Harnessing Peace, Dialogue, Harmony, and Diplomacy for Effective Mediation

Kariuki Muigua

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Abstract

Mediation has been identified as one of the most effective methods of preventing, managing and resolving conflicts. However, in order to be effective, a mediation process requires more than the appointment of a high-profile individual to act as a third party. Effective mediation takes into account the causes and dynamics of the conflict, the positions, interests and coherence of the parties, the needs of the broader society, as well as the regional and international environments. Effective mediation often exists alongside peace processes, dialogue efforts, harmony, and diplomacy. This paper critically examines the role of peace, dialogue, harmony, and diplomacy in mediation. It argues that these concepts are vital for effective mediation. The paper defines peace, dialogue, harmony, and diplomacy and discusses their role in fostering effective mediation. The paper further explores ways through which peace, dialogue, harmony, and diplomacy can be harnessed for effective mediation.

1.0 Introduction

Mediation involves the intervention of a neutral third person, a mediator, who assists parties in negotiating a jointly acceptable resolution of issues in a dispute or conflict[1]. Mediation has also been defined as a process of conflict management where conflicting parties gather to seek solutions to the conflict, with the assistance of a third party who facilitates discussions and the flow of information therefore aiding parties in the process of reaching an agreement[2]. The United Nations defines mediation as a process whereby

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[1] What is Mediation?., Available at https://www.commerce.gov/cr/reports-and-resources/eeo-mediation-guide/what-mediation (Accessed on 14/05/2024)

[2] Muigua. K., 'Resolving Conflicts through Mediation in Kenya.' Glenwood Publishers Limited, 2nd Edition., 2017

a third party assists two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements[3].

The premise of mediation is that in the right environment, conflict parties can improve their relationships and move towards cooperation[4]. It is usually a continuation of the negotiation process since it arises where parties to a conflict have attempted negotiations, but have reached a deadlock[5]. As a result of this deadlock, parties involve a third party known as a mediator to assist them continue with the negotiations and ultimately break the stalemate towards amicable resolution of their dispute[6]. A mediator does not have the power to impose an outcome but rather facilitates communication, promotes understanding, focuses the parties on their interests, and uses creative problem solving to enable the parties to reach their own mutually satisfactory agreement[7].

The United Nations notes that mediation is one of the most effective methods of preventing, managing and resolving conflicts[8]. The *Charter of the United Nations*[9] identifies mediation as an important means for the peaceful settlement of disputes and conflicts. The Charter envisages the use of Alternative Dispute Resolution (ADR) processes including negotiation, enquiry, *mediation*, conciliation, arbitration, resort to regional agencies or arrangements, or other peaceful mechanisms in managing disputes between member states of the United Nations[10]. At a national level, the *Constitution of Kenya*[11]

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[3] United Nations., 'Guidance for Effective Mediation' Available at https://peacemaker.un.org/sites/peacemaker.un.org/files/GuidanceEffectiveMediation_UNDPA2012%28english%29_0.pdf (Accessed on 14/05/2024)
[4] Ibid
[5] Bercovitch. J., 'Mediation Success or Failure: A Search for the Elusive Criteria.' *Cardozo Journal of Conflict Resolution*, Vol. 7, p 289
[6] Ibid
[7] Ibid
[8] United Nations., 'Guidance for Effective Mediation' Op Cit
[9] United Nations, Charter of the United Nations, 24 October 1945, 1 UNTS XVI, Article 33 (1)
[10] Ibid, article 33 (1)
[11] Constitution of Kenya., 2010., Government Printer, Nairobi

mandates courts and tribunals to promote ADR mechanisms including reconciliation, *mediation*, arbitration and Traditional Dispute Resolution Mechanisms (TDRMs)[12].

It has been asserted that in order to be effective, a mediation process requires more than the appointment of a high-profile individual to act as a third party[13]. An effective mediation process responds to the specificity of the conflict[14]. It also takes into account the causes and dynamics of the conflict, the positions, interests and coherence of the parties, the needs of the broader society, as well as the regional and international environments[15]. Effective mediation often exists alongside peace processes, dialogue efforts, harmony, and diplomacy[16].

This paper critically examines the role of peace, dialogue, harmony, and diplomacy in mediation. It argues that these concepts are vital for effective mediation. The paper defines peace, dialogue, harmony, and diplomacy and discusses their role in fostering effective mediation. The paper further explores ways through which peace, dialogue, harmony, and diplomacy can be harnessed for effective mediation.

2.0 Defining Peace, Dialogue, Harmony, and Diplomacy

The concept of peace entails several ideals including the normal, non-warring condition of a nation, group of nations, or the world[17]; an agreement or treaty between warring or antagonistic nations, communities and groups to end hostilities and abstain from further fighting or antagonism[18]; and a state of mutual harmony between people or groups, especially in personal relations[19]. The term peace is also associated with the concepts of

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[12] Ibid, article 159 (2) (c)
[13] United Nations., 'Guidance for Effective Mediation' Op Cit
[14] Ibid
[15] Ibid
[16] Ibid
[17] Herath. O., 'A critical analysis of Positive and Negative Peace.' Available at http://repository.kln.ac.lk/bitstream/handle/123456789/12056/journal1%20%281%29.104-107.pdf?sequence=1&isAllowed=y (Accessed on 14/05/2024)
[18] Ibid
[19] Ibid

harmony, tranquility, cooperation, alliance, well-being, and agreement[20]. It has been noted that its core, peace encompasses far more than just the absence of violence or conflict[21]. It is a state of harmony in which individuals and communities coexist in respect and understanding[22]. The concept of peace therefore not only envisages the absence of war but also the presence of positive elements, such as justice, equality, and compassion[23]. Consequently, the concept of peace has been classified into positive peace that entails attitudes, institutions and structures, that when strengthened, lead to peaceful societies and negative peace which entails the absence of violence[24]. Peace goes beyond temporary ceasefire agreements; it involves addressing the root causes of conflict and working towards long-term solutions that promote human well-being and sustainable development[25].

According to the United Nations, peace means dignity and wellbeing for all, and not just absence of war[26]. Peace is an ideal that has been sought after for centuries[27]. It envisages the absence of conflict, the presence of tranquility, and the foundation for prosperity[28]. It has been noted that achieving peace on a global scale is a complex endeavor that requires understanding, cooperation, and concerted efforts from individuals, communities, governments, and organizations all over the world[29].

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[20] Muigua. K., 'Achieving Sustainable Development, Peace and Environmental Security.' Glenwood Publishers Limited, 2021
[21] Gray Group International., 'Understanding Peace: A Comprehensive Guide to Achieving Global Harmony' Available at https://www.graygroupintl.com/blog/peace (Accessed on 14/05/2024)
[22] Ibid
[23] Ibid
[24] Herath. O., 'A critical analysis of Positive and Negative Peace.' Op Cit
[25] Gray Group International., 'Understanding Peace: A Comprehensive Guide to Achieving Global Harmony' Op Cit
[26] United Nations., 'Peace Means Dignity, Well-Being for All, Not Just Absence of War – UN Officials' Available at https://news.un.org/en/story/2014/09/476992 (Accessed on 14/05/2024)
[27] Gray Group International., 'Understanding Peace: A Comprehensive Guide to Achieving Global Harmony' Op Cit
[28] Ibid
[29] Ibid

Dialogue refers to the logical and useful sharing of thoughts and ideas between two or more groups of people[30]. Dialogue has also been defined as a culturally and historically specific way of social discourse accomplished through the use of language and verbal transactions[31]. It has been noted that dialogue is not something we do or use; it is a relation that we create and sustain by conjoint agreement and through shared discourse[32]. As a relation, dialogue is characterized by inclusion and a reciprocal sharing, such that the individual's become one in and with each other[33]. In addition, it has been pointed out that dialogue cannot exist without the assessment of mutual interests and points[34]. The idea of dialogue therefore envisages the mutual exchange of experience, ideas and opinions between two or more parties through conversation[35]. Dialogue therefore envisages two-way or multi-way communication[36].

Harmony is a human value that entails compatibility and accord in feelings, actions, relationships, opinions, and interests[37]. Harmony denotes a state of balance among forces influencing and even opposing one another[38]. It has also been described as a state of balance, peace, and coherence within individuals[39]. The concept of harmony involves the integration of various aspects of a person's being, including their thoughts, emotions,

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[30] Madni. A.H., 'Dialogue: Advantages and Effects' Available at https://www.researchgate.net/publication/366393773_DIALOGUE_Advantages_Effects#:~:text=Dialogue%20is%20the%20logical%20and,among%20the%20people%20is%20natural. (Accessed on 14/05/2024)

[31] Benathy, B., & Jenlink. P., 'Dialogue as a Means of Collective Communication' Available at https://www.researchgate.net/publication/200025879_Dialogue_as_a_Means_of_Collective_Communication (Accessed on 14/05/2024)

[32] Ibid

[33] Ibid

[34] Madni. A.H., 'Dialogue: Advantages and Effects' Op Cit

[35] Dialogue Methods- An Idea Manual., Available at https://www.diva-portal.org/smash/get/diva2:1364081/FULLTEXT01.pdf (Accessed on 14/05/2024)

[36] Ibid

[37] Chen. S. X., 'Harmony' Available at https://www.researchgate.net/publication/256649929_Harmony#:~:text=Harmony%20is%20usually%20identified%20as,and%20even%20opposing%20one%20another. (Accessed on 14/05/2024)

[38] Ibid

[39] Hegde. S. B., 'Universal Human Values: Understanding Harmony and Ethical Human Conduct' Available at https://www.jcethbl.edu.in/UNIVERSAL%20HUMAN%20VALUES%20II.pdf (Accessed on 14/05/2024)

values, and actions[40]. It has been noted that when there is harmony within individuals, they experience a sense of inner peace, wellbeing, and alignment with themselves and the world around them[41]. Harmony is vital for successful cooperation, survival, longevity, and prosperity of humanity[42]

Diplomacy is the process through which nations, groups, or individuals conduct their affairs, in ways to safeguard their interests and promote their political, economic, cultural or scientific relations, while maintaining peaceful relationships[43]. Diplomacy is also a process used by governments to influence the actions of foreign governments through peaceful tactics such as negotiation and dialogue[44]. It has often been used as a soft skill to shape mindsets and influence international and national agendas as well as the workings of governments[45]. Diplomacy therefore entails the conduct of international relations by negotiation and dialogue or by any other means to promote peaceful relations among states[46]. It has been noted that with the application of political support and concerted diplomacy, international cooperation can be forged to handle both longstanding and emerging global challenges[47].

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[40] Ibid

[41] Ibid

[42] United Nations., 'The Philosophy of True Harmony in Global Citizenship' Available at https://www.un.org/en/chronicle/article/philosophy-true-harmony-global-citizenship (Accessed on 14/05/2024)

[43] What is Diplomacy? Available at https://www.cyber-diplomacytoolbox.com/Diplomacy.html#:~:text=Diplomacy%20is%20the%20art%2C%20the,relations%2C%20while%20maintaining%20peaceful%20relationships (Accessed on 14/05/2024)

[44] Ibid

[45] Mabey. N., Gallagher. L., & Born. C., 'The Evolution of Climate Diplomacy and the International Climate Regime.' Available at https://www.jstor.org/stable/resrep17706.6?seq=1 (Accessed on 14/05/2024)

[46] Cornago. N., 'Diplomacy' Available at https://www.researchgate.net/publication/286221540_Diplomacy#:~:text=comprehensively%2C%20diplomacy%20is%20a%20set,normative%20needs. (Accessed on 14/05/2024)

[47] Mabey. N., Gallagher. L., & Born. C., 'The Evolution of Climate Diplomacy and the International Climate Regime.' Op Cit

3.0 The Role of Peace, Dialogue, Harmony, and Diplomacy in Mediation

Mediation can foster peace by addressing the root causes of conflicts[48]. It usually results in mutually satisfying and long lasting outcomes therefore creating a suitable environment for peace by eliminating the likelihood of conflicts reemerging in future[49]. It also has the potential to preserve and at times even enhance relationships making it an ideal process in promoting peace[50]. As a result, it has been noted that mediation is an effective process in managing conflicts while simultaneously fostering peace and harmony[51]. Peace and harmony have been described as essential prerequisites for tranquil and stable societies[52]. Harnessing peace and harmony can empower individuals to fully unlock their creative potential, facilitate Sustainable Development of economies and cultures, and ensure enduring prosperity and security for all of humanity[53]. It has been noted that in order to enhance peace through mediation, major issues and grievances that led to the conflict must be resolved either by addressing the root causes directly or by establishing new mechanisms and/or institutions to address them over time through democratic processes[54]. In addition, it is also imperative for the mediator to establish with the parties to a conflict, and through broader consultations, the minimum that needs to be achieved in order to commence a peaceful approach to dealing with the remaining aspects of the conflict[55]. A mediator can also help parties to a conflict and other stakeholders to build options or mechanisms for addressing the issues in conflict at a later stage[56].

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[48] Muigua. K., 'Resolving Conflicts through Mediation in Kenya.' Op Cit
[49] Ibid
[50] World Intellectual Property Organization., 'What is Mediation?' Available at https://www.wipo.int/amc/en/mediation/what-mediation.html (Accessed on 15/05/2024)
[51] Masumy. N., 'Charting a Pathway to Resolving Conflicts through Harmony and Mediation: Chinese Approach to International Conflict Management' Available at https://opiniojuris.org/2024/02/29/charting-a-pathway-to-resolving-conflicts-through-harmony-and-mediation-chinas-influence-in-managing-international-conflicts/ (Accessed on 15/04/2024)
[52] Ibid
[53] Ibid
[54] United Nations., 'Guidance for Effective Mediation' Op Cit
[55] Ibid
[56] Ibid

Dialogue is also a key process for effective mediation[57]. Dialogue is effective in building and strengthening relationships[58]. It can therefore be harnessed for effective mediation by building consensus among parties to the mediation process[59]. Dialogue can also be harnessed to extend the reach and impact of the mediation process through wider participation[60]. Dialogue can help parties to a conflict develop a joint understanding in relation to a problem, hear different perspectives on a particular issue, and build mutual trust[61]. In addition, it has been noted that dialogue has proven to be an efficient tool in relieving tensions, removing prejudices, building trust, and mediating grievances[62]. According to the United Nations Development Programme, mediation and dialogue skills are important in building sustainable peace by offering solutions and discussing the root causes of conflicts[63]. Dialogue can foster effective mediation by shedding light on the root causes of conflicts and therefore enabling parties to find permanent solutions instead of relying on temporary ones[64]. In addition, it has been asserted that problem-solving dialogue could follow or run concurrently with power mediation or be instituted on its own to help groups analyze and confront issues of concern[65]. Dialogue helps in maintaining open communication between and among parties to a conflict therefore

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[57] Peace Insight., 'Dialogue and Mediation' Available at
https://www.peaceinsight.org/en/themes/mediation-dialogue/?location&theme=mediation-dialogue
(Accessed on 15/05/2024)

[58] Ibid

[59] Ibid

[60] Ibid

[61] Global Partnership for the Prevention of Armed Conflict., 'Dialogue and Mediation' Available at
https://www.gppac.net/what-we-do/dialogue-and-
mediation#:~:text=This%20is%20where%20people%20can,building%20trust%2C%20and%20mediating%
20grievances. (Accessed on 15/05/2024)

[62] Ibid

[63] United Nations Development Programme., 'Mediation and Dialogue as a Cornerstone of Peacebuilding'
Available at https://www.undp.org/iraq/stories/mediation-and-dialogue-cornerstone-peacebuilding
(Accessed on 15/05/2024)

[64] Ibid

[65] Fisher. R., Tadevosyan. M., & Cuhadar. E., 'The USIP Learning Agenda: An Evidence Review' Available
at https://www.usip.org/sites/default/files/Track-2-Dialogues-Evidence-Review-Paper.pdf (Accessed
on 16/05/2024)

facilitating a peaceful resolution or a negotiated compromise[66]. Promoting direct dialogue between parties is therefore vital for successful mediation.

Harmony is also essential for effective mediation. It has been pointed out that at its most basic level, mediation is about maintaining some semblance of harmony among parties at the various stages of a conflict[67]. This is achieved by focusing on common ground rather than who is right or wrong in a conflict[68]. Effective mediation therefore focuses on harmony and cooperation[69]. It is therefore necessary to build harmony for effective mediation processes and outcomes.

Harnessing diplomacy is also necessary for effective mediation. Successful diplomacy relies on effective communication, compromise, negotiation, and finding common ground between parties[70]. Diplomacy plays a crucial role in managing international relations, fostering peaceful coexistence, and addressing global challenges[71]. It has been noted that by enabling nations and organizations to engage in dialogue, diplomacy contributes to a more stable and cooperative international order[72]. Diplomacy can therefore enhance mediation and peace processes at the regional, continental, and global levels[73]. For example, preventive diplomacy aims to avoid the creation of disputes, to

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[66] Dialogue – A Cheap and Effective Tool for Preventing Armed Conflicts., Available at https://nansen.peace.no/dialogue-a-cheap-and-effective-tool-for-preventing-armed-conflicts/ (Accessed on 16/05/2024)

[67] Mediation Can Maintain Harmony at Various Stages of a Case., Available at https://www.brickergraydon.com/insights/publications/Mediation-can-maintain-harmony-at-various-stages-of-a-case (Accessed on 15/05/2024)

[68] Ibid

[69] Masumy. N., 'Charting a Pathway to Resolving Conflicts through Harmony and Mediation: Chinese Approach to International Conflict Management' Op Cit

[70] Jamil. S., Atta. M., & Kalbi. H., 'Religious Diplomacy Promoting Peace, Collaboration, & Economic Stability' Available at https://www.researchgate.net/publication/377891297_Religious_Diplomacy_Promoting_Peace_Collaboration_Economic_Stability (Accessed on 15/05/2024)

[71] Ibid

[72] Ibid

[73] African Union., 'Peace Mediator' Issue 1, Volume 1., Available at https://www.peaceau.org/uploads/peace-mediator-newsletter-volume-1-issue-1-20162017-final-3-.pdf (Accessed on 15/05/2024)

limit the escalation of existing disputes and to minimize the spread of a conflict[74]. Further, it has been noted that like mediation, preventive diplomacy uses different forms of dialogue, the most frequent being a combination of diplomatic shuttles, proximity interviews and direct talks[75]. Preventive diplomacy focuses more on lobbying, encouragement, political support or pressure in order to enhance peace outcomes[76].

Diplomacy is often utilized to strengthen mediation efforts through the work of envoys dispatched to crisis areas to encourage dialogue, compromise and the peaceful resolution of tensions[77]. Diplomacy can play a crucial role in helping to mediate inter- and intra-State conflicts at all stages before they escalate into armed conflict, after the outbreak of violence, and during implementation of peace agreements[78]. The United Nations notes that successful conflict mediation requires strengthening of diplomacy by providing adequate support system for envoys through proper staff assistance and advice, and ensuring that talks have the needed logistical and financial resources[79]. It has been noted that diplomats have the tools, access to funding, international networks, and the political backing to set up successful mediation arenas[80]. As a result, they can ensure safe places for the negotiations to take place and also help a mediation team prevent parallel processes[81]. In addition, diplomats may have the power to influence parties to come to the negotiation table or to encourage them to move towards a certain line of action or a negotiated deal, through backchannel talks, (economic) incentives, the use of 'good offices' or by offering to host the mediation process in their country thereby providing

[74] Ibid

[75] Ibid

[76] Ibid

[77] United Nations., 'Prevention and Mediation' Available at https://dppa.un.org/en/prevention-and-mediation (Accessed on 15/05/2024)

[78] Ibid

[79] Ibid

[80] Mediation Support Network., 'Peace Mediation and Diplomacy: Joining Forces for More Effective Cooperation' Available at https://www.clingendael.org/sites/default/files/MSN%20Discussion%20Points%20Nr%2011.pdf (Accessed on 16/05/2024)

[81] Ibid

neutral and often safer surroundings that are vital for effective mediation[82]. Diplomacy can therefore influence the conflict management process in various ways therefore ripening the context for mediation[83]. Harnessing diplomacy can enhance mediation and peacemaking processes aimed at bringing ongoing conflicts to an end, and preventing new crises from emerging or escalating[84].

Peace, dialogue, harmony, and diplomacy are thus vital for effective mediation and need to be harnessed.

4.0 Conclusion

Peace, dialogue, harmony, and diplomacy are key concepts in ensuring effective mediation. It has been noted that mediation has the potential to preserve and at times even enhance relationships making it an ideal process in promoting peace[85]. Peace and harmony are essential prerequisites for tranquil and stable societies[86]. Dialogue also helps in maintaining open communication between and among parties to a conflict therefore enhancing the mediation process and facilitating a peaceful resolution or a negotiated compromise[87]. Harmony is also vital for effective mediation by ensuring that parties focus on common ground rather than who is right or wrong in a conflict[88]. Effective mediation focuses on harmony and cooperation[89]. Diplomacy is also a vital for effective mediation. It is helps to mediate inter- and intra-State conflicts at all stages before they escalate into armed conflict, after the outbreak of violence, and during implementation of peace agreements[90]. Diplomacy can also influence the conflict management process in

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[82] Ibid
[83] Ibid
[84] United Nations., 'Prevention and Mediation' Op Cit
[85] World Intellectual Property Organization., 'What is Mediation?' Op Cit
[86] Ibid
[87] Dialogue – A Cheap and Effective Tool for Preventing Armed Conflicts., Op Cit
[88] Mediation Can Maintain Harmony at Various Stages of a Case., Op Cit
[89] Masumy. N., 'Charting a Pathway to Resolving Conflicts through Harmony and Mediation: Chinese Approach to International Conflict Management' Op Cit
[90] United Nations., 'Prevention and Mediation' Op Cit

various ways therefore ensuring effective mediation[91]. It is therefore necessary to embrace and harness peace, dialogue, harmony, and diplomacy for effective mediation.

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[91] Ibid

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