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Decision Control and the Pursuit of Binding Conflict Management: Choosing the Ties that Bind

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Abstract
International relations scholars have garnered a good deal of evidence indicating that binding arbitration and adjudication are highly effective means for brokering agreements and ending conflict. However, binding third-party conflict management is rarely pursued to resolve interstate disputes over contentious issues like territorial or maritime control. While states value the effectiveness of binding procedures, they are reluctant to give up the decision control necessary to submit to arbitration or adjudication. The authors identify three factors that influence the willingness of states to give up decision control: issue salience, availability of outside options, and history of negotiations. An analysis of attempts to settle territorial, maritime, and river claims reveals that disputants are less likely to use binding conflict management when they have a greater need to maintain decision control.

Keywords
conflict management, arbitration, adjudication, decision control, contentious issues

Typical of most Latin American neighboring states, Colombia and Venezuela have a long history of both disputing and negotiating their shared border. One such

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territorial dispute emerged in the Guajira Peninsula in the nineteenth century. To demarcate the border, Colombia and Venezuela submitted to binding arbitration brokered by Switzerland, and in 1922, the Swiss issued a ruling that still holds today. However, a related maritime dispute between the countries emerged after World War II when customary maritime boundary law was expanded to include the entire Gulf of Venezuela area. Unlike the previous territorial claim, Venezuela and Colombia have never submitted the maritime claim to arbitration or adjudication, and sovereignty over the Gulf of Venezuela remains unsettled.

Why did Colombia and Venezuela agree to arbitration to manage their territorial dispute but eschew such binding procedures to resolve their later maritime claim? Since binding arbitration successfully settled the long-standing territorial claim between Venezuela and Colombia, one would expect the two countries to eagerly pursue similar measures to manage subsequent claims. Instead, Venezuela and Colombia continue to dispute their maritime boundary in the Gulf rather than undergo arbitration or adjudication. The Gulf of Venezuela maritime dispute is not unique. Binding conflict management has proved highly effective in brokering agreements and ending disputes (Dixon 1996; Gent and Shannon 2010; Mitchell and Hensel 2007). However, it is rarely used relative to other forms of conflict management such as bilateral negotiation and mediation. Given that binding mechanisms are so effective, it is puzzling that states do not rely on them more often.

To gain insight into the process of conflict management between Colombia and Venezuela and to explore why states choose binding arbitration and adjudication, we identify the conditions under which states are willing to give up decision control. Decision control is the power of disputants to craft the distribution of terms in an agreement. Arbitration and adjudication differ from other forms of conflict management because they require disputants to sacrifice decision control and allow a third party to decide the terms of a settlement. States rarely pursue such measures because they are reluctant to give up authority and autonomy over how a dispute will ultimately be resolved. When deciding whether to pursue arbitration or adjudication, disputants weigh the trade-off of pursuing an effective conflict management strategy versus the costs of relinquishing decision control. Countries do not pursue binding procedures when they are particularly concerned with maintaining control over the final decision and outcome of conflict management. Conversely, states undergo binding conflict management when the expected costs of giving up decision control are outweighed by the effectiveness of legal dispute resolution.

To examine the trade-off between effectiveness and decision control, we identify three factors that influence the willingness of states to surrender decision control: salience of the disputed issue, availability of outside options, and uncertainty about the outcome of binding conflict management. Disputants prefer binding conflict management over other types of negotiations when the issue at stake is less salient, they have similar levels of power, and they have reached previous functional, procedural, and substantive agreements on the issue. To test our theory, we investigate the prevalence of binding conflict management versus other types of settlement
attempts in disputed territorial, maritime, and river claims in the Americas, Europe, and the Middle East from 1816 to 2001. Our results indicate that costs of giving up decision control influence the willingness of states to pursue arbitration or adjudication to resolve their differences.

**Decision to Pursue Binding Conflict Management**

Binding settlement attempts are those that use arbitration or adjudication to resolve international disputes. Arbitration and adjudication are similar in that they rely on principles of international law to help states find a solution to their conflicts, but they differ in the nature of the third party that hands down the decision. Arbitration is carried out by an individual, an international organization, a state, or a panel of states, while adjudication is conducted by an international court.

Arbitration and adjudication are unlike other forms of conflict management because disputants pledge in advance to uphold the agreement they reach. This pledge is what labels the procedure “binding.” However, binding international settlements do not have the same force of law as binding domestic settlements. At the domestic level, a third party enforces an agreement that results from arbitration or adjudication. But under the anarchic international system, there exists no third party with the power to enforce an agreement. These measures are only binding so far as disputants have pledged publicly to uphold a settlement.

Although binding settlements are not enforceable under anarchy, arbitration and adjudication have proven more effective than other types of negotiations at brokering compliance with agreements and ending disputes. Gent and Shannon (2010) find that binding settlements are better than nonbinding third party or bilateral negotiations in ending territorial claims. Mitchell and Hensel (2007) demonstrate that arbitration and adjudication successfully help countries broker and comply with settlements of river, maritime, and territorial claims. Although he does not consider arbitration, Dixon (1996) shows that adjudication encourages the peaceful settlement of interstate security disputes, and Frazier and Dixon (2006) conclude that adjudication is effective in negotiating settlements among militarized interstate disputants. While these studies demonstrate varying effectiveness of arbitration and adjudication relative to other types of conflict management, all find that binding procedures successfully broker agreements and end disputes. It seems that even though binding agreements do not have the force of domestic law, they are uniquely powerful in helping states reach and comply with agreements to end their disputes.

Why do states more frequently honor binding agreements than those reached through other types of negotiations? First, the legality of binding conflict management induces disputants to honor agreements that are brokered. Binding decisions are made by an arbitrator or court that brokers a decision by consulting well-accepted principles of international law. Disputants are hesitant to shirk agreements based on long-standing international legal principles. Second, binding settlements generate international reputation costs. A state suffers more detrimental reputation
effects for breaking an agreement it pledged to honor than one where it made no such promise, so it is less likely to renege on binding commitments (Simmons 2002). Finally, states uphold binding agreements because they can potentially placate domestic opposition to a settlement (Allee and Huth 2006; Simmons 2002). Domestic audiences perceive decisions founded in international law as more legitimate than those brokered through bilateral concessions. Domestic forces are therefore less likely to oppose a binding settlement, affording the state more opportunity to comply. The legality, increased reputation costs, and domestic cover associated with binding decisions make it a more effective form of conflict management than bilateral or nonbinding third-party negotiations (Gent and Shannon 2010).

Yet while binding conflict management is effective, it is used much less frequently than other forms of conflict resolution. For instance, out of 1,004 peaceful settlement attempts in territorial, maritime, and river claims from 1816 to 2001 identified by the Issue Correlates of War project, disputants only pursued binding procedures 61 times (Hensel 2001, 2008). Compared to the 648 bilateral attempts and 295 nonbinding attempts in the same set of claims, binding conflict management is rare. Among 1,178 military and diplomatic interventions in militarized interstate disputes from 1946 to 2000, arbitration and adjudication was used only 37 times, or 3.14 percent of interventions (Frazier and Dixon 2006). Allee and Huth (2006) document only 30 instances of arbitration and adjudication out of 1,490 cases of territorial dispute negotiations from 1919 to 1995. The empirical evidence indicates that although binding talks are an effective form of conflict resolution, countries use them relatively infrequently to manage disputes over a number of contentious issues.

If arbitration and adjudication are effective, why are they not pursued more often? This is especially puzzling because some scholars argue that binding conflict management provides benefits to leaders, particularly at the domestic level. Allee and Huth (2006) explain that binding conflict management provides political cover and placates domestic opposition to settling a conflict. Simmons (2002) also concludes that states pursue binding conflict management when domestic political constraints prevent them from making concessions through other types of negotiations. Binding settlement attempts are highly effective and potentially offer domestic benefits, yet they are rare relative to other forms of conflict management. To address the puzzle of why states do not use binding mechanisms more frequently, scholars and policy makers would benefit from a deeper investigation of the conditions that promote legal forms of conflict management.

Decision Control and the Merits of Conflict Management Mechanisms

To understand the decision to pursue binding conflict management, a more nuanced explanation is needed—one that incorporates not only the benefits of an effective conflict management strategy but also the costs of relinquishing decision control to an arbitrating or adjudicating body. Arbitration and adjudication are demonstrably
more successful at ending international disputes than bilateral or nonbinding negotiations. However, binding conflict management is potentially costly because by sacrificing decision control, leaders increase the chance that negotiations will result in an unfavorable outcome. Consequently, states only pursue binding settlements if they can afford to give up decision control over the outcome of a dispute.

Decision control is the “degree to which any one of the participants may unilaterally determine the outcome of the dispute” (Thibaut and Walker 1978, 546). Essentially, it is the amount of authority and input that disputants have in crafting the terms of an agreement to end a conflict. Mechanisms of conflict resolution differ in the amount of decision control that participants are able to preserve during negotiations. Under nonlegal mechanisms of dispute resolution, such as bilateral negotiations and mediation, disputants jointly craft a bargain to end a dispute and retain discretion over the final outcome. These strategies afford claimants complete decision control over how their dispute is negotiated and settled (Thibaut and Walker 1978, 546). Conversely, binding arbitration and adjudication require disputants to give up more decision control than that of other types of negotiations. Under binding procedures, a third party listens to evidence presented by the disputants and then renders a decision. The disputants can appeal to the arbitrating body or court for a settlement close to their respective ideal points, but ultimately, the decision of where to locate an agreement rests entirely with the third party. Arbitration and adjudication therefore require disputants to sacrifice more decision control than other types of conflict management.

Why is maintaining decision control important? When a leader turns decision-making authority over to an international court or arbitration panel, she increases the chance that a settlement will result in an unfavorable outcome. For example, in the maritime dispute over the Gulf of Venezuela, George (1988–89, 155) notes that Colombia and Venezuela have been reluctant to pursue adjudication in the International Court of Justice, “fearing that an unexpected, binding, unfavorable ruling might eliminate all grounds for a compromise settlement.” While binding mechanisms do not result in unfavorable outcomes for all parties involved, by relinquishing decision control, disputants increase the likelihood that an unfavorable agreement will result. Conversely, if disputants maintain decision control through nonbinding negotiations, they have much more freedom to craft the terms of an agreement to their favor.

Moreover, domestic audiences sometimes prefer their leaders to maintain decision control. A 1987 survey asking Venezuelan citizens how they thought that the Gulf of Venezuela claim should be resolved revealed that 61 percent favored bilateral negotiations and 29 percent favored giving Colombia an ultimatum backed with the threat of military action. Only 10 percent supported third-party diplomatic intervention (Martz 1988–89, 131). Even the Venezuelan public is wary of the outcome that might result from giving up decision control over management of the Gulf of Venezuela.

One might argue that because the international system is anarchic, states are not obligated to uphold binding agreements and therefore can retain as much decision
control as they would under bilateral or nonbinding third-party negotiations. Such a claim misconstrues both the nature of decision control and the actual practice of binding conflict management in international relations. First, the concept of decision control refers to the crafting of terms in an agreement. Binding procedures give an arbitrator or international court the sole ability to determine how a bargain is structured. Anarchy means that disputants do not have to uphold a binding agreement, but it does not change the fact that states sacrifice the ability to devise the terms of a settlement when they undergo binding talks. Second, binding settlements generate costs for disputants that they do not suffer under other forms of conflict management. Simmons (2002) provides evidence of these costs in her study of arbitration in Latin America. Latin American countries are more likely to comply with agreements brokered by arbitrators from the Western Hemisphere than by arbitrators from Europe. This indicates that neighboring states enforce binding settlements and that states are reluctant to suffer the reputation costs of breaking agreements handed down by their neighbors. Moreover, leaders who submit to binding procedures are more likely to comply with agreements brokered under their own administrations than by their predecessors, demonstrating that leaders are concerned about reputation effects (Simmons 2002). These findings demonstrate that even under the anarchic international system, states are affected by the potential costs of breaking binding agreements.

Decision control is an important factor in the choice of conflict resolution procedures because giving up such control can be costly for international disputants. States are accountable for the outcome of conflict management. If a state puts the outcome of an international dispute into the hands of a third party, the leadership may regret giving up decision control if the outcome is unfavorable. Additionally, if a state reneges on an agreement, it loses credibility within the international community. The potential costs of binding settlements force leaders to carefully consider the conditions under which they are willing to give up decision control. In the next section, we examine those decisions in more detail.

**Conditions that Influence the Choice of Binding Conflict Management**

To derive the factors that influence the choice of binding conflict management, we consider the benefits and costs of arbitration and adjudication relative to other dispute resolution mechanisms. As the discussion above illustrates, the primary relative benefit of binding conflict management is its effectiveness. Binding strategies increase the likelihood that participants in peaceful settlement attempts will reach and comply with an agreement (Mitchell and Hensel 2007), and they are also more likely than any other form of peaceful dispute resolution to end territorial disputes (Gent and Shannon 2010). We expect that disputants always value the effectiveness of arbitration and adjudication, so we assume that the relative benefits of binding conflict management apply consistently to all disputes.
There may however be some cases in which disputants place greater emphasis on the relative benefits of binding conflict management. Allee and Huth (2006) argue that democratic leaders should be especially interested in pursuing legal dispute resolution because it can provide them with domestic political cover. Additionally, when states have been fighting militarily over an issue, the costs of fighting may lead them to place a greater emphasis on resolving their dispute than in cases where the dispute has not militarized. As Coplin (1968, 329) identifies, disputants are likely to seek legalistic forms of conflict management when they reach “a plateau in the bargaining process where both sides agree that the settlement of the dispute is more important than the relative distribution of objectives resulting from the final decision.” To account for these potential confounding factors, we include measures of joint democracy and the number of recent militarized disputes in the empirical analysis to follow.

While the relative benefits of binding conflict management may be largely consistent across cases, the relative costs are not. The primary cost of binding conflict management is the loss of decision control, but the risk of relinquishing such control varies with the strategic situation faced by disputants. Given this, the decision to pursue binding conflict management is largely a function of the willingness of state leaders to sacrifice decision control. To determine the conditions that influence the choice of binding conflict management, we identify three factors that affect the willingness to cede decision control to a third party: the importance of the issue to the disputants, the availability of favorable outside options, and the history of negotiations.6

**Salience**

We first consider how the importance of a disputed issue influences the choice of conflict management strategy. It is unlikely that leaders will want to tie their hands using binding mechanisms to resolve important issues. For example, in a 1939 nonaggression treaty, Colombia and Venezuela agreed to establish a Permanent Commission of Conciliation to resolve any controversies between themselves. If the commission was unable to reach a negotiated settlement on an issue, the countries agreed to submit their claims to arbitration or the Permanent Court of International Justice. The agreement however exempted controversies that “concern vital interests, independence, or the territorial integrity of the contracting states” (Area and Nieschultz de Stockhausen 1984, 169). Although they recognized the potential effectiveness of arbitration and adjudication, the leaders of Colombia and Venezuela were reluctant to commit themselves to binding settlements in highly salient cases.

Leaders are less likely to sacrifice decision control if the source of the dispute is highly important. As the value of an issue increases, the potential costs of an unfavorable outcome increase both at the domestic and the international level. At the international level, an unfavorable settlement can be particularly costly. For example,
suppose a leader is bargaining over territory that is strategically located or that contains valuable resources. A binding decision that cedes control of the territory to another state can have long-lasting detrimental consequences. Without access to the strategic territory or resources, the “losing” state will be at a disadvantage in future confrontations with the “winning” state. Moreover, the loss of access to resources may hurt the economic development of the losing state.

Unfavorable settlements on salient issues can also lead to costs at the domestic level. For example, when a dispute is salient because of ethnic or historical reasons, achieving a preferable settlement may be an important part of a leader’s domestic agenda. In these cases, as Hensel (2001, 86) notes, “the costs of failing to achieve one’s desired issue position are much greater.” Given these increased international and domestic costs, the range of policy outcomes that a leader is willing to accept decreases as the salience of an issue increases. Since binding settlements can potentially result in unpalatable outcomes, a leader will be less likely to give up decision control to a third party when managing disputes over valuable issues. As Bilder (2007, 206) notes, “nations are less willing to agree to binding third-party settlement of very politically sensitive disputes.” This logic provides the following testable hypothesis:

**Hypothesis 1a:** As the salience of a disputed issue increases, the likelihood of binding conflict management between disputants decreases relative to other forms of conflict management.

The hypothesis is consistent with Hensel’s (2001) finding that states in the Americas have been less likely to pursue arbitration and adjudication in salient territorial claims, although he does not compare the relative propensity of states to pursue binding settlement attempts relative to other forms of conflict management. However, it diverges somewhat from a later argument by Allee and Huth (2006) that leaders prefer legal dispute mechanisms over bilateral concessions when faced with domestically salient issues. According to Allee and Huth (2006), legal mechanisms provide leaders with domestic political cover to help them avoid punishment if a negotiated settlement is unpopular with the domestic population. While the possibility of domestic political cover may explain why some leaders may prefer binding conflict management to making bilateral concessions, it does not necessarily imply that such leaders would prefer to submit to arbitration or adjudication rather than enter into substantive bilateral negotiations. Such a preference for binding procedures over bilateral settlement assumes that the latter will result in an outcome equally unfavorable to the domestic audience. However, it is not clear why this is necessarily the case since leaders maintain decision control in bilateral negotiations and can reject any offer they do not find acceptable. If leaders prefer to avoid unfavorable outcomes on salient issues, they should want to maintain as much decision control as possible.

While binding conflict management can potentially provide leaders with political cover, we expect that the mechanism we identify generally outweighs that of
domestic political cover. However, the ability of arbitration and adjudication to provide political cover indicates that the relationship between salience and binding conflict management may depend upon the nature of the issue’s salience. Disputes can be salient over tangible issues, such as strategic location or resource value, and/or intangible issues, such as homeland and identity ties. When a dispute is salient over tangible issues, leaders are especially concerned about the international costs of an unfavorable settlement, such as the loss of strategic territory or resources to a rival. Leaders are therefore more focused on gaining a favorable settlement than merely resolving the dispute. Given this, leaders are especially reluctant to give up decision control on tangibly salient issues.

Some might argue that when access to valuable resources is involved, leaders are especially interested in an efficient resolution to a dispute because it frees up access to the resources. However, this claim ignores the fact that binding conflict management requires the assent of both parties. In most cases, one of the parties maintains de facto control of the resources, and it will be especially unwilling to risk the loss of the resources by giving up decision control. For example, Venezuela maintains de facto control over the Gulf of Venezuela and any petroleum deposits in its floor bed. A ruling by an arbitrator or adjudicator that part of this maritime claim rightfully belongs to Colombia would force Venezuela to lose access to these resources. This is one reason why Venezuela has been reluctant to pursue arbitration or adjudication to resolve Colombia’s claim to part of the Gulf.

In contrast, unfavorable decisions on disputes that are primarily salient over intangible issues, such as ethnic or homeland ties, pose relatively few international costs. Instead, leaders are mainly concerned about domestic issues. In these cases, the effect of salience on binding conflict management depends upon how important the issue is to the leader herself. For example, suppose that a state is engaged in a territorial dispute over part of the homeland of a minority ethnic group. If the leader is a member of that ethnic group, then she likely has strong preferences as to the terms of any settlement of the dispute. In this case, she would be reluctant to give up decision control and risk an unfavorable ruling, even if it provides her with domestic political cover. Thus, a leader is not likely to pursue binding conflict management on intangibly salient issues that are important to her. On the other hand, if the leader is not a member of the ethnic group, then she may prefer to successfully resolve the dispute, regardless of the nature of the settlement. Citizens who are members of the ethnic group, however, will have strong preferences over the outcome of the dispute. In this case, the leader has an incentive to pursue binding conflict management, as it provides an effective means to resolve the dispute and domestic political cover. Thus, if an issue is highly salient for a segment of the domestic audience but not for the leader, the leader will be more likely to pursue binding conflict management. Therefore, salience on intangible issues can increase the likelihood of binding conflict management in some cases and decrease it in others.

This logic, along with the logic of decisions in cases of tangible salience described above, leads to the following additional hypothesis:
Hypothesis 1b: Salience of tangible issues, rather than intangible issues, decreases the likelihood of binding conflict management relative to other forms of conflict management.

To test our hypotheses about salience, we examine decisions to pursue binding conflict management in territorial, maritime, and river claims. Many previous scholars have argued that territory is often one of the most salient issues for states (Vasquez 1993; Gochman and Leng 1983; Hensel 1996). For this reason, territory has often been used as a proxy for salience in empirical analyses of conflict (e.g., Bennett 1997; Senese 1996). However, we argue that it is more appropriate to compare the salience of individual territorial, maritime, and river claims rather than the salience of these issue areas in general. First, the level of salience varies within issue types. Some territorial claims concern strategically valuable territory, while others concern largely valueless land (Hensel 2001). Variation occurs across maritime and river claims as well (Hensel et al. 2008). Second, the issues that we examine are similar in nature. They all concern the boundaries between states and the right of states to maintain control over land and/or water. Given this, maritime claims can often have similar political dynamics to territorial claims. For example, in the Gulf of Venezuela maritime claim, Venezuelans have often framed the issue as if the concession of any portion of the Gulf of Venezuela is equivalent to a loss of sovereign territory (George 1988–89; Martz 1988–89; Olavarría 1988). While it may be more difficult to compare the salience of individual claims across very different issue areas such as territory and trade, this should be less of a concern when analyzing territorial, maritime, and river claims. Given the variation in salience among cases within issue areas and the similarity of the types of issues that we consider, it is most appropriate to examine the salience of individual claims rather than the salience of issue areas in general.

Favorable Outside Options

The existence of favorable outside options also affects the willingness of leaders to give up decision control and accept binding conflict management. If a state can achieve a favorable outcome outside of binding conflict management, then it is less likely to risk an unfavorable outcome through arbitration or adjudication. In international relations, powerful states enjoy more favorable outside options than weak states. Powerful states are likely to achieve military victory on the battlefield and can more credibly threaten to resolve a dispute militarily. These military advantages also provide them with bargaining power during bilateral negotiations. Since powerful states are better able to guarantee themselves favorable outcomes through negotiations or military conflicts, they are more reluctant to give up decision control. Given this, when a state enjoys a strong power advantage over a fellow disputant, it prefers to settle its disputes through means other than binding conflict management.

Weaker states benefit from arbitration and adjudication because these forums place them on a more level playing field with more powerful states. Unlike the
outcome of most international negotiations, which are highly influenced by the relative power of states, binding conflict management decisions are based primarily on legal principles. Arbitration and adjudication open up favorable outcomes to weak states that would not otherwise be available. These factors can be seen in Britain’s initial reluctance to enter into arbitration to resolve the disputed boundary between Venezuela and British Guiana in the 1890s.

In 1896, American diplomat Henry White reported to U.S. Secretary of State Richard Olney that British Prime Minister Lord Salisbury believed that compulsory arbitration in territorial disputes would have negative repercussions for a major power like Great Britain. Salisbury expected that “claims to territory might—and probably would—constantly be made by countries having nothing to lose and hopeful of gaining some accession to territory through the submission of such claims to arbitration” and that “important Powers might find themselves deprived through arbitration, of portions of their territory, arbitrators being usually inclined to favor a weak power” (quoted in Schoultz 1998, 121). While it might be an exaggeration to state that arbitrators overtly favor weak powers, the process of arbitration can benefit weak states because it potentially results in outcomes that the powerful state would never agree to in bilateral negotiations. Given this, powerful states are often reluctant to give up decision control to an arbitrator or adjudicator to resolve a dispute with a much weaker state. This leads to the following hypothesis:

*Hypothesis 2*: As power asymmetry in a dyad increases, the likelihood of binding conflict management between disputants decreases relative to other forms of conflict management.

**History of Negotiations**

The history of negotiations surrounding a dispute also affects the willingness to pursue binding conflict management. In particular, disputants are more likely to pursue binding measures if they are relatively certain that the terms of a settlement will be favorable. When disputants are uncertain about the outcome that will result from arbitration or adjudication, they fear that the settlement may be far away from their ideal point. Decision control is valuable here because the disputants want to pull the outcome toward their ideal point. As uncertainty about the potential outcome of binding conflict management increases, disputants prefer decision control over the risk of attaining an unfavorable outcome.

Given their reluctance to give up decision control in situations with great uncertainty, states rarely give arbitrators or adjudicators carte blanche decision-making ability. Disputants have the ability to determine the issue on which the third party is allowed to render a verdict. Generally, states are only willing to submit a territorial claim to arbitration if previous negotiations have led to some agreement about the disputed boundary. As the noted nineteenth-century international law scholar John Bassett More noted, “Governments are not in the habit of resigning their functions
so completely into the hands of arbitrators as to say, ‘We have no boundaries; make some for us’” (quoted in Schoultz 1998, 117).

While we cannot directly measure legal uncertainty, we can determine situations in which there is greater or lesser uncertainty about the outcome of binding conflict management. Resolving a disputed issue in international relations generally requires a number of settlement attempts. Many of these attempts are functional and procedural negotiations. Functional attempts address how the resource in dispute will be used during the process of negotiations, while procedural attempts specify the procedures by which disputants will manage the claim in the future. Functional and procedural agreements can reduce the legal uncertainty in any potential arbitration or adjudication by setting precedents and determining the scope of any settlements. Also, many substantive settlement attempts lead to some agreement among the parties, even if the main issue is not fully resolved. These agreements are beneficial because they narrow the set of decisions that could be handed down by a third party during arbitration or adjudication.

In this way, previous functional, procedural, and substantive agreements on the issue at hand decrease legal uncertainty and increase the willingness of disputants to give up decision control. On the other hand, disputes in which previous settlement attempts have not successfully led to any agreements do not have the advantage of reduced uncertainty. Thus, unsuccessful settlement attempts do not increase the willingness of leaders to give up decision control. This provides the following hypothesis:

Hypothesis 3a: As the number of previous successful settlement attempts surrounding an issue increases, the likelihood of binding conflict management between disputants increases relative to other forms of conflict management.

Some might argue that if previous settlement attempts lead to agreements, disputants will prefer to continue pursuing nonbinding negotiations rather than submit the claim to arbitration or adjudication. While we admit that there may be some incentives for disputants to stick with strategies that successfully lead to agreements on substantive issues, this does not necessarily invalidate our hypothesis. First, even if states have been able to resolve some of their substantive disagreements through bilateral negotiations or mediation, the fact that the overall claim remains unresolved indicates that these strategies have been unable to settle some of the more difficult issues at stake. Evidence indicates that arbitration and adjudication are the most successful strategies for ending claims over contentious issues (Gent and Shannon 2010, 2011). Given this, states may decide to turn to binding conflict management at this point because it will be the most effective means of resolving the thorniest areas of contention between the disputants.

Second, we include functional and procedural agreements in our conceptualization of successful settlement attempts. While such agreements almost exclusively result from nonbinding settlement attempts, it does not necessarily follow that disputants prefer to engage in the same strategies when they pursue substantive settlement attempts that aim to resolve the dispute. For example, even if two
disputants agree bilaterally as to how to use a disputed resource during the course of negotiations, this does not imply that they will not want to bring in a third party to address a more substantial issue like how the resource will be used in perpetuity.

Finally, it is important to note that our claim is about the propensity to use binding conflict management relative to other strategies. According to our argument, states are especially reluctant to give up decision control when there is a great deal of uncertainty about the outcome of arbitration or adjudication. They agree to arbitration and adjudication when uncertainty has been reduced. On the other hand, states pursue non-binding measures like bilateral negotiations or mediation whether or not there is uncertainty about the outcome of a binding settlement attempt. If successful attempts reduce such uncertainty, the relative propensity of states to pursue binding settlements should increase as the number of previous successful settlement attempts increases.

In addition to the history of negotiations concerning the issue at hand, one would expect that the disputants’ previous interactions on other issues would also influence their decisions to pursue binding conflict management. While the Gulf of Venezuela case indicates that states that use binding conflict management will not always use such methods to resolve subsequent claims, in general one would expect that previous experience with arbitration or adjudication would positively influence decisions to pursue binding conflict management. First, disputants who have had previous success with arbitration or adjudication will be more likely to recognize its potential for effectively resolving claims (Powell and Wiegand, 2011). Second, disputants with experience using binding conflict management have signaled that they are willing to consider giving up decision control to a third party to resolve a claim. This logic leads to an additional hypothesis about the effect of the history of negotiations on conflict management decisions:

**Hypothesis 3b:** Disputants will be more likely to pursue binding conflict management if they have successfully used binding conflict management to end a previous issue claim.

According to our theoretical framework, binding procedures differ from other forms of conflict management in the level of decision control maintained by disputing states. The willingness of leaders to cede decision control is a primary factor in decisions to pursue binding conflict management. We expect leaders to give up decision control when issues are less salient, when no state enjoys a significant power advantage, and when they have successfully reached agreements in the past. In the next section, we test these hypotheses by examining peaceful settlement attempts in territorial, maritime, and river claims.

**Empirical Analysis**

To test our theoretical argument, we examine attempts by states to peacefully settle disputed issue claims. Previous analyses of the decision to pursue binding conflict
management have generally focused on territorial claims (Allee and Huth 2006; Hensel 2001; Simmons 2002). We expand the domain of analysis to include a wider range of issue areas: territorial, maritime, and river claims. We rely on data from the Issue Correlates of War (ICOW) project (Hensel 2001, 2008). These data are useful because they allow us to generalize our findings about binding conflict management across three different regions and a fairly long temporal period. Moreover, these data have reliable indicators of dispute salience, a crucial variable for testing our theory.

Our analysis examines attempts to peacefully settle claims either bilaterally or with the assistance of one or more third parties. Following Hensel (2001), we conceptualize a claim as a contention between two or more states over the type of issue in question. A territorial, maritime, or river claim requires an official state representative to “make clear that his or her government lays claim to specific territory or maritime areas that are presently occupied, administered, or claimed by one or more other specific states” (Hensel 2008). Using the ICOW data set, we identify 1,004 peaceful settlement attempts in 204 claims in the Americas, Europe, and the Middle East from 1816 to 2001. Our sample only includes those settlement attempts that aimed to resolve at least some of the claim. The sample includes 567 attempts in 109 territorial claims, 282 attempts in 66 maritime claims, and 155 attempts in 29 river claims. Only sixty-one of these settlement attempts included a third party with binding decision capacity. Thus, as noted above, binding conflict management is much rarer than other forms of dispute resolution. Table 1 presents a breakdown of the settlement attempts by type and issue area.

The dependent variable in our analysis indicates whether a settlement attempt invokes the use of a third-party actor to issue a decision that is binding upon the claimants. In particular, the dependent variable is coded as 1 if the settlement attempt was either an arbitration or an adjudication. As noted above, these two strategies are different in terms of the nature of the third party. Adjudication requires an international court, while arbitration involves other types of international actors, such as states, individuals, or international organizations. All other types of peaceful settlement attempts are coded as 0.

According to our theory, disputants are less willing to pursue binding conflict management in more salient claims. To operationalize the salience of a claim,
we use the measure of salience from the ICOW project (Hensel 2001, 2008). This variable ranges from 0 to 12 and incorporates the salience of tangible issues, such as strategic location and resource value, and intangible issues, such as homeland and identity ties. To test Hypothesis 1b, we separate salience into separate measures of tangible and intangible salience, as coded by the ICOW project. Each of these measures varies from 0 to 6 and uses the same criteria that created the aggregate measure of salience. The correlation between these two measures is .197, indicating that tangible salience and intangible salience do not always coincide empirically. We also argue that previous successful settlement attempts reduce the uncertainty around the issues at stake in the territorial claim and thus should increase the willingness of claimants to give up decision control to a third-party arbitrator or adjudicator. Therefore, we include a variable indicating the number of previous settlement attempts concerning the territorial claim in the past five years that have lead to a signed agreement between the claimants. In line with our theoretical argument, we use all types of settlement attempts (functional, procedural, and substantive) to create this measure. To examine whether it is the success of the previous attempts that leads the claimants to pursue binding conflict management, we also include a variable indicating the number of unsuccessful settlement attempts in the same five-year period. Additionally, we expect that states that have successfully used binding conflict management in the past will be more willing to give up decision control. Given this, we include a dummy variable that indicates whether the dyad has previously pursued arbitration or adjudication that ended a territorial, maritime, or river claim. Finally, to operationalize power asymmetry, we use the Correlates of War Composite Index of National Capabilities to calculate the stronger state’s share of the dyad’s total capability (Singer, Bremer, and Stuckey 1972). This measure ranges from .5 (parity) to 1 (all capabilities held by one state).

In addition to the theorized variables, we include two additional variables that potentially affect the benefits of pursuing binding conflict management. Allee and Huth (2006) argue that democratic leaders are more likely than nondemocratic leaders to pursue binding third-party settlements because such settlements provide them with domestic political cover. Consequently, we include a variable of joint democracy based upon the weak link principle (Dixon 1993). In particular, our measure of joint democracy is the score on the Polity IV democracy-autocracy scale of the less democratic state in the dyad (Marshall and Jaggers 2002). Finally, when a claim has resulted in greater military conflict, disputants may have greater incentives to resolve the claim, regardless of the terms of the settlement. In these cases, disputants may place greater value on the effectiveness of binding conflict management. This expectation is also in line with Allee and Huth (2006), who find that rival states are more likely than other dyads to pursue arbitration or adjudication to resolve territorial disputes. Therefore, we include a measure of the number of militarized interstate disputes (MIDs) directly related to the particular claim in past five years, as coded by the ICOW project.
To test our hypotheses, we estimate two logit models. The first model includes the aggregate measure of salience, while the second model incorporates separate measures of salience in tangible and intangible issues. The results of the analysis can be found in Table 2. In general, the results strongly support the theory that the expected cost of giving up decision control influences the decision to pursue binding conflict management. First, consider the effect of salience on the type of settlement attempt pursued. Model 1 indicates that as the salience of the claim increases, the likelihood of a binding third-party settlement attempt decreases. To investigate the substantive effect of variables, we calculated predicted probabilities. If one holds all continuous variables at their mean values and dichotomous variables at their modal values, the predicted probability of binding conflict management (using Model 1) is .05. Table 3 presents the change in the predicted probability that results from a one standard deviation increase in a given independent variable. We simulated 95 percent confidence intervals for these first differences using Clarify (King, Tomz, and Wittenberg 2000). As one can see, a standard deviation increase in salience decreases the probability of binding conflict management from .05 to .03. If one considers the entire range of the salience measure, an increase in salience from its minimum value (0) to its maximum value (12) decreases the probability of binding conflict management almost 90 percent from .17 to .02.

We also find support for Hypothesis 1b, which states that salience over tangible issues, rather than intangible issues, should primarily influence the decision of

Table 2. Logit Estimates for Binding Settlement Attempts

<table>
<thead>
<tr>
<th></th>
<th>Model 1</th>
<th>Model 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Estimate</td>
<td>z</td>
</tr>
<tr>
<td>Salience</td>
<td>$-0.19^{**}$</td>
<td>-2.60</td>
</tr>
<tr>
<td>Tangible salience</td>
<td>0.07</td>
<td>0.49</td>
</tr>
<tr>
<td>Intangible salience</td>
<td>$-3.05^{**}$</td>
<td>-3.00</td>
</tr>
<tr>
<td>Power asymmetry</td>
<td>0.34</td>
<td>2.94</td>
</tr>
<tr>
<td>Successful attempts</td>
<td>$-0.25^{**}$</td>
<td>-2.12</td>
</tr>
<tr>
<td>Unsuccessful attempts</td>
<td>0.96</td>
<td>2.64</td>
</tr>
<tr>
<td>Previous binding success</td>
<td>$1.06^{**}$</td>
<td>2.92</td>
</tr>
<tr>
<td>Previous MIDs</td>
<td>0.41</td>
<td>1.95</td>
</tr>
<tr>
<td>Joint democracy</td>
<td>0.02</td>
<td>0.99</td>
</tr>
<tr>
<td>Maritime issue</td>
<td>$-0.01^{**}$</td>
<td>-0.03</td>
</tr>
<tr>
<td>River issue</td>
<td>$-0.90^{**}$</td>
<td>-1.49</td>
</tr>
<tr>
<td>Constant</td>
<td>0.70</td>
<td>0.75</td>
</tr>
</tbody>
</table>

N = 910

Note: Test statistics calculated with robust standard errors clustered on claim.

* p < .10.

** p < .05.
leaders to eschew binding conflict management. The results of the estimation of Model 2 indicate that while salience on tangible issues has a negative and statistically significant effect on the likelihood of a binding settlement attempt, salience on intangible issues has no significant effect. The substantive effect of tangible salience in Model 2 is similar to that of the aggregate measure of salience in Model 1. Holding continuous variables at their means and dichotomous variables their modes, a one standard deviation increase in tangible salience (from its mean) decreases the probability of binding conflict management from .042 to .022. Also, an increase in tangible salience from its minimum to maximum decreases the predicted probability 88 percent from .154 to .018. These results indicate that the effect of salience on the decision to pursue binding conflict management is largely the function of the importance of tangible issues like strategic territory and material resources. Overall, our analysis clearly supports our theoretical argument that leaders are unwilling to give up decision control and risk an unfavorable outcome if an issue is strategically important.

The results in both models provide support for Hypothesis 2, which concerns the relationship between power asymmetry and binding conflict management. As the stronger state’s capabilities increase relative to the weaker side, binding settlement attempts become less likely relative to other types of settlement attempts. Given the outside options available to states with a significant power advantage, they are less likely to give up decision control to a third party. The predicted probabilities in Table 3 indicate that a standard deviation increase from the mean value of power asymmetry decreases the probability of binding conflict management from .05 to .03. Thus, power asymmetry has a similar substantive effect to salience on the type of settlement attempt. Additionally, if one increases power asymmetry from its minimum value (≈ .5) to its maximum value (≈ 1), the predicted probability of a binding settlement attempt decreases over 70 percent from .11 to .03. Thus, the results indicate that highly

### Table 3. Predicted Probability of Binding Conflict Management

<table>
<thead>
<tr>
<th></th>
<th>Predicted probability at mean</th>
<th>Predicted probability at mean + 1 SD</th>
<th>Change in probability</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Model 1</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salience</td>
<td>0.048</td>
<td>0.031</td>
<td>−0.017 (−0.028, −0.006)</td>
</tr>
<tr>
<td>Power asymmetry</td>
<td>0.048</td>
<td>0.031</td>
<td>−0.017 (−0.029, −0.006)</td>
</tr>
<tr>
<td>Successful attempts</td>
<td>0.048</td>
<td>0.071</td>
<td>0.024 (0.006, 0.049)</td>
</tr>
<tr>
<td><strong>Model 2</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tangible salience</td>
<td>0.042</td>
<td>0.023</td>
<td>−0.019 (−0.030, −0.012)</td>
</tr>
<tr>
<td>Power asymmetry</td>
<td>0.042</td>
<td>0.027</td>
<td>−0.015 (−0.026, −0.006)</td>
</tr>
<tr>
<td>Successful attempts</td>
<td>0.042</td>
<td>0.061</td>
<td>0.019 (0.005, 0.040)</td>
</tr>
</tbody>
</table>

*Note: Other variables were set at their mean values, except for dichotomous variables, which were set at their modes. Simulated 95 percent confidence intervals are in parentheses.*
asymmetric dyads are more likely than symmetric dyads to avoid arbitration and adjudication of their territorial, maritime, and river claims.

According to Hypothesis 3a, successful previous functional, procedural, and substantive settlement attempts decrease the legal uncertainty surrounding the issues at stake and thus increase the likelihood that leaders give up decision control and agree to binding conflict management. The empirical results reveal strong support for this hypothesis. In both models, the number of previous successful attempts has a positive and statistically significant effect on the likelihood of a binding third-party settlement attempt. Thus, the likelihood of a binding conflict management increases as the number of previous successful settlement attempts increases.

To gauge the substantive effect of successful settlement attempts, we calculated the predicted probability of binding conflict management holding all other continuous variables at their means and dichotomous variables at their modes. For example, if there are no previous successful settlement attempts, the predicted probability of a binding settlement attempt is .038. However, this probability increases to .053 in the case of one previous successful attempt and .074 in the case of two previous successful attempts. Unlike the case of successful attempts, the results indicate that the number of unsuccessful settlement attempts has a negative and statistically significant effect on the likelihood of binding conflict management. Unsuccessful attempts likely indicate that greater uncertainty remains about the disputed claim. This supports the argument that the decrease in uncertainty that results from successful functional, procedural, and substantive settlement attempts increases the willingness of claimants to give up decision control and accept binding third-party settlement.

The results of both models also provide support for Hypothesis 3b. Dyads that have successfully used arbitration or adjudication to end a territorial, maritime, or river claim in the past are significantly more likely to pursue binding conflict management. According to Model 1, holding all other variables at their respective means or modes, the probability that a dyad that has not successfully pursued with arbitration or adjudication will opt for binding conflict management is .047. However, if a dyad has successfully used such procedures in the past, the probability that they will choose binding conflict management more than doubles to .115. The analysis indicates that the history of negotiations between states plays an important role in their willingness to give up decision control and consent to binding conflict management.

In our statistical analysis, we find no significant effect of joint democracy on the type of settlement attempt pursued. This finding runs counter to Allee and Huth’s (2006) argument that democratic leaders have a greater incentive to pursue binding third-party settlements in order to provide domestic political cover. However, our results are in line with previous findings by Hensel (2001) and Simmons (2002) that regime type has no effect on the decision to pursue arbitration or adjudication. Finally, we find that binding third-party conflict management is more likely than other types of peaceful settlement attempts as the number of recent militarized interstate disputes related to the claim increase. While outside the scope of our theory, this finding may indicate that increased violent conflict increases the desire
of disputants to resolve a claim, regardless of an outcome. Thus, states in these situations may be willing to enter binding conflict management because it is likely to be effective at ending the claim.

The Gulf of Venezuela Maritime Claim

The territorial and maritime disputes between Colombia and Venezuela highlight the importance of concerns about decision control when states choose to pursue binding conflict management. In contrast to their territorial dispute over the Guajira Peninsula, higher issue salience and greater uncertainty have prevented Colombia and Venezuela from pursuing arbitration or adjudication to resolve their maritime dispute in the Gulf of Venezuela. The presence of valuable extractable resources increases the salience of any boundary dispute. The discovery of significant petroleum fields in the Gulf of Venezuela during the 1960s raised the stakes of the maritime dispute for both sides. When Colombia and Venezuela agreed to arbitrate the territorial dispute in the Guajira Peninsula in the early twentieth century, oil did not play an important role. However, the high stakes of the “petrolized” maritime conflict has made both sides reluctant to give up decision control because an unfavorable decision would result in the inability to maintain or gain access to a valuable natural resource. Faced with high salience over a tangible issue, Colombia and Venezuela have been reluctant to pursue binding conflict management, as our theory predicts.

In addition to the salience of the claim, uncertainty about the outcome of binding conflict management has reduced the incentive to pursue binding conflict management. The maritime dispute arose as international maritime boundary law was extended to the Gulf of Venezuela. In this particular case, there is great uncertainty over where the maritime boundary line should extend from the territorial boundary, as international law provides four different means of delimiting the border, all of which would significantly benefit one country over the other (George 1988–89, 155). Given this, Colombia and Venezuela have been unwilling to give up decision control to an arbitrator or adjudicator because they do not have clear expectations as to how such a third party would rule and do not want to be forced to accept a highly unfavorable ruling. This contrasts with the territorial boundary case, in which most of the boundary had been determined and only a small portion was disputed. Moreover, a previous arbitration ruling by Spain in the nineteenth century and a number of bilateral negotiations generated precedents that narrowed the range of potential outcomes from arbitration (Monroy Cabra 1989; Sureda Delgado 1995). Thus, different levels of issue salience and uncertainty led Colombia and Venezuela to give up decision control and pursue binding conflict management for the previous territorial dispute, but not for the current maritime claim in the Gulf of Venezuela.

One might wonder if the difference between the two disputes results from the type of issue. That is, territorial claims may be more likely to be resolved through binding conflict management than maritime claims. However, the maritime dispute is accompanied by a related territorial dispute over the Monjes islands. Colombia
and Venezuela have been also been unwilling to resolve this territorial claim through arbitration or adjudication because any ruling on the ownership of these islands would have a direct impact on the maritime boundary in the Gulf of Venezuela. Therefore, the same concerns about decision control that prevent the two countries from resolving the maritime claim through binding conflict management also prevent them from doing so for the territorial claim over the Monjes islands.

Conclusion

This study enhances our understanding of the conflict management process by providing a single theoretical framework based upon the concept of decision control that explains both the general reluctance of states to submit their claims to arbitration and adjudication and the specific factors that influence those decisions. A defining feature of binding conflict management is the requirement that claimants give up decision control to a third party. While this feature contributes to the effectiveness of such procedures, states are generally reluctant to cede decision control in territorial, maritime, and river disputes. Thus, states who seek binding settlements face a trade-off between efficiency and decision control. They only enter arbitration or adjudication when the costs of giving up decision control are low. Our empirical analysis supports this theory, indicating that factors that affect the costs of giving up decision control—namely salience, power asymmetry, and the history of negotiations—significantly influence the choice of states to pursue binding settlement attempts.

We show that countries are generally unwilling to use two highly effective forms of conflict management—arbitration and adjudication—to settle salient disputes. At first this seems a rather pessimistic finding for policy makers who genuinely want to resolve important conflicts. However, it is possible for countries to structure the conflict management process so as to minimize the backlash of relinquishing decision control. For instance, in the Gulf of Maine case, the United States and Canada minimized the costs of giving up decision control by agreeing in advance to require the International Court of Justice to terminate its boundary delimitation within a specified geographical area (Robinson, Colson, and Rashkow 1985:585). This reduced the possibility of a highly unfavorable outcome for either side. A binding settlement over an entire claim can potentially lead to a wide range of outcomes, both favorable and unfavorable to a disputant, which raises the costs of sacrificing decision control and minimizes the likelihood that they will enter arbitration or adjudication. A more advantageous approach might be for disputants to use incremental or piecemeal binding negotiations to settle portions of their claim, thus decreasing the costs of giving up decision control (George 1988–89). Less ambitious binding agreements may build confidence among domestic audiences and eventually provide enough momentum to settle a dispute in its entirety.

Another way to encourage the use of binding arbitration or adjudication is to encourage states and persistent rivals to incorporate such mechanisms into formal
agreements, analogous to the delegation of dispute resolution to international institutions (Koremenos 2007). Research has shown that disputants with a higher number of institutional memberships that call for the peaceful settlement of disputes are more likely to submit to binding conflict management (Mitchell and Hensel 2007). Simmons (1999) finds that vague multilateral treaties with binding provisions discourage the use of arbitration and adjudication, while more specifically crafted bilateral treaties encourage binding conflict management. Emboldening states to make specific provisions for adjudication or arbitration into their bilateral and multilateral treaties may even further promote their use of these techniques.

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Notes
1. We use the terms “binding conflict management,” “binding procedures,” “binding settlement attempts,” and “legal dispute resolution” interchangeably to jointly refer to arbitration and adjudication.
2. States more frequently use binding mechanisms to manage trade and investment disputes than the territorial, maritime, and river claims that we examine. While the International Court of Justice has heard on average 1.7 cases a year since its founding, the World Trade Organization has heard 30.5 cases a year (Keohane, Moravcsik, and Slaughter 2000; Sands, Mackenzie, and Shany 1999). Allee and Peinhardt (2010) also note the frequent use of the International Centre for Investment Disputes to settle investment disputes. One might expect that the costs of giving up decision control are lower for these types of economic issues than issues of territorial or maritime control.
3. Note that this differs from process control, which is the amount of input participants have in the procedures by which a dispute outcome will be determined. As Thibaut and Walker (1978, 546) explain, “Control over the process refers to control over the development and selection of information that will constitute the basis for resolving the dispute.” While
process control may contribute to the choice of conflict management strategies, we focus on decision control because it is the primary factor that differentiates arbitration and adjudication from the other forms of conflict management commonly used in international relations.

4. The procedural justice literature draws distinctions between mechanisms of conflict management and highlights the role of decision control in the choice of negotiating strategies (Thibaut and Walker 1975, 1978). Bercovitch and Jackson (2001) also provide a good overview of literature regarding choice of international conflict management mechanisms.

5. Note that the concept of “delegation” from the literature on international legalization differs from the concept of decision control. According to Abbott et al. (2000), delegation refers to the act of handing over any legal authority to a third party, including the ability of the third party to implement an agreement. The concept of decision control is much narrower than delegation because it only refers to the ability of an actor to determine the outcome of a dispute. Given this, we focus our theoretical discussion on the concept of decision control, rather than delegation, because it better captures the specific mechanism that we claim influences decisions to pursue arbitration and adjudication.

6. In previous iterations of this study, we included a fourth theoretical factor that could reduce the costs of giving up decision control: the similarity of the states’ preferences over the issue at stake. However, given the lack of a consistent, direct measure of preference similarity in territorial, maritime, and river claims, we have excluded this factor from the current analysis.

7. Huth (2000), however, argues that the assumption that territorial issues are generally more salient is open to question.

8. That maritime control has been seen in similar terms to territorial control in this case is evident from titles of books on the subject by Venezuelan nationals, such as El Golfo de Venezuela es de Venezuela (The Gulf of Venezuela is “of Venezuela”; Olavarría 1988) and El Golfo de Venezuela es Territorio Venezolano (The Gulf of Venezuela is Venezuelan Territory; Ascanio Jiménez 1974). On the other hand, a book by a Colombian attorney was entitled El Llamado Golfo de Venezuela (The So-called Gulf of Venezuela; Zuleta Angel 1972).

9. For a discussion of the benefits and costs of quantitatively analyzing conflict across issue areas, see Diehl (1992). As a robustness check, we estimated our empirical models on the subsample of territorial claims. The results were consistent with those of the entire sample.

10. At this point, the ICOW data set only includes territorial claims in the Americas and Western Europe, maritime claims in the Americas and Europe, and river claims in the Americas, Western Europe, and the Middle East. We had to exclude 104 of the 1,004 settlement attempts from our empirical analysis due to missing values on one or more of our independent variables.

11. We exclude functional and procedural attempts because they are not aimed at resolving the substance of an issue claim.

12. Given the potential problems with treating a scale as a continuous variable, we also estimated the models with salience operationalized as a dummy variable. To do this, we coded a claim as being salient if its salience score was above the midpoint on the ICOW salience scale (i.e., six for the measure of total salience and three for the measures of tangible and intangible salience). The substantive results of the models using these dummy variables were consistent with the models using the continuous measures.
13. We also estimated our models using windows of ten and fifteen years to identify the number of previous attempts. The results for all independent variables were consistent across all models.

References


