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Negotiation or Mediation?

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Negotiation or Mediation?: An Exploration of Factors Affecting the Choice of Conflict Management in International Conflict

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The conditions under which negotiation or mediation are chosen in international conflict have been little studied. Previous research has tended to focus on the motivations and rational calculations of the states involved. Scant attention has been given to examining the effect of the context on this choice. In this article, we present a framework for studying the contextual conditions under which negotiation or mediation is likely to take place. Employing an original data set, we find that negotiation tends to be used when conflicts are relatively simple, of a low intensity, and when both parties are relatively equal in power. Mediation, on the other hand, tends to be used in disputes characterized by high complexity, high intensity, long duration, unequal and fractionated parties, and where the willingness of the parties to settle peacefully is in doubt.

Wherever conflict occurs, the potential exists for violence or other harmful consequences. In the international arena, in the absence of any generally accepted "rules of the game," conflicts can easily escalate into highly destructive and destabilizing wars.

The course of a conflict depends on how the parties manage their disagreements. Typically, international actors deal with conflict by taking one or more of three possible actions: unilateral, bilateral, or third-party interventions (Bercovitch and Houston 1996: 11). The unilateral mode may involve an attempt to win over the opponent through violent struggle, or it may involve withdrawal or avoidance. The bilateral mode implies some form of bargaining and compromise (i.e., negotiation). The third-party mode means the intervention of a party not directly involved in the conflict (i.e., adjudication or mediation). In this essay, we shall examine the conditions which influence the choice of negotiation or mediation as the preferred way of dealing with an international conflict.

A significant amount of research on conflict has centered on the processes of international negotiation and mediation and the general effectiveness of those processes. The question of how negotiation or mediation begins, why parties choose one method or the other, has been relatively ignored. While institutionalized mechanisms exist for dealing with some types of conflict, giving specifications about the process and how to initiate it (e.g., arbitration for labor-management disputes), conflicts in the international arena generally lack such procedural guidelines. Very often, states apply conflict management procedures on an ad hoc basis only, choosing (implicitly or explicitly) from a broad range of techniques, including among others negotiation, mediation, arbitration, inquiry, conciliation, or referral to international organizations. The study presented here focuses on the conditions for negotiation and mediation. It is part of a broader effort to place international conflict management within an empirical context, and to analyze the conditions under which parties will enter negotiation or mediation. This essay is divided in three sections: the development of a theoretical understanding of negotiation and mediation; presentation of a study of contextual conditions that may affect their acceptance; and, utilizing an original data set, an exploration of some of our theoretical propositions.

Characteristics of Negotiation and Mediation

Negotiation and mediation are the primary noncoercive methods by which actors in conflict settle their disputes. This holds true for all levels of conflict, from the individual to the international. This should not be surprising, since joint, voluntary decision making obviously has greater advantages and fewer risks for all parties than unilateral methods or binding third-party methods such as adjudication (Pruitt and Carnevale 1993: 2-6). In the international arena, negotiation and mediation are as common as conflict itself. They have been since relations between states began.

We define negotiation as a process by which states and other actors communicate and exchange proposals in an attempt to agree about the dimensions of conflict termination and their future relationship (Bercovitch and Jackson 1997: 25-26). Mediation in many ways is an extension of negotiations where the parties to a dispute seek the assistance of, or accept an offer of help, from a party not directly involved in the conflict, to resolve their differences without invoking the authority of the law. The key differences between the two methods relate to the additional resources and expanded relationships and communication possibilities that a mediator brings to the conflict management. The transformation of a dyadic negotiation system into a triadic, mediated-negotiation system (Wall 1981) results in numerous possibilities for mediators to influence the relationship with, and between, the parties.

Negotiation and mediation are neither uniform processes nor are they discrete activities. Each involves a continuous set of related processes involving actors, decisions, resources, and situations. Both though are highly flexible forms of voluntary, nonbinding decision making. Negotiation and mediation encompass a wide spectrum of behaviors that range from formal discussions in a multilateral forum like the United Nations, to informal conversations at an embassy cocktail party. Depending on the wishes of the disputing parties, negotiation or mediation can be conducted formally or informally, in secret or in the open, by heads of state or by low-level officials, with closed or open-ended agendas. International negotiation and mediation can also involve a diverse set of international actors, from states to international or regional organizations and a whole host of non-state actors (e.g., ethnic communities, multilateral corporations, etc.).

Negotiation and mediation emerge from specific situations. Certain preconditions must exist for conflict management even to be contemplated, and these preconditions often form part of the context of negotiation and mediation. For negotiation, the pre-conditions are:

> (1) a low or decreasing probability of attaining conflict goals through violent struggle, withdrawal, or avoidance;
> (2) a decreasing value of the conflict goals, relative to the direct costs of pursuing those goals and relative to other goals;
> (3) a set of common or compatible interests between the parties, or at least the possibility of a settlement offering mutual advantages over continued conflict; and
> (4) the flexibility by each leadership to consider negotiation (Stephens 1988: 57).

Since we conceive of mediation as a form of assisted negotiation, the preconditions for negotiation also hold for mediation. This raises the question of why international actors would ever contemplate mediation. That is, if the parties are sufficiently motivated to cooperate and see mutual advantages in a peaceful settlement, then logically they should be able to negotiate directly and resolve their disputes without outside intervention (Rubin 1992:

252; Stephens 1988: 56).

For this reason, additional conditions are thought to be necessary for mediation to occur. First, mediation is likely to be used when a dispute is long, drawn out or complex (Bercovitch 1992: 8). Second, mediation often comes into play when the parties' own conflict management efforts have reached an impasse (Bercovitch 1992: 8; Kleiboer and t'Hart 1995: 310), or antagonism prevents conflict management from even getting under way (Stephens 1988: 57). Third, a mediator must be available and willing to intervene (Gulliver 1979), and there must exist some opportunity for the mediator to intervene (Rubin 1992: 252). If the parties wish to avoid any outside intervention, then mediation will not take place. Lastly, mediation is likely to be used when the parties calculate that it will help them reach a better settlement than they can achieve on their own, that the mediator will provide them with a face-saving way out of the conflict or a means of influencing their opponent, or when rejecting mediation will result in greater harm than accepting it (Bercovitch 1992: 9; Kleiboer 1996: 380; Zartman and Touval 1996: 450).

Alas, states, often mired in long, drawn-out, and complex conflicts, sometimes do resist mediation attempts. At other times, mediation occurs without any direct negotiation between the parties. Furthermore, although the international system provides numerous potential mediators, many disputes remain unmediated. Some conflicts experience no discernible conflict management at all. It is not yet clear why negotiation takes place under certain conditions as opposed to mediation, and vice-versa. Why are some conflicts only mediated? Why do others resist mediation? Nor is it yet clear which factors determine the choice of mediation or negotiation. While international actors employ some kind of cost-benefit analysis during a procedural choice, it remains unclear what effect this has on its acceptance. We suggest that, by examining the actual conditions and the context under which negotiation and mediation take place, important clues can be found as to why negotiation or mediation takes place in some situations but not in others.

We believe that this is an important area of study for two reasons. First, systematic knowledge about conflict management requires an explanation of how disputants come to employ one conflict management technique over another. Is it a rational choice? If so, what calculations affect the party's choices, and how do parties coordinate their choices with those of their opponent? Or is it simply an implicit choice? Do parties sometimes find their decisions so heavily constrained that there seems to be "only one option"? In institutional settings that structure interaction through rules, norms, and standard operating procedures, it is relatively easy to explain why conflicts are managed in certain ways. It is far less certain to do so in the anarchic environment of international relations.

Second, improving the effectiveness of conflict management techniques requires knowing when either mediation or negotiation is likely to be accepted by the parties. There is little point in improving the efficacy of mediation or negotiation if we cannot be sure that the disputants will accept it in the first instance. Knowing something about the kinds of conflicts where either method will be accepted will enable us to tailor strategies to specific conflicts.

Studying the Choice of Negotiation or Mediation

The vast majority of studies on strategic choice in conflict management have concentrated in the area of interpersonal conflict. They aim to discover the conditions that determine how

individuals choose among a series of four basic strategies for coping with conflict: contending, avoiding, problem solving, and yielding (see Rubin, Pruitt, and Kim 1994).

Two key theoretical notions about the conditions that affect choice among these strategies dominate the literature. The first is summarized in the "Dual Concern Model" originally developed as a theory of individual differences in conflict style (Blake and Mouton 1964; Rahim 1983; Thomas 1976). This model implies that a person's choice of strategy, or conflict style, is determined by the strength of two independent variables — concern about one's own outcomes, and concern about the opponent's outcomes. Other labels are sometimes given to the dimensions in this model. Concern about one's own outcomes, for example, is sometimes called assertiveness, and concern for the opponent's outcomes is called empathy. High concern for both one's own and opponent's outcomes will encourage problem solving. Avoidance and inaction are encouraged by weak concern for both outcomes. Research using this model examines the effect of personal and structural variables on conflict styles, as well as the determinants of concern for one's own outcomes and concern for the opponent's outcomes.

Another important area of research into strategic choice comes from the procedural justice arena (Thibaut and Walker 1975 and 1978; Heuer and Penrod 1986; and Pruitt and Carnevale 1993). This research examines disputant preferences for resolving disputes in legal settings. In particular, it focuses on the degree of process and decision control afforded to the parties by different methods, such as autocratic, arbitration, moot, mediation, and bargaining. Process control refers to control over the nature of interaction during conflict management, whereas decision control refers to the power to prescribe and enforce an outcome (LaTour et al. 1972). In general, research in procedural justice found that disputants prefer arbitration, as it provides the optimal distribution of process and decision control between disputants and decision makers. Interestingly, studies in this area showed that "social and environmental constraints can strongly affect the desirability of different modes of conflict resolution" (La Tour et al. 1972: 351). Another study by Rubin (1980) found that when a conflict is of low intensity, or focused on relatively narrow issues, disputants prefer to settle their differences through negotiations without the intrusion of a third party.

At the level of international relations, the question of procedural choice in conflict management has been all but ignored. Early studies gave an indication of the extent to which states employed different methods of conflict management. Holsti (1966) focused on 77 international conflicts between 1919 and 1965. There were 131 conflict management attempts over the 77 disputes, of which 47 (35.8 percent) were negotiation; 9 (6.8 percent) were mediation; 11 (8.3 percent) were arbitration; 48 (36.6 percent) were referrals to an international organisation; and 16 (12.2 percent) were multilateral conferences.

Northedge and Donelan (1971) adopted an approach similar to Holsti in their study of 50 major international disputes between 1945 and 1970. Examining their data, one finds that mediation was accepted and employed in 31 (62 percent) of the disputes. Judicial methods were employed in only 12 (24 percent) of the disputes, while United Nations intervention occurred in 42 (84 percent) of the disputes. Northedge and Donelan (1971: 295), citing methodological difficulties, were unable to determine the extent of the use of negotiation, but it was thought to be the most commonly used method of conflict management.

From this beginning, comparative studies on forms of conflict management began to focus on aspects of third-party intervention. Butterworth's (1976) seminal work offered a detailed

account of institutional intervention in international disputes, and noted that of 310 disputes between 1945 and 1974, a third party was involved in 255 (82 percent) of the cases. Zacher (1979), for his part, concentrated on the involvement of regional organizations in international disputes. He found that such organizations were involved in 40 (34.5 percent) out of a total of 116 disputes between 1945 and 1977. While these studies provide a snapshot of the frequency with which states tend to use certain methods of conflict management to resolve their disputes, no attempt has yet been made to determine what factors influence the choice of method, or why states might accept negotiation in one dispute and mediation in another.

A number of studies have addressed the question from a prescriptive viewpoint. States are encouraged to adopt specific conflict management strategies under a set of predetermined conditions (see Bartos 1995; Brams 1975; Rapoport 1960; Schelling 1960; Siebe 1991; Young 1975). Other studies, mainly in the area of third-party intervention, have tried to describe in theoretical terms the conditions under which mediation is accepted. Touval and Zartman (1989), for example, argue that once the parties have reached a "hurting stalemate," they are apt to call for mediation. Neither the prescriptive nor the descriptive approaches have thus far been systematically analyzed using real cases of international conflict management. We simply do not know when negotiation or mediation will be accepted, nor when either might be effective.

There are relatively few formal attempts to present a procedural choice model in international conflict management. In a study of third-party techniques, Dixon (1996) draws an implicit model of mediation acceptance. He suggests that mediation acceptance is a function of:

> (1) the proclivities and capabilities of managing agents;
> (2) the predisposition of the parties to accept management offers; and
> (3) the opportunities and constraints arising from the systemic context or specific conflict situation (Dixon 1996: 678).

A more comprehensive and systematized framework of acceptance of mediation comes from Stephens (1988). He identifies a series of background, conflict, and mediator characteristics which interact independently to influence the probability that a party will accept a particular mediation initiative. Neither of these frameworks has been used in a systematic study of international mediation.

Disputing parties choose negotiation or mediation (or, indeed, any other method) because of their levels of concern for their own and their opponent's outcomes — the Dual Concern Model. At the level of international politics, this is expressed in terms of competitive versus cooperative orientations (Fisher 1990: 187). Second, parties will choose a strategy if it is feasible and will in all likelihood allow them to realize their conflict goals — the Perceived Feasibility Model. International actors thus undertake a cost-benefit analysis of the viability of negotiations, unilateral actions, or mediation. Third, situational or contextual factors determine the choice and acceptability of a given conflict management strategy. In the following section, we propose to examine this argument by developing a framework that highlights the context-process interface.
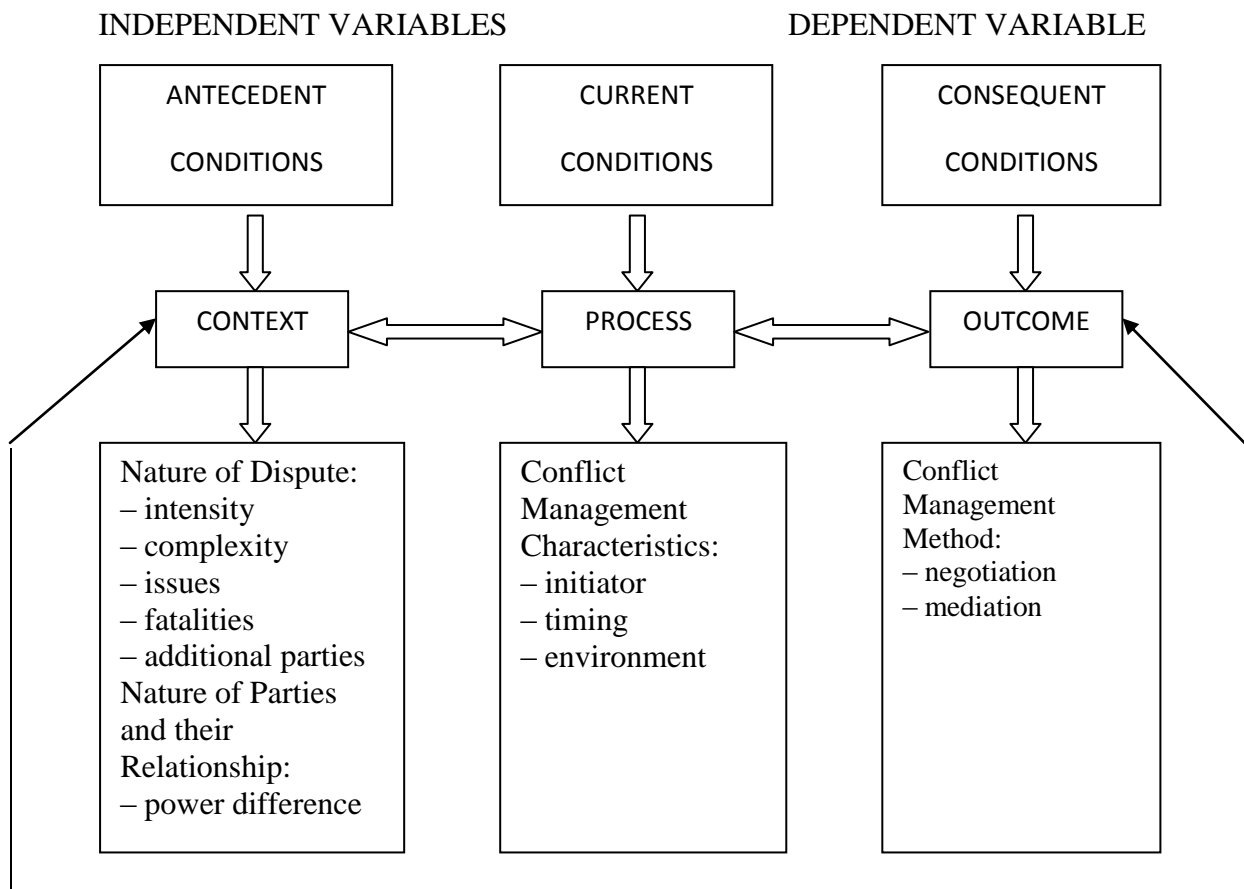
A New Approach to Negotiation and Mediation?

The methodological approach employed in this study is similar to that used in other quantitative studies of international negotiation (Druckman 1997; Druckman et al. 1999) and mediation (Bercovitch et al. 1991; Dixon 1996; Fisher 1995; Raymond and Kegley 1985; Wall 1981). It has its origins in the pioneering model developed by Sawyer and Guetzkow (1965), and subsequently elaborated by Druckman (1973 and 1997). Originally drawing on research in social psychology, these authors developed an elaborate framework that distinguishes among antecedent factors (issues and background factors), concurrent factors (processes and conditions), and consequences (outcomes). Termed the Contingency Framework, the approach is predicated on the notion that conflict management is a social process whose acceptance and outcomes are dependent upon, or contingent on, aspects of the structure and process of the conflict. That is, outcomes are determined by the interaction of certain input variables mediated through the structure and actual situation of the conflict management (Bercovitch 1984: 140).

The Sawyer and Guetzkow framework has been used in a variety of ways: for example, to organize reviews of research literature (Druckman 1973; Wall 1981); to structure analyses of cases (Ramberg 1978); to guide the design of experimental simulations (Bonham 1971; Druckman 1993a); and to provide dimensions for diagnosing negotiating flexibility (Druckman 1993b). This framework offers the advantage of enabling researchers to focus on a single case of conflict management or study a large number of cases, and it is applicable across contexts. Here we use the framework to study the conditions under which negotiation or mediation will take place in international relations.

Shown schematically in Figure One, the Sawyer and Guetzkow-inspired contingency approach suggests first, that conflict management takes place in three time dimensions: antecedent, or the past; concurrent, or the present; and consequent, or the future. The antecedent dimension refers to all those inputs and variables which exist prior to engaging in a particular conflict management activity. The concurrent dimension, on the other hand, describes a range of factors which characterize the conditions and process of a particular situation, while the consequent dimension draws attention to the outcome of the conflict management.

Figure One
Contingency Framework of International Negotiation

INDEPENDENT VARIABLES · · · · · · · · · · DEPENDENT VARIABLE

ANTECEDENT CONDITIONS	CURRENT CONDITIONS	CONSEQUENT CONDITIONS

CONTEXT ⟷ PROCESS ⟷ OUTCOME

Nature of Dispute:	Conflict Management Characteristics:	Conflict Management Method:
– intensity – complexity – issues – fatalities – additional parties Nature of Parties and their Relationship: – power difference	– initiator – timing – environment	– negotiation – mediation

Source: adapted from Sawyer and Guetzkow 1965

The Contingency Model stipulates three clusters of variables with specific operational criteria, each of which may have an impact on the process and outcome of the conflict management. The first cluster, *contextual variables*, refers to the nature of the dispute, the nature of the parties involved, and their relationship. We wish to know about such factors as the type and complexity of the issues in dispute, the intensity of the conflict, the relative power of the parties, and the presence of additional parties. The process variables cluster refers to activities that take place during the conflict management itself, such as timing, the environment or the initiator of negotiation or mediation. The model assumes, for example, that the timing of conflict management (e.g., early in the conflict before positions have hardened or late in the conflict when a "hurting stalemate" has set in) will affect the parties' choice of conflict management strategy. In the final cluster are outcome variables, which refer to the conditions under which negotiation and mediation are accepted, chosen and employed (we do not analyze their effectiveness here; only the conditions under which these are chosen).

The Contingency Model is a descriptive-analytical approach. It relies on quantitative methods which stipulate variables, attributes, and relationships in the search for factors which shed light on negotiation and mediation acceptance. By coding a large number of cases in terms of a common framework, we create sufficient "replications" for a statistical analysis. Further, by

coding the variables in terms of the processes identified by the framework, we are able to explore relationships among those variables in a manner similar to experimental analysis (Druckman et al. 1999: 105). Like other analytical approaches, the contingency approach proceeds along the following steps:

(1) conceptualizing the problem;
(2) developing a data set;
(3) testing relationships between aspects of the data; and
(4) confirming or modifying the initial conceptualization.

Even though this study is exploratory in nature, these steps guide the research design and interpretation. The contingency approach, therefore, is an organizing framework rather than a theory of conflict management, although it does facilitate theory development (Bercovitch and Langley 1993: 673).

Data and Method

In order to examine the conditions under which negotiation or mediation are chosen in international conflict, it was necessary to obtain information on their incidence. A data set describing the occurrence and patterns of international disputes for the period 1945 to 1995 was created. For empirical reasons, conflicts were included in the data if they conformed to the following criteria:

(1) they involved two states (one of the states may have been involved indirectly through the experience of a civil conflict; and
(2) they were characterized by a significant use of force (e.g., ranging from open warfare to military buildups and threats) regardless of the actual number of fatalities.

The data set, therefore, includes interstate wars, internationalized civil wars, and militarized disputes (see Bercovitch and Jackson 1997). In total, 295 international disputes were identified as having taken place in the 1945-1955 period.

The primary events data sources used to scan the period were the *New York Times, Keesings Archives* (latterly *Keesings Record of World Events*), *The Times* (London), *Reuters Online News Service*, and a range of books and articles describing specific cases (Brecher, Wilkenfeld, and Moser 1988; Brogan 1992; Butterworth 1976; Day 1987; Tillema 1991). Data on conflicts and state characteristics was taken from a variety of authoritative sources, such as the *Stateman's Year-book* (various editions), *Freedom in the World, World Military and Social Expenditures* (various years), various United Nations publications, and numerous other sources summarizing state and world-level quantitative data (see Cook and Paxton 1979; Sherman 1987). Each of 295 international disputes was thus coded in terms of many independent variables describing features of the conflict, issues and parties involved, and nature and outcome of conflict management.

Seventy-five of the 295 disputes experienced no formal conflict management efforts at all (e.g., China-Vietnam 1983; Thailand-Kampuchea 1976). Forty-nine of the disputes experienced negotiation only (e.g., Zaire-Zambia 1982, Guinea-Bissaw-Senegal 1990). Fifty disputes experienced mediation only (e.g., Mali-Burkina Fasso 1986, Nicaragua-Costa Rica, 1985). And 121 disputes experienced episodes of negotiation as well as mediation (e.g., U.S.-Dominican Republic 1965, Libya-Chad 1982 to 1995).

In those disputes where negotiations and/or mediation did take place, it is important to realize that there was more than one attempt per dispute. In some disputes, negotiation and/or mediation were tried many times (there were, for instance, 190 different mediation attempts in the Yugoslav dispute). We have identified a total of 1,154 formal negotiation efforts, and 1,858 formal mediation efforts in these disputes. These cases form our units of analysis, and each was coded in terms of all the independent variables in our framework.

Empirical Results

It has been noted that the outbreak of violent conflict in international politics is usually associated with the breaking off of diplomatic relations (Frankel 1969: 146). Negotiation functions best under conditions of "normal diplomacy," and not the "one-off" situation of armed conflict (Princen 1992: 7-8). In this sense, mediation can serve as a regime surrogate because, in disputes involving armed conflict, institutionalization is impractical. Normal diplomatic negotiations are also impeded by hostility, which is generally higher in international politics, especially when force has been used (Rubin, Pruitt, and Kim 1994: 203-204; Keashly and Fisher 1996: 244-245). In cases of civil or intra-state conflict, bilateral negotiations are often impossible, because a government does not wish to be seen to negotiate with insurgents, lest the latter gain some legitimacy from it (Mitchell 1991: 277).

For these reasons, we suggest that intense antagonism prevents direct negotiations and makes mediation more likely (Stephens 1988: 57). As the general distribution of negotiation and mediation reported above reveals, this is indeed the case. In intense international disputes, mediation is far more likely to be chosen than negotiation.

However, we wish to go beyond the general finding of the distribution of cases and examine the specific conditions under which negotiation or mediation are chosen. Using variables identified in the contingency framework, we cross-tabulated a large number of contextual and process variables with negotiation and mediation acceptance. In the following sections we report on those variables which had a significant impact on the distribution of negotiation and mediation cases.

Issues

The effect of the issues in dispute on the utilization of conflict management procedures relates to their substance, number, and complexity. It is an often articulated proposition in conflict research that tangible issues (e.g., concrete, measureable issues such as money, resources, territory) are more amenable to successful conflict management than intangible issues involving beliefs, principles, ideologies, legitimacy, and images (Bercovitch 1984; Bercovitch and Langley 1993; Ott 1972; Lall 1966; Klieboer 1996; Kressel and Pruitt 1989). Numerous studies have confirmed that intangible issues are the most difficult to resolve and depress success rates (Bingham 1986; Hiltrop 1989; Kressel and Pruitt 1989; Pruitt et al. 1989). Complex intangible issues create difficulties between the parties, difficulties which may be overcome only by a skilled mediator.

It is also argued that the greater the number and complexity of issues, the less likely they are to be peacefully resolved (Bercovitch and Langley 1993; Kolb 1983; Moore 1986). On the other hand, it has also been suggested that greater issue complexity creates opportunities for tradeoffs, sequencing, and packaging, thus enhancing the chances of success (Lax and

Sebenius 1986; Raiffa 1982; Bercovitch and Langley 1993). We maintain that the former proposition is more indicative of what happens in international conflict, and that when the issues are numerous and complex, states will choose or accept mediation rather than try and engage in potentially fruitless negotiations.

Examining the data, Table One shows the relationship between the choice of negotiation or mediation and the nature of the issues; namely, whether they are tangible or intangible issues. The data reveals that, when parties are contesting relatively straightforward tangible issues (e.g., terms of independence for former colonies, access to or control over resources), negotiation is the primary procedural choice. Intangible issues involving ideology, security, or ethnic identities, on the other hand, is less likely to be effectively dealt with by bilateral negotiations. When such intangible issues are at the heart of a dispute, mediation is the preferred method of conflict management in more than 72 percent of the cases.

Table One
Type of Issue and Procedural Choice

Conflict Management Procedure		Issue Type Tangible	Intangible	Totals
Mediation	Count	552	1306	1858
	% within mediation	29.7%	70.3%	100.0%
	% within issue type	45.4%	72.8%	61.7%
Negotiation	Count	665	489	1154
	% within negotiation	57.6%	42.4%	100.0%
	% within issue type	54.6%	27.2%	38.3%
Total	Count	1217	1795	3012
	% within procedure	40.4%	59.6%	100.0%
	% within issue type	100.0%	100.0%	100.0%

$X2 = 230.392$ df $= 1$ p$< .000$

Nature of the Dispute

One of the most important factors determining the choice of a conflict management procedure is the level of conflict intensity. When disputants can sort out their differences bilaterally, without interference from outside parties, they normally will. However, when the level of hostility between the parties is so high that they cannot negotiate face-to-face, mediation becomes necessary. Numerous studies have shown that when a conflict is not too intense, disputants will prefer to resolve their conflict without third-party assistance (Johnson and Tullar 1972; Bigoness 1976; Johnson and Pruitt 1972; Hiltrop and Rubin 1982). In other words, "when a conflict is of low intensity or is narrow in scope, the parties feel they can manage nicely by themselves and do not seek assistance from a mediator" (Wall and Lynn 1993: 164; see also Heuer and Penrod 1986: 701; and Rubin 1980). In fact, in such

circumstances many parties perceive third-party intervention as an unwanted intrusion (Rubin, Pruitt and Kim 1994: 214).

In our empirical study, we examined conflict intensity using the number of fatalities in a conflict, and the relationship between conflict management and the number of fatalities is shown in Table Two. The data supports the notion that, in conflicts that are not too intense, parties prefer to resolve their differences through negotiation. For example, when a conflict has fewer than 500 fatalities, negotiation is the preferred conflict management method is nearly 55 percent of the cases. At the other end of the spectrum, when conflicts experience more than 10,000 fatalities, mediation is the chosen method in 69.9 percent of the cases. High levels of fatalities are indicative of high levels of hostility. In such cases, a mediator may have to shuttle between the parties as a go-between or communicator to achieve any amelioration in the conflict.

Table Two
Fatalities and Procedural Choice

Conflict Management Procedure		0-500	501-1000	Fatalities 1001-5000	5001-10000	10000+	Total
Mediation	Count	251	65	180	95	1259	1850*
	% within mediation	13.6%	3.5%	9.7%	5.1%	68.1%	100.0%
	% within fatalities	45.2%	48.9%	50.0%	61.3%	69.9%	61.6%
Negotiation	Count	304	68	180	60	541	1153*
	% within negot.	26.4%	5.9%	15.6%	5.2%	46.9%	100.0%
	% within fatalities	54.8%	51.1%	50.0%	38.7%	30.1%	38.4%
Total	Count	555	133	360	155	1800	3003
	% within procedure	18.5%	4.4%	12.0%	5.2%	59.9%	100.0%
	% within fatalities	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

$X2 = 145.498$ df $= 4$ p$< .000$

* Total number of mediation and negotiation attempts does not add up to 1858 and 1154 respectively as fatalities were unknown in one dispute.

Nature of the Parties

There is some suggestion in the literature that the choice of a strategy is affected by the nature and identity of parties. It is generally agreed that, when parties to a conflict are different in terms of their identity and power capabilities, direct negotiations may not be possible (Bercovitch and Houston 1996; Kleiboer 1996; Pruitt and Carnevale 1993). More specifically, when parties to a conflict do not share either the same political system or the same set of cultural norms and values, negotiation becomes very difficult indeed. This is

because "shared norms and sociopolitical similarity minimize misperception and facilitate a successful conclusion to the conflict" (Bercovitch and Houston 1996: 21).

Similarly, many analysts argue that successful conflict management requires a (rough) power parity between the parties, because disparity will dispose the stronger party to reject negotiation in the first place, or at least resist a compromise (Young 1967; Zartman 1981; Kriesberg 1982; Touval 1982; Kleiboer 1996). On the other hand, others argue that power parity endangers successful conflict management because it stimulates competition and attempts to upset the power balance (Organski 1960; Wright 1965; Kleiboer 1996).

The empirical analysis indicates that power disparity between the disputants (the power of each state was examined in terms of its gross national product (GNP), GNP per capita, military spending, territory, and population) does have an important bearing on the choice of conflict management strategy. Large differences in power capabilities impede negotiations. Table Three explores the relationship between the relative capabilities of the parties and their choice of a conflict management procedure.

The data supports the notion that, as the power disparity between the disputants rises, mediation will be the preferred conflict management mode. When the power disparity is at its highest level, mediation was the preferred conflict management method in more than 60 percent of the cases as compared with only 39 percent preference for negotiation.

Table Three
Power Disparity and Procedural Choice

Conflict Management Procedure		Power Disparity			
		Low	Medium	High	Totals
Mediation	Count	596	675	523	1794*
	% within mediation	33.2%	37.6%	29.2%	100.0%
	% within power disp.	57.5%	66.4%	60.8%	61.7%
Negotiation	Count	441	342	337	1120*
	% within negotiation	39.4%	30.5%	30.1%	100.0%
	% within power disp.	42.5%	33.6%	39.2%	38.3%
Total	Count	1037	1017	860	2914
	% within procedure	35.6%	34.9%	29.5%	100.0%
	% within power disp.	100.0%	100.0%	100.0%	100.0%

$X2 = 17.471$ df = 2 p< .000

* Total number of mediation and negotiation attempts does not add up to 1858 and 1154 respectively, as some disputes involved a non-state actor (no power profile can be ascertained for a non-state actor).

Related to the cultural norms and values of a party is the degree of cultural fragmentation, or homogeneity. It has been claimed that the greater the degree of fractionation within a state,

the greater the chances of conflict management failure (Bercovitch and Houston 1996; Kleiboer 1996). This is because representatives (e.g., negotiators) find it difficult to make concessions without losing face vis-à-vis different constituencies, and greater levels of intra-party bargaining are required first. We want to suggest, therefore, that conflicts characterized by divergent cultural norms and values, socio-political dissimilarities, and high fractionation are more likely to be characterized by the use of mediation.

Table Four explores the relationship between the acceptance of negotiation or mediation and party fractionation. The data reveals that, when one or both of the disputing parties is highly fragmented, mediation is the preferred mode of conflict management. For example, when both parties are fragmented, mediation is the accepted procedural choice in 70.8 percent of the cases. A skilled mediator can help the parties save face with their constituencies, facilitate communication, and aid with intra-party negotiations.

Table Four
Party Fractionation and Procedural Choice

Conflict Management Procedure		Party Fractionation			
		Low	Medium	High	Totals
Mediation	Count	714	663	481	1858
	% within mediation	38.4%	335.7%	25.9%	100.0%
	% within fractionation	55.1%	64.0%	70.8%	61.7%
Negotiation	Count	583	373	198	1154
	% within negotiation	50.5%	32.3%	17.2%	100.0%
	% within fractionation	44.9%	36.0%	29.2%	38.3%
Total	Count	1297	1036	679	3012
	% within procedure	43.1%	34.4%	22.5%	100.0%
	% within fractionation	100.0%	100.0%	100.0%	100.0%

$X2 = 50.576$ df $= 2$ p$< .000$

Conclusion

Procedural choice in conflict management is not simply a matter of the relative perceived or actual merits of one method over another. Disputants choose a method of conflict management using a calculus that takes into account their concern for their own and their opponent's outcomes, the feasibility, costs, and benefits associated with different methods, as well as the nature of the conflict and its situational context. Understanding the parties' preference for dealing with their conflicts must include knowledge of the context in which their conflict takes place.

Our study has examined some of the most important contextual factors that influence whether states will choose negotiation or mediation. We have investigated these factors in an empirical manner, and found that a number of key factors related to the issues in conflict, the nature of the dispute, and the nature of the parties impact on the choice of negotiation or

mediation. As such, we have confirmed the oft-repeated (but until now, unverified) notion that mediation will be chosen and employed by states when the conflict is long, drawn out, intense, and complex, and the parties are willing to break their stalemate by cooperating with each other and engaging in some contact and communication (Bercovitch 1991: 17). When, on the other hand, the conflict structure is simpler and less intense, parties will most likely resolve it themselves through bilateral negotiations. In such circumstances, the parties may perceive third-party intervention as an unwanted intrusion and even resist it.

There is at least one caveat to this, however: the results of our study suggest that, even if the nature of the dispute is relatively straightforward, negotiation may be impeded by the parties themselves. If they are very different in terms of their capabilities, if one or both of them are fragmented, or if they lack the political will to initiate talks, for example, mediation may then have to be employed.

The problem of coping with, or managing, conflicts remains one of the most important challenges confronting all of us. Here we have tried to answer this problem by examining the circumstances under which international actors pursue the strategy of negotiation or mediation. Rather than offer a prescriptive template, and suggest that it can be applied to all conflicts, we have tried to examine — theoretically and empirically — the constraints and opportunities of reverting to negotiation or mediation to settle a conflict. We found that a number of contextual factors can affect this choice: moderate levels of conflict, a relatively simple issue structure, homogenous parties, and a willingness to reach a settlement predispose states to use negotiations. High levels of conflict, complex issue-structure, heterogeneous parties, and a low motivation to reach an agreement make mediation the more likely strategy. The temptation to suggest a single strategy for all conflicts should be resisted.

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