

Some Reflections on the Role of Power in Track II Mediation

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Abstract

Power is a central feature of both Track I (formal) and Track II (informal) mediation. Power intersects the mediation process at every stage and is deeply embedded in the process, its design and structure, as well as who facilitates it. This paper addresses the question of how to manage these and other power dynamics and what can be done to alter them. Four key insights are presented based on the author's personal experience undertaking peacemaking and mediation in Canada and overseas over the last twenty years.

The four insights are that: (1) Convening power is shaped by the type of process and who is running it; (2) The mediator has procedural power but exercising it might create a reputational cost; (3) Power imbalances are likely to occur and the mediator needs to make a conscious effort to address them; (4) Power, which is often deeply embedded in the social institutions where the conflict is occurring, can be used for either constructive (peaceful) or destructive (violent) purposes and that decision is influenced by leaders from different sectors (political, military, etc.). Based on these four key insights, several recommendations for mediation and peacemaking actors to address power dynamics are developed.

Keywords: Mediation, Track II, peace, peacemaking, diplomacy, power, conflict

Recommendations

Based on the four insights presented in this paper about power and Track II mediation, several recommendations for mediation and peacemaking actors to address power dynamics are as follows:

- ⇒ Assess the different sources of power in the context and how they may change over time, as well as how power impacts the parties' perception of the mediator.
- ⇒ Consider to what extent the parties value a relationship with the mediator and whether this creates an adequate amount of convening power to bring them together. If not, consider expanding the mediation team to include others with whom the parties will want to engage with.
- ⇒ Do not equate easy access to leaders with the ability to influence them.
- ⇒ Be mindful of utilizing procedural power and the reputational costs that may come with exercising it.
- ⇒ Assess the balance of power between the parties. If a power imbalance exists, consider taking steps to address it by building capacity, working with the context (including the policy environment), and addressing important questions of who funds the initiative and whether the funding arrangement creates further inequality.
- ⇒ Aim to work with influential leaders from all sectors (political, military, religious, etc.) since they can model the peaceful use of power and their followers may decide to act differently by choosing peace over violence, if their leaders endorse it.

Introduction

Power is a cornerstone of international peace and security. Power is central to the emergence, escalation, maintenance, and de-escalation of violent conflict. By extension, the three major methods of making peace (namely: peacebuilding, peacemaking and peacekeeping) also utilize different types of power. Moreover, power is key to several forms of political resistance, overcoming oppression and promoting human rights.

This paper provides some insights about the role of power in Track II mediation.¹ Power intersects the mediation process at every stage. Indeed, there would be no process in the first place if the mediator lacks the convening power to bring the parties to the table. Even in the most simplistic two-party mediation power is at play and for the mediator to not recognize this is neglectful and may result in failure. The question then becomes whether the mediator is prepared to manage the power dynamics and what can be done to alter them (and, at what cost).

Using a process of personal reflection on my peacemaking and mediation experiences in Canada and beyond over the last twenty years and through comparison to just a small fraction of the vast body of literature on Track II mediation, this paper presents the following four insights about power:

1. Convening power is partially shaped by both the type of process being offered and who is offering it.
2. The mediator's power comes from deciding who else to invite to the table and other process-related matters through the exercise of procedural power. However, the exercise of procedural power comes with a reputational cost for the mediator.
3. It is unlikely that power will be equal between the parties, and it is much more likely that a power imbalance exists. Moreover, once a power imbalance exists it will likely not improve on its own and a conscious choice must be made to address it.
4. Power is often deeply embedded in the social institutions where the conflict is occurring and by strengthening or modifying these we can alter the type of power that is being used. Additionally, the outward expression of power (for constructive or destructive purposes) is based on the choices of people and these choices are, in turn, influenced by the words and actions of those that lead them. So, if leaders can model the peaceful use of power, then their followers may decide to act differently by choosing peace over violence.

¹ Note, the terms Track II diplomacy, Track II mediation and peacemaking are used interchangeably throughout this paper even though they are distinct (yet related) activities. For the purpose of this paper, these terms are defined broadly as any dialogue-based activity undertaken by any non-governmental

1. Convening Power is Shaped by the Type of Process and Who is Running It

The type of process being offered will impact who will want to participate and why. In other words, convening power is partially shaped by both the type of process being offered and who is offering it. That is, as noted earlier, power comes into play well before the mediation process has even begun. Mediators actively offer their services to the parties and to have a mediation process mediators must be able to convene the parties somehow.

Interestingly, one recent study examined why there has been so little mediation occurring recently despite having many well-prepared mediators and they attribute this "puzzling decline" of mediation to the mismatch between supply and demand in the international mediation "market" (Lundgren and Svensson, 2020). So, a mediator's convening power may be limited if there are lots of other mediators available. When this occurs, we can call this a reduction of the mediator's convening power due to "mediation saturation."²

Additionally, convening power also comes from reputation or resources (soft power) or a threat being made that compels the parties to attend the talks (hard power). For example, directive mediators may force the parties to the table with the threat of military consequences such as what the Carter-Nunn-Powell team did in Haiti when they said United States forces were on standby should the talks not proceed. Aall (2007, 486) notes that, "offering rewards and making credible threats are relatively concrete powers and are generally linked to state-based mediators who can marshal the will to use resources and political capital to settle someone else's dispute." So, it would be extremely rare for most Track II mediators to employ force to convene the parties and not every mediator has the might of the United States military behind them. Because of this, many mediators need to rely on soft power.

One form of soft power based on reputation is referent power. This type of power exists when the mediator has the power to influence one or both sides to the conflict because they value the relationship with the third party (Aall, 2007: 483). A mediator's convening power is thus linked to their reputation and how much the parties value it.

More generally, however, Track I and Track II mediation have inherent strengths and weaknesses (Cohen-Almagor, 2021). Burgess and Burgess note, for example, that high-powered actors may be reluctant to participate in a Track II process if they believe doing so will diminish their power (2011: 55-6). On the other hand, Track II can be seen as more low risk which can make it an attractive option in some situations. It is also easier to dismiss the process if it is run by a low-key mediator should it fail (Aall, 2007: 484).

actor who is external to the conflict and who does so with the intent of assisting the parties to resolve their conflict. For a more detailed and in-depth examination of some of these concepts, see Fisher (2002) and Palmiano Federer (2021).

² Thanks to Laura O'Connor for devising this term.

Also, in terms of weaknesses, Track II processes may not have the ability to alter the conflict dynamics (Ibid.). Jones (2019: 130), more specifically, states, “Track Two, in its various forms, cannot make peace in itself, nor would its serious proponents claim it can. Rather it should be seen as a complement to official diplomacy that can help to initiate and sustain dialogues in difficult places.” Importantly, “persons and groups differ greatly in the resources they can bring to their mediator work” (Kriesberg, 1991: 24) and this will impact their ability to convene the parties.

When I was working for a small Canadian nongovernmental organization (NGO) whose aim was to prevent violent conflict in Guinea-Bissau from 2005-2009, for example, we quickly learned that we had little to no convening power. This became a frustrating reality that consistently hindered our ability to launch a new elite-level mediation process with political leaders there. We mistakenly believed that access equals influence so while we had timely and easy access to all the main political actors, this did not translate into convening power.

However, we were able to work with regional actors to encourage them to send clear and consistent messages that there would be major consequences such as the loss of international donor support if political violence were to occur. In this regard, we hoped to reinforce the importance of avoiding violence, thus making mediation an attractive option for discussing the main issues and planning a way forward. We could thus frame mediation as an important and good option. This relies on a normative argument that violence will negatively impact the parties’ standing. The power of this approach is predicated on the actors valuing the opinion of their neighbors and the rest of the international community plus the real possibility of facing a loss of resources.

We could also influence the political leaders to a small extent by working with community leaders, even though their ability to influence the politicians was not very significant compared to the military. For this reason, we worked quite closely with the military leadership since we learned very early on in our process that they were the main power brokers in the country.

Additionally, we made the parties aware of their Best Alternative to a Negotiated Agreement (Fisher, Ury and Patton, 2011). As noted earlier, we suggested in Guinea-Bissau that mediation was the best way forward and that the alternatives: violence, continued corruption, political instability and so on were bad.

Moreover, we also emphasized that the political and military leaders there could be recognized by the international community as peace leaders if they took the brave and bold step of starting a new dialogue; and that if they put the good of the country ahead of personal gain, more donor money and support would follow.³ So, while we lacked convening power due to having limited soft power (and no hard power), meaning that we could not bring the parties together for talks, with some creative approaches we were able to still work toward peace in other ways

³ We knew this to be true because we had built an extensive network of regional and international contacts.

and we could reinforce the importance of using dialogue going forward.

2. The Mediator’s Power Comes from Deciding Who Else to Invite to the Table (and other Process-Related Matters)

There is power in the process (procedural power) and good process design is necessary to manage the power dynamics between the parties. For example, the mediator’s power comes from deciding who else to invite to the table and other process-related matters such as determining the location, frequency, and agenda of meetings.

As the mediator is working through the important and tricky question of who to invite to the table, they are reducing the power of those whom they decide to exclude from the process and thus a widely accepted maxim is that the mediator should aim to create an inclusive process which includes lots of parties. In other words, inclusivity is important for this and many other good reasons.

In terms of inclusivity, Burgess and Burgess (2011: 41-3) provide guidance for selecting participants in Track II peacemaking processes which includes using a screening process with several pre-established criteria such as people’s availability, commitment to working for peace, interpersonal skills, and trustworthiness. Additionally, a recent United States Institute of Peace publication states that:

“inclusion built not just on participation at the negotiation table but also on the presence of mechanisms to make that participation meaningful through equitable selection, a broad mandate, and a relatively even balance of power between old elites and new forces has a significant positive impact on future democracy” (Dudouet and Pinckney, 2021).

Unfortunately, a mediator may come face-to-face with the limits of their power, once again, as they are creating the list of participants for their sessions. That is, on one project I was involved in, we were asked by the donor to ensure that we had an even number of women and men in the sessions. We fully agreed with this approach and certainly saw the value in it. However, we were relying on a local partner organization to help with creating the list of participants and we were also operating in an environment where men have historically held most, if not all, the power in society. As result, we had at least one session with no women in it and they were only minimally represented in many of the subsequent sessions as well despite our best intentions and efforts to include them. Thus, we faced the frustrating reality that there were deeply entrenched societal forces that limited our ability to run an inclusive process.

So, questions of who to include or exclude are pertinent at this stage for many types of peacemaking processes. Thus, addressing

the balance of power is dependent on good process design. Likewise, Burgess and Burgess (2011: 56) note that other important process factors such as setting ground rules and carefully managing the seating arrangements can be done in such a manner to reinforce or remove power inequalities between participants.

For example, in one large and complex multi-party process, we were facilitating with several First Nations representatives whom had previously negotiated their self-government talks with the Canadian government jointly but had recently experienced a rupture in their alliance, we called for the rescheduling of a very important meeting when two of the main parties did not want to attend because of this growing internal division between them. The other parties wanted to steamroll ahead without the others but as a point of principle we refused to facilitate the meeting without everyone being present which didn't earn us any points with the members that wanted to push forward. Conversely, the parties that were not able to attend respected our decision. Another important lesson was learned that day: the exercise of procedural power comes with a reputational cost for the mediator.

In another example of pro-actively managing the power dynamics at the table through the exercise of procedural power, when we were running a mediation program in Ottawa for members of the public that had a grievance about the City's police services, having the officers attend the mediation in uniforms with their weapons and using police jargon was not helpful to the process as this created a perceived power imbalance. In this case, we asked the officers to attend mediation in plain clothes when they were off duty and to avoid using police jargon during the talks. We encouraged them to enter mediation in the mindset that they were simply meeting a fellow citizen and that they were not attending the mediation in their professional capacity.

3. Balancing Power Imbalances

It is unlikely that power will be equal between the parties, and it is much more likely that a power imbalance exists. Moreover, once a power imbalance exists it will likely not improve on its own and a conscious choice must be made to address it. Rather, the power imbalance will most likely become increasingly embedded in the structures and systems that form the context of the conflict and therefore will become more resistant to change over time. More specifically, Burgess and Burgess (2011: 55) state that:

The parties to a conflict are rarely evenly matched in terms of power (in terms, that is, of the ability to accomplish what they want, whether by political, military, economic or other means), and the greater the disparities in power, the greater the problems posed for many Track II (as well as Track I) processes.

There are, however, several ways the mediator can address these power imbalances. For example, in one case, we detected a major structural power imbalance between the First Nations representatives we were working with and the Government of Canada. This was during a multi-year mediation process aimed at resolving a tense fishing dispute on the West Coast of Canada. Rather than ignoring the power imbalance or pretending it simply

wouldn't impact the process we decided to take a proactive approach which involved hiring a lobbyist to help promote First Nations' interests in Ottawa where the political power resided and hopefully improve the policy environment in that way.

We also provided two days of Interest-Based Negotiation (IBN) (Fisher, Ury and Patton, 2011) training for them, as well, with the intent of helping to address a knowledge and skills inequality that existed there. This entailed sending two mediation/negotiation experts to their remote island community to deliver a customized workshop that not only helped to increase the participants' knowledge of IBN, but it also had teambuilding and skills-building components in it, as well. The four objectives of the workshop were as follows: To present a basic framework and learn the skills necessary for effectively facilitating working groups; to acquire skills for conducting better negotiations; to acquire skills for managing difficult conversations; and to be aware of conflict dynamics and learn how to analyze them.

Building capacity in this manner can help balance power. Burgess and Burgess (2011: 56-7) echo this point. They state that the resources and skills available to the parties should be equalized as much as possible within the Track II setting to have a productive discussion.

In another case we had to deal with the tricky situation of the government paying for our services, thus putting the other (non-paying) party in a potentially disadvantaged situation. The remedy: we reported directly to the non-paying party and what was said to them was held in strict confidence. Our mandate was with them. We provided only very basic updates to the government on how our work was unfolding. This was done to show the non-paying party dignity and respect to empower them to fully participate.

4. Converting Power from Destructive to Constructive Forms

Aside from the specific actions mentioned in the last section to balance the power between the parties, another aspect to consider is the need to convert power from being used destructively to it being used constructively. In other words, to move from power-over (violence) to power-with since positive peace is strongly connected to the peaceful use of power. Because power is often deeply embedded in the social institutions where the conflict is occurring, by strengthening or modifying these we can alter the type of power that is being used. Additionally, the outward expression of power (for constructive or destructive purposes) is based on the choices of people and these choices are, in turn, influenced by the words and actions of those that lead them. So, if leaders can model the peaceful use of power, then their followers may decide to act differently by choosing peace over violence.

There are many ways to move a situation from power-over such as by promoting the rule of law and supporting justice or using peacekeepers to establish security. In Guinea-Bissau, for example, we discussed the possibility of arranging for unarmed civilian peacekeepers to help establish basic security in the capitol city to help the city transition away from a state of power-over

where different factions had control in different areas due to their use of violence (or the threat of it).

We also commissioned a [needs assessment study](#) on the justice system which looked at ways to rebuild it. The jail was in such poor condition at that time that it was very easy to break out of it. Thus, judges were reluctant to sentence people to prison for fear the convicted person would eventually break out and then attack them in retaliation. This structural weakness in a major institution created an environment where the rule of law could not be upheld thus making peace elusive. Moreover, the example from earlier about working with the policy environment in Ottawa to help address the power imbalance with the First Nations representatives that were part of that fishing dispute also illustrates that mediators may need to consider expanding their role to become advocates to help balance power (Hoffman, 2021).⁴

Altering the types of power that are used can also be done by promoting new norms and values, using power-sharing agreements and by promoting healing/reconciliation. In Guinea-Bissau we explored the idea of bringing in people from other conflicts to share their stories and to provide hope. Our thinking was that if we can provide compelling evidence that if other warring parties can lay down their weapons and trust the other side and learn to live with them in a new post-war context then surely our friends in Guinea-Bissau would realize that they are capable of that too. This, we hoped, would be a powerful cross-cultural exchange which would help our peacemaking efforts.

Moreover, because leaders can mobilize groups with certain ideologies towards violence, it is important to support peace leaders (Hoffman, 2021). Peace leadership, according to Schellhammer (2018), is a relatively new concept in which a peace leader influences followers to actualize a culture of peace. More precisely, leaders make choices and they can choose a path of peace and reconciliation whilst still appearing tough to maintain their political base (Tappe Ortiz, 2020).

Conclusion

If we consider that the definition of the word “ingenious” is to be clever or inventive, then the modern peacemaker must be ingenious about the role of power in mediation. In other words, they are continually striving to find clever and inventive ways to address the power dynamics in the case.

Based on the four insights presented in this paper about power and Track II mediation, several recommendations for mediation and peacemaking actors to address power dynamics are as follows:

- ⇒ Assess your own sources of power and how they may change over time, plus how you will be perceived because of them.
- ⇒ Consider to what extent the parties value a relationship with you and whether this creates an adequate amount of convening power to bring them together. If not, consider expanding your team to include others with whom the parties will want to engage with.
- ⇒ Do not equate easy access to leaders with the ability to influence them.
- ⇒ Be mindful of utilizing your procedural power and the reputational costs that may come with exercising it.
- ⇒ Assess the balance of power between the parties. If a power imbalance exists consider taking steps to address it by building capacity, working with the context (including the policy environment), and addressing the important question of who funds your work and whether that creates further inequality.
- ⇒ Aim to work with influential leaders from all sectors (political, military, religious, etc.) since they can model the peaceful use of power and their followers may decide to act differently by choosing peace over violence if their leaders endorse it.

⁴ I present an argument for mediators to take an expanded role as part of a “Mediation Plus” approach to conflicts which would see them expand their range of activities to address power

relations, generate political will via lobbying or advocacy and address those deeper systemic/structural factors which block the resolution of the conflict. See Hoffman (2019).

About the Author

Dr. Evan Hoffman is a peace and conflict resolution scholar-practitioner. Evan has published numerous articles on the themes of conflict prevention and resolution, peacebuilding, and mediation. He has provided consulting services to Global Affairs Canada, the Carter Center, the United Nations, the European Union, the Vietnamese Ministry of Justice and many others on these topics over the last twenty years.

He has a PhD in Political Science from the University of Canterbury (New Zealand). His research focused on international mediation and sustainable peace agreements. He also completed a Master's degree in Post-war Recovery Studies at the University of York, United Kingdom, in 2001 and an undergraduate degree in psychology at Carleton University, Ottawa in 1999. In 2001 he earned a Certificate in Alternative Dispute Resolution (ADR) from the Canadian International Institute of Applied Negotiation (CIIAN).

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About Ottawa Dialogue

Established in 2009, Ottawa Dialogue is a university-based organization that brings together research and action in the field of dialogue and mediation. Guided by the needs of the parties in conflict, Ottawa Dialogue develops and carries out quiet and long-term, dialogue-driven initiatives around the world.

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