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Analyzing structure and behavior*

Jacob Bercovitch

Introduction
All societies and systems of relationships experience conflict, and have to learn how to live with it and manage it. Although conflicts have many potential benefits, they can also be destructive and entail high costs for all concerned. Hence, the need to manage, terminate or resolve conflicts. As Byrne and Senehi note in the Introduction to this volume, we are keen to know more about the practice of conflict resolution in which parties to a conflict, or an outsider with knowledge or resources, help to change the conflict, and do so in a peaceful manner. There are many peaceful ways of managing conflicts. The more traditional ways are listed in Article 33 of the United Nations (UN) Charter, which enumerates such peaceful methods as negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, and resorts to regional agencies or arrangements.

All conflicts can be peacefully dealt with by direct negotiation between the conflicting parties; various forms of mediation, good offices, and conciliation; and binding forms of third party intervention (e.g. arbitration and adjudication). Each of these methods has its own characteristics, strengths, and disadvantages, and each may be suited to different conflicts. I do not think that we can advocate one generic method of conflict resolution for all conflicts. Here, I wish to explore mediation, understand its unique features, show how it works, appreciate who can undertake mediation activities and the problems mediators typically encounter, and assess how mediation can contribute to resolving conflicts and preventing their escalation in the international environment of the twenty-first century.

Mediation: definitions and approaches

Definitions
Mediation is a useful way of dealing with conflicts that are complex or intractable. But what exactly is it and what do mediators do? For many years, the study of mediation has suffered from conceptual imprecision. Practitioners of mediation, in the domestic or international arena, were keen to sustain its image as a mysterious practice, akin to some art form, taking place behind closed doors. Scholars of mediation, on the other hand, did not think their field of study was susceptible to a systematic analysis. In short, neither group believed that

it could discern patterns of behavior in mediation’s various forms, or that any generalizations could be made about the practice in general.

The prevalent agnosticism toward analysis is exemplified in the observations of two noted American practitioners. Arthur Meyer, himself an experienced mediator, commenting on the role of mediators, notes that

the task of the mediator is not an easy one. The sea that he sails is only roughly charted, and its changing contours are not clearly discernible. He has no science of navigation, no fund inherited from the experience of others. He is a solitary artist recognizing at most a few guiding stars, and depending on his personal powers of divination.

(Meyer 1960: 160)

William Simkin, an equally respected practitioner of mediation, comments in a slightly more prosaic but no less emphatic fashion that “the variables are so many that it would be an exercise in futility to describe typical mediator behavior with respect to sequence, timing or the use or non-use of the various functions theoretically available” (Simkin 1971: 118).

Such an approach all but dooms any serious study of mediation. We have to look at other scholars to see how they approach the problem of definition. Oran Young, for instance, looks at what mediators purport to do, and offers a definition of mediation as “any action taken by an actor that is 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). Other definitions of mediation focus on neutrality and impartiality. 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 mediation 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). Finally, 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 a suitably neutral go-between” (Spencer and Yang 1993: 195).

These definitions exemplify the scope of mediation. Mediation is a complex activity; it may take place in conflicts between states, within states, between groups of states, between organizations, and between individuals. Mediators enter a conflict to help parties in conflict achieve a better outcome. Once in a conflict, mediators may use a wide variety of behaviors to achieve this objective. Some mediators make suggestions for a settlement, others refrain from doing so. Some mediators are interested in achieving a compromise, others are not. We should also note that some mediators may be neutral, others are decidedly not.

The former Secretary of State Henry Kissinger in the Middle East; Presidents Carter and Clinton at Camp David; the former British and Russian Foreign Secretaries, Robin Cook
and Yevgeny Primakov, or US Ambassador Richard Holbrooke, all mediating in Kosovo; Secretaries of State Colin Powell and Condoleezza Rice shuttling to and fro in the Middle East; or the Chinese in North Korea – these, as well as many other mediators, may or may not have been neutral in mediating their different conflicts, but that was hardly the most notable feature of their performance.

The reality of international mediation is that of a complex and dynamic interaction between mediators, who have resources and an interest in the conflict or its outcome, and the protagonists or their representatives. The most helpful approach to mediation links it to negotiation, but at the same time emphasizes its unique features and conditions. The parameters of such an approach were established by Carl Stevens and Thomas Schelling. Stevens states that

mediation, like other social phenomena, is susceptible to systematic analysis. The key to analysis is in recognizing that where mediation is employed it is an integral part of the bargaining process. . . . [A]n analysis of mediation is not possible except in the context of general analysis of bargaining negotiations.

(1963: 123)

In a similar vein, Schelling (1960: 22) 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.”

In any given conflict mediators may change, their role may be redefined, issues may alter, indeed even the parties involved in the conflict may and often do change. Mediators may intervene early in a conflict in an attempt to prevent it, or later on when fatalities have already reached high levels. A comprehensive definition seems to be a primary requisite for understanding this complex reality. 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 of, or accept an offer of help from, an outsider (whether an individual, an organization, a group, or a state) to change their perceptions or behavior, and to do so without resorting to physical force or invoking the authority of law.

This may be a broad definition, but it is one that can be generally and widely applied. 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 of mediation. All these elements are important in mediation. Together they determine its nature, quality, and effectiveness, as well as why some mediation efforts succeed while others fail.

Mediation is, at least structurally, the continuation of negotiations by other means. Mediation differs from other accommodative strategies such as negotiation (which is dyadic rather than triadic in structure) and arbitration (which has a strong binding character). What mediators do in their efforts to resolve a conflict may depend, to some extent, on who they are and what resources and competencies they can bring to bear. Ultimately, though, their efforts depend on who the parties are, the context of the conflict, what is at stake, and the nature of their interaction. “Mediation,” as Stulberg so rightly notes, “is a procedure predicated upon the process of negotiation” (1981: 87). Mediation is, above all, adaptive and responsive. It extends the process of negotiation to reflect different parties, different possibilities, and a different situation. To assume otherwise is to mistake wishful thinking for reality.
How to study mediation?

The literature on international mediation is truly interdisciplinary. It has attracted many scholars and reflects great diversity in terms of approaches, disciplines, and perspectives (see Kolb and Rubin 1991). These approaches range from purely scholarly studies through policy implications to the reflections of experienced mediators. Here I want to suggest a threefold typology of approaches that have dominated the study of mediation.

1. The first group of studies can be described as broadly normative and it is devoted to offering advice on what constitutes best practice in conflict management in real-world situations (e.g. Fisher and Ury 1981). These studies, mostly developed by scholars associated with the Program on Negotiation at Harvard University, generate books and manuals on how ideal mediators and negotiators should behave, what constitutes good negotiation or mediation, and how conflicts – serious or otherwise – can be resolved.

2. There is a large body of studies on mediation that is broadly prescriptive in nature. These are studies that are based on explicit theoretical notions and a generic conception of conflict resolution. Scholars who have made great strides within this tradition prescribe how mediators (or more precisely, third parties) should behave in any given conflict if they are to be genuinely successful. Many of these studies use a variety of interaction and problemsolving techniques to combine political action with scientific experimentation and contribute to the development of a set of rules that can apply to all (not just international) conflicts. Some of this research (Burton 1969, 1972, 1984; Doob 1971; Fisher 1983; Kelman 1992; Walton 1969) has generated valuable insights, but much of it is still in a pioneering phase, and proper evaluation of results remains difficult.

3. The third set of studies, which I call descriptive, is based on actual descriptions and empirical examinations of mediation cases. These studies seek to develop theories and to offer general guidelines through detailed description of a particular case of international mediation (e.g. Ott 1972; Rubin 1981), laboratory and experimental approaches to mediation (e.g. Bartunek et al. 1975; Rubin 1980) to discover how parties and mediators behave in controlled circumstances, or the use of the contingency framework that relies on large-scale systematic research on thousands of cases of international mediation. I am particularly keen to emphasize this approach, as it can actually test propositions about effective mediation (e.g. Bercovitch and Rubin 1992; Touval and Zartman 1985). The contingency approach has its roots in the social-psychological theories of negotiation developed by Sawyer and Guetzkow (1965) and modified by Druckman (1977). This is the approach that I believe can yield the most significant insights on mediation.

The contingency approach provides a framework that permits a systematic analysis of the underlying structures and conditions that shape conflict events, and complex relationships of the conflict management process. It takes into consideration the individual influences of personal, role, situational, goal, interactional, and outcome variables (Bercovitch 1984; Bercovitch and Houston 2000; Fisher and Keashley 1991; Gochman 1993; Keashly and Fisher 1996) as well as their interactive effects within the context, process, and outcome of conflict management (Bercovitch and Houston 2000). The contingency approach makes it clear that nothing about a particular mediation is random. Mediation is affected by many features and attributes of the parties, the context, and the issues involved (Assefa 1987).
Motives for mediation

Why does mediation even take place? The process is time-consuming, involves risks and uncertainty, and may, and often does, result in failure. Besides, not every actor can afford or has the credibility and time to mediate. So, why mediate? Why would parties in conflict be prepared to relinquish control over aspects of their conflict management experience, and why, come to that, would a third party be willing to intervene in a serious conflict that has defied many attempts at resolution? There are, I believe, a number of compelling reasons for initiating and taking part in a serious mediation effort.

Mediation has become almost as common as conflict itself. It is carried out daily by such actors as private individuals, government officials, religious figures, regional, non-governmental, and international organizations, ad hoc groupings, and states of all sizes. Each of these mediators brings to the mediation situation their own interests, perceptions, and resources. Each of them may adopt behavior that ranges from the very passive, through the facilitative, to the highly active. The form and character of mediation in a particular international conflict are determined by the context of both the international system and the conflict itself (Bercovitch and Jackson 2001; Touval 1985; Kolb 1989a,b), the issues, the parties involved, and the identity of the mediator. The importance of this interdependence can hardly be overemphasized.

But why would a mediator wish to intervene in other people’s conflicts, and why, for that matter, would states in conflict (or parties in dispute) accept a mediator? Thus, one of the crucial themes in the mediation literature is the motivation of parties to seek assistance, and the motivation of the mediators to mediate. The parties’ motivation and commitment to accept and engage in mediation undoubtedly affect the outcome of mediation. Effective mediation requires consent, high motivation, political will, and active participation. Traditional approaches to mediation assume that conflict parties and a mediator share one reason for initiating mediation: a desire to reduce, abate, or terminate a conflict. To this end, both sides may invest considerable personnel, time, and resources in the mediation. This shared humanitarian interest may be a genuine reason in some cases of mediation, but normally this interest intertwines with other motivations.

The motives of mediators and of parties seeking mediation often differ. For analytical purposes it is useful to look at mediator motives and parties’ motivations separately.

Mediator motivation

Different mediators have different motives for intervening in a conflict. When the mediator is an unofficial individual (e.g. Adam Curle in the Nigeria–Biafra conflict in 1967–1970, or President Carter in North Korea in 1994), the motives for initiating mediation may include a desire to (a) be instrumental in changing the course of a longstanding or escalating conflict, (b) gain access to major political leaders and open channels of communication, (c) put into practice a set of ideas on conflict management, and (d) spread one’s own ideas and thus enhance personal stature and professional status. The presence of one or more of these motives (which may be conscious or subconscious) in an opportune situation provides a very strong rationale for an individual to initiate unofficial mediation.1

Where a mediator is an official representative of a government or an organization, as is often the case, another set of motives may prevail. Such persons initiate mediation because (a) they have a clear mandate to intervene in disputes (e.g. the Charters of the Arab League, the African Union, and the Organization of American States each contain an explicit
clause mandating that their members seek mediation in regional disputes), (b) they may want to do something about a conflict whose continuance could adversely affect their own political interests, (c) they may be directly requested by one or both parties to mediate, (d) they may wish to preserve intact a structure of which they are a part (e.g. the frequent mediation attempts by the United States in disputes between Greece and Turkey, two valued NATO member-states), or (e) they may see mediation as a way of extending and enhancing their own influence by becoming indispensable to the parties in conflict, or by gaining the gratitude (and presumably the political goodwill) of one or both protagonists (e.g. the frequent efforts by the United States to mediate the Arab–Israeli conflict).

Mediators are political actors; they engage in mediation and expend resources because they expect to resolve a conflict and gain something from it (see Greig 2005). For many actors, mediation is a policy instrument through which they can pursue some of their interests without arousing too much opposition (Touval 1992a). The relationship between a mediator and disputants is thus never entirely devoid of political interest. To overlook this aspect is to miss an important element in the dynamics of mediation.

**Parties’ motivation**

Adversaries in conflict have a number of motives for desiring mediation: (a) mediation may help them reduce the risks of an escalating conflict and get them closer to a settlement; (b) each party may embrace mediation in the expectation that the mediator will nudge or influence the other party toward their position; (c) both parties may see mediation as a public expression of their commitment to an international norm of peaceful conflict management; (d) they may want an outsider to take much of the blame should their efforts fail; or (e) they may desire mediation because a mediator can be used to monitor, verify, and guarantee any eventual agreement. One way or another, parties in conflict – and a mediator – have compelling reasons for accepting, initiating, or desiring mediation.

Whether we are studying ethnic, internal, or international conflict, we should resist the tendency to think of mediation as a totally exogenous input, as a unique role or a distinct humanitarian response to conflict in which a well-meaning actor, motivated only by altruism, is keen to resolve a conflict. A mediator, through the very act of mediating, becomes an actor in a conflictual relationship. This relationship involves interests, costs, and potential rewards, and exemplifies certain roles and strategies. A mediator’s role, at any one time, is part of this broad interaction. To be effective, mediators’ roles must reflect and be congruent with that interaction. This is how mediation should be seen, studied, and considered in international relations.

**What do mediators do when they mediate?**

What is it that mediators actually do when they enter a conflict? Like many questions about mediation, the answer to this one is far from simple or obvious. Clearly, we must clarify what we mean by mediation behavior, and how best to interpret it. There are various ways in which mediator activities can be identified and accounted for. Much of the early debate about mediation behavior was confused and ambiguous (Burton and Dukes 1990: 26). Traditional research and explanations of mediators’ activities were shrouded in terms such as “neutrality,” “voluntary,” “concessions,” and “impartiality,” which describe the expectations associated with the practice of mediation, but obscure any understanding of its processes.
Alternatively, mediator activities were organized conceptually to describe mediator behavior in terms of various preordained roles and tactics (Gulliver 1979) or phases (Folberg and Taylor 1984; Mitchell 1981; Moore 1986) that govern mediator intervention behavior. Although these may be interesting classifications, they bring us no closer to understanding the underlying dynamics of the mediation process and the reality of the changing nature of a conflict (Bercovitch and Rubin 1992: 103).

Mediation revolves around the choice of strategic behaviors that mediators believe will facilitate the type of outcome they seek to achieve in the conflict management process.

As such, mediation is not an “art” that is highly idiosyncratic, based on intuitive insights, and resistant to systematic analysis (Meyer 1960); it is rather a coherent and planned activity. Consequently, it is possible to explain and understand a mediator’s behavior in terms of the identification and conceptualization of various roles, tactics, processes, and strategies that can be exercised in the practice of mediation.

**Mediation strategies**

The most useful way of describing and interpreting mediator behavior is to conceptualize their activities in terms of broad strategies. Although the analysis of the roles and stages of mediator behavior provides perfectly valid and feasible explanations of single cases, the categorization of mediation behavior into broad strategies is the most practical and useful option when studying a large number of conflicts. This approach provides a simple yet logical structure within which the extensive inventory of mediator behavior can be organized and understood.

For our purposes, the most useful taxonomy of mediator behavior that can be applied to international mediation analysis is based on the identification of three fundamental mediator strategies along a continuum ranging from low to high intervention. These are (a) communication-facilitation, (b) procedural, and (c) directive strategies. These strategies are based on assumptions derived from Sheppard’s (1984) taxonomy of mediator behavior that focuses on the content, process and procedural aspects of conflict management.

1. **Communication-facilitation strategies** describe mediator behavior at the low end of the intervention spectrum. Here a mediator typically adopts a fairly passive role, channeling information to the parties, facilitating cooperation but exhibiting little control over the more formal process or substance of mediation. Norway’s mediation role in the Oslo agreement between Israel and the PLO of 1993 exemplifies this approach.

2. **Procedural strategies** enable a mediator to exert a more formal control over the mediation process with respect to the environment of the mediation. Here a mediator may determine structural aspects of the meetings, and control constituency influences, media publicity, the distribution of information, and the situational powers of the parties’ resources and communication processes. New Zealand’s efforts in the Bougainville conflict in 1995, when it brought both parties to a military camp in New Zealand, exemplify this form of mediation.

3. **Directive strategies** are the most powerful form of intervention. Here a mediator affects the content and substance of the bargaining process by providing incentives for the parties to negotiate or by issuing ultimatums. Directive strategies deal directly with and aim to change the way issues are framed and the behavior associated with them. Richard Holbrooke’s (1998) efforts at Dayton to end the Bosnian war in 1995 are typical of this approach.
Although mediators have a wide array of tactical choices at their disposal, there is no suggestion here that they may use any of the strategies they wish with the corresponding tactics in any conflict they intervene. Clearly, there are some conflicts that will show greater amenability to some forms of mediation behavior, and, of course, there will be mediators who will feel more comfortable with, or have the resources and determination to implement, one strategy rather than another. Analyzing which strategies and which tactics work in which conflicts has been a dominant, if inconclusive, theme of mediation research.3

Can we, in any way, link strategies to outcomes? Few studies attempt to assess the effectiveness of different strategies. Those that do so have found that the strategies at each end of the intervention spectrum appear to dominate actual mediator intervention in international conflicts (Bercovitch and Houston 1996). Further analyses of mediation revealed that, whereas communication-facilitation strategies are the most frequently utilized by international mediators, directive strategies appear to be the most successful (e.g. Bercovitch and Houston 1996; Gartner and Bercovitch 2006; Wilkenfeld et al. 2003).

The choice of a strategy in any situation is clearly affected by, inter alia, the nature of the relationship between the parties, and the context of the conflict. Mediators adapt their style of intervention to meet the requirements of the situation, and we think that certain styles or strategies of mediation will be generally more effective in certain situations. An intense conflict with high fatalities may require more intense interventions than a low-level conflict (see Rubin 1980; Hiltrop 1989). The costs of no agreement in the former are dangerously high. If mediators are involved in such a conflict, they will use any stick or carrot at their disposal to nudge the parties toward a zone of agreement.

Factors affecting the choice of a strategy

A number of factors exercise an influence on the choice of a mediation strategy, and on its potential for success. Amongst the most important factors are the following:

Conflict intensity is recognized as a major factor affecting the nature of conflict management, and any evolving pattern of mediation. But how exactly does the intensity of a conflict influence the implementation of a particular mediation strategy? Conflict intensity usually refers to such factors as the severity of conflict, the level of hostilities, the number of fatalities, the level of anger and intensity of feeling, the types of issues at stake, and the strength of the parties’ negative perceptions (Kressel and Pruitt 1989). When conflict intensity is low, Rubin (1980: 389) suggests that the parties are concerned with “mending their own fences” and do not want third party intrusion. Mediators’ behavior in such cases may simply involve being a catalyst for negotiations, in which case the least invasive form of intervention would be used. In contrast to that, in high-intensity conflicts mediators are keen to prevent further escalation and do so by adopting more active forms of intervention. High-intensity conflicts are more associated with higher levels of mediation involvement (see Bercovitch and Gartner 2006).

Previous relationship can be examined to gauge how past experiences of conflict and conflict management affect current behavior and determine choice of mediation strategy. Any social relationship is affected by previous experiences between the same parties. Similarly, any current conflict management is affected by previous conflict management efforts and any learning that may have taken place.4 The past does, indeed, cast a shadow on the present (see Sandole 1999). Repeated mediation efforts by the same mediator may establish some norms of interaction and, to a large extent, determine what each party may expect
and how it should behave. In an environment of risk and uncertainty, mediators may use information from previous efforts, or build on any rapport they may have had with the parties. Here I want to suggest that previous conflict experience and mediation may exert a strong influence on the choice of a current strategy. Previous mediation efforts can establish norms and a certain rapport between the parties, and these can affect their current disposition and behavior.

Mediation identity describes the official position of a mediator. This will clearly affect the choice of a strategy. At the most basic level, some mediators have the potential to utilize resources and use leverage and influence; others can rely only on their legitimacy or reputation. Who the mediator is determines to a large extent what a mediator can do. Some mediators have the full range of resources and thus the full range of strategies available to them. Others (individual mediators, NGOs) can only use communication strategies, as they simply do not have access to expensive resources.

Mediation initiation plays an important role. Although mediation is ultimately a voluntary process, it may be initiated, i.e. suggested, appealed for, or offered, by the disputants, the mediator, or various other concerned parties. What a mediator can do, as well as the legitimacy and authority of its mediation, are to some extent determined by who initiates the process and the timing of mediation in terms of the conflict phases and the state of the parties’ current negotiations.

These factors may determine the acceptability of a specific mediator, and the role, bounds, and expectations within which a mediator may manage the conflict, and the type of strategies employed (Kolb 1983; Raiffa 1982). The initiation and acceptance of mediation create a motivational dynamic and levels of commitment and expectations that have a great influence on how the whole process unfolds and how a mediator behaves.

The mediation environment is an important dimension that may influence mediation behavior and choice of strategies. The choice of mediation environment may be determined by the demands of the parties; by their powers, resources and goals, and their willingness to negotiate; by the extent of constituency and media pressures; or by a mediator’s strategy to control a particular conflict situation. In turn, the specific environment in which mediation takes place may determine the type of behavior a mediator employs. As such, the mediation environment, with the various opportunities and constraints that it provides, may be a powerful factor in understanding the dynamics of mediation behavior. An ideal mediation environment will support rather than hinder parties’ conflict management efforts and interactions, and provide the mediator with opportunities to manage and control the whole process (Touval 1982).

The structure imposed on mediation by the environment provides opportunities for both parties and the mediator to be empowered, to manage their conflict competently and productively, and to avoid or mend any dysfunctional behavior that may regress the parties’ mediation efforts. The physical context of the mediation event establishes the bounds that dictate, and perhaps constrain, the ability of the parties and the mediator to express their status, authority, power, leverage, and assertiveness, and how their efforts are represented to external constituencies, media, and international audiences. A mediation environment may also determine the situational powers of the participants, their proximity, and social interactions. Clearly, a party’s legitimacy, standing, and integrity are integral characteristics that must be protected and maintained if mediation is to be successful. These factors are dependent on the nature and urgency of the dispute being managed.

Mediation behavior and choice of strategies cannot be foreordained or prescribed in advance. They are part of the overall structure of a mediation event and context. Mediators
choose strategies that are available, feasible, permissible, and likely to achieve a desired outcome. Mediation behavior is adaptable; it reflects to a large extent the context in which it takes place. I have highlighted some of the important contextual dimensions that may have an impact on mediation behavior and outcomes. We ignore these at our peril.

What is success?

How do we know that mediation has been successful or not? How can we evaluate its impact? Was the Dayton Agreement a success? And if so, why? Was the Oslo Agreement a success? Are we looking only for a change effected as a result of mediation, or for a specific kind of change? And how do we assess change in the context of social relations? There will be as many answers to these questions as there are commentators. And yet, we have to be able to answer this most fundamental of questions. Too often, it seems that success or failure is assumed, postulated or defined on a case-by-case basis, and usually in an arbitrary and poorly reasoned manner. We need to engage in a more comprehensive discussion of what is success, what is a failure, and how to recognize them.5

Because international mediation is not a uniform practice, it seems futile to draw up one set of criteria to cover all possible constructs of success. Individual mediators, for instance, may adopt communication-facilitating strategies, and be more concerned with the quality of interaction and the creation of a better environment for conflict management. Mediating states, on the other hand, may seek to achieve more than just a change in interactions, desiring a real change in behavior. Different objectives give rise to different meanings of success in mediation. Here I wish to suggest two broad criteria, subjective and objective, to assess the effects and consequences of mediation in international conflicts.

Subjective ideas

Subjective ideas relate to parties’ or mediators’ perception that mediation has achieved its goals and a change has taken place. Using this perspective, we can suggest that mediation can be said to be successful when the parties feel, or express, satisfaction with the process or outcome of mediation, or when the outcome is seen as fair, efficient, or effective (Susskind and Cruickshank 1987).

Fairness is an intangible abstraction. One cannot define fairness so stringently that it will not still be interpreted differently by different people, much like success itself. However, we do recognize that, whatever it may be, fairness suggests to most people an even-handedness of procedure and equitability of outcome, that is clearly indicative of some conception of “success.” Sheppard (1984) presents a number of concrete indicators of fairness that serve to assuage concerns regarding the threat of abstraction. Levels of process neutrality, disputant control, equitability, consistency of results, and consistency with accepted norms are all relatively easily observed. Susskind and Cruickshank (1987), meanwhile, present similar indicators of fairness (e.g. improvement of procedure and institution of precedent, access to information and opportunity for expression), which provide reasonably concrete conceptions of fairness. However, although there are certain observable indices of fairness, both Sheppard (1984) and Susskind and Cruickshank (1987) talk about the importance of “perceived fairness” in proceedings. Indicators of fairness mean little to parties in conflict if they themselves do not think the proceedings are fair. This “perception of unfairness,” justified or not, is often more crucial than any concrete measures of success.

In some respects, participant satisfaction seems like a better indicator of success. If parties
in mediation are satisfied with the process or outcome, they are more likely to perceive it as a success and, as Sheppard (1984) indicates, more likely to be committed to it. This, in turn, produces other relevant dimensions of success, such as stability, which are more likely to be achieved. Sheppard identifies a number of measurable indicators, with regard to both process (privacy, level of involvement) and outcome (benefit, commitment).

However, as with fairness, parties’ satisfaction is a largely perceptual and very personal quality. Satisfaction is often deemed an almost emotional response to the achievement of a goal or attainment of some requirement. Clearly, the sorts of goals taken into account by those involved in conflict are personal in nature, and formed by the specific configuration of their personality, environment, values, expectations, etc. This is neither unexpected nor unusual. Although satisfaction is both a very personal and a very subjective quality, it does not mean that mediators should abandon their quest to achieve outcomes that “satisfy” the parties. Outcomes that are “satisfactory” are more likely to be longer lasting, and less likely to be breached by repeated conflict.

Another possible indication of mediation success is the quality of effectiveness. Effectiveness is a measure of results achieved, change brought about, or new forms of behavior agreed to. Successful mediation is about achieving some change. For a mediation effort to be deemed successful, it must have some (positive) impact or effect on the conflict. The kind of change I am talking about relates to moving from violent to non-violent behavior, signing an agreement, accepting a ceasefire or a settlement, agreeing to a UN peacekeeping force, or any such measures. If any of these have occurred as a result of mediation, mediation may be said to have been effective, and thus successful.

The fourth subjective criterion, efficiency, is primarily focused on the procedural and temporal dimension of conflict management. Efficiency addresses such issues as the cost of conflict management, resources devoted to it, and timeliness and disruptiveness of the undertaking. In some respects, this may seem extraneous. If a mediation episode is effective in other ways, does efficiency matter? Once again, it must be stressed that conflict and its management do not occur in a vacuum. Costs racked up in order to accrue benefits may be such that those benefits lose their sheen. Susskind and Cruickshank give efficiency the most weight. They suggest that “Fairness is not enough. A fair agreement is not acceptable if it takes an inordinately long time to achieve or if it costs several times what it should have” (1987: 27). An agreement may not be all that elegant but, if it is achieved within a reasonably short time without entangling too many people in it, there is much to be said for it.

Fairness of mediation, satisfaction with its performance, or improvement in the overall climate of the parties’ relationship cannot be easily demonstrated, but they are undoubtedly consequences of successful mediation. They are subjective because they depend on the perceptions of the parties in conflict. Even if a conflict remains unresolved, mediation – in any guise – can do much to change the way the disputants feel about each other and lead, however indirectly, to both a long-term improvement in the parties’ relationship and a resolution of the conflict.

Objective ideas

Objective ideas in the study of mediation offer a totally different perspective. Objective ideas rely on empirical indicators that can be observed and demonstrated. Thus, one can consider a particular mediation successful when violence has abated, fatalities are reduced, conflict intensity has lessened, or a cessation of violent behavior and the opening of some
dialogue between the parties have been achieved. Or one can call mediation successful when a formal and binding agreement that settles the conflict’s issues has been signed. These are “real” changes that one may observe, and whose significance one may evaluate.

Thinking of the relationship between mediation and objective criteria of success is a relatively straightforward task. Here success can be gauged in terms of the months during which both parties observe a ceasefire; reduced number of fatalities following mediation; acceptance of UN peacekeeping forces; or any other measures that demonstrably affect the extent and seriousness of a conflict. On the face of it, objective criteria seem to offer a perfectly valid way to assess the impact, consequences, and effectiveness of international mediation.

However, it would be unwise to rely solely on objective criteria. Different mediators, and indeed different parties in conflict, have different goals in mind when they enter conflict management. Changing behavior could well be only one amongst many other objectives. Some international mediators may focus on the substance of interactions; others may focus on its climate, setting, and decisionmaking norms. These goals cannot always be evaluated easily. Mediation should ideally be evaluated in terms of the criteria that are significant to each of the participants in the process. Thus, the questions of whether or not mediation works, or how best to evaluate it, can only be answered by finding out as much as we can about each party’s goals and objectives, as well as by learning to ascertain when positive change has taken place.

Conclusion

International conflict and conflict management have become subjects for systematic analysis. Scholarly tracts and practitioners’ reflections have helped to institutionalize the field and enhance the individual and collective capacity to manage conflicts. The risks, costs, and tragedies of conflicts in the latter part of the twentieth century have finally forced us to search for better ways to resolve them. The traditional reliance on power or avoidance is as far from being an optimal way of dealing with conflict as it is outdated. Negotiation 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. Negotiation and mediation do not just happen. They are social roles subject to many influences; and, like other roles, they can be learned and improved.

The shared quest for learning the principles and practices of mediation can make sense only if it is conducted within some kind of an intellectual framework, one that can explain the logic and reasoning behind this method of conflict management, in which the mediator is neither directly part of a conflict nor totally removed from it. This chapter has sought to provide a way of thinking about mediation, its structure, its context and its consequences.

The approach taken here embodies my conviction that mediation is an aspect of the broader process of conflict management, in which all parties have interests and are prepared to expend resources to achieve these, and that mediation involves the intertwining of interests, resources, and positions in an attempt to influence outcomes. This relationship is critical for analyzing the dynamics of conflict and assessing the prospects of successful mediation. I have tried to unravel many aspects of this relationship and point out their influence on mediation. I do not assume that my analysis is exhaustive, but I believe that the presentation here adequately integrates many findings that have a bearing on conflict resolution and provides answers to the basic question of mediation research: when should
one mediate and how? To suggest that every conflict can be mediated really ignores the basic structure and logic of the supply and demand of mediation.

The end of the Cold War and the emergence of an ever-increasing number of ethnic and internal conflicts provide many opportunities for a significant expansion in the use of mediation as an instrument of conflict resolution. The old techniques of power and deterrence seem decreasingly relevant for dealing with the problems and conflicts confronting us in the twentieth century. Mediation may well offer the most coherent and effective response to these issues. To ensure that it can also be successful, we need to develop a better understanding of the process and offer consistent guidelines to the many actors involved in its use. This effort is still evolving, and many different fields and disciplines can contribute to its development. In this chapter, I have tried to take a few tentative steps in that direction. The challenge confronting us all is to recognize the diversity, strengths, and limitations of mediation, and then use its most effective range of tools where appropriate. Given the amount of destruction resulting from today’s conflicts and tomorrow’s potential crises, this is one challenge we cannot afford to ignore.

Notes

1 On mediators’ motives and dilemmas, see Terris and Maoz (2005).
2 Discussions of these can be found in Bercovitch and Rubin (1992), Bercovitch and Wells (1993), and Bercovitch et al. (1991).
3 For an interesting example of this research, see Beardsley et al. (2005).
4 On the role of learning in conflict management, see Leng (2000).
5 For a fuller discussion of these, see Bercovitch (2006) and Chapter 20 in this volume, by Esra Çuhadar Gürkaynak, Bruce Dayton, and Thania Paffelholz on “Evaluation in Conflict Resolution and Peacebuilding.”

Bibliography


