.2 Approaches

The term "approach" is used to describe the way in which researchers conduct their investigations in terms of whether it is deductive or inductive.

We have chosen an inductive approach for this project since the information will be gathered through a literature review (secondary research). Afterward, the data will be examined and themes identified to enable conclusions to be drawn.

2.3 Strategies

In this section, we discuss the various research strategies available to researchers, as well as the specific strategy that was chosen for our research. In order to collect data for the current work, a qualitative research method will be used, which incorporates a secondary research process.

The purpose of this research was to gather generalizable data about international mediation and its use in worldwide conflicts through quantitative methods used in dissertation research. In order to obtain the latest and most up-to-date information on international mediation, protracted international conflicts, and international mediation, a literature search was conducted. To research international mediation and the case under study, we conducted web searches within databases including Google Scholar, Web of Science, ResearchGate, and JSTOR, among others. We focused our search on papers, journal articles, book chapters, and other scholarship published between 1995 and 2021 in order to perform this analysis. Our search used the terms "international mediation", "conflict resolution",

"mediation as a solution to armed conflict", "ONU", "international conflict mediation", "international mediation dilemmas", "Colombia and Ecuador conflict" and "2008 Andean diplomatic crisis". In addition to the internet, we also evaluated research reports from government and non-profit organizations.

Our primary questions were:

1. Can mediation lead to a peaceful resolution of conflicts?
2. Is mediation a positive method for resolving international disputes?
3. Is the case study demonstrate an effective resolution?

Case study research entailed a comprehensive, in-depth examination and could employ a variety of measurement techniques (the researcher is not limited to any one method). The data were collected over a period of time and are contextual. As a result, the researcher is able to gain an overall perspective on a phenomenon or series of events. This is due to the fact that a variety of evidence sources were used.

2.4 Choices

This section describes the specific choice for this work. It has been previously mentioned that a qualitative approach is used for this study, as a literature review will be conducted to collect information that is relevant to this project.

2.5 Time Horizon

The purpose of cross-sectional research is to examine variables at a particular point in time. Cross-sectional research may be cheaper and less time-consuming than longitudinal research. Due to this reason, a cross-sectional research method is being used for this project because of the nature of the work and the deadlines involved, which will not permit a longitudinal study, which involves the repeated study of the same variables or data for a long period of time, typically several years.

2.6 Research Limitation

In the case of the literature review, a limitation of using secondary research is that it is necessary to rely on information that already exists; therefore, there may not be adequate information to respond to the research question. Consequently, it may be necessary to also rely on primary sources of information in order to generate additional information that can be used in conjunction with the existing information.

Furthermore, the period being reviewed extends over a period of more than 14 years. As a result, it will be necessary to concentrate on specific instances of the conflict during the study, as the deadline for the work to be completed will not permit a comprehensive analysis of the entire scenario. A key consideration will be to identify the most relevant aspects of the conflict for the topics under discussion, primarily the power-sharing theories.

Case studies, however, are frequently criticized for lacking scientific rigor and reliability, as well as not taking into account the issues of generalizability. Due to the nature of case studies, which involve the analysis of small sets of data, conventional empirical methods cannot be utilized. When they are utilized, they may be limited in their applicability because there may not be enough data available to meet statistical significance requirements.

3. Case Study: 2008 Andean Diplomatic Crisis

3.1 History

In 2008, specifically on March 1th, the Colombian government conducted an operation to attack the FARC, culminating in bombing a guerrilla camp on Ecuadorian territory. Colombians refer to this action as "Operation Fénix", which involved bombing a camp of the Revolutionary Armed Forces of Colombia (FARC) in the jungle of Angostura (Sucumbíos), 1.8 km from Ecuador's border, and the entrance of Colombian forces by land. During the operation, the second in command of the FARC, Luis Edgar Devia, alias Raúl Reyes, 17 guerrillas, four Mexican students, and an Ecuadorian citizen were killed, marking the height of binational tensions and causing a rupture in relations between Ecuador and Colombia. It

has been stated that the attack in the Angostura area was "the hardest military coup in the 44-year history of the FARC" (El Tiempo, 2008).

In response to the statement by President Uribe of Colombia that he had contacted President Correa of Ecuador about the incident, the Ecuadorian President stated that an investigation would be launched and demanded an official apology from Colombia. It is noteworthy that the Colombian government has maintained that the attack originated from Colombian territory and that Ecuadorian airspace was not invaded.

Although efforts were made, on March 3, President Correa announced through national television that Ecuador was officially breaking off diplomatic relations with Colombia as an act of dignity and sovereignty. “Placing the concept of sovereignty within the map of the social, power and constitutive processes, we find that sovereignty reflects the allocation of fundamental decision-making competencies about the basic institutions of governance itself” (Nagan and Hammer, 2004, p. 152). This resulted in a diplomatic crisis between the two countries. Therefore, after the bombing which was a complete success for Colombia and a political security victory for the Uribe government, he made the following statement: "Today we have accomplished another step in the process of regaining respect for the Colombian people, respect that our people deserve. Today we have taken another step in defeating the show business of bloodthirsty terrorism [...] mercenaries and drug traffickers” (Uribe, 2008 cited in Larenas, 2014, p. 54); for Ecuador, it was an infringement of its national sovereignty, which turned from a military conflict to a diplomatic impasse, and from then on, it even became a matter of personal controversy between Colombia and Ecuador. "The handling of the crisis became significantly more personal as presidential declarations and pronouncements took center stage." (Montufar, 2004 cited in Larenas, 2014, p.19)

An attempt was made by former President Jimmy Carter to restore a dialogue between the two countries during this conflicting context. He “contacted Rafael Correa on several occasions and Álvaro Uribe (...) and coordinated actions with the Secretary-General of the Organization of American States (OAS), José Miguel Insulza, in his administration to resolve the diplomatic crisis” (Tartuce and Veçoso, 2011, p. 116). In the same year (June 6th), Colombia and Ecuador were able to re-establish diplomatic

relations, although only partially. Their relationship continued to be mainly commercial in nature. Both countries restored diplomatic relations in November 2010, more than two years after the conflict. The countries appointed diplomats as a sign of the resumption of diplomatic relations.

Using this information, we will examine the process of mediation that ensued, analyzing several variables, including 1) control over conflict resolution methods; 2) decision favouritism; 3) future of the relationship between the parties; 4) flexibility of the process; and 5) satisfaction among the parties (Tartuce and Veçoso, 2011, p. 116).[3]

3.2 Analyze of the process

The control over conflict resolution can be considered to be the power of the disputing parties to determine the procedures to be used for resolving the conflict. A number of communication methods were used in the case under study, primarily messages and telephone calls. Considering the geographical location of both the parties and the mediator, telephone calls (or conference calls) allowed flexibility in the process. This facilitated the development of trust, and more importantly, the "clarification of key issues towards the recovery of credibility between subjects". (Tartuce and Veçoso, 2011, p. 117).

It is also noteworthy that the second variable, which relates to the outcome of the process, indicates that, in mediation, it is the conflicting parties who play the primary role, and the mediator merely functions as a facilitator of the discussion. In the Colombia-Ecuador case, the sovereignty of both countries was at stake, their right to self-determination as well, and it was reported that "the mediator would have consulted the presidents about the possible reestablishment of relations between the countries" (Tartuce and Veçoso, 2011, p. 118). As we have already mentioned, this is a perfect example that illustrates the question posed earlier regarding the extent to which a mediator may intervene. Although it appears that there is no consensus in the literature on the subject, we are moving in the direction of neutrality. However, there is no universal guidance that mediators follow, which is why

[3] As a matter of fact, it should be noted that access to detailed information is not feasible, since confidentiality is one of the hallmarks of mediation. As a consequence, the analysis will be based on data released by the media and by the organization that promotes mediation, in this case, the Carter Center.

analysis of past cases is so crucial. “In a pure system, the mediator cannot act as an evaluator or proposal maker. In a more open view, however, it is possible that he does and acts combining elements of various techniques. In any case, it is natural that the mediator, together with the mediated, encourages, through appropriate techniques, questions about how to imagine creative ways out of the impasse”. (Idem) The mediator may choose to implement strategies such as thinking of the worst and best scenarios that may occur for each party so that they might consider their objectives.

Thirdly, there is the issue of what the future would be between the parties to the conflict, in this case, the restoration of diplomatic relations between Colombia and Ecuador. During this period, “(...) the Carter Center continued to monitor the situation of the countries, remaining available to collaborate when they demanded its action. Continue monitoring the situation of the parties (follow up) proves to be an interesting technique for the relationship to be re-established on a lasting basis; as new communication failures can occur, the availability of the mediator can be valuable for the reliability of the process and the serenity of the parties.” (Tartuce and Veçoso, 2011, p. 119) Such assistance was probably beneficial. Diplomatic relations were only resumed completely in 2010, so there may have been communication breakdowns between the parties and having the support of the mediator is essential if that is what the parties desired.

Fourth, the procedure must be flexible, and different mechanisms for resolving disputes must be available. In the current case, we can clearly notice this variable, as “the mediation was conducted at a distance, using technology and direct communications between the parties (...)” (Idem). In addition, it is important to clarify that, due to this flexibility, the parties should realize that the time to reach a settlement can be highly variable, and the mediator can even ease the pressure of time, keeping in mind that this is subject to the wishes of the parties - and that they at all times have the right to suspend or terminate the mediation.

Last, in the case of the rupture of diplomatic relations between Colombia and Ecuador, the last variable to consider is the satisfaction of the parties. This variable attempts to avoid the winner-loser logic that prevails in a court setting but instead aims to attain results that are satisfactory to both parties. This is known as the "win-win" scenario. “In the case under analysis, as the two countries have a tradition of

coexistence and “management” of problems in the area border, who better than both to visualize the most appropriate form to satisfactorily restore relationships? In the event, the way out was to gradually re-establish diplomatic relations based on the fulfilment of certain commitments assumed between the parties.” (ibid.) The solution was achieved by the establishment of diplomatic relations on a complete basis in 2010. One of the reasons why the conflict came to an end is due to the protagonism of the parties. As of now, ambassadors have been appointed in both countries, and we can report that the mediation process conducted by the Carter Center, in the person of former President Jimmy Carter, was successful.

In light of all five variables, the analysis of the mediation case between Colombia and Ecuador (Tartuce and Veçoso, 2011, p. 120) concludes that mediation is advantageous in the present context. This is because mediation can resolve conflicts peacefully at the international level. Therefore, international mediation will continue to be an effective mechanism for resolving conflicts peacefully in the global arena.

4. Conclusion

As a result of this research, we conclude that international conflicts are becoming increasingly complex and distinct. The problem demands the development and improvement of new tools for resolving them, in order to keep the peace commitment, based on the Charter of the United Nations, signed between the states. In light of the complexity of the current international situation, as well as the interdependence of states and the rapid dissemination of information, new methods of conflict resolution have become necessary. New paradigms are emerging in these challenging times. Spengler (2010, pp. 294-295), for instance, notes that these practices differ from those which are traditionally preferred by legal cultures, which make use of a binary deterministic logic where options are limited to winning or losing. By recognizing the unique characteristics of each participant in the conflict and considering the possibility of winning by working together, developing the principles of effective treatment in a collaborative and cooperative manner. International Justice is, therefore, responsible for ensuring the respect of International Law and promoting the peaceful resolution of disputes within the International Legal Order.

Based on our study of history in the first chapter, it is apparent that efforts in this direction can be traced back to antiquity, and the attempt to resolve differences diplomatically continued even when states resorted to the artifice of war. As this political characteristic of conflict resolution was expanded, as were the legal characteristics, the framework we have today with regard to the peaceful resolution of conflicts, includes several international treaties and conventions, particularly the Charter of the Organization of Nations and the obligation of its members to do this.

As a means of peaceful resolution of international conflicts, mediation is presented in the Literature review. Although the context has already been presented, it may be worthwhile to summarize its main characteristics here:

Mediation
Non jurisdictional process
The parties cooperate
The parties control the process
The parties decide the resolution
Work on reality
Can be interrupted at anytime
Conflicts are resolved through agreements

What we have discovered throughout this work is that there is no right or wrong method, no better or worse approach. Depending on the circumstances and demands, mediation may be the most appropriate method, while other situations may warrant arbitration or conciliation. The will of each party, however, is sovereign, and it is they who determine which method to employ. Once the conflict has been established, if the parties cannot resolve the matter independently, they can seek the involvement of a third party. Their use of contentious or non-jurisdictional techniques (jurisdictional or non-jurisdictional) will depend on how much power they wish to assign to it. It is important to note that if the third party has decision-making power, it has the right to resolve the dispute with imperative power, and its response will be binding on the parties. Conversely, if they prefer to assume leadership in relation to the outcome, they will attribute to the third party only the possibility to facilitate

communication and collaboration so that the parties themselves determine their interests and the most appropriate course of action for resolving the dispute (Tartuce and Verçoso, 2011, pp. 107-108).

Whenever an opportunity for direct dialogue exists between the parties, the mediator serves as a facilitator of the process of mutually reconstructing solutions to their differences. Therefore, our purpose was to present this technique for peacefully resolving conflicts and to praise countries that promote international peace and security by preventing direct conflict from occurring.

The field of the study of peaceful resolution of international conflicts is inexhaustible and is the subject of a rich array of academic and practical debates. This paper aims to present some of the points that we feel are relevant to the study of this area and contribute to it. Mediation is an alternative method of resolving disputes, with great potential for exploration. Direct conflict is becoming less and less interesting for all actors involved in international litigation, including states and non-state actors. The ability to present solutions that allow the parties to take an active part in the resolution and decision-making process is increasingly appealing, since they are more inclined to resolve their conflicts on their own terms and by their own means, having control over the process and about the results. As we mentioned earlier, the binary logic of winners and losers is no longer valid in today's society. It is possible, indeed, to find a solution that satisfies the interests of both parties. Using this perspective, we believe that methods for peaceful conflict resolution will be increasingly prevalent in the future.

5. Reflections

Considering everything that has occurred over the past year, I can truly say that I am proud of my accomplishments. Obtaining a master's degree in a language other than my mother tongue in times as challenging as these, during a pandemic caused by COVID-19, was extremely difficult.

One of the biggest challenges I encountered during this research process was organizing, structuring, and constructing my thoughts so that I could explain mediation as an effective solution to protracted conflict.

It is likely that the dissertation work can assist parties in dispute, such as countries, governments, organizations, mediators, as well as scholars, despite the challenges and difficulties involved in conducting research, reading, and writing.

We do not aspire to provide a magic and perfect solution to issues characterized by such complexity. In addition, I consider the barriers and threats surrounding conflicts between governments to be very daunting. Nonetheless, in all international conflicts, diplomatic efforts should be used first to find peaceful solutions to the conflict, and to avoid a warlike confrontation.

It was a challenging and difficult process for me to gather data and insert it into my research in order to be able to answer my research. Although, I think my goal has been achieved.

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