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Is There Method in the Madness of Mediation? Some Lessons for Mediators from Quantitative Studies of Mediation

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Is There Method in the Madness of Mediation? Some Lessons for Mediators from Quantitative Studies of Mediation

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Key mediation attributes, such as mediating actors, the strategy they choose, and previous mediation experiences, are widely thought to influence the nature of a conflict management outcome. But how and when these features shape outcomes is not a straightforward matter, and a standard analysis of these factors does not lead to their widely anticipated results. Why? We develop a new analytical framework that argues that a dispute's intensity alters the conflict management processes. Furthermore, in order to observe this variation, we also need to expand the traditional, dichotomous notion of conflict management outcomes (success or failure) to include a fuller range of observed results. Using the most recent International Conflict Management data set and our new analytical framework, we analyze the effect on conflict management outcome of mediator (a) identity, (b) strategy and (c) history. We find that directive strategies and international mediators are effective in resolving high intensity conflicts, procedural strategies and regional mediators are effective in resolving low intensity conflicts, and that mediation history always affects resolution. Our results have implications for both the study and practice of international dispute mediation.

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KEYWORDS *mediation, conflict resolution, conflict outcomes, conflict management, mediation strategy, selection effects, multinomial logit*

In the first few years of the twenty-first century, third parties played a major role in a large number of intrastate and interstate disputes (e.g., Ache, Chad, Democratic Republic of Congo, Cambodia, Ivory Coast, Somalia, and Sudan). This is not unusual. Empirical studies suggest that some form of non-coercive third-party intervention has taken place in nearly 70 percent of all conflicts since 1945 (Bercovitch and Fretter, 2004; Sherman, 1994). Third-party mediation has become a common and greatly championed method of international conflict resolution. It is practiced by numerous and diverse actors, ranging from individuals through states to international organizations. When successful, mediation may “soften up” the parties, promote diplomacy (see Grieg and Diehl, this issue), and be instrumental in achieving a cessation of hostilities, a peace agreement, or a full settlement of a conflict.

Notwithstanding mediation’s importance and pervasiveness, research on its characteristics and effects has suffered from compartmentalization, with little interaction between scholars using traditional qualitative, single case approaches, those employing formal mathematical models or statistical analyses, and those offering prescriptive ideas. We attempt to bridge this chasm by drawing on the theoretical literature that highlights factors associated with mediation success and then testing these ideas using large-N statistical techniques. We are able to make this connection because we look at mediation within a perspective that emphasizes two central points: 1) international actors (individuals, NGOs, or states) intervene in some conflicts but not others, and 2) the effect of conflict management factors on dispute outcomes depends on dispute conditions. We place mediation within a broader theoretical context and discover that there is indeed a method and logic to the seeming “madness” of mediation.

We propose to study mediation within an analytical framework that takes into account the context of a dispute and the actual process of mediation. The framework includes an expanded range of the results of conflict management; creating outcomes that are more nuanced than the usual dichotomous conception of success or failure. Critically, we differentiate between mediation processes taking place in highly intense or less-intense disputes. Using the 2000 *International Conflict Management* data set, we test our argument with a number of different analyses. The data contain contextual observations on more than 3,500 cases of official mediation efforts in international conflicts since 1945. We find that mediation shows its anticipated effects only when we include a wider distribution of conflict management outcomes, and analyze high and low intensity disputes

separately. Our results have significant implications for both the study and practice of international mediation.

THEORY

We start by outlining our general argument, and then we lay out our specific expectations for the effects of three crucial conflict management factors; namely, the identity of the conflict manager, the strategy adopted, and past experiences of conflict management.

General Argument

Mediation is a form of third-party assistance in which an invited outsider helps the belligerent parties with their conflict management efforts. It is the main alternative to negotiation by the disputants themselves and is a useful procedure in many situations (e.g., where parties refuse to communicate directly). Mediation operates in an *ad hoc*, noncoercive, and facilitative fashion (Zartman and Touval, 1996). Once mediation is accepted and initiated, it takes place along a spectrum of intervention, which ranges from fairly passive (e.g., transferring information from one side to the other) to active (e.g., offering promises of political and economic support). The choice of a particular form of mediation is rarely random. It is affected by the characteristics of the dispute, the nature of the social environment and the identity of a mediator (Assefa, 1987; Terris and Maoz, 2005). We believe that mediation is a rational, political process, representing a strategic engagement between parties and a mediator, which, under some conditions, may stop violence and hostilities or even facilitate a peace agreement and a transformation of the conflict. What we want to do is disentangle these conditions from the myriad of factors affecting conflict management and study their effects in a systematic manner.

Like other political processes, mediation may be costly, time-consuming, and risky for disputants and mediators alike (Maoz and Terris, 2006). Normally, under conditions of low intensity, divisible issues, open communication and complete information, parties prefer to resolve their own conflicts without any third party assistance (Latour, 1976). This is not always the case, and on many occasions parties may need help with their conflict management. Once mediation is offered and accepted, all those involved experience certain costs. The parties may be persuaded or cajoled into making unforeseen concessions. They relinquish some control over the process, and thus increase the level of uncertainty regarding a desired outcome. Disputants may end up accepting a less than hoped for outcome or experience rupture in political or economic ties to the mediator. Finally, by entering into mediation the parties may experience some

loss of public face at their inability to resolve their dispute on their own. These are very real costs, and they have to be managed somehow if mediation is to be effective.

For the mediator too there are considerable risks. These include domestic and international political costs and criticism by the media in case of failure, censure or rebuke from one or both parties, and reputational losses (for an extended discussion of these possible costs, see Princen, 1992). Parties in dispute and any would be mediator link the process of mediation to the chances of its success (Greig, 2005). Given the inherent uncertainty involved in conflict management, the anticipated benefits of a settlement or accommodation have to exceed the expectation of costs by a considerable margin or else mediation will simply not take place (Maoz and Terris, this issue).

Third party involvement in a conflict signals that the parties need outside help, that their conflict is too difficult to terminate by themselves, and at the same time, that it is costly enough that they both want to see it end (Crocker et al., 2004; Mitchell, 1995). High intensity or complex conflicts where past conflict management efforts failed, make parties more willing to embrace new ways and methods (e.g., mediation) of getting out of their impasse. When these conditions exist, parties are willing to bring in, or accept, an offer from a third party. For their part, mediators have to possess a high motivation to enter a conflict arena, a strong desire to get involved, and a perception of higher benefits than costs. Mediation is a universal but not a uniformly applicable process.

The result of these complex decision processes is that mediation is particularly likely to take place in tough, high intensity and complex conflicts. Such conflicts, mediated or not, are unlikely to end with a full scale agreement or resolution of all the issues in dispute. If any agreement at all is reached in such conflicts, it is more likely to be both limited in nature and short-lived (see Gartner and Bercovitch, 2006).

We also have to take into account the fact that achieving a ceasefire in such challenging conflicts, however ill designed it may be, can represent successful and effective mediation (one thinks of the numerous temporary ceasefires in the former Yugoslavia, each of which gave the parties the opportunity to feed the hungry and care for the wounded, until fighting started again). We argue that achieving a limited agreement in a previously intractable conflict is no less significant than the achievement of a full settlement in a more tractable dispute (e.g., Great Britain's and Iceland's dispute over fishing rights in the North Sea in the early 1970s). To suggest that mediation is unsuccessful where it does not produce a full settlement, irrespective of the nature of the conflict, represents a failure to appreciate the full complexity of conflict, the different outcomes that may bring a conflict to an end, and the decision processes underlying the entry or exit of a mediator.

Given the costs and risks involved, both for mediators and adversaries, in initiating and accepting mediation, and the selection process involved, we want to suggest that there is a close relationship between who mediates, what mediators can do, the nature and intensity of a conflict, and the likely range of outcome. The greater the intensity of a conflict, the more likely it will require experienced, institutional mediators with larger resources and ability to mobilize sustained and active efforts, in order to change the course of the conflict. Other, more tractable conflicts may require lower profile mediators and a less intrusive form of mediation to help bring them to an end. In intense disputes, we would expect major powers and international organizations to act as mediators and adopt a high profile, active mediation. In less intense disputes, we would expect regional and local actors to assume a mediatory role and employ a less active mediation strategy.

Mediation is not a panacea or a magic solution to all conflicts. It is, however, a useful tool that may work effectively under some circumstances. We need to evaluate the circumstances under which it is effective, and study those factors that have the greatest impact on mediation activity and effectiveness. Here we focus on three main factors, widely discussed in the literature as having important consequences for conflict management. These are; (a) mediation attributes and identity, (b) mediation strategy and behavior, and (c) previous experience of conflict management. Our arguments are consistent with both the general flavor of past studies (see, for instance, Bercovitch and Langley, 1993; Bercovitch and Regan, 2004; Kleiboer, 1996; 1998; Kochan and Jick, 1978; and Pruitt and Kressel, 1989) and findings on mediation drawn from specific studies (see, for instance, Princen, 1992). However, we show that a simple statistical analysis of how these factors affect outcomes does not lead to their widely anticipated results. Instead, a more sophisticated analysis shows that these attributes are indeed at work, but their influence on the process of mediation is affected by outcome type and intensity of conflict.

MEDIATORS AND LEVELS OF ANALYSIS IN MEDIATION

Mediation may be undertaken by any actor with resources, standing, or interest. Most political systems create regimes, conventions, or rules to structure mediation activities. In an international environment lacking a centralized authority, the range of potential mediators and the diversity of mediation are truly immense (for a discussion of these, see Frazier and Dixon, this issue). It is best to think of mediators as falling within one of the following categories: individuals, states, regional organizations, and international institutions (Bercovitch and Schneider, 2000). These categories not only capture critical actors but also represent different levels of analysis where we might expect different forms of intervention to be

associated with each level of analysis. We examine the basic characteristics of each level below.

Individuals

At its most basic, mediation is truly an interpersonal process involving individuals. And the traditional image of international mediation—one nurtured by the media and popular accounts—is that of a high-ranking official, shuttling from one place to another in an attempt to search for understanding and to restore communication between hostile parties or to help settle their conflict directly is not wholly inaccurate. When individuals engage in mediation as official representatives of their governments, we do not normally identify such mediation as individual in nature. Individual mediation is rare—as can be seen in Table 1. Most mediation is carried on by states (or, to be more accurate, their representatives) and regional and international organizations (cf. Frazier and Dixon, this issue).

By individual mediation, we mean mediation that is carried out by individuals who are not government officials or political incumbents. Individual mediation, although significant (we think for instance of the contribution of George Mitchell to the Northern Ireland peace process), is not the most

TABLE 1 Mediator Attributes

Category	Frequency	Percent (within category)
Mediators		
Individual	106	4.50
Regional	362	15.38
International	792	33.64
State	1,094	46.47
Strategies		
Communications	1,235	52.46
Procedural	434	18.44
Directive	685	29.10
Mediation History		
None	137	5.82
Offered Only	129	5.48
Fail	1,182	50.21
Ceasefire	228	9.69
Partial Settlement	579	24.60
Full Settlement	99	4.21
Outcome		
Failure	1,310	55.65
Ceasefire	234	9.94
Partial Settlement	657	27.91
Full Settlement	153	6.50
Total	2,354	

common at the international level. Individual mediation in international relations is often an adjunct to the more formal pre-negotiation efforts of conflict management (for a review of these efforts see Fisher, 1997). Given the lack of resources, the costs and risks associated with the process, we do not anticipate that individual mediators will be effective at resolving intense disputes.

Institutions and Organizations

The complexity of the international environment is such that states can no longer facilitate the pursuit of all human interests or satisfy the demands for a shrinking range of public sector goods and services the world over. Consequently, we have witnessed a phenomenal growth in the number of international organizations, many of which affect issues of war and peace. These organizations have become, in some cases, more important providers of services than states. They have also become, in the modern international system, very active participants in the search for mechanisms and procedures conducive to peacemaking and conflict resolution. We would expect these organizations to have some impact on the mediation of international conflicts.

Two kinds of organizations play an important role in the area of peacemaking and conflict resolution: international organizations and regional organizations (we ignore, for now, transnational organizations). Their mediation frequencies are shown in Table 1.

INTERNATIONAL ORGANIZATIONS

Of the international organizations now in existence, none has been more active in resolving conflicts through negotiations and mediation than the United Nations, whose charter specifically commits it to provide the answers to global problems of conflict and security. In the post-Cold War era's outbreaks of low-level violence, civil wars, and ethnic conflicts, the United Nations is often seen as the only actor capable of resolving conflict independently. The Agenda for Peace, released by Secretary-General Boutros-Ghali in 1992, recognizes the future challenges the United Nations is likely to encounter and places great emphasis on preventive diplomacy, peacemaking, and post-conflict peace-building as priorities for the world organization.

The United Nations is quickly becoming a center for initiating concerted efforts to deal with the deep-rooted causes of conflict—to resolve conflicts, not merely stop them in their tracks—and will undoubtedly use its new political latitude to expand its mediation and conflict resolution activities. Recent UN peacemaking efforts in Somalia, Bosnia, Cambodia, Liberia, Afghanistan, Angola, East Timor, and Rwanda show the extent to which this

once largely ineffectual and much-criticized organization is now prepared to engage itself in all kinds of difficult and intense conflicts. Once involved, the United Nations can offer a wealth of related resources unavailable to most other mediators, including a forum, skilled support personnel, and the ability to mobilize an international consensus.

International organizations like the UN have considerable resources at their disposal, or resources they may draw on. For the mediators, however, mediation is likely to be costly—both in terms of the activity (transportation, translation, etc.) and in terms of opportunity costs (there are other disputes that they might want to mediate). International mediators are unlikely to have been involved in a dispute as combatants (although they may have been involved in previous conflict management efforts). As a result, they are likely to focus on highly intense and salient disputes that generate worldwide attention and for which their ability to marshal significant resources seems necessary. Conversely, international mediators are unlikely to be involved in low-level disputes where their presence might seem like outside intervention (or in some cases, like sublime colonialism). As a result, we anticipate that international organizations play a more effective role in the more intense, difficult and less amenable conflicts; those “orphaned conflicts” not wanted by states or regional organizations.

REGIONAL ORGANIZATIONS

Regional organizations, such as the European Union (EU), the Organization of American States (OAS), the African Union (AU), and the Arab League, all adhere to the principles of negotiation and mediation as their preferred means of resolving conflicts. Because most conflict occurs between regional neighbors, it is not surprising that these organizations have always had great latitude in the field of conflict resolution (for an extended discussion, see Diehl, 2003). Some, like the EU and the Organization for Security and Cooperation in Europe (OSCE), have made conflict resolution a major component of their structure. When regional organizations engage in collective mediation, their strength owes to their members' common background, culture, and experience. They may not have the capacity or resources of the United Nations, but they are almost all involved in some peacemaking activity: the EU in Bosnia, the AU in Somalia, and the OAS in El Salvador.

Regional organizations are especially effective at resolving low-intensity disputes. Organizations like the EU are not well suited for terminating wars, but rather are better suited for dealing with water or fishing rights issues. Other regional organizations, like OAS, are likely to be hamstrung in dealing with highly intense disputes because of the probability that some of their members are involved in the conflict. As a result, we anticipate that regional organizations will be more effective at dealing with low intensity

conflicts (for a comparison of regional and international organizations in international conflict, see Bercovitch and Fretter, 2004).

States

When a state mediates, the services of one of its top decisionmakers or current or former leaders are normally engaged. In these cases, figures such as Henry Kissinger; Presidents Jimmy Carter, Bill Clinton or George Bush; former secretary of state Warren Christopher; former assistant secretary of state Chester Crocker, Great Britain's Lord Carrington; or the U.S.'s Philip Habib all fulfilled mediation roles, usually in the full glare of the international media, as representatives of their countries. States, through their representatives, are the most common mediators, as seen in Table 1.

Mediation, at any level and in all its guises, is essentially a voluntary process. This dimension is particularly important in the relations between states, where any unwelcome intervention may be strenuously resisted and indeed is in violation of Article 2 of the UN Charter. For mediation to be effective, even the most highly placed decisionmakers must be seen as impartial, acceptable to the disputants, and deserving of their trust. The absence of any one of these attributes may well lead to a failed mediation (Maoz and Terris, this issue). Disputants will submit to mediation only when they believe that the mediator can act fairly and recognize the importance of their interests. State mediators are likely to be more flexible than international or regional organizations since their preference ordering should be more certain. Nevertheless, they will be less able to demonstrate impartiality and more likely have an interest in the outcome. As a result, we anticipate that states are more effective generally than individuals in mediating all disputes, but less effective than international mediators in dealing with intense disputes. By the same token, we expect states and regional organizations to have a higher likelihood of success than international organizations in resolving low-intensity conflicts.

What kind of mediators get involved in conflicts, and what is the effect of different mediator attributes on the process and outcome of mediation? Wall et al. (2001), Kleiboer (1996) and Low (1985) argue that mediator characteristics and their standing *vis-à-vis* the disputing parties are important determinants of the outcome. We examine the effects of mediator's attributes more explicitly by articulating the following hypotheses regarding mediator types and their likely impact.

Mediator Type Hypotheses

- H1: Mediator identity and attributes influence conflict management outcomes.
- H1A: State and Regional mediators are more likely to lead to settlements in low-intensity conflicts.

- H1B: State and Regional mediators are less likely to facilitate settlements in high-intensity conflicts.
- H1C: International mediators are more likely to facilitate settlements in high-intensity conflicts.
- HID: Individual mediators are less effective at facilitating settlements across the range of conflicts.

MEDIATION STRATEGIES AND BEHAVIOR

Another factor often cited as an important determinant of the effectiveness or success of mediation concerns how different mediation styles of behavior or strategies affect outcomes (for a review of these see, Bercovitch and Houston, 2000). Mediator's choice of strategy is not random. That choice is a rational response to a specific conflict situation; the needs, interests, capabilities, and perceptions of the parties, as well as those of the mediator; and the relevance of various sources of power and resources (see Carnevale, 1986). The way in which mediators choose to avail themselves of their powers is also dependent on the parties' acceptance or resistance to the mediator's use of influence, the extent of the mediator's available resources, and how these mediation efforts may affect all the parties independence, power and position *vis-à-vis* the conflict situation and possible outcome (Raven, 1990).

Here we suggest that an effective way of describing and interpreting mediator behavior in international conflicts is to conceptualize their activities in terms of specific strategies. While the analysis of the roles and stages of mediator behavior provide perfectly valid and feasible explanations of single cases, the categorization of mediation behavior into broad strategies is the most practical and useful option when studying a large number of conflicts. This approach provides a simple, yet logical structure within which the extensive inventory of mediator behavior can be organized and understood.

For our purposes, the most useful taxonomy of mediator behavior that can be applied to international conflict management identifies three fundamental mediator strategies along a continuum ranging from low to high intervention. These are: (a) communication-facilitation, (b) procedural, and (c) directive strategies (discussions of these can be found in Bercovitch, 1992; Bercovitch and Wells, 1993; Zartman and Touval, 1996, and Quinn et al., this issue). These strategies build on Sheppard's (1984) taxonomy of mediator behavior that focuses on the content, process, and procedural aspects of conflict management. The distribution of mediation strategies in our data set is shown in Table 1.

1. Communication-facilitation strategies describe mediator behavior at the low end of the intervention spectrum. Here a mediator typically adopts a fairly passive role, channeling information to the parties, facilitating

cooperation, but exhibiting little control over the more formal process or substance of mediation. This is referred to at times as the consultation model, and is best exemplified by Norway's role in achieving the Oslo agreement between Israel and the PLO.

2. Procedural strategies enable a mediator to exert a more formal control over the process and environment of the mediation. Here a mediator may determine structural aspects of the meetings, control constituency influences, media publicity, the distribution of information, and the situation of the parties' resources and communication processes. When New Zealand mediated the Bougainville conflict in 1995, it brought both parties to a military camp in New Zealand and exercised full control over the procedural aspects of the interaction (but little or no control over other aspects).
3. Directive strategies are the most powerful form of intervention. Here a mediator affects the content and substance of the bargaining process by providing incentives for the parties to negotiate or by issuing ultimatums. Directive strategies aim to change the way issues are framed and the behavior associated with them. This style is exemplified by Richard Holbrook's mediation efforts at Dayton, Ohio.

How can we connect strategies to outcomes? Few studies attempt to assess the effectiveness of different strategies. Those that do so have found that the strategies at each end of the intervention spectrum appear to dominate actual mediator intervention in international conflicts (Bercovitch and Houston, 1996). Further analyses of mediation revealed that while communication-facilitation strategies are the most frequently utilized by international mediators, directive strategies appear to be the most successful (e.g., Bercovitch and Houston, 1996; Gartner and Bercovitch, 2006; Wilkenfeld et al., 2003).

The choice of a strategy in any situation is clearly affected by the nature of the relationship between the belligerents. Mediators adapt their style of intervention to meet the requirements of the situation, and we think that certain styles or strategies of mediation will be generally more effective in certain situations. An intense conflict with high fatalities may require more intense interventions than a low-level conflict (see Rubin, 1980; Hiltrop, 1985). The costs of a no agreement in the former are dangerously high. If a mediator is involved in such a conflict, they will use any stick or carrot at their disposal to nudge the parties toward a zone of agreement. However, given the entrenched and intense nature of the conflict, it is more than likely that the most that can be achieved is a partial cessation of violence. In a low-intensity conflict, disputants are likely to view those same sticks and carrots as overbearing and too directive in nature, thereby making them less effective, despite the likely lower stakes involved. Here we want to explore the interactive effects between different mediation strategies and conflict outcomes. We do so by articulating the following hypotheses:

Mediation Strategy Hypotheses

- H2: Mediation strategy choices influence conflict management outcomes.
- H2A: Directive strategies are most likely to lead to ceasefires in high-intensity conflicts.
- H2B: Directive strategies are most likely to lead to full settlements in high-intensity conflicts.
- H2C: Directive strategies are unlikely to be effective at securing full settlements in low-intensity conflicts.
- H2D: Procedural strategies are most effective at facilitating full settlements in low-intensity conflicts.

PREVIOUS EXPERIENCE AND LEARNING IN MEDIATION

Any relationship, and certainly any conflictual relationship, is affected by previous experiences of such behavior between the same parties. Similarly, any current conflict management is affected by previous conflict management efforts and any learning which may have taken place (on the role of learning in conflict management, see Leng, 2000). The past does indeed cast a shadow on the present. Repeated mediation efforts by the same mediator may establish some norms of interaction and to a large extent determine what each party may expect and how it should behave. In an environment of risk and uncertainty, mediators may use information from previous efforts, or build on any rapport they may have had with the parties. Here we anticipate that previous mediation and in particular, previously mediated agreements, influence the likelihood of current mediation efforts. Previous mediation efforts can establish norms and a certain rapport between the parties, and these can affect their current disposition and behavior (see Zubek, 1992). There is an element of reinforcement and learning (see Leng, 2000) occasioned by previous experience of mediation. We want to explore how this often neglected dimension impacts on current mediation efforts.

We conceive of conflict management outcomes as a one-way probabilistic ratchet. We assume that parties learn from their conflict management experience so that the achievement of an outcome makes the likelihood of a similar or better outcome in the next round of conflict management even stronger. That is, past behavior affects the probability of future behavior, making similar and more demanding settlements more likely, and less successful outcomes less likely. For example, each partial settlement achieved through mediation decreases the likelihood of observing a ceasefire or no outcome and increases the likelihood of achieving a partial or full settlement in the next round. However, conflict management is not a linear process and we can certainly conceive that many full settlements resulted

from a series of mediation efforts that involved “two steps forward and one step back.” Thus, our arguments are directional but probabilistic; mediation history alters the odds of future settlements but does not determine outcomes. In analyzing mediation history we also identify those conflicts that have had no previous mediation. The values and distribution of our variables on mediation history are shown in Table 1.

Including previous mediated outcomes also controls for the likely cumulative effects of mediation that could create temporal autocorrelation problems if not addressed. Examining previous mediation efforts thus not only incorporates a powerful theoretical concern but also helps to control for a technical problem that could lead to unreliable standard error estimates. Our argument here is more uniform and we anticipate that mediation history is less likely to be affected by varied outcome processes and conflict intensity. As a result, our hypothesis is more general:

Previous Experience Hypothesis

H3: The outcome of the previous mediation effort or the lack of mediation previously will influence current conflict management outcomes. In particular, previous mediation outcomes facilitate similar or improved current outcomes.

ANALYSIS

Unlike most previous studies, our analyses of the factors that influence conflict management outcomes include ALL MEDIATED conflict management efforts—and NOT just the ones that resulted in agreements. Analyses only of efforts that lead to agreements suffer from an *ex post/ex ante* problem. When choosing mediators and mediation strategies, the disputants and mediators do not know if a particular mediation effort will result in an agreement or not, so paying attention to concerns about *ex post* information is especially important.

The Data

We analyze all actively mediated conflict management efforts included in the Bercovitch 2000 International Conflict Management data set. By actively mediated, we mean conflict management efforts where mediation occurred (we exclude conflict management efforts that were: 1) negotiated by the parties themselves, 2) where mediation was offered but not accepted, 3) where conflicts were referred to multinational

conferences, or 4) arbitrated). We present multiple analyses that include the following variables:

1. Who mediates
 - a. State mediator (*State*)
 - b. Individual mediator (*Individual*)
 - c. Regional mediator (*Regional*)
 - d. International mediator (*International*, the missing category)
2. Mediation strategies
 - a. *Directive*
 - b. *Procedural*
 - c. *Facilitate Communications* (the missing category)
3. Previous mediation results
 - a. No previous mediation (*Previous None*)
 - b. Previously unsuccessful (*Previous Fail*)
 - c. Previous Full Settlement (*Previous Full*)
 - d. Previous Partial Settlement (*Previous Partial*)
 - e. Previous Ceasefire (*Previous Cease*)
 - f. Previous Offered Only (*Previous Offered*)
4. Our dependent variables include:
 - a. *Agreement* (1 = full, partial or ceasefire agreement; 0 = failure)
 - b. *Full Settlement* (1 = full, 0 = all else)
 - c. *Settlement* (1 = full or partial settlement, 0 = ceasefire or unsuccessful)
 - d. *Multinomial* = Ceasefire, Partial Settlement, Full Settlement or Unsuccessful (Unsuccessful is always the missing category)
5. Conflict intensity (our dispute population selector)
 - a. *High Casualties*.

Mediators Get the Hard Disputes

As we have previously shown, a selection process results in mediators getting the tough cases (Gartner and Bercovitch, 2006, see also Greig, 2005). Further demonstrating the effects of selection, here we present a new bivariate analysis of all conflict management efforts (those that are either mediated or negotiated) that shows that mediation is strongly and negatively correlated with the likelihood of an agreement (see Table 2). The dependent variable *Agreement* identifies a ceasefire, partial, or full settlement (45%), compared with an unsuccessful effort (55%). We see in the analysis that in comparison to disputes where the parties are able to negotiate terms by themselves, mediated conflicts are much *less* likely to result in *any* type of agreement.

This result from the selection process captured by the findings in Table 2 do not mean that mediation causes or even leads to the failure of conflict management efforts to generate an agreement. Rather, it reflects the fact that mediation is costly (using a very catholic notion of costs) for all the

TABLE 2 Mediation and the Likelihood of an Agreement – Mediated or Negotiated Conflict Management Efforts

	Coefficient	Standard Error	Z Score	P>Z
<i>Mediation</i>	-.366***	.0618	-5.91	0.000
Constant	.033	.0495	0.67	0.504
N	4636		Prob.>chi ² = 0.0000	

***significant at 1%.

parties involved. As a result, mediators only get involved in those disputes in which the disputants were unable to reach a settlement on their own (and thus are willing to pay the cost of mediation). Mediation tends to signal a more intractable dispute—one less likely to lead to an outcome and one that is likely to lead to an outcome that is less likely to last (Gartner and Bercovitch, 2006). Thus, mediators and disputants select mediation only for a particular population of cases—the tough ones. This is why studies of mediation need to address selection effects.

Selection effects identify, *ex ante*, cases that are harder to manage or bring to an end from those that are more amenable to settlement (Gerner and Schrodtt, 2001). Selection effects do not cause or even influence the outcome of a settlement. Instead, selection effects represent an indicator of the type of dispute we are likely to observe by providing information about the characteristics of the mediators, dispute, and belligerents (Reed, 2002). Selection represents a critical aspect of mediation and settlement outcome.

Selection bias is likely to be an important issue in the study of international mediation because it is reasonable to expect that, rather than selecting cases for mediation randomly, disputants and third parties tie their decisions to mediate to the chances for its success (Greig, 2005, p. 249). Selection effects represent a major factor that most previous studies have not addressed. Failure to compensate for selection is likely to lead to misleading or inconclusive results, as can be seen in the next section where we examine the conventional wisdom regarding the factors that affect mediated outcomes.

Standard Expectations Seem to Fail

Surprisingly, conventional, standard arguments about mediation attributes such as who mediates and mediation strategies do not hold up. Analyses of both actively mediated agreements (Model 1, shown in Table 3, ceasefire/partial settlement/full settlement vs. unsuccessful, active mediation excludes offered only) and full or partial settlements (Model 2,

TABLE 3 The Effect of Mediation Attributes on Dichotomous Outcomes

	Model (1) <i>Agreement</i>	Model(2) <i>Full/ Partial Agreement</i>
<i>State</i>	0.055 (0.57)	0.002 (0.02)
<i>Individual</i>	0.114 (0.53)	−0.026 (0.12)
<i>Regional</i>	0.133 (1.01)	0.000 (0.00)
<i>Directive</i>	0.139 (1.41)	0.024 (0.23)
<i>Procedural</i>	0.602*** (5.21)	0.607*** (5.20)
<i>Previous Partial</i>	−0.093 (0.42)	−0.267 (1.21)
<i>Previous Ceasefire</i>	−0.063 (0.26)	−0.921*** (3.69)
<i>Previous Offered</i>	−0.937*** (3.37)	−1.357*** (4.59)
<i>Previous Fail</i>	−0.811*** (3.79)	−0.999*** (4.68)
<i>Previous None</i>	−0.704*** (2.60)	−1.007*** (3.62)
Constant	0.092 (0.42)	−0.002 (0.01)
Observations	2354	2354

Absolute value of z statistics in parentheses
*significant at 10%; **significant at 5%; ***significant at 1%
Missing Categories: Dependent Variable – *Unsuccessful*. Independent Variables: *International Organization, Communications Facilitation, and Previous Full Settlement*.

shown in Table 3, full or partial vs. unsuccessful and ceasefire) suggest that neither mediator type nor directive strategies has an effect on conflict management outcomes. These negative results occur regardless of whether one compares full or partial settlements to ceasefires and failures, or any type agreement to a lack of an agreement. Why? We think the analytic environment is to blame with its failure to address selection and its effects on two critical theoretical factors: outcome distribution and dispute type.

Different Attributes Lead to Different Outcomes

We develop a new analytical framework for examining conflict management effects on dispute outcomes that addresses selection effects by re-conceptualizing both conflict management outcomes and dispute type. First, we expand the traditional, dichotomous notion of conflict management results (success vs. failure) to include a broader distribution of possible outcomes. It is quite possible that under certain conditions, the same factor can increase the likelihood of both the best type of settlement and the lack of a settlement, and under different conditions, just increase the probability of observing something in between. Given active mediation, possible conflict management outcomes include unsuccessful, ceasefire, partial, and full settlements. The latter are quite rare, as one can see from the distribution of outcomes shown in Table 1.

Factors like directive strategy and regional mediator may have different, and in some cases opposing, effects depending on the outcome type. If that is the case, then dichotomizing outcomes would result in misleading inferences. Examining multiple outcome types with a multinomial logit approach allows us to see the contrasting effects of mediator types and attributes.

Second, we believe that there are two different processes at work here: one for the most intense cases, and another for those that are more tractable. As a result of selection effects, different mediation attributes are likely to have different effects depending on which population they interact with. We expect that in the intense cases that full settlements will be rare and the likelihood of no settlement (outcome unsuccessful) is much higher. When dealing with this more challenging population of disputes, mediators are more likely to push for ceasefires as a first step toward dispute resolution. Here, mediators are less likely to pursue or obtain full settlements. In the intense cases, high profile, more active and intrusive mediators are more likely to be welcome. The opposite is true of those less challenging cases, where full settlements are much more likely. For these cases, lower profile, less intrusive efforts are more likely to be rewarded. Thus, we next need to identify a factor that distinguishes the really tough cases from those that are less challenging.

Casualties represent a visible and salient measure of cost (Gartner and Segura, 1998; Gartner and Segura, 2000; Gartner, Segura, and Barratt, 2004). Intense disputes tend to be those with the highest level of casualties. We employ casualty levels to distinguish the most intense cases from those that are more manageable. We create the variable *High Casualties*, coded a one for those conflicts with total casualty levels of ten thousand or more fatalities (casgroup = 5 in the ICM data), and a 0 otherwise. Using *High Casualties* to bifurcate our sample generates a low casualty (or not-high-casualty dispute) sample of 831 (35%) and a high-intensity sample of 1,523 (65%) observations.

Full settlements are rarer among high intensity disputes (3.5%) than low casualty disputes (12%), and high casualty disputes are significantly more likely than low casualty disputes to end unsuccessfully. Not surprisingly, the processes that drive these outcomes and the role of mediation attributes are also quite different.

Putting It All Together: Varying Intensity, Outcomes and Attributes

We present two multinomial Logit analyses (shown in Tables 4A and 4B), one for high casualties (4A), and one for low casualties cases (4B), that each include our wider distribution of possible outcomes. Employing casualty levels to bifurcate the disputes into two populations allows us to generate

TABLE 4A Multinomial Logit Analysis of Mediator Attributes on Conflict Management in High Intensity Disputes

	Ceasefire	Partial Settlement	Full Settlement
State	0.047 (0.23)	−0.266* (1.95)	−0.657** (2.09)
Individual	0.487 (1.29)	0.120 (0.44)	−0.405 (0.53)
Regional	0.211 (0.81)	−0.267 (1.36)	−1.515** (2.03)
Directive	0.397** (2.05)	0.067 (0.46)	0.610* (1.86)
Procedural	0.238 (0.93)	0.764*** (4.84)	0.261 (0.62)
Previous Full	−1.126 (1.29)	0.081 (0.14)	2.246** (2.03)
Previous Partial	−0.776 (1.61)	0.324 (0.79)	0.848 (0.81)
Previous Cease	0.278 (0.58)	−0.205 (0.46)	−1.527 (1.06)
Previous Offered Only	−0.804 (1.43)	−1.123** (2.15)	−30.751 (0.00)
Previous Fail	−1.062** (2.31)	−0.350 (0.87)	−0.669 (0.63)
Constant	−1.224*** (2.64)	−0.648 (1.61)	−2.667** (2.55)
Observations	1523		

Absolute value of z statistics in parentheses.
*significant at 10%; **significant at 5%; ***significant at 1%.
Missing Categories: Dependent Variable – *Unsuccessful*. Independent Variables: *International Organization* and *Communications Facilitation*, and *Previous None*.

TABLE 4B Multinomial Logit Analysis of Mediator Attributes on Conflict Management in Low Intensity Disputes

	Ceasefire	Partial Settlement	Full Settlement
State	0.398 (1.24)	0.389** (2.00)	0.967*** (2.97)
Individual	−0.305 (0.28)	−0.159 (0.29)	0.687 (0.84)
Regional	0.732* (1.90)	0.429* (1.67)	1.303*** (3.48)
Directive	0.242 (0.80)	−0.134 (0.68)	0.508* (1.84)
Procedural	0.547 (1.57)	0.311 (1.38)	0.975*** (3.28)
Previous Full	−0.983 (1.11)	0.079 (0.17)	1.501** (2.14)
Previous Partial	0.108 (0.19)	0.617* (1.70)	0.771 (1.16)
Previous Cease	1.318** (2.15)	0.719 (1.55)	1.728** (2.40)
Previous Fail	−0.514 (0.96)	−0.256 (0.73)	0.270 (0.42)
Previous None	−0.506 (0.81)	−0.584 (1.40)	0.014 (0.02)
Constant	−2.099*** (3.89)	−0.821** (2.37)	−3.187*** (4.73)
Observations	831		

Absolute value of z statistics in parentheses.
*significant at 10%; **significant at 5%; ***significant at 1%.
Missing Categories: Dependent Variable – *Unsuccessful*. Independent Variables: *International Organization*, *Communications Facilitation*, and *Previous Offered*.

different parameter estimates using separate error matrices (as opposed to employing interaction terms, which would share the same error matrix). Given that we anticipate that selection leads to singular processes, and that a multinomial analysis is tricky to both interpret and present, we think the separate sample method is called for. More importantly, our theory posits two different conflict management processes—one for high casualty disputes

and another for other disputes. This suggests that these two types of disputes should be analyzed separately. Thus there are good theoretical and methodological reasons to split the sample.

We examine a multinomial logit model of mediated outcomes in high intensity disputes ($N = 1,523$) shown in Table 4A. The missing dependent variable category is *Unsuccessful*. The results show that *State* and *Regional* mediation are less likely to result in full settlements than *International Organization*. *Directive Strategies* increase the likelihood of observing both ceasefires and full settlements, compared to the missing strategy category, *Facilitate Communications*. *Procedural* strategy increases the likelihood of observing partial settlements, as does a *State* mediator. *Previous Full Settlement* makes current full settlements more likely compared to the missing category, *Previous No Mediation*. But *Previously Offered Only* and *Previous Fail* make partial and ceasefires (respectively) less likely to be observed than when there was previously no mediation efforts (i.e., certain failure is harder to overcome than uncertainty, highlighting an important cost of a failed conflict management effort).

Looking at low intensity disputes, shown in Table 4B ($N = 831$), one sees a very different picture of the mediation processes' effect on dispute outcomes. *Regional* mediators positively increase the likelihood of observing all three outcomes and *State* mediators increase two of the outcomes compared to an *International* mediator. Both *Procedural* and *Directive* strategies increase the likelihood of full settlements compared to the strategy of *Facilitating Communications* (but the coefficient on *Procedural* is almost twice that of *Directive*). *Previous Ceasefire*, *Previous Partial*, and *Previous Full* settlements increase the likelihood of observing current ceasefires—partial or full settlements (respectively)—and *Previous Ceasefire* facilitates observing full settlements compared to the missing category *Previously Offered* only.

DISCUSSION

The statistical results strongly support our hypotheses. These findings first and foremost suggest that our theoretical framework, which distinguished between intense and less intense disputes and includes a wider distribution of conflict management outcomes, is critical for observing the complex patterns through which mediation attributes influence conflict management outcomes. The models are strong and almost all of the estimates are statistically significant and in the anticipated direction; a dramatically different result than the previous lack of statistical significance found when we examined a more standard model of either all agreements or full and partial agreements.

Looking at mediator type, the results support our arguments. International mediators, with their substantial base of resources, high prestige, and wide array of possible strategies, are best at resolving high-intensity conflicts, and especially effective at helping to deliver that rarest of outcomes—a full settlement in high-intensity disputes. Regional mediators, with their proximity, cultural similarity, and comparative informality are better at resolving low-intensity conflicts, compared to international organizations whose distance, universal compositions, and formal machinery of diplomacy might be counterproductive. Individual mediators are the least effective at achieving settlements.

In terms of strategies, our hypotheses also do well. Directive strategies, with their stronger pattern of mediator involvement and more sustained and intrusive effort, are more effective in high intensity disputes than low-intensity disputes and with procedural strategies, the effect is just the opposite. The least invasive strategy, communications-facilitation, always performs the worst. Therefore, some structure and intervention by a mediator always helps—but how much intrusion and how effective it will be depends on the intensity of the dispute.

Looking at mediator type and strategy, we observe that there is a balance between the nature of the dispute and the degree of the response. Both too little and too much mediation “weight” (strategy and actor types) is less effective in some situations than other interventions depending on the dispute’s intensity. Thus, there can be both “overkill” and “insufficiency” on the part of the mediator, such that part of the mediation process appears to be getting the right “fit” between the type of response and the need of the disputants (one can think of this as a nonlinear response to mediation efforts—for a similar type of argument about repression, see Gartner and Regan, 1996).

Past mediation behavior does indeed appear to act as a unidirectional ratchet, with the previous outcomes frequently leading to the same type of current outcomes or to more complete outcomes. More generally, examining all four outcomes (instead of two) and dividing the sample into intense and less intense disputes facilitates our observation of critical patterns of mediation attributes on conflict management outcomes.

FULL SETTLEMENT

Why not just conduct a dichotomous analysis of full settlements? We think that the findings presented so far suggest that a dichotomous analysis of full settlement will result in misleading inferences. Without the ability to be effective at obtaining full settlements and other outcomes, especially cease-fires in high intensity disputes, while at the same time being ineffective at leading to other outcomes such as partial agreements, a variable like *Directive*

Strategy is unlikely to reveal its true effects. Dichotomous results are thus likely to minimize or even eliminate the effects previously determined.

Nevertheless, in order to improve comparability with previous research, we present three logit analyses of full settlement in Table 5. Model 5A presents a straightforward logit analysis of the complete data set. One sees that all aspects of mediator identity are statistically insignificant, and that all included strategy and history variables have significant effects. Model 5B looks at full settlements in high-intensity disputes—and here the patterns begin to show themselves, especially regarding mediator identity. In high intensity disputes, *International* mediator (the missing category) is highly effective at facilitating full settlements (with negative and statistically significant coefficients on two of the three included mediator type variables) and *Procedural* strategy is no longer important, while *Directive* remain significant. Looking at low intensity conflicts, shown in Model 5C, one sees almost the reverse. *Regional* and *Individual* mediators are more helpful than international mediators at generating full settlements. Both *Directive* and *Procedural* strategies improve the odds of observing a full settlement (with the effect of *Procedural* greater than that of *Directive*). In all cases the history variables behave as expected.

The dichotomous results thus provide further support for all three general hypotheses and most of the specific sub-hypotheses. These results largely tell the same story as shown earlier: directive strategies and international mediators are effective in high-intensity conflicts, procedural strategies and

TABLE 5 Dichotomous Analyses of Mediation Outcomes

	Model 5A Full Settlement	Model 5B Full Settle if High Intensity	Model 5C Full Settle if Low Intensity
Individual	0.265 (1.33)	−0.573* (1.85)	0.793** (2.51)
State	−0.171 (0.32)	−0.501 (0.67)	0.722 (0.90)
Regional	0.382 (1.48)	−1.450* (1.95)	1.074*** (3.01)
Directive	0.477** (2.39)	0.550* (1.70)	0.529** (2.01)
Procedural	0.560** (2.57)	−0.067 (0.16)	0.788*** (2.86)
Previous Partial	−1.368*** (4.95)	−1.514*** (3.54)	0.506 (0.79)
Previous Ceasefire	−1.700*** (4.77)	−3.903*** (3.64)	1.192* (1.76)
Previous Offered	−2.636*** (4.19)		
Previous Fail	−2.072*** (7.57)	−2.789*** (6.19)	0.407 (0.65)
Previous None	−1.530*** (3.79)	−2.355** (2.17)	0.240 (0.34)
Previous Full			1.556** (2.31)
Constant	−1.487*** (5.29)	−0.930** (2.23)	−3.624*** (5.51)
Observations	2354	1444	831

Absolute value of z statistics in parentheses.

*significant at 10%; **significant at 5%; ***significant at 1%

Previous Offered dropped and 79 observations that predict perfectly not included in Model 6B.

Missing Categories: Dependent Variable – *Unsuccessful*. Independent Variables: *International Organization* and *Communications Facilitation*, *Previous Full* in Models 6A and 6B, *Previous Offered* in Model 6C.

regional mediators are effective in low-intensity conflicts, and mediation history always makes a difference. Finally, just employing a multinomial analysis (without dividing the sample) fails to capture the effects of mediator attributes shown in Tables 4A and 4B (results not shown). Thus, examining separately the most intense disputes and analyzing a wider distribution of conflict management outcomes shows that who mediates, what they do now, and what mediators did in the past influence mediated dispute outcomes.

CONCLUSION

While our theoretical arguments draw on standard theories about the influence of mediation on outcomes, our analytical approach breaks new ground by developing further these theoretical arguments to consider both the various types of conflict management outcome and the mitigating influence of dispute intensity. We find that who mediates, how they mediate, and how mediation has occurred in the past all affect the nature of a settlement, but the results also support the importance of the analytical framework we employ.

Critically, rather than just tossing our measure of intensity in on the right hand side, we use it to bifurcate our sample into two sub-samples—high and low intensity. We believe, and think that our results confirm, that mediation attributes behave differently in these two subsamples—that is, they are the result of two singular and complex processes; a conclusion further supported by analyses here and elsewhere that identifies the power of selection effects in conflict management. As a result, pooling high and low intensity disputes together and trying to control for conflict intensity would fail to capture these different, and in some cases opposing, effects. The two-sample procedure allows us to isolate different conflict management outcome processes. While employing casualties to identify the intensity of a dispute is consistent with the literature, other potential measures, such as the presence of UN peacekeeping troops or UN sanctions lead to very similar results (results not shown).

In terms of our specific results on strategy, we agree with previous analyses that directive strategies are pushy. Pushy strategies by themselves are not a bad thing. They are effective in high-intensity conflicts where outcomes are unlikely to occur without a “shove” and lead to improved odds for both ceasefires and full settlements. These aggressive directive strategies, however, are much less effective in lower-intensity disputes and mediators generally do better in those situations imposing conflict management rules—procedural strategies. Balance is the key. Thus the value of pushy strategies, in fact of all strategies, is highly context dependent.

International mediators with their resources, prestige, and separation (or physical distance) from the dispute, are the most effective type of mediator for dealing with intense disputes. On the other hand, regional organizations have knowledge of the area and actors, comparatively lower costs, and a possibility that key actors have taken sides in the dispute and are highly effective at engendering outcomes in low-intensity disputes. Future research should explore more directly the relationship between who mediates and conflict management strategy choice.

Mediation history and experience do matter. As is frequently the case, what happened yesterday influences what is going to happen today. Interestingly, an observed failure has a much more negative effect than no previous mediation, which supports both the general notion of selection effects and identifies an important potential cost of mediation—failure. The influence of mediation history suggests the possible importance of path-dependence effects in conflict management—a direction we hope to explore in the future.

In terms of scholarship, this study connects traditional qualitative arguments about mediation with statistical analyses of conflict management outcomes. The results suggest that mediation choices make sense and are effective at resolving disputes. In terms of the practice of dispute resolution, these findings also suggest that mediators should tailor their approach to the intensity of a dispute, and that the parties to the dispute should consider conflict intensity when looking around for a mediator. All parties in conflict management should look to previous mediation outcomes when formulating expectations regarding their current experience of mediation.

Mediation is not a random process. Mediation success is, *inter alia*, the result of mediator identity and attributes, mediation performance and behavior, and the nature of the dispute. Mediators and disputants make choices about mediation that can maximize the likelihood of achieving successful outcomes given the conflict's context and dynamics. Developing a clearer understanding of the processes that link mediator attributes, behavior and experience to conflict management outcomes allows us to understand better the madness behind the method of mediation.

CONTRIBUTORS

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