



Mediation: Is There a More Promising Future? The Case of the Cairo Business Community

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Abstract

In an era of economic distress, some organizations have found refuge and growth potential in cooperation. Mediation, a highly recommended cooperative concept, has been enabled in certain countries but not all. Some applications lacked local cultural support making it, despite government efforts, a failure to launch. In this article, we investigate attempts to launch mediation in the Cairo Business Community (CBC). This study enabled us to revisit how Egyptian culture was prototyped by Hofstede and to question its representativeness. Hofstede has consistently described Egyptian culture as being highly cooperative / collectivist but our observations indicate that this culture is now more of an individualistic / competitive type, due to the tremendous economic difficulties that Egyptian society is going through. These difficulties and their impact on culture are at the heart of the explanation of the failure to launch mediation in the CBC.

Keywords: Mediation, Conflict Resolution, Culture, Egypt, Cairo Business Society.

Introduction

In a world threatened by increased conflict and competition, business leaders and economic advisers have recommended techniques for survival and growth using cooperative strategies. Some of these recommendations have made their appearance in international and national legal systems.

Before we proceed to the cooperative conflict management methods, which is the heart of this paper let us first agree on a choice of conflict definition. "Conflict may be defined as "the interaction of interdependent people who perceive opposition of goals, aims, and values, and who see the other party as potentially interfering with the realization of these goals" (Putnam and Poole, 1987: 552). Consequently, it is an important element of social interaction and no couple, group, organization, or society is said to be free of conflicts (Rahim, 1986). Conflict handling skills are, thus, very important for maintaining almost all human relationships , in either personal or working life. A conflict management style is defined here as a general and consistent orientation toward the other party and the conflict issues, which is manifested in observable behaviors (Thomas, 1976) (Montes, 2012)

Economic advisers have strongly highlighted that the international community "should continue to adapt the multilateral system to the changing global economy. Active dialogue and cooperation will help to improve and modernize the rules, while addressing valid country concerns. This process will ensure continued mutual benefits and evenhandedness. Together with strong domestic policies, it will also help avoid a broad withdrawal from multilateralism, either through widespread protectionism or a competitive race to the bottom in financial and regulatory oversight, which would leave all countries worse off" (World Economic Outlook, 2017) .

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The conflict resolution community at the organizational level as well as at the society level has also advocated resolving to cooperative methods in conflict management. "Conflict management is a generic term for a wide variety of approaches and methods of dealing with conflict situations. Conflict management subsumes a very wide range of behavior, from the use of military force to negotiation and mediation. Our interest is with non-violent methods of dealing with conflict. However, conflict management does not mean conflict avoidance. Conflict management should be understood as a process designed to stop the destructive aspects of a conflict and realize its constructive potential. This can be achieved through, among other things, negotiation, arbitration, adjudication, fact-finding, peace-making and mediation" (Bercovitch, 1992).

Among the above, mediation has become highly recommended as a first step because it provides individuals with an opportunity to resolve their conflict quickly, inexpensively, preserve personal and professional relationship and most important involved parties are actively involved in reaching an agreement.

Has this approach to cooperation found its way successfully across different nations? In this article we study the implications of implementing mediation in a specific context: the Cairo Business Community (CBC) in Egypt. We focus on this community and not on other geographical zones in Egypt to which we had no access. This choice can also be justified by the fact that Cairo hosts approximately one quarter of Egypt's population but counts for one third of the country's GDP, making it an area worthy of interest independently from the rest of the country. We study how the context of this community, which we chose to represent Egypt, determines the success or not of promoting and implementing mediation.

The reason behind the choice of Egypt as a country is that it is at the heart of the Middle East and one of the most strategic countries among Arab and African nations. Like most of the rest of the world, Egypt has been held in economic disparity for consequent decades, and like the rest of the Middle East, it is finding its way in re-construction post revolution. Our belief is that with a very optimistic and promising leadership Egypt has been very proactive on many reformative initiatives.

In alignment with the recommendations from international advocates for cooperation, on a business, economic and legal levels, Egypt has adopted the mediation approach and the government has invested in officially launching and supporting the initiative.

In the next section, we define and explain mediation as a collaborative conflict resolution method and we highlight how the culture of a given society, at the root of mediation practice, acts as an enabler or the contrary can be a blocking factor. Section 3 focuses on the case of mediation in the Cairo Business Community (CBC). We then present our data collection sources (section 4) and our results (section 5). In the final section we discuss our results, acknowledge the limitations of our work and present recommendations both for action and future research.

Mediation as a Collaborative Conflict Resolution Method Taking Ground in the Root Values of a Given Culture

In this article, we analyze the implementation of mediation in a specific context. We express an opinion as to whether mediation practice in this context has been a success or not. However according to Bercovitch (2007) this is a difficult task:

"Although we have a considerable body of work on the cause of conflict, its evolution and how best to manage it, very little work has focused on developing a clear understanding of what constitutes success. Too often, it seems success or failure is assumed, postulated, or defined on a case by case basis, and usually in an arbitrary and poorly reasoned manner."

However true this may be, we accepted the challenge of the study and gave ourselves a better chance by focusing on a specific geographical zone.

To start we need to define mediation and what are the required cooperative prerequisites needed to make it successful.

To define and explain mediation we referred to the procedure published by the International Institute for Conflict Prevention and Resolution (IICPR)⁽¹⁾. It states clearly that mediation is “the most widely used alternative dispute resolution (ADR) process, mediation is a process in which a third party neutral – a mediator – meets with the disputing parties and actively assists them in reaching a settlement”.

Mediation is private and confidential, flexible and informal. Typically, it is concluded expeditiously at moderate cost. The subject matter can be complex or simple. The stake large or small, the number of parties few or many. The process typically is far less adversarial than litigation or arbitration, and therefore less disruptive of business relationships. Since other options are not foreclosed if mediation should fail, entering into a mediation process presents few risks.

Mediation is collaborative in nature as it focuses on the present and future benefit of all parties involved. “It is participative as all parties get an opportunity to present their case in their own words and to directly participate in the negotiation. The goal of mediation is to find a mutually acceptable solution that adequately and legitimately satisfies the needs, desires and interests of the parties” (Kumar Swatanter).

To add to the above “mediation is essentially no-coercive in nature, voluntary in structure and performance and ad-hoc in orientation. Mediation does not have any direct legal basis or institutionalized authority; it relies on personal features and resources mediators have. Mediation is, in essence, a form of “assisted negotiation”. This definition may be broad, but it is one that can be generally and widely applied. It forces us to recognize that any mediation situation is composed of: a) parties in conflict, b) a mediator, c) a process of mediation, and d) a context of mediation. All these elements are important in understanding mediation and its outcomes. We must not lose sight of them since they determine the nature, quality, and success of any mediation event” (Bercovitch, 2007).

We think it worth noting that the definition of mediation has remained constant during the past decade: mediation is assistance to two or more interacting parties by a third party who - at that time - has no power to prescribe agreements or outcomes (Kressel and Pruitt 1989; Wall, Stark, and Standifer 2001). Most definitions from the last ten years are consonant with this one, and some scholars have embellished it by comparing mediation with arbitration, stating that in mediation, the third party controls the process but not the outcomes, whereas in arbitration, the third party controls the outcome but not the process (Wall and Dunne, 2012).

To define the framework of mediation, and stay aligned with our references, we return to the IICPR mediation procedure, in 9 steps, summarized in table (1).

The procedure starts when the parties involved in the conflict reach an “Agreement to Mediate”. The next step is eventually to “select the Mediator”, review and agree on the “Ground Rules of Proceeding”. At this point, the “Exchange of information” phase begins, including “Presentation to the mediator”. All parties will engage in “Negotiations” the main objective of which is to reach a “Settlement”. The case of “Failure to Agree” is also considered, and alternative measures are already agreed on in step 2. The most important element, whether an agreement is reached or not, is that “Confidentiality” is guaranteed.

Table (1) CPR Mediation Procedures⁽¹⁾

1. Agreement to Mediate
2. Selecting the Mediator
3. Ground Rules of Proceeding
4. Exchange of information
5. Presentation to the mediator
6. Negotiations
7. Settlement
8. Failure to Agree
9. Confidentiality

(1) <https://www.cpradr.org/resource-center/rules/mediation/cpr-meditation-procedure>, accessed January 13th 2019

(1) The International Institute for Conflict Prevention and Resolution (CPR) is a non-profit think tank that combines a decades-old heritage of thought leadership with the innovation of its diverse and collaborative membership to offer the most cutting edge dispute resolution services and resources available, (<https://www.cpradr.org/>), accessed January 13, 2019

We summarize our understanding of “mediation” from the above literature in figure 1 below. We divide it into mediation input; mediation process characteristics and mediation output value.

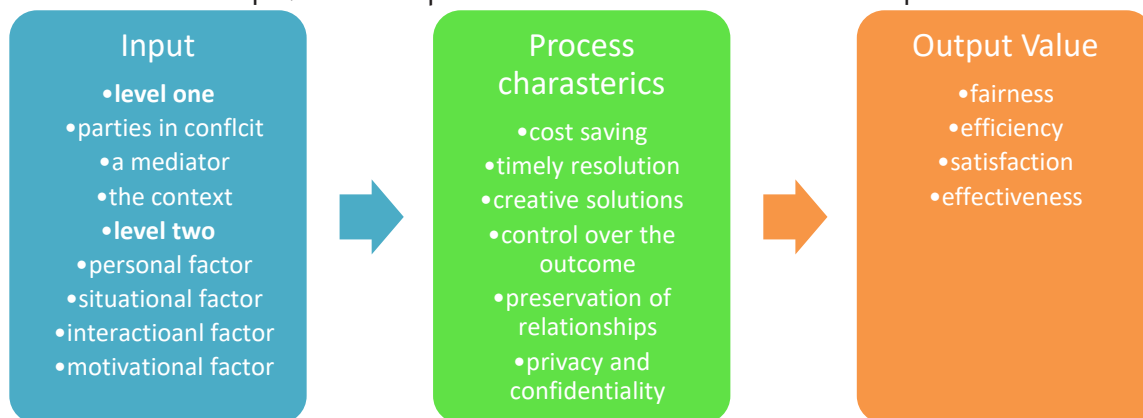


Figure 1: The Mediation content

How mediation works sheds more light on the cooperative nature of mediation: “The conflicting parties meet with the mediator. The mediator introduces everyone and explains the process and rules. Upon agreement to follow the rules, the parties each explain their positions. After the mediator clarifies the issues, each party is given the opportunity to present solutions to the conflict. Thereafter, the parties and the mediator discuss and decide which solution best addresses the conflict. Finally, the agreement is put into writing.” (Wall and Dunne, 2012)

Using systems theory, as well as field theory, we begin with the basic assumption that mediation operates in a context or environment, and the literature indicates that this context comprises four major segments: conflict type, country, culture, and mediation institutions. How this context or environment affects the mediation process is summarized in figure 2 (Wall and Dunne, 2012).

The value of the mediation paradigm (figure 2) for our work lies in the description of “Context/Environment”, with four factors: type of conflict, country, culture and mediation institution. The intention of our paper is to focus on the role of culture and national context, which is developed in figure (3) below. We quote Wall and Dune (2012) again. The reason why we found this quote particularly valuable is because is it rich in literature, focus on the matter in hand and the examples are very illustrative and diversified.

Based on the elements presented in figure 3 it is apparent that a given country’s culture is at the heart of mediation interplay in society. It is also apparent that collectivist cultures offer more opportunities for mediation to take place. Figure 3 also provides examples of how cultural values and norms can act as enabling or as blocking factors for mediation. In order to represent how behaviors are linked to the cultural norms and values, we have chosen the illustration of the cultural value tree (figure 4).

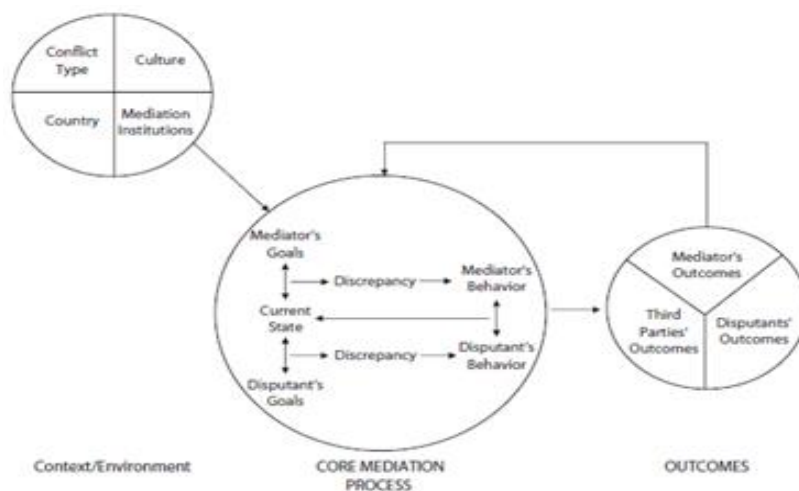


Figure 2: The Mediation Paradigm

(Wall et al. 2012)

“The effects of country play themselves out via its culture and institutions. We will consider first the culture and its effects. Culture. As Harry Triandis (1994) and others have noted, culture has two elements: human-made elements and social behavior. The human made elements (i.e., individual differences) consist of the self-definitions, norms, attitudes, beliefs, roles, social structures, and values that may determine the social behavior. The social behavior is a behavior that occurs somewhat distinctly within a culture group and arises from these beliefs, values, and norms. Both of these elements can affect mediation. As for the human made elements (i.e., beliefs, values, and norms), they affect the type of approaches that mediators will employ. It seems that collectivist cultures offer a rich ground for mediation practice. Because societies with a collectivist culture are more likely to believe that conflict is harmful, they will emphasize harmony more frequently than in more individualistic cultures and this will create opportunities for mediation. This will enable mediators to stress the cost of dispute to society, have third parties from that society present in the mediation, and ask for their assistance and their advice (Wall, Beriker, and Wu 2010). Likewise, because they value harmony, mediators from collectivistic cultures are more likely to call on disputants to forgive or apologize (Callister and Wall 2004), and these mediators will take steps to save face for the disputants. However another — quite unfortunate — effect of human-made elements is to be found in gender biases. In some cultures, women are considered to be inferior and have few rights; therefore, the mediators press them for concessions or do not hear their side of the dispute (Bilefsky 2006; Kouassi 2008; Wall, Beriker, and Wu 2010). Turning to the effects of social behavior, we find mediators emulate the day-to-day behaviors in their culture. For example, if members of a culture use proverbs, metaphors, euphemisms, rituals, and taboos in their communications, then mediators from these societies will rely upon such modi operandi in their mediations (Kouassi, 2008). Likewise, if the community (e.g., German) has a blunt and assertive communication style, mediators from this society will be blunt and assertive when they mediate (Zarankin and Wall, 2007). Another social behavior, religious practice, can also play a significant role. For example, in Turkey and Malaysia, imams, who often function as mediators, daily engage in religious-oriented behaviors such as meeting in a mosque, relying on the Koran, and praying with the people (Wall, Beriker, and Wu 2010). In their mediations, they tend to rely on these same behaviors. Before turning to the effects of institutions, we need to point out that the culture of a society dictates not only how mediators will behave but also who will become a mediator. Frequently, it is difficult to determine why and how culture impacts these choices. In Turkey, for example, Kurdish tribal leaders seldom mediate; rather, this function is left to the butchers, coffeehouse owners, imams, senior businessmen, and muhtars (minor government officials) (Wall, Beriker, and Wu 2010). In Afghanistan, on the other hand, tribal leaders do mediate (Khapalwak and Rohde 2010). Likewise in Togo, the Yongas’ tribal leaders do not mediate, but in the Moba society they do (Kouassi 2008)”.

Figure 3: The role of culture and the national context on mediation

(Wall and Dune, 2012)

We find figure 4 is very expressive of the value, impact and difficulty of culture. At the root, values and norms are the “underground” invisible factor shaping the beliefs and experiences of society that in turn impact behaviors which are as the visible side of culture, depicted in figure 4 as the fruit of values and norms. As a simple example: in certain societies, being on time is a common expectation. Being 5 minutes late will require an apology. This is a visible behavior; if we follow this behavior to its roots, it should lead us to the “time

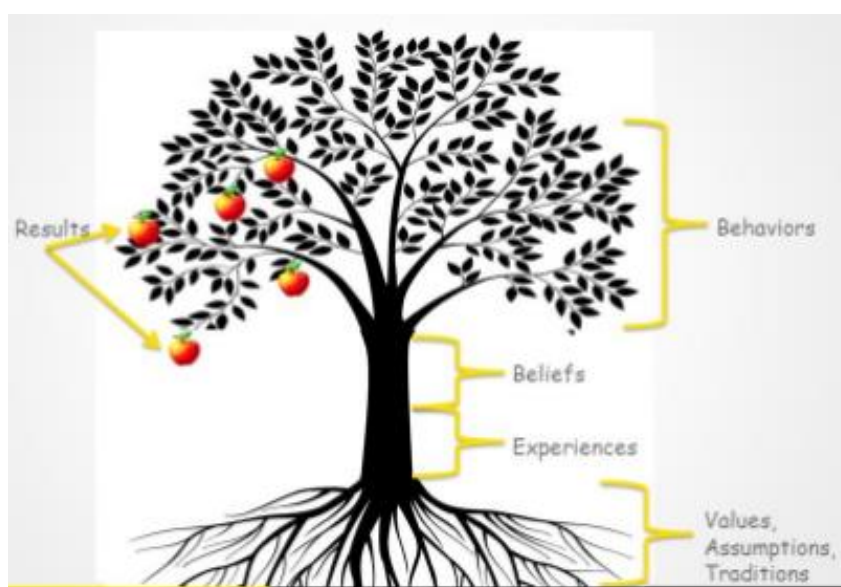


Figure 4: The tree of cultural values

(Brandan Mathews, 2016)

value” of these societies. In the example we chose, these societies are monochromic. It means they treat time as a valuable un-renewable resource that needs to be well planned and saved. In a society where a person can show up 40 minutes late, with no sense of guilt or shame, the cultural value of time in this case would be polychromic. This person treats time as an abundant renewable resource. Another example can be illustrated as we experience egoistic behaviors among individuals standing in a queue. The drive leading to queue jumping behaviors is, at the roots, a strong sense of individualistic values. To summarize, behaviors are the expression of culture. Culture had a very powerful influence on the ideas, ideologies and behavior patterns of people. Mediation is impacted by culture.

Context of the fieldwork

The presentation of the context of this study will be divided into two sub-sections. Sub-section 3.1 describes Egyptian culture using Hofstede’s culture dimensions with a focus on the collectivist versus individualism dimensions. Sub-section 3.2 presents in what way and through which institutions the Egyptian government chose to promote mediation.

Egyptian culture as seen by Hofstede

Our decision to refer to the work of Hofstede⁽¹⁾ (1984, 1990, 2001) is justified by its position as one of the founding references in the field of culture as well as by the fact that it is the only framework that we know of, which offers a description of Egyptian culture (accessible through Hofstede culture online center services⁽²⁾).

Figure 5 is available from Hofstede’s online center and offers a description of Egyptian culture based on the dimensions summarized in footnote 3. Egypt as seen by Hofstede scores particularly high on power distance and uncertainty avoidance, relatively average on masculinity, and clearly low on individualism, long term orientation and indulgence.

We will focus our analysis on the individualism versus collectivism dimension, as we have identified, based on figure 3, that it is an essential dimension for mediation. According to the Hofstede insights analysis⁽³⁾: “The fundamental issue addressed by this dimension is the degree of interdependence a society maintains among its members. It has to do with whether people’s self-image is defined in terms of “I” or “We”. In Individualist societies people are supposed to look after themselves and their direct family only. In collectivist societies, people belong to ‘in groups’ that take care of them in exchange for loyalty.

Egypt, with a low score of 25 for individualism is considered as a collectivistic society. This is manifest in a close long-term commitment to the member ‘group’, be that a family, extended family, or extended relationships. Loyalty in a collectivist culture is paramount, and over-rides most other societal rules and regulations. Society fosters strong relationships where everyone takes responsibility for fellow members of their group. In collectivist societies offence leads to shame and loss of face, employer/employee relationships are perceived in moral terms (very much like with family links), hiring and promotion decisions take account of the employee’s in-group, management is the management of groups.

(1) As a reminder Hofstede proposes to describe the culture of a given country using the following dimensions:

1. Power Distance, related to the different solutions to the basic problem of human inequality;
2. Uncertainty Avoidance, related to the level of stress in a society in the face of an unknown future;
3. Individualism versus Collectivism, related to the integration of individuals into primary groups;
4. Masculinity versus Femininity, related to the division of emotional roles between women and men;
5. Long Term versus Short Term Orientation, related to the choice of focus for people’s efforts: the future or the present and past.
6. Indulgence versus Restraint, related to the gratification versus control of basic human desires related to enjoying life. (Hofstede, 2011)

(2) <https://www.hofstede-insights.com/>, accessed January 13th 2019

(3) <https://www.hofstede-insights.com/>, accessed January 13th 2019

So far, thus, the evidence that we have reviewed indicates that, culturally, Egypt is a suitable context for mediation practice.

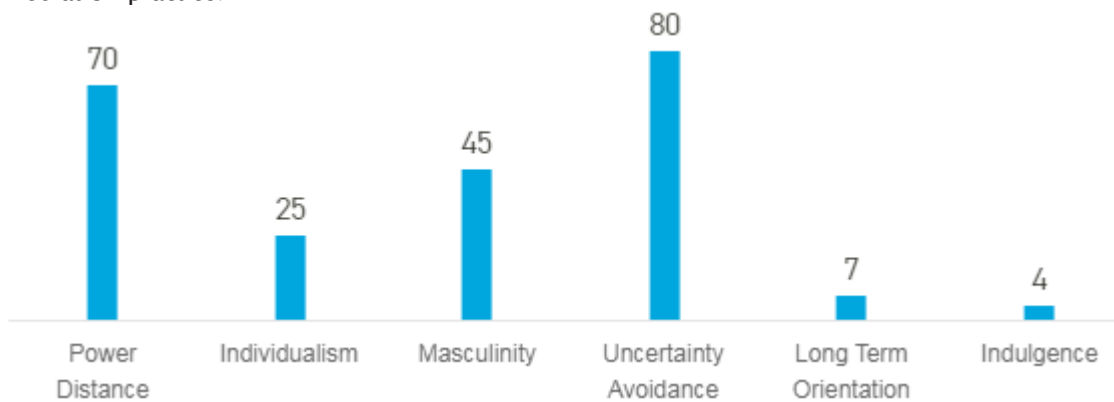


Figure 5: Hofstede Insights Online Center Egypt Culture Results 2019
“Based on Hofstede Center Data (1)”

Institutionalization of Mediation and Government Support

In order to present itself as a country which offers investors all the attributes of a business friendly environment, the Egyptian government has been working very hard on joining the international economic arena, investing in developing its legislations and practice to adapt it to international requirements. Among these initiatives are the Egyptian government’s commitment and efforts in promoting mediation as a smart and amicable business conflict management method, by the creation of the Investor’s Dispute Settlement Center⁽²⁾ (ISDC) in 2009 that solely focuses on “mediation” and “reconciliation”⁽³⁾. The center has a large number of objectives which range from assisting mediation, training mediators, advocating and raising awareness for mediation, providing training on the concept, values and practice, link with international bodies to keep Egypt up to date with the practice in the international arena. They have also carried out a number of joint efforts with different international nonprofit organizations, and with the United Nations for the same purpose related to the development of a larger literature and to the availability of training material. The center also played an important role in bringing to Cairo prestigious international figures in mediation.

By 2016, the center had claimed some achievements. In 2013, it had achieved settlements that exceed 33.5 million US dollars which is equivalent to 600 million pounds based on today’s exchange rate (June 2018). In 2014, settlement requests for 35 companies were presented to the Center. In 2014, that center has succeeded in releasing from business conflict a total amount of 155 million US dollars equivalent to were 2 billion and seven hundred seventy million Egyptian pounds based on today’s exchange rate (June 2018). This amount would have otherwise been “withheld” from business and economic cycles for an un-defined delay, awaiting litigation (Soliman et al, 2016).

Both the description of Hofstede and the work of Wall and Dunne (2012) on the Mediation Paradigm, from a cultural and an institutional perspective, point to the fact that Egypt is a very promising environment for mediation application. The achievements claimed by the center also point in this direction.

What we are interested in is to know how solid these literature based deductions and these claims for success are, when confronted to our empirical investigations.

(1) <https://www.hofstede-insights.com/country-comparison/egypt/>, accessed January 13th 2019

(2) <https://www.gafi.gov.eg/English/Howcanwehelp/Pages/Investors-Disputes-Settlement-Center.aspx>, accessed January 13th 2019

(3) In an effort to complete the array of services provided by the General Authority for Investment and Free Zones (“GAFI”) to improve the investment climate, the Investors’ Dispute Settlement Center was established in 2009 to settle the disputes that may arise between investors through mediation.

Data collection

In order to investigate the above question we relied on direct observations from three sources that enabled us to collect data.

Table 2: Population description

Number	40
Gender	Male and female representation
Age	40 to 55
Occupation	Government officials based in Cairo

First source: a one-day training for government officials

The first source was a one-day training for government officials, whose job puts them in a position to be the first to recognize a business conflict. They have the obligation to teach the business owner about the different ways he/she can solve their conflict. This puts these individuals in a position to become very powerful and impactful advocates for mediation. The population and the training contents are described respectively in Tables 2 and 3.

These government officials work for the ministry of investment. This training was paid from a training budget of this ministry. This ministry is known for its very dynamic development programs. Thus, the attendees are used to be called in for training, usually related to their work practice rules, laws and regulation updates, as well as soft skills. The IDSC designed the training and the first author was called in to participate with a one-day awareness session on mediation.

The data was collected through observation (during role-play) and unstructured questions and answers during the discussion.

It was the first encounter of these officials with the concept and practice of mediation.

The reason for the small role-play was intended to overcome doubtfulness in the professionalism and technicality of the role of the mediator, and at the same time to install the understanding that each one of them can be trained mediator and join in the act.

Second source: an awareness session for the business community

The second source was an event organized by the IDSC to raise awareness of mediation in the CBC (Table 4).

The day was divided into three components (Table 5).

This seminar was initially a joint initiative from three trainers to support the center in its efforts to raise awareness about Mediation. The center took the responsibility to send invitations to more than a hundred businessmen and women listed in their investors' data base. The entire activity was hosted by the center, and

Table 3: Training content

Training Title	Introduction to Mediation
Duration	1 day
Content	What is mediation Why mediate How to mediate Who is the mediator
Simulation game	Simple situational role play where they had the opportunity to exercise the role of the mediator, the objective is to prove to the audience the level of importance, difficulty and professionalism of this job
Questions and Discussion	
Trainer	Dr Cherine Soliman

Table 4: Population description

Number	25 attendees
Gender	Male and female representation
Age	30 to 60
Type of business	SMEs based in Cairo
Nature of attendees	4 lawyers were present during the session 3 attendees had experienced mediations earlier to the session with excellent output, family business dispute 2 had experienced mediations earlier with poor output 16 had never heard about mediation

the interveners were not paid. It was all in good will to support the center and raise awareness of the mediation and its practice. The attendees were only 25 as mentioned above. Most of them came due to good relation with the Ministry of Investment. It was a round table setting which enabled a good observation potential and a strong discussion opportunity.

The data collected was obtained through observations by one of the authors, while she was not presenting and unstructured questions and answers during the discussion phase.

We were very attentive to note down the words used by the attendees, as well as their body language.

Third source: interviews of staff and observations at in the international dispute settlement center over a period of six months

The third source was interviews with the staff of the IDSC, carried out during several visits over a duration of six months. The staff we had the opportunity to be in direct contact with includes the center director, the assistant director and the executive assistant. These visits helped us understand the size of effort and type of activities carried by the center over the last 5 years to advocate for mediation.

The objectives of these visits were to help us gain a better understanding of the Centre (objectives, achievements, feedback from the Cairo Business Community to their initiatives, point of view of the staff on the challenges facing the concept of mediation in the Cairo Business Community).

These visits provided opportunities for further data collection, in the form of one-day events, which we describe hereafter.

Results: Mediation Story in Cairo, Success and Failure

With a multiplicity of data collection sources, we decided to present the results as follows: first present the results for each data source independently; then consolidate the main findings, across all sources, for a comprehensive view the field work output since eventually we are looking at as one community, one segment. For the ease of readers part of one the results are kept short with direct insights and the detailed presentation results will be in part two, in the shape of a table, correlating directly behaviors to mediation phases (table 6).

This table, "Mediation Procedure and Field Feedback Integration" will then help achieve more than one objective in the same time:

- 1- give a consolidation to the findings, merging the 3 data sources
- 2- elaborate on the mediation block factors step by steps, which highlights effectively the numerous challenges faced this by mediation practice within the CBC
- 3- it also offers in its third column, "data interpretation" to help the reader across different cultures to understand the Egyptian cultural meanings of the field work quotes

Table 5: Training content

The Investor Dispute Settlement Center	1- Business dispute in Egypt 2- The center roles and responsibility 3- Center success stories 4- Statistics	Dr Eman Mansour Director of the IDSC PhD in mediation
Introduction to Mediation	1- What is mediation 2- Who is the mediator 3- Why mediate	Dr Cherine Soliman Assistant Professor of Management specialized in Negotiations
Dispute settlement in Egypt	1- Litigation problems and limitations 2- is mediation legal and how to formalize it	Mr Hamdy Mostafa Attorney at law
Open discussion	1- feedback from previous mediation from attendees who had experienced one 2- questions from skeptical attendees 3- direct challenging implementation and solidity of agreement from the attending lawyers	All three trainers.

Below the table, we list quotes from participants, from all three sources for notions, meaning and linguistics samples of work analysis.

Findings related to data collection from source one

The audience was very appreciative of the training and of the topic. It was clear from the full and on time attendance, active participations, challenging questions and some went to the extent of direct on hand conflict case analysis. But, overall, it was skeptical as regards the willingness of the business community to apply such a cooperative approach. As much as they appreciate the economic value of this tool, they were very expressive on the business society competitive behaviors. From their point of view, the basic foundations required in order for mediation to succeed, of trust and willingness to cooperate, were not present within the Cairo Business Community. The manifestations of these findings on the mediation potential is explicit in table (6) and in the quotes we present below table 6.

Findings related to data collection source two

The four categories of attendees who took part in this event had very different attitudes.

The lawyers were all skeptical and raised objections as to the reliability of the process, the reliability of the end results, the solidity of the confidentiality aspect. They very obviously were pointing out all the weak points of mediation to the rest of the audience, a point which will be developed later on, so as to raise fears towards the unknown and reinforce litigation as the ultimate solution to conflict. From an observer perspective the conflict of interest was very obvious from the lawyers opinions.

Three businessmen and women actually had a positive experience with mediation through the support of the center. They tried very hard to respond to the feeling of insecurity raised by attendees. They were advocating the use of mediation, sharing the positive impact that it had both on the effectiveness level and the efficiency aspect. Most importantly, they insisted how positive this experience was on their business conflict confidentiality and long-term relationship management. All three cases were family business conflict.

The two participants who had a bad experience with mediation expressed their dissatisfaction. Neither reached agreement through the process, and one of them had been manipulated by the opponent's lawyer who later on used the mediation session content in court, leading to serious negative results for the client. These two cases played powerfully and increased the level of doubt and lack of trust factors among the attendees.

The last group had not attended any mediation introduction sessions prior to this one. They did not know of the concept beyond its name. The members of this group expressed themselves rather calmly, yet their body language clearly pointed to skepticism. The non-binding aspect of the agreement and the need to rely on the ethics of the parties involved was at the center of their concern. Between the success and failure stories they have just heard, and the lawyers' opinions, it was very hard for them to express an independent opinion.

Again the manifestations of these findings on the mediation potential are presented in table (6). Quotes are also provided as evidence below table 6.

Findings related to data collection source three:

The people working in the center are all very well educated and trained. The center director and the assistant director are PhD holders specialized in Mediation; the executive assistant was enrolled in a master's degree in the same field. They strongly believe in the mission behind the idea of the center.

They implement never ending strategies in order to raise awareness, develop mediators, work with the business community and government officials, providing training, cooperate with multiple United-Nations

organizations and international organizations to develop literature and material for and about mediation. Their website is always updated, showing their initiatives, collaborations and activities and achievements.

On the other hand, they feel very frustrated by business resistance and skepticism towards mediation. They have the strong conviction that the Cairo Business Community is characterized by its preference for the legal system rather than cooperative amicable solutions. Evidence lies in the number of total business cases presented to the court of justice versus the ones presented to the center. Unfortunately, exact numbers were only available from the IDSC, just to illustrate in 2014 only 35 cases of business conflict reached for the IDSC versus thousands of business cases reaching for litigation.

They are working with “persistence” but with a “no hope” sense, installing cooperation in a competitive context is an exhausting challenge.

The manifestations of their inputs and opinions are reflected in table (6) and in the quotes below.

Consolidated results across all three sources

When we cross the findings of the three sources together, we find a clear intersection of repeated factors in the responses. Overall, the parties we observed, which represent the Cairo Business Community, prefer to go to court, though they do not trust lawyers nor the court more than mediators and the IDSC. Yet, they would rather go for litigation. It seems to be a cultural factor common to most attendees, who only understand a win-lose perspective when it comes to conflict. This is in addition to the fact that the level of concept awareness, as to what mediation is exactly, is still very poor.

To understand what the above is actually doing to the implementation of mediation practice in Cairo we propose the following analysis.

We will return to the Mediation Procedure 9 steps (table 1) proposed by the International Institute for Conflict Prevention and Resolution (1998), and project step by step the response and feedback we got from all three sources in table (6) below. Again, this table achieves more than one objective as mentioned above. It clearly consolidates the sources into one segment the CBC; details of the above results are available and synchronized to the mediation process phases; more importantly, the data interpretation part might help international readers to understand the Egyptian culture infused meanings and impact of the data collected.

Table 6: Mediation Procedure and Field Feedback Integration

Phase	Data Collection	Data Interpretation
1. Agreement to Mediate a. A pre-dispute clause: “the parties shall attempt in good faith to resolve any dispute arising out of or relating to this agreement promptly by confidential mediation under the CPR mediation procedure before resorting to arbitration or litigation. b. Existing dispute submission agreement	The business community would rather a lawyer to manage conflict, they prefer litigation, they do not trust each other, they will not agree to cooperate, during conflict they do not think in terms of win-win.	-Preference for litigation is more established in the community and more culturally understood -Resistance to cooperate in a context of conflict - A major lack of trust, in the other, in the center, in mediation, in amicable solutions In most cases, here is where the process is expected to stop due to a strong lack of trust in the other; doubtfulness in the other; preference to start from the end “litigation”.
2. Selecting the Mediator	Who are they? How to select them? How are they trusted? What if they are un-developed? What professionalism they belong too? How can we trust someone that does not come from a profound practice?	This stage is also very complicated in Cairo, very few are accredited professional mediators leaving the floor for lawyers to carry on this activity which reinforces the lawyer typical litigation win lose perspective.

Phase	Data Collection	Data Interpretation
3. Ground Rules of Proceeding: a. The process is non-binding: b. Each party may withdraw at any time after attending the first session and before execution of a written settlement agreement, by written notice to the mediator and the other party or parties c. The mediator shall be neutral: very much un-believed d. The mediator shall control the procedural aspects of the mediation. The parties will cooperate fully with the mediator: h. The mediator will not transmit information received in confidence from any party...: i. Unless the parties agree otherwise, they will refrain from pursuing litigation... also very doubtful	a. Most of the answers are skeptical as to the value of mediation, translation: Attendees think it will be a waste of time. b. The population in question did not see this clause a positive flexibility benefit in the opposite they see it as an opportunity for betrayal from of the parties. c. What are the guarantees? d. Consistent doubt in the fact that there are no guarantees to cooperation. h. What are the guarantees? He is not a lawyer... i. Very skeptical as to the ability of the parties to refrain themselves	a. This clause in itself increases the lack of trust in the other as well as in the process and the institution. b. This again increases the degree of fear and risk, plays on the lack of trust. c. Very much un-believed d. The public with whom we interacted during awareness sessions and training sessions does not see cooperation happening. h. Very doubtful. No trust in the status of mediator. i. No presence of mutual trust between businesses.
9. Confidentiality:		Apart from the IDSC staff, this point was the most debated and un-believed by the population with whom we interacted.

Phases 4, 5, 6, 7 and 8 are implementation phases that do not take place until phases 1, 2, and 3 (which are the conceptualizing phases) are carried out successfully this is why they were eliminated from the above table. At this point, it is clear that mediation is challenged at the core of every single step. All the steps of preparation including 1, 2, and 3 create too much risk, pressure and assumption that mediation will fail due to betrayal and lack of trust. It makes points 4, 5, 6 and 7 un-implementable.

The people with whom we interacted are highly skeptical of cooperation and are in favor of competitive clear cut win lost egoistic practice. Skepticism in the virtues of cooperation was very apparent in response to this particular question: "why would you not go to mediation?"

"Because the other will not cooperate then why should I?"

"How can I trust the other" (even in case of family conflict)

"What if he/she uses the mediation sessions to gather information to hurt me with it in court?"

"How can I trust the mediator?"

"All this effort will be wasted, I don't trust the person who will commit to implementation"

The members of the CBC we interacted with feel safer in litigation because it is aligned with their current cultural value system. It is a clear cut win lose, documented and reinforced by the law act.

Discussion, conclusion and recommendations

It is important to note that mediation in the CBC has not had the opportunity to fail or succeed. It has simply yet failed to launch due to resistance from the business community to the idea of mediation. At the base because of the difficult economic conditions, the values upon which mediation rests are not present within the Cairo Business Community. This specific region of Egypt is not a collectivist society. Contrary to what the Hofstede framework suggests, our results point that it is more likely to be an egoistic, individualistic society. Mediation is being blocked at the door by the cultural dimensions constituting the value system of the CBC. May be the rest of Egypt remains more conform to the Hofstede framework but these remains to be proven.

In order for mediation to function, collectivist values needs to be reinstalled. While economic conditions will remain the most important factor in society value orientation, it is not something over which an institution such as the IDSC will have much power on. Yet, as suggested by Soliman et al. (2014) education can be a leverage to help built cooperative norms and promote mediation. We recommend on a micro level to focus on educating both levels:

Adults: top down approach for culture melt down effect, through training and professional certificates for short term more immediate impact, training as proven to be best professional education vehicle particularly to this type of knowledge (Soliman et al, 2014). Immediate results are mandatory to support the current economic context. Impact expected will be limited, as without profound change at the society level, resistance will remain strong. Yet these trained individuals, if they are targeted among the particular following arena could have a powerful impact:

- a- Young business community: fresh education, global cultural integration, global business orientation, less rigid cultural foundation, with great hope as aspiration. All these characteristics can be promising soil for change. Technically, young entrepreneurs and fresh SMEs investors in Egypt should be able, through proper training and education to see the direct benefits in terms of numbers making the mediation a win-win approach for more than objective in the same time.
- b- Government officials: this segment is of great power. To start with, they are the first to be in contact with business conflict. They are in a powerful advocating position through which the concept and practice of mediation can be channeled faster and in consistency with the institutional programs related.
- c- Juridical institution staff: this segment if integrated in the mediation training and awareness should be able to reorient the CBC toward mediation as an initial conflict management practice before approaching to proceed in it legally. This forced orientation can be very complimenting to the above to control litigation negative tool of conflict and directly channel cases to mediation in a formal structure. This formalization in itself can be very empowering to mediation and help overcome the safely problems discussed above.

Youth: for bottom up society change factor, 14 to 24 years old citizens, for a long term more profound cultural change impact. Youth can act as a bridge between cultures and serve as key agents in promoting peace and cultural change. To work on reinstalling the cooperative norms in the Cairo Community broadly and see results in 5 to 10 years launching a society "peace building act" in all undergraduate university, teach mediation and enable "peer mediation function" can translate into a next generation of cooperative conflict managers on both personal and professional level. It is of our interest and research plan to test this idea and follow up its potential impact.

If the above recommendations are taken into consideration in addition to all the government efforts, Egypt should be able to have a more successful implementation potential with mediation practice. But even more important, it would then be on its way for a more cooperative collectivist society that could play a positive role in overcoming many of its current economic conditions. So basically if we believe that the above recommendation might help mediation to launch as a promising conflict management approach to serve the CBC, more profoundly these recommendations might have a larger, more promising long term impact on the Cairo Business Community.

In another article, our work will be to investigate the success potential of introducing mediation among the young generation in the context the CBC. Is youth culture more receptive to cooperative approaches in life? Can they integrate the mediation practice into their peer conflict scenarios? Would this enable a different future for conflict management approach among in the Cairo Business Community?

References:

- Bercovitch, J. (1997). *Mediation in International Conflict: An Overview of Theory: A Review of Practice, in Peacemaking in International Conflict: Methods and Techniques* (I. W. Zartman & L. Rasmussen eds., 1997)
- Bercovitch J. (1992). *Mediators and Mediation Strategies in International Relations*, 8 NEGOT. J. 99.
- Bercovitch J. (2007). *Mediation Success or Failure: A Research for the Elusive Criteria*, Working paper, <https://cardozo.jcr.com/vol7no2/CAC206.pdf>
- Harry, Triandis. (2001). "Individualism Collectivism and Personality", *Journal of Personality*, 96, 6.
- Hofstede, G. (1990). *Cultures and Organizations: Software of the Mind*. New York: McGraw-Hill.
- Hofstede G. (2001). *Culture's Consequences: Comparing Values, Behaviors, Institutions, and Organizations Across Nations*. Thousand Oaks, CA: Sage.
- Hofstede G. (2011). *CPR Procedures and Clauses, Mediation Dimensionalizing Cultures: The Hofstede Model in Context*. Online Readings in Psychology and Culture.
- Hofstede G.. (1990). *Culture's Consequences: International Differences in Work-related Values*. Newbury Park, CA: Sage.
- International Monetary Fund. (2017). *Seeking Sustainable Growth: Short Term Recovery, Long Term Challenges*, World Economic Outlook, October.
- Investor Dispute Settlement Center. <http://www.gafi.gov.eg/English/Howcanwehelp/Pages/Investors-Disputes-Settlement-Center.aspx>
- Mathews, Brandan. (2016). *Readiness for ebp: The Role of Organizational Culture*, Published by Lynette Singleton.
- Mediation, A. "Citizen Guide", *Ohio Judicial Conference*, <http://www.ohiojudges.org/citizen-guide-brochures>
- Montes, C.; Rodríguez, D. and Serrano, G. (2012). "Affective Choice of Conflict Management Styles", *International Journal of Conflict Management*, Vol. 23 Issue: 1, pp. 6-18, <https://doi.org/10.1108/10444061211199304>
- Soliman, C.; Mansour, E. and Mostafa H. (2016). *Mediation Today Newsletter*. Cairo.
- Soliman, C. G.; Stimec, A. and Antheaume, N. (2014). "The Long Term Impact of Negotiation Training and Teaching Implications", *Conflict Resolution Quarterly*, Vol. 32, No. 2, Winter.
- Swatanter, K. Judge, *Supreme Court of India*, Supreme Court of India, New Delhi, http://bombay-chamber.com/admin/uploaded/mediation_training_manual_of_india.pdf
- United Nations. (2017). *World Economic Situation and Prospects*. New York.
- Wall, James A. and Dunne Timothy C. (2012). "Mediation Research: A Current Review", *Negotiation Journal*, 28.2.