

Features of involving a third party in negotiations to resolve political conflicts

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Herasymovych Vadym Anatoliyovych
Ph.D. in Political Science,
Associate Professor at Department
of Sociology and Political Science
National Aviation University
Lubomyra Huzara Ave., 1, Kyiv, Ukraine
ORCID: 0000-0003-4696-0990

*The relevance of the topic is due to the movement of Ukrainian society toward democratic values requires knowledge and the ability to coordinate interests between political forces and branches of government. Negotiations remain the only civilized method of reaching an agreement in the modern world. In addition, the multi-party system of Ukraine requires finding civilized means of resolving conflicts between the interests of various political forces, parties, and currents. The task of the article is to reveal the multifaceted nature of the activities of the third party during negotiations on the resolution of political conflicts (in particular, taking into account the political experience of independent Ukraine). Methodology To solve the task of this article, general scientific methods such as analysis, synthesis, deduction, induction, abstraction, and generalization were used. The main methods and approaches were dialectical, historical-logical, interdisciplinary, and systemic. Results It was established that for the effective functioning of the third party, it is important to use not only representatives and tools of official diplomacy but also representatives and tools of the public sector (representatives of the intelligentsia, religious organizations, opinion leaders) in conflict resolution. It is emphasized that in helping constructive discussion and finding a conflict resolution, the third party in the negotiations determines the choice of the final solution, which is the prerogative of the conflicting parties. The importance of the participation of the «third party» in the negotiations is also due to the fact that the mediator must have two main points: to be sufficiently knowledgeable and competent, and therefore must thoroughly analyze the conflict situation and possess mediation skills, as well as impartiality, which consists in the fact that he should take a neutral position, not giving support to either side of the conflict. **Key words:** third party, facilitator, negotiation, political conflict, political process, negotiation styles.*

Introduction. The relevance of the research topic is due to the fact that the events of the post-bipolar world even more forced world leaders to turn to negotiations as a way to settle both international conflicts in different parts of the globe. The events in Ukraine, Iraq, Syria, the Korean Peninsula, and other “hot spots” of the Earth are inevitably connected with the fact that negotiations become especially relevant for conflict resolution and peace. As a result, it becomes especially important to understand the specifics of the preparation, conduct, and consequences of negotiations in the settlement of conflicts between certain players of political, social, or military events.

The task of the article is to reveal the multifaceted nature of the activities of the third-party during negotiations on the resolution of political conflicts (in particular, taking into account the political experience of independent Ukraine).

Methodology. To solve the tasks of this article, such general scientific methods as analysis, synthesis, deduction, induction, abstraction, and generalization were used. The main methods and approaches were dialectical, historical-logical, interdisciplinary, and systemic. Dialectical method – revealed certain contradictions of negotiations in the context of modern political development of Ukraine, systemic approach – determined the specifics of the ways of existence and integration of the analyzed phenomena (negotiations) into logical integrity; interdisciplinary – allowed to involve not only political studies but also psychological and sociological ones, which contributed to a more

holistic study of the analyzed phenomenon; the historical-logical method – revealed not only the external aspect of the development of the negotiations but also the internal, that is, the causes and consequences of certain transformations of the negotiations. Such a set of methodological principles and approaches helped to carry out systematic research and solve the tasks of this dissertation.

Results. In general, the term “third party” is broad and collective. Three main forms of third-party participation in conflict resolution can be distinguished.

1) Court. The difference from other forms of third-party participation in conflict resolution is that the court itself has a clearly developed, legally established procedure for consideration of issues, as well as the obligation for participants in the conflict to implement the decisions made by the “third party”. In this case, the participation of the third party is maximal with a high degree of intervention in the conflict.

2) Arbitration. Arbitration is characterized by the absence of strict rules that regulate the process of discussion around the issue, as well as the right to choose a “third party” by the direct participants in the conflict.

3) Mediation is a special form of “third party” participation in conflict resolution. The goal is to contribute not only to the process of negotiations between the participants in the conflict but also to a constructive discussion and search for a solution to the problem. In this case, the mediator does not have the appropriate authority to determine the choice of the final deci-

sion, which is the prerogative of the conflicting parties. The mediator is obliged to emphasize the fact that the responsibility for the fiasco at the negotiations and the possible escalation of the conflict are borne by the participants in the conflict, and not by the “third party” [6].

In general, if we define the term “third party”, it traditionally includes any person who does not have the status of a mediator or observer, but is engaged in the settlement of conflict relations between other parties. It is important to pay attention to the fact that among the above-mentioned forms of “third party” participation in conflict resolution, only the last one is oriented towards the use of a negotiation approach.

Accordingly, the “third party” at negotiations was most often represented by people who enjoyed undeniable authority and respect, and whose advice and recommendations they had to listen to. Making decisions at their own discretion, they could establish who is right and who is guilty. In medieval Europe even before the formation of national states, the role of the third party in the settlement of conflicts was played by the Pope [2, p. 80]. He acted more as a judge than a mediator, deciding how the conflict should end. Over time, the role of the Pope in conflict resolution has significantly decreased. States tried not to involve the church in internal affairs in order to prevent its interference.

From the moment of its formation until today, states continue to act as a “third party” in the settlement of conflicts. This is especially noticeable when there is an armed conflict that may affect the interests of those countries that are not directly involved in it.

The concept of “third party” is quite broad and can include such terms as “mediator”, “observer of the progress of negotiations”, and “the arbitrator”. A “third party” should be understood as a person with the status of an observer or mediator, who deals with issues of conflict resolution between the parties. The foreign researcher claims that the “third party” can intervene in the conflict both independently and at the request of the conflicting parties. The influence of the “third party” on the participants of the conflict is diverse. Among the means of influence, two groups are distinguished:

- persuasion and assistance for the purpose of peaceful settlement of the conflict;
- coercion, application of pressure, and limitation of conflict actions [3, p. 92].

The main means of the “third party” during negotiations are persuasion and assistance in resolving the conflict situation, although the use of political and economic pressure should not be excluded. The role of a third party in negotiations can be performed by a mediator, a consultant, an authorized person of the arbitration court, or a facilitator.

Let us now consider in detail mediation and facilitation as a form of third-party participation in negotiations.

Actually, diplomats define mediation as one of the effective means of peaceful settlement of international disputes, the essence of which is that a third party, on its own initiative or on the initiative of the conflicting parties, organizes negotiations between them with the aim of a peaceful resolution of the conflict and takes a direct part in them.

In general, mediation, as noted by the Western researcher R.J. Fisher has many different definitions that reflect a number of its main characteristics. They are usually seen as the intervention of skilled and dispassionate mediators to help reach a solution that satisfies everyone on the issues underlying the conflict between them. Mediation, the foreign scientist emphasizes, is a peaceful and non-binding approach to conflict resolution, in which the parties participate only of their own free will, retaining control over the content of the agreement. Thus, mediation is, first of all, a method of purposeful solution to a problem between both parties and usually one that does not affect the nature of social relations between them [6].

Mediation is most often understood as one of the most common forms of “third-party” participation. According to G. Raiffa, a mediator is “a dispassionate person who seeks to help the negotiators find a compromise solution. The mediator helps to conduct negotiations, but he has no right to dictate decisions” [8, p. 87]. The purpose of his activity is not so much to offer a ready-made solution as to help the parties to the negotiations to determine whether there are compromises that would satisfy them.

At the same time, we can note that mediators are not endowed with official power, they perform their function voluntarily. They can settle disputes or impose their decision. The mediator’s duties include the organization of constructive interaction between conflicting parties. A professional mediator must possess the qualities of a communicator, a listener, and a person who can use trust.

The American scientist J. Schellenberg singles out a number of features of mediation, namely:

- 1) The mediator’s role is to provide assistance in conducting negotiations in the event of certain difficulties in the independent settlement of the conflict by the existing parties.
- 2) The intermediary is a “neutral third party”.
- 3) Mediation is a voluntary process.
- 4) The mediator can lead the negotiations, but the negotiators are always responsible for the decisions.
- 5) Mediation is a personal and confidential process.
- 6) If the parties do not reach an agreement, no sanctions are applied. In the case of voluntary agreements, the absence of consent is also considered acceptable and neither party is to blame.
- 7) The mediator is a trained professional. It should promote absolutely open communication between

the parties and consider the problem as a goal to be mutually beneficially achieved. The mediator should help the parties to discuss the differences that exist, direct their discussion to the solution of the problem, and not to the discussion of who can win at the expense of the other [9, p. 35].

Therefore, it should be emphasized that, the mediation is most effective and necessary when the parties do not have experience in negotiating interaction and if the negotiations have reached a dead end. It is worth bearing in mind the fact that not one person, but a group of persons can act as a mediator. True, leaders may appear among a group of people and this will potentially lead to a decrease in efficiency in negotiations.

It is customary to single out the following types of mediation, some of which are listed below:

«— consultative mediation and mediation with elements of arbitration, depending on the degree of participation of the mediator in the negotiations;

— state mediation;

— mediation of intergovernmental and non-governmental organizations;

— official and unofficial (depending on the degree of officiality);

— permanent and temporary (by duration);

— unilateral and multilateral (depending on the number of parties)» [4, p. 206].

Consultative mediation differs from other types in that the mediator gives the parties prior consent to the condition that, if the parties cannot find a solution to the problem, he will express himself in consultation. The opinion expressed by the mediator is not binding on the negotiators, and the parties consult the mediator only if the negotiations have reached an impasse.

In contrast to consultative mediation, mediation with elements of arbitration involves the parties agreeing before direct mediation begins that, in the event that negotiations do not result in the desired resolution of the problem, the mediator will make a binding decision on the disputed issue.

As V. Zymohliad notes, management mediation can be used as a method of managing intra-organizational conflicts, and in this case, the role of the mediator is performed by one of the organization's managers. At the same time, the manager who chose the role of mediator may not be the head of one of the conflicting parties. If the head of one of them acts as a mediator, then in such a situation he is not a neutral person in the conflict, since he may have his own interests that must be taken into account when working out the final decision [3, p. 91].

Considering facilitation as a form of "third party" participation in negotiations, first of all, it should be noted that this phenomenon can be defined from the point of view of process and result. From a process point of view, it is the development and management of processes that facilitate the efficient execution

of work, minimizing the common problems faced by the participants in the negotiation interaction together. Facilitation is a process that focuses on the following issues:

- what they want to achieve;

- who should be involved;

- development of the scheme of the process in which participants participate, and the sequence of performed tasks;

- communication;

- achieving the appropriate level of participation and use of resources;

- the driving forces and capabilities of the participants. [2, p. 80].

The main goal of facilitation is to increase group efficiency. From the point of view of the result, it is about helping the group to become better, namely:

• improve the quality of decisions;

• increase responsibility for the decisions made;

• to significantly reduce the time of implementation of decisions;

• improve relations in the group;

• increase the personal satisfaction of group members;

• promote organizational learning [5, p. 12].

In turn, "facilitation, as noted by the Ukrainian researcher O. Blyzniukova, is a form of group work aimed at clarifying and achieving the set goal by the group, at making a decision regarding very difficult or very important tasks. In general, facilitation is understood as an increase in the speed or productivity of an individual's activity as a result of the actualization in his mind of the image (perception, representation) of another person or a group of people who are rivals or observers of the actions of this individual" [1].

The purpose of facilitation is to resolve the conflict within the group and help it reach a solution acceptable to all parties if the negotiators cannot do it on their own. Facilitation is needed when it is necessary to agree on opinions in the middle of the group, to help outline ways to solve this or that problem, and to demonstrate various methods of decision-making in order to increase group efficiency.

H. Raiffa emphasizes that, the task of the facilitator is to provide the opportunity for the parties to sit down at the negotiating table. The practice of international negotiations shows that a facilitator can provide an optimal place for negotiations and comprehensively promote them while creating favorable conditions. The facilitator may not directly participate in the negotiations, but at the stage of implementation of legal details, he provides assistance [8, p. 34].

According to L. Shypylova, the facilitator performs a number of functions, namely:

1) settlement of intra-group conflict and helping the group work out a solution acceptable to the parties.

2) "increasing group efficiency", coordinating "opinions in the middle of the group", assisting in identifying

options for “solving this or that problem”, demonstrating existing methods of “decision-making”.

There are two types of facilitation:

- basic facilitation;
- developmental facilitation.

For both the first and second types of facilitation, the negotiators have the opportunity to “influence the process” at any time. However, in the case of “basic” facilitation, “the process is managed by the facilitator, offering, in his opinion, the most effective” “work techniques” to the group. In the case of “developing” facilitation, “the members of the group themselves lead the process of discussion and decision-making, and the facilitator only corrects it, suggesting how to solve the problem faster or more constructively” [7, p. 100].

The facilitation procedure has a number of advantages. Therefore K. Kliuiev writes: «this procedure is one of the most modern ways of solving any problems related to effective group work. In addition, researcher singles out the most successful form among the main advantages of facilitation, when management functions are distributed among several people, and those responsible for decision-making have the opportunity to pay primary attention to this aspect» [5, p. 8].

Actually, the mission of the “third party” in the negotiations is to facilitate the settlement of the conflict, and its presence during the negotiations is a fairly common practice today. It is worth remembering that the most effective conflict resolution process can be considered the one when the agreements reached by the parties are supported by a system of guarantees and control by a “third party”, and the resolution of the conflict situation occurs as a result of fulfilling the obligations.

Conclusions. Thus, the importance of the third party as mediation in negotiations is to help in constructive discussion and finding a solution to settle the political conflict; the mediator in the negotiations determines the choice of the final solution, which is the prerogative of the conflicting parties. The main aspects of the participation of the “third party” in the negotiations are: expressing proposals regarding certain options for the meeting place of the parties; active participation in setting the agenda; providing assistance in finding a solution; determination of deadlines for completion of negotiations; control over the execution of the agreement.

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Особливості залучення третьої сторони до переговорів щодо вирішення політичних конфліктів

Герасимович Вадим Анатолійович

кандидат політичних наук,
доцент кафедри соціології та політології
Національного авіаційного університету
просп. Любомира Гузара, 1,
Київ, Україна
ORCID: 0000-0003-4696-0990

Актуальність теми зумовлена тим, що події постбіполярного світу ще більше змусили світових лідерів звернутися до переговорів як способу врегулювання обох міжнародних конфліктів у різних частинах земної кулі. Події в Україні, Іраку, Сирії, на Корейському півострові та інших «гарячих точках» Землі неминуче пов'язані з тим, що переговори набувають особливої актуальності для вирішення конфліктів і миру. Завдання статті – розкрити багатоаспектність діяльності третьої сторони під час переговорів щодо вирішення політичних конфліктів (зокрема з урахуванням політичного досвіду незалежної України). Методологія Для вирішення завдання даної статті були використані такі загальнонаукові методи, як аналіз, синтез, дедукція, індукція, абстракція, узагальнення. Основними методами та підходами були діалектичний, історико-логічний, міждисциплінарний, системний. Результати Встановлено, що для ефективного функціонування третьої сторони важливо використовувати в конфлікті не лише представників та інструменти офіційної дипломатії, а й представників та інструменти громадського сектору (представників інтелігенції, релігійних організацій, лідерів думок). дозвіл. Наголошується, що, сприяючи конструктивній дискусії та вирішенню конфлікту, третя сторона переговорів визначає вибір остаточного рішення, яке є прерогативою конфлікуючих сторін. Важливість участі «третьої сторони» в переговорах зумовлена ще й тим, що медіатор повинен мати два головних моменти: бути достатньо обізнаним і компетентним, а отже, повинен ретельно аналізувати конфліктну ситуацію і володіти навичками медіації, т.к. а також неупередженість, яка полягає в тому, що він повинен займати нейтральну позицію, не надаючи підтримки жодній із сторін конфлікту.

Ключові слова: третя сторона, фасилітатор, переговори, політичний конфлікт, політичний процес, стилі переговорів.