



Facilitative Mediation in International Disputes: From Research to Practical Application

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Working Paper

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WP-92-16
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Preface

Mediation and negotiation are related conflict resolution processes. While negotiation usually is defined as a process involving the principal disputing parties, mediation involves the intervention of a third party. Mediation can be used within the context of negotiation, when the process has reached an impasse, for example. Mediation also can be requested before negotiations even begin to help bring the parties to the bargaining table.

This paper addresses one important function of mediation: to facilitate communication and understanding among disputing parties. While it has been applied to assist in many types of conflict situations, facilitative mediation is of particular interest in the case of environmental disputes, where the consequences of not reaching timely agreements can have devastating effects on a regional or global scale. In a recent collaborative research study completed by the Processes of International Negotiation (PIN) Project at IIASA, eight international environmental negotiations were analyzed in depth to determine if it were possible to draw meaningful implications for practice and further research.¹ Several interesting conclusions were developed concerning environmental negotiation processes and how they differ from negotiations on other issues. Among them were results on the role played by mediation:

- o Several types of actors can serve in the role of third party -- trusted personalities, international organizations and conference secretariats, and epistemic communities, such as lawyers and scientists.
- o Mediation supported the problem solving and interest convergence processes in a positive manner.
- o Mediators functioned to diagnose problems and offer solutions in lieu of or in support of the principal parties. They also stimulated communication and instilled greater understanding for the issues and national interests among the actors.

For example, Dr. Mustafa Tolba of the United Nations Environment Program (UNEP) actively pursued a mediating role during the ozone depletion negotiations by conducting informal consultations. Secretary-General Maurice Strong played a similar role in the prenegotiations leading up to the 1972 Stockholm Conference on Marine Pollution, helping to motivate the delegations and identify areas of agreement and gaps in understanding. Ambassador Tommy Koh served a mediating role in the Law of the Sea negotiations and stimulated the formation of helpful coalitions. At an organizational level, the Secretariat of the International Atomic Energy Agency played a major mediating role in the nuclear pollution talks in 1986 by drafting the agenda and a proposed text. UNEP served a similar function in drafting the 1974 Mediterranean Action Plan. Finally, the scientific community was called upon to mediate in the Mediterranean pollution talks by providing independent fact-finding, diagnosing the problem, and recommending the range of scientifically-viable solutions.

While this paper does not address how mediation can be applied to environmental negotiations in particular, it does develop an empirically-based framework with which policy makers can develop effective instructions for mediators who support international discussion of environmental issues. This can provide a meaningful foundation for additional research toward identifying effective mediational approaches to resolve environmental problems and disputes.

¹ Sjöstedt, Gunnar (1992, forthcoming) *International Environmental Negotiation*. Newbury Park: CA: Sage Publications.

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Introduction

How can an intergovernmental organization function effectively as a mediator in an international or regional dispute? Practically, when such organizations agree to provide mediational support in a dispute, they designate a trusted individual or team to conduct the intervention. These mediators typically are given instructions as to the scope and extent of their involvement.

However, the specificity of such instructions is limited in terms of the strategies and tactics that can be recommended, because effectiveness parameters are not readily available. Where in the theoretical and research literature can such intergovernmental agencies turn to gain advice on a repertoire of effective mediational approaches? Certainly, contextual attributes, such as the nature of the issues, the situation, and the intensity of the dispute, influence significantly the effectiveness of available mediational tactics and strategies. These contingent relationships between mediator behavior and successful dispute resolution have been examined systematically by Bercovitch (1991) and Carnevale, Lim, and McLaughlin (1989), but their conclusions are at a very formative stage and require extensive additional data gathering. Another promising area of research related to identifying effective mediation approaches is now emerging using expert systems techniques.² Again, this research is in its early stages and must be subjected to extensive validation before it can be applied to real situations.

A third grouping in the research literature consists of analytical case studies, such as the collections in Touval and Zartman (1985) and Rubin (1983). Such collections and their attempts at integrative analysis indeed can provide useful lessons for practitioners on such critical issues as mediator effectiveness. They are limited in their capacity to provide broad support though, since their conclusions are drawn from only a small sample of mediational cases. Much of the remaining literature that is relevant to advise practitioner use of different mediational approaches is highly subjective and untested. This literature largely takes the form of personal memoirs of practitioners (Dedring, 1991; Pechota, 1972; Ramcharan, 1983; Probst, 1989) and behavioral prescriptions based on the attributes of successful mediators (Urquhart, 1985; Dickey, 1991). This literature is interesting, but not very reliable in terms of offering recommendations to practitioners.

Thus, a very real gap exists between the needs of practitioners and what research can offer at present. This paper presents an alternative approach to bridging this gap by gathering a problem-specific *propositional inventory* drawn from substantiated experimental findings, primarily from the field of social psychology. The results represent propositions that have been tested in laboratory or field settings and indicate the likely effectiveness of various mediational approaches under differing circumstances. Thus, a practitioner can apply elements of the inventory selectively to current mediational interventions, specifying instructions for the assigned implementation team regarding the proposed repertoire of tactics and strategies that are likely to succeed.

To make this inventorying task manageable, one mediational strategy has been targeted for analysis in this paper—that of communication/facilitation. Using the typology developed by Touval and Zartman (1985), the role of communicator/facilitator is at the most passive end of the mediational continuum and is typified in the international context by the provision of good offices. We begin the discussion with a description of this frequently used approach to mediation.

² Thomas Milburn at the Mershon Center of Ohio State University and Deborah Kolb at the Graduate School of Management of Simmons College are currently conducting research to identify the underlying patterns and rules that characterize the adaptive mediational approaches of successful practitioners. They are seeking to represent the resulting knowledge bases as expert systems.

The Provision of Good Offices

The provision of good offices has been used to positive effect, especially by the United Nations and other intergovernmental organizations, in many international conflicts. This mediational strategy is typically defined in terms of its role in facilitating communication between disputing parties and involves limited action and minimal discussion of substance. Bercovitch (1991) indicates that over 38 per cent of all mediation strategies coded in his data base of international armed conflicts can be classified as "communication strategies," passive mediational approaches in which the provision of good offices plays a prominent role. Its passive nature makes good offices particularly attractive in highly sensitive situations. Under such circumstances, it is likely to be viewed as an acceptable intervention by the disputing parties because it is not obtrusive. At the same time, it enables intervenors to act with low risk, while enabling them to save face if the intervention fails.

While the use of good offices, as a legal construct, can be traced back to the 1899 Hague Convention on the Pacific Settlement of Disputes, there have been few attempts to inventory specific approaches to implementing good offices in particular types of conflicts. A comprehensive inventory could be very useful for practitioners, providing them with a repertoire of implementing tools. At the same time, there have been no attempts to determine the relative effectiveness of various implementing mechanisms. Such an assessment would be extremely valuable in comparing and selecting alternative techniques in practical situations.

An analysis of the good offices approach to mediation immediately presents two challenges. First, while good offices are frequently referred to and applied in practice, it is not well defined or understood. Attempts to define good offices behaviorally and legally are insufficient; the definitions are unclear and ambiguous. The popular understanding of good offices covers a very wide range of activities. The definitions do not distinguish good offices from other types of mediational efforts. When the literature does identify a case of good offices, an examination of activities performed by the mediators often becomes indistinguishable from other commonly understood mediational efforts that are clearly *not* good offices. As a result, we seek in this paper to provide an alternative approach to defining the category of mediation that encompasses the use of good offices.

Second, the literature on good offices is almost exclusively anecdotal in nature. No criteria for effectiveness are developed or assessed against particular cases. As a result, it is difficult to uncover the implementing mechanisms that are likely to be most effective under specified circumstances, on a systematic comparative basis. Consequently, we have focused the literature review in this paper on experimental studies whose results have a direct bearing on the effectiveness of mediational approaches, especially on passive ones such as good offices. We have pinpointed the practical implications of findings in this experimental literature to suggest implementing mechanisms that have been shown to be effective in achieving better communication and, ultimately, agreement among disputing parties.

The motives for conducting this research are twofold. First, it extends research already under way within the Processes of International Negotiation (PIN) Project to evaluate the effectiveness of alternate conflict resolution approaches (Wagner, 1991). The Wagner paper inventories programs, procedures, and tactics that have been used or proposed to resolve complex disputes for the purpose of future experimentation that will test the effectiveness of these approaches in a laboratory setting. Given the growing use and interest in good offices, the comparative testing of these approaches would be a logical next step, with the first stage to determine criteria for effectiveness. Second, this research will support ongoing discussions concerning the structuring of new European institutions for conflict prevention. If good offices is a preferred mechanism for regional dispute settlement, this review can offer the range of possibilities for implementation in a detailed and practical way.

Legal Definitions

The role of a mediator and of good offices is defined in Article 4 of the Hague Convention on the Pacific Settlement of Disputes (1899). Mediation is defined as "reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the States at variance." Good offices, a subset of mediation, involves third party intervention which serves to bring about negotiations among the disputing parties, through limited action and minimal discussion of substance by the third party (Davies Report, 1972). The types of activities involved in providing good offices is akin to low-key counseling of the disputing parties—offering a sounding board and providing information, but shying away from active intervention that might include development of solutions and making substantive suggestions.

Starke (1989; 512–513) provides the following distinction between mediation and good offices:

Both good offices and mediation are methods of settlement in which, usually, a friendly third state assists in bringing about an amicable solution of the dispute. ... In the case of good offices, a third party tenders its services in order to bring the disputing parties together, and to suggest (in general terms) the making of a settlement, without itself actually participating in the negotiations or conducting an exhaustive inquiry into the various aspects of the dispute. Hence, once the parties have been brought together for the purpose of working out a solution of their controversies, strictly speaking the state or party tendering good offices has no further active duties to perform (see Article X of the Pact of Bogotá,... 30 April 1948)

However, as Starke also points out, the application of good offices in UN practice has sometimes been extended beyond this definition. For example, the UN Good Offices Committee in Indonesia reported to the Security Council and made *recommendations* regarding the developments in Indonesia. The UN Good Offices Committee for the Korean hostilities was expected not only to bring about negotiations between the contending forces but *to propose* means and methods for effecting a cessation of hostilities.

Erlich (1969) broadens the legal definition of good offices somewhat:

Good offices in its stricter sense may consist in communicating to one party the statements of the other, if the two parties do not maintain diplomatic relations with each other; good offices may also consist in inviting the two states in dispute to a conference for the resolution of the dispute or for undertaking other steps facilitating the two parties to arrive at an agreement.

Both Probst (1989) and Pechota (1972) admit that good offices are not easy to grasp and classify. They acknowledge the tendency in practice to merge the passive good offices approach with somewhat more active mediation approaches. Good offices, then, when initially applied, may be at the passive end of a continuum of mediation, but can evolve in practice into active measures and participation. Where good offices ends and another strategy begins is often difficult to specify. Pechota acknowledges that one of the reasons for the legal confusion over the definition and scope of good offices lies in the fact that its usage by the UN Secretary-General is often broader than in ordinary diplomatic practice. In fact, as interpreted under Article 33 of the UN Charter, good offices can include any conceivable means of conciliatory assistance exercised by the Secretary-General.

A Behavioral Definition

Mediation is a process; herein lies the problem with matching legal definitions of good offices with practice. While a particular intervention might begin with providing good offices to conflicting parties, the intervention is likely to evolve into different forms if the initial intervention is, in fact,

successful. This evolution of mediational activity suggests that there is a continuum or range of strategies used by mediators. Touval and Zartman (1985) identify a continuum consisting of three categories:

Communication or Facilitation is at the most passive end of the continuum. The facilitative mediator serves primarily as a channel or conduit of communication between adversaries who will not even talk with each other. Employing this strategy, the mediator makes contacts with the disputants, encourages communication between them, delivers their proposals, collects information about the conflict, and provides dispute counseling. Rubin (1983) suggests that at this end of the continuum, mediators primarily provide minimal advice and are essentially non-directive in their counseling.

Formulation is at the next level in the continuum. Formulative mediators are forthcoming in making proposals, reframing the problem and issues at stake, and identifying new formulas for solution. They are active in making recommendations and attempting to guide the disputants toward making concessions. At this point in the range of mediational strategies, the mediator's job is to achieve position movement and convergence; it goes beyond just bringing the parties to the table and supports a true negotiation environment.

Manipulation is at the most active end of the continuum. The manipulative mediator attempts not only to suggest and recommend ways of achieving agreements, but actively seeks to ensure movement of the disputing parties by introducing the element of power. Through persuasive use of their own resources and factors in the situation, manipulative mediators try to effectively manage and control the resolution of the conflict. Of course, mediators cannot adjudicate and enforce a final agreement unilaterally; that would be arbitration. However, they can apply effective pressure and coax the principals by mobilizing threats, warnings, and promises that would have an impact.

For the purposes of this study, good offices fits into the facilitative mediation category.

Facilitative mediation can be further understood in terms of two continua—passive to active and process to content. As the involvement of mediators in a conflict situation expands and as trust as well as confidence in them by the disputing parties is enhanced, the strategies employed often evolve, from the passive to the more active end of the continuum. The mediator's role as a communicator and advisor is then reduced, as it is transformed into a more directive role in charge of the collective search for a formula that will resolve the conflict.

Another distinction of degree along this range of mediational strategies is that of *process to content* mediation (Pruitt, 1981a). A process orientation focuses on helping the parties develop the means of communicating directly with each other to resolve the conflict. It seeks to develop trust among the disputants. A content perspective highlights the substance of the issues at the core of the conflict—how the issues are defined and specific solutions by which the divergence in interests on the issues might be bridged. At the facilitative end of the scale, process mediation tends to be more emphasized; beginning with formulative mediation strategies, content mediation takes on more currency.

In this paper, we are concerned only with the functions of facilitative mediators and in

understanding how these functions can be implemented effectively to resolve disputes.³

The Facilitative Mediator

What are the different roles that facilitative mediators can play and how can they implement these roles? Four categories of roles are identified below. While the roles are distinct, they can be, and often are, implemented simultaneously in practice.

For each of these roles, the experimental social psychological research literature on negotiation and conflict resolution was reviewed to identify implementation mechanisms that have been shown to be effective in achieving successful outcomes—improved communication or agreement—among disputing parties. The mechanisms identified in this literature *have been substantiated* as being effective in systematic research findings—either in field or laboratory tests. Together, the results represent a *propositional inventory* that describe a set of authoritative prescriptions for mediators that have been verified through controlled experimental channels. This review benefited greatly from three major assessments of the experimental research literature: Druckman (1973), Rubin and Brown (1975), and Pruitt (1981a). Essentially, we have limited the search for propositions to these three sources. Each mechanism is referenced to its source material which is cited in the bibliography.⁴ Historical attempts to apply the facilitative mediation role are provided as well by way of illustration.

1. The Go-Between

The Role

Go-Betweens serve as the conduit for information between disputing parties. They take on the responsibility of making contacts and keeping channels of communication open. They serve as delivery mechanisms for proposals, demands, and concessions.

Implementing Mechanisms

Associate communication with authoritative: The transmission of a message between parties through the mediator can give that message a sense of increased authority and legitimacy (Krauss and Deutsch, 1966).

Encourage "staying in touch:" The Go-Between can encourage and reinforce the norm of staying in touch with the other party. This can result in placing a positive value on increasing cooperative coordination (Rubin and Brown, 1975, 97-99; Bixenstine, Levitt and Wilson, 1966).

Educate parties in constructive communications: If the mediator educates the parties in using communications to transmit fair and equitable proposals rather than threats and warning, successful outcomes are more readily achievable. Opening up communication channels

³ While Bercovitch's findings (1989, 1991) suggest that the more active forms of mediation tend to be more successful in achieving conflict resolution, the passive facilitative mediation category may be effective early in a dispute or in response to particular types of issues. These possibilities remain untested in his reporting.

⁴ In the following discussion, we refer to the original studies mentioned in these reviews.

without such tutoring does not improve the chances for agreement, since channels are often used to transmit competitive messages. Constructive communications are not induced merely by providing the opportunity to communicate, but by identifying how communication can be used advantageously (Deutsch and Krauss, 1962; Rubin and Brown, 1975, 94; Krauss and Deutsch, 1966).

Encourage "complete" messages: Detailed and comprehensive messages between conflicting parties are more likely to result in greater trust and cooperation than limited messages. The complete messages induce a more cooperative orientation (Loomis, 1959; Rubin and Brown, 1975, 99-100).

Illustrative Example: Kissinger and Shuttle Diplomacy

The archetype Go-Between is Henry Kissinger in his functions as Middle East envoy after the 1973 war. Kissinger's shuttle diplomacy in connection with the Egyptian-Israeli disengagement began on January 11, 1974 (Rubin, 1983). The messages that he conveyed to the disputing parties were invested with authority and legitimacy, because of Kissinger's stature and the fact that he represented a nation with the resources to issue credible commitments, threats and promises. He was accepted as a go-between by the principal parties and was able to facilitate compromise between their extreme positions by carefully controlling the communication, timing, and sequencing of negotiation moves and encouraging each party to make concessions toward the position favored by the other. Kissinger maintained active communications between parties who refused to talk directly and actively requested new proposals from each side to move the dialogue ahead constructively (Fisher, 1983).

As Go-Between, he funneled, and sometimes filtered, information that was passed back and forth between the principals, thus regulating the communication between them. When it was apparent, for example, that Sadat would accept new disengagement lines but was psychologically unprepared to do so because they were proposed by Israel, Kissinger presented the redrawn version as an American one to gain Sadat's concurrence (Hopmann and Druckman, 1983).

2. The Fact-Finder

The Role

Fact-finding is among the most common roles assumed by facilitative mediators. Fact-Finders serve as objective information collectors about the dispute. They gather the facts on an impartial basis and investigate allegations put forth by the parties. Their goal is to readjust misperceptions that result from inaccurate information or a misreading of the facts.

Implementing Mechanisms

Gather information: The Fact-Finder can collect or ask for information from the disputants or others to foster communication (Wall and Blum, 1991).

Provide objective data: The Fact-Finder can provide objective data about the dispute or the situation surrounding the dispute to the parties to improve communication (Wall and Blum, 1991).

Quote law and legal precedent: By referring to specific laws, regulations, and precedent that relate to the dispute, the Fact-Finder enhances communication (Wall and Blum, 1991).

Provide accurate information on each party's position: Accurate descriptions of each parties' positions are likely to facilitate compromise the more compatible the opposing positions and the less competitive the parties are (Liebert, *et al.*, 1968; Druckman, 1973, 54).

Provide information on each party: Parties often infer intentions to the other's strategies based, in part, on general descriptions of each party. If the other is seen as sharing beliefs, cooperation is more likely. If the other is seen as taking a competitive posture, it is likely to yield adoption of a more competitive strategy (Kaufman, 1967; Crow and Noel, 1965; Wilson, 1969; Druckman, 1973, 54-55).

Illustrative Example: Bahraini Independence

The Bahrain case was a remarkable success story in the political record of the UN (Jensen, 1985). When the British announced withdrawal of its forces from the Gulf by 1971, Iran, which since 1928 had claimed openly in the international community that Bahrain was a part of Iran, became actively interested in the issue. Only 4 per cent of the population of Bahrain were classed as Iranians in the 1965 census. The Baharainis wished to be an independent state, so when secret talks in Switzerland between the two parties failed to resolve the dispute, Iran suggested referring the case to the UN under Articles 34 and 35, as a decolonization issue or as a legal issue to be resolved by the International Court of Justice. Bahrain insisted it was not a colony and that the question could not be considered a dispute between two member states of the UN—the UK and Iran. Bahrain preferred that a relevant regional body or a group of heads of state friendly to both sides mediate the dispute. The Iranians were against this.

In 1969, the UN Secretary-General was requested to use his good offices to resolve the dispute. A personal representative of the Secretary-General was appointed to assess, on site, the views of the Bahraini people and to undertake this fact-finding mission with complete impartiality. Extensive information-gathering through on-site interviews was undertaken. The local population was given unrestricted access to the Secretary-General's representative and ensured that they would be able to express their views freely. A broad cross-section of the population was consulted. The assessments were cross-checked through unannounced visits to outlying areas, until it was certain that the results of the report were beyond all reasonable doubt. With objective data thus obtained, it was concluded that the Bahrainis were virtually unanimous in their wish for an independent state. Despite several impasses overcome *en route*, it was possible to conclude the issue amicably in May 1970. Success was viewed to have been achieved, in part, because of the avoidance of public confrontation of the parties in a large UN fora and the compelling nature of the UN fact-finder.

3. The Counselor

The Role

The Counselor serves the role of educator and advisor to the disputing parties. Such supportive activities can range from very passive assistance—just providing a presence—to consultations with the parties, but stops short of offering proposals for solution. Counselors also function as sounding boards for the disputants, and sometimes as confidants, as they assume more of a trusted role.

Implementing Mechanisms

Have each party state their own point of view: The Counselor can request that each side present its own perspective, position, and interests to the other party (Pruitt, 1981a, 204; Pruitt, 1981b; Kerr, 1954).

State other's point of view: The Counselor can present the parties' points of view. This is particularly important when one party is very weak *vis à vis* the other party in the conflict. The mediator thus serves to equalize the power between the parties, making it possible to negotiate. In addition, this enables the mediator to explain each party's behaviors and perceptions to the other in a limited way that does not yield overinterpretation of hostilities (Wall and Blum, 1991; Stevens, 1963; Pruitt, 1981a, 205).

Be non-evaluative: The Counselor can be non-evaluative and encourage the parties to behave likewise (Fisher, 1972).

Recommend role playing: The Counselor can ask each side to role play how their adversary would react (Druckman, 1973, 18; Johnson, 1967).

Cite dependencies: The Counselor can express similarities between disputants' points of view or interdependencies in disputants' goals and objectives. The Counselor can indicate the costs of disagreement and benefits of agreement (Wall and Blum, 1991).

Cite superordinate goals faced by disputing parties: The Counselor can suggest that the disputants confront yet additional common problems which would be best solved if they join common forces (Sherif, *et al.*, 1961).

Indicate costs to third party: The Counselor can indicate the costs of the dispute to others (Wall and Blum, 1991).

Call for empathy: The Counselor can indicate the merits of the other party to their adversary (Wall and Blum, 1991).

Praise parties: The Counselor can praise the parties for agreements already reached or for concessions and other movements toward agreement (Wall and Blum, 1991).

Maintain momentum: The Counselor can encourage the belief that agreement is possible by working to develop a continuous stream of agreements and concessions by the parties (Pruitt, 1981a, 205; Pruitt, 1981b; Kressel, 1972).

Encourage friendly attitudes: The Counselor can encourage friendly attitudes toward the other party that enhances trust in the other's good will. One way of combatting negative perceptions of the other is to emphasize what is similar between the parties and the benefits that would accrue to each by cooperating (Landsberger, 1955; Berscheid and Walster, 1978).

Limit the scope of issues: The more limited the scope of issues under discussion, the more likely an agreement can be found (Druckman, 1973, 18; Deutsch, Canavan and Rubin, 1971).

Seek early agreement on easier issues: The more resolutions that can be achieved on easier issues, the more likely the disputants will continue to seek solutions to the more difficult issues (Druckman, 1973, 18; Deutsch, Canavan and Rubin, 1971).

Reduce public position-taking and posturing: If intensive strategy preparation and posturing is avoided, and instead the parties talk about the issues in the stages before the disputants reach the bargaining table, agreement during the negotiation is likely to be facilitated (Druckman, 1973, 24; Bass, 1966).

Encourage "fair" proposals: The more parties communicate statements that appear fair and equitable, the greater the chances that the talks will continue and not break down (Druckman, 1973, 28; Druckman, Solomon and Zechmeister, 1972).

Educate on cultural differences: Differences in cultural and linguistic approaches are less likely to impede negotiation if the disputants understand the other sides' cultural proclivities or can deal with the other side on an informal basis (Druckman, 1973, 37; Nayar, Touzard and Summers, 1968).

Educate parties on bargaining dynamics: Education on the likely implications of tough and soft bargaining, the dynamics of conflict escalation, and problem solving approaches is likely to help novice negotiators (Kochan and Jick, 1978; Burton, 1969).

Encourage reflective statements: The Counselor can encourage the parties to identify hidden issues that are preventing agreement, and restate and reframe the issues in a neutral manner (Pruitt and Gahagan, 1974).

Suggest cooling off period: The Counselor can suggest a cooling off period if the conflict has intensified, so that communications can resume afterwards in a constructive manner (Rubin and Brown, 1975, 105; Carnevale, Pruitt and Seilheimer, 1981).

Avert and convert intangible issues: Intangible issues, such as honor, face, esteem, reputation, and status, can overtake tangible issues in importance, reduce the possibilities for concession making, and make it difficult to negotiate agreements. The Counselor can enable the conflicting parties to gracefully retreat from such intangible issues that tend to yield inflexibility (Pruitt and Johnson, 1970; Kerr, 1954).

Promise gains for cooperation: The Counselor can indicate the enhanced gains for successful cooperation and the risks of continuing competitive behavior. The rewards for agreement should be manipulated to avoid a "winner take all" outcome (Kelley, *et al.*, 1970).

Fractionate issues: Reduce the larger contentious issues into smaller, solvable pieces (Fisher, 1964).

Illustrative Example: The Congo Crisis

The Congo crisis of July 1960 is still considered one of the most dangerous and difficult of United Nations operations. It was one in which Hammarskjöld articulated the strategies of preventive diplomacy, facilitative mediation, and arbitration, but in which he particularly played the role of Counselor.

Hammarskjöld continually reminded parties that he would not act in support of Lumumba or any other Congolese politician outside the framework of law and order. In the course of his duties, he explained the possibilities and limits of UN action, cautioned parties about possible outcomes, especially if UN forces were withdrawn, offered and diagnosed extensive surveys of the military and political situation for the parties, and generally vested the office with integrity and fair-mindedness despite repeated attempts to demean his efforts (Urquhart, 1972).

4. The Sponsor

The Role

The Sponsor organizes and/or hosts fora in which the disputants can talk directly or through the mediator. Again, playing a facilitative role, the Sponsor can provide the venue, send out invitations, arrange for or exclude media coverage, and chair sessions.

Implementing Mechanisms

Establish mediator's presence: The mere presence of the Sponsor—an outsider to the dispute—can cause the disputing parties to be on their best behavior to save face and be motivated toward agreement (Pruitt, 1981a, 203-4; Rubin and Brown, 1975, 55; Johnson and Tullar, 1972; Meeker and Shure, 1969).

Establish and control agenda: The Sponsor can set the agenda, make procedural statements and set ground rules for meeting. Actions can include holding separate and group meetings, and establishing orders for speaking (Wall and Blum, 1991).

Avoid audiences: When an audience (the public, the media, etc.) is perceived as being evaluative, the disputants are more likely to be motivated by face-saving considerations, thereby overreacting to "look strong." They are also likely to be very cautious in offering concessions to ensure that there is internal consensus (Druckman, 1973, 47; Brown, 1968, 1970).

Select neutral sites: Site neutrality is likely to equalize power, create symmetry, and reduce competitiveness and assertiveness among disputants (Martindale, 1971).

Maintain secrecy: Secrecy facilitates achieving agreements because the parties are not subjected to the pressures of public interpretation of concessions made (Druckman, 1973, 47; Zajonc and Sales, 1966).

Encourage face-to-face talks: Face-to-face communications are more likely to achieve successful outcomes sooner than indirect talks conducted solely through a mediator (Druckman, 1973, 28; Miller, Brehmer and Hammond, 1969)

Create deadlines: By imposing a deadline, the Sponsor produces an early reason to coordinate (Rubin and Brown, 1975, 120-4; Pruitt and Johnson, 1970).

Illustrative Example: The Camp David Talks

The talks that led up to the Camp David Accords are a classic example of the role of Sponsor, although elements of the Go-Between, Fact-Finder and Counselor are also to be found. President Carter initiated the talks, invited the disputing parties, established and controlled the agenda, avoided audiences and publicity, chose a neutral setting, maintained secrecy, encouraged face-to-face discussions and created deadlines.

At a critical, now famous, moment in the talks, Carter emphasized his role as Counselor effectively. He reminded Begin (by giving him autographed photographs for his grandchildren) that they were making an important decision for posterity, which made Begin adopt a frame of mind that allowed him to accept the accord and sign the agreement (Hare and Naveh, 1986; Carter, 1982).

Numerous creative problem-solving ideas were employed. Carter ceaselessly endeavored to defend each of the leaders to the other, stated and presented the other party's point of view, called for empathy, pacified the two principals when the atmosphere became heated, encouraged friendly attitudes, stimulated the informal exploration of proposals, suggested cooling-off periods, drafted proposals and a single negotiating text, and promised gains for cooperation (Carter, 1982).

Conclusions

From a very practical perspective, mediators can take advantage of the propositional inventory in this paper to develop a meaningful repertoire of facilitative mediation approaches. Although these techniques were found to be effective primarily in laboratory settings, they appear logically to be appropriate for international conflict settings as well. In fact, as indicated by the historical examples, many of the approaches have been applied in conflicts where mediational interventions have been employed.

Each of the four roles of a facilitative mediator, while all passive in approach, move incrementally up the scale toward more active intervention. The Go-Between is merely a conduit for communication that cannot be accomplished through normal mechanisms. The Fact-Finder gathers and presents objective data about the dispute to the parties. The Counselor educates and advises. And the Sponsor engineers situations that facilitate direct communications among the conflicting parties. At each step, the mediator seeks to use his presence to make the communication, and hence the framework for convergence, more direct.

One of the most valuable functions performed by facilitative mediation—and the use of good offices in particular—is to *prevent* serious conflict (Pechota, 1972). Its informal, non-evaluative, low publicity, and low risk nature is particularly suited to getting parties to discuss their problems early in a conflict setting, while they are still manageable. The propositional inventory emphasizes this conflict prevention theme. It focuses primarily on what can be done effectively to open and maintain communication channels and reassess and/or prevent misperceptions.

Continuing research on facilitative mediation should take several forms:

- o Continue to develop the propositional inventory of effective implementation mechanisms by reviewing the experimental literature.
- o Conduct a systematic time-series assessment of the use of facilitative mediation techniques, their relative effectiveness, and the situational factors that promote their success or failure.
- o Match specific experimental findings with historical cases that illustrate the effective use of facilitative mediation approaches.
- o Conduct laboratory testing of the relative effectiveness and situational contingency of the four facilitative mediation roles through experimentation within realistic scenarios.

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