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Part I

Theoretical Perspectives
1
Introduction: Putting Mediation in Context
Jacob Bercovitch

Introduction

In May, 1899 delegates from 26 countries met in The Hague, in the Netherlands, to hold what became known later as the First Hague Peace Conference. The meeting was convened by Tsar Nicholas II of Russia, and had two main objectives: (1) to stop the spread of armaments in Europe, and (2) to produce some ideas for the progress settlement of disputes. While little progress was made on the disarmament issues, the Conference did produce a series of declarations about the need to settle conflicts without resorting to arms (those declarations actually resulted in the establishment of the Permanent Court of Arbitration – the prototype of today's International Court of Justice). Foremost among these declarations was the need to use judicial methods, arbitration or mediation in the settlement of international disputes. Thus, for the first time, the norm of international mediation was given its most explicit formal espousal.

Exactly one hundred years later, in May 1999, another major peace conference was held in The Hague. This time the agenda was wider; the Conference discussed such matters as assessing and removing the root causes of war, conflict prevention and peace-building, but its overall theme was 'The Peaceful Settlement of Disputes: Prospects for the 21st Century'. Among methods of peaceful settlement, mediation figured most prominently.

In a world as interconnected and interdependent as ours is, the challenge of dealing with conflicts peacefully, and learning to interact effectively with other human beings, is truly one of the most important challenges we face today. However far-fetched the claim may seem to some, there can be no doubt that mediation can resolve conflicts, reduce hostilities, and generally allow people, organizations, and nations to confront their differences peacefully, and at times even constructively.

It is from that vantage point that we believe that a better and more systematic understanding of mediation, and a heightened awareness of just
how best to apply it to human conflicts, can make a major contribution to scholarship, and hopefully, the wider community as well.

The chapters in this book, all commissioned from leading practitioners or scholars, reflect this belief, and purport to offer the most up-to-date statement on the nature, features, performance and effectiveness of mediation in international relations.

The nature of mediation

Mediation has been, and remains, one of the most significant methods of managing conflicts. Provisions for some form of third party mediation were recently discovered in the Amarna letters (those refer to the reign of King Amenhotep IV around 3,500 years ago, see Cohen and Westbrook, 2000). References to acts of mediation abound in the Bible (ca. 2000 B.C.). They are found in Homer’s *Iliad* (ca. 750 B.C.) and Sophocles’ *Ajax* (ca. 500 B.C.). We learn too that mediation was the principal way of resolving interpersonal disputes in ancient China (Brown, 1982). It was frequently used in the many disputes between the Greek city-states (Adcock and Mosley, 1975), and it became quite indistinguishable from the evolving pattern of Renaissance diplomacy and the codification of ambassadorial functions. Few other devices of dispute settlement receive so eloquent a testimony as that given to mediation in Shakespeare’s *Romeo and Juliet*. The failure of Mercutio’s ill-advised mediation changes the mood and character of the play.

In the present international environment, a heterogeneous, competitive environment characterized by a fairly loose (some might say anarchic) structure, absence of generally accepted rules and norms, or a centralized authority, the unstoppable proliferation of all sorts of non-state actors, serious security concerns, and increasing ethnic cleavages, the opportunities for conflict are multiplied manifold. So, alas, has the need for effective conflict management. Mediation seems, on the face of it, to offer a good practical method of managing conflicts and helping to establish some sort of regional or international order. It can do so because its very essence is guaranteed to guard the independence, sovereignty and freedom of choice which all actors in conflict so jealously value.

For a long time the study of mediation has been characterized by a startling lack of information. Practitioners of mediation, in all its guises, were keen to sustain its perception as a mysterious practice taking place behind closed doors, and scholars of mediation did not think it was susceptible to a systematic analysis. Neither believed that patterns of behavior could be discerned, or that any generalizations about mediation should be made. It was as if all conflicts were essentially two-sided only. The third party was introduced merely as an afterthought, and as an unrelated exogenous input.

My approach to mediation is quite different. It is largely influenced by the parameters set by such scholars as Carl Stevens and Tom Schelling.
Stevens states that ‘mediation, like other social phenomena, is susceptible to systematic analysis. The key to analysis is in recognising that where mediation is employed it is an integral part of the bargaining process... an analysis of mediation is not possible except in the context of general analysis of bargaining negotiations’ (Stevens, 1963: 123). In a similar vein, Schelling notes that a mediator ‘is probably best viewed as an element in the communication arrangements, or as a third party with a payoff structure of his own’ (Schelling, 1960: 44).

These are important points and are worth emphasizing. Mediation can and should be studied systematically. It can, and should be placed within a broader context or structure, where questions concerning its performance and effectiveness can be raised, and studied systematically. Here we want to raise questions such as who is, or should be, the third party? How should a mediator behave, and what resources does it possess? Why do some mediator parties fail, while others succeed? Which set of factors may explain success or failure? And how, finally, has the third party’s role been expanded to encompass different conflicts and different mandates?

Let us begin by listing the characteristics of mediation. The following may be listed as the most significant irrespective of the context:

1. Mediation is an extension and continuation of the parties’ own conflict management efforts.
2. Mediation involves the intervention of an individual, group or organization into a dispute between two or more actors.
3. Mediation is a non-coercive, non-violent and ultimately non-binding form of intervention.
4. Mediation turns a dyadic relationship into a triadic interaction of some kind. By increasing the number of actors from two to three, mediation effects considerable structural changes and creates new focal points for an agreement.
5. A mediator enters a dispute in order to affect, change, resolve, modify or influence it in some way.
6. Mediators bring with them, consciously or otherwise, ideas, knowledge, resources and interests of their own, or of the group they represent. Mediators are often important actors with their own assumptions and agendas about the dispute in question. Mediators can often be both interested and concerned parties.
7. Mediation is a voluntary form of intervention. This means the parties retain their control over the outcome (if not always the process) of their dispute, as well as their freedom to accept or reject mediation or mediator’s proposals.
8. Mediation operates on an ad hoc basis only.

Posing questions about mediation is a meaningful exercise only when we reach a consensus on how best to define it, and can emphasize its specific
features. Most definitions of mediation purport to (a) capture the gist of what mediators do, or hope to achieve, (b) distinguish between mediation and other related processes of third party intervention, and (c) describe mediators’ stance. It is worth considering a few definitions and evaluating their implications.

The first set of definitions focuses on what mediators hope to achieve. Oran Young defines it as ‘any action taken by an actor that it not a direct party to the crisis, that is designed to reduce or remove one or more of the problems of the bargaining relationship, and therefore to facilitate the termination of the crisis itself’ (Young, 1967: 34). In much the same vein Chris Mitchell defines mediation as any intermediary activity ‘... undertaken by a third party with the primary intention of achieving some compromise settlement of the issues at stake between the parties, or at least ending disruptive conflict behavior’ (Mitchell, 1981: 287). And in a somewhat more detailed fashion we have Blake and Mouton’s definition of mediation as a process involving ‘the intervention of a third party who first investigates and defines the problem and then usually approaches each group separately with recommendations designed to provide a mutually acceptable solution’ (Blake and Mouton, 1985: 15).

Another set of definitions purports to capture differences between mediation and related forms of peaceful conflict management. Moore defines it as ‘an extension and elaboration of the negotiation process. Mediation involves the intervention of an acceptable, impartial, and neutral third party who has no authoritative decision making power to assist contending parties in voluntarily reaching their own mutually acceptable settlement’ (Moore, 1986: 6). Linda Singer defines it as a ‘form of third party assistance (that) involves an outsider to the dispute, who lacks the power to make decisions for the parties’ (Singer, 1990: 20). Folberg and Taylor define it ‘as an alternative to violence, self-help or litigation that differs from the processes of counselling, negotiation and arbitration’ (Folberg and Taylor, 1984: 7).

A great number of definitions emphasize neutrality and impartiality, as opposed to bias, as the distinguishing features of mediation. Bingham defines mediation as the ‘assistance of a “neutral” third party to a negotiation’ (Bingham, 1985: 5). Folberg and Taylor see mediation ‘as the process by which the participants, together with the assistance of a neutral person or persons, systematically isolate disputed issues in order to develop options, consider alternatives, and reach a consensual settlement that will accommodate their needs’ (Folberg and Taylor, 1984: 7). Moore draws attention to the process of mediation and the neutrality of a mediator by defining it as ‘the intervention into a dispute or negotiation by an acceptable, impartial and neutral third party who has no authoritative decision-making power to assist disputing parties in voluntarily reaching their own mutually acceptable settlement of issues in dispute’ (Moore, 1986: 14).
And Spencer and Yang see mediation as ‘the assistance of a third party not involved in the dispute, who may be of a unique status that gives him or her certain authority with the disputants; or perhaps an outsider who may be regarded by them as suitably neutral go-between’ (Spencer and Yang, 1993: 1495).

These definitions, and they are but a small sample, exemplify the enormous scope of mediation. Mediation may take place between states in conflict, within states, between groups of states, between organizations, and between individuals. Mediators enter a conflict to help those involved achieve a better outcome than they would otherwise. Once in a conflict, mediators may use a wide variety of behaviors to achieve their objective. Some mediators may make suggestions for a settlement, others consciously refrain from doing so. Some mediators are interested in achieving an acceptable outcome, others may wish to improve interactions between the parties. Some mediators may possess skills to defuse tensions, others may have the resources to ‘nudge’ the parties one way or another.

To quibble over definitions may seem as a futile exercise in semantic sophistry. It is decidedly not so. The myriad of possible mediators and the range of mediatory roles and strategies is so wide as to defeat many attempts to understand, as we seek to do here, the ‘essence’ of mediation. A corollary of this is the tendency to assume that mediators adopt one role (e.g. go-between) or one strategy (e.g. offer proposals) only. This is not a very helpful conception. Assigning a singular role or an exclusive strategy to a mediation effort is neglectful of the dynamics of the process. It is also detrimental to the search for common or divergent dimensions of mediation in international and other social contexts, and the effort to draw general lessons from these experiences.

The reality of mediation is that of a complex, changing and dynamic interaction between mediators, who have some resources and an interest in the conflict or its outcome, and parties in conflict or their representatives. As with any other social interaction, mediators may change, their role may be re-defined, issues may alter, indeed even the parties involved in a conflict may, and often do, change. A comprehensive definition seems to be a primary requisite for understanding this reality. The following broad definition provides suitable criteria for inclusion (and exclusion), and may serve as a basis for identifying differences and similarities. ‘Mediation is here defined as a process of conflict management, related to but distinct from the parties’ own negotiations, where those in conflict seek the assistance, or accept an offer of help, from an outsider (who may be an individual, an organization, a group, or a state), to change their perceptions of behavior, and to do so without resorting to physical force or invoking the authority of the law’ (Bercovitch, 1997).

This may seem like a truly broad definition, but it is also one that can be widely applicable. It forces us to recognize, as surely we must, that any
mediation situation comprises (a) parties in conflict, (b) a mediator, (c) a process of mediation, and (d) the context within which mediation occurs. All these elements are important in a mediation. Their interplay determines the nature, quality and effectiveness of any act of mediation in international relations. To understand how mediation functions, why it may succeed or fail, we need to identify and understand these dimensions.

Motives for mediation

Once we have presented our definition of mediation, a number of key questions may now be addressed. Four questions in particular appear pertinent. These are:

1. Why do parties in conflict, and a mediator for that matter, decide to enter into mediation?
2. Who may mediate in international conflicts?
3. How do mediators behave in the course of mediation, and
4. What are the general conditions that make it successful?

Let us review these questions.

Mediation is almost as common as conflict itself in international relations. It is carried out, on a daily basis, by such heterogeneous actors as private individuals, government officials, religious figures, regional or international organizations, ad hoc groupings, or small, medium and large states. In a way all these acts of mediation help to define the evolving culture of a global civil society. Each mediator may adopt behavior that ranges from the very passive, through the facilitative, to the highly active. But what is the rationale for mediation? Why would a mediator enter a conflict, and why would parties in conflict accept outside intervention in their affairs?

Generally speaking, mediation is an appropriate method for dealing with an international conflict when:

1. a conflict is long, complex, or intractable,
2. the parties’ own efforts have reached an impasse,
3. neither party is prepared to countenance further costs or loss of life, and
4. both parties are prepared to cooperate, tacitly or openly, to end a cycle of conflict.

When these conditions are present, the presence of a mediator may, prima facie, be conducive to a peaceful outcome. But why would a mediator wish to intervene in other people’s conflicts, and why, come to that, would those parties in conflict accept an outsider or a third party meddling in their affairs?

In some international conflicts, mediation, or more accurately, peaceful, constructive intervention is carried out by an individual without a direct interest in the conflict, or the issues in dispute. The motives for initiating
individual mediation may include: (a) a genuine desire to change the course of a long-standing or escalating conflict and promote peace, (b) a desire to gain access to major political leaders and open channels of communication, (c) a desire to put into practice a set of ideas on conflict management, and (d) a desire to spread one’s ideas and enhance personal standing and professional status. The presence of one or more of these motives (and they may be conscious or unconscious) with an opportune situation provide a very strong rationale for initiating informal mediation by individuals.

Where mediators represent an official government, a regional or an international organization, a different set of motives may prevail. Here the motives for initiating mediation may include: (a) a clear mandate to intervene in disputes (many regional organizations are constitutionally mandated to mediate disputes in their region), (b) a desire to do something about a conflict whose continuance may adversely affect their own political interests, (c) being approached directly by one or both parties and asked to mediate, (d) the wish to preserve intact a structure of which they are a part (e.g. the frequent mediation attempts by the United States between Greece and Turkey, two valued NATO member-states), or finally, (e) viewing mediation as a way of extending and enhancing their own influence and gaining some value from the conflict. The relationship between mediator and disputants is thus, never entirely devoid of political interest. To overlook this feature is to miss an important element in the dynamics of mediation.

What then of parties in conflict? Why would they accept external intervention and cooperate with it? At the most basic level we can argue that parties having trouble with their conflict, or their efforts to settle it, will be all too pleased to accept outside help, especially if it is non-binding. Other reasons why parties may accept mediation include: (a) a belief that mediation will help reduce the risks of escalation, (b) each party may embrace mediation in the expectation that the mediator would actually nudge, influence or ‘deliver’ the other, (c) both parties may see mediation as a public expression of their commitment to an international norm of peaceful conflict management, (d) the parties may want an outsider to take much of the blame should their efforts fail, (e) the parties may desire mediation because a mediator can be used to monitor, verify and guarantee any eventual agreement, and (f) the parties’ belief that the integrative potential inherent in their conflict may be advanced by a mediator.

Whether we study ethnic, internal, international conflict, or organizational conflict, we should appreciate that, one way or another, both parties in conflict and a given mediator have pretty compelling reasons for initiating, accepting and engaging in mediation. We should not think of mediation as motivated solely and exclusively by an overriding sense of altruism, and a genuine mutual commitment to conflict resolution. These
may certainly be present, but the motives, and rationale, for mediation are much more complex than merely altruism and a commitment to peace.

**Who may mediate?**

Given the inevitability and omnipresence of conflict, a limited range of widely accepted procedures for dealing with it, and the unwelcome reality of the scope of its potential destructiveness, it is hardly surprising that so many actors, each adopting different strategies and using different resources, are keen to mediate and undertake low-cost conflict management activities. In an environment lacking a centralized authority, the range of mediators, and the diversity of mediation, are truly immense. To make some sense of the bewildering range of possible mediators, I suggest that we think of them as falling within one of the following three categories: (a) individuals, (b) states, and (c) institutions and organizations. Let us examine the characteristics of each.

**Individuals**

The traditional image of international mediation, one nurtured by the media and popular accounts, is that of a single, usually high-ranking, individual, shuttling from one place to another, trying to search for understanding, restore communication between hostile parties, or help settle their conflict. This image is only partly accurate. The individual mediator who engages in such behavior is normally an official representing his/her government in a series of formal interactions with high-level officials from the disputing countries. This cannot accurately be described as individual mediation.

By individual mediation I mean mediation that is carried on by individuals who are not government officials or political incumbents. Although individual mediation exhibits greater variety and experimentation than other forms of mediation, it is essentially of two kinds only: formal or informal. Informal mediation refers to (a) the efforts of mediators who have a long-standing experience of, and a deep commitment to, international conflict resolution (e.g. the Quakers, see Yarrow, 1978), or to (b) the efforts of knowledgeable scholars whose background, attitudes and professional experience give them the opportunity to engage in mediation with real conflict parties (e.g. the efforts of scholars such as Burton, Doob and Kelman). Such individuals approach a conflict as private citizens only, not as official representatives. Their efforts are designed to utilize competence, credibility and experience to create situations and occasions in which communication may be facilitated, a better understanding of a conflict may be gained, and conflict resolution attempted.

Informal mediation is usually activated when a mediator enters a conflict on its own initiative. The format and arrangements of such mediation are,
to say the least, novel. Those present come there in their personal capacity only, not as government appointees. The mediator relies mostly on communication strategies and social facilitation, and the whole tone of the interaction is free and flexible, and can serve as a useful input to the more formal channels of policy-making. The efforts of two Israeli academics, Pundak and Hirschfeld, and the late Johan Holst of Norway, in paving the way for more formal discussions between the Government of Israel and the Palestine Liberation Organization (PLO), exemplify the potential benefits of informal mediation.

Another example of informal mediation is the assistance given to parties in conflict by bodies such as the International Negotiation Network (INN) at the Carter Center. This initiative was set up by President Carter, with other international leaders, in 1976 to fill a major mediation gap. The vast majority of serious recent conflicts have been within nations, rather than between them. As most states and international organizations are prevented from intervening in the internal affairs of another sovereign state, a clear need was felt for an informal network of prestigious individuals (including former Presidents, Secretary-General of the UN etc.) to offer additional mediation resources to the disputants. The INN’s informal mediation can range from offering facilities to clarifying issues and helping to ‘save face’. The INN has been actively involved in various mediation and consultation efforts in Ethiopia, Cyprus, Zaire, Burma, Cambodia and the Sudan. The INN has shown just how much can be achieved through informal mediation by individuals.

Formal mediation, on the other hand, takes place when a political incumbent, a government representative or a high-level decision-maker, acts in an individual capacity to mediate a conflict between the official representatives of other states (e.g. Denis Ross and General Zinni in the Middle East, Richard Holbrooke in Bosnia). It invariably occurs within a formal structure (e.g. conference, political forum or other official arenas), and is much less flexible than informal mediation. It is also less susceptible to the impact of personality characteristics. Its loss of flexibility, however, is more than matched by its immediacy of access to influential decision-makers. Formal mediation is often quite indistinguishable from diplomatic intercourse. Its range of roles is more limited than that of informal mediation, but its impact on outcomes is more direct.

**States**

Individual mediation, although significant, is not all that common in international relations. Most mediation activity is carried on by states (or, to be more accurate, their representatives) and regional and international organizations.

When a state is invited to mediate a conflict, or when it offers mediation, the services of one of its top decision-makers are normally engaged.
In these cases, figures such as Dr Henry Kissinger, Presidents Carter or Clinton, Secretary of State Christopher or Powell, or Lord Carrington, or other special representatives like Chester Crocker or Philip Habeeb, fulfill a mediatory role, usually in the full glare of the international media, as salient representatives of their countries.

Mediation, at any level, and in all its guises, is essentially a voluntary process. This dimension is particularly important in the relations between states where any unwelcome intervention may be strenuously resisted. For mediation between states to be effective, even the most highly placed decision-makers must be seen to be impartial, acceptable to the disputants and inspire their trust. The absence of any one of these attributes may well lead to a failed mediation. States in conflict will submit their conflict to mediation only when they believe that the mediator can act fairly and take cognizance of their own interests. When we talk about mediation by states, we normally distinguish between small states and large states. Each claims legitimacy and authority on the basis of different attributes. Small states such as New Zealand, Algeria, Switzerland and Austria (see Slim, 1992), have been involved in a disproportionate number of mediations in international relations. Their very size, and presumed lack of clout, makes them appear non-threatening and ideally positioned to carry out mediations between adversaries. Small states usually wait for an invitation to mediate. When they do intervene, their efforts tend to be confined to regional conflicts only, and the strategies used tend to be mostly low-profile strategies of dialogue and communication. This is where small states can be at their most useful.

Large states, by contrast, often create the opportunity to mediate, and use mediation as a vehicle to protect or promote their own interests (Touval, 1992). Large states have a greater array of resources, and can utilize a wider range of strategies. Because of their global interests, large states get involved in many conflicts in various parts of the world. When large states mediate a conflict, they can use their material capabilities to apply sticks and carrots in the course of their mediation. They can generate and maintain a momentum toward a settlement by offering a neutral environment (e.g. Camp David, Dayton), pressing for concessions, offering proposals, and generally altering the disputants’ payoffs and motivation.

Mediation, whether by small states or large states, is not a form of behavior that is prescribed by international law. It is not pre-ordained; it is evolutionary and ever-changing. Its precise form and characteristics are negotiated and re-negotiated with each passing phase. There is little that is pre-determined about the course of outcome or mediation by states.

Institutions and organizations

The complexity of the international environment is such that states can no longer facilitate the pursuit of all human interests, nor satisfy the demands
for an ever increasing range of services. Consequently we have witnessed a phenomenal growth in the number of international and transnational organizations, all of whom may affect issues of war and peace. These organizations have become, in some cases, more important providers of services than states. They have also become, in the modern international system, very active participants in the search for mechanisms and procedures conducive to peacemaking and conflict resolution. We would expect these organizations to play their full part in the mediation of international conflicts.

Two kinds of organizations play an important role in the area of peacemaking and conflict resolution; regional and international organizations, and transnational organizations. Regional and international organizations (e.g. the OAS, the Organization for African Unity (OAU), the UN etc.) represent local or global collections of states signifying their intention to fulfill the obligations of membership as set forth in a formal treaty. Transnational organizations (e.g. Amnesty International) represent individuals from different countries who have similar knowledge, skills or interests, and who meet together on a regular basis to promote their interests.

Of the international organizations now in existence, none has been more active in resolving conflicts through negotiations and mediation than the UN. Its Charter specifically commits it to provide answers to global problems of conflict and security. In the post Cold War world, with its outbreak of low-level violence, civil wars and ethnic conflicts, the UN is often seen as the only actor capable of acting independently and resolving conflict. The ‘Agenda for Peace’ report, released by former Secretary General Boutrous-Ghali, recognizes the future challenges the UN is likely to meet, and lays great emphasis on preventive diplomacy and conflict resolution.

The UN is quickly becoming a center for initiating concerted efforts to deal with the deep-rooted causes of conflict, to resolve conflicts, and not merely to keep the peace. The UN will undoubtedly use its new political latitude to expand its mediation and conflict resolution activities. Recent peacemaking efforts by the UN in Somalia, Bosnia, Cambodia, Yugoslavia, Afghanistan, Angola and Rwanda show the extent to which this, once shackled and much-criticized, organization is now prepared to go to involve itself in all kinds of difficult and intractable conflicts. Once involved, the UN can offer a forum, resources, monitoring ability, and the capacity to mobilize an international consensus.

Regional organizations, like the EU, the OAS, the OAU and the Arab League, all adhere to the principles of negotiation and mediation as their preferred means of resolving conflicts. These organizations have always had a great latitude in the field of conflict resolution. This is not surprising as most conflict occurs between regional neighbors. Some, like the EU, have made conflict resolution a major objective of their structure. Regional organizations usually engage in collective mediation. Their strength is
undoubtedly in the possession of common background, culture and experience. They may not have the capacity or resources that the UN possesses, but they are all involved in some current peacemaking activities: the EU in Bosnia, the OAU in Somalia, and the OAS in El Salvador.

Transnational organizations, such as Amnesty International, the Quakers, the International Committee of the Red Cross, etc. operating independently of states, embody many of the elements commonly associated with impartiality. These organizations, with a limited resource base, and ability to use fewer strategies, often find themselves involved in what may be termed humanitarian intervention (where the issues at stake are often hostages, refugees or prisoners). Where strict secrecy may be required, a high degree of impartiality desired, and when neither governments nor international organizations can gain access to a conflict, transnational organizations come into their own. New organizations, like International Alert and the International Negotiation Network exemplify the growing number of institutions and organizations committed to peacemaking, mediation and conflict resolution.

Overall, it seems clear that, many actors, from informal individuals to formal leaders of states, can play an important role in conflict resolution and mediation. The international community can no longer afford to ignore conflict, or respond to it in an ad hoc manner. Mediation offers a framework for developing complementary, consistent, and effective policies for continuing, managing and resolving conflicts.

Mediator’s roles and behavior

Mediation has been a prevalent form of international conflict management for many years now. It is linked to the development of international negotiations and diplomacy, and it is embedded in the creation of institutions, regimes and formal organizations to help states deal with many aspects of their relationships. But what do mediators actually do? Do they change behavior merely by chairing meetings and carrying messages, or do they develop more active roles and functions? What do mediators do once mediation is under way?

Considerable attention has been given to the question of mediator roles, functions and behavior. Some scholars see this aspect as the most useful criterion by which to evaluate the success of mediation. In an exhaustive review of the literature Wall (1981) identified more than 100 specific mediation functions and behaviors. In a later paper (Wall et al., 2001) all these functions and behaviors are divided into three broad categories: (a) behavior that is designed to affect each disputant (e.g. empowerment, educative), (b) behavior that is designed to affect the relations between the conflict parties (e.g. a proper agenda, secrecy), and (c) behavior designed to change the relationship between each disputant and the mediator (e.g. offer rewards). All these forms of behavior arise from the fact that the negotiators
concerned cannot reach an agreement, and their stated purpose is to change, modify, settle or resolve a conflict and/or the perceptions that sustain it. Enacting these behaviors constitutes the ‘heart’ of mediation.

To make sense of the many forms of behavior mediators may undertake, we usually suggest a number of role-categories that encompass related forms of behavior. Mediators’ roles may be characterized in a number of ways (e.g. Jabri, 1990; Princen, 1992). The late Jeffrey Rubin, for instance, offers a set of mediation roles and distinguishes between formal mediators (e.g. by UN Secretary General) and informal mediation (e.g. by academic practitioners such as John Burton and Herb Kelman), individual mediation (e.g. Lord Owen) and mediation by a representative of a state (e.g. Colin Powell), invited mediation and non-invited mediation, advisory mediation and more directive mediation, permanent mediation v. temporary mediation, and resolution-oriented mediation v. relationship-oriented mediation. Each of these mediators has different interests, different resources and capabilities, and the behavior of each may lead to different outcomes (Rubin, 1981). Stulberg, writing in a more traditional vein, lists the following as mediators’ roles: (a) a catalyst, (b) an educator, (c) a translator, (d) a resource-expander, (e) bearer of bad news, (f) an agent of reality, and (g) a scapegoat (Stulberg, 1987). Susskind and Cruickshank, whose conception of mediation is that of ‘assisted negotiation’, introduce a dynamic element into the discussion by identifying a number of roles (e.g. representation, inventing options, monitoring) and relating these to the various stages of the conflict (Susskind and Cruickshank, 1987).

Another, and some would argue more useful, conception for focusing on, and categorizing what mediators actually do, is that of a mediation strategy. A mediation strategy is defined by Kolb as ‘an overall plan, approach or method a mediator has for resolving a dispute … it is the way the mediator intends to manage the case, the parties, and the issue’ (Kolb, 1983: 24). Which are the most important mediation strategies, and do different mediators choose different strategies?

There are a number of ways of thinking about mediation strategies. Kolb herself distinguishes two kinds of strategies: deal-making strategies (affecting the substance of a conflict) and orchestration strategies (managing the interaction) (Kolb, 1983). Janice Stein, in her study of successive American mediations in the Middle East, talks about incremental strategies (segmenting a conflict into smaller issues) and comprehensive strategies (dealing with all aspects of a conflict) (Stein, 1985). Carnevale, in a classic paper, suggests that mediators may choose one of four fundamental strategies: integration (searching for common ground), pressing (reducing range of available alternatives), compensation (enhancing attractiveness of some alternatives) and inaction (which in effect means allowing the parties to go their own way; Carnevale, 1986). Kressel, in one of the most widely used typologies of mediation strategies, presents three general strategies: reflexive
(discovering issues, facilitating better interactions), non-directive (producing a favorable climate for mediation), and directive (promoting specific outcomes; Kressel, 1972).

Touval and Zartman’s typology of mediation strategies is the most apposite for the scholar or practitioner of international mediation. They identify three discrete categories of third party behavior, on an ascending level of involvement, that can describe the full range of mediation techniques. This typology is particularly useful because (a) it is derived deductively from a general framework of mediation relationship that includes information, decision-making and influence, (b) it can be examined empirically (through observations or post mediation questionnaires), and (c) it includes all dimensions of mediator behavior. The three broad strategies are: (a) communication–facilitation, (b) formulation, and (c) manipulation (Touval and Zartman, 1985). Many of the limitations of past research on mediation behavior can be rectified by using this typology.

Touval and Zartman’s typology permits us to study and compare what mediators actually do when they get involved in a conflict. We can observe actual mediation cases, or interview experienced mediators, and code specific aspects of their behavior in terms of one of the three strategies. The choice of any form of mediation behavior or broad strategy is rarely random. It is influenced by factors peculiar to the conflict, and factors internal to the mediator. Mediators try and vary their behavior to reflect the conflict in hand. In low intensity conflicts, for instance, communication strategies may be effective; in high intensity conflicts, more active strategies may be called for. Time pressure, mediator rank, the previous relations between the parties, may all affect the choice of a strategy. All of these factors should be studied. To be effective, mediation strategies and behavior must be congruent with the nature of a conflict, and the objectives and interests of the adversaries and the mediator.

Whichever intervention strategy mediators use, their underlying objectives in any conflict are: (a) to change the physical environment of conflict management (e.g. by maintaining secrecy, or imposing time limits as President Carter did at Camp David), (b) change the perception of what is at stake (e.g. by structuring an agenda, identifying and packaging new issues), and (c) change the parties’ motivation to reach a peaceful outcome (e.g. using subtle pressure). Any international conflict presents opportunities for some form of mediation. To be effective, however, mediation strategies must reflect the reality of the conflict, and the resources of a mediator. To that extent international mediation is a truly contingent and reciprocal political activity.

**Evaluating international mediation**

We have seen that numerous actors and organizations may undertake and initiate international mediation, but is there any way of assessing just how
much these different mediators have achieved? How can mediation outcomes be assessed, and how, come to that, can the impact of a particular mediation be evaluated? If mediation is ultimately about changing or influencing a conflict, or the way parties in conflict behave, can such changes be discerned? Furthermore, if change has been effected, and a satisfactory outcome of sorts has been achieved, can this be attributed to the wisdom and experience of the mediator or the motivation of the parties? And conversely, if the parties show no change whatsoever, should this be described as mediation failure? Evaluating success and failure in mediation poses serious conceptual and methodological problems.

As international mediation is not uniform, it seems futile to draw up one set of criteria only to cover the many objectives of all mediators. Individual mediators, for instance, may emphasize communicational–facilitative strategies, be more concerned with the quality of interaction, and seek to create a better environment for conflict resolution. States, on the other hand, may well seek to change the behavior of those in conflict and achieve a formal settlement of sorts. Such different objectives cannot be easily accommodated within a single perspective. To answer the question whether or not mediation works, we need to know something about the goals of mediation. This is why I suggest the need for two broad criteria, subjective and objective, to assess the contribution and consequences of any form of international mediation.

Subjective criteria refer to the parties’, or the mediator’s, perception that the goals of mediation had been achieved, or that a desired change had taken place. Using this perspective, we can suggest that mediation has been successful when the parties (a) express satisfaction with the process or outcome of mediation, or when the outcome is seen as (b) fair, (c) efficient, or (d) effective (Susskind and Cruickshank, 1987).

Aspects such as fairness of mediation, satisfaction with its performance, or improvement in the overall climate of relationship, cannot be easily demonstrated, but they are undoubtedly correlates of successful mediation. They are subjective in that they are essentially in the eyes of the parties in conflict. Even if a conflict remains unresolved, mediation – of any form – can do much to change the way the disputants feel about each other, and lead, however indirectly, to a long-term improvement in relationships and a resolution of the conflict.

Objective criteria for assessing the impact and consequences of mediation offer a totally different perspective. Objective criteria rely on substantive indicators which may be demonstrated empirically. Usually such criteria involve observations of change and judgements about the extent of change as evidence of the success or failure of mediation.

We can, thus, see a particular mediation effort as successful if it contributed to a cessation or reduction of violent behavior and hostilities, and the opening of a dialogue between the parties. Or, we can see it as being
successful only when a formal and binding agreement that settles many of the issues in conflict has been signed. Thus, what we mean by ‘the success rate of mediation’ may vary from study to study, and from context to context.

Evaluating the success or failure of international mediation in objective terms is a relatively straightforward task. Here we can assess the permanence of the agreement achieved, the speed with which it was achieved, the reduction in the level of hostilities between the disputants, the number of issues on which agreement was achieved, etc. On the face of it, at least, objective criteria seem to offer a perfectly valid way to assess the impact, consequences and effectiveness of international mediation.

We would, however, be unwise to rely solely on objective criteria. Different mediators, and indeed different conflict parties, have different goals in mind when they enter conflict management. Behavior changes could well be only one among a set of goals. Some international mediators may focus on the substance of interactions, others may focus on its climate, setting and decision-making norms. These cannot always be easily evaluated. Each mediation should, perhaps, be evaluated in terms of the criteria that are significant to its own context. The question does mediation work and how best to evaluate it, can only be answered by collecting information and making judgements in specific cases. There are just too many problems with this question, and it seems that on this issue at least our theoretical ambitions must be tempered by the constraints of a complex and an unyielding reality.

**Toward more effective mediation**

Given the diversity of conflicts, different circumstances and strategies, and the range of possible actors, there cannot possibly be one ‘right way’ to manage or mediate international conflicts. However, it is possible to draw generalizations from various studies on mediation, and to reflect on lessons learned, to suggest some factors and conditions that impede mediation or help it to become more effective.

Scholars and practitioners alike have devoted considerable attention to the question of the conditions under which mediation can be more effective. Mediation cannot be successful (whatever that means) in each and every conflict. It is not a panacea to all the social problems and conflicts in the world. Clearly, it can be effective in some situations, and not so effective in others. Can, though, the characteristics of the situations under which mediation is effective, be distinguished?

In an overview of mediation, Jeffrey Rubin notes that ‘For international mediation – indeed, for any form of intervention in any conflict setting – to be effective, three things are required: disputant motivation to settle or resolve the conflict in question, mediator opportunity to get involved, and
mediator skill’ (Rubin, 1992: 251). The parties’ motivation, and commitment, to accept and engage in mediation will undoubtedly affect the outcome of mediation. When disputants are unenthusiastic about mediation, or believe they can get what they want through unilateral action, the likelihood of a successful mediation is extremely low. Effective mediation requires consent, high motivation and active participation.

From the perspective of a would-be mediator, a number of features can be indicative of the parties’ genuine motivation and serious commitment to mediation. Foremost among these are the parties’ perceptions of a ‘hurting stalemate’, and the receipt of a joint request for mediation. The parties reach a ‘hurting stalemate’ when their own efforts to manage the conflict are not going anywhere, and yet the costs, both human and economic, of pursuing the conflict continue to mount. The timing of mediation is a crucial factor affecting the chances of its success. Conflicts, like all other social processes, have their own life cycle (which may be days or months). There are times when a conflict is ‘ripe for mediation’ (Zartman, 1985), and times when mediation can only make a conflict worse and harm the credibility of the mediators involved (Haass, 1990). Assessing when a conflict is ready for mediation may not be easy, and may clearly vary from case to case and be dependent upon many dynamic factors. What we are saying here is that the existence of a ‘hurting stalemate’ (e.g. a military setback, a change in power relations, or failure to impose a unilateral outcome) provides the best guideposts for initiating mediation.

Empirical research (Bercovitch, 1986) suggests that neither premature, nor belated mediations are especially likely to be effective. The most propitious phase to initiate mediation – at least of the formal kind – is about half-way through the life cycle of a conflict, and certainly after the parties’ own conflict management efforts have failed. At this stage the parties’ motivation to settle may be at its highest.

Another indication of the strength of commitment to mediation is the source of request. When one party only requests mediation, the chances of a successful outcome are pretty slim. Mediation offers more rewarding opportunities when it is requested by both parties in conflict rather than by one party only, of offered by a mediator. A joint request may well be a necessary pre-condition for effective international mediation (Bercovitch, 1984; Hiltrop, 1989).

International mediation is also more likely to be effective when certain conditions and circumstances are present. These include: relative power parity between the states or other actors in conflict (Young, 1967), absence of any issues of general ‘principle’ or ideology (Bercovitch and Langley, 1993), a clear identification of the parties in conflict (not always as straightforward as it may appear), the absence of severe internal disorganization or civil war, and a reasonably amicable history of the parties’ previous relationship (Bercovitch, 1989). These and other conditions can affect
the course and outcome of mediation. Being able to identify these conditions may affect mediators’ decisions to initiate, or discard, mediation, as well as decisions about likely strategies and outcomes. Knowing when to use mediation, may even be more important than knowing how to use it.

Another aspect which affects mediation is that of mediator identity and skills. Mediation is a voluntary process, so only an appropriate mediator is likely to be effective. There is wide agreement among scholars and practitioners that appropriate mediators should possess intelligence, tact, drafting skills, a sense of humor, and have specific knowledge and expertise of the conflict at hand. Mediators who possess these attributes are likely to be acceptable to all sides in a conflict, and consequently enhance the parties’ motivation to reach a peaceful settlement.

A related aspect of mediator identity that can help us to differentiate potentially effective from ineffective mediators is that of mediator rank. It is important to recall that some mediators, such as a President, a Prime Minister or Secretary of State, are better able to marshal resources in the course of mediation. High-ranking mediators can be more persuasive than middle-level officials. They possess leverage and can use social influence that could be crucial in persuading the parties to make concessions or more toward an agreement. This notion is borne out in a series of empirical studies (Bercovitch and Houston, 1993) which show unmistakably the positive association between high rank and successful mediation outcomes.

Related to this is the idea that mediation roles and strategies may affect outcomes. There are some (e.g. Burton, 1969; Kelman, 2000) who advocate a particular range of strategies, usually informal, communicational strategies as the most viable strategy a third party may use. Others (e.g. Touval and Zartman, 1985) argue for more forceful mediation. Although much may depend on the nature and circumstances of a conflict, there is strong evidence (e.g. Bercovitch and Houston, 1993) to suggest that more directive strategies are more likely to be effective. Active strategies can rely on the full gamut of influence attempts and utilize reward, persuasion, legitimacy and information to effect a desired outcome.

Mediators may appear to do little more than shuttle from here to there, chair meetings and clarify issues. In most cases, however, they quickly begin to sense what is possible, and very discreetly urge the parties to work toward some agreement. To do so, and to have the desired impact on a conflict, mediators need to do more than generating and sharing information; they have to rely on some strategies that can change the ways the parties interact.

A number of conditions relating to the context of a conflict, and some relating to the identity of a mediator, form the core of a framework for more effective mediation. This framework can offer policy implications and guidelines which may be applied in concrete cases, and ultimately explain the success and failure of mediation across a wide range of conflicts. This
fruitful area of research should prove invaluable in bringing scholars and practitioners together in constructing an inventory of conditions that impede mediation, and conditions that are conducive to its success.

**Structure of the book**

Writing about mediation and conflict management in the current political environment is not easy. States that have held together for a long time collapsed, conflicts these days involve different actors, using different strategies and techniques, and the strident demands for ethnic separatism, all create a very confusing picture for any would-be mediator. The ‘rules of the game’ these days are simply more complex, and what was referred to as the ‘international community of states’ is that much more amorphous today. One of the challenges we face is to make intellectual sense of all this complexity, study mediation (or indeed any other response to conflict) systematically, and offer broad guidelines within which policy-makers might frame their responses to conflict.

The overriding concern of the book is with mediation effectiveness, or mediation success, and how best to achieve it. Within these parameters, three major themes are highlighted. The first theme (Part I) concentrates on some determinants of mediation success. The scene is set by Carnevale’s chapter which explores strategic and tactical resources available to a mediator, and how these may be expanded to improve the chances of success. Pruitt’s chapter examines psychological prerequisites for success, focusing on motivation and optimism as the best indicators for initiating mediation.

The five chapters which constitute Part II of the book highlight the second theme of the book; namely, the range and diversity of mediation in the contemporary environment. Mediators may come from all kinds of background, be associated with different states or organizations, and mediate a conflict using different resources and strategies. Aggestam focuses on individual mediation, and how such mediation can achieve success by complementing more traditional forms of mediation, Zartman studies the conditions which permit regional organizations to initiate mediation, and to do so effectively, Fretter examines the resources, and behaviors, that are available to the UN in its quest for successful mediation, Kleiboer analyses the relevance of leverage in great power mediation, and Wall, Druckman and Diehl show how responses to conflict, such as peacekeeping for instance, may merge imperceptibly into effective mediation.

The third theme of the book (Part III) shows just how wide the spectrum of mediational, and other third-party responses to conflict really is. Here scholars and practitioners focus on new strategies of intervention, or new arenas of mediation. Kelman discusses the interactive problem-solving approach to conflict with which he has been associated for more than three decades, Dunn and Kriesberg examine the expanding range of conflict
sources, and the emergence of single-purpose transnational organizations as effective mediators, Salacuse discusses the expansion of mediation to new arenas, such as the business arena, and Crocker, Hampson and Aall address the challenge of a new form of mediation, multiparty mediation.

The chapters below attempt to distil much of what we know about mediation, and provide us with new insights and ideas about the process. I do not pretend to offer here the last word on mediation. The book purports to contribute to theory development, to a critical dialog between scholars and practitioners, and to the creation of better mediators. As long as we test our ideas in the different context and arenas of mediation practice, we may well achieve these objectives.

Conclusion

Until ten or fifteen years ago scholarly attempts to comprehend the nature and sources of human conflict in general, and the manner of their resolution in particular, were all too few in number and rather marginal in character. This has changed very much. The study of international conflict and conflict management has become a major focus of systematic analysis. Scholarly tracts and practitioners’ reflections have helped to institutionalize the field, and enhance individual and collective capacity to deal with or manage conflicts. The risks, costs and tragedies of conflict in the later part of our century have finally forced us to search for better ways of resolving conflicts. The traditional reliance on power or avoidance is as far from being an optimal way of dealing with conflict as they are outdated. Negotiations and mediation are at last beginning to emerge as the most appropriate responses to conflict in its myriad forms and to the challenge of building a more peaceful world. Negotiations and mediations do not just happen, they are social roles subject to many influences. As with other roles, they can be learned.

The shared quest for learning the principles and practices of mediation can only make sense if it is conducted systematically, and located within some kind of an intellectual framework. This book does both; it offers a systematic analysis of some significant aspects of mediation, and it suggests the broad outlines of a framework to study mediation in the overall context of conflict management, and to draw relevant lessons from such a study.

This book embodies, I believe, Jeffrey Rubin’s conviction that mediation can, and should be, studied systematically, and is an aspect of the broader process of conflict management, and that irrespective of what the conflict is all about, or who the mediators are, mediation involves the intertwining of interests, resources, positions and influence attempts. This relationship is critical for analysing the dynamics of conflict, and assessing the prospects of successful mediation. I do not assume that the chapters below offer an exhaustive account of mediation, but I believe that they adequately
integrate many findings that have a bearing on conflict resolution, and provide answers to such questions as who may mediate conflicts, and how, when should mediation be initiated, how does it actually work, how to evaluate its impact, and how to improve it?

The ending of the Cold War, and the emergence of an ever increasing number of ethnic and internal conflicts, provide opportunities for a significant expansion in the use of mediation as an instrument of conflict resolution. The old techniques of power and deterrence seem increasingly less relevant to the problems and conflicts we face in the 21st century. Mediation may well offer a coherent and effective response to these problems. To ensure that it can also be successful, we need to develop a better understanding of the process, and offer consistent guidelines to guide the involvement of international actors in mediation. This effort is still in its infancy, and many, from different fields and disciplines, can contribute to it. Jeffrey Rubin took the first steps in this direction (1981), here I hope to follow in his footsteps.

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