

THE EFFECTIVENESS OF INTERNATIONAL MEDIATION

-The current debate-

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ABSTRACT

This article introduces some relevant aspects of the current debate about the effectiveness of mediation at an international level. It examines some of the variables that may affect the process of mediation and its effectiveness. As a brief outline, the paper shows the reciprocal relationship between the context of mediation and the cultural context, and their influence on the mediation outcomes. Particular importance is given to the fact of culture as a determinant factor in the mediation process and results, according to major Conflict Resolution bibliography. There is no purpose to point out to specific cases, but to illustrate the theoretical framework of this issue.

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KEY WORDS: conflict resolution - international mediation – context - effectiveness – culture.

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A. APPROACHING TO A CONCEPT OF MEDIATION

Since mediation has been used everywhere and has existed for millennia², a definition will depend on the particular approach and the discipline from which it is studied. In a general sense, mediation is a non-coercive and voluntary form of peaceful conflict management that involves an outsider, or third party, in charge of helping the parties to resolve a dispute. FOLGERG and TAYLOR see mediation as:

2 CARNEVALE and CHOI recall Kramer's research and they comment "one of the earliest recorded mediations occurred more than 4000 years ago in Mesopotamia. There are records indicating that a Sumerian ruler helped to avert a war between neighbouring groups and to develop an agreement in a dispute over land". CARNEVALE, P.J. and CHOI, DONG-WON, 'Culture in the mediation of international disputes', in *International Journal of Psychology*, 2000, 35 (2), p. 106.

“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” (1984:7)³.

Other definitions stress on the objectives of mediation, in mediator’s attributes, or in its dynamic structure. LALL, for example, considers that mediation in international relations

“is the injection of a third state or states, individual or individuals, at the request of or with the consent of the parties to an international dispute or situation, with the view to assisting in or obtaining its settlement, adjustment, or amelioration”⁴.

Along the same lines, MITCHELL explains mediation as

“any intermediary activity... undertaken by a third party with the primary intention of achieving some compromise settlement of issues at stake between the parties, or at least ending disruptive conflict behaviour”⁵.

In contrast with those definitions, CORMICK draws attention to the role of the mediator and abilities in his definition. He suggests that mediation is

“a voluntary process in which those involved in a dispute jointly explore and reconcile their differences. The mediator has no authority to impose a settlement. His or her strength lies in the ability to assist the disputants in resolving their own differences. The mediated dispute is settled when the

3 In BERCOVITCH, J. and HOUSTON, A., ‘The study of International Mediation: Theoretical Issues and Empirical Evidence’ in *Resolving International Conflicts: The theory and practice of mediation*, (ed) BERCOVITCH, JACOB. Lynne Rienner Publishers, US, 1996, p. 13.

4 LALL, ARTHUR, *Modern International Negotiation: Principles and practice*, Columbia University Press, New York and London, 1966, p. 12.

5 BERCOVITCH, J. and HOUSTON, A., ‘The study of International Mediation: Theoretical Issues and Empirical Evidence’, op cit., p. 13.

disputants themselves reach what they consider a workable solution” (CORMICK, 1980)⁶.

BERCOVITCH and HOUSTON provide a more comprehensive definition. They see international mediation:

“as a reactive process of conflict management whereby parties seek the assistance of, or accept an offer of help from, an individual, group, or organization to change their behaviour, settle their conflict, or resolve their problem without resorting to physical force or invoking the authority of the law”⁷.

For the purpose of this article, more noteworthy in BERCOVITCH and HOUSTON’s research, is the overall perspective of mediation. Undoubtedly, the empirical framework that they offer, enables an ample understanding of the mediation system, its elements, conditions and outcomes. Moreover, their work provides criteria in assessing success and failure in mediation.

In practice, it is not easy to distinguish mediation from another kind of third party assistance in a conflict such as consultation, good officers or conciliation. But what really matters is to recognise mediation elements and its characteristics, more than drawing a perfect line between mediation and other third-party intervention from a theoretical point of view. In fact, the Hague Conventions of 1899 and 1907 did not differentiate between mediation and good officers, although some others do distinguish both terms⁸. For The Hague Convention of 1907, good offices and mediation are useful

6 In KAUFMAN, S. and DUNCAN, G.T., ‘A formal Framework for Mediator Mechanisms and Motivations’, *The journal of Conflict Resolution*, Volume 36, Issue 4, December, 1992, p. 689.

7 BERCOVITCH, J. and HOUSTON, A., ‘The study of International Mediation: Theoretical Issues and Empirical Evidence’, op cit., p. 13.

8 See, e.g., MERRILLS, J.G., *International Dispute Settlement*, op. cit., p. 27 sigs. See also, LALL, A., *Modern International Negotiation: Principles and practice*, op cit., pp. 12, 18.

and pertinent peaceful methods for resolving international disputes even during the course of hostilities (Article 3).

The 1907 Hague Convention encourages mediation in international disputes and adopts this method in the avoidance of force and war, as a way of achieving desirable international peace. Furthermore, articles 4 to 8 of the Convention highlight some features, the process and objectives of mediation. Thus, according to article 4, the process of mediation and the mediator's role involve reconciling the opposing claims and appeasing the eventual feelings of resentment between the States at variance. Article 6 also characterises the nature of the mediation outcomes as merely advice instead of binding upon the parties. Finally, article 8 stipulates mediation as a special process with the purpose to prevent the break down of peaceful relations.

As can be recognised thus far, considering the above-mentioned definitions, there are three basic components of mediation: disputing parties, a specific conflict within a context, and a mediator. From the analysis of each one and the relationship between them, it is possible to predict a certain level of influence on the mediation process and outcomes, as BERCOVITCH et al, KLEIBOER, and KEASHLY and FISHER have demonstrated.

In the international arena, BERCOVITCH considers that mediation is likely to occur when (1) a conflict has developed for some time; (2) the efforts of the involved actors have reached an impasse; (3) neither actor wants further consequences, costs and escalation of the dispute; and (4) both parties agree with some form of mediation and are ready to communicate in a direct or indirect manner⁹. The scope of mediation is immense in the international field. Due to the particularities of international relations, mediation, as a form of conflict management seems to be specially suited for peacefully resolving intra-state conflicts. BERCOVITCH notes that in an

9 BERCOVITCH, J., ANAGNOSON, J.T., WILLE, D., 'Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations' in *Journal of Peace Research*, Vol. 28, N° 1, 1991, p. 8.

interdependent multi-state system, where actors pursue their own self-interests and not always reach successful negotiations, mediation appears as an attractive and useful process. It is so because, first of all, mediation is a voluntary mechanism that emphasizes consensus, autonomous decision-making and mutual gains. It is also cheap, flexible, and offers the prospect of a satisfactory outcome. It cannot be enforced, and in this sense, the disputants retain the right to accept or reject any suggestion made by the mediator¹⁰.

Since conflict is a dynamic process rather than a static situation, the complexity of a conflict may vary in terms of the nature and intensity of the dispute, the involved parties, the issues in question, the response, and possible outcome. The different relationships that arise from the combination of these factors in particular cases, make each case of mediation a unique process.

However, research has been carried out in order to understand and evaluate from a theoretical point of view the practice of international mediation. Major bibliographic sources have been selected in an attempt to predict the level of impact of the different variables upon the mediation outcomes. This following part mainly addresses how some important context factors and culture may influence the effectiveness of international mediation.

B. THE CONTEXT OF MEDIATION

Taking a contingency model of mediation¹¹, BERCOVITCH and others assess and explain the effectiveness of mediation in international relations. For these authors, mediation outcomes are linked to various factors with specific operational criteria, each of which

10 BERCOVITCH, JACOB, 'International Mediation' in *Journal of Peace Research*, Vol. 28, issue 1, Feb., 1991, p. 4.

11 This contingency framework of mediation was developed by BERCOVITCH, ANAGNOSON, and WILLE (1991).

may influence the process of mediation and its effectiveness. From this perspective, there is a reciprocal relationship between the context of the dispute and the process of mediation, which determines mediation outcomes. The context of any mediation may be described according to three clusters of variables: (a) the nature of the dispute; (b) the nature of the parties; and (c) the nature of the mediator; whereas the process is defined by the mediation behaviour, which is basically determined by the actual mediator strategies. All these factors combined are affected by cultural differences and influence the success or failure of mediation¹².

(A) THE NATURE OF THE DISPUTE

In an attempt to code systematically the aspects of a dispute and analyse their impact on the effectiveness of mediation, BERCOVITCH, ANAGNOSON and WILLE point out to three basic elements of a dispute that can affect its course and outcome. These are, namely: (1) intensity; (2) duration at the time of intervention; and (3) the issues at the heart of the dispute.¹³

Naturally, the perception that the involved parties have of the issues in dispute affect and determine the mediation results. Cultural background of the parties may affect the approach from which each adversary perceives the conflict. The way in which cultural differences between the parties may influence the process and results of mediation will be outlined when addressing the nature of the parties.

According to some analysts, mediation is less likely to succeed in high intensity disputes¹⁴. Although in the Conflict Resolution

12 See BERCOVITCH, J. and HOUSTON, A., 'The study of International Mediation: Theoretical Issues and Empirical Evidence', op cit.

13 BERCOVITCH, J., ANAGNOSON, J.T., WILLE, D., 'Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations', op cit.

14 See BERCOVITCH, J and LANGLEY, J. (1993); BERCOVITCH, J., ANAGNOSON, J. T., WILLE, D. (1991); BERCOVITCH, J. and HOUSTON, A. (1995); KLEIBOER (1996).

literature there is no overwhelming consensus about intensity: how it should be measured, what is its definition and how it operates. Different researches have been drawn to the same conclusion. HOWEVER, JACKSON (1952) and YOUNG (1967-1968) argue on the contrary:

‘...the greater the intensity of a conflict, the higher the likelihood that mediation will be both accepted and successful as a method of minimizing losses’¹⁵.

The influence of the proper timing of initiating mediation and the duration of the dispute is another issue where little agreement has been reached. EDMEDAD claims that mediation is more likely to succeed if it is attempted at an early stage, just before the disputants cross a threshold of violence and begin to inflict heavy losses on each other (EDMEAD, 1971)¹⁶. On the other hand, other analysts believe that mediation is most likely when failure to reach an agreement is precipitating an emergency. Late intervention of the mediator would therefore be more accurate for achieving successful results since both parties realize they will lose too much by continuing their dispute (NORTHEGE & DONELAND (1971); FREI (1976); RUBIN (1981b); MOORE (1987); KOH (1990)). Others even reject the idea of ‘clock time’ and instead focus on ‘social’ or ‘event’ time for determining the ‘exact moment’ in which the mediation should begin in order to be successful.¹⁷

KRIESBERG, for example, considers that three sets of conditions are relevant for the appropriate timing of effective mediating activity: (1) The international context; (2) The support of the

15 KLEIBOER, MARIEKE, ‘Understanding success and failure of international mediation’ in *Journal of Conflict resolution*, Vol. 40, n° 2, June 1996, p. 364.

16 See BERCOVITCH, J. and HOUSTON, A., ‘The study of International Mediation: Theoretical Issues and Empirical Evidence’, op cit., p. 23.

17 KLEIBOER, MARIEKE. ‘Understanding success and failure of international mediation’ op cit., p. 362.

constituency for either de-escalation or escalation; and (3) the relationship between the adversaries.¹⁸

MITCHELL also suggests alternative ideas about ‘ripe moments’ of conflicts, arguing that the situation of impasse, costs and other external forms of change in a conflict may lead to leaders to a change of mind and reconsider offers of mediation or other alternative means. He identifies three levels or types of change that can have a profound effect upon the thinking of both leaders: systematic, structural and tactical, all types of contextual change, which may lead towards the search for new ideas about solutions to a conflict¹⁹.

Issues in conflict are, evidently, influential to the mediation outcomes. BERCOVITCH and LANGLEY suggest two areas in which this influence may be considered: (a) the substantive nature of the issues at stake, and (b) their number and complexity. As a way to identify the issues in dispute at an interstate-level conflict, they divided the tangible and intangibles types of issues into six categories: territory, ideology, security, independence, resources and others. After the analysis of a great number of cases from a multivariate approach, BERCOVITCH and LANGLEY came to the conclusion that the greater the complexity of the issues in dispute, the less likely that mediation will be successful²⁰. Moreover, certain issues are more amenable to mediation than others. For example, issues of resources and ethnicity have more chances of successful

18 KRIESBERG, LOUIS, ‘Varieties of Mediating Activities and Mediators in International Relations’ in *Resolving International Conflicts: The theory and practice of mediation*, (ed) BERCOVITCH, JACOB. Lynne Rienner Publishers, US, 1996, pp. 219-233

19 MITCHELL, CHRISTOPHER, ‘Mediation and the ending of conflicts’ in Darby, J. & MacGinty, R. (eds.), *Contemporary Peacemaking: Conflict, Violence and Peace Processes*, Palgrave Macmillan, 2003, pp. 80–81.

20 BERCOVITCH, J and LANGLEY, J, ‘The nature of the dispute and the effectiveness of international mediation’ in *Journal of Conflict Resolution*, Vol. 37, n° 4, December 1993.

mediation than those which involve more deep-rooted values and principles such as honour, sovereignty or ideology²¹.

As a preliminary conclusion, BERCOVITCH' and LANGLEY'S analysis on the impact of the dispute elements on the international mediation outcomes, supports the hypothesis that high intense conflict encourage further hostility and contentious behaviour, and these diminish the possibility of a successful mediation. Dispute complexity is associated in any event with lengthy and protracted conflicts, which are events also incompatible with successful mediation outcomes. In their analysis, they also hold that there is an inverse relationship between conflict duration and effectiveness of mediation, when it combines high intensity and complexity. That means that intensely hostile disputes, with many issues at stake and high intensity, are not particularly amendable to mediation²².

(B) THE NATURE OF THE PARTIES

The parties' characteristics may be identified in many ways; what results inevitably controversial is to determine which are the characteristics more influential and how to predict effective mediation results. Some of them are related to their level of power, their political regime, or previous relationships between the disputants²³.

OTT (1972) and YOUNG (1967) suggest that the smaller the power differences between the adversaries, the greater the effectiveness of international mediation. BERCOVITCH et al's research (1991) support this conclusion; but they not only found that the probability

21 BERCOVITCH, J. and HOUSTON, A., 'The study of International Mediation: Theoretical Issues and Empirical Evidence', op cit., pp. 24–25.

22 BERCOVITCH, J and LANGLEY, J., 'The nature of the dispute and the effectiveness of international mediation' in *Journal of Conflict Resolution*, Vol. 37, No. 4, December 1993, p 675.

23 BERCOVITCH, J., ANAGNOSON, J. T., WILLE, D., 'Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations', Op Cit., pp 10 – 12.

of successful mediation is higher when there is less disparity power between the disputants, but also when both states were relatively weak. According to their study, it seems that the presence of large differentials in power resources makes mediation much more difficult and considerably diminishes the possibilities of successful outcomes.²⁴

Regime types are usually identified as democracies versus non-democracies. Among non-democratic models, monarchical, socialist, and dictatorial regime are the most recognised. A traditional hypothesis held is that democratic and pluralistic states are less prone to initiate violent interaction than non-democratic counterparts²⁵. HOWEVER, MAOZ & ABDOLALI (1989), RUSSETT (1993), and others have argue that although democratic states may be as prone to conflict as any other type of regime, they rarely fight among themselves or they are more likely to accept intermediary intervention in order to settle their conflicts²⁶.

Another condition that may influence the effectiveness of international mediation concerns the previous relationship between the states in conflict. According to DEUTSCH (1973) this is one of the most important determinants of conflict outcomes. He argues that the history of friendship or cooperation between the parties is an incentive to seek peaceful means for resolving their disputes²⁷. This conclusion is also supported by the analysis of the data set of BERCOVITCH et al (1991). They suggest that a previous conflictual relationship may exacerbate a current dispute and the efforts to settle it, whereas friendly relations between the disputants facilitate mediation and successful outcomes²⁸.

24 Ibid., pp 11 – 12.

25 Ibid., p 10.

26 KLEIBOER, MARIEKE. 'Understanding success and failure of international mediation' Op Cit., p 365.

27 BERCOVITCH, J., ANAGNOSON, J.T., WILLE, D., 'Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations', op cit., p. 12.

28 Ibid.

Finally, but not least, it is worth mentioning that cultural differences between the parties is a major issue to take into account when mediation is undertaken. Cultural settings may define the identity of a party and its perceptions and, in this way, may exert a significant impact on the mediation process and its outcomes. Indeed, cultural differences between the disputants will make mediation more complex, just as cultural similarities will increase its likelihood of success. As noted by JOHN PAUL LEDERACH “conflicts are in every sense of the word, cultural events”²⁹. The conflicts in the Middle East, the Congo, Nigeria, Northern Ireland, and Sri Lanka, to name but a few, all have important cultural dimensions.

(C) THE NATURE OF THE MEDIATOR

International mediation may be performed by international organizations, by states or by individuals. An enormous body of literature regarding the mediator’s desirable skills, roles, attitudes and behaviour, and endless lists of attributes of successful mediators have been issued in an attempt to predict the dynamics of mediation. When we look at the mediator’s role and features, contradictory opinions may be found. For YOUNG (1968), the identity and characteristics of a mediator are placed in a primary position to determine success in mediation, whereas OTT (1972) relegates them to secondary conditions of success³⁰. Considering mediation as a dynamic process, Carnavale and Arad suggest that the mediator wants to affect the disputing parties and their attitudes, perceptions and behaviour about the conflict and the mediation and, vice versa, the disputants want to affect the mediator in an attempt to produce

29 LEDARECH (1995: 166) cited by BERCOVITCH, J. and ELGSTROM, O., ‘Culture and International Mediation: Exploring Theoretical and Empirical Linkages’ in *Journal of International Negotiation*, 6, 2001, p. 13.

30 BERCOVITCH, J., ANAGNOSON, J.T., WILLE, D., ‘Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations’, op cit., p. 14.

acceptable or favourable outcomes³¹. Since mediation is truly a voluntary mechanism for conflict resolution, the chosen mediator is expected to play a satisfactory role and, in this sense, his or her personal features seem relevant to some extent.

In an attempt to outline and evaluate mediator's influence on the mediation process and outcomes, it is worth distinguishing two scopes. Firstly, mediator skills, behaviour and attitudes directly related to his/her role in the process of mediation. Secondly, the mediator's cultural background.

According to KLEIBOER the mediator attributes considered in the literature as the most important for the success of mediation are impartiality, leverage and status³². The issue of the mediator's impartiality has evoked intense debate among scholars of international mediation. The heart of the debate lies on the effects of impartiality on the outcomes of mediation. Some academics consider impartiality as a crucial factor for 'disputants' confidence in the mediator, which, in turn, is a necessary condition for gaining acceptability, which also, is essential for success to come about'³³.

On the other hand, a second group concludes that mediators do not need to be impartial to be accepted or effective. Instead, they argue "mediators must be perceived as having an interest in achieving an outcome acceptable to both sides and as being not so partial as to preclude such an achievement"³⁴. Some of those who support this position, such as BERTCOVITCH et al, BROOKMIRE &

31 CARNEVALE, PETER and ARAD, SHARON, 'Bias and impartiality in International Mediation' in *Resolving International Conflicts: The theory and practice of mediation*, (ed.) BERTCOVITCH, JACOB, Lynne Rienner Publishers, US, 1996, p. 39.

32 KLEIBOER, MARIEKE, 'Understanding success and failure of international mediation', op cit., p. 369.

33 Ibid. For further analysis of this position see: JACKSON 1952, 125-9; YOUNG 1967, 81; NORTHEDGE and DONELAN 1971, 299; ASSEFA 1987, 22; MIALI 1992, 62; HUME 1994.

34 ZARTMAN, WILLIAM and TOUVAL, SAADIA, 'International Mediation in the Post-Cold War Era' in *Managing Global Chaos*, (Eds.) CROCKER, CHESTER; HAMPSON, FEN; and AALL, PAMELA, Washington, D.C.: United States Institute of Peace Press, 1996, p. 452.

SISTRUNK, and FREI suggest that effective mediation in international relations is related more to resources and leverage than to impartiality. Indeed, Frei's and BERCOVITCH et al's empirical analysis shows that mediation efforts by superpowers are more likely to be successful than mediation efforts by medium or small powers; and therefore, according to their suggestion, resources and leverage can exert greater influence on the adversaries' decision-making³⁵.

The results of Carnavale and Arad's work stress the influence of bias and impartiality in mediation, albeit via different routes:

The partial mediator sometimes engenders a political process characterized by leverage, weight and counterweight, or carrots and sticks (ZARTMAN and TOUVAL, 1985). Sometimes the partial mediator is trusted and accepted (KRESSEL, 1972; WHER and LEDERACH, 1991). And sometimes the impartial mediator engenders a consensual process driven by perceived fairness and trust in the mediator.

At an international level, 'leverage' and resources to move the parties away from rigid positions is usually a constant acclaimed element in a mediator profile, particularly when addressing complicated and escalating conflicts. Kissinger's role in the Middle East is used to illustrate the importance of being powerful. Nevertheless, scholars maintain contradictory positions concerning its importance for successful mediation outcomes. Some have shown that leverage is indispensable for persuading conflicting parties to make concessions or for ensuring disputants adhere to agreements³⁶.

ZARTMAN and TOUVAL (1996) who share this thesis, consider that mediators have five sources of leverage. First and most common is persuasion, the ability to revise parties' perceptions of the risks

35 BERCOVITCH, J., ANAGNOSON, J.T., WILLE, D., 'Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations', op cit., p. 15.

36 KLEIBOER, MARIEKE, 'Understanding success and failure of international mediation' op cit., p. 371.

and costs of conflict and the feasibility and desirability of settlement. Second is the ability to extract an attractive proposal out of each side in negotiations. Third, mediators may threaten to withdraw from negotiations. Such threats assume that the parties still believe that mediated negotiations offer the best likelihood of the most favourable outcome. Fourth, mediators may use sanctions to worsen one or both parties situation, and so to increase their motivation to settle. And finally, where relevant resources are available, the mediator may offer incentives to one or both sides.³⁷

On the contrary, YARROW (1978) claims that in certain instances the mediator's lack of political power may generate in the parties more trust and credibility in the mediator and his/her possibilities of acceptance may increase³⁸. For those who share the later position, the Algerian mediation of the Iranian hostage crisis is a good example.

Leverage is also sometimes related to status. It seems that effective international mediation may depend on the mediator prestige and authority. At times, mediator's reputation, track of records, special expertise and economic or social influence may determine the mediator's level of power. Two components of mediator status are usually distinguished: institutional and positional status. The institutional status stems from the identity of a mediator's constituency, whereas the positional depends on his/her standing within his/her own country or organization.

Other characteristics traditionally cited as associated with successful mediation are the mediator's knowledge of the conflict, originality of ideas, ability to understand the position of antagonists, active listening, sense of timing, communication skills, and crisis management³⁹.

37 ZARTMAN, WILLIAM and TOUVAL, SAADIA, 'International Mediation in the Post-Cold War Era', *op. cit.*

38 KLEIBOER, MARIEKE, 'Understanding success and failure of international mediation' *op cit.*, p. 371.

39 BERCOVITCH, J. and HOUSTON, A., 'The study of International Mediation: Theoretical Issues and Empirical Evidence', *op cit.*, pp. 25-26.

Although there is no consensus on this issue, as stated, CARNEVALE and CHOI conclusion in their work seems very realistic. They claim the possibility of positive outcomes due to mediator bias, arguing that

“the model of mediation that the mediator has as a neutral, impartial, powerless, third party simply does not apply in international relations. Mediators who have interests, who even are biases, are often effective”⁴⁰.

From this perspective, a goal-based approach may be the model to explain and justify the mediator role and their influence over the parties.

A last consideration about the nature of the mediator on international mediation is related to his/her cultural background in general. As suggested by CARNEVALE and CHOI cultural ties may be a positive factor in international mediation as long as they can provide the qualifications for a third party to enter the conflict and influence the process. A completely neutral and extraneous mediator in a conflict is besides unrealistic, an erroneous conception according to these authors. The mediator’s cultural background can facilitate successful mediation outcomes even if the mediator has stronger cultural ties to one side than the other. In CARNEVALE’S and CHOI’S view the fact that political, economical or cultural aspects identify a mediator with one or both disputants may be not only a key for success but also a desirable condition when choosing third party intervention. In other words, a biased mediator may benefit negotiations and even may be indispensable for a desirable settlement. Frei work (1976) also suggests that mediators who shared religious, ideological, or economic values had a higher chance of success than other mediators⁴¹. This position may be

40 CARNEVALE and CHOI, ‘Culture in the mediation of international disputes’, op. cit., p. 109.

41 BERCOVITCH, J. and HOUSTON, A., ‘The study of International Mediation: Theoretical Issues and Empirical Evidence’, Op Cit., p 28.

better understood within the framework of the mediator's role and strategies in the process of international mediation, since his background may be indispensable in bridging intercultural communication gaps between the disputants.

C. THE PROCESS OF MEDIATION: MEDIATION STRATEGIES

As discussed above, the outcome of mediation is contingent upon both contextual and process variables. The mediation process can be viewed as mediator behaviour or strategies. In the International Conflict literature different approaches of mediator roles have been identified. The various typologies are, in some sense, different models to understand the impact of mediator upon the parties, the process and the results.

For YOUNG⁴², the main role of the mediator is to make a real change in the dispute, which is the reason why the mediator interferes between the disputants. This change may be in different ways; KAUFMAN and DUNCAN cluster these possibilities, namely: (1) by supplying information –factual or normative; (2) by transferring information among the disputants; and (3) by altering procedures of the negotiation process, including the physical environment in which negotiation takes place⁴³. From this perspective there is a cautious but ascending scale of mediator involvement with the parties in order to facilitate their communication to obtain a satisfactory agreement.

Along the same lines, ZARTMAN and TOUVAL have described the three basic mediator techniques: mediator as 'communicator', as 'formulator', and as 'manipulator'. In the early stages of negotiations mediators tend to focus on assisting communication between the parties by carrying messages and helping the parties

42 In KAUFMAN, and DUNCAN, 'A formal Framework for mediator mechanisms and motivation', *Op. Cit.*, p 690.

43 *Ibid.*

to understand the messages conveyed. As negotiations get underway, mediators may act as formulators. Parties turn to the mediator to provide a formula for negotiations, that is, a

“common understanding of the problem and its solution or a shared notion of justice to govern an outcome”⁴⁴.

Finally, mediators manipulate the parties by using leverage in order to bring them into agreement.

Alongside the classic tactics described in the literature, COHEN’S cross-cultural model of mediation⁴⁵ adds three distinctive functions to the conventional range of third-party tasks. His model entails the following specific mediator’s cross-cultural roles:

The interpreter, decoding and explaining the parties’ culturally encoded messages and enabling them to communicate intelligibly; the buffer, helping to protect high face-salient disputants from painful and unwelcome confrontation; and the coordinator, synchronizing the discordant negotiating conventions of the rivals and enabling coordinated solutions to emerge at each of the various stages of the talks.

One interesting point in COHEN’S model is the level of impact given to mediator’s cultural background upon the process and mediation outcomes. From this view, the identity of the mediator performs a relevant role in the mediation process, since they are charged to bridge the gap between cultures, particularly where antagonists are separated by ‘fundamental, unconscious antinomies relating to the use of language, significance attached to face, and conventions regulating the business of negotiation’⁴⁶. Despite the

44 ZARTMAN, WILLIAM and TOUVAL, SAADIA, “International Mediation in the Post-Cold War Era”, op. cit., p. 454.

45 COHEN, RAYMOND, ‘Cultural Aspects of International Mediation’ in *Resolving International Conflicts: The theory and practice of mediation*, (Ed) BERCOVITCH, JACOB, Lynne Rienner Publishers, US, 1996, pp.. 107-128.

46 Ibid., p 124.

fact that many international disputes do not involve a clash of cultures; COHEN claims that some obstacles for settlement of disputes across cultures and regions are compounded by both communication and negotiation dissonances. Hence the mediator should perform specific cross-cultural roles in those cases.

Undoubtedly, measuring mediator behaviour impact on mediation is very difficult. In an attempt to predict positive outcomes of mediator strategies, BERCOVITCH, ANAGNOSON, and WILLE concluded, firstly, that more active strategies are the most effective in international mediation; and secondly, that active mediation strategies can affect and be responsive to a wider variety of dispute situations than less active strategies. For these scholars, active strategies are emphasised because they can prod the adversaries, allow mediators to introduce new issues, suggest new ways of approaching the conflict, or alter the motivational structure of the parties⁴⁷.

Psychologists have also identified many variables that have implications for international mediation. ‘Caucus’, face-saving, and the role of incentives are probably some of the most common tactics⁴⁸. Caucus consists of separating the parties during negotiations as a way of avoiding hostile outbreaks and polemical speeches. Psychologists and mediators have been drawn to the conclusion that ‘the elimination of nonverbal interaction between negotiators who are in hostile conflict increases the likelihood that they will reach agreement’⁴⁹.

Psychological research has also demonstrated that mediators can help the parties save face ‘by making suggestions for concessions and taking responsibility for the concessions’⁵⁰. With this tactic,

47 BERCOVITCH, J., ANAGNOSON, J.T., WILLE, D., ‘*Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations*’, op cit., p. 16.

48 CARNEVALE and CHOI, ‘Culture in the mediation of international disputes’, op cit., p. 107.

49 Ibid.

50 Ibid.

an agreement is likely because parties make concessions while preserving their own sense of personal strength.

The role of incentives is a third interesting example, which illustrates how the mediator's motivations in a particular mediation may greatly influence its outcomes. The mediator's incentives may vary in each case. Their involvement is often driven by 'cost-benefit calculations'. A mediator may pursue intangible or material rewards such as prestige and reputation, gratitude, personal satisfaction or gain political or economical influence, for example. On the other hand, costs include time, energy, research, patience, or emotional feelings. CARNEVALE and CHOI suggest that mediator's incentives lead them to go to considerable lengths in finding a solution as KISSINGER'S mediation in the Middle East suggests⁵¹.

D. FINAL CONSIDERATIONS: CULTURAL CONTEXT AND MEDIATION SUCCESS

Throughout this paper, the term 'successful outcomes' has been used many times to mean satisfactory results from a process of mediation. However, there is not a golden formula to predict such results. As stated, the process of mediation and its outcomes is influenced by the cultural context, which may be described like the 'human-part of the environment' (CARNEVALE and CHOI) in which the dispute is developed and the mediation is undertaken. It means that cultural dimensions are an integral part of the context of any conflict. Since culture encompasses many aspects, the effectiveness of mediation may appear as a relative term.

There is little agreement in the literature on what constitutes a successful mediation result, or how to identify it. The success of a process of mediation may be perceived very differently by the parties involved, the mediator, or an observer. The rules to define

51 Ibid.

and assess success after a process of mediation are not standard either. Moreover, what can be defined successful mediation at one point may be considered unsuccessful later. Sometimes failure is easier to recognise, since it is usually relative to the goal that was sought and not achieved.

Some analysts have generated their own criteria for successful intermediary intervention. In an attempt to retain flexibility on this concept, BERCOVITCH et al (1991) have understood that there is a successful international mediation when the parties have reached a ceasefire, a partial settlement or a full settlement⁵². In other words, when at least a slight change has occurred in the level of conflict due to the mediation efforts. On the other hand, based on a goal-based approach another group of analysts (SMITH 1985; TOUVAL and ZARTMAN 1985) has equated mediation success with the satisfaction expressed by the parties at the end of the process, according to their initial objectives⁵³. In any case, despite the difficulty when conceptualising the term 'culture', it is becoming increasingly seen as a major element in theories of conflict resolution.

In a broad sense, culture may be understood as 'a system of meaning and value shared by a community, informing its way of life and enabling it to make sense of the world'⁵⁴. Despite the infinite number of definitions of culture, many agree on some basic characteristics⁵⁵. Culture is usually viewed as a system of habits, beliefs, values and meanings property of societies, not individuals.

52 BERCOVITCH, J., ANAGNOSON, J.T., WILLE, D., 'Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations', op cit., p. 9.

53 See KLEIBOER, MARIEKE, 'Understanding success and failure of international mediation' op cit., pp. 361-362.

54 COHEN, RAYMOND, 'Cultural Aspects of International Mediation' in *Resolving International Conflicts: The theory and practice of mediation*, op. cit., p. 109.

55 Some of these relevant characteristics of culture are described in BERCOVITCH, J. and ELGSTROM, O., 'Culture and International Mediation: Exploring Theoretical and Empirical Linkages' op. cit., p. 5.

It is acquired through socialization, learning and experience. Besides, as far as culture is boundary, it contains a body of meaning shared by a group, and at the same time, it is a barrier that excludes those who do not belong to the group.

As seen, there is no unanimous opinion about the impact of culture upon international mediation. Some claim that culture carries no, or negligible, explanatory power. Others however, like CARNEVALE and CHOI, give culture a prominent place in their research. Traditionally, the relationship between culture and international mediation outcomes is studied from an individualist or collectivist perspective, looking at the behaviour of the parties and the mediator in single cases. Individualism is a cultural syndrome that stresses the notion of individuals as autonomous. Collectivism, on the other hand, is characterised by the idea of groups where individuals are highly interdependent parts.⁵⁶

From a different view, BERCOVITCH and ELGSTROM proposed a model of mediation where culture appears with a high impact on the process as well as on the results. Although culture may seem abstract and hard to operationalise, they adopted five variables in order to measure and assess cultural uniformity and diversity: (1) Geographical proximity; (2) Type of political system; (3) Level of political rights; (4) Level of civil liberties; (5) Religion.⁵⁷

In the analysis of their data set, BERCOVITCH and ELGSTROM found that cultural differences between parties lead to fewer successful cases of conflict management. Their study shows that mediation is more likely to be successful when the countries in conflict share the same level of political rights, civil liberties and religion. They also noted that whereas most conflicts in international relations take place within the same region, much of them are between states with different political systems, different levels of political rights, civil liberties and different religion. They found however no relation

56 CARNEVALE and CHOI, 'Culture in the mediation of international disputes', op. cit., p. 106.

57 Ibid., pp. 12-19.

between the nature of a country's political system and successful mediation. The stressed point is that the effectiveness of international mediators will indeed be influenced by cultural differences.

The presented debate suggests that success in mediation is never attributable to a single cause or factor; even more, each factor may add a necessary element to get success. In the same way, literature suggest that there are also varying degrees to which mediating efforts contribute to failure. The contingency framework of mediation offers an empirical approach to understand mediation as a complex and non-static process where its successful outcomes are closely related to the nature and characteristics of the dispute as well as the mediator's background and strategies.

When analysing the relevant factors to shape the mediation results, it was found that culture, as an ultimate and inevitable element of conflict, irradiates its effects upon the process and outcomes of mediation. The impact of culture is not always a negative factor in the context of international mediation, although some analyses demonstrate that cultural differences may exacerbate mediation process.