

**Mediator's Culture and the Ability to be
Effective in the Process of International
Mediation**

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ABSTRACT

One of the more effective approaches to resolving conflict is mediation, whereby a third party intervenes to assist the disputing parties in reaching mutually-acceptable resolutions. This thesis examines the mediator's culture and his/her ability to be effective in international mediations. In particular, it examines the relationship between the mediator's culture and those of the disputing parties. In order to explore whether the mediator's culture plays a part in the success or failure in international mediation, I start by defining mediation and culture in international relations. I then use two cases to examine the impact of the mediator's culture in international mediation. The two case studies are; the conflicts in Kenya and Sri Lanka where mediation took place. In the Kenyan conflict the mediator and the parties had significant cultural similarities, whereas in the Sri Lanka crisis there were significant cultural differences between the parties and the mediator.

The theory and literature that are discussed in this thesis suggest that culture has a significant influence on international mediation. There are studies that indicate that cultural differences and/or misunderstandings between the parties can obstruct communication and create misperceptions that can ultimately hinder a jointly acceptable outcome. The literature claims that if the mediator understands the influence of culture in cross-cultural negotiations, this should make resolution easier to come by.

It may also be true that when an outside third party is from a different cultural background to the conflicting parties, this may also influence the mediation. However, there is little in the academic literature that examines the mediator's culture in relation to the culture of the parties. My thesis addresses this gap in the existing literature. I ultimately argue that it is necessary to expand this research to examine the relationship

between the mediator's culture and the culture of the disputing parties, as well as evaluate mediation styles, behaviour and the views of everyone involved in international mediation.

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ABBREVIATIONS

- **AU**- African Union
- **EU**- European Union
- **GOSL** - Government of Sri Lanka
- **IBM** – International Business Machine
- **KNDR** - Kenya National Dialogue and Reconciliation
- **LTTE** - Liberation Tigers of Tamil Eelam
- **MFA** - Ministry of Foreign Affairs
- **NGO** - Non Governmental Organization
- **ODM** - Orange Democratic Movement
- **PNU** - Party on National Unity
- **SLMM** - Sri Lanka Monitoring Mission
- **UN** - United Nations

CHAPTER ONE

1.1 INTRODUCTION

This research aims to provide an understanding of the role of culture in relation to conflict resolution. In particular, it examines how the culture of the mediator impacts on international mediations. This chapter sets the stage for the thesis. It provides the initial framework for the thesis, with information about the purpose and importance of this topic. It outlines the research question and indicates the theoretical framework that will be discussed in more detail in the following chapters. The case study methodology is described and the reasons for this choice are reviewed. This chapter concludes with an overview of the organization of the thesis.

1.2 PURPOSE OF THE STUDY

This thesis includes fields of study that have often been kept separate in the academic world. This topic has been largely neglected. It is a debatable and broad topic. The purpose of the study is to identify the literature on culture and mediation. It examines two case studies to see if the mediator's culture has any influence on mediation process and/or outcome.

1.3 RELEVANCE OF THE STUDY

Despite an extensive body of literature on international mediation, very little attention has been dedicated to the cultural aspects of mediating third parties, and their

influence upon the mediation process. It is a significant gap especially in light of the interest in the influence of social and political cultural similarities or differences on the prospects for international peace (Rowman 1986; Huntington 1993, 1996). Little contends that conflict endures first through its entrenchment in social and cultural characteristics and second, through its permeation in everyday life. Little argues that prolonged conflicts weaken “political agreements in isolation bringing about substantive change” (2014, p. 3). General accounts of the influence of cultural misunderstandings on mediation also neglect to discuss the process of mediation itself.

I argue that the mediator’s culture plays a significant role in the mediation process and that it is necessary to examine this in further details so as to ensure successful outcomes. Cohen, for example, states that the cultural background of the mediator has a direct impact upon the perception, approach and the techniques that the mediator employs which may affect the mediation outcome (1996).

The theories analyzed in this thesis have several applications in international relations. This research aims to fill a gap in the current literature on mediation, international mediation and culture. Researchers have begun to sense the importance of mediation in political struggles, social uprising, ethnic conflicts and cultural conflicts (Kriesberg 2003). This thesis hopes to show that the mediator’s culture and other parties need to be considered in attempts to resolve international conflicts.

1.4 RESEARCH QUESTIONS

This thesis discusses the mediator’s culture and the ability to be effective in the process of international mediation. The research question is: Does the culture of the

mediator have any influence on the mediation process or outcome of international conflicts?

1.5 THEORETICAL FRAMEWORK

Understanding the definitions and theoretical assumptions of a particular topic is an important task in any research. Two main theoretical frameworks are applied to this study - conflict resolution theory, which focuses mainly on mediation, and cross-cultural analysis. These two theoretical approaches overlap as within conflict resolution theory there is an acknowledgement of the importance of culture, and cultural analysis includes different approaches to conflict. Each of these theoretical approaches will be explained within the context of the relevant chapter. Cross-cultural analysis will be explored in chapter 2, mediation as a form of conflict resolution theory will be explored in chapter 3, culture and mediation will be brought together in chapter 4.

Theory is a methodological tool. Yin reports that when conducting research, theory will not only outline the objectives, questions and hypothesis of a specific case study but will also suggest the literature to be reviewed and the methods to be used for data collection (2009).

1.6 METHODOLOGY

This study is concerned with examining the influence of mediator culture in international mediation processes, which happen after intrastate wars. To accomplish this, the thesis uses a qualitative 'case study approach' based on the work of Yin (1994) and George and Bennett (2005).

Yin argues that the first important condition for differentiating various research strategies is to identify the type of question being asked (1994). He also suggests using case studies when the researcher has little access to and/or control over events. The question and the author's analysis of the events that take place during mediation processes are appropriate for using case studies methodology especially as access to information about international mediation is restricted due to confidentiality and security concerns.

Yin also argues that the case study approach is utilized as a research method to build knowledge about specific individuals and group attributes in organizational settings and socio-political events. It is a preferred option when the research involves a contemporary issue where the variables cannot be controlled (2009, p. 4). The case studies examined in this thesis were socio-political phenomena that involved diverse cultures.

With regard to research approaches, Silverman defines methodology as the process of choosing data collection that are suitable for the research to be conducted (2006, p. 15). According to Silverman, these methods can be divided into quantitative or qualitative approaches. He argues that methods are specific techniques used to conduct research and are developed to be consistent with the theories used in research (2006, p. 15).

Myers explains that "the major strength of a qualitative approach is the depth to which explorations are conducted and descriptions are written, usually resulting in sufficient details for the reader to grasp the idiosyncrasies of the situation" (2000, p. 2). In addition, Myers suggests that the aim of qualitative research is to provide evidence that reflects the researcher's ability to illustrate or describe the corresponding

phenomenon. One of the greatest strengths of qualitative research is the richness and depth of investigations and description (2000).

In this study, both quantitative and qualitative methods are employed. Qualitative methods are often used to identify intangible factors, such as social norms, socio-economic status, gender roles, ethnicity, and religion (George and Bennett 2006, p. 17), whereas, quantitative approaches are used to analyze statistical material (George and Bennett 2006, p. 17).

Kleiboer argues that students and practitioners in the field have used both quantitative and qualitative approaches to answer the question of which factors affect the mediation process (1996, p. 360). This reverses an earlier trend in which Bercovitch concedes that researchers in the field of mediation were not worried that mediation was vulnerable to a methodical scrutiny (2002, p. 4). According to Bercovitch, earlier research on mediation was, “described beyond belief due to the lack of data,” and neither of the researchers thought that the model of behaviour could be determined, or that any overview about mediation could be made (2002, p. 4). This study hopes to contribute to the practices by studying international mediation analytically (Bercovitch 2002, pp. 4-5).

This project utilizes both quantitative and qualitative approaches to analyze the chosen examples. George and Bennett explain that case study approaches provide researchers with a higher chance of accomplishing legitimacy. This is central to the social sciences because concepts such as ‘democracy’ or ‘power’ are extremely difficult to measure (George and Bennett 2006, p. 19). Case study approaches can also be applied when examining the causal procedure in single cases (George and Bennett 2006, p. 21). As George and Bennett elaborate “within individual cases, high quantities of dominant variables can be examined while initiating the view of any unpredicted

characteristics of the particular procedure of a causal mechanism” (2006, p. 21). Likewise, the benefit of the case study method depends upon its capacity to accommodate complicated relations (George and Bennett 2006, p. 22). Therefore this research will utilize a focused case study approach, through comparing cases.

George and Bennett explain that case study methods can be defined as the use of, “both [the analysis of] single case and comparisons of a small number of cases” (2005, p. 18). In their own work, George and Bennett decided to use both because, “there is an increase in the differences among scholars who argued that the strongest means of outlining the assumptions from the case approaches would be the use of a coding system within-case study and cross-case comparisons within a particular study” (2005, p.18). However, George and Bennett suggest that both analyses have to be organized in a structured and focused style. They state that:

The technique and logic of structured, focused comparison is simple and straightforward. The method is “structured” in that the researcher writes general questions that reflect the research objective and that these questions are asked of each case under study to guide and standardize data collection, thereby making systematic comparison and culmination of the findings of the cases possible. The method is “focused” in that it deals only with certain aspects of the historical cases examined. (George and Bennett 2005, p. 67)

In any research there are limitations. This is also true of the qualitative case study approach. George and Bennett write that the qualitative case study approach can be limited, due to the understanding and sincerity of the investigator. This is because the

data collected is normally analyzed by the researcher. There are no standard procedures on how to evaluate the findings. This means that the researcher must depend upon his or her own perceptions and abilities acquired during the research process. (George and Bennett 2005). In the following section I present the research design used in this thesis. In particular, I focus on data collection.

1.6.1 Research Design

This design was chosen to explore the influence of mediator culture in international mediation processes in two particular instances. This will include the history of the conflicts, and the cultural backgrounds of the mediator in each case study, the mediation process and the results of the mediation. This research uses a case study approach. Collier and Mahoney contend that in case study analysis research, the essential issue relates to the selection of cases (1996, pp. 66-69). The outcome can be related to different things including variations in the achievements of a reconciliation process. I selected two international mediations which took place in different cultural settings. These are the Kenyan crisis and the Sri Lankan conflict. I chose these two examples as they both offer different variations on the influence of the mediator's culture in the conflict resolution.

This study uses qualitative research in combination with a cultural perspective. The two case studies were chosen with this objective in mind. I use my case studies to examine the mediation process in terms of the different cultural values that are employed; I wanted to examine cases where the mediator and the parties have either similar or different cultural backgrounds with one or more of the parties. For empirical

reasons, case selections from these data sets were only selected if they conformed to the following criteria:

One case of intra-state conflict where the mediator and the parties have some cultural ties (The Kenyan crisis 2007).

A case of intra-state conflict where there is no cultural tie between the mediator and the parties (The Sri Lankan conflict 2000-2003).

In order to explore the two case studies I use documentary analysis. I rely primarily on secondary data but I also include key documents. I build upon current literature regarding conflict resolution. I focus mainly on mediation and its cultural bases. I provide a theoretical framework which examines inter-cultural communication in relation to international mediation settings. The two key concepts of mediation and culture are reviewed in the light of the academic literature before exploring the two case studies to examine whether there is a connection. This is a preliminary study to determine whether more intensive testing of this link is necessary or relevant. As a result of this process, the conclusion contains some theoretical findings and suggestions for future research. In general, the aim is to produce building block for future work on the influence of a mediator's culture and inter-cultural communication in international mediations.

1.6.2 Data Collection

There are always challenges relating to collection of data on international mediation. This is because mediation is held in a confidential manner, and information obtained is

not often shared with the general public (Høglund and Öberg, 2011). The nature of information is sometimes poor and there may be incentives to misrepresent. News coverage is often partial, discriminatory and unfair. In addition, the sensitive nature of the issue and the questions posed in peace and conflict research means that access to informers and their security can be a real problem.

Høglund argues that reports organized by both domestic and international agencies are key documentary sources in order to study and analyze sources of conflict (2009, p.414). I have reviewed various reports that were prepared by international and local agencies. The institutional reports include the Kenya National Dialogue and Reconciliation (KNDR) prepared by the Kofi Annan Foundation. I have also reviewed the UN website for information about the choice of mediators. Unfortunately there is no database that has variables for mediator's culture that I could use.

In terms of study resources, Yin argues that researchers should gather documents needed in order to address questions in a systematic way (2009, p. 105). They should also recognize the purpose of written documents so that they can correctly interpret the information (2009, p. 105). I have consulted various types of reports. Report information is used extensively in order to analyze the role of mediator's culture in the mediation process.

I have collected secondary documentary data from the university's library as well as from the internet. Articles, journals and books relevant for this research were retrieved from diverse fields of study. Høglund and Magnus Öberg suggest that secondary sources of information are books, reports, and other materials that are written by the scholars, journalists or other individuals who described events that they have not taken part in or witnessed (2011). In addition, I have visited different data sets in order provide case studies for this thesis. Bryman argues that researchers can utilize a variety

of documentary sources to conduct qualitative studies; among these are electronic sources (2004, p. 381). I have visited the International Conflict Management (ICM) data set and public sources like Keesing's Archives in order to collect the relevant data.

1.6.3 Analytical Model

I will apply a slightly amended version of Bercovitch and Elgström's cross-cultural model to the two case studies, to examine the cultural background of the mediators in relation to the cultures of the parties in the conflict. Bercovitch and Elgström suggest that an exploration of the nature of the issues, the nature of the parties, the nature of the mediator and the strategies, and the evaluation of the success or failure of the mediation should be included in a cross-cultural analysis. This will be explained in further detail in chapter 3, section 3.3.

Bercovitch and Elgström draw upon different elements of culture in their model: these include perceptions of superiority v inferiority, geographical proximity v. distance, democratic v. authoritarian. These are discussed further in chapter 2 section 2.3 and chapter 5, subsection 3. They exclude traditional v. modern elements. However, they add high v. low context and individualist v. collectivist. I use the categories of traditional v modern and discuss how Western v. Non-Western fit with these categories. This issue will be discussed in more detail in chapter 5, section 5.4.

1.7 ORGANISATION OF THE STUDY

This thesis is divided into six chapters. Chapter one discusses the importance, purpose, research questions, theoretical framework and methodology used in the research. Chapter two defines culture and explains cross-cultural analysis. It expands upon the link between culture and conflict. Chapter three presents the conflict resolution theories. In particular, it focuses on mediation and provides definitions of mediation and international mediation. Lastly, the chapter explains factors that contribute to/or hinder successful mediation. Chapter four covers culture and mediation. This chapter examines the impact of culture on the mediation process and investigates issues relating to social political culture. It also examines concerns relating to the mediator's culture and strategies for addressing such issues. Chapter five covers the case studies analyzed and discuss the results of my analyses. As noted above, the two case studies are the Kenyan crisis 2007 and the Sri Lankan conflict, 2000-2003. Chapter six concludes by outlining the study's the major findings, limitations and suggestions for future research.

1.8 CONCLUSION

This chapter has provided information regarding the relevance of this study. It demonstrates why the author of this thesis chose to use the case study method and the theoretical framework used in the analysis of the chosen case studies. This chapter also provides a description of the data collection methods that the author used in the research. The organization of the thesis is also explained. The following chapter examines culture and cross-cultural analysis and discusses why culture is important.

CHAPTER 2: CULTURE AND CROSS-CULTURAL ANALYSIS

2.1 INTRODUCTION

This chapter explores the concept of culture within the literature and examines theories of cross-cultural analysis. It investigates why culture is important, and provides a definition of culture as it is used in this thesis. This chapter also links culture and conflict.

2.2 CULTURE

2.2.1 The Importance of Culture

Culture is considered to have a profound influence on all aspects of human behaviour. Its impact may be subtle or pronounced, direct or oblique, enduring or ephemeral. It is so entwined with all facets of human existence that it is often difficult to determine how and in what ways its influence is manifested. Adding to the complexity is culture's inherently dynamic nature. Usunier and Lee discuss the ways in which cultural influences change and culture evolves as political, social, economic and technological forces reshape the cultural landscape (2005). Given the rapid pace of change, they argue that it has become increasingly important to take into account the dynamic character of culture and to understand how culture is shaped by global forces. Culture has a major influence on the world today. Culture shapes the way people and states act, or deal with their differences. The intangible elements of culture incorporate the dominant societal values and belief systems that characterize a society or culture and guide patterns of behaviour in that society. Usunier and Lee note that it is crucial to consider the layering of beliefs and value-systems as well as their scope or relevance

to a particular behaviour or situation. Value-systems can be examined at the level of society, specific groups or organizations within society, as well as at the level of the individual (personal values). Equally, values may be general orientations, relating, for example, to time, behaviour towards others, concepts of self or alternatively relative to specific areas or domains of life such as work and leisure, relationships with others, or to specific consumptive practices, for instance; a gift, a consumer durable, a family purchase, or for one's self. Attention has been focused on cultural intangibles at a societal level and their influence upon individual behaviour. However, there are numerous other intangibles that influence individual consumption patterns and ways of behaving. These include ideals and aspirations, gender ideologies, cultural myths, metaphors and signs.

Leung et al. view culture as a multi-layered construct existing at different levels which encompass the individual; global, national, and organizational and group cultures (2005). They emphasize the complexities and difficulties of comparing cultures, due to their subjective and existential nature. However, they recognize that there are key elements of culture that determine the patterns of daily life and behaviour of consumers.

2.2.2. What is Culture?

As Avruch explains, culture remains one of social science's most problematic concepts, so much so that it is impossible to find a single definition (1998). Often, when we think of culture, we think of traditional arrangements within particular states or societies. For example, we may say that there is something called 'US' culture. But this way of thinking about culture suggests that there is something stable, identifiable, and

generalizable that we can point to as a culture. When we unpack a term like ‘US culture,’ we find so many contradictions, incompatibilities, and complexities within it that the term itself seems to mean little. For example, how can we meaningfully make sense of the militia movement, the religious right, rugged individualism, and anti-capitalism, not to mention regional, rural, class, race, sexuality, and age “sub-cultures” collected under this term; ‘US culture.’

Based on these findings, academics analyzing culture have tried to develop a more comprehensive description of culture. Hall, for example, insists that “culture is not so much a set of things such as novels and paintings or television programs and comics – as it is a process, and a set of practices” which others have named “signifying practices” (1997. p. 2). For Hall, the term culture suggests the “production and exchange of meanings – the ‘giving and taking of meaning’ – between members of society or groups” (1997, p. 2). Hartley defines culture as “The social production and reproduction of sense, meaning, and consciousness” (in O’Sullivan et al., 1994. p. 68). In other words, culture has to do with how we make sense of the world and how we (re)produce, and circulate these ideas. When dealing with cultural differences, the usual starting point is to find a workable definition of the word “culture”. Lytle, Brett, Barsness, Tinsely and Janssens see culture as a distinctly group construct (1995). Individuals have personalities; groups have cultures. Culture consists of group members shared beliefs, attitudes, norms, and behaviours, and the group’s social, political, economic, and religious institutional structures. Thus, it is common to assume that individuals from different cultures will assign different meanings to experiences, and respond differently to signals from others. Schwarz emphasizes the individual component of culture. He defines culture as a “derivative of individual experience,” in which the sources of an

individual's culture include a wide range of settings, including one's class, religion, political system and occupation or profession (Schwartz, 1992).

Culture has inactive features. Cultural trends are hard to change and last for long periods of time. Being directly related to people's experiences, cultural adjustment takes place as people are dealing with changing environments. As Avruch explains, culture is to some extent "always situational, flexible, and open to the needs of the worlds that individuals confront" (1998, p. 20). Morris and Gelfand argue that most cultural differences are relative rather than absolute (2004). In other words, people around the world are capable of behaving in every style, but their choice of one kind of behavior over another denotes their culture. Some features that prevail in one culture have a tendency to be recessive in another, and vice versa. What this means is that it is vital to study the cultures of other societies in order to understand our own. This will reveal what we consider to be 'common sense' in regards to conflict. In doing so we can open ourselves to value the conflict and peace process of other cultures and to be aware of these processes in order to learn from them and accept the limits of our thinking about conflict resolution (Augsburger 1992, p. 8).

Huntington explains that social scientists tend to observe the characteristics that stand out in a society (1993). For this reason, they are likely to miss more subtle features that may be important. By studying other societies where these features prevail, we can develop concepts and theories that will be helpful for understanding our own. Augsburger argues that an example of this comes from a comparison between societies that emphasize "low-context" versus "high-context" communication (1992). In low-context societies (Western) people generally say what they mean. In high-context societies, a person will often only imply rather than state directly what they mean. This involves knowledge of the culture in order to be clearly understood. This fact has

repercussions for mediation. Research in the United States has revealed that negotiators tend to learn about the opponent's main concerns from what the adversary says about these concerns. On the other hand, in high-context societies, it has been found that third-parties frequently make assumptions about these concerns by looking for patterns in the opponent's compromises (Morris and Gelfand 2004).

The more complex and different a social system is, the more powerful individual cultural elements are likely to be. From this viewpoint, one can conclude that an individual's culture is a mixture of various cultural influences, with individuals within society influenced to different levels by various sources. These sources provide the "software" for managing and reacting to the surroundings, which, in turn, impacts upon the activities of individuals in social dealings (Cohen 1997, p. 12).

For the purpose of this thesis, I will use Avruch's definition of culture:

The distinctive character of a social group and the impact on the individuals of that group. It includes values, habits, beliefs, meanings and norms that characterized the group. It also takes into consideration social, economic, religious and political organizations that seek to direct and control existing group members and encourage new members. (1998, pp. 10-11).

This description of culture is particularly useful because it argues that culture not only influences individual's values and goals but also what one thinks others will expect as acceptable behaviour. It thus dictates the available conflict strategies (Brett 2001). Because leaders of countries make decisions about whether or not to engage in mediation, culture will both shape their perceptions of the utility of the method and what

their constituents' reactions will be. Eduljee argues that even though culture does not predetermine behaviour, it does assign meaning, establish and describe norms which shape our perceptions, our images and our identities (1998, p. 1). Culture helps us to understand and organize incoming information. It explains rules of interaction and gives significance to our own and others' behaviour. In real terms, culture is strongly connected with general value systems in society, such as religion, and includes language and other symbolic systems.

2.3 CROSS-CULTURAL ANALYSIS

According to Raymond, cultural analysis is defined as a “means of perceiving as ‘normal’ things which initially seem ‘bizarre’ or ‘strange’ among people of a culture different from one’s own” (1988, p. 2). Avruch and Black explain that in doing a cultural analysis, we “must imagine a universe in which a perceived ‘shocking’ act can take place and seem normal, and can take on meaning without even being noticed” (1993, p. 134). While undertaking a cultural analysis, information is gathered and shared through actions, words, gestures and other forms of communication. But when the information is interpreted, this may be from our own cultural presuppositions. Professional balance is needed in cultural analysis between interpretations that make sense to the other culture and a translation that makes sense to the mediator (p. 136).

Augsburger argues that each culture has patterns of behaviour, sets of values and rules to deal with issues and conflict and how they do so varies greatly (1992, p. 24). This is the reality for individuals also, as each person can be connected to many cultural subgroups, like political, religious, gender, generation, race and each group has its own history and sets of rules and values (1992, p. 24) . There are three cultural frameworks

that help classify cultural norms. These are individualist v. collectivist societies, traditional v. modern societies, high v. low-context societies (Triandis Brislin and Hui 1988; Augsburger 1992). Each of these frameworks provides interpretative schemas of particular cultures. As with any overview, they are functional only to the point that their limits are accepted. These limits relate to the frameworks themselves and to the general difficulties of using frameworks to classify and understand very different groups.

2.3.1 Individualist v. Collectivist Societies

One outline for understanding cultural diversities is the individualist v. collectivist dimension (Triandis et al 1988; Augsburger 1992; Kagitcibasi 1994; Nisbette et al. 2001). Individualist values are characterized as financial independence, openness, social recognition, success, self-reliance, personal comfort, self-indulgence, and justice. Collectivist values include face-saving, harmony, filial piety, modesty, moderation, carefulness, equality of rewards and achievement of other's needs.

Researchers claim that people in every culture tend to have collectivist and/or individualist inclinations, although people from Western cultures lean more towards individualistic values while people from Eastern and Southern cultures lean towards the collectivistic side. However these overviews are guides only. Cultural influences, rather than region of origin, cut across these themes with their own pre-programmed messages of what is considered to be 'common sense.' It is also true that group members act differently depending on the context. Collectivist behaviour may be shown in relation to a person's in-group, but not to out-groups (Augsburger 1992; Nisbette 2003).

Collectivism describes societies in which people are integrated into strong, cohesive and loyal in-groups (Hofstede 1994; Nisbette 2003). Collectivist cultures value group goals and outcomes over those of the individual and define themselves in terms of their group membership (Triandis 1995). As a result, they are willing to make sacrifices for their in-group (Weldon and Jehn 1995). For collectivists, maintaining social relationships is highly valued (Ting-Toomey 1988) and harmony often takes precedence over task accomplishment and personal desires (Weldon and Jehn 1995).

Consequently, collectivists strive to minimize disruption (Goldenberg, 1988; Chew and Lim 1995) and allow group goals to dominate individual goals (Weldon and Jehn 1995). Importantly, collectivists show more concern about attaining the other party's goals than about attaining their own goals (Lewicki et al. 1994). Not surprisingly, collectivism is correlated with cooperation (Ting-Toomey 1988; Carnevale, Probst, Hsueh and Triandis 1996; Nisbette et al 2001). This preference for cooperation does not, however, lead to collaboration. Instead, people from collectivist cultures are more likely to use an avoiding or accommodating style to manage conflicts (Rahim 1992). For example, a study of Korean-Americans established that the collectivists perceive conflict as a shameful failure to maintain pleasant relationships with one another (Le Resche 1992). Consistent with this argument, several authors have reported a preference for accommodation and avoiding on the part of collectivists (Ting-Toomey 1988; Trubisky, Ting-Toomey and Lin 1991). People from collectivistic cultures tend to expect vertical hierarchies and as a result, can function well within them. In contrast, individualistic cultures tend to value horizontal relationships and therefore expect equality on their terms. It is generally acknowledged that collectivists may be more comfortable with wider and more obvious power gaps and deference to those higher in position (LeBaron 2000).

On the other hand, individualism describes societies in which the ties between individuals are loose (Elsayed-Ekhouly and Buda 1996). Individualist cultures value individual needs and interests over those of the group. They seek to differentiate themselves from others (Trompenaars 1993; Triandis 1995; Weldon and Jehn 1995) and emphasize personal outcomes over relationships (Triandis 1995; Weldon and Jehn 1995, Buchtel and Norenzayan 2008). Individualists are likely to value their own perspective (Lewicki et al. 1994), to place personal goals ahead of group goals (Carnevale et al. 1996), to make concessions (compromises) only when necessary to reach an agreement (Carnevale et al. 1996). These factors are all characteristic of a competing negotiation style. Consistent with this, Rahim found that individualists were more likely to adopt a competing or dominating style in conflicts (1992). Research shows that at least some individualists tend to be authoritative, autocratic and in a hurry to make a deal (Goldenberg 1988). They tend to be more self-assertive and self-reliant and show a preference for getting down to the task and the 'bottom line' as soon as possible

2.3.2 Traditional v. Modern Societies

Other forms of cultural diversity are related to the differences between traditional and modern societies. LeBaron points out that this division can be used to express hierarchical values, since 'traditional' connotes images of slowness and being associated with the past while 'modern' tends to be associated with freshness and newness (2000). They are less informative than other labels for this reason and therefore are avoided in conflict resolution literature. Kagitcibasi explains that the idea of modernity has been criticized for pitting itself "against tradition and assuming that the

former will replace the latter, considered by some to be the tradition of social Darwinism” (1994, p. 59). Lederach uses this distinction in his work, which tends to focus on specific cultures he has dealt with, rather than working on a larger scale and wider generalizations (1995).

According to Lederach, modern societies have the following descriptions; they are autonomous and individualistic, impersonal and professional, rational and formal, technical and specialized. In contrast traditional cultures have these characteristics: family and group dependences, personal and relational priorities, affective and assumed interactions, informal and holistic approaches, and large personal networks. This is very similar to the descriptions of the difference between individualist and collectivist cultures. It is for this reason Bercovitch and Elgström removed this from their model.

2.3.3 High v. Low Societies

Hall (1976) and Beer (2003) see theories of low-context and high-context cultures as epistemological tools that offer helpful indications for analyzing conflict and designing proper conflict resolution processes. They claim that low-context cultures generally refer to groups characterized by individualism, overt communication and heterogeneity. Communication in low-context cultures tends to focus more on the written/spoken word and takes messages at face value.

Hall (1976) and Beer (2003) believe that fundamental variations in communication styles based on cultural differences in the negotiating/mediating processes are potential causes of friction between parties and the mediator. Pye describes how high and low-context approaches and characteristics are deeply rooted in civic culture (1992). Furthermore, he examines how both are incompatible with the negotiating process,

which will bring to light cultural differences and, as result, claims that there is a high chance of failure during the mediation process.

High-context cultures are characterized by group identity-focus, hidden (non-verbal) communication and homogeneity (Hall 1976; Beer, 2003). In high-context cultures more attention is paid to personal communication, which includes behaviour and environment, the relationship between the messenger and receiver, and the messenger's family history and status. Examples of societies that practice this type of culture are Asian countries including Japan, China and Korea, as well as Latin American and African countries (Cohen 1997).

2.4. CULTURE AND CONFLICT

Huntington uses the notion of culture to suggest that future conflicts in international relations may take place not only between states, but also between civilizations, which are large cultural constructs (1993, p 22). According to Huntington, culture is a major, and possibly even, the only cause of future conflicts in international affairs. Despite the fact that Huntington's thoughts are controversial, they encourage serious discussion on the role and importance of culture in international affairs including mediation (Bercovitch and Houston 1996).

Huntington finds deeper dilemmas in the opposites that develop between culturally diverse countries. He explains that salient cultural differences deriving from religious groups lead to what he calls "civilizational clashes" (1996, p. 41). He defines a civilization as the main probable cultural entity; it is "a culture writ large" (1996, p.41). His "clash of civilizations" thesis contains two important suggestions. The first is that cultural differences, and in particular religious differences, represent the primary source

of conflict in the inter-state structure. This is because these differences are binding and special. Huntington notes that they are not open to negotiation; thus, they are more likely to cause conflict. Equally, countries that share cultures are more likely to be supportive of each other (1992, pp. 4-28).

Huntington's second suggestion is that cultural differences are most likely to contribute to conflict when specific pairs of cultures face each other across civilizational "fault lines". Huntington sees fault line of conflicts as most common between Islamic and non-Islamic states, in particular between Islamic and Western states (1996, pp. 110-20; 207-18). Huntington's ideas have been criticized on practical grounds for reifying culture and disregarding discrepancies in the effects of different cultural influences on individuals, as well as discrepancies over time (Avruch 1998); in the findings of empirical studies of intra-state conflict (Gurr 1994); on descriptive grounds, for under-estimating intra-cultural difference, particularly in Islamic states (Adjami 1996) and inter-state conflict (Henderson and Tucker 2001). Even though Huntington's thesis is controversial it remains the most well-known in contemporary discussions on international politics, and is therefore a valid starting point for researching the influence of culture on mediation (Bercovitch and Elgström 2001).

Augsburger provides four main suggestions in regards to thinking about cross-cultural conflict (1992). Firstly, our patterns of either/or, win/lose ways of resolution block us from looking at other solutions. Secondly, people in conflict are the least capable and prepared to resolve their own disputes and that the usual ways of settlement such as threats and legal action must be widened into more creative ways of settlement such as mediation. Thirdly, conflict across cultures emphasizes that our traditional theories of conflict, and the manner in which humans interact, go against our conventional knowledge in regards to our accepted forms of social contracts.

Regardless of how complicated some traditions may be in relation to conflict resolution, there exists in traditional and even 'primitive' cultures time-tested ways of resolving conflict that fly in the face of what more learned or 'sophisticated' societies may think is the correct way. Fourthly, a general way of reaching conflict resolution could be inappropriate for the reason that there exists in every culture ways to resolve problems that work in accordance with their values and history (p. 5-6).

Ross notes that the way in which conflict is defined, perceived, responded to, and managed is culturally embedded; that is, there is a "culture of conflict" about its continuation and/or resolution in each society. As each culture has its own assumptions, beliefs, norms, practices and institutions, each also has a related set of ground rules that are also seen as appropriate in conflict. Ross recommends adding cultural analysis to the common historical, political, strategic and social analyses that third parties carry out to help to provide a firm and more sensitive base from which to work (1993 p. 133). Lederach argues that conflict is created. Key in this creative process is social knowledge, the meaning that people attach to events and issues, and what is seen as the correct action and reaction to take (1995). A structure for accepting what this knowledge involves and how it is used depends upon at least three features: expression, perception, and interpretation (Lederach 1995, p. 41).

The expression, perception and interpretation of a culture can be measured "on the basis of collected social knowledge relevant to a person's experience and cultural background, emphasizing the difficulty of cross-cultural communication and building of shared social meaning" (Lederach 1995, p. 44). Communication processes are not entirely verbal, but facial expressions, body language, and the choice of clothing are also key factors to take into consideration (Lederach 1995, p. 53).

Languages are used as a medium of communication by so many cultures (traditions and values) for development and everyday living (Gelfand, Nishii, Holcombe, Dyer, Ohbuchi, and Fukuno 2001). In different cultures it is widely accepted that resolutions are about sharing resources and tasks to foster good relations among the parties. At times, there is conflict over these tasks which can lead negative feelings and cause arguments. The end result can be damaging, such as conflict escalation, because one of the group values a win or lose strategy thinking the distribution is uneven while the other is about a win-win strategy. There is a high chance that every culture has had these types of experiences, with different setups for viewing and explanations for the resolution process (Gardner, Gabriel and Lee 1999).

2.3 CONCLUSION

This chapter has explored the literature on culture and cross-cultural analysis. The chapter has also provided a working definition of culture and the theories of cross-culture analysis. Chapter three will cover conflict resolution theories and include definitions of both mediation and international mediation and examine the factors which impact on the outcome of mediations.

CHAPTER 3: CONFLICT RESOLUTION AND MEDIATION

3.1 INTRODUCTION

This chapter provides the definition of conflict resolution theory. It focuses primarily on mediation as one of the conflict resolution methods. It provides working definitions of mediation and international mediation. This chapter also discusses factors that contribute to, or hinder, successful mediations. These factors are divided into contextual factors and behavioral factors. The nature of the mediator and issues will also be discussed.

3.2. CONFLICT RESOLUTION THEORY

Bercovitch, Kremenyuk, and Zartman argue that conflict resolution is a “vibrant, interdisciplinary field where theory and practice pace real world events” (2009, p.1). They explain further that

Scholars working on conflict resolution study the phenomenon of conflict and analyze ways to bring it under control, bringing their insights and concepts to bear on actual conflicts, be they domestic or international, so as to foster better and more effective relations between state and people. Conflict resolution is about ideas, theories and methods that can improve our understanding of conflict and our collective practice of reduction in violence and enhancement of political processes for harmonizing interests. (Bercovitch et al. 2009, p.1).

Furthermore, conflict resolution theorists suggest that in group and identity conflicts, people cannot negotiate their own basic needs (Miall 2004). These theorists also suggest that it is possible to surpass conflicts if parties can be supported to explore, evaluate, question and reframe their positions and interests. For this reason, conflict resolution proponents suggest early intervention by skilful third-parties working in private with the parties to encourage new ideas and interactions. The third-party's aim is to identify the root causes of the conflict and to explore useful solutions that the parties may have missed in their commitment to their culture. Conflict resolution is about helping parties shift from fear of loss and destructive patterns of conflict, to win/win outcomes. Conflict resolution seeks to build a process that seems to be suitable to all parties in dispute, and useful in resolving their conflict (Azar and Burton 1986).

In their discussion on the arguments aligned with the influence of culture as an element of conflict resolution, Bercovitch and Elgström note that some cultural theorists discuss national interests as the major determinants of international mediation. Others stress the influence of power as the key factor that overshadows everything else, then they go on to describe how skeptics also have a tendency to view conflict resolution and mediation as a universal process where culture simply influences the way that process unfolds (Bercovitch and Elgström 2001).

There are different conflict resolution models. These include, but are not limited to, negotiation, mediation, diplomacy, arbitration and adjudication and peace building. The focus of this study is mediation, as one of the ways of implementing or assisting in the resolution of international conflicts.

3.2.1 Mediation

Mediation can be a formal or informal process whereby a third party (the mediator), oversees the conflict and facilitate the resolution of conflict. They do not have the ability to force disputing parties to agree to a resolution; thus mediation is different from arbitration and adjudication (Bush and Folger 2005; Engel and Korf 2005; Yasmi et al. 2010). There are several means of categorizing various styles of mediation. Boulle, Jones and Goldblatt recognize four categories of negotiation as resolution, facilitative, healing and reviewing (1998). In recent years there have been developments in the field of mediation (Bush and Folger 2005). Conflict resolution is widely recognized as a vehicle which enables one to tackle differences between opposing groups with the aim to not only resolve the conflict, but also to help the parties to recognize their differences which will hopefully enable healthy long-term relationship (Reimann 2004; Bush and Folger 2005). The primarily goal of a mediator is not only to create agreement, but also to assist the disputing parties to maintain a positive and productive relationship. The mediator's role therefore is to bring together the opposing groups to formulate constructive communication which moves in the direction of empowerment. Ultimately they hope to create an environment in which both parties are able to share their perceptions and decisions (Bush and Folger 2005). Augsberger states that conflict resolution contains three outcomes which indicate a successful conflict transformation:

1. The opposing parties' positions. This is demonstrated by an alteration in their views about conflict.
2. Parties' conducts. The conflicting parties focus will be on working together through the improved communications to enable peaceful future dealings.

3. Conflict transformation. Conflicting parties agree to work together for shared gains. (1992)

Much of the literature argues that mediation outcomes are at risk of being affected by different factors that surround nature of the conflict itself such as anger or intensity (Glasl 1999; Wall et al. 2001), the mediator's personality (Wall et al., 2001), as well as the mediation procedure or the methods employed (Wall et al. 2001; Bush and Folger 2005). It is important to consider the causes of conflict, the mediator, and mediation process. Considering these factors will help in identifying solutions that can lead to successful mediations as well as provide an understanding of the difficulties which could arise during the mediation process.

The act of conflict resolution in which a third party assists two or more parties to resolve or find a solution to the dispute without resorting to force has a much longer history in practice than in research (Augsburger 1992). According to Carnevale and Pruitt, there is evidence that mediation occurs in all human societies. One example of mediation took place more than 4000 years ago in Mesopotamia. There are accounts of a Sumerian ruler who assisted in preventing a war between neighboring societies, and in making an agreement over land disputes (Carnevale and Pruitt 1992, p. 561).

Bercovitch argues that over time conflict resolution has developed due to the challenges of intra-state and inter-state conflicts and the chaotic nature of conflicts in the international arena (1996, p. 12). The occurrence of peaceful management of conflict is now embodied in international affairs and revealed in many important documents such as the United Nations Charter article 33(1), and the Constitutive Act of the African Union (4e). Mediation is one of the models of peaceful resolution of conflict (Rubin, Pruitt and Kim 1994; Mwangi 2008).

3.2.2 INTERNATIONAL MEDIATION

International mediation is widely considered to be a non-coercive and voluntary form of conflict management between two or more nations that is particularly practical within the intricate dynamics of international relations. It is dominated by the principles of preservation of the actors' independence and autonomy (Bercovitch 2005). International mediation usually refers to mediation activities carried out by different international actors with the intention of administrating international conflicts at interstate and intrastate levels. International efforts to mediate military conflicts have become common place, welcomed by both practitioners and researchers (Haas 1993; Dixon 1996; Bercovitch and Diehl 1997). Mediation is, by most accounts, "the most common form of peaceful third-party intervention in international conflicts" (Bercovitch and Gartner 2009, p. 5). Additionally, as Crocker et al note, "third-party intervention in conflicts has increased significantly" since the end of the Cold War (2005, p. 21). It is the most commonly used technique of intervention in interstate disputes, accounting for more than one-fifth of all third-party actions between the end of World War II and the turn of the century (Frazier and Dixon 2006, p. 395).

Just as disputants in such conflicts can be both state and non-state actors, third-party mediators can be just as diverse, and include representatives of states such as neighbouring countries, global powers, states of medium and small size, representatives of global and regional international organizations, representatives of global NGOs (which could include religious organizations, interest groups with an international agenda), and even individuals (such as Jimmy Carter, Desmond Tutu, Maarti Ahtisaari, Kofi Annan) who have established international reputations in managing international conflicts. A general agreement concerning the effectiveness of international mediation

in diffusing conflict emerged early in the history of international relations studies (Bercovitch and Houston, 1996; Zartman 2004, p. 336).

While international mediation is frequently carried out by state envoys, individuals, NGOs, regional organizations, or the United Nations, with the latter two coming to prevail in the second half of the twentieth century, informal intervention by respected persons and religious third parties has a growing importance in international mediation (Bercovitch and Houston 1996). There are many actors who are prepared to intervene with the intention of healing and dealing with some of the basic issues in conflict, to achieve reconciliation and changed attitudes, not just the settlement of conflict. Diplomatic practitioners have come to believe in mediation as part of their available assets, and some of the early work, for example Lederach and Carter on this practice, are strong memorials to their personal experience and knowledge (Bercovitch 1996).

There are many factors affecting successful mediation, but the diversity of parties and mediators brings an additional set of cultural and organizational considerations into the mediation process. Factors which affect negotiation can have an effect on mediation too. When people negotiate they are using communication processes, and cultural influences can obstruct the mediation process.

3.3 FACTORS THAT CONTRIBUTE TO OR HINDER SUCCESSFUL MEDIATIONS

Bercovitch et al explains successful international mediation as bringing a ceasefire, a partial or full settlement (1991, p. 8). Mediators' characteristics (such as impartiality, interests and leverage) represent just one feature which enables mediation success. Most scholars accept that is not easy to define success due to unclear evidence (Kriesberg 1991; Kleiboer 1996; Bercovitch 2002). International mediations are usually defined by following the agreed or accepted state of affairs or conditions for

reconciliation purpose (Kriesberg 1991, p. 20). The current research emphasizes that in order to explain what successful mediation is; analysts must first examine two aspects that influence the mediation process; the background (nature of the dispute and characteristics of the parties) and performance (mediation strategies).

Bercovitch and Elgström’s model below (Figure 1) shows the main variables in defining mediation success by considering different features surrounding the context, process, and the outcome (2001). They suggest that the nature of the parties, the issues, the mediator, and mediation strategies are the main features to consider when analyzing mediation outcome. This model is useful as it includes the nature of the mediator, cultural characteristics, identity and the relationship with the parties as central to the outcome of the mediation.

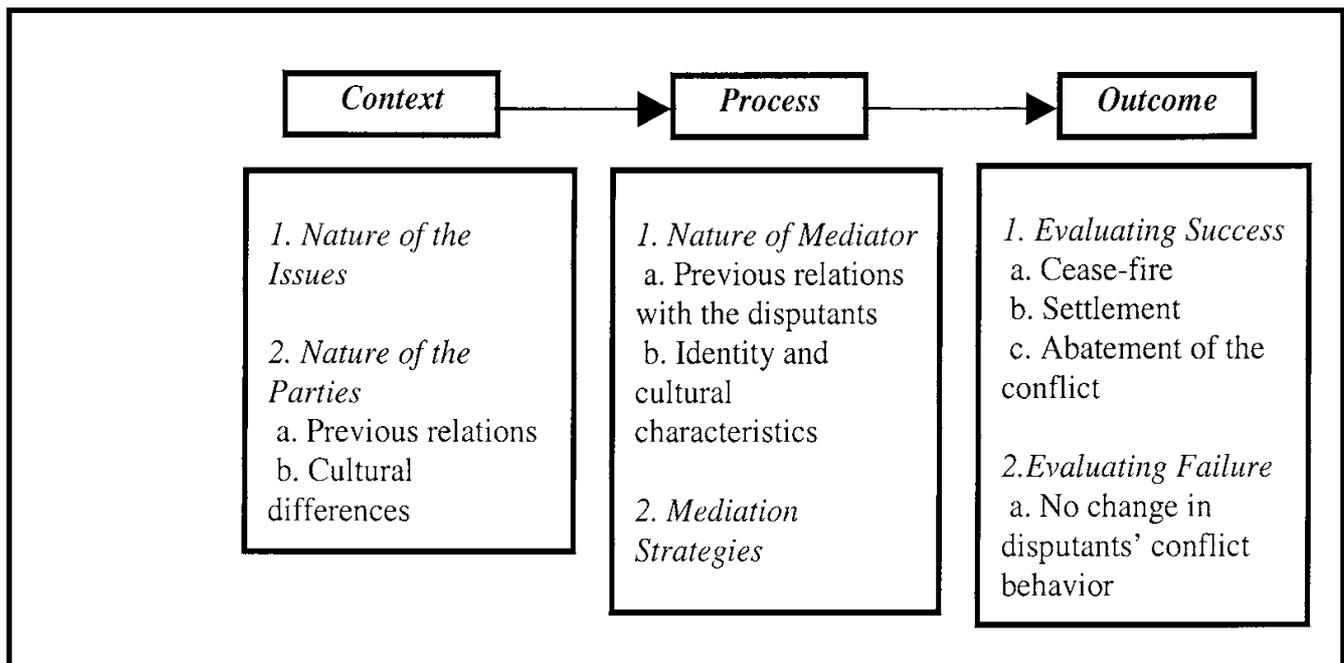


Figure 2: A Model of Mediation (Bercovitch and Elgström 2001)

3.3.1. Contextual Factors

To assess mediation activities it is necessary to reflect upon the background and circumstances that contributed to the disagreement.

3.3.1.1 Nature of the Issues

The first set of related factors can be identified as general attributes. This comprises all of the geopolitical features that may complicate the results of the mediation process. Kleiboer explains that the manipulation of parties including different conflicts going on at same time is significant (1996). On the one hand, different demands ranging from economic and political fields are exploited by outside influences that have interest in the conflict could have various effects upon the resolution process. Besides that, parallel or comparable events of conflict that take place might also contribute negatively to the mediation process. Kriesberg emphasizes that when a conflict's salience decreases, other battles are likely to become important for one or more of the antagonists (1991, p. 20).

Other aspects are related to beliefs and values. Bercovitch insists that "some factors in conflicts like beliefs, core values, and identity, do have a high saliency and are appropriate when persuading decision makers to acknowledge the levels of costs" (2005, p. 108). In addition, mediators must also consider the costs and fatalities that might ensue from any given solution.

Other contributing factors are called intractable conflicts. Intractable conflicts refer to disputes that involve a long-lasting strain and aggression; these kinds of disputes can take long periods of time to resolve (Lewicki et al. 2003; Bercovitch, 2005). They

typically involve the use of military force and violence which leads to fatalities. Bercovitch explains that “normally the parties in conflicts do feel that they may reach temporary ending of violence unfortunately they struggle to get to deep-seated and real resolution about their disputes” (2005, p. 100). In other words, the warring parties view one another with feelings of terror and mistrust. Consequently, the ongoing conflict produces entrenched stereotypes and negative beliefs about the other party. Due to the factors mentioned above, the outside actors may not be able to intervene to resolve the conflict. Unfortunately, only a small number of conflicts are successfully resolved (Susskind and Babbitt 1992).

3.3.1.2 Nature of the Parties

The internal environment plays an important role in the mediation process. The mediator must consider the nature of the regime, internal networks, and external capabilities, together with past relations between the disputing parties Bercovitch argues that in situations where the dispute is between democracies, there is a high chance of a smooth mediation with a positive outcome, whereas in non-democratic systems third party interventions may have to use force in order to manage the conflict (2005). If the disputing parties have never had a good relationship (in other words, their hostility is deep-rooted), this may also contribute to outcome of the mediation attempts to end the conflict (Fortna 2003).

The degree of willingness of the parties to mediate, as well as fear, a culture of loss, and a lack of desire for peace affects the mediation’s success. An unwillingness to work towards resolution on the part of either group can cause a total failure of mediation (Diehl, Goertz, and Vasquez 2000). States drawn to conflicts are more likely to continue

to use violence or go to war. This is one argument against the use of compulsory mediation. The parties need to want resolution in order for the mediation to succeed.

Power inequality is another factor that hinders successful mediation. When power imbalances exist, the powerful party cannot be trusted to protect the weaker party, and when building principles or setting precedent this is an important fact to consider. Moreover, this power strategy tends to offer conservative resolutions that maintain the status quo. Power-based resolutions are premised on who has more power, and those with power are likely to want to maintain it. Thus a power strategy will tend toward maintaining the status quo, or at most incremental change. This might be beneficial when continuity and tradition are important values. At the same time, the powerful party may use the mediator as a tool for easing surrender (Bercovitch, Anagnoson, and Wille 1991, p. 11).

Bercovitch and Elgström argue that cultural differences are an important measure in the general process of mediation. This is because mediation is seen as a method where parties in conflict negotiate with a mediator present and culture affects the mediation context and the process of mediation. Each of these basic aspects is relatively complex, and each connects with, and is affected by, cultural diversities. They conclude that cultural disparity can have a significant effect upon the mediation outcome, so that the greater the cultural similarities, the greater the chance of a successful outcome (Bercovitch and Elgström 2001). This is because culture can influence the ways in which parties and the mediator observe issues, the other party, the various options and the meaning of the conflict.

3.3.2 Process/Behavioral Factors

3.3.2.1 The Nature of the Mediator

Mediators must help determine the urgent issues, while encouraging the concerned parties to come to the table. Every time mediation breaks down, the mediator must advance the negotiation process. To draft an agreement between disputing parties who prefer to go to war, the mediator must disclose information to each party.

The mediators' impartiality is debated in the literature. Hin insists that in mediation process, disputing parties would be pre-occupied with their positions, interests and beliefs that they see theirs as the right way of viewing problems, so that the other party will be considered to be in the wrong (2002). The mediator is there to help the parties to communicate with each other, to spell out the issues in dispute, and help them to agree on a resolution that suits both sides. To accomplish such an objective, it seems only right that the mediator remains 'neutral and impartial' at all times, as mentioned in most codes of conduct for mediators (Hin 2002). Moreover, it is expected that conflicting parties must respect the mediator in order for the mediation process to function easily and professionally. If, under any circumstances, the parties have problems with the neutrality and impartiality of the mediator, then the mediator may not be seen as reliable and respected. For these reasons, being 'neutral and impartial' are important qualities that mediators must possess (Hin 2002).

Although it is usually considered important for the mediator to remain neutral, some researchers explain that a biased mediator can be useful and, in fact, can even be advantageous. For example Zartman (1993) and Carneval and Choi (2000) argue that a biased mediator, one who has something at stake and is closer to one side than the other, even if in one aspect like culture, can enhance the process. Svensson argues that "biased

mediators, seeking to protect their influence, will take care to ensure that there are stipulations in an agreement guaranteeing the interest of “their” side, or use the particular access and leverage to make their side agree to costly concessions” (2009, p.1). As a result, biased mediation processes can make possible detailed formal arrangements that favour democracy and durable peace, for example, favoring positive third-party security assurances, power sharing and justice provisions rather than neutral mediation processes (Svensson 2009, p.1). Bercovitch et al contends that successful mediation in international affairs is associated more with resources and leverage than with neutrality (1991). Their study shows that mediation efforts by superpowers are more likely to be effective than mediation efforts by medium or smaller powers; and therefore, according to their suggestions, resources and leverage can exert greater influence on the adversaries’ decision making (Bercovitch et al 1991).

As Kydd notes, a mediator biased in favour of one side might be able to credibly share information with that side, especially if counseling caution (2003). In this way, the biased mediator can decrease that side’s uncertainty about the true range of mutually acceptable agreements. The other side, however, is likely to see the mediator as unfairly tilting the agreement toward the preferred side. Kovach also notes the distinctive role of the international mediator, who may serve as, a “communicator, formulator, and manipulator,” and whose strong relations with the countries in which s/he works challenge traditional notions of neutrality (2005).

In addition, Bercovitch and Elgström propose that the selection of behaviour appropriate for a mediator is affected by different cultural settings (2001). The mediator must be aware of the nature of the issues, the nature of the parties (age, gender, political and social status.) and the conflict itself. Bercovitch and Elgström explain that the relationship between parties and the mediator are equally constituted (2001). Cultural

differences between parties will make mediation more complex, just as cultural similarities can increase the possibility of mediation success. Lederach concurs, suggesting that, “conflicts are, in every sense of the word, cultural events” (1995, p. 166).

3.3.2.2 Mediation Strategies

Bercovitch and Wells (1993) and Bercovitch and Elgström (2001) argue that the techniques for mediations are not accidentally singled out by mediators. Instead, mediators base their decision on the realistic cost-benefit evaluations due to the principal circumstances in differences (conflicts) and then put into practice the methods for that reason. Other reasons are the surrounding nature of conflict negotiations, such as issues at hand, the apparatus of the parties taking part, including the past and current relationship between the disputing parties. Last but not least, identity and the place of mediator play a key role about the alternative approach in any conflict. Bercovitch and Well refer to this fact as a conditional performance (1993).

Bercovitch and Wells’ argue that depending on the nature of the dispute, and the evidence provided, mediators should mobilise resources to avoid the conflict escalating (1993). During a long or high intensity conflict, mediators are in a position to utilize manipulative approaches to try to overcome the impasse between the parties involved in the conflict negotiations. In such disputes, mediators must consider the formulation methods to be mostly unproductive (Bercovitch and Well 1993). Mediators must make use of vigorous means, to resolve the conflict as quickly as possible.

Moreover, if any of the disputants are not members of the main political syndicate, mediators are at liberty to make use of manipulative tactics. Mediators may have to use a vigorous approach in order to get around the issue and to avoid the escalation of the

conflict. Mediators normally end up employing strategies consistent with the available resources. Most of the individuals and representatives from international organizations apply communication and methodological strategies; whereas states, with their superior range of resources use exploitative or manipulative strategies (Bercovitch and Wells 1993). With respect to the internal characteristics and nature of the parties, data suggest that when there is little or no obvious power disparity between two parties, mediators may use more active strategies, presumably because they lower the probability of communication breakdown and enable a quick settlement.

3.3.3. Outcome of Mediation

Bercovitch and Elgström did an experiment to test the ideas of cultural similarity or difference in relation to mediation success. They analyzed 295 international conflicts, of which 171 were offered mediation attempts (2001). In these cases, mediators may have worked with the parties on only one occasion or many. To simplify their study, they identified success based on the behavioral consequences of mediation only. Therefore, they considered the mediation to be successful when it had led to a substantial change for all of the parties involved (Bercovitch and Elgström 2001). Mediation was considered to be unsuccessful when it had no impact on the parties' level of conflict. Their early theory was established by careful study of the resulting data between combatants. They concluded that cultural similarity or difference does in fact influence mediation's success or failure. They stated that nations, just like persons, bring their thinking structures, values and beliefs to the mediation process. They conclude that these characteristics are ingrained in the political and social culture (Bercovitch and Elgström 2001). They contend that countries with similar cognitive

institutions and shared values (i.e. related political and social culture) will address conflict resolution measures, such as mediation, in a similar way (Bercovitch and Elgström 2001). Similarities can be seen with Huntington's clash of civilization thesis (1996), and Russett's (1993) democratic peace thesis. As Bercovitch and Elgström state, the difficulty is describing the dimensions and features of a culture in order to establish the cultural similarities or differences (2001).

3.4. CONCLUSION

This chapter has introduced the theoretical framework of conflict resolution and provided a working definition of mediation and international mediation. It has also addressed several factors that contribute to/or hinder successful mediation which are categorized based upon contextual and behavioral factors. This chapter has also discussed Bercovitch and Elgström's mediation model (2001). This will be expanded upon in chapter five. The following chapter links culture and mediation.

CHAPTER 4: CULTURE AND MEDIATION

4.1. INTRODUCTION

As can be seen from the previous chapter, culture is an element that is considered to affect the success of mediation. This chapter examines the connections between culture and mediation in general, and investigates what the literature says about the impact of the culture of the parties on mediation, the way in which culture can be addressed by the mediator, and finally the influence of the cultural background of the mediator on the chances of a successful outcome. I identify a gap within the literature, and it is this gap that the subsequent chapter will address.

As I have explained in chapter two, there is a considerable body of literature which covers the study of culture and cross-cultural analysis. A number of sociologists and anthropologists have tried to describe the idea of culture. One thing they all agree on is that this is a tough concept to describe. For the purposes of this thesis, culture is defined as the unique, changeable set of ways in which societies express social behaviour through a complex variety of traditions, behaviour, and forms of social groupings, which consist of “knowledge, ideals, skills, morals, rules, customs” and a way of life pertaining to members of a particular group (Avruch 1998).

The theoretical implications of cultural patterns in conflict resolution and practice are many. For example, LeBaron argues that an intervener who is practicing low-context communication in a mediation process may face detachment from those with high-context communication patterns (2000). This may result in miscommunication and to misattributions, since bad motives are sometimes connected with those whose communication is different from our own. When communication is not direct, then the

very techniques that may seem natural to a low-context mediator to obtain information may not work (LeBaron 2000)

4.2 THE IMPACT OF CULTURE ON MEDIATION

There is debate in the literature about how important the impact of culture is on the international mediation process. There are researchers who argue that culture has very little effect (Avruch 1998). Others disagree; they give culture a prominent place to culture in their models (Hall 1976; Hofstede 1980). A third school of thought places itself between these extremes and suggests that the power of culture is contextual, that culture is more important under some circumstances than others (Avruch 1998, p. 42).

Culture has been largely neglected in international relations literature. To some extent this is related to the dominance of the realist model. Avruch argues that for a long time the realist focus on unitary actors, rational decision making and concerns about power and interests left little room for cultural variables (1998, p. 28). Those realists who do incorporate beliefs and images into their analysis are more prone to discuss emotional factors than jointly held values. Jönsson argues that power based, realist-inclined approaches have paid little attention to culture, as have influential game theory contributions (1990). But as mediation is widely defined as a communication process, it is hard to disregard the impact of cultural difference. Idealists are more likely to assume that human nature has similar values. Occasionally, national culture is identified as a significant variable, but it is then considered as a major divide between states and thus as the main cause of conflict (Avruch 1998, p. 28-29).

More recently, culture has been given greater consideration. The reason for this increased interest may be due to the rise in internal conflicts and civil wars, and also

the increasing difficulty in differentiating between internal and international conflict. Avruch and Black argue that as different identities and values are seen as the main causes of ethnic conflicts, culture becomes a natural point of difference (1993). The constructivists challenge traditional approaches to international relations and strengthen this development. Constructivists view identities and interests as socially constructed phenomena. They “seek to map the full array of additional factors that shape the actors’ outlook and behaviour; ranging from culture and ideology to aspirations and principled beliefs, then onto cause-effect knowledge of specific policy problems” (Ruggie 1998, p. 879). For this reason the study of culture is a main element in the efforts to understand world events.

Although there is little in the literature on international mediation about the culture of the mediator, it has always been open to the inclusion of cultural aspects of warring parties. The literature has covered the problems that arise when people with different cultures and goals come together and interact. When this happens one group dominates, or tries to, dominate the other group. Accommodation can be achieved but the process often tends to be long and, for the inferior group, it can be very painful (Huntington 1993).

As scholars explore culture as an aspect of the mediation processes in international relations, they are beginning to enlarge their study to incorporate communication with other cultures as a feature of cultural research. These studies can be used to inform mediation practices. Graham notes that communication theory proposes that when two people are sharing ideas, their communicational behaviour – both verbal and nonverbal will regularly correspond (1985). His research examines verbal as well as nonverbal communication, such as the number of silent periods in a normal intervention,

conversational overlaps, facial expressions, and touching during the negotiating process.

Graham found that there are considerable differences in negotiating approaches that exist between cultures (1985). For example, he states that in the business world Americans employ aggressive persuasion tactics and are more likely to give reasonable offer while Japanese negotiators are more likely to request higher profit margins (Graham 1985). Also, he notes that cultural differences in bargaining processes are possible causes for hostility and confusions between negotiators (Graham 1985). Since these cultural differences affect business relations, one can conclude that they may also be influential in international mediation processes.

A number of scholars concentrate on basic differences as being at the root of disputes, and the likely causes of disengagement when carrying out communications with those from another culture. Nisbett suggests that inconsistency between the insights of two cultures has a significant influence on the behaviour of people from each of the cultures present (2003). He notes that Asian thought is more holistic while Westerners rely more on rules and logic to guide their actions (Nisbett 2003).

Cohen notes that differences of perception impact upon the way nations negotiate with other nations (1991). He explains that nations such as Norway use a “low-context” way of communication, and a spoken style characteristic an individualistic society (Cohen 1991). Whereas African, Asian and Middle Eastern societies such as Kenya and Sri Lanka (for the sake of this thesis) are regarded as “high-context” nations, and therefore favour a style associated with nonverbal and hidden communication (Bar 2004, p. 27).

There has been some attention given to intercultural encounters during international negotiations, which emphasizes the importance of culturally sensitive mediators and

makes distinctions between high versus low-context cultures and how they affect the framing and strategy of the mediation/negotiation process (Cohen 1997). However, I argue that these discussions are inadequate because they fail to show the effect of the cultural background of the mediator him/herself. They reveal a common trend in literature to overlook this variable in the mediation process. It is acknowledged that all of the participants involved in mediation bring their cultural backgrounds to the negotiation table (Avruch 1998). Thus, if a mediator is engaged to perform negotiations, his or her culture and negotiating approach must also be taken into account. For example, the relationship between the disputing parties and the mediator can be influenced by the mutual images of their cultures, which may include perceptions of similarity or distance, which can lead to ethnic labeling. Any previous experience of the culture of the disputing parties and the mediators can strongly determine perceptions of cultural diversity or similarity

Bercovitch and Houston (1996) cite cultural influences in their explanation of political and cultural system of the disputing parties (Figure 1). Many ongoing conflicts are embedded in culturally rooted injustices and preconceptions against “the other” and do not account for culture in their argument of these variables other than stating that parties of similar cultures have less conflict (Bercovitch and Houston 1996). In general, their theory does not sufficiently incorporate cultural concerns (Gilady and Russett 2002). Moore (1974) and Gilady and Russett (2002) admit the importance of political culture, but remain rather general in their dealing of culture in the resolution process.

Bercovitch and Elgström claim that misunderstandings between mediating parties rooted in cultural unawareness and misperceptions generate failures in communication followed by mediation breakdown (2001). Therefore, cultural differences can lead to misunderstanding and ultimately failure. In negotiation, problems may arise between

parties from different cultures, due to misunderstandings generated by dissimilar negotiating or bargaining styles, or in the meanings attached to signals. That is, differences in meaning or emphasis across cultures can result in a shared misunderstanding of signals, preferences, and perceptions. Cohen, for example, finds “intercultural dissonance” in negotiations between representatives of social cultures with individualistic and collectivist cultures (1997, pp.36-38). Western negotiators who want to immediately “get down to business” in negotiations may misunderstand and offend negotiators from more traditional societies, who place greater importance on creating a proper interpersonal relationship before discussing sensitive issues.

Bercovitch and Elgström explain that misconceptions between negotiating parties are ingrained in cultural knowledge and ignorance of other’s cultural norms (2001). According to Bercovitch and Elgström from the minute parties move towards the negotiating table, culture is already at play, in terms of morals and values. Culture maintains a role in the negotiation process as the parties go through the issues and moulds the way they progress with their counterparts, their judgment and their view of the steps being taken. Culture also guides the negotiation process as it outlines what settlements may and may not be made, how the agreement will be put into practice, and how it will be accessed and accepted in its final form (Bercovitch and Elgström 2001).

Cultural difference can be operationalized by calculating the differences between the two parties across a range of measures such as race, religion, language and social norms (Ghemawat 2001). Cultural difference can reduce the chance that disputants in a crisis can use mediation. However, if and when culturally different crisis actors decide to use mediation, the influence of these differences on the outcome of the mediation is open to question. Some cultural differences can create problems in communication and create misperceptions that can hinder the mediation process.

Culture determines solutions (Trompenars 1996). Societies face different environments, therefore it is reasonable to expect they will develop different cultural characteristics. Each culture has a characteristic profile (individualistic, egalitarian, etc.) that is embedded in members' norms, values, assumptions, and institutional systems. When all parties in the mediation process become aware of the importance of cross-cultural understanding and communication in the conflict resolution process, the parties may find that mediations run smoother and it may be easier to reach an agreement. Ting-Toomey and Oetzel point to the number of mechanisms through which cultural difference may inhibit mediation acceptance (2001). Disputants who are culturally different from their counterpart may anticipate that their interaction with the other party will be more difficult, based on either inferred or experienced divergences in conflict style, norms, communication, and emotional expression. As cultural distance increases, disputants may view the costs or anticipated difficulties of engaging in the mediation processes as outweighing the potential benefits.

When the cultural differences are small, the shared qualities or similarities between disputants may signal in-group status, fostering an acceptance of mediation or other cooperative conflict resolution methods. However, large cultural differences may signal out-group status. Combined with the greater potential for ethnocentric and stereotypic evaluations of culturally different disputants (Ting-Toomey and Oetzel 2001), this perceived out-group status may dissuade disputants from accepting a collaborative process such as mediation. Faure and Sjöstedt expand on Bercovitch and Elgström's argument by explaining that culture dictates the way in which mediations function. They suggest that cultural background influences how the parties observe issues, counterparties, options and their meanings (1993). Weiss also places significance on the impact of cultural views at the negotiating table. He argues that the participants'

basic idea of negotiation, their orientation toward time, their readiness to take risks, their procedures, and their decision-making style are distinguishing cultural characteristics that affect negotiations (1994). Scholarship in conflict resolution that discusses the impact of culture makes reference to communication theory and power, looking in particular at the social and political dimensions of culture (Avruch 1998).

4.2.1. Social Culture and Mediation

Social culture here relates to the culture associated with the communal group represented by the participants or mediators in a dispute. Social cultural differences find their expression in different approaches to mediation that have been demonstrated in a wide range of studies of mediation at the inter-personal level (Lederach 1991; Ting-Toomey et.al. 1991; Wall and Blum 1991; Callister and Wall 1995; Kozan and Ergin 1998).

In order to identify the impact of culture on international mediation, it is necessary to examine the inner instruments by which culture can influence conflict. Culture is the “human-made part of the environment” (Triandis 1994, p.1) that has a subjective aspect, that is, the shared perceptions of the social environment. The subjective aspect of culture results in an automatic processing of information; it defines events and provides language for classifying experiences (Markus and Kitayama 1991).

In addition, culture delineates which behaviours are attractive or forbidden for members of that culture, for individuals in the shared structure, as well as the essential goals and principles in one’s life. Values that create cultural differences in the first place may also act as cultural blinders. If, for example, members of one culture prefer to be definite and straight-talking, they may not appreciate the soft approach of the other

party, whose ideas on the same issue are at odds with their own. It is generally not wise in mediation to label one party as unreasonable. Such labeling encourages the other party to build a wall and persist in their original view of the situation, rather than searching for compromises and answers that are the foundation of agreements (Avruch 1998). In addition to the concept of labeling, Triandis reminds us that all groups tends to define what takes place in their own culture as normal and correct, while what happens in other cultures is “abnormal” or “incorrect” (1990). In-group rules are usually perceived as appropriate to others, even those outside the national or cultural group. Members of one cultural group tend to believe that it is acceptable and normal to help and favour each other, and to feel pride towards their own. This shows that there is often opposition towards outsiders. Consequentially these perceptions and attitudes destroy transparency which is vital to any transformative process. Cultural difference finds expression in approaches to mediation and has been shown in an extensive collection of studies of mediation at the inter-personal level (Lederach 1991; Ting-Toomey, et al. 1991; Callister and Wall 1997; Kozan and Ergin 1998). Unfortunately, there has been limited practical research, at the inter-state level. The long-term success of mediation depends upon the ability of each party to know the values and interests of the other (Carnevale and Pruitt 1992). Social and/or political cultural differences can make it more difficult to find common ground. Cohen argues that “in international disputes the ‘rules’ cannot simply be taken as common knowledge, and significant unknown cultural differences between rivals may exacerbate conflict and complicate its resolution” (1996, p. 108).

4.2.2. Political Culture and Mediation

The second important cultural dimension in mediation is political culture which includes political norms, constitutional practice, election systems, beliefs, justice, values, democracy, equality and patterns of behaviour that underpin the operation of a particular political system (Putman 1998). Political culture is a term that has been used to represent several different concepts. In political science, the term has been used primarily to compare the cultural attributes of a particular society with different political systems (Putman 1998). In this thesis, the term is used to explain the political system's influence on the approach to mediation strategies used by its representatives; or the degree to which rules and customs relate to the political system.

Various researchers recognize the strategic role of social culture in political culture. Pye, for example, notes that the approaches people use in politics basically play the role of defense mechanisms primarily to maintain the personalities of the individual concerned (1992). That is to say, the views and attitudes within their social culture are noticeable in the political behaviours of the individual actors involved. In addition, Johnston argues that although many cultures can exist within one social entity (community, organization, state, individual etc.); there is normally a leading culture. This is the culture that manifests itself in a nation's political culture (1995).

Raymond expands on Johnson's work by suggesting that the routine norms that govern conflict resolution in daily life are externalized. What functions at home is alleged to be practicable abroad (1994). This means; one can assess the effects of a state's political culture by its diplomatic behaviour. Russett for example, explains that a democratic political culture, based on the rule of peacefully settling disputes through democratic processes, is linked to the observed absence of war between democratic

states (1993, p. 31). On the contrary, one might argue that authoritarian governments are more prone to resolving disputes through the use of force. The cultural discussion on democratic peace suggests that disputes between democratic states are less likely to result in war because each government is aware of the other's ability to resolve disputes through peaceful means (Henderson and Tucker 2001). Other scholars have observed that while democratic nations may be in danger of conflict as any other governments, they rarely fight among themselves or are more likely to accept third party intervention in order to resolve their conflict (Kleiboer 1996). As already mentioned, many researchers argue that political culture plays a role in conflict resolution. In particular, they agree with the democratic peace approach which states that democratic states do not go to war with each other, due to a general set of cultural practices of peacefulness and institutions which assist in the peaceful resolution of conflicts (Gilady and Russett 2002).

Gilady and Russett acknowledge the role of political culture as part of the conflict resolution process (2002). They agree with Bercovitch's argument that power differences and aptitudes to war play a key role in reference to the nature of the parties. The power of each of the parties can refer to any observed power difference between the antagonists; this comprises tangibles like military means, but also intangibles like governance, will, training and fear of loss (2002). They also agree with Moore's democratic peace thesis that democratic states do not go to war with each other (Gilady and Russett 2002). They mention that democratic government involves both cultural practices of peacefulness and institutions that enable the non-violent settlement of conflicts of interest, within external relations and internal politics. At the same time, there is a comprehensive body of work written by diplomats about the difficulties of effectively carrying out negotiations between different political cultures, mostly

between Western liberal democracies and radical or ideological governments (Kissinger 1996).

Huntington's famous theses on the "clash of civilizations" (1996) and Russett's "democratic peace" (1993) have directed researchers to pay more attention to two sources of what could be labeled as an individual mediator's "conflict resolution culture." The first one is social culture, which is understood largely in terms of ethnicity in the mediator's state; the other is the state's political structure. It is understood that this thinking runs the danger of ignoring not only other important cultural influences on the behaviour of mediators but also the diversity that occurs in comparison between the two variables across and within states, and over time. Nevertheless, it gives the greatest direct assessment of the applicability to the international mediators.

4.3. CULTURE AND THE MEDIATOR

Given the impracticality and possible undesirability of cultural matching between third parties and those in conflict, Le Baron asks "How do we allow the perception of the inferior group that they need one of their own at the negotiation tables?" (2000, p. 16). In addition, Weiss explains why this may be important in her argument about power and difference. She suggests that even when dominant groups perceive that they are treating everyone equally, the issues of inferior parties may go unaddressed. This is because cultural misunderstandings will often be used by those in power to maintain their advantage. Third parties, from outside a cultural group, may have difficulty understanding the details and dynamics of an issue or a group's behaviour within such a process. Even those with intercultural knowledge are not immune from producing injustices. In their attempt to avoid injustice they may choose a process that is not acceptable to some of the parties (2000).

The mediator has an important role to play in addressing cultural issues to ensure that these do not impact negatively on the mediation process and outcome. The literature on mediation and cross-cultural communication has many recommendations for mediator practice and strategies for addressing the various issues that may arise in cross-cultural situations. However, as has been pointed out, there is little in the literature that discusses how the culture of the mediator might impact upon mediation. These two issues of culture and the mediator will be discussed next.

4.3.1 Strategies for Addressing Cultural Issues

Cultural patterns are not uniform across any grouping such as nation, ethnicity, and organization. Nevertheless, culturally unique styles and expectations concerning expressions and understanding are extremely important in mediation practice. Graham suggests that mediators should not only be competent to speak and read the local language (or have dependable interpreters who can) but should also be acquainted with the local cultural styles of communication: for example, forms of politeness; uses of humour; patterns of mutuality; means of conveying respect and appreciation, or disapproval, of refusing an offer or stating criticism politely (1985). The use of mediation is growing and mediators are more likely to be conducting cross-cultural mediation. However, the most trained and knowledgeable mediators will encounter new challenges in cross-cultural mediation. Only a few mediators have the chance to mediate across borders and/or in international conflicts (Nolan-Haley, Abramson and Chew 2005).

When cultural notions differ between hostile groups and the mediator, these differences can become counter-productive and another place for conflict to escalate.

For example, the simple act of listening and interpreting one's opinion is manifested in different ways across different cultures. A mediator who is aware of this and is sensitive enough to act accordingly is most likely to succeed in helping parties from different cultural backgrounds to achieve satisfying resolutions to their dispute. How can third-parties gain cross-cultural understanding, and how can they come to know their own culture, to appreciate and respect the cultures they enter, as well as to truly recognize the effects of cultural influences between the parties, and between themselves and each party? The latter is significant when the mediator comes from a dominant culture and the parties are from less dominant or even exploited cultures (Avruch 1998).

It is currently understood that because of power imbalances in the world, most third-parties will come from the dominant, rich Western culture, while many interventions occur in Non-Western environments. As a result of this, the mediator must be cautious about bringing in their own cultural models of conflict intervention to other places and other peoples. Avruch and Black have explained that the first step in successful intervention should be to carry out a cultural analysis of the society and the conflict, one which goes beyond one's own cultural identity, seeking to determine the specific cultural scope of the conflict and to evaluate its significance, as well as all possible resolutions (1993, p. 13).

Lederach discusses two separate forms of cross-cultural mediation which are the prescriptive and the elicitive (1995, pp. 65 – 67). The prescribed model approach to mediation is where every situation must conform to the process. In contrast, the elicitive model is based on a constructive approach to mediation where the cultural aspects of the parties are built into the model and are starting points, rather than after thoughts (pp. 65–67). According to Lederach with the prescriptive model, one's own assumptions about conflict and third-party roles are elevated to the status of a skilled

system (1995). The elicitive approach is open to indigenous models of conflict and its resolution; these identify the cultural assumptions as the dispute resolution tools that come to hand in one's own cultural contexts. With the elicitive approach, one takes the lead from the participants and recognizes the processes' design as a political as well as functional issue (p. 55).

Lederach's encouragement of the elicitive approach to conflict resolution addresses the challenges third-parties face from one culture intervening in a dispute between two cultures (1995). Various principles of an elicitive approach are also important when designing processes for intercultural dispute resolution. Lederach suggests an alternative approach to the prescribed model where the mediator informs the parties about the model design, its principles, values, purpose, and the anticipated outcomes (1995). The parties in turn agree to what is significant to them and how their culture deals with conflict resolution. Using this hybrid approach, parties would be educated about the mediation model which is practiced in the process and invited to discuss issues around conflict, interpretations and perceptions from their side and from their culturally based social knowledge. Mediators would then interpret this new knowledge as it relates to the model, exploring how mediation might take place for the parties. The mediator must be careful and be able to place their own skills and culturally based assumptions aside during this sharing process. The main reason for this exercise during the mediation process is to empower others to appreciate a conflict model and reflect upon their cultural diversity (Lederach 1995, p. 63). It is important that the participants are given their own voice in this model; they must be given "the power to evaluate and decide what ultimately is rooted in their understanding of themselves, their own setting and what could result from this mediation process" (p. 67).

The main point here is that there is a need to know the cultural norms which are most important for all players in the conflict, including themselves, and which are necessarily part of any structure or process of intervention. The initial questions of compatibility between the conflict groups and a third-party will figure strongly in any conflict analysis before considering the components of method that would best serve those concerned. Potential third-parties must ask themselves whether their own identity and cultural views are relevant and whether they will weaken or enhance their success as a third-party (LeBaron 2000).

An analysis of the parties' cultural backgrounds can serve as the basis for helping to deal with conflicts. In international mediation, cultural ties can give credentials to a third-party to assist in resolving the conflict. Cultural ties can assist the mediator's capacity and desire to resolve issues. In other words, a mediator, due to his/her culture, may have access to one or both sides, and therefore the potential to deliver compromises and agreements. Bercovitch claims that successful mediation depends upon knowledge of cultural diversity and solidarity, as well as the formation of shared norms (2004). It is recommended that at the beginning of a mediation, third-parties should start with a self-examination of personal views connected to conflict and conflict processes. Ideas on what is conflict and who are the real parties, what level of conflict is proper, how concerns should be identified, shared and dealt with, and what would be viewed as resolution are best linked to the mediator's own cultural experiences and views (LeBaron 2000).

Additionally, LeBaron argues that the suitability of a given intervener does not depend only, or even mainly, on expertise or training. It is also connected to identity, gender, and the capacity to work well inter-culturally. In considering whether a given intervener is suitable, difficult choices appear. For example, if the third-party is a

woman, certain parties might find it hard to accept her in an intervening role because they are from patriarchal cultures where women do not play public roles. If this is the case, should a woman intervener follow a culturally sensitive model and let men do the job? Or is it acceptable to push the limits of those who have not experienced women in facilitative or leadership roles? (LeBaron 2000).

Smith and Smock also argue that some features of the mediator's identity (particularly nationality, ethnicity, religion, and gender) impact on mediation (2008). Mediators should consider how this might affect their involvement. The mediation team should be aware of cross-cultural issues, with regards to the knowledge, experience, and insight of present and potential team members. For example, the inclusion of religious leaders among top mediators might inspire the parties to put some of their religious leaders on their own mediating teams, thereby increasing the likelihood that the interests and concerns of that religious group will appear on the mediation agenda (Smith and Smock 2008).

Augsburger suggests that cross-cultural mediators must consider the appropriateness of any conflict model that contains confrontation, directly addresses differences and discloses feelings (1992). The goal for this is to encourage self-reflection of one's own conflict theories and their cultural roots, raise consciousness of the appropriateness and effectiveness of reactions to other cultures that one might perceive as less important in one's own environment (p. 40). As we explore cross-cultural issues involved in mediation, it is important that all mediators understand their own cultural patterns in order to be effective.

Similarly, individualists, according to Wright, view the parties as those directly involved in the dispute, whereas collectivists may view a wider number of people, such as family members, friends, members of the community or social group as parties to

the dispute (2000). Paronica notes a similar phenomenon in her mediation, training, and facilitation with Native American communities; “there may be a greater number of people at the table in order to fulfill the relational worldview and ensure that strength of self (empowerment) and connection to the community (other) take place.” (2006). Other aspects of the tension between individualist and collectivist paradigms played out in mediation include differing perceptions of formality and informality, the contrast between face-to-face confrontation and shuttle diplomacy, differing negotiation patterns and communication styles, and perceptions and uses of time.

In addressing these, and other issues, Wright suggest that cross-cultural mediators must act as a cultural bridge between the participants of different cultures, explaining to each party the possible bases of their mutual misunderstandings and encouraging them to be tolerant and respectful of one another (2000). While unquestionably important, I wonder if this approach is adequate. An approach to cross-cultural and international mediation that is truly responsive to context and to culture must do more than explain and translate important cultural differences; it must attempt to incorporate dimensions of cultural difference into the mediation model (Butler 2000; Ahrens 2006).

To sum up, when mediators are dealing with cultures other than their own, it is important to understand the perspective of the parties from their point of view. This includes an interpretation/definition from their terms to the mediator’s translation of what that means from their viewpoint and then repeating this interpretation back to ensure that there is no misinterpretation in the meaning and intent of the original message. The mediators must first be able to understand what their presuppositions are concerning conflict and be open to understand the other presentations of their practices around conflict resolution. Putting aside their assumptions is not easy for the mediators,

particularly when what they hear from the parties does not seem to make sense and/or goes against the mediator's principles, values, and beliefs.

4.3.2. The Culture of the Mediator

It can be said that when the cultural backgrounds of negotiators and mediators are salient, culture can play two important roles in dispute mediation. First, culture can be the reason for conflict, and differences in culture can pull parties even further apart. Dealing with cultural differences thus becomes an important task for the mediator (Cohen 1996). Conversely, when cultural ties exist between the mediator and disputants, the mediator can appeal to the shared culture, which can form an important and positive basis for mediation. Cultural ties to even just one party in the conflict can provide the basis for access, acceptability, and influence in mediation (Carnevale and Choi 2000). Thus, culture and mediation can be both a problem and a benefit.

As I have stated, there is little in the academic literature that explores the impact on the mediator's culture in relation to the cultures of the disputing parties. There is, however, some reference to perceptions of bias, different preferences regarding indicator of status as professional or insider and the insider partial as noted below. There is some debate about whether cultural distance may impact perceptions of mediator bias. In order for mediation to occur, both parties must have already consented to third-party intervention. However, if the mediator is closer culturally to one disputant, the other may perceive it as biased and may thus be less likely to consent to mediation. While there are competing arguments as to whether a biased mediator is more or less effective in resolving a dispute (Betts 1994; Carnevale and Choi 2000; Rauchhaus 2006), parties can consider the effect of a biased mediator before they enter

into mediation. Additionally, this suggests that not only will parties that are culturally different be less likely to pursue mediation, but also that the more different they are, the less likely it is that mediation will occur. This is because the farther apart the parties are, the greater the potential cultural difference between mediators and parties, thereby increasing the likelihood that at least one of the parties will view mediation as potentially biased and reject it.

In an essay on cultural issues in mediation, Wright addresses the influence of individualist and collectivist paradigms on the mediation context (2000). These dimensions have already emerged in the examination of mediation between parties from different cultures. Wright suggests that whereas individualists prefer professional mediators, collectivists prefer a mediator who is an insider, someone who knows the parties and the context of their dispute.

There are some claims that in international relations, cultural ties can qualify a third party to enter the conflict and to influence the mediation. According to Carnevale and Choi mediators with cultural ties stand a better chance of understanding and interpreting messages from one side to the other, and of affecting a change in positions (2000). In their analysis of mediation in Central America, Wehr and Lederach developed the concept of the “insider-partial”—a type of mediator who emerges from within the conflict, whose involvement stems from a positive, trust-based connection to the parties and the future relationship between disputant and mediator (1991). There is a lack of research on this and this is the gap in the research that the case studies of this thesis will focus on.

4.4 CONCLUSION

This chapter has discussed suggestions from the literature that establish a strong connection between cultural differences and mediation results by looking at social and political cultural differences. The chapter concludes by referencing the limited amount of information about the influence of the mediator's culture in relation to the disputing parties. In the next chapter, the thesis explores two case studies; the Kenyan crisis, 2007, where the mediator and the parties have some cultural commonalities and the Sri Lankan conflict, 2000-2003, where there are no cultural similarity between the mediator and the parties involved.

CHAPTER 5: CASE STUDIES ANALYSIS

5.1 INTRODUCTION

This chapter discusses and examines the mediator's culture in relation to the culture of the disputing parties by examining two case studies in detail. It is hoped that this will help to address the gap in the study of international mediation related to the role and influence of mediators' culture and their ability to be effective in international mediation. Firstly, I discuss the selection of the case studies, before employing Bercovitch and Elgström's model of the cross-cultural analysis of mediation, followed by an analysis of each case. The chapter concludes by drawing out the similarities and differences between the two case studies.

5.2 SELECTION OF CASE STUDIES

To analyze the role of cultural factors discussed in a previous chapter in contributing to outcomes of durable peace from international mediation, this study will systematically apply an analytical framework to two case studies. Firstly, there needs to be adequate information available about the dynamics and execution of the mediation in order to provide a detailed comparison. The case studies were selected to ensure that they are sufficiently similar to make comparisons; both cases had to have at least the following two features:

1. Each case had to have at least two distinct parties who existed prior to the outbreak of the war.

2. Each case had to have a mediation process which was led by at least one primary mediator in order to assess the mediator's experience and culture.

The primary mediator could have been either an individual or organization. The two cases that were selected for this study are: The Kenyan crisis in 2007, where the mediator and the parties have some cultural ties and the Sri Lankan conflict in 2000-2003 where there are no cultural connection between the mediator and the parties. Both of these conflicts involved different ethnic groups drawn into civil violence. The Kenyan crisis between two of the largest opposing tribal groups followed the presidential election between the Kikuyu represented by Mwai Kibaki and Odinga representing the Luo ethnic group. The Sri Lankan civil war was between the Buddhist Singalese, the Hindu Tamils and Muslim elites.

There were a number of differences between the case studies selected. The two cases occurred in different geographic regions of the world, and there were differences between the types of armed conflicts represented by these two cases. The Kenyan conflict followed a political process; the opposition party reacted to the election result and the conflict lasted four months. The Sri Lankan conflict was religious based and had been ongoing for over twenty-five years. The mediation of the Kenyan conflict was the second attempt at conflict resolution whereas the mediation in the Sri Lankan conflict was one of many unsuccessful attempts at conflict resolution. The mediation of the Kenyan crisis is considered to be a success, whereas the Sri Lankan mediation was regarded as a failure. Failure is identified as a return to war after the mediation, and success as the maintenance of peace for at least five years after the signing of the agreement.

While the violence following the 2007 election in Kenya was between the Kikuyu and the Luo, in a multi-ethnic country like Kenya, the situation proved to be much more complicated. According to Mueller the conflict was an outcome of weak institutions, which were dominated by a highly tailored and centralized presidency that did not apply the usual independence or checks linked with democracies and political parties that are programmatic; driven by ethnic clientism, and having a winner-takes-all view of politics and economics (2008, p. 186). The Africa Policy Institute explained it as a crisis of democratic transformation characterized by countries facing a closely competitive election or subsequent election dispute (2008). According to Githinji and Holmquist, Kenya's 2007 election outcome was rigged and tensions between minority and majority groups, ethnic issues, poor handling of the economy, corruption and political division were the causes of the chaos (2008, p. 344).

The Sri Lankan ethnic conflict had become protracted and intractable. The twenty-five-year-old civil war was interrupted numerous times to negotiate peace and political settlement, yet the conflict remained. All failed attempts to negotiate peace propelled the civil war forward with greater vitality and intensity. Attempts at negotiation, with or without ceasefires, had not only failed but redefined the conflict and this required a grand ethnic compromise among Sinhalese, Tamil, and Muslim elites, backed by the people in the three main ethnic formations. In the case of the Kenyan mediation, a team of African dignitaries led by Kofi Anan undertook the mediation. In contrast, the mediation in the Sri Lankan case was conducted by Norway's special envoy for the peace process in Sri Lanka, Ambassador Jon Hansen- Bauer.

5.3. CROSS-CULTURAL MEDIATION ANALYSIS

For the purpose of this thesis, I am using the cultural components of Bercovitch and Elgström's model to assess the role of the mediator's culture in international mediations. This model expands on the three cultural frameworks that help classify cultural norms described in chapter 2 section 2.3. To reiterate, the three comparative frameworks are individualist v collectivist societies, traditional v modern societies and high v low context societies. Bercovitch and Elgström add to this, geographical proximity v. distance; perceptions of superiority v. inferiority; democratic v authoritarian; and long-term v. short-term orientation

Geographic proximity refers to the distance between the countries in the mediation. Distance itself is not a cultural phenomenon; however it frequently shows the amount of cultural similarity and thus an ability to work with each other. Actors living in one region may have experienced strong contact over time, which can mean their cultures are closer together. Actors living further apart usually do not have this kind of interaction and cultural spill-over and thus are often more culturally separated. Proximity thus helps to assess the similarity of cultural norms (Bercovitch and Elgström 2001).

Perception of superiority v. inferiority refers to each party's view of who holds more power in the mediation scenario and any feelings of disparity (Bercovitch and Elgström 2001). This could be seen when the parties are from Non-Western cultures that tend to perceive people from Western cultures to be more superior to them, this can bring a power imbalance to the mediation table. In Non-Western cultures, where age is given respect and status, they tend to perceive elders as superior. Cultural similarity could be

used here to lessen this tension as parties may see themselves as equal in terms of their cultures.

Democratic v. authoritarian refers to the type of political system or government. The assumption is that similar regime types indicate an affinity, different regime types indicates a likely dissimilarity (Bercovitch and Elgström 2001). Regan and Leng find support for the democratic peace theory in that democratic dyads are more likely to have effective mediation outcomes (2003).

Long term orientation v. short-term orientation refers to judgments on timing: how long a reconciliation process should take and how long the implementation of results should take. If a culture believes in getting right down to the heart of the matter and mediators from such a culture are challenged with a culture that embraces the belief that these things take time, mediations may be quite tense.

Lastly, the individualist view takes the individual as the central reference entity, while collectivists view society as comprising a community or group entities (Regan and Leng 2003).

The Bercovitch and Elgström discussion shows that initial differences, ingrained in political and social culture, between the mediators and the parties in any of these fields of study lessen the possibility of a successful mediation result while similarities between mediators and the parties enhance the likelihood of a successful mediation (2001).

5.4 WESTERN CULTURES V. NON-WESTERN CULTURES

Every nation in the world has its own culture. While some have similarities in the way they do things, they may differ in others. Often these cultural differences are

summed up in terms of Western v. Non-Western traditions. To start with Non-Western culture has been characterized as a body of ideas and values derived fundamentally from mysticism or subjectivism, as opposed to reason (Locke 2004). Consequently, it is characterized essentially by views of anti-individualism, self-sacrifice, tyranny, the belief that humanity is depraved and/or helpless, with a hostility or indifference to economic progress, science and technology. Non-Western culture can also be referred to as uncivilized culture. This is because Non-Western culture's essential ideas and values are fundamentally opposed to the ideas and values that lead to the development and sustainment of civilization. In contrast, Western culture is understood to be the opposite of the above description (Locke 2004).

Triandis argues that these cultural differences are associated with variations in personality characteristics. Individuals in Western cultures are more independent of their families of origin than individuals in some other cultures. They do not feel the same pressures to sacrifice themselves to the family. Westerners are more independent. They are also more extroverted or more verbal compared to many other cultures. They are more used to introspection, more ready and able to engage in the self-disclosure and self-exploration, which is necessary for progress in their individual life. People from Non-Western cultures on the other hand, are more reticent, there is likely to be a social hierarchy based on gender, birth order, and/or age. Family elders may be highly respected, and they often have roles of authority, to make sure family members do what is best for the family rather than what is best for themselves as individuals (1994). As LeBaron explains, relationship and extended family are so important, and people tend to be loyal and responsible to the family. They also respect elders in the community (2000). Elders may have the final say about how far their children go in school, who they marry, or where they work. Decisions by authority figures in collectivist cultures

are likely to be obeyed with less questioning than is typical in individualistic cultures. There are, however, many collectivistic cultures with strong egalitarian orientations that promote shared decision-making.

LeBaron also notes that Non-Western cultures tend to use soft and reasonable communication and hidden language. Time is flexible and they spend time in building relationships first (2000). In Non-Western cultures, their sense of self and space is formal, they tend to hug, bow and shake hands. People in Non-Western cultures respect group orientation and give more preference to harmony (LeBaron 2000).

In summing up, Western cultures emphasize individualism, personal happiness and self-actualization (see figure 1 below). They are also characterized as a low context culture and live a modern life. In Non-Western cultures people still live in collective societies where they focus more on extended family, they also have a high context culture where their language has many hidden meanings and the emphasis is on spoken communication. In Non-Western societies individuals tend to live more traditional lives.

Dimensions of culture	Western Societies	Non-Western Societies
Communication & Language	Clear, straight talking, openness. Emphasis on content – meaning found in words Written communication <i>Individualist</i> <i>Low Context</i>	Hidden, soft reasonableness Emphasis on context – meaning found around words Spoken communication <i>High Context</i>
Time & time consciousness	Linear and exact time consciousness Value on promptness – time is equal to money <i>Individualist</i>	Flexible and relative time consciousness Time spent on enjoyment of relationship <i>Collectivist</i>
Relationships, family, friends	Focus on nuclear family Responsibility for self <i>Individualist</i>	Focus on extended family Loyalty & responsibility to family, Age given status and respect In-groups <i>Collectivist</i>

Values & norms	Individual orientation Independence Preference for direct confrontation of conflict Justice <i>Individualist</i>	Group orientation Conformity Preference for harmony Conflict avoidance <i>Collectivist</i>
Work habits & practices	Getting down to business immediately Risk takers Success Competition <i>Individualist</i> <i>Low Context</i>	Building relationships first Co-operation <i>Collectivist</i> <i>High Context</i>
Sense of self & space	Informal Handshake <i>Individualist</i> <i>Modern</i>	Formal Hugs, bows, handshakes Face-saving Modesty <i>Collectivist</i> <i>Traditional</i>

Figure 1: Dimensions of Culture in Western and Non-Western Societies

I begin with an examination of Kofi Annan’s mediation of the Kenyan crisis, followed by the Norwegian mediation of the Sri Lankan conflict. I first provide a brief description of the conflict and the events that led to mediation. The mediation itself will be described, followed by an analysis of the reasons for its success or failure. I discuss the role that culture played in the mediation, and whether the relationship between the culture of the mediator and the culture of the parties might have influenced the success or failure of the mediation.

5.5 KOFI ANNAN ON THE KENYAN CRISIS

The political landscape of Africa is a configuration of different and mixed ethnic groups. In the aftermath of colonialism and the formation of states that cut across ethnic lines, states are now composed of diverse peoples in terms of language, culture and religion. Violent confrontation among ethnic groups is the most apparent form of

conflict in some African states such as Rwanda, Burundi, and Sudan. It claimed over a thousand lives in the post-Kenyan election crisis.

5.5.1 The Conflict in Kenya

Kenya came into the international spotlight following the contested December 27, 2007 presidential election that led to deaths and internally displaced people (Baldauf, 2008). The Opposition party Orange Democratic Movement (ODM) had held a strong lead in vote counting on December 28 2007 in Kenya's General Elections. When the final announcement was made, that Kibaki was the winner of the disputed elections, there were still some election results which had not been counted. The final count reduced the gap between the two rival political candidates. The Australian media reported that about 300,000 votes belonging to the incumbent President Kibaki were not genuine votes (www.theage.com.au. 2007). Barney reported that Mr. Kibaki's supporters were unhappy that the elections results actually favored the opposition group (2008).

The opposition maintained that the 2007 elections were rigged and urged President Kibaki to accept defeat or face a recount of the votes (McCrummen 2007). This was because the opposition believed that taking the case to court would not result in their favour since the institutions were believed to be under the influence of President Kibaki and his government. McCrummen adds that while the dispute was going on, the election commission let President Kibaki form a government by claiming that the people's voice or rather the decision on election results must be respected (McCrummen 2007). When Mr. Kibaki was sworn in violent fighting broke out, across the nation. The South African Broadcasting News reported that the head of the electoral commission had confirmed that there were some mistakes in the counting of the votes after the

restoration of Mr. Kibaki as President. This also made the opposition fear that even after five years, the next elections would not be free and fair unless the corrupt system was eliminated; furthermore, it was believed that Mr. Kibaki Presidency would not be accepted (South African Broadcasting Corporations News 2007).

According to the European Union's head observer, the election was inconsistent and the Electoral Commission failed to establish "the credibility of the tallying process to the satisfaction of all parties and candidates." It was reported that, in some places, EU observers were not permitted to observe the vote counts until the Electoral Commission announced them. This made it impossible to compare the counts to the Electoral results (Gettleman 2007). The British government also said that it had "real concerns" about the election. The BBC news reported that the British government had raised concerns about the way the Kenyan 2007 elections were handled; at the same time their counterparts the United States of America were congratulating Mr. Kibaki's success and called upon the public and the opposition to emulate the election results. In January, however, the United States said it could not confirm if President Kibaki was the victor in the disputed elections. At that time Mr. Odinga was going to be installed as the People's President by the opposition in what was going to be the presidential ceremony. Unfortunately the ceremony could not take place (BBC News 2008). On the 3rd of January 2008, a rally was held to show solidarity to Mr. Odinga; his supporters wore black arm bands to indicate their opposition to Mr. Kibaki as Kenya's president. During his New Year's presidential address to the nation in 2008, Mr. Kibaki responded by urging the opposition to accept and respect the will of the people.

It could be argued that the 2007 election results in Kenya were due a lack of good management and a corrupt political system that led to a loss of life and damage to the infrastructure. A peaceful resolution was agreed under international pressure and within

six weeks both disputing groups had agreed to end the violence. Although negotiations were fragile between the two political leaders, Kenya's historically peaceful culture played a vital role, as did the efforts of respected African leaders, in ensuring peace. Gettleman highlights how the former UN Secretary General helped to bring the two leaders together using his broad experience of mediation, with support from well respected African leaders. He called upon Mr. Kibaki and Mr. Odinga to negotiate and avoid any escalation of violence (Gettleman 2007).

5.5.2 The Mediation Process

It is always difficult to obtain information about the details of mediation as these are always done in private settings and much of it is kept confidential. In order to conduct this study, I have had to rely on reports and secondary sources. The Kenyan mediation was first initiated by the Nobel Peace Prize Winner Archbishop Desmond Tutu who had a discussion with both political leaders, President Kibaki and Mr Odinga. The meeting was about trying to end the violence, which had led to the displacement of citizens from their homes and claimed a number of lives (Vu 2008). Mr. Gordon Brown, the British Prime Minister at that time, asked for intervention by calling upon the Ghanaian President John Kufuor who was the chairman of the African Union; together with the former Sierra Leonean President Ahmad Tejan Kabbah, the head of the Commonwealth's electoral mission observer. Unfortunately the intervention from both leaders did not succeed until Mr. Kofi Annan was asked to provide a team of the eminent African personalities. The eminent African leaders comprised the distinguished former Tanzanian President Benjamin William Mkapa and the former Mozambican First Lady Graca Machel (Gettleman 2007)

The Turkish Weekly reported that Mr. Kofi Annan managed to bring Mr. Kibaki and Mr. Odinga together to start the peace process (2008). Although the aim was to bring peace to the Kenyan political crisis within four weeks, there was an acknowledgement that it was going to take a year to solve other conflicting issues. Mr. Kofi Anna and his eminent African Team brought the two disputing groups together to sign a historical peaceful settlement that brought an end to the violence on the 28th February 2008. Immediately after the deal was announced Mr. Gordon Brown commended both leaders for agreeing to end violence, stating that this represented a triumph for peace and diplomacy (Wachira 2008). Wachira stresses that Mr. Gordon Brown described the Kenyan peace deal as a foundation pillar for Kenya's democratic process, to safeguard its people and Kenya's democracy. This resulted in power sharing between Mr. Kibaki and Mr. Odinga. The peace accord was also addressed the main causes of conflict, to avoid any future violence (Wachira 2008).

The coalition government developed an accord which would be used to govern Kenya. It established the obligations that were to be upheld by the two previously conflicting groups in case the coalition disintegrated and threatened Kenya's peace. The accord was named "The National Accord and Reconciliation Act 2008." The office of the Prime Minister was formed to power share with the President; with Mr. Kibaki as the President and Mr. Odinga as the Prime Minister. Other conditions in the accord state that the Prime Minister is to be an elected Member of Parliament. The only way the Prime Minister and his/her deputies can be eliminated from the position is by vote of no confidence, death, or resignation (National Accord and Reconciliation Act 2008).

According to Opiyo, the coalition government also agreed to the formation of the Truth, Justice and Reconciliation Commission under the Ethnic and Race Relations Commission which was enacted by the Members of the National Dialogue and

Reconciliation through the Truth, Justice and Reconciliation, Ethnic and Race Bill. The Race Bill consisted of two Bills which seek to address historical injustices and human rights violation that have rocked Kenya. The Attorney General published the bills in the gazette to be enacted by members of parliament (2008). While the Truth, Justice and Reconciliation, Ethnic and Race Bill was being debated by members of parliament, the coalition government decided to put together a manual on conflict resolution to distribute to all Kenyan schools through the school curriculum to highlight the effects of post-election violence, in order to teach the pupils about the values of tolerance, problem solving, dialogue and peaceful co-existence. By embracing peace principles, the leaders hope to prevent another national disaster like the 2007 elections (Otieno 2008). Yambi concludes that the Kenyan strategy and procedure to promote peace building was the first of its kind in Kenya (2008).

5.5.3 Reasons for the Success of the Mediation

Kenyan's successful peace mediation has been commended due to the process and management of the situation by Kofi Annan and his team. They did not exclude or judge anyone or accuse groups of being perpetrators, instead they embarked on a process of problem solving through negotiations. As Moore writes, the mediator is in a position of power; they decide what the problem is by identifying what triggers the other side (2003). It is acknowledged that a mediator cannot provide suggestions but rather, must help the parties to come to their own solution while at the same time not giving too much power to either party or letting them take over the mediation process (p. 382). Kofi Annan's international profile and experience was in part, responsible for the mediation's success.

As I have suggested earlier, Kofi Annan's identity and character was a major factor at play during the mediation process. In the previous chapters it has been shown that mediators cannot perform if they have not first earned the approval of the conflicting parties; otherwise there will be a lack of co-operation, confidentiality and trust. It is important for the opposing groups to have a positive attitude towards the mediator to whom they must be able to reach out for help if they feel their concerns are not being heard. For example, Peterson discusses how Tanzania's former president Julius Nyerere's lost his credibility in his handling of the Burundi conflict, due to his seeming favoritism towards the Hutus. This resulted in regional enforced policies against the Buyoya regime (2006, p. 127). Moore states that the mediator's advanced skills and knowledge can appeal to the conflicting parties (2003, p. 383). The Kenyan disputing parties negotiated for 41 days with the help of Kofi Annan and his team. In the end they managed to convince themselves and the public that the mediation process would be successful. This was greatly helped by frequent press and media statements encouraging the Kenyan public that the right deal would be reached (Wachira 2008). The success of the Kenyan mediation process was the result of engaging individuals like Kofi Annan who had vast knowledge and experience in handling international issues. Not only did he possess the necessary knowledge and skills, he also had access to international resources. His personality also played a key role in the mediation process.

Besides having Kofi Annan and eminent African leaders, the international community and its media's presence contributed to the successful mediation. It seemed easy to work hand in hand with a mediator who shared their history of managing international disputes (Moore 2003, p. 388). The United States of America later came on board to help the peace process. The US Secretary for Foreign Affairs, Condoleezza

Rice, actively encouraged Mr Kibaki and Mr. Odinga to settle the dispute. Kofi Annan's mediation practice was to remain neutral. His job was to facilitate peaceful dialogue, encourage the leaders, and to remind them of what they had achieved through the negotiations so far (Juma 2009). As a result of the mediation process, underlying structural violence problems were addressed. Kenya's mediation provides an exemplary example of how the process can work to resolve disputes. As a result of this process, Kenya now has a secure and positive future.¹

The eminent African personalities had the skills and the spirit not to let the conflict continue. They had also experienced conflicts in their own countries which meant that they were respected and there was hope that a resolution could be achieved. The success of the mediation was also due to Kofi Annan's personal record in international relations and conflict resolution. We must also recognize President Mkapa's capacity for promoting peace in neighboring countries and, Lady Graca Machel experience of civil war in her nation for many years. All of the mediators' skills and experience helped to make the mediation successful (Baldauf 2008).

5.5.4. Ghanaian/Kenyan Cultural Comparisons -Similarities/Differences

The anticipated impacts are difficult to predict when the mediator shares culture with one of the disputants and the conflicting parties themselves are from different cultures. The disputant from the different culture might be suspicious of mediator bias in favour of the other party, and become wary and less accepting of the mediator's motives

¹Agreement on the Principles of Partnership of the Coalition Government Agreed on 28thFebruary 2008

(Bercovitch and Houston 1996, p. 26) On the other hand, while Kofi Annan was from a different country to the disputing parties, both he and disputing parties were from the same continent. There are many similarities among African cultures, which might have made it easier for him to understand some of the issues better than a mediator from outside of these cultures. Kofi Annan's Ghanaian culture and that of Kenyans share cultural dimensions that are discussed in this chapter. They are both from high-context cultures and they tend to respect hierarchy (perceptions of superiority). They are both from the same continent (geographical proximity) and both countries are democratic. The mediator and the conflicting parties still belong to a collective society with practical long-term orientations and traditional elements. Finally, they are both from Non-Western cultures.

LeBaron argues that the African continent still has traditional systems of conflict resolution that have continued into the present-day, sometimes complete and sometimes fragmented by fast social change (2003). These systems depend on particular methods of negotiation that respect kinship bonds and the role of elders in the organization of local society in general. Mediation/negotiation happens within social set-ups, following given norms. For example, in some African countries like Ghana and Nigeria, when a wife is in conflict with a husband she needs to bow to him and ask for forgiveness, then prepare a ceremonial meal to imply the renewal of peace and commitment.

In African communities the aim of keeping social networks together is vital, and individual differences are expected to be incorporated into the group interest. LeBaron states that to guarantee progress towards an agreement in a negotiation is well-maintained, parties must commit not to petition the power of ancestors to harm the other in future (2003). The purpose of any mediation/negotiation process is to bring about positive results without any residue of anger or hatred. Elders have significant power,

and when they intercede in negotiation/mediation, their words are treasured. This is because some elders are believed to have contact with supernatural powers that can take away protective guards and/or cause significant tragedy to a person (LeBaron 2003).

The conflicting parties in Kenya (Kibaki's Party of National Unity and the Orange Democratic Movement) and the mediator (Kofi Annan from Ghana) all had similar cultural backgrounds. Juma adds that the personal qualities of the mediating team, which included experience and trusted mediation skills, knowledge, and established networks for dealing with conflict, and the fact that they that are also perceived as elders in the continent, were crucial to the success (2009). All the prominent personalities were respected in Kenya (and internationally) and therefore brought confidence to the process. Moreover, their African heritage reduced any opposition that may have been connected with Western countries, or other external forces on the process.

Kenya and Ghana are all located on the African continent (geographical proximity). Kenya is on the east while Ghana is on the west. These two countries do have some similar cultural expectations during negotiations, including time, greetings, and facial expressions and the way people address each other when meeting (LeBaron 2003). The fact that the mediation team came from the same region established trust among the parties. The mediation team was not seen as outsiders. In addition, the involvement of the African Union (AU) which is also in the same geographical area contributed to the mediation's success, as parties felt that mediation was regional issue.

According to Hall, Kenya and Ghana are considered to have a high-context culture (1976). This means very little information is implied or given in the spoken message; most of the information is delivered in a nonverbal and contextual way. All dealings can be understood only in context; meanings vary depending upon situations and categories can change. Importance is laid on twisting logic, unspoken vague and

indirect communication. Objectives are not clearly stated and choice in communicating feelings is applied. The high-context cultures of Kenya and Ghana value face saving, respect humility and obligations. They tend to avoid direct opposition, and use soft approaches to deal with conflicts in interpersonal affairs. People of these nations are also considered to be more suspicious in their first interactions and make assumptions about an outsider's cultural background. They ask indirect questions as direct questions are seen to be bad-mannered (Gudykunst 1983). In terms of high-context cultures, individuals believe others know the rules of behaviour and also the things which should not be discussed. If one asks about these issues, it would probably be regarded as impolite and the negotiator would risk losing face (Hall 1976).

Both Kenya and Ghana are considered to be collective societies (Hofstede, 1980 and 2001). Evidence in these two nations show a close, long-term, dedication to all members of the group; family, extended family, village, or society. Collectivism is a social pattern that places the highest value on the interests of the group. They view themselves as mutually dependent and strictly associated with one or more groups. They are ready to maintain their dedication to a group even when the response from the group is personally unfavorable. Norms, obligations and duties to groups are collectivists' primary concerns, and they tend to place high importance on group coordination and harmony. Honour and support are common collectivist qualities. When personal goals are inconsistent with group norms, collectivists tend to obey group norms (Hofstede 1980 and 2001). Trust and loyalty in Kenyan and Ghanaian societies are dominant, and override most other group rules and protocols. The group nurtures strong relationships where everyone takes charge of helping fellow members of their group. In these societies wrongdoing leads to shame and loss of respect (Hofstede 1984).

Kenya and Ghana are judged to be high in the power distance category. This means that people in these countries accept a hierarchical order in which everyone has a place and is respected for that. This could be social status, gender, race, age, education, birth, personal achievements, family background or other factors. Hierarchy in an organization or government is seen as replicating inherent colonial inequalities, control is accepted, subordinates expect to be told what to do and the ideal boss is expected to be in control. In Kenya and Ghana there exists a high level of inequality in power and financial wealth. Societies with large power distances perceive inequalities as natural and useful; inequalities are expected and required. Kenyan and Ghanaian societies accept the differences in their cultural heritage, as natural. The margins between social classes are solid, respected and hard to challenge. Children are raised to respect the elderly, parents, and teachers (Hofstede1984).

Although the parties to the dispute and the mediator in the Kenya conflict have a lot of cultural similarities, there are also some differences between them. The Kikuyu and Luo who were the disputing parties speak different languages. The Kikuyus are mainly concentrated around Mount Kenya which is a highland area in the southern-central part of Kenya, while the Luos live in the Western provinces of Kenya or in the adjacent Nyanza province. The mediator (Kofi Annan) in the Kenyan crisis is from the Akan tribe in Ghana and he speaks his own language.

5.5.5. Did Cultural Similarity Have any Effect on the Mediation?

Kenya and Ghana are both categorized as collectivist countries whose people tend to view conflict as a deviation from acceptable behaviour, at least where in-group relationships are concerned. This can also be seen in Kenya when Kibaki and his party

refused to accept that there was a problem (Juma 2009). He saw crisis as shameful to his party and pretended nothing was happening. Among collectivist societies, avoidance is common and is often one of the approaches used when dealing with conflict (Triandis et al 1990). It is believed that even an implied acknowledgement of conflict could cause a loss of face (Augsburger 1992), Kibaki decided not to sit at the mediation table, instead sending his representatives (Juma 2009). This can be seen as typical collectivist behaviour of face saving because the leader is not there.

In every conflict, a third party can apply a specific degree of influence over a series of negotiations and problem solving options and the management of individual agenda items. This must be chosen in regard to the issues in dispute, the type of dispute and the parties, whether or not some degree of control is necessary to make progress with ideas; to be reasonably influential and provide some structure over which parties may have a low degree of control (Moore 2003).

Annan exercised strict control over the process, which in part was successful because he was very experienced (Juma 2009). He was able to exercise authority by keeping the parties at the table for 41 days even though many senior advisors and constituents opposed the idea. At the same time he dealt with public views through regular unbiased and positive statements to journalists, thus urging tolerance and support for the process. Successful mediation depends not only on the mediator's status and power, knowledge and skill about conflict resolution, but also on the creativity of ideas, access to resources and ability to act inconspicuously (Juma 2009). He was resolute that his panel of eminent African personalities believed in his ideas and that he was not going to give in (Juma 2009).

Kofi Annan believed that for the parties to mediate they needed to show trust in the talks. To achieve this they needed to get the disputing parties together, they had to be

seen shaking hands within public and committing themselves to a peaceful settlement. Annan's team was able to achieve this within the first 48 hours, which reduced the political tension and violence (Kofi Annan Foundation 2009). In Kenyan and Ghanaian societies, hand shaking is very important: It is the sign of harmony and peaceful commitment.

Among collectivists, there tends to be less concern about professional qualifications and neutrality, and more concern that the mediator is an insider, or someone who knows the parties or at least the background of their dispute (Augsburger 1992). For example, Kibaki was against an outside mediator. He argued that the Kenyan crisis was an internal matter and thus there was no need to have an outsider mediator. Kibaki trusted Kofi Annan because Annan knew the parties and the context of the disruption (Juma 2009). Kofi Annan and his team were accepted by all parties to mediate (Baldauf 2008).

Mr. Annan had an understanding of the context and took a strong stand at the beginning of the process making recommendations about the process. In his opening talks, Mr. Annan said that there was a need to have a single mediation process. He stated that Kenya could not have numerous mediation teams, and if they had too many different initiatives, the parties would start shopping around until they got what they wanted out of the mediation (Baldauf 2008).

Augsburger argues that collectivists tend to think that a reasonably big group should take part in a mediation setting (1992). For example, Kofi Annan had a panel of eminent African leaders as part of the mediation. He was also concerned to have diversity in representation and included Graca Machel in the mediation team, for women to be represented. Graca Machel had a good reputation in the area, with skill and knowledge in managing conflicts; she gave female strength and intelligence to the mediation team, contributing and appealing to the parties at critical stages of the mediation (Baldauf

2008). She was also respected by the Kenyan and Ghanaian governments. Mkapa was also included in the team for the parties knew that Mkapa was aware of the dispute and he also knew the parties well.

Shuttle diplomacy is another feature that is appropriate in collectivist societies. This was also seen in the Kenyan crisis. Because these societies favour conflict avoidance approaches, they often find the direct method of an early joint session uncomfortable, or even a loss of face. In collectivist societies, it is more common for mediation to start with private meetings between the mediator and each party separately. The mediator works as a shuttle diplomat delivering information and settlement ideas from one party to the other. Once the general summary of an agreement is achieved, the parties may agree to meet in order to mediate together (Augsburger 1992). In Kenya before the mediation session, Kofi Annan met with both parties separately. Annan met first with Kibaki and then with Odinga. Both parties agreed to initiate a process of dialogue in order to end violence (Juma 2009). African Report No 137 states that a first round of shuttle diplomacy created an agreement in principle on a review of the election results and the negotiation/mediation about a transition towards a settlement of the crisis (2008).

Hierarchical order in these societies is also seen in this mediation. This is because Kenya has a great respect for hierarchical order. Power and authority are facts of life. Status, rank, obedience to rule of law, conformity, supervision, and co-operation are valued in both Kenya and Ghana. Because of this appreciation of hierarchies it was easy for Kofi Annan to be accepted as a mediator due to his position and recognition as a powerful man in the African community. It was easy for the parties in dispute to listen to him and accept his advice.

Kofi Annan's knowledge about African cultural issues relevant to mediation can be seen to have contributed to the success of the Kenyan crisis mediation. While it is possible for an outsider to have knowledge about another culture, Kofi Annan was able to be accepted as an insider who had all the qualities necessary to gain the trust of the parties without the barrier of outsider status. While it is not possible to assess the details of the mediation itself, it is possible on the basis of the reports and secondary analysis to observe that it is very likely that in this case the culture of the mediator as similar to the culture of the disputing parties did play a role in the mediation's success.

5.6. NORWEGIAN MEDIATORS IN SRI LANKAN CONFLICT

This section examines the fifth process in the peace mediation in Sri Lanka in the period from 2000-2003, where the parties in the internal conflict and the mediators from Norway are from very different cultural backgrounds.

5.6.1. The Conflict in Sri Lanka

The civil war in Sri Lanka first began in the mid 1980's, but the roots of the conflict go further back (Winslow and Woost 2004). The war originated in the conflict between the largely Buddhist Sinhalese-dominated government and the mainly Hindu Tamil minority, who made up 82% and 9% of the country's population respectively after the conflict. Before the conflict these statistics were 74% and 18% respectively, showing the huge numbers of Tamils who have left the country or been killed (Winslow and Woost 2004).

The Liberation Tigers of Tamil Eelam (LLTE) sought for the right to Tamil autonomy in their own Tamil homeland, located in the northern and eastern areas which Sri Lankan Tamils have occupied for centuries (the large Sinhalese majority lives mainly in the central, Western and southern parts of the islands). This simple geographic demarcation is more complex than it seems (Winslow and Woost 2004). Most Tamils have long lived outside their homeland regions. In addition, the Moors (commonly referred to as Muslims), who also speak Tamil, but identify themselves on the basis of religion rather than language, are found in the urban areas of the west and south, as well as on the east coast where they live next to the Tamils, even though they are not necessarily on friendly terms (McGirvary 1997).

Before Sri Lanka gained its independence from England in 1948, the Sinhalese felt discriminated against by their British sovereigns, leading to the growth of Sinhalese political nationalism. With independence and the formation of a democratic electoral system, much of the power was put in the hands of Sinhalese (Winslow and Woost 2004). This government brought in regulation leading to the marginalisation of the Tamil minority. This led to stressed relations between the two groups and frequent powerful insurgences (Bandarage 2009).

The increasing conflict led to civil war in July 1983. Conflict in the north and east was mainly between the government and the Liberation Tigers of Tamil Eelam (Bandarage 2009). The conflict in Sri Lanka was driven by insurgences supported by the Sinhalese People's Liberation Front (SPLF). The condition was exacerbated by the 2003 Tsunami which affected all of the coastal people in Sri Lanka (Bandarage 2009). From the start of the war much effort was made to negotiate peace and ceasefires. These were agreed to, but were shattered when further conflicts erupted. After a peace dialogue failed, President Rajapaksa began military attacks aimed at achieving complete control over the Liberation Tigers of Tamil Eelam (LTTE).² Victory was declared in May 2009 after the last of the LTTE occupied areas were taken. Many questions still remain over the country's hope for lasting peace (Bandarage 2009). Although the Sri Lankan government now controls the entire country; many of the causes of the conflict are yet to be dealt with (Bandarage 2009).

²President Rajapaksa is the 6th President of Sri Lanka and Commander in Chief of the Sri Lankan Armed Forces. He was sworn in as President on the 19 November 2005. He was re-elected for a second term in office on 27 January 2010.

5.6.2. The Mediation Process

Norway was officially asked to mediate in the Sri Lankan conflict by President Kumaratunga in 2000 (Bandarage 2009).³ Mr Eric Solheim who was the Minister of International Development in Norway appointed Mr. Jon Hanssen-Bauer to act as Norway's Special Envoy for the peace process in Sri Lanka.⁴ As the facilitator Mr Hanssen-Bauer was to oversee the everyday work. On his appointment Mr Solheim noted that Hanssen-Bauer would often visit Sri Lanka to organize Norway's facilitator in the peace process. He states that, "I am pleased that Jon Hanssen-Bauer has accepted this assignment" and, "Mr Hanssen-Bauer's academic and practical experience means he is highly qualified. He has engaged in peace and reconciliation work in many countries. I am convinced that he will do a good job for the parties."⁵ Mr Solheim's statement confirms Hanssen-Bauer was a right candidate for the job. His involvement in peace and reconciliation in South Asian countries allowed him to gain intimate knowledge of the cultures and conflicts in Sri Lanka. While working with The Ministry of Foreign Affairs in Norway, Mr Bauer was also involved in developing the "Norwegian model" for peace-making which referred to a mediation approach based on close collaboration between the Ministry of Foreign Affairs (MFA) and external actors (Kelleher and Taulbee 2006; Bersagel 2008; Nissen 2011).

³President Kumaratunga was the 5th President of Sri Lanka, serving from the 12 November 1994 to the 19 November 2005. She was the leader of the Sri Lanka Freedom Party (SLFP) until the end of 2005.

⁴http://www.asiantribune.com/show_news.php?id=17363

⁵ Ibid

As a nation, Norway has been involved in different countries providing humanitarian aid, peace facilitation and reconciliation deals since the 1990's. Norway has worked with the UN in different countries to provide services to Guatemala, Philippines, Sudan, Colombia and Haiti. Most of the services Norway has engaged in have been for humanitarian support and as a peace broker between conflicting parties (Hanssen-Bauer 2005). Norway has also been involved in the Middle East peace process since the 1990's; for example, in 1992 Norway was asked to facilitate a peace process between Israel and Palestine. In recent years Norway has also been active in Sri Lanka and Sudan to broker peace deals between fighting factions. Being the mediator in many of conflicting nations, Norway has built an international profile for facilitating or mediating lasting peace.

The Norwegian government decided to develop a model they can use when facilitating peace. Norway is seen to be a good mediator due to the number of successful conflict resolutions. The model contains information about how Norway can commit to seeing long term peace, experiencing good relationships with other international actors like the USA, EU and Japan, and making good use of their vast resources. Norway possesses economic and human resources (MFA 2008). The Ministry of Foreign Affairs in Norway claims that Norway is not a peacemaker but rather a peace helper. Norway believes that conflicting parties are the best experts at making peace despite the presence of Norway (MFA 2008).

Numerous features made Norway the most appropriate choice for the job. Norway has a long history of political stability, and had shown commitment and development assistance to Sri Lanka. In addition to having a good reputation, Norway does not have a history of colonizing other nations; this gives Norway advantages of being seen as a good mediator for peace process. Norway does not have any economic interest or

security issues (Bandarage 2009). Bandarage argues that Norway had no suspicious motives in terms of Sri Lanka. Other nations such as India, EU and the USA were available to support Norway with the resources they needed to manage the mediation process (Bandarage 2009).

In 2002, the Norwegian mediation established a ceasefire agreement between the Government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Eelam (LTTE) (Bandarage 2009). The ceasefire agreement was seen to signify a change and an assurance of an end to the long lasting conflict (Bandarage 2009). A round of peace discussions was started, but a peace agreement was never reached (Bandarage 2009). Earlier in 2002, the ceasefire agreement was revoked and the GOSL indicated that their goal was to overthrow the LTTE by military attack. The violence intensified and new developments indicated little hope of finding a solution to this conflict in the near future (Bandarage 2009).

5.6.3 Reasons for the Failure of the Mediation

One of the reasons that Norway was accepted to be the mediator was because of its small state capacity. Lieberfeld states that while Norway was considered to have a “small stick and a small carrot” it had also a remarkable degree of trust from both parties to the conflict (1995, p. 201). Slim asserts that “for the powerful party, a small state can provide a face-saver for whom capitulations can be made without threatening the public bargaining posture of the powerful party. For the weaker party, a small state can provide a sympathetic ally who can understand what it means to negotiate from weakness” (Lieberfeld 1995, p. 207).

Being a small state though can also have its problems. As Bauer himself acknowledged, Norway was not aware of the prominent position they would be in when

they agreed to participate as a peace broker in the Sri Lanka conflict (2005). On many occasions, Norway was alone in Sri Lanka. This brought complications as to how Norway was perceived and a lot of pressure was put on them in terms of the result of the process. One of the reasons proposed for Norway's failure to achieve a peace agreement is that it did not bring enough resources to the table. As a small state, Norway did not have much power or leverage. A better way of solving this could have been to bring in another party that was stronger, to back Norway (Bauer 2005) or to have a mediator closer to the Sri Lankan culture.

In this crisis, Norway had multiple roles as peace facilitator and the leader of the Sri Lanka Monitoring Mission (SLMM), which also proved to be an issue (Bandarage 2009). This is because of the influence on the perceived neutrality of the Norwegian mediators. Norway could have clarified at the beginning of peace process whether the different roles were regarded as a problem by the parties, and how Norway would deal with those roles effectively (Bauer 2005).

Bauer explains that Norway was also condemned for not challenging the parties with the many human rights cruelties. Cruelties came from both sides of the conflict. Norway thought that it was not their role to deal with this. They believed that starting with the small issues in negotiations while trying to gain the trust of both parties was the right way to go. This is contrary to what Sri Lankans practice. Sri Lankans value details in formulating their business relationships and decisions. For Norwegians, allegations were not regarded as proven human rights abuses and they did not address these in the beginning. Bauer also adds that there is a link between human rights and acting as a peace broker which is challenging. But it may very well be that Norway overlooked some of the human rights abuses because the emphasis was on keeping the peace process central to building a better future (Bauer 2005).

Although all other measures are important in analysing the failure of mediation, Norway was criticized for not including all parties in the negotiations. As Sri Lankans are a collectivist society, group co-operation and solidarity is important. Unfortunately, Norway used an individualistic approach. It was claimed that some parties to the conflict such as the Muslims were not included in the negotiations (Bandarage 2009). Muslims are the second largest minority group in Sri Lanka - making up approximately 10%; (Pieris 2006) and have been greatly affected by the conflict in the north and east. Norway used the two party model (only the two parties that were in conflict were included in mediation), which was regarded as a poor understanding of the conflict on Norway's side. The main emphasis for Norway was to get a ceasefire agreement. Norway indicated that the incorporation of more parties would be considered later on in the process. Bauer states that the problems of the Muslim groups were included later on because the continued peace negotiations were more difficult and the inclusion of the Muslims earlier was seen as problem. In 2002 there was an effort to incorporate Muslims, but it became difficult as the GOSL wanted them to be on their side of the negotiating table (Bauer 2005).

The issue of including other parties from the Tamil side had also been debated. This was however perceived as difficult as the LTTE stated that it was the only reliable representative of the Tamil group. Norway acknowledged these concerns and stated a broader inclusion of actors would follow later on in the process (Bauer 2005).

As discussed in chapter 3, mediator neutrality is often seen to be vital in creating bring an atmosphere trust. In this case, Norway was perceived as a biased mediator. Norway was accused of marginalizing groups and political parties which then destroyed the peace process (Dickwell 2013).

5.6.4 Norwegian/Sri Lankan Cultural Comparisons

While there are differences between Tamil and Sinhalese cultures, in particular related to the language and predominance of Hindu as the religion of the Tamils/and the Buddhist influence with the Sinhalese, for the purpose of this thesis, the broader South Asian culture that they share will be compared to the Western European culture of Norway. Unlike Kofi Annan and the Kenyan case, Norway and Sri Lanka do not share any of the culture dimensions that are discussed in this chapter. When comparing negotiators from an individualistic culture like Norway with those of a collectivistic culture like Sri Lanka, it has been shown that perception of self-interest is an aspect that could impact upon mediation. Since Norwegian negotiators are from an individualistic culture, they may have been seen to be operating from self-interest, and thus may have been regarded with suspicion by Sri Lankans who stress social responsibilities rather than individual self-interest (Brett and Okumura 1998).

Individualistic cultures like Norway tend to encourage seeking acceptance from others according to personal achievement, and focusing on establishing exceptionality (Elliot et al. 2001). This is in contrast to a collectivist society like Sri Lanka which emphasizes removing negative characteristics that helps one avoid relational conflict or group disorder (Elliot et al. 2001). Collectivist cultures can also be wary of outsiders, and which may make trust building by outsiders more difficult. Norway and Sri Lankan cultures differ in that Sri Lankan culture can be fearful of failure and therefore has a greater tendency to be overly modest as opposed to Norwegian culture which has an individualist risk-taking tendency (Elliot et al 2001). To Sri Lankans, relationships with groups are regarded as long-term, permanent and important (Erez and Early 1993). People from Sri Lankan cultures anticipate caring for group members and helping to

sustain one another to a greater extent than most Western individualist cultures (Stevens and Greer 1995).

Power distance is another difference between Norwegian and Sri Lankan cultures. In Sri Lanka, people in high-ranking positions expect respect those higher up on the social ranking are given power and advantages, whereas those lower on the social scale are compelled to abide by their decisions (Erez and Early 1993). Cultures that have low power distance, like Norway, do not have the same authority over their lower status members as those high-status members of more high power distance societies do.

Perception of superiority is another difference between Norway and Sri Lanka. Sri Lanka is categorized as a Non-Western culture which tends to perceive people from Western culture like Norway as more superior and powerful than them. Culture also has a great effect on the perception process (Triandis 1994). People have a tendency of interpreting things quite differently and this may have an impact on mediation as Sørnbø et al explains, Sri Lankans could be uncertain towards Norway's participation (2011).

Geographical proximity is another difference between Norway and Sri Lanka. While the Tamil and Sinhalese are both from Non-Western cultures within Sri Lanka, Norway is located far away in Western Europe. Norway could be seen by Sri Lankan as an outsider and therefore not considered to be a trusted mediator.

The most significant cultural difference between Norway and Sri Lanka is high-context (Sri Lanka) and low-context cultures (Norway). Hall observes meaning and context as inextricably bound up with each other (1982, p. 18). The difference between high and low-context cultures rests on how much meaning is created in the context as opposed to being in the cultural code. Norwegians tend to place more meaning on spoken and written language and very little meaning in the context. For this reason, communication tends to be precise, clear, and logical (Ting-Toomey 1985; Triandis

1994). Hall also identifies Sri Lanka as a high-context culture, whereby individuals tend to see the topic of communication as essential to the person (1976). A person is perceived as a role. If the issue is criticized, so is the person. Sri Lankans favour indirectness in communication which is characterized by extreme politeness and discretion. Because of their non-confrontational approach in communication it is vital to have a translator to advise and read between the lines when you are an outsider. They may say one thing but mean another and it is up to the listener to work out the message (Triandis et al 1990).

In addition, Sri Lankan negotiators have a habit of assuming that details can be worked out in the future if two negotiators can decide on generalities. They tend to use more solution-oriented approaches. This is because face, which can be defined as honour or personal respect, is very important to Sri Lankans. Face can be given or lost in social circumstances and it is important to avoid the latter. In business, for example, openly criticizing someone would lead to a loss of face for both parties. As a result, Sri Lankans are very mindful of protecting their own and others' face at all times. This is revealed in many ways: for example, many Sri Lankans will not feel comfortable making decisions if this may lead to failure and to loss of face. Sri Lankan society shows more concern for the needs of the other party and focuses more on group goals (Hall, 1976; Triandis et al 1990). It is essential to know that in Sri Lankan cultures, there is more of an emphasis on relationships and social connections than in Norway. People from Sri Lankan cultures are expected to care for group members and help to sustain one another (Stevens and Greer 1995). To Sri Lankans, groups are considered to be long-term, permanent and more important than to Norwegians (Erez and Early 1993)

5.6.5 Did Cultural Differences Have any Effect on the Mediation?

There were many reasons why mediation was unsuccessful. These have been identified as including cultural factors but also regime change in Sri Lanka in 2001 which affected the peace process. President Kumaratunga's party, the People's Alliance, lost the general election and the United National Party's leader, Ranil Wickremesinghe, became the new Prime Minister (Sørbø et al 2011). A ceasefire agreement was signed in February 2002 with Norway as mediators. The new Prime Minister and the LTTE leaders signed the agreement. This meant that the old President felt that she was not included in the process (Ibid).

Looking at the cultural aspect, Hall explains that there would be some aspects of each culture that might enhance opportunities for successful mediation. While Norway's individualist culture emphasizes and respects the achievement of positive results, Sri Lanka's collectivist culture avoids negative results. Sri Lankans tend to be fearful, withdrawn and more socially concerned than Norwegians and would also tend to practice more avoidance-based coping approaches than Norwegians (1976). However, Norwegians tend to have a careful approach because they do not want to lose. This is similar to Sri Lankan societies who tend to cooperate in negotiations where they stand to lose (Eliot et al. 2001). This similarity was an advantage during mediation as Sri Lanka parties were willing to cooperate.

However, Hall and Beer believe that when there is an encounter between high and low-context cultures at the negotiating table, the communication differences may present problems during mediations (Hall 1976, Beer 2003). Sri Lankan cultures do not put as much stress on clearly spoken communication, and for them, direct communication may be seen as rude, suggesting no concern or respect for the other

party's position (Hall 1976, Beer 2003). For Sri Lankan people, nonverbal behaviour and context are as significant as direct communication, and they can be tremendously indirect when giving a negative response. Sri Lankans may see conveying a direct denial as excessively offensive and harsh (Hall 1976). In contrast, Norwegians regard good negotiators as people with strong verbal skills, expert in the art of argument or debate and good at communicating directly and clearly (Hall 1976). These differences in communication styles between Norway and Sri Lanka could be overwhelming if not taken into consideration during mediation

Sri Lankans were less concerned about professional experiences and impartiality. Augsburger states that collectivist societies prefer that the mediator is an insider, someone who knows the parties or at least the background of their dispute (1992). As has been established, the mediator Jon Hanssen-Bauer in Sri Lankan conflicts did have some knowledge of culture in Sri Lanka; however there was a general distrust by the Government of Sri Lanka in bringing in third-parties from outside. The Government of Sri Lanka and its politicians in the beginning declared that the conflict with the LTTE was a domestic problem and that the interference of outsiders was not required (Rotberg 1999). Rotberg also states that a weaker type of mediator would have been more ideal in Sri Lanka. Norway could have used suspension or withdrawal of aid as a form of leverage in the Sri Lankan case (Stokke 2008). However, the Norway mediators chose not to pressure the parties in the peace process: "If I should sum up my approach in two sentences, I would say that Norway believes in the strength of a soft- powered, or weak if you prefer, mediator. Also, Norway believes more in building coalitions of complementary good offices that can together nurture and facilitate a process of building peace, than to engage on the basis of one single, all-purpose, mediator" (Hanssen-Bauer 2008). So while there are many reasons for why Norway's mediation

failed to produce a peace agreement in the Sri Lankan crisis, it is also plausible that cultural differences had a negative influence on the mediation

5.7 CULTURAL SIMILARITIES AND DIFFERENCES: CASE STUDY COMPARISON

In previous chapters I have discussed different indicators for identifying cultural similarities and cultural differences in mediation. These indicators include perceptions of superiority v. inferiority, close geographical proximity v. distance, democratic v. authoritarian, high v. low context and individualist v. collectivist, and traditional v. modern. As discussed in chapter 2, subsection 2.3 and in chapter 5, subsection 5.3., I also explained in subsection 5.4 how Western and Non-Western fit with all these indicators. Based on the findings, in this chapter I will discuss the cultural similarities and difference in the two case studies that have been selected.

In terms of similarities, both cases had mediators from outside the country that had some knowledge of the cultures of the disputing parties. In the Sri Lankan crisis Norway was involved in the mediation. Mr Jon Hanssen-Bauer was the facilitator who was worked as a special envoy in Sri Lanka conflict and had some knowledge of that culture. Hanssen-Bauer also had a good reputation for dealing with conflict in the region. Mr Hanssen-Bauer had experience in several South Asian conflicts and was considered an expert in Middle Eastern conflicts (<http://www.norwaypost.com/index.php/news/latest-news/6849>). In the Kenyan case, Kofi Annan and the other prominent mediators were knowledgeable about African culture, were highly respected in African communities, and had experience in mediation of conflicts. In particular, in 1998, Kofi Annan had been involved in the changeover to civilian rule in Nigeria. Also in the same year, he visited Iraq to resolve

conflict between Iraq and the Security Council. In 1999, he was involved in diplomatic work to help the Timor-Leste's independence from Indonesia. In 2000 Kofi Annan was in charge when Israel withdrew from Lebanon and his efforts contributed to the peace between Israel and Hezbollah. In 2006, he was also involved in the mediation process between Cameroon and Nigeria over the Bakassi peninsula (<http://kofiannanfoundation.org/kofi-annan/biography>).

In each case, the disputing parties were from the same nation and from collective Non-Western cultures. The Kikuyu and Luo in Kenya and Tamil and Sinhalese in Sri Lanka fall under similar indicators that have discussed in chapter 2 subsection 3, also in chapter 5.3. Both conflicts have had some ethnic-political elements. In Kenya Kikuyu and Luo were two tribes that thought they had won the election; in Sri Lanka Sinhalese ruled the whole country and Tamil people sought to have their own autonomy.

Apart from the above similarities, these two case studies also have differences. Firstly, there were differences related to how the mediator might be perceived. In Kenya, the mediator (Kofi Annan) and the parties (Luo and Kikuyu) are from collective Non-Western cultures, while in Sri Lanka, the Norwegian mediator is from an individualist Western culture, whereas the parties (Tamil and Sinhalese) were from collectivist Non-Western cultures. In the Kenyan conflict, Kofi Annan was regarded as an insider who was trusted by both parties. This was established earlier in chapter 5, subsection 5.5.5 as one of the most important aspects for success in collective Non-Western societies - who prefer to have an inside mediator. In Sri Lanka crisis, Jon Hanssen-Buer, representing a Western country was regarded as an outsider and thus subject to suspicion and ambivalence. Also the status of the person is regarded as very important. In Kenya, a high profile mediator like Kofi Anna was regarded as far more

acceptable. Kofi Annan is known all around the world as a person who puts peace, development and human rights, rule of law and good governance at the top of the agenda. He served as the seventh Secretary-General of the United Nations from January 1997 to December 2006. In the Sri Lankan crisis the low profile Norwegian mediator Jon Hanssen-Bauer was leading the mediation team. While he was experienced, he was not very well-known. In Kenya the mediator was respected because of his status (perception of superiority) while in Sri Lanka, the mediator was perceived by the parties as powerful but as he did not use his powers, was ultimately regarded as weak. Norway's approach was appropriate to keep the parties at the mediation table but harder forms of leverage were needed in order to reach a long-term settlement. In Kenya both parties and their mediator were from the same continent (geographical proximity) and they all shared cultural dimensions that are discussed in this thesis. In contrast the Sri Lankan mediators were from Western Europe (geographical distance); they did not have much in common with regards to the cultural dimensions.

There were differences related to the process too. In the Sri Lanka conflict, there were multiple peace processes over 25 years of conflicts while in Kenya there were only two mediation attempts in four months of conflict. In Sri Lanka the mediators were not able to include all the parties involved in the conflicts. Muslims were not involved in the mediation process which led to further issues. As it has been discussed earlier in chapter 5 subsection 5.6.3, Hanssen-Bauer admitted that it was a mistake not to include all the parties to the conflict (2005). In Kenya the mediator was able to include the parties to the conflict at the mediation table. The parties felt that they owned the process and this made it easier for the mediation process to be successful. In the Sri Lankan crisis, Norway's role was not as clear. Norway acted as a diplomatic broker, intermediary of cease fire, humanitarian and development supporter. This created a lot

of problem. In the Kenya conflict, Kofi Annan's team had only one role, the mediator. This was clear to the parties.

5.8 CONCLUSION

In summary, this chapter has discussed the two countries that have experienced internal conflict based on their cultural differences. The two case studies selected were; the Sri Lankan conflict in 2000-2003 where there are no cultural ties between the parties and the mediator and the Kenyan crisis in 2007 where the mediator and the parties have some cultural connections. These were selected on the basis of each having at least two distinct parties at the mediation which had a previous relationship with each other prior to the conflict, and a mediation process led by at least one primary mediator. Bercovitch and Elgström's cross-cultural mediation analysis was applied to the two case studies; perceptions of superiority v inferiority, geographical proximity v. distance and democratic v. authoritarian. The chapter also discussed traditional v. modern elements, high v. low context and individualist v. collectivist and applied Western and Non-Western culture to those indicators in order to assess cultural differences and similarities. I examined some of the cultural reasons for the success or failure of the mediation included issues. This chapter concludes that the cultural similarities in the case of the Kenyan crisis between the mediator and the parties are likely to have played a part in the success of the mediation. In contrast, where there were no cultural ties between parties and mediator as in the Sri Lankan crisis mediated by Norway, this may have played a role in the breakdown and failure of the mediation.

CHAPTER 6: CONCLUSION

6.1 Introduction

The thesis began by defining mediation and culture in international relations in order to explore whether the culture of the mediator in relation to the parties plays a part in the success or failure of international mediation. An analysis of two case studies was undertaken: the Kenyan crisis, 2007; and the Sri Lankan conflict, 2000-2003. The two case studies established the plausibility of culture as a variable than needs to be taken in account when explaining mediation's success and failure. I used Bercovitch and Elgström's model for analyzing the success and failure of mediation which examines cultural similarities and differences among mediating parties.

6.2 What are the Major Findings of the Research?

The theory and analysis presented in this thesis suggests that the mediator culture does indeed have an influence on international crisis mediation in several ways. The cultural difference can have a positive or negative influence on whether mediation can be successful or not. The two case studies examined in this thesis, the conflicts in Kenya and Sri Lanka, were mediated in one case by mediator with culture similarities (Kenya) to the parties and in the other (Sri Lanka) where there were no cultural similarities between the parties and the mediator. I argued that in the Kenyan case cultural similarities with the mediator contributed to the willingness of the parties to accept mediation because neither conflicting parties would have to be concerned about the mediator being culturally biased toward the other. On the other hand, while the Sri

Lankans accepted Norway as mediator, the mediation broke down in part because of cultural difference between the parties and the mediator.

This thesis has argued that the mediator culture consideration is important in mediation settings. This research looked at the cultural similarity or difference of mediating parties by using indicators from Hofstede, Bercovitch and Elgström's research and adding insights from cross-cultural interaction. The following variables, formulated as dichotomies, were identified as most relevant: high context vs. low context, individualism vs. collectivism, perceptions of superiority vs. inferiority, long term vs. short term orientation, geographical proximity vs. distance and democratic vs. authoritarian regimes, Modern v. tradition and Western and Non-Western cultures. This study concluded that culture affects communications between parties and the mediator. In addition, culture affects the mediation process.

6.3 How does it Address the Research Question?

The thesis topic is about the mediator's culture and the ability to be effective in international mediation. The research question that this thesis asked is: Does the culture of the mediator have any influence on the mediation process or outcome on international mediation? Researchers are just beginning to study culture and mediation processes but there has been little attention paid to how much the mediator's culture influences the process. The model of the mediator's culture and its influence on mediation and consequences is tentative. The mediator's culture may have a role to play in mediation success or failure. There is a possibility that mediation may fail if there is no cultural ties with the parties and success if the parties share culture ties with the mediator.

6.4 How has the Research Addressed the Gap?

This thesis has attempted to focus on fields of study that have tended to be kept separate in the academic community and have been understudied: international mediator culture in conflict resolution and cross-cultural analysis. It concentrated on consideration of the mediator culture in international relations and also on international mediation, as one major activity in the conflict resolution field. To achieve this, the study used a qualitative ‘case study approach’ based on the work of Yin (1994) and George and Bennett (2005). The research also included the history of the conflicts and the cultural backgrounds of the mediator in each mediation process before discussing the failure and success of the mediation. The two selected cases took place in two different cultural settings. These are the Kenyan crisis and the Sri Lankan conflict as they both give different variations on the influence of the mediator culture during conflict resolution. While this thesis has attempted to draw attention to this gap and has made a small contribution in addressing the gap, there is much more work to be done before conclusive findings can be made.

6.5 How does it fit with the Theories in the Literature?

This thesis argued that the impact of the mediator culture when doing international mediation is academically under-researched, with the possible effect that mediations may fail and chances for successful international mediation are not progressed. Both conflict resolution theory and cross cultural analysis point to the importance of culture in communication between different groups. This thesis reasserts the importance of including culture in mediation, especially at the international level.

The Kofi Annan's mediation in Kenya crisis supports Bercovitch and Elgström model that this study has argued in chapter 3 (2005). According to Bercovitch the nature of the parties is an important factor during the mediation process (2005). The conflicting parties in the Kenya crisis shared a lot of things. These include culture, regime type, and previous relationship (Ibid). Additionally, the willingness of parties to mediate in the Kenyan crisis made it easy to have a successful mediation. Furthermore, the nature of the mediator also contributed to successful mediation in the Kenya case. Annan shared cultural values with the parties, which means that Annan was seen as an insider not an outsider.

In additional, the research provided that there is the possibility that mediation can fail if there is no cultural ties between the parties and the mediator as has been shown in the case of Sri Lanka. Bercovitch and Elgström's model supports the argument that for the intractable conflict (Senanayake 2006), the conflict tend to endure time and few of them tend to be successful through a mediation process (Susskind and Babbitt 1992). This is discussed in this thesis as the Sri Lankan conflict went through multiple unsuccessful peace processes throughout 25 years of conflict.

6.6 What are the Limitations to the Research?

Some of the limitations with this research stem from the methodology. While George and Bennett outline a number of strengths that result from using a structured, focused case study approach, there are also a number of limitations associated with this approach (2006). First, George and Bennett state that a limitation of case studies is that they can make only tentative conclusion (2006, p. 25). In other words, "case studies remain much stronger at assessing whether and how a variable mattered to the outcome

than assessing how much it mattered” (George and Bennett 2006, p. 25). True to this limitation, this study was able to identify that the culture of the mediator in relation to those of mediating parties does matter in international mediation it was not, however able to ascertain how important a role this plays. The question of which factor is more important for assessing the influence of the mediator culture is likewise not able to be asserted.

The second limitation of the case studies approach is that case study research methods require the selection of cases which are necessarily unrepresentative of wider populations and, as such, the case study method produces contingent generalizations that only apply to other cases which are similar to those under study (George and Bennett 2006). In other words, case study approaches may generate great explanatory richness within a case but at the expense of having less explanatory power across other types of cases (George and Bennett 2006, p. 31). Thus, case study approaches need to be cautious of the problem of ‘over-generalizing’ the findings to types of cases unlike those actually studied (George and Bennett 2006, p. 32). While care was employed in choosing the cases for this research, it still suffers from these methodological limitations. The findings cannot be generalized broadly as only two cases have been compared.

Another limitation relates to information gathering. Mediations are usually conducted in confidential settings. Due to this, there was limited information available to conduct this research and made it difficult to conduct case study analysis. In addition, the use of non-verbal and hidden communication used in high context cultures is not obtainable from reports that focus on the written word. In addition, as Augsburger and other theories on culture point out, using cultural framework, such as individualist v. collectivist, traditional v. modern, high v. low contest has other limitations. Trying to

classify a complex concept such as culture can only provide broad overviews, and as such, does not take account of lots of differences within cultures.

In summary, the results of this study need to be interpreted in consideration of their limitations. Two of the most important limitations which were discussed above are related to the methodology: the findings have to remain tentative, the results are only be applicable to other similar cases; and the third aspect relates to the limited availability of the information which is because of the confidential nature of the mediation and the lack of information about non-verbal/non-written communication.

6.7. What Needs to be Done in the Future?

This thesis has found and acknowledges that the gap is still there. As revealed in the discussion about cultural similarity and difference, a comparative analysis of two or more cultures in mediation is quite useful for understanding the dynamics likely to be present at the mediation table. It would be very worthwhile developing this study in order to compare mediation styles, behavior and opinions of all groups and each individual at the mediation table. The more we know about mediation proceedings, including non-verbal communication, the better we are able to compare and assess the influence of a mediator's cultural similarity, and difference, on mediation behavior and the final outcomes.

There is a need for more research and more studies. A quantitative study might be useful to test the model on more cases studies in order to further our understanding of the role of the culture of the mediator in the mediation process. This study establishes that there is a possibility of mediation failure that increases with the intensity in cultural differences. Once any mediator enters a dispute, they bring in their own cultural background, which is often quite different from the other parties. That cultural difference between mediators and

the parties could be one of a major source of mediation delay and/or failure. This is an area that urgently requires further research.

There is a need of conducting training for mediators not just dealing with cultural differences between the parties, but also the impact of their culture on mediation and the perceptions of the parties to the mediators and the mediation process. Training of policy makers and the political actors is also useful in the importance of culture in conflict resolution generally and mediation in particular. Western policy makers need to learn from different cultures, their traditions of mediation and conflict resolution. Cultural and language training should be a prerequisite of any country representative taking part in international mediation. Funding is required to run such programs, which need to be motivated, durable and institutionalized to be effective. It would be advisable for nations to increase their investments in developing future forces of educated staff and be assured that they can respond to these concerns. When we carry these lessons over and look towards the prospect of peace, a global education system is needed, to prepare the younger generation in language and cultural awareness. This could settle some of the cultural tensions many schools now face, but also ensure that as adults, we would be better equipped to handle inter-cultural mediations/negotiations throughout the rest of our lives.

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