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Mediator Impartiality and Mediator Interest

Su-Mi Lee

University of Kentucky, sle223@uky.edu

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Su-Mi Lee, Student

Dr. Karen Mingst, Major Professor

Dr. Clayton Thyne, Director of Graduate Studies

MEDIATOR IMPARTIALITY AND MEDIATOR INTEREST

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DISSERTATION

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A dissertation submitted in partial fulfillment of the
requirements for the degree of Doctor of Philosophy in the
College of Arts and Sciences
at the University of Kentucky

By

Su-Mi Lee

Lexington, Kentucky

Director: Dr. Karen Mingst, Lockwood Professor of International Relations

Lexington, Kentucky

2013

ABSTRACT

MEDIATOR IMPARTIALITY AND MEDIATOR INTEREST

Scholars have debated whether mediator impartiality or mediator interest plays a more vital role in bringing about a successful outcome. This research develops a comprehensive model that accounts for mediation occurrence and medication outcome in terms of an additive model of both mediator impartiality and mediator interest. The two channels through which mediators influence the changes of mediation and occurrence and outcome are hypothesized to be two dimensions of trust, mediator fairness and mediator capacity. This research argues 1) that mediator impartiality contributes to successful mediation outcomes by improving disputants' trust in mediators' fairness and 2) that mediator interest increases the likelihood of successful mediation outcomes by improving disputants' trust in mediators' capacity. Therefore, this research hypothesizes that the levels of mediators' impartiality and mediators' interest do not have individual effects on mediation occurrence and outcome. It argues, rather, that the additive level of the two variables determines the likelihood of mediation occurrence and successful outcome. The hypotheses of this research are tested using quantitative analysis of 294 interstate mediation cases carried out by states between 1945 and 1999 and qualitative analyses of the Philippines' mediation of the Borneo dispute between Malaya and Indonesia in 1964 and Syria's mediation of the border dispute between North Yemen and South Yemen in 1979. Both sets of analyses support the researcher's claim that it is the additive level of impartiality and interest, rather than the individual level of both variables, that affects the chance of mediation success being achieved.

_____Su-Mi Lee_____
Student's Signature

_____December 19, 2013_____
Date

MEDIATOR IMPARTIALITY AND MEDIATOR INTEREST

By

Su-Mi Lee

_____Dr. Karen Mingst_____
Director of Dissertation

_____Dr. Clayton Thyne_____
Director of Graduate Studies

_____December 19, 2013_____

To My Parents, Hee-Won Lee and Sung-Ja Hong

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A wise person once said that it is not the destination but the journey that matters most. This wisdom is especially true for writing a dissertation. Rather than focusing on the moment when I finished my dissertation, it was the process of writing it that was more meaningful and enjoyable. This meaning and enjoyment did not come from isolating myself for ten hours each day, five days a week. Nor did it come from staying up late at night trying to figure out a way to rewrite portions of my chapters. Rather, it was throughout the entire process of writing my dissertation that I realized how many people around me care about me enough to help me achieve my goals. In helping me achieve my goals, these people have directly and indirectly contributed to this final product.

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PART ONE

THEORY

Chapter 1:   Introduction

In March 1975, Secretary of State Henry Kissinger attempted to mediate between Egypt

and Israel over issues stemming from the Yom Kippur War. Shuttling back and forth

between Egypt and Israel, Kissinger had marathon talks with negotiators from each side.

These mediation efforts appeared to be moving toward an agreement that would be

accepted by both sides. Both states seemed to have no objection to one of the major

components of the settlement that required committing themselves to the non-use of force

pledge and peaceful resolution (Rabin 1996, 253). Yet, the two states disagreed on a few

items including the depth of Israel's withdrawal, the regulation in the buffer zone

controlled by UN forces, the extent of Egypt's advance, the implementation of

nonbelligerency[1], and the duration of the agreement in force. Many proposals and

counterproposals between Egypt and Israel were exchanged and revised and eventually

Israel dropped its demand for nonbelligerency (Rabin 1996, 255). Kissinger continued to

shuttle between Egypt and Israel to help the two states reach an agreement but his

attempts did not produce fruitful results.

As Kissinger became increasingly frustrated, his gentle demeanor as a messenger

and facilitator disappeared and more of his forceful personality emerged. He implicitly

blamed the Israeli leaders for failing to reach a successful mediation outcome and warned

that the Arab states and the Soviets would demand reconvening the Geneva Conference

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[1] Termination of belligerency includes decreases in war propaganda and economic boycotts in addition to permission for Israeli merchandise to pass through the Suez Canal under foreign flags.

and that the United States might revisit its Middle Eastern policy (Rabin 1996, 255). As Kissinger was leaving the region, President Ford sent the Israeli leaders a letter that expressed his disappointment and informed them that the failed mediation attempt had prompted the United States to reassess its policy in the Middle Eastern region (Hopmann 1996). A few days later, President Ford's warning became realized and from March to September 1975, until the Sinai Interim agreement was signed, the United States refused to sign new arms deals with Israel (Rabin 1996, 261). In the eyes of the Israelis, this incident had sent a message to their enemies in the region that if the Israelis did not make a concession, the United States would not support them (Rabin 1996, 261). These circumstances forced Israel to make more concessions. In late August, Kissinger flew back to the Middle East to resume his shuttle missions. After a series of daylong meetings, he was able to complete a draft of the Israeli-Egyptian agreement and get Israel and Egypt to sign it in Geneva on September 4, 1975 (Rabin 1996, 272). This agreement, the Sinai Interim Agreement, led to the Camp David Accord in 1978 and ultimately the Egypt-Israel Peace Treaty in 1979.

Kissinger's success with the Sinai Interim Agreement is attributed to the interest that the United States had at stake in the region (Hopmann 1996). As President Ford wrote in his letter to the Israeli leaders, "Kissinger's mission…expresses vital United States interests in the region" (quoted in Rabin 1996, 256). Because the United States had vital interests in the Middle East, it was willing to use its leverage to reward or punish any cooperative or uncooperative behavior Israel and Egypt displayed toward forming the agreement. In fact, the United States blamed Israel for the failure of the mediation effort and discontinued military aid to Israel until Israel showed its willingness

to resume the negotiation (Hopmann 1996). The United States' willingness to use its

resources was recognized by Israel and Egypt, who began realizing they each might

benefit from reaching an agreement. After the 1979 Egypt-Israel Peace Treaty was

reached, both Israel and Egypt received military and economic aid from the United States

(Hopmann 1996).[2]

The United States certainly did not fit the typical profile of a successful mediator.

For one, the United States was not a figure who was viewed as impartial. Since the birth

of Israel in 1948, the United States has taken Israel's security as its major priority in

Middle East policy (U.S. Department of State Country Background Notes Archive 1991).

The strong ties between the two states were not concealed; in fact, they were palpable to

surrounding countries in the Middle Eastern region including Egypt. Yet, Egypt was

assured that because of the overwhelming level of interest the United States had in

achieving a peaceful resolution, Kissinger would bring to the negotiation the United

States' resources, which could be used to induce concessions from Israel and reward

Egypt for its concession. In this case, impartiality appeared to be irrelevant while the

level of interest the United States had in the Middle Eastern region contributed to a

successful mediation outcome.

However, in the case of Norway's mediation in Sri Lanka, impartiality proved to

be the vital factor that determined the success or failure of mediation. While serving as a

mediator from 1997 and 2009, Norway helped the Sri Lankan government and Tamil

Tiger rebels reach a truce in 2002. However, in January 2008, the truce was thrown out

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[2] After the Egypt-Israel Peace Treaty, there was a significant increase in United States military and economic aid to Egypt. As of 1989, the United States provided Egypt with $1.3 billion of military assistance and $815 million of economic assistance (U.S. Department of State Country Background Notes Archive 1990). After the peace treaty with Egypt, Israel also received $3 billion from the United States (Benhorin 2007).

by the Colombo government which accused the Tamil Tiger rebels of not complying with the cease-fire. As the severity of fighting between Sri Lanka and Tamil Tiger intensified, protesters in Oslo attacked and took over the Sri Lankan Embassy on April 12, 2009 (BBC News 2009). Colombo complained that Oslo failed to protect the Sri Lankan embassy in spite of multiple requests for protection (Radio France Internationale 2009). In addition, Sri Lanka had recently learned that Norway arranged for a conversation between the United Nations (UN) envoy and a Tamil Tiger representative (BBC News 2009). Sri Lanka questioned Norway's impartiality as a mediator and finally dropped the country as a mediator on April 13, 2009 (BBC News 2009).

The two mediation cases above describe different types of mediators who achieved different results. Kissinger's mediation succeeded in spite of U.S. partiality while Norway was dismissed as a mediator because of its partiality. In the former case, the level of the mediator's interest appeared to be the key to successful mediation; in the latter case, impartiality determined not only the mediation outcome but also whether mediation occurred in the first place. These differing outcomes raise the question regarding what types of mediators are likely to lead to a successful outcome. Specifically, when disputants are ready to settle their dispute with assistance from a third party, should they seek impartial mediators or interested mediators? If they could choose either impartial or interested mediators, how can impartial and interested mediators be equally successful? By examining how mediators' three relational characteristics, such as mediator trust, mediator impartiality, and mediator bias, contribute to the chances of successful mediation outcomes, this research aims to demonstrate that whether a mediator

is impartial or partial, whoever inspires trust in disputants is likely to bring about a successful outcome (Bercovitch 1996, 6).

1.1. Mediation as a Method for Resolving Disputes

Disputes between people, groups, communities, and states are bound to happen due to human aggression, conflicting goals, scarce resources, misunderstanding, and greed. Such disputes can escalate to wars. The very first war recorded took place between Sumer and Elam in 2700 B.C. in the Basra area. Ironically, in 1980, Iran and Iraq fought for the first time in the area around Basra where the Sumer-Elam war had taken place (Gabriel 2002, 49). The cause of the Iran-Iraq War in the 1980s may have been different from that of the Sumer-Elam War in 2700 B.C. Yet, both conflicts ultimately resulted in war, and in the case of the Iran-Iraq war, more than one million human lives were lost (Black 2010).

Thanks to various technological developments over the past 4600 years, the human life span has grown. Advances in medical science have led to the development of cures for illnesses that claimed countless lives over four thousand years ago. Advancements in architecture afford humans protection from severe weather. Lack of clean water and heat are no longer threats to human life in most areas of the world. In sum, humans have successfully protected themselves from most sources that were responsible for a shorter lifespan 4600 years ago. However, war continues to exist and contribute to the destruction of human life. To make matters worse, modern technology designed to massacre, destroy, and wage warfare has been continually improved and redesigned. If anything, war can potentially consume more lives at a much faster rate than what was possible in 2700 B.C.

While war will continue to be a potential avenue for resolving disputes, ways have developed to solve disputes without resort to use of coercive force; one way is avoidance, where disputants dodge the existence of the dispute, hoping that the dispute will be resolved on its own. A second way involves bringing the dispute before a higher authority (i.e., a boss or an elder in a community and a judicial or legal body). A third approach is negotiation between or among the disputing parties. Finally there is the alterative of mediation (Slaikeu 1995, Xii). While the first two means of dispute resolution lead to "win/lose or lose/lose" outcomes, the last two means, particularly mediation, are often considered as bringing about "win/win" outcomes because those means encourage the disputants to make a compromise rather than assign a loser or winner (Folberg and Taylor 1984, 10; Slaikeu 1995, Xii).

Mediation is "a process through which a third party assists two or more others in working out their own solution to a conflict" (Slaikeu 1995, Xiii). A third party mediator may be an individual, organization, or state and cannot be a direct party in the dispute (Bercovitch and Houston 1993; Carnevale 1986; Touval and Zartman 1989; Wall and Lynn 1993). The third party in mediation is expected to facilitate negotiation between disputants (Ury, Brett, and Goldberg 1988) and may use its resources to compensate or punish disputants (through nonviolent means) for their cooperative or uncooperative behavior.

Mediation usually takes place after disputants have exhausted all the possible avenues for resolving their dispute on their own. There are several reasons why direct negotiation talks among the disputing parties may fail even if both sides desire a peaceful outcome. Disputants may be reluctant to accept each other's request because each side

has a different interpretation of the conflict. Sometimes, disputants may be too upset

emotionally with each other to engage in negotiation talks. Other times, the issue under

dispute is too sensitive for disputants to even envision the possibility of settling. In this

situation, they may desire ending the dispute but do not want to be the first to concede. It

is also possible that the disputants want to wait until someone intervenes and rewards

them for reaching a peaceful settlement. For whichever reason negotiation fails,

disputants become aware that mediation is necessary to settle their dispute.

Because of its potentially beneficial characteristics, mediation has been employed

in numerous incidences in a variety of domains of human life for marital or family

disputes and community, labor-management, environmental, and international

interactions. In ancient China, mediation was considered as a desired way to resolve

disputes and, in post-Mao China, the People's Mediation Committees have resolved

approximately 7.2 million disputes annually in both rural and urban communities

(Kovach 2000). In Japan prior to World War II, the leader of a community served as a

mediator in disputes between community members (Folberg and Taylor 1984, 1-2).

Today, the use of mediation can be found in some parts of Africa where a so-called "big

man" plays a role in mediating a dispute between members of the community (Folberg

and Taylor 1984, 2).

1.2. Studying Mediation

There are a number of ways to study mediation. The first method is the case

study approach advocated by Meyer (1960) and Simkin (1971). According to these

authors, mediation cannot be studied in a systematic manner because there are too many

factors at work to describe the typical characteristics of mediation in relation to its

outcome (Bercovitch and Houston 1996, 14). While arguing that the outcome of each mediation episode can be accounted for with its own characteristics and such characteristics cannot be used to account for the outcome of other mediation cases, both Meyer (1960) and Simkin (1971) suggest that mediation studies should be limited to describing a single case.

The second method is the prescriptive approach that emphasizes broad procedural matters and outlines a step-by-step method of how mediation should be done. Scholars such as Burton (1972) and Fisher (1983) propose a broad set of recommendations for participants in mediation to follow in order to reach a successful settlement. Yet, they fail to provide any concrete reasons why such general prescriptive recommendations would work for a particular mediation case. In addition, their approach is based upon a questionable assumption that all mediation cases are the same (Bercovitch and Houston 1996, 14).

The third method is the comparative approach that focuses on characteristics of dispute and mediation. Assuming that each dispute has a different set of characteristics, scholars who advocate the comparative approach contend that each dispute should be treated according to its particular set of characteristics. To offer conditions for successful mediation, those scholars examine the effect of each characteristic of a dispute on its mediation outcome.

For those who take the comparative approach, the Contingency Model of Mediation by Bercovitch and Houston (1993) serves as a framework that captures the dynamic characteristics of a dispute and mediation, which ultimately affect mediation outcome.

[Figure 1 About Here]

The Contingency Model consists of three temporal stages of mediation: before, during, and after mediation. In the first stage, contextual variables pertain to the nature of the dispute (i.e., the intensity, the issue, and the duration), the nature of the parties (i.e., political, economic, and cultural ties between the parties and history of conflict or cooperation between the parties), and the nature of the mediator (i.e., political, economic, and cultural ties between the mediator and each of the adversaries, and reputation and rank of the mediator). In the second stage, the variables at work during the mediation session represent the mediators' behavior. These include the types of mediation strategies employed and the general demeanor of the mediator during the course of mediation. Last, consequent conditions in the last stage of the contingency model refer to mediation outcome. These conditions include the type of outcome (i.e., unsuccessful, cease-fire, partial settlement, or full settlement) and the quality of outcome (i.e., resolving the cause of the dispute or managing the cause of the dispute temporarily) reached through the mediation process.

In the contingency model of mediation, each stage affects each other. For example, the conflict history between disputants (contextual variable) affects not only the choice of mediators' strategies (process variable) but also the mediation outcome (outcome variable). Mediators' behavior (process variable) can also alter the chances of successful mediation outcomes being achieved (outcome variable). The reverse effect is also possible. Mediators' strategies (process variable) can alter the disputing issue (contextual variable). Previous mediation outcome (outcome variable) can also influence

the intensity of the dispute (contextual variable) and mediators' strategies (process

variable) for the next round of mediation.

Encompassing most aspects of mediation, this contingency model offers a couple

of benefits for studying mediation. First, this contingency model serves as a framework

that can organize and consolidate the mediation literature in a systemic manner. For

example, research on the effect of disputing issues on mediation outcome belongs to the

first stage of the contingency model while studies supporting the effect of mediators'

strategy on mediation outcome are situated in the second stage of the model. By

organizing and integrating the literature in this way, researchers are able to discern the

whole process of mediation and relate findings in one stage to those in another so that

they can work toward developing a more inclusive, comprehensive model for studying

mediation, rather than a piecemeal one. In addition, this contingency model serves as a

mechanism through which researchers can compare and analyze different characteristics

of disputes and mediation effectively in order to uncover conditions conducive to

achieving successful mediation outcomes. Each dispute and mediation occurrence can be

profiled through the contingency model, and these profiles can be used to explain why

certain instances of mediation fail or succeed.

1.3. Studying the Nature of the Mediator

Adopting the contingency model of mediation, this study focuses on the variables

belonging to "Nature of the Mediator" in explaining successful mediation. More

specifically, it examines the relationship between the mediator and each of the disputants.

Mediators' relationship with each of the disputants is crucial in studying mediation

outcome for two reasons. First, although the relationship between the mediator and each

of the disputants belongs to "Nature of the Mediator" that is recorded as one of the

antecedent conditions of mediation in Figure 1, the nature of the mediator is one of the

few factors that can vary after a dispute occurs. Most antecedent conditions are fixed and

given when disputants are finally ready to resolve their conflict.   For example, the

disputing issue cannot change, and disputants cannot rewind the clock to shorten the

duration of the dispute or reduce the number of fatalities resulting from the dispute.

However, among the few choices disputants can make after a dispute occurs, the

selection of the mediator is the first choice that is under disputants' control in an effort to

resolve their dispute. They may accept or invite a mediator. They may also reject or not

welcome a mediator. Since the occurrence of mediation is subject to disputants'

disposition, the type of relationship a mediator has with each of the disputants is crucial

in explaining whether or not mediation takes place and whether or not it succeeds.

Second, studying the variables belonging to "Nature of the Mediator" is important

because mediation is a political process rather than a series of judicial procedures

(Bercovitch 2002; Touval and Zartman 1985). Since the process of mediation

emphasizes the power dynamic among all participants, the mediator's dispositional

authority plays a significant role in shaping the course of mediation and bringing about a

successful outcome. As a third party, a mediator chooses his/her own strategies. S/he

may be as little intrusive as possible, empowering the disputants throughout the course of

mediation. S/he may also employ the most intrusive strategies to induce substantial

concession from disputants. In addition, the third party may pressure one party more than

the other to make concessions. For this very reason, the mediation literature cites the

nature of the mediator as one of the most debated and central variables that affects the chances of mediation occurrence and success.

1.4. Outline of the Project

This study consists of five main chapters. Chapter 2 surveys the previous research on three prominent relational characteristics of mediators that have been debated rigorously in relation to mediation success in international militarized disputes: mediator impartiality, mediator bias, and mediator trust. One group of scholars supports the solo effect of mediator impartiality on mediation outcome while another group contends that mediator bias alone can influence the mediation outcome. The last group of scholars advocates for the salience of mediator trust. While the first two groups appear to be in opposition to the stance of the other group, the claim of the last group has received consistent support from scholars and practitioners in mediation. To reconcile the opposing views of the first two groups, this research presents a new typology of mediators' characteristics that contains four different mediator characteristics: impartiality, bias, interest, and neutrality. With the new typology of mediators' characteristics, this research identifies the sources of the effectiveness of mediators as being impartial and interested. To remedy the limitations of the studies of the third group on the salience of mediator trust, this research specifies two dimensions, fairness and capacity, in which disputants must trust of mediators.

In Chapter 3, this research shows how all three relational characteristics of mediators are related to one another. Building off the claims of Carnevale and Arad (1996), this study suggests that both mediator impartiality and interest contribute to influencing disputants' trust in a mediator and, thus, affecting the chances of mediation

occurrence and success through two different channels. Mediator impartiality improves disputants' trust in a mediator's fairness while mediator interest increases the level of disputants' trust in a mediator's capacity to mediate their dispute. This research also proposes that the effect of one characteristic offsets that of the other. For example, a high level of mediator interest can counterbalance a low level of mediator impartiality, thereby possibly still leading to successful mediation.

Chapter 4 presents research design and methodology. This research's primary dataset is the International Conflict Management Data (ICMD) (Bercovitch 1999). In order to measure the strength of the relationship between two states, in addition, this research employs the S-score that indicates similarities in alliance portfolios between the two states, where higher scores indicate more similarities in alliance portfolios (Signorino and Ritter 1999). Finally, Chapter 4 explains why Heckman selection models are necessary to study mediation outcome.

In Chapter 5, one set of hypotheses regarding the effect of the additive level of mediators' impartiality and interest on mediation occurrence and outcome is empirically tested using Heckman selection models. This study presents empirical results that run counter to the solo effect of mediator impartiality and mediation interest, while supporting the claims of the additive effect of mediator impartiality and interest.

In Chapter 6, two cases are studied in order to challenge the claims of the solo effects of mediator impartiality and mediator interest, the latter of which was supported by the empirical results in the previous chapter, and to strengthen the claims of this research. The first case is the Borneo dispute between Malaysia and Indonesia that was mediated by the Philippines. A study of the Borneo dispute challenges the claim that

mediators' interest alone has an effect on the chances of mediation success. The second case study of the border dispute between North Yemen and South Yemen challenges the claim that mediator impartiality alone is required for a successful mediation outcome to be achieved.

Chapter 7 presents a summary of the theory of this research and illustrates how the quantitative and qualitative studies support its claim. In this chapter, the theoretical and methodological implications of this study are discussed, followed by a discussion of future studies that stem from this research.

1.5. Tables and Figures

Figure 1. A Contingency Model of Mediation

Context (Antecedent Conditions)	Process (Current Conditions)	Outcome (Consequent Conditions)
• Nature of the Mediator • Nature of the Parties • Nature of the Dispute	• Mediator Behavior	• Success or Failure of Mediation
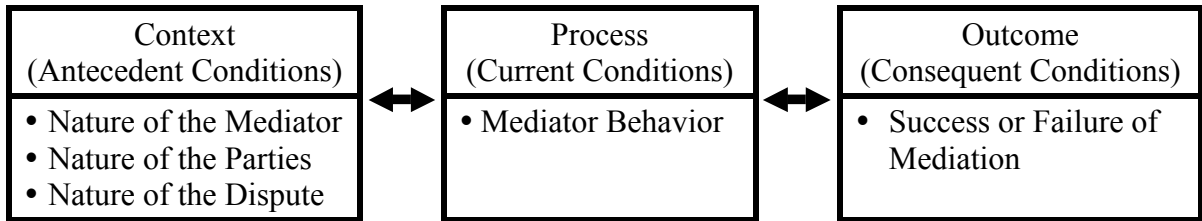
*Sources: Bercovitch and Houston (1993)

Chapter 2: Contending Perspectives on Mediators' Relational Characteristics

This research examines how mediators' relational characteristics such as mediator trust and mediator impartiality/bias contribute to the chances of successful mediation outcomes. To do so, this chapter explores existing studies on each relational characteristic of a mediator and revisits some assumptions of the current literature in order to create a model that shows how one relational attribute of a mediator complements the other in leading to a successful outcome.

2.1. Definition of Mediation

Mediation is a method of conflict settlement (Young 1967, 35). It is negotiation between disputants assisted by a third party (Ury, Brett, and Goldberg 1988, 49). More specifically, mediation is one approach to nonviolent dispute resolution in which third parties help disputants resolve disputes through negotiation (Slaikeu 1995, Xiii). The objective of disputants that invite or accept mediation is to reach a compromise in a dispute (Richmond 1998, 708).

Although there appears to be no universal definition of mediation in the literature, most scholars and practitioners appear to agree on two fundamental characteristics of mediation. First, mediation is a voluntary process (Moore 1996, 15). It can take place only when disputants seek assistance from third parties or accept a mediation offer from third parties (Bercovitch 1992, 2-7; Bercovitch and Houston 1993, 298). Mediation cannot be forced onto disputants; rather, disputants' consent is required for mediation to occur. Any unwanted intervention can be resisted at any time (Bercovitch 2002, 11) and the right to accept or reject a mediation offer or outcome rests entirely with the disputants (Bercovitch 1992, 2-7; Bercovitch and Houston 1993, 298; Cloke 2001, 14; Ross 1993,

104). Second, the outcome of mediation is non-binding (Bercovitch 1997, 128; Groom

1986, 87; Moore 1996, 143-4; Touval and Zartman 1989, 117; Wall and Lynn 1993, 172-

3). This means that in mediation, the third parties have no authority over disputants'

compliance with a mediated outcome (Groom 1986, 87). In this sense, mediation is

distinct from arbitration where disputants are committed to accept a verdict; in mediation,

disputants do not have to commit to accepting a mediator's settlement (Touval and

Zartman 1985, 7, 8; Zartman and Touval 1989, 117; 1992, 234). If mediation bound

them to the outcome, most disputants would not accept mediation in the first place.

Nonetheless, when defining mediation, there appears to be disagreement on

whether it is necessary for a third party to possess the attribute of neutrality. Neutrality in

this sense refers to mediators who have not had any relationships with any of the

disputing parties that may affect the outcome of mediation. Some researchers believe

that third parties in mediation must be neutral. Folberg and Taylor (1984, 7) define

mediation as "a process by which the participants, together with the assistance of a

neutral person or persons, systematically isolate disputed issues in order to develop

options, consider alternatives, and reach a consensual settlement that will accommodate

their needs." Bingham (1985, 5) and Spencer and Yang (1993, 1495) also see mediation

as a negotiation process assisted by a "neutral" third party. This study, however, finds

this definition of mediation problematic for the two reasons.

First, in mediation, particularly in international relations, not only do the

adversaries have their own interest in the dispute, but so does the third party; thus, all

third parties cannot be considered as a neutral entity who has no interest in the dispute.

Instead, when the third parties offer to be or accept to be a mediator, they may have their

own interest and preference over the mediation outcome. Whether such mediators are likely to be accepted or rejected, both neutral entities and non-neutral entities carry out mediation. Second, if a third party intervention incidence is defined as mediation only when the third party is neutral, most mediation incidences in international relations would not be regarded as mediation because no entity is viewed as entirely neutral in international relations. This leaves very few mediation cases to study in international relations. Thus, this definition of mediation that requires this particular attribute of a third party is not adequate for this study.

This study adopts Bercovitch's (1996) broader definition of mediation in international disputes. According to Bercovitch (1996, 130), mediation is "a process of conflict management, related to but distinct from the parties' own negotiations, where those in conflict seek the assistance of, or accept an offer of help from, an outsider (whether an individual, an organization, a group, or a state) to change their perceptions or behavior, and to do so without resorting to physical force or invoking the authority of law." This definition highlights four useful aspects of mediation that are relevant to the subject of this study. First, mediation is a negotiation between adversaries that is assisted by a third party that must not be a direct party in the dispute. Thus, it is a political process which involves negotiation rather than judicial procedures (Bercovitch 2002, 11; Touval and Zartman 1985, 7). In addition, since mediation is an action taken by a third party for peaceful settlement of a dispute (Argyris 1970; Young 1967, 34), it does not matter if a third party is an individual, organization, or country so long as the third party is not a direct party to the dispute (Bercovitch and Houston 1993, 298; Carnevale 1986, 42; Touval and Zartman 1989, 117; Wall and Lynn 1993, 161). Moreover, the mediator

must not resort to violent means to resolve the dispute. The third party, though, may use its resources to compensate adversaries (i.e., military or economic aids) or punish them (i.e., economic sanctions or withdrawal of military bases). Last, the third party may be neutral or interested. In other words, mediation can include third party intervention incidences involving actors who have no interest in the dispute as well as those actors who may have an interest at stake in the dispute and seek to achieve an outcome that will promote their own interest. By defining mediation in this manner, a researcher can study various types of mediators with different motives, forms of leverage, and attributes in examining the effectiveness of a mediator.

2.2. Mediators' Relational Characteristics

Since mediation is a political process that involves a mediator assisting with negotiation talks between adversaries, the discretionary authority granted to a mediator has a significant effect on mediation outcome. As a result, the mediator's relationship with each disputant is considered to be one of the critical determinants of mediation outcome.

A mediator is defined as "a third party who intervenes diplomatically in an international conflict with the stated purpose of contributing toward its abatement or resolution, and whose intervention is accepted by the parties to the conflict" (Touval 1982, 4). Similar to the implications of the mediation definition given above, this definition of a mediator implies that 1) accepting a mediator and his/her proposals is voluntary and non-binding; 2) the mediator is not expected to use violent means but, rather, only diplomatic methods (Touval 1982, 4); and 3) the primary goal of mediators is to transform a current conflicting situation into a peaceful cooperative environment and

improve the chances of settlement (Moore 1996, 178; Terris and Maoz 2005, 563). To achieve this primary goal, on one hand, a mediator identifies the underlying interests of each disputant and drafts a settlement that satisfies the disputants' interests and is perceived to be fair by them (Gray 2006, 11; Ury, Brett, and Goldberg 1988, 49). On the other hand, Princen (1992, 213-5) argues, mediators select strategies that facilitate communication and negotiations between the two disputing parties and that help them reach a settlement for their disagreement.

While there are a small group of scholars who perceive the personal characteristics of the mediator as irrelevant and only the nature of the dispute as salient in explaining mediation outcome (Harbottle 1979; Kockan and Jick 1978; Ott 1972), the majority of scholars and practitioners emphasizes the importance of mediators' relational characteristics to disputants in studying mediation cases. Among others, Brett, Drieghe, and Shapiro (1986), Carnevale (1986), Young (1968), Bercovitch (1989), and Bercovitch and Houston (1996) argue that there is a strong association between a mediator's characteristics and mediation outcome; in recent years, Kydd (2003, 2006), Smith and Stam (2003), Rauchhaus (2006), Savun (2008), and Favretto (2009) focus on which particular characteristic of a mediator, impartiality or interest, is more important in mediation. No matter which strategies a mediator employs, what types of issues are being disputed, and how long the dispute has lasted, these scholars agree that "the identity and characteristics of a mediator are predictors of success" (Bercovitch and Houston 1996, 25).

Among a number of ways to characterize a mediator's relationship with each disputant, three relational characteristics are most rigorously discussed in the mediation

literature as variables that have significant impacts on the course of mediation: mediator neutrality, mediator bias, and mediator trust. For the past few decades, the discussion of mediator neutrality and bias has centered on whether neutral or biased mediators are more likely to lead to successful mediation. This debate has divided mediation scholars and practitioners into two separate groups that espouse one or the other side of the argument, resulting in an inability to reach agreement on the question. On the contrary, there appears to be no disagreement among mediation scholars and practitioners on the salience of mediator trust. Research concerning mediator trust consistently cites the necessity of disputants' trust in a mediator for effective mediation. Yet, at the same time, perhaps because of the major consensus on the centrality of mediator trust, the studies on this topic have not been thoroughly developed.

This chapter surveys the mediation studies on each relational characteristic of a mediator in an effort to uncover missing elements in the current mediation study that support the importance of the three variables with regard to successful mediation. More specifically, this research argues that the current mediation literature misidentifies the sources of biased and neutral mediators and does not specify the dimensions of mediator trust. Upon identifying the sources of biased and neutral mediators and specifying the dimensions of mediator trust, this research proposes a way in which the three relational characteristics complement one another in accounting for mediation success.

2.3. Mediator Neutrality and Bias

Mediator neutrality and bias has gained a great deal of attention from scholars in mediation who are concerned with how successful mediation outcomes can be achieved. One group of scholars, such as Touval and Zartman (1996) in earlier years and Kydd

(2003) and Favretto (2009) in more recent years, maintains that mediator bias is a defining source for a successful outcome while another group of scholars, such as Young (1967) and Fisher (1996), contends that mediator neutrality is the major determinant of mediation success. Although the logic behind the arguments of both groups sounds reasonable, it appears contradictory to say that both mediator neutrality and bias contribute to mediation success. This section surveys the current studies on both neutrality and bias and discusses their limitations.

2.3.1. Mediator Neutrality

By and large, in the study of mediation, neutrality and impartiality are treated interchangeably in describing a mediator's characteristics. Both attributes are often used to describe the opposite attribute of mediator bias. Yet, neutrality and impartiality have a subtle difference that distinguishes one from the other. In general, impartiality is defined as the state of "the absence of bias or preference in favor of one or more negotiators, their interests, or the specific solutions that they are advocating" (Moore 1996, 52). Neutrality, on the other hand, pertains to "the relationship or behavior between intervenor and disputants" (Moore 1996, 52). While impartiality is more concerned with the absence of bias in a mediator's behavior, neutrality focuses on previous or current relationships between a mediator and each of the two disputants. So long as the mediators favor no particular disputant in the dispute, the mediators are considered as impartial. Neutral mediators, on the other hand, are those who have not had any previous relationship with disputants. Even if they have, such mediators are not currently in a position to gain benefit from such relationships (Moore 1996, 52). Although neutrality entails impartial behavior of a mediator, whether or not mediators are neutral depends on their relationship

with disputants (i.e., the presence or absence of his/her interest in the dispute), not their behavior. In this sense, the precise definition of mediator neutrality is rather closer to the absence of mediator interest in the dispute than to impartial behavior.

Despite this distinction, neutrality and impartiality are the same in terms of predicting a mediator's behavior. Wall and Dewhurst (1991) refer to impartial behavior as an indication of neutrality. Lim and Carnevale (1990, 264) define neutrality as taking no side. In addition, Welton and Pruitt (1987) and Cook, Roehl, and Sheppard (1980) view neutral mediators as those who are concerned with the outcome for the benefit of both disputants. Although the real meaning of neutrality signifies little or no relationship between a mediator and disputants (independence of a mediator), neutral mediators are those who take no sides. Neutral mediators behave impartially. In this regard, neutrality may be considered as a sufficient condition for impartial behavior of a mediator.

This study focuses on how mediators' relationship with disputants affects mediation outcome. Regardless of how the mediator's relationship with disputants shapes his/her behavior, at the center of this study is whether the mediator's behavior is partial or impartial. Since neutrality entails impartial behavior, this study recognizes those studies that emphasize the salience of mediator neutrality as equivalent to those studies that highlight the importance of mediator impartiality.

Numerous mediation studies underscore the importance of impartial and neutral mediators for achieving successful mediation outcomes. In essence, mediator impartiality and neutrality is the key attribute of successful mediators. Young (1967, 81) states "impartiality…would seem to be at the heart of successful intervention in many situations" while an experienced mediator, Zena Zumeta (2006, 415), contends that

"neutrality is such a central tenet of mediation." Rubin (1981, 12, 40) also considers impartiality as "a cardinal third party virtue" and claims that the more impartial a mediator is, the more likely it is that successful mediation will be achieved. Although impartial or neutral individuals are difficult to find, such mediators are in a better position to lead to successful mediation than biased ones (Hopmann 1996, 222; Slaikeu 1995, 18).

Some scholars consider impartiality and neutrality as a necessary condition for disputants to accept mediation and mediated terms (Hopmann 1996, 222; Stephens 1988, 57). These scholars argue that mediators should not promote the interests and needs of only one of the disputants, while neglecting those of the other, because mediators who are seen as biased toward or against one of the disputants may be rejected and thus fail to arrange mediation talks (Mayer 2004, 85; Northedge and Donelan 1971; Welton and Pruitt 1987). Since disputants desire mediators who are "omnipartial" (Cloke 2001, 13), mediators "must demonstrate convincingly that they are neutral" in order to be accepted as a mediator (Princen 1992, 30). As Maoz and Terri (2006) claim, no matter how capable/powerful mediators are, for mediation to be successful, they must be perceived by disputants as being impartial. The importance of impartiality is found not only in the case of Norway's mediation in Sri Lanka discussed in Chapter 1 but also in the Beagle Channel dispute in 1952 when Chile and Argentina rejected U.S. mediation but accepted the Vatican as their mediator (Carnevale and Arad 1996).

2.3.2. Mediator Bias

While a substantial proportion of mediation scholars stress the importance of mediator impartiality and neutrality in achieving successful outcomes, there are also a notable number of researchers who emphasize biased mediators as the key to reaching

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successful outcomes. Examples demonstrating the importance of mediator bias include the United States and Kissinger's mediation effort in the Egypt-Israel dispute highlighted in Chapter 1 and the United States' mediation in the Italy-Yugoslavia dispute in 1954 which promised economic assistance for building a new port city for Yugoslavia if it conceded on the port city of Trieste (Carnevale 2002, 30).

In fact, this group of proponents of mediator bias for successful mediation argues that biased mediators are as successful as impartial ones. Touval (1982) and Touval and Zartman (1985) cite cases such as American mediation in the Arab-Israeli conflict, Anglo-American mediation between Italy and Yugoslavia over Trieste between 1948 and 1954, and Soviet mediation between India and Pakistan between 1965 and 1966 as instances where mediators were far from impartial but still were accepted and effective. Moreover, Touval and Zartman have long contended that mediator neutrality is not a necessary condition for successful mediation (Touval 1982; Touval and Zartman 1985). Instead, they hold that mediator bias is crucial for inducing concessions from disputants.

According to these scholars, as evidenced in other international relations settings, participants in mediation are rational actors whose behavior is driven by their own interest. When mediators get involved in a dispute, whether they are invited to the dispute or offer themselves to be mediators, they have their own interests that they seek to promote or protect while acting in this third-party capacity (Bercovitch 1996, 9). The apparent motive for involvement is abatement of the dispute, which legitimizes the intervention of the mediator. Yet, considering the great deal of political, moral, and material resources that the mediator is required to expend, along with the significant risk that he/she experiences, it is recognized that the mediator mediates a dispute for more

than just the sole purpose of abating a dispute on terms that benefit the disputants (Touval and Zartman 1985, 8; Zartman and Touval 1992, 243). As Princen (1992, 215) and Touval and Zartman (1985, 8-9) note, the key motive of a mediator for mediation is mostly in accordance with his/her self-interest in the dispute. Moreover, these "self-interested motives are the same for superpowers, medium-sized powers, and international organizations" (Zartman and Touval 1989, 119-20; Zartman and Touval 1992, 243).

One of the self-interested motives of a mediator is to enhance his/her international standing and extend his/her influence (Bercovitch 2002, 9; Princen 1992, 215; Zartman and Touval 1989, 118). Zartman and Touval (1992, 243) call this an "offensive interest." The settlement of the dispute is not the immediate goal of the mediator but rather a "vehicle" through which s/he achieves his/her primary goal of extending his/her international standing and influence (Zartman and Touval 1992, 244). This type of interest was evident during the Cold War, where frequent US mediation attempts were viewed as an attempt by the US to extend her influence relative to that of the Soviet Union (Zartman and Touval 1989, 118). The mediator may also offer mediation in order to gain the gratitude of one or both disputants (Bercovitch 1996, 134; Hopmann 1996, 225; Touval and Zartman 1985, 8; Zartman and Touval 1992, 244).[3] By mediating the dispute, the mediator may gain an opportunity to improve his/her relationship with both disputants and secure their support for his/her future policy. In addition, the mediator may wish to gain some materialistic benefits directly from being involved in the dispute (Bercovitch 2002, 9). As a third bargainer in the negotiation, the mediator may become a third negotiator in the mediation.

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[3] Bercovitch (1996, 134) illustrates this claim with the frequent mediation attempts conducted by the US in the Arab-Israeli conflict.

In addition to offensive interests, Zartman and Touval (1992, 243) contend that the mediator has a "defensive interest" in the dispute. In this instance, the mediator may simply seek to protect his/her interest from the on-going dispute.[4] The conflict taking place may threaten the security in a region, and the mediator may fear that its rival power in the region could enter the dispute as a mediator in an effort to extend its influence. To prevent this from happening, the mediator would likely step in and seek to put an end to the dispute (Zartman and Touval 1992, 243). For example, mediation carried out by regional organizations is intended to avoid external intervention as stated in the charters of the Organization of American States, Organization of African Unity, and Arab League (Zartman and Touval 1989, 118).

No matter what type of self-interest a mediator pursues during the mediation process, it is important to note that an altruistic impulse is not the sole motive for deciding to become involved. As Touval (1982, 321) describes, "Mediators, like brokers, are in it for profit." Like any other affair in international relations, the behavior of the mediator should be understood in terms of cost-benefit considerations because the mediator is a self-interested actor pursuing his/her own interest in the process of mediation (Zartman and Touval 1989, 117). If third parties have no interest to protect or extend in a dispute, they will not mediate the dispute in the first place (Zartman and Touval 1985, 251).

There are a number of reasons why biased mediators may be preferred to unbiased ones in bringing about peaceful resolution. Some scholars contend that a mediator's favored party will make concessions in order to preserve its current

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[4] Hopmann (1996, 225) argues that the United States' mediation in the Arab-Israeli conflict aimed to protect her interest in attempting to build a constructive relationship with Arab countries and in securing oil supply.

relationship with the mediator while the mediator's less-favored party will cooperate with the mediator in order to earn its goodwill (Carnevale and Arad 1996). Zartman and Touval (1985, 257) argue that Algeria's bias toward Iran may have helped gain the United States' cooperation because of Algeria's potential ability to induce Iran's concession.

Other proponents of the importance of mediator bias include Kydd (2003, 608), who argues that unbiased mediators cannot be trusted to deliver credible information to both disputants and they thereby fail to bring about successful mediation. Instead, "a biased mediator that shares the preferences of one of the parties in the negotiations will be credible" in delivering messages to the disputants, thereby leading to successful mediation (Kydd 2003, 609). In evaluating the effectiveness of biased mediators, Savun (2008, 27, 44) takes into account the relevancy of information mediators possess and reaches empirical results that reinforce Kydd's claims.

Last, another group of scholars stressing the importance of mediator bias argues that this characteristic helps mediators' ability to achieve successful outcomes by increasing their capacity and willingness to influence the outcome (Favretto 2009; Kressel and Pruitt 1985; Smith 1985; Wehr and Lederach 1991). Biased mediators tend to have their interest to protect or extend in the dispute and, thus, are expected to expend their resources to successfully mediate the dispute.

2.3.3. Limitation of the Studies on Mediator Neutrality and Bias

Those scholars who support the salience of mediators' neutrality and bias have produced considerable evidence to highlight the importance of mediators' characteristics for achieving successful mediation outcomes. However, the conflicting results between

the proponents of neutrality and the proponents of bias make their respective conclusions not definitive.

In the initial stage of this debate, scholars used case studies to demonstrate that mediator impartiality was a necessary condition for successful mediation. This claim on the effectiveness of impartial mediators had rarely been challenged until Touval used case studies to propose that biased mediators were as effective as impartial ones (Touval 1982). Since then, more scholars joined the debate and examined more cases to support either the importance of mediator impartiality or mediator bias.

In the 2000s, the debate continued among formal theorists such as Kydd (2003, 2006), Rauchhaus (2006), and Favretto (2009). Kydd (2003) argues that biased mediators are effective because their bias increases their credibility as a messenger between disputants. In contrast, Rauchhaus (2006) finds that unbiased mediators are more successful at revealing private information than biased mediators, though he acknowledges that both types of mediators are effective. Favretto (2009) supports the claims of both Kydd and Rauchhaus by showing that highly biased mediators and highly unbiased mediators both are effective, although she contends that the former is more effective than the latter. In the mid-2000s, the debate on impartiality versus bias moved to the realm of quantitative analyses where mediator bias trumped mediator impartiality as being the more important characteristic.

With mediator neutrality and mediator bias each having been considered to be the more important characteristic during different periods of time, evidence has also been gathered to discredit the effectiveness of each one. For this reason, it is not certain

whether the current mediation literature strengthens or weakens the importance of

mediator bias and mediator impartiality in studying mediation outcome.

There have been a couple of efforts to close the gap between the proponents of

mediator impartiality and mediator bias. Building off Fearon's argument (1995) that

emphasizes the role of private information, Kydd (2006)[5] proposes that mediators are

successful when they are unbiased, have preference over the issue, and do not find war to

be too costly. He argues that the primary goal of a mediator is to help disputants

overcome mistrust between each other. To do so, a mediator must maintain a certain

level of credibility when sharing information with disputants about each other.

According to the truth-telling equilibrium (Kydd 2006), the mediator can earn

such credibility from his/her impartiality, interest, and low cost of war. The first two

conditions – mediator impartiality and mediator interest – are relevant to the subject of

this study. Achieving truth-telling equilibrium is possible when a mediator's ideal point

is close to the midpoint between each of the two disputants. That is, when a mediator is

not too biased toward either side, s/he is believed to deliver credible information. In

addition, the truth-telling equilibrium is more likely to be achieved when a mediator cares

about the issue at stake in the dispute. When the mediator has an interest at stake in the

dispute, s/he is believed to be credible in delivering information in order to protect his/her

own interest.

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[5]Kydd's adoption of different definitions of bias results in contradictory results in his 2003 and 2006
studies. In his 2003 article, a mediator is characterized as biased if his/her preference is aligned with that of
one side and a mediator is classified as being unbiased if s/he is indifferent to the choice of resolutions
(Kydd 2006, 451). In contrast, biased mediators in Kydd's 2006 article remain categorized the same way
while unbiased mediators are redefined as those who have a moderate ideal point between disputants'
preference over the issue solution (Kydd 2006, 449). The typology of mediators' characteristics in Figure 1
of this research helps minimize confusion in defining mediators' characteristics. In the terms of Figure 1,
Kydd's study in 2003 compares the effectiveness of neutral and biased mediators while his later work
examines the different success rates between interested and neutral mediators and between biased and
unbiased mediators.

Kydd's study (2006) is important because it incorporates both mediator impartiality and bias into his formula accounting for mediation success. Yet, his formula only considers mediators serving as a messenger between two disputing parties, excluding the more dominant roles played by mediators in the course of mediation. Such roles include drafting a tentative agreement, proposing an agenda to be discussed during negotiation, and persuading each disputant to make a concession. This limitation calls for a more inclusive formula that explains why both impartial and biased mediators are effective.

Carnevale and Arad's work (1996) also contributes to the effort to provide direction to the impartiality-bias debate. Discussing the role mediator bias and impartiality play in reaching a successful settlement, Carnevale and Arad (1996, 49) argue that both bias and impartiality contribute to improving the chance of achieving successful mediation, as both characteristics increase mediators' "ability and desire to influence and … disputants' willingness to be influenced." In the end, Carnevale and Arad (1996, 51) conclude that bias and impartiality influence the course of mediation through different channels. Hence, a comprehensive model that incorporates those channels is needed. Not specifying such mechanisms, they leave the task of creating such to other researchers.

Another limitation of the studies on mediator neutrality and bias became apparent in the 2000s when scholars constructed formal models and carried out large-N studies to show the importance of mediator neutrality or mediator bias. Savun (2008) tests Kydd's (2003) claim on the effectiveness of biased mediators by examining interstate mediation

cases carried out by states that used a communication-facilitation strategy[6] in the

International Conflict Management Data (ICMD). To operationalize the level of bias, she

takes into consideration three relational dimensions between a mediator and each of the

disputants: conflict history, trading relationship, and alliance ties. She uses several

datasets: Militarized Interstate Dispute (MID), Europa World Year Book, and Alliance

Treaty Obligations and Provisions (ATOP) to calculate a score for a mediator's

relationship with each of the disputants along the three dimensions and then computes the

difference of the scores in each dimension to produce a composite bias score for a

mediator for a particular dispute between disputants (Savun 2008, 35-36). Including four

control variables – the nature of information a mediator could provide to disputants,

whether a mediator is a major power or not, the intensity of conflict measured by

fatalities, and regime types of disputants – she then uses censored probit models to

support her claim that biased mediators are more effective than unbiased ones (Savun

2008, 40-41).

Supporting Savun's findings, Crescenzi, Kadera, Mitchell, and Thyne (2011)

offer three conditions that increase the level of biased mediators' credibility as a

messenger between disputants. In their study, Crescenzi et. al operationalize the level of

bias by trade ties, measured by the difference in total trade between a mediator and each

of the disputants, and political ties, measured by the difference in similarities of alliance

portfolios between a mediator and each of the disputants (Crescenzi et. al 2011, 1079,

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[6] More discussion on types of mediation strategies is found in a later chapter. In brief, this research adopts
a categorization of mediation strategies that places each type of strategy on a scale from one end where a
mediator has the least amount of control over the course of mediation to the other end where a considerable
amount of authority over the mediation is given to a mediator. In the scale, a communication-facilitation
strategy grants the least amount of control to the mediator, a procedural strategy gives more authority to the
mediator, and a directive-manipulative strategy allows the mediator to have a considerable amount of
control over the course of mediation.

1082). Examining mediation cases carried out by states for disputes involving territorial claims, maritime claims, and river claims in the Western Hemisphere in the Issue Correlates of War (ICOW) dataset, Crescenzi et. Al (2011, 1079) find that as the level of economic and political biases increase, the mediators are more likely to intervene and bring about a successful mediation outcome.

If one considers the imperative of the choice of mediators in the course of mediation, this rigorous debate on neutrality versus bias is a welcome phenomenon. Unlike the original debate that involves mediators with any and all strategies, the recent debate involving formal theory and quantitative analysis confines the scope of mediation cases to the ones where a communication-facilitation strategy was used. Favretto's (2009) work is an exception which emphasized the utility of mediators' carrots and sticks. Since Kydd's 2003 article, which discusses the role of mediators as a messenger delivering credible information between disputants, scholars testing his theory empirically have examined only mediation cases carried out by mediators using a communication-facilitation strategy. For example, in her empirical analysis, Savun (2008) includes only mediation cases where a communication-facilitation strategy was employed and excludes all the mediation cases where mediators utilized other types of mediation strategies. If one considers that a directive strategy is more likely to lead to mediation success than a communication-facilitation strategy, the exclusion of those cases that belong to the former category could lead to unrepresentative results. In addition, some scholars such as Crescenzi et. al[7] and Gent and Shannon (2009) examine only mediation cases for disputes

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[7] Although Crescenzi et. al claim to build their theoretical model on Kydd's 2003 article that provides a theoretical explanation for the effectiveness of biased mediators with a communication-facilitation strategy, they do not distinguish mediation cases by mediation strategies. Kydd (2003) claims that biased mediators are effective because they are seen as a more credible messenger of information. Yet, Crescenzi et. al test

over territorial, maritime, and river claims and exclude from their examination those disputes involving such issues as security and ideology. Thus, it is questionable whether their finding that biased mediators are more effective than unbiased mediators adds to the original debate on impartiality versus bias. More importantly, it remains unclear how their finding can be applied to mediation cases involving a dispute over different types of issues.

Along with these issues, another problem that most empirical studies on mediator bias like Savun (2008) and Crescenzi et. al (2011) do not take into consideration is the possibility that more than one mediator could be involved in a dispute.[8] While a majority of mediation cases are recorded as a solo mediation, it is common that multiple actors as a team serve as mediators for a dispute. Failure to take into account the effect of supplementary mediators reduces the validity and explanatory power of such studies.

These limitations of the contemporary research suggest that future quantitative studies place fewer restrictions on the selection of mediation cases. This selection should include all mediation cases regardless of the type of mediation strategy and type of disputing issue and take into account the effects of supplementary mediators.

2.4. Mediator Trust

No scholar or practitioner in mediation questions the salience of disputants' trust in a mediator for mediation to occur and successful outcomes to be achieved (Carnevale and Pruitt 1992, 563; Karim and Pegnetter, 1983; Stephens 1988, 57). Below, this research summarizes the current study on mediator trust and discusses its limitation.

Kydd's claim on not only mediation cases where a communication-facilitation strategy is used but also those cases where mediators use different strategies other than a communication-facilitation strategy. Nor do they offer any theoretical account on why biased mediators with different types of strategies can be effective.

[8] An exception to this is Gent and Shannon's 2009 article.

2.4.1. The Importance of Mediator Trust

Disputants' trust in a mediator is necessary for a mediation process to be effective (Deutsch, 1958, 1960; Folberg and Taylor 1984, 9; Zartman and Berman 1982). Because mediation is a process in which disputants reveal their honest underlying interests and concerns to a mediator, for mediation to be accepted and to be successful, "the parties must trust the mediator" (Slaikeu 1995, Xiii; 15). They must trust that the mediator engages in the mediation process "to serve both sides well" (Slaikeu 1995, 16). In turn, a mediator must secure the trust of the disputants at the start of a mediation process (Moore 1996, 177). Elmore Jackson (1952, 129), who was a former international mediator, remarked, "[i]t would be difficult, if not impossible, for a single mediator, who was distrusted by one of the parties, to carry out any useful function." For mediation to work at its best, mediators must embody characteristics that make them trustworthy, credible, and independent (Bercovitch 1989, 294).

In his discussion of various types of mediation, Lederach (1995, 89) refers to one type of mediation, network mediation, as *confianza* mediation and illustrates that *confianza* means keeping confidence between a mediator and each disputant and having a feeling of security. He argues that the mediator's characteristics that can advance disputants' trust in the mediator are important for successful mediation. Moore (1996, 45) corroborates Lederach's conclusion by stressing that the authority of a mediator (in one type of mediation) comes from the trust that disputants have in the mediator. Without such trust, the mediator may have little impact on the mediation process. More relevant to the relational characteristic discussed in the previous section, mediator neutrality and bias, Bercovitch (1996) comments on Wehr and Lederach's study (1991) on the

Esquipulas peace process in Central America in 1987 that showed a partial insider was more successful than an impartial outsider as a mediator. Bercovitch (1996, 6) notes that in the case of the Esquipulas peace process, a mediator who inspired trust was the insider who was partial and affected by the consequence of the mediation, although in other cases impartial mediators have been reported to be successful. He then draws a conclusion that at the heart of characteristics of effective mediators is being able to "inspire trust" rather than being biased or impartial (Bercovitch 1996, 6).

2.4.2. Limitation of the Studies on Mediator Trust

Mediator trust cannot be overemphasized in the current mediation literature. Numerous scholars and practitioners stress the salient role mediator trust plays in the course of mediation (Carnevale and Pruitt 1992; Fisher 1996; Karim and Pegnetter 1983; Stephens 1988; Young 1967; Zetzel 1985). For example, Welton and Pruitt (1987) argue that mediator trust helps increase the chance that disputants accept mediators' decisions. McCarthy (1985) states that mediator trust eases disputants' concerns and helps them open up to their mediator and thus facilitate the mediation process. Other scholars and practitioners focus on the sources of mediator trust (Deutsch 1958; Goldberg and Shaw 2007). Factors such as mediators' benevolence (Augsburger 1992), reputation (Sheppard and Sherman 1998), and competence and intellectual credibility (Doney, Cannon, and Mullen 1998) are among the sources that inspire disputants' trust. However, mediation research has not delineated the aspects of a mediator that disputants find most important to trust when deciding whether to engage in mediation. This calls for identifying mediators' aspects in which disputants' trust must be placed.

2.5. Contributions of Research

This research seeks to incorporate three relational characteristics of mediators, mediator neutrality, mediator bias, and mediator trust, into a comprehensive model that accounts for mediation outcome. To do so, it revisits a few assumptions widely recognized in the mediation literature.

2.5.1. Redefining the Sources of Effective Mediators

The current mediation literature highlights neutrality and bias as possible characteristics of effective mediators. One group of scholars argues that without exhibiting neutrality, mediators are not likely to be successful, while the other group holds that biased mediators are more likely to bring about successful mediation. Regardless of how each group stresses the salience of mediators' neutrality and bias, it becomes evident that these two variables are not at the center of either group's account for explaining which types of mediators are most successful. The first group reasons that neutral mediators are effective because of their impartial behavior while the second group claims that biased mediators work effectively because of their interest at stake in a dispute.

This research shifts the focus to two variables that ultimately affect the chances of achieving successful mediation: mediators' impartiality and mediators' interest. The former indicates whether mediators' behavior is impartial or biased while the latter refers to the presence or absence of mediators' interest at stake in a dispute. Unlike previous research in mediation that often associates neutrality with impartiality and bias with interest, this research recognizes that there is no automatic link between the two variables in the first group and the two variables in the second group. Instead, this research argues that the values of neutrality and impartiality are independent of each other and so are

those of bias and interest. The typology in Figure 2-1 depicts the relationships among these four terms that describe mediators' characteristics.

[Figure 2-1 About Here]

If mediators have interest at stake in a dispute, they can be categorized as either interested or neutral. Depending on the tendency of mediators' behavior, then, both interested and neutral mediators are categorized as either impartial or biased.

2.5.2. Placing Impartiality and Interest in a Two-Dimensional Space

Historically, mediation research has considered neutrality and bias to be mutually exclusive, where a mediator was either neutral or biased, but not both neutral *and* biased. Thus, studies substantiating the claim that neutral mediators are successful have largely undermined studies that support the effectiveness of biased mediators. Moving away from this trend that assumes the mutual exclusiveness of neutrality and bias, conceptually, this research argues that neutrality and bias exist in two different dimensions, the former concerning mediators' behavior and the latter relating to mediators' stake. This requires separate scales to measure each variable – one scale pertaining to mediators' behavior ranging from being biased to impartial and the other scale describing mediators' stake ranging from the absence to the presence of mediators' interest. Shifting the focus from bias and neutrality to impartiality and interest, this research presents a two-dimensional space where mediators can be evaluated in terms of both their impartiality and interest. In this space, a mediator can be both impartial *and* interested; it is also feasible for a mediator to be biased *and* neutral.

[Figure 2-2 About Here]

In Figure 2-2, the vertical line represents the level of mediators' impartiality. Those mediators who are situated on the upper part of the line are considered to be relatively impartial while those found on the bottom part of the line are relatively partial. By the same token, the horizontal line indicates the level of interest mediators have in a dispute. Highly interested mediators are found on the right side of the line while uninterested mediators are placed on the left side of the line. Mediators found in Group 1 in Figure 2-2 are perceived as both impartial and interested while mediators in Group 6 are expected to behave partially and have little interest at stake in the dispute.

2.5.3. Uncovering Two Dimensions of Trust

The aspects that disputants must trust in a mediator have been rarely discussed in the mediation literature. Based on disputants' expectation for mediation, this research proposes that two aspects of a mediator in which disputants must trust are mediators' fairness and capacity. When disputants invite or accept mediation, they expect that a mediator can help them resolve their dispute in a fair manner. In other words, when the disputants accept mediation from a mediator, they must trust that a mediator is capable of resolving their dispute and that regardless of his/her capacity, disputants must trust that s/he is fair to them throughout the course of mediation. Without such trust in these two aspects of a mediator, mediation is less likely to occur and succeed.

2.5.4. Linking Three Relational Characteristics of a Mediator

Although there are numerous works linking disputants' trust in a mediator to successful mediation, few studies have attempted to treat trust as a channel through which other relational characteristics of a mediator such as impartiality and interest influence mediation outcomes. This research proposes that both mediator interest and impartiality

influence mediation outcome by increasing or decreasing disputants' trust in a mediator; that is, the disputants' trust in a mediator is the mechanism through which such interest and impartiality influence mediation occurrence and success. When mediators have a high level of interest and/or impartiality, the level of disputants' trust in a mediator increases and, in turn, this trust helps the mediator bring about successful outcomes. Without such trust, regardless of whether the mediator is interested or uninterested (or biased or impartial), s/he will fail to be accepted to mediate the dispute and will not have the opportunity to bring about a successful settlement.

2.5.5. An Additive Value of Mediator Impartiality and Interest

Although Kydd (2006) recognizes both mediator impartiality and mediator interest as variables that influence mediation outcome, this research differs from Kydd's study in two respects. First, this research departs from his claim that information provision is the key to successful mediation. Instead, this research supports the studies in mediation strategies that have shown that information provision is considered to be the least effective mediation strategy (Bercovitch 1992; Gartner and Bercovitch 2006; Smith and Stam 2003; Wilkenfeld et al. 2003).

Next, and more importantly, this research takes a different stance on the way the mediator impartiality and mediator interest variables are related to each other in influencing the chance of mediation success. Kydd (2006) argues that mediators must maintain a certain level of impartiality and interest in order for their information to be considered credible. This implies that the values of individual variables, impartiality and interest, account for the level of mediators' effectiveness and the chance of mediation success being achieved. Although Kydd (2006, 457) argues that "reputation can make up

for limited amounts of bias or issue indifference," he does not explain what levels of partiality and indifference can be tolerated to maintain the effectiveness of mediators.

In contrast, this research argues that it is not the value of each attribute of a mediator, as Kydd (2006) asserts, but the additive value of both attributes that influences the chance of a successful outcome being achieved. Since both impartiality and interest contribute to mediation success through the channel of disputants' trust, mediators' scores for impartiality and interest compensate one another. For example, a biased mediator can still achieve success if a substantial amount of his/her interest is perceived as being at stake in the dispute, while an uninterested mediator can still bring about a middling outcome if disputants perceive him/her as impartial. Thus, this research argues that it is the additive level of impartiality and interest that accounts for mediation occurrence and success, not the individual levels of those variables. In Figure 2-2, the dotted line indicates the additive value of mediators' impartiality and interest. According to this research, mediators falling in Groups 1, 2, and 6 are expected to be more effective than those in Groups 3, 4, and 5.

2.6. Tables and Figures

Figure 2-1. Interested and Impartial Mediators
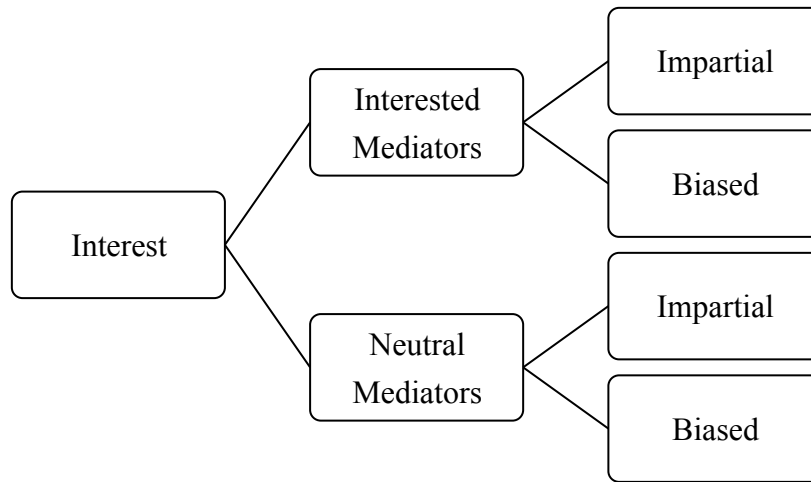
Figure 2-2. Impartial and Interested Mediators
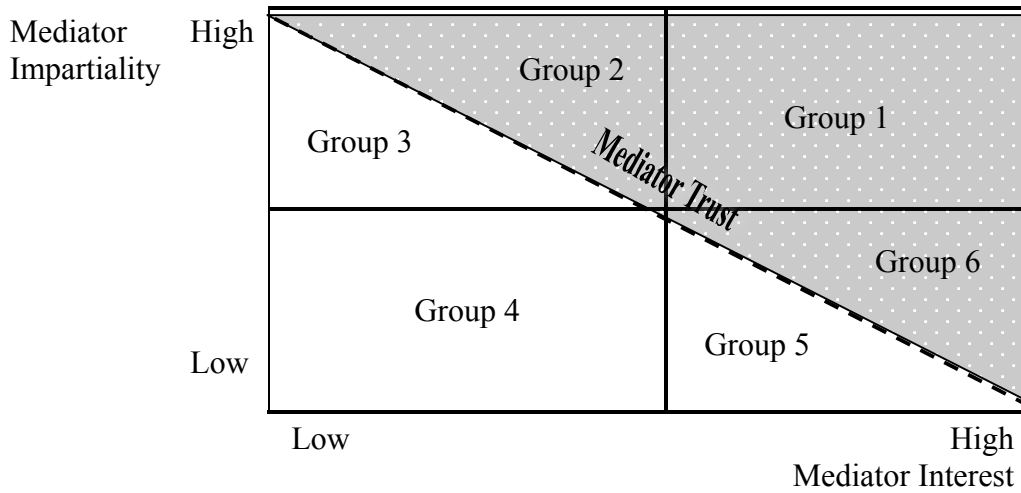
Mediator High
Impartiality

Group 2

Group 1

Group 3

Mediator Trust

Group 6

Group 4

Group 5

Low

Low   High
                                                    Mediator Interest

Note: Mediators in Groups 1, 2, and 6 are expected to be more trusted by disputants for their fairness and capacity and, thus, more effective than mediators in Groups 3, 4, and 5.

Chapter 3:   The Additive Value of Mediator Impartiality and Interest

This study posits that both impartiality and interest contribute to mediation occurrence and success by increasing the level of disputants' trust through different channels. To show how mediators' impartiality and interest have positive impacts on mediation occurrence and success through mediator trust, this study begins with discerning the unique characteristics of mediation and their implications.

3.1.   Mediation and Trust

As a voluntary and non-binding process, mediation helps disputants negotiate a voluntary agreement that satisfies and honors the interests and needs of both disputants (Folberg and Taylor 1984, 10; Slaikeu 1995, Xiii, 5). In this sense, mediation is considered to be "a self-empowering process" where disputants take responsibility for making decisions that change the course of conflict (Folberg and Taylor 1984, 8). Disputants choose mediation because it is a voluntary and non-binding process that allows them to be the primary decision-makers who retain control over the process and outcome of their conflict by accepting or rejecting mediation or mediators' proposals (Bercovitch 1996, 128).

This conceptualization of mediation accentuates the salience of disputants' willingness to accept mediation and its outcomes. Without a high level of disputants' willingness, mediation cannot work effectively (Kochan and Jick 1978; Pruitt 1981, 140). When disputants do not consent, mediation does not take place; even if mediation is accepted, when disputants demonstrate low levels of cooperation, a mediator can hardly move forward with the negotiation process (Zartman and Touval 1992, 242). Thus, a

high level of disputants' willingness to take part in the mediation process and make concessions is required for mediation to be effective (Rubin 1992, 251).

The salience of disputants' willingness to achieve successful mediation outcomes suggests that an increase in disputants' willingness improves the success rate of mediation. That is, the higher the level of disputants' willingness, the more likely it is that mediation is accepted and successful outcomes are achieved. If disputants' willingness is directly associated with successful mediation, how can these levels of willingness be enhanced? There are several factors discussed in the mediation literature that improve the level of disputants' willingness. Some scholars argue that disputants' willingness depends on the nature of the issues at stake. Disputants are more willing to make a compromise on certain issues than others. Hiltrop (1989), for example, contends that tangible issues are more likely to be mediated than intangible issues. Taking an extreme view, Ott (1972) and Harbottle (1979) assert that only the nature of the dispute makes a difference on mediation outcome and that the attributes of a mediator are irrelevant in explaining mediation outcomes. Another group of scholars maintains that disputants' relationship with each other essentially affects the level of their willingness to resolve the dispute. Wall and Lynn (1993) posit that disputants with a close relationship are more willing to accept mediation offers in order to preserve their relationship than those who do not have a close relationship. A third group of scholars, such as Young (1967) and Fisher (1996), stresses the importance of disputants' trust in a mediator in improving their willingness to accept mediation and mediated terms. They hold that the closer the relationship between the disputants and the mediator, the more likely the disputants are to trust the mediator. Thus, a close relationship between disputants and a

mediator is a pre-condition for mediation to take place and to be successful. In the

absence of such trust, the disputants are not likely to welcome the mediator into their

dispute, for mediation may require them to entrust the mediator with a great deal of

authority.

This study focuses on the disputants' trust in a mediator as a factor that influences

the level of the disputants' willingness. Notice that, when a dispute needs to be mediated,

the first two factors – the nature of the issue and the disputants' relationship with each

other – are given. Once a dispute takes place between two disputants, it is the level of

disputants' trust in a mediator that can vary depending on the mediator's relational

characteristics with each disputant. Such trust also influences the level of disputants'

willingness to resolve the dispute and ultimately affects the chances of mediation taking

place and succeeding.

3.2. Two Dimensions of Trust

One of the goals of this research is to specify the aspects of a mediator that

increase the levels of disputants' trust in the mediator in the mediation process. To do

that, this study focuses on what disputants expect to gain from mediation before they

welcome a mediator to their dispute. When disputants invite or accept mediation, they

believe that they will more likely be able to achieve their goals and advance their position

with the assistance of a mediator than without one. In mediation, they do not necessarily

expect to deal with the subjective elements of conflict such as disputants' perceptions,

attitudes, and feelings toward each other. Instead, disputants regard mediation as a goal-

oriented process that aims to manage their incompatible goals and positions (Fisher 1996,

47). More precisely, they expect mediation to coordinate their competing interests in a

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way that advances their respective positions (Zartman and Touval 1992, 247). Thus, when disputants are assured that a mediator can fulfill their expectations, they respond positively to mediation offer and mediated terms. This study recognizes two prominent expectations disputants have regarding mediation.

Since the goal of a mediator is to abate or resolve a conflict by creating a settlement for disputants that satisfies both sides (Touval 1982, 4), a successful and acceptable mediator is one who can please both disputants with a settlement that each party perceives to be fair. While disputants are satisfied with a mediator who can contribute substantial resources to the negotiation process, they also expect that the mediator's resources will be expended in their favor. In fact, disputants are less concerned with whether the mediation is successful than with whether it favors their side. Their only concern is if the mediation outcome advances their position (Zartman and Touval 1992, 247). No matter how favorable a settlement a mediator creates, if it is perceived to favor the opponent, the disputants are unlikely to accept the mediator to conduct mediation talks.

In addition to fairness, disputants expect the mediator to be capable of producing a successful outcome. Although successful mediation benefits both disputants, mediation can be costly for disputants. It often requires disputants' concession and compels them to grant more authority to the mediator than they would like. Most states in a dispute have experienced severe losses and failed to make each other concede before they enter mediation. Hence, when they invite or accept mediation, they must trust that the mediator is capable of bringing about successful mediation outcomes. On one hand, disputants expect a mediator to increase the payoffs of the final settlement of the dispute

by bringing his/her resources into the negotiation and, thus, lead to a more favorable settlement (Touval 1982, 324; Zartman and Touval 1989, 121, 254). On the other hand, disputants expect a mediator to induce concessions from each other's opponent. While the objective of mediation is to propose a settlement that will benefit both disputants (Princen 1992, 214), without disputants' concessions, no settlement will be reached.

In sum, disputants expect that a mediator is fair to them and is capable of engendering a profitable settlement by bringing his/her resources to the negotiation and gaining concessions from both sides. Since the disputants expect the mediator to fulfill these expectations, when selecting a mediator, they must trust that the mediator will meet their expectations. More specifically, the disputants must trust that the mediator is fair and capable of bringing about a successful outcome. These two dimensions of disputants' trust in a mediator suggest that desirable and effective mediators are those who can inspire disputants' trust in the mediator's capacity or/and fairness.[9] These types of mediators can fulfill disputants' expectations for mediation and thus they are highly likely to be accepted and successful.

3.3. Linking Two Dimensions of Trust to Mediator Impartiality and Mediator Interest

How can such trust be earned? This section shows that the effectiveness of impartial mediators comes from their fairness and that the effectiveness of interested mediators comes from their capacity. These relationships, in turn, show how the level of

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[9] This assumes that disputants are more likely to accept a mediator when they perceive him/her to be successful. There may be cases where disputants use mediation just to earn some time to re-organize their military equipment; thus, in those cases, disputants do not want mediation to be successful and therefore do not necessarily want a successful mediator.

mediators' impartiality improves disputants' trust in mediator fairness while the level of mediators' interest enhances disputants' trust in mediator capacity.

3.3.1. Fairness and Mediator Impartiality

Mediator impartiality enhances disputants' perception and therefore their trust in the mediator's fairness (Carnevale and Arad 1996, 41). At the center of the importance of mediator impartiality is fairness, which can be a source of a mediator's influence over the process of mediation (Carnevale and Arad 1996, 41; Karim and Pegnetter 1983; Muldoon 1996, 154; Young 1968). Impartiality serves as a guarantor that mediators aim to achieve a fair process and a fair agreement for both disputants (Carnevale 2002, 29; Cloke 2001, 13; Hopmann 1996, 222; Princen 1992, 26; Slaikeu 1995, 18). That is, mediators do not unfairly pressure one disputant to make more concessions than the other; nor do they lead mediation in favor of one party. When a mediator is impartial and thus perceived as fair, s/he is in a better position to persuade disputants to accept his/her proposal for a settlement since the disputants will perceive the proposal as being fair and promoting the interests of both disputants (Bercovitch 1996, 141; Princen 1992, 25).

Therefore, mediation led by impartial mediators is more likely to be accepted and succeed, not because disputants are particularly interested in mediator impartiality per se, but because the disputants view the mediator as fair when his/her position stands at the mid-point between the positions of each disputant (Carnevale and Arad 1996, 41; Maoz and Terri 2006; Rubin 1981, 12; Stephens 1988, 57). This perception of a "fair decision fairly arrived at" is more important in explaining mediation acceptance and success than mere characteristics of the mediator such as impartiality and interest (Bercovitch 1996, 6). Impartiality is in fact a mere mechanism through which such fairness is conveyed. By

being independent of either opponent's stance, impartial mediators are perceived as influencing the disputants' trust in a mediator's fairness.

3.3.2. Capacity and Mediator Interest

Disputants' trust in a mediator's capacity to mediate disputes increases when the mediator is perceived to have an interest in the dispute. Since their interest is at stake in the dispute, interested mediators are commonly recognized as making their resources available to use for mediation. The fact that a mediator is willing to avail such resources for mediation is a critical factor in this analysis. Like Smith and Stam (2003), this research challenges Kydd's (2003, 2006) claims on the importance of credible information, arguing instead that it is a mediator's leverage – in the form of offering side-payments and convincing disputants to engage in mediation talks – that ultimately leads to mediation success. Therefore, the power of an interested mediator comes from his/her capacity (Bercovitch 1996, 5; Touval and Zartman 1985, 225). The mediator's potential capacity influences disputants' decision to accept mediation and possibly reach a successful settlement (Bercovitch 1989, 294; Zartman and Touval 1992, 254). Senator George Mitchell in Northern Ireland, Richard Holbrook in Bosnia, President Carter and Colin Powell in Haiti, and Presidents G.H.W. Bush, Clinton, and G.W. Bush in the Middle East were all interested mediators who represented their powerful interests and preferred one outcome over another (Mayer 2004, 92). Because their interests were at stake in these disputes, they were willing to use their substantial resources to make a proposed settlement more attractive and to reward disputants for making concessions. Kissinger's mediation efforts illustrated in the previous chapter were usually backed by U.S. power and his success was mostly attributed to the fact that he was representing a

powerful country with considerable resources and strong interests in the region (Pruitt 1981, 136, 142).

Mediation incidences like these demonstrate how resources are the carrots and sticks used by mediators and that interested mediators who are equipped with substantial resources are in high demand for negotiating successful mediation outcomes (Bercovitch and Schneider 2000, 150; Pruitt 1981, 144). There are two ways in which the resources of interested mediators can contribute to successful mediation. First, interested mediators can bring their resources to the bargaining table to make a settlement more attractive (Mayer 2004, 116; Touval 1992, 233). This is important since mediation acceptance hinges on "the promise of attractive outcomes for the parties" (Zartman and Touval 1992, 150, 255). Interested mediators can make the outcome more attractive by offering "political, military, and economic contributions" during negotiation talks (Bobrow 1981, 190). In turn, disputants accept these negotiations in the hope that "mediation will gain an outcome more favorable than the outcome gained by continued conflict" (Zartman and Touval 1992, 247). Ultimately, disputants believe that interested mediators are capable of producing an agreement that the parties cannot reach on their own (Zartman and Touval 1989, 129, 263-266). Second, interested mediators have the advantage of using their resources to induce concessions from disputants by rewarding or punishing them for their cooperative or uncooperative behavior, thereby leading to successful mediation outcomes (Hopmann 1996, 227; Kressel and Pruitt 1989, 412; Pruitt 1981, 145; Touval 1992, 233; Zartman and Touval 1989, 131). Interested mediators induce concessions effectively from disputants "with carrots and sticks behind them" (Princen 1992, 215). This carrots-and-sticks concept can be described as "provid[ing] rewards to the parties if

they reach agreement on terms advocated by the third party or carry[ing] out punishments if they fail to agree" (Hopmann 1996, 240). Ultimately, mediator interest serves as an "asset" that can be used to induce concessions from disputants (Kolb and Babbitt 1995, 77).

Thus, this kind of leverage exhibited by a mediator is the key to successful mediation (Kochan and Jick 1978, 296; Kressel and Pruitt 1989, 420; Touval 1992, 233). These types of mediators have their own interests at stake in the dispute such that they are willing to expend their resources to reach a successful agreement. In turn, disputants perceive these interested mediators as being capable of creating a more favorable settlement and gaining more concessions from disputants.

3.3.3. The Additive Effectiveness of Mediator Impartiality and Interest

The arguments above suggest that a successful mediator is one who acquires disputants' trust along the dimensions of fairness and capacity. Therefore, both impartial mediators and interested mediators are likely to be accepted and effective in mediating a dispute. Taking these claims a step further, this research hypothesizes that impartiality and interest counterbalance each other. Since both mediator impartiality and mediator interest improve the level of disputants' trust in a mediator, this research argues that a high level of impartiality could counterbalance a low level of interest. Therefore, this research expects that mediators with a higher sum of the levels of mediator impartiality and mediator interest are more likely to produce the most successful outcomes than those with a lower sum of those two variables.

[Figure 3-1 About Here]

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Figure 3-1 demonstrates that a low level of either mediator impartiality or

mediator interest does not necessarily lead to unsuccessful mediation and that a high level

of one characteristic does not always guarantee a successful outcome. Depending on the

magnitude of each attribute, a low level of one attribute can lead to either a middling or

unsuccessful outcome while a high level of one characteristic can lead to either a

middling or successful outcome. Thus, both levels of mediator impartiality and mediator

interest, the additive level of both variables, must be considered in order to accurately

predict mediation outcomes.

Hypothesis 1a. The greater the additive level of mediator impartiality and

mediator interest is, the more likely it is that mediation will occur.

Hypothesis 1b. The greater the additive level of mediator impartiality and

mediator interest is, the more likely it is that mediation will succeed.

This counterbalancing effect of mediator impartiality and mediator interest is the

central variable of this research. This variable will demonstrate that mediator impartiality

and mediator interest influence mediation occurrence and mediation outcome through

two dimensions of disputants' trust in a mediator.

3.4. Conclusion: The Additive Value of Mediator Impartiality and Interest

This research builds a comprehensive model that incorporates three relational

variables of mediators' characteristics, mediator trust, mediator impartiality, and mediator

interest, to account for mediation occurrence and mediation success. To do so, it begins

with mediation's distinctive characteristics of being a voluntary and non-binding process.

For this reason, a high level of disputants' willingness to resolve their dispute throughout

the course of mediation becomes crucial for mediation success. Among a number of

variables, this research posits that such willingness can be improved by disputants' trust in a mediator. This position aligns with the current mediation study that recognizes disputants' trust in a mediator as a central variable for successful mediation. However, this research takes a further step to identify the particular aspects of a mediator that increase the level of disputants' trust in the mediator.

Based on disputants' expectation for mediation, this research identifies a mediator's fairness and capacity as the two dimensions of mediator trust that are necessary for mediation to occur and succeed. Then, this research poses a question on how such trust can be enhanced. Linking mediators' impartiality and interest to the two dimensions of trust, this research proposes that both mediator impartiality and interest help build trust between the mediator and disputants through two different channels: a mediator's fairness and a mediator's capacity to influence. Figure 3-2 shows how the elements of the proposed theory are linked to one another.

[Figure 3-2 About Here]

By establishing this chain of elements, this research shows how three relational characteristics of a mediator, mediator trust, mediator impartiality, and mediator interest, interact and complement one another. By showing that both impartiality and interest contribute to improving the level of disputants' trust in a mediator, in addition, this research shows that both variables are accountable for successful mediation outcomes and, thus, the impartiality-versus-interest debate becomes irrelevant. More importantly, because both characteristics contribute to the occurrence and success of mediation being achieved, their individual effects counterbalance each other in determining whether mediation occurs and a successful outcome is achieved. Thus, it is not the level of

individual variables, but the additive level of impartiality and interest, that is important in explaining mediation outcome.

One set of hypotheses regarding the effect of mediators' impartiality and interest on mediation occurrence and outcome has been constructed: the sum of the levels of both mediators' impartiality and interest affects the occurrence and outcome of mediation. In the next chapter, this research discusses how mediator impartiality and mediator interest are operationalized and how the hypotheses developed in the chapter are tested.

3.5. Tables and Figures

Figure 3-1. Impartial and Interested Mediators
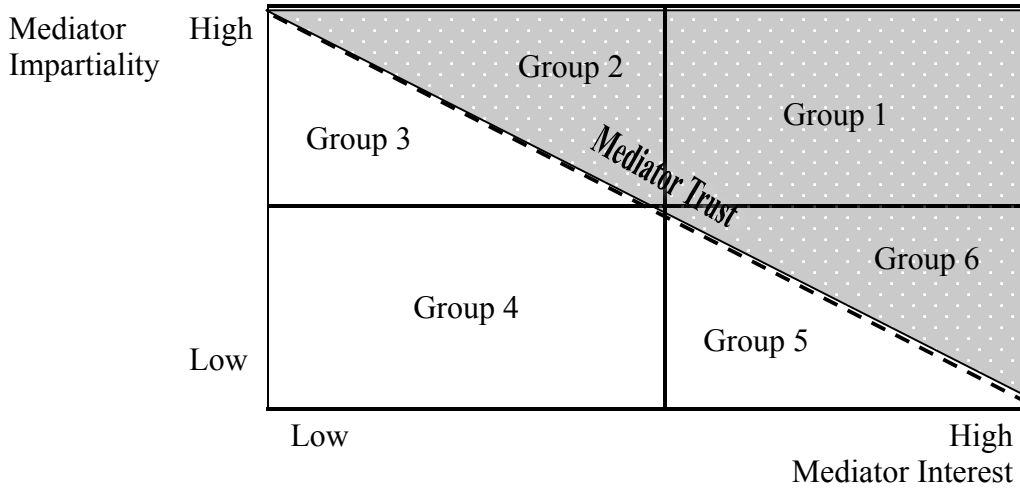
Note: Mediators in Groups 1, 2, and 6 are expected to be more trusted by disputants for their fairness and capacity and, thus, more effective than mediators in Groups 3, 4, and 5.

Figure 3-2. Mediator Trust and Mediator Impartiality/Interest
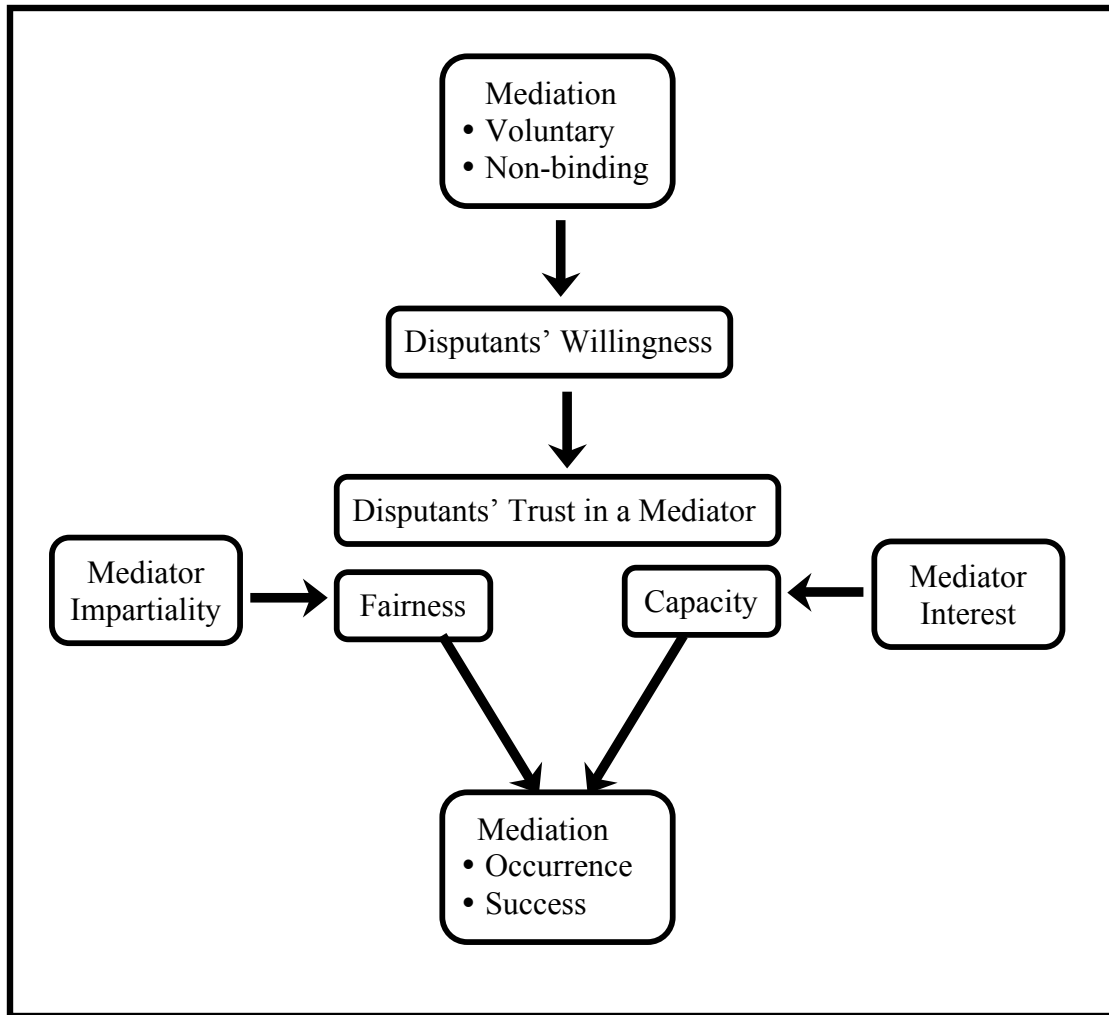
PART TWO

QUANTITATIVE ANALYSIS

Chapter 4: Research Design and Methodology

One set of hypotheses constructed in the previous chapter is concerned with the additive

effect of mediator impartiality and interest on the chances of mediation occurrence and

outcome. This chapter discusses how the key variable, the additive level of mediator

impartiality and interest, is operationalized and what statistical model is employed to test

the hypotheses.

4.1.   Data Introduction

The primary data set for this project is the International Conflict Management

Data (ICMD), which encompasses a total of 295 international militarized disputes taking

place between 1945 and 1999 (Bercovitch 1999). Defining an international militarized

dispute as "an organized and continuous militarized conflict or a demonstration of

intention to use military force involving at least one state," the data encompass 193

interstate disputes and 102 civil/internal disputes (Bercovitch and Houston 2000, 184).

The data exclude those mediation attempts that were conducted in a clandestine manner,

and only include mediation attempts that were reported in public resources such as

Keesing's archives, the *New York Times*, the *Times of London*, and *Reuters*. For 3207

mediation attempts, the ICMD set includes 104 variables pertaining to three domains –

the dispute, disputants, and conflict management.

While keeping the mediation attempt as the unit of analysis, this research includes

mediation cases only involving state actors in interstate militarized disputes and excludes

mediation attempts in internal/civil disputes (intrastate) and those carried out by international organizations (IOs). On the one hand, since civil/internal disputes affect foreign countries and involve their resources and military force, these disputes could rightfully be viewed as internationalized disputes. On the other hand, such disputes are not fully appropriate for research such as this that assumes that mediator trust, the key variable of this research, results from formal relationships (i.e. alliance portfolio) disputants have established with a mediator. Most states tend to have an established formal relationship with other states whereas rebel groups are unlikely to be qualified to have such a relationship with other governments. Hence, like other works on mediators' relational characteristics, this research examines interstate conflicts only.

In addition, IOs have played an important role in international relations, particularly after the end of the Cold War, and the importance of IOs' mediation has increased over the past few decades (Fretter 2002). However, this study recognizes that the nature of the relationship between a mediator and disputants in mediation attempts carried out by IOs differs from mediation cases carried out by state actors in interstate disputes. Therefore, this research is concerned with mediation cases 1) in which each disputant has established its formal relationship with a mediator independently and 2) in which a mediator does not represent any institution's interest but its own.

4.2. Dependent Variables

Two dependent variables are examined for the purpose of this research: *Mediator Occurrence* and *Mediation Outcome*.

4.2.1. Mediation Occurrence

Mediation Occurrence is an indicator variable coded 1 when both states in a dispute accept an offer of mediation by a third party state. Since mediation is a voluntary process, mediation takes place only when both disputants agree to accept the offer; if one or both of the disputants reject the offer, mediation does not occur. Within the ICMD data, 294 mediation attempts were made by states to try and resolve interstate disputes, 58 of which were rejected and 236 of which were accepted.

4.2.2. Mediation Outcome

Mediation Outcome indicates the level of agreement mediators achieve between disputants. While some mediation attempts failed to make any difference in an on-going dispute, others resulted in a cease-fire. In other mediation cases, mediators were able to help disputants reach partial or even full peaceful settlement. In ICMD, among the 236 mediation cases accepted by disputants, mediators failed to stop the fighting in 149 cases, they succeeded in ending ongoing violence between disputants in 30 cases, they assisted the disputants with reaching partial settlement in 44 cases, and they led to a full settlement in 13 cases. This research treats *Mediation Outcome* as interval, coding "unsuccessful" as 0, "cease-fire" as 0.34, "partial settlement" as 0.67, and "full settlement" as 1. Instead of categorizing "unsuccessful" as unsuccessful mediation attempts and "cease-fire," "partial settlement," and "full settlement" as successful mediation attempts, this scale allows researchers to recognize any degree of success a mediator makes toward peaceful settlement and therefore enables them to assess the effect of the key independent variables on mediation outcome more accurately.

4.3. Independent Variables

For the additive level of mediators' impartiality and interest, this research operationalizes the strength of the relationship by looking at similarities in alliance portfolios between a mediator and each disputant. As a spatial measure of policy similarities, conceptually, the S-score positions two states in the policy space of one or multiple dimensions (issues) according to their policy positions. Then, it measures how close or far the two states are positioned in the policy space and normalizes it so that the values of the S-score fall between -1 and 1 (Signorino and Ritter 1999). Formally, the S-score of states i and j is calculated by:

$$S*(P^i, P^j) = 1 - 2d(P^i, P^j)/d^{max}$$

where P^i and P^j indicate the policy positions of states i and j in the policy space, $d(P^i, P^j)$ indicates the distance between state i's policy position and state j's policy position, and d^{max} indicates the maximum possible distance between any two points in the policy space.

For example, with regard to types of alliance commitments and levels of support for the United Nations (UN) resolution, suppose that state A is positioned at (3, 4) and state B at (1, 2) in the policy space in which the maximum possible distance between any two points is 25. The S-score of states A and B is calculated as follows:

$$S*(P^A, P^B) = 1 - 2\sqrt{(3-1)^2 + (4-2)^2}\Big/25$$

$$= 1 - (4\sqrt{2})/25 = 0.7737$$

Given that 1 is the maximum value of the S-score, state A and state B are considered as having very similar policy portfolios in terms of the types of alliance commitments and levels of support each one has for the UN resolution.

In this project, S-scores are computed in the policy space of alliance portfolios through the EUgene program (Bennett and Stam 2000). These scores indicate the

magnitude of alliance portfolio similarity between a mediator and each disputant, ranging from completely similar (1) to completely opposite (-1) alliance portfolios (Signorino and Ritter 1999).   Based on S-scores, *Mediator Impartiality* and *Mediator Interest*, the components of the additive level of mediators' impartiality and interest, are computed, and then sum of the two variables is calculated to represent the additive level of mediators' impartiality and interest.

4.3.1.   Mediator Interest

Because this study posits that the source of interested mediators' effectiveness comes from their strong ties to disputants, conceptually, *Mediator Interest* represents the strength of mediators' relationships with each disputant. In this sense, a mediator's strong ties to both disputants contribute to the level of his/her interest at stake in the dispute.

This research assumes that the high S-score between a mediator and each disputant indicates that the mediator is highly interested in the dispute (Favretto 2009; Gent and Shannon 2011). Since *Mediator Interest* measures the strength of a mediator's relationship with each of the two disputants, the sum of S-scores between a mediator and each of the two disputants is used to represent the level of interest a mediator has in their dispute. This relationship is calculated by the equation

$$Mediator\ Interest = S_{MA_i} + S_{MB_i}$$

where S_{MA_i} indicates the S-score between a mediator and disputant A and S_{MB_i} indicates the S-score between a mediator and disputant B for mediation attempt *i*. For example, in the Yom Kippur War between Israel and Egypt in 1973, the United States offered to be a mediator. The S-score between the United States and Israel is 0.068983 and the S-score

between the United States and Egypt is -0.099039. Thus, *Mediator Interest* of the United

States in the Yom Kippur War in 1973 is the sum of 0.068983 and -0.099039.

Compared to other measurements for the levels of mediators' impartiality and

mediators' interest, S-scores of alliance portfolio similarity appear to be the best fit for

the purpose of this research (Gent and Shannon 2011). At first glance, S-scores of

alliance portfolio similarity represent only the military aspect of disputants' relationship

with a mediator. However, it should be noted how mediation outcomes that reallocate

resources and settle the issues of a dispute have salient bearings for national and

international security (Gent and Shannon 2011). Thus, the states to which a mediator has

strong or weak alliance ties provides an indicator to disputants of how interested the

mediator would be and how impartial s/he would be in the dispute. In this sense, S-

scores of alliance portfolio similarity can be an effective variable that operationalizes the

strength of the relationship between a mediator and disputants.

In some mediation cases, more than one mediator will play a role in assisting

disputants toward peaceful settlement. In those cases, the maximum value of *Mediator*

Interest among the group of mediators involved in mediation is used to estimate the level

of interest the mediating group has at stake in the dispute. For the 1980-1989 territorial

dispute between Iran and Iraq, Syria and Kuwait served as a group of mediators. The S-

scores of each mediating state with Iran are 0.78748202 and 0.90106899, respectively,

while the S-scores of each mediating state with Iraq are 1 and 0.88641298, respectively.

In this mediation case, based on the higher sum of S-scores of Syria with both disputants,

this research assumes that Syria played a dominant role in mediating the dispute between

Iran and Iraq and uses the S-scores of Syria with both states to measure the level of *Mediator Interest* between Syria and Kuwait.

This research departs from the convention of weighting the national capability of the members of the mediating group in calculating the overall S-scores (Gent and Shannon 2011). Under this convention, the major power whose capability is greater than that of the other states is expected to have the most resources at hand and thus is assigned more weight regarding each of the disputants. However, this standard does not account for the possibility that the major power might not have been the dominant player within the mediating group, but rather that other states might have been the primary mediator.[10] In addition to departing from this principle, this research does not weight the rank of the member of the group in calculating the overall S-scores. Although a primary mediator often has the strongest influence on disputants, it is possible that another mediator from the group might have played the largest role.

While it cannot be determined uniformly which state has influenced the disputants' behavior the most, this research uses the maximum value of *Mediator Interest* as an indicator of the disputants' perception of the level of mediators' interest in their dispute. A high level of interest from a single mediator in the mediating group would be sufficient to convince the disputants that the mediator is willing to expend its resources in helping to resolve their dispute, thereby increasing their perception of a mediator's capacity. *Mediator Interest* in mediation carried out by a group of mediators is calculated with the equation

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[10] Examples of this possibility include the border fighting between Cambodia and Vietnam since 1979 where Indonesia served as the primary mediator and France (major power) as the secondary mediator as well as the sovereignty dispute between the United Kingdom and Argentina (so-called The Falklands War) in 1982 in which Peru was considered as the primary mediator and the United States (major power) as the secondary mediator.

$$Mediator\ Interest = \max\left\{S_{M_jA_i} + S_{M_jB_i}\right\}$$

where $S_{M_jA_i}$ indicates the S-score between Mediator j and disputant A, and $S_{M_jB_i}$

indicates the S-score between Mediator j and disputant B for mediation attempt i.

4.3.2. Mediator Impartiality

Mediator Impartiality indicates how close the mediator's relationship is to one

disputant compared to the other. If a mediator has more similarities in alliance portfolios

with disputant A and thus more allies in common with her than disputant B, the mediator

is expected to be biased against disputant B and thus not considered to be impartial.

Therefore, when the difference between similarities that a mediator and disputant A share

and those that the mediator and disputant B share in alliance portfolios is small, the

mediator is regarded as impartial. In this research, *Mediator Impartiality* is calculated

according to the equation

$$Mediator\ Impartiality = -\left|S_{MA_i} - S_{MB_i}\right|$$

where S_{MA_i} indicates the S-score between a mediator and disputant A, and S_{MB_i} indicates

the S-score between a mediator and disputant B for mediation attempt i. To prevent low

scores from indicating a high level of impartiality, the scores of the difference in S-scores

have been reversely rescaled by adding a negative sign to the absolute value of the

difference in scores.

Consider the following two scenarios. In the first case, suppose that a mediator's

S-score with disputant A is 0.2 and his/her S-score with disputant B is -0.5. In the second

case, the S-score of a mediator with disputant C is 0.3 and his/her S-score with disputant

D is 0.3. Without calculating the score for *Mediator Impartiality*, it is obvious that the

mediator in the second scenario is more impartial than the one in the first scenario. In the

first scenario, the mediator has an alliance portfolio that is somewhat similar to disputant

A's portfolio and somewhat dissimilar to disputant B's portfolio. In this case, the

mediator would be inclined to favor disputant A over disputant B. In contrast, in the

second scenario, the mediator has the same S-score (0.3) with disputant C as it does with

disputant D. This indicates the mediator's alliance portfolios are as similar to that of

disputant C as to that of disputant D.

The absolute difference between the two S-scores of the mediator with each

disputant in the first scenario is 0.7 whereas the absolute difference in the second

scenario is 0. If a negative sign is added to the absolute difference, the *Mediator*

Impartiality score is -0.7 in the first scenario and 0 in the second one. This indicates that

the mediator in the second scenario is more impartial than the one in the first scenario.

As considered in *Mediator Interest,* in mediation carried out by more than one

mediator, *Mediator Impartiality* is calculated as

$$Mediator\ Impartiality = -\left|\sum_{j=1}^{N} S_{M_j A_i} - \sum_{j=1}^{N} S_{M_j B_i}\right| \Big/ N$$

where $S_{M_j A_i}$ indicates the S-score between Mediator j and disputant A for mediation

attempt i, $S_{M_j B_i}$ indicates the S-score between Mediator j and disputant B for mediation

attempt i, and N indicates the number of mediators involved in the dispute.

4.3.3. Sum of Mediator Impartiality & Interest

As the key variable of this research, *Sum of Mediator Impartiality & Interest*

indicates that a mediator with a high level of either impartiality or interest is likely to

bring about a successful outcome. Unlike Kydd's (2006) study, this research posits that

mediators do not have to be impartial *and* interested to be effective, but rather that an

additive level of mediators' impartiality and interest explains whether or not mediation is likely to take place or be successful. In this sense, a high level of mediators' impartiality can offset a low level of mediators' interest and the same logic applies for a low level of mediators' impartiality and a high level of mediators' interest. That is, mediators with little interest can still be effective as long as they are impartial, and biased mediators can still be effective if they are highly interested in the dispute. This happens because both variables contribute to increasing the level of disputants' trust in a mediator – impartiality for disputants' trust in a mediator's fairness and interest for disputants' trust in a mediator's capacity. In order to represent the level of disputants' trust in a mediator's fairness and capacity, *Sum of Mediator Impartiality & Interest* is calculated as follows.

Sum of Mediator Impartiality & Interest = Mediator Interest + Mediator Impartiality

This research predicts that as *Sum of Mediator Impartiality & Interest* increases, mediation is likely to occur and be successful.

4.3.4.   Summary of Independent Variables

Figure 4 helps illustrate the different predictions based on previous studies and this study that will be tested in next chapter. With varying degrees of *Mediator Interest* on the x-axis and varying degrees of *Mediator Impartiality* on the y-axis, the shaded area in the first grid indicates mediators with a high level of impartiality in the first grid, those with a high level of interest in the second grid, and mediators with a high additive level of impartiality and interest in the third grid.

[Figure 4 About Here]

Those who highlight the importance of *Mediator Impartiality* expect mediation offers and cases in the shaded area in the first grid to be accepted and result in successful outcomes more often than those in the white area in Figure 4. Those who advocate the salience of *Mediator Interest* hold that mediators in the shaded area in the second grid are more effective than those in the white area. Last, this research expects that mediators in the shaded area in the third grid are more acceptable and successful than those in the non-shaded area.

4.4. Control Variables

The mediation literature has identified three aspects of mediation that influence mediation occurrence and outcome: The nature of the dispute, disputants' relationship with each other, and characteristics of the mediators.

The Nature of the Dispute

Generally, the nature of disputes is believed to affect the outcome of mediation (Bercovitch and Langley 1993, 688; Bercovitch and Gartner 2006; Ott 1972). Literature by both mediators and academic scholars explains why and how the nature of disputes is considered to be a vital determinant of mediation outcomes. The nature of a dispute is comprised of the outcome of previous cases of conflict management, hostility, and the disputing issues. This research posits that the successful outcome of previous conflict management, the dispute phase with a low level of conflict intensity, and the tangibility of issues being disputed all have a positive impact on mediation outcome.

4.4.1. Outcome of Previous Peaceful Conflict Management

It is important to consider whether high levels of mediation occurrence and successful mediation outcome can simply be attributed to the successful outcome

achieved in previous conflict management between the mediator and disputants. Previous successful mediation outcomes may have relaxed tensions between the disputants and showed the possibility of reconciliation between them for the current conflict (Bercovitch and Gartner 2006). Regardless of the mediator's identity, it is reasonable to posit that disputants who experienced successful conflict management in the past are more likely to accept mediation and mediated terms in the next round. In contrast to Bercovitch and Gartner's (2006) study that focuses only on outcomes that stemmed from mediation, this research posits that the outcomes from all types of previous conflict management influence the success rate of the current mediation period. This research assumes that momentum, which can be altered not only by the outcomes of previous mediation but also by the outcomes of other types of previous conflict management, affects the willingness of disputants in reaching an agreement through mediation and achieving a mediated outcome.

To measure *Outcome of Previous Peaceful Conflict Management*, this research adopts the categorization of ICMD that identifies five types of outcomes of previous conflict management: offers only, unsuccessful, cease-fire, partial settlement, and full settlement. "Mediation offers only" is coded as 1, "unsuccessful" as 2, "cease-fire" as 3, "partial settlement" as 4, and "full settlement" as 5. This research expects to find that the more successful the previous outcome was, the more likely it is that mediation will be accepted and a successful outcome will be reached for the current dispute.

4.4.2. Hostility

The intensity of a dispute, which is represented by the presence or absence of hostility in this study, is considered to affect mediation outcome as well as occurrence,

although the direction of its effect is controversial. Some scholars argue that as the level of hostility increases, given that the disputing countries are too aggressive to provide resources for a peaceful resolution, mediation may not take place or turn out successfully due to scarce resources for mediation (Dixon 1996, 665). They contend that the level of hostility indicates the degree of polarization of the positions of the disputing parties and thus the likelihood that a mediation effort will be rejected (Kleiboer 1996, 363). Others claim that increasing the level of intensity of a conflict actually encourages disputants to accept a mediation offer and mediated terms in hopes of minimizing the costs of continuing the conflict (Jackson 1952; Kleiboer 1996, 364; Young 1967, 1968). In either case, the intensity of a dispute plays a role in affecting the chances of mediation occurrence and outcome.

Although dispute phases may not be a direct indicator of the intensity of a dispute, this research uses the variable of Dispute Phase in ICMD to represent *Hostility* because it indicates whether or not there was a high level of hostility in each phase of the dispute. Dispute phases in ICMD are as follows: dispute, crisis, hostilities, crisis post-hostilities, dispute post-hostilities, settlement, and no conflict management. This research groups these phases into two groups of hostility. "Hostilities" is coded as 1; "dispute," "crisis," "crisis post-hostilities," "dispute post-hostilities," and "settlement" are considered as having low hostility and coded as 0. This research expects that the presence of a high level of hostility discourages disputants from accepting mediation.

4.4.3. Disputing Issues

The issue of a dispute helps to determine whether or not mediation occurs and a successful outcome is reached (Rubin 1992, 271). Regardless of the perceived levels of

mediators' capability or fairness, there are some issues that disputants are not likely to make a compromise on and, therefore, they will not accept mediation and mediated terms because of the nature of the disputing issue (Bercovitch and Houston 2000, 177-8; Burton 1986a, 51; Burton 1986b, 99; Hiltrop 1985, 84; Hiltrop 1989, 246; Holsti 1988, 112-4; Kressel and Pruitt 1989; Princen 1992, 35; Rubin 1992, 271; Touval and Zarman 1985, 266).

ICMD include seven different types of issues: territory, ideology, security, independence, resources, and ethnic. This research groups them in terms of tangibility, coding tangible issues as 1 and intangible issues as 0 (Hiltrop 1989). Tangible issues such as territory, independence, and resources are relatively measurable; the nature of the issue as well as the outcome is relatively assessable. In contrast, intangible issues such as ideology, security, and ethnic are not measurable. Thus, disputants do not expect that a mediator acting as a third party is capable of understanding the nature of the issue and bringing about a successful outcome (Hiltrop 1989). Based on Hiltrop's 1989 research, this research posits that mediation for the disputes involving tangible issues is more likely to be accepted and successful than those dealing with intangible issues.

Disputants' Relationship with Each Other

Disputants' motivation or willingness to come to a resolution makes a great difference in mediation outcomes. The more disputants are willing to settle a dispute, the more opportunities and resources there will be available for mediators and, therefore, the more likely it is that the mediation will be effective (Bercovitch 1997, 145; Rubin 1992, 451; Zartman and Touval 1996, 445-61). Since participation in the mediation process is

based on disputants' free will, if disputants do not have the motivation to settle disputes, there is very little chance for third party efforts to mediate them successfully.

The relationship disputants have with each other influences their motivation to reach an agreement. In this research, *Power Parity* and *Disputants' Interdependent Relationship* are measured to estimate the level of disputants' motivation to settle disputes through mediation.

4.4.4. Power Parity

Raw power scores from the Cox-Jacobson Scale in ICMD are used to calculate the difference of disputants' power.[11] A considerable difference of power levels between disputants is expected to have a negative impact on mediation occurrence (Frazier and Dixon 2006; Greig 2005; Kleiboer 1996; Ott 1972; Young 1967).[12] The stronger disputants, who are capable of achieving their goal by their own means, are not likely to accept mediation but to take matters into their own hands. Therefore, this research expects that mediation is more likely to take place in cases where there is little power parity between the disputants.

4.4.5. Disputants' Interdependent Relationship

The disputants' relationship with each other is also expected to affect the occurrence and outcome of mediation. Rubin claims that "the disputants must be interdependent" in order for mediation to be effective (Rubin 1992, 251). When disputants have a close relationship with each other, they are more likely to utilize all means to maintain their relationship because they fear that prolonging disputes will worsen not only their domestic conditions but also their relationship with each other

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[11] Power Parity = |The Power Score of disputant A – The Power Score of disputant B|
[12] Deutsch (1973) argues otherwise. He contends that the great parity in disputants' power helps them recognize the allocation of resources and legitimacy.

(Wall and Lynn 1993). In contrast, those without such a close relationship lack an incentive to maintain their relationship; therefore, they do not want to pay the costs for mediation to restore the troubled relationship. Based upon these findings, this research anticipates that the presence of a close relationship between the disputants increases the chances of mediation occurrence and a successful outcome.

Disputants' relationship is measured by an S-score that represents similarities in alliance portfolios. Based on the work of Wall and Lynn (1993), this research assumes that disputants with similar alliance portfolios would be more motivated to resolve their dispute at any cost in order to avoid disturbing their relationship with each other. Thus, the more similar portfolios disputants have, the more likely it is that mediation will occur and a successful outcome will be reached.

This is not meant to suggest that states with different alliance portfolios have interests or resources in opposition. However, this research does assume that there is less willingness toward settlement between disputants whose alliance portfolios are not similar.

Characteristics and Strategies of Mediators

While a small group of scholars claims that the characteristics of the mediator have no bearing on mediation outcome (Harbottle 1979; Kochan and Jick 1978; Ott 1972), most scholars and practitioners agree that mediators' characteristics such as mediators' reputation have a significant impact on the course of mediation. In addition, the mediators' choice of mediation strategies is also considered a critical variable for determining the outcome of mediation.

4.4.6. Reputation

Disputants perceive mediators with experience as more capable of mediating their dispute than those without past successful experience (Wicks, Berman, and Jones 1999). Sheppard and Sherman (1998) claim that mediators who have a history of settling cases successfully may gain a favorable reputation that increases the level of disputants' trust in the competence of mediators. Thus, the mediators who are more experienced and reputable, and who have engaged in previous international militarized disputes and led successful mediation outcomes, are more likely to be accepted and successful.

The measurement of *Reputation* indicates how successful the mediators have been in mediating past conflicts. Their reputation score is set to 0 in their first trial as a mediator. If they are unsuccessful in leading a peaceful resolution, their score is deducted by 1; thus it becomes -1. A successful outcome reached by a mediator adds 1 to the score; thus his/her score increases by 1. This score is calculated individually for a particular mediator throughout his/her career as a mediator. In the case where mediators are from the same state, they accumulate their score together as a state mediator, while individual mediators retain their individual scores. Based on the claims of past research, this study expects to find that the higher the score the mediator has, the more likely his/her mediation will be accepted and produce a successful outcome.

4.4.7. Mediation Strategies

In previous studies, directive mediation strategies that furnish mediators with the most authority are found to be the most effective type of strategy for reaching successful outcomes in international militarized disputes (Bercovitch 1992; Bercovitch, Anagnoson, and Wille 1991; Bercovitch and Houston 1993; Bercovitch and Wells 1993). However, it has not been explained why directive mediation strategies maintain such an impressive

success rate. It has only been speculated that the mediators employing directive mediation strategies play a more authoritative role in mediation processes and, therefore, reach more successful outcomes.

Three groups of mediation strategies are introduced in ICMD: Communication-facilitation strategies, Formulation-procedural strategies, and Manipulation-directive strategies. The first group of strategies includes tactics such as initiating contact with the parties, gathering information about the situation, and encouraging and arranging positive communication between the parties. Formulation-procedural strategies pertain to procedural issues for mediation sessions such as selecting meeting sites and dates, establishing the order of the agenda to discuss, and taking charge of the pace of the sessions. Manipulation-directive strategies grant more authority to mediators.   These strategies include tactics such as inducing concession from the parties, rewarding the parties for their concession, changing the parties' expectation of the dispute, and making the parties understand the consequence of non-agreement (Bercovitch and Well 1993, 8-9).

This study groups the three types of strategies into two categories. Non-directive mediation strategies include "communication/facilitation strategies" and "procedural strategies," whereas directive mediation strategies involve "directive/manipulation strategies." If directive mediation strategies are employed, they are coded as 1; other strategies are coded as 0. This research expects to find that the employment of directive mediation strategies, compared to the employment of non-directive mediation strategies, is associated with more successful outcomes.

4.5.   Methodology

Heckman selection models are used to examine the relationship between the levels of mediators' impartiality and interest and the occurrence and success rate of mediation. As one of the sample selection models, a Heckman selection model corrects a potential selection bias caused by non-random selection of samples (Heckman 1979). If an ordinary least squares (OLS) regression is used in samples that are not randomly selected, the inference of the results may not account for the unobserved group.

In the case of mediation, as Gartner and Bercovitch (2006, 821) discuss, mediation occurrence is not random but selected. The results generated by regressing mediation outcome on mediators' impartiality and interest do not represent the effect of such traits of mediators on mediation outcome for the whole population. Mediation outcome can be observed only if mediation takes place; without mediation occurrence, mediation outcome cannot be observed. One type of selection effect in this case is that the sample consists only of mediation attempts that are accepted and that the mediation attempts that are accepted may have some common characteristics that select them into the sample (i.e., mediation occurrence). Suppose that such characteristics are the levels of mediators' impartiality and interest. If this is the case, mediation attempts in which mediators are highly impartial or interested are likely to be accepted (selected into a sample). The results of the study may account for the mediation attempts that take place, probably due to high levels of mediators' impartiality and interest, but not for the unobserved group of mediation attempts that do not take place possibly because of lack of such characteristics.

The other type of selection effects pertains to the mediation offers with low levels of mediator impartiality and interest that may manage to survive in the selection process

and be accepted by disputants (Sartori 2003). These cases may be selected into the sample, not because of the levels of impartiality and interest of mediators, but because of some unmeasured variable, which is part of the error term in the selection equation. Suppose that such an unmeasured variable is mediators' charismatic personality[13]. Mediation offers by mediators who are not highly impartial or interested may still have the chance of being accepted by disputants if such mediators have charismatic personalities. Thus, in the selected sample, mediators with low levels of mediator impartiality and interest tend to have large error terms whereas those with high levels of mediator impartiality and interest will have a usual range of errors. This pattern indicates that the two variables, the levels of mediators' impartiality and interest and the level of mediators' charismatic personality, are correlated in the selected sample. Thus, if charismatic personality of mediators indeed increases the chance that a mediation offer will be accepted by disputants and is unmeasured in the selection equation, the effect of the levels of mediators' impartiality and interest will be underestimated in the selected sample because mediation attempts with low levels of impartiality and interest are very acceptable to disputants. Thus, in order to avoid selection effects and estimate the parameters accurately, this research employs a Heckman selection model.

4.6. Conclusion: Research Design and Methodology

Chapter 4 shows how the variables of this research are operationalized and how their effects will be examined empirically. ICMD are used for all the variables in this research, except for the variables concerning the level of a mediator's impartiality and interest (Bercovitch 1999). For the level of a mediator's impartiality and interest, this study uses S-scores to measure the similarity of alliance portfolios between a mediator

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[13] Assume that charismatic personality has a positive effect on mediation occurrence.

and each of disputants and argues that high S-scores indicate a strong tie between a mediator and each disputant (Signorino and Ritter 1999). The reverse value of the absolute difference of S-scores between a mediator and each of the two disputants indicates the degree of the mediator's impartiality. The level of a mediator's interest is expressed as a sum of S-scores between a mediator and each of the two disputants. Finally, *Sum of Mediator Impartiality and Interest* is operationalized as the sum of *Mediator Impartiality* and *Mediator Interest*.

In the next chapter, these key variables, along with other control variables, will be examined using Heckman selection models. While remedying selection effects, Heckman selection models will estimate the effects of the key independent variables on mediation occurrence and mediation outcome.

4.7.   Tables and Figures

Figure 4. Levels of Mediator Impartiality and Mediator Interest

Mediators who are
Highly Impartial

Mediators who are
Highly Interested

Mediators with a High
Additive Level of
Impartiality and Interest
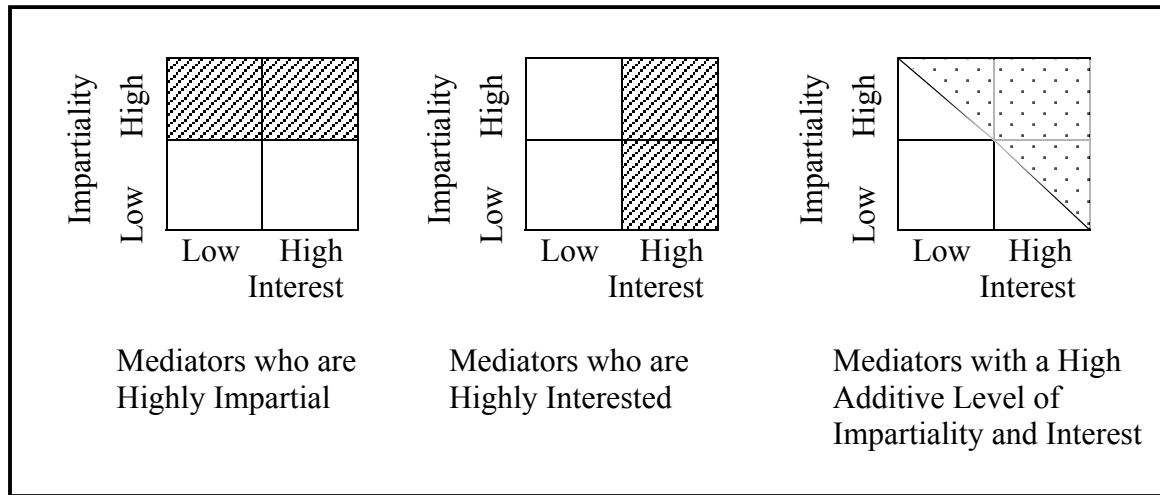
Chapter 5: Quantitative Analysis

In Chapter 5, this research tests the key claims pertaining to the effects of mediators' relational characteristics on mediation occurrence and outcome. To do that, the first section presents basic statistics of each key variable, *Mediator Impartiality*, *Mediator Interest*, and *Sum of Mediator Impartiality & Interest*. This research then employs Heckman selection models in order to examine whether or not each key variable has a significant effect on mediation occurrence and mediation outcome, taking into consideration other mediator characteristics (his/her reputation and mediation strategies), the nature of the dispute (the types of disputing issues, the intensity of the dispute, and the outcome of previous management), and the relationship between the disputants (alliance similarities and power parity). By so doing, this research compares the significance of all key variables and reports whether or not *Sum of Mediator Impartiality & Interest* performs better than the other two variables in predicting mediation occurrence and successful mediation outcome.

[Table 5.1 About Here]

Table 5.1 shows that in international militarized disputes between 1945 and 1999, out of 294 mediation attempts, 236 actual mediation attempts (80.27%) were accepted by disputants and took place while mediation was rejected in 58 cases (19.73%). Among the 236 mediation attempts that were accepted, Table 5.1 indicates that 149 (63.14%) mediation efforts made no difference in the disputes while 30 (12.71%) attempts led to cease-fire, 44 (18.64%) attempts resulted in partial settlement, and 13 (5.51%) attempts brought about full settlement. It may seem surprising that a majority of mediation attempts failed to end a dispute, let alone help disputants reach an agreement. However,

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as Bercovitch and Gartner (2006, 332) state, mediators get involved only in a conflict when the disputing parties find that "their conflict is too difficult to terminate by themselves." This suggests that mediation is usually offered in a very difficult conflict only after the disputants have exhausted all other available options to resolve the dispute. Thus, even 12.71% of outcomes resulting in cease-fire should be considered a notable success and 5.51% of outcomes resulting in full settlement is indeed an even greater achievement.

5.1. Basic Statistics

In existing studies of mediation, mediators' relational characteristics – mediators' impartiality in a dispute, mediators' interest in a dispute, and disputants' trust in a mediator – are regarded as three pertinent proxies of mediation occurrence and success. All of the variables are considered as having a positive effect on mediation occurrence and success. Table 5.2 shows a preliminary picture of the levels of *Mediator Impartiality*, *Mediator Interest*, and *Sum of Impartiality & Interest* in 284 cases of mediation between 1945 and 1999.

[Table 5.2 About Here]

5.1.1. Mediator Impartiality

Mediator Impartiality represents how impartial a mediator appears to two disputants. A high score of *Mediator Impartiality* indicates that a mediator's alliance portfolios are as similar to one disputant's portfolios as to those of the other. Thus, mediators are expected to behave impartially in a dispute when they have high scores on this variable. The mean (-0.1740) and the median (-0.0743) of *Mediator Impartiality* in Table 5.2 suggest that most mediators tend to be impartial. In other words, mediation is

more likely to be offered by those who have the same strength of ties to both disputants than those who have strong ties to one disputant but weak ties to the other. In the case of the 1953 dispute between Egypt and the United Kingdom, Pakistan achieved a -1.2519, the lowest score of any mediator in the sample of cases. Pakistan favored Egypt with which it shared more similarities in alliance portfolios than the United Kingdom.[14] In this case, Pakistan was considered to be extremely partial as a mediator. Although Egypt and the United Kingdom accepted the mediation offer, Pakistan was not able to end violence and help the two states reach an agreement (Bercovitch 1999).

Mediators with the highest score in *Mediator Impartiality* were found in thirty mediation attempts. Among those, six mediation offers were rejected, twelve mediation incidences were reported to be unsuccessful, three cases helped bring cease fire, seven cases resulted in getting disputants to reach partial settlement, and two cases succeeded in achieving full peace settlement. The latest mediation carried out by the most impartial mediators involved a border conflict between Ecuador and Peru in October 1995. Argentina, Brazil, Chile, and the United States served as a group of mediators in this dispute. Except for the United States, Argentina, Brazil, and Chile had identical alliance portfolios with both disputants. Ecuador and Peru recognized the three states as impartial in the dispute, as mediation was not only offered, but also led to a partial agreement being reached between the two disputing parties (Bercovitch 1999). In this mediation case, the level of mediators' impartiality appeared to help Ecuador and Peru move forward with peaceful settlement.

5.1.2. Mediator Interest

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[14] The S-score of alliance portfolios of Pakistan and Egypt is 0.9591 whereas that of Pakistan and the United Kingdom is -0.292738. This means Pakistan has more similar alliance portfolios with Egypt than with the United Kingdom.

Mediator Interest indicates how much interest a mediator has at stake in a dispute. In Table 5.2, the mean of *Mediator Interest* in 284 mediation cases is 1.1023 with a median of 1.0844. If one considers the minimum and maximum values of *Mediator Interest* (-0.1858, 2), these mean and median values indicate that most mediators have similar alliance portfolios with those of disputing parties. Twenty mediators and groups scored the maximum value for *Mediator Interest*. Eight mediation attempts were led by a group of states while twelve of the attempts were made by a single state. Out of twenty mediation offers, two were rejected; out of eighteen mediation incidences, one led to a full settlement, five to a partial settlement, and two to a cease-fire. In ten mediation cases, mediators were not able to end violence in the region. The most recent case in which mediators scored the highest S-score for *Mediation Interest* was the border dispute in 1995 between Ecuador and Peru in which mediators also scored the maximum score for *Mediator Impartiality*. With the highest scores for both *Mediator Impartiality* and *Mediator Interest*, the mediating team of Argentina, Brazil, Chile, and the United States was able to help Ecuador and Peru reach a partial settlement (Bercovitch 1999).

The lowest score of *Mediator Interest*, -0.1858, was earned by the United States for a post-independence territorial dispute between Afghanistan and Pakistan in October 1949. Although the United States and Pakistan appeared to have some similarities in alliance portfolios (0.0201), dissimilarities in the alliance portfolios of the United States and Afghanistan (-0.2059) prompted the disputing parties to perceive the United States as having little interest in the dispute and, thus, being most likely to be ineffective as a mediator (Bercovitch 1999). Mediation was offered by the United States, but it was never accepted.

5.1.3. Sum of Mediator Impartiality & Interest

As a key variable that represents the level of disputants' trust in a mediator, *Sum of Mediator Impartiality & Interest* is the additive value of mediators' impartiality and interest. Table 5.2 shows that the mean of *Sum of Mediator Impartiality & Interest* in 284 mediation cases is 0.9284 and the median is 0.9218. Twenty cases have the highest score of 2 for this variable. All twenty of these groups of mediators have perfect scores in *Mediator Impartiality*, 0, and *Mediator Interest*, 2, thereby attaining the maximum score of 2 for *Sum of Mediator Impartiality & Interest*. A team consisting of Argentina, Brazil, Chile, and the United States, which was discussed previously as scoring the highest on *Mediator Impartiality* and *Mediator Interest*, served as a mediator for a border dispute between Ecuador and Peru in 1995. Out of five attempts, the mediating team was able to achieve cease-fire twice and partial settlement once, while failing twice to make any difference in the dispute (Bercovitch 1999).

The mediation attempt that scores the lowest in *Sum of Mediator Impartiality & Interest* is for a sovereignty dispute between Egypt and the United Kingdom over the Suez Canal Zone from January 1952 through June 1959. Pakistan, which scored the lowest on *Mediator Impartiality* as discussed previously, offered to mediate the dispute in June 1953. With the lowest score of *Sum of Mediator Impartiality & Interest* (-0.5855), Pakistan must have been perceived as having little interest and being partial toward Egypt, as this mediation attempt failed to lead to any agreement or end violence in the region (Bercovitch 1999).

5.1.4. Summary

This section has analyzed the two dependent variables and shown that 1) 80% of the 294 mediation attempts made in international militarized disputes between 1945 and 1999 were accepted by disputants and took place; 2) most mediation incidences failed (63.14%) while full settlement was rarely achieved (5.51%); and 3) partial settlement was the second-most common outcome among mediation incidences (18.64%) while the chances that disputants agreed on cease-fire occurred 12.71% of the time. The basic statistics of *Mediator Impartiality*, *Mediator Interest*, and *Sum of Mediator Impartiality & Interest* suggest that most mediators were impartial and interested in mediation cases between 1945 and 1999 although such levels of mediators' impartiality and interest are not always associated with the level of mediation success.

5.2. Heckman Selection models

This research employs Heckman selection models in order to overcome selection bias that has been explicitly discussed in the context of mediation in the work of Gartner and Bercovitch (2006). These models are used to estimate the relationship between the levels of mediators' impartiality and interest and mediation occurrence and outcome more accurately. In this research, such selection models include one of the key variables (*Mediator Impartiality*, *Mediator Interest,* or *Sum of Mediator Impartiality & Interest*) along with *Reputation, Outcome of Previous Conflict Management, Hostility, Type of Issues, Power Parity,* and *Alliance Similarity of Disputants* while their outcome model encompasses one of the key variables (*Mediator Impartiality*, *Mediator Interest,* or *Sum of Mediator Impartiality & Interest*) and *Reputation, Mediation Strategies, Outcome of Previous Conflict Management, Hostility, Type of Issues,* and *Alliance Similarity of Disputants*.

[Table 5.3 About Here]

Table 5.3 displays the empirical results of three Heckman selection models, each of which contains *Mediator Impartiality*, *Mediator Interest*, and *Sum of Mediators' Impartiality & Interest* as its key variable. Model 1 and Model 2 are run to test the solo effect of mediators' impartiality and mediators' interest, respectively, on mediation occurrence and success. In Model 3, the effectiveness of mediators who have a high additive level of mediators' impartiality and interest is tested in comparison to those mediators whose additive level of impartiality and interest is low. All control variables are included for each of the three models.

Out of 234 mediation attempts, 45 cases were censored for all models. This means that 45 mediation attempts were made but rejected and, thus, had no value for mediation outcome. As the significance level for rho in all models indicates, the error terms in the selection and censored models are correlated at a statistically significant level (Greene 2010). This means that some unmeasured variables, which are part of the error terms in the selection equation, not only affect the chances of mediation occurrence but also have an effect on altering the quality of mediation outcome (Greene 2010). This suggests that employment of the Heckman selection model is appropriate for all three models and corrects for selection bias in the estimate of the coefficients. Positive coefficients indicate that an increase in the independent variables improves the chances of mediation occurrence and success being achieved while negative coefficients mean that an increase in the independent variables decreases the likelihood of mediation taking place and succeeding.

5.2.1. Independent Variables

While challenging the necessity of a high level of mediators' impartiality for mediation occurrence and success, the results in Table 5.3 hold that the level of mediators' interest in a dispute and the additive level of mediators' impartiality and interest make a difference in the chances of mediation occurrence and success. Mediation does not appear to be more or less likely to take place or succeed as the level of mediators' impartiality changes. In contrast, the significant coefficient for *Mediator Interest* suggests that a high level of mediators' interest in a dispute is found to improve the likelihood of mediation occurrence and success. The results in Table 5.3 also support the significance of *Sum of Mediator Impartiality & Interest,* indicating that it is not the level of individual variables, but the additive level of the two variables, that has a significant positive effect on mediation occurrence and mediation outcome. In all three models, two control variables, the level of hostility and the outcome of previous conflict management, are also found to be statistically significant. According to the results in Table 5.3, mediation attempts made in environments with low levels of hostility are more likely to be accepted and successful. The results also suggest that the better the outcome the previous management brought about, the more likely it is that current mediation attempts will be accepted and effective.

Although the key variable of this research, *Sum of Mediator Impartiality & Interest*, is found to be significant, *Mediator Interest* is also significant, posing uncertainty regarding which variable is a better predictor of mediation occurrence and mediation success.

In order to figure out which variable is the better predictor, it is important to examine the way in which *Sum of Mediator Impartiality & Interest* is operationalized.

This research argues that it is the additive value of mediators' impartiality and mediators' interest, not individual values of these variables, that can explain the incidence of mediation and mediation success. Thus, *Sum of Mediator Impartiality & Interest* is computed as a sum of the values of *Mediator Impartiality* and *Mediator Interest*. Due to the additive properties of this computation, in some observations, the value of *Sum of Mediator Impartiality & Interest* is no different than that of either *Mediator Impartiality* or *Mediator Interest*. For example, mediators' maximum score of *Mediator Impartiality*, 0, adds no numerical value to the score of *Sum of Mediator Impartiality & Interest*, resulting in the value for *Sum of Mediator Impartiality & Interest* being identical to that of *Mediator Interest*. In turn, the values for *Mediator Impartiality* and *Sum of Mediator Impartiality & Interest* become identical when a mediator scores zero for *Mediator Interest*. By providing a general distribution of the values of *Mediator Impartiality* and *Mediator Interest*, the following figures help better assess this problematic issue of computation.

[Figure 5.1 About Here]

In Figure 5.1, mediators are placed in a two-dimensional space according to the levels of their impartiality and interest. The figure shows that the values of mediators' interest are scattered along a wide range of levels whereas the values of mediators' impartiality cluster around the point of zero or close to zero. This means that there are more mediators scoring zero or close to zero for *Mediator Impartiality* than *Mediator Interest*. As discussed in the previous chapter, thirty mediators or mediating groups scored the maximum score of *Mediator Impartiality*, 0, whereas only four mediators or mediating groups had 0 for *Mediator Interest*. Given that *Sum of Mediator Impartiality*

& Interest is a sum of *Mediator Impartiality* and *Mediator Interest,* more mediators are likely to have identical values for *Sum of Mediator Impartiality & Interest* and *Mediator Interest* than they do for *Sum of Mediator Impartiality & Interest* and *Mediator Impartiality*. In order to see whether this trend affects both variables' statistical significance in explaining mediation occurrence and success, it is necessary to differentiate the two variables. Thus, this research reruns the Heckman selection models for all three variables after excluding the observations scoring zero or close to zero for *Mediator Impartiality*. The observations in Table 5.4 below are those mediators who have a high level of impartiality.

[Table 5.4 About Here]

According to Table 5.4, when the mediators scoring zero or close to zero for *Mediator Impartiality* are excluded and, thus, *Mediator Interest* no longer shares identical (or close to identical) values with *Sum of Mediator Impartiality & Interest* for any observation, *Sum of Mediator Impartiality & Interest* has a statistically significant effect on the chances of mediation occurrence and successful mediation being achieved while *Mediator Interest* loses its statistical significance. In Table 5.3, the level of mediators' interest appears to have a solo effect on mediation occurrence and outcome; however, Table 5.4 demonstrates that *Sum of Mediator Impartiality & Interest* is not a mirror image of *Mediator Interest* by showing that the former still stays statistically significant while the latter loses its statistical significance once some observations are removed from the sample of cases. The results in Table 5.4 support the claim that the additive value of mediators' impartiality and interest, not mediators' interest alone, accounts for the occurrence of mediation and mediation success.

[Table 5.5 About Here]

The coefficients of the independent variables in Table 5.4 indicate whether or not they have a statistically significant positive or negative effect on mediation occurrence and outcome. However, since Heckman selection models consist of a probit model in the selection stage and a regression model in the outcome stage, the degree of each variable's marginal effect on the dependent variables is not given by the coefficient estimate (Long and Freese 2006). Instead, the coefficient of each independent variable must be corrected for the selectivity effect and calculated for its marginal effect on the dependent variables. The marginal effects of each variable on the likelihood of mediation occurrence and mediation success are computed and presented in Table 5.5.

The left column in Table 5.5 shows that if mediation is observed, and all other variables are held constant, then *Sum of Mediator Impartiality & Interest* has the second greatest positive effect on the quality of mediation outcome. A one-unit increase in the additive value of mediators' impartiality and interest improves the value of mediation outcome by 0.028. That is, as mediators' score for *Sum of Mediator Impartiality & Interest* changes from 0.823 (mean) to 1.823, the quality of mediation improves by 0.028.[15] Although the magnitude of the increase in the outcome value in response to an increase in the additive level of mediators' impartiality and interest does not appear to be large, this result supports the claim that the additive level of mediators' impartiality and interest plays an important role in improving the quality of mediation outcome. The results in the right column show that the additive value of mediators' impartiality and interest has a greater effect on the chances of mediation occurring than it does on

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[15] Note that mediation outcome has four categories: Failure (0), Cease-fire (0.34), Partial Settlement (0.67), and Full Settlement (1).

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mediation outcome. With all other variables held constant, mediation is 5.6% more likely

to take place as one unit is added to the additive value of mediators' impartiality and

interest. These results suggest that mediation is likely to be accepted and successful

when mediators are highly trusted by disputants for their fairness and capacity.

The marginal effects of this relationship are not linear in that they vary as the

values of the independent variables change. Therefore, for better substantive

understanding of the empirical results, this research computes how the marginal effects of

Sum of Mediator Impartiality & Interest on mediation occurrence and mediation outcome

change as the variable moves from its minimum value to its maximum value.

[Figures 5.2a and 5.2b About Here]

In Figures 5.2a and 5.2b, the degree of the marginal effect is plotted on the y-axis

while the additive level of mediators' impartiality and interest is plotted on the x-axis.

The solid line in the figure indicates the values of the marginal effect for which each level

of *Sum of Mediator Impartiality & Interest* will have on the probability of mediation

occurrence and the quality of mediation outcome.

Figure 5.2a shows that the degree of the marginal effect of *Sum of Mediator*

Impartiality & Interest on the quality of mediation outcome improves as the variable

increases. This means that a one-unit increase in *Sum of Mediator Impartiality & Interest*

at its maximum level results in a greater increase in the quality of mediation outcome

than does a one-unit increase in the variable at its minimum level. In terms of the level of

disputants' trust in a mediator, these results imply that when mediators who are already

somewhat trusted by disputants gain additional trust from them, the mediators will make

a greater difference in mediation outcome than will mediators who are hardly trusted by

disputants and gain the same amount of disputants' trust additionally. Based on these results, one can surmise that if disputants have found a mediator whom they trust somewhat, they are particularly encouraged to search for mediators whom they could trust to an even greater extent because the latter can bring about much more successful outcomes than the former.

The opposite trend is found in Figure 5.2b. As the additive level of mediators' impartiality and interest increases, the degree of the marginal effect of the variable on the probability of mediation occurrence decreases. Figures 5.2a and 5.2b highlight marginal effects, which indicate the degree of change in one variable in response to a one-unit change in the other variable. The declining line in Figure 5.2b does not suggest that mediators with lower levels of *Sum of Mediator Impartiality & Interest* have a greater effect on probability of mediation occurrence than do those with higher levels of *Sum of Mediator Impartiality & Interest*. Instead, the results indicate that the marginal benefit of each unit increase in *Sum of Mediator Impartiality & Interest* decreases. This suggests that it is more advantageous for disputants who hardly trust their mediator to find a mediator they can trust more than for disputants who somewhat trust their mediator to choose the same course of action.

[Figures 5.3a and 5.3b About Here]

Figures 5.3a and 5.3b show that the predicted value of mediation outcome and predicted probability of mediation occurrence change as the levels of *Sum of Mediator Impartiality & Interest* and *Hostility* change from their minimum to maximum values. Figure 5.3a displays how the change in the additive level of mediators' impartiality and interest and the level of hostility at the time of mediation affects the success rate of

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mediation. The figure shows that in the absence of hostility, mediators who have the highest additive value of impartiality and interest are likely to achieve a better mediation outcome than cease-fire (0.38), with all other variables being held at their mean. This graph also displays that those mediators with a maximum score of *Sum of Mediator Impartiality & Interest* (2) will bring about a better outcome (0.32) in the presence of hostility during mediation than the outcome (0.30) of those who score lowest (-0.585476) on the variable can achieve in the absence of hostility. These results stress the importance of the choice of a mediator by showing that even in a hostile environment during a dispute, the right choice of a mediator can still lead to a better outcome than can the wrong choice of a mediator in the absence of hostility.

Figure 5.3b shows the change in the mediation occurrence rate as *Sum of Mediator Impartiality & Interest* and *Hostility* move from their minimum to maximum values. In the absence of hostility, on one hand, almost eight out of ten mediators scoring highest on *Sum of Mediator Impartiality & Interest* are likely to be accepted, whereas in the presence of hostility in a dispute the chance of being accepted decreases to 66%. On the other hand, during a dispute in a non-hostile environment, mediators whom disputants hardly trust in their fairness and capacity have a 60% chance of acceptance; moreover, they have only a 47% chance to mediate a dispute if they offer mediation in the presence of hostility. This graph also suggests that mediators with a high additive level of impartiality and interest have a much greater chance of being accepted (6%) during a hostile phase of a dispute than those with a lower additive level during a non-hostile phase of a dispute.

[Figures 5.4a and 5.4b About Here]

Last, Figures 5.4a and 5.4b show how the predicted value of mediation outcome and predicted probability of mediation occurrence change as the levels of *Sum of Mediator Impartiality & Interest* and *Outcome of Previous Conflict Management* increase or decrease. Figure 5.4a shows that the quality of mediation outcome improves as previous conflict management has a better outcome. That is, higher values of *Outcome of Previous Conflict Management* are more likely to lead to higher predicted values of mediation outcome. With all other variables being held at their mean, mediators with a maximum score of the additive value of mediators' impartiality and interest can reach a better mediation outcome than cease-fire (0.49) when disputants have agreed on a full settlement during the previous attempt at conflict management. Even when the previous attempt at conflict management failed to end the dispute, such mediators are expected to bring about outcomes as successful as those who score lowest on *Sum of Mediator Impartiality & Interest* and mediate after disputants have reached a cease-fire previously. These results suggest that the additive level of mediators' impartiality and interest is the key to a successful outcome.

Likewise, in Figure 5.4b, mediators who are trusted by disputants for their fairness and capacity have a higher chance of being accepted than those who are not. The former group has a nearly 77% of chance of being accepted when disputants previously agreed on a cease-fire whereas the latter group has a 61% chance. Mediators with a higher score on *Sum of Mediator Impartiality & Interest* have as good a chance of being accepted after mediation previously failed as those who have a low level on the variable and mediate after a partial settlement is previously achieved. This graph shows how

crucial the role the additive level of mediators' impartiality and interest is in increasing the chances of mediators being accepted.

5.2.2. Control Variables

As shown in Table 5.4, other characteristics of mediators such as reputation and directive mediation strategies and two variables pertaining to disputants' relationship are found not to be statistically significant. However, two of the three variables regarding the nature of the dispute appear to have a significant effect on not only mediation outcome but also mediation occurrence. The outcome of previous conflict management, whether or not it was mediation, has a positive impact on the chance of mediation occurrence and outcome. The more successful the outcome of the previous attempt at conflict management, the more likely it is that mediation will take place and be successful. Following a successful occurrence of conflict management, it may be speculated that disputants see the utility of the process of the peaceful management and become more willing to accept mediation and mediated terms. By the same token, the previous successful outcome may ease the tensions between the disputants and help restore confidence in resolving the dispute. Table 5.5 shows that the outcome of previous peaceful management has the greatest positive effect on the chances of mediation occurring and being successful in a subsequent conflict. Mediation incidences that take place after cease-fire is achieved are likely to add 0.037 to the quality of the mediation outcome compared to those incidences that occur after peaceful attempts at conflict management fail. This magnitude of the positive effect on mediation outcome is greater than the effect of mediators' impartiality and interest. Table 5.5 also shows that

mediation attempts made after a cease-fire have a 12% greater chance of taking place than those made after a peaceful management attempt fails.

The other variable regarding the nature of the dispute that is found to be statistically significant is *Hostility*. Mediation is more likely to be accepted by both disputants and be successful in disputes with low levels of hostility compared to those with high hostility. In a less hostile setting, disputants can focus more on peaceful management and avail more resources to the mediator than in a highly hostile setting. The results in Table 5.4 support that a low level of hostility between disputants is associated with a high level of mediation occurrence and successful mediation. Table 5.5 shows that the effect of *Hostility* is found to be the greatest on the level of mediation success. Mediation during the hostile phase of a dispute decreases the quality of mediation outcome by 0.051 while the probability of mediation occurrence drops by 10% when mediation is offered during a time of hostility.

5.3.   Conclusion: Quantitative Analysis

In this chapter, one set of hypotheses regarding the effect of mediators' impartiality and interest on mediation occurrence and outcome has been examined. The first round of analyses revealed a computation issue that resulted in an inability to distinguish between the values of *Mediator Interest* and *Sum of Mediator Impartiality & Interest*. This issue was suspected to have led to the statistical significance of both variables with regard to the chances of mediation occurrence and success. To remedy the problem, this research excluded observations in which *Mediator Interest* shared identical values or close to identical values with *Sum of Mediator Impartiality & Interest* and then reran the Heckman selection models. The results of the latter models showed that 1) the

level of mediators' impartiality alone does not affect occurrence or success rate of mediation; 2) the degree of mediators' interest in a dispute does not improve the chance of mediation occurrence and success; and 3) the additive level of mediators' impartiality and interest, which represents mediator trust, has positive effects on mediation occurrence and success. The additive level of mediators' impartiality and interest plays an important role in increasing the chances of mediation taking place and being successful in a hostile environment. In addition, the effect of the variable is found to be significant even when the previous attempt at conflict management has failed.

In the next section, two mediation cases in the Borneo Conflict and the border dispute between North Yemen and South Yemen will be examined to demonstrate how the additive level of mediators' impartiality and mediators' interest, not the individual variables, affects the chances of mediation occurring and being successful.

5.4. Tables and Figures

Table 5.1: Summary Statistics: Mediation Occurrence and Outcome

Out of 294 Mediated Cases			
Occurrence	236 (80.27%)	Unsuccessful	149 (63.14%)
		Cease-fire	30 (12.71%)
		Partial Settlement	44 (18.64%)
		Full Settlement	13 (5.51%)
No Occurrence	58 (19.73%)		

Table 5.2: Summary Statistics: Mediator Impartiality, Mediator Interest, and Sum of Mediator Impartiality and Interest

	No. of Cases	Mean	Median	Std. Dev.	Min.	Max.
Mediator Impartiality	284	-0.1740	-0.0743	0.2801	-1.2519	0
Mediator Interest	284	1.1023	1.0844	0.7674	-0.1858	2
Sum of Mediator Impartiality & Interest	284	0.9284	0.9218	0.8723	-0.5855	2

Table 5.3: Heckman Selection Models: The Effect of Mediator Impartiality, Mediator Interest, and Sum of Mediator Impartiality & Interest on Mediation Occurrence and Mediation Outcome

Explanatory Variables	Model 1	Model 2	Model 3
The Nature of Mediator			
Impartiality	.169 (.1062)		
Interest		.073** (.0340)	
Sum of Impartiality and Interest			.076** (.0309)
Reputation	-.010 (.0183)	-.022 (.0193)	-.023 (.0192)
Mediation Strategy	1.05e-09 (8.39e-06)	1.84e-09 (7.38e-06)	1.95e-09 (7.60e-06)
The Nature of Dispute			
Type of Issues	.062 (.0540)	.049 (.0534)	.052 (.0531)
Hostility	-.100** (.0474)	-.115** (.0481)	-.120** (.0481)
Outcome of Previous Conflict Management	.073*** (.0272)	.067** (.0271)	.066** (.0270)
Disputants' Relationship			
Alliance Similarity between Disputants	-.103 (.098)	-.031 (.0775)	-.074 (.0811)
Constant	.086 (.1244)	-.056 (.1051)	-.009 (.1035)
Observations	189	189	189
Occurrence			
The Nature of Mediator			
Impartiality	.488 (.308)		
Interest		.213** (.1001)	
Sum of Impartiality and Interest			.221** (.091)
Reputation	-.029 (.0530)	-.064 (.0563)	-.068 (.0561)
The Nature of Dispute			
Type of Issues	.178 (.1571)	.143 (.1561)	.153 (.1559)
Hostility	-.289** (.1371)	-.336** (.1403)	-.351** (.1410)
Outcome of Previous Conflict Management	.210*** (.0792)	.194** (.0795)	.194** (.0794)
Disputants' Relationship			
Power Parity	-2.51e-10 (3.53e-06)	-4.15e-10 (3.24e-06)	-4.99e-19 (3.37e-06)
Alliance Similarity between Disputants	-.299 (.2836)	-.0888 (.2258)	-.216 (.2375)
Constant	.248 (.3604)	-.163 (.3069)	-.026 (.3027)
Observations	234	234	234
rho=0: $\chi^2(1)$	105.75***	102.14***	102.17***
Wald $\chi^2(7)$	15.30**	17.58**	18.99***

Notes: Dependent variables are *Mediation Occurrence* in the selection model and *Mediation Outcome* in the censored model. Standard errors are shown in parentheses. *** indicates statistical significance at the 0.10 level, ** at the 0.05 level, and * at the 0.01 level in two-tailed tests.

Table 5.4: Heckman Selection Models, Excluding Observations that Score 0 or Close to 0 for *Mediator Impartiality*: The Effect of Mediator Impartiality, Mediator Interest, and Sum of Mediator Impartiality & Interest on Mediation Occurrence and Outcome

Explanatory Variables	Model 1	Model 2	Model 3
The Nature of Mediator			
Impartiality	.127 (.1061)		
Interest		.058 (.0382)	
Sum of Impartiality and Interest			.061* (.0345)
Reputation	-.008 (.0214)	-.019 (.0228)	-.020 (.0226)
Mediation Strategy	1.59e-09 (9.70e-06)	2.00e-09 (7.80e-06)	2.17e-09 (7.81e-06)
The Nature of Dispute			
Type of Issues	.036 (.0561)	.029 (.0552)	.033 (.0552)
Hostility	-.095* (.0512)	-.109** (.0524)	-.113** (.0523)
Outcome of Previous Conflict Management	.090*** (.0292)	.083*** (.0294)	.082*** (.0293)
Disputants' Relationship			
Alliance Similarity between Disputants	-.108 (.0971)	-.049 (.0789)	-.082 (.0818)
Constant	.042 (.1267)	-.063 (.1100)	-.027 (.1084)
Observations	157	157	157
Occurrence			
The Nature of Mediator			
Impartiality	.375 (.312)		
Interest		.171 (.1134)	
Sum of Impartiality and Interest			.182* (.1029)
Reputation	-.023 (.0628)	-.055 (.0676)	-.059 (.0672)
The Nature of Dispute			
Type of Issues	.107 (.1656)	.085 (.1635)	.099 (.1638)
Hostility	-.278* (.1502)	-.323** (.1554)	-.336** (.1556)
Outcome of Previous Conflict Management	.265*** (.0872)	.244*** (.0879)	.243*** (.0879)
Disputants' Relationship			
Power Parity	-7.76e-10 (4.07e-06)	-1.01e-09 (3.52e-06)	-9.83e-10 (3.48e-06)
Alliance Similarity between Disputants	-.319 (.2859)	-.145 (.2332)	-.243 (.2425)
Constant	.122 (.3725)	-.186 (.3260)	-.080 (.3218)
Observations	197	197	197
rho=0: χ^2 (1)	87.23***	80.24***	80.85***
Wald χ^2 (7)	15.56**	16.58**	17.51**

Notes: Dependent variables are *Mediation Occurrence* in the selection model and *Mediation Outcome* in the censored model. Standard errors are shown in parentheses. *** indicates statistical significance at the 0.10 level, ** at the 0.05 level, and * at the 0.01 level in two-tailed tests.

Table 5.5. Marginal Effects on Mediation Outcome and Probability of Mediation Occurrence

Explanatory Variables	Model 3	
	Mediation Outcome	**Probability of Mediation Occurrence**
Mediator's Characteristics		
Sum of Mediator Impartiality & Interest	.028	.056
Reputation	-.009	-.018
Mediation Strategy	2.17e-9	
Nature of Dispute		
Type of Issues	.015	.030
Hostility	-.051	-.102
Outcome of Previous Conflict Management	.037	.123
Disputants' Relationship		
Power Parity		-3.00e-10
Alliance Similarity between Disputants	-.037	-.074
Observations	197	

Figure 5.1: Scatter Plot of Mediator Interest and Mediator Impartiality
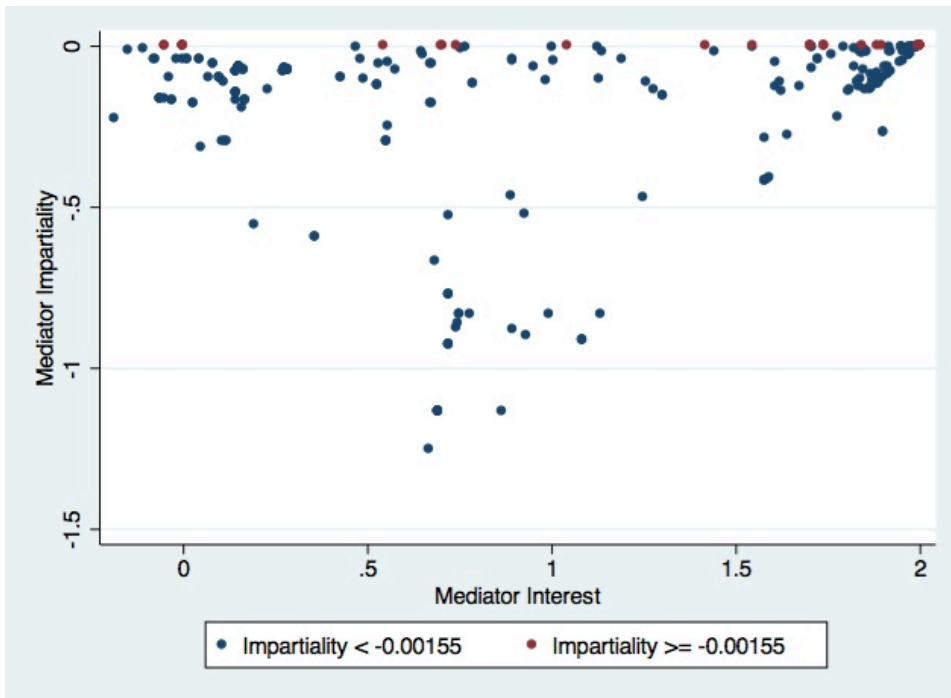
Figure 5.2: Marginal Effects of Sum of Mediator Impartiality & Interest on Mediation Outcome and Mediation Occurrence

a. Mediation Outcome
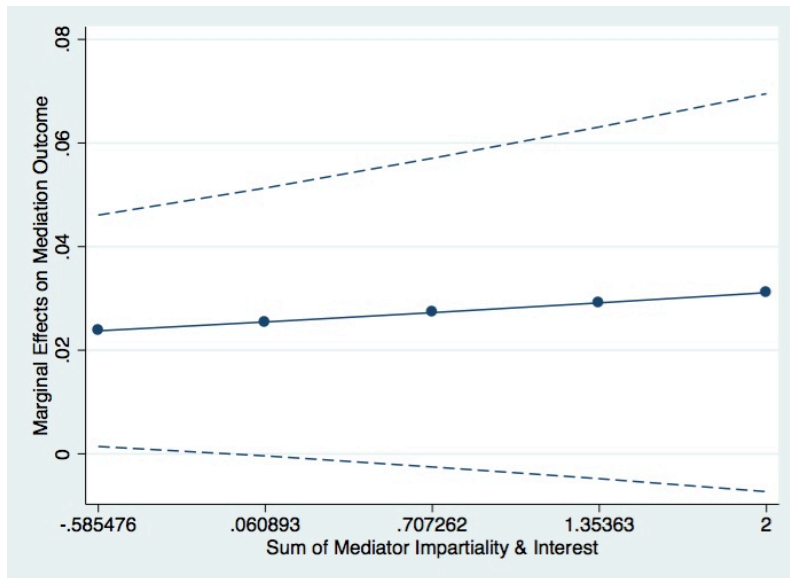
b. Mediation Occurrence
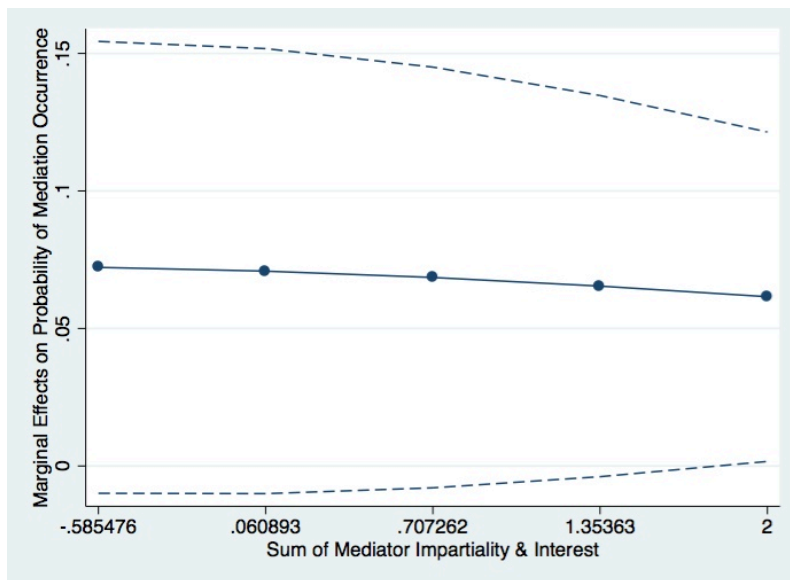
Note: Dashed lines indicate 95% confidential intervals.

Figure 5.3: Predicted Value of Mediation Outcome and Predicted Probability of Mediation Occurrence with Varying Levels of Sum of Mediator Impartiality & Interest and Hostility

a. Mediation Outcome
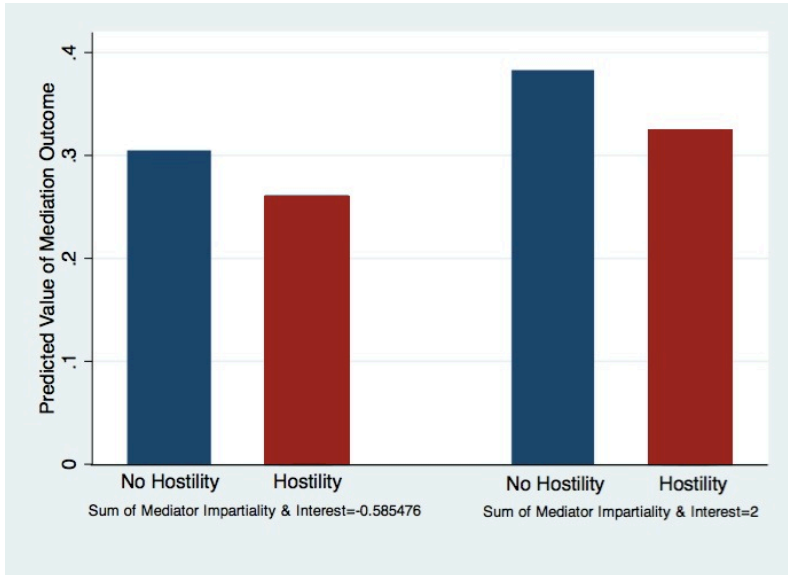
b. Mediation Occurrence
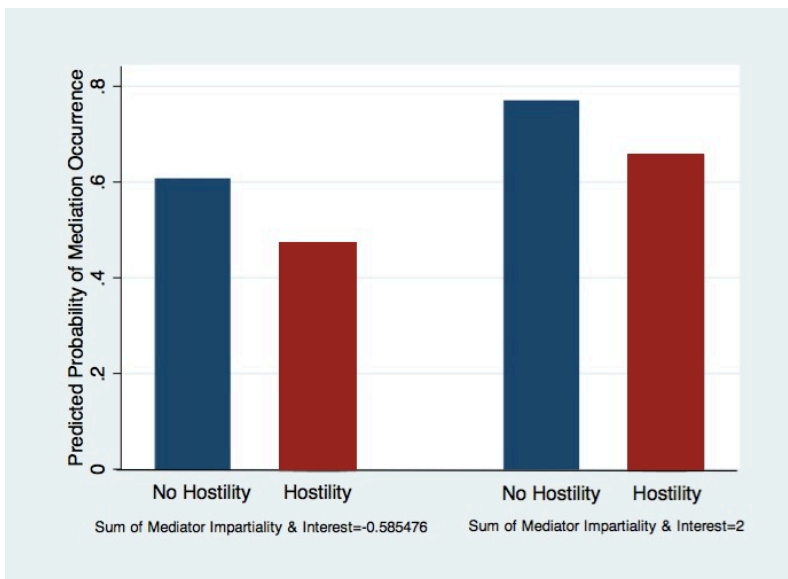
Figure 5.4: Predicted Value of Mediation Outcome and Predicted Probability of
Mediation Occurrence with Varying Levels of Sum of Mediator Impartiality & Interest
and Outcome of Previous Conflict Management

a. Mediation Outcome
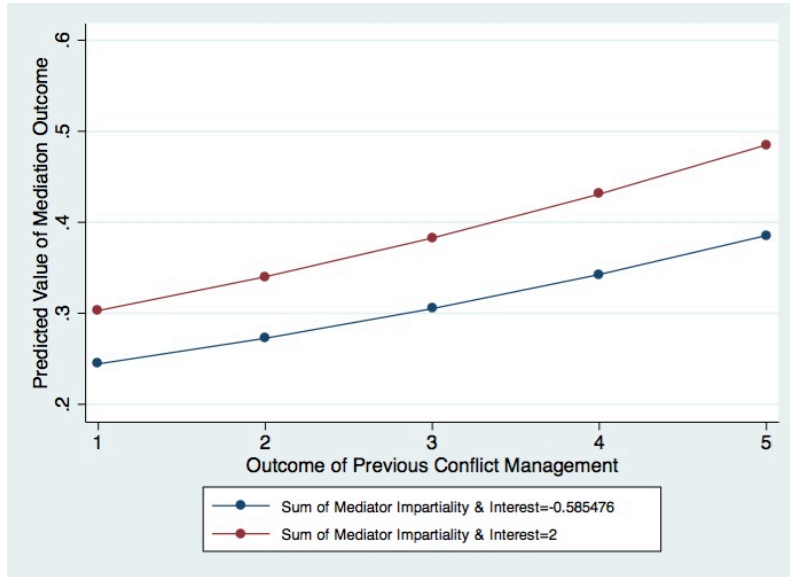
b. Mediation Occurrence
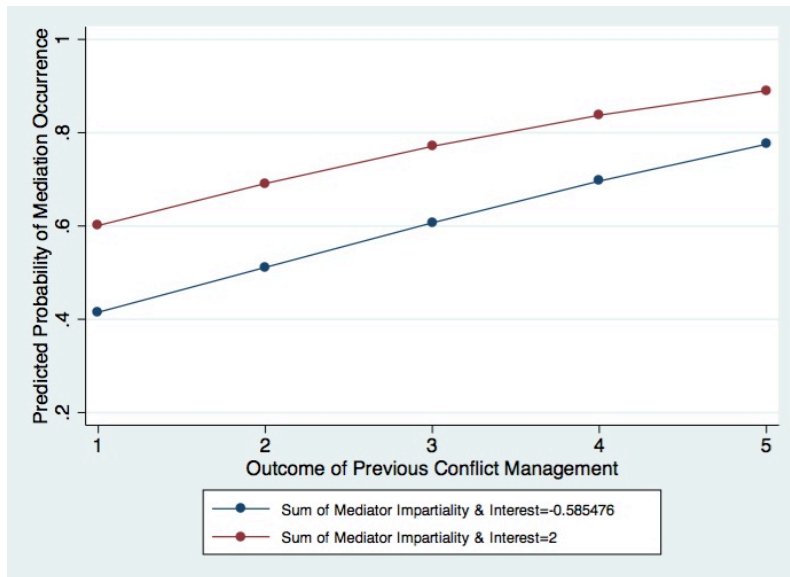
PART THREE

QUALITATIVE ANALYSIS

Chapter 6:   Mediation for the Borneo Dispute and the Yemen Dispute

The empirical results presented in the previous chapter support the core claim of this

research that the additive level of mediators' impartiality and interest has positive effects

on mediation occurrence and success. In order to show how the key variable of this

research, the additive level of mediators' impartiality and interest, contributes to

increasing the chances of successful mediation being achieved, this chapter examines two

mediation cases. Recall the figure that indicates the levels of mediator impartiality and

mediator interest.

[Figure 6.1 About Here]

In Figure 6.1, those who advocate for the importance of mediators' impartiality

claim that mediation cases in Groups 2, 3, and 4 are likely to be successful while scholars

who emphasize the effectiveness of interested mediators argue that mediation cases only

in Groups 1, 5, and 6 are expected to be successful. To substantiate the core claim of this

research, which argues that mediation cases in Groups 1, 2, and 6 will be successful, this

chapter seeks to show that mediation cases in Group 2 are successful in spite of mediators'

low levels of interest and mediation cases belonging to Group 6 are still effective despite

mediators' low levels of impartiality. Being able to demonstrate these relationships will

challenge the claims of previous studies that have focused on the individual effects of

mediators' impartiality and mediators' interest and, thus, corroborate the claim of this

research that it is not the solo effect of mediator interest or mediator impartiality, but the additive effect of these two variables, that accounts for successful mediation.

6.1. Testing for the Solo Effect of Mediator Interest: The Borneo Dispute

The three mediation attempts recorded in Group 2 include the Philippines' mediation for the border conflict between Indonesia and Malaysia, the United States and Soviet Union's mediation for the Yom Kippur War between Israel and Egypt, and the United States' mediation attempt for the Beagle Channel dispute between Argentina and Chile. None of these mediation cases led to a successful outcome. The first two mediation attempts were accepted but did not produce successful outcomes while the third mediation offer was rejected, preventing any mediation talks from taking place. Among the first two mediation cases, the Philippines' mediation for the Borneo conflict will be analyzed.

This research aims to demonstrate that the level of mediators' interest alone is not sufficient for explaining whether a successful mediation outcome will be achieved. To do so, initially, this research sought to find a successful mediation case where mediators are highly impartial but less interested and use this case to challenge the claim emphasizing the solo effect of mediator interest on mediation outcome. However, according to the data used in the previous chapter, none of the disputes mediated by highly impartial and less interested third parties, including the Borneo conflict, was resolved successfully. Thus, the Philippines' mediation of the Borneo conflict appears to serve as a strong case for the claim that mediators' interest has a solo effect on mediation success.

However, through this case study that focuses on the dynamic of the interactions among three countries, this research uncovers the specific aspects of the relationship between the Philippines and each of the disputants, Indonesia and Malaysia, that the empirical data have failed to capture. By so doing, this study will show that the Philippines was in fact highly partial and interested in the Borneo dispute because of its on-going dispute with Malaysia, a dispute that would ultimately be influenced by the outcome of the Borneo conflict. Thus, by moving the Philippines from Group 2 to Group 5, this case study challenges the claim supporting the solo effect of mediators' interest on mediation outcome.

6.1.1. The Background of The Borneo Island

The island of Borneo, the largest island in Southeast Asia, is surrounded by Indonesia to its southwest and southeast, the Philippines to its northeast, Malaysia to its northwest, and the continent of Southeast Asia including Cambodia and Vietnam to its north.

[Figure 6.2 About Here]

The Netherlands East Indies controlled about three quarters of Borneo until 1949, when Indonesia took control of the island. On the other quarter of the island, there were three major regions: Sabah, Brunei, and Sarawak. They became protectorates of Britain's in 1881 (Sabah) and 1888 (Brunei and Sarawak) under a treaty that designated a British resident to advise the leaders of each region on all matters except religion and customs (Mackie 1974, 113; Tillema 1991, 260). Although the treaty was to remain in effect until 1959 (Mackie 1974, 113), Britain briefly lost its control over Borneo at the hands of Japan from 1941 to 1942 but then regained control of the island in 1945 (Tillema 1991,

260). When it regained control, Britain established colonial administrations in Sabah and Sarawak and restored her protectorate in Brunei (Tillema 1991, 260).

In Brunei, the Party Ra'ayat was established by Shikh Azahari in 1956. Azahari had become an anti-colonialist after spending years studying in Indonesia. He cleverly targeted those who were dissatisfied with the Sultan of Brunei's regime and the British protectorate in Brunei and mobilized them for political protests and boycotts (Mackie 1974, 113). When Britain proposed a federation of the North Borneo territories – Brunei, Sarawak, and Sabah – in February 1958, Azahari, who had been advocating for this unification, welcomed the proposal despite being suspicious about Britain's intention behind it (Mackie 1974, 114). The Sultan of Brunei, on the other hand, showed no support for the proposal, stating that, as a protectorate of Britain, Brunei was not obligated to take part in forming a federal government with the British colonies of Sarawak and Sabah (Mackie 1974, 114). Instead, it appeared the Sultan wished to establish an affiliation with Malaya. As the Sultan sought a way to build closer ties with Malaya, Azahari continued pressing for the unification of the three North Borneo territories (Mackie 1974, 114).

6.1.2. The Malaysia Proposal

The tension between Azahari and the Sultan of Brunei intensified in May 1961 when Malaya and Britain announced that Malaya would be federated with Singapore and the North Borneo territories of Sarawak, Sabah, and Brunei (Jones 1971, 265). This announcement upset the leaders of neighboring countries and resulted in aggressive demonostration against the Malaysia proposal (Gidvani 2009, 731).

Indonesia and the Philippines openly objected to the idea of creating the federation of Malaysia. Suggesting that people in North Borneo might desire to be independent, Indonesia argued that the proposal would serve as a means to prolong Britain's colonization of Borneo (Dahm 1971, 211). Leaders of Indonesia encouraged the country's political organizations to oppose the proposal and supported Azahari who viewed himself as "represent[ing] all Borneo" (Tillema 1991, 261).

Despite the efforts of these opposition groups, the reality of a Malaysian federation prevailed. Malaya and Britain declared that Malaysia be formed on August 15, 1963. Between August and September of 1962, the merger proposal was passed by the Malayan Parliament and the Legislative bodies in Sabah, Sarawak, and Singapore (Jones 1971, 266). In Brunei, despite Azahari's overwhelming victory in the election of August 1962, elected members of the region were outnumbered by Sultan-nominated members in the Legislative Council, and the Sultan still retained decisive power over matters such as the Malaysia proposal (Mackie 1974, 115-116). One silver lining for opposition groups to the Malaysia scheme was that Azahari and his policy had gained increasing support from people in Sarawak and Brunei (Mackie 1974, 115-116).

6.1.3. The Brunei Revolt

On December 8, 1962, Azahari's forces instigated riots throughout Brunei (Dahm 1971, 212; Mackie 1974, 111, 116; Tillema 1991, 261). Supporting the unification of North Borneo and denouncing Britain's imperialist plans of forming Malaysia, the rebels launched attacks on towns in Brunei and the center of the Shell Oil Company's installations. In response, the Sultan declared a state of emergency, asked Britain for its assistance to maintain order within the territory, and dissolved the Party Ra'ayat (Mackie

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1974, 117). Britain deployed troops to Brunei; Sarawak, where opposition forces had retreated; and Sabah, where the indigenous opposition was engaged in continuous attacks (Tillema 1991, 261). Although opposition forces in the Brunei revolt failed to kidnap the Sultan and occupy his palace, the attack was effective in strengthening the position of opposition groups and putting increased pressure on the groups who supported the formation of Malaysia (Mackie 1974, 116, 117).

Immediately following the Brunei revolt, Indonesia denounced the formation of Malaysia and committed to delaying the formation of this new federation. To Indonesia's leaders, the Brunei revolt confirmed their belief that the people of Brunei desired to be independent and establish a country of their own (Mackie 1974, 121). One of the newspapers in Indonesia, *Harian Rakjat*, characterized the revolt as a protest against imperialism-colonialism and a means through which the people of Brunei had asked for support from neighboring countries (Mackie 1974, 111, 122). Another newspaper, *Bingtang Timur*, reported that many organizations in Indonesia supported and encouraged opposition forces in Brunei (Mackie 1974, 122). The Indonesian government censured Britain's imperialistic plan to exploit North Borneo's natural resources such as oil, rubber, and tin (Dahm 1971, 212; Mackie 1974, 127). Indonesia did, however, have to contain its level of opposition to the Malaysia scheme to a certain degree, as it was in the process of negotiating a substantial amount of loans with a group of Western donors that included Britain and the United States (Mackie 1974, 112). While being careful not to upset Britain and the United States, Indonesia still encouraged opposition forces to instigate more riots and assisted Azahari's forces in Sarawak (Mackie 1974, 3; Tillema 1991, 261). As a result, the revolt worsened Indonesia's already-fragile relation with Malaya.

6.1.4. Prelude

As the war of words between Indonesia and Malaya intensified, President

Sukarno stated that "Indonesians who did not support the Borneo rebels would be traitors

to their own souls" (quoted in Mackie 1974, 122-124). In turn, the Tunku praised an

attack that had been waged on a Singaporean organization that supported Indonesia

(Mackie 1974, 125). In response to the Tunku's relentless, antagonistic remarks, on

December 15, 1962, Foreign Minister Subandrio warned that the Tunku's hostile words

about Indonesia were jeopardizing relations between Indonesia and Malaya. A few

weeks later, on January 20, 1963, Subandrio declared that "Indonesia's patience was not

inexhaustible" and that Indonesia would adopt *Konfrontasi* against Malaya (quoted in

Mackie 1974, 124-125). Tensions only rose, as the British and Malaya presses called

Sukarno "an inveterate trouble-maker and the Hitler of Asia" (Dahm 1971, 213); in turn,

Indonesia accused Malaya of being an accomplice in fostering imperialism and

colonialism in the region (Mackie 1971, 125).

In an effort to ease tensions between the two sides, a tripartite Maphilindo

Summit among Indonesia, the Philippines, and Malaya was held in Manila from July to

August of 1963. At the summit, the Prime Minister of Malaya agreed to postpone the

formation of Malaysia until the Secretary-General of the United Nations (UN), under the

observation of the Indonesian and Philippine delegations, had ascertained the opinions of

people in Sabah and Sarawak regarding this proposed arrangement (Omar 2007; Ott 1972,

603). In mid-August, the UN began to carry out the referendum, but the Indonesian and

Philippine observers were not admitted until early September (Dahm 1971, 212).

Indonesia and the Philippines argued that the referendum had been carried out under the

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pressure and threat of Malaya (Dahm 1971, 212). Dismissing this accusation against Malaya, the Tunku visited London one last time before declaring the federation of Malaysia on September 16, 1963 (Dahm 1971, 212). When Indonesia and the Philippines requested the referendum results, the Tunku retorted that they were "an internal matter" (Gidvani 2009, 732). Exacerbating the tension that already existed between Malaysia and Indonesia, these events marked the beginning of the Borneo Dispute (Ooi 2004, 740).

6.1.5. The Borneo Dispute

Indonesia accused Malaysia of breaking the agreement discussed in Manila in August 1963 and refused to recognize the Malaysia federation (Dahm 1971, 212; Gidvani 2009, 731; Mackie 1974, 3; Ott 1972, 595; Tillema 1991, 261). In response, Malaysia and Britain questioned whether Indonesia, which suffered from poor economic and political conditions, was even qualified to criticize their decision to federate the North Borneo states with Malaya (Mackie 1974, 125). Nevertheless, Indonesia continued with its hostile policy against Malaysia which included anti-Malaysia propaganda in Indonesia, attacks on the Malayan and British embassies in Djakarta, trade unions occupying British factories, and cutting all commercial ties between Indonesia and Malaysia (Dahm 1971, 212; Jones 1971, 267; Mackie 1974, 3, 122; Ott 1972, 595; Tillema 1991, 261).

In March 1964, as Indonesia maintained its *Konfrontasi* policy, it gave up hopes of remaining a beneficiary of the economic aid program run by a group of Western countries led by Britain and the United States (Allen 1968, 185; Mackie 1974, 4-3). This allowed Indonesia to take more aggressive actions against Malaysia. Moreover, a series of attempts to restore the relationship between Indonesia and Malaysia, first in Manila (February-March 1964) and then in Tokyo (June 1964), failed, due to a breach of faith

committed by Malaysia in the eyes of Indonesia and the Philippines. As these events

unfolded, the dispute transformed into a military conflict.

In August 1964, Indonesia began its large unit operation near the border of

Malaysia-Indonesia on the island of North Borneo and later its seaborne and airborne

operations near Malaysia (Ott 1972, 595; Tillema 1991, 261). Without delay, Britain,

along with New Zealand and Australia, were called to assist Malaysia with fighting

Indonesia (Tillema 1991, 261). In September 1964, Malaysia submitted a complaint to

the UN Security Council against Indonesia, while Britain promised to execute counter-

attacks on Indonesia's air and naval bases (Mackie 1974, 4). In response, Indonesia

ceased to escalate the severity of the military conflicts but continued to send occasional

raids to Malaysia across the Malacca straits (Mackie 1974, 4).

In January 1965, as a protest to the seating of Malaysia's representative in the UN,

Indonesia withdrew itself from the UN (Tillema 1991, 261). In February 1965, Indonesia

threatened Malaysia that she would not be allowed to attend the second Afro-Asian

Conference, which promoted economic and cultural cooperation among countries in

Africa and Asia and which opposed imperialism and colonialism, unless Malaysia

returned to the terms of the Manila Agreements (Mackie 1974, 4).

The stance taken by Indonesia would soon change, however. Due to internal

upheavals in Indonesia that weakened Sukarno's power, Indonesian hostility toward

Malaysia diminished significantly by October 1965 (Tillema 1991, 261). As a result, in

November 1965, Britain ceased its military operation near the border between Indonesia

and Malaysia in North Borneo (Tillema 1991, 261). As Sukarno involuntarily left office

in March 1966, an effort to reach a peace agreement between Indonesia and Malaysia finally succeeded in August 1966 (Tillema 1991, 261-2).

6.1.6. Mediation Attempts

Throughout the Borneo Dispute, Malaysia and Indonesia had made multiple attempts to reach an agreement. Both countries tried to arrange a summit in an attempt to seek a peaceful resolution, but at the same time, both were responsible for delays and cancelation of the summits. They disagreed on the agendas for the summits and complained about the other party's attitude and credibility (Mackie 1974, 131). Indonesia and Malaya had talks in Tokyo in June 1963 and in Manila in August 1963, each time without success (Gidvani 2009, 736).

Third-party assistance along the way ultimately contributed to the peaceful agreement that would be reached. Among the parties that offered assistance, Thailand provided a venue for negotiation between Indonesia and Malaysia in November 1963 (Ott 1972, 601). In January 1964, Robert Kennedy, the United States Attorney General at the time, held a meeting for all parties concerned (Allen 1968, 184). The Philippines, in April 1964, arranged a tripartite summit for Indonesia, Malaysia, and the Philippines in Bangkok (Ott 1972, 601). The United Nations Secretary General, U Thant, mediated to resolve the differences between Indonesia and Malaysia while the Premier of Japan, Sato, tried to host a meeting for Indonesia and Malaysia in April 1965. In May 1966, the Foreign Minister of Thailand organized negotiation talks for Indonesia and Malaysia and eventually helped them reach a peaceful agreement and declare the end of the conflict (Ott 1972, 601).

6.1.7. Why the Philippines' Mediation Attempts Failed

Not all mediation attempts to resolve the Borneo Dispute were successful. The Philippines' mediation attempt was among the unsuccessful ones. Was the Philippines a poor choice as a mediator for the dispute between Indonesia and Malaysia? According to the data used in the empirical analysis chapter, the Philippines was a highly impartial but uninterested mediator for the Borneo dispute. The Philippines' mediation failed and, thus, this case corroborated the claim that the level of mediators' interest alone determines the outcome of mediation. In this section, the levels of the Philippines' impartiality and interest are re-examined. Then, this research reassesses whether or not the case of the Philippines' mediation in the Borneo dispute indeed supports the argument for the solo effect of mediators' interest on mediation outcome.

a. Background of the Philippines' Mediation Attempts

As the war of words between Indonesia and Malaya intensified the poor relationship, in February 1963, the Philippines proposed for a tripartite summit among Indonesia, Malaya, and the Philippines, where the three countries could discuss the creation of Maphilindo, the federation of the three nations of Malayan race (Dahm 1971, 212; Ott 1972, 603). The tripartite summit was held in Manila in June 1963 and the three countries agreed to create the federation of Maphilindo to facilitate political and economic cooperation; they also agreed to meet in August 1963 to discuss the Borneo dispute between Indonesia and Malaya (Dahm 1971, 212). Before the three countries got a chance to discuss the Malaysia proposal at the next summit, the Tunku visited London and declared that the federation of Malaysia be formed on August 31, 1963 (Dahm 1971, 212). Despite this breach of faith committed by Malaya, the Philippines still pushed to have the August 1963 summit held in Manila. At the August summit, all pressing issues

seemed to have been resolved; however, these issues resurfaced a month and a half later due to disagreement over interpretation of the agreement (Ott 1972, 603).

The Philippines continued to seek a way to mediate the Borneo dispute. In March 1964, the Philippines called for another tripartite summit in Bangkok, but this only displayed the difference between Indonesia and Malaysia at its peak. The Tunku insisted that all Indonesian troops be removed from North Borneo before any political issues were discussed, while Indonesia retorted that it was willing to retreat its forces from North Borneo only after conducting political discussions (Allen 1968, 186; Dahm 1971, 213). With this gridlock, no agreement was reached. In early May 1964, the Philippines was not able to induce any concession from Indonesia or Malaysia. Then, at the Tokyo summit in June 1964, Indonesia and Malaysia appeared to make progress toward signing an agreement, as Indonesia began to withdraw its troops from North Borneo (Dahm 1971, 213). However, once Indonesia learned that Britain planned to increase its troop count in North Borneo, the agreement that was close to being signed fell through (Dahm 1971, 214; Ott 1971, 604).

b. The Levels of the Philippines' Impartiality and Interest

These failed attempts can be explained by the fact that the Philippines was actually a disputant rather than a third party. Two disputes, one which involved Indonesia and Malaysia and the other which involved Malaysia and the Philippines, were progressing simultaneously (Ott 1972, 596). This simultaneous involvement implies that, contrary to the data employed in the empirical analysis chapter, the Philippines was in fact partial (toward Indonesia's position) and did have a considerable interest at stake in the Borneo dispute.

When Malaya and Britain announced their plan for the formation of Malaysia, the Philippines opposed the merger for the sake of the people in North Borneo who, it thought, desired to establish an independent country (Jones 1971, 267). It was also genuinely concerned about crumbling relations between its two neighbors, Indonesia and Malaya (Ott 1972, 603). Yet, soon the Philippines found itself in its own dispute with Malaya. The Philippines had not challenged Britain over the ownership of Sabah until the Malaysia proposal was introduced. Looking into the controversy over Sabah – whether the Sultan of Sulu (now part of the Philippines) had leased or sold Sabah to Britain in 1878 – the Philippines revived its old territorial claim on Sabah and formally called for the restoration of its ownership over the territory (Dahm 1971, 212; Jones 1971, 267; Mackie 1974, 128; Ott 1972, 601). If Sabah had been leased to the British, as the Philippines asserted, Sabah would be the Philippines' territory, and should not be subject to the Malaysia proposal.

Between the Borneo dispute and the Sabah controversy, the former received more attention and was given more priority. Even the Philippines agreed that the Borneo dispute was its primary concern at the time when it had offered to mediate the Borneo dispute (Ott 1972, 602). However, the Philippines never forgot about its own dispute with Malaysia over Sabah. The Philippines was fully aware that the outcome of the Borneo dispute would affect its position over the Sabah controversy and, therefore, each step of the course of Philippines' mediation was calculated to advance its own position in the Sabah controversy (Ott 1972, 603).

When the Philippines called for the Maphilindo Plan in the 1963 tripartite summit in Manila, Malaya argued that the Philippines was using the Maphilindo plan to prevent

the formation of Malaysia and improve its position over the Sabah controversy. In turn, the Philippines' press criticized Malaya for obstructing its effort to restore Sabah (Jones 1971, 267). However, Malaya's criticism was not without ground. President Macapagal of the Philippines was rumored to seek to advance the Philippines' position on the Sabah issue and to take charge of establishing a new order in the island areas as a potential regional hegemony (Ott 1972, 603). The Sabah controversy between Malaya (with Britain) and the Philippines did not escalate to a military conflict; it was handled through political and diplomatic measures (Ott 1972, 601). Yet, friendly relations between the Philippines and Malaya no longer existed and the trust between them was broken.

For the Borneo dispute, the Philippines was a highly partial and interested mediator belonging to Group 5 (see Figure 6.1). According to the claim that emphasizes the solo effect of mediators' interest on mediation outcome, the mediation attempts by the Philippines should have been successful because the Philippines had a high level of interest at stake in the dispute. However, the state ultimately failed to help Malaysia and Indonesia reach a settlement. In contrast, this research, which emphasizes the additive value of mediators' impartiality and interest, argues that even mediators with a high level of interest can fail to successfully mediate a dispute if they do not possess a sufficient level of impartiality. Such mediators, including the Philippines for the Borneo dispute, fall into the fifth group of mediators in Figure 6.1 and are unlikely to achieve a successful outcome. This case study of the Philippines' mediation of the Borneo dispute serves as a better predictor of mediation outcome than does the quantitative analysis in the previous chapter, which fails to capture the dynamic relationship between the Philippines and each of the disputants, Indonesia and Malaya.

6.2. **Testing for the Solo Effect of Mediator Impartiality: The Yemen Dispute**

To challenge the claim that mediators must maintain a high level of impartiality in order to be effective, a mediation case in Group 6 is examined in this section. Out of 49 mediation attempts in Group 6, 38 were accepted and 11 were rejected. Among the accepted attempts, mediators were able to help disputants reach a full settlement in two mediation cases and a partial settlement in nine cases. In addition, cease-fires were achieved in four cases and mediation was unsuccessful in 23 cases. This research uses Syria's successful mediation of the border dispute between North Yemen and South Yemen in 1979 to test the argument that the solo effect of mediators' impartiality is sufficient for achieving a successful mediation outcome. The selection of this case is based on the following reason.

Before its mediation of the Yemen dispute in December 1979, Syria participated in mediating the same dispute in early March of 1979 along with Iraq and Jordan and helped terminate the dispute for a brief period. Yet, less than a year later, Syria carried out its own mediation between North Yemen and South Yemen and was able to get the two states to reach a full settlement. The factors at work that explain the changes in the qualification of Syria as a mediator in terms of impartiality and interest are the key to understanding success or failure of mediation. Yet, such factors cannot be evaluated through the quantitative analysis presented in the previous chapter because the data used in the quantitative analysis do not capture the dynamics and changes of the situation transforming Syria the levels of Syria's impartiality and interest as a mediator. Thus, by carrying out a study on Syria's mediation of the Yemen dispute, this research seeks to explain how the circumstances changed the levels of Syria's impartiality and interest as a

mediator and contributed to its successful mediation of the dispute between North Yemen and South Yemen.

6.2.1. Background of the Division between North Yemen and South Yemen

Yemen, sharing borders with Saudi Arabia to the north and Oman to the west, has rarely been one unified entity throughout its history (Gause 1988, 34).

[Figure 6.3 About Here]

Possible barriers preventing the unification of Yemenis include geographic obstacles such as mountains and deserts that make communication difficult, a lack of resources to rule the entire republic, and strong tribes that encourage local revolts (Gause 1988, 34). Islam, which had spread throughout Yemen's divided regions, could have been the common denominator to potentially trigger unification. This possibility never materialized, however, as the death of the Prophet Muhammad in A.D. 632 brought about sharp divisions throughout the Islam world and the Yemenis were formally split into two parts by the Shi'a-Sunni division: North Yemen and South Yemen (Gause 1988, 34; Katz 1984, 22; Woodward and Mark 1979). The former consists of the Zaydi branch of Shi'ite Islam while the latter is composed of the Shafi'i school of Sunni Islam (Gause 1988, 34; Katz 1984, 22). In the nineteenth century, North Yemen was invaded and came under the control of the Turks, while South Yemen was colonized and ruled by Great Britain (Katz 1984, 22). The relationship between these two imperial powers quickly grew hostile over incessant border disputes between the two Yemens (Martin 1984, 58). Following four years of negotiation over the border, in 1905 the British and Turks finally reached the first agreement that determined the boundaries of North Yemen and South Yemen; this

agreement was reinforced by the Constantinople Agreements, which also were adopted

that year (Martin 1984, 58).

 After World War I, the Ottoman Empire collapsed and the Turks were forced to

relinquish their rule over North Yemen (Katz 1984, 22). The Zaidi Imam Yahya of North

Yemen took temporal rule over all of North Yemen with his son, Imam Ahmad (Gause

1988, 35). Upon taking power, the Imam of North Yemen challenged the border

agreement previously reached between the British and the Turks and engaged in violent

acts against the British along the border but ultimately was only able to reinforce the

existing boundaries (Martin 1984, 58). After a short break from border clashes, in 1950,

North Yemen again disputed the border previously determined and, since then, sporadic

border clashes had continued (Martin 1984, 58-59). Domestically, the Imam of North

Yemen confronted discontent Yemenis who had organized against Imamic authoritarian

rules (Katz 1984, 22). The protests proved to be unsuccessful until 1962, when Imam

Ahmad died (Katz 1984, 22). Following Imam Ahmad's death, the regime of Imam's

son, Mohammad al-Badr, was overthrown by a group of Nasserite army officers, who

then declared the birth of the Yemen Arab Republic (YAR) on September 26, 1962

(Gause 1988, 35; Katz 1984, 23). In the meantime, in South Yemen, the Arab Nationalist

Movement organized the National Democratic Front and waged guerrilla wars against

British rule, resulting in the removal of the British colony in South Yemen on November

30, 1967, and the establishment of the People's Democratic Republic of Yemen (PDRY)

(Gause 1988, 35).

 6.2.2. Development of Tension between North Yemen and South Yemen

The unity of Yemen could have been achieved at this time when Imamic tyranny in Sanaa and British colonialism in Aden were terminated. However, due to domestic problems that required immediate resolution, namely, internal fighting in YAR and PDRY, both Yemens had no time to put intellectual foundations in place for a possible unification (Gause 1988, 35). North Yemen was troubled by a civil war between the Egyptian- and Soviet-aided republicans and the royalists backed by the Saudis; fighting among different factions became a setback for the South Yemenis (Gause 1988, 35; Katz 1984, 23). When the Egyptians were defeated in the Arab-Israeli war in 1967 and as a result were forced to leave YAR, PDRY's National Front deployed over 600 volunteers to Sanaa to help North Yemen's republicans remain in control of North Yemen (Katz 1984, 23). In turn, the republicans of North Yemen frecognized the newly formed and independent South Yemeni government (Gause 1988, 33).

Nonetheless, this friendly relationship between Sanaa and Aden did not last long, as the difference in the two Yemens' ideologies became palpable. Domestically, the leftists were defeated and removed from power in Sanaa while the left party, the National Front, became the major political power in Aden (Gause 1988, 36-37). Internationally, YAR was supported by Saudi Arabia and the United States while PDRY found allies in the Soviet Union and fellow communist states such as Syria in the Arab region (European Institute for Research 2007). Not only did each Yemen cling to its own ideology, but each state also tried to get the other to adopt its ideology. When conservative and leftist republicans battled in deciding who would take sole control over the North Yemen government in August 1968, the National Front of South Yemen openly supported the leftists (Gause 1988, 33). Conservative republicans who won the battle and constituted a

majority of the government were not enthusiastic about Aden's initiatives. In turn, the conservative republicans in Sanaa supported the rival South Yemeni groups that tried to overthrow the National Front (Gause 1988, 33). In the end, each Yemen became the asylum of exiled opponents of the other Yemen (Gause 1988, 33; Martin 1984, 59).

Neither of the two Yemens was content with this unsettled situation (Katz 1984, 23). Upon the end of its long civil war between the conservative republicans and the royalists and their Saudi Arabian backers, the Sanaa regime was allied with South Yemeni exile groups and tribal shaykhs that attempted to unseat the National Front in Aden and demanded that the National Front form a coalition government with its exiled groups to Sanaa for the immediate unity of Yemen (Gause 1988, 37; Martin 1984, 59). This stance led to a low-intensity border conflict between North and South Yemens in September 1972 (Tilemma 1991, 199). Under the Arab League's supervision, in October 1972, Prime Minster Muhsin al-Ayni of YAR and Prime Minister Ali Nasir Muhammad of PDRY came together in Cairo and agreed to put an end to the ongoing fighting and work toward unification of the Yemenis within one year (Gause 1988, 38; Martin 1984, 59). In November 1972, the presidents of both Yemens, Abd al-Rahman al-Iryani from Sanaa and Salim Rubayya' Ali from Aden, assured each other of their vow to unity (Gause 1988, 38). However, neither Yemen showed much willingness to work toward unification and instead grew more suspicious about each other's pledge to the unity plan (Martin 1984, 59). It was reported, on one hand, that the National Front of South Yemen used the ceasefire to recuperate and continued to support the leftist opponents of the Northern Yemeni regime who instigated the uprising in North Yemen (Gause 1988, 38). On the other hand, in North Yemen, the Consultative Assembly refused to ratify the 1972

agreement and, with its monetary power, Saudi Arabia persuaded tribal leaders and army officers to oppose the plan to unify the Yemenis (Gause 1988, 39). Consequently, the unity plan was never solidified.

Following this unsuccessful attempt at unification, President Abdul Rahman Iriani of North Yemen weathered the first coup attempted by a Baathist group supported by Iraq but, in June 1974, his government was overthrown by Col. Ibrahim al-Hamdi, who then weakened the position of the religious and traditional tribal leaders in Sanaa while strengthening North Yemen's relation with Iraq (Cordesman 1984, 467). A new civil war erupted between two disgruntled tribes, Hashid and Baikal, and al-Hamdi's government in early 1977. Al-Hamdi survived through the civil war, but was assassinated by the coup led by the Saudis' favored Lt. Col. Ahmid Ghashmi (Cordesman 1984, 468; Gause 1988, 40). Ghashmi welcomed into the government tribal leaders and conservative republicans who had strong ties to Saudi Arabia (Cordesman 1984, 469). Some government and army officers were discontent with Ghashmi's reforms and turned to seek support from Aden. In June 1978, Aden's emissary assassinated Sanaa's President, Ahmad al-Ghashmi, leaving Ali Abdallah Saleh to assume power (Gause 1988, 40; Tilemma 1991, 199). Blamed for Ghashmi's assassination, Aden's President, Salim Rubayyi Ali, was soon executed and replaced by Abd al-Fattah Ismail (Gause 1988, 40; Tilemma 1991, 199). As a result, the relations between North and South Yemen further deteriorated (Katz 1984, 24).

The new President of North Yemen, Ali Abdallah Saleh, reinforced the policies of al-Ghashmi which repressed the leftists and strengthened the roles that tribes and Saudi Arabia played in the government (Cordesman 1984, 469). This led to unsuccessful coups

in September and October 1978 when al-Hamdi's supporters attempted to assassinate Saleh (Burrowes 1985, 289; Cordesman 1984, 470; Gause 1988, 40; Katz 1984, 24). Although the coups were unsuccessful at overthrowing Saleh's government, they certainly succeeded in deteriorating Saleh's support system (Cordesman 1984, 470). The supporters of al-Hamdi left Sanaa for Aden where they joined the leftish group, the National Democratic Front, and hatched a plan to take power over North Yemen (Katz 1984, 24).

6.2.3. The 1979 Border Dispute

By late 1978, a war of words between the two Yemens had begun and on February 24, 1979, Aden, along with armed resistance groups against North Yemen, undertook a large-scale attack on Sanaa (Bercovitch and Jackson 1997, 183; Burrowes 1985, 289; Katz 1984, 24; Tilemma 1991, 199).[16] To Ismail's surprise, North Yemen withstood the NDF forces. Because of the need to unite all Arab states against Egypt after the Egyptian-Israel peace treaty, the Arab states of Iraq, Syria, and Jordan immediately called for mediation and thanks to the mediation offered by Iraq, Syria, Jordan, Kuwait, and other Arab League states, a ceasefire was achieved on March 3, 1979 (Bercovitch and Jackson 1997, 183; Burrowes 1985, 289; Cordesman 1984 471; Gause 1988, 40; Howe 1979, 3; Litwak 1981, 83; Martin 1984, 59; Stookey 1982, 98; The Financial Times 1979, March 3, p2; Tilemma 1991, 200). However, in three days, Aden resumed its attack on Sanaa, which led to Sanaa fighting back (The Financial Times 1979, March 6, p4). On March 29, 1979, Kuwait hosted mediation talks between the presidents of North and South Yemen, who re-pledged to honor the 1972 agreement on the

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[16] It was reported that Aden accused North Yemen of invading South Yemen (Bercovitch and Jackson 1997, 183).

unification of Yemen, though they could not reach an agreement on three of the nine items in the draft of the constitution of a unified Yemen (Cordesman 1984, 471; European Institute for Research 2007; Martin 1984, 59; New York Times 1979; Stookey 1982, 98; Tilemma 1991, 200; Tingay 1979c). According to the agreement, military unity was expected to be achieved by November 1979, unity in the areas of transportation and communications was to be established by January 1980, and a single election was to be conducted by February 1980 (Cordesman 1984, 472). However, Aden reportedly continued to support the opposition groups of Sanaa later that same year and this led to heightened tensions between the two regions (European Institute for Research 2007). However, after Syria's mediation effort in December 1979, the two Yemens began to demonstrate greater resolve toward achieving unification (Keesing's Contemporary Archives 1980).

6.2.4. Why Syria's Solo Mediation Attempt Succeeded

North Yemen and South Yemen reached a cease-fire through the mediation efforts carried out by Iraq, Syria, and Jordan; however, it only lasted for three days. Neither North Yemen nor South Yemen made much effort to work toward unity after this and in late 1979 both parties decided to postpone the unity plan (Keesing's Contemporary Archives 1980). However, in December 1979, it was reported that Syria's mediation attempt helped to resume talks between Sanaa and Aden and, by early 1980, some progress toward a unified Yemen had been made (Keesing's Contemporary Archives 1980; Bercovitch 1995).

What caused Syria to change from a somewhat effective mediator in early 1979 to a successful one in late 1979 in this dispute between YAR and PDRY? This study

presents two circumstantial conditions that explain the qualification of Syria as a mediator in early 1979 and late 1979. Both reasons, explained below, are closely related to the level of interest that Syria had in the dispute at the time of mediation in early 1979 and late 1979, respectively. This study shows that despite its reputation as a strong supporter of Aden's policies during the border dispute, Syria appeared as an effective mediator because of the high level of interest it exhibited in resolving the two Yemens' border dispute. Ultimately, through this case study, this research challenges the claim that mediators must be highly impartial in order to effectively mediate a dispute.

a. Early 1979: Uniting the Arab States against Egypt

As a communist state, it was natural for South Yemen to feel close to fellow communist states in the Arab region. In particular, "South Yemen [felt] a special rapport with Syria" (Stookey 1982, 102). Not only did Syria have strong ties to the Soviets as did South Yemen, but South Yemen also was reported to be searching for allies that were aggressive opponents of Egypt (Halliday 1990, 170; Stookey 1982, 102). Syria ultimately became a strong ally of South Yemen and sponsored the leftist group of South Yemen, the National Democratic Front (Martin 1984, 59; Stookey 1982, 102). In contrast, North Yemen was more in line with pro-Western conservative states such as Saudi Arabia and Jordan. North Yemen received joint aid from the Saudi and U.S. governments and, in return, provided well-respected status to Saudi-backed royalists (Cordesman 1984, 469, 471; Economist 1979).

When the 1979 Yemen dispute took place, Syria, as a fellow Arab state, had considerable interest in both states, but it favored South Yemen, a state with which it shared similar political ideologies. Thus, at the outset of the border dispute between

YAR and PDRY, Syria was a highly interested and partial mediator. Despite being biased toward South Yemen, Syria was still effective because North Yemen knew Syria had substantial interest at stake in mediating the dispute between the two Yemens and the close tie that Jordan, one member of the mediating team, had with North Yemen compensated Syria's partiality toward South Yemen.

Syria's main interest was the unification of all Arab states against Egypt. In December 1977, Sadat of Egypt had worked with Israel on possible peace initiatives. In response to this peace effort, a few Arab states including Syria, Iraq, Libya, the Palestine Liberation Organization (PLO), and Algeria founded a "Rejection and Confrontation Front" that opposed Egyptian-Israeli efforts toward a peace treaty (Halliday 1990, 171). Despite this opposition, Egypt and Israel signed the treaty in Washington on March 28, 1979. In response, members of the Rejection and Confrontation Front, along with pro-Western states such as Saudi Arabia and Jordan, denounced the Egyptian-Israeli treaty and agreed to enforce the political and economic boycott of Egypt at a meeting that was held in March 1979 (BBC Summary of World Broadcasts 1979). On Syria's list, Egypt was "enemy number one," and Israel was next (Tingay 1979d; Halliday 1990, 170). Thus, Syria's "highest immediate priority" lay in mobilizing Arab states for sanctions against Egypt (Tingay 1979d).

To get all Arab states to adopt an anti-Egypt stance, Syria had to tackle some problems. First, Syria had to set aside a decade-long feud and work with Iraq in order to act collectively against the Egyptian-Israeli peace treaty (Gause 1988, 41; Lippman 1979; Moreau 1979b). Leaders of Syria remembered that in 1977, when Sadat visited Israel, the rivalry between Syria and Iraq, which pulled Arab states in opposite directions, resulted

in no retaliation against Sadat's position (Lippman 1979b). Thus, in order to prepare

joint sanctions against Egypt, Hafez al-Assad of Syria paid a visit to Iraq in October 1978

and settled the differences that had soured the relationship between the two states

(Lippman 1979b). From there, Syria and Iraq discussed the possibility of a

political/military merger (Moreau 1979). By November 1979, nonetheless, the unity plan

between Syria and Iraq felt apart due to mutual suspicions (Wren 1979b). As a result, the

Rejection and Confrontation Front against Sadat's peace treaty was significantly

weakened (Wren 1979b).

In addition, Syria needed Saudi Arabia on board in order to successfully oppose

Sadat's peace treaty with Israel. Although the Saudis criticized the treaty publicly, they

were not ready to impose the harsh sanctions on Egypt that had been suggested. When

Saudi Arabia refused to carry out economic sanctions against Egypt at the Arab ministers'

meeting in Baghdad on March 30, 1979, Syria, in an expression of disdain, along with

Libya and the Palestine Liberation Organization, walked out of the meeting room (Randal

1979). This action seemed to influence the Saudis in changing their position. It was also

speculated that the Saudis might have joined the Rejection and Confrontation Front

because Syria threatened the Saudis that it would not stop South Yemen's aggression

toward North Yemen if they did not carry out economic sanctions against Egypt (Randal

1979). In addition, Syria was suspected to have played a role in forcing Saudi Arabia to

become a tool of "Arab radicals and the Soviet Union" and provide monetary support to

Syria, Jordan, the PLO, and Palestinian inhabitants of the West Bank and Gaza for not

negotiating with Israel (Wren 1979a).

Finally, Syria discerned that the border dispute between the two Yemens was a detriment to the unity of the Arab states against Egypt, as it divided the Arab states and attracted non-Arab states such as the United States and the Soviet Union (Gause 1988, 41; Lippman 1979a; Stookey 1982, 98). Syria believed that if the dispute continued, Saudi Arabia, who sponsored North Yemen, might be forced to turn to the United States and Egypt, and the Arab consensus against Sadat's peace treaty might not be sustained (Gause 1988, 41). Representing a unified voice of Arab states against Egypt, Syria stressed that both Yemens should be united and sought to prove to the world that "Arabs can work for peace" (Economist 1979; Halliday 1990, 126; Tingay 1979d). Fortunately, although both Yemens received assistance from the two great powers, the United States and the Soviet Union, they desired to resolve their dispute in an Arab context and were keen to seek a mediator among the Arab states (Tingay 1979a). In particular, North Yemen felt that the United States had its own self-interest in mind in supporting North Yemen and so instead decided to visit the leaders of Syria, Iraq, and Jordan for their assistance in mediating its dispute with South Yemen (Tingay 1979a, 1979b).

Iraq, Syria, and Jordan mediated the dispute and helped bring about a ceasefire in March 1979 (Gause 1988, 40). Over the course of mediation, South Yemen needed considerable pressure from mediators before making a concession (Gause 1988, 40). As an ardent communist, President Ismail of South Yemen was characterized as "the only politician on the Arab peninsula you can't buy or rent" (quoted in Apple, The New York Times, 1979, April 1, E4). His concession was not to be bought with development aids, which contributed to Sanaa's concession, but might be earned with an ideological cause (Burrowes 1985, 291). As a strong ally of South Yemen's who shared its ideology, Syria

played a major role in persuading South Yemen to concede while appealing to Ismail that the revolution could not be exported to another state (Halliday 1990, 125; Martin 1984, 59). Saudi Arabian-backed North Yemen was also under growing pressure from fellow Arab states to make efforts to resolve differences with South Yemen (Burrowes 1985, 291). Although Sanaa was aware that Syria had a special tie to South Yemen and shared its political creed with Aden, Sanaa realized that Syria was capable of inducing concession from Aden – a state whose concession was the ultimate key to achieving a peace agreement – and that it had substantial interest in resolving the dispute peacefully (Gause 1988, 40; Economist 1979).

b. Late 1979: Maintaining Good Terms with the Soviet Union

Syria's interest in uniting the Arab states against Egypt may explain its successful mediation in March 1979 which, with the help of Iraq and Jordan, brought about a ceasefire. However, Syria's solo mediation, which occurred during a crucial post-dispute stage between YAR and PDRY and led to a full peaceful agreement in December 1979, is barely recognized as the force behind resuming talks on unification of the Yemens. Even after their pledge and re-pledge to work toward unification, both Yemens continued to postpone talks on the unity plan and instead supported the opposition groups of the other Yemen. However, following Syria's mediation in December 1979, Sanaa and Aden resumed their talks on unifying the two Yemens in early 1980, which led to an agreement on their coalition government (Gause 1988, 41).

Syria's solo mediation was motivated by its interest in pleasing the Soviets in late 1979. Since late 1978, Syria and Iraq ended a decade-long tension with each other to pull the Arab states together for an anti-Egypt movement and began to discuss a political

merger of the two states (Moreau 1979). It was rumored that Iraq saw Egypt's fall after the Egyptian-Israeli treaty as an opportunity to become the next leader of the Arab states (Moreau 1979). Iraq played a major role in hosting Arab summits and mediating the Yemenis' dispute and even became friendly to conservative states such as Saudi Arabia and Kuwait (Moreau 1979). If Iraq were to become leader of the Arab region, Syria would earn similar status, as it might be seen as "the junior partner" to Iraq in the Iraq-Syria merger plan (Tingay 1979d). With the merger plan with Iraq on the way, Syria was secretly pleased that it would not need to accept Soviet military aid as it wished not to move closer to the Soviet Camp, if at all possible (Tingay 1979d).

However, in late 1979, both Iraq and Syria drifted away from the merger plan, citing old Baathist rivalries and distrust as their reasons (Wren 1979). Without Iraq on its side, Syria needed military support and sought assistance from the Soviet Union. President Hafez al-Assad soon visited Moscow in early October 1979. As a result of the visit, Syria received military aid and, later, the Soviets also wrote off a $500 million debt that Syria owed for military equipment it had borrowed from the Soviets (Deming, Moreau, Megalli, and Martin 1979).

The USSR was likely aware of Syria's attempt to sever ties with her. However, the Soviets did not waver in their decision to support Syria militarily and monetarily. Why would the USSR have made such a decision? To protect its own interests, Syria turned back to the Soviet Union; in turn, the Soviet Union, with its own interest in mind, took Syria back and generously aided the state with military equipment and facilities. Essentially, the Soviets' acts of providing aid to Syria were not random acts of kindness, but rather calculated decisions driven by self-interest. The Soviets wished to expand their

influence in the Middle East; this interest would be evidenced by their continuous effort to increase their amphibious forces that could be used in case of crises in the Middle East (BBC Summary of World Broadcasts 1979b). The timing for this expansion was perfect as lack of Saudi assistance during the 1979 border dispute compelled Saleh to turn to the Soviets and possibly no longer honor the Saudis' control (Bidwell 1983, 330). To seize this opportunity to expand its influence in the Middle East, the Soviet Union needed the "reliable ally in the region apart from South Yemen", as Mr. Andrei Gromyko, Soviet Foreign Minister, referred to Syria during his visit to the country in March 1979 (Tingay 1979d). In return for supplying Syria with military support in late October and monetary aid in December, the Soviet Union expressed its interest in participating in "a Middle East settlement at all stages" (quoted in New York Times, 1979, October 26, A11). However, the Soviet Union did not want to provoke its counterpart, the United States, by doing so, especially when the United States was already on alert and had sent its Treasury secretary to the Arab region after noticing the Soviets were restoring their friendly status among the Arab states (Deming, Moreau, Megalli, and Martin 1979). The Soviets needed Syria to be their puppet in the Arab region.

In short, Syria's estranged relationship with Iraq compelled Syria to renew its ties with the Soviets, who wished to expand their influence in the Middle East. These circumstances increased the level of Syria's interest in the dispute between North Yemen and South Yemen. In addition, these circumstances lessened Syria's partiality toward South Yemen as the latter turned its back on the Saudis and became an ally of the Soviets. For the Yemen dispute, as a highly interested and somewhat partial mediator belonging to Group 6, Syria led a full, peaceful settlement between North Yemen and South Yemen

(see Figure 6.1). This case demonstrates how Syria's high level of interest in the dispute

counterbalances its partiality toward South Yemen. In addition, this case challenges the

claim that only those actors who maintain a high level of impartiality bring about

successful outcomes. At the same time, this case upholds the core claim of this research

that the additive value of both variables accounts for mediation success.

6.3.   **Conclusion: Case Studies**

Malaysia had never been keen about having the Philippines as a mediator for its

dispute with Indonesia (Ott 1972, 601). It felt that the Philippines favored Indonesia

because Indonesia's winning would put the Philippines in a better position to negotiate

for the Sabah controversy with Malaysia (Ott 1972, 601). Before its formal claim over

Sabah, the Philippines would have been an impartial mediator whom both Indonesia and

Malaysia perceived to be fair because the Philippines had "increasingly close ties with

Indonesia" and "friendly relations with Malaya" (Ott 1972, 603). However, by opposing

the Malaysia proposal and refusing to recognize Malaysia publicly, the Philippines

showed that it clearly was taking Indonesia's side in the Borneo dispute. When this

happened, "the Philippines … was seen as a protagonist, not a neutral" (Ott 1972, 604).

These actions move the Philippines from the second group of mediators, who are

expected to produce at least a middling outcome, to the fifth group of mediators (see

Figure 6), where mediators rank high on level of interest but low on level of impartiality.

Those who stress the salience of the level of mediators' interest expect mediators

belonging to Group 5 to be successful. However, this research predicts that these

mediators will not achieve successful outcomes. In the case of its 1963 mediation

attempt, the Philippines failed to resolve the Borneo dispute between Indonesia and

Malaysia. This case challenges the claim that mediators' interest has a solo effect on mediation outcome. Instead, it corroborates the argument that the additive value of mediators' impartiality and interest is critical for determining mediation outcomes.

For the border dispute between Sanaa and Aden, after a partial peace agreement between the two states had been brokered by Kuwait in late March of 1979, no official progress on the unity of Yemen was reported. Instead, both Yemens expressed their desire to postpone the unity talk. As North Yemen sought out to be reconnected with the Soviets and showed interest in embracing the NDF into its government in late 1979, the Soviets appeared to see this change as an opportunity to unify the two Yemens under a communist government (Bidwell 1983, 330). It appeared that Syria called for a clandestine meeting for both Yemens after the Soviets generously canceled Syria's debt for military weapons. Although Syria had been characterized as clearly biased toward South Yemen, its close ally, in early 1979, it became less partial in December 1979 after learning that the Soviets favored the unification of Yemen. Syria's mediation in December 1979 helped both Yemens reach a full peaceful settlement (Bercovitch 1995; Keesing's Contemporary Archives 1980). As a result, both Yemens resumed their unity talk in early 1980 and reached an agreement with regard to the merger of the armed forces of both states (Gause 1988, 41; Keesing's Contemporary Archives 1980). The events of this case demonstrate that the solo effect of mediators' impartiality does not necessarily equate to mediation success. Rather, it is the additive value of mediators' impartiality and interest that is a more accurate predictor of such success.

Finally, these case studies have brought to our attention the limitation of quantitative studies and the utility of case studies in mediation. In both mediation cases

for the Borneo conflict and the Yemen conflict, the data used in the empirical analysis

chapter did not represent mediators' relational characteristics. Instead, the circumstantial

elements in both cases played a significant role in altering the levels of mediators'

impartiality and interest and, thus, disputants' trust in the mediators. Such circumstantial

elements were not captured by the numerical values in the data; only case studies could

offer details about the conditions under which mediation was being held. More

discussion on the utility of case studies in mediation is included in the next chapter.

6.4.   Tables and Figures

Figure 6.1. Levels of Mediator Impartiality and Mediator Interest

Mediator Impartiality — High / Low

Mediator Interest — Low / High

Group 2
The Philippines in the Borneo Dispute

Group 1

Group 3

Group 6
Syria in the Yemen Dispute

Group 4

The Philippines in the Borneo Dispute

Group 5
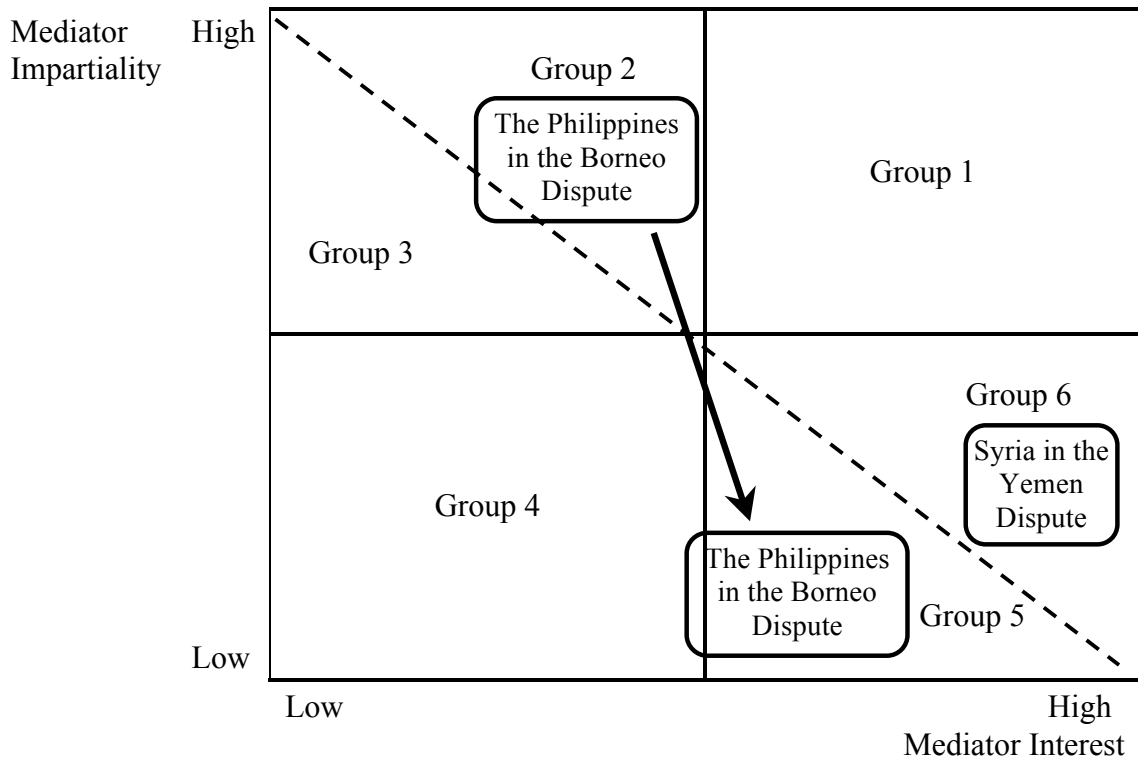
Figure 6.2. Map of the Island of Borneo

Figure 6.3. Map of Yemen

PART FOUR

IMPLICATIONS

Chapter 7:   Conclusion

For decades, mediation scholars and practitioners have debated theoretically and empirically whether mediator impartiality or mediator interest plays a more vital role in bringing about a successful outcome. This research incorporates both mediator impartiality and mediator interest in a comprehensive model that accounts for mediation occurrence and mediation outcome.

To construct this comprehensive model of mediation, this study identifies two dimensions of trust, mediator fairness and mediator capacity, which serve as the two channels through which mediators influence the chances of mediation occurrence and the type of mediation outcome achieved. Linking the two dimensions of mediator trust to mediation impartiality and mediator interest, this research argues 1) that mediator impartiality contributes to successful mediation outcomes by improving disputants' trust in mediators' fairness and 2) that mediator interest increases the likelihood of successful mediation outcomes by improving disputants' trust in mediators' capacity. Therefore, this research concludes that the levels of mediators' impartiality and mediators' interest do not have individual effects on mediation occurrence and outcome. It argues, rather, that the additive level of the two variables determines the likelihood of mediation occurrence and successful outcome.

The quantitative analysis of this research confirms the significant effect of the additive level of mediators' impartiality and interest. As the additive level of mediators'

impartiality and interest increases, mediation is more likely to take place and be successful. To strengthen this claim, the research examines two mediation cases, one being the Borneo conflict between Indonesia and Malaysia involving the Philippines as a mediator and the second one being the Yemen conflict between North Yemen and South Yemen that was mediated by Syria. Despite the high level of interest at stake in the dispute, the Philippines' mediation was unsuccessful due to its partiality toward Indonesia. In the Yemen conflict, Syria's second round of mediation led to a better outcome than its first round because of its increased level of interest at stake in the dispute. Both case studies corroborate the claim of this research that it is the additive level of mediators' impartiality and interest, not the individual levels of mediator impartiality and mediator interest, that accounts for mediation outcome.

7.1.   Strengths of the Research and Potential Areas for Improvement

This research presents a new typology of mediator impartiality and mediator interest. In previous studies, interested mediators are those who are characterized as biased against one of the disputants while impartial mediators are considered to be equivalent to neutral mediators. Redefining the sources of the effectiveness of mediator impartiality and mediator interest, this research places four different types of mediators in two dimensions. One dimension concerns whether or not mediators have an interest in a dispute; the other dimension pertains to the impartiality of mediators' behavior. The first dimension includes interested and neutral (uninterested) mediators whereas the second dimension separates impartial mediators from biased (partial) mediators. More importantly, in this typology, interested mediators and impartial mediators exist in two

different dimensions, thus allowing mediators to be both interested and impartial at the same time.

This typology permits the synthesis of the current literature on the effectiveness of biased and impartial mediators. The typology indicates that interested and impartial mediators are more effective than neutral and biased mediators. For those successful mediators who are biased or neutral, the typology implies that the source of effectiveness of biased mediators is having an interest and, thus, a willingness to expend their resources for the dispute, while the source of effectiveness of neutral mediators is having a tendency of behaving impartially. Based on this typology, the empirical and theoretical analyses on mediators' interest and impartiality in the mediation literature are not contradictory. Although they characterize mediators differently, in essence, they all indicate that interested and impartial mediators are more successful than neutral and biased mediators.

By linking two aspects of mediators' characteristics based on disputants' expectation for mediation, this research constructs a more comprehensive variable that accounts for mediation occurrence and mediation outcome. In previous mediation literature, some scholars note that regardless of whether mediators are biased or impartial, whoever inspires trust leads to a successful outcome. However, the way in which biased or impartial mediators can inspire disputants' trust is not specified. By specifying two dimensions of mediator trust, this research creates the additive level of mediators' impartiality and interest that represents the effectiveness of both impartial and interested mediators. This variable illustrates how both impartiality and interest can fulfill disputants' expectations and, thus, lead to a successful mediation outcome. More

specifically, this study shows how impartiality improves disputants' trust in a mediator's fairness and interest increases the level of disputants' trust in a mediator's capacity.

The creation of this variable of the additive level of mediators' impartiality and interest not only helps settle the debate on the effectiveness of biased and impartial mediators but also shifts the focus of the study to mediators' characteristics. Rather than debating whether or not biased and impartial mediators are effective, the focus must be shifted to the mechanism through which impartiality and bias influence mediation outcome. This research contributes to that end.

However, the applicability of this research's findings is limited to state-to-state mediation cases where states offer mediation for interstate disputes. This research excludes from its examination mediation cases for intrastate disputes and mediation carried out by international governmental organizations, regional organizations, non-governmental organizations, and independent individuals. Although interstate and intrastate conflicts are both violent activities, they differ in a number of ways. In international mediation, the effects of such differences on mediation occurrence and outcome become pronounced. For example, both participants in interstate conflicts represent the interest of independent countries while only one of the adversaries is a state in intrastate conflicts. This distinction has ramifications on the chances of mediation occurrence. In intrastate conflicts, the rebels have an incentive to accept mediation, not particularly for settling the dispute, but for obtaining international recognition as a political entity (Melin and Svensson 2009). On the contrary, the governments in intrastate conflict may have a greater incentive to refuse mediation in hopes of avoiding

that "recognition cost" and permitting the exposure of domestic matters (Melin and Svensson 2009, 250, 254).

This research also focuses on mediation carried out by states only. Since disputants have different expectations from different types of mediators, states' characteristics as a mediator have different effects on the chances of mediation occurrence and mediation success than those of other types of mediators. As a result, disputants use different ways to assess the qualification of an actor as a mediator for different types of mediators. For example, disputants tend to seek state mediators for their leverage while they are attracted to international organization (IO) mediators for their impartiality. Although both leverage and impartiality contribute to mediation occurrence and success, the degree to which each characteristic affects disputants' decision on mediation varies across the different types of mediators. For that reason, it was deemed appropriate for this research to focus on cases of state mediation and exclude those instances where mediation was carried out by other types of mediators.

One may question the selection of variables in the statistical model. In this study, the variables were selected in accordance with the components of the Contingency Model of Mediation developed by Bercovitch and Houston (1993), which included variables for the nature of the dispute, the nature of the disputants, the nature of the mediators, mediator behavior, and mediation outcome. Variables such as the degree of economic interdependence between a mediator and each of the disputants, the conflict history of the disputants, and the personal traits of the mediators could have been included in the model. This research could also have encompassed more variables in the model beyond the scope of the Contingency Model of Mediation, including the systemic characteristics and

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the disputants' domestic conditions. However, the goal of this research is not to offer an overarching theory that explains every mediation incidence with as many variables as possible. Rather, it aims to offer a parsimonious explanation on mediation occurrence and mediation outcome with a particular set of variables for a particular type of mediation case.

In terms of a mediator's relationship to the disputants, the key variable of this research could possibly be enhanced. This research uses the degree of political similarities between a mediator and each of the disputants as a proxy for the mediator's relational characteristics. More specifically, this research posits that mediators have a considerable amount of interest in a dispute if their alliance portfolios are highly aligned with both disputants; mediators whose alliance portfolios are as close to one as to that of the other are considered to be impartial. The inclusion of more diverse aspects of the relationship between a mediator and disputants, such as economic and social aspects, will certainly improve the level of comprehensiveness of the variable. For instance, the aspect of trade relations between a mediator and each of the disputants can be included to signify the level of the mediator's economic interest and impartiality. In addition, similarities in religion and ethnic composition between mediating and disputing states can be included to represent the mediator's social interest and impartiality in a dispute.

However, this comprehensive variable, encompassing political, economic, and social aspects of the relationship, still may not be adequate to represent a comprehensive picture of the relationship a mediator has with his/her disputants for some cases. In both the Borneo conflict and the Yemen conflict, the numerical values assigned to the mediators did not represent the mediators' relational characteristics with their disputants

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throughout the disputes. This misrepresentation did not result from the fact that the

variable only considers disputants' political relationship with the mediators without

taking into consideration the economic and social aspects of the relationship. Rather, the

misrepresentation occurred because the variable failed to capture the ongoing

circumstances that affected the level of the mediator's interest and impartiality.

In the mediation case for the Borneo conflict, the data placed the Philippines

among a group of mediators who are impartial with little interest in the dispute. However,

in reality, the Philippines was highly interested in the Borneo conflict due to its ongoing

conflict, the Sabah controversy, that would ultimately be influenced by the mediation

outcome of the Borneo conflict. This type of circumstantial element plays a significant

role in changing the relational dynamics between the mediator and disputants and, thus,

disputants' trust in a mediator. In Syria's mediation of the Yemen conflict, Syria was

considered to be a highly partial and interested mediator. However, the sudden fallout

from the merger plan with Iraq forced Syria to crawl back to the Soviet Union for

military and financial assistance. The Soviets welcomed Syria back under the condition

that Syria be the Soviets' instrument in expanding their influence in the Middle East.

This request not only increased Syria's interest in the Yemen dispute but also required

Syria to scale back its partiality toward North Yemen. Therefore, in reality, Syria was a

less partial but more interested mediator than the data described it to be.

The case studies of the Borneo conflict and Yemen conflict help capture the

complexity and details of mediation cases. Ad-hoc circumstances found in the mediation

cases led by the Philippines and Syria that influence the level of mediators' interest and

impartiality can only be revealed through case studies. In mediation, where a mediator

helps overly sensitive disputants negotiate with each other, even a single word or the way

in which words are delivered could heavily impact the ultimate outcome of mediation.

Since mediation is an assisted negotiation between the disputants by a mediator, it largely

relies on the exchanges between the disputants. Yet, such exchanges are oftentimes

spontaneous and do not follow a written script. They may lead to a mediation outcome

that neither of the participants desires. Thus, placing emphasis on details such as words

and circumstantial factors allows for a fuller understanding of mediation cases.

7.2. Implications for Future Studies

This research highlights the importance and utility of the study of mediation. In

particular, this research focuses on mediators' characteristics – one of the few variables

that can change after the onset of conflict. The findings of this research shed light on

areas for future study. First, future work should focus on building a general model of

mediation. Rather than focusing on one characteristic of mediators, future studies should

seek to construct a more general model that includes a set of mediator characteristics that

are conducive to bringing about a successful mediation outcome. Such a model would

need to take into consideration the counterbalancing effects among those characteristics.

Future studies can also create an inclusive framework that explains mediation cases

carried out not only by states but also by IOs. A comprehensive model would contain 1)

the common characteristics that state mediators and IO mediators have to attract

disputants and 2) the distinct characteristics of each type of mediator will not only

strengthen the study of mediation but also highlight the importance of mediation as a

conflict management method. Moreover, although interstate and intrastate conflicts have

their own distinct features, it will be beneficial to examine both types of conflict in a

model in order to compare the effectiveness of different types of mediators involved in particular types of conflicts. Lastly, the systems-level data including polarity, the percentage of democratic states, and the proportion of member states of all international organizations, needs to be collected over long time periods. These systemic-level factors will help account for the effect of changes in norms and states' behavior in the international system on the chances of mediation occurrence and successful outcome.

7.3.   Concluding Remarks

Conflict arises when two or more parties pursue their objectives that are at least partially incompatible. In the beginning, conflict may not involve violence but it may have the potential to escalate to violent interaction. The goals of conflict management are, at a minimum, to reduce the likelihood of escalation to violence and ultimately to help adversaries reach a settlement. Not all conflict management strategies are designed to accomplish both of these goals. For example, peacekeeping is employed to keep conflict from escalating to a full-scale war, but it is not intended to help disputants reach a settlement. In contrast, conflict management strategies such as negotiation, mediation, adjudication, and arbitration strive to not only diminish the likelihood of escalation but also help achieve a peaceful settlement between the adversaries. While negotiation and mediation are political processes through which participants engage in bargaining, adjudication and arbitration follow a legal procedure that produces a binding outcome. Negotiation, mediation, and arbitration differ from adjudication in that all participants must agree before engaging in the process.

Mediation and negotiation are the most popular strategies of conflict management used in international disputes. When conflict first arises, the two adversaries themselves

begin to negotiate with each other. They attempt to persuade the other to make a concession so that they reach a compromise over their incompatible objectives. However, when the adversaries' attempt goes in vain, they seek third-party assistance. Mediation is one of the most popular third party conflict management strategies that the disputants consider. Because of its characteristic as a voluntary and non-binding process, disputants are more attracted to mediation than arbitration and adjudication. For the same reason, however, mediation is used by those opponents who may not be fully ready to give up on their demands and make enough concessions in the course of mediation. This factor accounts for a low success rate of mediation compared to the rate of mediation occurrence. Even if mediation succeeds in helping disputants reach a settlement, it is likely that such a settlement will not last long.

Nonetheless, the utility and benefit of mediation should not be overlooked. Mediators are usually invited into difficult and intractable cases where disputants fail to resolve their issues and ultimately reach a stalemate. In such situations, mediation serves as a forum where disputants reveal their underlying issues and communicate with each other through a third party. While disputants are hesitant to employ arbitration and adjudication due to binding settlements even when they reach a stalemate, they are willing to give mediation a try because they are not bound to accept a settlement at the end. Because of this non-binding characteristic, disputants gain a valuable opportunity to test the possibility of settling their dispute peacefully with help from a third party. In addition, during the mediation process, mediators can alter the structures of the conflict within which disputants may find resolution by themselves. For example, mediators may expend their resources to make the settlement more attractive and, ultimately, motivate

disputants to agree on the settlement. In other instances, they may incrementally raise the costs of continuing the dispute. Although the benefit of those mediation attempts may not be realized immediately, they contribute to increasing the chances of helping disputants reach a settlement in the future.

When reflecting on the role of mediators, Kenneth Cloke (2005), an international mediator, said,

> …because conflict has no border, nor does compassion, nor our capacity to make a difference, we can only choose whether we will be distant, helpless victims of what we regard as other people's tragedies, or active participants in resolving disputes in our own family, regardless of where they may occur. More importantly, if we cannot learn to resolve our conflicts without war, coercion, grief, and injustice, we will find ourselves unable to survive, either as a species or as a planet. By responding to international conflicts in preventative, heartfelt, and systemic ways, we prepare the groundwork for the next great leap in human history – the leap into international cooperation and coexistence without war.

While conflict and incompatibility are part of all social relations, it is possible to resolve them without resorting to violence or war. It is the responsibility of humankind to find and learn ways to resolve such conflict in a peaceful manner. Mediation contributes to this goal. It initiates conversations between adversaries and helps them achieve a better understanding of each other. It also helps disputants find common ground to help arrive at a fair settlement. In these disputes, it is mediation that can play a critical role in securing a resolution to conflict.

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VITA

Name
Su-Mi Lee

Education
- Master of Arts, Political Science, University of Missouri-Columbia, December 2001.
- Bachelor of Arts, Political Science, San Jose State University, December 1998.
- Bachelor of Arts, Politics and Diplomacy, Hankook University of Foreign Studies, February 1997.

Academic Appointments
- Visiting Assistant Professor, Arkansas State University, August 2013-

Peer-Reviewed Publications
- Su-Mi Lee. Forthcoming. "Understanding the Yalta and Riga Axioms through the Belief System of the Advocacy Coalition Framework." *Foreign Policy Analysis*.
- Bercovitch, Jacob, and Su-Mi Lee. 2003. "Mediating International Conflicts: Examining the Effectiveness of Directive Strategies." *International Journal of Peace Studies* 8(1): 1-17.

Honors and Awards
- International Student Tuition Scholarship. $1000. University of Kentucky. December 2012.
- College of Arts and Sciences Student Research and Educational Funding. $750. University of Oklahoma. March 2008.
- Research and Creative Activity Awards. $254.33. The Graduate Senate. University of Oklahoma. December 2007.
- General Scholarship. $250. Raritan Valley Community College. March 2007.
- Graduate Scholars. $1500. State University of New York – Binghamton. September 2005.
- Edith Taylor Therrien Scholarship. $500. University of Missouri-Columbia. April 2000.

Travel Grant
- International Studies Association. $250. April 2013 (decline), February 2009.
- The Department of Political Science. University of Kentucky. $900. May 2012.
- The Graduate School. University of Kentucky. $400. April 2012, April 2011, September 2010, March 2010, February 2009.
- The American Political Science Association. $200. September 2010.
- The Graduate Senate. University of Oklahoma. $244.42. March 2008.
- State University of New York – Binghamton. $250. April 2006.
- University of Missouri-Columbia. $200. May 2001.

Professional Service

- Radio Guest. "Living in DMZ." KKOL-AM 1300, Seattle, Washington. 15 March 2003.