

Culture of China's Mediation in Regional and International Affairs

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There seems to be in today's strife-torn world increasing interest in and demand for the constructive role China has played in resolving international conflicts. This circumstance, evidenced in cases on the Korean Peninsula and in Africa, South Asia, and the Middle East, is to some extent a function of China's re-emerging power. But more important are probably the mindsets, values, styles, and skills China has brought to bear in its efforts. By whatever factors it's driven, China's gradual, broader, deeper involvement in the resolution of conflicts abroad indicates the emergence of a unique mediation culture for which China has become the messenger.

To understand and appreciate the specifics of China's "mediation culture" requires a clear definition of the term "culture." Leading experts on culture study Fons Trompenaars and Charles Hampden-Turner (1998) maintain that culture originates and is manifested in the manner in which a group of people solves problems and reconciles dilemmas. They identify three levels—national, corporate, and professional—and three layers, the manifestation of the reality (the outer layer), norms and values (the inner layer), and assumptions about human existence (the core layer). China's mediation culture is examined in the context of these levels and layers with an eye towards enriching understanding of the means and practices by which global peacemaking is pursued.

Roots of China's Mediation Culture

Confucianism and Taoism-based value system, to which the concepts of relationship and “harmony and cooperation” are fundamental, are the wellsprings of China's mediation culture. The concept of harmony—believed by Confucius as the most valuable, in the application of the rituals and be the key to governance and social order—is in evidence in almost all classic Chinese philosophic writings. The principle of “maintaining harmony benefits the perfection of heaven” lies at the heart of *Yijing* (*I Ching*, or *Classic of Changes*).

The harmony-oriented culture implicit in this principle exhibits two aspects, (1) recognition of various kinds of differences as between Yin and Yang, heaven and human beings, men and women, and (2), emphasis on the harmonization, under the rule of “unity-of-paradoxes” (“the way”), of those differences (as of heaven and humanity and of Yin and Yang). “All things,” Lao Tzu said, “carry Yin and embrace Yang. Dynamic balance creates harmony.” And Confucius: “The gentleman aims at harmony, and not at uniformity. The mean man aims at uniformity, and not at harmony.”

In elevating the importance of the relationship between men, between countries, between men and society, and between men and nature, these principles have given rise to a culture premised on maintaining harmony and being at peace. It is not surprising that mediation should have a long history in a society with thousands of

years' tradition of "harmony and cooperation." "No litigation" is a tenet of Confucianism, in which the lawsuit is not considered as an effective approach to appeasing disputes in the pursuit of a harmonious social order. As Confucius said, "although I listen to the cases as other judges do, I must make my best effort to instruct people to live without litigation." According to him "no litigation" meant that all the people were conditioned ethically by the instruction of morality, and that this should be the duty and ultimate aim of governors.

Thus, even superficial harmony being preferred to open conflict in ancient Chinese society that was ruled by ritual. Due to the emphasis of harmony, the Chinese heavily rely on a third party to help resolve conflicts. Shuohe (speaking peace) is considered as the term the Chinese use to mean "mediation"(Chen, Starosta, 1997-8). Chinese people, in general, continue to exhibit an aversion to lawsuits and preference to mediation. It was argued that deeply embedded in Chinese mediation is a unique Confucianist humanistic/moralistic value system consisting of social harmony, moderation, respect for authority, humility, benevolence and so on in contrast to the Western mediation which endorses an individualistic utilitarian value system of fairness, justice, equality, equity and autonomy (Jia, Ma, Yang, 2009). Even Western dispute resolution expert concluded that "mediation in China is an outgrowth of traditional, family-centered support systems, and its principles are based on the ethical teachings of Confucius" (Pierce, 1994). No wonder that mediation —once interpreted by the West as the "oriental experience," and considered by some Chinese scholars to

be the most culturally representative and culturally appealing jurisdictional form in ancient China—as an effective, non-confrontational, and hence, preferred, mechanism for resolving disputes (Hu, Xia, 2000).

The examination of China’s mediation experience is useful and relevant particularly because it has long been recognized that China has the largest and most comprehensive mediation programme of any country in the world (Cloke, 1987). Also, the examination of mediation in Eastern society is necessary as mediation in Eastern cultures differ significantly from that in the Western society, and the study of the biggest of these—China—is most appropriate (Wall, Blum, 1991).

A tool for resolving conflict in functional terms, in cultural terms, mediation reflects a value, tradition, and practice central to arranging the social order, world order, and even universal order, according to the pursuit of harmony and order. The essence of mediation as expressed in the Chinese cultural context merits being distilled and disseminated as an element of peacemaking in a world increasingly beset by discord.

Long Evolution of Diplomatic Mediation

Third-party mediation has a long history in China of being employed in the resolution not only of community and civil, but also of inter-state, disputes and conflicts. As early as the Xi Zhou Dynasty (1066BC–771BC), the San State, one of two small states in China, after being invaded and plundered many times the

neighboring Shi State, appealed to Emperor Zhouli of the Zhou State, whose mediation led the latter to return what it had plundered and the two states to pledge henceforward to coexist peacefully.

China's relative absence, since its founding in 1949, from contemporary international mediation initiatives is likely a function of the non-interference principle. Until recently, the list of special envoys the United Nations Secretary-General has sent to various conflict-ridden or conflict-prone areas has included no Chinese. China has been more willing to play a supportive role in international mediation efforts instead of acting on its own initiatives. Large (2008) argued that China's current engagement related to conflict is arguably most consequential in post-conflict settings, where China has brought investment and effective infrastructural delivery and thus increased visible peace dividends. Driving the gradual change in this state of affairs is the country's increasing international status, coupled with the intensification of unresolved and newly emerging conflicts that are threatening its own as well as world security.

Emergence of China's New Diplomatic Mediation

China's involvement in diplomatic mediation is at one with the nation's pursuit of harmony in the broad, which reflects the Chinese peoples' fundamental assumption about human existence—that people, being born in good nature, can live together peacefully.

In recent years, China spearheaded in advocating the vision for a harmonious world. It envisages a world of countries with peaceful coexistence and mutually beneficial cooperation. The vision was formally declared to the whole world by Chinese President Hu Jintao in his speech at the 2005 World Summit calling for greater efforts “to build a harmonious world with long-lasting peace and common prosperity.”

Even being introduced as a new breath of China’s diplomatic philosophy, “harmony” finds its roots in China’s traditional Confucian culture, which is non-aggressive in nature, peace-oriented, and honoring rules of nature. No wonder the former Chinese Foreign Minister considered the most honored cultural heritages in China’s contemporary diplomacy to be “loving peace, honoring promise, and living in harmony with all others far and near.” (Li, 2005)

Such a philosophy was culminated in China’s announcement of its Beijing Olympics theme of "one world, one dream" and its great efforts subsequently to turn a highly politicized and competitive event into a harmonious experience for the world. It even showcased the usefulness of Olympics in peacemaking-- Sharpshooters from Russia and Georgia embraced after earning medals for their countries, which had teetered on the brink of war. At the heart of the "one world, one dream" theme lies the aspiration of building a harmonious world. Such a slogan is a reminiscent that at the end of the 1992 Barcelona Olympics, they covered all the athletes on the field with a giant Olympic flag and announced: “You entered this stadium representing your

countries. You will leave representing Olympia: all one, all together.” And the success of the Olympics proved that the quest for harmony, friendship, and unity — the core values of the Olympic spirit — could indeed fit into a world beset by increasing confrontation and conflict.

The harmony-oriented vision implicit in the Chinese approach to mediation embodies, beyond a stable, peaceful international environment, a subtle interpretation of complex international situations including conflict. This is expressed in mediators through (1) an attractive vision for the world as a place of harmony, equality, and common development compatible with an objective, responsible, respectable peacemaker, and (2) stable domestic political, social, and economic development that imparts a status commensurate with constructive intervention (a fragile state will not be well positioned to broker peace) of believable impartiality or neutrality reflected in fair and honest dealings.

Distinctive Characteristics of China’s Mediation Practice

The approach Chinese mediator employs in appeasing civil disputes between communities or diplomatic disputes/conflicts between states is largely governed by the same cultural traditions and customs, norms and values, and underlying assumptions that guide peaceful human coexistence. In the Chinese context, priority is given equally to (1) stabilizing a situation in order to avoid an emotional explosion by appeasing or reconciling the quarrelling parties, and (2) exploring a feasible (often

mutually compromising) solution. Unlike Western mediation approaches that emphasize truth finding, the Chinese approach is concerned more with creating and sustaining, from beginning to end, a peaceful or harmonious state, even if only at a superficial level. Nor do Chinese mediators follow a fixed protocol or procedure, preferring flexible processes that can be navigated to a mutually acceptable conclusion. Chinese mediators also tend to be context oriented; there are no right or wrong, only workable and unworkable, processes. Chinese mediators also naturally take into account, looking forward to the outcome as well as in the process that leads up to it, face-saving for all parties. Finally, because among Chinese the selection of mediators might be based not on professional background, but on seniority and authority within the context of a specific dispute, it is not uncommon for the mediation process to be led by figures of authority or individuals who enjoy good relations with the disputants in lieu of professional mediators.

China's role in international mediation efforts—whether major, supporting, marginal, or informal, but in every case unique and constructive—on the Korean Peninsula, in the Myanmar, Darfur, and Middle-East peace processes, Pakistan-India conflict, and Iranian nuclear issue, reflected heightened expectations borne of key attributes of China, among them, (1) long-term, friendly, cooperative relationships with certain disputing parties, (2) a casual, non-threatening and non-forceful mediation style devoid of conditions, agendas, hidden or otherwise, and ulterior motives, and (3) acceptability by disputing parties, including to regional stakeholders,

as China's views and proposals being widely perceived to be beneficial, and to contribute to fundamental, and long-term solutions. China's special envoy to Darfur, Mr. Liu Guijin once observed that China's position was highly similar to or coincided with the positions of all the neighboring countries he had visited including South Africa, that is, that the political solution to Darfur issue should be achieved through peaceful dialogue rather than through pressure and sanctions, which could not, it was judged, solve any problems (Liu, 2008).

Chinese mediation is characterized by extreme flexibility in role-playing governed by two tenets.

One, avoid confinement to a rigid definition or title. Flexibility affords mediators room to maneuver so as to be influential without being arbitrary, and to adapt to changing circumstances and make adjustments as necessary, particularly important in the Asian context, in which mediation is sometimes understood in the sense of the Persian definition of the word, which suggests "meddler" or "barging in uninvited" (Fisher, Ury, 1991). Even in the six-party talks, China never clearly defined its role as a mediator, it being the international media that often gave prominence to China. In fact, China was caught between the roles of mediator and negotiator. Although neutrality is essential to an impartial broker mediating between conflicting parties such as Pyongyang and Washington, when the desired result of mediation is a crucial interest such as nonproliferation or the stability of the Korean Peninsula, a negotiator might be more effective at moving talks forward.

Two, care should be exercised in choosing between bilateral or multilateral channels of mediation. Among the criteria for identifying the most appropriate entry point for mediation are (1) whether the parties in conflict are open to the idea of a third-party mediation and whether either of them or other stakeholders has made such requests, (2) whether the mediator possesses the ability, if asked, to manage multiple negotiators as well as a multilateral negotiation process, (3) whether intervention can be accomplished in a way that does not negatively affect the mediator's interests, and (4) whether the mediator is perceived by the parties in conflict to be neutral and credible and thus capable of weighing both sides in the balance.

China's adherence to these tenets is reflected in the different roles it has assumed in mediation, (1) as chief mediator in multilateral negotiations, the six-party talks being an example, (2) as a participant in multilateral processes, mediating as required, privately and from the sidelines, on the basis of bilateral relationships, as in its off-stage role in negotiations between the Sudanese government and rebels on the Annan Plan for deploying peacekeeping forces in Addis Ababa in November 2006 (Large, 2008), (3) as a side-line mediator through bilateral channels, its dispatch of special envoys to Darfur, Myanmar, India and Pakistan, and Middle East, and 4) in ad-hoc mediation by being a force of balance to hedge off conflict. China's involvement in the Iranian nuclear issue is a case in point. China supports encouraging Iran to comply with UN Security Council and requirement of the International Atomic Energy Agency Board that it suspend its enrichment-related and

reprocessing activities and adopt a more cooperative and constructive approach to dealing with the international community. China has no objection, however, to Tehran's sovereign right to civilian nuclear energy use on the precondition that its activities in this area are not contrary to the non-proliferation regime and that the nation first accept accountability for its past nuclear program. Therefore, China prefers a balanced solution that should assure Iran's right to the peaceful use of nuclear energy and to address international nuclear non-proliferation concerns. Owing to its perceived balanced, fair stand on the Iranian nuclear issue, China—as the in a sense open, flexible, and formidable middle ground—have played a constructive role in facilitating dialogues and preventing full-scale confrontations.

Tailoring the mediation role to specific circumstances, and to leverage existing bilateral relations, reflects the wisdom of self-knowledge, a Chinese trait, so important for mediators. Such wisdom allows a mediator to anchor itself appropriately in a position to make peace--being influential without intervening, and reaching out without overreaching.

China's Mediation in the Six-Party Talks -- A Case Study

In diplomatic terms, the nuclear issue involving the Democratic People's Republic of Korea (DPRK) turned out to be an outstanding case that has brought China to a central mediation role in international affairs for the first time and exposed China's mediation potential and skills. Since 2003, China has been playing a decisive

mediation role in the six-party talks aimed at finding a solution that mitigates the potential for crisis. In spite of all twists and turns, the protracted negotiations finally yielded fruits. After five rounds of the six-party talks facilitated by China from 2003 to 2007, a breakthrough occurred in February 2007 when the DPRK agreed to shut down its nuclear facilities in exchange for fuel aid and steps towards the normalization of relations with the United States and Japan. The essential principles and skills China employed towards mediation of the potential conflict in the DPRK nuclear issue include the following:

1) *Abide by the principle of non-interference in other countries' internal affairs even while actively intervening as the dispute escalates.* The mediator's role being to facilitate the process and let the disputants make the decisions, respecting disputants' autonomy is the key, particularly in Asia's mediation-averse culture. Abiding by the non-interference principle is also important to assure that the mediator is sensitive to disputants' circumstances and respectful of their sense of sovereignty and national pride, and that nothing ulterior underlies the mediator's motive of intervention. For example, in October 2006, China voted in favor of the United Nations Security Council Resolution 1718, which imposed sanctions against DPRK for its nuclear test. Yet in the meantime China emphasized that sanctions were not the end in themselves and voiced its reservation over the practice of inspecting cargo to and from the DPRK. In this way, it was able, by walking the fine line between upholding the international non-proliferation regime and not intruding into the DPRK's internal affairs, to remain

credible as a mediator in the eyes of both the DPRK and the United States.

2) *Stand ready to nudge towards action when necessary to advance peaceful negotiations.* Effective international mediators are able at least to influence, if not control, the negotiation process. For China, managing the process meant sticking to the negotiations as the most realistic and ideally peaceful way to resolving the crisis, it also meant being willing to wield diplomatic clout to keep parties on the track when the talks stalemated or derailed. For example, China's suspension of oil supplies to the DPRK for three days in March 2003 was regarded as muscle flexing intended to nudge Pyongyang into the denuclearization talks.

3) *Establish an optimal environment to foster communication and reduce mutual hostility between the major parties in dispute.* In the DPRK case, China believes that the success of the talks is up to the two key parties, the United States and the DPRK, and that the crux of the problem was the lack of mutual trust between the two. China has long tried to promote direct dialogue between the United States and the DPRK using a classic transformative mediation approach that emphasizes the disputants' relationship dynamics including empowerment (the ability to make their own decisions) and recognition (the ability to acknowledge each others' experiences). For example, finding the US and DPRK negotiators aloof to each other at the outset of the talks, China seated the countries at the hexagon-shaped table used for the six-party talks in alphabetical order, deliberately using on its own name plate the full name of "People's Republic of China (PRC)" so that the DPRK and United States would be

seated next to each other (the seating arrangement was as follows: DPRK, Japan, PRC, Russia, South Korea, US). In Chinese words, such an arrangement is out of "extraordinarily painstaking efforts".

4) *Serve as an honest broker while being firm in its position and cautiously taking the initiative in guiding the talks.* Mediators are generally of two kinds: ones without a position, and ones that take a clear stand on the issue being mediated. China is one of the latter in the six-party talks. Nonproliferation, regional stability, and peaceful talks are the three lines China has been trying to defend. When a serious dispute rose during the fourth round of the six-party talks over specifics of the provision regarding the DPRK's light water reactors, and the US chief negotiator Christopher Hill even announced his intention of leaving the talks, China intervened by presenting to the United States and the DPRK, in a "take it or leave it" manner, the final draft of a joint statement. This decisiveness ended the negotiation stalemate and led to the inking of an agreement in principle to end the DPRK's nuclear program. It was later widely recognized that China's persistent efforts to coordinate, facilitate, and pursue compromise, and its initiative in taking the lead in drafting a statement, salvaged the talks from the brink of collapse and gained universal accession to an agreement.

5) *Advocate a step-by-step approach to the negotiation process.* China's negotiation behavior emphasizes patience and gradualism and aims at comprehensive, long-term solutions. China preferred to approach the denuclearization of the DPRK by addressing the issue of its plutonium program before tackling the thornier, trickier

problem of the country's uranium program, to use a staged approach, in other words.

China also hoped that the negotiations would solve not only the immediate problem of nuclear proliferation, but also the long-term threat to regional peace and security.

6) *Aim for a give-and-take agreement as the outcome of negotiations.* China has been trying to mediate an agreement based on equality, reciprocity and compromise. The principles contained in the September 2005 Joint Statement drafted by China reflected just such a balanced approach in committing the DPRK to abandon all nuclear weapons and existing nuclear programs and returning to the Treaty on the Non-Proliferation of Nuclear Weapons and to IAEA safeguards, while the US affirmed that it had no intention to attack or invade the DPRK, and China, Japan, ROK, Russia and the US stated their willingness to provide energy assistance to the DPRK. Those principles were transferred into action-oriented plans in February 2007 when the DPRK agreed to shut down its nuclear facilities in exchange for fuel aid and steps towards normalization of relations with the United States and Japan.

7) *Use high-level intervention at critical moments.* China had at times sent President's special envoy or message to DPRK when the six-party talks entered stalemate. The most notable high-level intervention was Chinese Premier Wen Jiaobao's visit to DPRK in October 2009, which was the first visit to DPRK by a Chinese Premier for the past 18 years. This trip took place after DPRK had alleged that "the six-party talks has gone forever" and "we will never return to it" because the United Nations Security Council adopted Resolution 1874 imposing further sanctions

on DPRK after its second nuclear test. One key outcome of Premier Wen Jiabao's visit was having secured DPRK's promise of conditional return to the six-party talks, depending on the progress of US-DPRK relations.

A Holistic Approach to Conflict Prevention and Resolution

Mediation is not the only means of preventing and resolving conflict. It was argued that historical and more contemporary evidence suggested that mediation was but one method of resolving problems in China. It is impossible to speak of "the Chinese" (a group of 1.3 billion people) as having one preferred method of dispute/conflict resolution- mediation. Instead, many Chinese in "traditional," Maoist, and post-Mao periods frequently eschew mediation and are frequent visitors to courts (Diamant, 2000). In the international arena, Chinese practice admits other alternatives to promoting peace.

1) Promoting economic development. China tends to take a long-term and holistic view on conflicts. It perceives many international conflicts to be rooted in lack of economic development; economic deterioration is fueled by conflict, and conflict by economic under-development. Economic development is implicated not only in the outbreak, but also in preventing the escalation and recurrence, of conflict. Consider the case of Darfur. Even as the Chinese government, as explained by China's special envoy Liu Jingui, continues to use its influence to persuade the Sudanese government to abet the peace process by exerting greater effort and flexibility in the deployment

of AU-UN troops, perceiving the root causes of the turmoil to be the poverty and lack of resources that have led to decades of fighting between local tribes and ethnic groups over basic necessities such as water resources, land, and infrastructure (Liu, 2008). China provided, from 2004 to 2007, more than 10 million dollars of assistance to Sudan. One Chinese worker in Sudan credited this assistance with lifting Sudan out of the poverty countries, to No. 65 in world GDP, in 2007. China's approach to solving the enduring conflict in the Darfur region has thus been to combine comprehensive development assistance with humanitarian aid, its strategy in this case being one of humanitarian and development aid plus influence without interference.

2) Creating regional security mechanisms. The oxygen and synergy needed to assure regional peace and stability are often provided by various types of security networks among countries in the region. The Shanghai Cooperation Organization is an example of a regional security mechanism formed in reaction to security threats such as extremism, drug trafficking, terrorism. One of the proposals that came out of the six-party talks was to explore the creation of a regional security mechanism in northeast Asia both to serve as an instrument of conflict prevention and resolution and to guide the negotiation of a nuclear-free Korean Peninsula.

3) Encouraging confidence-building measures. That confidence building is a fundamental precondition of any conflict resolution effort is exemplified by the ASEAN Regional Forum's (ARF's) 1995 Concept Paper, which conceptualized the organization's agenda by proposing that security and stability in East Asia be pursued

through a three-stage process, the first stage being to promote confidence-building measures, the others the development of preventive diplomacy and conflict resolution mechanisms. A case in point is the signing in 2002, by China and the countries of the Southeast Asia Association States (ASEAN), of the Declaration on the Conduct of Parties in the South China Sea, which resonated well with China's long-term proposal for solving the South China Sea dispute by "shelving the differences and pursuing joint development." The signing of the declaration after three years of negotiation sent a positive message that the concerned parties could resolve their dispute through dialogue, and jointly safeguard peace and stability in the South China Sea area through cooperation. This being a political declaration, without binding legal effect, the extent to which it will be observed will depend on the good will and self-discipline of the disputing parties, and mutual confidence that they will refrain from actions that might escalate or complicate the problems. Even during a time of conflict, however, such a declaration would serve as a reminder of the right spirit in which to pursue its resolution.

Conclusion

Although rarely in the vanguard of mediation efforts in regional and international affairs, China's increasingly active intervention reflects useful and innovative developments in its mediation practices. More important, the shaping of such a mediation culture, richly illustrated in some cases, is proving to be a growing source

of lessons in effective conflict resolution. Mediators who try to apply Western practices in the Asian and developing world context especially will benefit from an understanding of the unique mediation culture that has evolved from China's experience.

In the meantime, the treasure of China's mediation deeply rooted in its traditional culture and philosophy can only excel if it is adapted to the contemporary world, particularly if such skills are to apply to mediating conflicts in the regional and international arenas. Just as each nation in the global family has so much to seek from, as well as so much to offer to, the world, so mediation wants the integration of Eastern and Western wisdom. This is key if there is to be hope that, whatever the differences, disputes, and discord, none will be so great as to defy peaceful resolution if addressed in the right spirit, and by the right approach.

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