Mediating Conflicts of Indivisibility.
A Conflict Type Approach to Mediation

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Abstract

This paper endeavors to explore a conflict-type approach to mediation, i.e. to test the interdependence of conflict types and mediation profiles. It specifically looks at conflicts of indivisibility, asking whether the core properties of these most resistant conflicts suggest some mediation profiles to be more adequate than others and, more specifically, whether this conflict type restricts the menu of choices available to mediators. Taking stock of the research findings of several strands of largely unrelated literature, the most prominent of which is the ‘enduring rivalries’ research program, the paper first identifies two core properties of these conflicts, perceived indivisibility and self-reinforcing duration effects, based on an issue-oriented bargaining approach. It then synthesizes the research findings on conflict termination, integrating them into different theories on how to reverse path dependence. It afterwards discusses specifically the rather sobering mediation track record for these conflicts. On this basis, the paper turns to mediation goals and strategies, arguing that this conflict type indeed limits the choices available to mediators: as concerns the issue dimension, non-directive strategies are much less functional than directive strategies and fractioning seems to contradict the very nature of these conflicts; as concerns the perceptional dimension, continuous problem-solving efforts are the key to sustainable resolution.
**Introduction**

After twelve months of inconclusive mediation between Serbs and Albanians on the future status of Kosovo, the chief mediator, Martti Ahtisaari, included some utterly pessimistic words into his final report to the UN Secretary-General: ‘It is my firm view that the negotiation’s potential … is exhausted. No amount of additional talks, whatsoever the format, will overcome this impasse’ (Ahtisaari, 2007: 2). These words of the former Finish President were intended as a dire warning to a hesitant UN Security Council, specifically Russia, to not endlessly prolong these futile negotiations and finally cut through the Gordian knot of Kosovo by imposing a formula of ‘conditional independence’. However, these words also reflect the sense of deep frustration that not only Ahtisaari, but all the mediators experienced who had invested themselves to settle or at least contain this conflict which is dating back already to the Serb conquest of Kosovo in 1913. Actually, mediation efforts were almost permanent since 1991 (Biermann 2006). Twelve major and some more low-key efforts, some of them lasting several years, had already taken place, with only two gaps from 1993-95 and 1999-2003. Some of them aimed at a full settlement, some at a partial settlement, others primarily at a freeze. And still, despite Ahtisaari’s warning, one more last-ditch mediation attempt followed by the American-Russian-EU ‘Troika’ led by the German Wolfgang Ischinger. Its prospects for reaching a last-minute compromise, though, were poor. It was widely suspected that the main raison d’etre of this effort was to help close the ranks among a deeply divided international community. In March 2008, the Kosovo-Albanians unilaterally declared independence, i.e. secession from the Federal Republic of Yugoslavia and Ahtisaari’s ‘conditional independence’ formula was finally implemented, accompanied by heavy Serb and Russian protests.

A multitude of recurring futile mediation attempts is a typical pattern for these kinds of conflict, both in inter-state conflicts and civil wars, ranging from the Near East to Nagorno Karabakh and Cyprus to the ‘frozen’ conflicts in the Caucasus. Mediating in these kinds of conflicts raises nagging doubts: Are they simply intractable, not amenable to third party diplomatic intervention, and thus doomed to fail, ‘whatsoever the format’ (Ahtisaari)? Or in how far could well-designed mediation still make a difference?
After all, we know encouraging success stories of mediation in these most resistant cases, such as Zimbabwe, South Africa, El Salvador, Cambodia, among others, though causality is extremely difficult to establish.

There is a growing awareness in the scientific community that these conflicts share major characteristics, which justifies classifying them as one conflict type. The ‘massive wall of resistance to settlement’ (Crocker, Hampson, and Aall, 2005b: 9) is a leitmotif in their study. In fact, some definitions explicitly incorporate the mediation hurdle, arguing that the ‘many futile attempts at management or resolution’ are a core characteristic of these conflicts (Bercovitch, 2005: 101; also Kriesberg, 2005, 67). Some have called them ‘intractable conflicts’ (Crocker, Hampson and Aall, 2004 and 2005a), others ‘conflicts of indivisibility’ (Gilady and Russett, 2005: 401-3). Both conceptualizations bridge the gap between studies of interstate and civil wars which still divides much of the community, despite serious problems of categorization (e.g. Kashmir or Cyprus) and ‘although there is considerable overlap in their findings’ (Licklider, 2005: 33). Both approaches do primarily qualitative research, which are unfortunately sometimes derived from dubious research designs (Kleiboer, 1996: 376). However, both take little notice of the burgeoning, strongly quantitative literature existing in the civil war as well as the ‘enduring [interstate] rivalries’ research program. They also do little to capture the essence and draw the boundaries of their concepts and thus establish their distinctiveness. The fundamental uneasiness this evokes has led to serious controversies among authors of edited volumes about the appropriateness of terms such as ‘intractability’, motivating some researchers to watch out for other brand names of this conflict type – Bercovitch simply talks about ‘most resistant cases’, Licklider ‘long wars’ (Bercovitch, 2005; Licklider, 2005).

Thus, the field is highly fluid. Major research programs run largely in parallel, testifying to the fractured, incoherent and in part non-cumulative nature of this research. Strong disagreements persist on categorization and operational definitions among and inside different research programs (Goertz and Diehl, 1993). Often available data sets and coding rules appear to guide the studies and even predetermine findings. However, attempts at bridging the multiple divides while respecting the particularities of each school increase. Just as the separation of inter- and intra-state conflict is more academic
than real, given the multiple spill-overs, the separation of the research programs appears questionable. Following this logic, DeRouen and Bercovitch have recently transferred major insights from the ‘enduring rivalries’ research program to the study of ‘long and seemingly interminable internal conflicts’, which they call ‘enduring internal rivalries’, testifying to the fact that both share the same ‘logic and structure’ (2008: 55).

This article is in his first part a bridge-building endeavor. I argue that, from a mediation point of view, the overlap among this class of most resistant conflicts is significant enough to discern major common properties and to investigate the implications they have for mediation. I do not claim that this conceptualization is beyond reproach – in fact, all the sub-types I bridge are contested, primarily their cut-off point of conflict onset and termination, with strong repercussions for the inclusion and exclusion of cases and thus on findings. However, I do see that sound mediation research depends on in-depth, but parsimonious conflict analysis, which adequately balances differentiation and integration in what amounts to ideal types that still allow for considerable variation, e.g. in terms of duration or hostility (Goertz and Diehl, 1995: 32; Crocker, Hampson, and Aall, 2005b: 10-12). From a mediators’ point of view, consolidating diverse findings of conflict analysis is crucial. Fragmented and incoherent conflict research is a weak foundation for sound mediation. The more conflict researchers come up with a common description of the problems mediation and mediation research need to tackle, the better are the chances for mediation and thus peace.

My major inspirational point is the ‘enduring rivalries’ program, a rather sophisticated quantitative research program, which grew in the early 1990s out of the ‘protracted’ conflict study (Brecher, 1984; Brecher, James, and Wilkenfeld, 2000; for a comparison see Colaresi and Thompson, 2002). It is strictly focused on inter-state conflict, starting from the crucial observation that recurring disputes over time among the same pair of states trigger path dependent effects which necessitate a holistic, longitudinal analysis of these conflicts over time instead of looking at conflicts in isolation. Of its two major sub-schools, I lean towards the evolutionary approach, which stresses the relational aspects of rivalry, its socio-psychological, perceptional triggers and the need for more qualitative research (Thompson, 1995; Colaresi and Thompson, 2002); however, I do not see the ‘punctuated equilibrium model’ as incompatible (for a
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comparison see Goertz and Diehl, 2000: 202-206). As a consequence, I stress less the early ‘lock-in’ of these conflicts than the self-propelling rivalry dynamics over time. I complement this by incorporating major civil war research findings as well as insights from ‘intractable conflicts’ research. It is remarkable that the latter is conducted by policy-oriented researchers primarily interested in mediation. Their focus is on tractability, i.e. the varying degree to which conflicts are receptive to third party diplomatic intervention over time. This is also the major lens I subsequently adopt when looking at this conflict type. However, the term ‘intractability’ will be avoided, as it underrates that tractability is relative, fluctuating on a continuum from low to high. Conflicts are ‘more or less tractable, not wholly intractable’ (Kriesberg, 2005: 66).

Despite some serious limitations, I subsequently opt for the term ‘conflicts of indivisibility’, defined by Gilady and Russett as a ‘conflict where the adversaries perceive the disputed resource as a unit they cannot divide between them’ (Gilady and Russett, 2005: 401). The focal point here is issues, not duration, as issues are still at the core of any conflict. Bennett has repeatedly advocated incorporating a stronger issue-orientation in the ‘enduring rivalries’ program (Bennett, 1997, 230-33; also Mor, 2003: 43). This issue-orientation allows using a bargaining approach paper, conceptualizing conflicts of indivisibility as ‘situations of ongoing bargaining’ (Bennett, 1997: 244; Maoz and Mor, 2002: 6). In particular, the concept of a contract zone will help us to capture the distinctiveness of this conflict type. As with intractability, indivisibility also implies dichotomy. Yet, here this dichotomy is a perceived one, pointing to the zero-sum thinking which is so prevalent in most resistant cases – see the apparently irreconcilable stances on the status of Jerusalem, Karabakh or Kosovo. Still, we will have to keep in mind that divisibility is relative, depending on perceptions and varying over time. What is mainly missing in the ‘conflict of indivisibility’ concept is the relational dimension among the disputants. Perceptions do not only pertain to issues, but also to Self and Other.

Once we have elucidated the key properties of conflicts of indivisibility and their termination, we can discuss the implications for mediation. The correlation between conflicts of indivisibility and mediation profiles has lately received increasing attention (Crocker, Hampson and Aall, 2004 and 2005a), including a few quantitative studies (Bercovitch and Diehl, 1997; Gartner and Bercovitch, 2006; Greig, 2001). The basic
thrust is that these conflicts ‘may require both sustained and different conflict management efforts than other conflicts’ (DeRouen and Bercovitch, 2008: 57; also Zartman, 2005: 59); Kriesberg calls for ‘big solutions’ (2005: 62). However, the nexus is not systematically explored yet, and it is complex. The underlying assumption, though, is that conflict type matters for mediation. Many authors suggest that a specific profile of mediation might be more adequate and thus promising than others – ‘power mediation’ is the most prominent one discussed for conflicts of indivisibility (Kleiboer, 2002; Svensson, 2007). We thus arrive at the main research questions: Do the core properties of conflicts of indivisibility suggest some mediation profiles to be more adequate than others? And do conflicts of indivisibility restrict the menu of choices available to mediators?

These questions have wider implications, both academically and policy-wise. We increasingly realize the bidirectional interdependence of mediation and conflict. Mediation has to be commensurate with a conflict; and mediation itself, even non-action, feeds back on a conflict, as mediation transforms a dyad into a triad and thus impacts on the pre-existing equilibrium. Thus, there is a premium on coherence – especially between a specific mediation profile and the conflict at hand. In terms of mediation research, this is the basic thrust of Bercovitch’s contingency model (Bercovitch, Anagnoson, and Wille 1991; Bercovitch and Houston, 1996; Kleiboer, 1996). Any mismatch of these two entities, each with its set of multiple variables, causes dysfunctions and thus increases the chances of failure, however defined. The entire literature on timing and ripeness starts from this premise (Kleiboer, 1994). It is focused on conflict stages or ‘life cycles’, though, not on conflict types. Bercovitch’s model, the major attempt at systematizing the field, does not account for conflict types.

A study exploring systematically how conflict types precondition specific mediation profiles is, to my knowledge, still lacking (see, though, Princen, 1992). Findings in this respect would be highly consequential. First, in terms of policy, selecting an initial mediation profile among a menu of diverse choices inadvertently sets any mediation effort on a very specific trajectory. It privileges some paths while foreclosing others, thus structurally predetermining future choices.¹ Consciously choosing a

¹ The metaphor of a decision tree, combined with the notion of critical junctures (initial decisions being most consequential), captures the essence of this idea; see the branching tree model of sequential
mediation profile that is commensurate with a conflict type should thus increase the chances of mediation success, whereas inconsistencies contribute to failure. Second, linking conflict types and mediation profiles systematically might facilitate mediation research designs, which are plagued like few other fields with the daunting challenge of multicausality, i.e. a plethora of independent variables which are constantly interacting in producing varied mediation outcomes (Bercovitch, 2005: 104). Attributing relative relevance to these variables in specific contexts might help bringing order into this ‘causal network’ (Tetlock, 1998: 871). It might be possible to identify context-specific ‘crucial’ variables and build variable clusters, thus reducing the scope of inquiry to more manageable proportions (Kleiboer, 1996: 376).

The main objective of this paper thus is to estimate the relevance of a conflict type approach to mediation. Conflicts of indivisibility are selected to test the underlying hypothesis that conflict type matters and, indeed, preconditions the initial menu of choices available to mediators. Consequently, the paper proceeds in four steps. First, I present the main research findings on conflicts of indivisibility, trying to elucidate their core properties. Second, the paper discusses major causal pathways to termination, including third party intervention. Third, I synthesize the specific research findings on the mediation track record of those conflicts. And finally, I investigate in how far these findings affect the mediation profile and restricts mediator choices, concentrating mainly on mediation goals and strategies.

Conflicts of Indivisibility – core properties

There are several attempts trying to crystallize the core properties of conflicts of indivisibility. None of them is identical, even not among the authors of some edited volumes.\(^2\) Most of them list, sometimes not even systematically, a plethora of traits. Factors range widely from bad leaders and neighbors to entrenched domestic constituencies, vested interests, cultures of violence and lack of high-quality third party intervention. The following discussion is driven by four considerations: a focus on

\(^2\) See the strongly diverging conceptualizations by Bercovitch (2005: 100-1), Kriesberg (2005: 66-68), Zartman (2005) and the editors in Crocker, Hampson, and Aall, 2005b.
motivational root causes; an effort to separate cause from effect; a tractability lens which highlights those characteristics most relevant for mediation; and parsimony. Thus, I do see two major components of conflicts of indivisibility, as an ideal type, which we will discuss consecutively: perceived indivisibility and duration effects.

*Perceived indivisibility*

Following Christer Jönsson, in a bargaining situation, we can construct for each disputant a continuum of acceptable outcomes, ranging from the maximum achievable to the minimum acceptable, called the resistance point (2005: 224).

![Diagram of resistance points]

*Figure 1. Resistance points*

Usually, negotiations aim at gradually identifying the zone where both continua overlap, called the contract zone or bargaining / settlement range. These negotiations assume an overlap of both resistance points, with signaling gradually revealing where this zone is located. This overlap might be preexisting, or it might emerge in the course of bargaining. For the continua are not stable. They constantly shift following preference building processes, and thus contract zones also shift.
However, conflicts of indivisibility, as an ideal type, are structurally different. Not only are the parties themselves unable to identify a contract zone and thus a compromise solution; even the involvement of a third party mediator does not suffice to do so. Both resistance points do not overlap. At least one party perceives a negotiated solution as inferior to its BATNA (Best Alternative to No Agreement).

Figure 2. Contract zone

Figure 3. Conflict of indivisibility
Thus, conflicts of indivisibility often experience no convergence towards a single salient solution. Both cling to competing, mutually exclusive positions. Frequently at least one disputant (mostly the advantaged and more powerful, such as Serbia on Kosovo between 1991 and 1999) is not even willing to accept a mediator; and if they do, ‘devious objectives’ are predominant (Richmond, 1998; Biermann, 2006). Disputants not socialized in cultures of compromise seem to be particularly prone to this polarized scenario.

Issues in contention can range, inter alia, from territory, resources, and security to ideology, ethnicity and independence. Issues can be multiple, with tangibles and intangibles interacting, and change over time; often they accumulate. There is disagreement in the ‘enduring rivalry’ literature on how much ‘issue-consistency’ is required to still speak of one rivalry; however, in most cases some specific issue disagreement – such as the status of Kosovo – runs through a conflict over time (Bennett 1997: 230-31, 240). The more intangibles are involved – such as ethnic identity formation for Kosovo Albanians and Serbs – the less divisible the issues and thus the less tractable the conflict becomes (Diehl, 1998: 3, referring to Vasquez).

This indicates the crucial importance of issue salience and thus perceptions in conflicts of indivisibility. These are distributional conflicts driven by strong collective perceptions. Because the disputed resource is so highly valued, it ‘cannot’ be divided. But this reality is a perceptual, insider ‘reality’. It has a strong actor dimension (Vasquez, 1996: 532). For the meaning and thus salience of disputed issues is socially constructed. Disputants in conflicts of indivisibility are maximizers because they tend to attribute ‘symbolic and transcendent’ meaning to issues (Mor, 2003, 43). These issues are tightly knit together into one single clew, epitomizing their identities. ‘Giving in’ is ‘unthinkable’ (Vasquez, 1996: 534-35).

This perception of indivisibility often strongly diverges from an outsider’s view. Third parties, attaching lower values to the issues, might very well perceive divisibility.

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3 Some authors assume territorial and secessionist issues as particularly resistant to compromise (Mor, 2003: 49; Vasquez, 1996: 535); Licklider remains skeptical (2005: 41); Greig even attributes ‘greater divisibility’ to territorial disputes (Greig, 2001: 708).

4 This is why the ‘evolutionary’ school of ‘enduring rivalries’ even shifts perceptions to the center of its argument (Thompson, 2001; Colaresi and Thompson 2002).
But perceptions also vary on the domestic levels. Disputants are no unitary actors, even if this type of conflict strongly stimulates ‘closing ranks’. And perceptions of divisibility rise and fall over time as preferences evolve. Consequently, perceptions of divisibility are relative, and thus is tractability. Even if resistance points do not overlap for extended periods of time, the continua and thus the contract zone are permanently in flux also in this type of conflict. Surely, there are much less ‘ripe moments’ than in other conflicts, yet those alluding to an ‘absence of ripeness’ (Zartman, 2005: 53) miss the dynamics of preference change inherent also in conflicts of indivisibility (Maoz and Mor, 1996: 144). They succumb to a fatalism that is understandable, given third party frustration, yet unwarranted. This is not a zero-sum conflict, yet a conflict driven by ‘zero-sum thinking’. The end of the Cold War, the ‘Great Intractable’ (Zartman, 2005: 56), is the best reminder as to the tractability of seeming ‘intractables’. This will become all the more true once we discuss more limited mediator goals than full settlement.

The term ‘stalemate’, so often used to describe these conflicts, is thus ambivalent. It highlights the basically incompatible preference structure (Goertz and Diehl, 1995: 31; Zartman, 2005: 52). Yet, it neglects the highly dynamic character of these conflicts below the surface. Revisionism, the ambition to redress the status quo by military or diplomatic means, drives them, making the status quo inherently instable. For even though the disputed resources are perceived as indivisible, they are ‘possessed’ to varying degrees by the disputants. The status quo is perceived as favoring one or the other. There are periods of relative calm, even of limited cooperation, especially in the early and late phases. However, at no point are both parties satisfied with the status quo (Maoz and Mor, 1996: 156, Zartman, 2005: 52). For mutual satisfaction implies resolution. Dissatisfaction may be one-sided – then we have a status quo defender and a challenger (Mor, 2003: 46); or it may be mutual. Challengers try to shift the power balance to get hold of the disputed resource; attracting third party intervention, including mediation, is one major tool in this conflict calculus; defenders employ the opposite strategies. The roles of status quo defender and challenger can, though, shift and even revert over time. And challengers might initiate violence despite being militarily weaker – ‘satisfaction

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5 The latter is stressed throughout the literature (Bercovitch, 2005: 101; Crocker, Hampson, and Aall, 2007: 7; Gilady and Russett, 2005: 401; Kriesberg, 2005: 70; Mor, 2003: 50; Zartman, 2005: 50).
6 See, for example, the ‘recognition game’ governments and rebel groups design to deny or gain legitimacy through mediation, respectively (Richmond, 1998: 713).
overrides capability’ (Maoz and Mor, 1996: 147). Conflicts of indivisibility can thus exist among asymmetric powers.7

Kosovo is a good illustration. Since the Serb occupation of 1912, Albanians in Kosovo were throughout the weak challengers, though already much less so since the NATO intervention ended Serb de facto rule in 1999. Several times they did try themselves to redress the status quo by force (1968, 1981, 1998/99); consistently they pressed for third party intervention to shift the power equation to their favor. This could be by military intervention (in both World Wars and in 1998/99) or diplomatic, including mediation (1991-99). The Serbs, in contrast, were most of the time the defenders of Kosovo’s status quo. After the experience of ‘losing’ Kosovo during both World Wars, they feared third party intervention and dismissed any ‘interference in internal affairs’, including mediation. However, relative shifts in satisfaction still occurred, such as after the expansion of Kosovo’s autonomy within Yugoslavia in the constitution of 1976, which turned the Serbs into revisionists, inspired Serb nationalism and the rise of Slobodan Milosevic and motivated them to abolish Kosovo’s autonomy in 1989/90. Since 1999, and now completely since Kosovo’s declaration of independence in 2008, Belgrade increasingly became the status quo challenger. Its revisionism is the sword of Damocles hanging over Kosovo and the region in future (Biermann, 2006).

Duration effects

Conflicts of indivisibility tend to produce deadlock. This entrapment in entrenched positions can be overcome early, as the research on ‘isolated’ rivalries demonstrates.8 Yet, most of the time perceived indivisibility leads to protractedness. The long duration that has inspired the terminology of both ‘enduring rivalries’ and ‘long civil wars’ thus is first of all a consequence and an indicator of perceptions of indivisibility. It is effect, not cause.9 Shifting it to the center of analysis necessitates decisions on onset and termination

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7 I follow here Mor who is referring to Geller (2003: 46), even though the debate is still inconclusive; see also Maoz and Mor’s contrary earlier hypotheses (1995: 149).
8 See also Kriesberg (2005: 67) who delinks duration and tractability. On the difference between ‘isolated’ rivalries, ‘proto’ and ‘enduring’ rivalries and their relative quantitative occurrence see Goertz and Diehl, 1992.
9 Therefore, Bennett was able to prove his hypothesis that ‘rivalries involving higher salience issues will last longer’ (1997: 245 and 251).
dates which are highly contestable (Zartman, 2005: 48) and can undermine entire data sets. They can be avoided by focusing on the divisibility and thus on the tractability of issues.

However, as these conflicts unfold, duration itself becomes a cause for multiple effects, the essence of which is a further hardening of perceptions of indivisibility and the emergence of rivalry, defined here as an antagonistic role perception which poses a Self against an Other and tends to drive behavior towards recurring conflict among the same pair of actors over an extended period of time (Biermann, 2008). As a result, perceptions take on a life of their own. They increasingly turn relational, up to the point where hostility might persist even though issues are resolved. Issue settlement is thus increasingly less sufficient to ‘solve’ a conflict – image change moves up front to achieve sustainable, stable peace. This is what Zartman calls ‘duration effects’ (2005: 49), which we need to discuss now.

Conflicts of indivisibility give rise to highly war-prone relationships of severe hostility with a considerable likelihood of recurring militarized disputes among the same pair of actors over time (Goertz and Diehl, 1992: 159-161; Mor, 2003: 29; Thompson, 2001: 157). The amount of disputes, their severity as well as fatalities, though, diverge strongly among pairs and across time – the thresholds defined in various operational definitions of enduring inter-state and intra-state rivalries are indispensable for quantitative research designs, yet ‘arbitrary’ in terms of conflict qualities (Thompson 1995: 197). They remain vague as concerns periods of transition as rivalries start or fade out (Bennett, 1997) and exclude rivalries such as Kosovo that remain below a given fatalities or dispute number. However, the fundamental insight that militarized disputes in these rivalries are causally connected in terms of crisis behavior and thus need to be looked at in the aggregate through the lens of ‘temporal diffusion’ (Goertz and Diehl, 1993: 149-50) is consequential also from a tractability point of view.11

Much of the literature highlights path-dependence (Colaresi and Thompson, 2002: 264; Diehl, 1998: 16; Mor, 2003: 37; Thompson, 2001: 158). Mostly, the term is loosely

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10 The recent ‘enduring internal rivalries’ list 1946-2004 of DeRouen and Bercovitch (2008: 62) leaves out Kosovo, which between 1989 and 1998 had no ‘militarized disputes’ due to the turn of the Kosovo-Albanians to non-violence. Mor, therefore, advocates starting from the perception of rivalry by decision-makers (2003: 32).

11 For a critique of this constitutive ‘dispute begets dispute’ hypothesis see Gartzke and Simon, 1999.
applied, without identifying key components of path dependence and trying to apply them. This imprecision is motivated by the diversity of definitions of path dependence in social sciences, which sometimes is reduced to the formula that past events shape today’s choices. Subsequently, I will try to apply James Mahoney’s demanding conceptualization of path dependence to elucidate key duration effects of conflicts of indivisibility.

According to Mahoney, path dependence has three ‘definitive features’: first, these causal chains are ‘highly sensitive to events that take place in the early stages of an overall historical sequence’; second, these events are themselves ‘contingent occurrences that cannot be explained on the basis of prior historical conditions’; and third, ‘path dependent sequences are marked by relatively deterministic causal patterns or what can be thought of as “inertia”’. Of the latter, we are particularly interested in ‘self-reinforcing sequences’, whereby ‘initial steps in a particular direction induce further movement in the same direction such that over time it becomes difficult or impossible to reverse direction’ (Mahoney, 2000: 507-12). The first feature has received some, the second none, the third broad attention in research of conflicts of indivisibility.

There is no space to discuss the differences between the ‘punctuated equilibrium’ and the ‘evolutionary model’ of the enduring rivalry program. Whereas the former highlights early lock-in and stabilization around a ‘basic rivalry level’ thereafter, thus focusing on the first feature of path dependence, the latter stresses indeterminacy at the outset and escalatory ‘spirling dynamics’ later, thus prioritizing the third feature of path dependence (Goertz and Diehl, 2000). A comparative test was inconclusive and has resulted in branding both approaches ‘ideal types’ that allow for empirical variety (Mor, 2003: 38). I follow subsequently Maoz and Mor’s bridging attempt.

As to the first feature, it is uncontroversial that the early years of conflicts of indivisibility ‘matter much more than later parts’ and that ‘an event that happens “too late” may have no effect, although it might have been of great consequence if the timing had been different’ (Mahoney quoting Pierson, 2000: 510). Goertz and Diehl strongly stress the early ‘lock in’ of enduring rivalries, finding that ‘almost nine of 10 enduring rivalries begin after some kind of political shock’ such as world wars or civil wars (Goertz and Diehl, 1995: 44). These early confrontations evoke threats to collective existence or loss of privilege, arouse past traumas, marginalize moderates and stimulate
dire expectations of future conflict behavior. They tend to raise the salience of issues and identities and thus set the conflict on a distinct trajectory (Kriesberg, 2005: 70). If the outcome of the first encounter is not mutually acceptable, then at least one party is motivated to re-open the issue later (Mor, 2003: 49-50). Political shocks are thus critical junctures: ‘once a particular option is selected it becomes progressively more difficult to return to the initial point when multiple alternatives were still available’ (Mahoney, 2000: 513). Tractability thus significantly decreases after the onset phase.

Mahoney spends significant effort elaborating on his second, most controversial and difficult to establish feature, contingency, which has not been discussed, as far as I see, for our conflict type. Contingency does not mean that the early trigger is random or without antecedent causes, but that the event ‘cannot be predicted or explained’ based on existing theory. Without this criterion we should not, according to Mahoney, talk of path dependence (2000: 537). Tracing back the sequence to the temporal starting point of a rivalry, though, is most demanding, controversial and beyond the scope of this paper (see Zartman, 2005: 48). At a minimum, there needs to be an identifiable starting point where the causal sequence sets in, such as the 1912 Serb occupation of Kosovo. This criterion might only hold for individual conflicts, not for the entire class.

Research has mostly concentrated on how conflicts of indivisibility evolve over time. This corresponds to the ‘self-reinforcing’ type of Mahoney. We are thus mainly interested to explore causal mechanisms that reproduce patterns of conflict behavior over time. These mechanisms of self-reinforcement should be different from the factors that caused the conflict in the first place (Mahoney, 2000: 512). Here I mainly follow the evolutionary model, since early lock-in advocates care less about later evolution; they also downplay the factors discussed further-on.

Conflicts of indivisibility are frequently portrayed as an extreme version of the security dilemma, which John Herz described as a ‘vicious circle’ nurtured by a primordial competition for security and power in an anarchic self-help system (Herz, 1951, 2-5, 12). Robert Jervis highlighted in his ‘spiral model’ the socio-psychological mechanisms, specifically the mutually reinforcing role of antagonistic perceptions driving this dilemma (Jervis, 1978). Disputants in conflicts of indivisibility are actors with strongly bounded rationality whose behavior cannot be adequately understood by relying
on a rational utility maximizing calculus. Experiential learning, which accumulates from crisis to crisis, drives their behavior, e.g. their bargaining strategies (Leng, 1983). At the core is a spill-over effect: a conflict on issues entangles and spoils an entire relationship, often permeating entire societies, structuring domestic discourse and shaping world views (Crocker, Hampson, and Aall, 2007: 12-13). Both disputants internalize roles and images about Self and Other, the conflict becomes a ‘way of life’, and as socialization proceeds the conflict is institutionalized and becomes self-reinforcing (Kriesberg, 2005: 74). Thus, ‘recurrent conflict … eventually transforms their relationship into a full-fledged rivalry’ (Mor, 2003: 36), or what Maoz and Mor call a ‘long-term hate affair’ (1996: 141).

What are crucial causal mechanisms of self-reinforcement? I can only sketch out four of them here: the formation of extreme enemy images; the emergence of in-group / out-group dichotomies; the rise of vested interests in conflict prolongation; and failed mediation attempts. The major one is the formation of extreme enemy images. Already in early escalation phases or during first militarized disputes ‘each side’s collective identity is shaped in opposition to the enemy’ (Kriesberg, 2005: 71). Fighting, particularly atrocities among civilians, turns old scars into new wounds, reaffirms history, stimulates calls for retribution and arouses fear and uncertainty.\footnote{High fatalities thus reduce, according to Bercovitch, the likelihood of mediation success: ‘only 39 percent of all mediation efforts in the 1945-95 period had any degree of success (however minimal) in conflicts with high fatalities (i.e. more than ten thousand), compared with 64 percent of mediation efforts with some success in conflicts with fewer than five hundred fatalities’ (2005: 109).} Memories of past crimes and unsettled issues reemerge. Goals become firmer and expand. Thus, the subjective dimension of the conflict takes on added significance. According to Thompson, this ‘psychological baggage’ even accumulates ‘whether or not the level of hostility spirals increasingly upward’ (Thompson, 2001: 562).

Images seem to drive this process. They contain judgments about the nature of a relationship, the comparative capabilities of the Other, and the relative status of the Other’s culture (Ayres, 1997: 433). According to Fisher and Keashly’s stage model, they mostly degenerate from relatively accurate and benign to rigid and simplified stereotyping, good versus evil, ultimately even viewing the Other as inhumane. In parallel, trust turns into mistrust and disrespect. These extreme enemy images act like cognitive filters which cause distorted information processing, serious misperceptions.
and communication breakdown (Fisher and Keashly, 1991: 35; Colaresi and Thompson, 2002: 269). They serve as tools for mobilizing public resources and legitimizing aggression (Ayres, 1997: 433). Extreme enemy images lead to mistrust towards the intentions of the Other, up to for third parties strange conspiracy thinking, and thus undermine conciliatory overtures which would have significant chances of success given rational actor predispositions. These images are ‘extraordinarily difficult to change’, since they tend to generate confrontational behavior that feeds back on images and vice versa, thus setting in motion ‘self-fulfilling and self-reinforcing … spirals’ (Stein, 2005: 294; equally Mor, 2003: 50).

A second and related duration effect of conflicts of indivisibility is the emergence of in-group / out-group dichotomies. Mental representations of Other and of Self mutually reinforce each other in terms of social identity formation, as Self is always defined in relation to the Other (Stein, 2005: 298). In conflicts of indivisibility, issue polarization seems to lead to image polarization; as Vasquez asserts, issues tend ‘to become linked into one grand issue – us versus them’ (1996: 532). This is particularly true in times of crisis or a context of decline: ‘good qualities are increasingly attributed to one’s own group, while bad qualities are increasingly attributed to the enemy’ (Kriesberg, 2005: 71). ‘Labeling’ of the Other thus also gives rise to distorted images of Self, leading to ethnocentrism, victim images and chauvinistic myth building which includes self-glorifying and self-whitewashing rhetoric, implying a willingness to repeat the past (Van Evera, 1997: 48).

These pathologies are omnipresent in conflicts such as Kosovo (Biermann, 2006: 135-142); yet the causal pathways to conflict behavior are difficult to establish. One consequence of the formation of in-group / out-group dichotomies is an abatement of domestic controversy and pluralism and a further hardening of rigid, inflexible negotiation positions. Hostile images are ‘extremely powerful unifying devices’ (Brown, 1997: 20). They stimulate a homogenization of public opinion, a centralization of decision-making and a marginalization of moderates. ‘We’ versus ‘they’ lenses reduce self-critical, open-minded thought and inspire groupthink and belief perseverance (Tetlock, 1998: 880, 887-88). The net effect is domestic ‘rallying behind the flag’. The effect mostly is domestic radicalization, which implies the rise of more assertive
leadership, including ethnic entrepreneurs. Thus, domestic constituencies form which increasingly reinforce a conflict and complicate any conciliatory move. Hostile images can ‘become substantial barriers to cooperation and conflict de-escalation’ (Thompson, 2001: 562).

A third duration effect is the rise of vested interests eager to prolong a conflict. Greed is a topic that has been widely discussed especially as concerns the access to resources such as diamonds, drugs and timber. Avarice strongly shapes the conflict calculus, e.g. of warlords. As leaders ‘get hooked on’ these resources and their reign depends on the prolongation of conflict, grievances of others are pushed aside. Profitability thus becomes a major cause of protractedness (Zartmann, 2005: 51) – the cynical notion of ‘happy intractability’ captures the ethical dimension of this duration effect vividly (Crocker, Hampson, and Aall. 2005b: 7). But these resources can also be intangible, such as authority. Throughout the Yugoslav wars of succession it was assumed that Milosevic had a vested interest in continued war-fighting in order to divert public discontent; less obvious, the Kosovo-Albanian, highly centralized party of Ibrahim Rugova (LDK) was able to maintain an almost exclusive grip on politics in the ‘parallel society’, resulting in a democratic deficit which still haunts post-independence politics. Such actors with vested interests in conflict prolongation can also be neighboring states or patrons, such as Syria and Iran for the Lebanese Hizbolla, if a conflict is embedded in a larger conflict structure (Zartmann, 2005: 56; Bercovitch, 2005: 119). The fact that several conflicts of indivisibility (such as Cambodia or El Salvador) were resolved after the Cold War highlights the importance of superpower patronage before. Actors with vested interests in conflict prolongation are not only spoilers in post-conflict peace building (Stedman, 1997), they also spoil the path to peace, including mediation efforts. Richmond’s focus on ‘devious objectives’ (1998) is a good starting point to further explore the counterintuitive effects of profitability on mediation outcomes.

A fourth and last duration effect that merits attention here is failed mediation attempts. Failure includes both inconclusive negotiations and failed implementation. The repeated failure to reach an agreement as well as the breakdown of agreements after significant investment of time and effort in their conclusion are ‘severe setbacks’ (Kriesberg 2005: 73). Failure reinforces the impression of intractability and
discourages further attempts at mediation, motivating buck-passing and temporal gaps in mediation, even stimulating the fatalistic inclination to let a conflict ‘burn out’, which gives rise to the phenomenon of ‘orphaned conflicts’ (Crocker, Hampson, and Aall, 2005b: 22). It also encourages seeking more limited, ‘realistic’ goals like partial settlements. This is a major effect on third parties. Even more grave is the effect on the disputants. Failure leads to frustration, discredits leaders domestically who invested themselves in compromise, up to the point of leadership turnover, strengthens enemy images (as blame is put on the Other) and fosters more aggressive strategies (see also Zartman, 2005: 54). If agreements break down, its supporters, in addition, feel deceived and try to avoid such failures in the future (see also Greig, 2001: 693).

As far as I see, recurrent failed mediation has not been investigated from a path dependence point of view. Kosovo might be taken to reveal several key dimensions. The first mediation attempt is a critical juncture that sets subsequent mediation on a distinct path, especially if the ‘international community’ takes a position on substance. Thus, for Kosovo we have an identifiable starting point, the Conference on Former Yugoslavia in 1991/92. Here, the European Community took a contingent position that was ‘not determined by any set of initial conditions’ (Mahoney, 2000: 511): independent statehood would only be granted to former republics of Yugoslavia (thus implicitly also for the Soviet Union) and not to entities below this level (Biermann, 2006: 359-62). The ‘Carrington plan’ thus foresaw only autonomy for Kosovo (implicitly also for Chechnya), a position that was reversed only in 2003. However, ‘when things happen within a sequence affects how they happen’ (Mahoney citing Abbott, 2001: 511): overcoming Serb intransigence now proved impossible. Thus, international mediation was entrapped for twelve years in an early decision that proved self-reinforcing. Reversing this negotiation stance became increasingly difficult, and it needed a strong shock (the Kosovo riots of March 2004) to realize that the international negotiation position which had guided eleven mediation efforts thus far had become untenable.

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13 Thus, Rugovas willingness to negotiate and sign the Education Agreement with Milosevic in 1996 (which was never implemented) and in 1998 to meet with Milosevic in order to stop the escalation into all-out war emboldened his intra-party opposition, helped the KLA rebels to gain reputation and contributed to his marginalization at the Rambouillet talks in early 1999, when KLA leader Hashim Thaci took over the Kosovo-Albanian delegation (Biermann, 2006: 508-512 and 518-523).
Furthermore, just as conflicts are causally interconnected over time, so are mediation attempts. The self-reinforcing effect is similar: reducing the menu of choices available for settlement. Formulas that were tried for settlement but failed are further-on discredited, forcing a compromise off the table that would be promising under different circumstances. One of the major tasks of third parties over the course of a conflict thus becomes to counter this duration effect by trying to keep promising formulas on the table, to be resubmitted in ‘ripe moments’ (Crocker, Hampson, and Aall, 2005b: 8, 20). All in all, mediation thus has a serious and much underrated potential to exacerbate a conflict and thus inadvertently contribute to decreasing its tractability (Crocker, Hampson, and Aall, 2005c: 381).

The termination of conflicts of indivisibility

Lock-in is a central characteristic of self-reinforcing processes. Lock-in is a process of decreasing tractability, not as a one-time event. The more conflicts of indivisibility are locked in, the more difficult it is to unravel and thus reverse them. The duration effects produce a strong regressive trend, making the call for ‘early action’ in the crisis prevention literature all the more persuasive (George and Holl, 2000). A window that is still open before lock-in might close in later conflict stages. Thus, chances of mediation success tend to decrease over time (Bercovitch, 2005: 109).

However, Mahoney is careful to call these processes only ‘relatively deterministic’ (Mahoney, 2000: 506). Conflict processes are not linear, neither escalation nor hostility vectors. Consequently, ripening is also not linear – which is another argument for replacing the ripeness metaphor with willingness to compromise (Kleiboer, 1994: 110). Failure to reach a settlement over long time-spans too easily entices us to develop an image of ‘intractability’, even though a multitude of dysfunctions, including on the mediator side, might be responsible for protractedness, and not the inherent quality of the conflict itself. Calling rivals in conflicts of indivisibility ‘prisoners of the past and the future’ (Thompson, 2001: 569) or talking about ‘rolling degeneration’ (Zartman, 2005: 49) appears overly deterministic.
Surely, tractability is very low in conflicts of indivisibility. And it tends even to decrease further over time. Yet, it varies among conflicts. And it fluctuates over time. The resistance points of disputants constantly shift. Thus, two kinds of conflict phases merit special attention from a tractability point of view. First, self-reinforcement allows for temporary abatement of hostility levels (pauses) in periods of de-escalation. There is good reason to believe that in many conflicts at some rare moments a contract zone does in fact emerge, especially in early and late phases, but also in moments of respite before a phase of de-escalation moves into a new phase of escalation, as disputants turn from demarcation or even limited cooperation to aggression again.14 These moments open up a brief chance for termination that might or might not be grasped. Second, self-reinforcement can be interrupted and reversed. At some point in time endogenous or exogenous triggers emerge that set the conflict on a new path. They help start the final phase of de-escalation and settlement. Conflicts then might fade away gradually (Bennett, 1997) or more instantaneously (Goertz and Diehl, 1995) Close monitoring and correct interpretation of signals is the prerequisite for realizing these openings (Vetschera and Smutek-Riemer, 2002). Decreasing attentiveness, a primary duration effect on the mediator’s side, is the major obstacle (Biermann, 2006: 585). Case studies focusing on ripe moments and turning points are most promising to gain more insights into reversibility. Theoretical knowledge about how self-reinforcing vectors are reversed might help in directing out attention to crucial factors. That is what we focus on now. We are most interested in causality. Most basically, reversal depends on preference change (Maoz and Mor, 2002: 58-61 and 65-68; Maoz and Mor, 1996: 156), i.e. an increase of willingness to compromise, up to the point where resistance points overlap and a contract zone emerges:

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14 As to timing based on conflict cycles see Biermann, 2006: 51.
Mahoney distinguishes four theoretical frameworks which not only offer different explanations for self-reinforcement, but also different assumptions about how to escape path dependence (Mahoney, 2001: 517-26). These causal pathways to reversal can be applied to our topic. As we will see, the explanations these frameworks offer are mutually reinforcing and might interact.

First, utilitarian explanations see self-reinforcement as a consequence of rational cost-benefit calculations; change occurs when it is no longer in the self-interest of actors to reproduce a vector, expecting decreasing returns for investment. On a cautionary note, Mahoney points out that social actors may be less likely than economic actors to make decisions based on long-term cost-benefit calculations. This is particularly true in conflicts of indivisibility, where bounded rationality predominates. However, as we saw, vested interests in prolonging these conflicts are often based on personal cost-benefit calculations. Working to change these calculations, such as the incentives of Afghan warlords to profit from heroin trade, or marginalizing those spoilers altogether does interrupt self-reinforcement and thus open windows for termination.

Cost-benefit calculations often shift following leadership change. This is one of the pathways to reversal most discussed for conflicts of indivisibility (Maoz and Mor, 1996: 156). For the end of the Cold War (rise of Mikhail Gorbachev), for South Africa (rise of Frederik W. de Klerk) and for Angola (death of Jonas Savimbi) leadership change
proved crucial, testifying to the role of individuals in sustaining and ending these kinds of conflicts (Crocker, Hampson, and Aall, 2005c: 376-77).

Functionalism, the second theoretical framework, focuses on reinforcement as motivated by overall, self-regulating system effects; as systems stabilize it requires a major shock to overcome the inertia, most likely a contingent event like the one that produced the path-dependent sequence in the first place. This is also widely discussed for our conflict type. The logic is simple: ‘the triggers that permit forward movement in a stalled peace process may often be the flip side of the factors that produced the initial intractability’ (Crocker, Hampson, and Aall, 2005c: 376). Goertz and Diehl’s research on shocks as major triggers for both the onset and the termination of ‘enduring rivalries’ rests on this logic. They found very strong evidence supporting their shock-hypothesis: ‘Almost 87% of enduring rivalries began with at least one shock. Over 90% of the enduring rivalries that ended within the time of study did so immediately following a political shock’ (1995: 50). They also compared the relative effect of shocks on isolated, proto and enduring rivalries and realized: The more durable a conflict is, the stronger the forces need to be to dislodge self-reinforcement. Most consequential were world wars and civil wars.

Power explanations, the third theoretical framework of Mahoney, rest on the assumption that path dependence is reinforced by ruling elites which profit from existing arrangements. After the initial empowerment, the advantaged group uses its newly gained power to reinforce beneficial vectors at the expense of others who are willing, yet not powerful enough to reverse that vector. The inherent conflict contains also the potential for reversal in this scenario - once power transition takes place, the new ruling elite will change course. The link to leadership change discussed above is obvious. However, the power framework has more explanatory value than the utilitarian framework for our purposes. The major reason is that here power transition is linked to divided preferences. The opposition represents alternative preferences which become predominant once in power. J. Michael Greig argues, ‘the simple installation of a new leader is not likely to be sufficient for reevaluation of policy toward the rival’; crucial is ‘the emergence of ‘new thinking’ (Greig, 2001: 697), which often follows a democratic polity change.15

15 Greig found that a ‘democratic polity change within 24 months of a mediation attempt reduced the likelihood of a usage of force at any point in time following the mediation by nearly 75%’ (2001: 710, also
thinking’ allows a fresh look at old problems and thus an opening for conflict termination. Gorbachev is the obvious example (Stein, 1995; Wendt, 1992: 418-24).

Kosovo proves the difference. The prospect of removing a ‘bad leader’, Milosevic, was the major impetus for starting the Working Group on Kosovo in the International Conference on Former Yugoslavia in 1993. However, once Milosevic’s challenger, Milan Panic, lost the presidential elections, the window closed and the negotiations faded out (Biermann, 2006: 381-412). This still satisfies utilitarian reasoning. Yet, it rested on the assumption that the Serbian opposition would, once in power, reverse the country’s stance on Kosovo. However, as it turned out, the fall of Milosevic in December 2000 did not lead to a preference change in Serbia, as nationalist sentiment on Kosovo had strongly taken hold of all parties and society in general for decades. What was and is still lacking is ‘new thinking’.

This leads over to Mahoney’s last framework: legitimation explanations. According to this school, an initial contingent decision is guided by subjective beliefs about what is appropriate. Positive feedback starts a cycle of further decisions in the same direction, thus increasing the legitimacy of the vector selected, even if other initial options might have been more efficient or appropriate. Reversal occurs when events bring about a confrontation with alternative, incompatible beliefs, thus exposing inconsistencies in the hitherto dominant cognitive framework. The result is declining legitimacy of that framework, a breakdown of consensual beliefs and possibly a change of preferences. Cognitive consistency theory rests on these assumptions.

Transferred to our topic, we can identify declining legitimacy as one major stimulus which helps terminate conflicts of indivisibility. As Mahoney links cognitive change to triggering events, such as leadership turnover and power shifts, we have a strong nexus to the other frameworks. However, whereas utilitarian explanations and power explanations rest on fixed preferences, the legitimation explanation, following the ‘logic of appropriateness’, highlights belief change. This is especially compatible with functionalism, since political shocks often trigger belief change – such as World War II, which was a major trigger for the French and Germans to reevaluate their ‘hereditary enmity’ after three disastrous wars in only 75 years.
Belief change is often engineered by new elites, which assume a leadership role as ‘change agents’ (Mahoney, 2001: 518) for collective belief change – Robert Schuman and Konrad Adenauer were such agents for French and Germans. However, it is preference change in societies at large, beyond the elite-focused power explanation, which is crucial for the sustainability of peace (see also Kriesberg, 2005: 76). ‘New thinking’ in Russia very much remained a temporary elite phenomenon. In contrast, in South Africa leadership change was both a consequence and a catalyst for collective belief change, because the racial beliefs underlying apartheid were increasingly perceived as inappropriate, similar to the way slavery and colonialism was overcome (Daase, 1999).

All these frameworks offer explanations of how self-reinforcing conflicts, apart from outright victory (Wayman, 2000: 232), might end. However, Thompson rightly warns against prematurely diagnosing conflicts as terminated (2001: 566, 573). The inertia of path dependent conflict patterns is strong; even long phases without militarized disputes might not indicate that the underlying causes of a dispute have been settled (Bennett, 1997: 232). Can we thus ‘never be sure’ (Wayman, 2000: 232)? Elite change might not be sufficient to indicate reversal; nor might a settlement of the issues at stake be, for images might have become autonomous. Even victory does not terminate revisionist thinking. A major indicator of lasting termination, though, is preference change, both of elites and societies. Preference change foremost implies revising antagonistic perceptions of both the issue dimension and the relational dimension of conflicts of indivisibility. When distorted images of Self and Other are fading away and the issues in dispute are perceived as divisible conflicts of indivisibility become tractable. Issue-settlement and image change, both of them interacting, pave the way to full settlement. This might not be attainable in the short run, but should be the goal to watch out for.
The Mediation Track-Record

When we now turn to mediation and isolate its contribution to terminating conflicts of indivisibility, we need to be aware that the different endogenous and exogenous pathways to termination are constantly interacting. Mediation is just one of them. Like the others it contributes to preference change. Probably it is not even the most effective and prominent one – political shocks and also leadership change, I suppose, are far more consequential (similar Bercovitch and Diehl, 1997: 317). However, many settlements are brought about by mediation.\textsuperscript{16} It is one instrument of third party intervention, which includes several other tools of conflict management, both diplomatic (such as sanctions) and military. And it is embedded in a dynamic conflict and context which likewise further or inhibit preference change. Functional mediation takes a holistic approach. It closely observes, builds on and stimulates other preference change mechanisms to reverse self-reinforcement and thus open windows for termination. Thus, promoting leadership change can be a crucial measure to enhance the prospects of mediation (Crocker, Hampson, and Aall, 2005c: 383). And military intervention might shift a power balance and pave the way for settlement – as NATO’s air campaign did before Dayton (Greig, 2001: 691; Gartner and Bercovitch, 2006: 836). The more a conflict is locked in, the more third parties need to combine various instruments to improve the background conditions for negotiation and settlement.

What do we know about the track record of mediation in conflicts of indivisibility? As we saw at the beginning of this article, there is widespread agreement that ‘the track record of third parties is not good’ (Crocker, Hampson, and Aall, 2005a: 21; also Colaresi and Thompson, 2002: 271; Bercovitch, 2005: 108). Some even assume ‘there may in fact be no room and no role for mediation at all’ (Zartman, 2005: 53). A closer look allows more differentiation, even though diverging definitions of ‘success’, consulted data sets, operational definitions and thus analytical conclusions complicate extracting major findings. I will subsequently rely on quantitative analysis available on mediation in enduring interstate rivalries. Since we can rely only on a limited number of

\textsuperscript{16} Of the 1,423 conflict settlements between 1945 and 2000, 55% resulted from mediation, 41% from negotiation, the rest from arbitrage (7%), referral to an international organization (2%) or multilateral conference (2%); see Gartner and Bercovitch, 2006: 825-26 (similar Bercovitch, 2005: 105).
studies yet, the findings will need to be revised given further research. We might condense six major findings from the literature:

First, conflicts of indivisibility attract far more mediation efforts than other conflicts. Looking at rivalries in the period 1946 to 1992, Bercovitch and Diehl found that enduring rivalries ‘are approximately five times more likely to attract external conflict management than isolated rivalries’ (1997: 311). There is a distinct ‘selection effect’ in that ‘mediators get the tough cases’ (Gartner and Bercovitch, 2006: 837). Mediation, thus, signals something about the severity of a conflict. Indeed, the amount of mediation efforts can reach depressing dimensions. Bercovitch reports 382 mediation efforts in a set of eighteen cases of ‘intractable interstate conflicts’ between 1945 and 1995, with Greece – Turkey (87), India – Pakistan (59) and Iran – Iraq (39) heading the list. On average, these conflicts attracted 21 mediation attempts (Bercovitch, 2005: 102).

Second, by far the most mediation efforts are initiated by third parties; yet those initiated by the parties themselves have a much better chance of successful outcome. 5.5% of the mediation attempts Bercovitch studied were initiated by one disputant, 11.5% by both; the rest (83%) started due to third party initiative – often after strong pressure to accept mediation (2005: 112, 114). 60% of the mediators were assigned by international organizations, even though meditation conducted by state leaders and representatives of major powers seems to be ‘significantly’ more effective (Greig, 2001: 713). The identity of the initiator is a strong indicator for the amount of tractability and thus the likelihood of success. Relating initiation and outcomes, Greig determined for his sample that ‘the likelihood of a full agreement on the issues under dispute was nearly double for mediation efforts initiated by at least one of the parties than for those initiated by a third party’ (Greig, 2001: 707). The rejection of mediation offers which occurred in 11.5% of Bercovitch’s cases (2005: 118) points to strong intransigence of the disputants. Generating a contract zone in these negotiations is all the more demanding. It should be expected that disputants harbor strong devious objectives if they are pressed to negotiate contrary to their will.

\footnote{Bercovitch and Diehl (1997: 311) and Greig (1997: 700-1) give significantly lower averages based on their data sets and definitions (13 and 6, respectively).}
Third, partial settlements and cease-fires seem to be more easily to attain than issue settlements. Indeed, self-restraint seems to be prudent. ‘The dire circumstances that attract mediation’, Gartner and Bercovitch argue, ‘make it less likely to succeed’ (2006: 820-22, 835). Many scholars as well as politicians therefore advocate restricting mediation goals to ‘conflict management only’ – freezing the conflict often seems to be the optimum possible (Bercovitch, 2005: 104). Hence, most authors differentiate between freeze / cease-fire, partial settlement and issue settlement. They thus take the goals mediators define themselves as their starting point. These goals vary in their ambitiousness. It is assumed that the willingness to compromise decreases the more ambitious the goals. Contract zones differ accordingly. It might be ‘easier’ to mediate a freeze than a partial settlement than an issue settlement (Greig, 2001: 700). Bercovitch found in his sample 5,2% ‘full settlements’, 23,6% ‘partial agreements’, 7,6% ‘cease-fires’, 11,3% ‘mediation offered only’ and 52,4% ‘unsuccessful’ attempts. Thus, almost every other mediation attempt had a ‘beneficial impact’. He concludes that this ‘is encouraging, as it suggests that properly conducted mediation can produce a cease-fire or settlement or even help end an endless conflict’ (2005: 116-18).

Fourth, mediated settlements, however, suffer under a serious lack of sustainability in conflicts of indivisibility – they are much less likely to last. Bercovitch’s results of after all 36,6% ‘successful’ cases seems to defy all doomsday rhetoric of intractability. However, his figures concentrate on agreements, and he only looks at short-term outcomes. Those dealing with conflicts of indivisibility know numerous cases of short-lived agreements which were never implemented – such as the only two settlements the international community was able to mediate on Kosovo, the Education Agreement of 1996 (a partial settlement) and the Holbrooke-Milosevic Agreement of 1998 (a cease-fire), both of which broke down shortly after being reached. Gartner and Bercovitch, studying all cases of conflict management between 1945 and 2000 that produced a settlement, observed that 36% of the mediated settlements fail before eight weeks. Mediated ‘full settlements’ last longest, cease-fires least. They also found that mediated settlements break down more often than negotiated settlements: mediation ‘has

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18 An earlier study on interstate conflict 1945-89, though, which did not even focus on ‘enduring rivalries’, was more pessimistic, arguing ‘By far the most common outcome of any individual mediation attempt … is to have no discernable effect on the conflict’ (Bercovitch, Anagnoson, and Wille, 1991: 10).
a strong and consistently negative relationship to settlement duration’ (2006: 826-29, 835). These findings do not focus on the most resistant cases. There is, however, good reason to assume that it is even more difficult for mediated settlements there to make it ‘over the hump’. Looking specifically at the Yugoslav wars of succession (1989-2000), Gartner and Bercovitch saw that 65% of the settlements failed before eight weeks. 35% lasted even less than one week, 13% just one week (2006: 833).

Fifth, mediation efforts in conflicts of indivisibility, on average, seem to have only a marginal effect on conflict severity. Mediation is first of all designed to reduce conflict behavior. Settlements are instrumental in reaching this primary goal. Thus, correlating mediation and conflict severity is crucial to evaluate the impact of mediation. Given that so many settlements are short-lived and that failed mediation might even further instigate conflict, we can expect mediation producing a significant lower impact on conflict severity than Bercovitch’s 36.6% ‘successful’ cases of reaching a settlement suggest (see finding four). Bercovitch joined Diehl to test this correlation and posed: ‘When parties cease or limit violent interactions, or experience greater time-lags between such interactions, mediation may be said to have been successful; if the parties carry on fighting with roughly the same frequency and levels of hostility, then clearly mediation has had little or no impact’ (1997: 304-5). Their results were ‘somewhat disappointing and in a sense counter-intuitive’ (1997: 313): mediation efforts ‘had little impact on the behavior of states in rivalries’. They did ‘not apparently influence the likelihood of subsequent war between rivals, nor the level of severity for conflict’, and their effect on increasing the ‘waiting times’ from one dispute to the next was ‘modest’ (1997: 317).

Bercovitch and Diehl, trying to explain this frustrating ‘pattern of ineffectiveness’, noted that mediation failure in these most resistant cases might be a combined result of the ‘selection effect’ and timing: not only do mediators get the most severe cases; their intervention often represents a last ditch effort to prevent war. The crisis prevention literature calls these efforts ‘late’ or ‘light’ prevention (Miall et al., 1999: 97). They occur shortly before another violent eruption. The self-reinforcing dynamics in these phases of rapid escalation are particularly difficult to revert. Mediators face two cumulating effects: the extraordinary high magnitude of hostility typical for
conflicts of indivisibility is temporarily reinforced by a high escalation rate. These are most demanding mediation scenarios. The need for mediation seems to be inversely proportional to its success rate. The literature is increasingly aware of the limited utility of these last minute efforts.

Sixth, mediation efforts are most promising in the early and late stages of conflicts of indivisibility. Mediation is not ‘doomed to failure’ (Bercovitch and Diehl, 1997: 317). Even if the general prospects for mediation are poor, favorable contexts can significantly increase tractability. Mediation has to be fine-tuned with conflict phases. Thus, when we control for escalation and watch out for ‘ripe moments’ of maximum willingness to compromise, research results are more encouraging. Greig’s context-focused mediation findings underline both the importance of mediation efforts in the early and late stages of a conflict. As to early mediation, Greig found that the likelihood of achieving an issue settlement is ‘more than double’ when mediation occurs within the first six month of a militarized dispute compared to mediation occurring 240 months into the conflict (2001: 706). This supports the calls for ‘early’ prevention. It is, however, at odds with reality. None of the rivalries Bercovitch and Diehl investigated experienced mediation before the first militarized dispute, testifying to severe dysfunctions in early warning: ‘The international political (and scholarly) community is not very skilled at anticipating serious conflict and is often reluctant to take action, even when the storm clouds appear’ (1997: 312). They found mediation attempts to be distributed broadly over the life course of conflicts, with a tendency to occur late.

As to mediation in a late conflict stage, Greig discovered another promising pattern. Once settlements are achieved in later conflict stages they ‘are significantly more likely to result in reductions of dispute severity and increases in the waiting time until the next use of force’ – their impact on conflict behavior is stronger than the impact of earlier settlements (2001: 710, 715). This qualifies the findings of Bercovitch and Diehl on conflict severity (see finding five). It implies that in early conflict phases the willingness to agree to a settlement is significantly higher whereas in late conflict phases the willingness to comply with a settlement is significantly higher. In an early stage the self-reinforcing duration effects have not yet taken hold; and in a late stage the experience of

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19 On magnitudes of hostility and rates of escalation see Leng, 2000: 239-40.
high conflict costs with low returns over a long period of time (‘hurting stalemate’) demonstrates the futility of conflictual strategies and increases the willingness to stick to a settlement, once reached, knowing by now about the dire prospects of failure. Selecting ‘the most opportune context for mediation’ (Greig, 2001: 714) or manipulating the context as to make it opportune has strategic significance in conflicts of indivisibility.

**Implications for Mediation Profiles**

Does the preceding conflict analysis suggest some specific mediation profiles to be more commensurate with this conflict type than others? And do conflicts of indivisibility restrict the menu of choices available to mediators? Subsequently, I will concentrate mainly on mediator goals and strategies. However, there is one basic insight which should be addressed ahead: The less tractable a conflict is the higher is the premium on optimizing mediator intervention. Dysfunctions which might be negligible and pardonable in other contexts can make all the difference in conflicts of indivisibility. One most fundamental type of dysfunctions is a mismatch between a mediation effort and the conflict it intends to address. Fisher and Keashly have convincingly laid out the need for congruence between conflict stages and mediation efforts and criticized the ‘lack of matching and sequencing of the different third party strategies’ (1991: 41-42). I argue here that compatibility between mediation efforts and conflict type is likewise crucial for attaining desired outcomes when mediating conflicts of indivisibility. Ensuring a maximum of coherence between mediation and conflict type sets a possibly long-term mediation effort on a promising path, whereas any mismatch might reduce the likelihood of goal attainment from the outset.

Before looking more specifically at mediation goals and strategies, we need to understand both as components of a mediator’s decision-making process. We might perceive mediation as a four-stage process of consecutive choices:

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20 There is no research yet correlating mediation outcomes and phases of escalation versus de-escalation. My qualitative research findings do suggest that the likelihood of reaching a settlement is higher in de-escalation phases, especially shortly before preferences change once more in favor of aggression, than in escalation phases.

21 “Dysfunctional mediation’ will be conceptualized in a separate follow-up paper.
This sequencing model, based on rational choice, is of course a reduction of a more diverse reality. It follows a deductive internal logic: goals precondition strategies, precondition means, or, conversely, means are derived from strategies are derived from goals. Subsequently, I will introduce the different levels and apply them top-down to conflicts of indivisibility. I will, though, abstain from discussing the most diverse level, means.

The decision to mediate

The principal decision to mediate is highly consequential in conflicts of indivisibility. Much more than in other conflicts, costs and benefits have to be carefully weighed. Particularly the potential costs merit serious consideration: the high chance of failed mediation efforts and their counterproductive path-dependent effects on the conflict; the long-term commitment, stamina and resources needed, which often exceed initial expectations; the unity of purpose required, as competing preferences among multiple mediators erode any mediation effort by allowing disputants to forum shop among rivaling patrons (Crocker, Hampson, and Aall, 2003: 695). There is an evident dilemma between high and often time-critical pressure to act and low tractability, stimulating
dysfunctional, ill-designed mediation attempts. In such a setting, mediators are structurally motivated to pursue themselves devious objectives, such as starting mediation as a face saving mechanism, i.e. doing ‘something’ to respond to moral outrage and public pressure, or selecting overambitious goals or means which do not match ends (Biermann, 2006: 593-95). Considering self-critically the ‘readiness’ to mediate is thus paramount (Crocker, Hampson, and Aall, 2003: 678-81). If this readiness is in doubt, first overcoming these obstacles, passing the buck to other potential mediators or even abstaining from any mediation effort are serious alternatives.

Goals

Goals can range, as we discussed, from freeze to partial settlement to issue settlement to full resolution. In conflicts of indivisibility, multiple mediation efforts tend to oscillate between different goals over time, in essence following a ‘trial and error’ approach. Through the lens of conflicts of indivisibility, each poses specific challenges.

As concerns freeze, restricting mediator ambition and focusing on containing a conflict often is the ‘best possible solution’, indeed. However, ‘the patient – be it Cyprus, East and West Germany, or Korea – cannot indefinitely be left in a state of suspended animation’ (Hampson, Crocker, and Aall, 2005c: 385). A freeze is a window of opportunity, calling for serious follow-up. In politics, a freeze, which is usually a cease-fire, is mostly conceived as an end in itself, halting a phase of escalation and thus averting violence. Cease-fires are greeted with great relief. However, especially in protracted conflicts cease-fires open up a room of maneuver for follow-up negotiations towards settling the issues in dispute. However, reduced conflict severity leads to abating public and media pressure, which works against sustained follow-up to deal with the substance of a conflict.

Partial settlements will be discussed, when we turn to strategies, specifically fractioning. At this point it is paramount to differentiate between issue settlement and full resolution (Kleiboer, 2002). This distinction is often neglected and thus probably one major cause for the short durability of so many settlements. Issue settlements, focusing on settling the substantial issues in dispute, rarely resolve conflicts of indivisibility, as
they sideline the underlying self-reinforcing duration effects, particularly on the perceptual level. Issue settlement and full resolution should thus be treated as two distinct goals of intervention in conflicts of indivisibility. The primary factor separating them is image change. Ayres, analyzing extreme enemy images in the Israeli-Egyptian, the Turkish-Greek and the Iraq-Iran conflicts, observed ‘a consistent correlation between image change and resolution, as well as between lack of image change and lack of resolution’ (Ayres, 1997: 439). He hypothesized the causal pathway running ‘from perceptual shift to settlement, rather than vice versa’, thus image change preceding resolution (1997: 435). Image change thus seems to be pivotal for conflicts of indivisibility to end. As long as enemy images and in-group / out-group dichotomies are prevalent, there is a high risk of settlement not making it ‘over the hump’.

**Strategies**

When talking about freeze and fractioning, we already started our discussion of strategies. Both are intimately linked. Strategies have been characterized as the ‘overall plan, approach, or method a mediator has for resolving a dispute. All things being equal, it is the way the mediator intends to manage the case, the parties, and the issue’ (Kolb, 1983: 294). Strategies thus are the basic guidelines of how a mediator intends to overcome the bargaining deadlock among the disputants, i.e. how he or she goes about to identify or, if necessary, devise a contract zone. Strategies vary according to the goals pursued and change over time. They relate ends and means, i.e. they guide the more specific selection of the mediator type, the resources invested, the timing of intervention, the mediation setting etc. Strategies are thus logically prior to the many other mediation variables discussed in the literature. This is why many authors regard them as ‘most crucial’ (Bercovitch, 2005: 113).

Strategy options are usually framed as continua or dichotomies, many of which coexist and overlap in the literature and are difficult to delineate. We might classify the strategies discussed in the literature along three typologies. They can focus on
the issue dimension (content) or the perceptional dimension (process) of a dispute (Bartunek, Benton, and Keys, 1975), the latter of which is close to problem-solving approaches;

the degree of mediator intervention, ranging from reflexive to non-directive to directive (Kressel, 1972), the latter of which is often closely linked to (great) power mediation (Stein, 2002); and on

specific methods of how to reach an issue settlement, which can be incremental (fractioning) or comprehensive (Stein, 1985) and also include enlarging the pie (Gillady and Russett, 2005: 401).²²

Strategies imply different role conceptions of mediators. Mediator roles are thus personalized strategies. The most widely applied is Touval and Zartman’s (1985) distinction between communicator (often also called facilitator), formulator and manipulator.

There is some quantitative research available relating strategies and mediation outcomes. Bercovitch found that communication-facilitation, the most low-profile intervention strategy, was predominant (46.3%) in the mediation efforts of ‘intractable interstate conflicts’ he identified between 1945 and 1995; a directive strategy, the most interventionist type, was pursued in 28.3% of the mediation efforts; whereas a procedural-formulative strategy, which concentrates basically on formal control of the mediation process, was designed in 11.8% of the cases (Bercovitch, 2005: 117).

Bercovitch, skeptical of directive strategies, presumes they would only ‘antagonize the parties further and make them more entrenched’, whereas communication-facilitation strategies ‘are more likely to be accepted in high-intensity intractable conflicts’ (2005: 116). However, when Bercovitch, together with Gartner, in a quantitative case study on mediation in the Balkan conflicts 1989 to 2000, looked not at acceptability to the parties, but at durability of settlements they found that directive strategies significantly reduced the risk of short-lived settlements (Gartner and Bercovitch, 2006: 832-34). Also, directive strategies were predominant (44% of the cases). Bercovitch and Gartner argued that

²² For a discussion of these and some other taxonomies see Bercovitch 1992: 103-4; and Kleiboer, 296: 374-75.
²³ In 11.3% of the cases the mediation offer was declined.
‘when a mediator is more heavily involved and expends greater resources, settlements are more likely to remain in force’. Thus, the prospect of low-key mediator intervention (facilitation) might indeed increase the level of acceptability for mediation and thus allow negotiations to start, yet it might prove difficult to move the parties to durable outcomes. The preference for directive strategies therefore seems to be the mainstream position. Gillady and Russett posit that this type of conflict ‘requires a more creative and resourceful mediator: one who can make substantive proposals that can affect the outcome and who has the will and the ability to reach higher levels of intervention in the conflict’ (2005: 401).

What does the preceding conflict analysis tell us? We have chosen a very simple binary conflict type differentiation, posing conflicts of indivisibility versus conflicts of divisibility (although this juxtaposition is rarely explored in the literature, except for the comparison of isolated, proto and enduring rivalries). The major defining characteristic of our conflict type is its perceived indivisibility. According to the ideal type conceptualization, there is no overlap of the resistance points and thus no contract zone among the disputants for a long period of time. This is the crucial difference to conflicts of divisibility. This is also why so many mediation offers are declined. It applies to full and issue settlements, probably also to partial settlements, but much less to freezes which primarily intend to halt an escalation, not settle substantive issues.

As a consequence, the mediator strategies for settlements need to be fundamentally different: whereas the primary mediator task in conflicts of divisibility is to help the disputants identify (or discover) a contract zone that is already existing, the task in conflicts of indivisibility is to induce a convergence of their resistance points in order to create a contract zone which is non-existent (see also Gillady and Russett, 2005: 401). Thus, in conflicts of divisibility mediators have to help the disputants divide what is in principle divisible; in conflicts of indivisibility, however, the mediators have to break new ground in order to first get unwilling disputants to the negotiation table and then make divisible what the disputants perceive as indivisible. The latter is far more demanding, for it implies to actively work towards a preference change of the disputants. Strategies which increase the incentives for compromise, like ‘enlarging the pie’ (e.g. through side payments), are often indispensable. They might significantly raise the costs
for the mediator himself (see the debate on granting Serbia EU membership in order to melt down its opposition on Kosovo). We might visualize this high-intervention mediator strategy as follows:

![Diagram of Creating a contract zone in conflicts of indivisibility](image)

*Figure 6: Creating a contract zone in conflicts of indivisibility*

Conflict type thus has a strong impact on mediator strategies. This is even more evident, when we discuss appropriate mediator roles. For conflicts of divisibility a facilitator or formulator is often sufficient, both of which work actively, yet low-key with little intervention beyond formalities to help the disputants find a compromise. However, for conflicts of indivisibility, facilitators or formulators are mostly dysfunctional to move the parties towards compromise, especially if they are unwilling to negotiate in the first place. The less tractable a conflict is, the more a manipulator or power broker, employing proactively its strong leverage, is needed to break the deadlock. Manipulating the contract zone does include diplomatic and military pre-mediation efforts to, if necessary, make a conflict ripe for mediation and compromise. Orchestrating mediation and other conflict management tools is critical. Whether manipulators are successful, though, depends *inter alia* on whether the dysfunctions power mediators are prone to (like a lack of cross-cultural sensitivity) can be minimized.

However, even strong intervention often does not suffice to reach a settlement or even to bring both parties to the negotiation table. The crucial hurdle is the perceptual dimension of indivisibility, which is further reinforced by the perceptual duration effects, specifically the enemy images and in-group / out-group dichotomies. The more
distorted images of Other and Self are, the more crucial is problem-solving to achieve sustainable, stable peace. A strategy which concentrates on content and neglects process ignores the root causes of indivisibility. Both the issue and the perceptual dimension need to be tackled. Power mediation and problem-solving are mutually reinforcing (Bartunek, Benton, and Keys, 1975: 534; Svensson, 2007).

The starting point for problem-solving is the insight that self-reinforcing processes are indeed reversible. As Janice Gross Stein asserts, ‘Stability in enemy images is the default and change the exception. Yet conservatism does not hold unconditionally. Schema do change, although they generally tend to change gradually over time … Even the strongest schema cannot withstand the challenge of strongly incongruent information’ (Stein, 2005: 295). This incongruent information can be proactively supplied by mediators using problem-solving techniques. The basic goal is to remove or mitigate at least the perceptual dimension and thus the major impediment hindering the parties to view their issues in dispute as divisible. Problem-solving aims at ‘reordering or restructuring the preferences of the adversaries’ (Gillady and Russett, 2005: 401), or, to employ prospect theory, to reframe the issues in dispute and the images of Self and Other in such a way that the disputants begin to discern the contract zone which outsiders see.

Other than directive strategies, however, problem-solving necessitates a long-term commitment to structural prevention since images mostly change incrementally over time (Cortright, 1997: XI). Applying problem-solving continuously throughout a conflict of indivisibility, i.e. preceding, accompanying and following up power mediation efforts has the best chances to transform a conflict from indivisible to divisible. Despite much academic attention, this dimension is in politics still neglected.

There is one further strategy, fractioning, which deserves attention here. They are closely related to the idea of partial settlements. Fractioning seems to be particularly attractive in many conflicts. The reasoning is as simple as intriguing: disaggregating a conflict into smaller, more specific pieces is supposed to increase tractability, especially if a mediator works his way from ‘easier’ to more complicated issues. As negotiation success on less controversial issues stimulates communication and confidence-building, a positive momentum might arise, turning ‘intractables’ into tractables (Stein, 1985; Gillady and Russett, 401). This idea of sequencing, though, rests on the assumption that
fractioning increases tractability, i.e. that there are indeed more and less tractable issues and that both can be divided. This, however, runs counter to the basic logic of conflicts of indivisibility, where the disputants do not perceive the ‘pie’ to be divisible. Can mediators divide what disputants perceive as indivisible, thus override the bounded rationality which contributes so much to the low tractability of these conflicts?

The empirical evidence is scarce and contradictory. As reported, Bercovitch found in his sample of ‘intractable interstate conflicts’ 23.6% ‘partial agreements’, which was the highest percentage for any mediated settlement and thus encouraging (2005: 116-18). However, their durability on average is extremely low, even lower than issue settlements (Gartner and Bercovitch, 2006: 827). Taking Kosovo again, fractionation was tried in three of the thirteen mediation attempts since 1991. Two times it resulted in no agreement24, one time a partial agreement was reached but was never implemented, probably due to devious objectives at least of the Serb side.25 In these cases it proved impossible to separate the supposedly minor education issues from the predominating status issue – even supposedly ‘technical’ issues such as curricula turned out to be intimately linked to the status issue and thus blocked (Biermann, 2006: 390-412 and 508-512). Mediators in conflicts of indivisibility need to be particularly aware of the huge perceptional gap dividing them and the disputants: what outsiders perceive, from a rationalist standpoint, as divisible, the disputants perceive, with their bounded rationality, is strictly indivisible. Starting from the assumption that one can convince disputants that their pie is indeed divisible is tempting, yet might severely underestimate the rigidity of the disputant’s perceptions.

This analysis linking conflict type and mediation profiles has to end with a caveat, though. I have throughout stressed the ideal type conceptualization of conflict types. Conflicts of indivisibility are no different. In reality, there is core and periphery where overlap with other conflict types starts and a conflict type conceptualization increasingly collides with a more complex reality. The crucial element here is divisibility. Because it is perceptional and subjective, it varies among actors. Even if a perception of indivisibility is predominant, almost unanimous among the domestic constituencies of

25 The Education Agreement of September 1996, mediated by the NGO Communità di Sant’Egidio.
disputants, there are dissenters. And this group can shrink or grow over time. This has implications for tractability. Even though tractability is extremely low in conflicts of indivisibility, it is existent. And it varies both across conflicts and over time.

As a consequence, there is a conceptual periphery where conflicts of indivisibility overlap with conflicts of divisibility and boundaries become fuzzy. This intersection is probably strongest in the early and late phases of conflicts of indivisibility, maybe also in the pauses before a phase of de-escalation turns into renewed escalation. In these phases the likelihood is greatest that windows for compromise arise. The resistance points are relatively close, sometimes maybe even overlapping so that a contract zone might emerge. The amount and intensity of these (relative) ‘ripe moments’ varies among conflicts. They can be very short-lived. The vectors of resistance point convergence or divergence are crucial as to their durability and tractability. The windows might close rapidly (such as usually during the onset phase); but they might also widen (such as during the termination phase). These phases require proactive monitoring and mediation, mostly employing directive strategies to seize the opportunity for compromise. However, if a contract zone in fact has emerged, such as through a political shock, facilitation might even suffice to reach a compromise.

Conclusions

This paper has set out to analyze the interdependence of conflict type and mediation profile, looking primarily at mediation goals and strategies. It specifically considered conflicts of indivisibility where a vast amount of literature, though highly fragmented, is available. The paper took an issue-oriented bargaining approach, conceptualizing the ideal type of conflicts of indivisibility as inter- as well as intra-state conflicts without overlapping resistance points and thus contract zone. Taking stock of the major research findings, the most sophisticated of which concentrate on ‘enduring rivalries’, the paper focused on the tractability of these conflicts, thus applying throughout a mediation lens. After discerning the major properties of conflicts of indivisibility, perceived indivisibility and self-reinforcing duration effects, the paper looked specifically at how these conflicts are terminated, realizing that political shocks and leadership change are prominent causal
pathways to settlement and that third party intervention, both military and diplomatic, often interacts with these. The subsequent survey of the quantitative findings on mediation in those conflicts was deflating. There is a glaring discrepancy between high investment and low returns, if we combine the effects of declined mediation offers, failure of goal attainment (freeze, partial or issue settlement) and low durability of those settlement achieved.

Building on these insights, the paper finally turned to the initial research question. For this conflict type, coherently matching conflict and mediation is most consequential, since small dysfunctions on the mediator side can easily undermine goal attainment. More specific, the conflict type indeed preconditions the mediation profile. Looking first at mediator goals, the decision to mediate turned out to be highly consequential and costly. Freezes call for follow-up mediation efforts towards settlement. Issue settlements should be clearly distinguished from conflict resolution, which necessitates profound image change. On the level of mediation strategies, it was most obvious how conflicts of indivisibility restrict the menu of choices available to mediators. As concerns the issue dimension, the paper buttresses the predominant academic view that directive strategies are much more adequate in these kinds of conflicts than non-directive strategies. It questioned the utility of fractionating which might often turn out to be illusionary given the prevalent perception of indivisibility. As concerns the perceptual dimension, the paper stressed the need to focus on process strategies. Thus, directive strategies have to be complemented throughout with long-term problem-solving approaches, as the issue and the perceptual dimension in these conflicts constantly feed into one another. In contrast, facilitation and formulation appear hardly promising, except in rare ‘ripe moments’ when the mediator task is limited to helping the disputants identify a contract zone which already exists.

These findings are preliminary. They are complicated by some fundamental disagreements among researchers as to the very essence of this conflict type (especially concerning the early lock-in hypothesis) and by the limited comparability of findings due to diverging terminology, operational definitions and data sets. Much more quantitative and qualitative research is needed, especially on mediation in long civil wars. Crucial questions have not been asked yet. Future studies should less concentrate on mediator
means, which can be deduced from goals and strategies, but focus on the latter, thus following a top-down approach. Sufficient differentiation concerning mediator goals is the starting point. Research might concentrate on the interaction of conflict and mediation variables, following a contingency approach. Data are needed comparing the effectiveness of facilitators and formulatators versus manipulators in conflicts of indivisibility, specifically as concerns the acceptance of a mediation offer, the attainment of different goals and settlement durability. Studies focusing on the inherent tension between perceived indivisibility and fractioning also appear promising. Finally, as far as I see there is no research yet correlating mediation outcomes and phases of escalation versus de-escalation. My qualitative research findings do suggest that the likelihood of reaching a settlement is higher in phases of maximum de-escalation (pauses), thus shortly before preferences turn once more towards aggression and a new phase of escalation sets in. Taking a broader view, these findings might contribute a building block to a future theory linking conflict type and mediation. This would necessitate similar studies on other conflict types.


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