

Peace, War and the World in European Security Challenges



Module 4 “Regional and national security: stability and potential conflicts”

The role of a third party in conflict resolution. Mediation, good offices, negotiations

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Third party roles in conflict situations

A third party might be needed because the parties to a conflict cannot find a solution without external assistance. They may need help with issues, process and substance.

Third party intervention is not uncommon, when a conflict that must be resolved somehow happens.

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Benefits

- Creating breathing space or a cooling-off period;
- Reestablishing or enhancing communications;
- Refocusing on the substantive issues;
- Remedying or repairing strained relationships;
- Establishing or recommitting to time limits and deadlines;
- Increasing satisfaction with the conflict resolution process and its outcomes.

Limitations and liabilities

- The involvement of third parties signals a failure of the negotiation process;
- Intervention by a third party may signal that the parties have failed to grow, to build relationships, or to become adept in managing their own interdependencies.

Third Party Conflict Resolution: Strategies & Explanation



Conditions Where Third-Party Intervention May Help

- Intense emotions appear to be preventing a settlement;
- Poor communication is beyond the ability of the negotiators to fix it;
- Misperceptions or stereotypes hinder productive exchanges;
- Repeated negative behavior (anger, blaming others, etc.) create barriers between the parties;
- There is serious disagreement over the importance, collection, or evaluation of data.



- There is disagreement as to the number or type of issues under dispute;
- Actual or perceived incompatible interests exist that the parties are unable to reconcile;
- There is an absence of a clear, agreed-on negotiation procedure or protocol, or established procedure are not being used to their best advantage;
- Severe difficulties occur in getting negotiations started or in bargaining through in impasse.

When Is Third-Party Involvement Appropriate?

Third-party intervention is appropriate when:

negotiators believe they can no longer manage the situation on their own

one negotiator requests intervention, that process must be acceptable to the other parties

if only one party recognizes a need for third-party intervention, he or she may have to persuade the other party to agree

Third party roles

The following table describes the roles that a third party can play.

| Role | Description |
|-------------------------|--|
| Catalyst | To act to bring two parties to consider negotiations to resolve their conflict. |
| Facilitator | To provide a site and administrative arrangements for a discussion by two parties. |
| Educator | To explain to a party, for example, the domestic politics of another party as it affects the negotiating process. |
| Translator/ Interpreter | To explain what one party actually means in a proposal that can otherwise appear negative or unclear. |
| Bridge-builder | To provide a basis for two parties to achieve contact when neither is able or prepared to go the necessary distance. |

Resource-expander

To provide assistance (economic, military, or other), verification or monitoring as part of a negotiated settlement.

Scapegoat

To take responsibility for a negative event in negotiations rather than give or have blame fall on another party.

Inventor

To assist parties by creating additional options and expanding alternatives.

Change Agent

To accept and hold commitments that one or two parties are not prepared to give to each other until specific actions have been taken or all parts of an agreement are complete.

Mediator is a neutral third party, whose job is to facilitate a negotiated solution by reasoning and persuasion, suggesting alternatives to the involved parties. Mediators are common in labor-management conflicts and in civil court disputes.



The Mediation Process

There are four basic steps in the mediation process:

1. Opening begins the mediation.

First, the role of the mediator and the process he proposes to start the resolution process are laid out.

The ground rules are agreed, along with how the parties will relate to each other and how there should be mutual respect and refrain from blaming each other.

2. Initial discovery phase

The needs of each party, their aspirations and concerns are presented; misperceptions are clarified. Every effort is made to help the parties understand their own positions and those of the other stakeholders.

3. Compromise

Once both sides have outlined their positions, options for solutions can be encouraged, generated and evaluated. Possible concessions and bargains can be suggested and reviewed. Tentative agreements and bargains can be struck and time frames can be agreed.

4. Close

This captures the mutual agreements, ensuring that all parties are satisfied and that the resolution is acceptable, pragmatic and perceived as fair. Sometimes a review process is built into the agreement. Agreements can be set down on paper or accepted verbally.

Arbitrator is a third party who has the authority for dictating an agreement between the parties. Arbitration in a negotiation can be requested by the parties or can be compulsorily enforced on the parties by court or contract. The big advantage of arbitration over mediation is that it always results in a settlement.



Arbitration is particularly useful when there is conflict over facts, a point of law or a contractual detail that can only be resolved by an expert's ruling. It offers little when the substance of the dispute is more emotional than objective. If the parties want justice or vindication, arbitration is not seen as satisfactory.

Arbitration also suits protracted conflict, when there is stalemate between the parties. This is because arbitration, unlike mediation, does not require co-operation between those in conflict. This is why, in some cases, once mediation has failed, arbitration is a viable alternative.

Advantages of Arbitration

- Both sides can put their case openly;
- It does not need the goodwill or trust of the parties to move the process forward;
- It does not require process skills to move the debate forward;
- It allows for expert evidence to be heard;
- The process is objective;
- The process is open to third party inspection;
- It can balance unequal power distribution between the parties;
- The parties can use advocates if they feel inadequate or are not used to presenting their case or complex issues for themselves;
- The outcome can be binding in law on the parties.

Disadvantages of Arbitration

- It can be costly, which would disadvantage the financially challenged;
- It does not take account of the emotional needs of the parties;
- It encourages an adversarial approach, with each party taking the strongest and, consequently, the most extreme position they can;
- The process is fixed and allows for very little variation;
- It may end in a lawful settlement which might not be a just settlement;
- It may settle the difficulties between the parties but the conflict, especially the emotional component, can remain.

Overview of the role a Third Party in the Israeli-Palestinian Conflict

Israel is the world's only Jewish state, located just east of the Mediterranean Sea. Palestinians, the Arab population that hails from the land Israel now controls, refer to the territory as Palestine, and want to establish a state by that name on all or part of the same land. The Israeli-Palestinian conflict is over who gets what land and how it's controlled.



Israel in red, Palestinian-majority territories in pink

Though both Jews and Arab Muslims date their claims to the land back a couple thousand years, the current political conflict began in the early 20th century. Jews fleeing persecution in Europe wanted to establish a national homeland in what was then an Arab- and Muslim-majority territory in the Ottoman and later British Empire.

The Arabs resisted, seeing the land as rightfully theirs. Today's lines largely reflect the outcomes of two of these wars, one waged in 1948 and another in 1967.



Historically, Washington has viewed Israel as a crucial political and economic ally in the oil-rich Middle East, and has provided Israel with the highest amount of financial and military assistance of any other foreign country. These days, however, the United States has used its leverage to urge Israel to resolve the Palestinian issue and move forward on plans for an autonomous Palestinian state.

For decades successive US governments have backed a two-state solution - the idea of establishing an independent Palestinian state that lives side-by-side with Israel.

Mr. Netanyahu sees Iran as the number one threat to Israel and has urged "responsible nations" to follow Mr. Trump's lead after the president imposed fresh sanctions on Tehran in response to a ballistic missile test.

Iran does not recognize Israel's right to exist and has called for its eradication. President Trump has described as a "terrible deal" the 2015 agreement which lifted international sanctions on Iran in return for scaling back its nuclear programm.

As long as the Palestinian government and the Oslo system are in place, the world's nations will not demand that Israel grant citizenship to Palestinians. Indeed, Israel has had a non-Jewish majority in the territory it controls for several years. Yet even in their sternest warnings, western governments invariably refer to an undemocratic Israel as a mere hypothetical possibility.

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Conclusion

Third-party conflict management, particularly legal dispute resolution (arbitration and adjudication) and mediation, can help improve the willingness of disputants to make asymmetric concessions by ameliorating commitment problems and providing political cover. In both regards, and especially pertaining to commitment problems, mediation has substantial limitations when compared to legal dispute resolution.



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