

The Uppsala conference on Meeting the New Challenges to International Mediation, held on June 14-16, 2010, highlighted a number of issues novel either to researchers or to practitioners.

The meeting was organized around eight special themes, that have recently received attention or that are emerging as new challenges. The discussions and under each theme has been summarized in separate sections in this executive report. For each there are also implications for research as well as for mediation practice.

MEETING THE NEW CHALLENGES TO INTERNATIONAL MEDIATION

Report from an international symposium
at the Department of Peace and Conflict
Research

Uppsala University, Uppsala, Sweden

June 14 - 16, 2010

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IN LIEU OF CONCLUSIONS

The discussions of the Uppsala symposium on Mediation in June 2010 highlighted a number of issues novel either to researchers or to practitioners. The meeting was organized around eight such themes. In short, the discussions showed that there are selection effects which makes the evaluation of success in mediation very difficult (more difficult conflicts get more mediation attempts), and that a biased mediator or mediation mandating actor is not always negative. If a conflict is about the control of government or of a particular territory, this affects the mediation approach as well as the durability of the outcome and the following peacebuilding efforts. Mediation styles vary and may sometimes create, for instance, cultural problems for a mediator. Mandates can be constraining for the mediator, but also solve some problems in mediation. Building fruitful relations between researchers, practitioners and policy makers can generate more resources for mediation. The proliferation of mediation efforts in the same conflict raises new issues of coordination and involves the dangers of negative competition. External shocks are seldom considered in the literature, but may provide breakthroughs for mediations as well as ending such efforts. Outcomes of mediation are not only equal to reaching an agreement. The long-term peacebuilding effects of mediation provides for new challenges to mediation research and practice where the researchers may appear not only to be constructive collaborators for practitioners, but also turn into ‘myth busters’. This report puts some meat to these one-liners.

ORIGIN AND PURPOSE OF THE CONFERENCE

Research on and practice of mediation in international conflicts have developed considerably in the last few years. New issues have begun to be explored with the use of comparative as well as statistical methods. For the purpose of this conference eight themes based on recent research were identified, *inter alia* pointing to the importance of the mandate for mediation, the resources available for the mediators (including research-based insights into local situations as well as into process issues), the difference between humanitarian and political mediation, the coordination of separate mediation efforts, the impact of unexpected events, ways of measuring mediation outcomes and the mediator's responsibility for what happens in the post-accord period.

The aim of this conference was to scrutinize these new challenges and discuss ways of meeting them. This involved both new research requirements and implications for mediation practice. The conference wanted to achieve these goals through a dialogue between well-known mediators and respected researchers in the field. Thus, each of the eight panels consisted of participants from both arenas of practice. All interventions were short to allow for discussion. Therefore, there were no pre-circulated papers. This executive summary presents the deliberations systematically by first summarizing the introductions to the theme topics, then identifying significant points before recording operative conclusions for research and mediation. In this way, this executive summary contains a host of suggestions for future research and for mediation processes.

ORGANIZING THE CONFERENCE

The conference was organized by the Department of Peace and Conflict Research (DPCR) and its Uppsala Conflict Data Program (UCDP) at Uppsala University, with the support of the University, the Folke Bernadotte Academy and Vetenskapsrådet, the Swedish Research Council.

The organizing committee consisted of Professor Peter Wallensteen, Visiting Professor and Ambassador Jan Eliasson, Associate Professor Isak Svensson and Research Assistant Helena Grusell. For the purpose of doing the executive summary Research Assistant Mathilda Lindgren was hired together with a team of researchers from UCDP, all covering one theme each.

TWO SPECIAL NOTES

As is customary, the deliberations were held under the Chatham House rules. Thus, no reference is made to individuals in the executive summary. The program and the list of participants are attached to this report.

Timely, a first page proof version was made available to the conference of the volume *The Go-Between. Ambassador Jan Eliasson and the Styles of International Mediation* by Isak Svensson and Peter Wallensteen (US Institute of Peace Press, Washington DC, September 2010). It was used as a reference for many of the themes covered in the conference. The cooperation of the US Institute of Peace is gratefully acknowledged.

THEME 1

MEDIATION RESEARCH: GENERAL TRENDS AND SIGNIFICANT FINDINGS

The introductory interventions elaborated on three larger items relating to (1) differences between what contemporary research calls selection effects and process effects of mediation, (2) the role of mediation bias in contributing to peace agreements and (3) mediation success in civil wars concerning either territorial or governmental incompatibilities. The first item emphasized that the most intractable conflicts are those that often receive attention by the greatest number of skilled mediators (selection effects). If this is not considered when studying for example the ‘poor’ mediation record of regional organizations, it will lead to misleading conclusions about ineffectiveness. As the speaker put it, it would be wrong to conclude that a hospital is worse in curing diseases than student health care centers, only because more people die at the hospital.

The second item presented research suggesting that biased civil war mediators are more effective than neutral mediators, due to their credibility as information transmitters between the parties. The role of theoretical perspectives—such as social psychology, rational choice and bargaining—in analyzing mediation was further highlighted. These perspectives inform us on what constitutes central drivers of conflict that may need to be addressed in mediation efforts, what is seen as mediation success and what type of mediator might be best suited to get engaged in certain conflicts.

Third, a new Civil War Mediation dataset¹ was presented. First results based on this data have found that it is more difficult to reach mediated peace agreements in territorial conflicts than in governmental ones, and that peace agreements signed in conflicts on territorial issues are in general less durable.

¹ For more on this dataset, please refer to Karl DeRouen, kderouen@bama.ua.edu.

In the following discussion, some researchers welcomed a general theory of mediation—not least as a means to study both intra-state and inter-state wars where for example commitment problems² could play a central explanatory role—while also acknowledging the difficulties involved in such an endeavor. The construction of a grand theory on mediation was, however, contested from the perspective of practitioners, due to a greater general interest in getting practical insights from academia.

Many researchers and practitioners, agreed on the need of broadening our understanding of mediation to include other than political dimensions. This has already been done in relation to for example peacekeeping. The role of regional organizations was brought up by pointing both at their biases in the conflict (and possibly involvement) and their local knowledge and cultural sensitivity. Participants also discussed whether regional organizations are as active as claimed in one of the interventions, how their role and construction changes over time and the difficulties in categorizing types of mediation, particularly when there are multiple third parties involved in a peace process.

Some voiced a need for greater local ownership of mediation processes, which was coupled to insights on how conflicting parties could block civil society participation. Discussing bias, concern was voiced about the need to take into account the views of the conflicting parties as well as the ‘messy process’ of choosing mediator. It was also contended that biased neighboring countries in practice seldom are effective for conflict resolution.

Several *implications for researchers* came out of the discussion. If a general theory on mediation is desirable for researchers to detect patterns and generalities—which not all during the conference agreed to be desirable in the first place—then it should preferably also have a predictive element of use to practitioners and it should apply a wider ‘big picture approach’ to mediation. Also, there seemed to be consensus on studying dyads—pairs of conflict parties—as a way towards more general theories on mediation. Categorizations and definitions used by researchers should

²The term ‘commitment problems’ refers in this context to the risks of armed conflict parties (governments or rebel movements) to agree to peace, put down arms and cooperate. The eventual incentives to bluff make signing a peace agreement and implementing it a risky business, which may contribute to problems of committing to peace.

be sensitive to the realities (complexities) on the ground; and statistical and case study methods should be combined to a greater extent than currently is done. For example, is drug-related large-scale violence in Mexico relevant to research? How do we measure factors related to the mediator's perspective (supply-side factors)?

Another insight related to identifying the lead mediator when studying multiple mediators. An important distinction was to specify whether regional organizations are represented by their chairmanship, their members or in other forms. Finally, questions presented in one of the interventions serve as an agenda for future research: How does mediation differ across war type? Does mediation have an independent effect on the duration of peace, or is it only determined by the readiness of the parties to quit fighting? What role does learning play for mediators, potential mediators, and combatants?

Insights relating to the work of practitioners were also crystallized. Selection effects are important and need to be taken into account when evaluating the success of third-party mediation. Thus, regional organizations can be effective mediators even though this does not seem to be the case when looking at their track record. Bias, and particularly government bias, can be constructive for reaching peace agreements, though often not seen as such in mediation practice. Finally, in order for researchers to bring insights to practitioners, there is an interest in accessing information on mediation efforts that needs to be further discussed and balanced against the importance of nurturing trust between the mediators and the conflicting parties. One of the participants expressed that academics are looking for robust answers while practitioners are looking for guidance. Another participant compared the different and complementary roles of practitioners and researchers to studying TV shows. Practitioners would be like a TV host, successfully running his or her specific show, while researchers would follow as many shows as possible to find trends and general patterns.

THEME 2

MEDIATION STYLES

What is meant by mediation styles? This question resonated in the introductory session of the panel that presented three complementary understandings. One perspective proposed negotiation or mediation styles to be shaped by five contextual elements: (1) issues at play (including the conflict's history), (2) personalities of negotiators, (3) institutions, (4) geopolitical standing of the parties involved and the negotiators, and (5) the negotiator's culture. Focusing on the more constant elements (3–5) and studying American negotiation style, it was claimed that Americans tend to come to negotiations with an already intensely negotiated inter-agency position (institutions), that American negotiators are less interested in give and take due to the weight of being prime movers in international affairs (geopolitical context), and, finally, that the background of externally contracted professionals, usually serving as American negotiators, affect their cultural style (negotiation culture).

Another perspective drew lessons from experiences of an ongoing Track II dialogue initiative on reaching consensus on security sector reform within the aid and development activities in Zimbabwe. Since the process is non-technical it is considered an example of mediation where former high-ranking Zimbabwean civil servants work as communicators, reducing fears and facilitating space for dialogue. The following dimensions were highlighted as important in understanding Track II styles of mediation and dialogue: type of conflict (intensity, spoilers, ripeness); characteristics of the parties; external dependence; skills/characteristics of the mediator; the issue of impartiality; and an emphasis on African experiences and lessons.

The third introductory perspective on mediation styles underlined the importance of accounting for other mediation tools than facilitating discussions, as such a broader approach reflects the intuition of policy-making, better accounts for outcomes, facilitates the accumulation of knowledge and enhances possibilities to compare results. One such common tool is the use of military threats, found in eighty-five percent of

mediations.³ There are several challenges to this broader understanding of styles relating to how to categorize actions and establishing cut points (differentiating verbal, diplomatic, economic, military), as well as how to differentiate between managing a peace process versus joining a conflict.

In the discussions, there was in general agreement on applying a broader understanding of mediation styles, even accounting for relationships to and bias of supporting actors. Complementary aspects of styles were also presented, such as (1) the use of language, (2) timing, (3) never allowing the parties to lose face, and (4) being responsible and honest in producing texts in negotiations. Though cultural features on negotiation and mediation were seen to be important, a warning note was put forward on the risk of reducing a country to a particular negotiating style. As a response to this warning, general awareness of different negotiating styles of governments was promoted.

In a later panel, the importance of emphasizing the dynamics of conflict were also mentioned, meaning specifically that the way we analyze the causes of conflict affect our choices of mediation strategies. Some discussed the importance of differentiating between the roles and styles of negotiators and mediators as well as between different mediators, such as for example a track II mediator and a chairperson in multilateral negotiations on global issues.

The increasingly important role of informal actors in mediation was also alluded to, for which there is a need to create an enabling environment. Another item, which recurred in later panels, was that of knowledge accumulation and mediation coordination and cooperation. Due to the increasingly crowded stage of mediators and the intense working pace of mediation practitioners, it is becoming necessary to “mediate between the mediators”, with negative effects on conflicts, and little time for documentation and evaluation.

³ This figure comes from a combined data source based on three data sets: (1) Dyadic Militarized Interstate Disputes (Maoz, Zeev. 2005. Dyadic MID Dataset (version 2.0), <http://psfaculty.ucdavis.edu/zmaoz/dyadmids.html>); the Third Party Intervention data (Frazier, Derrick, and William J. Dixon. 2006. Third-Party Intermediaries and Negotiated Settlements, 1946–2000. *International Interactions* 32 (4): 385–408); and the International Conflict Management data (Bercovitch, Jacob. 1999. *The International Conflict Management Dataset Codebook*, <http://www.posc.canterbury.ac.nz/jbercovitch/mediation.html>).

A central researcher-relevant lesson concerned the benefits of broadening the theoretical understanding of mediation styles to also include foreign policy-related tools. In particular, identifying cutting points and the specific scope of such an approach merits further attention. There seems also to be a role for researchers to play in assisting in filling the knowledge accumulation gap between different mediators, different mediation phases and even governments. In relation to this, a central insight concerned the linkages between policy-makers, practitioners and researchers. The panel identified not only a challenge in connecting researchers and practitioners, but also in linking practitioner insights back into policy—something which is further discussed under Theme 8 in this summary.

Practitioner-relevant insights from this panel relate in general to a greater awareness of informal actors and their role as mediators in Track II or other initiatives; of different institutionally, geopolitically and culturally defined traits of government negotiators; and of inter-mediator mediation needs, which were suggested might be remedied by approaching prospective mediators before entering a scene to reduce inter-mediator mediation. A ‘tool box’ on cultural characteristics and how to manage these will soon be presented by USIP, responding to some concerns about how to bridge common cultural divides. Furthermore, assistance in mapping some of the ‘other’ tools of mediation, alluded to in the introduction of the panel, was also welcomed. There seems also to be a need to address a general ‘lack of institutional memory’ to avoid ‘reinventing the wheel’.

THEME 3

MEDIATION MANDATES: INCREASING IN SIGNIFICANCE?

Are mandates increasing in significance? What is the maneuvering space of mediators? How can a mediator work with other important issues such as war crimes? Experiences of two practitioners and a researcher introduced the discussions on this still scarcely researched, yet practically crucial issue. Four larger insights were presented based on a comparison between an inductively constructed and comparatively vague UN mediation mandate in El Salvador and a deductively (from Security Council resolutions) defined, specific UN mediation mandate in Cyprus. First, the mandate comes from and is defined by whoever gives it, which in the case of the UN is often the Security Council rather than the Secretary-General as commonly assumed. Second, during negotiations, it is important to plan ahead to 'post-conflict peacebuilding' by for example discussing institutional channels for addressing grievances. Third, discussing processes for dealing with the past are incremental, but do not necessarily have to be dealt with in the peace agreement. Finally, a UN mediator needs to work under the laws developed under the UN aegis, which means not being associated with amnesties for war crimes or genocide.

Six other, more detailed, lessons relating to mediation mandate were also identified: (1) the importance of dealing with the main issues; (2) "the integrity of the text" and the responsibility of the mediator towards the parties; (3) the issue of trust and the importance of gaining the parties' trust in order to be successful; (4) the centrality of focusing on the cultural aspect and also keeping in mind that some of the perpetrators also are victims; (5) keeping the integrity of the mediator; and (6) the importance for a lead mediator to identify the main issues and then bring in expert assistance to, for example, draft legislation.

General, theoretically guided reflections on the topic primarily identified an increased need for awareness on the role of mandates for the outcomes of mediation, a gap in our understanding of the potential trade-off between deductively or inductively (evolutionarily) produced mandates and how this relates to the specificity of the mandate. Also

discussed were opportunities for more research on ‘hybrid forms of mediation’ that take into account both managing risks and creating long-term engagement (i.e. linking peace agreements to implementation). Four challenges were also identified. These pertained to power asymmetries that make one party set the agenda, the effects of vague mandates and devious objectives of the parties, balancing between a flexible (step-by-step) approach and a principled ‘deductive’ approach, and, finally, whether to start with peace and later address justice or vice versa.

The comments following the starting interventions focused the source of mandate, the inclusion of other groups than the primary parties and the issues of peace and justice. Some underlined the central role of bottom-up mandates, stemming not from the international community but local agents, as in a USIP mediation effort in Iraq. In relation to this, the question of who/what the mediator really represents was put forward: the victims, the parties, the ‘better’ part of the primary parties, an organization or someone else? In multilateral negotiations on climate change, for example, the mediator pushing for a solution (i.e. the chair) and ‘the enemy’ merge, possibly meriting further discussion.

On the issue of including multiple actors—which was deemed important by many—several practitioners voiced specific concern that elite agents do not always represent many decisive yet ‘invisible’ stakeholders, such as cultural and religious groups and women’s groups. Furthermore, even if these groups were included, they often lack capacity in mediation skills and insight in how to engage in a peace process. A comment was also made on the importance of having a mandate that stipulates that the mediator has the right to talk to any actor he or she feels relevant.

Also, the generally prevalent lack of consensus on issues of peace and justice were reflected in the discussion—further elaborated on in the panel on mediation outcomes (Theme 7). However, examples were put forward, like beginning with issues of peace and then dealing with justice; avoiding situations of impunity at the risk of resulting in long-term instability. In this, as well as in other panels, it was also debated whether mediation is an art, closely connected to the mediator’s personality and experience, or a technique that can be learned and actively advanced.

The panel guided researchers to first and foremost look into the role of mandates and then particularly their origin and scope as well as how they come about, in order to relate this to other aspects of mediation, such as outcomes. The four challenges identified in one of the introductory interventions all relate to potentially fruitful research gaps. In a later panel it was also suggested that there is a close relationship between the mandate and the choice of mediator, which merits further research. Furthermore, the significant role of ‘invisible’ stakeholders also requires more academic attention in order to reach a general understanding of the effects of excluding or including them in peace processes. A comment of a practitioner also requested clearer guidance on how to manage actors with spoiler behavior, particularly in relation to issues of justice and peace, which might be a challenge for researchers to pursue. On a conceptual note, it might also be relevant to consider applying more specific terminology than ‘mediator’ as this appears not to be common language within for example the UN who rather specifies its mediators as Special Envoys, etc.

The insights on mediation and mandates are all of *relevance to practitioners*. In general, taking the mandate into account when evaluating the outcomes is imperative. Also, there might be room for maneuver even in the narrowest mandate when mediators operate under the guidance of international law and principles of the UN or when they are experienced and of certain political status. Another insight, stemming from the discussions, is that there seems to be space for providing capacity-building to central yet unrecognized stakeholders, in order to facilitate their engagement in peace processes and in this way broaden the scope of negotiations to include input from below (and not only from mediation mandates). Lessons can also be learned from community based problem-solving activities, which can then be brought to the international level.

THEME 4

MEDIATION RESOURCES: RECENT DEVELOPMENTS

Surprisingly, there seems to be plenty of resources available to mediators—indeed there were never more of them. Examples spanned from NGOs to private organizations to academic institutions, and there has been an increase in the number of available mediators. Two interventions started this theme, looking at broader definitions of mediation and mediation support capacities. It was emphasized that there are different types of resources (intellectual, practical and political) and that the visibly deployed resources merely constitute a small part of the total capacity used. The importance of connecting academics and practitioners was again highlighted, as there is an increasingly busy mediation practice.

Turning to resources as support capacities, during the past two years the UN Mediation Support Unit (MSU) has provided support in different ways to thirty-four mediation processes, in the form of (1) basic preparatory support (formulation of strategies and the appointment of mediators); (2) technical and analytical thinking (process design, notions of various arrangements such as ceasefires, transitional justice and power-sharing, etc); and (3) funding (especially at mediation initiation). The UN's knowledge repository provides country-specific information as well as information on previous ways of handling particular issues to envoys and other mediators. Moreover, the UN can be used to provide an institutional framework/normative approach, as well as create an idea of different strategies for mediation. Common mediation standards were presented as a way of overcoming the variance frequently observed between different mediators.

The concomitant discussions pertained both to resources at hand for mediators and their teams as well as to dilemmas in and importance of sharing of 'resources' between scholars and practitioners. First, a question was raised as to whether there are other resources than those vested in personality that can 'get the actors to talk'. A suggestion was put forward relating to the less threatening theatre of academia, which could serve to entice discussions and bring out new information. In more general terms, during two other panels, it was proposed that a

mediator could bring the horse to the water (negotiation table), and even make the horse (the parties) thirsty (willing to negotiate an agreement) by using a variety of enticing and forcing methods. Second, some voiced concern about how work carried out by the MSU might have a hard time picking up on local developments, which could mean missing potential ‘ripe moments’. This could be mitigated by ‘local offices’ of international organization and other actors or by ‘action research’ combining local mediators and academics in technical dialogue.

Third, institutional knowledge management and information sharing within the UN and its mediator teams remains a challenge—one that might be addressed by the assistance of researchers. Another challenge to resource sharing among practitioners and scholars is that negotiations often are lengthy processes, sometimes lasting for years. A researcher observing the process during a limited period of time might thus well miss important developments and aspects of the process. Although perhaps difficult, longer periods of observations are needed. Finally, yet another problematic aspect raised is that it is often difficult to find information and reporting from ongoing mediation efforts.

Several suggestions and *useful insights on how to bridge the work of practitioners and academics* were put forward. One idea discussed was that of systematically ‘embedding’ scholars in mediation teams as a way not only to bring researchers and practitioners together, but also to facilitate access to relevant data and information. Having researchers included in the team—that do not replicate the same knowledge base as the other team members—could carry the potential of identifying and accessing relevant information, while at the same time providing scholars direct access to relevant on-the-ground information. However, some contested this idea, referring to the above-mentioned temporal problem, and instead suggested researchers to benefit more from interviewing mediators and asking them what they needed in terms of research input. Using academics or the MSU to gain knowledge about other cases and other processes, such as the example of the Åland Island autonomy arrangement, would from this perspective be more useful. There have even been such cases where UN support in terms of specific information was the only resource asked for, in this way making the mediation effort transcend the UN organization itself. Yet another idea for knowledge accumulation was to make practitioners visiting professors.

THEME 5

MEDIATION COORDINATION

The central issue of this session concentrated on the effects of multiple mediators on the process and outcomes of mediation. In particular, it concerned how mediation efforts build on previous ones and are likely not to be the last, how various missions relate to each other and the potential risks of forum shopping. The parallel increase of mediation efforts and conflict actors illustrates that modern mediation is characterized by a need for better coordination between at times competing mediators. These points were taken up repeatedly in the interventions and the discussion.

The first intervention showed how multiparty mediation in wars since the mid-1990s comprise multiple mediators in around fifty percent of the mediation processes and that there has since 2000 also been an upward trend in the average numbers of mediators involved. While multiparty mediation at first sight appears to be more successful and promising, this is not actually the case. Rather, case analyses suggest that multiple mediators might be more of a symptom than a cause for successful mediation, as the number of third parties increase only when the agreements draw near.

The second intervention elaborated on common but misleading perceptions that tend to neglect the complex environment that mediators have to cope with. The mediator's degree of control with regard to external effects and the process itself is often overrated. While mediation is important, it is crucial to be aware of its limits and the fact that it happens in a complex world, where e.g. historical memories play pivotal roles. The presence of multiple mediators with different or even competing mandates adds to this complexity. Nevertheless, the fact that there is a group of 'elite mediators' and that mediators are not picked by accident, sends the message that despite the complexity and differences between the cases, some generics might exist. On the other hand, 'races of mediators' have been witnessed as mediation provides visibility and influence for the actor involved. It was stressed that certain actors might have an interest in blocking or rewinding the process. Thus, it does not only matter what happens in the mediator's capital and in the field, but

also what other actors do and why. In particular, there seems to be little chance for success if not the major powers support the mediation efforts. On the other hand, smaller power mediators might instead be more flexible.

In the following discussions, the finding that multiparty mediation does not lead to agreements more easily was taken up repeatedly. A general skepticism regarding multiparty mediation prevailed. As one participant put it, the problem with mediation is that it is 'low-tech', i.e. easy to undertake at any given point. Therefore, a code of conduct might be useful. Also, some clarification is needed in terms of which actions qualify as mediation, separate from ordinary diplomacy. Nevertheless, it could be worthwhile to look at the conditions under which multiple mediators might be conducive for reaching an agreement.

Several participants pointed to the variation of multiparty mediation, that not all actors involved are of equal weight and that it makes a difference whether mediators are asked by the conflict parties or have been appointed by somebody else. As pointed out below under insights for practitioners (and also under Theme 3), a bottom-up approach, where the parties themselves seek mediation, is more likely to lead to a successful mediation and durable peace, as opposed to when a mediator's mandate is stipulated from above. Attention was also drawn to a range of fairly new mediators like regional conflict management efforts and ad hoc collaborations that 'are there'. They might in fact be conducive forces to conclude agreements, as they are non-competitive. A form of 'international division of labor' was also proposed as beneficial to involve others in different capacities. While uncoordinated exercises clearly are seen as problematic, it should also be noted that a lack of coordination can also occur within a single actor, e.g. when special envoys change before the process is finalized. The case of Sudan was mentioned in this context.

There seem to be agreement on the need for increased attention to the incentives and motivations of the many different mediating actors. Some mediators' egos get 'caught up in the process' and particularly NGOs come to compete for resources to sustain themselves. This competition can turn mediators into spoilers among themselves and towards the parties in the peace process (more on spoilers under Theme 6). In light

of this, publicity is seen as an important issue for the conflict parties, but also to the mediators. The question of how to deal with the media during the mediation process is important for all parties involved.

Finally, an important issue in the discussion was the role of major powers. While they are mostly not involved early on, they often get involved in the later stages and provide credibility for the agreement and serve as important guarantors for the agreement. A crucial question therefore is whether they are symptoms or causes of an agreement that is about to be signed. To find out, we need to understand the interests and the cost-benefits analysis of these actors. An interesting trend relating to this issue is the increasing number of states involved in mediation, while the share of UN involvement has declined.

The panel produced several *research-relevant insights*. Does really the inclusion of ‘bigger players’ lead to mediation success? How does mediators’ spoiler behavior affect mediation processes? Studying multiparty mediation, the importance of taking into account the temporal dimension as well as potential selection effects between intra-state and inter-state armed conflicts was highlighted. Furthermore, the focus—most speakers seemed to imply—should rest on civil wars and internationalized wars as they pose major, post-Cold War challenges. Several participants also stressed the risk of overestimating the power and the role of mediators.

A crucial *insight for practitioners* was accounting for and understanding the incentive structures of mediators in order to design more effective mediation initiatives. Is there room for and interest in a ‘code of conduct’ and what are the roles of the relatively new coalitions engaged in peace processes? What role may a division of labor play and how could this be materialized? The distinction between the impact of the mediator and the will of the parties was also emphasized, as no mediator will be able to come up with a solution unless the parties are interested in a mediated outcome. This implies acknowledging the limited control of the mediator—an insight of relevance to both scholars and practitioners.

THEME 6 MEDIATION AND EXTERNAL SHOCKS

Two presentations, based in the debate on spoilers, introduced the panel, moving from a broad take on external shocks during peace processes to a specific elaboration of internal and external violent shocks during negotiations. External shocks were identified to include those stemming from within the mediator herself/himself, from neighboring countries (the 1993 coup in Burundi was a shock to the warring parties in Rwanda), from (outside) attacks on the parties themselves, from international institutions (ICC charges against leaders involved in negotiations), from nature (tsunamis) and, finally, from expressions of ‘international solidarity’ (protests in Washington DC concerning Darfur). Such shocks may in general affect ‘warm and fuzzy’ sides of peacemaking, for example trust, credibility and commitment; the legitimacy of the negotiating/warring parties; and the balance of power among the parties, with potentially detrimental effects on negotiations when possibilities for ‘winning’ appear greater.

A second intervention zoomed in on how mediators should deal with external shocks as high-level incidents of violence and general trends of violence during negotiations. It was proposed that violence needs to be managed within a peace process, and that the opportunities it may create should be used for the negotiations’ momentum. This management could be categorized to take (1) a conflict resolution approach, (2) a ‘War on Terror’ approach, and (3) a rights-based approach—all of which can exist in the same peace process, creating tensions and implications for mediation success still unknown. It remains unclear as to whether the approaches can be combined due to their different assumptions and understandings. The conflict resolution approach views violence as a political problem, to be resolved through violence-regulation mechanisms such as ceasefires and observer missions; the ‘War on Terror’ approach on the other hand focuses on violence as a security/terrorist problem and criminalizes violence, which should be regulated through proscriptions of groups, counter-terrorism measures and coercive force; and the rights-based approach views human rights as non-negotiable, focusing on accountability, treaties and principles. Concluding the introduction, the ‘international reshuffle’ was mentioned, where new powers are taking

centre stage in world politics with the effect of opening up for ignoring the pleas and threats of the Western powers.

Comments from the participants circled around a number of components. First, it was contended that the effects of external shocks, man-made or natural, couldn't be easily controlled by mediators. It was suggested that only certain types of external shocks are actually controllable to an extent by mediators, whilst others are beyond the reach of any negotiator to control. Some claimed it to be very difficult to steer the effects of an external shock in a positive direction, even if they can be harnessed, while others highlighted the potential of shocks as windows of opportunity for action ('enablers').

Further comments focused on how the concept of external shocks needed refinement, for example through separating shocks into 'actor-made shocks' and 'natural shocks'. Other suggestions regarding a typology of external shocks separated (1) quick shocks that soon dissipate, (2) trends or shocks of a longer duration, and (3) slower change that over a long period of time alters the general picture (moving average). Yet a third, related, typology differentiated between sudden shocks and slow onsets, suggesting the latter to be more dangerous and more difficult to control than the former. A few participants alluded to the importance of differentiating between shocks and change, suggesting that a shock is only a shock when reacted to it as such. It was also noted that the term 'shock' implies certain consequences in itself, which makes it difficult to utilize in academic practice.

Second, the discussion also focused on why violent shocks drive actors in some peace processes apart, whilst it brings the actors closer to each other in others. It was suggested that this was a factor of to what degree the actors feel that they are interdependent, but little research has been conducted on this topic. Third, the resilience of a peace process was discussed, with many participants noting that mediators should be prepared for shocks and know how to utilize them. One commentator suggested that much focus should be placed on creating a negotiating team that has resilience towards shocks, so that the mediation effort is not hampered by sudden crises. It was further suggested that mediations, just like the actors that make up the equation for a settlement, should learn to think strategically and proactively.

Future research could attend to create a typology of different types of shocks and their possible effects on a peace process. It would also be relevant to investigate further if and how a shock can be controlled for positive effects, for more detailed guidance to practitioners on how to practically manage spoiler behavior and shocks in general—a concern voiced in earlier panels of the conference. There is also room to investigate in what contexts shocks/violence drive the parties apart and in what contexts these draw the parties closer. One participant distinguished between ‘shockers’ and ‘enablers’. How different styles and approaches to negotiations affect each other and the peace process in the face of violence/shocks, also merits further attention. Certain elements of negotiations and settlements that are now high on the international agenda were not so in earlier peace processes, and the implications of such negotiating trends should be studied. Also, while many studies focus on the duration of peace after settlement, there is still not much done on what kind of peace certain mediation styles and settlements yield.

Insights of relevance to policy-makers and practitioners pertain to how mediators must create structures that are resilient to shocks. Learning how to think strategically in the same sense as the warring parties in order to make effective use of shocks may also be imperative, being forceful in pressing upon the parties the realities on the ground after a shock has entered the equation. It was also highlighted how the physical security of both mediators and moderates in the peace process must be secured. Finally, a central insight concerned the importance of understanding spoiling behavior as varying and non-fixed. In relation to this, greater awareness was requested on the potential risks involved in labeling central stakeholders as spoilers, as this may hinder reaching of sustainable peace.

THEME 7

MEDIATION OUTCOMES: DEVELOPING CRITERIA

How do we capture outcomes in mediation and which indicators should we use to determine if a mediation process is successful? Both scholars and practitioners agree that it is difficult to determine whether a mediation effort has been successful or not. But when it comes to which indicators could or should be used to evaluate the outcome, opinions tend to differ. During this session several such indicators were suggested and discussed, for example mandate fulfillment, party assessment, human rights, the opinion of the international community, regime change/survival, inclusiveness, and ceasefire agreements. These indicators are either external or internal, and it was suggested that we need to consider both types in order to evaluate the outcomes of mediation. They can also be interrelated in various ways. There is a challenge for researchers as well as for practitioners to delineate a useful set of indicators which take all these aspects into consideration and which can be used to evaluate mediation during the process as well as after the mediation process has ended. On the timing of evaluation, it was noted that an indicator such as party assessment is very dependent on when it is measured, as it tends to change over time. One example is the Åland island crisis in the early 1920s. After the conflict over the islands had been settled by the League of Nations, none of the parties to the conflict were satisfied with the outcome. In spite of this fact, the arrangement is still stable and considered a success.

During the discussions, the debated topic of justice and peace resurfaced, revealing conflicting views. While some stated that justice is the most important outcome of mediation, others argued that you cannot trade justice for peace. Nepal was brought up as an example of how unless there is justice, there will always be war. For those who see justice as the overall goal, compromise is seen as a way of prolonging the conflict. A mediator seeks compromise because of the power relations between the parties. But what a mediator really should strive to achieve is a just solution, not a compromise. The reason to apply a rights-perspective instead of a compromise-perspective is that power relations will most certainly change in the future. The weaker party will continue to try to change its weak position, while the stronger party will do everything it

can to keep the upper hand. Hence, conflict will continue if we don't go for justice. For those who argue that justice cannot be traded for peace, the most important thing is to stop the violence and to create foundations for self-sustainable peace. A mediator could never say that she or he cannot accept an agreement, just because it is not completely just. However, the participants agreed that justice is an important question. To build peace you need to have solid foundations of law and governance. To grant amnesties to people who have committed war crimes could therefore be precarious.

Several questions concerning the issue of justice were posed during the discussion: do we have competing truths of justice and how can the mediator bridge these differences? How should we think about retributive versus restorative justice? How do we deal with the fact that human values are not always convergent? What if justice for one person means injustice for another? These questions are highly relevant for both scholars and practitioners.

Another topic that was brought up for discussion was the existence of flaws in an agreement. It was argued that we should take it for granted that agreements will be flawed. Instead of placing the responsibility on the shoulders of the mediator or the parties to foresee all the flaws and come up with solutions, mechanisms to solve arguments later on should be built into the agreement. The responsibility of the mediator should basically be to make the agreement resilient.

Several *implications for researchers* crystallized. The discussion clearly demonstrated the need to develop a set of indicators that can be used to determine whether a mediation process has been successful or not. Another set of questions calling for further research is the one dealing with justice. Although the issue of peace versus justice has been highlighted in numerous studies, there still seem to be wide disagreement on whether justice should be a priority or not, and under what circumstances one should choose amnesty over prosecution. Furthermore, the issue of including mechanisms for dealing with arguments later on in an agreement also raised the awareness of our lack of understanding of these kinds of mechanisms. Only a small portion of produced agreements includes clauses on how to solve arguments over the agreement. Future research could dig deeper into the world

of renegotiation clauses and mechanisms for problem solving. Also, in measuring mediation outcomes ‘negative criteria’ concerning ‘what did not happen’ was encouraged, as this seems often to be the practical evaluation of mediation. The fact that the war didn’t spread or escalate could be an indicator of success.

Also more *practitioner-relevant insights* took form. The difficulties of being a mediator were constantly brought up during the session. One dilemma for the mediator is that if you prioritize duration, you may end up with an agreement that no one wants, but if you prioritize to get all the parties to sit down together, you risk ending up with an agreement that will not last. Another is the question already raised about how to bridge different ideas of justice. Renegotiating clauses and mechanisms for problem solving has also been discussed above as being important to researchers. Clearly, this issue is also of high importance to mediators. Some argued that it is the mediator’s responsibility to make an agreement resilient. Finally, several participants stressed the fact that context matters and that every mediation effort must begin with studying the environment in which it is supposed to take place. Peacemaking should be made with peacebuilding in mind. The mediator should also keep in mind that what is needed in order to create an agreement may be very different from what is needed for keeping the peace.

THEME 8

MEDIATION AND PEACEBUILDING: A NEW AGENDA?

The final session of the conference dealt with the relationship between mediation and peacebuilding, and whether this in fact represents a new agenda. Starting off the introductory presentations, the links between increasingly common peace agreement provisions on power-sharing and post-conflict elections were suggested as new challenge to mediation: these components could create tensions for sustainable peace. Another intervention reflected on avenues for cooperation among researchers and practitioners, as discussed during the conference. In particular, researchers looking at general trends of the measurable may not be able to provide detailed guidance to practitioners on the specific and subtle, but they may ‘bust myths’ and contribute to develop evidence-based best practices both on mediation and peacebuilding. Some research projects do precisely this when they show how ‘new wars’, i.e. wars since the end of the Cold War, are contrary to rumors not more atrocious than previous wars; how amnesties in fact contribute to more durable peace agreements; and how ‘revealing equals healing’ is a common misconception, as testifying ones crimes in fact contribute to people being measurably worse off. A current project was briefly presented, where peacemaking and peacebuilding are seen as one process, within which an important area of interest was said to be the level or quality of peace.

The following presentation stressed the importance of a well-developed and functioning network consisting of mediators, negotiators, NGO’s and academics, in order to improve the likelihood of long-term successful mediations and negotiations. The need for another conference, aimed at the collaboration between intrastate actors, was also mentioned. A first step in bridging the gap between practitioners and academia was suggested to be the Peace Accord Matrix (PAM, at the Kroc Institute of University of Notre Dame) consisting of thirty comprehensive peace agreements evaluated in a grid system, thereby allowing different interpretations of success to be measured. The PAM matrix, when completed might be used by practitioners when faced by a certain situation, to quickly assess different options and ‘track records’. Such a development would embed the academic efforts, and thereby make

them accessible to the practitioners. There is arguably an abundance of situations that might arise when mediating, or negotiating, and to have a database available to consult on whether to choose mechanism A or mechanism B might be a valuable tool for practitioners in the field.

In the discussions many comments touched upon the PAM data, generally in the form of positive remarks on the numerous potential applications of the instrument, and the data in itself was identified as a potential bridge of the gap between practice and academia. On another note, questions were again raised on how to measure mediation outcomes. The case of Haiti was brought up to illustrate that success can in fact be reached in the short term, but that long term success is not automatic.

Furthermore, the heart of the matter of the session was according to one participant to identify gaps to bridge for theory and practice. Thus, the work with PAM was highlighted as a step in the right direction. Returning to the question of a theory on mediation, it was argued that we should perhaps give up the goal of generalization and instead aim for middle range theories that are applicable to the given situation and that still allow for comparison between cases.

Regarding the issue of connecting mediation and peacebuilding, some proposed continued mediation during the implementation of peace agreements. The term ‘meditation’ was also introduced as an attempt to bring mediation and arbitration together, to combine short-term mediation and long-term peacebuilding.

A general *implication for researchers* relates to the need for further comparative studies between different cases, in order to quantify the analysis and, if possible, reach conditional generalizations concerning mediation and peacebuilding. Researchers should also be more sensitive to the idea of academia acting more as a support for the mediator, rather than as a teacher. How real time inputs and non-physical networks could enable a high level of feed-back and enhance the quality and usefulness of research, also merits further attention and elaboration.

Practitioners and policy-makers could discuss further the proposition of constructing mechanisms for real time academic input into peace processes. Would this be realizable and if so, how? Again, the role

of practitioners providing information to academics in the form of feedback was discussed as imperative. Furthermore, knowledge about instruments such as PAM appears to be welcome. Developing networks and expanding accessible conflict resolution data (notably UCDP's information on conflicts and peace agreements) is indeed a way to go in bridging the gap between practitioners and researchers.

CONFERENCE SCHEDULE

Monday June 14, 2010

12.30 - 13.30	Registration and Lunch at Norrlands Nation, Västra Ågatan 14A
13.30 - 14.00	<i>Introduction: New Challenges to Mediation</i> Former Foreign Minister, Visiting Professor Jan Eliasson, Professor Peter Wallensteen, Department of Peace and Conflict Research, Uppsala University (DPCR) and Ambassador Ragnar Ångeby, Folke Bernadotte Academy
14.00 - 15.30	<i>Mediation Research: General Trends and Significant Findings</i> Chair: Professor Peter Wallensteen Interventions by: Associate Professor Isak Svensson, Otago University, Professor Karl DeRouen, University of Alabama and Professor Scott Gartner, University of California-Davis Rapporteur: Nina von Uexküll, DPCR
15.30 - 16.00	Nutritional break
16.00 - 17.30	<i>Mediation Styles</i> Chair: Professor Thomas Ohlson, DPCR Interventions by: President Richard Solomon, USIP, Dr. Björn Holmberg, Swedepiece and Assistant Professor Molly Melin, Loyola University. Rapporteur: Sara Lindberg, DPCR
18.30	Conference Dinner at Kalmar Nation, Svartmangatan 3

CONFERENCE SCHEDULE

Tuesday June 15, 2010

9.00 - 10.30	<p><i>Mediation Mandates: Increasing in Significance?</i> Chair: Professor Peter Wallensteen, DPCR Interventions by: Ambassador Hans Corell, Ambassador Álvaro de Soto, and Associate Professor Karin Aggestam, Lund University Rapporteur: Marie Allansson, DPCR</p>
10.30 - 11.00	Nutritional break
11.00 - 12.30	<p><i>Mediation Resources: Recent Developments</i> Chair: Vice President Pamela Aall, USIP Interventions by: Kelvin Ong, Head of UN Mediation Support Unit and Ambassador Mathias Mossberg, Lund University Rapporteur: Maria Greek, DPCR</p>
12.30 - 13.30	Lunch at Norrlands Nation
13.30 - 15.00	<p><i>Mediation Coordination</i> Chair: Professor Scott Appelby, Kroc Institute, University of Notre Dame Interventions by: Assistant Professor Bernd Beber, New York University and Professor Raimo Väyrynen, University of Helsinki Rapporteur: Christian Altpeter, DPCR</p>
15.00 - 15.30	Nutritional break
15.30 - 17.00	<p><i>Mediation and External Shocks</i> Chair: Professor Cecilia Albin, DPCR Interventions: Professor Stephen J. Stedman, Stanford University and Associate Professor Kristine Höglund, DPCR Rapporteur: Ralph Sundberg, DPCR</p>
18.30	Conference dinner at Göteborgs Nation, S:t Larsgatan 7

CONFERENCE SCHEDULE

Wednesday June 16, 2010

9.00 - 10.30	<p><i>Mediation Outcomes: Developing Criteria</i> Chair: Associate Professor Isak Svensson Interventions by: Professor Sami Al-Khazandar, Hashemite University Amman, Associate Professor Kjell-Åke Nordquist, Stockholm School of Theology and Secretary-General Dan Smith, International Alert Rapporteur: Therése Pettersson, DPCR</p>
10.30 - 11.00	<p><i>Nutritional break</i></p>
11.00 - 12.00	<p><i>Mediation and Peacebuilding: A New Agenda?</i> Chair: Associate Professor Anna Jarstad, Department of Government, Uppsala Interventions by: Associate Professor Erik Melander, DPCR and Professor John Darby, Kroc Institute, University of Notre Dame Rapporteur: Samuel Taub, DPCR</p>
12.00 - 13.30	<p><i>Concluding Session</i> Professor Peter Wallensteen and Former Foreign Minister, Visiting Professor Jan Eliasson</p>
12.30 - 13.30	<p>Lunch at Norrlands Nation</p>

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