

# Mediation in International Conflicts

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## Abstract

Scholars of international conflict mediation have made strides in the last two decades in understanding when mediation occurs and when it is successful. The rationalist framework has allowed theorists to sharpen and expand on early insights, and research using quantitative methods continues to be an important part of the field. Gaining a sense of when disputants might use mediation disingenuously and expanding the scope and comparability of data sets on mediation will push both the study and practice of mediation onto useful new ground.

## INTRODUCTION

One of the most common forms of conflict management is mediation, which is the consensual, nonviolent, and nonbinding involvement of a third party in conflict management and resolution processes. A widely cited definition of mediation states that it is “a reactive process of conflict management whereby parties seek the assistance of, or accept an offer of help from, an individual, group, or organization to change their behavior, settle their conflict, or resolve their problem without resorting to physical force or invoking the authority of the law” (Bercovitch & Houston, 1996, p. 13). This essay provides a brief overview of the state of research on international mediation, with an emphasis on those studies that have used the quantitative analysis of cross-national data to explore hypotheses developed within rational frameworks. As such, we by no means attempt to provide an exhaustive characterization of the work on mediation, and, indeed, we barely scratch the surface of even just the specific literature that does use statistical approaches to test theories embedded in a rational framework. For a more thorough overview of mediation research, see Greig and Diehl (2012) and Bercovitch and Houston (1996).

## FOUNDATIONAL RESEARCH

Jacob Bercovitch is widely considered the principal pioneer of the quantitative study of international mediation. His prolific work with a number of coauthors frequently used a contingency approach to try to understand when mediation is most effective in bringing about peace (see, e.g., Bercovitch & Gartner, 2006). In a similar vein, we briefly discuss foundational studies that have addressed how the context in which mediation occurs and the substance of the mediation effort shape its efficacy.

In terms of context, the predominant framework in the conflict resolution literature has centered on the concept of ripeness. According to the ripeness framework, conflict proceeds in stages, some of which are more amenable to resolution than others. Many scholars have found that those periods of conflict associated with a mutually hurting stalemate are especially amenable to, or ripe for, successful conflict management by third parties. This has translated into similar expectations that mediation will be more effective in various phases of conflict, and especially when the disputants reach a point in which they perceive further conflict as futile. Empirically, Greig (2001) finds that mediation is more likely to contribute to the long-term success when it occurs late in the lifetime of a rivalry and when the previous stalemates in the rivalry accumulate.

In terms of substance, we can disaggregate mediation into separate styles that the third parties might use. In considering how mediation can affect the conflictual interactions between disputants, it is useful to distinguish between mediation with and without leverage. Mediation with leverage functions by providing either positive incentives for agreement or negative incentives for fighting, thereby expanding the set of mutually acceptable alternatives. Mediators can additionally use security guarantees or threats of future punishment to increase the expected costs of future noncompliance and thus reduce the incentives to renege. Some existing work finds that heavy-handed mediation tactics fare best in resolving international disputes or in enabling formal agreements to be reached. Smith and Stam (2003), for example, in constructing a theoretical model of mediation and peacekeeping, posit that altering the material costs and benefits of the combatants is the only means by which third parties can effectively increase the prospects of peaceful settlement.

Other studies find more merit in lighter forms of mediation that do not rely on leverage. Without leverage, mediators are primarily tasked with enabling the actors to find a single agreement within the set of alternatives that are mutually preferable to conflict. Mediators might do this through making proposals that bridge an actor's interests, reduce the costs of an agreement, logroll issues, expand the pie, address compensation between

the actors, or help them save face. The key is that the mediator is able to allow the actors to achieve some agreement that is mutually acceptable without actually changing the incentives to find a resolution. The third party does not introduce external incentives for peace and instead focuses on bringing together and integrating the existing political incentives in play to reach a deal. Rauchhaus (2006) finds that lighter forms of mediation actually tend to perform better than heavy-handed involvement. Others such as Beardsley (2011) and Beardsley, Quinn, Biswas, and Wilkenfeld (2006) find that the relative merit of mediation with or without leverage depends on what the ultimate outcome objectives are—mediation with leverage tends to do well to produce formal agreements, while mediation without leverage tends to do better in fostering more long-term reductions in hostilities.

Separate from the discussion about mediation styles has been debate about how the partiality of the third party to the disputants affects conflict management and resolution. The conventional wisdom, as expressed in accounts by many practitioners and journalists, is that mediation is most effective when there is an unbiased mediator who is perceived as gaining equal benefit independent of which of the sides prevails in a conflict. Others have argued that neutrality is not a necessary condition for mediation success, and that biased mediators may be useful because of their additional motivations in the resolution of the conflict. According to this logic, third parties with strong preferences for the outcome will be more credible in threatening sticks, which require sacrifice on the part of the sanctioning party or offer aid. Favretto (2009) has shown formally that biased third parties can more credibly threaten intransigent parties with intervention and entice them to move toward settlement. Svensson (2007) demonstrates that third parties that are biased toward governments in civil wars can assuage postconflict security fears. In a related argument, Svensson (2009) has shown that biased mediators have more incentives to get the terms right and fewer incentives to just encourage a quick fix that is likely to prove fragile.

A more specific debate exists about whether impartial or biased third parties can better reveal information credibly to the disputants. While Kydd (2003), Savun (2008), and Smith and Stam (2003) have found that moderately biased mediators are likely to be advantaged in escaping the cheap-talk problem where the disputants do not believe a third party that calls for compromise, Kydd (2006) and Rauchhaus (2006) argue that there are conditions in which impartiality helps the third party better convey information. Beber (2012) also argues and finds that biased third parties are less effective mediators. It is also important to note that, although there are disagreements over whether being biased toward *a particular adversary* affords the mediator greater informational potential, a general tenor of consensus has emerged that being biased *toward peace* inhibits the third

party from providing credible information. When mediators desire peace above all else, the actors will dismiss the mediator's pleas to make a deal as cheap talk meant only to reach an agreement, without the interests of the combatants in mind.

The above studies help us better understand the conditions in which mediation is likely to succeed. Other research has examined whether mediation can increase the prospects for peace compared to the alternatives of ongoing conflict or negotiations. The findings from this literature are somewhat mixed. Many works have found that mediation is able to improve the prospect of at least a short-term agreement, but this is not a consistent finding across all studies of mediation, as some other work has found that ceasefires after mediation are either no more durable or are actually shorter lived than uninterrupted conflict bargaining [see the discussion in Beardsley (2011)]. The discussion that follows sheds light on why existing studies may be finding different results.

#### CUTTING-EDGE RESEARCH

The disparity in the findings can be partly explained by the difficulty in examining the impact of mediation when it is not randomly assigned to cases. The set of crises that experience mediation is likely to be very different, in terms of the *ex ante* likelihood of mediation success, than the set of crises that did not experience mediation or experienced mediation of another type. If actors only prefer mediation to negotiations when the barriers to successful resolution are high, then mediation is predisposed to higher failure rates and will appear to have less positive impact than it really does. This would be a form of endogeneity bias. Scott Sigmund Gartner has shown that it is crucially important to distinguish between selection effects—the part of the relationship between mediation and peaceful outcomes that can be explained by the types of cases that experience mediation—and process effects—the part of the relationship that is actually attributable to the involvement of the third party (Gartner, 2011; Gartner & Bercovitch, 2006). Indeed, Beber (2012) finds that accounting for selection effects can affect the observed efficacy of mediator bias. Increasingly scholars have studied the selection processes behind mediation incidence and, in so doing, allow us to better understand the baseline against which we should compare mediation outcomes (e.g., Greig, 2005; Greig & Regan, 2008; Melin, 2011). These studies also help us understand and address the related problem of selection bias, which is likely to plague analyses of data sets that only include mediated cases.

The emphasis on distinguishing process from selection effects has required theoretical frameworks to move beyond notions of ripeness. Early conceptions of the idea of ripeness were somewhat vague as to whether “ripeness”

is a cause or an effect of mediation. Studies often did not untangle whether mediation can contribute to a conflict being ripe for settlement, or whether mediation is simply more likely to occur during ripe periods, or both. In other words, it is tempting to conflate being ripe for resolution with being ripe for mediation. This issue is not merely semantic; if mediation and ripeness are endogenous to each other, then it becomes difficult to assess the effects of mediation on conflict outcomes independent of the level of ripeness that existed prior to mediation onset.

To reduce this confusion, it is useful to start with a firmer understanding about what is happening when conflict occurs and then to bring mediation into that story in such a way that the causal arrows are clear. This is increasingly done by starting with an understanding of conflict as bargaining failure and then explaining how mediation shapes the potential for bargaining to fail. Bargaining models of war have been used to show how uncertainty, audience costs for concessions, and commitment problems can lead to conflict bargaining failure. Seen from a rationalist perspective, mediation must alter one or more of these dynamics to affect the prospects for peace.

Recent studies have examined how third parties can ameliorate each type of bargaining failure. One such area of research comes from the literature on bias mentioned earlier, which explores whether third parties could help disputants resolve uncertainty by relaying information between disputants and/or by providing outside information. Kydd (2003, 2006) and Rauchhaus (2006) show formally that mediators can credibly convey some signals depending on their levels of partiality. Savun (2008) empirically shows that biased mediators tend to fare better in reducing uncertainty and facilitating an agreement in support of Kydd (2003).

If uncertainty causes there to be no settlements that both sides prefer to continued conflict, then another way that third parties can help resolve conflict is through manipulating the relative benefits of conflict and peace. That is, third parties can use inducements to incentivize the disputants to find more alternatives preferable to ongoing conflict. Favretto (2009) takes up this question by examining how a third party's proposal power and threat of intervention affect what bargain is struck. She finds that biased third parties can more credibly claim that they will intervene on the side of their protégé, thus convincing the other side that it would be better to settle than to continue in disagreement.

Mediation can additionally provide political cover when disputants face high domestic audience costs for unpopular, though potentially prudent, concessions. The need to "save face" can refer to similar situations in which a leader encounters costs from backing down and needs to concede without losing support at home. Within the bargaining framework, effective provision of political cover entails that leaders would face fewer costs

for conceding and would then be able to find more alternatives mutually preferable to conflict. Even though the potential to blame a third party for concessions is weaker for mediation than arbitration, mediators can additionally provide the needed domestic political cover through informing the domestic audiences about the merits of the concessions. By receiving inside information about a peace process, the third parties will be more informed than the domestic audiences and can signal to them—for example, by supporting a proposed peace plan—that any resulting concessions are in the interest of both parties. Beardsley and Lo (2014) have shown empirically that mediation can improve the ability for challengers to make minor concessions when doing so is likely to be politically costly.

In terms of assuaging commitment problems, third parties can help ameliorate postconflict vulnerabilities that intrastate conflict actors typically face by agreeing to monitor and enforce the implementation phase of agreements. Svensson (2007) finds that mediators can often prove essential to helping reduce the vulnerabilities that governments face in making concessions to rebel groups. Kydd (2006) examines when mediators can credibly convey information about whether each disputant plans on upholding a peace agreement. His work on mediation and mistrust, to some extent, bridges the divide between uncertainty and commitment-driven conflict, in that actors are uncertain whether a commitment problem holds. Kydd shows that a third party can convey information about the trustworthiness of each disputant to the other under some circumstances.

While the recent literature has identified how a mediator might attenuate bargaining problems, this does not mean that mediators are always effective in doing so. A number of studies have identified hindrances to third-party effectiveness. One concern is over whether mediators can be expected to perform the basic function of providing information and reducing uncertainty. Smith and Stam (2003) raise the concern of cheap talk, in which many mediators are so concerned with peace that they cannot credibly convey information that would be used to convince a belligerent to back down. More fundamentally, Fey and Ramsay (2010) argue that it is not likely that mediators will even have access to information that the disputants do not already have in the first place.

Beardsley (2011) has identified a trade-off between short- and long-term efficacy. The general logic of this trade-off is that mediation can positively influence the three bargaining barriers considered above in the short run while worsening them in the long run. In the short run, mediators can facilitate the ability for the combatants to recognize mutually preferable agreements, give political cover for concessions, provide incentives that expand the set of mutually preferable alternatives, and offer postconflict security guarantees. Relevant to the long run, the involvement of an intermediary

can introduce artificial incentives for peace that do not persist, interfere with the ability for the actors to fully understand each other, and enable the belligerents to stall in hopes of gaining bargaining advantage during the peace process. The inclusion of an external peacemaker is thus often a necessary ingredient for short-term progress, but intermediaries can also make future conflict more likely and more difficult to resolve. So, while disputants typically seek mediation as a means to reduce their immediate barriers to efficient bargaining, they do so at the risk of decreasing the durability of any peaceful arrangements that are reached.

Returning to the discussion of mediation styles, the dilemma is not simply a matter of whether mediation should be employed or not but also a matter of how much involvement third parties should have when they do mediate. Beardsley (2011) finds that third-party leverage exaggerates the trade-off between short- and long-term efficacy because intrusive involvement is best able to shape the short-term incentives for peace and least able to facilitate durable self-enforcing settlements. When intermediaries rely on carrots and sticks to bring about a peaceful outcome, they will tend to be especially successful in realizing short-term abatements of hostilities, but whatever peace results will be quite fragile. In the midst of substantial leverage, especially when the leverage is used to level the playing field and create an artificial stalemate, the disputants' level of satisfaction with their terms of peace will be even more prone to falter as third parties disengage themselves from the peace processes over time. In addition, heavy-handed third parties are more likely to interrupt the ability of the actors to learn from each other. Without leverage, third parties will be less able to help the disputants reach settlements in the short run, but when they do, the peace will be more likely to endure.

It is worth noting that the trade-off between the short-term and long-term effects of mediation provides an additional explanation for why the existing literature does not always agree on the efficacy of mediation. When success is defined with respect to short-run outcomes, mediation appears to perform rather well; when success connotes a more long-term effect, mediation appears to be of limited use.

#### KEY ISSUES FOR FUTURE RESEARCH

The above discussion indicates that the literature on mediation is growing and rich. It sets the stage for the positive accumulation of knowledge in future studies. In the remainder of this essay, we identify two research questions that merit specific attention in the future.

## INSINCERE NEGOTIATIONS

First, we need to understand when disputants are likely to engage in mediation in bad faith. Disputants may have incentives to bargain insincerely—that is, to bargain in order to gain power and then return to conflict, with no intention of settling. A limited amount of literature has examined these “devious” disputants. Richmond (1998) coined the term *devious disputants* to refer to those that undertake bargaining with their adversaries with no intention of striking a bargain. Richmond delineates a bundle of assets that often accompany instances of mediation that disputants may attempt to attain in spite of having no desire to settle. Mediation, aside from offering a chance at settling a dispute, allows disputants to regroup, reorganize, search out allies, gain recognition and legitimacy for their side, save face, and defer making costly concessions.

Understanding the dynamics that drive disputants to bargain in bad faith is crucial if the international community is to effectively utilize its limited conflict resolution resources. This area of research can be broken into three related efforts: the identification of devious disputants, the prediction of the likelihood that any particular disputant will use mediation for devious purposes, and the careful contemplation of how mediators can attempt to resolve conflicts while limiting the extent to which they can be taken advantage of by devious bargainers.

The systematic study of devious bargainers must begin with efforts to identify the pool of past bargainers who employed mediation in bad faith. This task is nontrivial because devious disputants have strong incentives to hide their intentions both during and after mediation episodes, and because failed mediation efforts may appear very similar to instances of mediation in which disputants employed nonserious bargaining. A careful study of past mediation efforts incorporating a close examination of actions made away from the bargaining table will likely have to commence before these actors can be studied in depth.

The second, and perhaps most difficult, research question to address regarding devious disputants is, what factors make disputants more likely to bargain in bad faith? Stated differently, are there observable characteristics of disputants, the disputes in which they are embroiled, their past conflict resolution history, or the third parties they are willing to utilize that are predictive of a disputant’s intention to bargain in bad faith? However, as mentioned earlier, identifying correlates of deviousness is likely to prove challenging, as disputants intending to bargain in bad faith must generate the outward appearance of desiring to settle their conflicts in order for their ruse to work.



One potentially fruitful avenue by which to explore this question is to focus on the factors that make stalling for time most attractive to disputants. What particular domestic political or military circumstances make stalling for time the most useful for disputants? Perhaps the need to shift attention to other policy problems, such as economic shocks or flare-ups within other conflictual relationships increases the utility of stalling. On the military side, the expectation of the completion of new technologies, such as nuclear weapons, or the ability to monitor enemy terrain may make devious bargaining an attractive option.

Finally, the theoretical literature needs to grapple with how, and indeed whether, to engage in conflict mediation in light of the potential for disputants to use it to further their efforts at coercive bargaining. Are there specific strategies or tactics that mediators can employ to limit the possibility of being used by one disputant to the other's detriment? Perhaps different mediation styles make the use of devious bargaining more or less tenable, or different mediator characteristics, such as bias? What steps can mediators take to differentiate periods of hard bargaining over high-stake issues from insincere bargaining aimed at stalling for time?

#### INTRASTATE MEDIATION

A second topic for future inquiry is to assess when theories of mediation can apply to all types of conflict, both interstate and intrastate, and when we need theories that can specifically explain interstate conflict or intrastate conflict. While most of the literature on mediation in general has focused on interstate conflict, recent studies have considered how mediation plays out specifically in civil wars (e.g., Gartner, 2011; Greig & Regan, 2008; Svensson, 2007, 2009). Melin and Svensson (2009) notably assess the differences between mediation in interstate and intrastate conflicts. The existing studies demonstrate the importance of having new data sets on mediation in intrastate conflicts, but more work remains to be done.

More work on mediation in intrastate conflict is warranted because most of the armed conflicts in the modern era have an intrastate component. The broader literatures on international peace and security are also increasingly geared toward violence within states, and it is important for the insights gleaned from those general literatures to be incorporated into our understanding of mediation. At the same time, it is important to recognize that many conflicts do not fall into an easy classification of being either interstate or intrastate. Many conflicts include elements of both. For example, the recent wars in both Iraq and Afghanistan began as interstate conflicts and then became civil wars with foreign involvement. We also need to understand how the efficacy of mediation can be optimized in such contexts.

The most important need in addressing this research agenda is for better theory that incorporates the state of the art of understanding from the broader literatures on the onset and termination of intrastate armed conflict. While the studies discussed earlier which consider mediation in a rational bargaining framework have contributed to our understanding, there may be a limitation since the bargaining framework has mostly been developed in the context of interstate conflict. Although much can be learned from our current understanding of interstate conflict, scholars trying to understand mediation in intrastate conflicts would also do well to draw more from other literature, such as those on domestic political institutions, ethnic politics, rebel recruitment, and protest movements. In doing so, we can learn more about how mediation might take on unique roles in conflicts with intrastate dimensions.

In terms of testing the novel expectations that will arise from this agenda, new data sets such as the Mediating Intrastate Crises (Quinn, Wilkenfeld, Eralp, Asal, & McLauchlin, 2013), Civil War Mediation (DeRouen, Bercovitch, & Pospieszna, 2011), Managing Intrastate Low-Intensity Conflict (Melander, Möller, & Öberg, 2009), and Diplomatic Interventions and Civil Wars (Regan, Frank, & Aydin, 2009) projects have improved on the crucial ability to test hypotheses about mediation in conflicts with intrastate components. What is missing from these new data sets, however, is the ability to directly compare how mediation fares in interstate, intrastate, and mixed conflicts. While some studies such as Melin and Svensson (2009) have used separate interstate and intrastate data to make such comparisons, unless we have common data sets with both interstate and intrastate events, questions will always remain about whether any observed differences are the result of differences in the actual true relationships or in the techniques used to collect the data. Ideally, we would have information on mediation events in all types of armed conflicts, such as those in the UCDP (Uppsala Conflict Data Program) armed conflict data. Such a data set could then help us understand how mediation in conflicts with intrastate components differs from those without them.

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