3. Forms and Functions of Third-Party Intervention

3.1 A Taxonomy of Methods

Mediation may be the most common form of third-party intervention, but in theory and practice it is usually augmented by a number of other methods. Numerous terms abound in the third-party literature: conciliation, fact-finding, good offices, peer mediation, arbitration, facilitation, adjudication, mediation-arbitration, policy dialogue and consensus-building. Some of these roles involve interveners in their official capacity, while others are performed in a more informal manner. Some interventions operate at the highest levels of decision-making (macro), while others depend on influence given at the middle (meso) ranges of society. Yet others typically work at the community or grass-roots (micro) level.

Loraleigh Keashly and myself surveyed the third-party literature some years ago, and in that process developed an initial taxonomy of the primary methods of intervention (Fisher/Keashly 1990). Our goal was to bring some clarity to the confused state in which the same term had been used to mean very different things, while different terms were employed to describe the same activity. We also sought to react to the blurring of the lines in the literature between traditional mediation and the newer forms of third-party intervention, i.e. consultation, which focused more on the subjective elements of conflict (misperceptions, basic needs) and on the quality of the relationship between the antagonists. Our concern was that a lack of distinction could easily result in a devaluing of the appropriateness and utility of methods such as dialogue facilitation and PSWs, which attempt to build understanding and trust, rather than the hammering out of agreements. Unfortunately, this blurring continues in some treatments of mediation that attempt to characterise consultation as a form of mediation, and then criticise it as being prescriptive and having a lack of power to induce and coerce settlements.

Work on the taxonomy produced a six-fold typology of pacific interventions, geared mainly to the international level, but appropriate at other levels as well:

1. *Conciliation*, in which a trusted third party provides an informal communicative link between the antagonists for the purposes of identifying the issues, lowering tension and encouraging direct interaction, usually in the form of negotiation.
2. *Consultation*, in which the third party works to facilitate creative problem-solving through communication and analysis, making use of human relations skills and social-scientific understanding of conflict etiology and dynamics.
3. *Pure Mediation*, in which the third party works to facilitate a negotiated settlement on substantive issues through the use of reasoning, persuasion, effective control of information, and the suggestion of alternatives.

4. *Power Mediation*, which encompasses pure mediation but also moves beyond it to include the use of leverage or coercion on the part of the mediator in the form of promised rewards or threatened punishments, and may also involve the third party as monitor and guarantor of the agreement.
5. *Arbitration*, in which the third party renders a binding judgment arrived at through consideration of the individual merits of the opposing positions and then imposes a settlement that is deemed to be fair and just.
6. *Peacekeeping*, in which the third party provides military personnel in order to monitor a ceasefire or an agreement between antagonists, and may also engage in humanitarian activities designed to restore normalcy in concert with civilian personnel, who may also assist in the management of political decision-making processes such as elections.

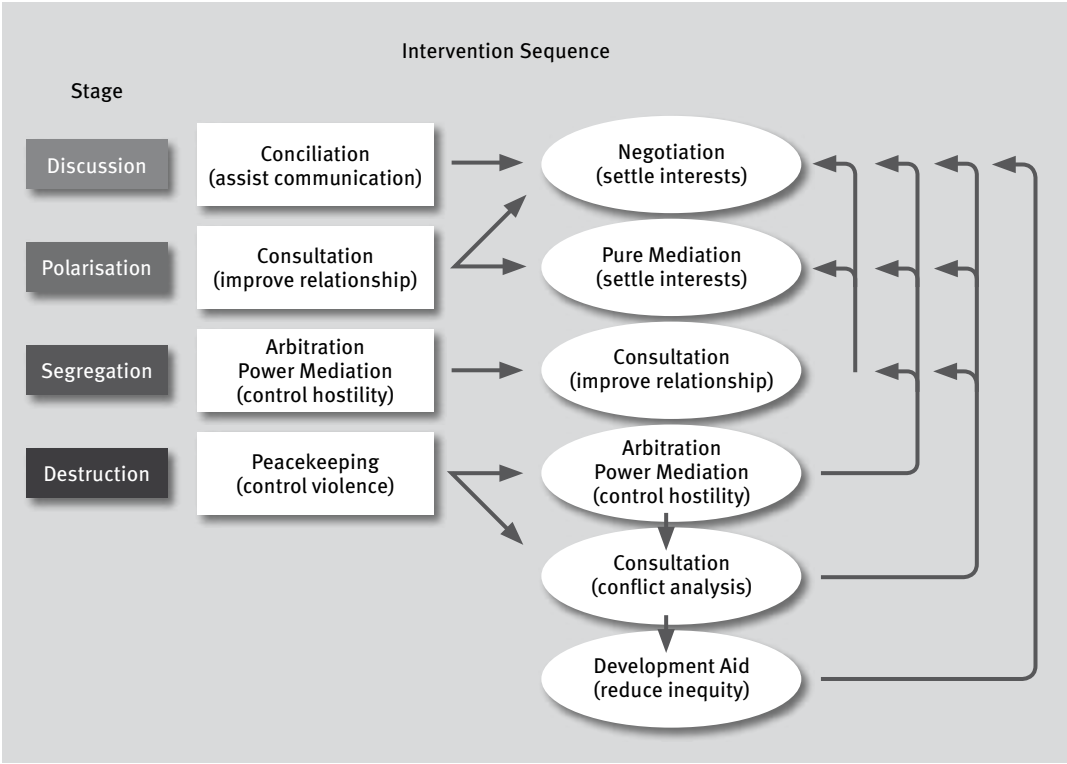
In this taxonomy, consultation engages a skilled professional who operates in an unofficial capacity to analyse, prevent and resolve conflicts. The utility of consultation, with its focus on the proper diagnosis of and improvement in relationships, lies in the very useful complementary role that it can play to mediation, especially in the pre-negotiation stage. Here misunderstandings are cleared up, emotional issues are separated from substantive ones, and a sense of working trust is built, which the parties can then take into negotiations.

3.2
A Contingency Approach to Intervention

The realisation that third-party methods can be employed in different combinations or sequences led Loraleigh Keashly and myself to think further about how they might best be matched to key aspects of the particular conflict situation. We started with the recognition that conflicts are inherently a mixture of objective interests (e.g. competition over scarce resources such as territory) and subjective elements (such as perceptions, attitudes, valuing of goals). As conflicts escalate or become more intense, the subjective aspects usually come to play an increasing role; eventually, individuals or groups engaged in truly destructive conflict will genuinely come to see two different realities and hold extreme negative images of one another, while at the same time unquestionably maintaining a positive self-image.

These factors typically make the management of tangible interests much more difficult for third parties such as mediators, and obstruct their attempts to move the parties toward settlement. To help, we developed a *contingency model* of third-party intervention, drawing on the earlier work of others in the field, particularly that of Friedrich Glasl (1982) and Hugo Prein (1984) at the organisational level. Our model matches the lead or initial third-party intervention to the stage of conflict escalation, i.e. to the particular mix of objective and subjective factors (Fisher/Keashly 1991). We surmised that lead interventions would achieve initial effects, and could then be followed by further interventions designed to de-escalate the conflict to the point at which the parties could manage it themselves (see *Figure 1*).

Figure 1 "Contingency Model"



Source: adapted with revisions from Ronald J. Fisher 1990. *The Social Psychology of Intergroup and International Conflict Resolution*. New York: Springer-Verlag Publishers. With kind permission of Springer Science+Business Media.

We first developed a stage model of conflict escalation that captures many of the objective and subjective elements that prove to be important as the conflict intensifies, as the parties apply more powerful and contentious measures and as the difference between winning and losing becomes greater. Building on the work of other theoreticians, we put forward a four-stage model of escalation (discussion, polarisation, segregation, destruction) and we then matched a lead intervention to each stage:

In *discussion*, the parties usually maintain a respectful relationship with one another and are jointly concerned with achieving joint gain on objective interests. They are also hesitant to move into negotiations, however, so the third-party intervention of *conciliation* is appropriate. This type of intervention can deal effectively with minor perceptual and emotional issues, and move the parties into negotiations to manage their differences.

In *polarisation*, when the relationship is beginning to deteriorate and negative perceptions (stereotypes) and emotions (hostility) emerge, *consultation* is seen as the lead intervention. If this kind of intervention manages to help clear up the misperceptions and misunderstandings, and to defuse the emerging emotional negativity, the parties can then be encouraged to enter into pure mediation in order to reach an agreement.

In *segregation*, subjective elements predominate, with high levels of mistrust and disrespect, limited direct communication, the use of threats, and increased use of "good versus evil" images. At this stage, the model proposes that stronger medicine in the form of *arbitration* (if available) or *power mediation* may be required to control the hostility of the parties and reduce the negative effects that it is having on the relationship. It is clear, however, that the imposition of a temporary settlement or ceasefire at this stage of the proceeding does little more than provide the opportunity to then begin serious work on the relationship, using *consultation*. If improvements do indeed ensue, the parties may again be encouraged to employ *pure mediation* in order to broaden and finish the settlement process.

In *destruction*, the parties in conflict see each other as "subhuman" and regard the situation in which they find themselves as hopeless, to the point that they are willing to settle for losing less than the other if they cannot win. At this stage, parties often see their very survival at stake, whether that means job loss, physical abuse to the point of murder, or even the attempted annihilation of an identity group as in genocide. Our model now prescribes some form of *peacekeeping* to control the violence, and to provide an opportunity for other methods to work. Again, some form of *arbitration* or *power mediation* may be useful for the initial control of hostility and aggression. But this will not suffice for resolution: now a deeper form of *consultation* in the form of intense and prolonged conflict analysis may be necessary to induce the parties back down the escalation staircase, now littered with resentments and residues over past actions. This is where consultation must encourage reconciliation, and help the parties to gain a shared picture of how they arrived at such a point of intractability.

What the contingency model proposes are methods to increase the level and to expand the types of power available to the third-party interveners, in parallel to the parties' actions to escalate influence (Fisher/Keashly 1990). Stronger investments, commitments and tactics by the parties to the conflict may in turn require stronger and broader forms of influence by third-party interveners, in order to induce the parties to fundamentally reconsider their approach to the conflict.

Different forms of interventions find their legitimacy in different types of power, and need to be evaluated in terms of both their effectiveness and their ethical acceptability. Conciliation, consultation, and pure mediation tend to exert lower levels of control over both process and outcome, and also to rely more on referent (professional) and expert (knowledge) power that is shared ("power with"). Arbitration, power mediation and peacekeeping are characterised by a higher level of control over both process and outcome, and inject more legitimate (role), reward and coercive power into the situation ("power over"). Thus, the mixing and sequencing of these various methods raises a range of ethical and moral implications that call for careful and continuous review.

The contingency model and similar approaches are now acknowledged as having validity and utility in the field of conflict resolution, although there have been criticisms and extensions of it (see Fisher 2007). Most evidence is drawn from single case analyses involving a limited number of interventions, typically consultation and mediation. A more extensive comparative case analysis of five instances, where consultation appears to have made important contributions to peace processes, largely by serving a pre-negotiation function, is provided in my own

follow-up work (Fisher 2007). The five cases include conflicts in different regions of the world at different points in time over the last 45 years. The five interventions using PSWs generally followed the contingency model, occurring at a high level of escalation and after the imposition of peacekeeping or a period of stalemate and failed or non-existent mediation. The analysis of transfer effects from the unofficial interventions to official interactions indicated that each of the consultation interventions made useful contributions to the de-escalation and/or resolution of the conflict. However, only two cases showed clear and complete support for the sequencing of interventions in the model, thus demonstrating the complexity of dealing with turbulent international conflicts and the lack of coordination among third-party interveners.

The contingency model challenges third parties to always consider carefully the approach they are proposing to implement, and to carry out a detailed analysis of the conflict before assuming that their method is the most appropriate and useful at that point in time. The intention here is not to rule out simultaneous applications of different methods, which can play a useful ongoing role (for example, that of parallel consultation during mediation). Rather, it is to encourage more traditional interveners to examine whether their methods are indeed adequate to meet the specific demands that subjectivity and complexity bring to escalated and destructive conflicts, regardless of the level of interaction. A lead analysis using a consultative approach may often be the best way to start such a series of interventions. Case experience indicates that parties are often willing to enter into informal, low risk, non-committal discussions before they are prepared to negotiate or to accept mediation.

4. Issues in Third-Party Intervention

Intervention in other people's conflicts is fraught with a variety of political and pragmatic issues. What follows will illustrate several questions and problems that can arise in the context of conflict intervention by external actors. Of these, the first three issues are seen as more political in nature, as they relate to the relations between the parties and between them and the third party, with a specific concern regarding the use and abuse of power. The last four issues are more pragmatic; these have to do with the strategies, outcomes and professional ethics of intervention.

4.1 Culture

The third party frequently comes from a different (and often dominant) culture from that of the parties, who are often themselves from different cultures (often a mix of dominant and oppressed). Culture is a pervasive force in human affairs, with a sometimes profoundly misunderstood or underestimated power to affect behaviour. As each culture has its own assumptions, beliefs, norms, practices and institutions that seem appropriate to life in general,