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Which Side Are You On?

The Study of Algerian and American Biased Mediation

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Abstract

Mediators are often thought to be more effective if they are unbiased or have no preferences over the issue in dispute. In addition, impartiality is a traditional feature attributed to the mediator. This study presents comparative analysis of small state and great power mediation which highlights a contrary logic. With the help of a contingency approach, combined with a model of mediation drawn on the theory of ‘cheap talk’, the concept of biased mediation is explored in two important avenues. First, it shows that strategies adopted by biased mediators are more likely to foster success. Moreover, a mediator with a bias can reduce the likelihood of the conflict by providing information on the resolve of the parties. Second, it demonstrates that states as members of international community are locked in a web of interactions and interests, and therefore biases should be expected by adversaries and perceived as a natural feature of mediating state. These assumptions are illustrated by two case studies: Algerian mediation in Iran Hostage Crisis and United States’ mediation between Israel and Egypt conducted by Henry Kissinger.

Key words: International Mediation, Biased Mediation, Successful Mediation, Contingency Approach, Comparative Case Study

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1 Introduction

“Meditation brings wisdom; lack of mediation leaves ignorance. Know well what leads you forward and what hold you back, and choose the path that leads to wisdom.”

Buddha

In a world as interconnected and interdependent as ours is, the challenge of dealing with conflicts peacefully, and learning to interact effectively with other human beings, is truly one of the most important challenges we face today. However far-fetched this claim may seem to some, there can be no doubt that mediation can resolve conflicts, reduce hostilities, and generally allow people, organizations and nations to confront the differences peacefully, and at times even constructively. Mediation has been, and remains, one of the most significant methods of managing conflicts. In the present international environment, the opportunities for conflict are multiplied; therefore the need for effective conflict management is necessary. Mediation seems to offer a constructive, practical method of managing conflicts and helping to establish some sort of regional or international order (Bercovitch, 2002: 3-4).

To appreciate how mediation should best be used, or more specifically, how mediators should behave in a conflict we need to understand the nature of the disputants and the dynamics of their conflict (Bercovitch and Houston, 2000: 170). Mediation is very much a matter of influence and interest. Where a mediator represents an official government, a regional or international organization, mediation can be viewed as a way of extending and enhancing their own influence and gaining some value from the conflict. The relationship between mediator and disputants is thus, never entirely devoid of political interest. We should not think of mediation as motivated solely and exclusively by an overriding sense of altruism, and a genuine mutual commitment to conflict resolution. To overlook this feature is to miss an important element in the dynamics of mediation (Bercovitch, 2002: 9). The mediator wants to affect the disputing parties and their attitudes, perceptions and behaviors about the conflict and about the mediation. The central questions, then, are about influences and interests linked to mediation process. What attributes of the mediator will foster success? What strategies and tactics of mediation are likely to be used, when, and with what effect (Carnevale and Arad, 1996: 39)?

1.1 Aims and Questions

There are several key questions underpinning this study. The general aim of this paper is to provide an answer to the central question: Whether biased mediation can foster success in resolving conflicts, contrary to general wisdom

that mediators are thought to be effective if they are unbiased or have no preferences over the issue in dispute? Moreover, whether such mediation is a natural consequence of the way international community of states is organized? Given that a mediator on the international scene typically intervenes because of the interests in one or both of the adversaries, or in the particulars of any resolution itself, what place does biased mediation have in this context (Smith, 1985: 365)? There are number of specific issues, dilemmas and tradeoffs that immediately come to mind which this study hopes to explore. Thus, I want to investigate whether impartiality should be a desired feature of international mediation, as it is a typical image of mediation in most of the theoretical approaches to. In order to answer the central research question, this study explores the concept of biased mediation, the role of mediator biases and refers to studies, which examines factors affecting mediation outcomes and foster success. Adopting contingency approach, this study identifies the factors that may influence mediation outcomes and mediation behavior, analyzes and assesses their relative importance. Theoretical work needs to provide empirical illustration, which this study does. The empirical aim of this study is to conduct analysis of two cases of successful biased mediation: Algerian mediation in Iranian Hostage Crisis and United States mediation between Israel and Egypt performed by Henry Kissinger.

1.2 Outline of the Study

For the sake of overview, I will end this chapter by outlining the study. The overriding concern of this thesis is with a mediator bias and how it contributes to mediation effectiveness, or mediation success. Within these parameters, each of the chapters raises issues, which will hopefully lead to answer the main research question. The study is divided into six chapters. In Chapter One, I have presented the aim of the study, the research problem and the argument in brief. Chapter Two is a theoretical chapter. Posing questions about mediation is a meaningful exercise only when we reach a consensus on how best to define it, and can emphasize its specific features. Therefore, Chapter Two highlights the nature of mediation and its main characteristics. In Chapter Three, the contingency approach is introduced and the main points for departure are identified. This is followed by methodological considerations concerning case studies and the outline of material used in this study. In Chapter Four, a section concentrating on some determinants of mediation success is introduced and followed by a theoretical discussion identifying main trends and reflections on biases and partiality mediation. The empirical analysis of bias mediation is conducted in Chapter Five. Two case studies of small state and great power mediation are analysed in terms of their success and partiality. Chapter Six is the concluding chapter, discussing bias in mediation in a broader context, referring to the structure of international communities as an interdependent system.

2 International Mediation: Varieties of Mediating Activities and Actors

2.1 Putting Mediation in Context

2.1.1 A Nature of Mediation

Many policy tools are available for conflict prevention, management, and resolution. First then, what are the characteristics of international mediation? In an international arena with its perennial challenges of escalating conflicts, anarchical society and the absence of any generally accepted 'rules of game', mediation is almost as common as conflict itself. Mediation is only one form, albeit, most common one, of third party intervention. It is not a single process, or one discrete activity. It is instead a continuous set of related activities, involving actors, decisions and situations. Mediation encompasses a spectrum of behavior that ranges from very passive to highly active (Bercovitch, Anagnoson and Wille, 1991:8).

The approach we focus on is that of mediation. Mediation is by far the most common form of third-party intervention in international conflicts, however, a distinct form. It is initiated and performed on a voluntary basis, it is non-violent, and its proposals are non-binding. This stands in contrast to other types of third party intervention (Siniver, 2006:807). It is an approach predicated on the need to supplement the resolution process, but not to supplant the parties' own conflict efforts, and mediation is particularly well suited to an environment where political actors guard their interests and autonomy jealously, and accept any outside interference in their affairs, only if it is strictly necessary and explicitly circumscribed.

2.1.2 Definition

There is little consensus in the literature on how mediation should be defined. Scholars from different disciplinary backgrounds offer different definitions and compound confusion and fragmentation (Bercovitch and Gartner, 2006:321-322). The reality of mediation is that of a complex, changing and dynamic interaction

between mediators, who have some resources and an interest in the conflict or in its outcome, and parties in conflict and their representatives (Bercovitch, 2002:7). Mediation operates within a system of exchange and social influence whose parameters are the actors, their communication, expectations, experience, resources, interests, and the situation within which they all find themselves (Bercovitch and Gartner, 2006:322). A comprehensive definition seems to be a primary requisite for understanding this reality. Hence, this study adopted broad definition, which views mediation as a process of conflict management, related to but distinct from the parties' own negotiations, where those in conflict seek the assistance, or accept an offer of help, from outsider to change their perceptions of behavior, and to do so without resorting to physical force or invoking the authority of the law (Bercovitch, 2002:7).

2.1.3 Who May Mediate?

A mediator may be a government that is not regarded as a part to the conflict, or it may be an agent from an international governmental organization. Some mediating services may be provided by nongovernmental individuals or groups who are not clearly seen as mediators; these include church officials, journalists, and academics constituencies that are not primary adversaries in the dispute (Kriesberg, 1996:226). In the last decade or so, we have seen an involvement of such parties as the United Nations, the pope, the African Union, the Organization of American States, the Arab League. Less formal mediation efforts by the Quakers or by prominent politicians such as President Carter, Lord Owen, occur on a daily basis (Bercovitch and Houston, 1996:12). Some mediating activities are provided by members of one of the adversary parties, who act as quasi-mediators. Although in this dual role, it is not always clear when such a person or organization is serving only the adversary party and when they are acting as a quasi-mediator (Kriesberg, 1996:226).

2.1.4 The Rationale for Mediation

Traditional approaches to mediation assume that both parties in dispute and a mediator have one compelling reason for initiating intervention; namely their desire to reduce, abate or resolve a conflict. This shared humanitarian interest may genuinely be the case in a few instances of mediation, but normally even this interest intertwines with other less altruistic interests (Bercovitch, 1992:9). The motives behind the involvement in the mediation process vary depending on the type of mediator. When the mediator is an unofficial individual, then it may be motivated by a desire to spread one's ideas or to put them into practice. They may also wish to gain access to major political leaders and enhance their personal status. The official mediators and primarily political actors, whose this study has main interests in, engage in mediation and expand resources because they expect to resolve a conflict and gain something from it. For many actors, mediation is a policy instrument through which they can pursue some of their interests without

arousing too much opposition (Touval, 1992: 232-234). Adversaries on the other hand may actually wish the mediation to help them reduce the risk of an escalating conflict and express their commitment to an international norm of peaceful conflict management. However, they may expect the mediator to influence the other party, take blame for failed efforts or guarantee a reached agreement (Bercovitch, 1997 b: 134-135).

2.1.5 Mediation Behavior and Strategy

Considerable attention has been given to the question of mediator roles, functions and behavior. In essence, the practice of mediation revolves around the choice of strategic behaviors that mediators believe will facilitate the type of outcome they seek to achieve in the conflict management process. Mediator behavior is dependent on perceived roles or purpose and the resources and the techniques available within the specific dispute context. Mediation behavior can thus be understood as an overall plan or approach to conflict management to achieve a specific end: the settlement of a dispute (Bercovitch and Houston, 2000:174). A typology that is particularly useful in the context of international mediation is that offered by Touval and Zartman. They classify all mediation strategies as communication, formulation, or a manipulation approach. Communication strategies consist of searching, supplying, and clarifying information. Formulation strategies are designed to help the mediator gain and retain control over the process of interaction. The most active manipulation strategy involves the mediator directly changing the parties' decision-making process (Bercovitch and Wells, 1993: 5).

3 Analytical Framework

3.1 Contingency Approach

The contingency model has its roots in social- psychological theories of negotiation as developed by Sawyer and Guetzkow and modified by Druckman. The idea of contingency approach to third party intervention in intergroup and international conflict is gaining increasing currency (Fisher and Keashly, 1991:32). Nevertheless, the contingency framework is particularly useful in the study of mediation. It offers a dynamic framework of interactive and reciprocal behavior. It provides a reproducible model of mediation that permits operationalization and analysis of individual contextual clusters, their interactions and relative importance within conflict management (Bercovitch and Houston, 2000: 172). This approach regards the outcome of mediation efforts as contingent upon a number of contextual and process variables (Bercovitch, Anagnoson and Wille, 1991: 9). The basic rationale of the model is to intervene with the most appropriate methods at the relevant stages in order to de-escalate conflict through these stages. Success or failure in mediation is contingent upon particular the phase of conflict, and by the specific mediation strategy applied (Bercovitch, 2002: 70). In the contingency approach, mediation is an adaptation for shifting circumstances in a fluid and dynamic world. And influence in mediation, such as the impact of mediator strategies and tactics, is contingent on a variety of factors- including contextual and process variables such as characteristics of the dispute and attributes of the mediator (Carnevale and Arad, 1996:39).

For the purpose of this study, the contingency model applied by Bercovitch and Houston in their analysis of factors influencing mediation behavior in international conflicts (2000) was adopted and modified by combining it with model drawn on the theory of ‘cheap talk’ (see Figure 1.1). The ‘cheap talk’ model has been developed by Andrew Kydd in his article on a mediator’s role as a provider of information in the bargaining game (2003). To understand international mediation, we must see it as a triangular system of activities comprising an agent of social influence (i.e., mediator), targets of influence (i.e., disputing parties), and means of influence (i.e., mediators’ resources). These activities interact with and influence each other. International mediation is a dynamic process that affects and purports to change a dispute or the way the parties perceive it. It is in turn affected by the very nature of the dispute (Bercovitch and Wells, 1993: 3-26).

Three major stages in the contingency model can be identified: antecedent, current and consequent stages. The antecedent stage is composed of three major contextual dimensions: preexisting, concurrent and background mediation contextual conditions (Bercovitch and Houston, 2000:174). Each of this affects mediation decision making and the choice of mediation strategy (Bercovitch and Houston, 2000:174). Mediation is shaped by those contextual conditions and characteristics of the situation. The specific rules, beliefs, attitudes, behaviors and symbols that make up international conflict impinge; perhaps even govern, on the process of mediation. As a social process, mediation may be as much of a variable as the disputants themselves (Bercovitch and Houston, 1996:17).

The preexisting context dimension is composed of various contextual factors that reflect the diverse, complex, and dynamic nature of parties' interactions and conflict behavior. These are the conditions of a conflict that come before any intervention and may influence, enhance, or constrain any third-party efforts.

The second dimension refers to current conflict management and the mediation context. These include various attributes that the mediator may possess. In addition, this dimension also incorporates the specific contextual conditions that determine and may be determined by the actual intervention action (e.g. actual mediator behavior).

The third dimension, background conditions of mediation context, refers to factors resulting from previous experiences with mediation that may directly affect the expectations of both the parties and the mediator of how the current mediation should be carried out or how effective it will be.

The current stage has been supplemented with one contextual cluster, information provision. This dimension represents assumptions of 'cheap talk' model, which was used to modify the contingency model for the purpose of the study. Cheap talk is a communication in a strategic context that does not affect the payoffs directly but may affect them indirectly if it conveys information that can cause the players to modify their behavior. Therefore, by providing information about the resolve of the parties, the mediator can reduce the likelihood of the conflict. For a mediator to be effective, the parties must believe that the mediator is telling the truth, especially that the mediator counsels one side to make concessions because their opponent has high resolve and will employ force to safeguard its interests. In order to be trustworthy when they attempt to provide this information, the mediator must be biased. An unbiased mediator will not be seen as credible to the parties of dispute because the mediator may not be trusted to send messages that might increase the likelihood of conflict. Therefore, the model implies two assumptions: A mediator who attempts to persuade one side to make concessions because the other side has high resolve must be biased in favor of the side they are communicating with in order to be successful; Within the sample of successful mediation efforts, in the cases in which a mediator is biased toward one of the parties, that party will make larger concessions in the negotiation in comparison with what the other party does in cases in which the mediator is unbiased (Kydd, 2003: 599, 607).

At the heart of this approach are clusters of context, process and outcome variables. Each cluster refers to specific characteristics of the party, the dispute, the mediator, and the outcome. It is the interaction of these three contextual dimensions, comprising actors and situational conditions that influence how mediator behavior is chosen and implemented and thus, the outcome of the mediation process. It is realistic, multidimensional, and a dynamic model that

permits empirical testing of actual conflict events (Bercovitch and Houston, 2000: 172-174).

Here, in this study, I wish to focus on how the first stage, and concurrent mediation context in particular, affects the final stage of the mediation- outcome. The basic contention here is that the outcome of the mediation process, successful or not, ultimately will depend on some of the contextual clusters. The contingency approach helps to conduct indepth analysis of interactions between contextual conditions and the outcome of mediation and identify propositions about the determinants of effective mediation.

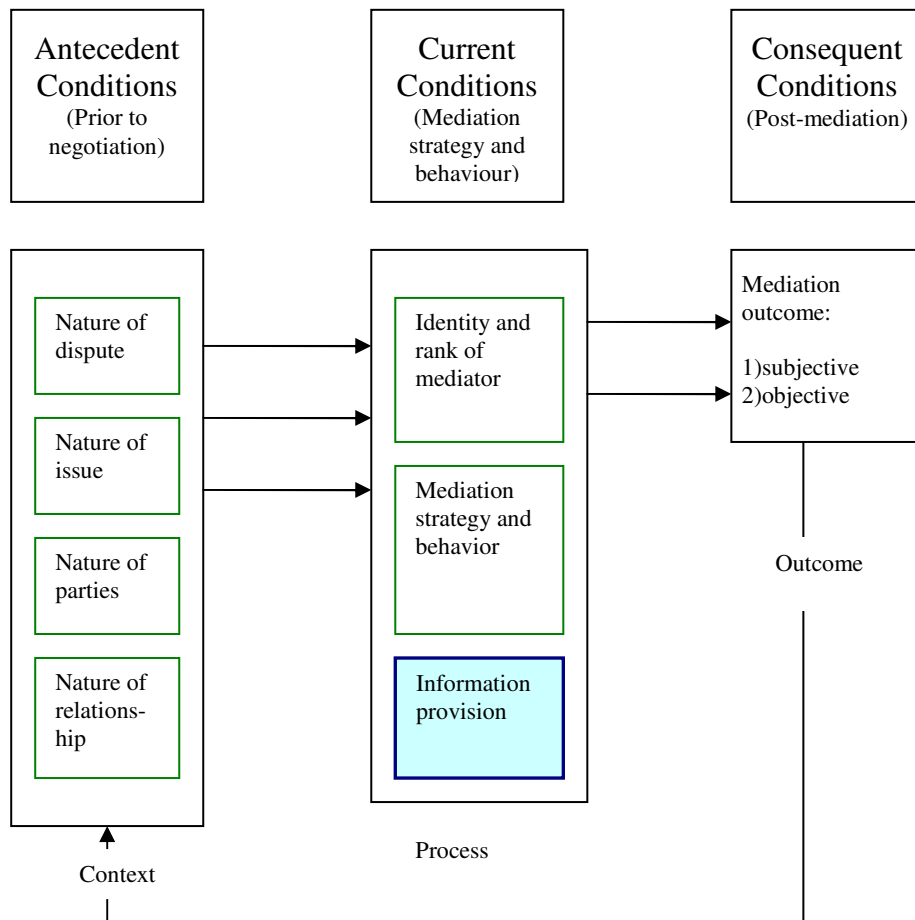


FIGURE 1.1: A FRAMEWORK FOR ANALYSIS

Source: Bercovitch, J. *The Structure and Diversity of Mediation in International Relations*

3.2 Method and Material

There are many avenues of pursuing empirical research on conflict management and mediation. This paper uses case studies as an approach for

understanding the mediation process. This is a comparative case study of mediation by Algeria and United States, which occurred to be effective although they demonstrated a contrary logic to traditional view, where both mediators were biased and had preferences over the issue in dispute. A case study permits a more intensive scrutiny of patterns and relationships, it can establish causal processes more clearly, and it can help individuals to emphasize the unique features of each case. Above all, the case study approach can contribute to one's understanding of theoretical patterns and different outcomes. A detailed examination of a case can reveal interesting and often ignored dimensions, reveal the relationship between independent and dependent variables (Bercovitch, 1997 a: 218-219).

Yin defines a case study as an empirical inquiry that 'investigates a contemporary phenomenon within its real-life context, especially between the boundaries between phenomenon and context are not clearly evident'. It is precisely the relationship between the phenomenon and the mediation context that is going to be investigated in this study. Research design using multiple case studies allows comparisons of findings, and most importantly in this context 'the investigation of particular phenomenon in diverse setting' (Oliver, 2004: 298). Because the aim of this study is to investigate the influence of a mediator's bias on the outcome of mediation, the multiple case study approach focusing on comparable patterns of mediator behavior by different types of states was appropriate.

The method of comparing few countries is divided primarily into two types of a system design: 'most similar system design' and 'most different system design'. Most similar system designs (MSSD) seeks to compare political systems that share a host of common features in an effort to neutralize some differences while highlighting others. Most different system designs (MDSD), on the other hand, compares countries that do not share any common features apart from the political outcome to be explained and one or two explanatory factors seen to be important for that outcome. This is based on Mill's system of agreement, which seeks to identify those features that are the same among different countries in an effort to account for a particular outcome. This study is going to use MDSD as a way of comparison. In this way, MDSD allows the study to distil out the common elements from the diverse set of countries that have a greater explanatory outcome (Landman, 2000: 32). The comparison is going to be conducted based on three criteria, involving each stage of the modified contingency approach: a mediator's bias; a mediator's strategy and behavior, which also includes the information provision; and outcome.

3.2.1 Selection of Cases

In order to carry out a multiple case study strategy, it was necessary to select cases which predict similar results (Yin, 1989: 53), and therefore, in which a mediator bias was represented and had similar functions in both mediation processes. Moreover, the two cases were selected with a goal in mind to depict similarities in mediation by small state and great power to draw a conclusion on the mediator's bias in mediation by states as a natural feature of international community. The study adopted a state-centric perspective and it is not an aim of the study to refer to other types of mediators. Nevertheless, it can be argued that

the results of the study can be applied to another type of mediator-intergovernmental organizations. As entities created and constituted by states, international organizations cannot be entirely devoid of features and defects of its architect and component- state.

3.2.2 A Note on Material

The main empirical source of material on the mediation bias is secondary material related to the practice of mediation and desirable pattern of a mediator's behavior, including books, edited volumes, academic articles as well as internet resources. The theoretical and empirical pieces applied in this study has been chosen as they offer analytical information and qualified explanations on a mediator's bias as well as successful mediation efforts. However, secondary sources on cases of mediation analyzed here are not entirely objective and devoid of bias in favor of one side, and are used in this study thoughtfully and with appropriate consideration, in order to avoid this obstacle. Secondary resources are also being accounted for through news clipping, especially with respect to the analysis of the case study which required accuracy regarding facts and the sequence of affairs.

4 Mediator Bias and Success in Mediation

4.1 The Elusive Notion of Success

How does international mediation actually work? Under what conditions is it most effective? No doubt the issue of assessing outcomes of international conflict management is a tricky one. As international mediation is not uniform, it seems futile, to draw upon a set of criteria in order to cover many objectives of all mediators. Individual mediators, for instance, may emphasize communication-facilitative strategy, be more concerned with the quality of interaction, and seek to create a better environment for conflict resolution. States, on the other hand, may seek to change the behavior of those in conflict and achieve a formal settlement of sorts (Bercovitch, 2002:17). Analysts in the field seem to have dealt with the issue in three ways. First of all, in their attempt to reduce complexity, some have avoided defining a mediation success and failure altogether. It goes without saying that this becomes particularly problematic in comparative research. Second, some analysts have generated their own criteria for successful intermediary intervention. On the one hand, they have opted for highly simplified operationalizations to facilitate systematic analysis and measurement where success is a situation in which both parties to the conflict formally or informally accept a mediator and a mediative attempt within five days after the first attempt. The main disadvantage is that such criteria tend to be less suited to the complexities of international diplomacy. On the other hand, researchers have used broad definitions to retain flexibility: By successful outcomes we mean producing a cease fire, a partial settlement or a full settlement. Third group of analysts has equated mediation success with effectiveness, taking the mediator's (or the parties') objectives as their starting point. Although this goal-based approach has been well established in evaluation research, so have a number of penetrating criticisms. Whose goals are to be taken into account? Given that goals are often vague, implicit, and liable to change, which of the stated goals are taken as crucial (Kleiboer, 1996)?

To answer the question whether or not mediation works, the study adopts broad criteria, subjective and objective, suggested by contingency approach. Subjective criteria refer to the parties' or the mediators' perception that the goals of mediation had been achieved, or that a desired change had taken place. Using the perspective, the mediation has been successful when the parties express satisfaction with the processor outcome of mediation, or when the outcome is seen as fair, efficient, or effective. They are subjective in that they are essentially

in the eyes of the parties in the conflict. Even, if a conflict remains unresolved, mediation -of any form- can do much to change the way the disputants feel about each other and lead, indirectly, to a long-term improvement in relationships. Objective for assessing the impact and the consequences of mediation offer a totally different perspective. Objective criteria relay on substantive indicators which may be demonstrated empirically. Usually such criteria involve observations of change and judgments about the extent of change as evidence of the success or failure in mediation (Bercovitch, 2002:17). Evaluating success or failure of international mediation in objective criteria is a relatively straightforward task. For the purpose of the study, the mediation outcome can be considered successful if it contributed to a cessation or reduction of violent behavior and hostilities, and the opening of the dialogue between the parties. It is also seen as successful when a formal and binding agreement that settles many of the issues in conflict has been signed.

If one of the main concerns of this study is mediation success, then I should also refer to the central question of the study: Whether a mediator bias is more likely to foster success?

Analysts who agree with the traditional thesis that mediator impartiality is a critical quality for successful mediation seems to assume a chain of effects following from impartiality: mediator impartiality is crucial for disputants' confidence in the mediator, which, in turn, is a necessary condition for the individual gaining acceptability, which, in turn, is essential for mediation success to come about. A variant of this impartiality-confidence-acceptability-success thesis has been used, for example, to explain the successful mediation results of the World Council of Churches in the Sudan Civil War and of the Vatican in the Beagle Channel dispute.

Other analysts claim, however, that a mediator needs not be impartial in order to be successful. In their analysis of the Esquipulas peace process, a recent effort to resolve interstate conflict and promote regional integration in Central America, Wehr and Lederach emphasize the significance of the trust-based mediator in these societies but argue that this is not related to impartiality. On the contrary, the type of mediator that emerges is known as the 'insider-partial' as opposed to the 'outsider-neutral': 'A mediator from within the conflict, whose acceptability to conflictants is rooted not in distance from the conflict or objectivity regarding the issues, but rather in connectedness and trusted relationships with the conflict parties'. They do stress, however, that this type of mediator is more likely to originate in cultural settings where primary, face-to-face relations continue to characterize political, economic, and social exchange, and where tradition has been less eroded by modernity (Kleiboer, 1996: 369-371).

Others go one step further by arguing that mediator acceptability is neither contingent upon impartiality nor on trust in the mediator, but instead on a mediator's bias toward one of the parties. Mediator bias can be an important basis of influence in mediation and can contribute to positive outcomes (Kleiboer, 1996: 70). The Arad and Carnevale data suggest that a mediator's proposals that were unfavorable were seen as more acceptable when the initial expectation was that the mediator would be on one's own side, which was labeled a 'cushioning' effect; and that mediators gained in acceptability when the initial expectation was that the mediator would be aligned with the other, but then made proposals that were clearly evenhanded, labeled as a 'fairness pays' effect (Carnevale and Arad, 1994: 425). Many case studies of international mediation support the hypothesis

that biased mediation are more likely to foster success: the Soviet Union's mediation efforts in the war between India and Pakistan; Kissinger's mediation efforts in the Yom Kippur War in 1973; Carter's intervention between the same parties in 1976; Algerian mediation between Iran and the United States on the American hostages held in Iran in 1980; and the United States mediation attempts in the Israeli-Lebanese negotiations in 1983. In all these cases, the mediator was accepted and considered successful despite his perceived alliance with one of the parties (Kleiboer, 1996: 369-371).

4.2 Understanding Bias in Mediation

The issue of mediator impartiality has evoked intense debates among scholars of international mediation. Conceptually, some confusion exists because impartiality may refer to intention, consequence, or appearance. In addition, it is sometimes related to the mediator's attitudes toward the conflicting parties, at other times, to a mediator's stake in the substance of issues in conflict, at yet other times, to both. Analysts agree though, that impartiality is essentially a matter of perceptions of the parties in conflict (Kleiboer, 1996: 369). Analyses of international mediation have led to tentative identification of numerous characteristics of effective mediators and mediation. One requirement for successful mediation often stressed in such analyses is the mediator's impartiality to the adversaries and their positions (Smith, 1985: 363). The idea that mediators need to be impartial in the conflicts they face is pervasive. Consider Young's often quoted statement: 'the existence of a meaningful role for a third party is being perceived as an impartial participant in the eyes of principal protagonists'. Given this, one might think that the very best mediator is a 'Eunuch from Mars', distant and disinterested, indifferent to the conflict and issues at hand (Carnevale and Arad, 1996: 40-41). The underlying logic of this requirement is that a mediator with a significant bias toward one party will be perceived as its ally. The opposing party will then regard the mediator with the same suspicion and hostility that already characterizes its attitude toward the 'favored party' (Smith, 1985: 363). This together with the idea that impartial mediator is imbued with fairness, indicates that the impartial mediator has an influence advantage.

4.2.1 "Three-cornered Bargaining"

Another view regards mediation as an extension of negotiation, as 'three-cornered bargaining' where the mediator is a player in a realist framework of international politics. Mediation is seen as a policy instrument and a preferred alternative in a choice situation. In this framework it is better to accept a particular mediator than to reject that mediator, particularly given a 'hurting stalemate' and the fact that continuation of a conflict is costly. In other words, real bias can play an important role in mediation when the bias adds to the mediator's capacity and desire to influence (Carnevale and Arad, 1996: 41-42). When one

considers the role of individual nations as a mediator in international conflict, however, it is difficult to see how the criterion of impartiality can be met. In most cases, the mediation nation's interests in resolving the conflict stems from considerable interest in its own relationship with one or both of the adversaries. The mediator offers its services either out of fear that his/her own interest may be injured in the course of the conflict, or in the hope that it may gain something from the adversaries or their allies. Furthermore, the mediator may have a direct stake in the particulars of any agreement that the adversaries may reach independent of the adversaries' position. Far from being the detached and disinterested broker that is evidenced in the traditional vision of mediator, the international mediator is often a highly involved and interested party (Smith, 1985: 365).

4.2.2 Biased Mediator

A 'biased mediator' is one who has closer ties with one of the parties to the conflict, and is perceived as such by both sides (Touval, 1985: 375). However, having closer ties with one party does not ordinarily cancel the mediator's interest in the other. For one thing, the natures of interests to be served may well differ with respect to each party. The mediator's ties with one side may stem from an ideological affinity and economic cooperation, while those with the other may involve military alliances against parties outside the focal conflict. Not only the interest with each adversary can be different, but the bias itself can vary. Carnevale and Arad identify two basic forms of bias in mediation: [1] bias of content, which pertains to mediator behavior, for example one side being favored over the other in the mediator's settlement proposal and, [2] bias of source characteristics, which pertains to expectations that stem from the mediator's closer personal, political, or economic ties with one party (Carnevale and Arad, 1996: 45). Mediators are motivated to serve all such interests, and enter the conflict out of a desire to avoid having to choose between the parties. In analyzing the role of a mediating nation in international conflict, it is important to identify the mediator's interest in each of the adversaries, as well as its own direct interests in the particular of any agreement (Smith, 1985: 366).

Mediators often empower weaker parties in the interest of an equitable settlement to end human misery. However, in international politics, peacemaking is often intertwined with less altruistic self-interests of mediators. In particular, governmental intermediaries often have an axe to grind. Touval and Zartman distinguish between 'defensive' and 'expansionist' motives. Defensive motives may emerge when a conflict between two states threatens a mediator's interest. For example, a conflict between two neighboring states may upset a regional power balance or may provide opportunities for a rival power to increase its influence by intervening in the dispute. This is one of the reasons why the Organization of American States (OAS) nearly exclusively plays an intermediary role in Latin America: to reduce opportunities for external intervention and interference within the region. Partial mediators may also engage in mediation for expansionist motives: the desire to extend and increase their resources, influence, and power. This was the case when Egypt secretly intervened in the war between

Iraq and Iran in 1974; it also prompted Kissinger's efforts in the Middle East conflict (Kleiboer, 1996: 371)

4.2.3 Why the Adversaries accept the services of a biased mediator?

The answer appears to lie in the interdependence between the adversaries and the mediator. From the perspective of each adversary, the mediator's interest in a relationship with one of it gives it some leverage over the mediator. Even if a party to the conflict believes that the mediator has strong ties to its opponent, it will accept the mediation to the extent that it feels it has something to offer or withhold in its relationship with the mediator (Smith, 1985: 366). In short, a biased mediator may be an attractive option as long as the mediator has particularly strong ties to the party with greater control over the outcome of the conflict. Whatever partiality results from these ties is balanced by the mediator's greater capacity to influence that party. The party that does not have any relations with the mediator hopes or expects that the mediator will use his partiality to influence the adversary (Kleiboer, 1996: 370). The mediator also has something to offer the adversaries. In part what it can offer each side derives from its relationship with the other. One party can expect the mediator's relationship with the other to offer leverage in the conflict- leverage not available to the one party alone. Indeed, in many cases, the stronger the mediator's relationship with the other party, the greater its leverage; hence, the more desirable it is as a mediator (Smith, 1985: 366). In addition, the party that is favored may want to preserve its relationship with the mediator and the disfavored party may seek to earn the mediator's goodwill. This effect is heightened to the extent that the mediator has benefits to provide, such as the resources to reward concessions and cooperation (Carnevale and Arad, 1996: 42). The biased mediator can be expected to use its relationship with each of the parties to gain concessions for the other. Further, it can be expected to heed each party's vital interests in pressing for concessions, and in helping to develop new alternatives because of its interests in the relationship with that party. With the respect to credibility, biased mediators can be trusted not to advocate actions that would endanger their own interests in each of the parties. They are trusted not because they are disinterested, but because their joint interest in both parties keeps them from being the pawn of either (Smith, 1985: 367).

4.2.4 Patterns of Bias

For convenience and without rigidity, biases can be classified into three groups: personal, situational, and structural. Of these, personal bias is by far the most widely recognized form. Most people would describe a palpable preference for the negotiator or principals of one party as a personal bias. Also, in disputes where a serious philosophical gulf exists, a mediator may have a propensity to think along the general lines of one of the parties. In addition, past associations or a partisan employment history of the mediator can give the appearance of bias.

Situational bias refers to those biases which result from a mediator's source of appointment and obligations to persons or parties other than those immediately involved in the dispute. In most types of disputes, the intercession of some organizational third party, with interest of its own, is necessary to enable the parties to accept a given mediator. This interest can affect both the mediator's actions and the parties' perceptions, because a mediator with enough of a relationship to an appointing agency to be selected may be presumed to have some degree of fealty to that agency.

Structural biases, which stem directly from the nature of mediation, are the most obscure and the least avoidable. There are several types of structural biases. Among these biases are tendencies for the process to benefit weaker parties over stronger ones, moderate factions over radical, and negotiators over principals. Another bias, which has no reliable preference for any particular participant, is the tendency for the process to favor a quick or easy way out instead of a real and enduring solution. Finally, the most pernicious problem is that mediation can be an effective tool for a party determined to negotiate in bad faith (Honeyman, 1985: 141-150).

4.2.5 Mediation Within International Community

In an international community, members are locked into a continuous, ongoing relationship, with virtually no ability to escape the system or terminate their interaction. They are interdependent; what happens to one affects the fortunes of others (Touval, 1985: 374). Furthermore, since the international community is small by the standards of modern human communities, each member state knows each of the others and has some interests in each of them. The result is that each member is likely to form a web of interests in any particular conflict (Smith, 1985: 365). Since conflict between some members of the system may affect the welfare and relative power of others, third parties tend to intervene. Mediation, like other forms of intervention, is motivated by self-interest. Because of the nature of the community- the interdependence that prevails, and the likelihood that any agreement reached between the disputants would affect the mediator's own power and influence- mediators normally have a stake in the manner in which conflict is resolved, and in the particulars of any agreement reached. Thus, the purpose of the mediator's intervention is not merely conflict resolution, but also the protection and promotion of mediators own interests. Such mediators will often intervene uninvited, at their own initiative. Because of self interest in the particulars of any agreement reached, the mediator's involvement might extend to guaranteeing the agreement and actively participating in its implementation (Touval, 1985: 375). Finally, in such a community, where interest and influence are overlapping, it is natural that mediators are biased. It would be unwise and misleading to conceal vital interests and pretend to be impartial. Mediator's bias is a logical consequence of the way the international community is organized. Even the mediation efforts by international organizations, traditionally considered as neutral are rarely detached from the conflict, with member states pressuring the mediator and threatening to withdraw support from any mediated solution that does not please them (Smith, 1985: 365). Moreover, this refers to each member of international community, not only big states with leverage. Therefore, it is naive

to expect the nation's mediator to behave in an impartial manner though the nature of an international community and the state itself. The traditional emphasis on impartiality stems from the failure to recognize mediation as a structural extension of bilateral bargaining and negotiation. It is extremely sensible to see mediation as an 'assisted negotiation'. To regard mediation as an exogenous input is both erroneous and unrealistic (Bercovitch, Anagnoson and Wille, 1991: 15). The mediator when engaging in a mediation process cannot pretend to function outside the international community and the interests which underpin its behavior.

Biased mediation, therefore, is nothing new and should not be surprising for the adversaries. Among the historical cases that correspond to the definition of biased mediation are the Anglo-American mediation between Italy and Yugoslavia in the Trieste dispute (1953-1954), the Soviet mediation between India and Pakistan at Tashkent (1965-1966), American mediation between Syria and Israel (1974), American mediation in the Falkland Islands Crisis of 1982 and the two cases analyzed in this study: Algerian mediation in Iranian Hostage Crisis and United States mediation between Israel and Egypt performed by Henry Kissinger. In all of these cases the mediator was perceived as biased. Britain and the United States were bound to Italy by a formal alliance and by close political bonds, while their relationship with communist Yugoslavia was much more tenuous. The Soviet Union had, for many years, been India's most important supporter in its conflict with Pakistan, providing India with military and economic aid, as well as diplomatic backing. Yet in all these cases, the biased mediator was accepted by the disfavored party, and both sides cooperated with the mediator in bringing about agreement that reduced the conflict, and protected the mediator's interests (Touval, 1985: 375-376).

5 Using Bias to Make Peace?

5.1 Small-State Mediation

Small states can prove invaluable as mediators in international conflicts. Precisely because they are small states, and therefore lacking in reward and coercive power, they are likely to be viewed as non-threatening actors who may be ideally positioned to convey messages back and forth between adversaries. In addition, a small state may be able to exercise a form of legitimate power, stemming from its relative powerlessness to impose agreement. Moreover, small states may be particularly well suited in disputes between states of unequal power. The small state, as a mediator, may be regarded as sympathetic and trustworthy by the weaker state, while being considered non-threatening by the more powerful (Rubin, 1992: 266-267).

5.1.1 Background

On November 4th, 1979, revolutionary students stormed the United States embassy in Tehran taking dozens of American staff hostage. Freeing the hostages became a priority for the administration of United States President Jimmy Carter, but there was little to be done beyond ineffective economic sanctions. President Carter pledged to preserve the lives of the hostages and conducted intense diplomacy to secure their release. But his failure ultimately contributed to his losing the presidency to Ronald Reagan in 1980. Neither side was in a mood for greater compromise. After months of negotiations, helped by Algerian intermediaries and the Shah's death, United States diplomacy bore fruit. On the day of President Ronald Reagan's inauguration, 20 January 1981, the hostages were set free (news.bbc.co.uk). What is thought to have started as a sit-in planned to last at most three to five days evolved into a siege that lasted 444 days, contributed to the political demise of an American president, and threatened a military confrontation between Iran and the United States (Slim, 1992: 206).

5.1.2 Preexisting Context

From the beginning, the dispute was only one element in a larger historical framework that encompassed twenty-five years of relations between the United States and the Shah's regime. During that time many of the religious clerics were exiled. Many Iranians were jailed and tortured by the dreaded Savak. The hostage issue was also cast in the context of the opposition to the Western world. On October 28th, 1979, seven days prior to the embassy take over; Khomeini declared in a speech that 'all the problems of the East stem from these foreigners, from the West, from the America at the moment. All our problems come from America. All the problems of the Moslem stem from the America'. Moreover, Khomeini and the Iranian leaders adopted a frame of reference that is rooted in the Shi'a political world view. From this perspective, all leaders, since the disappearance of the last Shi'a Imam, have been viewed as usurpers of power. Since he considered the United States as a real power behind the throne during the Shah's era, Khomeini couched his opposition to the United States in the language of just opposition towards oppressors. The hostages then became a symbol of the struggle to redress past grievances and injustice (Slim, 1992: 211-213).

A mix of factors combined to make the possibility of a settlement unlikely during the first few months of the crisis. These factors included the passionate hatred Khomeini and the other clerics entertained toward the United States, making direct dialogue between the two parties quite impossible; the vastly different cultural and religious values separating the two parties. Moreover, a dynamic and constantly changing political situation inside Iran, made the task of finding a legitimate and permanent Iranian spokesperson impossible; and the difficulties posed by such non-negotiable demands as the militant students' insistence on the extradition of the Shah (Slim, 1992: 214-215)

5.1.3 Background Mediation Contextual Conditions

From the beginning of the crisis, there was no dearth of potential mediators. Both on their own initiative and at the request of the American government, a variety of individuals and organizations tried to mediate between the governments of Iran and the United States (Slim, 1992: 206).

In a Time Magazine interview given in January of 1981, Khomeini indirectly condemned all attempts of mediation between the United States and Iran by saying, 'I want to drive home to all peoples throughout the world the point that they should not try to mediate between the oppressor and the oppressed. Such a mediation itself is a great injustice....The right approach, under these circumstances, is to rush to the side of the oppressed and implacably attack the oppressor. It is for this reasons that we rejected the offers of mediation and will continue to do so' (Slim, 1992: 212).

When Iranian Prime Minister Mohammed Ali Rajai visited the United Nations in October 1980, the Algerian ambassadors reiterated their earlier offer of help (Slim, 1992: 217). It was not until November 2nd 1980, that the Iranian government publicly endorsed Algeria as the legitimate channel of communication between Iran and the United States. At that time, the Iranian prime minister's spokesperson declared that there would be no direct talks between the United States and Iran, and that all contacts between the two governments would be conducted via the offices of the Algerian embassy in Washington.

Algeria was one of the very few countries with positive and friendly relations with the revolutionary regime in Teheran. Iranians had a great deal of respect for the Algerian revolution, which they considered to be the precursor of their own revolution. The Algerian revolution still stands in the Arab world as a powerful symbol for the end of the colonization era. Algerian authorities were steadfast in their support of the Iranian revolution. And while they never publicly endorsed the embassy takeover, they also never publicly voiced their misgivings about the event. The Iranians were grateful. Despite Iran's war with Iraq and the drain on its resources, the Iranian leadership managed to send humanitarian assistance to Algerian victims of the disastrous Al-Asnam earthquake. The relations between the United States and Algeria, on the other hand, could never have been described as warm, but they were not unfriendly. The United States was Algeria's most productive trading partner. During the visit to Algiers in 1979 to attend a ceremony commemorating the anniversary of Algerian revolution, the United States national security advisor Zbigniew Brzezinski had commented positively on Algeria's policy on non-alignment, and stressed the Carter's administration's opposition to any aggression against Algeria (Slim, 1992: 207-209).

Algeria had already accumulated considerable credit internationally, as a result of past mediation activities in both Africa and Middle East. Moreover, Iran as well as the United States had once before relied on Algeria's mediation offices. In 1970, the administration of President Nixon requested Algeria's assistance in negotiations between the United States and the South Vietnamese National Liberation Front. Algeria was also engaged in mediating between Iran and Iraq, the agreement which allowed the two countries to settle the long standing territorial dispute (Slim, 1992: 218). In those days there were not many countries with which both Iran and the United States had working relationships and over which they could agree as an acceptable and trustworthy intermediary. As Gary Sick, a National Security Council staff member, notes that 'Algeria had left the impression on several occasions that it was prepared to be helpful on a quiet basis if that assistance did not threaten its relations with Iran'. Moreover, it was hoped that Algerians could be transformed into advocates for the American position (1985: 26). Algeria was the one party to enjoy credibility with both protagonists.

5.1.4 Algeria's Bias as Contextual Dimension of Antecedent Stage

Critical to Algeria's intervention was the perception by both protagonists that it had no direct interest at stake. However, Algeria's mediation involvement was not entirely motivated by humanitarian reasons.

Since the overthrow of Shah, the Algerians have been trying to strengthen the relationship with the new Iranian leadership. Algeria has always been considered as a radical outcast by the majority of the Arab states. Therefore, the emergence of another revolutionary state with which they shared many political attitudes was a boon to Algeria. Moreover, a close relationship with Iran was also helpful in enhancing Algeria's position in OPEC, in which Iran occupies a major position, as Algeria is heavily dependent on income generated from the sale of resources such as oil and natural gas.

Algerians were also interested in improving their relations with the United States. By succeeding in releasing the hostages, Algeria would accumulate

goodwill on the part of Americans, which they hoped to use in obtaining more favorable terms for the sale of their natural gas in the United States. They were also hoping to stop the flow of advanced American technology into Morocco (Slim, 1992: 224-225).

Additionally, the primary motive of the Algeria has been its energetic efforts to prevent or help solve regional conflicts, especially in Africa and the Arab world, activities fueled by their desire to prevent further superpower involvement in both regions (Slim, 1992: 220).

5.1.5 Algeria's Behavior and Strategy

Algeria customarily insisted, at least publicly, on a very limited role. Their policy was to avoid operating in the public eye as much as possible. In fact, they have frequently engaged in sub rosa mediation, while asking involved parties to keep their role as quiet as possible. Throughout negotiations, Algeria functioned as a devil's advocate, taking each side's position in turn, criticizing it, asking questions, raising issues that might concern or arouse defensiveness in the other side (Slim, 1992: 221). Tactically, the Algerians provided a 'cool screen' between two angry adversaries. Iran was burning with revolutionary and religious passion in the wake of the seemingly miraculous overthrow of the monarchy, while the United States seethed with righteous wrath at Iran's flouting of international law and elementary human rights. Direct conversation was impossible under these circumstances, and a translator or interpreter was required to permit each party to listen to what the other had to say (Sick, 1985: 52-53).

As a party that had itself negotiated from a position of weakness, the Algerians also understood the importance of face saving. It was essential for the Iranians to not appear as if they have given in to the 'Great Satan', a perception that would have irreversibly damaged the Iranian leadership's credibility in the eyes of their people. For the American administration, it was crucial not to appear to have paid ransom for the hostages- to have given in to the illegal behavior of the Iranians. This would have sent a disastrous message to others in the Third World. As an intermediary, Algeria was in a sense, a face saver for both protagonists (Slim, 1992: 223).

5.1.6 Information Provision

Algeria's primary role was to carry messages and proposals back and forth between the two protagonists, since Khomeini had issued an order at the outset of the crisis that there would be no face-to-face meeting with the American representatives (Slim, 1992: 222). As neither party was eager to drop out of the process, the mediator presumably felt it necessary on occasion to exert pressure on one of both parties to make concessions by providing information about the resolve of the other party and drawing the parties' attention to the dangers of failure. Most of the pressure was directed at the Iranians and the most important

pressure factor was the existence of an irrevocable deadline- the inauguration of a new president in Washington (Sick, 1985: 51-52).

5.1.7 Outcome

The purpose of the Algerian mediation was to find a formula which would allow the release of the hostages on one hand, and the release of the Iranian assets, on the other. By the objective criteria, Algerians achieved a successful outcome. The settlement regulating issues of Iranian assets and the release of hostages was accepted by both parties. The agreement was implemented and its clauses respected by both parties (Slim, 1992: 227). Moreover, Algerians also achieved their objectives. They succeed in maintaining positive relations with both parties. Algerians became also the recipients of a remarkable popular outpouring of emotion and accumulated a reservoir of goodwill and affection with the American people.

In the subjective criteria, the Algerian mediation seems to be also perceived as a successful task. Gary Sick, a National Security Council staff member for Iran under the Carter administration, interprets the outcome by writing: 'It is enough to note that, without mediation, the crisis between Iran and the United States over the hostages could well have had a much different and possibly tragic outcome. For that reason above all, the Algerians who accepted this task and carried it through with such skill deserve the gratitude and respect of the United States, Iran and the international community' (Sick, 1985: 51, 53).

5.2 Great Power Mediation

The most obvious sources of power available to large states are reward and coercion. Their political influence, and their vast material capabilities, enables them to apply sticks and carrots, and provide them with important resources for engaging in mediation. If an international organization or a small state relies on its personal credibility to intervene effectively, then large states and superpowers can fall back on 'mediation with muscle'. Large states may also be tempted to impose the agreements that are to their liking (Rubin, 1992: 267-268).

5.2.1 Background

Since the emergence of the Israeli state, its legitimate existence was constantly denied by neighboring Arab countries. This made the Arab-Israeli conflict unpreventable and it included many wars and military confrontations since 1948. The War between Israel and Arab countries in the regions took place in 1948-49, 1967 Six Day War, 1969-70 War of Attrition, 1973 Yom Kippur War. Moreover, Israel participated in 1956 the war against Egypt. The peace discussion at the end

of the Yom Kippur War was the first time that Arab and Israeli officials met for direct public discussions since the aftermath of the 1948 war. The American Secretary of State, Henry Kissinger, acted as a peace broker between Egypt and Israel. In September 1975, Egypt and Israel signed an interim agreement which declared their willingness to settle their differences by peaceful means rather than by military. This was to lead to the American sponsored talks at Camp David.

5.2.2 Preexisting Context

In the aftermath of the Yom Kippur, the movement towards greater pragmatism by the disputants in managing their conflict with outside assistance was reflected in the Six Point Agreement signed by Israel and Egypt at Kilometre 101 on the 11th of November in 1973. The agreement called upon two parties to observe scrupulously the United Nations ceasefire and to commence negotiations immediately to settle the question of return to the 22nd October positions within the framework with agreement on disengagement and separation of forces. By the time, Egypt, Israel and the United States were ready to enter negotiations in the January 1974, a number of conditions conducive to effective mediation were already in place. To begin with, parties agreed to forego their immediate demands in favor of negotiating the broader withdrawal of forces as part of larger disengagement process. Second, the parties were accepting and encouraging United States mediation. Third, both parties now agreed bilateral conflict reduction initiatives could be implemented independent of other developments in the Arab-Israeli conflict. Finally, Egypt and Israel acknowledged the possibility of engaging in the mediated negotiations pertaining to functional and technically matters despite the absence of working political-diplomatic relations (Mandell and Tomlin, 1991: 48).

5.2.3 Background Mediation Contextual Conditions

Following the Yom Kippur War, for the first time an initial learning process began, in which Israel and Egypt decided to accept the modification of their conflict. Both sides accepted transforming means for accomplishing incompatible objectives, although the fundamental grievances and differences between the parties remained unaltered. Both parties realized that war was no longer an effective means for achieving political and military objectives. Both sides were ripe for selecting alternative techniques of conflict management to prevent war. This needed some tacit or even explicit cooperation. However, the mere incentive to cooperate was not sufficient to bring such bitter and suspicious belligerents to see the value of a joint discussion of their security interests. A credible and energetic third party was required to transform the apparent will to collaborate into concrete initiatives.

Egypt and Israel preferred the United States to help them in restructuring their security relations (Bar-Siman-Tov, 1994: 84-85). President Sadat and Secretary of State Kissinger, working together very quickly after the October War, shut the

Soviet Union out of the bargaining process and created a new three-sided negotiating structure, the triad. Even before the war, Sadat had recognized that the United States, as a superpower patron of Israel, was uniquely suited to mediating the conflict by extracting concessions from its ally (Stein, 1985: 332). Aware of the importance of solely managing and stabilizing the Arab-Israeli conflict, the United States intervened immediately to assist Egypt and Israel to stabilize the ceasefire and to reduce the conflict. In a very short time period, two formal agreements were concluded: the Six Point Agreement and the Disengagement Agreement, which both stabilized the ceasefire and institutionalized the management of the conflict (Bar-Siman-Tov, 1994: 84-85).

5.2.4 United States' Bias as Contextual Dimension of Antecedent Stage

The Yom Kippur War of October 1973 proved to be a watershed not only in terms of the role of the United States in the conflict, but also in the profile and functions of the American mediator. United States foreign policy in the wake of the war aimed to secure three objectives: mending relations with the Arab world; lifting the oil embargo of the Arab oil producing countries; and pushing the Soviets out of the Middle East. The fact that the mediator had a direct interest in the conflict and the outcome of any settlement precluded it from being impartial. Kissinger could not deny the American priorities in the Middle East, nor could he hide his Jewish origins (Siniver, 2006: 816). The United States certainly had interest in the security of Israel. The United States commitment to Israel was clear not only from the context of the historical relationship of these countries, but also more immediately from the emergency military support the United States provided Israel after the Yom Kippur attack by Egypt and Syria. However despite the apparent bias toward Israel, Egypt willingly co-operated with Kissinger. Almost paradoxically, it was the special relationship with Israel that enabled Kissinger to push them toward concessions. In addition, the United States had also vital interest in blunting Soviet influence in Egypt, as well as in convincing Arab nations to end the oil embargo (Smith, 1985: 366, 369). The lure of economic and military aid, as well as the promise of security guarantees, was attractive to Israel; at the same time, Egyptian President Sadat, who became disillusioned with Moscow, was eager to improve relations with Washington and, like Israel, to enjoy its economic and political patronage. Egypt sought also leverage with Israel. In this case then, the mediator's ability to exert power was clearly more important than his perceived impartiality, in the disputants' calculations whether to accept its invitation (Siniver, 2006: 817).

In offering mediation, the Nixon administration promised an evenhanded approach, but United States military support continued to flow to Israel. In effect, the statement of impartiality could not be viewed, at least initially, as a repudiation of the alliance with Israel, since concrete evidence of continuing United States support for Israel was obvious (Smith, 1985: 369). Despite United States' obvious bias, Kissinger succeeded in winning both parties' confidence and respect. Israelis were convinced that Kissinger had played straight with them and fairly represented their views to the other side. Arab envoys, on the other hand,

admitted to the New York Times that 'Mr. Kissinger's role is a good faith mediator (Perlmutter, 1975: 326).

5.2.5 Step-by-Step Diplomacy: Kissinger's Behavior and Strategy

Tactically, the mediation efforts of Secretary of State Henry Kissinger, which produced two disengagement agreements between Israel and Egypt in eighteen months, were perhaps the first instance in the conflict of a mediator having learnt the lessons of past diplomatic failures. While previous intermediaries produced overly ambitious and comprehensive plans for peace which instilled a certain rigidity in the parties (the experiences of Bernadotte; UN Ambassador Jarring following the Six Day War; and Secretary of State Rogers in 1969, are notable examples), Kissinger opted for a more limited, realistic approach to conflict resolution. Known as step-by-step diplomacy, Kissinger aimed to conclude a series of 'small' agreements that would help promote confidence and trust between the disputants, which could then be built upon at a later stage during negotiations on the final status of the more contentious issues (Siniver, 2006: 816-817). Kissinger maintained absolute control of the agenda throughout the negotiating process. He carefully ordered the agenda, beginning with the easier issues and proceeding to the more difficult. Moreover, when Kissinger saw no opportunity to move the parties on an issue of fundamental importance to one or the other, he removed it entirely for the bargaining agenda. He did so because he insisted that failure was more dangerous, that it could destroy the carefully built-up fabric of interconnected small agreements and damage confidence not only among the parties to the negotiation but, as important, in the mediator (Stein, 1985: 338, 342). Although limited, the two disengagement agreements between Israel and Egypt in January 1974 and September 1975, and saw for the first time the withdrawal of Israeli forces from Arab territory. By all accounts power was the quintessential element in Kissinger's mediation style. Effectively in control of American foreign policy, Kissinger was able to reward acquiescence in the form of military and economic aid. Furthermore, the American desire to bring an end to the energy crisis and to improve relations with the Arab world, meant that on occasion- particularly during negotiations on the second Israeli-Egyptian disengagement, it seemed that Kissinger was much more eager to conclude an agreement than the disputants themselves (Siniver, 2006: 816-817).

Perhaps, the most significant feature of Kissinger's tactic was the moment of breakthrough. At this stage of mediation process, when the parties has been persuaded of the 'advantages of compromise' and are convinced that their interest are converge with those of mediator, Kissinger pulled out a plan which embodied his views of what the adversaries can and should surrender. The plan defined the nature and structure of the compromise. The adversaries were not permitted to decide on the time and place of the breakthrough, as it was Kissinger's most guarded domain. Kissinger's negotiating style is to wait until the last moment, so that any American proposal does not become a subject of the negotiations. In the words of a key Egyptian official, 'Kissinger produced a proposal and we accepted' (Perlmutter, 1975: 335, 337).

5.2.6 Information Provision

The mediation between Israel and Egypt was structured in a triad. Bargaining took place exclusively between Egypt and the United States, and Israel and the United States; never between Egypt and Israel (Stein, 1985: 333). This configuration allowed the mediator to counsel each side to make concessions by appearing extremely understanding and sympathetic to adversaries' positions. Most of such pressure was directed at Israel. Thus, Kissinger approached Israel in the spirit of understanding, warning the Israelis of the supposed Soviet threat and the withdrawal of American support if Israel was to reject the propositions of settlement between Israel and Egypt. During the shuttle negotiations on Egyptian-Israeli troop separation, Kissinger told Golda Meir, 'You must cooperate with me on releasing the Egyptian Third Army and opening the Canal. The Russians are threatening; you'd better hurry Mr. Meir'. Once the Israelis were convinced of the threat, negotiations were on the verge of a steep breakthrough (Perlmutter, 1975: 334, 336).

5.2.7 Outcome

Kissinger orchestrated two disengagement agreements between Israel and Egypt within eighteen months. Its terms are well known: Israel agreed to withdraw its forces to the foothills of two strategic passes, the Mitla and the Gidi, in the Sinai peninsula and to return the Abu Rodeis oil field to Egypt in an exchange for and Egyptian agreement to refrain from a use of force for three years and to permit the transit of non-strategic cargo to and from Israel through the Suez Canal. The agreement marked the first time that Israel had agreed to a significant withdrawal of its forces since June 1967 and the first time an Arab leader openly supported the functional equivalent of non-belligerency (Stein, 1985: 331-332). When evaluating Kissinger's mediation in objective criteria, the United States achieved success. The agreement was signed and the security relations between Israel and Egypt restructured. In addition, United States' goals to mend relations with the Arab world and push the Soviet Union out of the Middle East were also achieved.

For Kissinger himself, the mediation efforts and the two disengagement agreements were suppose to initiate a peace process. In that manner, Kissinger expressed his opinion during the conversation with a group of American Jewish leaders. As such, the mediation outcome was perceived by Kissinger and therefore evaluated in subjective criteria as being successful. Kissinger saw also a peace process as a main objective of his strategy: step-by-step diplomacy, which were fulfilled by accepting the disengagement agreements and he summarized it in a very straightforward way: 'We told the Israelis they could got to the Europeans if they wanted proclamation, but if they wanted progress towards peace they would have to come to us. Thus, the step-by-step process begun' (Kissinger, 1981: 188).

5.3 Small-State Versus Great Power

5.3.1 Mediator's Bias

The Algerian as well as the American mediation efforts proved the logic that having an interest in one party does not cancel mediator's interest in the other and the nature of such interests may well differ with respect to each party. The United States certainly had an interest in the security of Israel; it had also vital interests in blunting the Soviet influence in Egypt and convincing Arab nations to end oil embargo. The same logic is true for Algeria, a small non-alignment country, which although being obviously biased towards Iran, had also incentives to improve its relations with the United States. Moreover, the mediators did not even pretend to be deprived of interest and behave in an impartial manner. For Algeria and the United States, the engagement in mediation was reasoned by their motives, both defensive and expansionist.

So the question remains as to why the countries in dispute chose a bias mediator? Iran and Israel had obvious confidence in a mediator to safeguard their interests. Moreover, they were grateful for past support and wanted to preserve good relations with the mediating country. The United States and Egypt, on the other hand, believed that the biased mediator would easily persuade the other side to make concessions, having in mind that joint interest in both parties keeps the mediator from being the pawn of the adversary.

5.3.2 Mediator's Behavior and Strategy

The strategy adopted by the American and Algerian mediators was undoubtedly chosen on the basis of the nature of relations between the mediator and adversaries and the mediator's own motives. However, the size of mediating state influences the scope of strategies available to mediator. Therefore the actions undertaken by Algeria and the United States differ in character, whereas Algerian mediation had mainly a communication character, the American was a typical manipulation strategy. The overall character of Algeria's mediation was aimed at introducing policies which would enable Algeria to develop and maintain positive relations with both antagonists but also empower the weaker party at the dispute-Iran, with whom Algeria had closer ideological ties. Algeria's strategies, such as cool screen or face-saver, were particularly useful to temper Iran's anti-American rhetoric, which contributed to more successive communication between antagonists but also changed the perception of Iranians in the eyes of Americans into a more reliable and more serious partner. The United State's mediation strategy, in its character, had to be carried out very carefully. Any break down in talks would integrate the Arab states again and make Egypt more susceptible for radicalism and Soviet influence. In addition, America's reputation in the region could have been hurt. Therefore, Kissinger adopted step-by-step diplomacy, which aimed at building confidence between adversaries and between adversaries and mediator. By using threats and imposing the final solutions, Kissinger could

manipulate the mediation process so that the American's interests were secured and would not become the subject of negotiation.

Both of the parties proved to use their role as information providers effectively, which influenced indirectly the mediation outcome. Algerian's team as well as Kissinger could persuade the adversary, in favor which they were biased- Iran and Israel, to make concessions by providing information on the dangers of mediation failure. As assumed by the Kydd's model, adversaries made concessions only because they trusted that the biased mediator was telling the truth. Moreover, the mediator structured the communication between the parties in a triad. Negotiations never took place between adversaries. This allowed the flow of information between parties to be controlled by the mediator and adequate influence for such information in regards to the party's position.

5.3.3 Outcome

Both cases of biased mediation appeared to be successful, contrary to general wisdom that mediator impartiality is a critical quality for successful mediation. Moreover, both successes were achieved due to a mediator's bias, which in accordance with contingency approach affected two contextual factors of current conditions of mediation process- information provision and the mediator's strategy. Information provision played a crucial role in two ways: not only could the biased mediator more easily persuade the favored party to make concessions, but aiming to keep good relations with both of the adversaries, biased mediator had to structure the communication in a triad so that the parties' interests were effectively communicated and advocated. In addition, it was the biased mediator's joint interest in both adversaries which affected the choice of strategy that made the relations between parties symmetrical. Algeria, although having closer ties to Iran and empowering it as a weaker party at dispute, defended America's interests. Kissinger, on the other hand, manipulated the process so that the interests of the adversaries were balanced.

6 Conclusion

International mediation is a multifaceted and dynamic process. The form mediation takes is influenced by the specific perceptions, expectations, experiences, resources and other conditions that each actor brings into the conflict management system. The way the mediating state operates in this system is heavily influenced by its simultaneous affiliation to international community affecting its relations with adversaries and the perception of a conflict. However, to say that a mediator has biases is not to decry its usefulness. Here, this study attempted to look beyond descriptions of traditional expectations of a mediator's characteristics and examine the mediator's bias as a common phenomenon. The general aim of this study was to provide an answer to the central question: Whether biased mediation can more easily foster success in resolving conflicts? Moreover, whether such mediation should be perceived as a natural feature of the mediating states operating in the international community?

With the help of the modified contingency approach, this study proved that, although in different settings, and with a mediator of a different leverage, strategies adopted and information provided by biased a mediator had the same aims and fostered success in both cases. Mediation behavior in that sense, cannot be viewed only as a series of independent decisions by mediators. The mediator is a conscious player, who structures the process in a way, easiest for him to control and to advocate each party's interests.

So if the biased mediator can foster success, should its bias be perceived as natural and useful? The answer lies in the resemblance found in both analyzed cases. Algeria, although not possessing any leverage, shared many similarities with United States in the mediation process, as was proved earlier. For a small, non-alignment state, such as Algeria, it was as natural for the United States to behave in a bias manner and safeguard its own interests. Moreover, neither of the countries pretended to be neutral. Therefore, it is reasonable to conclude here that, bias is not only a domain of powerful mediators with leverage, but each state operating in international community. The states do not exist in a vacuum and even the small nations are likely to form a web of interests in any particular conflict, which seems to be inevitable. Yet, the competent mediator knows when and how to signal its interest, rather than attempting to disavow them. This result should lead us to reevaluate the traditional vision of a mediator as disinterested, indifferent to the conflict and issues at hand.

7 References

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