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Contents

Emmanuel Lokoko AWOH, Walter Gam NKWI

**A Disease of will among African states: The separatist agenda
of Southern Cameroon National Council (SCNC), c. 1995-2004 3**

Emanuela DUMEA, Adrian-Grigore POP

**Transnistrian Conflict Resolution
in the Context of the Ukrainian Crises18**

Sînziana LĂCĂTUȘU

**Dissatisfied Consumers' Complaint Behavior -
From Grievances to Conflict in the Insurance Industry37**

Dana SABĂU, Ciprian SANDU

Mediation: Styles Used in Cases Concerning Divorce.....55

A Disease of will among African states: The separatist agenda of Southern Cameroon National Council (SCNC), c. 1995-2004

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Abstract. *This article sets out to analyse an understanding of the impact of borders (both physical and symbolic) on African states, with specific reference to the separatist movement in former British Southern Cameroon, perpetuated by Southern Cameroon National Council (SCNC). A close understanding on how border crisis in Africa are being approached is critical especially when we consider that continuous ethnic violence in Southern Sudan which recently separated from Sudan highlights the weakness of separatism as tool in redressing identity issues in Africa. It also raises the question of whether separatism as advocated for by Southern Cameroon elites, empowers some of these African movements with the ability to sustain independent states.*

Keywords: *Southern Cameroon National Council, Africa, borders, boundaries, ethnicity.*

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Introduction

The inherited British and French Cameroonian borders (both symbolic and physical) have for over three decades served as a source of conflict between the Anglophone and Francophone Cameroon regions. These two regions were administered distinctively under colonial rule and were only reunited in 1961 through United Nation organised Plebiscite, where Southern Cameroon voted for a reunion with La Republique du Cameroon against integration with Nigeria. However, the Anglophone Cameroonian population has always resented the French Cameroon domination in the socio-economic and political

spheres, which has led to increasing tensions between the regions and the request for an autonomous Anglophone state. Also, the Anglophone political elite and local government officials have fuelled local hostile sentiments and ethnic hostilities for their own ends. These internal divisions among the Anglophones driven along ethnic lines have led to the creation of social borders between ethnic communities as the canvas for political representation and a share in the state resources. This has led to different forms of domestication and mobilisation of space and resources that produce new internal borders that are not limited to only Anglophone Francophone dichotomy.

In Cameroon as across the continent, without refuting the bipolarisation of space between states, African borders (both symbolic and physical) remain very fluid and not frozen in time and space and are consequently, constantly changing due to pressure that often comes from either internal or external actors, usually organised into networks as they claim rights and ownership over these territories (Mbembe, 2000:261). This has led to the constant rise in separatists movements in Africa today, each attempting to carve out a distinct and homogenous socio-spatial space. The prevailing literature on African borders is animated by different schools of thought, as scholars of African studies continue to debate on the causes of the border crisis in Africa. To some scholars like Herbst (1992), Asiwaju (1984) Nugent and Asiwaju (1996) Aghemelo and Ibhasebhor (2006) and Davidson (1967), colonialism and the partitioning of Africa account for border conflicts in Africa, because of the arbitrary nature in which they assume African borders were drawn. This article debunks such a simplistic and reductionist view of looking at borders and we argue that the creation of socio-cultural borders and identities within and across African states, and not only physical colonial lines of separation accounts largely for the conflicts in the continent. This is because ethnic politics and the politics of belonging in Africa has become the means by which homogenous communities seek access to power and scarce economic resources (Nkwi, 2006; Awasom, 2003; Geschiere, 2001& 2004; Geschiere & Nyamnjoh, 1999).

This article sets out to attempt an understanding of the impact of borders (both physical and symbolic) on African states, with specific reference to the separatist movement in former British Southern Cameroon, perpetuated by Southern Cameroon National Council (SCNC). A close understanding of how border crisis in Africa are being approached is critical especially when we consider that continuous ethnic violence in Southern Sudan which recently separated from Sudan highlights the weakness of separatism as tool in redressing identity issues in Africa (see Arnold, 2003; Kaufman, 2004; Soderlund *et al.* 2014:38-99; Omer Beshir, 2007; Tyedt, 2004). It also raises the question of whether separatism as advocated for by Southern Cameroon elites, empowers some of these African movements with the ability to sustain independent states. Taking the SCNC as a case study, we further argue that although the organisation looks at the surface as being homogenous underneath, there are inherent contradictions worth examining which have largely rendered the secessionist actions impotent.

In what follows in this article and for purposes of clarity, we have compartmentalised the article into three sections. The first section looks at the discourses that seek to account for the expanding and contracting nature of both visible and symbolic African borders. It highlights the basis of the two schools of thoughts on the persistent post-colonial border disputes in Africa, which seem to anchor on simplistic notions of the role of borders in African history and an over generalisation that seems to suggest that borders are all physical lines of separation or that colonial borders were all arbitrarily drawn by the colonial masters. Nkwi, (2014) appears to have been the first scholar to have confronted such generalisations by studying the cell phone and the negation of physical borders among the Bamenda Grassfielders of North West Cameroon. This argument seems to lose sight of the fact that in some cases, African borders were drawn on natural limits like oceans, rivers and mountains (Mbembe, 2000:264).

The second section looks at the separatist agenda of the Southern Cameroon National Council (SCNC) in relation to the Anglophone minority problem. The Anglophone problem in Cameroon is based on the assumption that the nation-state project following the reunification of the two Cameroons in October 1961 has been driven by the firm determination of the Francophone elite to dominate the Anglophone minority in the post-colonial state and to erase all cultural and institutional foundations of the Anglophone identity which were deeply rooted in purely English tradition. This section highlights the basis of these claims which are anchored on colonial frontiers, but also on distinct socio-linguistic and ethnic claims. It further looks at the circumstances that led to the reunification of the two Cameroons in 1961, the perceived French Cameroon domination in the socio-economic and political spheres. And lastly the attempts by Anglophone elites to redress the ordeal which culminated in the zero sum demand for an independent Southern Cameroon in 1995.

In the third section, we will examine the idea of separatism as conflict management mechanism for the Anglophone problem in Cameroon, which assumes that physical lines of separation can lead to a homogenous Anglophone socio-spatial space. While this assumption is not most likely and realistic, because of the promotion of hostilities and ethnic identities within the Anglophone region that compromises any notion of a common Anglophone identity, it may also, not necessarily produce the anticipated socio-economic and political stability because of the entrenched ethnic discord between the two Anglophones North West and South West Regions. It is opinion that the current state of Cameroon needs to organize itself to assume a mediation role among the different non-state stakeholders who have emerged as a result of the cultural divergences. This should take the form of negotiations between the Anglophone and the Francophone communities, however, well beyond this level; it should address the ethnic and the regional imbalances that characterize the present political scenario in Cameroon. As Maroya argues, this is very critical if the state's legitimacy is to be established and accepted across the plurality of social actors (Maroya, 2003). However, before taking this

on board it is imperative to examine separatist movements in a more profound and panoramic perspective.

Separatist movements in Africa

Different authors hold different views for the rise of irredentist claims in Africa, kept alive by the clam of groups whose traditional borders have ostensibly been outraged by the impact of colonialism. The Berlin conference of 1884 set the precedence for the scramble for Africa and the arbitrary colonial borders in Africa by the imperial powers (Aghemelo and Ibhasebhor, 2006; Baye, 2010; Murkisa, 2014). Mukisa (2014) for example, notes that these borders separated African people of common ethno-linguistic ties, who before colonisation constituted a homogenous society. Mbembe (2000) points out that one of the reasons commonly advanced by advocates of this school of thought argues that colonial borders facilitated the partition of African societies into tiny or balkanised states designed in western models that were economically not fit to manage their internal affairs (Rodney, 1971; Mbembe, 2000:261). Most if not all the post independent states of Africa remained at best quasi-states since to a large extent they had received "flag independence" (Rodney, 1971:98).

Writing on the concept of Quasi state, in reference to most African states that were created after 1945, which have continued to survive despite the fact that they are usually inefficient, illegitimate and domestically unstable, Jackson and Penrose (1994) corroborate this assertion of weak states. They argue that most African states that gained independence as a fallout of colonisation lacked the legitimacy and institutions to support vibrant socio-economic and political independence. Most of the new states in Africa relied on international organisations like the United Nations who were advocating self-determination, or the colonial powers that were already on their way out, for legitimisation. While reliance on the international system for the survival of the state is not new, African statehood and sovereignty needed to be internally domesticated through negotiations with major stakeholders that characterised those societies (Konings, 2005). However, the Organisation of African Unity (OAU) by 1963, accepted these colonial frontiers in Africa and gave them legitimacy without considering the border disputes that could arise within and among these post-colonial states. Several decades later these disputes have been at the centre of many violent conflicts in the continent today (Aghemelo and Ibhasebhor, 2006; Davidson, 1967; Rourke, 1997).

An alternative claim to arbitrary colonial borders argues that the escalating conflicts that have come to characterise the African continent today indicate a kind of regional integration which seems to occur from the periphery (Stacy and Carter, 2002; Mbembe, 2000:262). This integration occurs at the margins of official state institutions through socio-cultural solidarities and interstate commercial networks. These processes provide the basis for alternative spaces that constitute and structure the informal economy and

other migratory networks within or across states (Konings, 2005). Konings further emphasizes that these exchanges take place both at the regional and international levels. This is because African borders stimulate formal and informal cross-border trade, representing zones of opportunity for capital accumulation (Konings, 2005). Mbembe (2000) notes that proponents of this school of thought submit that because of the fluidity of African state borders, powerful religious and commercial networks have even taken advantage of such interstate areas of production in order to create markets that elude the state with a consequence of very violent conflicts (Mbembe, 2000:262).

However, the above accounts that attempt to explain causes of the persistent conflicts in Africa are an over generalised assumptions which do not offer a holistic account of the role of borders in African history. Secondly, they tend to present a misunderstanding as to how colonial borders were actually drawn during the colonial period. With few exceptions of imaginary borders like those of the Sahara region (Mali, Niger, and Algeria), most African borders were actually mapped out from natural limits like valleys, mountains, oceans and rivers. Others were the results of diplomatic negotiations or treaties of annexation or exchange among the imperial powers (Stacy and Carter, 2002; Mbembe, 2000). African borders were able to emerge during colonisation through the efforts of traders, missionaries and explorers (Barbour, 1961; Nugent, 1996). This was mainly because during this period, borders gradually crystallized as traders, missionaries and explorers penetrated the hinterland, repressing local revolts as they tried to mark the spatial limits that separated colonial possessions between the different colonial powers.

It is however limiting that borders in Africa since independence have largely been studied as specific lines of separation that make up a state's territory in line with notions of frontiers within the scope of international law (Stacy and Carter, 2002). Mbembe (2000) argues that perceived this way, distinct territoriality would make sense on the political level only as the space of the exercise of sovereignty and self-determination and as a framework with which states can claim and anchor their authority (pp. 262-263). Theorizing borders in this way, therefore, creates a significant gap in understanding how restructuring internal spaces by different stakeholders contribute in weakening the state and collapsing its authority. Also, it leads to the emergence of other symbolic borders and identities within the nation state, especially if we consider how borders were perceived within the pre-colonial African context and how they are perpetuated in the post-colonial African states.

Before colonial rule in Africa, borders were fluid and a people's attachment to a given territory and space was hard to determine. This was because in some of the African empires, political spaces were not delimited by boundaries in the classical sense of the word, but rather a combination of multiple spaces both physical and symbolic (Maroya, 2014). The establishment of colonial state borders was enforced through colonial military conquest and penetration, but also through the contribution of missionaries and

traders which met with stiff resistance from the interior of Africa (Kapil, 2011; Aghemelo and Ibhasebhor, 2006). Maroya (2014) and Mbembe (2000) note that some African politics had an overlapping of different spaces constantly joined, disjointed and recombined through wars, conquests and the mobility of goods and persons which indicates that pre-colonial African societies domesticated an itinerant territoriality. The West African Oyo empire for example, what is today Western Nigeria and parts of Benin Republic, grew to prominence in the 15th century, holding socio-economic and political sway not only to other Yoruba states, but also over distant kingdom of Dahomey, present day Republic of Benin (Vansina, 1962). An understanding of such spaces came as a result of controlling people or localities or in some cases both at a time (Birmingham and Phyllis, 1963). All these forms of belonging corresponded with the different notions territoriality within the African society that was not limited to physical borders.

Collective rights and ties were combined with different kind of polities, but at the same time exceeded them (Nair, 1972). Nair states for example that different political units could have control over a single place, which might itself fall under the control of another autonomous unit that was nearby (Nair, 1972). Borders in these contexts were relevant only through the relationships they sustained with other forms of distinct socio-cultural units and the degree of contacts and interpenetration that was allowed within such polities in a given region (Mbembe, 2000:264). These borders were subject to expansion and contraction either through successful military expeditions or violent wars of conquest. Despite such fluidity, it is not to say African borders excluded the existence of specific physical borders between distinct political units (Wilks, 1975).

It is our assertion that the present conflicts in Africa therefore reflects a complex reality of commercial, religious, military anarchies, struggles of power between state actors and alliances that emerged at independence but which can also be traced back to Africa predating the colonisation of the continent. The rise of these alternative modes of authority within African state weakens state's institutions as each pursues objectives that appear parallel to that of the central government.

Writing on weak states and conflict in post-colonial politics, Migdal (1988) and Jackson and Penrose (1994) highlight the issue of alternative modes of power in African states by drawing parallels between the weak post-colonial states vis-à-vis the developed western states. They contend that strong institutions that claim a monopoly on rulemaking, taxation and power within a given territory accounts for the maturity of western nations. However, the post-colonial African states are characterised with conflicts that emanate with other modes of authority, which weaken the extent to which the state can ascertain any monopoly power among the different stake-holders. The growth of ethnic politics perpetuated by the regimes through the influence of local elites like the case of Cameroon, to neutralise a common Anglophone identity, has resulted in ethnic cleavages limiting state capacity and continuous resilience of alternative authority structures.

These cleavages based on kinship and other distinct social identities and not just physical borders account for the threat of violent conflict as each group seeks representation. In Cameroon as in some African state, the inability of the state to ascertain her legitimacy over the different stakeholders pose a serious challenge that threatens the stability of the nation-state. Such threats are often due to the fact that these different networks represent different interests, as they clamour for power and resources.

Researching on warlord politics and African states Williams (1998) argues that competition for power, wealth and patronage has led to many deadly conflicts and the emergence of failed African states. He further notes that African states are often characterised by overlapping cleavages that unite either on the ground of language, religion, class or kinship, establishing different networks of power and identities. These cleavages do not support or promote the contemporary idea of statehood and the attempts of the state to replace these multiple power sources remain at best ineffective (William, 1998). The fact that some African states have failed to establish their legitimacy as a central governing unit has resulted in a situation where most post-colonial states in Africa are today the means by which different stakeholders within its territoriality negotiate their relationships and identities with each other and beyond. Each of these multiple actors attempt to maintain a stronghold on resources that can assure their sustainability at the expense of others or the states itself (Konings, 2005; Maroya, 2003; Nkwi, 2006).

The crisis in Sudan for example, puts this in context. The conflict was perceived largely between the Southern Christian minority and the Northern Muslims majority, which resulted in the granting of independence to Southern Sudan in July 2011. The continuous violent conflicts in South Sudan suggest that beyond these two main categories, the conflict involves different groups and interests: the military, the national Islamic groups, and each of these groups represent different ethnic groupings. As Maroya (2014) asserts, all these groups seek and represent a different agenda of what the process of nation building should be. This leaves the state as an empty vacuum that each faction seeks to fill with what they perceive as the best system of governance, even when such an agenda seems to benefit only those of a particular identity (Maroya, 2014).

African conflicts therefore, far from being solely a result of arbitrary colonial borders, can also be accounted for by the perceived distinct symbolic borders of varying socio-cultural identities and different social actors that exist within or across nation-states in Africa. The next section looks at the origin of the Anglophone separatist movement led by SCNC. It highlights the Cameroon colonial experiences with different colonial masters and how the perceived distinct Anglophone identity came into being. While the Anglophone claim for an autonomous state may be based on their common colonial legacy and culture, such a common sense of identity is seriously compromised by the ethnic cleavages that divide the two Anglophone Regions (North West and South West). North West and South West traditional and political elites have all embraced

the construction of distinct socio-cultural identities with strategies on how best to access state resources and political representation within the nation state of Cameroon.

SCNC and the call for secession (origin of the Anglophone problem)

Cameroon's political past was marked by many phases in motion, starting with the Berlin West African conference, which led to the colonization of the country by the Germans in 1884. The German administration was short lived, as they were defeated during the First World War which led to the eventual loss of Cameroon as a colony to Britain and France (Ngho, 1996). Britain and France took over Cameroon as a mandated territory of the League of Nations; for administrative purposes they shared it into two unequal parts. France managed its share of Cameroon as a separate entity within the political space of Equatorial Africa, and Britain did manage their own portion as part of their colony of the Eastern provinces of Nigeria (Chereji and Lohkoko, 2012).

These Mandated territories later became known as UN Trust territories after 1945, as the UN took over the responsibilities of the defunct League of Nations. Colonial rule however, came to an end in 1960. France granted political independence to its part of Cameroon under the name *La Republique du Cameroon* in 1960 which later became French Cameroon and East Cameroon (Chereji and Lohkoko, 2012). Unfortunately for British Southern Cameroon, their fate was to be decided through a UN-imposed plebiscite which gave them the option of independence only by joining Nigeria (integration) or Cameroon (reunification), without the right of gaining independence as an autonomous entity (Awosom, 2003). The outcome of the plebiscite on February 11, 1961, where an overwhelming majority voted to reunify with former French Cameroon established the basis of the Union between the two Cameroons (Konings and Nyamnjoh, 1997).

The Anglophone elites have persistently challenged the reunification of former French Cameroon and the Foumban constitutional conference of 1961, which established the legal framework for the reunification of the two Cameroons on grounds that it was marred by flaws (Konings and Nyamnjoh, 1997). The ideological framework of reunification movement was the German colonization of Cameroon, which lasted from 1884-1916. The German period of colonization in Cameroon might have been too brief to create a profound impact on cohesion and nationhood, strong enough to evoke a sense of nationalism in its aftermath (Ardener, 1967; Johnson, 1970).

Soon after reunification in 1961, Anglophone elites began mobilizing against their marginalized status, demanding a redress of their political exclusion and an unequal allocation of state resources, given that over 61% of the Gross Domestic Product (GDP) comes from the Anglophone region (Konings and Nyamnjoh, 1997). Anglophones began reintroducing concepts such as federalism and even secession to the political agenda (Konings and Nyamnjoh, 1997). The need therefore for a regional organisation to represent the aspirations of the Anglophone led to the birth of the SCNC in 1995. The

gross marginalization and inequality in allocation of state resources, and the frustration of political exclusion culminated therefore in the All Anglophone Conferences (AACI and AACII) respectively (Chereji and Lohkoko, 2012). The refusal of the Cameroon government to yield to negotiations on the Anglophone agenda resulted in the birth of the SCNC which took a resolute stand to demand for their independence from *La République du Cameroun*. The SCNC which was formed in 1993 is a self-determination organisation seeking the independence of the Anglophone Southern Cameroons from the predominantly francophone Republic of Cameroon (La République de Cameroun). It is a non-violent organization with the motto “The force of argument, not the argument of force”. The chairman is Chief Ayamba Ette Otun. Because the SCNC advocates separation from Cameroon, it has been declared an illegal organization by the government of Paul Biya. Security forces regularly interrupt SCNC meetings, arresting members and typically detaining them for several days before release.

Despite the SCNC demands of a return to autonomous pre-unification territorial frontiers that separated the French and the British Cameroon, the strong start of the SCNC that was witnessed in the early 1990s to renegotiate the Anglophone issue soon became marred by internal differences, as evident in the latent nature of the conflict (Fonchingong, 2005). Divisions among the Anglophone elites and ethnic cleavages, what has come to be known as the North-West/South-West divide, (the two regions that constitute the Anglophone or British Southern Cameroon) has made it difficult among Anglophone elites to find a realistic way forward for the Anglophone problem. Each of these varying camps among the Anglophone elites offers a conflicting explanation as they attempt to understand the root causes of the identity problem in Cameroon and to bring forth proposals for redressing the Anglophone predicaments. It is as a result of these cleavages that Konings and Nyamnjoh (1997) argue that the post-colonial state of Cameroon has often taken advantage of these existing contradictions which they created within the Anglophone community to set off the South-Westerners against their North-Western brothers. This is in an attempt to bolster the unitary agenda of the state and to block the Anglophones’ aspirations.

The current regime continuously attempts to obstruct the construction of a common Anglophone identity and position, by promoting and fanning the flames of the existing cleavages among the Anglophone Elites. The regime does this by stimulating new ethno-regional differences that appear to transcend the Anglophone-Francophone divide. Kefale (2010) argues that the structuring of any polity into ethno-linguistic lines invariably introduces other concepts which are strongly connected with identity and territoriality like in the case of Southern Cameroon, the effort has been to promote a North West/South West divide that obscure any common Anglophone identity against the Francophone dominated regime (Konings and Nyamnjoh, 1997). This is because the idea of distinct ethnic identities involves the recognition of ‘others’, which is critical

to the notion of territorial autonomy. Also, such communities and identities created by the present regime in former Southern Cameroon need their spatial delimitation to remain either physically or symbolically distinct from others, which does not fit well into a unified Anglophone concept of 'oneness' (Kefale, 2010).

The attempt by the current regime to match ethnic and politico-administrative borders implies that ethnic autonomy does not only contribute to the transformation of ethnic identities, but also contributes to the crystallisation of wider ethnic solidarity (Mbembe, 2000:267). This view is also corroborated by Newman and Paasi (1998) when they note that social groups exploit the ideas of borders to strengthen their social space and to pursue ethnic homogeneity within the nation state. The creation of internal physical and symbolic borders between the Anglophone communities out of the framework of Francophone/Anglophone divide, by the current regime so far has served as instrument for inclusion and exclusion (Fonchingong, 2005).

The divisive tendencies of the current political regime in Cameroon affect the internal cohesion of the nation-state, with direct implications regarding access to local resources and political representation (Nyamjoh, 2002). The continuous attempts by the present regime to remunerate some ethnic groups in Southern Cameroon with prestigious positions in the government previously reserved only for Francophones is an attempt to put such communities against less privileged ones and to render any unified Anglophone identity futile (Chiabi, 1997). The internal fragmentation within the SCNC course brings to the fore the question of whether the quest for separatism between the mainstream Francophone-Anglophone dichotomies could necessitate the anticipated socio-economic and political security that is advocated for by SCNC?

Rethinking separatism

This section highlights the fact that separatism, as fanciful as it may seem, may not produce the anticipated outcome because of the perceived internal differences that exist between the two Anglophone Regions as it is elsewhere in Africa. Separation will only shift the power struggle between the politically minded North Westerners and the economically endowed South West Region (which is considered the economic bread basket of the Country), which have been promoted by the current regime in Cameroon (Nyamjoh, 2002).

The concept of nationhood in Cameroon is very weakly constructed on the 'German Kamerun idea' or the K-Idea (Ardener, 1967). As a result of the weak concept of nationhood, the distribution of political and economic resources remain characterized by divide and rule policies leading to the creation of ethno-regional gaps (Nkwi, 2006; Nyamjoh, 2002). The divide and rule politics has led to a severe disagreement between the Anglophone elites and traditional chiefs on the best way forward in renegotiating a unique Anglophone identity within the state of Cameroon. In this respect, following

the AAC I and II, some members of the South West elite association (SWELA) tried to dissociate from the deliberations and resolutions of the AACS and the Buea declaration which took a resolute position to demand for Southern Cameroon's independence in their own right. In like manner North West cultural and development association (N.O.C.U.D.A) establishing a distinct socio-cultural identity from that of South West, tried to dissociate the region from AACS, claiming it was the brainchild of the South West elites (Konings and Nyamjoh, 1997).

These splits continue in this trend sponsored by the regime to thwart any unified efforts by the Anglophones to develop a common sense of belonging. Some in the SWELA against secession, advocates for a ten region federation (Cameroon has ten regions) within the state of Cameroon so that each region remains autonomous. In this way, South West according to this school of thought will be free from the North West political domination that has always characterized their history (Awason, 2004). On the contrary, there exists another faction, more critical of government's policies and supports the opposition. They advocate closer co-operation between the South West and North West elites as a necessary precondition for an effective representation of Anglophones interest for secession or at least a two states federation (Konings and Nyamjoh, 1997).

In an effort to safeguard their political interests and claims to scarce resources, some Anglophones have turned to regional political intrigues by widening the gap between indigenes and non-indigenes by referring to non-indigenes as strangers and other derogatory slangs, as a means of consolidating their quest for political inclusion (Nkwi, 2006). In this light, there is thus the resurgence of identity politics and open tensions as various groups seek to gain access to state resources and a better representation in the government for their selfish interest by creating and promoting distinct socio-cultural identities of 'us' and 'them' (Eyoh, 1998). This is line with Mbembe (2000) who argues that most separatists movements have their origin not in the desire to make an ethno-cultural space coincide with the space of the state, but rather in the struggle to control resources considered vital (Mbembe, 2000:272).

In most towns of the South West region of Cameroon, non-indigenes or settlers are often referred as 'Graffi', 'come no go' (strangers), mostly derogatory words to refer to settlers from the North West who are accused of sympathizing with ideas of separation (Fonchingong, 2005). Fonchingong further adds that the increasing trend of slogans sponsored by the system between those considered as 'insiders' and 'outsiders' among the two sister regions (North West and South West) is a strategy of the regime that marks yet another form of ethnicity, through the intensification of ethnic borders (Fonchingong, 2005:370). These multiple forms of borders and the concepts of insiders and outsiders creates the 'us' and the 'them' among the Anglophone and challenges the idea of a separate Anglophone territory which assumes a common Anglophone cultural homogeneity.

The idea of separation which is anchored in an Anglophone socio-linguistic identity may be losing sight of the pluralists ethnic cleavages that have characterized the two Anglophone regions and therefore does not seem to represent the best form of managing the conflict. This is because besides the physical borders of separation between former British and French Cameroon other social borders define the way these regions see each other even among themselves.

Conclusion

This article has argued that conflicts and separatist movement in Africa occur not only as a result of the disputed colonial borders, but also as a result of the construction of distinct socio-cultural border either across or within nation-state. Each of these groups seeks to establish a distinct homogenous socio-cultural space that guarantees access to political but also economic resources. Specifically it looked at (1) the discourses that seek to account for persistent conflicts in Africa, (2) it highlighted the separatist agenda of the Southern Cameroon National Council in relation to the Anglophone minority problem and (3) the constraints of separatism as tool in managing conflicts of identities in the Anglophone problem in Cameroon who are largely divided themselves along ethnic lines.

With specific reference to the former British Southern Cameroon, this paper has argued that borders are fluid and people's attachment to a given territory and space is hard to determine solely on physical borders. The present conflict of secession in Cameroon reflects a complex reality, struggles of power between state actors and alliances that are fostered through the construction of distinct ethnic identities and a solution can hardly be attained by merely separating these regions into autonomous entities. This is because the internal fragmentation within the SCNC course brings to the fore the question of whether the quest for separatism between the mainstream Francophone Anglophone dichotomies could necessitate the anticipated socio-economic and political security that is represented by SCNC advocates. Social cleavages will hardly follow very distinctively territorial lines as proponents of separatism may seem to suggest. The cross-border socio-spatial relationships between the Anglophones and the Francophone in Cameroon create room for mutual consents, hence a common ground for negotiation.

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Transnistrian Conflict Resolution in the Context of the Ukrainian Crises

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Abstract. *The article presents a broad analysis of the Transnistrian situation in the context of the newly developed Ukrainian crises, focusing on the conflict roots and the sources for a potential conflict resolution. Then, as an exploratory study, it reveals the results of a questionnaire applied on Moldovan citizens, regarding their perception on the Transnistrian frozen conflict.*

Keywords: *Transnistria, Ukrainian crises, Moldavia, conflict analysis, conflict perception.*

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Introduction

Nowadays, on international level, Transnistria region has the potential to be a new source of geopolitical tension between Russia and Europe. According to a recent study (Toal & O'Loughlin, 2014), the option of joining Russia is favoured by ethnic Moldovans, Ukrainians and Russians from Transnistria, while the Tiraspol government sent recently a letter to Moscow for asking to join the Russian Federation. In the same time, Republic of Moldova has one of the most complicated political situation from Europe being between Russian threatened sanctions and the current impossibility to EU accession despite the free trade agreement signed in 2013, at the Vilnius Summit (Solomon, 2014).

The Ukrainian crises had revived the topic of Transnistria issue not only among politi-

cian elites, but also among ordinary citizens of Moldova Republic who expressed more concerns than before for a close settlement of the conflict. The recent annexation of Crimea to Russia is an evidence of the power that this country still holds in the region, which led to rumors regarding the next targets after the precedent in Ukraine.

To understand better the Transnistrian conflict, the article will present first an analytical framework, using a United States Institute of Peace model (Education and Training Center, 2008). Then, as part of an exploratory study, the results of a questionnaire applied on Moldovan citizens, about their perception on the conflict, will be revealed.

Analytical framework of the Transnistrian conflict

The methodology used for this section of the article relies on the instrument described in *Democracy and Deep-Rooted Conflict: Options for Negotiators* (Harris, 2003, pp. 52–53) and the USIP model of conflict analysis (Education and Training Center, 2008). This analytical framework provides a method for the study of conflict within a clearly defined time period and consists of five key themes which will be developed under a series of questions that, in the opinion of Mike Lekson, 'ensure a look at the essential elements of what the conflict is in order to be able to decide how to approach it and what to do about it' (Harris, 2003, p. 7).

Actors

Situated between Ukraine and Romania, with a surface of 33,371sq km, Moldova became an independent state in 1991, after USSR dissolution, being lately a point of unofficial dispute between Russia and Romania. Historically known as Bessarabia, Moldova was under Ottoman Empire until 1806, then passed under Russian Empire (Russo-Turkish War), declared its independence and united with Romania in 1918, but the consequences of Molotov-Ribbentrop from 1940 led to the occupation of Moldova by the Soviet Union. The various historical backgrounds resulted today in a mixed population with different ethnic groups where the majority are Moldovans, followed by Russians and Ukrainians (around 10%), Gagauz, Bulgarian, Roma and others. The notable percentage of Russians is explained by the Russian migration (during Soviet time) with the purpose of industrializing the region, and by the presence of Russian 14th Army sent at the south border to protect from NATO members. The almost four million of Moldova Republic population is affected by migration, thousands of people leaving annually to find a better life in other countries and also in Russia (their preferred destination). The high rate of inflation, unemployment, and poverty classified Moldova as the poorest country in Europe with a wide criminal activity (weapons trafficking, drugs, human organs). The democratization reforms and the Europe integration direction were drafted by Vladimir Voronin (the 2001 elected president from the Communist Party) and today are continued and intensified by actual leadership (Nicolae Timofti) but still without many positive results (Sanchez, 2009).

The Transnistrian Moldovan Republic led by Igor Smirnov is a state recognized only by Russia, having a surface of 180 km long and 30km wide with a population of 630 (8% of Moldova population) but that generates about 40% of industrial production of Moldova Republic. Even though Transnistria is an important producer of steel, without the Russian economic support, the country could not survive (in 2012, the budget deficit was around 70%, 3 billion dollars being owned to the giant Russian company Gazprom). Since 1990, the regime from Transnistria strengthened the idea of USSR perpetuation after its collapse by promoting the policy of 'new identity' and cultivating that of anti-Romanian moldovanism. Being a multi-ethnic population, Transnistria also promoted a policy of forced russification of population that aimed to create Transnistrian people with multi-ethnicity that have a future linked with that of Russian Federation. The majority of inhabitants from Transnistria (60%) are Moldovan citizens, but for increasing the influence in the region, Ukraine and Russia provided citizenship to the inhabitants leading to a competition of identities with deep political roots. The Transnistria regime made efforts to present Republic of Moldova as the most important enemy so the most aggressive segment of population entirely rejects the integration within Republic of Moldova's borders, while an important sector of population still considers themselves citizens of the same republic (Oazu, 2013).

Another important actor is EU that helped both Moldova and Transnistria in building a mutual trust by financing since 2009 the 'United Nations Development Programme' in order to promote cooperation in areas like health, environment or social affairs. The Vilnius Summit from November 2013 brought for Moldova the approval of Free Trade Agreement and the confirmation of being prepared for the liberalization of visas for those who have biometric passports. The Moldovan Prime Minister Leanca considers that the European Integration of Moldova will be a continuation of the actions started in 1991 (the independence from USSR), the process of full membership being a soft power that will attract the citizens from both banks of Nistru. Anyway, the ethnic minorities seemed not to be too optimistic judging on the referendum from February 2014, when the People's Assembly of Gagauzia asked the minority if they prefer the EU rapprochement or the Russian Customs Union, apart from the independence from Moldova if it unites with Romania. The results were more than clear: with a participation of 70%, people voted in proportion of 98,4% for Russian Customs Union being against joining the EU, voting also for independence from Moldova more than 98% of them. In the light of recent events of Ukraine crises and the Crimea independence (and its annexation by Russia), the support for EU in Moldova is decreasing, the recent opinion polls indicating that 55% of Moldovans prefer European orientation while 28% are against and only 13% of ethnic Russians, 26% of ethnic Ukrainians and 15% of other ethnic groups from Moldova are in favour of European Union (Gonzales, 2014).

Among EU's members, Romania proved to be an important supporter of finding a consensus that will respect the territorial integrity and sovereignty of Moldova. Even though

Bucharest currently has not an exemplary political situation, the ex-president Traian Basescu declared in many occasions that Romania will try to facilitate the relations between EU and Moldova through various mechanisms (establishing consulates general in Moldovan cities, offering scholarships and citizenship for students and workers in Romania). Another significant European Union member state that showed interest in the Transnistria conflict resolution is Germany. The visit of Chancellor Merkel to Chisinau in 2012, the conference for confidence building mechanisms by the German government as well as the Meseberg process were direct opportunities that engaged both Germany and Russia over issues regarding Transnistria region. Because German Chancellor enjoys a high-profile respect in Chisinau and Moscow as well as within the European Union, Germany could lead the Transnistria conflict settlement even without a formal position (Solomon, 2014).

The role of OSCE (CSCE until 1995) in the conflict was played from the beginning through the Mission established in Moldova as well as through its seat near Ukraine and Russia in the first negotiations format between Moldova and Transnistria. Under its framework, the 1999 Summit from Istanbul fixed that the withdrawal of Russian troops will happen within three years, but in 2002 (Oporto Summit), Russia asked for one year extension due to technical difficulties. Anyway, the Russian departure stopped because of Moldova's refusal to sign the Kozak Memorandum. United States of America and European Union were included in the negotiation format in 2004, the process being renamed 2+5 (Moldova and Transnistria, Russia, Ukraine, OSCE, EU and USA), but due to a tensioned period between Russia and West powers, the activity of negotiations was interrupted. In April 2012, the process was restarted and was established a three areas agenda in a package of institutional, political and security terms. The facilitation of free movement of Transnistria inhabitants who have Russian or Ukrainian passports was facilitated by the legislation modification of Moldova as a result of the dialog and efforts of negotiations meetings (Gonzales, 2014).

Root Causes

The historical roots of Transnistrian conflict can be found in the Russo-Turkish wars period from the ending of 18th and beginning of 19th century when Russian Empire incorporated Transnistria and Bessarabia. The Romanian ethnic population from both regions suffered a Russification process, started by tsarist government and conducted later by Soviet government, which brought demographic changes with social implications. The denationalization measures have been hampered in some limits by the Moldovan nationalist movement from Bessarabia, but in Transnistria, the Russian assimilation was stronger and better affixed due to the larger number of Slavs (Russians and Ukrainians), despite the fact that Moldovans remained the largest ethnic group (in 1936, the Transnistrian population was: 41,8% Moldovans, 28,7% Ukrainians and

14,2% Russians while in 1989, the percentage was the following: 39,9% Moldovans, 28,3% Ukrainians and 25,5% Russians) (King, 1999, p. 185).

The pro-soviet propaganda was intensified in Transnistria during the membership period to Romania of Bessarabia region (inter-war period), when the public opinion was prepared by Soviets to export the Communist revolution, assigning to Romania an image of enemy of peasants and proletariat, everything related to Romania being defamed. The national emancipation movement from Moldavian Soviet Socialist Republic was prevented using the same style of propaganda through which the Soviet leaders suppressed the ethnic Romanians national feelings by drastic measures as mass deportation, forced collectivization or political persecution (Fedor, 1995).

The geostrategic and geopolitical causes of Transnistrian conflict were always of great interest for Russia. Taking into consideration the geographical positions in Europe of Transnistria and Bessarabia, both regions were used as interface instruments to spread the Russian influence. The dissolution of Soviet Union put Moscow in the situation to change its policy toward the leadership from Moldova who declared independent and sovereign. So, the only Russian physical presence on the continent, in Transnistria, at just 1000 km from Europe, received natural support for the separatist objectives. Keeping Transnistria somehow linked was a method to dominate The Moldova Republic and to spread influence in Balkans a fact that could be hampered by a possible reunification with Romania. This fear was expressed under concrete terms during the 1992 Peace Accord when Russia stated as a clear condition the seceding of Transnistria (RMN) if the reunification of Moldova with Romania will take place. If Transnistria was controlled, Russia could maintain pressure on Ukraine and other states (Commonwealth of Independent States members) so that a possible NATO enlargement could be prevented in a region with unstable security. Perpetuating the pan-Slavism of region and assuming the leader position of this movement was the purpose for which Russia tried to avoid any integration of Balkans states (Slavs or Orthodox) in Western Organizations (with or without military specific) (Olaru-Cemartan, 2013).

The military causes of Transnistria conflict were generated by the dissolution of the existent Soviet military system that had installations and military strategic objectives outside the remaining Russia after the dissolution of Soviet Union. The units of 14th Army, an armament industry situated near Tiraspol, is representing the biggest Russian weapons deposit from Europe and initially was created to protect the Russian-speaking population that lived outside the borders, to protect the war veterans and also to keep an eye on eventual conflicts of the Russian Federation's borders. The Russia's foreign policy approached the military issue from Transnistria in two opposite directions: firstly, the civilian leadership and the president Boris Yeltsin wanted to withdraw the troops (despite developing a plan to annex Transnistria) while the military leadership and the vice-president Alexander Rutskoy advocated for maintaining the troops due to the

reasons stated in the traditional approach because NATO and EU were threatening the security of Russia. In time, the president reached the same position as his vice-president and said that Russia will continue to protect the Russians living in other states defending their right even by force if it was necessary (Ibid, 2013).

The socio-economic causes of Transnistrian conflict were based on the economic division of Moldova in two parts: the agricultural region represented by Bessarabia (cereals, fruits, vegetables, wine) and the industrial area represented by Transnistria that hold the total production of gas containers, power transformers, cotton textiles, large electrical machines and more than half from total production of cement and low-horsepower electric engines of the country (King, 1999). Losing Transnistria could have strong negative effects for the whole country's economy, and the leadership of both sides of the conflict was aware of this. Inducing the fear of economic security problems was an instrument used by Tiraspol leaders to mobilize the Slav population in the fight against Moldova's leaders (Olaru-Cemartan, 2013).

The linguistic and ethnic causes of the conflict started mainly because of the adoption, in September 1989, by the Moldovan government, of the language law. Due to anti-Moldovan/Romanian propaganda, the Slav and Russian-speaking population was dissatisfied and defined as distrustfully the legislation that was even tolerant with the language of ethnic groups. The separatist leaders invoked and spread among Slav population the concepts of losing cultural identity and their social status reasons which should motivate the fight for self-determination of nations. Although Russian government argued that the ethnic rivalry was driving the conflict, in reality, the conflict started to be ethnic only when the Slavic elites saw the language issue as a sign of eventual reunification with Romania. The investigations of Conference on Security and Cooperation in Europe found as false the accusations of 'Moldovan discrimination against ethnic minorities' and even the president of Transnistrian Republic, Igor Smirnov, admitted that the conflict is political, not an ethnic one (Lynch, 2000).

What is driving the conflict?

As can be noticed, the Transnistrian conflict has multiple causes, but its primary driver remains the political and economic aspect. The confrontation between the elite from Transnistria, who support the old Soviet regime, and the new leaders from Bessarabia, who claim a newlydemocratic Moldova, started with the fear of losing the economic independence of Transnistrian people due to the nationalistic Moldavian measures (Statie, 2013).

What are the needs and fears of each group?

In terms of needs and fears, taking into consideration all above could be said that the Transnistrian side of conflict, fears of a disadvantaged economic position and a possible loss of cultural identity due to the new Moldavian legislation measures that seek the

independence of Russian influence. In this context, the separatist leaders of Transnistria state the need of maintaining the Russian support, invoking the Slav ethnicity protection, in order to obtain independence from Moldova and eventual to be annexed to Russia under international recognition.

On the other side, leaders from the Moldova Republic have more than one fear to deal with when comes about Transnistria conflict situation. Firstly, if they lose Transnistria, this will mean automatically negative consequences in the industrial economy that had the headquarter within Transnistria territory. If they try to keep by force Transnistria, they will attract Russian punitive military measures. If they make efforts toward European integration they also raise Russian disciplinary measures regarding trade market. In this context the Moldavian need is pretty clear: to leave the Russian vicious circle by assuming the risks of punishment that could be compensated if the European countries members will help in redressing the economic situation by spending political and economic capital. This raise another fear: could Moldova find trustful partners ready to help even if this means assuming a position against Russia? Until present, there was no affirmative answer.

Russia's fears and needs are even harder to define, but in the Transnistrian conflict, the Russian need was to conserve as much as possible the power over the ex-members of Soviet Union using the pretext of military and economic protection. Supporting Transnistria through cooperative business relations, Russia is maintaining a strategic position in southeast Europe and is controlling the Republic of Moldova using its military presence and trade punishment measures to make harder its European community orientation. The constant fear of Russia was losing this power in the detriment of western powers.

The western powers (OSCE, EU, NATO) main need is to achieve the region stability that means the withdrawal of Russian troops from the periphery of Union and in the same time the recovery of Chisinau after the internationalization of the conflict. Their main fear is an eventual changed status from a frozen to a hot conflict because of Russian intervention.

Stage, key issues of conflict

At the end of 2011, at Vilnius, the formal negotiations between two sides of conflict in the format '5+2' were resumed after almost six years without any direct results. At that conference, the authorities prepared a guide of negotiations planning an agenda that includes as principal themes socio-economic, humanitarian, security and political aspects (Scrieru, n.d.). Despite of all negotiations, the declaration of Evgheni Sevcuik (Ukrainian ethnic), the new-elected president of Transnistria Republic, underlined the fact that the withdrawal of the peacekeepers from Transnistria (Russian troops) could lead to an armed conflict in the region. More than that, according to the same declaration

for a Russian TV channel, Sevciuk affirmed that Transnistria's wish is the integration in the Russian Federation because reaching a compromise with Moldova is difficult because of Romania's influence on Moldova's policy ("Retragerea trupelor ruse din Transnistria: Pretinsul presedinte de la Tiraspol agita spectrul unui razboi cu Romania", 2013).

In other words, the stage of the conflict remains frozen without changing much because the protracted confrontation between Chisinau and Tiraspol remains blocked in the same political and economic issues. The security aspect is feeding the conflict because Russian military presence has significant contribution for the negotiation process, the behavior of Russia sustaining the idea of a political conflict. Even if, Russia still had not officially recognized the Transnistria independence, under a pacifying objective, it continues to give support. Obtaining the status of special region within Republic of Moldova, Transnistria underlined also the political nature of the frozen conflict because every each of ethnic, linguistic or even economic factors could be solved as long as exists a political will to solve the conflict (Boțan, 2009).

The part that is suffering the most in this context of the conflict will be Republic of Moldova which is blocked in its way to integrate into the European Union due to Transnistria issue. Because Russia has not yet recognized Transnistria as independent and neither accepted to withdraw the military forces of 14 Army stationed there, the Western powers have no clear position regarding the situation of region and their capacity to intervene and help Moldova.

Power, Resources and Relationships

The power and resources of the two direct sides in the Transnistria conflict will not differ much if will not be outside help that change the entire situation. The Russian support for Transnistria side puts Republic of Moldova on inferiority foot regarding the military resources. According to Chisinau sources, Russia keeps in Transnistria about 1,500 people to protect the stockpiles (estimated around 30000 tons of ammunition) remained from the Soviet time so the power with which Transnistria could be helped is not insignificant ("Retragerea trupelor ruse din Transnistria: Pretinsul presedinte de la Tiraspol agita spectrul unui razboi cu Romania", 2013).

On Moldova's side, the degradation process of military equipment from 1993 was stopped at the middle of 2014, when in the context of Ukranian context, the fighting technique was re-established with a 500% rating. The defence minister of Moldova, Viorel Cibotrau, in an interview for Unimedia, said that until 2018, Moldova will have modern military bases with new technique and new mechanism for identification of future soldiers still in high school. The 'Nordic Shield 2015' from April 2015, was a tactical exercise with shooting demonstration for testing the preparation, organization and internal linking military staff (Calugareanu, 2015).

The current relationship between leaders of Transnistria (supported by Russia) and those of Moldova is in a continuous state of tension. The insistence of Timofti President on the unconditional withdrawal of Russian troops from the end of 2012 had increased the tension between Chisinau and Moscow. Announcing the intention of Moldova to adopt the EU 'Energy Packages' which are against the companies that are both suppliers and distributors (the Gazprom situation) made Russia to offer a discount of 30% on gas price for Moldova if it will abandon the adoption of the above EU legislative packages. The South-East Europe supply is monopolized by Gazprom that tries to build a gas pipeline thorough The Black Sea in order to strengthen its position, but if the Balkan countries implement the European Community rules, Gazprom will fail.

Regarding the Moldova's trade agreement with EU, during his visit to Chisinau in 2013, the Russian Prime Minister Dmitry Rogozin stated as consequences for Moldova the following measures: the Russian market will impose access restrictions on Moldavian agricultural products, the Moldovans workers in Russia could have problems with their continuity, the gas supply could be cut if the debt of government is not settled and also the European integration will lead to a permanent loss of Transnistria. Even though the territorial integrity of Moldova within the established borders was official recognized by Kremlin, in fact, the Russian leaders kept separated relations with Tiraspol and Chisinau. A denial of Moldova sovereignty being even the presence of Russian troops in Tiraspol.

Moldova's authorities are aware of Russia's capacity to penalize the EU orientation but they declare to accept paying the high price in order to eliminate the combined Russian punitive measures with incentives for a better relation with Moscow. The assumed risk will be the scenario in which the Moldovan citizens will blame their government and the EU agreement for the Russian punishment that will be hard to stand in the summer-fall period when the most important customer of Moldovan wine and fruits products will raise problems. Regarding the remittances sent by the Moldovan workers in Russia, their annual amount of 1,000,000,000 \$ gives a significant support for the local economy. Taking into consideration the illegal situation of more than half of Moldovans from Russia and the recent repatriation of 20,000 of them, it is clear that the new agreement on migration between the two countries from 2014 will be used as an instrumental tool by Kremlin (Socor, 2014).

The existing channels of communication in both parties of the conflict resemble much with the media market form other post-Soviet states: local politicians are controlling media for advancing personal objectives. In Moldova are few independent media outlets that are not financed by politicians, among them could be found: Ziarul de Garda Adevarul (sponsored by Soros Foundation), Kommersant.md and Unimedia websites. One of the most influential media person in Moldova is Vladimir Plakhotnyuk (holds four television networks and two radio stations) that keeps controlling the content in order to present critics only for Party's opponents, but never for Democratic Party.

However, the World Press Freedom Index from 2014 placed Moldova on 56th out of 180 countries in terms of freedom of speech, in fact, the best result among non-EU post-soviet countries. Still, even could be called free media, there is no influence on it on political process in Moldova, for example the conflict of interest presented by journalist is not taken into consideration by High Commission of Magistrates (Soloviev, 2014).

History of the Relationship

Although the nature of this paper has no historical purpose, the origins of the conflict and the actors involved today could be better understood only returning a few years back in the history.

The traditional Principality of Moldova, inhabited mainly by Romanian population with Orthodox faith, consisted of three different regions: Bessarabia (situated between Prut and Dniester Rivers), the actual Romanian region of Moldova (between the Carpathians and Prut River) and Bukovina in the northeast part (with capital of Suceava). Starting with 16th century the Ottoman Empire occupied the region until 1775 when Bukovina was taken by Austro-Hungarian Empire, then in 1812 Bessarabia was conquered by the Tzarist Empire and in 1859 the remaining Moldova region joined Wallachia and formed the first Romanian State (with capital of Bucharest). In the context of World Word I, the map of Eastern Europe was changed and for fighting against Central Powers, Romania received Southern Bukovina and insisted for the independence of Bessarabia which in 1918 became part of Romanian Kingdom. In 1944, USSR recovered definitively Bessarabia changing its internal borders in order to oblige to live together distinct ethnic groups respecting the following Kremlin decisions: the north of Bessarabia and Bukovina were attached to the Ukraine Socialist Republic, the current territory of Transnistria (mainly with Russian and Ukrainian inhabitants) was incorporated to the Soviet Socialist Republic of Moldova (situated between Dniester and Prut Rivers), while the autonomous Moldavia was formed by the region assigned to Ukraine (with capital of Balta) and also by the Transnistria region. All in all, the local language (Moldavian) used the Cyrillic alphabet instead of Latin one, but starting with the moment of USSR disintegration the latent conflict between its socialist republics became more evident (Gonzales, 2014).

The situation of present Moldova was influenced by the events happened in 1989-90 when the Romanian ethnicity Moldavians leaded by Mircea Snegur (the head of the first political party of republic) decided the returning to the Latin alphabet, adopting the tricolor flag and the national anthem of Romania. These facts exercised over the minority inhabitants of Moldova with non-Romanian ethnicity the fear of an independent Moldova, which seek the reunification with Romania (after the precedent of 1918-1940 period). The reaction of the resistance movement (formed by Slavs leaded by Igor Smirnov) was to proclaim on 2nd September 1990 the Transnistrian Moldovan Republic even before Moldova obtained, in August 1991, the independence from USSR. Apart the fact that the independence was not recognized neither by Moldovan Parliament nor

by international entities, the political confrontation between Transnistrian Moldovan Republic and Moldova exceeded the political level and received a violent character in Dubasari city, where Moldovan police was attacked by Transnistrian paramilitary forces (Statie, 2013).

By March 1992, the clash expanded and transformed into a war where Transnistrians, using the weapon deposits of the Soviet 14th Army, were aided by volunteers from Russia and Ukraine. On April 1, the president Boris Yeltsin strengthened his help by claiming to the 14th Army to defend the ethnic Russians in Transnistria. An offensive against Moldova was launched in May by the 14th Army, which played a significant role during the conflict, and in June, the Moldovans tried to answer back to their opponents fighting over Tighina city (the bloodiest battle), but they lost control. The conditions of ending the war and clarifying the political status of the Transnistrian Moldovan Republic were discussed by President Snegur and Yeltsin on July 3, 1992 in Moscow (without the participation of Transnistrian representatives). The agreement stated that the Republic of Moldova will remain a unitary state, but Transnistria will have a special political status. The cease-fire agreement was met on July 21, 1992 when the Peace Agreement was signed by Russian President Yeltsin and the Moldovan President Snegur. Along the Nistru River was established a security zone where the peacekeeping forces will include Russian, Transnistrian and Moldovan military. The withdrawal of 14th Army was conditioned by Russia if the Transnistria will receive constitutional privileges from Moldova (a special status) having at the same time the right to detach if Moldova will reunite with Romania (Fedor, 1995).

What were the previous attempts at a settlement, and why did they fail?

During the last two decades since the ceasefire agreement was signed, the Republic of Moldova's leadership tried several times to reach a settlement. The first approach was a combination of direct negotiations with Tiraspol trying in the same time to cultivate good relations with Moscow that could pressure Tiraspol to accept reunification. This approach, adopted by Mircea Snegur President (1993) and followed by Petru Luchinski and Vladimir Voronin until 2002-2003 had not reached the reunification objective of Chisinau. Having a conciliatory attitude in order to convince Tiraspol and Moscow that there is nothing threatening regarding reintegration, Chisinau ended by signing documents that helped to strengthen the legal and political side of Transnistria. In this way, the Transnistrian administration obtained by legal claim, an equal status with the Moldova's government and the situation had an international recognition being the object of international negotiating format. More than that, by recognizing the separatist regime's documents and by providing with customs stamps internationally recognized, Chisinau indirectly helped Transnistria to survive economically by having access to legitimate foreign trade. Accepting that their agreements with Tiraspol should be

guaranteed by a third party (Russia, that, in fact, used this conflict for its own strategic aim in the region) proved the agreement of Moldovan authorities about the erosion of their power over Transnistria. Also, signing (on October 21, 1994) the document that regulated the Russian armed forces presence on Moldova's territory linked the attempt to reach a political settlement of Transnistria conflict with the withdrawal of Russian troops from Moldova, representing in this way the fundamental position of Russia. Also, Moldova signed the authorisation of using Tiraspol military airport for the Russian military. Through all this documents signed by the Republic of Moldova, the Tiraspol is claiming the parity status in negotiations for engaging in international trade and for legitimizing the Russian military presence (Rodkiewicz, 2011).

The second approach of reaching an agreement with Tiraspol, adopted by President Voronin after the failure of joint constitution drafting, was concentrated on direct negotiations with Russia. As a result, the Russian negotiator Dmitry Kozak seemed to convince Smirnov to accept reunification with Moldova in a context that at first, was favorable for Voronin. When the agreement was ready to be signed, November 2003, the Russian side introduced the condition of keeping the troops in Transnistria for the next 20 years, but the mass public manifestation, the United States and EU criticism determined Voronin's refusal to sign.

The third approach, after the failure of Kozak plan, put Voronin in the situation of asking for help to reintegrate from other foreign actors keeping in the same time, pressure on Transnistria. He requested to be assisted in dealing with the conflict by Ukraine, European Union, United States and Romania. Among the results obtained, the most important was the increased involvement of Western powers: in 2005 the United States and the European Union took the observers' position in the OSCE consultations on the conflict from Transnistria (alongside OSCE, Russia, Ukraine, apart from Chisinau and Tiraspol), the so-called 5+2 format negotiations. During the same year, a Special Representative for Moldova conflict was established by the European Union in order to help Moldovan and Ukrainian customs services in limiting the contraband activities along the Transnistrian side. In the 2006 spring Voronin obtained a partial cooperation with Ukrainian government to block the railway connections of external world and Transnistria, but this led to a Russian relations crises against Chisinau according to which was banned the import of wine and agricultural products from Moldova and the double price for Russian natural gas paid by Moldova (while Transnistria was supplied almost for free). Because Russia was the main export market for Moldova, its economy was strongly affected. More than that, because of political changes from Ukraine (prime minister Yulia Timoshenko was replaced by Viktor Yanukovich), the previous state of neutrality in Transnistria conflict was recalled by Ukraine (Ibid, 2011).

Was there a pattern to the failures?

In the end, the approach of solving the conflict by using economic pressure backed by Western powers for punishing the non-cooperative Transnistrian regime was another failed attempt. The failure was due to Russian punishment for Moldova economy, to the unwillingness of Western to cover the effects of Russian sanctions and to the unstable political scene of Ukraine. Although the Western powers were included in negotiations, as long as they were not willing to help with political capital for a right balance between Chisinau on one side and Tiraspol and Moscow on the other one, their inclusion was without positive effects. To sum up, none of the above attempts of Chisinau for solving the conflict proved to be effective. Anyway there could be learned some lessons: the negotiations with Smirnov regime for reaching a solution were unsuccessful, Moscow keeps as a top priority its military presence in Moldova and direct confrontations with Russia are not the best option when the Western countries are not really interested to help if they have to spend political capital for limiting Moscow's destructive attitude (Ibid, 2011).

Moldovan's perception about the Transnistrian conflict

Methodological approach

The research method used was the survey applied to a number of 30 Moldovan citizens, aged between 20 and 30 years. The instrument used was the questionnaire, most questions were closed, with predetermined answer options, but with the possibility of free expression (choosing the so-called 'another' option). The determination of the sample was non-probabilistic, the arbitrary selection being possible through the voluntary participation of respondents. The proportion of 2/1 of respondents are explained by higher accessibility of the author to the category of students (considering that the Ministry of Education is annually offering approximately 2,500 places to Moldovan youths who want to continue their studies in Romania). The 10 questionnaires completed by adults are the outcome of one chain (snowball method), students respondents helped by distributing the questionnaire to their family members or acquaintances. The questionnaire focused on channeling the information from general to specific, giving a slight difference in perception between the two categories of respondents.

The sample involved had the following characteristics: the educational level completed by adult respondents varies from lower high school (vocational), higher secondary to university degrees and their professions are diversified from teachers, educators, engineers, PR specialist, tailors or chefs, most respondents being woman (7 out of 10), currently residing in Moldova. The student respondents are enrolled in undergraduate or postgraduate degrees (BA and MA) at different specializations: chemical engineering, economics, engineering, sociology, political science within the Universities of Cluj-Napoca and Iasi. Most of the respondents were male students (14 out of 20) with current residence in Romania.

Data analysis

In the following lines, will be presented the respondents answer for the 18 questions completed by a short description of the real situation regarding the issue discussed.

How do you approximate the level of difficulty arising from the Transnistria conflict in Moldova's internal problems?

Questioning the difficulty resulted from Transnistria conflict in Moldova's internal problems, most students consider that it has a moderate difficulty, Transnistria is not the most serious problem that faces the Republic of Moldova. On the other hand, the adult sample, consider in proportion of 90%, that the issue has a high difficulty, Moldova's development being hampered in concrete terms. According to National Development Strategy for 2008-2011, the Moldovan government admitted that a delayed conflict resolution is a threat for socioeconomic development on long term due to the obstacles in free movement of services, goods and citizens who also deal with administrative trade prohibitions (Republic Moldova Government, 2008).

What percentage of Moldovans do you consider that desire EU integration? To what extent do you think the problem of Transnistria hinders the EU integration of the Republic of Moldova?

If Transnistria issue hampers or not the EU integration of Moldova share the same respondent sample percentages: half of the students and adults surveyed believe that integration is very largely prevented because of Transnistria conflict, the other half of respondents considering that Moldova's EU integration is just largely avoided because of the conflict. The integration of Republic of Moldova in the European Union, in the opinion of students is desired by 70% of the population, while adults believe that only 55% of Moldova's population want this becoming reality.

Are you familiar with the Ukrainian situation following the 2014 crisis? How do you think it will influence the situation from Transnistria the annexation of Crimea?

Regarding the familiarity with the situation from Ukraine after the 2014 crisis, most students said they are not really familiar; they know only general issues, while the majority of adults have responded positively, saying that indeed, they know the situation and consequences of the crisis. Asking if the 2014 annexation of Crimea region will influence the Transnistria conflict situation, nearly half of each group of respondents (8 out of 20 students and 4 out of 10 adults) responded affirmative, that this will largely influence the proximity to Russia, while the other half of the adult group said this will not change the situation at all, at the opposition with the remained students who agreed that Crimea will have a minor influence on the current status of Transnistria.

Regarding the hypothesis in which Moscow authorities look for achieving the same result as in the Ukraine crisis (the annexation of new territory) by maintaining the

Transnistria conflict, most of the respondents answered affirmatively, only 4 out of the 30 respondents answered negatively.

Russia ensures a better life for Transnistrians compared with Moldovans?

Questioning whether Russia ensure a better life to Transnistria inhabitants compared to those of Moldova, the majority of respondents, in percentage of 50% (10 students and five adults) answered negatively, the remaining half of adults have chosen the option of not knowing how to respond, while the other half of student sample is at the opposite extreme answering affirmative, that yes, Russia ensure a better living for Transnistria habitants.

What are the advantages for good relations with Russia versus European Union?

Evaluating the most important advantages of Transnistria regarding the close ties with Russia, the highest share among both students and adults had the following answers: the provision of lower price of energy resources (79.3%), financial support to the pension system (17%) and better working opportunities in Russia

Identifying the most significant advantages of Moldova regarding the close relations with the European Union, according to the largest share among respondents these were the following: the free circulation of goods, people and capital (49.3%), financial support for infrastructure through European funds (28%) and the possibility of a better living (12%).

What are the worst consequences of Transnistrian conflict?

Identifying the worst effects of Transnistria conflict, the adult respondents chose the following possible answers: the imposition of Russian language and alphabet related to it (30%), the inability to use agricultural land beyond the borders, but held by the inhabitants of Transnistria (30%) and the existence of restrictions in movement towards the Republic of Moldova (40%). The student respondents classified as the worst consequences of the conflict from Transnistria the following: imposition of Russian language (60%), instability of Russian support (20%) and non-recognition of diplomas obtained in Transnistria by other countries.

Why Russia has not accepted the Transnistria request for annexation?

Regarding the reasons why Russia does not approve the Transnistria request for acceptance in Eurasian Economic Community, 50% of respondents answered that Russia thus will give 'green light' for integration of Moldova into the EU so this is a way to avoid European orientation. Next reason chosen by a third of adult respondents was that Transnistria does not represent a big interest for Russia, while a quarter of student respondents pointed out that Russia fears the reaction of the Western powers.

What are doing the Chisinau authorities to settle the conflict?

The efforts to solve the conflict of Transnistria by the authorities from Chisinau were evaluated by more than 50% of respondents as being insufficient negotiations without clear results. The other half of adult respondents believes that negotiations tendency is to favor the position of Transnistrian authorities, while half of the student respondents believe that Chisinau authorities have an unclear position regarding the proximity to the EU or Russia.

How is evaluated the international format of negotiation of 5+2?

About the international negotiation format of the Transnistrian conflict that involves five other actors (Russia, Ukraine, OSCE, USA and EU), most respondents (44.8%) believe that there are too many players involved that slows down the decision-making, also a quarter of respondents (24.1%) think that the format is right, but the decisions remain without concrete effects. Unanimity in answers resulted from the question to what extent Transnistria State can be recognized at international level, most respondents considering that this is possible only to a small degree.

What are doing the Tiraspol authorities to settle the conflict?

The actions of the authorities from Tiraspol on Transnistrian conflict settlement are assessed by 40% of adult respondents as being aggressive negotiations with the authorities in Chisinau because Tiraspol is not willing to compromise, making even abuse of power in relation to citizens who want proximity to Russia (25%). On the other hand, 50% of student respondents consider that Tiraspol leaders rely too much on help from Russia, 20% also pointing that Transnistrian authorities use their resources better to achieve international recognition.

What consequences will have for Moldova the independence of Transnistria?

Regarding the effects on Moldova of total detachment of Transnistria region, according to the adult respondents (60%) were: strengthening political stability that favors access to the EU, while 30% of them pointed the diminishing of resources and economic power of the country. Student responded, in percentage of 25% believe that Transnistria detachment will improve the political relations with Russia, 25% agree with the effect of diminishing resources and only 40% agree with the effect of strengthening political stability.

What will be the most appropriate conflict resolution option?

The possibility of settlement of the Transnistria conflict is evaluated by the majority of respondents (60%) as positive, only 20% of respondents answering negatively. The most appropriate conflict resolution, in the opinion of most respondents is the union of Transnistria with Moldova under the authority of the Chisinau government. A sec-

ond variant chosen by student respondents (25%) was that of organizing Moldova as a federation in which Transnistria region remain independent, while 25% of adult respondents saw as a second option the international recognizing of Transnistria independence and keeping the status of independent state.

Conclusions

The majority of studies conclude that the Transnistrian separatism was provoked, orientated and maintained by Moscow support through various ways of putting pressure (military, economically, political, psychological, and even informational. Many writers think that Transnistrian separatism is not an ethnical conflict, but rather a political one: Russia is satisfying its desire to accomplish the political and geostrategic interests and the reason for the Russian military presence in Moldova is the maintenance of influence in the East Europe (Prisac, 2008).

According to the results of collected data, the first main hypothesis of the present research paper which states that the 2014 Ukrainian crises made Moldavian citizens more concerned about Transnistria conflict resolution, is infirmed. Even though, mass-media had constantly presented news about the request of Transnistria's leaders to integrate the separatist within Russia economic framework after the Crimea precedent, the refusal of Russian side keeps the situation unchanged. Because there is no real threaten or constrain that ordinary people could perceive, the state of indifference is characterizing the Moldovan attitude.

Regarding the second hypothesis of the research paper could be concluded that indeed, regardless their life experience or their access to information, the sample involved has noclear opinion about the resolution of Transnistria conflict. This is not surprising since even the Chisinau government authorities have not managed to adopt a clear situation between European Union and Russia orientation in the context of signing the European trade association and accepting the Russian economic punishment for these. The Moldavian vital need to leave the Russian vicious circle by assuming the risks of punishment could be realized if the European countries members will help in redressing the economic situation by spending political and economic capital as compensation. Then arises another Moldavian need of finding trustful partners ready to help even if this means assuming a position against Russia.

Judging on the almost seven months of monitoring the mediatization phenomena of Transnistria conflict, could be said that the real context is not that passive as it is general perceived by the survey's respondents. The lately military Russian exercises held on Transnistria territory, the threaten of leaving the format negotiations of Transnistria, the recent interdiction of Ukraine for military transit on its territory as well as the monitoring mechanism for military circulation on Chisinau airport could be signs of an active conflict situation. The things will be changed sooner than expected if Russia

keeps its feature of extending its power and if the Western countries will not concentrate their efforts on finding a solution of reformation process that will address the root causes of the conflict.

Limitations of the research

Among many limitations of the research paper, the most important will be a lack of specialized understanding on political issues and the limited methodology used. The thirty questionnaires completed on voluntary basis and spread by snowball method could not gather representative data for the subject surveyed.

Being an exploratory research, the results are not generalizable at large but helped to gain familiarity with the conflict situation in order to develop a relevant hypothesis for further investigation. Also, it was needed a secondary research based on a qualitative approach on latest events presented by media concerning the issue questioned by the survey. The information gathered could not be useful for decision-making policies, but could give an insight into the current situation of Transnistria conflict resolution in the opinion of Moldovan citizens.

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Dissatisfied Consumers' Complaint Behavior – From Grievances to Conflict in the Insurance Industry

Sînziana LĂCĂTUȘU

Abstract. *The article discusses the conflict in the insurance industry, focusing on service failure and recovery processes in a Romanian insurance company. The Customer Complaints Management – and the associated challenges have been studied from a behavioral and also from an operational perspective in order to offer a better understanding of the potential conflict management tools that can be used in situations of service failure. The aim of this research is to offer a new and realistic perspective on the conflicts occurred between the insurance company and the policyholders emphasizing those aspects which are recurrent and specific for consumers' complaint behavior. In Romania, especially in the insurance industry, there are only a few companies that excel at handling service failures. Through this research, there are revealed some useful insights of how a firm can implement a cohesive conflict management strategy by valuing the knowledge assets in complaint management processes.*

Keywords: *insurance company, complaint, consumer, Romanian insurance industry.*

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Introduction

This study aims to offer a comprehensive (but not exhaustive) overview on the conflict management processes in the insurance industry by analyzing specific patterns of expressing dissatisfaction among policyholders of a Romanian insurance company – and also the company responsiveness.

The Romanian Insurance Industry has recently become a hotspot for the Financial Supervisory Authority (FSA) that had implemented at the beginning of 2014 a series of controls and severe measures against some insurance companies which were accused

by underestimating the values of the damages and becoming incapable of disbursement. Therefore, consumer complaints handling has become an important concern for insurance companies.

Objectives

The present research focuses on the complaint management projects of a Romanian Insurance Company that had been in the top 3 companies which registered the fewest complaints to the FSA (the percentage of complaints represented 0.034% from the total number of active insurance policies and only 10.86% of the grievances were substantiated).

The purpose of the research is to investigate the determinants of complaining behavior and provide insight into the knowledge management in service failure and its effect on customers. Using the knowledge concept to support the development of customer complaint management offers a better understanding of how the company manage customer knowledge in service recovery and explores how they acquire data in service failure and how they process it in order to generate and deploy customer knowledge for a better coping with conflicts.

Methodology

The method chosen for investigating the subject is data – gathering and analysis followed by content (textual) analysis. One hundred written customer complaints have been analyzed in order to provide an insight on how customer perceive and expressed their dissatisfaction and also understand where and how the service failed.

Qualitative content analysis is defined as “an approach of empirical, methodological controlled analysis of texts within their context of communication, following content analytical rules and step by step models”. Thus, this method is the most suitable one considering the nature of the data – written complaints documents – that can provide very useful insights only by such type of analysis.

The analysis of the formal aspects of the material has been comprised as well in the research. The general aspects such as text length, page layout and wording (typed or handwritten) have been also reviewed. The qualitative content analysis has been combined with several quantitative procedures in order to review the demographic aspects of complainants: age, sex, background (rural or urban) and also some aspects regarding the car insurance policy – type of the policy, brand of the car and the value of loss reserve.

Once the demographic characteristics have been classified, a qualitative analysis has been performed in order to reveal specific patterns of expressing anger or frustration, the real motives that determined the customers to make a written complaint and also

what kind of expectations they have. The content analysis was based on two general categories: a conceptual analysis and relational analysis. The conceptual analysis was performed for establishing the existence and frequency of concepts most often represented by words or phrases in the text (words of expressing anger, frustration, dissatisfaction, threatens and the main reasons of complaining: delays, abuses or insufficient compensation). Furthermore, through the relational analysis there have been identified several insights emerging as a result of the correlation between some groups and the way they express dissatisfaction.

The main advantages brought by using this method consisted in the possibility to describe attitudinal and behavioral responses and to identify intentions and communication trends in expressing dissatisfaction. Being an unobtrusive method, it also allowed closeness to text which alternated between specific categories and relationships. All these aspects provided an interesting insight into a wide of patterns of customer thoughts.

On the other side, there were some disadvantages encountered while using this method: it was extremely time-consuming as the data was difficult to be automatically analyzed (despite using some text mining tools). Moreover, it was quite liberal and reductive in the attempt to draw meaningful inferences about the relationships and impacts implied in the study. However, the advantages mentioned before, have weighed more for purpose of the research that revealed some valuable and insightful information that can be further integrated into a knowledgebase for effective conflict management.

Customer reaction to service failure – the question of fairness

Complaining reactions – patterns of expressing dissatisfaction

Complaints are a natural consequence of any service activity because “Mistakes are an unavoidable feature of all human endeavor and thus also of service delivery” (Boshoff, 2007). Studies show that conflict fundamentally influences the quality of the company-customer relationship, and its effective management can contribute not only to maintaining the relationship but even to deepening it (Berger, 2015, *apud* Gruber *et al.*, 2010). Nowadays, there is an increasing concern for understanding consumer behavior and satisfying his needs and expectations all the time and at the right time. Since the 80's consumer complaint behavior has sparked the interest of marketing researchers who aimed to find behavioral patterns and suitable responses related to the low level of satisfaction.

Though several definitions of complaining behavior have been proposed, there is a general consensus about the conceptual meaning of consumer complaining behavior. It is believed to be triggered by feelings and emotions of perceived dissatisfaction (Day, 1984 *apud* Prim & Pras, 2010, p.7). Without this feeling of dissatisfaction, the complaint

cannot be considered as a real complaining behavior, but as a “game theory” behavior and a negotiation tool (Ibid, 2010).

The philosophy of “the customer is always right” depends on the concept of customer satisfaction and builds up the heart of the company’s activities. Customer satisfaction is the customer’s perceived relation of expectation and the performance of the good services. If the customer’s experience from a product is higher, than that customer is satisfied or else, dissatisfaction emerges (Schiffman & Kanuk, 2004, pp. 14-15). The literature on this field depicts the conflict in a variety of ways relating its occurrence to the emotional states, cognitive states or conflict behavior of the participants. Trying to analyze a conflict between buyer and seller we may assume that a conflict indicates “disrupted understanding between a company and the consumer, generated by their diverging stands, the clash of aims and opinions and manifested by acting in response to the disruptions (Berger, 2015, p. 32).

Submitting a complaint is one of the obvious expression of a conflict between client and company. Traditionally, studies on consumer complaint behavior focused on behavioral responses, specifically those consumer actions that directly convey an “expression of dissatisfaction” (Landon 1980, p. 187). There are several reasons for the emergence of dissatisfaction (Pride, Ferrell, 1997, p. 10) such as:

- incomprehension of customer’s expectations;
- wrong customer satisfaction standards;
- lack of expectation – performance;
- undelivered commitments.

Attitude toward complaining is defined as the “personal tendency of dissatisfied consumers to seek compensation from the firm.” (Augusto de Matos, *et al.*, 2006). This attitude encompasses a general feeling of the “goodness” or “badness” of complaining and it is not restricted to a specific episode of dissatisfaction (Kim *et al.*, 2003). These authors have found that consumers with a positive attitude toward complaining have higher complaining intentions.

Complaining behaviors triggered by a perceived dissatisfaction may lead to some action being taken or no action being taken. In the first situation, complaining behavior is named “behavioral complaining behavior”. In the second case, it is named “non-behavioral complaining behavior” (there is no action – the consumer tries to forget the dissatisfaction and remains loyal) (Prim & Pras, 2010, p. 7).

In what concerns the behavioral patterns, there were identified two major behaviors as it can be seen in the Figure 1: responsive and unresponsive.

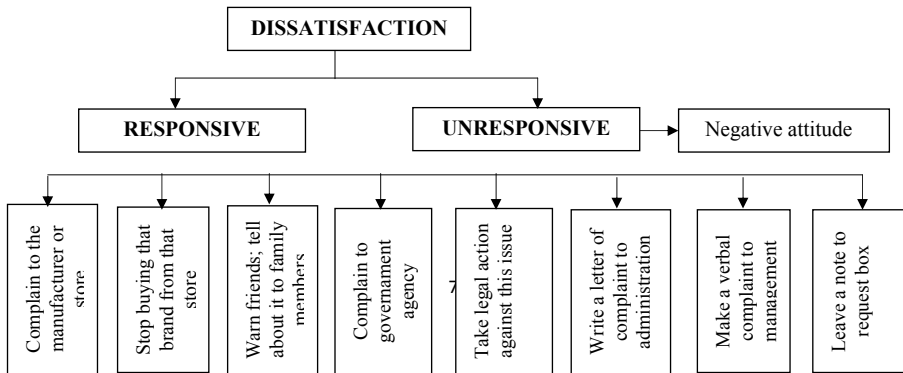


Figure 1. Dissatisfied Customer's behavior

Source: Hawkins Del. I., Best Roger J., Coney, Kenneth A., *Customer Behavior Building Marketing Strategy*, 9th Ed., McGraw-Hill Irwin, New York, 2004, p. 641.

Among the dissatisfied customers, there were identified four types of complainers (Hoyer & MacInnis, 2007, p. 289):

- **Passives:** These customers who are least likely to complain following bad purchasing experiences. Taking no action or not buying a firm's products or services are legitimate ways to express dissatisfaction.
- **Voicers:** Those who are likely to complain directly to the retailer or service provider; their actions may refer to changing the brand supplier, ceasing to use the product and also warning family and friends. These actions involve only the people within the consumer's group in informal ways.
- **Irates:** Those who are angry customers that are most likely to engage in negative word of mouth, stop patronage and complain to the provider but not to a third party as the media or government; the people from this typology may be seeking redress directly from the seller and even take legal actions. The main purpose of these consumer complaints is to "recover economic loss by getting an exchange or a refund and rebuild self-image" (Krapfel, 1985, p. 348)
- **Activists:** They engage heavily in all types of private and public actions including complaining to a third party. Consumers may blame seller or provider for their products or services and they may even reach to boycott them by spreading negative information.

The above mentioned aspects show that complaints are a critical element of the voice of the consumer. It is much better for a complaint to be voiced than for the consumer to spread it to many other consumers and to exit or leave (Stone, 2011, p. 118). Despite this growing interest in consumer complaining behaviors, only a few researchers argue that it is important to encourage consumers to complain (Prim & Pras, 2010, p. 6). However, being able to voice acts as a release of pressure and may create a sense of equity.

Coping with conflict – complaint management practices

Service failure and recovery

Dealing with problems effectively constitutes the most critical component of a reputation for excellent – service for a broad range of industries (Johnston, 2001 *apud.* Michel, Bowen & Johnston, 2009, p. 3). According to Tax and Brown (2000), service recovery is a “process that identifies service failure, resolves customer problems in an effective manner, classifies their root causes and yields data that can be integrated with other measures of performance to assess and improve the service system”.

One critical test failed by many companies is the ability to take problem data from customers and staff and transform it into real improvements (Gross *et al.*, 2007). The process of learning from failures appears to be more important than simply recovering from failure. What seems to annoy and anger the customers after a service failure is “not that they were not satisfied but rather their belief that the system remains unchanged which can make the same problem occur again (Johnston and Clark, 2008 *apud.* Michel, Bowen & Johnston, 2009, p. 7).

Whether they are due to human or non-human errors, service failures are often unavoidable. Interest in service recovery has grown as the results of service breakdowns reflect into customer dissatisfaction and possibly customer defection depending on the customer’s trust, knowledge and the availability of alternative service provider (Ranaweera & Prabhu, 2003).

Models of complaint management

Previous research has shown that service recovery is critically important from a managerial perspective in terms of maintaining customer relationships. Given the predominance of marketing and customer focus in the literature on service recovery, the operations perspective hasn’t received the necessary attention. Only a few studies adopting a corporate perspective have focused on the normative managerial model dealing with the best practices in complaint management. The in complaint management, from this perspective, is “the process by which complaints are handled and customers recovered. The design, planning, control and execution of these procedures are core operations tasks (Mjahed & Triki, 2009). Complaint management practices are believed to undermine knowledge management when they “pursue the goal of control as associated with avoiding negative failure consequences. This view is much more developed than the view believing in the potential positive effects of failure. Paradoxically, firms often restrict themselves in fixing what has been broken in order to restore satisfaction and to prevent defection.” (Mjahed & Triki, 2009). There are organizational mechanisms that may encourage or detain complaint management. The organizations that fail to be effective in managing complaints are usually encouraging defensive organizational

behaviors impeding firm's customer related responsiveness in a service failure context (Mjahed, 2008, p. 15).

Complaint management process revealed strong knowledge intensity and involved a two-way flow of feedback: „an external feedback from complainant to the organization and an intra-organizational feedback.” (Ibid, 2008). Johnston (2001) developed a model, based on an assumption that the prime purpose of designing effective Customer Complaint Management (CCM) systems is to „deliver profit by increasing revenues and reducing costs (Taleghani *et al.*, 2011, p. 342).

Knowledge components in the complaint management

Knowledge is a broad and abstract notion that has defined the epistemological debate in Western philosophy since the classical Greek era. In the past few years, however, there has been a raging interest in treating knowledge as a significant organizational resource (Alavi & Leidner, 2001). Many authors have avoided an epistemological debate on the definition of knowledge, by comparing knowledge with information and data. Data, information, and knowledge are not interchangeable concepts (Zhang & Kim, 2010, p. 3). Watson (1998) has described data as a collection of facts, measurements, and statistics. There is no inherent meaning in data. In organizations, data may be the raw material used in decision-making, but data represents only structured records of transactions. Information is different from data because it has meaning (Zhang & Kim, 2010).

Nowadays, knowledge is widely recognized as a sine-qua-non-asset for the well going of any organization. Effective knowledge management “offers a competitive advantage within the high competitive pressure in the business market and raises customer expectations regarding product/service delivery quality” (Mjahed & Triki, 2009). One of the best way to contain the negative and promote the positive consequences of failure is to use knowledge management – by simply following three important steps: quickly detecting the complaint, finding adaptive actions and establishing customer satisfaction.

Unfortunately, most of the times, complaint management practices undermine knowledge management by pursuing the goal of control associated with the avoidance of negative effects. This approach is much more developed than the potential positive consequences of failure. Surprisingly, many firms limit their actions in limit what has been broken “in order to restore satisfaction and prevent defection” (Ibid, 2009). This view reaches only half of the goal of service recovery that should be “to capitalize on complaint management by taking advantage of learning opportunities afforded by service failure and proactively taking unexpected actions.” (Ibid, 2009).

In what regards the learning from failures, knowledge management aims to transform customer complaints into knowledge about them that can further provide valuable improving opportunities for enterprises. An enhanced understanding of customer com-

plaints in the insurance industry will not only benefit the resolutions provided, but will improve the quality of the services significantly.

Complaint management process are based on two main proprieties: utilizing information technologies to break the barrier between employees and enable customers to gain information and service recovery from the company (Mjahed & Triki, 2009).

In order to achieve an effective complaint management, Nonaka and Konno (1998) proposed a comprehensive knowledge system framework, based on four types of interaction, represented by the acronym SECI (Socialization – Externalization – Combination – Internalization)

Socialization – in the complaint management process occurs when the member within the organization interact with customers and employees interact with each other to share tacit knowledge. Thus, there are two type of customer knowledge in the organizational frame: the knowledge exchange between customers and organization and knowledge dissemination within the organization.

Externalization – involves expressing tacit knowledge in such a way that it can be understood by others. A cross-functional team with the right mix of knowledge may speed up the solving of specific failures. This is especially necessary for an uncertain situation, which often requires the problem holders to make certain decisions relying more on experiences in interpreting complaint-handling policies and procedures.

Combination – refers to the collection of explicit knowledge from sources inside and outside the organization in order to have a comprehensive view of the failures and find the appropriate solutions.

Internalization – entails the process by which the newly created knowledge is converted into organization's tacit knowledge. The explicit knowledge gained from the complaint management analysis is directed toward managers in charge of taking preventive actions.

In order to release the full potential of customer knowledge, a firm must excel at managing all four processes mentioned above. Service recovery performances depend upon the firm's commitment to integrating knowledge management into complaint management process and upon its ability to manage knowledge assets in each complaint management step. The provisions of this type of approach are essential in achieving a superior service recovery, by modeling an effective decision-making support. The better a company's ability to acquire, analyze, and use its customer complaint data, information, and knowledge, the better the firm will be in a position of developing their own business rules to support the management of customer complaints.

Case study – from grievances to conflict in the insurance companies

Romanian legislative framework in the insurance industry

In Romania, the national authority empowered to protect the insurance consumers (policyholders – insurance customers after signing a facultative or a mandatory insurance) is the Financial Supervisory Authority (FSA). ASF is the empowered body competent to monitor the observance of the directly applicable regulatory acts issued by the European Union, in the fields provided by this regulation, and for the transposition into the national legislation of the provisions issued by the EU Council, EU Parliament, European Commission and by other European authorities.

Under the Romanian Law – the Financial Supervisory Commission was established as an autonomous administrative authority, with legal personality. The Financial Supervisory Authority (ASF) contributes to the consolidation of an integrated operation and supervisory framework of the non-banking market, one of its aims being to promote the stability of the insurance activity and protect the rights of policyholders. Its main role is to promote the trust in the insurance market by ensuring protection against disloyal, abusive and fraudulent practices.

In the insurance field, consumer protection is reflected on how the compensation of damage incurred is carried out (Gavriletea, 2010):

- The modality of compensation calculating the compensation;
- The way the policyholders are treated by the insurance company employees;
- The quality of repairs carried out.

In the same way, the protection of policyholders is also reflected by the maintenance of an acceptable level of insurers' solvency, based on the regulation – insurers that must pay the future compensations using the currently received insurance premiums. In order to register a complaint against an insurance company, there must be two steps that preceded it: the existence of the insurance contract and the occurrence of an insured risk.

The FSA has submitted a Regulation regarding the way of solving petitions addressed to insurance insurance company set up by the Law no. 32/2000. By filing a petition/complaint/notification, the petitioner may notify ASF that he considers that one of its rights was prejudiced by the insurance company. According to Art. 2 of Government Ordinance No. 27/2002 on the regulation of the complaint settlement activity, "petition means the request, complaint, notification or proposal made in writing or by e-mail that a citizen or a duly established organization may address to public central and local authorities and institutions, to public decentralised services of ministries and other central bodies, to business entities and national companies, to county or local interest companies, and autonomous companies, hereinafter referred to as public authorities and institutions".

Thus, ASF may determine whether a supplier of non-banking financial products and services assumes its responsibilities seriously or if additional supervisory and control measures are required. In this way, the complaint settlement activity represents an additional leverage for ASF to protect the legitimate interests of consumers, but also an important source of information for the supervision and control activity.

The petition (the complaint or notification) may be sent by post, e-mail, may be submitted to the headquarters, or via the online form for the transmission of complaints. ASF also offers expert advice by telephone to Consumers, but petitions cannot be filed by this channel.

The ASF recommends the petitioners to try an amicable resolution of their problem by addressing the insurance company directly. If they were unable to reach an amicable agreement with the company, they might address ASF their complaint, accompanied by supporting documents. It shall be settled within the legal term of 30 days from the date of its registration. If the facts notified in the petition require a more detailed investigation, the term may be extended by maximum 15 days.

Another recommendation regards the content of the complaint that should be clear and contain a concise account of the facts and reasons for which it was filed, and the proposed solution for settling it. Copies of the relevant documents that could help in settling the petition should also be attached.

For the receipt of petitions, within each sector of ASF (insurance-reinsurance and financial instruments and investments and private pensions) there are specialists in the field of consumer protection, public relations, and complaint reception and settlement. Furthermore, the Consumer Protection Service operates within the Integrated Supervision Directorate, whose duties include, among others, monitoring the entire non-banking financial markets to identify and correct non-compliant practices of services suppliers.

After receipt of the petition, ASF initiates the petition settlement process. Depending on the case, ASF specialists contact the parties involved in the petition in order to request additional explanations on how the facts occurred. ASF may issue recommendations to both parties and, furthermore, it will explain whether the natural/legal person acted in accordance with the applicable rules and regulations.

To ensure transparency over the resolution of the registered petitions, the insurance companies are required to submit on their websites the following information:

- the total number of complaints registered per claimant and per unique case;
- the total number of substantiated complaints (resolved favorably) recorded per complainant and per event;
- the number of substantiated complaints (resolved favorably) on claims files;

- the total number of petitions for which the claim files have been paid;
- the total number of complaints recorded the unfavorable per event and per claimant.

In order to defend the rights of policyholders and promote the stability of insurance in Romania, the Financial Supervisory Authority verifies constantly the way the petitions are solved by insurers and insurance brokers, as well as the implementation and compliance with this Regulation.

Research methodology

A. Objective and Hypothesis

The aim of this research is to offer a new and realistic perspective on the conflicts occurred between the insurance company and the policyholders emphasizing those aspects who are recurrent and specific for consumers' complaint behavior.

H1. There is a positive correlation between age and the complaint behavior. The study aims to disclose if young people are more likely to complain and report a dissatisfying experience.

H2. There is a positive correlation between the value of the damage and the complaint behavior; the research tries to underline if the high level of the damage may determine the consumer to complain if they had a dissatisfying experience.

H3. Men are more likely to complain than women. Because the target group of the study is represented by auto policyholders, it can be assumed that men may be more determined to complain than women.

B. Sampling and Data Collection

The data was collected from the online complaints registry. There were selected only the complaints of auto policyholders (CASCO and MTPL – Motor Third Part Liability) registered in 2014. From a total number of 305 that met this criterion, the complaints were selected using a statistical step by choosing every third complaint from the report.

C. Instruments and Research Methods

The first part of the research consists of a quantitative data analysis and the second part focuses on a qualitative content analysis. The data was centralized in an Excel table, but the instrument used for data centralization and analysis can be seen in Annex 1.

Results and interpretation

In what concerns the complainer's profile it could be seen in the table below that the men are significantly more than women (four times more). Most of the complainers are from the urban area (78%). It can be also observed that the majority of complainers are middle aged (61% are between 26 and 55 years).

Variable	Category	Frequency
Gender	Male	81
	Female	19
Background	Urban	78
	Rural	22
Age	18-25 years	6
	26-35 years	25
	36-45 years	22
	46-55 years	14
	56-65 years	9
	> 65 years	2
	NA	22
Entity type	Corporate	26
	Individuals	74

Policy information

There is a quite balanced distribution of the complaints on the two types of policy – 42% CASCO and 58% MTPL. The higher percentage of the complaints on MTPL policies is justifiable as long as the MTPL injured parties are “third parties” and not the clients of the company. However, the lack of facultative car insurance (CASCO) is also a case which can determine an insured to try to fraud the insurance companies. When there is the case of an accident between an expensive, imported car and a cheaper one, “the parties involved might try to fraud the insurers. In these cases, the owner of the cheaper car will be the one considered guilty because, if the owner of the expensive car were the one considered guilty, the following year, he would be forced to pay higher premiums for CASCO. Based on a common agreement, the owner of the expensive car pays an amount of money to the other that will take care of the repair expenses, and the insurance company is left to pay the damages for the expensive car.” (Badea, 2008, p. 60).

In what concerns the territorial distribution of the complaints, it can be noticed that the highest percentage of complaints belong to Bucharest region (Ilfov County) and there is a higher percentage of complaints in the South Region in comparison with the North Region. A detailed distribution of the complaint in each county can be seen in the map below:

It can be also noticed that there is a higher recurrence of the complaints, according to the brand of the car. In the below table, there is a top 10 brands of damaged cars, their frequency (column 2) and the average loss reserve (column 3).



Brand of the damaged car	Frequency	Average loss reserve (RON)
VW	11	17030
BMW	11	18911
DACIA	9	9688
OPEL	7	7642
RENAULT	6	10133
AUDI	5	7500
FORD	5	7760
MERCEDES-BENZ	5	11625
PEUGEOT	4	26250
CHEVROLET	3	9566

Complaints content analysis

At a slight view of the text of the complaints, it can be seen that most of them 94% are typed and only 6% are handwritten. Most of the grievances (95%) were received via FSA. Regarding the text length, the majority of complaints (82%) are under 500 words – the standard format of one page.

Variable	Category	Frequency
Aspect	Typed	94
	Handwritten	6
Source	via FSA	95
	via customer	5
Length	< 250 words	41
	250 - 251 words	41
	501-750 words	7
	> 751 words	11

Text analysis

A more detailed overview of the complaints shows that the indicators of politeness “please” and “thank you” are used only by less than a half of the clients. The grammar rules are respected by 77% of the complainers. An interesting fact is that the complaints labeled not to be grammatically correct have more than three mistakes (spelling & grammar).

There is a 22 percentage of the clients whose level of dissatisfaction reached a maximum level and they use to express it by using different types threaten: resorting to mass-media or legal action. There is a percentage of 7% of the clients who uses open questions to express their dissatisfaction and motivate somehow the company to give a response. Some of the encountered questions are given below:

- What does the customer come in all things?
- If the policy wasn't valid, why the file was opened?
- How can they decide this thing?
- Why it took two months to conclude that he doesn't know much about the accident?
- What will I do if those from the service will not give me back my car because I have to pay reparation?
- To understand that we have chosen the wrong insurer?

These questions suggest a high concern to find an answer from the company and indicate as well strong means to express the dissatisfaction.

Moreover, besides these questions there is a large variety of words used by the client to express the dissatisfaction and criticize the insurance company. Most of them are related to the high delays in receiving a reply or a payment. There exists also another variety of words and expressions used to criticize and blame the attitude of the company or the company's employees.

An interesting aspect that could be noticed is that many clients adopted a confessional expressing style, writing their grievances like talking face to face with the insurer. In order to express their anger, some of the complainers wrote several sentences in uppercase letters and used many consecutive exclamation or question marks (“!!!!!!” or “?????”).

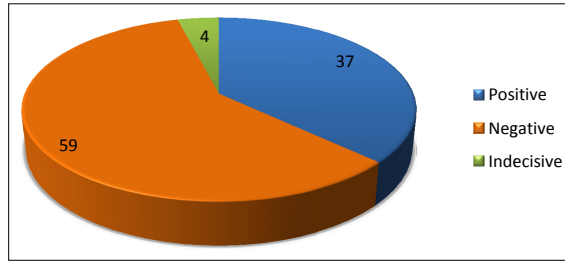
Another aspect claimed by the customer is the abusive attitude of the company, 10% of the complainers using the words “abuse” or “abusive” in their grievances.

Settlement methods and resolutions

There were identified two main subjects of complaints: payments requests and information/additional verification requests. The table below presents how the requests

were settled depending on their subject:

	Positive	Negative	Indecisive
Payment request	36	53	4
Additional verification request	1	6	0
TOTAL	37	59	4



Reasons of rejection

The reasons for rejecting 59% of the complaints were varied; the most frequent reason is related to the customer declarations regarding the damages. In many cases the claim files were rejected for:

- pre-existing damages;
- the damages did not correspond to the accident dynamics;
- faked event.

Other reasons for rejection referred to:

- the lack of documents in the claim files;
- drunk driving;
- common fault of the parties involved in the accident;
- expired PTI (Periodical Technical Inspection);
- uninsured risk;
- fraud attempt.

There have been identified a subcategory of complainants that voice illegitimate complaints in order to gain some financial compensations, knowing that they are the cause of a service failure. The main methods of frauding the insurance companies are staged accidents, induced theft and damage and also inflated claims, based on forged documents (Badea, 2007, p. 59). The temptation in frauding the insurance companies also occurs in the case of ensuring second-hand cars. Due to the disproportion between the acquisition price and the insured amount established based on the catalog price, the insured becomes interested in earning an amount of money, significantly bigger than the price paid for its purchasing (Ibid, 2077).

Limitations of the study

Customer grievances and complaints represent only a phase of the conflict between the customer and the company. For a comprehensive overview of this issue, there should be analyzed as well the reasons that caused dissatisfaction and how they were approached over time. Moreover, due to the limited amount of the data – provided by only one insurance company, the results cannot be generalized to the entire Romanian insurance market.

This research offers only a unidirectional approach to the complaint behavior focusing only on consumer's grievances. In order to have an exhaustive perspective, there should have been analyzed the responses of the company to customer complaints.

The "loss reserve" used for analyzing the value of the damages may change over time, and it does not reflect the real value of the final payment that the insurance company should pay. Thus, the second hypothesis concerning the correlation between the value of the damage and the complaint behavior could not be totally validated.

Conclusions and practical implications

Customer complaints, no matter if they come from males or females, youth or elders, well-bred or uneducated people, are a valuable and useful source of improvements for the company. They offer a very insightful perspective on how the products and services are perceived by the clients. Consumer complaints have shown that much more needs to be done to ensure that the information provided in the sale of insurance products is fairer, more balanced, clearer or easier to understand, and not misleading. Besides these, Poor claims-handling including inappropriate claims refusals, compensation disputes, and delays in payments in the third party motor insurance sector have been reported.

The Romanian auto policyholders are a part of the "irates" and "activists" categories. The high level of dissatisfaction that made them write the grievances is clearly expressed and it reflects both frustration and optimism that the consequences of the complaints will be positive and will lead to some benefits. Romanian complainers use to confess openly their dissatisfactions, to blame, to accuse, to threaten and to seek all the means for doing justice.

Having an issue that warrants a complaint is usually the trigger for the customer to address to a superior authority entitled to solve this issue. Complaints and associated issues of product and service reliability in the insurance industry are focused on by regulators such Financial Supervisory Authority – which is an important determinant of managing them properly.

A very annoyed consumer will seek all the possible ways to voice his/her opinion. Today, it takes only a few seconds to fill in a form on the internet and transform it into a complaint. However, it is much better for a complaint to be voiced than for the consumer

to spread a negative word of mouth and exit. How well a complaint is managed is a key determinant of consumer satisfaction which may be naturally correlated with loyalty.

The research revealed as well that some of the declared service failures and illegitimate complaints are not necessarily linked to dissatisfaction. In this respect, there comes a need to reevaluate the complaint management practices in terms of products and staff training schemes in order to ensure that the genuine dissatisfied customers are fairly treated and the illegitimate ones are identified. A possible mechanism for achieving this aim will be to train the front-line employees to identify and prevent unjustified customer complaints and at the same time, empower the staff to take higher responsibility and give optimal solutions for the fair customers.

Whether they are substantiated or not, consumer grievances are essential incentives for improving the products quality and the customer care services. The quality of the company-customer relationship is significantly influenced by the conflicts that occur during a customer life cycle and the effective management of these situations can lead not only to maintaining a long relationship but even to deepening it.

Considering all the plusses and minuses of the present study, I would like to further extend my research on this topic by using a more inclusive approach and incorporate insights from employees, managers and other relevant actors in service encounters. A future research may explore the diverse areas of complaints that have been provided by new technologies and see how the conflict is managed through the tools offered by new media. In these respects, it is hoped that the current study represents the basis for additional research into this understudied topic.

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Mediation: Styles Used in Cases Concerning Divorce

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Abstract. *In the last few decades, different forms of alternative dispute resolution for conflicts between divorcing, separated or divorced couples have expanded quickly, especially for disputes concerning children. The present article is aimed at exploring how the theory of mediation styles in cases concerning divorce translates into practice in the case of Romania. Additionally, the paper wants to discover how mediators conceptualize the topic of mediation style versus the actual techniques they employ in divorce mediation. This research links divorce mediation experience with a relevant theory concerning the topic of mediation styles or style, an issue highly debated by practitioners and researchers even nowadays.*

Keywords: *mediator, mediation, approach, mediation style, mediation practitioners, divorce mediation practice, mediation techniques.*

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It is widely known that mediation represents a dynamic, flexible alternative resolution form. Similarly, according to the theory in the field, the styles adopted in the mediation process are likely to vary depending on a multitude of factors including mediator's professional background, experience, training and personality. In divorce mediation, things are no different. Even though according to researchers such as Baitar *et al.* (2013, p. 57), mediation processes have received little attention from the literature in the field, the role of the mediators' styles in the process and outcome of the mediation cannot be denied (Butts, 2010, p. 1).

In order to classify mediation styles, theoreticians have expressed their preferences for the polar opposite classification technique, thus the possible styles range from: resolution-oriented versus dialogue-oriented, task oriented versus socio-emotional, facilitative versus evaluative, dealmaker or orchestrator, positional versus interest based and so on (Kressel, 2000; Butts, 2010; Picard, 2000, p. 38).

Nonetheless, the mediator styles that have been most recognized in the literature include the facilitative, the original; the transformative, the evaluative, and most recently the narrative style.

Before moving on to the discussion about the mediation styles, we must have a brief description of family mediation and divorce. Family mediation is a form of alternate dispute resolution in family matters. It is a process where the basic principles of mediation are applied in order to reach the resolution of conflicts that arise in families. Christopher Moore's definition of mediation gives us a good imagine of this process, which involves an "intervention in a standard negotiation or conflict of an acceptable third party who has [...] no authoritative decision-making power but who assists the involved parties in voluntarily reaching a mutually acceptable settlement of issues in dispute" (Moore, 1996, p. 15).

Moore's definition contains some of the main principles that are the basis of mediation and are applied in family mediation. First of all, there's mediation's voluntary character, meaning that the parties have to engage in the process willingly and can withdraw from it at any time. Secondly, the third party, the mediator only assists the conflicting parties in reaching an agreement; he does not have any power over the outcome as the decision lies in the hands of the parties. This is known as the principle of self-determination. Moreover, another core principle of mediation is its confidentiality which applies to all information exchanged during the mediation process and must be respected by both mediator and parties. Last but not least, the third party is required to practice mediation based on the principles of impartiality and neutrality.

Regarding the divorce, in the last few decades, different forms of alternative dispute resolution for conflicts between divorcing, divorced or separated couples have expanded quickly, especially for disputes concerning children (Emery, Sbarra, & Grover, 2005). The rise of divorce mediation was a direct result of the "general dissatisfaction with the traditional adversary methods for settling these disputes through attorney negotiations or litigation" (Emery *et al.*, 2005), its long-term effects on the ongoing relationship between the conflicting parties if they had children and increasing court costs and delay.

Divorce mediation is a non-adversarial dispute resolution form that helps people involved in a separation or divorce to settle their disagreements sensibly and with minimal involvement of the legal system. The mediator, an impartial and neutral party employs all the appropriate strategies and tools during the mediation sessions, in order to help disputants reach decisions that they both find acceptable and can leave with.

Even though there is substantial support for divorce mediation and it has a high rate of success, this form of dispute resolution, it is not suitable for every case dealing with divorce and has its weaknesses. The mediator should present these to the conflicting parties before they engage in the process, along with this alternative dispute resolution form's strengths.

In order for mediation to be successful, both parties have to be motivated to negotiate with each other in order to reach an outcome in the end and not only be willing to participate. In this respect, mediation may not be able to produce the expected result in the early stages of divorce or separation (Kulerski & Cornelison, 2012).

Understandably, in the initial phase of most cases of divorce or separation, emotions cloud the spouses' capacity to be reasonable. Moreover, it is very likely that only one partner is ready for divorce, thus wishes to begin the negotiations. The other one might refuse to accept the breakdown and wish to work on saving the marriage. Discrepancies in their motivation can stand in the way of reaching an outcome. In addition to this, generally speaking, the risk of one or all sides abandoning the mediation table is present throughout the process and consequently, the conflict can end up in the courtroom very easily, adding more costs than only choosing court proceedings to solve the conflict from the beginning (Pop, 2014). Even if the parties are committed to settling their differences, this does not mean that the mediation will be a success, as it provides no guarantees that the process will end in a solution or settlement, opposed to the situation with traditional litigation.

A distinct situation where mediation is not recommended refers to physical, mental, verbal or any kind of abuse inflicted by a spouse. Intimidation by any of the parties in conflict falls under the same category. The need for a non-adversarial and non-threatening environment during the divorce mediation process is crucial given the fact that the parties have to feel comfortable enough to discuss delicate matters.

There are several objections that raise the appropriateness of mediation in cases of abuses, especially since some consider that it promotes a conciliatory manner of solving conflicts, thus the party responsible is not held accountable like as in court proceedings. Nonetheless, there are mediation practitioners that undertake the challenging task of mediating these types of conflicts as well. However, another issue to carefully consider for mediation that is placing a party that has suffered abuse with the abuser in the same room for mediation it not appropriate, for evident safety issues (Kleist, 2003). In these sensitive situations, separate meetings might have the potential to work.

After this brief introduction on the family mediation and divorce topic, we can continue the discussion about the mediation styles. Due to its undeniable influence on the mediation process and its outcome, the topic of mediation style has sparked considerable interest among mediation practitioners and academics. As stated in numerous studies, there is a variety of styles that can be enacted in mediations (Butts, 2010;Kressel, 2000).

The mediation style has been described both as “a set of strategies that characterize the conduct of a case” (Kressel, 2000), a continuum from a passive role to that of a leadership role or active problem solver, according to Gulliver (as cited in Wood, 2004) and, in Coltri’s view, as the role the mediators see themselves play during the mediation process of a conflict (as cited in Butts, 2010).

Even though the mediation styles that most received recognition are the facilitative, evaluative and, more recently, transformative and narrative styles (Butts, 2010), a wide range of styles were identified aside from these primary ones, with some of them being variations and combinations of other styles (Harding, 2014).

The facilitative mediation style

The facilitative mediation style is the original style of mediation and thus, the most recognized by practitioners. Mediators using this style structure the process in order to assist the parties in reaching a mutually satisfying understanding on some or all the issues in conflict in a cooperative manner (Zumeta, 2000).

The characteristics of this style include facilitating the communication between parties at the mediation table by asking them questions; validating their points of view, searching for the interests hidden underneath the conflicting parties’ positions. Once the interests and needs of the parties are brought to light, the mediator assists them in finding the best outcome that they can live with and which covers those specific needs.

In facilitative mediation, parties have complete control of the outcome of the process. Consistent with the principle of neutrality, the mediator has no advisory role: he can’t make recommendations, express his own views or influence the resolution. The mediation provides a structure and agenda for the talk where the parties address their differences. Simply put, the mediator controls the process, whereas the parties control the options for resolution, assisted by the mediator.

The evaluative mediation style

According to Zumeta (2000), “evaluative mediation is a process modeled on settlement conferences held by judges”. Thus, its main concern is evaluating the parties’ case and directing them towards resolution or settlement. For this purpose, a mediator that uses this style by evaluating the strengths and weaknesses of their arguments and providing advice as to what would happen if the case goes back to court. This style is often used when money represents a significant issue in the dispute (Foster, 2003).

This style involves making recommendations to the parties as to the resolution, mostly using separate meetings with the parties and their attorneys, if present (Zumeta, 2000). Not surprisingly they most often than not have expertise in the nature of the conflict or the legal side of the issues brought to the mediation table.

Evaluative mediation first appeared in response to the court-mandated or court-referred mediation. Due to its connection with the courts, many mediators that practice this 'settlement oriented' style are attorneys. Thus, great emphasis is placed on the parties' legal right and on reaching a 'fair' solution. In short, in evaluative mediation the mediator not only structures the process but has a direct influence on its outcome, as he's more involved in the development of the potential solutions so the parties can reach an understanding (Mitroi, n.d.).

According to Della Noce (2009), the use of the evaluative style is highly debated with both detractors and supporters as it is believed that they put pressure on the parties, thus affecting their self-determination (as cited in Baitar, Buysse, Brondeel, De Mol, & Rober, 2013, p. 59). Nonetheless, in extreme cases such as those involving abuse, these are seen as inevitable.

The transformative mediation style

Transformative mediation keeps the structure of the facilitative style (Foster, 2003), but focuses on transforming the parties and their relationship through empowerment and recognition of one another so that this can naturally lead to the end of the conflict, even with long-lasting results.

The key concepts of empowerment and recognition imply that the mediator has to "strengthen people's capacity to analyze situations and make effective decisions for themselves, [...] strengthen people's capacity to see and consider the perspectives of others" needs to be made full use of (Folger & Baruch Bush, 1996, p. 264). In order for this to happen, evaluative mediation relies on the interaction and communication between the parties. In this situation, success is not measured by whether the parties reached a resolution or not. All in all, transformative mediation offers much more control to the parties as they structure both the process and its outcome. Here, the mediator follows the flow of the discussion, intervening mostly to point out different moments of 'recognition of the opinions of one another' (Mitroi, n.d.).

It can be claimed that, in the specific case of divorce mediation, the conflicting parties' preference for a topic, structure, timing receives constant support from a mediator that uses the transformative style. This in turn maximizes its potential of improving their sense of connection with one another (Simon, 2011, p. 1).

Moreover, among other applications of the transformative style in divorce mediation, "helping the couple maximize their strength and responsiveness in relation to each other in the moments when we [the transformative mediators] are with them" (Simon, 2011, p. 16) is of utmost importance in the hope of them working with each other in a beneficial manner in the future as well, especially when the case involves children.

The narrative mediation style

Narrative mediation is a relatively new style that developed the idea that each party perceives the conflict in a different way than the other, thus they have their story concerning the issues that need to be addressed in mediation.

This mediation style focuses on storytelling as a way to get the parties to 'detach' from the dispute, to view it from a distance. In this way, they can feel comfortable enough to share their stories with one another and at the same time, their own perception of the conflict, their different needs and interests as well.

The mediator will try to discover in all these stories a common ground in order to work with the disputants to create a new narrative and reshape the conflict. This new alternative story of their relationship should be one that the parties can accept and ultimately lead to the end of the dispute (Mitroi, n.d.). Hence, the primary aim of this style revolves around the relational needs of the disputants, the substantive matters being a second priority (Hansen, 2003).

The last thing we have to discuss inside this article, before moving on with the research, is about the mediations where children are involved and also about the power balance between parents in mediation.

One of the key features of divorce mediation involving children is the "continuing and interdependent relationship" of their parents (Roberts, 2008, p. 192). Apart from being the common interest between them, the children also represent the incentive to renegotiate their relationship and leave room for future cooperation especially since their children's needs evolve in time, thus any agreement previously reached between parents may need revision. According to Davis and Roberts (1988), in the eyes of the disputants, children can play various roles; they can represent the cause of the conflict, the weapons of conflict, the main victims of conflict but, more importantly, also the best reason for ending the conflict (as cited in Roberts, 2008, p. 192).

As mentioned above, the relationship of the parents in conflict will go on throughout their lives, even after the divorce is final. In these cases researchers support the use of a process-oriented mediation design that enables the conflicting parties to vent their frustrations and to be heard by one another which more often than not leads to them moving forward with the decision-making process in the best interest of the children and their relationship.

As Friedman (1993) suggests, the direct participants in the conflict are usually more apt to make decisions which fit their current situation and are in the best interest of the children and theirs than outside parties (as cited in Amadei & Lehrburger, 1996/2005, p. 6). Additionally, any imposed solution on the conflicting parties has the potential to affect their ongoing relationship and thus, their children's best interest.

Moreover, according to Emery *et al.*, “encouraging former partners [in marriage] to develop businesslike boundaries around their on-going co-parenting relationship [...] is the most workable alternative to splitting up the ‘natural way’ which in their view does not include conflicting parties working together in a collaborative manner as co-parents” (2005).

Mediators in Romania have a specific approach in regards to divorce mediation cases involving children. According to the provisions of the 65 and 66 article of Law no. 192/2006, the key priority of divorce mediation is ensuring that the superior interest of the child is protected, no matter the outcome of the mediation process or the issues in discussion. Consequently, it is the mediator’s duty to have the conflicting parties focus primarily on their children’s needs when discussing any aspect of their divorce or parenting responsibility.

Most importantly, even though the mediator is bound to the principle of confidentiality by law, the same law compels him or her to break it should he discover or receive information about facts that endanger the best interest of the child in any way. In these extreme cases, the mediator is required by law to inform the competent authorities about the situation (Act 192/2006).

Regarding the subject of power balance, according to Kelly (2005), the factors that directly influence or create the power dynamics between the disputants in divorce mediation include “the history and dynamics of disputant relationship, personality and character traits, cognitive style and capabilities, knowledge base, economic self-sufficiency, gender and age differences, cultural and societal stereotypes, and training and institutionalized hierarchies” (as cited in Monahan, 1998, p. 10). Considering all this variety of factors that impact power relations, there is little consensus on the issue of power imbalance as the mediation process’ capacity to address it is put into question (Monahan, 1998; Cotler-Wunsh, 2007, p. 8).

There is significant disagreement among scholars about whether and in what way mediators should intervene to try to even out parties’ power of bargaining where the imbalance is not considered excessive, given that power balancing can be viewed as not acceptable under the mediation principle of impartiality (Allen Beck, 1999, p. 66).

While researchers such as Grillo (1991) dismiss mediation’s ability to balance out power disparities if the mediator acts with complete impartiality (Cotler-Wunsh, 2007, p. 16), “there are ways to assist mediators in tackling possible imbalances that present or surface in the process” (Ibid, 2007, p. 63). A first possible approach is leveling the power imbalance between the parties can be done by using the spectrum of mediation styles that exist, in response to the particular type of issues in conflict and the power disparity present or that may appear during the divorce mediation process.

Moreover, Cotler-Wunsh (2007) argues that the power dynamics between the conflicting parties can be affected not only by mediator's intervention, but even by his presence in front of them, as an authority, the effect of his presence depending on the personal and professional characteristics of the mediator as well. Even though the mediator doesn't use specific power-balancing techniques, some researchers argue that the mediator's responsibility to investigate whether the disputants' participation in the mediation process and its resolution is done completely freely or there's coercion involved (Roberts, 2008, p. 146; Cotler-Wunsh, 2007, p. 13).

Additionally, the mediator can remind the parties of their right to not participate or conclude the session at any given time whenever he considers it to be necessary so he can make sure that they have all the relevant information they need (Roberts, 2008, p. 168). Last but not least, the mediator can advise the clients to seek legal advice and have someone review their agreement before it's signed (Allen Beck, 1999, p. 70).

As mentioned above, extreme power imbalance can also result from domestic violence or abuse. Although the general consensus is that divorce cases involving violence shouldn't be settled in mediation *at all* (Cotler-Wunsh, 2007, p. 37), others claim that these cases can be mediated 'successfully', depending on the issues in conflict. Without a doubt, divorcing couples who have a history of domestic violence and/or abuse have a complex power dynamic that must be diagnosed by the mediator using specific screening techniques and examining the parties' behavior (Monahan, 1998, p. 20). There are cases where victims of abuse are unable to express their interests and negotiate effectively and the mediator can find himself in a difficult position. In these cases, without breaking the principle of neutrality, the mediator can take different measures throughout the process in order to empower them so as to be able to negotiate on their behalf (Monahan, 1998, p. 21). These measures include and are not limited to caucuses, where the victim can feel comfortable enough to express their interests and concerns; the company and support of a friend, relative or even of a lawyer, et cetera.

In this paper, we wanted to investigate the relationship between theory and practice in what concerned mediation styles in divorce mediation cases and how these styles are interpreted and implemented by divorce mediators. In doing this, I wanted to see if there is a difference in the interpretation of the concept of mediation style depending on the professional experience and background of the mediators, among other factors, given that both theorists and practitioners have tried to reach consensus in regards to this topics but the theory is highly debated still.

This research paper addresses the following questions concerning mediation styles in cases involving divorce:

- **How do mediators see themselves in what regards their role and styles they use in divorce mediations?**
- **How does the theory concerning mediation styles translate into practice?**

- **How much do styles vary within divorce mediation and depending on what factors? Is there an appropriate style that works best in these cases?**
- **Do mediators' self-professed mediation styles match the approaches/techniques they use in divorce cases?**

In choosing the methodology that was most appropriate to use for the purposes of this paper, we initially decided to select mediation practitioners from both genders, who have different amounts of experience in private mediation and come from a variety of backgrounds. For clarification purposes, we will mention once again that this research paper focuses on private mediation only, as in Romania mediation is not mandatory, even though courts can suggest conflicting parties to try this form of alternative dispute resolution. Due to unexpected difficulties that we encountered along the way, such as lack of time on the practitioners' part, low level of response to my request and lack of interest in the project's topic, I finally ended up using the "snowball" sample technique.

Consequently, we approached a mediator we already knew that met these criteria and explained to him what we had in mind in regards to the research paper. He agreed to participate in the interview and offered to put me in contact with other mediators as well that he was acquainted with from their practice and initial mediation courses.

In the end, we were able to reach six more mediators who wanted to take part in the interview and research paper, once we explained them its purposes and potential usefulness for further studies. Among those six mediators, two of them were not practicing mediation at the time, but the rest of the respondents practiced mediation at least half of their time spent working and some even more than that. We chose to conduct a qualitative research study since this kind of approach goes much deeper into the issues in discussion and, although the research questions could be answered using a survey that only allows either short, exact answers or yes or no ones, we considered it to be very limitative. Moreover, when choosing a qualitative over a quantitative research design, we took into account the benefits that open-ended questions bring to the research, which include references made by respondents to other relevant topics concerning which the issues researched, that otherwise might not be considered by the interviewer due to various reasons and undoubtedly clearer insights into mediators' experiences with divorce mediation issues. Consequently, qualitative research seems the best option to investigate mediator's views in regards to mediation styles applied in divorce cases and the way these relate to the theory in the field.

These above questions were used to explore the mediators view on the mediation styles they used the common ground between the theory and the practice of divorce mediation. Additionally, another objective included seeing how the theory translated into practice, how realistic it was compared to the practice in each of the cases explored in the interview. For this purpose, we started with a list of questions which we grouped into sections depending on their focus. However, there were many instances where the

interview strayed from the list, thus the topics discussed naturally expanded. Like we mentioned earlier, we separated the questions into the following sections: the profile and experience of the mediator, his/her experience in mediation, roles and goals in mediation, divorce mediation styles and techniques employed in divorce mediation.

The last section – techniques employed in divorce mediation, had the purpose to explore mediators' approaches to several case scenarios in order to compare the techniques they used in the way they perceive their mediation styles and roles. The case scenarios focused on specific issues that can surface in divorce mediation including spousal abuse, power imbalance, and the use of children as weapons or instruments of revenge, all linked to their views on the concepts of neutrality and impartiality. All the mediators involved in the interview carry out their activity privately, in dispute areas that include not only divorce mediation but other types of family conflicts; commercial conflicts; conflicts in the work environment; conflicts concerning car accidents and community disputes. However, three out of seven respondents claim that more than half of the time spent with mediation is spent with cases involving divorce. Although we could not tell what amount of mediate cases a mediator can have in order to be considered very experienced as this represents a very challenging task in Romania, we assume that over 200 mediated cases are reason enough to consider many of them as very experienced. The mediation experience of the participants in the interview ranges from no cases at all to almost three hundred cases.

In the analysis of the interview we focused on the issues we wanted to explore with this research paper: the mediator's perception of the mediation styles they use in divorce mediation cases and their determinants and how these relate to the theory in the field. Another topic we hoped to address is the impact of the client characteristics in the mediation style versus mediator characteristics.

We also wanted to see if their description of the mediation styles they are using differs from or matches the techniques they employ when dealing with specific sensitive issues that are addressed in divorce mediation cases. This is because we have no way of verifying if the mediation styles they are saying they use are the ones that they use in the real practice, or their perceptions do not necessarily correspond with the reality.

The role of the mediator in divorce mediation

Before discussing the topic of mediator style or styles in divorce mediation we will take a look at the interviewees' responses concerning their view on their role as mediators in divorce mediation.

Respondent number one claims that primarily, the mediator has a process control role since as mediators they would have to create a controlled venue where both sides can disclose their interests, goals, and needs and make offers to each other so they can ultimately reach a resolution. At the same time, the mediator also acts as a facilitator of

the communication between the parties involved and also a facilitator of the presentation of their interests, needs, options, and offers. He considers that the mediator has to have a considerable positive influence on the communication between the conflict parties, in his view, an important factor that might have led to the conflicting situation. Consequently, his facilitator role implies that the time that the parties stand in front of him at the mediation table should be used to bring into focus their communications issues and improve this aspect.

Respondent number three also supports the view that a mediator's role involves the facilitation of the communication between the parties and managing the strong emotions that are usually associated with divorce cases. Respondent number four's view of the matter includes the mediator's role as a facilitator, but a facilitator of the process, even though he also argues that the mediator can intervene in both the process and its outcome should the participants wish so. Contrary to his statements about the mediator's facilitator role, he also claims that even though sometimes he discusses with the parties his own design of the process, the parties can also come at the mediation table with process design proposals and ultimately their wishes are the ones that count. Nonetheless, in his opinion, more often than not, the parties that enter divorce mediation lack this process design ability or knowledge, thus the mediator will only put it into practice if they reach an understanding as to what it is and they agree to it.

Respondent number five confirms that his role in the mediation is 'purely' facilitative, especially since the ethical code of the profession comes closer to this mediation approach. He adds that this facilitator role is highly appropriate especially in divorce mediation cases where a great range of emotions are flying and he suggests that he sees himself as a facilitator of the communication between the parties like the other respondents so far.

For respondent number two, a mediator's role involves transforming the relationship between the parties and one of 'reality checker'. Similarly, respondent number seven considers that the mediator has a role in establishing a state of balance between the parties in the mediation process. Like the respondents before her, she also argues that the mediator has to raise awareness of the interests of each party involved, but her role also includes the duty to clarify the causes that lead to the conflict.

Respondent number six also believes that the mediator should focus on his role as a facilitator of the communication between the parties.

To further clarify the mediator's view on their role in divorce mediation, we asked the respondents what is the most important objective in mediation.

Respondent number one said his primary goal was resolving the problem that brought the parties to mediation and ensure the satisfaction of the interests of the parties. Should the case involve children, the mediator will focus on satisfying the parties' interests

and needs but the children's best interest will come first. The last statement also applies to respondent number two's case, for which the satisfaction of the participants is what matters most. Similarly, respondent number four's views on the matter involve fulfilling the interests and needs of all the parties involved, especially if the divorcing couple has children, in which case, their interest would come first. In the same manner, respondent no five also aims to satisfy all the needs of those involved in the divorce mediation, according to the principles of the facilitative style.

Given the fact that in all divorce cases which involve children the parents' relationship will continue for the rest of their lives, respondent number three's main objective is restoring the relationship of the parties involved in the divorce mediation. Following the same thinking, respondent number seven considers that mediators should primarily focus on restoring the balance in the relationship between the parties.

Respondent number six also puts all her efforts into satisfying the parties' wishes so that they leave the mediation table content not only with the outcome but with the way the process evolved as well. She argues that this doesn't necessarily happen in the courtroom where at least the 'losing side' gets out ruffled or the way things ended do not respect the scenarios it had in mind. In mediation, the parties mutually agree to the dissolution of their marriage, entrusting the children to one of them, to setting the child support and parenting plans.

One can conclude that most mediators see their role as facilitative; however their interpretations imply that they mean different things. The word is linked to both the structure of the mediation process, improvement of the communication between parties and ways of solving the conflict.

Measuring success in divorce mediation and the importance of agreements

The theory in the field describes mediation styles in many different words especially using the polar opposite classification approach. They range from evaluative to facilitative, settlement oriented or restorative etcetera. A distinguishing feature of these styles can represent the importance or lack thereof, of reaching an agreement as the final and desired outcome of the divorce mediation process.

In this section, we want to see the part that the agreement plays in each mediator's agenda and how this influences his way of approaching specific issues in divorce mediation.

According to respondent number one, the importance of reaching an agreement, written or not, depends exclusively on the parties wishes, if they want to reach an agreement, the way they want to do it and for what purposes they need said agreement, should that be the case.

The mediator has to facilitate the fulfillment of the interests of the parties involved. Thus, his objective is not reaching an agreement as he can't force anything. Moreover,

whether the parties reached a written agreement or not, is not something a mediator should be concerned with since the understanding, or the partial agreement that the parties came to in the mediation process could range from a gentleman's agreement to written one that can be authenticated by a notary.

Respondent two's opinion consists of the same lack of focus on reaching an agreement, as for him this doesn't necessarily lead to a lasting solution to the conflict. Even if the parties reach a partial agreement or they don't at all, the important thing is that the parties acknowledge the problem and the how to resolve it. Moreover, the parties are convinced that the solutions agreed upon are in their best interest; there are few chances that anyone can make them change their minds.

Respondent number four places the same importance to reaching an agreement in divorce mediation as the parties involved. He claims that he's not tempted by an agreement at any cost if the parties do not want it. She considers that the most important objective in divorce mediation is reaching some form of understanding even though it's not materialized in a written form. It's really important for a mediator to see that the parties involved in the divorce mediation process are aware of the fact that the mediator has attempted to have the parties end the conflict even though it was not possible due to various reasons. According to her, most often than not, "even if the disputants go to court eventually, they have a different attitude after getting through mediation. And this is something I learned from my experience. The reason why the parties didn't reach an agreement in mediation could also come from the fact that the parties were too uncooperative and angry at first, but once they calmed down during the mediation process, they were able to reach a convenient outcome for both in court. This is not a frustration for me as a mediator; I personally take it as a success." (translated from the original interview transcript).

On the other hand, for respondent number five, agreements in divorce mediation are of high importance although it does not represent the ultimate objective since that would translate into forcing the parties towards some form of resolution even though they don't necessarily want it.

Mediation style versus mediation style in cases concerning divorce

In this section, we are going to analyze the mediator's descriptions of the styles they typically use.

Respondent number one typically combines the facilitative and the narrative mediation styles. His choice of styles derives from this wish "to go into as much details of the parties' stories as possible so I can find a binding agent between the two parties, a common starting point which could also lead to the resolution of the conflict" (translated from the original interview transcript). Moreover, the use of the facilitative approach

provides him the opportunity to turn into an interpreter of what the parties involved say, which can have many benefits for the communication as a whole.

Only respondent number three refers to theory when describing the mediation styles he employs. The facilitative approach is a common feature of his mediations as well although he prefers to combine the style with the transformative one as he considers it more appropriate for divorce mediations. He states that the transformative style is very useful to him as during the mediation process he focuses greatly on the parties change from enemies to collaborators, at least. For him, it's all about the transformation of the attitude of one party towards the other, meaning the relationship again. While most theoreticians agree that too few mediators are fixed on one meditation style and consequently excluding the others, respondent five is the only mediator who claims to use the facilitative style exclusively.

Respondent number four is the only mediator who admits using evaluative mediation as well, besides elements of transformative and facilitative, depending on what the parties decide they need. Similarly to respondent four's answer, respondent six argues for a set of techniques, rather than styles that she can use depending on the case and person in front of her. Even more interesting, respondent seven claims that her typical mediation style is 'free' of the typical theoretical delimitations; she can borrow any technique that would help her in the mediation process. Respondent five is the only mediator who claims to use the facilitative style exclusively.

It is not surprising that we can find the facilitative style in most mediators' repertoire since it is claimed that originally, mediation in its purest form was facilitative. Moreover, from the analysis we can safely state that mediators are or have to be always ready to change their mediation style depending upon the nature of the conflict and to a great extent, upon the parties involved in the mediation process.

It is surprising though, that although mediators claim that they prefer one style to the other, they feel very comfortable with using techniques seemingly pertaining to different ones. One thing I have add: if we take into account the mediator's responses regarding mediation style, we can conclude that the opposite polar classification is not deemed necessary according to them as many style features interconnect at times.

It is clear to many of the respondents that mediators have stylistic inclinations; an opinion also supported by scholars in general. Nonetheless, respondent number six warns that the one mediation style that mediators are most comfortable with actually limits their practice most often than not therefore they should try to contain the tendencies. At the same time, most respondents claim to be using at least two mediation styles depending on the specifics of the cases and the characteristics of the parties they are dealing with.

Even though respondent claimed that they were using different mediation styles or at least combinations, there was no reported difference in the frequency they used the

separate and joint session techniques although the separate session technique is not considered a feature of transformative mediation a style used by at least two respondents. Mediators' reasons for using the separate sessions technique was practically the same especially since it was most used in cases involving sensitive issues such as power imbalance, violence, abuse and so on.

Mediation styles determinants

Concerning the most important factors that influenced their styles throughout the years there were differences in response but, most respondents agreed that the professional experience has a crucial impact on what and how they are mediating currently.

The initial mediator training closely followed on their list. As respondent number three claims, it is not new that training schools do have a preference towards a specific style of mediation. Given that Romania's mediation law falls closer to the facilitative even prohibiting some of the main features of evaluative mediation such as giving recommendations or influencing the decision or the outcome of the mediation process, is not surprise that these training schools also prefer the facilitative style.

Next in line, the personality of the mediator is also seen as an important influencing factor in their mediating styles. To a lesser degree, mediator's professional background, life experience and continuing training are also credited to influence the development of their style, a fact consistent with the general literature written about the topic.

Mediation techniques employed in specific situations in divorce

One of the objectives we had in mind in this research paper involved confronting the mediator's self-professed mediation style with the techniques they say they use when dealing with more sensitive issues from divorce mediation cases.

With that in mind, we asked the respondents to describe their approach in cases involving power imbalance, endangering child interest, spousal abuse.

Not all the mediators have encountered controversial issues such as domestic violence or abuse in their cases. Therefore we could not say for sure if they would terminate the case or proceed with the mediation. Respondent three and six would definitely consider terminating the divorce mediation should they realize spousal abuse or excessive power imbalance played a part in the development of the parties' relationship.

The others were comfortable talking about these issues and not affected in the sense that they will stop the mediation since they, as mediators, don't have the preparation required or the guarantee that their impartiality and neutrality will not be broken. Their concerns involved the fact that the party who might have suffered abuse is coerced to participate or even to take part in the decision-making process by the other party.

The respondents that did deal with this issues accepted the case and used similar techniques such as caucus in order to dissipate the strong emotions brought to the mediation table and move further with the negotiations.

Mostly they wanted to focus on the issues that brought the parties to the mediation and not necessarily look deeper into the underlying ones. It is possible that the low rate of termination is related to the length of a mediator's experience or the types of cases he encountered in his practice.

Concerning the information the mediator can provide in divorce mediation, the respondents suggested and, in cases which involved sensitive issues such as power imbalance or abuse, even insisted that client had independent legal counsel apart from mediation. There is mediation theory that claims that mediation practitioners should never offer legal information or consultancy or act as therapists as their impartiality and neutrality will be affected.

Besides the results of our study, we can conclude that the majority of the mediators interviewed did not debate about mediation styles to the extent that the researchers did. Even though most were informed about the most common views in the theory of mediation styles, most of their arguments concerning the topic were a result of their own practices and experience with divorce cases than of the theory they interpreted according to their personalities. Their experiences taught them what produced the desired result and what not.

Most mediators viewed the issue of mediation styles as a choice similar to a judgment call and not necessarily a matter related to theory. In putting the theory into practice each mediator appeared to follow his own intuition and knowledge acquired out of the experience as long as he respected the legal aspects of his or her profession.

This is not to say that theory is not an important factor that molds their style, the research findings only suggest that personal characteristics and the professional background have more impact. Although they are aware of the theoretical aspects in speech, in practice their interpretations differ greatly from one another and there's no clear delimitation of the mediation styles.

Many responses concerning styles of mediation chosen by the mediators interviewed were reflected in the theory discussed in the first chapter. The mediators claimed highly similar mediation styles and techniques in their personal practice of divorce mediation but they had different interpretations of their use and the concepts related to them since there was a considerable amount of differences in some of their responses.

From the spectrum of mediation styles ranging from facilitative, narrative, and transformative to evaluative, most of the interviewed mediators used a style close to the one termed facilitative, most of the time in combination with another one. This was expected

as, like we mentioned above, the legislation in Romania is more partial to this style and even condemns several techniques considered to pertain to the evaluative mediation style. However, those that did claim they use the facilitative approach also 'borrowed' other techniques pertaining to other styles.

Every mediator mentioned different individual styles or combinations, but when we confronted their style description with the techniques they used, they clearly imply that most of the mediators are prone to use a "tool box" approach, always ready to change their style, or more appropriately, the technique employed.

Moreover, though mediators may adopt different mediation styles or approaches, they seem to want more or less the same thing, to see the cause of the problem and the interests of the parties so they can find common ground on which to build a resolution leaving the parties satisfied. This suggests that we are talking more about using the proper techniques than the proper, singular styles.

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