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NEGOTIATING THROUGH THE INTERVENTION OF A THIRD PARTY: THE FUNCTIONS OF THE MEDIATION DURING PEACEFUL NEGOTIATIONS

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ABSTRACT

The paper explores the functions of mediation during peaceful negotiations with a focus on the roles and models of intervention by a *Third Party*. The paper aims particularly to identify the conditions for the success or failure of negotiations accompanied by the model of *Third-Party* intervention in mediating peaceful settlements during armed conflicts. Apart from the method of mediation through the contrast approach, it also analyzes the differences with other mechanisms of conflict resolution including arbitration and litigation. It looks closely at the two different *Third-Party* roles: with authority, and third-party roles without authority. The latter option gravitates more towards mediation functions. As the factor of culture will also often affect how early in a dispute's history third parties become involved, the paper also identifies which *Third Party* roles are available to disputants, as well as the third party's inclination to focus on interests and rights. Through the method of a case study of the peaceful negotiations for achieving the Ohrid Framework Agreement (which stopped the armed conflict of 2001 in North Macedonia) the paper explores the comparative functions of the intervention by the international envoys in the capacity of a *Third Party*.

Key words: negotiation, Third Party intervention, mediation, conflict resolution.

INTRODUCTION

Research on the conditions for successful and unsuccessful mediation is still in its early phases, and this has become the subject of scientific analysis only in the last two decades of the 20th century, and the beginning of the 21st century.

The international conflicts of the early 21st century, and those of the second half of the 20th century—differently from the previous conflicts of the 19th century and the first half of the 20th century—were not generated by attempts at colonial domination, but mainly from political, economic and social crises that faced failed societies and states in transition. The increasing trend of the later motives of conflicts shows that in contemporary conflicts more and more some forms of an international engagement for solving these conflicts arise in the form of the *Third-Party* intervention. The international involvement either in conflict-phases (for mediating it) or in post-conflict phases (for resolving and building peace) has become of essential relevance for global security and peace in the world.

When conflicts risk a regional escalation, and when negotiations are not effective or are conducted with less commitment by at least one of the sides in the conflict, it becomes more likely that a *Third Party* intervenes in providing or preserving regional or global peace.

The verification of the perceptions in negotiations may be realized involving the *Third Party* as a mediating side. Acting from a position of trust, the *Third Party* may influence the two negotiating sides move toward common views on the development of negotiations. However, this may not be sufficient; there may not be an equal will from both sides for a cooperative solution. For that purpose, there are at least five intervention procedures that may be utilized by third parties: mediation, arbitration, relationship therapy, peacekeeping, and the design of conflict management systems.

The term ‘mediator’ or ‘mediation’ in the theory of negotiations and international relations mainly describes peaceful activities that may influence solution-oriented action. At the same time, it is supposed to explain those peaceful activities that are induced by third parties. As far as the negotiation process may be influenced by intervention from third parties, one must take into consideration the necessity of adapting the efforts of the mediation process to the evolution of the conflict and its various phases—to be followed, in all likelihood, by appropriate measures of mediation by the *Third Party*.

MEDIATION AS A CLASSICAL FORM OF *THIRD-PARTY* INTERVENTION

One of the most challenging intentions of the mediator in the processes of negotiation is to identify the interests of each negotiating party, especially those that may lie behind their stated positions. Negotiation involves continued interaction and dialogue between parties to find a solution with maximum advantages to both. However, a negotiation is not a negotiation when one of the parties is powerless, politically, psychologically, or physically, to say no. (Gosselin, 2007: 3-4). One of the most obstructive and skeptical positions for the negotiating sides is related to the level of the perceived objectivity of the mediators and the real roles they are expected to play. Mediators may help parties negotiate, drawing on the full range of negotiation techniques and skills. Successful mediators always recall that they are supposed to help

and not to negotiate for either party. Nonetheless, this often results in confusion in practice, where a clear distinction between the goals and roles of the mediators is evident.

The goals of mediation can be defined in different ways: prevention of conflict or crisis; containment of the course of war; mediation of a ceasefire with or without guarantee; mediation of a peace treaty; maintenance of negotiations in different phases (pre-, main-, post-phase); etc. (Pfetsch, 2007:142)

Although the *Third Party* tries to facilitate an agreement but does not have the authority to impose an outcome on the disputants, practice often shows that the third party remains resourceful. Mediators have numerous ways to help disputants resolve their conflicts. Mediators control emotional outbreaks and keep disputants focused on resolution instead of retribution.

One of the initial tasks for the mediators is to make attempts to transform the relationship between the parties. This approach does not seek an immediate resolution of the quarrel, but rather the resolution is a secondary consequence of the negotiating process. During these transformative efforts, the mediators are supposed to be focused on encouraging the negotiating parties to identify the problem in their own terms and, as well, to identify each other's positions and priorities. But—and differing from an arbitrator or judge—the mediator has no power to impose an outcome on negotiating sides (at least not in principle: although practical attempts often show another, more complex, picture). Apart from the aforementioned transformative attempts, the mediators may as well attempt the following:

- Encourage exchanges of information
- Help the parties understand each other's views
- Promote a productive level of emotional expression
- Deal with differences in perceptions and interests between negotiators and constituents (including lawyer and client)
- Help negotiators realistically assess alternatives to settlement
- Shift the focus from past to future
- Stimulate the parties to suggest creative settlements
- Learn (often in separate sessions with each party) about those interests the parties are reluctant to disclose to each other
- Invent solutions that meet the fundamental interests of all parties. (Brett, 2007: 162)

Mediation is a classical form of intervention of a *Third Party* which finds its application in the direct form of negotiations conducted between two sides. During the mediation, the *Third Party* may assist in overcoming the contradictions among the participants in the negotiations. In this view, the following tactics are being used more often by mediators as a *Third Party*: building rapport with disputants; facilitating communication; questioning unrealistic aspirations; reframing the issues; encouraging disputant creativity; and thinking up new solutions if the disputants fail to do so. (Rubin et al. 1994)

The mediators of the negotiating processes may have backgrounds as both state and non-state actors (Brown, 1997: 212). For example, when Algeria intervened to mediate between the USA and Iran to overcome the hostage crisis of 1979-1980, it enacted the typical role of a state-actor. By comparison, the role of the Quakers during the Nigerian civil war in 1967-1970 was an example for the mediating role that a non-state actor can play and, indeed, even an example of the individual actor. The journalist John Scali played the role of a non-formal mediator, as one of the main transmitters of diplomatic messages between the USA and the former USSR during the Cuban missile

crisis of 1962. The effect of the mediator may not always be of determinative capacity, but as Thomas Princen observes, “the mediator always at least would mark the balance from a hostile to a cooperative approach” (Princen, 1992).

Several studies in this sphere support the broad generalization that vigorous mediator intervention tends to be effective when the parties are hostile toward each other or lack the motivation to escape their conflict, but it can prove counterproductive when the opposite is true (Rubin et al. 1994). Mediators are especially likely to succeed when the parties are highly motivated to resolve the conflict, resource shortages are not severe, and the issues do not involve general principles. Mediator neutrality usually contributes to the success of mediation but is not as essential as formerly believed. (Kressel et al. 1989). According to Kressel, the success of mediators is sometimes achieved because the mediator is closer to the side that must make the larger concessions. In fact, Kressel’s argumentation may be the theoretical interpretation for an occasionally closer approach or eventually even a biased position of the Third Party in relation to at least one of the negotiation sides.

The third parties usually attempt to resolve disputes in two ways during peaceful negotiations: with clear authority and without an explicit authority. However, in general, during conflict resolution processes, the mediator intervenes in order to help the negotiating parties out of a potential impasse. To be accepted for such a role, the third party somehow has to be explicitly welcome to both negotiating parties, at least in principle. Symmetrical relationships between the negotiating parties and the third party are elementary preconditions for the mediation itself, as well as for managing the negotiation process towards a compromise solution.

With the intervention of a Third Party the dual association becomes trilateral; the original dyad is turned into a triadic relationship. In fact, the mediator is not a neutral actor but follows their own interests.

Negotiating peace in deeply divided societies in practice can’t be reduced only to one of the techniques and methods of conflict resolutions used by the *Third Party*, rather it includes a combination of at least two or more following techniques identified by Radha (2009: 18) like preventing escalation of the conflict; confidence building measures that pave the way for political resolution; addressing the root causes of conflict; arriving at a comprehensive agreement to end the conflict; and post-conflict peace-building.

At the same time—and with the aim of completing its mission in a successful way—the Third Party must also hold some significant *bargaining power*. Firstly, this is a matter of symmetry of instruments, because in those cases of escalation of conflicts to the level of war, the negotiations of the mediator may not succeed, particularly if there are not available appropriate power resources for the mediator. Pfetsch recalls the case of the Yugoslavian conflicts (probably meaning the war of Bosnia and Herzegovina in 1990s) as examples of this. The interventions by international organizations such as the UN, the EU or the OSCE did not result in a cessation of war since these organizations did not and do not possess and implement the same resources that the United States and NATO could provide. (Pfetsch, 2007: 110) Therefore, for a successful completion of the *Third-Party* mission—apart from skills, knowledge and strategies—the mediator needs to be equipped with a set of appropriate mechanisms. For instance, when the conflict is still at some low or mid-level of intensity, the mediator should be equipped with at least diplomatic or economic instruments; whereas when the conflict escalates to war or warlike situations, the mediator can perform the mission in a successful way if, apart from diplomatic instruments, it has military instruments available as well.

COMPARATIVE FUNCTIONS OF *THIRD-PARTY* PROCEDURES

More and more contemporary conflicts at the beginning of the 21st century seem to require some forms of mediation—either direct or indirect—for solving these conflicts. However, there is no written rule regulating whether direct or indirect mediation (in terms of formats) are being more practiced; rather, this depends on the evolution of the conflicts with its phases, and, moreover, the dynamics of the adopting the mediation efforts. Mediation is direct when the negotiating parties are all together at the table with the mediator. Mediation is indirect when one or more mediators are engaged in *shuttle-diplomacy*. *Shuttle-diplomacy* is a specific form of diplomatic negotiation conducted by one foreign diplomat who travels often from one to place another to mediate between the negotiating parties in a dispute or (most usually) armed conflict from the capacity of the *Third-Party* diplomat.

The European Union (EU), through its mechanisms of the high representative for a common foreign policy and security, started at the beginning of the 21st century to practice efforts for *shuttle diplomacy* as a third party, particularly by urging parties involved in armed conflicts and tensions for achieving peaceful agreements. The process was characterized by many travels of its high representative for a common foreign policy and security (at that time Javier Solana) and, from time to time, it was accompanied by frequent travels of the leadership of NATO. This signaled the coordination of the two organizations for their shared conflict resolution and emphasized the eventual military support to the process.

This mediation can focus on rights and equality standards, yet it can also be interest-based. Third parties usually use the following, all rights-based, dispute resolution procedures: arbitration, litigation, and organizational hierarchy. In each case, the Third Party intends to resolve the conflict by settling on which of the conflict sides is right or wrong, usually under some standard of agreement, organizational model, or law.

A number of studies have been focused on differences in preferences among the *Third-Party* procedure. Some of them have identified cultural differences as well. In this view, when dealing with in-group members, people from collectivist societies prefer non-confrontational procedures, hence, they are less attracted to direct competition and problem solving than people from individualist societies (Bazerman et al. 2000). It is logical to expect then contrary outcomes when the *Third-Party* involvement is destined to provide successful conflict resolution when dealing with out-group members that—by default—make the collective approach to come more into expression, rather than does the individualist approach.

Negotiations are not all the time being conducted in an environment of trust among the disputants. It often happens that disputants tend to have no other intention apart from taking their time or using the negotiation chair as some kind of opportunity for a propagandistic means, or to establish a position for gathering information regarding the other side that they may eventually use for further disputes in the future. In his book *How Nations Negotiate*, Fred Ikle has recommended some rules and models for successful negotiating facilitation, and he starts with the suggestion that it first requires establishing such an environment that the negotiation sides have to develop trustful relations.

He also suggests that during the facilitation (or mediation in general) the focus should be emphasized, especially on the following areas:

- the avoidance of contradictions regarding the status following the negotiation agenda;

- respecting the agreement;
- maintaining flexibility during the negotiation process;
- exchange of support and facilitation, etc. (Ikle, 1987).

Mediation, in fact, presents an extension, and elaboration, of the negotiation process. It primarily involves the intervention of the Third Party (at least initially accepted by disputants) that in principle has to be neutral, and not to represent a biased side or individual: and it additionally has no authority for making decisions, but in principle helps the disputants in the conflict in their efforts to come to conflict resolution on a voluntary and mutually accepted basis. Mediation in negotiations leaves the decision-making power in the hands of the sides of the conflict. This mediation is usually initiated when the conflict sides lose their trust for coming to conflict resolution on their own, and when the only tool of resolution appears to be the help or facilitation of the *Third Party*.

Table 1. The level of use of major tactics and the role of international facilitators during the negotiations for the Ohrid Framework Agreement (with the scale from 1 to 5):

The type of tactics and role of the Third Party in Ohrid negotiations	The scale of use (1min-5max)
Building rapport with the disputants	3
Facilitating communication	5
Questioning unrealistic aspirations	5
Reframing the issues	4
Encouraging disputant creativity	4
Thinking up new solutions if the disputants fail to do so	5

Source: Statistical processing by the author of the answers of direct participants at the negotiations within the research about the role of international facilitators based on Pruitt's classification (Pruitt, 1998) of the six roles and level of tactics used.

The role of international mediation during the negotiations for the Ohrid Framework Agreement (and during the preparatory processes prior to that) was crucial for achieving the peaceful agreement that stopped the armed conflict in Macedonia in 2001. This was admitted even by the direct participants in the negotiations themselves (Latifi, 2007b: 91-99); and Table 1 confirms such an essential role of the international mediators as well. Table 2 has been composed for methodological purposes as a technique for highlighting indicators that would eventuate if the role of mediators in a concrete negotiation process of contemporary conflicts (such as that of the Macedonian conflict in 2001) conforms to the general and standard role of the mediator in practice. The technique is designed in such a way that, through the percentage of activities and the role of mediators in two complementary categories, one may estimate the validity of the role performed by the mediators in a negotiating process. Therefore, as high as is the final percentage of the first category of roles and performances of the mediator from Table 2, so much more, then, can one accurately estimate the entire role and

performance of the mediators in those negotiations according to the standard role of mediators (according to Theodore W. Kheel).

The data from Table 2 indicate that, in the case of the Ohrid Framework Agreement, it dominates the first category. It means that the primary standard roles of mediators characterize this specific case of the international involvement of a Third Party during peaceful negotiations. An additional element from the table indicates that the role and activities of the mediators at the Ohrid negotiations remained strictly within the framework of the standard general roles of mediators: there is a zero percentage of the cases that don't belong either to the first category or the second category of roles. One complimentary category at least has been respected and applied by the mediators James Pardew (USA) and Francois Leotard (EU). According to the outcome of the questionnaire for the participants in the Ohrid negotiations, the role of the two mediators matched in a synchronized way the supposed five roles and performances of mediators as Third Parties, as according to Kheel:

- the mediator as housekeeper
- the mediator as ringmaster
- the mediator as educator
- the mediator as communicator
- the mediator as innovator. (Kheel: 2001, 59-96)

Table 2. The role, performances and activities of mediators in negotiations

Category 1	Category 2	Category 1 in Ohrid	Category 2 in Ohrid	Both categories in Ohrid	No category
The Mediator as catalyst on a hot tin roof	The Mediator as an inhibitor	X			
Mediation as an art, not a science	Mediation is a science, not an art	X			
Mediation as profession	Mediation as avocation			x	
The mediator's strength as his weakness	The mediator's strength not as his weakness		x		
Participating in the selection of Third-Party neutrals	Not participating in the selection of Third-Party neutrals		x		
Full professionals	or Part-time Professionals	X			
Meeting privately with each side	Not meeting privately with each side	X			
The issuance of public statements	Avoid issuing public statements	X			
Percentage distribution of both categories in case of international mediators for the Ohrid Agreement:		62.5%	25%	12.5%	0%

Source: Results from data processing of the research for the negotiations of Ohrid Framework Agreement based on interviewing with the direct participants; Latifi (2007: 59) and Kheel (2001: 60)

Regardless of the types of *Third-Party* procedures that have been employed as conflict resolution tools, in most cases they meet at a common point when it comes to the level of communication and social contact of the *Third Party*. This helps to alleviate mild conflicts, but it may be worse than useless in a severe conflict. Additionally, there

is one more meeting point of most intervention procedures employed by a *Third Party*, and that is related to situations when higher demands and slower concessions make it harder to reach an agreement. Yet if agreement is thereby accomplished, in principle it will generate more encouraging results. For that reason, when a conflict escalates or eventually threatens to escalate, the need for third party intervention provides encouraging results and saves the negotiations, or eventually encourages them to abandon ineffectual positions through mediation, arbitration, peace keeping, etc. Additionally, one of the short-term or mid-term aims of these procedures is to reverse the escalation of conflict through making the negotiating sides cooperate on mutually enticing opportunities (Sharif calls is “super-ordinate goals”) or, according to Zartman, by reversing severe escalation when conflict develops into a mutually harmful stalemate; in that case, a period of negotiation is ultimately needed to resolve most conflicts with the involvement with the appropriate procedure of the *Third Party*.

In fact, Zartman (a widely known scholar who has worked on a psychological approach to negotiations, commonly called *Zartman’s ripeness*, or often *Zartman’s optimism*), suggests identifying the differences among the procedures of intervention in the mediated negotiations. He argues that severe conflict is most likely to be resolved when both sides become motivated to escape the conflict, a condition he calls *ripeness*. He finds that super-ordinate goals (‘mutually enticing opportunities’) seldom underlie ripeness in international conflict and civil war. Rather, ripeness is usually produced by a *mutually hurting stalemate*, in which the parties find that they are enduring unacceptable costs in a struggle they cannot win, sometimes augmented by the perception of an *impending catastrophe* if the conflict continues (Zartman, 1997: 195–215). Several of these kinds of conflicts emphasized by Zartman will move toward resolution if ripeness is supplemented by optimism about the success of stabilizing actions. In these cases, Zartman’s optimism derives from two sources:

- *working trust*, a belief that the other side is also motivated to resolve the conflict, and;
- *perceived common ground*, a perception that a mutually acceptable agreement is actually possible. (Ibid.)

In the meantime, the practices of conflict resolution show that *Third Party* optimism for achieving an agreement is not always based on both sources of Zartman as the primary sources of optimism but are rather other sources. This situation initially brings the optimism that, with the facilitation of the *Third Party*, it will generate the two aforementioned sources of Zartman in the remainder of the phases of a peaceful process and are most likely in the second or third level. A typical example of this is the case of the negotiations of the Ohrid Framework Agreement for stopping the armed conflict in Macedonia in 2001. During the Ohrid negotiations, the optimism of Zartman first of all derived from the intervention of the *Third Party*. In such cases of intervention, the social and psychological distance is wide that a chain of two or more members of the Third Party (in the form either of mediation or even facilitation) is necessary to bridge the gap. This was the case with the two international envoys (the envoy of the USA and the envoy of the EU) brokering the peaceful negotiations in Ohrid to stop the Macedonian armed conflict of 2001.

FACILITATORS VS. MEDIATORS: THE ROLES OF INTERNATIONAL FACILITATORS

Negotiating parties do not always have the option of choosing whether to involve *Third Parties*, nor may they always determine the format and the procedure. The *Third Parties* may often be imposed on negotiating parties by cultural norms or the action of other parties. In such situations it is logical to expect the nature of *Third Party* intervention not to be mediation only, especially if (even if the function of the mediator in the negotiation table in many cultures) the *Third Parties* apply only some of the major functions of mediation, or if they have a limited or more flexible mandate, they may assume softer roles of mediation. This is the case when *Third Parties* facilitate the resolution of disputes. Basically, the *Third Parties* may still exercise most of the functions of the mediators, but in contrast to the nature of mediator mandates (in cases of facilitation), the *Third Party* takes it upon itself to intervene, often motivated by a feeling of responsibility to defend a shared harmony.

Both practices, mediation and facilitation, belong to the common mediation procedure and, additionally, their differences in essence are a matter of whether the negotiating parties choose to (or are obligated to) involve a *Third Party* in their dispute. However, in both forms a successful intervention by a *Third Party* requires a systematic way of thinking, either by the mediator or facilitator, about the implications for dispute resolution of different third-party roles in certain phases of the negotiation process.

Even in the heart of the process of mediation, the *Third Party* is supposed to make efforts to facilitate an agreement but may lack the authority to impose a resolution. When parties hope to continue their relationship, according to Brett, mediation is the preferred Third-Party procedure, as a mediator may be able to help the parties negotiate a settlement that preserves the relationship; and when the relationship has ended and the claim is for damages, arbitration may be preferable because it is binding. (Brett, 2007: 260)

Again, in most of cases of conflict resolution by a *Third Party*, it is the cultural component that may affect whether the role of the mediator is that of a facilitator, when they should be involved in the dispute. The choice also depends on the expected focus of the intervention, particularly whether they focus on power and interest, or only on rights which then depend on the level of the conflicts and the positions of the disputants regarding the expected role of the *Third Party*. Across cultures, third parties are viewed as effective when they facilitate an environment of respect, regardless of whether or not they have the authority to impose a settlement; how early they intervene; and how much they focus on interests, rights, or power. (Ibid., 164)

Table 3. Principle roles of international facilitators and their practicing in Ohrid negotiations

Role nr.	Principle roles according to Kheel	Accomplished in case of Ohrid negotiations? (YES / NO)
1	The Mediator as housekeeper	NO
2	The Mediator as ringmaster	YES
3	The Mediator as educator	YES
4	The Mediator as communicator	YES
	The Mediator as innovator	YES

Source: After data processing from the research for Ohrid negotiations; Latifi (2007: 60) and Kheel (2001: 59).

In fact, there are differences between the concepts of a mediator and a facilitator, but in essence there are no significant differences between the functions of mediator and facilitator. In their practical functions it is more a matter of the terminology used when compared with the level of sensitivity of the severe conflict. To avoid some forms of irritation for (at least) one of the sides coming from the eventual involvement of a *Third Party* to intervene and facilitate, a softer, more flexible, and therefore more likely acceptable notion is to be preferred. That was a case of the intervention of the *Third Party* in the Ohrid negotiations, in terms of the functions of facilitators that—in essence and in practice—exercised the typical mediators' functions, as according to Kheel.

It will be noticed in Table 3 that, from five principle roles, the international facilitators performed four typical roles of mediators during the negotiations, but still they were (and are) called facilitators for terminological purposes: and this is so, with the aim to avoid irritating the negotiating side of the ethnic Macedonian political parties (who had eventually been suspicious of the intervention of the *Third Party* in the peaceful process): and to avoid any eventual over-encouraging of the side of the ethnic Albanian political leadership groups from the involvement of the *Third Party*.

The international facilitators in the case of the negotiations towards achieving the Ohrid Framework Agreement fulfilled the conditions on four of the principal roles of mediators.

Role Two: The Mediator as Ringmaster

- The Mediator's Role in Defining the Issues in Dispute
- Identifying and Grouping Issues Under a Common Heading
- The Order of Discussion in Disputes with Multiple Issues
- The Mechanics of Decision-Making

Role Three: The Mediator as Educator

- The Constraints of Experience
- The Ultimate Goal: A Win-Win Situation

Role Four: The Mediator as Communicator

- Transmitting Messages: The Care Required

Role Five: The Mediator as Innovator

- Mutual Acceptance: The Aim of Recommendations
- Out of Conflict, Accord
- Timing and Patience: A Mediator's Indispensable Tools
- Keeping an Eye on the Clock
- Agreements Requiring Group Approval

Therefore, psychological (or at least cultural) factors may differentiate some minor roles for the *Third Party* in its intervention, either in the capacity of mediator or facilitator, in attempts to avoid some eventually negative effects, mainly in front of the wider audience of (at least one of) the disputant sides. And when it comes to gaining benefits from various factors, efficiency of the *Third Party* presupposes an adequate

mixture of other types of conditions, including cultural conditions, as Nikolopoulos suggests “when the members of institutions accept external interventions, or even when the application of their decisions diverges from their actual content” (2011: 102). *Third Party* in case of negotiations for Ohrid Framework Agreement obviously all the time in practice had to take into consideration typical mediation methods but because of the cross-cultural sensitive complex factors had to camouflage them from time to time into tools that look like those of facilitation, with an aim to create understanding and build relationships, which usually involves steps of understanding the dynamics of asking questions. As Dolan (2006:50) explains, “using questions to facilitate the negotiating process, however, involves more than firing off an armload of inquiries and pumping people for information”. The contracted mandates of the *Third Party* may include some limitations as well, often following these reflections, coming potentially from the above-mentioned factors. Yet the practice often shows that the act of a contracted mandate for the intervention of the *Third Party* is much more important than any other limitation to the functions of the mediator’s role: however, at the end, the role of the *Third Party* is usually exercised practically through the functions typical for the mediators.

CONCLUSION

A *Third Party* plays an important role as an arbitrator or mediator in a majority of negotiations in crisis situations. It also often happens that avoiding the eventual side effects of the behavior of at least one of the negotiating sides, these two most popular procedures may be mandated under other procedures or forms. In practice, however, according to the peaceful resolution and negotiation plan to be exercised, this will be done mainly through the functions of mediation.

In mediation, negotiating parties in principle participate fully in presenting facts, arguing their positions, and revealing their interests (often in confidence with the mediator). This is a voluntary process for the negotiating parties, particularly to show their readiness for accepting some help from the *Third Party*, for the purposes of conflict resolution. That seems to be one of the main reasons why the negotiating parties are more satisfied with the mediated resolution process than are people whose positions has been arbitrated. In fact, mediation is usually rated by the negotiating parties as being a much more open and involved procedure when compared with arbitration. Additionally, in mediation the negotiating parties have more possibilities for retaining control over the outcome of the dispute, and they decide to resolve or not to resolve their dispute. In contrast, in arbitration the *Third Party* imposes a resolution.

In terms of the functions of intervention, it is not a matter of a choice of procedures by the disputants only, or by their imposition of *Third-Party* techniques. It is especially not when the intervention is conducted by a complex external structure of the *Third Party*; indeed, this occurs also when one does not take into consideration the psychological and cultural factors from the viewpoint of extremely polarized disputant sides. This is more about the symmetric relationship which is a precondition for a *Third Party* to be accepted as a facilitator, arbiter or mediator in a negotiation process. Either named as a mediator or as a facilitator, in practice in both cases the *Third Party* intervenes in order to help the negotiating parties out of a prospective possible impasse. Therefore, in order to be accepted for such a role, the *Third Party* must be welcome to the negotiating parties which require a symmetric relationship between a mediator; and to the negotiating parties for an eventual successful management of the conflict.

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