

The dynamics behind mediation processes. Competition vs. cooperation in the case of the multi-party mediation during the Mali peace process.

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Introduction

“A tool of first response to emerging or ongoing crisis situations” (Council of the European Union, 2009, p. 1) - this characterisation of mediation by the European Union exemplifies the primordial value which the EU attaches to mediation and to peace processes.

For the EU, mediation helps to prevent conflict and to promote peacebuilding. Based on a foreign policy perspective which is characterised by multilateralism, the promotion of peace and stability, and the peaceful resolution of conflicts, the EU promotes mediation in several ways. One of those ways is to participate directly in peace processes as members of a mediation team, using mediation expertise and injecting best practices into the process.

The often-made dichotomy between single-party and multi-party mediation is not a distinction that is relevant for the EU for its own mediation efforts: when it acts as a mediator itself, the EU either mediates as a lead actor or a co-mediator, i.e. always in cooperation with other mediators. (Council of the European Union, 2009, p. 6) Such a distinction is, however, crucially relevant when it comes to defining its position within a peace process and in relation to other mediators.

Past and present mediation processes clearly show that often, a multitude of actors are involved in mediation, sometimes coordinated, sometimes uncoordinated. An analysis of a mediation process which defines a mediation process either as a multi-party or a single party mediation would be insufficient to capture the dynamics and mechanisms behind mediation processes. The set-up of mediation processes is not static, but dynamic, i.e. it changes over time. At a given moment, a peace process might be characterised by several single-party mediation actors that work in an uncoordinated or loosely coordinated way, whereas at a later time in the process, the same peace process might see a well-coordinated international mediation team, led by one lead mediator and supported by other mediators.

The purpose of this paper is to analyse the dynamics that can have an influence on the set-up of mediation processes as far as the mediation actors are concerned. As the UN Secretary-General notes, uncoordinated mediation efforts are detrimental to the outcome of processes:

“Multiple actors competing for a mediation role create an opportunity for forum shopping as intermediaries are played off against one another. Such a fragmented international response reinforces fragmentation in the conflict and complicates resolution.” (Ki-Moon, 2009, p. 6)

My main argument is that coherent and coordinated multi-party mediation, with one lead mediator, can be the outcome of a process determined by two factors: the strength of the neo-realist paradigm in international relations; the normative power of cooperation in international relations, which, once mediators decided to join a mediation process, becomes very strong.

I want to show how a multi-party mediation is not a static process, but how, due to these two competing tendencies in international relations, it evolves over time. In other words: these two tendencies have a strong determining impact on mediation processes. More specifically, this paper focuses on the dynamics that can lead to what the UN Secretary-General calls the optimal set-up for mediation teams: one lead actor, with several other actors supporting it.

I intend to support my argument by analysing the recent mediation process for Mali, which started in 2012 and reached its climax, so far, with the entering into force of the peace agreement on June 20, 2015.

I structure the paper as follows: first, I look at the existing literature and policy guidelines to reveal how they analyse single-party vs. multi-party mediation. Usually, the analysis is based on a static model of mediation – the costs, the benefits and the conditions under which multi-party or single-party mediation takes place are examined.

Second, I develop a model which explains the dynamics behind the set-up of mediation processes. In sum, my argument is that the set-up is the outcome of competing tensions in international relations – the strive of states to promote national interests vs. the normative power of cooperation – and that these tensions shift their balance from the first to the latter in the course of a mediation process. My analysis is state-centric, as it is mostly concerned with track 1 mediation initiatives which are usually based on the state as the central unit of the international system.

Third, I will apply this model to the case of the Mali peace process from January 2012 to June 2015, and analyse how the different stages in the Mali peace process can be understood by applying this model.

II. LITERATURE REVIEW

If you talk to a diplomat engaged in a peace process and ask him or her what he or she considers to be an ideal mediation and peace process, the usual answer would be a multi-party process – a process whereby several actors (individuals, states, organisations) are jointly engaged in and committed to a peace process. Unilateral mediation is often seen as potentially detrimental to the overall outcome of the peace process. The suspicions among diplomats for other states, individuals and organisations acting unilaterally are high: national interests could be at the expense of a sustainable peace agreement; the mediator might only intervene to strengthen one's own power and promote one's own national interests.

In sum, among mediation practitioners in international politics, multi-party mediation processes are usually the kind of mediation process which they favour and strive towards. This is not surprising: diplomats base their activities on the current international system, which – although state-based – brings strong benefits to international cooperation and coordination, in particular with regard to peace processes.

When we look at the relevant literature on multi-party mediation, we realise that the existing academic and policy-oriented literature on mediation emphasizes either the benefits of multi-party mediation or the disadvantages and costs of such a form of mediation. It usually considers multi-party mediations vs. single-party mediation as a static process and neglects the process of a multi-party mediation and the conditions which shape it. Policy guidance notes on mediation are additionally concerned with strategies to counter the potentially negative effects of multi-party mediation.

Benefits of multi-party mediation

Several scholars emphasize the differences between single-party and multi-party mediation processes. Crocker, Hampson and Aal underline the dual benefits of multi-party mediation: a sharing of risks among the mediators and economies of scale due to a pooling of resources and increased leverage. A multi-party mediation process increases the chances of success, as it broadens the adherence to the process and increases the mediators' understanding of the peace process. (Crocker et al., 1999, p. 22)

With regard to the implementation of peace agreements, some scholars argue that multi-party mediation processes are more likely to lead to implementable and implemented peace agreements. Walter emphasizes that peace agreements can only be sustainable if international security guarantees are part of them or accompany them. As party mediation processes usually include

several actors, states or regional and international organisations, the necessary international security guarantees are more likely to be provided. (Walter, 2002)

Costs of multi-party mediation

On the other hand, such a multi-party mediation processes also incur costs: Multiple stakeholders potentially undertake uncoordinated actions, which could lead to ineffective outcomes. (Crocker et al., 1999, p. 39f.) Coordination requires time, potentially complicates the process, and could lead to unsustainable outcomes, as multiple mediators might not pursue the same goals.

Grieg and Regan see three forms of costs: “reputational, political, and strategic” (Greig and Regan, 2008, p. 762). They argue that the willingness of a state to get involved in a mediation process is linked to the interests of that state, to the historical ties between the states concerned, and to previous involvement in the conflict. (Greig and Regan, 2008, p. 762)

Conditions which lead to a multi-party mediation

Böhmelt analyzes the specific situations and circumstances in which multi-party as opposed to single-party mediation takes place. (Böhmelt, 2012)

Touval and Zartman argue that a necessary condition for multi-party mediation is that both the conflict parties and the mediators need to have an interest in the mediation process. (Touval and Zartman, 1984).

Crocket et al. emphasize that several conditions are necessary to ensure a successful multi-party mediation process, including the commitment of all mediation members to cooperate in a coherent and coordinated way. (Crocker et al., 1999, p. 38f.)

The credibility of the mediator is critical to the outcome of a mediation process. Maoz and Terris emphasize that the credibility relies on two factors: the belief by the conflict parties in the mediators' honesty and reliability, as well in their capacity to deliver on the promises made. (Maoz and Terris, 2006)

Leverage is also a key concept for any mediation process. The mediators need to have sufficient leverage over the conflict parties. At the same time, a mediation cannot be purely based on power relations.

Strategies to counter the potentially negative effects of multi-party mediation

To counter the potentially negative effects of multi-party mediation, the UN, in its policy guidance notes and reports on mediation, emphasizes the importance of coordination through one lead actor. A mediation process led by one actor, but joined by others, is the subset of a multi-party mediation process, which is required “[f]or mediation to succeed”. (Ki-Moon, 2009, p. 6) All other mediation actors should “support the process in a coherent, well-coordinated manner.” (Ki-Moon, 2009, p. 6) Ideally, this cooperation leads to effects of synergy and improved peace processes.

The EU Concept on Strengthening EU Mediation and Dialogue Capacities (Council of the European Union, 2009) emphasizes that “[g]iven the multitude of potential actors in international peace mediation, close coordination is essential in order to determine who, in a given mediation initiative, would take on the lead role and who would play a supportive role.” (Council of the European Union, 2009, p. 9) Any mediation effort by the EU “needs to be done in full co-ordination with other actors.” (Council of the European Union, 2009, p. 9) The EU considers that most, if not all mediation processes, are influenced by several actors and that the EU usually only gets involved in multi-party mediation. The questions asked by the EU Concept focus on the forms which mediation processes should take and the roles which the EU should could assume.

So much for the theory on multi-party mediation. The overview which we gave shows that the

existing literature focuses predominantly on multi-party mediation as a static process. Our aim is to analyse multi-party mediation as a process.

III. A model to explain the dynamics of the set-up of mediation processes

Any mediation actor will make a careful analysis of the costs and benefits of mediation before entering into a mediation process. (Greig and Regan, 2008, p. 762) Depending on what kind of theoretical framework on international relations one adopts, states and governmental regional or international organisations pursue different interests which motivate them to set-up or join mediation processes. The strive for power, security concerns, the promotion of moral values, the furtherance of economic interests, a genuine interest in peace are a few examples of those potential interests.

Potential costs of mediation are considerable: any mediation actor jeopardizes his reputation in case of failure of a mediation process, risks to be negatively affected politically and enters into a risk for his own security, in particular if regional actors and/ or neighbouring states enter into a mediation process.

Our hypothesis is that the decision to enter into a mediation process is strongly influenced by security and power concerns, in particular when other states of the same region are mediation actors or are potential mediation actors. States compete for influence in their region and towards their neighbours. Becoming a mediator for a regional or national crisis in a country of the region can help them to maintain or claim regional supremacy and to promote their security interests.

However, over the course of a mediation process, other factors gain in prominence – the power of cooperation. This hypothesis helps to explain why it is very difficult for multi-party mediation actors to leave a mediation process, even when it might no longer be in their national interest, and why the number of actors in a multi-party mediation tends to increase over time, in particular before the signing of a peace agreement. The potential costs incurred during a mediation process are often seen to decrease once a peace agreement is about to be signed. Yet, the real success of a peace agreement lies in its implementation and subsequent success. Purely analysing an increasing number of mediation actors just before the signing of a peace agreement in terms of decreased risks is not sufficient. As the case of Mali shows, several mediation members joined the mediation process and/or became increasingly active at crucial moments of the process, in particular at stages when the peace process was in jeopardy.

Thus, our main argument is that coherent and coordinated multi-party mediation, with one lead mediator, can be the outcome of a process determined by two factors: the strength of the neo-realist paradigm in international relations, whereby the set-up of mediation teams is characterised by security and power interests; the normative power of cooperation in international relations, which, once mediators decided to join a mediation process, becomes very strong.

IV. Mali case study

Overview of the peace mediation for Mali

In January 2012, another Touareg rebellion in a series of rebellions over the past decades broke out in Mali. Non-state armed actors, mostly the National Liberation Mouvement for the Azawad (MNLA, mouvement national de libération pour l'Azawad), took up arms against the central government of Mali. Benefiting from a *de facto* central government power vacuum in Bamako, created through an unconstitutional coup d'état in March 2012, the national self-determination movements in Northern Mali, mostly composed of people of a Tuareg ethnic origin, gradually, but quickly, took control over the major population centres in Northern Mali in the following months. In early April, the MNLA proclaimed the independent Azawad. (Süddeutsche Zeitung, 2012) Briefly after, terrorist groups took over control in Northern Mali and drove the MNLA out of its

positions of power, taking over the rule in Northern Mali and imposing a terrorist system. In January 2013, a French-led military intervention in Mali quickly dismantled the military command structures of the terrorists and brought a halt to the terrorist occupation of almost two thirds of the territory of the Republic of Mali.

Mediation by Burkina Faso and Nigeria as the associated mediator led to a preliminary peace agreement (“*Accord préliminaire à l’élection présidentielle et aux pourparlers inclusifs de paix au Mali*”). Mediation by Algeria, with several states, regional organisations and the United Nations as co-mediators, led to a peace agreement for Mali signed on May 15, 2015, by the government of Mali and one alliance of non-state armed actors, the *plate-forme*. The second, and arguably main alliance of non-state actors, the *coordination des mouvements de l’Azawad*, only signed on June 20, 2015.

a) interest-based mediation

The process in which this mediation unfolded shows that competition for influence over the peace process dominated the developments. States and organisations engaged in the peace mediation process for Mali based on conflicting objectives and competing demands. An actor's decision to engage in mediation for Mali was influenced by power dynamics.

The Mali mediation process was characterised by three shifts in its lead – from Burkina Faso to Mauritania to Algeria. Each of these countries has strong interests in Mali, in particular in Northern Mali, mostly securitized-related interests, but also economic interests, as well as strong desires to promote peace and stability in Mali.

1. BURKINA FASO

On March 27, 2012, ECOWAS appointed the President of Burkina Faso as the mediator for the crisis between the MNLA and the government of Mali, and the President of Nigeria as a co-mediator. His mandate given by ECOWAS was to “interact with all concerned stakeholders with a view to engaging them in a fruitful dialogue for the restoration of peace in the country, taking into account all the ongoing efforts in this direction.” (ECOWAS, 2012, p. 6) Such form of mediation was rather an example for single-party mediation. The mediation meetings mostly took place in Ouagadougou. Arguably, important parts of the international community remained rather critical of such a mediation. The UN Security Council did not directly follow-up on the ECOWAS mandate, as it did not make a presidential statement welcoming the appointment of Burkina Faso as mediator, nor did the UN Secretary-General refer to it in its subsequent report to the UN Security Council, nor did the subsequent UN Security Council resolution refer to it. (United Nations Security Council, 2013b, 2013a, 2014b) Their role was described as facilitators of the agreement, in line with the implicit mandate given to the AU, ECOWAS and the EU Special Representative for the Sahel by the UN Security Council (United Nations Security Council, 2013b, p. 5).

Several states, including France, Switzerland, Algeria, Mauritania, and Niger were also recognised as facilitators in the agreement. (*Accord préliminaire à l’élection présidentielle et aux pourparlers inclusifs de paix au Mali*, 2013, p. 4) Tchad was included as a member of the follow-up committee. (*Accord préliminaire à l’élection présidentielle et aux pourparlers inclusifs de paix au Mali*, 2013, p. 8)

In sum, the mediation process leading up to the preliminary peace agreement of Ouagadougou was characterized by Burkina Faso as the mediator, loosely supported, to differing degrees, by states, regional organisations and the United Nations. It would not be appropriate to speak of a multi-party mediation, given the preponderance of Burkina Faso in the mediation. ECOWAS, represented by Burkina Faso, had strong security interests in Mali. One sign for this is that ECOWAS contributed significantly to the military intervention in Mali in January 2013 to oust the terrorists.

The International Crisis Group argues that Burkina Faso as the mediator was not accepted by Mali, as the government of Mali considered it to be pro-Tuareg. In addition, it did not include key

regional actors “with influence in the north” of Mali, in particular Mauritania and Algeria. (Arbour, 2014)

2. MAURITANIA

The next step in the mediation process was the cease-fire declaration of 23 May 2014 (*Accord de Cessez-le-feu*, 2014), almost a year after the preliminary peace agreement. This mediation effort was no longer led by ECOWAS, but by the AU, represented by the President of Mauritania, who, at the time, was the president of the African Union. Co-mediator was the Special Representative of the Secretary-General of the United Nations in Mali.

This shift from Burkina Faso to Mauritania exemplifies the effort by a second state of the region – Mauritania – to influence the mediation process in Mali. International media acknowledged the mediation success and attributed it mainly to the President of Mauritania. (The Economist, 2014) Again, Mauritania had strong security interests in Mali, given the long border between the two countries and the danger posed by the influx of terrorist fighters on Mauritanian territory.

3. ALGERIA

The third shift already started in early 2014 and culminated in summer 2014, when Algeria formally took over the role of lead mediator in the Mali peace process, hitherto dubbed Algiers process (“le processus d'Algiers”). Several geopolitical and national interest factors contributed to the fact that Algeria assumed this role, including security threats due to a re-awakening of terrorist movements in Northern Mali, strong economic links with Northern Mali, and claims for an important, if not a lead diplomatic role in the region. (Ammour, 2015)

Algeria's claim for a leadership role remained clear throughout the following process. Mediation meetings took place in Algiers; Algeria organised the crucial logistical arrangements for the process and had the lead on the political process. It is to be expected that Algeria continues to have a key role in the Mali mediation process. Mediation does not end with the signing of a peace agreement, but continues after that. Algeria, according to the peace agreement, is the president of the follow-up committee, responsible for overseeing the implementation of the peace agreement.

b) the increasing strength of institutionalism and cooperation during the evolving mediation process

Mediation, as seen above, during the Mali peace process, was characterised by several shifts, that subsequently led states of the region to take the lead in the mediation process, strongly based on national interests.

In parallel to this development, however, a tendency towards more international cooperation, i.e. multi-party mediation based on principles of cooperation, could be observed. The normative power of cooperation in international relations reveals itself in four elements of the Mali peace process:

1. The United Nations took an increasingly important role in the Mali peace process

The mandate of MINUSMA and the UNSRSG gradually expanded, from “facilitation” to being a key player in the peace process.

Notwithstanding the mediation efforts by Burkina Faso, the United Nations Security Council, in resolution 2100, clearly establishes its claim for a future lead role on a political solution to the Malian crisis. “[A]n inclusive negotiation process” between non-state armed actors in Northern Mali, excluding terrorist movements, and the government of Mali should be “facilitated by the Secretary-General [...] in close collaboration with the AU, ECOWAS and the EU Special Representative for the Sahel”. (United Nations Security Council, 2013b, p. 5)

UN Security Council resolution 2164 urges Algeria and other actors to closely coordinate “with the Special Representative for Mali and the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA).” (United Nations Security Council, 2014a, p. 2) Albeit, the UN does not yet have a lead role in the process, but the United Nations Security Council considers that the UN SRSG has a “key role [...] in the peace talks”. (United Nations Security Council, 2014a, p. 5) All key actors in the peace process should “coordinate their efforts [...] with the” SRSG and with MINUSMA. (United Nations Security Council, 2014a, p. 2)

The statements made by the UN Security Council attributed an increasingly important role to the United Nations in the follow-up and implementation of a future peace agreement. Whereas in October 2014, the UN should have an “important role [...] in support of the implementation of such an agreement” (President of the United Nations Security Council, 2014), in February 2015, the UN should “play a leading role, in conjunction with the other members of the international mediation team and other relevant partners, to support and oversee the implementation of such an agreement”. (United Nations Security Council, 2015)

The ICG and other observers go one step further: they clearly see the benefit of having the UN in the lead for the mediation process for Mali. “I urge the Security Council, with the support of its main partners in Mali, to establish a UN-led international mediation mechanism.” (Arbour, 2014) So far (as of May 2015), the peace process has not yet reached this stage; the first elements for an increasingly strong, if not lead role, of the UN in the implementation of the peace agreement, have already been established: the peace agreement foresees an essential role for the UN as the president of the technical secretariat to the follow-up committee, and thus arguably as the key actor in the implementation of the peace agreement.

In the days and weeks running up to the signing of the Mali peace agreement, the UN SRSG arguably already positioned himself as the lead mediator in the crisis. He called for another mediation team meeting in Algiers (and not Algeria) (‘Nouvelle réunion à Alger envisagée avant la signature de l’accord de paix le 15 mai’, 2015) and he had called for specific meetings on the cease-fire, again in Algiers, ahead of the fifth round of negotiations in February 2015.

2. From single-party mediation to multi-party mediation

Whilst the Mali peace process started as a single-party mediation under Burkina Faso, which, according to the mandate by ECOWAS, should only “take into account” ongoing mediation efforts. (ECOWAS, 2012, p. 6), it gradually turned into a multi-party mediation process under Algeria.

Several initiatives, with partially competing interests, did not help to further the peace process for Mali. Between June 2013 (preliminary peace agreement) and May 2014 (cease-fire declaration), it had gotten stuck. The ICG analyses that “multiple and confusing diplomatic initiatives have not helped.” (Arbour, 2014)

Algeria, contrary to previous mediation processes which it led for Mali, decided to adopt a multi-party approach, whilst maintaining the lead over the process:

“What can be seen as a novelty in Algerian diplomacy is the way the negotiations are led: apart from the rebel groups (MNLA, HCUA, CPA), they involve different regional actors, including ministers from neighbouring countries, ECOWAS, the African Union, the European Union and MINUSMA, which was not the case in previous private mediation efforts.” (Ammour, 2015)

Such a model is indeed the model for a mediation process which the UN Secretary-General recommends as the main model to follow. (Ki-Moon, 2009, p. 6)

Multi-party mediation for Mali was notably characterised by a strong adherence of the whole mediation team to joint messaging. Statements to the media were all aligned with one another.

Also, the implementation mechanism foresees a strong division of labor. (Mali, 2015)

3. The mediation team increased in size during the process

Germany and other states became a member of a newly established working group on development issues (summer 2014), in which issues relevant to the implementation of the preliminary peace agreement were discussed.

In April 2015, France and the United States of America, in the beginning not part of the international mediation for the Mali peace process, decided to formally join the mediation team shortly before the signing of the peace agreement, as members of the so-called enlarged mediation team (“*médiation élargie*”).

In addition, all neighbours of Mali were included in the mediation and peace process. Niger, hitherto not directly involved, was given the role of one of the vice-presidents of the follow-up committee to the peace agreement.

4. Towards an internationalisation and institutionalisation of the peace mediation for Mali

Institutionalisation is understood as a full recognition in the international system.

Increasingly, the UN Security Council acknowledged the peace process for Mali not only as a prerequisite for peace in Mali and as an objective to achieve, but it also validated the specific form which the peace mediation took. The specific set-up of the mediation was recognised. Algeria as the lead actor, together with the key role of the United Nations, and the decisive roles by other states and regional organisations, was explicitly recognised in UN Security Council Presidential Statements, as well as reports of the UN Secretary-General on Mali (United Nations Security Council, 2013; President of the United Nations Security Council, 2014; United Nations Security Council, 2014b).

Most importantly, the implementation arrangements for the peace agreement have been endorsed by the UN Security Council (United Nations Security Council, 2015, 2014a).

V. Conclusion

The case study of the Mali showed that a mediation process was not a static event, but a dynamic process. Whereas in the beginning of the process, several mediators acted to position themselves in single-party mediation processes, over time, this mediation process became multi-party mediation. Whereas in the beginning of the process, national interests, in particular security considerations, motivated states to lead and/or join the mediation process, over time, cooperative elements took center stage. The mediation gradually developed away from being based purely on state-centered motivations to an increasingly stronger role of the United Nations.

Two competing tendencies in international relations revealed themselves: neo-realist power politics in the beginning of the mediation process which shifted toward institutionalism and international cooperation in the course of the process until the signing of the peace agreement.

Further research on how the best conditions can be created earlier on in the peace process is required. Does multi-party mediation only come after the “worst” crisis (end of terrorist occupation; military securisation of the territory) is over? Or can the UN already play its normative, cooperative role earlier on?

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