
INTERNATIONAL MEDIATION AND POWER POLITICS: A CRITICAL ANALYSIS UNDER ARTICLE 33 OF THE UN CHARTER

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ABSTRACT

This article critically examines the role and effectiveness of mediation in resolving international disputes under Article 33 of the United Nations Charter. While mediation is widely recognised as a key mechanism for the peaceful settlement of disputes, this study evaluates its practical limitations through both doctrinal analysis and contemporary geopolitical developments.

The article explores the theoretical foundations of mediation, including the role of neutral and biased mediators, the use of non-coercive enforcement mechanisms, and the importance of timing and strategy in achieving durable outcomes. It further analyses historical case studies, such as the Kashmir dispute, the Rann of Kutch arbitration, and the Minsk Agreements, to demonstrate the varying success of mediation across different contexts.

Building on this framework, the article situates mediation within the contemporary Iran–Israel–US tensions, highlighting how power politics, military build-ups, and strategic interests increasingly shape mediation processes. It argues that while mediation retains normative significance under international law, its effectiveness is often undermined by the lack of genuine political will and the growing prevalence of biased or interest-driven mediators.

The article concludes that mediation remains a vital but limited tool in international dispute resolution. Its success depends not only on appropriate design and timely intervention but also on the broader geopolitical environment in which it operates, raising important questions about the future of peaceful dispute settlement in an increasingly fragmented global order.

This article will analyse the significance of mediation in dealing with international disputes as recognised by Article 33 of the United Nations Charter.¹ Article 33 encourages the parties in conflict to resolve the dispute through various ADR and Adjudicatory processes, among which mediation is a critical process.

In the contemporary geopolitical context, particularly amid escalating tensions between Iran, Israel, and the United States, the relevance of mediation as envisaged under Article 33 has gained renewed importance, while simultaneously exposing its limitations in power-driven conflicts.

Historically, the United Nations Charter was signed on 26 June 1945 with multiple purposes, among which one of the evident purposes was for “the peaceful resolution of conflicts between the members of UNC.”² Further, for fulfilling that purpose, Article 2(3)³ encourages the members to settle their disputes through various peaceful means as specified under Article 33⁴. However, this article will focus solely on mediation’s impact and effectiveness in resolving disputes that endanger international peace and security.

Mediation is usually seen as a confidential dispute-resolving mechanism involving an impartial mediator, an alternative to adjudication processes, who helps negotiate an agreement between the parties.⁵ However, this traditional understanding of mediation as neutral and impartial is increasingly being challenged in contemporary conflicts, where mediators often possess strategic interests in the outcome. This is evident in the potential role of Vladimir Putin in mediating the Iran–Israel tensions, despite Russia’s simultaneous involvement in the Ukraine conflict, thereby raising questions regarding the legitimacy and neutrality of such mediation efforts.

Though mediation can and does work if deployed in a structured manner, and ‘has been seen as a comprehensive conflict prevention strategy.’⁶ Further, mediation is “by far the most common form of peaceful third-party intervention in international conflicts.”⁷ It has been used

¹ U.N. Charter (adopted on 26th June 1945, entered into force 24th October 1945), Art. 33.

² Id.

³ U.N. Charter Ch. VI, art. 33.

⁴ Id.

⁵ J.G. Merrills, *International Dispute Settlement* 26–29 (Cambridge University Press, 6th ed. 2018); Marvin C. Ott, *Mediation as a Method of Conflict Resolution: Two Cases*, 26 *Int’l Org.* 595, 595–99 (2009).

⁶ Mary Robinson, *The Role of Mediation in Conflict Prevention* (June 12, 2019 at UN Security Council), *The Role of mediation in conflict prevention - GOV.UK* (www.gov.uk).

⁷ Jacob Bercovitch & Scott Gartner, *International Conflict Mediation: New Approaches and Findings*, 5 (N.Y.

as a dispute-resolution technique in almost 20% of all actions after WWII⁸ and is seen as an effective mechanism to neutralise military conflicts.⁹ It rose from being involved in just 25% of disputes before 1989 to 35% after, and between 1989 and 2013.¹⁰

However, ‘the mediation outcome varies significantly, depending on the type of mediation engaged.’¹¹ Some studies also show that engaging a small government¹² or international organisation reduces the likelihood of a settlement compared to having a non-democracy as a mediator.¹³ Therefore, “to better understand mediation, it is crucial to study the mediator, disputing parties and their relationship”.¹⁴

Moreover, mediators use various tactics to resolve conflicts between parties at the international level. For example, mediators can act as a communication channel for information exchange when parties cannot engage in face-to-face negotiations.¹⁵ Here, the mediators align with the concept of “Good Offices”¹⁶ and provide passive support to the parties by facilitating communication, one of the critical purposes of mediation.¹⁷ Therefore, it is tough to distinguish good offices here from mediation.¹⁸ This concept has been used in various conflicts, including the Israeli-Jordanian negotiations, where mediator-led negotiations (the United States of America & Russia) resulted in a treaty¹⁹ between Israel and Jordan. Further, the Indus Waters Treaty²⁰, where the World Bank helped facilitate a communication dialogue or ‘in 1979-81, when Algeria helped disarm the Iranian hostage crisis’²¹, is where this concept has been

Routledge 2009).

⁸ Derrick V. Frazier & William J. Dixon, *Third-Party Intermediaries and Negotiated Settlements, 1946–2000*, 32 Int’l Interactions 385 (2006).

⁹ Jeffrey Dixon, *Emerging Consensus: Results from the Second Wave of Statistical Studies on Civil War Termination*, 11(2) Civil Wars 124 (2009).

¹⁰ Govinda Clayton & Han Dorussen, *The Effectiveness of Mediation and Peacekeeping for Ending Conflict*, 59(2) J. Peace Res. 150–165 (2022).

¹¹ Marie Olson & Frederic Pearson, *Civil War Characteristics, Mediators, and Resolution*, 19(4) Conflict Resol. Q. 421–45 (2002).

¹² Id. at 443.

¹³ Isak Svensson, *Democracies, Disengagement and Deals: Exploring the Effect of Different Types of Mediators in Internal Armed Conflicts*, in *Resources, Governance and Civil Conflict* 238 (N.Y. Routledge 2008).

¹⁴ Jacob Bercovitch, *International Mediation*, 28(1) J. Peace Res. 3–6 (1991).

¹⁵ J.G. Merrills, *International Dispute Settlement* 26–29 (6th ed., Cambridge Univ. Press 2018); Marvin C. Ott, *Mediation as a Method of Conflict Resolution: Two Cases*, 26(4) Int’l Org. 598 (2009).

¹⁶ UN Watercourses Convention (adopted in 1997 and came into force in 2014), Article 33.1.5.

¹⁷ Christopher W. Moore, *The Mediation Process: Practical Strategies for Resolving Conflicts* 8 (4th ed., Wiley 2014).

¹⁸ J.G. Merrills, *supra* note 15; Marvin C. Ott, *Mediation as a Method of Conflict Resolution: Two Cases*, 26(4) Int’l Org. 26 (2009).

¹⁹ Treaty of Peace between the State of Israel and the Hashemite Kingdom of Jordan 1994

²⁰ Indus Waters Treaty 1960

²¹ Kjell Skjelsbaek, *The UN Secretary-General and the Mediation of International Disputes*, 28(1) J. Peace Res. 94 (1996).

deployed.

Secondly, the concept of unbiased mediators is essential and outperforms the less popular notion of biased mediation.²² This concept effectively resolves disputes by seeking an outcome within the bargaining space that satisfies all parties.²³ On the other hand, in biased mediation, the mediator is more inclined towards one of the parties and focuses only on the settlements that will be favourable to that party.

Contemporary mediation increasingly reflects the realities of biased mediation, where mediators are selected not for neutrality but for their influence over the parties. Russia's engagement with both Iran and Israel, coupled with its strategic ties to each, positions it as a powerful yet inherently biased mediator in the ongoing crisis.²⁴

However, being unpopular necessarily does not make biased mediation ineffective. An example of effective biased mediation is the dispute between India & Pakistan (1966) over Kashmir, which led to the Tashkent Declaration, where the Soviet Union acted as a mediator and was believed to favour India.²⁵ Another example could be the 1954 conflict resolution between Italy and Yugoslavia over Trieste, where a common belief was that the British and Americans acting as mediators were biased toward Italy.²⁶

Thirdly, another critical measure can be enforcing an agreement by the mediator through non-coercive actions, where a third-party security guarantee increases the probability of a lasting peace agreement.²⁷ However, there are two opinions, among which one supports the view that this guarantee, as part of a peacekeeping mission, creates an environment for mediation that increases the likelihood of settlement.²⁸ However, these attempts are believed to decrease the

²² Robert Rauchhaus, *Asymmetric Information, Mediation, and Conflict Management*, 58(2) World Pol. 211 (2006).

²³ Andrew Kydd, *When Can Mediators Build Trust?*, 100(3) Am. Pol. Sci. Rev. 452–54 (2006).

²⁴ *Putin Eyes Israel-Iran Crisis to Reclaim Global Spotlight, Offers to Mediate Despite Ukraine War*, The Economic Times (June 19, 2025).

²⁵ William Zartman & Saadia Touval, *International Mediation in a Fragile World*, in *Leashing the Dogs of War: Conflict Management in a Divided World* 443 (Chester A. Crocker, Fen Osler Hampson & Pamela Aall eds., U.S. Inst. of Peace Press 2007).

²⁶ Vivienne Jabri, *Mediating Conflict: Decision Making and Western Intervention in Namibia 2* (Manchester Univ. Press 1990).

²⁷ Barbara F. Walter, *Committing to Peace: The Successful Settlement of Civil Wars 19–44* (Princeton Univ. Press 2002).

²⁸ Michael Greig & Paul F. Diehl, *The Peacekeeping-Peacemaking Dilemma*, 49(4) Int'l Stud. Q. 621, 622, 643 (2005).

parties' incentive to mediate, as they might feel less pressured.²⁹

Nevertheless, it is crucial to note that mediation does not always work; for example, in the Transnistria (Moldova) and Donbas conflicts, specifically the Russian invasion of Donbas, a region of Ukraine.³⁰ Further, through the contrast of studies³¹ on these two conflicts, they tend to reflect the limitations of mediation and demonstrate the failure of biased mediators to achieve a durable peace without sufficient leverage on the parties.³² This limitation was reflected clearly in Russia's 2022 invasion of Ukraine by terminating the Minsk Agreement of 2014-15. Here the unsuccessful attempt at mediation was carried out by Turkey, but being a NATO member, Turkey was seen as unlikely to be impartial because NATO supplied arms to the defence forces of Ukraine.³³

In the context of the contemporary Iran–Israel–US tensions, these limitations are further reinforced. The simultaneous military build-up by the United States and its allies demonstrates that coercive leverage continues to operate alongside diplomatic initiatives, thereby complicating the effectiveness of non-coercive mediation strategies and raising broader concerns about the viability of mediation in power-driven conflicts.³⁴

In addition, unlike a one-time mediation, some agreements affecting the parties' future conduct require someone to oversee whether the agreed terms (Treaty)³⁵ are being complied with to maintain the peace, as in the Iran-Iraq dispute. Here 'Algeria not only supervised the initial negotiations but also involved itself in forming and deliberating the agreed-upon commissions.'³⁶ However, despite the efforts, 'Iraq commenced the war with Iran in 1980³⁷, which lasted 8 years, and the parties had to mediate once more.'³⁸

²⁹ Id.

³⁰ Ion Marandici, Structural Bias, *Polarised Mediation and Conflict Resolution Failure: A Comparative Examination of the Disputes in Transnistria and Donbas*, 23(1) *Se. Eur. & Black Sea Stud.* 89–113 (2022).

³¹ Bernd Beber, *International Mediation, Selection Effects, and the Question of Bias*, 29(4) *Conflict Mgmt. & Peace Sci.* 397–423 (2012)

³² *Supra* note 30.

³³ Tim Muriithi, *The Failure of the United Nations Security Council in Creating the Framework Conditions for Mediation in the Russia–Ukraine Crisis*, 44(1) *Strategic Rev. S. Afr.* 69–71 (2022).

³⁴ Phil Stewart & Idrees Ali, *U.S. Sends Dozens of Tanker Planes, Boosts Military Presence Amid Middle East Tensions*, Reuters (2025); Patrick Wintour, *US and UK Increase Military Readiness as Israel-Iran Conflict Escalates*, The Guardian (2025).

³⁵ Algiers Agreement 1975

³⁶ J.G. Merrills, *International Dispute Settlement* 41 (6th ed., Cambridge Univ. Press 2018).

³⁷ Kjell Skjelsbaek, *The UN Secretary-General and the Mediation of International Disputes*, 28(1) *J. Peace Res.* 109 (1996).

³⁸ Id.

Also, the Gulf War conflict reflected the limitation of mediation in presenting solutions, especially when one party was not ready to compromise.³⁹ However, it is believed “a skilled mediator may provide a solution even if the involved parties have entrenched views”⁴⁰, Nevertheless, as observed above, this view has not been accurate for every circumstance.

Further, another limitation of mediation is the inability to tackle the root cause of the problems preventing long-term peace, as seen by the arguments of ‘J.G. Merrills in disputes involving Kashmir and Rann of Kutch.’⁴¹ These arguments briefly contrasted both cases and explained that the mediation led to a temporary ceasefire in the former (Kashmir dispute) while neglecting the root cause and a more concrete solution in the latter (Rann of Kutch) in the form of a binding arbitration agreement.⁴²

In addition, it is also crucial to note that ‘waiting to apply the mediation till the crisis erupts only makes the dispute unlikely to be resolved.’⁴³ In the context of the Iran–Israel conflict, these limitations are particularly evident, as the dispute is rooted in longstanding geopolitical rivalries, security dilemmas, and regional power struggles that cannot be resolved solely through short-term diplomatic engagement.⁴⁴ Therefore, a mediator is responsible for carefully considering the required techniques depending on a particular situation, which can influence the outcome of a dispute.⁴⁵

Lastly, as observed above, Russia’s recent invasion of Ukraine has made a “mockery of the long-established norms and practices of international mediation.”⁴⁶ Despite several mediation talks by Turkey (a member of NATO), there was no resolution⁴⁷ showing the need for ‘necessary framework conditions to be created by the Security Council with other UN members to enable successful mediation outcomes.’ Further, a suggestion has been presented for collecting funds through international taxation for conducting third-party interventions

³⁹ Eileen Babbitt, *Gulf War Mediation Efforts: Too Little, Too Late*, 8(1) Negotiation J. 37–39 (1992).

⁴⁰ Susan Blake, Julie Browne & Stuart Sime, *A Practical Approach to Alternative Dispute Resolution* 32 (5th ed., Oxford Univ. Press).

⁴¹ *Supra* note 36 at 40.

⁴² *Id.*

⁴³ *Supra* note 39 at 39.

⁴⁴ Banafsheh Keynoush, *The Perils of Nuclear Talks After the US–Israel War on Iran*, 32(3) Middle East Pol’y 36–50 (2025).

⁴⁵ Allard Duursma, *A Current Literature Review of International Mediation*, 25(1) Int’l J. Conflict Mgmt. 81–98 (2014).

⁴⁶ Tim Murithi, *The Failure of the United Nations Security Council in Creating the Framework Conditions for Mediation in the Russia–Ukraine Crisis*, 44(1) Strategic Rev. S. Afr. 69 (2022).

⁴⁷ *Id.*

globally when required.⁴⁸

However, at the same time, Russia's attempt to position itself as a mediator in the Middle East highlights a fundamental paradox in contemporary international relations: actors engaged in one conflict may simultaneously seek legitimacy through peacemaking in another. This dual role raises serious concerns regarding the credibility, neutrality, and overall effectiveness of mediation in an increasingly fragmented and power-driven global order.

In conclusion, several studies, as mentioned above, depict the positive impacts of mediation and how it can provide a peace agreement, mainly through non-coercive measures. Conversely, there are contradicting studies showing that mediation is only successful in the short-term resolution of peace, and the techniques used by mediators do not always work, as mentioned above.

Accordingly, it can be concluded that mediation, if deployed correctly and promptly⁴⁹, effectively resolves conflicts without endangering the peace and security of the involved nations. Nevertheless, the contemporary Iran–Israel–US tensions underscore a critical limitation: while mediation continues to hold normative importance under international law, its practical effectiveness is increasingly shaped by the political will of powerful states and the broader strategic environment in which it operates.⁵⁰

⁴⁸ Id. at 85–86.

⁴⁹ Eileen Babbitt, *Gulf War Mediation Efforts: Too Little, Too Late*, 8(1) Negotiation J. 39 (1992).

⁵⁰ Anonymous 2025, Jun 17. US appreciates Russia's possible mediation in the Iran-Israel war despite European rejection. *CE Noticias Financieras*.