THIRD-PARTY INTERVENTION TECHNIQUES: A CRITICAL REVIEW

by

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ABSTRACT

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Conflict is one of the most dramatic and inescapable aspects of all social systems, be it personal, organizational, or international. The empirical study of conflict and conflict management is both an academic and practical exercise intended to minimize destructive consequences of conflict, while also maximizing its potential benefits. In this respect, various form of third-party intervention techniques have been developed and widely applied, as a means to steer conflict into constructive channels.

In this study, two of these third-party intervention techniques—mediation and problem-solving workshops, are reviewed. Within this scope, some of the underlying assumptions on the nature of conflict and its resolution, with special emphasis on the World-Society paradigm and the Human-Needs theory are discussed.
Scope of mediation and problem-solving workshop activities are provided, as well as the current state of the theory and practice of mediation and problem-solving approaches. Using critical review techniques, different perspectives on the nature, roles and motives of the mediator, the participants, the style and timing of the intervention, etc. are identified. Furthermore, the setting and purpose of the problem-solving workshops are discussed with respect to three different schools of thought. As a conclusion, a comprehensive set of major drawbacks of the two techniques alongside with their contributions to the field of conflict resolution are offered and discussed in detail.

Keywords: mediation, problem-solving, workshop, third-party, third-party intervention, conflict resolution, Human-Needs theory, World Society paradigm
Kişisel, organizasyonal ya da milletlerarası, çatışma tüm sosyal sistemlerin en dramatik ve kaçınılmaz karakteristigiidir. Çatışma ve çatışma yönetimi konulu empirik uğraşlar, çatışmanın yokedici sonuçlarını azaltırken, aynı zamanda da potansiyel yararlarını artırmayı amaçlayan teorik ve pratik çalışmalarıdır. Bu bağlamda, çatışmayı üretken kanallara yönlendirme amaçlı çok çeşitli üçüncü taraf müdahalesi (third-party intervention) tekniği geliştirilmiş ve yaygın olarak uygulanmıştır.

Bu çalışmada, (bu) üçüncü taraf müdahale tekniklerinden arabuluculuk ve problem çözme çalışma toplantıları incelenmiştir. Bu kapsmanda,
çatışmanın ve yeniden çözülmesinin doğası ile ilgili bazı temel kabullenimler, Özellikle de İnsan İhtiyaçları Teorisi ve Dünya Toplumu Paradigması tartışılmıştır. Arabuluculuğun kapsamı ve problem çözme çalışma toplantıları faaliyetlerinin yanı sıra, arabuluculuk teorisinin ve uygulamalarının şu anki durumu ve problem çözme yaklaşımları sunulmuştur. Kritik gözden geçirme teknikleri kullanılarak; arabulucunun doğası, rolü ve çıkarları, ideal katılımcılar, müdahalenin stili ve zamanlaması belirlenmiştir.

Bunların yanı sıra, problem çözümü toplantılarının mekani ve amacı, üç farklı düşünce okulunun görüşleri doğrultusunda tartışılmıştır. Son olarak, iki tekniğin belli başlı sorunları ve çatışma yeniden çözülmesi alanına katkıları sunulmuş ve detaylı olarak tartışılmıştır.

Anahtar Sözcükler: Arabuluculuk, problem çözme, üçüncü taraf, üçüncü taraf müdahale, çatışma yeniden çözülmesi, İnsan İhtiyaçları Teorisi, Dünya Toplumu Paradigması
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CHAPTER 1
INTRODUCTION

The aim of this study is to review two major conflict resolution techniques, mediation and interactive problem-solving, both of which are characterized by the involvement of a third-party to the conflict. The following four chapters will strive to depict the current state of these two third-party intervention techniques, mediation and interactive problem-solving, with special emphasis on major drawbacks and contributions of each.

The literature on conflict management techniques, and particularly on the technique and styles of third-party intervention in conflict processes has traditionally been from historical and legalistic perspectives, describing cases studies, often focusing on their unique characteristics. According to this line of literature, success of any third-party intervention is believed to be due to the skills and experience of the third-party involved. Similarly, purpose of any third-party intervention is defined as the 'settlement' of the dispute, meaning usually the cessation of individual conflict incidents, with regard to neither the consequences of the settlement nor any possibilities of the recurrence of the conflict.

“Settlement has the connotation of determination by a third-party such as a court or a greater power. It could be a compromise which the parties feel they have no option but to accept. ‘Resolution’ on the other hand, implies a solution
freely acceptable to all parties, one that does not sacrifice important values, one that parties will not wish to repudiate when they recover the strength to do so.  

Hence, the field of ‘conflict analysis and resolution,’ is built on the assumption that although conflict incidents may be solved, the conflict per se is never solved. Instead, each ‘solution’ or settlement creates a new configuration against which the next scenario is played. Therefore, conflict incidents are solved, and then resolved and resolved. In this respect,

“…settlement merely reduces the level of the intensity of conflict behavior, possibly to zero; whereas resolution removes the very ground of conflict, and eliminates or transforms the conflict situation.”

Consequently, the focus of the field is on the ‘resolution’ of the conflict by producing attitudinal and structural changes in policy makers and the system of international relations at large. Parties to a conflict are encouraged to put aside the typical adversarial mode of interaction and, instead, to approach conflict analytically; to explore its meaning, its causes, the factors that escalate it, the constraints that operate against its resolution, and their own interests in the outcome of the conflict. Emphasis is on enabling the parties to understand their (and the other’s) perceptions of self, the enemy, the conflict and to share their differing perspectives. Researchers within the field, emphasize the importance of good, sound processes, improving the dispute’s outcomes, mutual gains, and when possible, reaching a consensus.
Major mechanisms of conflict resolution include negotiation, mediation, and interactive problem-solving. Since the mid-1960s, there has been an enormous accumulation of literature on the research and practice of negotiation. Grown out of the tradition of negotiation, the role of the mediator emerged several decades later, as a central concept in the study of conflict and conflict resolution. Quite a number of different definitions on mediation exist in the literature. Bercovitch’s definition comprises all major elements of a mediation, whereby mediation is defined as

“...a process of conflict management, related to but distinct from the parties’ own efforts, where the disputing parties or their representatives seek the assistance, or accept an offer of help, from an individual, group, state or organization to change, affect or influence their perceptions or behavior, without resorting to physical force or invoking the authority of law.”

The theory on the nature and importance of international mediation rests on normative foundations and empirical assertions about the nature and study of international politics. Within this context, Kleiboer and Hart lay out four distinct theories labeled as (a) the ‘power-brokerage perspective’—based on realism; (b) the ‘realigning-perceptions perspective’—based on political psychological theories of international conflict, (c) the ‘reestablishing-social relationships perspective’—based on critical theory and (d) the ‘domination-perspective’—based on structuralism. The theories differ in their understanding of the nature and origins of international conflict. Both power-brokerage theory and domination theory define international conflict as a ‘system-induced clash.’ However, while power-brokerage mentions the clash of ‘competing national interests in an anarchical system,’ domination theory
refers to the clash of ‘economic interests between center and peripheries-within and between states.’ Similarly, both the reestablishing-social relationships and the realigning-perception theory define international conflict as a ‘contingent outcome,’ while differing significantly on its origins. The reestablishing-social relationships theory asserts that international conflict is a ‘contingent result of identity groups perceiving one or several of their relationships as illegitimate,’ whereas the realigning-perceptions theory sees it as a result of psycho-political dynamics of (mis)perceptions between adversaries.’ What will be referred to as ‘mediation-as a technique of conflict resolution’ in the following chapter, will be within the ‘realigning-perceptions perspective,’ based on political-pscyhological theories of international conflict.

The problem-solving, on the other hand, may be defines as a procedure whereby, the representatives of the parties to a dispute meet in the presence and under the guidance of a “panel of disinterested consultants, professionally qualified in social sciences, in order to analyze and possibly, also to resolve their conflict, in conditions of total confidentiality.” The panel of social scientists enables the parties to

“...negotiate not by bargaining in the conventional manner, by collaborating in the solution of their joint predicament through discovery of accommodations affording net advantages to all concerned. Their joint predicament is the problem to be solved.”
Problem solving, as an approach to resolving disputes, has grown immensely in the last thirty years or so and spread to every level of human interaction from personal to industrial, inter-communal and even to the international level. It arose out of an observation that conventional techniques of conflict management, based on the enforcement of international law and coercion, are no longer successful in managing disputes of high intensity. An attempt was made to make use of the insights gained in labor-management negotiations and social-psychological analyses of conflict in conflict resolution processes. The early attempts and the evolution of the technique into a conflict management tool will be dealt with in the following subsections. For now, a brief description of what is meant by ‘interactive problem solving’ will be sufficient.

Interactive problem solving (a)converts conflict into a shared problem and transforms the situation from a power bargaining into a problem-solving one, while transforming the conflict from a war to be fought and won to a ‘problem’ to be solved; (b)opens up a process whereby solutions are not imposed by an outsider, but agreed upon by the parties themselves, and therefore ‘legitimized,’ which in turn assures that they would be self-sustaining. The ‘legitimized authority’ is legitimized as long as it is successful in satisfying ‘basic human needs and values,’ upon which the Human Needs Theory is built.

As noted before, the purpose of this study is to overview mediation and interactive problem-solving as two major mechanisms of conflict resolution,
particularly focusing on their contributions and shortcomings. The next chapter will
discuss some of the underlying assumptions on the nature of conflict and its
resolution, with special emphasis on the World Society Paradigm and the Human
Needs Theory. An overview of the role of the third-party intervention in conflict
resolution will also be provided. The third chapter will review mediation as a
conflict resolution technique, focusing on major issues in the research and practice of
mediation including the nature, roles and motives of the mediator, the motives of the
disputing parties in accepting a mediator, the timing of the intervention, the power of
the mediator, and concluding with major contributions and drawbacks of the
technique. The fourth chapter will depict the interactive problem-solving approach
as a conflict resolution mechanism, emphasizing the setting and the purpose of the
process as well as the role of the third-party, with reference to three different schools.
Distinct conclusions will be provided following the review of each of the schools, as
well as a final wording on the contributions and drawbacks of the problem-solving
approach at large. Finally, the fifth and the conclusion chapter will rephrase the
initial aim of the study and what has come out of it.
CHAPTER 2

UNDERLYING ASSUMPTIONS ON THE NATURE AND RESOLUTION OF CONFLICT & THE ROLE OF THE THIRD-PARTY

2.1. An overview; Conflict Resolution and Third-party Intervention

Conflict is one of the most ubiquitous and inescapable aspects of all social systems, be it personal, group, organizational, or international. Wherever it occurs, conflict is dramatic, radical, and challenging. Irrespective of its justification or location in time and space, conflict activates a dynamic, unstoppable, irreversible process, generating dramatic shifts in lives of peoples, societies or nations. It appears, mobilizes, escalates, de-escalates, and finally is either settled or resolved; depending on how, it can lead to either a celebrated change, advancement and mutual satisfaction or bloodshed, animosity, violence, and more conflict. Over centuries of world politics, both pacifistic and coercive means have been employed to manage conflicts within and between tribes, religious sects, ethnic groups, nations, and finally ideologies. The empirical study of conflict is based on a hope and desire, both academic and practical, to utilize it in a 'way that maximizes its potential benefits and minimizes its destructive consequences.'
Various ways and means have been developed over the centuries to utilize or ‘manage’ conflict, ranging from imposition of legal and societal norms—usually coupled with domestic and/or international public pressure—to bilateral negotiations, to various forms of third-party intervention. Third-party intervention in conflict, also vary in form from arbitration, to good offices to more nonbinding and noncoercive forms, all of which have played crucial roles in handling conflict. Ongoing and unresolved conflicts, and particularly the deeply rooted ones, create occasions and demand for third-party intervention of one form or the other. Third-party intervention, especially the noncoercive kind (which Burton refers to as ‘constructive intervention’), has been celebrated widely and applied extensively—to different realms and in different contexts—as a means to steer conflict into constructive channels.

Over the past thirty years, there has been a significantly growing awareness on the failure of ‘conventional’ conflict resolution mechanisms, in almost all areas of social life. Because of the frequent dissatisfaction of the parties when disputes are resolved through these traditional channels, researchers and practitioners such as Fink, Crozier, Deutsch, Hocker and Wilmot have explored alternative dispute resolution methodologies to supplement conventional systems. In recent years, scholarly attention has begun to focus on the use of social-psychological knowledge to develop methods for resolving conflicts. Out of these academic inquiries, two noncoercive forms of third-party intervention, based on
social-psychological analysis of conflict, have been developed: ‘interactive problem solving,’ and ‘mediation.’

Problem solving, as a conflict managing tool, was introduced when the awareness of and the concern over the destructive potential of nuclear weapons and their horrendous consequences have become a unifying factor for scholars of various disciplines. However, even after analyzing and resolving ‘conflict’ became a practical necessity, theories and policy decisions did not attempt to catch up with the international reality. Traditional instruments of state policy and the mechanisms to deal with conflict have all been coercive in nature ranging from the sole use of international law, to deterrence and finally, to war itself. It is not surprising, therefore, that the bloom of ‘problem solving’ was celebrated on different grounds than the international relations, and was mainly built on the experiences in industrial relations. Industrialization, mass participation and politicization of the masses brought about an understanding that states were not the only actors in the international system; challenging the traditional realist notion and shoving in a dramatic revolution. An increase in relations between and within nation-states with a greater freedom of communication and a growing economic interdependence, guaranteed that the revolution would be universal.

Late 1960s witnessed dramatic changes first in industrial, and later in all means and levels of human interaction. Tools and features of policy instruments changed significantly. Domestic policy making processes in the 'other' state, be it an
ally or an adversary, had to be considered just as that of its foreign policy. Changes in the practical reality were ushered into the world of theory. Works on ‘deterrence’, ‘strategy’ were starting to be ‘complemented’ by more analytical analysis of conflict and a revision of the conflict theory, with contributions of scholars from fields as diverse as psychology, sociology, and many others.

Researchers, no matter how diverse their fields are, have agreed on the following basic points on the nature of conflict and its resolution:

1. “Conflict is a powerful and ubiquitous social force.
2. Conflict can have both socially destructive and constructive functions.
3. Although conflicts appear in varying areas, they have enough in common to warrant a unified theoretical approach and the development of cross-substantive methods of resolution.
4. The approach to conflict management should relate to the particular characteristics of each case.
5. Dispute resolution techniques may lead to socially unjust outcomes; hence conflict managers should be trained to be aware of social-justice aspects of conflict resolution and the ethical dilemmas that arise.
6. Application of conflict resolution processes can improve the functioning of the system in which they are implemented.
7. Conflict resolution processes should aim to increase the gains for all the groups involved in the conflict, rather than only for some as with solutions likely to be reached through traditional means."

This new approach to conflict was, therefore, a reflection of a much greater shift in theory. A new paradigm in international relations, named as the World Society Paradigm referring to the new emphasis on a world of ever increasing
interdependence and interaction, was about to challenge and break the monopoly of
the realist perspective.

2.2. The World Society Paradigm

World Society Paradigm, while describing the same world, have differed
fundamentally from the realist approach by stressing different aspects of it. Advocates of the Paradigm have objected to four main arguments of the traditional
power-theorists, whose analysis of the international system and of conflict in general
characterized the conduct of international politics for many decades. Therefore, the
arguments (a) that order can be maintained through threat or use of coercion; (b) that
power is the only moving and ruling force; (c) that societal relations are based on
legality; and finally (d) that conflict can only be managed through use of force, have
been rejected.

Instead, the Paradigm bases its argument first and foremost on the
concept of ‘legitimacy’. Legitimacy rests upon the support of those over whom it
is exercised, which in turn requires that needs and demands of those are satisfied.
Thus, order is maintained through legitimacy rather than coercion. Solutions
suggested by a legitimized authority, are supported, and therefore, stood for; and
hence, conflict is resolved rather than just settled.
Consequently, *World Society Paradigm* dictates that (a) conflict is inherent in all human interactions and the only means to constructive change; (b) conflict management should aim to minimize the destructive potential of the conflict while maximizing the constructive potential, and therefore (c) its purpose should be the management of change, rather than its elimination.

### 2.3. The Human Needs Theory

The ‘*Human Needs Theory*’ rests upon five key assumptions on conflict and its resolution, that shape the structure and the processes of the problem solving workshops. They are as follows: (1) Individual is the most appropriate unit of analysis, and,

"...unfulfilled needs, especially for identity and security, and existential fears-fears based on threats to national existence-typically drive the conflict and create barriers to its resolution. By probing beneath the parties’ incompatible positions and exploring the identity and security concerns that underlie them, it often becomes possible to develop mutually satisfactory solutions, since conflicts about identity, security, and other psychological needs are not inherently zero-sum."

(2) International conflict is an intersocietal phenomenon; therefore the role of internal divisions within each society in international conflicts has to be examined. (3) Conflict is an interactive process with an escalatory, self perpetuating dynamic. The needs and fears of parties involved in a conflictual relationship impose perceptual and cognitive barriers to the processing of new information. As a result
of these barriers, the conflicting parties fail to recognize the occurrence and possibility of change, and therefore avoid negotiations even when changing interests make negotiations desirable for both. Interaction between conflicting parties is governed by a set of 'conflict norms' that encourage each party to adopt a militant, uncompromising, threatening posture, thus reinforcing the 'mirror images.' Instead Conflict Resolution efforts,

"...require promoting a different kind of interaction, one capable of reversing the escalatory and self-perpetuating dynamics of conflict, an interaction conducive to sharing perspective, differentiating the enemy image, and gaining insight into the processes that contribute to escalation."\(^{45}\)

(4) For this to occur, Conflict Resolution requires a different range of management tools and processes than those typically applied in international conflict relationships. Suggested, is a move beyond traditional methods based on coercion and threat to more refined strategies based on promises and 'positive incentives.'

"Conflict resolution efforts, by searching for solutions that satisfy the needs of both parties, create opportunities for mutual influence by way of responsiveness to each other’s needs. They can demonstrate the possibility of influencing the other through one’s own actions....shifting the emphasis form deterrence and coercion to mutual reassurance...can contribute to a creative redefinition of the conflict, to joint discovery of win-win solutions, and to transformation of the relationship between the parties."\(^{49}\)

(5) International conflict is a dynamic phenomenon, characterized by the possibility and the actual occurrence of change. Conflict resolution efforts are
directed towards recognizing and acknowledging possibilities for change, identifying possible grounds for change, and finally overcoming resistance to change.\textsuperscript{50}

"...it is a part of a deliberate strategy to promote change by actively searching for and accentuating whatever realistic possibilities for peaceful resolution of the conflict might be on the horizon.\textsuperscript{51}

Hence, the \textit{Human Needs Theory} argues that political and international relations are better not be built on the use or threat of coercion, but rather on the satisfaction of human needs. The theory of conflict states that, most international conflicts are a struggle over scarce resources. Since values such as security, a frequent cause of international conflicts, is not scarce, there is nothing in theory that makes conflict necessary.\textsuperscript{52} \textit{Conflict resolution} in this respect, is based not on wishful thinking, but on 'enlightened self-interest.'\textsuperscript{53} Therefore,

"...we can identify certain processes central to conflict resolution such as empathy, insight, creative problem solving and learning that must take place at the level of individuals and interaction between individuals. Problem solving workshops provide a setting in which these processes can occur."\textsuperscript{54}

The next chapter will look into the technique of mediation, depicting the current state of the theory and practice, and finally providing a critical assessment of the technique.
CHAPTER 3

MEDIATION AS A CONFLICT RESOLUTION MECHANISM

3.1. Introduction to the technique

Mediation is a form of third-party intervention in conflict that is not based on the direct use of force and is not aimed at helping one of the participants win. Rather, it is a process designed to bring the conflict to a settlement acceptable to both sides. Mediation is usually introduced when the disputing parties are neither capable of managing the conflict by means such as clear victory on the field, or some kind of a negotiated settlement, nor willing to abide by solutions imposed by a third-party decision making. Zartman and Touval define mediation as a “political process with no advance commitment from the parties to accept the mediator’s ideas.”55 Within this context, it is distinctly different from other forms of third-party intervention, and particularly arbitration, that “employs judicial procedure and issues a verdict that the parties have committed themselves beforehand to accept.”56 Hence the main difference is that the decision making authority remains in the hands of the disputants themselves. Mediation is usually defined as a form of negotiation and a method of conflict management whereby an intervening third-party assists the disputing parties to find a solution that they are unable to find by themselves.
The intervention is done without resorting to threat or the actual use of force or imposing legally binding rules. For this purpose, intervention is not imposed, but instead must be made acceptable to the parties, to assure that they cooperate fully with the mediator. Because third parties frequently face initial rejection from one or both of the parties, the very first diplomatic move is usually to convince the parties that mediation is needed before any real mediation starts.57

Although mediation has been a practical method of conflict management for centuries, scholarly inquiry came only towards the end of the 1960s and the beginning of 1970s. Carnavale and Pruitt provide an extensive review of the history and literature of the field of mediation.58,59,60,61,62 Notwithstanding its late start, research on international mediation now encompasses an appreciable body of knowledge. It is eclectic and interdisciplinary in nature, formed up of analytical frameworks and ideas from mediation analysis at levels other than the international and concepts borrowed from disciplines other than International Relations, such as social psychology, anthropology, and law.

Starting at distinct fields with general questions and assumptions regarding its nature, the current analysis of international mediation focuses on a variety of issues.63 The mediation literature is composed of64, (1) case studies from (a) international conflicts, and (b) labor-management disputes, (2) experimental studies on (a) the mediation effectiveness, (b) the mediator behavior with reference to (b1) mediator-disputant relationship, (b2) the parties' relationship in mediation,
(b3)the issues, (b4)the parties, and (b5)the mediator effectiveness, as well as (b6)anticipated intervention and long term success. Finally, a significant amount of experimental literature was devoted to (c)antecedents of mediator behavior, dealing with such diverse topics like (c1)the contingent behavior, (c2)choice models to predict mediator behavior, (c3)phases of mediation, (c4)mediator cognition, (c5)mediator power, (c6)mediator bias, and (c7)disputants' behavior toward mediators.

There have also been (3)practitioner manuals, and (4)conceptual works. Much of the conceptual work has attempted to address questions on different aspects of mediation. Zartman and Touval have worked on "who can act as mediators--private individuals, small or large states, regional or international non-governmental organizations?" Rubin has questioned "under what conditions are different types of mediator most effective?" whereas Moore has rephrased the question as "how do positions--neutral or partial," resources--with or without power, and incentives--self interest or altruism--of mediators affect the course and outcomes of mediation?" Kriesberg has attempted to answer "what techniques and strategies--communication or manipulation--can mediators use?" Kleibor and Hart have dwelled on the question "when should a mediator enter the conflict?" In other words, "what makes conflict 'ripe' for resolution?" was has been addressed by Mitchell and Rubin. Kleiboer has attempted to formulate "how should success and failure be evaluated in mediation?" Apart from these general questions, mediation research has dealt with
the use of mediation in intrastate conflicts, civil wars, and finally environmental disputes.

The scope of mediation activities in the international arena is truly immense. This is reflected in the abundance of definitions offered by various authors of the discipline. Doob, as one of the pioneers in mediation research, uses a very general definition. He defines mediation as "the efforts of one or more persons to affect one or more other persons when...the former, the latter or both perceive a problem requiring a resolution." Other definitions of mediation stress its objectives. Mitchell defines it 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 behavior". Some definitions focus on specific characteristics of mediation and on its dynamic structure. Folberg and Taylor view 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." Bercovitch and Houston, on the other hand, prefer a broader definition. They see international definition 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 behavior, settle their conflict, or resolve their problem without resorting to physical force or invoking the authority of the law." Mediation has been described, for example, by Bercovitch, Susskind and Cruikshank, as a
goal-directed, problem-solving intervention. As a conflict resolution tool, mediation makes the participants aware of each other’s needs and fears, as part of an attempt to resolve the dispute to the satisfaction of all parties. Although it is not guaranteed, this outcome is the ultimate aim and mediation attempts to increase the chances of its realization. Mediation, in Shmueli and Vranesky’s words, “attempts to fashion ‘mutual gain’ solutions, as opposed to the traditional adversarial approaches that result in zero-sum agreements.”

The nature of international mediators is just as varied. A tentative survey of recent international disputes uncovers the range of mediation. In the last one or two decades, there have been the involvement of such parties as the United Nations (in the Vietnam-Kampuchea dispute, the Iraq-Kuwait dispute, and the Yugoslav dispute), the pope (in the Beagle Channel dispute), the Organization of African Unity (in the Tanzania-Uganda dispute), the Organization of American States (in the Nicaragua dispute), the United States (in numerous efforts in the Middle East). Less formal mediation efforts—by the Quakers, and by former politicians such as President Carter (in the North Korean dispute), Lord Owen (in various efforts in Cyprus), can be witnessed daily.
3.2. Major issues

3.2.1. The mediator: the nature, role, and motives

Analysts of international mediation vary in their perception of the role of the mediator. Some like Raiffa assume a neutral mediator who remains impartial throughout; others, like Kolb, Bercovitch, Kriesberg see the mediator as part of the negotiating system. Thus, mediation is recognized as a “reciprocal process of social interaction in which the mediator is a major participant.” Within this context mediator’s involvement is described as an ‘assisted negotiation.’ Nonetheless, there is consensus over the ‘flexibility’ of the mediator’s role in accordance with the characteristics of the dispute.

Mediator’s roles may be characterized in a number of ways. Rubin, for instance, offers a comprehensive set of dichotomous roles and distinguishes between formal versus informal, individual versus representative and collective, invited versus noninvited, impartial versus partial, advisory versus directive, inter-individual versus intragroup and intergroup, content-oriented versus process-oriented, conflict-preventing versus conflict-managing versus conflict-escalating, permanent versus temporary, relationship-facilitating versus relationship-inhibitory roles. Indeed, the mediator may assume a variety of roles and functions to assist the parties, in resolving disputes: Moore’s classification lists the roles of the mediator as ‘the opener of communication channels,’ ‘the legitimizer,’ ‘the process facilitator,’ ‘the
trainers,' ‘the resource expander,’ ‘the problem explorer,’ ‘the agent of reality,’ ‘the scapegoat,’ ‘the leader.’ Following a purely realist perspective, Zartman and Touval differentiate the roles of the mediator in terms of his/her nature as (a) state, (b) small or medium sized powers, (c) international organizations. In terms of states, mediators’ motives are (a) defensive, and (b) offensive—the desire to extend influence. In terms of small or medium sized powers, motives are (a) domestic concerns, (b) enhancing influence and prestige, and (c) increasing the usefulness and independence of alternative foreign policy instruments at their disposal in relation to their stronger allies. Finally, in terms of international organizations, motives are (a) peacemaking, and (b) promoting self interests of the member-states.

Referring to another issue of discussion—mediator’s motives, some scholars employ a rational actor approach, using cost-benefit calculations and argue that mediators would not have engaged in mediation at all if they had had no interest in any particular outcome. Considering the,

"...investment of political, moral, and material resources that mediation requires and the risks to which mediators expose themselves, motives for mediation must be found as much in domestic and international self interest as in humanitarian impulses."

It is further asserted that,

"Mediators are seldom indifferent to the terms being negotiated. Not surprisingly, they try to avoid terms not in accord with their own interests, even though mediators’ interests usually allow for a wider range of acceptable outcomes than the interests of the parties."

21
Within this context, Zartman and Touval offer a four-fold classification of mediator strategies; 'communication,' 'facilitation,' 'formulation' and 'manipulation.'

Notwithstanding perceptual differences, there have been high consistency in some general issues regarding the nature and the role of the mediator. It is argued, therefore, that the mediator has no authoritative decision-making power.

"The mediator does not have decision-making authority and parties in dispute therefore often seek the services of a mediator because they can retain ultimate decision-making power. The mediator's authority resides in his or her ability to appeal to the parties to reach an agreement based on their own interests or the past performance or reputation of the mediator as a useful resource. A mediator is a third-party who is impartial in attitude and neutral in relationship toward disputing parties."

The mediator works to reconcile the competing interests of the two parties and helps the disputants move from a "winning mentality to a conciliatory mentality." The mediator’s goal is to assist the parties in recognizing and acknowledging their needs, obvious and underlying interests; negotiating within this context and finally reaching a settlement that is mutually beneficial to all concerned.

3.2.2. The parties: motivations in accepting a mediator

The parties' motives for accepting a mediator is most extensively dealt with by Zartman and Touval. The authors list four general motives, the most
obvious of which is the expectation that the value of the outcome reached through mediation will outweigh any possible gains of continued conflict. Second motive for the disputing parties is the hope that mediation will bring about a settlement when either direct negotiation is impossible or will provide a less favorable outcome. Third motive is parties’ expectation that the third-party will lessen the costs and risks inherent in concessions making, while protecting their image and reputation as they move toward a compromise. The final motive is a further belief on the part of the disputing parties that a mediator’s involvement implies a guarantee for the final agreement, thus reducing any violations by the adversary. This last point is of particular importance as it has been generally accepted that,

“...the third parties are accepted as mediators only to the extent that they are seen as capable of bringing about acceptable outcomes; then, their subsequent meddling is tolerated because they are already part of the relationship.”

As regards the issue of mediator impartiality, some scholars suggest that both bias and impartiality may play a positive role in mediation, adding up to the mediator’s ability and willingness to broker an agreement. Furthermore, it may also enhance the parties’ willingness to be influenced by the mediator. The suggestion is consolidated with a few laboratory studies and supported by works of other scholars that, although no necessary correlation was found between a mediator’s past partiality and its future usefulness in the mediation process, a history of positive relations between the mediator and one of the disputants may help to enhance communication, create new proposals, and to assemble the parties’
It is further asserted that although they cannot fully side with one party, mediators can allow themselves some latitude in their degree of partiality.

"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."

3.2.3. Timing and Power in mediation

Power is defined as the ability to move a party in an intended direction and is often referred to in mediation as 'leverage.' Zartman and Touval present five sources of leverage: (1)'persuasion,' the ability to envision a mediated and negotiated future as more favorable than the continuing conflict, (2)'extraction,' the ability to present attractive alternative positions for each party, (3)'termination,' the ability to withdraw from the mediation, (4)'deprivation,' the ability to withhold resources from one side or to shift them to the other, (5)'gratification,' the ability to bring new resources to the outcome. Nonetheless, the effectiveness of the above listed sources of leverage lies in the parties' willingness, "...a characteristic that makes leverage in mediation difficult to achieve."

The next focus will be on the timing of mediation upon which a considerable amount of debate has been generated. Timing implies the moment and the mode of entry of a mediator to a conflict. Many scholars have pointed to the possibility that a poorly timed intervention may interrupt the flow of a promising exchange of ideas and proposals, and/or uncover a potentially destructive tension.
Others, on the other hand, have focused on the identification of "ripe moments' in the evolution of a conflict when it can be most successfully dealt with by mediation. Whereas Zartman and others have introduced the concepts of 'hurting stalemate,' 'imminent mutual catastrophe,' and 'entrapment'; Mitchell have counter-posed the 'enticing-opportunity' model to these 'exhaustion' models and have suggested that positive inducements to change may be as effective or more effective than 'anticipated costs' as a motivating factor in changing violent behavior. Kleibor and Hart, on the other hand, have argued that time cannot be treated as an independent variable in international conflicts, but rather "the role of temporal factors and the timing is embedded in a broader theory on the nature and importance of international mediation, which rests on normative foundations and empirical assertions about the nature and study of international politics."

3.3. Conclusions: Mediation

3.3.1. Major contributions

Major contributions of the mechanism of mediation may be grouped under two distinct but related categories: (A) the nature of the mediation practice, and (B) the roles and functions of the mediator. These will be dwelled on in the following paragraphs.
First contribution has been the very nature of the mediation practice. Mediation is a voluntary process, initiated upon request, leaving the ultimate decision making power with the disputants. The statement that 'mediation is a voluntary process,' implies that the mediator mediates, because he/she is perceived as reasonable, acceptable, knowledgeable, and able to secure the trust and cooperation of the disputants.\textsuperscript{113} The trust factor is of particular importance in the international arena, where

\begin{quote}
"...a large and highly diverse number of actors coexist, where each guards its sovereignty and independence zealously, and where each views the resort to violence as a viable option."\textsuperscript{114}
\begin{quote}
"...mediation with its ad hoc basis, voluntary nature, and nonbinding character offers a relevant and useful response to the problems posed by ethnic, regional, and global conflicts."
\end{quote}
\end{quote}

A second major contribution has to do with the roles and functions of the mediator. Mediation, in the conflict resolution sense, enables the parties to fully use the mediator as (a) an opener of communication channels when communication is poor or does not even exist, (b) a legitimizer to make sure that their right to be involved in negotiations is recognized by the others, (c) a trainer to fully comprehend the practice of negotiating and bargaining, (d) a resource expander to receive procedural assistance and linking to outside experts and resources, such as technical or legal experts, decision makers, or additional material resources to trade, that may enable the parties to widen the scope of acceptable settlement options. One of the most crucial contributions of the mediators has been in the form of additional resources brought into the conflict. Additional resources may take the form of extra information that the disputants are unable to obtain through their own efforts, and
that may help them to revise their perceptions of the conflict. It may also be in the form of technical expertise, whereby the mediator may offer his/her experience in reformulating the dispute.¹¹⁶

This last component also relates to the mediator’s role as (e) a problem explorer to assist the parties in examining a problem from a number of different viewpoints, and in defining major issues, interests, stakes so that they may be able to reframe their conflict and search for more mutually satisfactory solution. Moreover, the parties are provided with the services of a mediator as (f) a agent of reality to critically question the parties with extreme and unrealistic goals, and (g) a scapegoat to blame for decisions that may be hard to justify, but that they are, nevertheless, willing to accept. This last point is of crucial importance particularly when the parties’ integrity and the support of their constituencies is in question. Finally, the parties also make use of the mediator’s skill as (h) a leader, who frequently breaks deadlocks and initiates procedural, or even substantial suggestions.

3.3 2. Major drawbacks

The first major shortcoming in mediation literature is the lack of cohesiveness among concepts used, such as ‘entry,’ ‘power,’ ‘neutrality,’ or ‘success.’ To further clarify this point, inconsistencies related to the definition and evaluation of ‘success’ will be touched upon in the following pages. In the absence of objective criteria for evaluation, what constitutes a successful mediation is highly
debateable. Different approaches to dealing with the evaluation problem have been
developed. Whereas some scholars have avoided defining success or failure in
mediation altogether,\textsuperscript{117} others have chosen to create their own criteria to
operationalize success and failure, relying on overly simplified definitions.\textsuperscript{118}

Within this line of logic, success has been defined as

\textit{"...a situation in which both parties to the conflict formally
or informally accept a mediator and a mediation attempt
within five days after the first attempt."}\textsuperscript{119}

Others still, use broad and vague definitions to remain flexible; implying
‘a cease-fire’ or a ‘partial settlement’ or a ‘full-settlement’ to mean ‘success.’\textsuperscript{120,121}

Some have gone as far as to state that success should be taken to mean the final
resolution of all violent conflictual activity and the reconciliation of the parties.\textsuperscript{122}

An alternative test of success is a ‘goal-based’ approach, whereby mediator’s
objectives are taken as a starting point and success is equated with effectiveness and
how far the objectives have been met. Within this context, \textit{Touval} and \textit{Zartman} have
adopted as a working definition of successful mediation, the conclusion of a formal
agreement promising the reduction of conflict.\textsuperscript{123} \textit{Bercovitch}, on the other hand, has
suggested the need for two broad evaluative criteria, subjective and objective, to
assess the contribution and consequences of any form of international mediation.\textsuperscript{124}

Using subjective criteria, mediation is evaluated as being successful when “the
parties express satisfaction with the process or outcome of mediation, or when either
or both of these are perceived as ‘fair,’ ‘efficient,’ or ‘effective.’”\textsuperscript{125} Objective
criteria, on the other hand, involves "notions of change and judgments about the extent of change as evidence of the success or failure of mediation."\textsuperscript{126}

\textit{Susskind and Babbitt} have offered a list of preconditions for successful mediation, followed by three major types of obstacles, associated with the relationship between and among the parties, and with the mediation effort itself.\textsuperscript{127} A number of moves have been advised for the third-party, both in getting parties to the table and in managing the negotiations themselves. These moves have comprised "strategies for altering the way parties assess the costs and benefits of continuing the conflict," and "strategies for changing the way the conflict is managed."\textsuperscript{128}

\textit{Kleibor}, on the other hand, has used a four-fold approach in explaining mediation success, emphasizing (1) the characteristics of the dispute, (2) the parties and their interrelationship, (3) the characteristics of the mediator, and (4) the international context.\textsuperscript{129} Characteristics of the dispute involves (a) conflict ripeness, (b) the level of intensity, (c) the nature of the issues. Discussions about the parties engaged in mediation focuses on the (a) identification of parties, (b) cohesiveness of the constituencies and the representatives, (c) type of the regime, (d) motives to accept mediation, (e) previous and ongoing relationships between parties, (f) balance of power. Mediators themselves also affect their chances of success. Three mediator attributes are listed as, (a) (im)partiality, (b) leverage, and (c) status. The international environment in which any conflict takes place; economic and political pressure
exercised by other powerful parties with a stake in the outcome may, also affect the outcome of mediation, either encouraging or frustrating conflict resolution efforts.\textsuperscript{130}

Thereupon, interpreting the outcomes of international mediation is a highly intricate, perplexing and challenging issue. Evaluation criteria has not yet been defined well and used appropriately. Furthermore, attempts to assess mediation success seem to give rise to further intricate questions than answers. This is one of the reasons why the challenge has not been taken and why there have not been very many works in the literature, aimed to assess the theory of mediation at a systemic level.

Second issue is the level of analysis problem, which refers to the question whether insights gained in one level (inter-personal or inter-communal) can be transferred to the other (inter-national) without much deviation. The theory and practice of international mediation has been built on experiences in labor-management and inter-marital disputes. Furthermore, researchers such as Pruitt and Rubin have been attempting to incorporate observations and even experimental findings, mostly on inter-personal conflicts, into the inter-national system to form a grand theory of conflict and conflict resolution.\textsuperscript{131} Whether it is appropriate to rely on insights from inter-personal or inter-group levels to predict and steer the behavior of nations, remains a highly debatable issue.
By the same token, some scholars have argued that a majority of the existing literature deals unevenly and unfairly with different contexts of mediation. While dealing extensively first with labor and, then, international mediation, other aspects such as mediation in environmental disputes or civil wars have been largely ignored. With such a lack of information, a great deal of "valuable insights that could be gained by transferring experiences from one context of mediation to another" have been lost. Assefa devotes a chapter to "mediation in civil wars," claiming that whenever a gap exists in the theoretical discussion of mediation of international conflicts, it may well be filled by whatever has been gained from the experiences in the mediation of civil wars. It has been argued, therefore, that "...civil wars have an important international components and are becoming increasingly internationalized...Especially in wars of secession, where insurgents are trying to create their own new state, the actors in the conflict are states or state-like actors." 

Third major drawback concerns the methodological gap within the existing literature. There is a need for (a) experimental research, and (b) multiple case designs with multiple unit of analysis, and (c) participant observation. As regards experimental research, there have been a limited number of studies such as the one by Carnevale and Arad on "bias and impartiality in international mediation." Still, however, experimental research findings in international mediation remain few and far between owing to the inherent research-design problem of the field of mediation. Experimental studies should be conducted in such a way as to observe and measure the impact of the independent variable on the dependent variable, without any other
influence. A dyadic setting, like negotiation, enables the researcher to isolate the effect of the independent variable and keep the setting 'influence-free.' Mediation, however, is a much more complex social interaction than negotiation. By turning a dyadic interaction into a triadic one, the mediator adds a new factor to the design; himself. The mere presence of the mediator, let alone his/her intervention, may affect the findings. Therefore, controlling the experimental condition turns out to be a challenging, if not impossible effort.

Regarding the multiple case study designs with multiple unit of analysis, although there are a number of examples such as Beriker-Atiyas, the existing literature is based heavily on one-shot, single unit of analysis studies. There is a need and demand for more multiple unit of analysis works to be able to draw valuable comparisons. Finally, participant-observation remains a practical impossibility, given the secrecy under which the mediation process is carried out. Mediator is trusted by the disputing parties only to the extent that whatever has been said and done during the process remains confidential. Even if this had not been the case, memoirs of the mediators would have provided useful insights only when their objectivity had been assured.
CHAPTER 4

INTERACTIVE PROBLEM SOLVING AS A CONFLICT RESOLUTION MECHANISM

4.1. Introduction to the technique

4.1.1. Problem-Solving Workshops

The major tool of 'interactive problem-solving' approach is the problem-solving workshop, designed to bring together representatives of the parties to a dispute, in a neutral, isolated, unofficial, nonroutine setting—preferably an academic context—where they can be freed from diplomatic protocol and publicity, in order to activate a face-to-face dialogue in the presence and under the guidance of a panel of facilitators—social scientists knowledgeable about group processes and the conflict theory.139

It differs from official negotiations and any typical form of interaction between envoys of parties, involved in an intense and ongoing conflict, in its insistence on an unofficial, relaxed setting. Such typical interactions take place—if they ever do—in "a context that is almost designed to make it impossible for them to
learn anything new about the other party or about themselves. These interactions are regulated by norms, that

"...call on the representatives to express their group’s grievances and to proclaim its historical and legal rights as firmly and militantly as possible. Their constituencies’ and indeed their own evaluation of their performance depends on how well they advance and defend the group’s position and how strong a case they make."

As the ‘negotiations’ progress, the positions are extremely polarized, and

"...there is little attempt in such interactions to listen to the other, to gain an understanding of the other’s perspective, or even to find ways of influencing the adversary. Communications are directed not to the adversary, but to one’s constituencies and to third parties. It is not surprising that such interactions reinforce existing images and strengthen each side’s commitment to its original position; mutual images are completely dehumanized.

Instead, the interactions within the ‘workshop’ framework are governed by a completely different set of norms, whereby participants are encouraged to

(1) observe and analyze how they perceive (a) each other and (b) their conflict, and to

(2) understand each other’s (a) perspectives, (b) basic concerns, and (c) political and psychological barriers to a negotiated ‘resolution’ of the conflict. By gaining insight into each other’s positions they are expected to observe how they can contribute to change through their own actions. Such an analytical stance can gradually lead to a ‘collaborative, problem-solving process’, through which creative ideas for the resolution of the conflict are likely to come out.
An essential condition for the problem-solving workshop and a clear
distinguishing factor from official negotiations, is the level of commitment.
Participants can interact with minimal commitment to both the whole process, and
any set of outcomes that may emerge. This is assured by a neutral setting, away from
the political and diplomatic environment of formal negotiations. The unofficial,
private nature of the workshop replaced in an academic context, facilitates
communication between adversaries without any implication of recognition and
legitimization. The academic setting provides an unofficial, nonbinding context,
with its own set of norms to lay the ground for a type of interaction that differs
considerably from the norms and interactions that usually govern relations between
conflicting parties. Therefore, it becomes possible “to view communication as a
process, designed to provide mutual learning and sharing of information, rather than
as a political statement.”

Commitment is further minimized and the setting relaxed by the
understanding that the discussions will not be made public and that the participants
are invited on a “no-fault basis,” that is participants are assured that they “will not
be held accountable outside the workshop setting for what they say in the course of
the discussions.” In case of leaks, the whole process can be renamed and presented
as an academic affair, to which all participants are private individuals. One other
advantage of the academic sponsorship is in terms of the image of the third-party,
who is seen rather disinterested in any specific outcome and, therefore impartial.
To this end the discussions within the workshop are designed to be completely
private and confidential. There is no audience, no publicity and no recording; and the central ground rules specify that statements made in the course of a workshop can not be cited for attribution outside the workshop setting.152

The third-party creates an atmosphere, establishes norms, and makes occasional interventions to assure the continuation of free and open discussions, in which the parties address to each other, rather than to third parties or their own constituencies, and in which they listen to each other in other to understand their perspectives. Therefore, the parties are,

"...encouraged to deal with the conflict analytically rather than polemically-to explore ways in which their interaction helps to exacerbate and perpetuate the conflict," 153 rather than blame the other side while attempting to justify their own claims.

This analytical discussion helps the parties to penetrate each other’s perspective and understand each other’s concerns, needs, fears, priorities, and barriers to cooperation.

Once both sets of concerns are on the table and have been understood and acknowledged, parties are encouraged to engage in a process of joint problem solving. They are asked to work together in developing new ideas for resolving the conflict, in ways that will satisfy fundamental needs and ally existing fears of both parties. They are, then, asked to explore political and psychological constraints that stand in the way of such integrative, win-win solutions; and that, in fact, have
prevented the parties from moving to the negotiating table or from negotiating productively.\textsuperscript{154}

Problem-solving is a process designed to create an informal setting in which ‘joint problem solving’\textsuperscript{155} becomes a possibility, which is conducive to the emergence of creative win/win solutions, whereby ‘basic needs’\textsuperscript{156} of both parties are satisfied. Workshops enable the participants to personally observe the impact of their own actions on the adversary, and the impact of the adversary’s actions on themselves.\textsuperscript{157} Through ‘collaborative problem solving,’\textsuperscript{158} the ultimate aim is to create a situation in which all parties feel that they have won, “not merely have done well in a situation where there are winners and losers.”\textsuperscript{159, 160}

To sum up, Problem Solving approach differs from the traditional, ‘realist’ approach to the management of violent conflict, in the following ways: (a) the use of positive incentives rather than the threat or use of coercion; (b) through transforming the relationship of the parties, and (c) through setting a deescalatory dynamic into motion and emphasizing a different kind of interaction, governed by a different set of norms.\textsuperscript{161}

The setting, agenda, and third-party interventions are designed to encourage a ‘task-oriented, analytical approach,’\textsuperscript{162} rather than an accusatory, conflict-expressive and escalatory atmosphere that has traditionally characterized
interaction between parties in conflict. Within this "intense group interaction," various aspects of the conflict, including its very definition, are reformulated.

4.1.2. Roles of the Third-party in the Problem-Solving Approach

It has generally been agreed that the role of the third-party in interactive problem solving approach differs substantially from that in a more traditional setting. Traditionally, third parties to international conflicts have been representatives of governments or international organizations, usually with direct interests in the settlement and outcome of the conflict, with enough power to assure that whatever solution comes out, will be respected by the conflicting sides.

The third parties to a problem solving workshop, on the other hand, are no more than facilitators, interested in no particular outcome than the resolution of the conflict in a mutually satisfactory way. Thus, the third-party listens concerns and perspectives of the parties; interprets these concerns and perspectives to the disputants, as he/she understands them; encourages and creates an atmosphere for direct interactions.

Groom identifies the third-party role in a problem solving workshop, as being "supportive of all parties," whereas Banks refers to it as that of a "supportive neutrality." Third parties are frequently referred to as simply communicators or facilitators. However, facilitators may also make substantial interventions in the
form of (a)'theoretical inputs' to help the parties distance themselves from their own conflict by providing them conceptual tools to analyze the conflict; (b)'content observations' to offer interpretations and implications of what is being said, and point to convergencies and divergencies, and finally (c)'process observations' to suggest possible ways in which interactions between the parties in the context of the workshop, may reflect the dynamics of the conflict between their respective communities. 

Within the problem-solving approach, much of the literature has dealt with (1) conceptual studies on the (a)conflict theory, (b)role of the third-party within the workshop framework, (c)small group dynamics, (2)individual case studies, emphasizing findings and follow-ups, (3)critiques of different schools, as well as those of the workshop approach in general, and (4)handbooks or practitioner manuals.

As regards preferred participants, apart from the recognition that deciding on who to invite to the workshop is an integral part of the whole process, there has not been clear consensus. Preferred participants to various workshops are almost as varied as the issues they are invited to discuss. Differences in preferences for ‘ideal participants,’ are mostly reflections of the differences in view of the role and design of the workshop, the role and style of the third-party, as well as the place and ultimate goal of the approach within the general context of international relations. There are three major schools of thought as well as of practice within the problem-
solving tradition, differing significantly in their approaches, workshop designs and assessment of the role of the third-party. The following subsections will dwell on these differences, within their respective schools.

4.2. The London Group

4.2.1. "controlled communication"

John Burton and his associates, Leonard Doob and William Foltz are known to be the originators and, indeed, the pioneers of the Problem-Solving approach to conflict resolution. A workshop between two conflicting parties with a panel of academicians (later will be referred to as ‘facilitators’), intended originally as an academic exercise with a defined research purpose, suggested a different technique for resolving conflicts. The process was named as ‘controlled communication’ referring to the guidance of the ‘panel of facilitators.’

The approach was initially developed following an observation that traditional explanations of conflict had failed to provide answers to many of the questions posed by contemporary interdisciplinary studies of world politics. Instead, ‘controlled communication’ proceeded as follows: A conflict was chosen and a situation was created, whereby the conflicting parties would express ‘their perceptions of each other, their motivations and goals, their internal political problems, their interpretations of events that led up to the conflict, and then to its
escalation." This was originally designed to be an academic exercise with no immediate purpose of conciliation or mediation, or even the settlement of conflict incidents, although it was obviously expected that the atmosphere created would have an affect.

4.2.2. Selected workshops

The very first attempt of applying "controlled communication" techniques was carried out in London on December 1965 by John Burton, and his associates. Representatives of three governments, that directly involved in violent clashes, were invited and grouped in an initial session of discussions that lasted for a full week. Five additional, shorter follow-up meetings were held in the ensuing six months.

In 1966, another round of discussions was organized and conducted with a panel, including three more scholars; R.C. North, C. F. Alger, and H. C. Kelman. This time, participants were representatives of two national groups in a communal violence. Discussions were not recorded, and not a great deal was put down, or published.
4.2.3. The participants

The first London Group was attended by representatives of the governments whereas the second, by that of the national groups. The number of participants ranged from nine to sixteen with the panel outnumbering the parties slightly.

As regards the status and relative power of the participants, the description of the 'ideal participant' varies considerably. One view asserts that the participants be hard-liners, so that the renewed definition of the conflict and of the relationship with the adversary take immediate effect when transferred from the workshop setting into the political arena by a 'hawk'.

Another interesting feature of the problem solving approach with regard to the participants, is that all parties, even those, who are potentially threatening to the whole process, must be included. The idea is to assure that everyone has an equal opportunity to talk and express where they stand with regard to the conflict.

4.2.4. The setting / Design of the workshop

In both London workshops, the setting was an academic environment. The first workshop was held in the council room of a medical research foundation,
and the second in a university committee room. Discussions were relatively unstructured, without a fixed agenda.

The first two days were composed of the participants’ introduction of themselves and parties’ statements expressing their own perception of the conflict. In the third day, theoretical and analytical discussions started, whereby the facilitators took on a relatively more active role. In the fourth day, emphasis was on establishing a ‘shared language,’ and “common perceptions” on the conflict. The fifth day was referred to as the ‘problem-solving phase’. Within this fifth phase, unilateral moves by either party were suggested to break deadlocks, if it was believed that there was any possibility of agreement.

4.2.5. Role of the third-party

During both London workshops, the third-party had remained relatively passive until the third day when the actual process of problem solving started. Within the context of the London Group, the third-party facilitated the process by (a) breaking the conflict into manageable parts, (b) encouraging the parties to make sure that the other side notices the difference between a stated policy and action. Shortly, third-party “looks for goals that are achievable for neither side alone, but by cooperative action.”
4.2.6. Purpose of the workshop

The "controlled communication" process has a dual purpose: conflict analysis and conflict resolution. Problem solving attempts to create a situation where the conflicting sides face, what Groom refers to as the 'shock of the new'; that is they realize that they have to revise their perceptions on the objectives and motives of their adversaries, which in turn leads to a redefinition of the dispute. Absorption of new information, 'exploration of new ideas,' 'revision of perceptions,' 'reassessment of attitudes and finally 'engagement in the process of creative problem solving' are all inherent to the process of conflict resolution. Through re-perception and re-costing, conflict becomes a 'problem to be solved' mutually, rather than a fight to be won.

Apart from this general assumption, perceptions regarding the ultimate goal of the workshop, expose a variety. The Center for the Analysis of Conflict envisages a closer link between international and domestic political processes. Burton perceives the technique as a replacement of conventional mechanisms, as a response to the apparent failure of the traditional techniques. His approach is essentially normative and he expects the 'eventual' institutionalization of problem solving as a 'second track' running parallel to power policies and procedures, "hopefully becoming more and more significant and finally becoming the dominant track."
4.2.7. Major conclusions

Since secrecy and the absence of official commitment were integral parts of the whole process\textsuperscript{202}, no official recording or follow-up was made on workshop sessions.\textsuperscript{203} Therefore, even though a list of conclusions of individual workshops was published by the scholars themselves, their impact upon the original conflict can not be assessed objectively.

Still however, it is possible to list two major accomplishments and contributions of the London workshops, to the field of conflict resolution in general, both of which are mainly due to the use of an academic setting. The setting have provided the parties with a completely different set of behavioral norms through which they have been able to (a) strip off their traditional roles, and (b) adopt other, more constructive roles such as "conflict analysts" or "cooperative representatives."\textsuperscript{204}

4.3. The Yale School

4.3.1. The "use of sensitivity training"

Working independent of John Burton and his associates, Leonard Doob and William Foltz, formulated a different technique and style for workshops. Back in 1966, the "use of sensitivity training" as a conflict resolution tool, particularly for
resolving border conflicts in Africa, was proposed by Doob.\textsuperscript{205} The idea behind the concept of ‘sensitivity training’ was the question whether a psychological technique like ‘sensitivity training’\textsuperscript{206} could be implemented into an international setting, as an aid to conflict resolution. However, it was not until 1968 that a workshop was scheduled, only to be canceled following the withdrawal of the consent of one of the parties.\textsuperscript{207}

4.3.2. Selected workshops

In August 1969, the \textit{Ferrmeda Workshop} took place, involving eighteen African representatives, four group trainers to form and train two groups “to increase the possibility of building cross-national ties and overall interests,”\textsuperscript{208} a secretary, and three investigators, to discuss the border disputes among three African nations in the East African Horn.\textsuperscript{209} The discussion session lasted from August 2 to August 4 in a hotel in South Tyrol, Italy.\textsuperscript{210}

Later, in 1972, the \textit{Stirling workshop} was organized by Doob and Foltz to analyze the Belfast conflict. Fifty-six Protestant and Catholic residents of Belfast were invited, to discuss the dispute under the guidance of a team of American social scientists. The ten-day workshop started in August 1972 in Stirling, Scotland.\textsuperscript{211}

Thirdly, in July 1974, a ten-day workshop was planned on the \textit{Cyprus} conflict with twelve Greek and twelve Turkish Cypriots to meet at the Hotel
Fermeda. However, the attempt was canceled following the Turkish operation against the government of Archbishop Makarios.

4.3.3. The participants

The Fermeda Workshop invited representatives with approval from their respective governments, but none of them were official representatives. The Ethiopian and Kenyan representatives were academics of high standing; the Somalian representative was from the fields of law and education. There were a number of government officials, however, even they were outside the circle of foreign policy decision making and implementation.

In the Stirling workshop, participant with ages ranging from sixteen to sixty, and a five-to-three ratio of men and women, were mainly of the lower and lower-middle class, with slightly more Protestants than Catholics. Unlike the original design, the workshop turned out to be a one shot affair, due to an unexpected conflict between the American investigators and the Belfast administration.

4.3.4. The setting / Design of the workshop

In the Fermeda workshop, first week of the session involved the training of the groups. Towards the end of the first week, discussions shifted towards more critical issues such as the border disputes. Investigators refrained from imposing
their own perceptions and formulations of the conflict. The second week was on the development of research proposals, following a number of ‘brain-storming sessions.’ In each of the trained groups, tentative plans were drawn up, in order to decide on these in a ‘general assembly.’

Eleven months later, in July 1970, a follow-up workshop was carried out, whereby thirteen of the eighteen participants were informally interviewed by Doob, himself.

The first half of the Stirling workshop was based on ‘Tavistock model’ which had been designed “to stimulate learning about the ways in which people function in organized groups. The participants were forced to confront directly the ways in which they respond to authority and the challenges of cooperative and competitive work.” Participants were assigned to different groups on the basis of sex, then religion, and then age. The second half of the workshop was based on the ‘Bethel approach,’ “whose aim was to give participants an opportunity to plan back-home activities in some detail and to both develop, and practice specific skills which might aid in the realization of those plans.” A follow-up session was organized ten months later, whereby forty of the fifty-six participants were interviewed for eleven days.

4.3.5. Purpose of the workshop

Yale Group stresses ‘social relations’ and the ‘analysis of group processes.’ They view problem solving workshop as a preparation for official
diplomatic negotiations and as a complement to traditional forms of conflict management.\textsuperscript{224}

\textbf{4.3.6. Major conclusions}

Following the informal interview of the participants of the \textit{Fermeda} workshop, \textit{Doob} admitted that the workshop was far from resolving the border dispute, but that it was too early to fully determine its impact.\textsuperscript{225} Most of the participants, as well, asserted that the workshop had a positive impact on both themselves and their respective governments.\textsuperscript{226}

After the follow-up of the \textit{Stirling} workshop, the conclusion derived by the researchers was that there had been a positive impact.\textsuperscript{227} However, this conclusion generated considerable debate on both the scientific merits of the technique and on the ethical issues involved in intervening an ongoing conflict.\textsuperscript{228}

Critiques focused on the question whether potential costs of an intervention—in the form of a workshop—in a violent conflict—such as Belfast, outweigh any possible benefits. Opponents argued that the workshop did more harm than good for at least some of the participants; implying that it might even have aggravated the conflict. Aside from this ethical concern, the facilitators themselves acknowledged that there was a considerable lack of education and knowledge in the area of these techniques on the part of the participants; and that it was difficult to
isolate which negative consequences resulted from this ignorance and which from the
technique itself. All in all, Doob and his associates seemed to be content with the
overall evaluation as they held that the workshop resulted in participants’ enhanced
understanding of the conflict, of their relationship and offered some insight on what
would be required to resolve it.\textsuperscript{229}

4.4 The Harvard Group

4.4.1 ‘Research workshop’ and ‘Learning workshop’

In ‘Interactive Problem Solving: A Social-psychological Approach to
Conflict Resolution,’ Kelman offered an extensive analysis of the approaches of both
the London and the Yale groups.\textsuperscript{230} Following his evaluation, he presented a third
approach, in an attempt to integrate them. Kelman argued that Burton’s approach
was essentially a research workshop emphasizing the conditions for ‘the transfer of
changes produced in participants to the actual policy process of the conflict.’\textsuperscript{231} He
evaluated Doob’s technique, on the other hand, as a learning workshop, focusing on
the creation of conditions for change in the participants, themselves. Kelman
concluded that,

“Changes at the level of individuals in the form of new
insights and ideas resulting from the micro level process of
the workshop...can then be fed back into the political debate
and the decision making in the two communities, thus
becoming vehicles for change at the macro level.”\textsuperscript{232}
However, since a gain on one level (change in the participants) might mean a loss on the other (transfer of change), the appropriate style of intervention, for Kelman, had to be determined within the context of a given workshop.\(^{233}\)

### 4.4.2. Selected workshops

Kelman and Cohen organized and hosted three pilot workshops at the Harvard University. In fall 1971, Palestinian and Israeli representatives were invited. A year later, in 1972, representatives from India, Pakistan, and Bangladesh met to discuss the Bangladesh conflict. Later, in the Spring of 1979, a third workshop was attended by Turkish and Greek Cypriots. Furthermore, two other Israeli-Arab workshops and one Israeli-Egyptian workshop were held.\(^{234}\)

### 4.4.3. The participants

Harvard Group recognizes that recruiting participants is one of the most important tasks of the third-party. Recruitment is generally done on an individual basis, and participants are invited to come as individuals, rather than as formal representatives.\(^{235}\) The time duration of the workshops varied, ranging from a weekend to a full week. The number of the participants also varied; although as a general rule, number of the participants exceeded that of the facilitators with around three to six members from each party.\(^{236}\)
The status and the relative power of the participants are given a much more detailed theoretical account in the Harvard Group. Three types of participants are recognized with regard to the level of their political involvement and proximity to the policy making: (a) 'pre-influential,' who are politically involved and are likely to move into key positions; (b) 'political influentials,' and (c) 'political actors,' who are directly involved in the policy making process. The Israel-Palestinian workshop included parliamentarians, leading figures in political parties or movements, former military officers or government officials, journalists or editors specializing in the Middle East, and academic scholars working as analysts of the conflict for their societies, some of whom have served in advisory, official or diplomatic positions.

Ideal participants for the workshop, according to the Harvard Group, are individuals who are highly influential within their respective communities, but are not themselves in policy-making positions. Such participants are believed to represent the best balance between the requirements for maximizing learning within the workshop and those for maximizing the transfer of whatever is learned to the policy-making process. Still, however, whatever the status and power of the participants may be, they attend the workshop in their private capacities, rather than as officially designated representatives. Even when the participants may not have immediate access to the policy-making processes, their interaction is still recognized as politically significant. This recognition is in line with the assumption that conflict is an intersocietal rather than an intergovernmental affair.
4.4.4. The setting / Design of the workshop

A typical Harvard workshop consists of a preliminary session of four to five hours for each of the parties, and joint meetings for two and a half days. The workshops take place in an academic setting, carried out under the auspices of the Harvard Center for International Affairs.

The general design of the workshops is as follows: (a) first the conflict analysts and then the participants introduce themselves followed by (b) the establishment of the groundrules for the session after which (c) issues of the conflict are discussed, including the high-priority concerns of the parties, main obstacles to achieving these concerns, which outcomes would considered to be fair, and how they might be achieved. Apart from the actual discussion sessions, there are also a number of pre-workshop sessions.

4.4.5. Role of the third-party

Kelman describes problem solving as a way of utilizing academic base and social science knowledge as unique sources of competence, credibility and legitimacy. It is also defined as a form of mediation, with minimal proposition and certainly no imposition of solutions; rather, with facilitation of communication between the conflicting sides so that mutually acceptable solutions can emerge out of their own interaction. In other words, it is a way of creating occasions to bring the
parties together for direct, face-to-face ‘interaction,’ which is of central importance to
the approach.\textsuperscript{248}

The third-party in the \textit{Harvard Group} is usually composed of a panel of
social scientists, of two to eight members, knowledgeable about international
conflicts, group processes, and the region.\textsuperscript{249} The basis of credibility are panel’s
skills and knowledge in these areas as well as its members’ academic status. Within
the \textit{Harvard Group}, the third-party does not offer solutions, but rather assumes a
strictly facilitative role. That is to say, generation of new ideas for the resolution of
the conflict and transferring them to the political process are expected to be done by
the participants themselves.\textsuperscript{250}

Although the focus is on the interaction between the conflicting parties
and the solutions that may emerge, third-party also plays an essential role both in
bringing the sides together and by providing the appropriate context and norms, both
before and during the process.\textsuperscript{251} The roles of the third-party have also been defined
as protecting the parties from the hostilities and misperceptions of the past\textsuperscript{252} while
suggesting a look into the future of the relationship and painting a peaceful co-
existence.\textsuperscript{253}

The third-party provides the context in which representatives of the
parties, engaged in an intense conflict, are able to come together.\textsuperscript{254} He/she selects,
b Briefs, and convenes the participants, while also serving as a ‘repository of trust.’\textsuperscript{255}
for both parties, enabling them to proceed with the assurance that their confidentiality will be respected and their interests protected even though they cannot trust each other. He/she establishes and enforces the norms and ground rules that facilitate analytic discussion and a problem-solving orientation. He/she proposes a broad agenda that encourages the parties to move from exploring each other's concerns and constraints to generating ideas for win-win solutions and for implementing these solutions.\textsuperscript{256}

4.4.6. Purpose of the workshop

In theory, problem-solving workshops are directed at the system-level changes. Expected changes in individual attitudes and perceptions are encouraged, as a means to foster change in the national policies at the system level and in the larger conflict system, rather than an end in themselves. "Its analytic focus is at the intergroup rather than the interpersonal level."\textsuperscript{257}

"I do not propose that interactive problem solving-or any other form of unofficial diplomacy-can substitute for official diplomacy or that it can operate independent of the constellation of historical forces and national interests that are themselves shaped by domestic and international political processes. I am convinced, however, that this approach can make a significant contribution to conflict resolution and that it should be seen as an integral part of a larger diplomatic process, rather than as a sideshow to the real work of diplomacy."\textsuperscript{258}
Harvard Group places more stress on social interaction and the analysis of group processes. It further perceives problem-solving workshop as a preparation for diplomatic negotiations and as an adjunct to traditional techniques. In this regard, Kelman views the approach not as a substitute for diplomatic negotiations or for more traditional forms of mediation, rather as a process "preparing the way for, supplementing, and feeding into official negotiations."

"Unofficial, noncommittal interactions, can play a constructive complementary role by exploring ways of overcoming obstacles to conflict resolution and by helping to create a political environment conducive to negotiations and other diplomatic initiatives."

Therefore, workshops (a) create an atmosphere of mutual reassurance conducive to negotiation, (b) generate ideas and proposals for a framework and a set of principles that can serve as a basis for negotiation, (c) demonstrate the feasibility of negotiated solutions, and (d) contribute to the creation of a cadre of individuals who have accumulated experience in communicating with the other side and have developed the conviction that such communications can be fruitful. In this context, workshop can develop the "sense of guarded optimism" that is required for the movement toward conflict resolution.

4.4.7. Major conclusions

The general results form Kelman's efforts in problem solving are that workshops can be used to pursue a variety of goals from mere education to
complementarity with ongoing negotiations, and that each workshop must be
designed in connection with the specific constraints of the individual conflicts.  
There is no one type of workshop that will be used in all conflicts. His efforts have
been to isolate critical components of the workshop process that must be evaluated
separately in each new conflict situation.

Kelman lists some of the learning, that have emerged from workshops
with Israeli and Palestinian participants as follows: (1) Participants learned that
there was someone to talk to on the other side and something to talk about.
(2) Participants gained insight into the perspectives of the other party—their concerns,
priorities, areas of flexibility, psychological and structural constraints. Of course this
also encompassed understanding the decision-making process of the other party.
(3) Participants became aware of changes that have taken place within the adversary,
of the possibilities for change under changing circumstances, and of ways of
promoting such change in the other through their own actions—a kind of learning
that is particularly unique because the dynamics of intense conflicts create a tendency
to discard any possibility of change within the adversary, which then makes change
less likely by way of a self-fulfilling prophecy. (4) Participants realized the
significance of gestures and symbolic acts, and discovered actions they could take
that would be meaningful to the other, and yet with little or no cost to themselves.
To sum up, workshops helped to (1) discover a common ground, (2) realize that there are potential negotiating partners on the other side, (3) realize that there are negotiable issues, (4) believe that there are possibilities for further change, and (5) develop a sense of ‘guarded optimism,’ required for the conflict resolution.

4.5. Conclusions: Interactive Problem-Solving

4.5.1 Major contributions

The first major contribution of the workshop approach has been the opening up of communication channels among disputants. By the same token, the workshop itself has served as a communication channel, particularly in protracted, deep-rooted conflicts. Indeed, problem-solving workshops, according to Kelman, are the main source of the data accumulated.

Second contribution has been the introduction of ways in which representatives of the conflicting sides, once commit themselves voluntarily to a negotiated solution, can help each other out in their internal political struggles—likely to be faced when changes either in the form of perceptions or compromises or solution drafts within the context of the workshop, are presented to the official policy-making circles at ‘home.’
Thirdly, workshops are particularly important for introducing and encouraging a process of learning. Participants to a workshop are expected to learn—or better relearn—about themselves and their conflict. Learning comprises a reperception, reformulation, and reframing of the conflict and their stance, as well as a decommittment from previously stated and usually solidified positions.

Fourthly, although problem solving has grown out of the tradition of mediation and conciliation, it has moved one step farther by defining a completely new role for the third-party. Unlike the mediator, the ‘panel’ in a problem solving workshop involves ‘disinterested’ scholars, knowledgeable of conflict processes, but not of the specifics of a particular conflict on the table. It is the background and previous experience of the third party(or parties) on similar cases of conflicts, on the conflict theory in general and the social-psychological analysis of conflict in particular, not his knowledge of the area, that counts as an asset.

In this regard, Kelman presents a linkage between the social-psychological analysis of conflict and the model of intervention of the interactive problem solving approach. The influence of his experience and knowledge on the theory and techniques of psychotherapy and particularly group therapy, on his thinking about interactive problem-solving is evident. The social-psychological analysis focuses on how interactions between the parties, at different levels, both create the conditions for, feed, escalate, and perpetuate conflict. Such an analysis suggests that conflict resolution demands new forms of interactions that are able to
reverse these trends and put a de-escalatory dynamic into motion. The aim is to create the conditions that make such new forms of interactions possible. These interactions have to encompass a re-analysis of the conflict, exploration of mutual perspectives, generation of new ideas, and joint problem solving. Interactive problem solving attempts to "redefine, fractionate or transcend the conflict so that positive-sum (win/win) solutions, which leave both parties better off, can be discovered."

Fifthly, workshops provide a supplementary, parallel track to official negotiations, whereby critical issues may be discussed in full detail without a prior commitment to any particular set of outcomes. Finally, related to this last point of decommitment, workshops also provide the participants with a leverage of denial, of any involvement in the whole process, if things do not work out at "home."

Sixthly, the problem solving approach is unique in not only how it combines action with research, but also how it allows the 'action requirements take precedence over the research requirements.' The action requires, as Kelman puts it, involvement in a research program just as the research requires involvement in an action program. In this regard, research in problem-solving is primarily oriented toward discovery; and interventions enable the researcher to test his hypothesis in an informal, uncontrolled setting. In this context, the research combines features of both clinical research and naturalistic observations.
Finally, a critical contribution concerns the recent debate over using problem-solving workshops as 'preventive medicine' (the term was first used by Groom in 1986). It has been argued for the past thirty or so years that traditional forms of conflict management mechanisms that are often characterized by intense power-bargainings, have not only proved to be ineffective and inappropriate, but also highly costly. The need and indeed the urgency to apply alternative techniques for dealing with conflict, has shed the light on problem-solving workshops. However, the nature of the approach and the drawbacks mentioned earlier, do not enable it to totally replace conventional conflict management mechanisms, as negotiation and/or mediation. Nevertheless, as mentioned earlier, workshops may well be fed into the official policy making process in the form of preventive diplomacy.

At this point, it is worth re-mentioning the implications of the 'timing' issue on the intervention, which was touched upon earlier. So far, scholars and practitioners in the field have seemed to identify deep-rooted, ongoing conflicts as appropriate stages for intervention; and, therefore, have preferred a late intervention (for example, the Middle East and Cyprus workshops). If used as a tool for preventive diplomacy, workshop will obviously rely on an early timing. Remembering the advantages and disadvantages of early intervention, it seems appropriate to restate that convincing the sides to participate to the workshop, might expected to be more problematic when the issue has not yet evolved into a full-scale 'conflict,' which is but one of the drawbacks of the workshop approach.
4.5.2. Major drawbacks

The first major drawback of the problem-solving approach is the so-called, 're-entry problem.' The problem solving researcher encourages, arranges and guides interaction between the conflicting parties in order to create such products as 'new knowledge and ideas,' 'altered perceptions and attitudes,' and 'innovative proposals for conflict resolution that can be fed into the policy process.' Therefore, although the workshop is a work of individuals, directed at their—what Kelman refers to as—'affective and cognitive processes,' or individual attitudes and perceptions, the ultimate aim of the intervention is to produce changes at the level of official policy. However, it is well known that appropriate conditions for individual learning and perception-change, are different than those of transferring such changes into the real world of power politics. In fact, they may even conflict with one another, raising the re-entry problem.

Even if the expected changes occur in the participants themselves as individuals, such perceptions and the accepted tentative proposals might face suspicion and hostility on their return to the real world policy making. In this context, views again differ. Burton claims that the closer the participants to the official policy making, the less severe will be the re-entry problem. Kelman, claims just the opposite, maintaining that it is better that the participants be distant from the decision makers so that they would be more open to change and would be able to retain the change.
Second major drawback is related to the ethical issues, so much so that the intervention of an external party (to highly sensitive issues) *per se*, has been disputed from an ethical perspective. Ethical considerations focus on the following issues: (a) The impact of the workshop on the power configuration has not been totally assessed yet. The workshop might undeliberately affect the power-balance by, for example, causing a further weakening of the weaker party by exposing its vulnerabilities. Hence, contrary to the initial intentions, workshop may leave either or both parties worse off. (b) On a more individual level, participants to the workshop may encounter empathy or even accusations of betrayal at 'home,' leading to discomfort at the least. Furthermore, what Kelman calls 'action-research' is a highly controversial ethical issue when conducted on human 'test subjects.' On a different level, (c) the workshop approach may be criticized for a defect not inherent in the approach, but has to do with the attitude of the workshop experts. By shoving their way into the conflict, claiming to hold the 'magical' key for the resolution, the workshop organizers tend to or at least seem to downgrade any existing local problem-solving mechanisms. The implication that the locals are unable to solve their own conflicts, has been taken as an indication of cultural insensitivity and disrespect, and even neo-imperialism at the extreme.

A third, and related shortcoming is the issue of expert power. The workshop is claimed to be a 'power-free' environment, in which there is supposedly no authority to impose, dictate and/or rule. Contrary to the above assumption, however, the panel's expertise on conflict resolution techniques turns out to be an
overwhelming factor, even in a workshop setting. Moreover, the fact that the ground rules are set by the panel is a further injection of 'power' into the setting.

A fourth critique may be directed against the assumption that the source of all conflicts are merely perceptual and therefore that all conflicts are solvable. In this respect, problem-solving ignores and even denies the existence of 'structural' elements of the conflict. An interesting criticism to the problem-solving approach in general, and Burton's model in particular, has come from Jean-Pierre Cot. Following a brief analysis of Burton's paper on 'Resolution of Conflict with Special Reference to the Cyprus conflict,' Cot has gathered his critical remarks as follows; the first objection is on the Burtonian assumption that all conflicts are essentially subjective, meaning that hostility occurs because of distorted perceptions and lack of constructive communication. Therefore, objective elements--such as the economic, social and political considerations of a given situation--that lay underneath subjective criteria, are not mentioned by Burton. Within this context, Cot criticizes Burton for presupposing a 'subjective theory of conflict,' and therefore differentiating between irrational—as a result of distorted communication—and rational behavior. Secondly, Burton is criticized for underestimating the impact of the international environment of which the conflict is a part. Thirdly, certain criticisms are directed at the exaggeration of the 'power of the intervenor,' and the underestimation of the 'timing' factor. Overall, Cot finds Burton's approach 'quite unrealistic,' because Burton and his associates
"...separate mediation and conflict. Whether one likes it or not, the intervention of a third-party in a conflict is a new element in the conflict itself."

Finally, evaluation of the success of the workshop remains complicated and controversial, given that (a) the findings have been written up and evaluated by the workshop organizers themselves; (b) an appropriate tool has not yet been developed to systematically assess the workshop in retrospective with all the dynamics of the conflict; and (c) feedback in the form of follow-up workshops have been very rare, due to the difficulty of extracting information following a completely secret and confidential procedure, that allows the participants to even totally deny any involvement if so wished.
CHAPTER 5
CONCLUSION

The aim of this study was to review two major third-party intervention techniques, identified as mediation and interactive problem-solving, as mechanisms of conflict resolution; the former an alternative as well as a supplement to formal negotiations while the latter a more complementary approach. Following the introduction, an overview of the field of conflict analysis and resolution was presented. The following two chapters dealt with the characteristics and the current state of the theory and practice of mediation and problem-solving respectively, focusing also on their contributions to the study of international politics as well as some major shortcomings.

Regarding mediation, major contributions were identified as (1) the voluntary nature of the mediation practice, and (2) the roles and functions of the mediator that the parties may well make use of, such as (a) an opener or facilitator of communication channels, (b) a legitimizer for particularly the weaker or under-represented parties, (c) a trainer, (d) a resource expander, (e) a problem explorer, (f) an agent of reality, (g) a scapegoat, and (h) a leader and initiator.
Notwithstanding the above contributions, mediation failed on three major grounds that are (1) a lack of cohesiveness among concepts, and particularly on the definition of success, (2) the level of analysis problem, coupled with the critiques that the existing literature deals unevenly and unfairly with different contexts of mediation, and (3) the methodological gap in the literature that needs to be filled by (a) experimental studies, (b) multiple case designs with multiple unit of analysis, and (c) participant observation.

Regarding the problem solving workshops, major contributions have been (1) to serve as a communication channel just by itself, (2) to assure that once committed voluntarily to a negotiated outcome, parties may help each other out in their internal struggles for receiving support of the negotiated decisions, (3) to introduce and encourage a process of learning, which comprises a reframing, reevaluating and reformulating of the conflict, (4) to provide a new role for the third-party, (5) to combine action with research and allow action requirements take precedence over research requirements, (6) to provide a supplementary, parallel track to official negotiations, whereby critical issues may be discussed in full detail without a prior commitment to any particular set of outcomes; and related to this last point of decommitment, (7) workshops also provide the participants with a leverage of denial, if things do not work out at 'home.' Finally, a recent debate within academic circles suggested (8) the use of problem-solving workshop in the form of 'preventive medicine,' to supplement official negotiation and/or mediation sessions.
This last point, however, demands an early-stage intervention and, therefore, raises questions over participant-persuasion.

Nevertheless, problem solving approach, too, suffers from a number of drawbacks, including (1) the re-entry problem, (2) ethical considerations regarding the impact of the workshop (a) on the power configuration in the conflict which may leave the parties worse off; (b) on the individual participants who may encounter accusations of treachery at 'home;' and (c) on the participants who may be sensitive towards the workshop organizers' attitude that implies a disrespect to local conflict resolution mechanisms. Additionally, (3) the issue of expert power, may refute the claim that the workshop setting is a 'power-free' environment. Furthermore, (4) the assumption that 'all conflicts are solvable' was attacked for being too naïve and for ignoring the 'structural' causes of the conflict. Finally, (5) success evaluation remains too complicated and controversial as (a) the findings have been outlined and success evaluated by the workshop organizers themselves, (b) there has not been a tool for systematically assessing the success in retrospective with all the dynamics of the conflict, and finally (c) follow-ups have been difficult due to secrecy and confidentiality.

The last component, the evaluation problem, requires more explanation. Various indicators and definitions of success in third-party intervention and how they may be assessed differently by different scholars have already been mentioned in the previous chapters. Scholars differ considerably in the criteria they use to evaluate
mediation success, and therefore, in the identification of factors that make a mediation attempt counted as 'successful.' Nevertheless, in search for a general theory of mediation success, the pile of isolated theories may well be grouped to form two opposing perspectives. Advocates of the first perspective presume that the success or failure in mediation depends heavily on the mediator. Starting from this assumption, a great deal of the existing literature tries to identify and outline attributes and skill of a 'perfect' mediator, as well as methods, tactics and strategies to operationalize them effectively. The second perspective challenges this assumption, highlighting the significance of idiosyncratic factors surrounding each case. It was predicted that the mediator, notwithstanding his/her tactfulness, may be overwhelmed by the environmental factors, with no room for maneuver. Hence, the impact of the skills and tactics of the mediator on the success of the mediation remain only marginal, if counted at all. Based on this, advocates of the latter perspective counter-pose studying various environmental factors—such as unequal economic development, domestic and international constraints, etc. to explain mediation success.301

As last remarks, it is worth to mention that in the international arena, with enduring challenges posed by escalating conflicts—reinforced by shrinking resources, rising ethnic demands, with the absence of generally accepted “rules of the game,” and the authority to assure compliance, potential applications of conflict resolution techniques are impressive. Notwithstanding its potential usage, however,
‘Conflict Resolution’ is not magic. The techniques, that have already been outlined, can only work under proper conditions and for certain cases of conflicts.

In the essence of third-party intervention in conflict processes, there are two possible cases of conflicts. In the first case, conflict is usually over a resource or a value or else, that is either impossible to be partitioned or the parties demand full and unrestricted ownership of it, refusing adamantly to yield or compromise. In the second case, on the other hand, although the conflict may appear similar to the first case at the outlook, a closer examination will reveal that the parties are either unable or unwilling to manage their conflict due to (a) imperfect information or (b) perceptual differences, rather than an objective reality. The latter case provides what has been termed as a ‘positive bargaining zone,’ while the previous case does not. In the absence of an ‘objective bargaining zone,’ there is absolutely nothing the third-party can do to move the conflict through constructive channels, unless he/she expands the pie, usually in the form of material resources, using his/her own supply, which is often very unlikely. In the latter case, an agreement zone exists and it is the third-party’s role to make sure that the disputants become aware of it. Third-party may, then, bring in extra resources either in the form of new information or experience in the reformulation of the dispute, in order to assist the parties in reframing the conflict.

Third-party interventions within the framework of conflict resolution are effective mechanisms, if and only when there is a real positive bargaining zone, as
mentioned. The correct assessment can only be made after addressing the questions, "under which conditions the intervention is likely to be effective," "what resources have to be brought in by the third-party," and many others. The assumption that 'everything is solvable,' ignoring the 'structural' causes of the conflict and failing to answer the above questions, does not only appear too naïve but also lowers the credibility of the whole field of conflict resolution. To make mediation and problem-solving workshops an alternative to traditional forms of conflict management, the credibility problem has to be overcome.

International disputes are severe, and neither traditional power bargaining-usually coupled with actual and/or threats of coercion, nor the judicial enforcement mechanisms have provided any durable solutions. Third-party intervention techniques in conflict resolution, however, can be a significant supplemental tool for coping with international conflicts, provided that the inconsistencies outlined above, are prevailed over.
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Notes for CHAPTER 1


2 The distinction between ‘settlement’ and ‘resolution’ of a conflict is one of the basic arguments within this literature. Burton, in particular, strongly opposes to the argument that once a conflict is settled, it is terminated. Instead, conflict is believed to be a dynamic social phenomenon with cycles of escalation, de-escalation, settlement, and recurrence. For a detailed account of the distinction between the two concepts, see C. R. Mitchell, The Structure of International Conflict (New York: St. Martin’s Press, 1981). Also see, D. J. Pruitt and J.Z. Rubin, Social Conflict: Escalation, Stalemate, and Settlement (New York: Random House, 1986).


5 de Reuck, 185.


9 For an extensive explanation on the theories as well as their application to the Falklands/Marvinas conflict, refer to M. Kleiboer and P. Hart, Time to Talk? Multiple Perspectives on Timing of International Mediation, Cooperation and Conflict 30.4 (1995): 307-348.

10 de Reuck, 183.

11 de Reuck, 183.


See Kelman, 1996 for a list of social-psychological assumptions on the nature of international conflict and its resolution, that the practice of interactive problem solving was derived from.

An interesting distinction is made in the world society paradigm between legality and legitimacy, which is the crux of this whole argument on ‘legitimized authority.’ Although legal status can be obtained by force, legitimization “rests upon the support of those over whom it is exercised. It does not rely on threat or coercion.” Light 151.


Bercovitch and Houston 11.

See Bercovitch and Houston 11.


R. Lewicki and J. Litterer, Negotiation (Homewood, Illi.: Richard Irwin, 1985), reviewed in Shmucli and Vranesky.
35 See Light 147.
36 See Light 147. Also see, Burton, 1990.
38 Light 147-148.
Notes for CHAPTER 2

39 See Shmueli Vranesky 200.
40 See Light 159.
41 See Light 149.
42 See Light 151.
43 For a much more extensive explanation of why the 'individual' should be at the core of the analysis of conflict, see Burton, 1990; John Burton, Resolving Deep-Rooted Conflict (New York: University Press of America, 1988); and Kelman, 1996.
44 Kelman, 1996 503.
45 As a psychologist working in the field of International Relations, Kelman had derived most of these assumptions from social-psychological analysis of conflict. "An important implication of an inter-societal view of the conflict is that negotiations and third-party efforts should be directed not merely towards settling the conflict in the form of a brokered political agreement, but toward resolving it." Kelman, 1996, 504.
46 Kelman, 1996 504.
47 The creation of demonic enemy images and virtuous self images on both sides leads to the formation of mirror images, which accelerate the escalatory dynamic of conflict interaction and solidify the resistance to change in a conflict relationship. See Kelman, 1996 504.
48 Kelman, 1996 504.
49 Kelman, 1996 505.
50 Kelman, 1996 505.
51 Kelman, 1996 505.
52 For a detailed account on the origins and assumption of the theory, see Burton, 1990 and Light.
53 Light 159.
54 Kelman, 1996 503.
Notes for CHAPTER 3


56 Zartman and Touval 445-446.

57 See Zartman and Touval. Also, see Lawrence Susskind and Eileen Babbitt, “Overcoming the Obstacles to Effective Mediation of International Disputes,” Mediation in International Relations: Multiple Approaches to Conflict Management, eds. Jacob Bercovitch and Jeffrey Z. Rubin (New York: St. Martin’s Press, 1992) 30-51. for a detailed analysis of preconditions for effective mediation.


63 For a detailed and extensive review of the mediation literature up to the year 1992, see Carnevale and Pruitt.

64 For a comprehensive review, refer to Carnevale and Pruitt 561-569.

65 Zartman and Touval 445.


69 Kleiboer and Hart 307-348.


Shmueli and Vranesky 191-215.


Shmueli and Vranesky.

See Shmueli and Vranesky.


Zartman and Touval 446-450.

See Zartman and Touval.

Zartman and Touval 445.

See Zartman and Touval.

Moore 17.


Zartman and Touval 450-452.

Zartman and Touval 450-452.

Zartman and Touval 454.

Carnevale and Arad, 49.

Zartman and Touval 451.

Zartman and Touval 452.

Zartman and Touval 455.

Zartman and Touval 455-458.


Kleiboer and Hart 1.

Bercovitch and Houston, 25.

Bercovitch and Houston, 12-13.

Bercovitch and Houston, 12-13.

Moore, 18.

See Assefa.


Frei 72, as quoted in M. Kleiboer, “Understanding Success and Failure of International Mediation,” Journal of Conflict Resolution 40. 2 (June 1996): 361.


Also see Susskind and Babbitt 30-51.

See Kriesberg.


Bercovitch 23.

Bercovitch 24.

See Susskind and Babbitt.

Susskind and Babbitt 43-46.


See Pruitt and Rubin.

See Assefa.

Assefa 11.

Rose and Rose, compare internal conflicts from international conflicts, and conclude that, internal wars seem to share more characteristics with international
conflicts than with internal conflicts, such as labor-management disputes. A. Rose and C. Rose, "Intergroup Conflict and Its Mediation," International Social Science Bulletin 6 (1954): 28, as quoted in Assefa 11-12.

135 Assefa 12.
136 Assefa 11-12.
137 See Carnevale and Arad.
Notes for CHAPTER 4

139 Kelman, 1988, 2.
140 Kelman, 1988, 13.
141 Kelman, 1988, 2.
142 Kelman, 1988, 2.
143 Be advised that the distinction between settlement and resolution of conflict, is indeed a crucial point in the field of Conflict Resolution. Settlement may come through coercion or bargaining or negotiation "in which relative power determines the outcome." Resolution, on the other hand, refers to the "transformation of the relationships...by the treatment of the problems that are the sources of conflict."

148 Light 156.
151 Light 156.
152 Kelman, 1996.
155 The term has been used to refer to a process whereby the conflicting sides perceive their dispute as a problem, solved only mutually.
156 For a discussion on the nature of these need, see Burton, 1990, 37-48.
158 Light 156.
159 Groom, 1986, 85.
160 In this context, Kelman lists seven features of interactive problem solving: its healing purpose, its analytic process, its focus on needs, its establishment of alternative norms, its stress on self-generated learning, the facilitative role of its third-party, and the clinical nature of its research enterprise. Kelman, 1988, 2.
163 Light, 154.
164 See Light, 84, for a detailed analysis of traditional third-party roles.
166 Groom, 1986, 86.
168 Light, 1984, 154.
At this point, Kelman admits that although the third-party is nonjudgmental—tries to adjudicate differences between the parties, to rule on facts, or to give advice—he has preference for certain kinds of outcomes such as win/win. Kelman, 1988. 28. Theories about the dynamics of the group process and of the conflict in general inevitably influence the conflict theorists’ observations, however, not so far as to push interpretations that the participants would obviously find unpersuasive. Kelman, 1988. 28.


Problem-solving workshop was used first in small group disputes and in matrimonial conflicts. Light 151.


Burton, 1969, x-xi

It was particularly this academic origin that led some scholars like Margot Light refer to the approach as coming about almost by accident. Light 151.

See Burton, 1969; Also quoted in Hill 120.

See Burton, 1969; Also quoted in Hill 120.

Hill 120.

Groom, 1986, 91.

Groom, 1986, 87; Light 154.

See Burton, 1969; Also quoted in Hill 120.

Further details of the conflict are available in Burton, 1969; and Hill 120.

Burton, 1969. Also quoted in Hill 120-121.

Groom, 1986, 90. It should be remembered that unilateral moves might be considered treachery within the setting and context of more traditional forms of conflict management such as power bargaining.

Hill 121.

Groom, 1986, 89.

Groom, 1986, 89.

Groom, 1986, 85.

Light 157.

Groom, 1986, 91.

Light 156.

created in 1969 by the University College London.

Banks and Mitchell, ?.


Unlike formal negotiations, workshops are nonbinding. It is this nonbinding character that is the source of the parties’ potential contributions and it is only reassured through secrecy.

Hill 121.

Hill 121.

Hill 121.

When the idea was first proposed by Doob, himself, it was labeled as a “Wild Idea.” Hill 122.

Hill 121-122.


The investigators had been Doob, Foltz, Stevens. Hill 122.


213 The Turkish operation was successful in overthrowing the Makarios rule; and therefore, facts on the ground resolved the dispute.

214 Doob, 1970. 13 as quoted in Light157. Also quoted in Hill 122

215 Details are available in Hill 122.

216 Hill 124.

217 Hill 124.


219 Hill 123.


222 Hill 124.

223 Light 157. This has also been stressed by the Harvard Group, later.

224 Light 157.

225 Doob, 1971. 91-101, as quoted in Hill 123.

226 Hill 123.

227 Doob & Foltz, 1974, 237-256, as quoted in Hill.

228 Hill 123.

229 For a more detailed account on the criticisms, see Hill 124.


233 Kelman, 1990. 199-203. Also quoted in Hill 125.

234 The list of workshops organized is taken from Hill 126.

235 Of course, this should not mean that the invitees may not consult with their leadership or with one another before agreeing to come. Kelman, 1996. 506.

236 Hill 126; Kelman, 1996, 506.

237 Kelman, 1990. 204-205.


Although there may be occasions when the participation of decision makers themselves may be necessary, Kelman considers non-official but highly influential participants to be most appropriate on theoretical grounds. Kelman, 1988, 11.

For details on the structure of the workshop, see Kelman 1996, 507.


Hill, 1982, 126.


Kelman, 1990, 199.

Kelman, 1996, 506.

A basic assumption of the approach is that solutions emerging out of the interaction between the conflicting parties are most likely to be responsive to their needs and to engender their commitment. Many scholars and practitioners within the field, too, embrace the belief that the most successful ideas for conflict resolution are those that are likely to result out of the interaction of the parties themselves. (Kelman, 1988, 26-27; 1990, 200) Such solutions are more likely to reflect the fears, concerns of the parties and to bring about a commitment, that is not imposed but instead voluntary. The third-party can "design, organize, control and therefore facilitate the learning process, but it cannot provide the solutions." (Kelman, 1988, 27; 1990, p.202)

Groom refers to this role as simply 'helping,' with the process and with information. Groom, 1986, 87.

Their mutual trust in the third-party and the process, Kelman believes, enables them to proceed having assured that their interests will be protected, that their sensitivities will be respected, and that their confidence will not be violated. Kelman 1988, 19; Kelman, 1990, 207.


*Kelman* lists the functions of the third-party as (a) a 'repository of trust' for the participants, and (b) a 'process facilitator.' The former role has to do with assumption that parties to a conflict do not trust each other but, through their joint relationship to the third-party, they can trust the process and the workshop. Kelman, 1988, 27-28; 1990, 207. Third-party interventions in problem solving workshops are designed to keep the discussions moving along productive directions. Kelman, 1988, 14.


Light 157.


Saunders as quoted in Kelman, 1996, 504.
As a psychologist working on international conflict, Kelman refers to the same issue by stressing its relevance to learning in psychology and introduces the concept of ‘corrective emotional experiences,’ to problem-solving workshops in conflict resolution (Kelman, 1988, 4), defined as learning about each other, their perceptions, their goals, underlying interests and goals and to ‘describe their conflict in a mutually agreed way.’ (Groom, 1986, 90)


The idea is not creation of an atmosphere in which the participants would lose sight of facts on the ground and would artificially forget the intensity of the conflict and the distrust that is inherent. Rather, the emphasis is on the creation of a ‘working trust,’ based on acknowledging common interests despite profound differences, which allows participants to engage in dispute analysis and joint problem solving. Kelman, 1988, 19; Kelman, 1990, 207.

His stance that problem solving is not a supplementary but rather a complementary approach, is shared by other conflict researchers. Groom, 1986, 91.


Such learnings are significant insofar as they are fed into the policy process, which in turn requires workshop participants who are politically influential. Kelman, 1990, 213. Also see Kelman, 1988, 15-16; Kelman, 1990, 213-214.


Kelman 1988, 29.

Furthermore, like many clinicians, Kelman is very protective of the process against unnecessary intrusion for purposes of more structured research. Kelman, 1988, 29.


Groom, 1986, 85.

The research component of the whole work lies, according to Kelman, within the lines of clinical research. Kelman, 1988, 29.

See Kelman 1988.

Kelman, 1988, 4-5; Kelman, 1996, 503.


Kelman, 1988, 10.

See Kelman 1988.


Kelman, 1988, 8.

Kelman, 1988, 8; Kelman, 1990, 201.


See Burton, 1988; Burton, 1990.


Particularly Burton was criticized for oversimplifying the causes of prolonged conflicts.


Cot 37.

See Assefa..