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*Emotions in Mediation: Disputant Perception of
the Mediator*

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ABSTRACT

An aspect of international mediation, often overlooked, is the psychological component. To further this field of study, this paper presents three propositions related to disputant perception of mediator emotions. First, disputant perception of mediator emotions influences a disputant's understanding of the mediator. Second, disputant observation of the mediator's negative emotions will be more prevalent than positive emotions. Finally, mediator body language and verbal displays of emotion will be of equal significance. Additionally, it is assumed that disputants are aware of a mediator's culture during the process of mediation. Twelve specific emotions will be examined, six negative (fear, anger, sadness, disgust, worry and irritation) and six positive (hope, content, happy, excitement, relief and thrill). A non-probability, non-representative sample group of 12 diplomats, ambassadors and negotiators who have been disputants in formal or informal, official or unofficial inter-state and/or intra-state mediation efforts were interviewed. Interviews were conducted with a standard guide and, with consent, the interviews were recorded. Interview questions measured emotional frequency, typicality, direction and relation. Subsequent questions examined body language and verbal displays of emotion, as well as mediator culture. Data analysis fulfilled intercoder and intracoder requirements. Based on the qualitative evidence, a subsequent section offers an explanation of the qualities and characteristics that an effective mediator needs. In conclusion, by understanding that mediator emotions influence a disputant's perception of the mediator this article significantly enhances our knowledge of international mediation.

ABOUT THE AUTHOR

Joshua Smilovitz graduated in 2003 from Eugene Lang College at the New School University in New York City with a major in Social and Historical Inquiry. In 2006 he received his Master's of Arts in International Relations and Diplomacy at Leiden University and Clingendael in The Netherlands. In 2007, he took part in the Young Scientists Summer Program at the International Institute for Applied Systems Analysis in Laxenburg, Austria.
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EMOTIONS IN MEDIATION: DISPUTANT PERCEPTION OF THE MEDIATOR

Joshua Smilovitz

Introduction¹

At the international and domestic levels there are many ways to resolve conflict. One common technique is mediation. Mediation involves a third party who assists the disputants toward reaching a settlement. As a process largely determined by context, it is important to understand and examine all of the relevant features exhibited within and affecting inter-state and intra-state mediation processes (Bercovitch and Houston 2000). In most studies of international mediation the focus is strictly on the physical, tangible or political characteristics of the conflict. Inevitably, these approaches minimize or overlook the role of emotional or psychological aspects. This study will attempt to fill that void by answering the following questions:

1. How important is a disputant's perception of mediator emotions to the process of mediation?
2. Which are more prevalent, positive or negative mediator emotions?
3. What is the relative significance of mediator body language or verbal displays of emotion?

By determining whether disputant perception of mediator emotions is relevant, this paper will take a preliminary step toward assessing the importance of mediator emotions to the process of mediation. The aim of this research is to introduce the topic of disputant perception of mediator emotions as a pertinent field of inquiry to the study of mediation at the inter-state and intra-state levels.

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Dealing with Conflict

Conflict is 'a state that exists whenever incompatible activities occur,' (Rubin and Brown 1975, p. 3). Consequently, it is inherent to the process of bargaining displayed in competitive or cooperative negotiations (Deutsch 2002). As a form of negotiation, mediation is 'a process of conflict management where disputants seek the assistance of, or accept an offer of help from, an individual, group, state or organization to settle their conflict or resolve their differences without resorting to physical force or invoking the authority of the law' (Bercovitch 1986; Dryzek and Hunter 1987; Wall 1981, in Bercovitch, Anagnoson and Will 1991, p. 8). The goal of mediation is to reach a solution that is mutually acceptable to all concerned parties. Mediators try to reach a resolution of a particular conflict through various tactics, strategies and methods that further dialogue, discussion, concession, compensation and understanding between the disputants.

Each particular mediation attempt contains a range of unique contextual and process related variables. This means that it can be difficult to compare across mediation efforts. Nevertheless, within the process of mediation, the mediator is recognized as the distinguishing feature. So, whether the mediator is classified as a state, individual or institution/organization (Bercovitch and Schneider 2000; Bercovitch 2002), the role of the mediator as a third party is the distinguishing feature of mediation as compared to negotiation. Mediation can range from very passive to very active involvement (Bercovitch and Gartner 2006). Whether of the pure variant, where the mediator uses non-coercive means that are impartial, or the power form (Smith 1994), where the mediator utilizes 'carrots and sticks', among other types of active coercion, the perception of mediator behaviour by the various disputants in the mediation process will be observed. As a third party entering an existing relationship, the behaviour undertaken by the mediator is assumed to be relevant to the mediation process. How that behaviour, specifically the negative or positive emotions displayed by the mediator, is understood and perceived by the disputant(s) is recognized as having an influence on the mediation effort.

Mediator Behaviour: Perceiving and Observing Emotions

In the field of political psychology there has been a great deal of study regarding the role that emotions play in voter choice, political decision making and determination, information processing and party association. Utilizing psychological theories, political scientists first created a two-

dimensional model with a simple valence scheme of positive and negative responses based on an avoidance-approach range, or as two separate systems, one with a positive independent and the other with a negative independent aspect (Watson et al. 1988). Building on these theories, a three-dimensional model based on aversion, anxiety and enthusiasm was created that accounted for further nuances in emotional reactions to politically oriented situations and issues (MacKuen et al. 2006). Studies in social psychology have identified a connection between emotions and causal attachments (Smith and Kluegel 1982). However, as noticed in the fundamental attribution error, individuals are more likely to overrate the worth of attribute related qualities while undervaluing the significance of context and situation (Gladwell 2002). This battle between dispositional and contextual factors is pertinent to the process of mediation and the perception of mediator behaviour.

Since it is assumed that mediator behaviour is relevant to the mediation process, the observation of that behaviour is one apparent area of fruitful terrain in which to analyze the mediation process. Disputant perception of mediator behaviour involves the processing of information obtained through observation. Since behaviour communicates an individual's emotional status (Yiend and Mackintosh 2004) disputant perception of mediator affect is directly related to observable behaviour.

Affect is the umbrella term referring to the display of a wide range of 'preferences, evaluations, moods and emotions' (Fiske and Taylor 1991, p. 410). Affect can be deconstructed into mood and emotion (Forgas 2000, Evans 2001). In this distinction, mood is of low intensity, diffuse and long lasting, with minimal cognitive content and is often associated with the inability to explain the cause or manner of its advent. Emotion is short-lived, expressive, powerful and salient, with clear cause and substance and 'can imply intense feelings with physical manifestations... [and] can be of short or long duration' (Fiske and Taylor 1991, p. 411). This study will focus on disputant perception of mediator emotions since emotions are easier to study in the sense that they have an obvious origin and are clearly apparent.

Within a particular context, disputants perceive specific mediator emotions. This discernment of mediator emotions involves the organizing, processing and utilization of information attained through the surveillance of directly observable and detectable mediator behaviour. Through a mediator's behaviour, how do disputants actually perceive mediator emotions? Undeniably, this occurs via two explicit avenues: body language and verbal displays. Verbal and nonverbal forms of communication (Rubin and Brown 1975) are extremely relevant to all processes of negotiation. Body language and verbal displays of emotion are two ways in which an individual can express emotion. Voice tone, hand gestures, facial ticks, swearing, shoe

pounding and so on, are all examples of emotion. Other examples of emotion include, an individual beginning to 'perspire, to blush, to laugh, or to feel butterflies' (Fisher and Shapiro 2005, p. 11). Facial expressions are a key element of body language and emotional expression since 'emotions are shown primarily in the face' (Ekman and Friesen 1975, p. 7). For Ekman and Friesen (1975) body language is indicative of outlook and direction, while the face is paramount since it provides the key for interpreting and comprehending an individual's emotional articulation.

Body language involves the actual movements and mannerisms of the mediator and is a fundamental means of communication (Jones and Bodtger 2001). Body language can be distinguished by emblems, which are movements that 'have a precise meaning, known to everyone within a cultural group' (Ekman 2001, p. 101), illustrators, which 'illustrate speech as it is spoken' (ibid, p. 104) and manipulators, which 'include all those movements in which one part of the body grooms, massages, rubs, holds, pinches, scratches, or otherwise manipulates another body part' (op. cit., pp. 109-110).

In contrast to body language are verbal displays of emotion. A verbal display of emotion can be communicated in two ways. First, in the actual expression of words, that is the oral transmission of the emotion. Second, through written expression. In mediation, most verbal communication will be carried out in the former manner, though written expression is not unheard of. Body language and verbal displays of emotion are not mutually exclusive. Whether they compliment each other, or not, whether one is more dominant for a particular disputant is in many ways ascertained through the disputant's interactions with the mediator. As such, it is important to attempt to distinguish between these two forms of perception. Is one form dominant over the other? Does one manner of expressing emotions carry more weight with disputants?

When discussing disputant perception of mediator emotions, one issue of particular relevance is the accuracy of that observation. Accurate observation of mediator emotions is difficult to gauge without interviewing all concerned parties and referencing a specific point in time during the mediation effort. To further confuse the issue of accuracy is the distinct possibility that a mediator might exhibit false emotions apropos the disputants for a variety of reasons. Nevertheless, even if an emotion is falsely displayed, it is still perceived. Moreover, even if a disputant wrongly perceives an emotion, that disputant still feels that the emotion is being demonstrated or exhibited. For this study, accurate disputant observation of particular mediator emotions is assumed. The goal of this research is to investigate disputant perception and understanding of the mediator's display and exhibition of various emotions.

In other words, the focus is not on the issue of accuracy in disputant perception of mediator emotions but rather on how disputants distinguish, perceive and recognize mediator emotions. Since perception, at least in part, determines the reality of disputant understanding of mediator emotions, apparent perception can be studied, providing valuable information about the mediation process.

One factor influencing a disputant's accuracy in their observation of mediator emotions is the cultural component. To understand mediation, like negotiation, in all its complexity, the significance of the cultural milieu must be taken into account (Faure and Rubin 1993). As 'a set of shared and enduring meanings, values, and beliefs that characterize national, ethnic or other groups and orient their behaviour' (Faure and Rubin 1993, p. 3) culture is an important variable that is assumed to influence how disputants understand the mediator, and consequently, the mediator's behaviour.

In most circumstances, disputant observation of mediator emotions occurs within a cross-cultural and multinational context. Disputants to inter-state and intra-state mediation efforts interact with a range of social, cultural and national variables associated with the particular mediator. When disputants are exposed to a mediator who is not of their national, cultural or social origin, the potential for misunderstanding behaviour is great. As follows, culture is assumed to be a particularly relevant feature to the study of disputant perception of the mediator.

Classifying Positive and Negative Emotions

Emotions can be classified into positive or negative categories (Fisher and Shapiro 2005). By dividing emotions into negative and positive categories, it will be possible to assess their relative consequence on the mediation effort, as well as the particular ramifications of certain emotions. In this study, twelve specific emotions will be examined, six negative (fear, anger, sadness, disgust, worry and irritation) and six positive (hopeful, content, happy, excited, relieved and thrilled). The negative emotions have been studied in a prior examination of mediator perception of disputant emotions (Capelos and Smilovitz, forthcoming), while most of the positive emotions have been studied under other circumstances.

Positive and negative emotions are both important to the mediation process. Negative emotions can create 'tunnel vision' limiting the focus of a disputant's attention and can make an individual 'vulnerable to the point that your emotions take control of your behaviour' (Fisher and Shapiro 2005, p. 147). On the other hand, 'positive emotions can make it easier to meet

substantive interests... enhance a relationship [and] need not increase your risk of being exploited' (ibid). Positive and negative emotions both present themselves during the mediation process and play different roles in how a disputant perceives the mediator, as we shall see below.

Within negotiations *anger* has many triggers, such as distortion, the establishment of extreme needs, displaying hostility, inquiring about a negotiator's authorization, challenging an individual's power by going over their head and lingering on insignificant minutiae (Adler et al 1998, p. 169). Aside from these triggers, anger can serve many purposes within the process of mediation. As identified by a disputant, it can be used by a mediator to display actual or false annoyance, while also acting as 'a way to put pressure on the two protagonists of the dispute.' Or, a mediator could use anger as a means to express their disapproval and change the actions of the parties. In this manner, 'a little bit of controlled anger is useful to bring people to their senses.' When displayed by a mediator, anger can be a powerful tool of persuasion and signal the relevance of an issue, but it can also reveal that a person is losing control, and hence, is to a certain degree unstable.

Fear is caused by numerous factors, such as facing a belligerent adversary, negotiating without sufficient training and feeling that one's counterpart has an enhanced negotiating strength (Adler et al 1998, p. 174). Fear can occur in many negotiation-related circumstances (Jones and Bodtker 1991) and can alert an individual to potential dangers (Evans 2001). As noted by one disputant, two overriding subsets of fear exist for the mediator. The first involves the 'security to the person' and the second is concerned with fear associated with the 'fate of the peace process.' In the latter case, the mediator is, to put it bluntly, 'afraid to fail' while in the prior area, fear is associated with a mediator's perspective that 'one of the sides in the conflict' is acting 'irresponsibly.'

Sadness is distinguished by a sensation of weakness (Jones and Bodtker 2001, p. 238). Sadness can result from a sense of loss (Evans 2001) and can convey 'the failure of a major plan' thereby 'suggesting giving up or searching for an alternative' (Fiske and Taylor, p. 434). Resulting in an 'introspective withdrawal' sadness can bring about 'a drop in energy and enthusiasm for life's activities, particularly diversions and pleasures' (Goleman 1997, p. 7). Within the mediation context, one disputant noted that mediator sadness was related to a 'terrible feeling of frustration' and 'often goes with a personal tragedy.' As an emotion often linked with a breakdown, mediator sadness can be associated with failure of the mediation process and in this manner 'depends on the result.'

Disgust facilitates contempt and can enhance apparent standing or individual characteristics (Jones and Bodtker 2001). Disgust is 'fairly easy to

decipher' and motivates an individual to steer clear of certain things (Evans 2001). Disgust is usually associated with a facial expression exhibiting a curled upper lip and wrinkled nose, and sends the simple message that 'something is offensive in taste or smell, or metaphorically so' (Goleman 1997, p. 7). Disputants seem to be aware of disgust, though not entirely tuned into its significance and relevance. For some disputants, disgust is understood as a 'stronger expression of anger.' When displayed, disgust can indicate that the mediator 'is not going to be involved in the process any longer,' representing a way for the mediator to 'burn their bridges when all else is lost.'

Worry directs negotiators to strategize methods to handle particular tests. As Roberts relates, 'worry alone cannot justify precipitate attempts at joint decision-making' (Roberts 1983, p. 552). Worry can become evident due to concern about peculiarities that arise in the negotiation process (Wu and Laws 2003). As one disputant noted, if the mediator realizes that the mediation effort 'will not be successful at the end of the day [and the mediator] may have a new complication [and] may be left with a further deterioration of the situation' worry can become apparent. Worry is an important emotion for the mediator to use either in a deceptive or real manner, since it can 'prod the parties to change their positions and make them more flexible.' In certain circumstances, the mediator might be 'really worried, but he cannot present any signs that he is worried, because this would immediately influence the whole room.' How, when, to what extent and veracity the mediator expresses worry and how the parties perceive that worry is crucial to the mediation process.

With respect to *irritation*, it can be prompted by unreturned signals (Ma and Jaeger 2005) or actions and can cause 'brooding' or even anger (Evans 2001, p.114, p. 69). It has been demonstrated that 'avoidance of mutual irritation may stimulate reduction of levels of demand as well as foster concession making' (De Dreu 1995, p. 651). When an individual in a negotiation effort is interrupted it 'can lead to irritation and to inaccurate attributions of rudeness' (Adler et al, 1992, p. 16). A mediator can demonstrate irritation at the 'participants in the process who raised niggling and unnecessary obstacles.' Mediator display of irritation can occur when 'there is a stupid accident which brings you back to square one.' This type of irritation is highly process contingent and is a direct reaction of the mediator to disputant actions that cause a potential or real failure in the mediation effort.

In terms of positive emotions, *happiness* is of particular interest. Happiness can lead to increased emotional passion (Jones and Bodtker 2001) and is one of the leading meta-emotions and facets of emotional contagion.

Happiness is linked with 'getting and keeping good relationships' (Evans 2001). Happiness exhibits, on both an internal and external level, 'that sub goals have been achieved and one should continue with the plan' (Fiske and Taylor 1991, p. 434). Happiness was noted by disputants as occurring when the mediator found 'a solution to the problem.' This was revealed as occurring 'when the process reaches a successful conclusion.' Or, to put it another way, 'happiness is reserved for some success - when an agreement is signed or a breakthrough or mini breakthrough' occurs.

Hope is a powerful emotion within the process of mediation. For negotiators, hope can be directly related to short and long term perspectives, since a party 'can accept a compromise involving losses in the hope of making up the loss in later negotiations' (Randolph 1966, p. 350). For a mediator, this could mean accepting a short-term bump in the road, with the understanding that a long-term solution is possible via this immediate failure, so the exhibition of hope can be process contingent. Many disputants assume that a mediator should be hopeful at the beginning of the process otherwise there is little reason for the mediator to undertake the mediation effort. As one disputant noted, it is a 'question of time,' where the mediator 'might be more hopeful at the beginning and less hopeful' at the end. If the mediator regarded 'the situation as hopeless, presumably [they] would not take on the task.' For a mediator there is a significant temporal element to hope. This emotion is also prone to be exaggerated or faked by a mediator to achieve certain reactions in the disputants.

Excitement is a fascinating emotion as related to the process of mediation. Excitement can be directly related to the display of other emotions, for instance, it is possible that the 'holding [of] separate conferences... would excite jealousy' (Colegrove 1919, p. 472). Undoubtedly, mediators can get excited about a range of things. Excitement is in many ways 'reserved for major breakthroughs' in the mediation process. This means that mediators rarely display it. But, excitement can also be viewed in a negative sense in that a 'good mediator shouldn't show their excitement.' Arguably the display of excitement would in this sense be understood as a 'false dawn' where you 'think you're nearly there and then you see the whole thing unravel.'

Relief is an interesting emotion for a mediator to show. Relief can be displayed when a negotiator feels that they stood up to the other party (Matz 2006). And, when associated with 'personal conflict transformation' relief will only occur for a few individuals thus 'neglecting the larger, systemic problems of many' (Schulz 2006). Disputants noted that mediators were likely to show relief when a solution was found or 'when obstacles are satisfactorily resolved.' With relation to the resolution of a crisis: 'mediators very noticeably express relief that negotiations are back on track.' For other disputants, relief

is associated directly with the conclusion of the mediation process, since it 'could happen only at the end when everything is signed, closed, decided, because if you presented it earlier the mediator would spoil the whole thing.'

Mediators display *thrill* only at particular times in the mediation effort. In some negotiating circumstances 'the thrill of the bargaining table' (Hufbauer 1988, p. 899) can be a very powerful force in the negotiation effort. Moreover, while 'some individuals carry the thrill of fooling others out of the game setting into other more serious negotiations' (Cramton and Dees 1993, p. 376), thrill, as displayed by a mediator is usually associated by disputants as occurring toward the end of the mediation process. Thrill 'would entail a complete success of the undertaking' and is perceived by disputants when mediators see 'there is success' when they were under the impression that success would not happen so quickly. Many disputants perceived thrill to be very similar to excitement.

In a sociological sense, 'feeling content' (Harris 1998, p. 374) can be related to a group's place in society. Within mediation, this dynamic is also in play, since the situation of the mediator will in part determine whether the mediator feels *content* or not. Content is less likely to rescue a mediator at a serious moment than an emotion that is associated with eagerness or power. In this manner, content is a relatively benign emotion that shows a mediator's acceptance. As one disputant remarked, content is readily displayed 'when things are going according to schedule and progress is being made toward a solution.' Content can be associated with a mediator exhibiting satisfaction that even if they 'haven't solved the problem [they] have prevented it from getting worse'. In many ways, when a mediator shows contentness it reveals to the disputants that 'everything is on track,' however, it can also be shown or 'exaggerated [by the mediator] when there is no despair or concerns' being exhibited by the disputants.

The reason for the focus on these 12 precise positive and negative emotions is because I believe they are particularly relevant emotions to the process of mediation. These specific emotions, as well as others, need to be extensively studied and examined in relation to disputant perception of mediator emotions. Since emotions are assumed to play an important, or at least consequential role in how disputants relate with and to the mediator, it is imperative to assess and determine which particular emotions are more salient. By focusing on these 12 emotions, most of which have been looked at in other circumstances, this study will help to ascertain the significance of mediator emotions within inter-state and intra-state mediation efforts.

Propositions

The primary reason for conducting this research is to assess if disputant perception of mediator emotions is significant to the mediation process. Based on previous research that examined mediator perception of disputant negative emotions (Capelos and Smilovitz, forthcoming), the perception of emotions by individuals involved in the mediation process is germane to the mediation effort. So, the first proposition addresses this basic question.

Proposition 1: Disputant perception of mediator emotions influences disputant understanding of the mediator.

To assess the relevance and importance of disputant perception of mediator emotions it is necessary to establish whether certain types of emotions are more salient or eminent in the process of mediation. This proposition uses the two primary categories of emotions, positive and negative, to further clarify the role of mediator emotions.²

Proposition 2: Negative mediator emotions will be more prevalent and frequent than positive mediator emotions.

Finally, it is necessary to assess the way that disputants perceive mediator emotions. Here, we limit ourselves to the two primary ways of observing emotions: body language and verbal displays. Body language involves the actual mannerisms and movements of the body, while verbal displays of emotion concern oral and written expression, though oral expression is assumed to occur more often than written expression. When assessing the relevance and applicability of each of these two ways of observing mediator emotions, the following proposition is offered.

Proposition 3: Mediator body language and verbal displays of emotion will be of equal significance to disputant perception of the mediator.

Additionally, it is assumed that disputant perception of mediator culture will play an important role in disputant understanding of the mediator. While pertinent to mediator emotions, mediator culture should be looked at

2) This distinction between written and oral within the verbal category deserves further attention in future studies.

separately before determining whether and how it is related to the perception of mediator emotions. So, this study will briefly examine this factor.

Method

To test the propositions offered in this paper, a non-probability, non-representative sample group of 12 negotiators, ambassadors and diplomats who have been disputants in formal or informal, official or unofficial inter-state and/or intra-state mediation efforts were interviewed.³ Of the 12 interviews conducted, eight took place over the phone and four were conducted in person.

Diplomats are uniquely situated to participate in this study since they are considered 'a country's primary negotiators' (Crocker 2007, p. 165). Since ambassadors engage in a range of multilateral negotiations that involve intermediaries that perform a mediating function, it is assumed that these individuals interact with individuals who can, at least, be considered informal or unofficial mediators. The wide range of mediation experience represented by the sample group covers the gamut from informal and formal to official and unofficial forms of mediation and third-party involvement. Because this study is only intended to initiate the examination of the relevance of disputant perception of mediator emotions, this sample group meets the face validity of the objective of this research, though it definitely does not have worldwide representation and it is of a limited size. Though the sample group is relatively restricted to low emotionalism (Salacuse 2005) cultures, the respondents' breadth of experience cannot be denied. Though no Asian, Latin American, and few Middle Eastern/African participants took part in this study, the conclusions obtained from this admittedly small and arguably 'cold-blooded' sample group will contribute to furthering the examination of emotions within the process of mediation.

Interviews are a unique and effective method to garner information about political situations that are difficult to study (Beamer 2002). Assuredly, the investigation of mediation at the inter-state or intra-state level meets this qualification. Additionally, since 'interviews can provide immense amounts of information that could not be gleaned from official published documents or contemporary media accounts' (Lilleker 2003, p. 208) their applicability to the study of mediation can be very useful and informative. Other studies involving mediation have utilized a small sample group to garner important information (Kressel 1971; Capelos and Smilovitz, forthcoming). The author,

3) See Appendix A for a list of interviewees.

as the sole interviewer, used a standard guide and, with consent, all interviews were recorded to facilitate data analysis.

The interview questions involved items measuring the frequency of a disputant's perception and experience of mediator emotions.⁴ The specific emotions of fear, anger, sadness, disgust, irritation, worry, happiness, hope, content, excitement, thrill and relief were examined for how often they occur in a general sense and their typicality in a specific sense. Subsequent questions examined the distinction between body language and verbal displays of emotion, as well as how the disputant accounts for mediator culture. Finally, some general questions considered the overall consequence of disputant perception and understanding of mediator emotions and how they influence the mediation process. The collected data was coded by at least two people. The completed forms were compared for disagreement, testing intercoder reliability. Each coder also randomly re-evaluated 1/5 to 1/10 of their coding, testing intracoder reliability.⁵

Data Analysis

The first question posed in this research involves to what extent a disputant is aware of mediator emotions. We asked respondents to consider how often a mediator experiences any observable emotions. The average score was 5.6 (SD-1.5), using a scale of 0 to 10, with 0 being not at all important and 10 being very important. This clarifies that mediator emotions do not go unobserved. Respondents were also asked how often they think that disputants take a mediator's emotions into account during the process of mediation. Again, utilizing a scale of 0 to 10, with 0 being not at all and 10 being a great deal, disputants gave an average score of 5.9 (SD-2). This signified that disputants are sensitive to mediator emotional reactions. Following up on this finding, disputants were asked to rate how important they considered the perception and understanding of mediator emotions to the process of mediation. Utilizing a scale of 0 to 10, with 0 being not at all important and 10 being very important, the average response was 5.6 (SD-3).

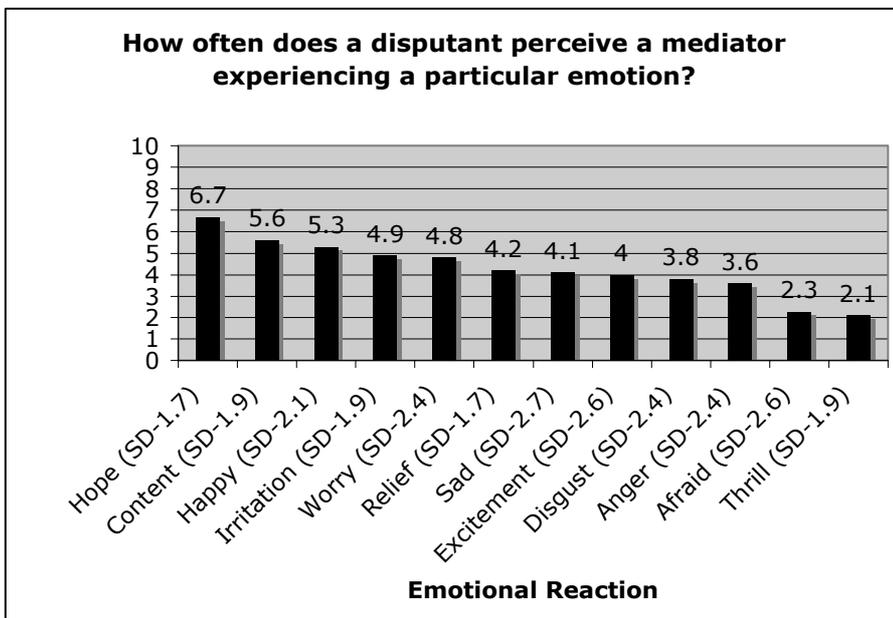
4) See Appendix B for interview questions.

5) For interviewees who responded with a non-numerical response to a number oriented question, an 8-point scale was used. This was: 10= always, very often or extremely/very important, 8.5 = absolutely vital or quite significant, 7 = quite often or quite important, 5.5 = often or important, 4 = seldom, 2.5 = not so much or pretty rare, 1 = atypical, very rarely, quite unusual, not important and very low and 0 = never. Additionally, in the one answer where a respondent gave two distinct numbers (not a range) the average was used.

This indicates that disputants consider it important to recognize and grasp mediator emotions. The findings from these 3 questions indicate that disputants are aware of and observe mediator emotions, that disputants take these emotions into account, and that disputants consider it important to understand and perceive mediator emotions. These results support the contention offered in the first proposition, that disputant perception of mediator emotions influences disputant understanding of the mediator.

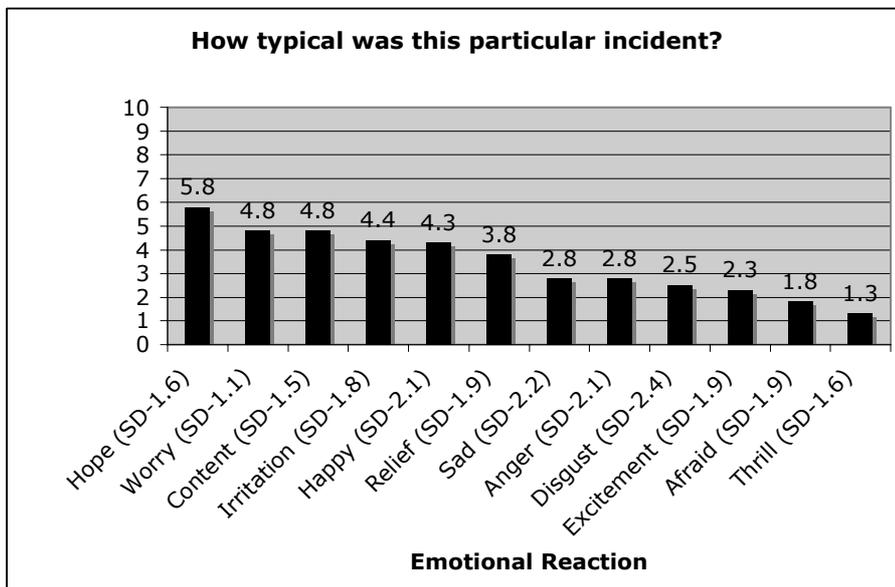
The next step in this study was to assess the prevalence of negative and positive mediator emotions as perceived by the disputant. To study this, two different sets of questions were posed to the respondents. First, respondents were asked some general questions about their mediation experiences that did not involve a specific event. These questions queried disputants about how often they experienced a situation where a mediator exhibited a particular positive or negative emotion. The aim here was to recognize the most often observed emotions. These questions were on a scale of 0-10, with 0 being very unusual and 10 being very often. As chart 1 shows, three positive emotions - hope, content and happy - were the most often observed by disputants. Irritation and worry were next, followed by relief. Overall, this chart seems to indicate a pattern where positive emotions are observed more often than negative emotions.

Chart 1



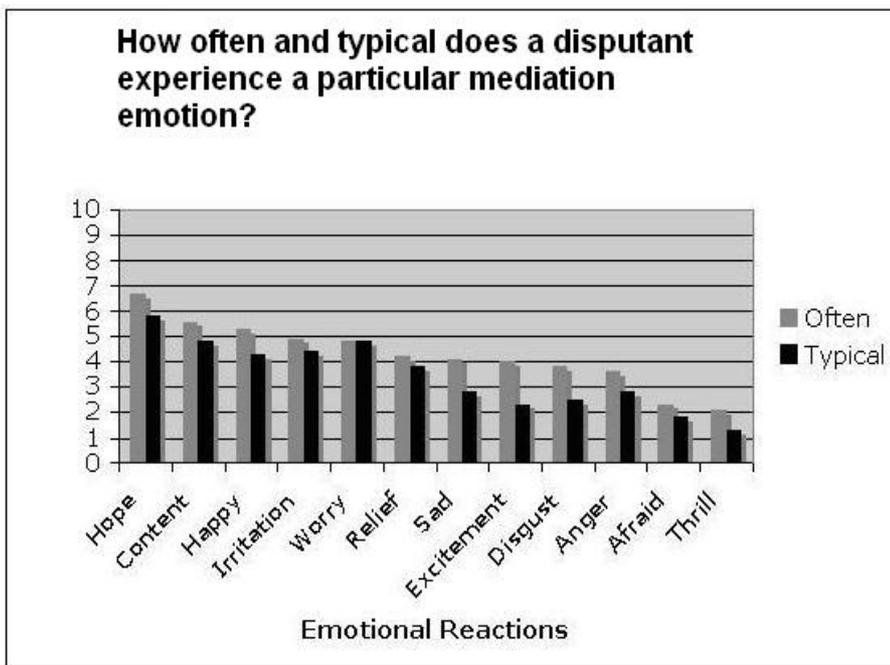
In the next series of questions disputants were asked to recall a specific event: explicitly, the last time they detected a mediator exhibiting a particular emotion. The respondents were then asked how typical this particular incident was on a scale of 0 to 10, with 0 being very unusual and 10 being very typical. As revealed in chart 2, respondents found mediator displays of hope to be the most typical, followed by worry and content. Next were irritation and happiness.

Chart 2



Combining the data from both sets of questions into one chart a clear pattern becomes evident. As shown in chart 3, hope is the most often and typical disputant observed emotion, while thrill and fear are the least often and least typical observed emotions. Content, happy, irritation and worry, are all situated at the top part of the chart indicating a high typicality and rate of observation. Relief, sadness, excitement, disgust and anger are all situated within the centre of the chart indicating a moderate level of typicality and observation. These results seemingly indicate that particular positive emotions, and particular negative emotions are more often observed by disputants than other emotions. These findings do not support the contention put forward in the second proposition, that disputant observation of mediator negative emotions would be more prevalent than positive emotions. While hope was clearly the most observed emotion, after this the results become somewhat jumbled, indicating that both positive and negative emotions are prevalent with respect to mediator behaviour.

Chart 3



With respect to body language and verbal displays of emotion, respondents were asked a series of questions to gauge the importance and relevance of mediator behaviour. With respect to body language, respondents were asked to assess the importance of the body language of the mediator. Responses were given on a scale of 0 to 10, with 0 being not at all important and 10 having a great deal of importance. The average response was 6.9 (SD-2.7). As a follow up to this question, respondents were asked to what extent do they determine a mediator’s emotional response by their body language. On scale of 0 to 10, the average response was 5.9 (SD-2.4).

Turning our attention to verbal displays of emotion, respondents were asked to assess the importance of the mediator’s verbal display of emotion. The average response was 6.5 (SD-2.9), again on a scale of 0 to 10. Next, respondents were asked to what extent they determine a mediator’s emotional response by the mediator’s verbal display of emotion. On a scale 0 to 10, the average response was 5.6 (SD-2.3). These findings indicate that body language and verbal displays of emotion are of relatively equal importance and significance to disputant perception and understanding of mediator emotions and the determination of a mediator’s emotional response. This

finding supports the contention offered in the third proposition that mediator body language and verbal displays of emotion are of equal significance.

Finally, some questions investigated how disputants take a mediator's culture into account during the mediation process. Respondents were asked to what extent does the culture of a mediator impact the mediation process. On a scale of 0 to 10, with 0 being not at all and 10 being a great deal, the average response was 6.9 (SD-1.7). Then, expressing their answers in percentage terms, respondents were asked how often they took the mediator's culture into account during the mediation process. The average response was that disputants take a mediator's culture into account over 65 per cent (SD-25.2) of the time. Finally, respondents were asked how important they considered the understanding of mediator culture. Again on a scale of 0 to 10, the average response was 6.6 (SD-2.9). These results apparently support the contention that mediator culture is important to disputant perception of the mediator. Based on these results it seems that disputants take a mediator's culture into account and that mediator culture does have an impact on the mediation process.

Qualities of an Effective Mediator

What does a good mediator need to be? The qualities that an effective mediator must possess, especially from an emotional perspective are addressed in this next section. Based on the qualitative information garnered from the interviews conducted in this research, this section part endeavours to produce some guidelines for how a mediator can be viewed as effective by the disputants.

The first question with respect to mediator behaviour during the process of mediation is whether and how a mediator should display positive or negative emotions. In this vein, how disputants perceive mediator emotions, whether they are viewed as trustworthy or deceptive is important. From one perspective, the process of mediation is 'all a game' where the mediator can 'use false expression of emotions' to influence one side or the other. While deception might very well be a necessary evil to move the mediation process forward, it does not help build confidence in the mediator. The display of emotion, whether deceptive or not, is often a way that the mediator can 'put pressure on the protagonists.' In any case, whether to pressure the disputants or to move the process forward, emotions, be they deceptive or not, are a tool that mediators use.

Beyond the use of emotions as a means, there is the corollary effect that the untrue display of emotions will harm the trust and credibility of the

mediator. Since it is 'most important in negotiations to create a sense of credibility' a mediator who is caught wielding a false emotion or position will undoubtedly harm their standing and reputation. Thus, one quality, *par excellence*, that a mediator must exhibit is veracity. The critical aspect is to maintain the trust of both sides throughout the process, even if emotions are used as a tool to further the mediation effort.

Mediator emotions influence a disputant's perspective of the mediator, and thereby, impact the interaction between the mediator and the disputant. A mediator displaying their 'Emotional side can be an advantage because it shows to the sides of the dispute that you are one of them.' However, at 'the same time it can be negative because it shows that you cannot be objective that you are under the emotional influence of Mr. A today and tomorrow Mr. B will find a new argument and impress you.' Hence, fluctuating emotional responses are bound to make the disputants worry that the mediator is subject to the last argument they heard that had a strong emotional impact on them. Surely, this is not beneficial. Yet, at the same time, by displaying emotions, the mediator can demonstrate his or her connection with the disputants on a particular issue in a manner that supercedes a tone-deaf 'yes.' The display of emotions is in many cases contextual and case specific, where 'in certain cases the emotion can be useful, in other cases you are adding a new difficulty to the solution of the problem.' So, whether the emotional mediator is adding flame to the fire or putting the fire out with their display of emotions depends entirely on how the mediator is viewed by the parties at that stage of the mediation process.

One emotional quality that is important for a mediator to exhibit is empathy. Empathy is the ability to put yourself in another's place. This quality allows the mediator to gauge what is truly at stake in the mediation effort for that specific side. Is it really that piece of land, or historical grievance, or access to a particular resource? As one disputant put it, it is vital for a mediator to show 'a sense of empathy for the other side' while at the same time the other side 'need[s] empathy from him.' To put it simply, 'Unless you understand where the others are coming from you won't get anywhere.'

The individual disputants in a conflict necessitate different styles and forms of behaviour, yet it is imperative that the parties relate to the mediator. This means that the parties must view the mediator in a credible fashion. So, as one disputant related, 'Personality, experience, appearance of even-handedness - those are all very important and far outstrip static characteristics like ethnicity, gender, cultural heritage.' Personality is important, since the mediator, once agreeing to undertake the mediation effort, transforms the dyadic conflict into a triadic relationship. The mediator, as a participant, is

now an element in the conflict. Their personality will thus play a role in how the conflict resolution effort evolves.

One part of the mediation process where the quality of the mediator is imperative is in the creation of 'human chemistry' between the mediator and the disputants. From this perspective, the mediator is the link between the parties: whether by offering things, communicating positions or reformulating issues, the mediator works to sustain and build a relationship that will foster a beneficial result. Thus, the culture and experience of the mediator is a critical quality that impacts the mediation process. By this, it is meant that the mediator can, out of his or her own 'cultural background build bridges to another cultural background.' Consequently, for a mediator who grew up 'in a multicultural setting it may be easier to adapt to the behaviours of the other side,' but this might not always be the case. Experience with people of varying backgrounds is a crucial skill for a mediator to possess. Being diplomatic while not angering either side and having the ability to say to someone you are wrong, without actually saying you are wrong is important. Hence, experience interacting with negotiators, politicians and diplomats from various countries, in different settings, under a range of circumstances will help a mediator to navigate the fraught course of mediation.

One important mediator characteristic is predictability. A disputant should not know necessarily what a mediator is going to say or how they are going to say it, but a disputant should be able to ascertain where a mediator is coming from and how they reached that conclusion. Strong and uncalled for emotional outbursts underlie the predictability of a mediator and contribute to a degree of uncertainty within the mediation process. This is not conducive to fostering a healthy mediation environment. To put it bluntly, as one disputant expressed, a 'mediator should be predictable, can continue as long as needed with a smile, using the same language; [but] when displaying emotions, he's not predictable.'

Finally, one quality that a mediator needs is a thick skin. Without a doubt, 'one-thing conflict parties can agree on is to turn on the mediator, blame the mediator.' This is especially true if the mediator 'comes from a country perceived as being historically responsible.' Mediators must be able to deal with parties publicizing their grievances with the mediator, holding the mediator directly responsible for failure, and, in general, posing the irresolution of the conflict as related to not just the other side, but the mediator as well. A thick skin is one quality that every mediator must possess in abundance.

Conclusion

This study has uncovered the ostensible relevance of disputant perception of mediator emotions. Mediator emotions have an impact on the mediation process. Consequently, mediator emotions are assumed to be an element within inter-state and intra-state mediation efforts that deserves to be studied further in all of its effects: including, how disputants respond to mediator emotions, the difference in perceiving positive and negative emotions and whether disputants are overly concerned or aware of the possibility that a mediator is dissembling particular emotions. Further research on disputant perception of mediator emotions can limit itself to particular types of mediation efforts, that is inter-state or intra-state, as well as particular mediation processes, such as Camp David I or II, the Esquipulas process and so on.

The relative prominence of positive emotions over that of negative emotions as discovered in this research deserves to be studied further. Positive emotions enhance cooperative forms of settlement by inducing positive responses in negotiators and ‘tend to stimulate cooperative action’ (Fisher and Shapiro 2005, p. 209). Since mediators were found to exhibit particular positive emotions (hope, content and happy) more frequently than negative emotions, this supports the contention that mediators are working to induce a win-win, negotiated agreement, as one would suspect. However, particular negative emotions such as worry and irritation were also noted quite frequently. Similar to this study, Capelos and Smilovitz (forthcoming) also discovered that mediators frequently observed worry and irritation in disputant emotional responses. This leads to the conclusion that worry and irritation need to be studied in depth in their relation to how disputants and mediators perceive one another within the mediation process and the specific results of these two emotional responses.

By examining the difference between body language and verbal displays of mediator emotions, this study, to a degree, reinforced a prior study on mediator perception of disputant emotions (Capelos and Smilovitz Forthcoming), which found that both forms of emotional expression had a more or less similar influence. This finding is ready to be tested within a laboratory setting to ascertain whether one type of expression has salience over another, or perhaps, whether a gestalt view, encompassing verbal/oral expression and body language is more appropriate.

To further elucidate and examine the significance of body language and verbal displays of emotions, some of the observations offered by the respondents are helpful. One respondent noted, ‘once I get the feel of the room, the body speaks way before the mouth ever opens.’ Another respondent

found that body language 'has a reinforcing role of the overall perception of the mediator.' As a different respondent noted:

Body language often shows emotion, shows scepticism, shows resistance to an argument, it shows arrogance, it shows the level of understanding, it allows you in many ways to gauge the credibility of the mediator and his or her actions, if the mouth smiles and the eyes don't move you have a problem, [it is] probably an underrated and underestimated feature.

With respect to verbal displays of emotion respondents were generally less uniform in their responses. A respondent said, it is:

Important, interesting potentially instructive but not that important, one has to separate out genuine guidance to be implied from verbal outbursts versus drama, shaking up the room, versus some other dynamic that is actually not that telling for what the mediator thinks or what the mediator can deliver.

Another respondent found that the principal factor is to what extent 'the mediator maintains control of their emotions and can express what the problem is, define the problem and pathways to a solution, if it is an outburst then it becomes useless in terms of setting out any future guidelines.' However, a different respondent found that 'even if it is an angry outburst, if it has the seeds of a solution in it then it becomes helpful.'

Aside from body language and verbal displays of emotion, culture is another variable to disputant interpretation of the mediator that deserves further study. In this research, culture was assessed to have an impact on disputant perception of the mediator. Culture, as one of those all-encompassing yet difficult terms to examine is a significant aspect to disputant perception, and thus, deserves additional study.

In an introductory sense, this paper has shed much light on the prominence of mediator emotions as perceived by a disputant. This is a tricky area of study, since perception can also be construed inaccurately, and emotions are never cut and dry. As one disputant elegantly stated about the significance of mediator emotions:

You go through all of these phases in a given mediation, there is anxiety, there is anger, irritation, worry about whether this is ever going to come together, hopeful moments, despairing moments, moments when you wonder if you are going to get this off your plate... all of these things arise naturally in the course of a given mediation.

The emotional rollercoaster that is mediation is only one aspect to the mediation effort. The issues under discussion, the existing and milieu related factors, the identity of the disputants, the location of the discussions, and a whole host of other variables all contribute to what makes a mediation effort unique. Either viewed from a substantive or process perspective, mediator emotions are relevant. If positive mediator emotions betray support for a particular proposal, then a disputant knows there is fruitful potential. If a mediator displays negative emotions during the effort, the potential for angering a disputant or threatening the collapse of the mediation process is possible. Mediator emotions are important within the triadic relationship that is mediation because they demonstrate the feelings and sentiments of the mediator apropos the mediation effort and the disputants.

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Appendix A

1. Boutros Boutros-Ghali
Secretary General of the United Nations
Deputy Prime Minister for Foreign Affairs of Egypt
Egyptian Minister of State for Foreign Affairs

2. Ambassador John McDonald
Chairman of the Institute for Multi-Track Diplomacy
President of the INTELSAT World Conference
Secretary General of the 27th Colombo Plan Ministerial Meeting
Head of the U.S. Delegation to UNIDO III
Deputy Director General of the International Labor Organization

3. Joel Singer
Legal advisor to the Israel Foreign Ministry
Legal advisor to the Israeli Defense Ministry
Member of the delegation to the Israeli-Palestinian negotiations - Oslo

4. Ambassador H.S.H Maria-Pia Kothbauer, Princess Von Liechtenstein
Ambassador of the Principality of Liechtenstein in Austria
Permanent Representative of the Principality of Liechtenstein to the UN in Vienna
Head of Delegation of the Principality of Liechtenstein to the OSCE in Vienna
Ambassador to the European Union and the Kingdom of Belgium

5. Ambassador Daniel Kurtzer
United States Ambassador to Israel
United States Ambassador to Egypt
United States Department of State - Principal Deputy Assistant Secretary and Acting Assistant Secretary for Intelligence Research,
United States Deputy Assistant Secretary for Near Eastern Affairs

6. Ambassador Dave Steward
Director-General in the Office of the President of South Africa
Head of the South African Communication Service
South African Ambassador to the United Nations

7. Marek Wejtko
Minister Counsellor - mission of Poland to the OSCE in Vienna

Polish Under Secretary of State, Ministry of Economy
Minister Plenipotentiary, Deputy Permanent Representative, Polish
Delegation to the OECD

8. Dr. Archil Gegeshidze
Head of the Georgian Foreign Policy Analysis Department of the State
Chancellery
Assistant to the Head of State on National Security - Georgia
Chief Foreign Policy Advisor to Georgian President Shevardnadze

9. Ambassador Rytis Paulauskas
Ambassador - Permanent Representative of the Republic of Lithuania to the
UN, OSCE, IAEA and other International Organization in Vienna
Director of the Security Policy Department at the Ministry of Foreign Affairs
of the Republic of Lithuania
Executive Secretary of the Lithuanian Delegation for Negotiations on
Accessions to NATO
Director, Multilateral Relations Department at the Lithuanian Ministry of
Foreign Affairs

10. Dr. Yair Hirschfeld
Lecturer at the University of Haifa
Key architect of the Oslo Accords

11. Ambassador Colin Munro
Ambassador - Head of Delegation - United Kingdom Delegation to the
OSCE in Vienna
United Nations Deputy High Representative - Bosnia & Herzegovina
United Kingdom Ambassador to Zagreb, Croatia

12. Ambassador Charlene Barshefsky
United States Trade Representative
Deputy United States Trade Representative

Appendix B

Question	Type of Answer
How often do you experience a situation where a mediator is angry?	On a scale of 0-10, where 0 is very unusual and 10 is very often
How often do you experience a situation where a mediator is afraid?	On a scale of 0-10, where 0 is very unusual and 10 is very often
How often do you experience a situation where a mediator is sad?	On a scale of 0-10, where 0 is very unusual and 10 is very often
How often do you experience a situation where a mediator is disgusted?	On a scale of 0-10, where 0 is very unusual and 10 is very often
How often do you experience a situation where a mediator is irritated?	On a scale of 0-10, where 0 is very unusual and 10 is very often
How often do you experience a situation where a mediator is worried?	On a scale of 0-10, where 0 is very unusual and 10 is very often
How often do you experience a situation where a mediator is hopeful?	On a scale of 0-10, where 0 is very unusual and 10 is very often
How often do you experience a situation where a mediator is happy?	On a scale of 0-10, where 0 is very unusual and 10 is very often
How often do you experience a situation where a mediator is content?	On a scale of 0-10, where 0 is very unusual and 10 is very often
How often do you experience a situation where a mediator is excited?	On a scale of 0-10, where 0 is very unusual and 10 is very often
How often do you experience a situation where a mediator is relieved?	On a scale of 0-10, where 0 is very unusual and 10 is very often
How often do you experience a situation where a mediator is thrilled?	On a scale of 0-10, where 0 is very unusual and 10 is very often
How often would you say that a mediator experiences any observable emotions?	On a scale of 0-10, where 0 is very unusual and 10 is very often
Now, let's very briefly discuss each of these emotions separately. For this next series of questions, you are going to be asked to recall a specific event.	

<i>I would like you to think of the last time you detected a mediator being angry.</i>	
How typical was this particular incident?	On a scale of 0-10, where 0 is very unusual and 10 is very typical.
Who or what was the anger directed toward?	Open-ended
<i>Now I would like you to think of the last time you detected a mediator being afraid.</i>	
How typical was this particular incident?	On a scale of 0-10, where 0 is very unusual and 10 is very typical.
Who or what was the fear directed toward?	Open-ended
<i>Now I would like you to think of the last time you detected a mediator being sad.</i>	
How typical was this particular incident?	On a scale of 0-10, where 0 is very unusual and 10 is very typical.
Who or what was the sadness directed toward?	Open-ended
<i>Now I would like you to think of the last time you detected a mediator being disgusted.</i>	
How typical was this particular incident?	On a scale of 0-10, where 0 is very unusual and 10 is very typical.
Who or what was the disgust directed toward?	Open-ended
<i>Now I would like you to think of the last time you detected a mediator being irritated.</i>	
How typical was this particular incident?	On a scale of 0-10, where 0 is very unusual and 10 is very typical.
Who or what was the irritation directed toward?	Open-ended
<i>Now I would like you to think of the last time you detected a mediator being worried.</i>	
How typical was this particular incident?	On a scale of 0-10, where 0 is very unusual and 10 is very typical.
Who or what was the worry directed toward?	Open-ended
<i>Now I would like you to think of the last time you detected a mediator being hopeful.</i>	

How typical was this particular incident?	On a scale of 0-10, where 0 is very unusual and 10 is very typical.
Who or what was the hope directed toward?	Open-ended
<i>Now I would like you to think of the last time you detected a mediator being happy.</i>	
How typical was this particular incident?	On a scale of 0-10, where 0 is very unusual and 10 is very typical.
Who or what was the happiness directed toward?	Open-ended
<i>Now I would like you to think of the last time you detected a mediator being content.</i>	
How typical was this particular incident?	On a scale of 0-10, where 0 is very unusual and 10 is very typical.
Who or what was the content directed toward?	Open-ended
<i>Now I would like you to think of the last time you detected a mediator being excited.</i>	
How typical was this particular incident?	On a scale of 0-10, where 0 is very unusual and 10 is very typical.
Who or what was the excitement directed toward?	Open-ended
<i>Now I would like you to think of the last time you detected a mediator being relieved.</i>	
How typical was this particular incident?	On a scale of 0-10, where 0 is very unusual and 10 is very typical.
Who or what was the relief directed toward?	Open-ended
<i>Now I would like you to think of the last time you detected a mediator being thrilled.</i>	
How typical was this particular incident?	On a scale of 0-10, where 0 is very unusual and 10 is very typical.
Who or what was the thrill directed toward?	Open-ended
For these last few questions please refer to your cumulative experience as a party to mediation.	
<i>First, lets turn our attention toward mediator culture.</i>	
To what extent does the culture of a mediator impact the mediation process?	On a scale of 0-10, where 0 is not at all and 10 is a great deal

How often do you take the mediator's culture into account?	Please answer in the percent of time. Would you say this is 20% of the time, 50% of the time, 80% of the time, etc.
How important do you consider the understanding of mediator culture?	On a scale of 0-10, where 0 is not at all and 10 is a great deal
<i>With respect to body language...</i>	
When you perceive the mediator, how important is body language?	On a scale of 0-10, where 0 is not at all and 10 is a great deal
To what extent do you determine a mediator's emotional response by their body language?	On a scale of 0-10, where 0 is not at all and 10 is a great deal
How does mediator body language influence your perception of the mediator?	Open-ended
<i>With respect to verbal displays of emotion</i>	
When you perceive the mediator, how important is their verbal display of emotion?	On a scale of 0-10, where 0 is not at all and 10 is a great deal
To what extent do you determine a mediator's emotional response by their verbal display of emotion?	On a scale of 0-10, where 0 is not at all and 10 is a great deal
How does a mediator's verbal display of emotion influence your perception of the mediator?	Open-ended
<i>Finally, I have three questions regarding mediator behaviour</i>	
How important do you consider the perception and understanding of mediator emotions?	On a scale of 0-10, where 0 is not at all and 10 is a great deal
How often do you think disputants take a mediator's emotions into account?	On a scale of 0-10, where 0 is not at all and 10 is a great deal
How do mediator displays of negative or positive emotions influence your perception of the mediator?	Open-ended

NOTES FOR CONTRIBUTORS

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REFERENCES AND NOTES

References and notes should be presented at the bottom of each page rather than at the end of the article. The first mention of a source should include full biographical details, including place of publication and publisher. Thereafter the author's surname and the year of publication should be used.

- 1 Jan Melissen (ed.), *The New Public Diplomacy: Soft Power in International Relations*, (Basingstoke: Palgrave-Macmillan, 2005) pp. 16-25.
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 - References to web sites are to be bracketed from the main text.

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