

**THE ETHICS OF NEUTRALITY IN INTERNATIONAL MEDIATION: TOWARD A
CONTEXT-SENSITIVE REAPPRAISAL**
**ULUSLARARASI ARABULUCULUKTA TARAFSIZLIĞIN ETİĞİ: BAĞLAMA DUYARLI BİR
YENİDEN DEĞERLENDİRME**

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ABSTRACT

Geliş Tarihi:

28.09.2025

Kabul Tarihi:

25.11.2025

Yayın Tarihi:

31.12.2025

Keywords

*Mediation,
Conflict
Resolution,
Neutrality,
Peace Studies*

**Anahtar
Kelimeler**

*Arabuluculuk,
Çatışma
Çözümü,
Taraflısızlık,
Barış
Çalışmaları*

Neutrality has long been considered a cornerstone of mediation theory and practice, however its ethical and practical value is increasingly contested in contemporary conflict environments. This article examines the dilemmas of mediator neutrality, arguing that strict impartiality in some specific occasions obscures structural inequalities and can inadvertently sustain unjust power relations. Drawing on Peace Studies, Conflict Resolution, and critical International Relations, the paper reconceptualizes neutrality not as an absolute moral principle but as a context-sensitive practice whose legitimacy depends on justice, inclusion, and the dynamics of specific conflicts. Methodologically, the study develops a normative-conceptual analysis informed by illustrative case discussions and the mediation ethics literature. The cases of Bosnian civil war process and the Oslo process between Israel and the Palestine Liberation Organization (PLO) demonstrate how rigid adherence to neutrality either legitimized aggression or entrenched structural inequities, therefore producing settlements that lacked both justice and sustainability. These examples highlight that neutrality, when applied without sensitivity to asymmetry, risks reinforcing the very conditions that perpetuate conflict. The article argues that in such contexts mediators must adopt a more engaged stance that protects vulnerable groups and addresses systemic injustice, while remaining transparent about their ethical commitments. This approach, conceptualized as context-sensitive neutrality, seeks to balance the traditional value of impartiality with the normative imperatives of justice and inclusion. The article's contribution is twofold: first, to clarify the ethical and practical limits of conventional neutrality; and second, to propose a conceptual framework of context-sensitive neutrality that equips mediators to navigate the tensions between impartiality, justice, and effectiveness. This rethinking has implications for mediation ethics, peacebuilding theory, and the practice of international diplomacy.

ÖZ

Taraflısızlık, arabuluculuk kuramı ve pratiğinin temel yapıtaşlarından biri olarak görülmüş olsa da, günümüz çatışma ortamlarında hem etik hem de pratik değeri giderek daha fazla tartışmaya açılmaktadır. Bu makale, arabulucunun taraflısızlığına ilişkin ikilemleri ele almakta; katı biçimde anlaşılan taraflısızlığın bazı durumlarda yapısal eşitsizlikleri görünmez kıldığını ve adaletsiz güç ilişkilerini farkında olmadan pekiştirebildiğini savunmaktadır. Barış Çalışmaları, Çatışma Çözümü ve eleştirel Uluslararası İlişkiler kuramlarından hareketle taraflısızlık, mutlak bir ahlaki ilke olmakla birlikte; adalet, kapsayıcılık ve çatışmanın özgül dinamiklerine bağlı, bağlama duyarlı bir pratik olarak yeniden kavramsallaştırılmaktadır. Çalışma, normatif-kavramsal bir çözümleme ortaya koymakta ve arabuluculuk etiği literatürü tartışmaları ile seçili vaka incelemelerine dayanmaktadır. Bosna iç savaşı sürecinde yürütülen arabuluculuk girişimleri ile İsrail ve Filistin Kurtuluş Örgütü (FKÖ) arasındaki Oslo süreci örnekleri, taraflısızlığa katı biçimde bağlı kalınmasının nasıl saldırganlığı meşrulaştırdığını veya yapısal eşitsizlikleri pekiştirdiğini göstermektedir. Bu örnekler, asimetric çatışma koşullarında bağlamdan bağımsız taraflısızlığın, çatışmayı besleyen koşulları yeniden üretebilme riskine işaret etmektedir. Makale, bu tür bağlamlarda arabulucuların, savunmasız grupları koruyan ve yapısal adaletsizlikleri dikkate alan daha katılımcı bir duruş benimsemeleri gerektiğini; bunu yaparken de etik bağlılıklarını şeffaf biçimde ortaya koymalarının önemini vurgulamaktadır. Bağlama duyarlı taraflısızlık olarak kavramsallaştırılan bu yaklaşım, geleneksel taraflısızlık değerini korurken, adalet ve kapsayıcılık gibi normatif gereklerle dengelenmesini amaçlamaktadır. Çalışmanın katkısı iki yönlüdür: İlk olarak, klasik taraflısızlık anlayışının etik ve pratik sınırlarını ortaya koymakta; ikinci olarak ise, arabulucuların taraflısızlık, adalet ve etkinlik arasındaki gerilimleri daha bilinçli biçimde yönetmelerine imkân tanıyan kavramsal bir çerçeve sunmaktadır. Bu yeniden düşünme, arabuluculuk etiği, barış inşası kuramı ve uluslararası diplomasi pratiği açısından önemli sonuçlar doğurmaktadır.

DOI: <https://doi.org/10.69851/car.1792510>

Atıf/Cite as: Aytekin, C. E. (2025). The ethics of neutrality in international mediation: toward a context-sensitive reappraisal. *Kapadokya Akademik Bakış Dergisi*, 9 (2), 219-231.

1. Introduction

Mediation has long been regarded as a central instrument of diplomatic practice and conflict resolution. Its legitimacy has typically been anchored in the principle of neutrality—understood as absence of bias and equal distance from disputing parties—which is widely presented as essential for trust, credibility, and durable settlement (Bercovitch & Jackson, 2009, p. 34). In this conventional framing, the figure of the neutral mediator has come to embody both the professional ethos of the field and the normative expectation as impartiality and neutrality are widely recognized as core ethical principles in mediation ethics discussions (Gaffney, 2022, p. 60; Zamir, 2011, p. 467).

Yet despite its apparent self-evidence, the ethical status of neutrality has been the subject of increasing scrutiny within both practice-oriented and critical strands of peace and conflict studies (Astor, 2007, p. 222; Douglas, 2017, p. 46). Scholars of peace studies and mediation ethics have begun to question whether strict adherence to neutrality, far from ensuring fairness, may inadvertently sustain unjust outcomes, particularly in conflicts marked by structural asymmetries and long histories of domination (Anam, 2020, p. 293; Erickson & Erickson, 2001).

From Bosnia to Israel–Palestine, mediation processes presented as impartial have been criticized for privileging existing distributions of power (Svensson & Höglund, 2008) and entrenching elite bargains that exclude those most affected by violence. In this context, the longstanding arguments and approaches in peace studies and conflict/dispute resolution literature (Young, 1967), which have suggested that neutrality increases the chances of successful mediation, are now facing new normative challenges. Thus, new fundamental questions arise about the relationship between mediation, justice, and peace.

The problem this article addresses is thus situated in the tension between the orthodoxy that presents neutrality as indispensable and the critique that exposes its complicity with structural violence. The central question guiding the analysis can be stated as follows: Should mediator neutrality be upheld as a universal ethical requirement, or should it be reconceptualized as a context-dependent practice whose legitimacy depends on conflict structure, justice considerations, and the perceptions of the parties? Sub-questions are as follows: Under what structural conditions does strict neutrality reproduce injustice? What normative and practical criteria justify a context-dependent understanding of neutrality? To address these questions, the article examines whether strict neutrality reproduces structural inequalities, explores when and how forms of partiality can be ethically justified, and considers how peace studies offer alternative normative foundations that move the debate beyond the neutrality–bias dichotomy.

The argument advanced here is that neutrality should not be sustained as an absolute ethical doctrine; rather, it should be reinterpreted as a context-dependent practice whose legitimacy derives from its relationship to justice, inclusion, and the dynamics of specific conflicts. While the orthodox position continues to frame neutrality as indispensable for the credibility of mediators, this article contends that neutrality often masks power asymmetries and perpetuates exclusion, and that, under certain conditions, a form of context-sensitive neutrality may be both ethically justified and practically more conducive to sustainable peace. By foregrounding the context-dependent character of neutrality, the study reframes mediation not as the practice of detachment but as an ethically situated engagement that requires reflexive calibration to conflict-specific exigencies.

The theoretical framework that informs this analysis draws from critical peace studies, particularly Johan Galtung's distinction between negative and positive peace and subsequent critiques of liberal peacebuilding that foreground the reproduction of structural violence. It also engages with the mediation literature that interrogates the relationship between impartiality, legitimacy, and effectiveness, as well as normative approaches in international relations that emphasize justice, inclusion, and recognition as essential components of legitimate order. This synthesis provides the conceptual tools to move beyond the neutrality–bias dichotomy and to articulate a spectrum of ethical positioning that allows for partiality in service of peace.

This article is a normative–conceptual inquiry grounded in a structured interpretive evaluation of literature and selected illustrative cases. Articles, monographs, mediation manuals, and policy reports are examined to outline the main justificatory claims for neutrality (ethical, pragmatic, epistemic, procedural) and the principal critiques (structural reproduction, exclusion, legitimacy deficits). Rather than applying a formal qualitative coding scheme, the analysis synthesises and interprets existing scholarship to clarify concepts and assess normative arguments. The case illustrations (Bosnia, the Oslo

process, and other asymmetrical conflicts) function as heuristic examples that illuminate the theoretical discussion rather than as systematic comparative case studies. Bosnia (1992–95) and the Oslo process (1993–95) were selected as focused illustrative cases because they exemplify two distinct ways neutrality has been operationalised in asymmetric conflicts: Firstly European equidistant stance in Bosnia, which effectively endorsed battlefield gains; and (2) procedural parity in Oslo, which set aside the asymmetries of occupation. These cases therefore illuminate different mechanisms through which neutrality can reproduce structural injustice. Accordingly, the article aims at conceptual clarification and critical normative argumentation rather than empirical generalisation.

The article proceeds in five steps. Section 2 reconstructs the conventional view that treats neutrality as a core principle of mediation, outlining its conceptual foundations and role in mainstream theory. Section 3 examines the effects and limitations of neutral mediation, highlighting how strict adherence to neutrality can reinforce existing power asymmetries. Section 4 illustrates these limitations through two empirical examples—the Oslo Accords and the Bosnian War—showing how neutrality shaped negotiation dynamics and influenced outcomes. Section 5 moves toward an alternative ethical framework by introducing the notion of responsibility and revisiting the moral commitments underlying mediation. Section 6 develops the concept of the responsible mediator and articulates context-sensitive neutrality as a more practical and ethically grounded approach. The Conclusion synthesizes the arguments and outlines implications for both research and practice.

2. Neutrality in Mediation: The Conventional View

Neutrality is at the conceptual core of contemporary approaches to international mediation. It functions both as a professional norm—one that shapes training manuals, institutional mandates, and mediator behaviour—and as a justificatory principle invoked to explain why third-party intervention is legitimate and effective. Before examining neutrality ethically, we must clarify what its proponents mean by the concept. This requires outlining its main dimensions, explaining why these ideas continue to persuade scholars and practitioners, and showing how they operate in practice. A careful examination of the main debates on neutrality will help to distinguish the conceptual elements that are often confused and to lay out the main ethical and practical arguments supporting the orthodox position.

In both academic and policy discussions, “neutrality” is invoked in multiple ways, and these meanings are often blurred (Douglas, 2012, p. 82). The mainstream literature usually differentiates between three dimensions: impartiality, meaning that a mediator treats parties fairly without privileging one side (Cobb & Rifkin, 1991, p. 42); independence, referring to freedom from institutional or material ties that could constrain action (Ott, 1972, p. 599); and equidistance, the effort to sustain comparable relational distance from all parties. Some authors and training manuals also include non-intervention (avoiding the imposition of solutions) or confidentiality as additional elements (Chalkey & Green, 2016, p. 4). For analytical purposes, however, it is important to distinguish among these dimensions. Neutrality, in conventional usage, is a cluster of related normative and procedural expectations (Jacobs, 2002, p. 1406).

The distinction matters because different components answer to different normative and pragmatic logics. Impartiality, for instance, grounds claims about fairness by assuring the parties that the mediator does not privilege one side’s interests over the other (Crowe & Field, 2019). It appeals to a moral expectation embedded in many peace processes: that mediation should be conducted on an even playing field. Independence, by contrast, speaks to legitimacy and the avoidance of capture, particularly in contexts where external powers may be suspected of pursuing their own agendas under the guise of mediation. Independence also enables mediators to resist manipulation, thus reinforcing their credibility as actors genuinely committed to conflict resolution rather than strategic gain.

The third element, equidistance, is addressed in mediation processes in line with the strategies and tactics used by the mediator and in the context of procedural justice (De Girolamo, 2019, p. 845). It means that the mediator maintains an equal distance in terms of their behavior towards the conflicting parties and is related to perceptions (Nolan-Haley, 2005, p. 278). In this sense, the allocation of negotiation time, the choice of meeting locations, or the structure of diplomatic recognition are as important as impartiality itself. In highly symbolic environments, perceived favoritism can derail negotiations even before substantive issues are addressed. The appearance of equal treatment—whether through balanced speaking time, neutral venue selection, or symmetrical forms of diplomatic recognition—can carry as

much weight as impartiality itself. In highly symbolic settings, even small signs of favoritism may undermine trust and derail negotiations before substantive issues are reached. By contrast, the principles of confidentiality and non-intervention are oriented less toward appearances than toward safeguarding process integrity and protecting the space for negotiation.

The identification of these different dimensions reveals that the principle of impartiality is a multidimensional issue beyond its singular and categorical outlook. Neutrality is less an abstract, undifferentiated standard than a constellation of principles, each addressing particular vulnerabilities in mediation. Its practical strength lies in this composite character: impartiality fosters trust, independence underpins credibility, equidistance manages perceptions, and confidentiality together with non-intervention protect the integrity of the process. These components together explain why neutrality has been central to mediation theory and practice.

Discussions regarding impartiality and neutrality in international conflict mediation continue in current studies (Kastner, 2021). Prominent issues include whether true impartiality and neutrality are achievable or even desirable, and how these principles affect the effectiveness of mediation (Goetschel, 2020; Kim & Lee, 2024; Salamanca, 2024). It is emphasized that mediators often struggle to maintain neutrality due to internal biases, power imbalances, and external influences, and therefore, the idea that strict neutrality is not always practical or necessary for successful outcomes remains relevant. As mediation became professionalized in the late twentieth century, international organizations incorporated neutrality into training, guidelines, and codes of conduct. This institutionalization emerged as mediation professionalized in the late twentieth century and as international organizations sought routinized practices that would make third-party intervention predictable and acceptable to a wide range of actors. The result is a durable consensus across many mediation communities that neutrality is a baseline requirement for any credible mediator.

3. The Effects of Neutral Mediation and Its Limits

The arguments for justifying the necessity and benefits of neutrality in mediation are based on ethical, pragmatic, epistemic, and procedural principles. These justifications strongly explain why neutrality is both a moral and functional necessity for a formal mediation process (Cooks & Hale, 1994, p. 61). At the ethical level, neutrality is associated with fairness and respect for parties' agency. A neutral mediator avoids privileging one side's claims, hence safeguarding the procedural dignity of both parties and resisting the imposition of external values. Within this framing, neutrality is about aligning mediation with justice understood as fair process. Advocates argue that such neutrality protects autonomy and underpins the legitimacy of any eventual agreement. Another reasoning that supports this ethical argument is based on pragmatic reasoning; the mediator being perceived as impartial by the conflicting parties will facilitate securing the consent necessary for establishing more effective relationships with all parties (Lee, 2013). Neutrality, is considered as an indispensable functional requirement for effective mediation. Also, neutrality is regarded as crucial for strengthening procedural justice. When a mediator is seen as impartial, parties are more likely to provide accurate information, trust the process, and accept outcomes they might otherwise resist (Douglas, 2017).

Neutrality's ethical appeal, practical utility, epistemic value, and contribution to legitimacy help explain its central position in conventional understandings of mediation. These justificatory dimensions reinforce one another, which contributes to the doctrine's enduring prominence even as contemporary debates increasingly question its adequacy. Institutions operationalize neutrality through concrete practices such as criteria for mediator selection (for example, independence from parties' patron states or clients), formal codes of conduct (including non-alignment declarations and conflict-of-interest provisions), and procedural designs that protect equal opportunities for parties to present claims and prevent domination by stronger actors. Training programs further emphasize equidistance, issue-framing techniques that avoid moralizing, and the use of shuttle diplomacy to mitigate asymmetries. State mediators also seek to display impartiality through carefully crafted public statements, venue choices, and the withholding of material support.

This orthodoxy is not monolithic, nor is it blind to complexity. Scholars and practitioners acknowledge that neutrality can be strained under conditions of extreme asymmetry, that confidentiality may clash with accountability demands, and that strict non-intervention becomes untenable in the face of humanitarian crises or gross rights violations. Yet these concerns are usually presented as manageable

exceptions rather than as reasons to abandon neutrality altogether. As a result, a repertoire of pragmatic adjustments—such as calibrated impartiality, phased engagement, and conditional facilitation—helps maintain neutrality’s centrality while still allowing for situational flexibility.

While the conventional view treats neutrality as an indispensable condition of mediation, critical perspectives challenge this assumption. They show that impartiality is not an automatic guarantor of fairness or legitimacy. Instead, it can mask the structural asymmetries and entrenched power relations that shape many conflicts. In these contexts, neutrality is not neutral at all. Galtung’s concept of structural violence (Galtung, 1969, 1990) helps illuminate this dynamic. Negative peace denotes the mere absence of direct violence, whereas positive peace requires the transformation of social, economic, and political structures that sustain injustice. Because mediation that focuses solely on stopping violence can leave structural harms intact, a commitment to positive peace implies mediators may sometimes adopt principled partiality to redress systemic injustices and inclusion deficits. Again, in this regard, when conflicts are shaped by colonial legacies, settler–native relations, or deeply rooted ethnic hierarchies, treating unequal parties as if they were equal legitimizes and sustains these structures of domination. In such cases, neutrality shifts from being a safeguard of fairness to a mechanism that protects the status quo. A mediator’s refusal to “take sides” becomes, in effect, a refusal to confront systemic injustice. As a result, militarily, economically, or institutionally advantaged actors enter mediation with built-in advantages that the orthodox commitment to impartiality leaves intact. Stronger parties’ preferences then shape the outcomes, while weaker parties’ claims are further marginalized.

Beyond these concerns, a wider body of critical peace and conflict scholarship argues that conventional international mediation concept, including its founding principles, are embedded in the epistemological and normative assumptions of the liberal peace. Critical peace studies scholarship puts how the very concepts underlying neutrality—procedural fairness, technocratic management, and external facilitation—reflect Eurocentric understandings of order and conflict resolution (Chandler, 2010; Mac Ginty, 2008; Richmond, 2012). These frameworks assume that conflicts can be managed through universalized institutional templates, thereby privileging Western-derived norms of governance, negotiation, and political rationality. In this view, neutrality is part of a broader liberal problem-solving approach that often overlooks local agency, cultural specificities, and historically situated power asymmetries. Critical peacebuilding perspectives further highlight that conventional peace practices including conflict mediation, often accompany top-down, externally designed peace initiatives that insufficiently engage local actors and their normative worlds. Research in the post-liberal and hybrid peace literatures contends that externally imposed mediation processes tend to prioritize stability and institutional order over inclusive political transformation (Mac Ginty, 2010; Richmond, 2009, 2015). These interventions depoliticize conflict by translating deeply political struggles into managerial problems to be solved by international experts (Chandler, 2010). From this standpoint, neutrality does not necessarily mitigate power inequalities; instead, it may help reproduce them by legitimizing institutional arrangements, elite bargains, or governance models that reflect external actors’ preferences more than local needs.

Recent debates in international mediation have further problematized these assumptions showing that mediation practices are shaped by contested normative commitments rather than by a neutral, technocratic logic (Swiss Political Science Review, 2020). That discussions demonstrate that mediators inevitably operate within broader political and institutional contexts that influence what is considered legitimate, acceptable, or “doable” in a peace process. This reinforces the argument that neutrality is never context-free but is co-constructed through power relations, institutional mandates, and historically situated norms.

Taken together, these critical perspectives do not deny the practical value of impartiality but caution against treating neutrality as a universally applicable or inherently just principle. Instead, they underscore the need for context-sensitive mediation approaches that recognize structural inequalities, local political dynamics, and the normative assumptions embedded in liberal peacebuilding frameworks.

4. Illustrative examples: The Oslo Accords and The Bosnian War

The Bosnian war (1992–95) demonstrates both the limitations of strict neutrality and the consequences of abandoning it. During the early years of the conflict, the European Community (EC; later European Union, EU) took the lead in mediation (Dover, 2005, p. 310; Touval, 2002). Their approach was guided

by a classical understanding of neutrality: mediators presented themselves as impartial facilitators seeking compromise between the warring parties, without attributing responsibility for aggression (Leigh-Phippard, 1998).

In 1992–93, EC mediators such as Lord Carrington and Cyrus Vance advanced peace plans that treated the Bosnian government, Bosnian Serbs, and Bosnian Croats as morally and politically equivalent actors. The Vance-Owen Plan epitomized this stance (O’Ballance, 1995, p. 118): it proposed dividing Bosnia into ethnic provinces, aiming to balance the demands of each group without acknowledging the asymmetry between aggressor and victim. Neutrality here meant equidistance, even as one side—the Bosnian Serbs—possessed military superiority and was conducting systematic campaigns of ethnic cleansing.

By refusing to identify perpetrators or to confront structural injustice, European mediation produced proposals that effectively rewarded territorial conquest. Each new round of negotiations shifted borders in line with battlefield realities, incentivizing continued violence. The claim to neutrality eroded credibility with Bosnian government representatives and civil society actors, who perceived the mediators as legitimizing aggression under the guise of balance.

As atrocities mounted—including the 1995 Srebrenica massacre—European efforts collapsed (Touval, 1996, p. 552). The limits of neutrality became stark: impartial facilitation lacked leverage over the stronger party, and by failing to enforce norms against ethnic cleansing, mediation contributed to prolonging the war. Neutrality, in this case, was not only ineffective but also complicit in injustice.

The entry of the United States (US) in 1995 marked a dramatic turn away from neutrality. Richard Holbrooke’s team explicitly regarded the Bosnian Serbs as aggressors who had to be coerced to negotiate (Holbrooke, 1999). Backed by NATO airstrikes and economic pressure, US mediation at Dayton was openly partial in its orientation—less about balancing positions and more about forcing compliance to halt the war (Banks & Straussman, 1999; Holbrooke, 1999). While this coercive approach produced a settlement and ended mass violence, it also entrenched an ethnic power-sharing system that has left Bosnia with enduring governance dysfunction.

The Bosnian case illustrates two extremes. European stance produced ineffectual peace plans that legitimized aggression and prolonged conflict. US’s coercive partiality succeeded in stopping violence but imposed a fragile constitutional order. The process towards the Dayton Peace Accords of 1995, frequently heralded as a successful instance of mediation for halting large-scale violence (Hartwell, 2019). The process simultaneously exemplifies the ethical costs of strict neutrality.

By treating the parties as morally equivalent, mediators validated territorial divisions and institutionalized an ethnic power-sharing system that stabilized separation rather than integration (Richmond & Franks, 2009). This approach allowed perpetrators of ethnic cleansing to solidify gains and produced what many critics call “a peace without justice (Mallinder, 2009).

Taken together, these experiences reveal that neutrality is not a universally ethical or effective stance. Instead, mediators must assess context: where aggression and massive rights violations are present, neutrality may amount to complicity, while responsible and transparent partiality may be necessary to achieve both legitimacy and substantive peace. The Oslo process provides a significant example of how a mediator’s ostensible neutrality can obscure profound structural asymmetries and shape outcomes in ethically problematic ways. The talks, initiated secretly in Norway in 1993, brought together Israeli government representatives and members of the PLO as if they were equivalent negotiating entities. By constructing parity at the negotiation table, mediators effectively bracketed the core reality that one side was a sovereign state with military and economic dominance, while the other represented an occupied and fragmented people.

The Oslo Accords of 1993–95, widely portrayed as a landmark in conflict resolution (Shlaim, 2016), also expose the ethical problems associated with neutrality. Although mediators presented themselves as impartial brokers, they treated Israel and the PLO as equivalent negotiating entities. This approach ignored the profound asymmetry between a sovereign state and an occupied people. It also produced a framework that deferred the resolution of core issues—settlements, refugees, borders, and the status of Jerusalem—while allowing the stronger party to consolidate territorial and political control. In this context, neutrality functioned less as a guarantor of fairness than as a shield for ongoing occupation.

practices (Shinar & Bratic, 2010). The result was what many analysts now describe as a process without peace.

Norwegian facilitators portrayed themselves as neutral brokers providing a discreet and balanced setting. However, their neutrality was largely procedural—focused on secrecy, logistics, and rapport—without challenging the structural imbalance built into the agenda. This initial framing allowed Israel to negotiate without recognition of occupation as such, while Palestinians were accorded limited recognition as representatives of a people, not as an equal sovereign counterpart. The resulting Declaration of Principles (1993) institutionalized Palestinian self-rule in limited enclaves, while leaving Israel in effective control of borders, resources, and security. Neutral facilitation here paradoxically entrenched structural domination: rather than balancing power, equidistance between parties produced an arrangement that locked in asymmetry.

Beyond such instances, a broader pattern becomes discernible in conflicts characterized by profound asymmetries—for example, negotiations between colonial powers and liberation movements or between internationally recognized governments and insurgent groups denied equivalent status—where the mediator’s posture of equidistance functions less as a safeguard of impartiality than as an implicit validation of the stronger party’s structural advantages (Marandici, 2023). In these contexts, neutrality shifts from a principle ostensibly ensuring fairness to a mechanism that preserves existing orders of domination, thereby relegating questions of justice, self-determination, and human rights to the margins of the peace process.

Critical peace studies argue that peace requires transforming unjust structures, not merely ending violence. Liberal peacebuilding is therefore criticized for presenting ideological templates as neutral solutions and for privileging elites while marginalizing those most affected by conflict. This body of work shows how claims of impartiality can legitimize unequal power relations and render mediators complicit in injustice. The critique of the “liberal peace” reinforces this concern by demonstrating how international mediators, while presenting liberal institutional templates as neutral and technical solutions, in fact embed specific ideological preferences that perpetuate exclusion and reproduce structural violence, particularly in contexts where local actors lack the capacity or consent to reshape such frameworks. Parallel other critical analyses extend the critique by showing how the rhetoric of impartiality erases structural dimensions of conflict; mediators often privilege elite leadership structures, therefore silencing the differentiated experiences of violence. Taken together, these interventions converge on the claim that neutrality, rather than guaranteeing fairness, can function as a legitimizing device that consolidates asymmetrical power relations, masks interventionist politics in the language of impartiality, and ultimately renders mediators complicit in the perpetuation of injustice.

5. Towards an Alternative Ethical Framework

This section develops the alternative framework of context-sensitive neutrality by first delineating the ethical conditions that can justify forms of partiality, then grounding these conditions in insights from peace theory, and finally applying the resulting framework to relevant case evidence. If neutrality in mediation risks reproducing structural violence and reinforcing existing asymmetries, the ethical focus shifts accordingly. The central question becomes whether partiality—usually linked to bias, favoritism, or self-interest that undermines legitimacy—can, in certain circumstances, be understood as a principled alignment with justice-based imperatives. In contexts marked by profound asymmetries or systemic injustice, a refusal of strict neutrality may not only be ethically warranted but may also provide the basis for rethinking mediation ethics. This opens the way for an alternative approach described here as context-sensitive neutrality. The development of this approach proceeds in three steps. First, the conditions under which such an ethical stance can be justified are delineated. Second, insights from peace theory are used to establish its normative foundations in justice, inclusion, and positive peace. Third, the concept of context-sensitive neutrality is articulated as a framework that reconciles ethical commitments with the pragmatic demands of mediation practice.

Partiality in mediation can be ethically warranted when strict neutrality risks reinforcing injustice. This danger becomes most acute when fundamental rights are threatened, when exclusion distorts the negotiation process, and when structural inequities undermine the prospects for a sustainable peace. (Pring, 2023; Van Santen, 2021). In situations marked by systematic human rights violations, mass displacement, or occupation, an insistence on neutrality easily shades into complicity, rendering

partiality toward the protection of rights and the defense of vulnerable populations not merely permissible but morally obligatory. Yet ethical justification does not rest on rights alone. Mediation processes often privilege armed elites or formal political actors while marginalizing groups such as women, minorities, and civil society organizations. In such contexts, a principled form of partiality that actively supports inclusion becomes essential to counterbalance these entrenched asymmetries. Moreover, even when rights are safeguarded and diverse voices included, the durability of peace remains fragile if mediation ignores the deeper structures of injustice—land dispossession, economic dependency, systemic discrimination—that perpetuate conflict; in such contexts, a commitment to justice-oriented outcomes, however partial it may appear, constitutes the only path toward a peace that is not merely the absence of violence but the presence of equity and reconciliation.

Peace theory provides a strong basis for rethinking neutrality. Galtung shows that peace requires transforming structural injustices, not just ending violence. Justice-oriented and inclusive approaches therefore justify forms of principled partiality, especially when vulnerable groups are excluded. This logic is reinforced by theories of justice, which stress both distributive fairness and the recognition of marginalized groups. Mediation practices that secure elite bargains while excluding vulnerable constituencies perpetuate misrecognition. In this context, partiality does not signify favoritism but represents an ethical commitment to recognition (Fraser, 2000). Discussions in peacebuilding further corroborate this position, emphasizing that inclusive settlements are both normatively defensible and empirically more sustainable, thereby grounding partiality toward broader participation in both ethical and pragmatic reasoning. Finally, relational and transformative approaches reveal that peace cannot be reduced to technical bargaining but must be understood as a process of relationship-building across asymmetries, a process that mediators risk undermining if they cling to strict neutrality; in such contexts, principled partiality—standing with those silenced by domination—emerges as a necessary condition for genuinely transformative outcomes (Lederach, 1995).

6. Responsible Mediator and Context-Sensitive Neutrality as an approach

The conceptual challenge in mediation ethics is not to choose between neutrality and bias but to transcend this binary by articulating a framework of context-sensitive neutrality, an approach that acknowledges both the inevitability of power-laden contexts and the political implications of refusing to take a stand. Whereas neutrality may obscure injustice and bias may erode legitimacy, context-sensitive neutrality reframes the mediator's role as a normatively engaged facilitator rather than a detached referee, grounding alignment not in self-interest or geopolitical calculus but in ethical commitments to human rights, justice, and inclusion. Such an orientation requires transparency, since acknowledging one's commitments openly is compatible with preserving procedural fairness, and it demands a careful balancing act, whereby mediators shape the conditions of dialogue so that marginalized voices are amplified and rights safeguarded without dictating substantive outcomes.

Crucially, it also entails reflexivity and contextual sensitivity, enabling mediators to discern when neutrality sustains injustice and when principled partiality advances peace, thereby preventing the slide into partisanship. This reframing situates neutrality within a broader ethical spectrum, recognizing that in some circumstances it may remain defensible, while in others, partiality toward justice becomes both ethically imperative and practically indispensable. By embedding practice within the normative commitments of peace studies—justice, inclusion, and positive peace—context-sensitive neutrality not only responds to long-standing critiques of neutrality but also expands the conceptual repertoire of mediation, offering a more nuanced, reflexive, and ethically accountable orientation for navigating conflicts marked by asymmetry and injustice.

Although the preceding sections have interrogated both the conventional valorization of neutrality and its ethical limitations, it would be analytically reductive to posit neutrality as either inherently virtuous or intrinsically complicit in injustice; rather, neutrality must be conceived as a contextually contingent practice, the meaning and utility of which are shaped by the particularities of the conflict environment, the positionality of the mediator, and the perceptions of the negotiating parties.

An initial line of reasoning is that neutrality functions not as an ontological attribute of mediators themselves but as a relational construct that emerges within specific configurations of conflict and negotiation; a mediator who is considered impartial by both parties in one setting may be regarded as partial, compromised, or externally manipulated in another, depending upon the historical memory of

intervention, the cultural codes of legitimacy, or the geopolitical alignments of the actors involved. Consequently, neutrality should be theorized less as a universal principle than as a negotiated status that derives its force from the social recognition of the parties, rather than from any abstract professional standard.

A complementary argument, grounded in the sociology of legitimacy, is that neutrality must be understood as an evolving perception, subject to erosion or consolidation as the mediation process unfolds; mediators who initially enjoy the reputation of impartial arbiters may lose this perception if their interventions are interpreted as privileging one party's claims, while others may gain credibility precisely because their visible commitments to justice or inclusion are retrospectively interpreted as enhancing, rather than undermining, fairness. Thus, neutrality is not a static positionality but a contingent effect of interpretive frames, which are themselves historically and politically embedded.

Another dimension that demonstrates the context-dependence of neutrality is the structural environment in which mediation occurs. In conflicts marked by extreme power asymmetries—such as between occupying states and occupied populations, as in the case of Palestine—insisting on neutrality risks reinforcing the dominant structure. By contrast, in situations where disputing parties are relatively balanced in capacity, neutrality can help facilitate de-escalation and build confidence. In these cases, the perception of impartiality by both sides can reduce fears of manipulation. Accordingly, whether neutrality advances or obstructs peace depends not merely on mediator intention but on the structural asymmetries that condition the process.

Moreover, the very identity of the mediator—whether an individual envoy, an international organization, or a state actor—interacts with neutrality in distinct ways. For international organizations, neutrality may be expected as part of their institutional mandate, yet their reputations are inevitably shaped by prior interventions, relationships, or geopolitical alignments; for state actors, neutrality is often suspect, as their strategic interests are assumed to color their facilitation. In both cases, neutrality cannot be abstracted from the institutional and political ecology in which mediators operate; it is contextually produced, fragile, and continually re-evaluated.

Taken together, these considerations suggest that neutrality should be reconceptualized as a situated ethic, one whose legitimacy and effectiveness are inseparable from the interplay of perception, structure, and agency within particular conflicts. To insist on neutrality as a universal and non-negotiable requirement is to obscure the ways in which its meaning is constructed in practice, while to abandon neutrality altogether is to risk delegitimizing mediation in contexts where it continues to function as a critical source of trust. By foregrounding its context-dependent character, the analysis moves toward a more flexible and reflexive framework—one that enables mediators to calibrate their stance according to the ethical demands of justice and the practical exigencies of conflict resolution, rather than according to doctrinal rigidity.

Conclusion

The analysis of this study has demonstrated that neutrality, far from being a self-evident ethical cornerstone of mediation, must instead be approached as a contested and contextually contingent practice, the legitimacy of which derives less from abstract normative commitments than from the interplay of historical memory, structural asymmetry, and the interpretive judgments of the actors directly involved. By reconstructing the conventional celebration of neutrality, exposing its ethical limitations when confronted with entrenched injustices, and advancing an alternative framework of context-sensitive neutrality, the study has argued that mediation should be conceived not as the art of detachment but as the practice of ethically situated engagement.

What follows from this reconceptualization is the recognition that neutrality cannot serve as a universal litmus test for legitimate mediation; rather, it must be interrogated in terms of its effects in particular conflicts, where adherence to neutrality may either facilitate trust-building and de-escalation or, conversely, perpetuate structural violence by masking power asymmetries under the guise of impartiality. The argument advanced here is not that neutrality should be dismissed outright, but that its ethical value is contingent upon the specific demands of justice, inclusion, and reconciliation, which may at times require mediators to embrace partiality in a deliberate and transparent manner.

Such a position carries important implications for both scholarship and practice. For the academic study of mediation, it underscores the need to move beyond binary classifications of neutrality versus

partiality, toward more dynamic frameworks that foreground perception, legitimacy, and ethical responsibility. For practitioners, it suggests that the strategic calibration of mediator stance—ranging from strict impartiality to openly acknowledged alignment with marginalized actors—must be guided by an explicit awareness of how such positioning interacts with both normative imperatives and conflict dynamics.

Ultimately, the conclusion that emerges is that neutrality cannot be sustained as an absolute ethical doctrine but must instead be situated within a broader ethic of peace, one that recognizes justice and inclusion as indispensable components of sustainable resolution. If mediation is to retain its credibility in an era marked by protracted asymmetrical conflicts, mediators will need to adopt practices of reflexive responsibility that acknowledge when neutrality advances peace and when, paradoxically, partiality may serve the higher ethical imperative of dismantling structural violence and enabling a more durable reconciliation.

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EXTENDED SUMMARY

Tarafsızlık, uzun süredir uluslararası arabuluculuğun öne çıkan ilkelerinden biri olarak kabul görmektedir. Etik ve mesleki açıdan alanın temel dayanağı şeklinde sunulan tarafsızlığın, güven, adalet ve meşruiyeti sağladığı varsayılmaktadır. Klasik yorumuyla tarafsızlık; yansızlık, bağımsızlık ve eşit mesafe kavramlarını içerir ve böylelikle çatışma tarafları için adil bir zemin vaat ederken üçüncü tarafların sürece dâhil olmasını da meşrulaştırır. Fakat güncel literatür ve pratik deneyimler, tarafsızlığın özellikle asimetrik çatışmalarda adalet ve sürdürülebilirlik vaatlerini ne ölçüde yerine getirebildiğini sorgulamaktadır. Zira yapısal eşitsizliklerin ve köklü tahakküm ilişkilerinin şekillendirdiği bağlamlarda, tarafsızlık çoğu zaman adaletsizlikleri görünmez kılabilir. Bu makale, arabulucu tarafsızlığını barış çalışmaları, çatışma çözümü ve uluslararası ilişkiler literatüründe hem geleneksel hem de eleştirel yaklaşımlar ışığında etik ve siyasal boyutlarıyla tartışmaktadır. Çalışmanın merkezi sorusu, tarafsızlığın evrensel bir etik zorunluluk olarak mı korunması gerektiği, yoksa adalet, kapsayıcılık ve çatışma dinamikleriyle ilişkisi üzerinden bağlamsal bir pratik olarak mı yeniden kavramsallaştırılması gerektiğidir. Makale, ikinci yaklaşımı savunarak uluslararası arabuluculuk için “bağlam duyarlı tarafsızlık” kavramını etik açıdan daha savunulabilir ve pratikte daha işlevsel bir çerçeve olarak önermektedir.

Makale, öncelikle tarafsızlığı vazgeçilmez gören geleneksel yaklaşımı yeniden inşa etmektedir. Arabuluculuk el kitapları, etik kodlar ve uygulayıcıların deneyimlerinden hareketle tarafsızlığın; etik, pragmatik, epistemik ve usule ilişkin gerekçelerle savunulduğu gösterilmektedir. Tarafsızlık, adalet, güven inşası, inandırıcılık ve süreç meşruiyetiyle bağlantılandırılarak uygulamanın derinliklerine yerleşmiş bir norm haline gelmiştir. BM ve bölgesel örgütler de tarafsızlığı kurumsallaştırarak, seçim kriterlerinden eğitim programlarına ve prosedürel güvencelere kadar pek çok alanda işlerlik kazandırmıştır. Bu perspektiften bakıldığında tarafsızlık yalnızca arzu edilen değil, aynı zamanda arabuluculuğun işleyebilmesi için zorunlu bir unsur olarak görülmektedir.

Ancak eleştirel yaklaşımlar bu ortodoksiyi sorgulamakta ve tarafsızlığın yapısal şiddetle iş birliği haline gelebileceğini ortaya koymaktadır. Johan Galtung’un yapısal şiddet kavramı ve eleştirel barış inşası literatüründen hareketle makale, yansız kolaylaştırıcılığın mevcut güç hiyerarşilerini pekiştirebileceğini ve marjinal aktörlerin sesini bastırabileceğini göstermektedir. Eşitsiz tarafları eşit kabul eden bir tarafsızlık anlayışı, tahakkümü azaltmak yerine meşrulaştırma riski taşımaktadır. Bu argüman, Bosna iç

savaşı ve Oslo süreci örnekleriyle somutlaştırılmaktadır. Bosna’da Avrupalı arabulucular, saldırganlarla mağdurları eşit taraflar gibi değerlendiren katı bir anlayışla hareket etmiş, bu da toprak kazanımlarını ödüllendiren ve şiddeti teşvik eden planlara yol açmıştır. Bu tür bir tarafsızlık, çatışmayı sona erdirmek yerine uzatmış ve Avrupa arabuluculuğunun başarısızlığına zemin hazırlamıştır. Buna karşılık ABD’nin Dayton’daki arabuluculuğu, tarafsızlığı sürdürmeden çözüme zorlamış, çatışma sonlandırılmış ancak bu yöntem de etnik bölünmeleri kalıcılaştıran kırılğan bir anayasal yapı üretmiştir. Oslo süreci ise tarafsızlığın başka bir açmazını gözler önüne sermektedir: Norveçli arabulucular İsrail ve Filistin Kurtuluş Örgütü’nü eşit müzakere aktörleri olarak çerçevelemiş, ancak egemen bir devlet ile işgal altındaki bir halk arasındaki derin asimetriyi göz ardı etmiştir. Bu yaklaşım, işgal ve tahakküm meselelerini sürecin dışında bırakarak, temel sorunları erteleyen ve İsrail’in kontrolünü pekiştiren anlaşmalar üretmiştir. Görünürdeki tarafsızlık böylelikle adaletsizlikleri derinleştirmiş, barış üretmeyen bir süreç yaratmıştır.

Bu sınırlılıklar karşısında makale, “bağlam duyarlı tarafsızlık” adını verdiği alternatif bir çerçeve önermektedir. Bu yaklaşım tarafsızlığı bütünüyle reddetmez; aksine, onu adalet, kapsayıcılık ve çatışma dinamikleriyle ilişkisinden türeyen, koşullara bağlı bir pratik olarak yeniden tanımlar. Bu çerçeve üç temel ilkeye dayanır: (i) kırılğan grupları koruma ve yapısal adaletsizliklere müdahale etme yönünde etik sorumluluk, (ii) yalnızca silahlı elitlerle sınırlı kalmayan kapsayıcı katılım, (iii) arabulucuların etik taahhütlerini şeffaf biçimde kabul etmelerini ve aynı zamanda usule ilişkin adaleti gözetmelerini öngören refleksivite. Barış kuramındaki negatif/pozitif barış ayrımı, tanıma ve eşitliği vurgulayan adalet teorileri ve dönüştürücü arabuluculuk yaklaşımlarından beslenen bu model, taraflılığı kayırmacılık değil adalet temelli bir ilkeye dayalı yönelim olarak yeniden yorumlamaktadır. Tarafsızlık ise artık arabulucunun ontolojik bir niteliği değil; bağlamsal, algısal ve müzakereyle şekillenen ilişkisel bir olgu olarak anlaşılmaktadır.

Sonuç olarak makale, tarafsızlığın evrensel bir ölçüt olarak işlev göremeyeceğini savunmaktadır. Arabulucuların, her bağlamda tarafsızlığın güven ve tansiyon düşürücü bir işlev görüp görmediğini ya da adaletsizlikleri meşrulaştırma riski taşıyıp taşımadığını değerlendirmeleri gerekmektedir. Bağlama duyarlı tarafsızlık kavramı bu açıdan arabuluculuk etiği ve barış çalışmaları literatürüne kavramsal bir netlik ve normatif bir yönlendirme sunmaktadır. Etkili ve meşru arabuluculuk, dogmatik katılımın ötesine geçerek, tarafsızlığın barışı ilerlettiği ve ne zaman da adalet ve sürdürülebilir uzlaşa için “ilkesel tarafgirlik” gerektiğini kabul eden refleksif bir sorumluluk etiğiyle mümkündür.