

1999 DANIEL J. MEADOR LECTURE: AMERICA: THE WORLD'S MEDIATOR?

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I. INTRODUCTION

The end of the Cold War brought about a substantial restructuring of many aspects of the international political system, including its method for managing disputes. Under the Cold War's regime of bi-polarity, typically one of the "superpowers" would line up behind one participant to the dispute and the other "superpower" would line up behind the other. Bi-polarity frustrated dispute resolution because each of the disputing states would then have access to economic and military support, to the friendship of a permanent member of the Security Council, and to a network of alliances. The result, most commonly, was deadlock. The end of the Cold War seemed to bring hopes of avoiding such paralysis. The United States of America stepped into a new role, and as "the only remaining superpower" it took an increasingly active role in managing the disputes of other states.

At one point the United States flirted with the role of "world's policeman." It still on occasion actively engages militarily in disputes around the world. But of course military involvement is expensive, both economically and in risk to American lives. The role of "world's policeman" has not been popular domestically, particularly where the use of ground troops is required. Military involvement is therefore mostly restricted to situations where either the United States can accomplish what it wants by use of unchallenged air power (as in Kosovo) or it believes that it has a direct and primary interest of its own (as in Iraq).

Having rejected the role of "world's policeman" as too costly,

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the United States has now embraced the role of "world's mediator." From Northern Ireland to the former Yugoslavia, from Africa to the Middle East, the United States has influenced the course of international disputes through sponsorship of negotiation. Sponsorship of international negotiations seems to offer the best of all possible worlds. It's peaceful. It's voluntary. The solution that results reflects the views of the participants themselves. Solutions that reflect the genuine interests of the participants are likely to be more durable and fair.

And, of course, mediation is cheap—relatively speaking. Certainly, sponsorship of negotiations can draw considerably on United States diplomatic resources, as top State Department people shuttle around for weeks, months, or years. Sometimes the United States makes enemies from its role as mediator, and it is never smart to acquire enemies unnecessarily. However, sponsorship of mediation has to be compared to other available options. Direct military involvement can be extremely costly in money and lives, and the costs are highly public. Ignoring problems can be even worse, in the long run—wounds fester and infections spread.

A successful mediation is well worth the costs. Ideally, two states that were former enemies solve their problem peacefully and in accordance with mutually agreeable terms. Bloodshed is avoided. International law is respected. And sponsorship of a successful mediation effort both enhances American prestige, and surrounds us with the warm moral glow of having done good for the world. If mediation fails, only the two states themselves are to blame—their unwillingness to compromise cannot be blamed on us. Mediation appears to be a good investment of State Department time.

Mediation is cheap, but I want to argue that it is far from morally trouble free. There are two aspects of mediation that make it look morally attractive: its supposed neutrality and its supposed voluntarism. The apparent neutrality of mediation comes from the supposition that the United States is not acting out of its own interests but simply from the desire to assist the participating states. The apparent voluntarism comes from the supposition that the two participating states have come together of their own free will, and any solution that results from mediation is one the parties chose.

Both of these suppositions should be challenged. The first is neutrality. There is considerably more United States interest involved in most mediation efforts than is commonly acknowledged, and it is considerably harder to root out the influence of United States interests than is usually recognized. The second is voluntarism. What seems to be a mutual acceptance of the process and outcome of mediation is frequently coerced, to a greater or lesser degree. Where the relationship between the two disputing states is one of pressure and intimidation, mediation merely ratifies the underlying power inequality. While this may be unavoidable, it is hardly a cause for American moral self congratulation.

II. NEUTRALITY

While there has been little systematic moral criticism of mediation as an approach to international disputes, there are some points on which general agreement probably exists. Certain principles are obvious, such as that mediation ought not to be taken as an opportunity for the mediator to further its own agenda. The mediator should be an "honest broker." Many of the difficulties with mediation stem, ultimately, from the possibility of self interest on the part of the mediator.

The most obvious forms of conflict of interest, however, are not the only ones. In certain respects, it could even be said, they are not the most dangerous ones. The fact that "neutrality" is an ambiguous concept means that a mediator has great latitude to quietly further national interests under the guise of maintaining an even handed posture. The United States becomes involved in mediation, typically, because there is some United States interest to be served; and while these interests are sometimes consonant with the interests of other states in the region (or the interests of the world community) there is no guarantee that such is the case.

A. *The Risk of Hidden Conflict of Interests*

The most obvious form of conflict of interest is the simple desire to see one party prevail over the other. This can happen because of crass economic or strategic interests; or it may result

from more diffuse sympathy factors arising out of long term historical connections, common language, or ethnic affinities. It is this simple form of conflict of interest that is most likely to be conceived as *the* moral problem for mediation. This form of conflict of interest is indeed important, but exposing such conflicts is hardly enough.

Sometimes the conflict of interest is as direct as in the following hypothetical. Assume that State A and State B have a territorial dispute. It is widely suspected that the area in dispute has large oil reserves. State A has historically done business with a particular American oil company and has in fact negotiated with that oil company for exploration rights in the event that it is successful in obtaining sovereignty over the area. The particular American oil company has strong ties with the American government.

Here, the conflict of interest is evident. At the worst, the United States might offer its services as mediator in the dispute specifically in order to secure sovereignty for State A and the oil concession for the American company. It might conceal the role of American oil interests in resolving the dispute and deliberately pressure State B to accept a territorial settlement that gives the lion's share of the oil rich areas to State A.

But the conflict of interest might instead be more subtle. Perhaps the American mediator appreciates that he or she has an obligation to remain neutral. But he or she happens to be considerably more familiar with the arguments of State A than the arguments of State B. State A's perspective may simply appear more reasonable because it is more familiar. And the greater familiarity may arise out of the long tradition of good relationships between A and the United States—fostered, perhaps, in part by the longstanding commercial ties. The mediator may not be able to separate fact from sympathy in such circumstances.

Of course, the degree of prejudice existing in a particular case is likely to be controversial. There is a natural human tendency to think that someone is biased against you simply because he or she disagrees; mediators that attempt to find a middle ground are likely to be thought biased by both sides of a dispute. But the general point remains. To the extent that mediation is used as a front for furtherance of self interest, it is not

morally defensible. This point should be uncontroversial in the abstract, although often difficult to apply in practice.

Precisely because this point is so morally obvious we will not dwell on it here. The reason for noting the point, however, is twofold. First, it is a genuine concern (and a legitimate one) of states entered into mediated negotiations. It must be taken seriously because—although morally not very subtle—it is in practice of undeniable importance. Second, it is not the only concern. A mediator may examine his or her conscience and determine that he or she is really acting out of disinterested motives such as promotion of international peace or achievement of a just result, rather than crass economic or strategic motivation. But this should be only the start of the self-examination, not the conclusion. The mediator may think that he or she is acting out of admirable neutral motives, but that assumption of neutrality must be critically examined.

B. The Meaning of "Neutrality"

The neutrality argument goes as follows.

It is conceded that a mediator should be an honest broker—that it should not go into mediation with a secret agenda of furthering its own self interest. But so long as the mediator adopts a posture of neutrality, mediation is morally desirable. The risk in practice exists, but the solution is to only mediate in cases where self interest on the part of the mediator does not distort the process. Value neutral mediation is the best solution.

This is more or less correct in principle, but the problem lies in putting the argument into practice. It is not just a question of rooting out cases where the mediator is secretly trying to further crass self interest. There are also important questions about what neutrality means. A mediator might genuinely think that he or she is being neutral, but be acting out of morally uncertain motivations.

C. Three Types of Neutrality

There are at least three different approaches that might be characterized as neutral, and therefore the correct approach.

First, the mediator might attempt to be completely indifferent to the result and act as a go-between whose only objective is to help formulate a solution that the parties will accept. For purposes of convenience, we can call this "*indifference*." Second, the mediator might attempt to influence the process in order to bring about a just result, with "justice" being defined according to some neutral set of principles. We will call this "*neutral justice*." Third, the mediator might work to bring about a solution that is "best" from the point of view of general policy interests—policies which are not slanted towards the interests of the mediator, but reflect the interests of the world community as a whole. We can call this "*neutral community interest*."

Return to our earlier example about the territorial dispute between states A and B. We can concede that America should not use the mediation effort to further the hidden interests of U.S. oil companies. What then should its objective be?

1. The first model of neutrality—indifference—would be to bring the two parties together to any solution that they might both adopt. It wouldn't matter what solution was adopted, so long as they both agreed to it.

2. The second model of neutrality—neutral justice—would be to coax the negotiations towards the side of the state that had the better legal claim to the area. It might be argued that "State A has the better legal and historical claim, and we ought to encourage State B to recognize this."

3. The third model of neutrality—neutral community interests—would take into account broader interests of the regional or world community as a whole. "What really matters is that the two states stop fighting, because their dispute is destabilizing the region. We should encourage A (or, B) to compromise because otherwise B (or, A) is never going to give up its claims, and lay down its arms."

In any given problem, the mediator's perspective is likely to be a combination of all three, in varying degrees. The mediator may start out with the sense that he or she should be totally indifferent regardless of which side is more reasonable or persuasive. But the justice element, in some cases, may be so clear

and undeniable that it comes to dominate the others, especially once the mediator becomes more familiar with the situation. In other cases general community interests may dominate, either because it is unclear what justice requires or because the regional concerns are extraordinarily pressing.

These elements are therefore likely to exist in competition in the mediator's mind, in some undifferentiated way, all contributing to some half articulated sense about what is the right way to approach the particular problem. All three might be characterized as neutral, although they are neutral in different ways. Which of these is morally preferable, and an acceptable posture for American mediators?

III. INDIFFERENCE VERSUS NEUTRAL PRINCIPLES

At first it might seem that, in mediation, the clear choice is the first of these. It seems the most neutral of all, and therefore the one most suitable for a mediator—it seems to be the posture of the genuine "honest broker." "Neutral justice," one might say, "is for judges." A mediator is not a judge, looking for the correct answer. A mediator is simply trying to put an end to the dispute.

But the problems with complete value neutrality are immediately obvious. Complete value neutrality is one thing when both sides have good colorable claims, and when both sets of claims are genuinely held. But should a mediator really be neutral as between the claims of both sides when it is clear that one side is simply bullying, or is hugely inflating its claims in order to maximize its share in the eventual compromise? Mediation that treats all claims as equal is a tool for oppression of the weak by the strong. It encourages bad faith by treating bad faith claims and good faith claims as equal.

The problem with indifference is that there sometimes really are rights and wrongs. We would not want to be value neutral if we were asked to intervene on behalf of an oppressed minority group living in a genocidal dictatorship. Nor should we be value neutral when one state's territory has been invaded and wrongfully annexed by one of its neighbors. Sometimes the point of mediation should be to obtain protection or redress for persons who have truly been wronged. In such cases, indifference seems

less appealing morally than neutral justice.

Neutral justice requires an effort to influence the outcome to be, as nearly as practicable, the "correct" one. This is particularly clear where gross human rights abuses are at stake; obviously neutrality between the perpetrators and the victims is not defensible. But as between states, mediation can also help to further the cause of justice. In our case of A and B's territorial dispute, A may genuinely be the victim of a violation of its rights. B may have seized the territory by force, in violation of existing international boundaries. It may be brutally suppressing local resistance from the citizens of A who were living in the area, butchering them or forcing them off their land. In such circumstances, how can it be right to be neutral? Why is the proper role of the mediator a role of value neutrality?

The choice between indifference and the promotion of neutral principle is often not an easy one. Most third party mediators would probably choose the former in some circumstances and the latter in others. One danger is that this choice will be influenced by self interest, so that the presence or absence of an American interest dictates whether the United States takes a stand or remains indifferent. We will return to the problems in how this choice is made after examining the third understanding of what "neutrality" requires.

IV. NEUTRAL PROMOTION OF COMMUNITY INTERESTS

The third form of "neutrality" is promotion of general community interests. What it has in common with the other two forms of neutrality is that it is "disinterested" on the part of the mediating state. However, it is distinctive in that the point of view that it adopts is the general interests of the states in the region or in the world at large. It is perhaps the most commonly adopted "neutral posture" for mediators who are likely to become involved in a mediation precisely because the existence of a dispute is endangering regional peace.

Return to our example of the territorial dispute between States A and B. Perhaps A is an aggressive and belligerent state, and any solution that does not give it the territory will lead it to act on its dissatisfaction by causing trouble. Or, perhaps, A is internally weak and its government is likely to topple

and be replaced by one that is far worse. From the perspective of what would be beneficial to general community interests, it is therefore best to let A get what it wants even though it has no persuasive claim. So, reasons the United States, in our mediation effort we should throw our weight behind State A to strengthen its current government.

A similar sort of consequentialist view of "neutrality" underlies the U.S. mediation effort in Kosovo. Located in the former Yugoslavia and now under Serbian rule, Kosovo was struggling for autonomy or sovereign independence. The United States opposed complete independence, one reason being that independence for Kosovo could destabilize the region. Independence for Kosovo could set off a spiral of independence movements as other relatively small geographical areas assert their own desire for autonomy. Independence for Kosovo (in the American view) is bad for the region in the long run. The inhabitants of that region (ninety percent ethnic Albanians) should instead be pressured to settle for some form of regional autonomy inside Serbia.

One can see how this solution might be characterized as "neutral." It is neutral in the sense that it is motivated by a disinterested concern for the long range good of all. However, one can also easily see why the inhabitants of Kosovo might not appreciate being told that they must bear the costs of furthering regional stability themselves. From their point of view, the Serbian government has shown itself to be brutal and vicious, with no long term willingness to respect Kosovo's right to control by the local inhabitants. Why (they might legitimately ask) should we be placed under a genocidal regime in order to reinforce a regional stability that we do not even want?

Arrayed against this argument of neutral community interest was an argument of neutral principle. Precisely because the Serbian regime was guilty of gross human rights abuses, the United States took a moral stand in favor of protecting the Kosovo Albanians. A balance was struck between the community interest of maintaining Serbian borders intact and protection of human rights. How precisely this accommodation was struck—how community interests and neutral principles were weighed and balanced—is entirely obscure, and a topic fit for serious moral scrutiny. How well this unexplained accommodation will work in the long run remains to be seen.

V. THE PROBLEM OF SELECTIVITY

The choice between indifference, neutral justice, and community interest is often not an easy one. Unfortunately, the decision which posture to adopt is often not clearly thought out in a mediator's mind. Sometimes the choice is made unreflectively, without any awareness even that a choice is being made. Even worse, what sometimes happens in practice is that the choice whether to maintain complete indifference or to try to promote justice turns on the interest of the mediator's own country.

A mediator acts in largely unexamined ways. Shuttle diplomacy is an art and not a science, and in particular it is an art that has no pre-ordained rules. Whatever works tends to be seen as good. Sometimes mediators get results by methods just as devious as anything employed by the participants. But even when the methods are fairly honest they are likely to be deeply hidden. If a mediator chooses to reveal evidence or make arguments that are of advantage to one side, it may not be known whether this was selective. When he stays aloof from the merits of the dispute he can congratulate himself on his professionalism and "neutrality". When he takes sides, he can congratulate himself on standing up for justice. When regional interests in peace and stability are protected, the mediator declares that the ultimate objective—peaceful resolution of the dispute in accordance with the agreement of the two parties—has been achieved.

What goes wholly unexamined from the outside is the choice whether to take a stand or not, and whether the decision when to take a stand is itself a product of interest. The very choice between these two may be made in accordance with the hidden agenda of the country mediating the disputes. The potential problem, in other words, is that the mediating state will choose to push for the "just," principled solution when that works out to the mediating state's advantage, but will work to subordinate justice to broader policies when the broader policies coincide with self interest. Where it has no interest in either "justice" or regional community interest, it will remain indifferent.

If the suspicion is well founded, then the choice to try to further general neutral policies, or to try to pursue the just result, cloaks what is really at issue. Either approach can be

rationalized as "neutral" but the selective adoption first of one posture and then of the other can only be understood as mediator bias.

VI. VOLUNTARISM

We said earlier that there were two ways of getting around the potential moral difficulties posed by mediation. The first was to insist that the mediator adopt a posture of strict neutrality; and we have now seen that this objective is considerably more difficult than it first appears, because there are different competing visions of what "neutrality" means in this context.

The second response points to mediation's voluntarism. Even a solution that is proposed by a mediator acting on self interest may still be in the interests of the participant states. If A and B both are willing to adopt the solution, it might be said, then this is what really matters. The fact that they are willing to adopt it shows that they are better off than if the mediation effort had not occurred.

What matters ultimately is that the solution was approved by the participant states, and not anything about the process that gave rise to the solution. The best protection against self-interested mediation is the participant states' appreciation of their own self interest. So long as the solution is accepted voluntarily, it is entirely irrelevant whether it also coincidentally happens to further some interest of the mediating state.

The fact that mediation does not rely on force largely accounts for its escape from moral scrutiny. The very solution that results from mediation might be considered unacceptable if it was imposed by force. Aside from the practical advantages to the United States—domestically, involvement is much more palatable when American lives are not at stake—tremendous moral advantages seem to follow from the fact that the outside involvement is through persuasion. In the final analysis, the solution proposed by a mediator must be accepted by the parties. The fact that the parties accept it (one assumes) is the ultimate test of the solution's legitimacy.

I want to argue that this apparent advantage is superficial and that it masks the very real moral dangers that accompany the role of mediation. First, the voluntariness of the solution

may disguise the fact that the solution offers widely imbalanced gains to the two parties: one state may benefit considerably more than the other. Second, often, there is nothing "voluntary" about the solution brought about through mediation—even when the solution is "voluntarily" accepted. The solution may simply compare favorably with being brutalized by a more powerful neighbor.

A. Gains from Trade

To understand the superficiality of the "voluntarism" of mediation, we can compare the paradigm of voluntarism, the domestic contract. Contracts are defended on the grounds that they are voluntarily entered into, and even though this is a vast oversimplification, there is some truth to the matter. Buyer and seller agree to a particular exchange, and the fact that they agree to this exchange is the best evidence of the fact that the particular exchange makes them both better off. If it makes them both better off than they would be without the contract, what kind of reasonable objection could there be?

One important basis for skepticism about even a purely voluntary domestic contract is that the agreement may unevenly divide the "gains from trade." Presumably, the buyer gains as much incremental advantage from having the new goods as the money which he paid as their price; similarly, the seller attaches more value to having the purchase price than he did from having the goods themselves. Both get "gains from trade." But if the seller is a large and powerful commercial entity, and the buyer a small and ignorant consumer, then the profit that accrues to the seller may be much larger than the benefit that accrues to the buyer. The seller reaps the lion's share of the benefits of the transaction. Thus even a voluntary transaction may be unfair, in the sense that the benefits are unbalanced.

In domestic contracting situations, the usual response to this objection would be as follows. The smaller or weaker party's best remedy is to shop around. If the profit margin that the seller demands is disproportionately large there will probably be some other seller that will sell for less. The possibility of competition from other sellers will drive down the price, and the buyer will be able to find a deal that offers a more balanced set of

gains from trade. This argument is certainly somewhat unrealistic in particular markets (the classic example being the poorly informed consumer in an inner city market who has little ability to shop around), but undeniably the appeal of the "voluntarism" argument in the domestic contracting context lies in the hope that in many cases this paradigm holds true.

In international mediation, this paradigm does not hold true in the least. The typical international problem that is subjected to mediation is what would, in domestic law and economic terms, be described as a "bilateral monopoly." State A and State B have a dispute. In most cases, this is because they are neighbors geographically, but sometimes the dispute arises out of some other sort of longstanding historical relationship. The two states cannot go out and shop around for some other state to have a dispute with. The problem that is solved through mediation is a particular problem between two particular states.

In such circumstances, the fact that both benefit from a particular solution reached through mediation does not in any way address the question, which of the two states benefits more? There may be a number of different solutions that all improve the situation of both of the two states, but they are likely to divide the gains in different ways. Some may be hugely beneficial to State A, with only minimal benefits to State B. Others may be the opposite, and others may divide the gains equally.

In any successful mediation effort, there comes a point when one solution achieves prominence over the others. Exactly how and when this happens, and which solution it is that achieves prominence, is largely a function of the approach of the mediator. A mediator can play an active role in many different ways. He or she can aggressively set the agenda for discussions, may be able to publicize his or her own favored interpretation of the problem to the world community, can try taking sides—siding rhetorically with one state or the other, or can simply take substantive positions that certain demands are reasonable and others are unreasonable. The mediator's actions have a pronounced effect on which of the many potential proposals achieves salience. Once attention becomes focused on a particular solution, it gathers weight and strength through the historical attention that has been focused on it, and comes to dominate the process of arriving at the ultimate resolution.

While the mediator ultimately is limited by the range of options that the parties are willing to accept, the mediator may have tremendous influence in steering the process towards one rather than another of the mutually acceptable solutions. The mediator, in other words, has tremendous influence in the ultimate division of the gains from trade.

As amongst the range of mutually acceptable solutions, it often falls largely to the mediator to make the choice. The possible unfairness here is obvious, particularly when the discretion to make the choice is in the hands of a state with views or interests of its own. The ultimate solution may be "voluntary" in the sense that both states agree to it, but it can hardly be described as "fair."

B. *The Background of Coercion*

One might still say that even if it cannot ensure that the benefits will be evenly divided, at least mediation makes both sides better off than they would have been without it, and that is something to be grateful for. This is often said domestically about deals in which the benefits from trade are unequally divided. But once again the contrast between the conditions for domestic bargaining and the conditions for international bargaining is instructive.

We just noted that in international bargaining of the sort described here, the existence of a bilateral monopoly increases the risk that the division of gains will be radically unequal. Another distinctive characteristic of international bargaining is that it takes place outside a legal system with the power to defend legal rights. Coercion is always in the background, and the possibility of coercion alters the range of solutions that appear "beneficial." Even a grossly unfair arrangement may be preferable to military occupation.

In domestic law, you are not allowed to threaten the lives or property of other persons and then get paid not to carry through on the threat. There are legal penalties in domestic criminal law for making threats, and you cannot turn a profit by selling the right not to carry through on them. In domestic cases, "voluntariness" is measured by comparing the outcome of the transaction to the *entitlements* in place prior to the transaction.

The seller has legal rights to her merchandise, and the buyer has legal rights to his money. After the exchange, the seller is better off to have the money in hand and the buyer is better off with the merchandise. The new set of entitlements is more satisfying to both than the old set of entitlements.

In international law there is no legal system in place that can protect such a background set of entitlements. (Some may say that no entitlements even exist in such a situation, but this is a difficult jurisprudential question that we do not have to address.) When A and B have a dispute, the stronger of the two may threaten force to get what it wants. It is typically at this point that the mediator arrives, motivated no doubt by the desire to avoid bloodshed and to dampen the possibility of spreading violence.

The mediator may be able to induce A and B to agree to some particular solution to their problems. But the solution will be voluntary only in the sense that A and B both think that they are better off with this solution than without it. This is not to say that the solution protects what one or both are entitled to—that it improves upon their entitlements through voluntary exchange. The comparison that one or both may be forced into making is: am I better off with this negotiated arrangement, or should I take my chances on a military solution that will reflect might, rather than justice?

C. The Problem of Appeasement

All mediations start with some problem between two or more countries (or possibly nonstate actors). So long as it appears that they can manage the conflict for the foreseeable future, without it spilling over into other states either militarily or economically, whether they ask for outside mediation or not is likely to be their own private matter. Once the dispute gets larger and threatens to have external impact, the two states will come under pressure from the outside world to agree to mediation.

It should be kept in mind that mediators rarely become involved through simple desire to see justice done. The more likely motivations are either the desire to further the interests of an ally or the desire to limit the inconvenience caused by a

dispute to other countries with geographical or economic linkages. Both of these motivations are intensely self interested. Neither places a premium on doing justice.

The would-be mediator has a choice to make about what posture to adopt. If it is allied with the state that appears to be in the right, the choice is easy. When Iraq invaded Kuwait, the western powers automatically adopted a posture of angered righteousness. It was clear that Iraq was in the wrong and Kuwait was in the right; and it was also clear that western interests favored Kuwait over Iraq. So the strategic choice was easy. That case did not end in mediation, of course. Because the western interest was strong and Iraq was intransigent, it ended up in war.

What should the United States do, however, when it is not apparent that its ally is in the right? Right and wrong may be unclear; or they may be clear, but America's ally may be on the wrong side. Here, the mediator is likely to adopt a different posture. The point that will be emphasized is the necessity to damp down conflict. "Right and wrong must be put aside, for it is our job to strive merely to put an end to the conflict. The mediator must be neutral."

Thus the choice between whether to push for a solution based on justice, or to push for a solution based on peace, is largely influenced by an unexpressed awareness of where the bread is buttered. Either posture can be defended as neutral, but accepting that characterization is misleading when the choice between them is based on self interest. From the point of view of the state that is in the right, there is nothing "neutral" about a mediator that takes a position of indifference to values or pursuit of some general objective such as regional stability.

Now bring in the element of background coercion. If the dispute has gone as far as physical violence (this is true of most of the important mediations going on today) then always in the background is the question what will happen if the mediation effort fails. To cast the process as voluntary and peaceful is entirely unrealistic. The state that stands to lose out militarily if the conflict reemerges is not engaged in mediation on a purely voluntary basis. Concessions made are not made voluntarily. If the powerful mediating state continues to insist that the important thing is to reach agreement in order to preserve or rein-

state the peace the only term that fairly characterizes the process is appeasement.

Appeasement is, indeed, the primary objective in many mediations. Appeasement is of course a wholly neutral process—its only objective is the generally desirable one of preserving international peace. And it is voluntary, if you can get the victim to go along with it. But the fact that appeasement can be articulated as procuring neutral benefits, and that the weaker state may be pressured into accepting it “voluntarily,” is not enough.

VII. CONCLUSION

That there are serious moral problems with the way that mediation is conducted is not an argument against mediation as an approach to international disputes. Mediation is sometimes better than the other alternatives; and that ultimately is the best that can be said about it.

The serious moral problems that arise with mediation do, however, give good reason for critical examination of particular United States mediation efforts. Mediation is an exercise of coercive power just like other military power or economic pressure. The peacemakers of the world need to take a cold look in the mirror and ask themselves to what degree they are simply reflecting their own self interest, and to what extent this is justifiable.

