

**Methods of  
Third-Party Intervention**

Ronald J. Fisher

## Abstract

Third party intervention is a typical response to destructive and persistent social conflict and comes in a number of different forms attended by a variety of issues. Mediation is a common form of intervention designed to facilitate a negotiated settlement on substantive issues between conflicting parties. Mediators are usually external to the parties and carry an identity, motives and competencies required to play a useful role in addressing the dispute. While impartiality is generally seen as an important prerequisite for effective intervention, biased mediators also appear to have a role to play.

This article lays out the different forms of third-party intervention in a taxonomy of six methods, and proposes a contingency model which matches each type of intervention to the appropriate stage of conflict escalation. Interventions are then sequenced, in order to assist the parties in de-escalating and resolving the conflict. It must be pointed out, however, that the mixing of interventions with different power bases raises a number of ethical and moral questions about the use of reward and coercive power by third parties. The article then discusses several issues around the practice of intervention. It is essential to give these issues careful consideration if third-party methods are to play their proper and useful role in the wider process of conflict transformation.

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**I. Introduction ..... 1**

**II. Mediation ..... 4**

II.1 Definition and Expression ..... 4

II.2 Identity and Motives ..... 6

II.3 Qualities and Competencies ..... 8

II.4 Assessing Effectiveness ..... 9

**III. Forms of Third-Party Intervention ..... 10**

III.1 A Taxonomy of Methods ..... 10

III.2 A Contingency Approach to Intervention ..... 12

**IV. Issues in Third-Party Intervention ..... 17**

IV.1 Culture ..... 18

IV.2 Power Asymmetries ..... 18

IV.3 Third-Party Bias ..... 19

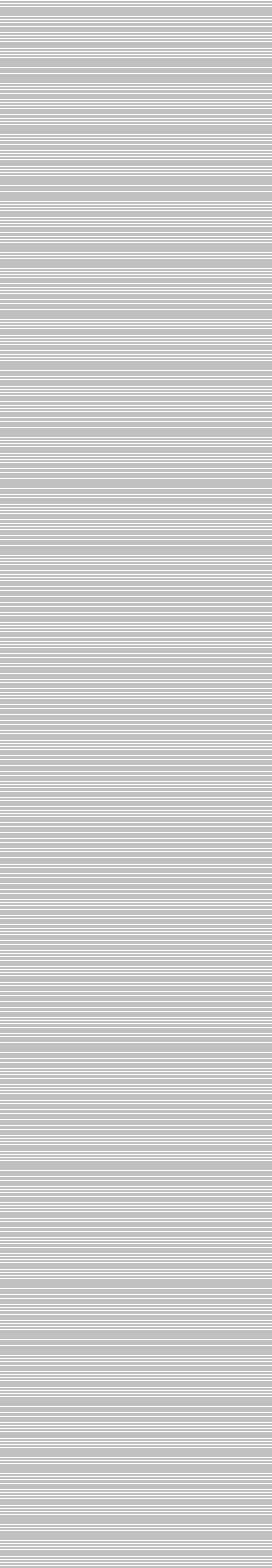
IV.4 Timing and Ripeness in Mediation ..... 20

IV.5 Effectiveness in Third-Party Mediation ..... 21

IV.6 The Ethics of Intervention ..... 22

**V. Conclusion ..... 24**

**VI. Reference and Further Reading ..... 25**



Third-party intervention in situations of human conflict has a long history and a wide variety of forms and functions. Disputants in most, if not all, societies and at all levels of social interaction have had access to external actors to whom they can turn when they find they are unable to manage their differences by themselves. A common response to perceived incompatibilities in goals, methods or values between contesting parties is to enter into a process of negotiation in order to reach a mutually acceptable agreement on such differences. Negotiation thus appears to be a universal, human phenomenon, although it is of course expressed in variations that are appropriate to each cultural context.

Mediation, which is intended to facilitate the negotiation process, also needs to be practiced within the norms and assumptions of any given cultural milieu, whether that be the culture of a given society or identity group, an organization or set of institutions, or international diplomacy. At the same time, Western theorists and practitioners of negotiation and mediation have attempted to spell out generic models of these processes, which they hope will serve to capture many of the essential elements. Much further cross-cultural research will be necessary to tell us if this is indeed the case.

In these models, the various forms of observed third-party intervention are distinguished primarily by the degree of power that the intervener exercises over the process and outcome of the conflict. At the high end of such a power spectrum, disputes may be made subject to legal rulings through adjudication or binding decisions by means of arbitration. In the middle range of influence, powerful mediators may make use of a whole range of inducements or threatened punishments in order to move the disputants toward settlement. At the low end of the power continuum, third parties may play a facilitative and diagnostic role, helping conflicting parties to understand their problem more clearly and assisting them in their efforts to construct agreements or restructure their relationship. At a minimum, intervenors will typically work to improve communication between the parties, so that they can more effectively manage their differences. Sometimes the work of the third-party can be as simple as providing a neutral venue and a façade for face-saving, so that the disputants can meet to address their conflict.

This continuum of power along which third-party interventions vary is characterized not only by a descending capacity to influence, but also by a noteworthy shift in the type of power exercised. Thus more traditional, coercive methods engage influence and control as “power over”, while problem-solving methods seek to engage and induce “power with”, to draw on a useful distinction from the feminist literature (Schaeff, 1981; Taylor & Miller, 1994). In a similar vein, Weeks (1992) speaks of “negative power” as the effort to gain advantage over the other party,

versus “positive power” that works to promote the constructive capabilities of both parties. Clearly, the more recent and more innovative forms of third-party intervention will operate through “power with”, and seek to influence antagonists toward the use of “positive” rather than “negative” power. In order to do this, the third-party will seek to maintain control over the process of the intervention, rather than over the outcomes.

The defining characteristics of the third-party are of course central to the exercise of influence and intertwine with the functions in the determination of outcomes. The identity of the intermediary must therefore be duly considered, especially in terms of his or her relationship with the conflicting parties, as this will have a bearing on status and impartiality. It is essential to know if the third-party is to serve in an official or formal role, with all the requirements and limitations that this entails, or whether he or she is instead operating in an unofficial or informal capacity, with greater freedom of movement but also with higher ambiguity. Identity is also closely linked to the motives and interests which lead an outsider to become involved in the domain of the conflict, as well as to the qualities and competencies that the third-party brings to the process. While most theorizing about these different aspects of the nature of the third-party has taken place mainly around the method of mediation, similar questions need to be asked of all forms of intervention.

A more recent notion in the current third-party literature is the idea that not all conflicts at all points in time will be amenable to a single and unified method of intervention. In other words, it is important to carefully consider all key elements of the conflict in question before surmising which form of intervention is likely to be most useful in moving the parties toward settlement and resolution.

The defining characteristics of the context of the conflict need to be considered in the light of the question as to which type of third-party might intervene in the conflict most effectively and in which manner. Attention also needs to be paid to the stage of the conflict, which can range from initial expression and management through escalation to stalemate and exhaustion, and hopefully to negotiation, settlement, and post settlement. The role of violence in rendering conflicts protracted and seemingly intractable raises particularly difficult problems for interveners. This type of thinking, seeks to adapt method to certain aspects of reality, appears contrary to much traditional practice, especially in the area of mediation, which persists in applying the same medicine to what may be widely disparate problems.

Likewise, the interplay between forms of third-party intervention and conflict transformation must be considered carefully, particularly because the various forms will typically play different roles in the overall process. Traditional mediation, especially as practiced from a

coercive power base, seeks above all to halt violence and gain a quick settlement which is often in the interests of the status quo. Consequently, processes of social change toward greater equity and equilibrium are suppressed. More innovative and less official forms of intervention, such as problem-solving workshops, which focus instead on the analysis of underlying causes of the conflict in order to address the legitimate underlying interest of all parties, are more clearly directed toward longer-term conflict transformation.

In this work, power asymmetries must be considered and the relationship of destruction transformed into one that manages conflict constructively. Conflict transformation further requires that the antagonists agree upon and create the political, economic and social structures that will engender positive peace with social justice over the longer term. It is clear that these kinds of outcomes require more complex and coordinated third-party activities than the field of conflict resolution has been able to develop and implement so far.

There is, in summary, a fair degree of both confusion and dissension as well as clarity and agreement in the domain of third-party intervention. There are many issues and questions that need to be addressed through theory, research, and practice. I have alluded to the question of cultural “generalizability” and appropriateness, as well as to the issues of third-party bias and motivation. When we then consider the further questions of the timing of intervention and the reality of power asymmetries between the parties, we begin to appreciate the enormous complexity of the challenges for both understanding and practice.

In addition, basic questions must be asked about the overall effectiveness of third-party activities, as well as about the ethics of intervention, often in systems which are foreign to one’s own. It is not surprising that the domain of third-party intervention is currently one of the most active for social science theoreticians and practitioners.

This article will focus first on the method of mediation, acknowledging its role as one of the most commonly applied and studied forms of intervention in conflicts. This will set the larger stage for a consideration of the various forms and functions of third-party intervention, some of which draw their appeal from their supplementary nature to mediation and negotiation. A rudimentary model for matching types of interventions to the stage of conflict escalation will be presented as an initial heuristic for realizing the potential complementarity of different forms of intervention. Finally, a number of issues will be identified that can affect the overall current and future usefulness of third-party intervention in addressing the multitude of destructive conflicts that regularly beset humankind.

### II.1 Definition and Expression

There are a myriad of definitions of mediation now available in the literature, but these all rely on a core of common characteristics. Briefly put: mediation is generally seen as the intervention of a skilled and impartial intermediary working to facilitate a mutually acceptable negotiated settlement on the issues that are the substance of the dispute between the parties. As such, mediation is essentially a pacific, non-coercive and non-binding approach to conflict management that is entered into freely by the concerned parties, who at the same time maintain control over the substance of the agreement. Thus, mediation is primarily a task-oriented method directed toward solving a shared problem of the parties; it is, in general, not directly concerned with the nature of the social relationship between the parties. Mediation can be directed toward disputes between two parties in its bilateral form, but can also involve multiple parties when it is called upon to assist in multilateral negotiations. The greater complexity and challenge of such multilateral interventions have only recently become the subject of theoretical and empirical attention in the mediation field.

As social conflict is an omnipresent facet of the human experience, it is hardly surprising that mediation finds expression at all levels of social functioning and in apparently all societies, past and present. According to a comprehensive yet concise treatment of the history of mediation by Christopher Moore (1996), this form of third-party intervention has been employed in almost all cultures in all regions of the world and in all phases of recorded history. Religious leaders, community elders, and, at times, special intermediaries have all played the role of mediator in their various efforts to deal with potentially destructive disputes in their respective collectivities. The current practice of mediation in secular, Western societies has seen the role proliferate to address all manner of disputes at the interpersonal level, from divorce and custody issues between separating spouses, to workplace grievances and complaints, to fights on school playgrounds, to landlord-tenant problems, to consumer complaints, and to corporate battles between executives.

At the intergroup level, union-management mediation looks back on a long institutional history, while third-party intervention at the community level in racial and neighborhood disputes is, on the other hand, a more recent phenomenon. Intervention into multi-party environmental, regulatory and public policy disputes is also a growing area of practice and theory. Alternative Dispute Resolution works alongside the courts to apply mediation to criminal and legal issues through programs such as victim-offender reconciliation. The thrust of all of these initiatives is to replace or augment traditional and usually

authoritarian or adversarial methods of conflict management with approaches that instead require some form of joint problem-solving on the part of the antagonists.

The rapid proliferation of mediation methods at the domestic level in the United States and some other countries since the 1960s has produced a growing body of literature that seeks to understand the process and its various applications. As Baruch Bush and Joseph Folger (1994) point out in their work on the transformative potential of the discipline, mediation continues to be generally understood as “an informal process in which a neutral third-party with no power to impose a resolution helps the disputing parties try to reach a mutually acceptable settlement (p. 2).” Their analysis identifies four competing “stories” or accounts of mediation, each emphasizing different dimensions of the process and its outcomes.

The “satisfaction story” argues that mediation facilitates collaborative problem-solving, as opposed to distributive bargaining, and thereby produces integrative solutions that can satisfy all parties. The “social justice” story proposes that mediation helps to organize people with common interests into stronger communities that are less dependent on outside actors to solve their problems and thus less vulnerable to exploitation. The “oppression story” presents a radically different picture, contending that mediation has become an instrument for the powerful to take advantage of the weak in society. Finally, the “transformation story” proposes that the power of mediation is to be found in its ability to transform not only the moral character and capacity of the disputants but also of the wider society in which they live.

While none of these four stories can be regarded as definitively true, Bush and Folger contend that the satisfaction story is the most accurate: the dominant form of practice in mediation does indeed revolve around the solving of problems and the gaining of settlements, as opposed to oppression, empowerment or transformation of individuals. At the same time, Bush and Folger would like to place a greater emphasis on transformative mediation, pointing to its significant potential for engendering the personal development of disputants toward both greater strength and greater compassion. Consequently, mediation offers the capacity for both empowerment (the restoration of an individual’s own sense of value and capacity) and recognition (the individual’s acknowledgement and empathy for the other party’s problems). Individual changes of this nature are seen as an expression of a new moral and social vision, in which society comes to value relations between people rather than individual satisfaction. The social justice story thus offers striking parallels to the conflict transformation as described above.

Mediation in international relations also has a long history and, parallel to the development of the nation-state system, has become increasingly employed. Diplomatic practitioners have come to consider mediation as part of their stock-in-trade, and some of the early works on the practice are powerful testimonials to their personal experience and wisdom. In this sphere, international mediation is often performed by a formal representative of a state, regional organization, or the United Nations, with the latter two coming to predominate in the second half of the twentieth century. At the same time, informal interventions by esteemed persons and religious intermediaries have come to be of increasing importance in international mediation. The current work of former U.S. President Jimmy Carter, and the quiet unofficial diplomacy of the Quakers serve as illustrations.

The practice of international mediation in the political sphere is increasingly complemented by the intermediary activities of numerous actors at the mid- and grassroots levels in societies experiencing violent conflict. While their efforts have not been well documented, it is clear that mid-level officials, personnel of non-governmental organizations, and military officers on peacekeeping missions, among others, take part in a wide variety of intermediary activities. As they work in war zones or in areas undergoing reconstruction or other forms of societal transformation, these individuals make use of their organizational roles in order to bring about cooperation and problem-solving between representatives of antagonistic factions who continue to regard one another as the enemy.

In addition to negotiating the many arrangements necessary to achieve mission or organizational objectives, these practitioners often find that they must mediate among various parties in order to meet their mandate, whether that be the maintaining of a ceasefire, the provision of humanitarian assistance to displaced persons, or the dispensing of health care to vulnerable populations. Current manifestations of ethno-political conflict and the international community's response to these have thus raised further challenges for the theory and practice of mediation as a form of third-party intervention.

## **II.2 Identity and Motives**

Third parties need to think carefully about who they are and precisely which attributes and interests they bring to the triadic bargaining situation. Mediators are distinguished by not having the same identity as either of the parties, nor has any direct interest in the dispute; were this so, the mediator would be party to it. This is not to say that mediators are disinterested, or that they have no tangible interests to be served by entering the domain of the conflict. States, for example, often enter into mediation of third-party conflicts in order to advance their own

security or economic interests, to maintain or increase their sphere of influence or to help keep an alliance together. As Christopher Mitchell (1988) points out, the motives for mediation are quite diverse and thus cannot be taken for granted. Motivations operate at both the individual (e.g., altruism, ego-enhancement, material gain) and the institutional level (e.g., the role of the UN, the prestige of a state). In all cases, the mediator receives some benefit from his or her assumption of the role, either through the process (e.g., improved status) or in the outcomes (e.g., advancement of security interests).

Consideration of the full range of social situations that lend themselves to mediation will readily show that the identity of the mediator can vary considerably in relation to the both the parties and the context. Christopher Moore (1996) provides a useful taxonomy of this variety by identifying three types of mediators. Social network mediators are linked to the disputants by means of a continuous web of connections, which usually means that they will have some form of obligation to foster and maintain harmonious relationships. Examples of this include community elders, religious figures, business colleagues, and personal friends. The authoritative mediator has a formal relationship with the parties and also some degree of power over them, but does not make use of this to determine the outcome. Examples here include corporate managers, organizational supervisors, agency officials, and representatives of powerful states in the international community. Independent mediators can be found within those traditions of professional service that are designed to provide objective consultation to disputing parties, such as labor-management mediators, family mediators, and third parties in complex environmental disputes. While all of these mediators require some of the same core attributes and competencies, they also need expertise in their particular domain of operation.

With regard to the specific motives of the parties entering mediation, the common hope is that they do so simply because they wish to resolve the conflict and have become frustrated if not stalemated in their own unilateral and bilateral attempts. Unfortunately, observers cannot always assume such constructive motives, as parties commonly enter into mediation for a number of other reasons. Frequently, it may prove difficult to refuse the invitation of a powerful mediator; such a rejection could reflect badly on credibility or image. Parties may then enter into mediation in order to stall for time while they develop new capacities to pursue alternative strategies, or they may simply try to (mis)use mediation as a means to advance their own unilateral interests, with no intention of compromise or joint problem-solving. Thus, one of the first and continuing tasks of a mediator is to accurately assess the motives of the parties as well as the authenticity of their desire to reach a mutually acceptable settlement.

### II.3 Qualities and Competencies

One essential quality closely linked to identity is that of mediator impartiality; this attribute finds its expression in the attitudes and behaviors exhibited by the mediator toward the parties in the mediation process. The issue of impartial versus biased third parties is discussed in greater detail below. Suffice it to say here that some amount of impartiality is almost always expected of any mediator: in the sense that he or she may not favor one party over the other and must be neutral about the outcomes that they may jointly create. The identity of the mediator should serve to engender trust on the part of the parties; indeed, in many cases, the mediating third-party is often the only initial repository of trust between antagonists who harbor only suspicion for one another.

Beyond such fundamental attributes, third parties require the requisite knowledge and skill to properly fulfill their role. In the case of mediation, this means a thorough understanding of the parties, the substantive issues that divide them, the negotiation process itself, and the wider system in which it is embedded. Consequently, the competency for mediation depends first of all on a demonstrated capacity to facilitate the negotiation process. The list of specific behavioral skills or tactics that this requires is extensive and usually not a matter of consensual agreement. Suggestions range from empathetic listening to the manipulation of information, the ability to quickly draft text, and, last but not least, a sense of humor.

An attempt has been made by Christopher Honeyman (1993) and his colleagues at the domestic level in the United States to gain a synthesized set of mediator competencies applicable to the areas of labor-management, community, commercial, and family mediation. This ambitious project identifies the primary tasks of the mediator (e.g., to enable communication, to analyze information, to facilitate agreement), each with its own set of subtasks, as well as the skills required to perform these tasks (e.g., reasoning, nonverbal communication, recognizing values). The model then develops performance evaluation criteria with rating scales to judge mediator competency (e.g., empathy, skill in generating options, success in managing the interaction). Overall, it can be said that Western approaches to mediation tend to emphasize communication skills and the demonstrated capacity to facilitate joint problem-solving between the parties.

Another popular typology of mediator functions or roles, proposed by Saadia Touval and William Zartman (1985), divides mediator behavior into the categories of communication (i.e. transmitting concessions), formulation (i.e., redefining issues), and manipulation (i.e. legitimizing a party's demands). While communication and formulation are consistent with a traditional, impartial and basically altruistic

approach to mediation, evidence of manipulation can raise questions about mediator bias and power, issues which are further discussed below. By and large, the mediator will require all the requisite skills to help move the parties through the negotiation process, from initial contact and pre-negotiation to defining issues and identifying interests to generating alternatives to exchanging preferences and concessions to integrating alternatives to persuading parties toward an agreement, and finally to working out the details of implementation.

#### **II.4 Assessing Effectiveness**

At the international level, mediation has for centuries been an integral part of the standard practice of diplomacy, although its effectiveness has only recently become the object of scientific study. In the domestic arena, traditional forms of mediation have existed for a long time, but most research attention has been directed to newer forms of mediation that have developed alongside existing legal practices for settling disputes. There has been a concerted effort to assess these alternate forms of dispute resolution, and especially their claim to have certain superior qualities as compared to established court procedures.

A wide variety of indicators have been employed in order to evaluate the effectiveness of mediation in a range of situations, from victim offender reconciliation, to divorce mediation, to small claims court, to neighborhood disputes, to landlord-tenant conflict, and to environmental and public policy controversies. Kenneth Kressel and Dean Pruitt (1989) provide a comprehensive list of the types of indicators that have been used to evaluate the success of mediation. In terms of outcomes, rates of settlement are an obvious indicator, while rates of compliance with agreements and disputant satisfaction with the settlement are also important considerations. In addition, the nature of the agreement is always of interest, as mediation often claims to produce a greater degree of compromise and equal sharing of resources than adjudicated procedures.

One might add that it is also important to look at the integrative nature of agreements, that is, the degree to which “win-win” rather than “win-lose” or “lose-lose” outcomes are produced. Kressel and Pruitt also note the importance not only of the effectiveness of mediation, but also of its efficiency. Indicators illustrating this criterion include the speed of the settlement process, the cost of the procedures employed, and the savings that accrue from the avoidance of expensive court fees as well as the costs of other legal services. Finally, they point to the postdispute climate and the longer-term relationship of the disputants as yet another place to look in assessing overall mediator effectiveness. A general comment on the effectiveness of mediation in the context of third-party intervention will be provided below.

### III. Forms of Third-Party Intervention

#### III.1 A Taxonomy of Methods

Mediation may be the most common form of third-party intervention, but it is in theory and practice 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. The fact that third parties operate at many levels and in many different sectors within and between societies simply adds to the complexity and the confusion. 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, while yet others typically work at the community or grassroots (micro) level.

In the global domain, third-party activities can be included in a wider conception of multi-track diplomacy, as laid out by John McDonald and Louise Diamond. This work builds on Joseph Montville's original distinction between Track I and Track II diplomacy, with the former defined as traditional diplomatic activities and the latter described as unofficial, unstructured interactions between adversarial groups or nations directed toward conflict resolution. Diamond and McDonald (1996) propose nine tracks of peacemaking and peacebuilding, starting with Tracks I and II as proposed by Montville. To these they add several further tracks that work within various sectors of global society to promote peace. Track IV, for example, describes the efforts of private citizens in unofficial capacities as they engage in mediation activities such as informal mediation, exchange programs, and work for non-governmental organizations. Track VII outlines the role of religion in peacemaking on the part of religious communities and movements such as pacifism and non-violence. Most of these broad tracks will involve a variety of unofficial actors as they engage in intermediary activities of various kinds.

More modestly, Loreleigh 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 and 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 at the same time different terms were employed to describe what was basically 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, 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 problem-solving workshops, which attempt to build understanding and trust, rather than the mere hammering out of agreements. This work 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*, wherein the third-party renders a binding judgment arrived at through consideration of the individual merits of the opposing positions and then imposes a settlement which 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 is roughly equivalent to Track II in Diamond and McDonald's model, wherein a skilled professional operates in an unofficial capacity to analyze, prevent, and resolve conflicts. While their focus is primarily on the international level, I have noted that third-party consultation can also find definition and expression at the interpersonal and intergroup levels of interaction (Fisher 1972, 1983). 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.

At the domestic level, some forms of relationship-orientated mediation provide for this type of focus and interaction, especially as compared to a settlement-oriented approach. At the international level, as well as in some intergroup work, such as in the labor-management arena, mediation has all too often been characterized by a general neglect of emotional and attitudinal factors, viewing these only as difficulties to be worked around. It seems clear, then, that some combination of consultation and mediation may be the most effective way of implementing a more comprehensive process of conflict resolution.

### **III.2 A Contingency Approach to Intervention**

The realization that third-party methods can be employed in a variety of combinations or sequences led Loreleigh 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). We were aware that 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 a few others in the field, particularly that of Friedrich Glasl (1982) and Hugo Prein (1984) at the organizational level. Our model proposes to match the lead or initial third-party intervention undertaken to the stage of conflict escalation, i.e. to the particular mix of objective and subjective factors. (Fisher and Keashly 1991; Keashly and Fisher 1996). We surmised that, properly structured, 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.

We first developed a stage model of conflict escalation which 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: 1) discussion, 2) polarization, 3) segregation, and 4) destruction.

During the first stage of *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 that 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.

At stage two, *polarization*, 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.

At stage three, *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.

Stage four, *destruction*, presents the greatest challenge for third-party interveners, since the parties in conflict basically 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 separate the parties, 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: 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 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 and Keashly 1990). Stronger investments, commitments and tactics by the parties to the conflict may in turn require stronger and broader forms of influence by the third-party intervener, 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 characterized 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 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, assuming that the parties are amenable to this form of interaction. Case experience indicates that parties are often willing to enter into informal, low risk discussions before they are prepared to negotiate.

A further analysis provided by Louis Kriesberg (1996) goes beyond the contingency model to link mediator activities or functions at the international level to the appropriate stage of conflict expression: from preparing to de-escalate, to initiating negotiations, to conducting negotiations, and finally to implementing agreements. In addition to discussing such activities, Kriesberg identifies three forms of mediation, based on the identity of the intervener: formal mediators, informal third

parties, and quasi-mediators, who are members of one party but also carry out important mediating functions.

The analysis then identifies potential opportunities for the three roles to make the same and different contributions to the conflict resolution process. Some activities, such as selecting the parties to be invited to negotiations, can only be carried out by a formal mediator. And some – for example, adding resources for settlement – can only be implemented by powerful formal mediators. Others, such as reframing the conflict, are best carried out by informal third parties in the earlier stages of the conflict through interventions along the lines of problem-solving workshops. Finally, some activities prove to be most effective when implemented by quasi-mediators building trust and credibility during the negotiation process.

Kriesberg thus brings more complex analysis to contingency thinking, and this may have applicability to levels of analysis other than the international. As further theorizing is supported by case studies and other forms of empirical evidence, a more comprehensive picture is likely to emerge, and we will be better equipped to fully answer the question as to how third-party interventions can appropriately be matched to key elements and stages of specific conflicts.

Kriesberg's analysis also is cognizant of the levels of society that interventions are directed toward, partly by maintaining the official and unofficial distinctions among the various methods. In a similar vein, John Paul Lederach (1997) has put forward a model encompassing the various actors, as well as the different approaches to peacebuilding, as they are linked to the different levels in the two contending societies.

Official approaches typically take place at the top leadership level in the political, military and religious domains, with a high degree of visibility. These activities usually involve negotiations that are mediated by a highly visible mediator, typically an eminent figure backed by a government or international organization. Third party interventions at this level would typically be those of conciliation, pure and power mediation, arbitration, and peacekeeping, as identified in the contingency model. These approaches generally fall under the rubric of "Track I Diplomacy", although more recent work involving official actors in innovative, "unofficial" processes, such as dialogue or roundtables, has led to the coining of the term "Track One and a Half".

At the mid-range leadership levels, individuals from a variety of sectors can serve as influentials and interveners in the conflict process. These can include academics and intellectuals, writers and journalists, ethnic and religious leaders, and leaders of non-governmental organizations. While these individuals and their associations do not hold formal power, they are nevertheless influential through the use of softer

forms of power, and are important links between the high-level leadership and the wider society. Approaches appropriate to this level include problem-solving workshops (interactive conflict resolution), training in conflict resolution, and bodies that deal with peace and reconciliation. In the language of the contingency model, much work can be done at this level using conciliation, pure mediation and third-party consultation in the form of dialogue and conflict analysis among mid-level leaders.

At the grassroots level of society, local leaders work as community developers, local officials in the human services, refugee camp officials, and administrators of non-governmental organizations. These people represent and are in touch with the masses of society who are directly affected by the conflict dynamics. They usually operate on a day-to-day basis, and are primarily concerned with practical matters of survival and quality of life. Appropriate approaches at this level engage leaders and others in peacebuilding activities, the effects of which can filter up to higher levels as well. Local peace commissions, programs in prejudice reduction, training in conflict resolution and psychosocial work in trauma reduction are all useful activities in this sphere.

In terms of the contingency model, grassroots forms of third-party consultation can engage individuals from conflicting parties, while development aid and the related humanitarian work that fosters joint cooperative projects can help to build peace from the bottom-up. There is also much need for mediation, as peacekeepers, aid workers and others attempt to deal with the many local and regional disputes that arise and that must be resolved if the work of peacebuilding is to be successful. Thus, there are many possibilities in both theory and practice for linking third-party interventions to the hierarchical reality that is evident in most organized societies and reflected in the conflicts between them.

Contingency thinking also challenges us to view third-party activities in the wider context of peace and conflict transformation. Conciliation, mediation (pure or power), and arbitration would usually be seen as within the domain of peacemaking. While they do vary in the degree of legitimacy and power which the third-party brings to the discussion, these methods all aim primarily to achieve a political settlement on the substantive issues of the dispute.

Consultation, on the other hand, is best conceived within the domain of peacebuilding. The original conception of peacebuilding encompassed changing the political and economic systems of a society so as to reduce or eliminate the structural inequalities that are seen to cause open violence among different groups. More recently, a social dimension has been added to peacebuilding, in the sense that a variety of interactions among antagonists can be initiated to build or rebuild a cooperative relationship involving understanding, trust and cooperation.

Thus both the structural and the social streams of peacebuilding are important to create peaceful relations based on equity, respect and justice.

Within the peacebuilding context, third-party consultation can be further expanded to become a broader method of interactive conflict resolution, involving all manner of facilitated face-to-face activities designed to promote collaborative conflict analysis and joint problem-solving among antagonists in ways that address basic needs and build peace and justice (Fisher 1997). Such a broader form of intervention can take on a variety of forms: facilitation of dialogue between adversaries, joint training in conflict resolution skills, and conflict analysis workshops for influentials and other representatives of the parties are just a few examples.

Interactive conflict resolution is best carried out by unofficial third parties who bring with them the requisite knowledge and skills to support consultation and other forms of intensive human interaction. Interactive conflict resolution can also be highly complementary and supportive of official activities in peacemaking, so that the peace process involves more than simply achieving a settlement. Thus, while they do not deal directly with the structural aspects of a conflict, these forms of intervention are highly supportive of movement toward conflict transformation, and clearly move the parties beyond mere conflict management. In particular, interactive methods lend themselves well toward reconciliation among adversaries, so that the gains of peacemaking are not lost through poor implementation or stolen by recurring waves of retribution. When the gains of peacebuilding are both structural and social, the future of harmonious and equitable relations are far more likely to ensue.

#### **IV. 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 six questions and problems that can arise in the context of conflict intervention by external actors. While most of these issues have so far been discussed largely in relation to mediation, they are certainly applicable to other forms of intervention as well. 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 three issues are more pragmatic; these have to do with the strategies, outcomes and professional ethics of intervention.

## IV.1 Culture

In many cases of intervention, the third-party 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 an often profoundly misunderstood or underestimated power to affect behavior. As each culture has its own assumptions, beliefs, norms, practices and institutions that seem appropriate to life in general, each also has a similar set of fundamentals that are seen as relevant to conflict. As Mark Ross (1993) and others have pointed out, the way in which conflict is defined, perceived, responded to, and managed is culturally embedded; that is, there is a “culture of conflict” in each society. Clearly, when cultural assumptions about conflict differ between antagonistic groups, these differences can become another source of conflict etiology or escalation.

The question is therefore how third parties are to gain cross-cultural sensitivity. How can they come to know their own culture, to understand and respect the cultures they enter, as well as to accurately perceive the effects of cultural differences between the parties, and between themselves and each party? The latter is particularly important when the third-party comes from a dominant culture and the parties from less dominant or even oppressed cultures. The current power imbalances in the world determine that many current interveners will come from the dominant, affluent Western culture (the North), while many interventions occur in non-Western environments (the South). As a result, interveners must be extremely careful about transporting their own cultural models of conflict intervention to other places and other peoples.

Kevin Avruch and Peter Black (1993) have proposed that the first step in a successful intervention should be to carry out a cultural analysis of the conflict, one which goes beyond one’s own cultural identity, seeking instead to ascertain the particular cultural dimensions of the conflict and to assess their relevance to its expression and potential resolution. Adding cultural analysis to the usual historical, political, strategic and social analyses that third parties traditionally carry out promises to provide a richer, firmer and more respectful base from which to work.

## IV.2 Power Asymmetries

In all third-party interventions, sensitivity to power dynamics is critical to understanding and effectiveness. The question is how power imbalances between the parties, and between the third-party and one or more of the parties affect both process and outcomes.

Usually some degree of power balance is necessary before third-party interventions can operate effectively (Fisher 1972). Each party must be in a position to seriously confront the other, either in the present or in the future, so that constructive interaction can ensue. Sadly, however, dominant groups or individuals are not noted for their capacity to cede power without challenge; they are better known for abusing power in the absence of institutional controls.

Outside parties often play a useful role in advocating for weaker parties, and third parties also serve a preventive function by facilitating dialogue, and building understanding, trust and respect, so that conflict expression at the point of confrontation takes less violent forms. Without some degree of power parity, however, the intervention process can easily become a sham, in which the stronger party influences the interaction for its own benefit, while the fundamental issues remain unaddressed. Within some range, third parties can work to balance situational power, and indeed will often support weaker parties through activities like training and advice, thus enabling them to be more effective players. In short, however, even in facilitative processes, as pointed out by Nadim Rouhana and Susan Korper (1997), interveners need to be cognizant of how power asymmetries can affect the goals of the intervention and the level of conflict analysis on which action implications are based.

A question arises in this context about the coercive use of rewards and punishments, as used for example in power mediation. In some cases of protracted and escalated conflict, power mediation may well have a useful role to play in bringing about an initial settlement in the face of continuing hostility. It remains true, however, that the use of coercive power fundamentally contradicts the values of autonomy and free choice which should govern the field of conflict resolution. Thus, powerful individuals or institutions with access to resources of value to the conflicting parties must be sensitive to their pervasive effects. When combined with a lack of cultural sensitivity, the higher power of the intervener can easily lead to the importation of dominant methods or directed solutions. As Vivienne Labri (1995) maintains, third parties of either a directive or facilitative bent should strive to understand their interventions as actions situated within the structures of existing social systems, with the potential to contribute either to their maintenance or to their transformation.

### **IV.3. Third-Party Bias**

The received view on third-party bias is that the third-party should be impartial, without favoring one party over the other, neutral, and not determining outcomes one way or the other. Impartiality is seen as one of the main requirements of acceptability by the parties, and as a

prerequisite to establishing a relationship of trust. It serves as the basis for effectively carrying out the role of intervener.

More recently, the question has been raised whether mediators who are biased towards one party or the other can also play a useful role in conflict management. Saadia Touval and William Zartman (1989) argue, for example, that the motives of the mediator are best described in the context of power politics, and that mediators almost always have their own interests, so that they are very seldom truly indifferent to the issues and terms being negotiated.

From the parties' perspective, impartiality of the mediator may be less important than the achievement of a favorable outcome and the importance of a continuing relationship with a powerful mediator. The more distant party may accept a biased mediator precisely because they believe the third-party will have greater influence over the preferred party in terms of moving them toward settlement. This analysis has been developed primarily at the international level, and its utility at other levels of intervention remains to be seen. However, these considerations do lend a more complex and strategic cast to the question of mediator impartiality. If biased mediators with political agendas and tangible interests in the dispute can be effective, the range of mediation possibilities is broadened. However, this approach compromises the voluntary, non-coercive nature of mediation, which is compatible with the value base of the conflict resolution field.

#### **IV.4 Timing and Ripeness in Mediation**

In terms of timing, it appears that intervention in bilateral or multilateral disputes is likely to occur only after some period of development and escalation has elapsed. Sadly, mediation efforts are typically initiated only after the parties' attempts have failed and coercion or violence has already taken place, thus presenting the mediator with a situation in which significant costs have been incurred, and positions and attitudes have become hardened.

When might the most propitious moment(s) of intervention be? Consideration of this has led to the concept of "ripeness", which refers both to a condition of the conflict and to the right time for intervention. William Zartman (1985) has posited the concepts of a "ripe moment" and a "hurting stalemate", referring primarily to international conflict. From a realist perspective, Zartman argued that parties are likely to consider outside intervention only after they have exhausted themselves to the point of a costly deadlock from which they see no exit. In addition, if the parties perceive that their situation will only get worse, especially if they experience a recently avoided or an impending catastrophe, then they will be receptive to intervention. A mutual sense of futility in dealing with the

conflict must be combined with a belief that a conciliatory move will be reciprocated by the other party. The parties must come to believe that mediation can bring about a way out of the conflict through a negotiated solution.

Zartman's analysis is a sobering one in that it makes clear the high costs of destructive conflict, and is supported by some evidence that international mediation is likely to be more effective at later rather than earlier stages of conflict escalation. At the same time, there also seems to be a point of hostility after which conflicts persist to the point of intractability. Therefore, it may well prove counterproductive (as well as morally unacceptable) to wait for a "hurting stalemate" and catastrophe. Indeed, the late Jeffrey Rubin (1991) has maintained that there are many "ripe moments" for intervention in destructive conflicts. Rather than viewing timing as a trap, and waiting for hurting stalemates and impending catastrophes, third parties should rather look for ways to create ripeness, regardless of the stage of the conflict. This position is compatible with interactive conflict resolution and the contingency model, both of which maintain that any form of facilitated intervention is almost always more useful than inactivity

#### **IV.5 Effectiveness of Third Party Intervention**

Although third parties can play useful roles in a wide range of conflicts at various levels of human society, it is clear that they are not always successful in doing so. While the question of effectiveness is complex, attempts to evaluate third-party activities have been made in most sectors and with most forms of intervention. These evaluations use a variety of indicators, from settlement rates, to satisfaction of the parties, to attitudinal and relationship changes, to perceived fairness of the solution, and to compliance with the agreement (see for example, Kressel and Pruitt, 1989; Kressel, 2000).

Such evaluations of effectiveness must first consider the differing objectives of the various forms of intervention. For example, third-party consultation is not designed to produce agreements on substantive issues, whereas mediation is, and should rightly be assessed on that basis. In contrast, most forms of mediation are not designed to transform the relationship between the parties, whereas consultation is directed to attitude change and relationship improvement that will support cooperative interaction and conflict transformation. Thus, it is essential to identify the dependent variables that are the expected outcomes of a specific form of intervention, and to tailor the evaluation of effectiveness to these. One should not criticize mediation because the underlying attitudes of the parties remain unchanged, or consultation because it does not lead directly to the settlement of the dispute.

Most forms of mediation in domestic settings, at least in North America, enjoy reasonable rates of success, usually above fifty per cent in terms of settlement rates. Overall satisfaction with mediation and compliance with agreements are also moderately high in absolute terms, as well as in comparison to traditional methods of management. The overall sense is that mediation works, and that it is usually well-received and cost-effective in comparison with authoritative and adversarial alternatives, such as litigation in the court system.

At the international level, however, studies of mediation effectiveness in achieving settlements show far more mixed results, with settlement rates varying from around ten to approximately fifty percent, depending on the measure of success used and the cases of intervention studied. Sadly, mediation success in protracted civil wars of an ethnopolitical nature is especially low, in the order of ten to twenty percent. Here, there appears to be a level of intractability associated with identity conflicts that have escalated to widespread violence, which is particularly resistant to intervention efforts.

The practice of third-party consultation is much less developed and less frequently employed than is mediation in intercommunal or international disputes. Nonetheless, my recent review of three decades of unofficial third-party interventions yielded generally positive results, at least according to the case analyses of the interveners (Fisher 1997). An assessment of the outcomes of a variety of problem-solving workshops and similar interventions shows evidence that the vast majority do indeed make a positive contribution to conflict resolution. Specifically, fifty-eight percent were seen as having a positive influence on or making a tangible contribution to the wider peace process, while twenty-six percent made tangible contributions to negotiations in terms of analyses, formulations, or frameworks. These initial results support the expanded use of interactive conflict resolution both in its own right and as a complementary activity to official peacemaking.

#### **IV.6 The Ethics of Intervention**

The question of the ethics of intervention at both the individual and institutional levels is both a political and a practical matter. At its root, it involves the way in which moral and ethical principles are translated into guidelines for practice and from there into assurances to be provided to those affected by one's work. Ethics is not simply a matter of do's and don'ts; it is impossible to formulate simple prescriptions which will govern all situations. Rather, it is best understood as an ingrained part of the identity of individuals and organizations. Those who presume to intervene in the lives of others, especially in critical situations of conflict, need to consider very consciously the moral and ethical consequences of their actions. As with the law, ignorance is no excuse.

It is essential that conflict intervention, especially at the level of collectivities, be seen as a form of professional practice, with the usual requirements placed upon those who set out to practice the profession (Fisher 1997). These include sufficient knowledge to allow for an understanding of the phenomena encountered (destructive social conflict) as well as of the practice undertaken (mediation, consultation, etc.), a genuine dedication to human welfare, a commitment to continuously improve understanding and competence, and a sense of integrity and standards for ethical conduct which will govern interactions with those who are served. Conflict interveners who operate in an informal and unofficial manner, be it at the grassroots level or at the highest political level, must feel impelled to take these considerations as seriously as does the international diplomat who mediates interstate disputes.

Most individuals working in conflict resolution as it is currently constituted in Western culture come from a professional base that is sensitive to ethical considerations, for example, law, social work, and psychology. Informal third parties in communal settings are also usually aware of the ethical principles that necessarily accompany their role, even if these are not systematically codified. Integrity does not require a professional stamp for its validity, and neither does ethical conduct require a formalized code. However, all who would intervene in the affairs of others should be prepared to reveal the base of their competence and should at all times operate with high regard for the welfare of their clients.

Authoritative third-party roles have often provided a base for unethical conduct that was in the service of the intervening institution rather than the individuals or groups receiving the intervention. It must be realized that parties in conflict are all too often in a vulnerable state when seeking outside assistance, and the classic dictum of "Let the buyer beware" is not an adequate assurance. The minimal ethical principle of "Do no harm" is also unfortunately an insufficient ethical foundation for practice in conflict intervention.

In terms of ethical functioning from a Western, professional base, there are many sources to which conflict resolutionaries can turn for guidance. Almost all service professions, including that of consultation, have developed ethical codes to guide the practice of their members. While these are usually grounded on firm general principles of ethical conduct (e.g., honesty, fairness and respect in dealing with others), their application is usually geared to the specific situation, in which the application of general principles is tailored to the unique elements of a given ethical dilemma.

Recently, the field of conflict resolution has shown interest in developing codes to cover its unique practice. For example, the U.S.-based Society of Professionals in Dispute Resolution has issued a statement of ethical standards that is relevant to neutral parties intervening in disputes. Some international non-governmental organizations involved in conflict transformation work have developed principles and/or codes of conduct to govern their interventions in situations of conflict, which typically take place in the context of other societies and cultures. International Alert, for example, has developed an extensive code of conduct that provides a set of basic ethical principles supplemented by guidelines specifically concerned with human rights, impartiality, and working in partnership with others.

These welcome developments have stirred a valuable debate within the field as to the true nature of conflict resolution work, particularly as practiced from a dominant Western and Northern base. Many issues are relevant, especially revolving around the question of whose interests are being served by intervention, the need for cultural and gender sensitivity, standards of competency for the practice, as well as the needed expansion of culturally aware codes of conduct. These useful discussions, which have involved both interveners and recipients, can help the field of conflict resolution advance toward serving the needs of those whose lives have been ravaged by the scourge of destructive conflict. After all, conflict resolution in the short- and longer-term is about the work of conflict transformation, not only conflict management. All societies can benefit from theory and practice that enables groups who are different to live in peaceful partnerships characterized by harmony and equality.

## V. Conclusion

Methods of third-party intervention have found strong expression in the field of conflict resolution, and yet there remains significant potential for improvement in both theory and practice. It is essential to better understand the different forms of intervention and their unique strengths in addressing destructive conflict, especially at the intergroup level. Only then will it be possible to make the application of particular interventions contingent upon certain characteristics of the conflict in question, with the possibility of increasing effectiveness by sequencing and combining interventions in a complementary fashion.

In doing so, it is necessary to evaluate the different methods in terms of whether each one is geared primarily to peacebuilding and conflict transformation or to peacemaking and conflict management. While it is indeed valuable to develop generic theory to support of practice, it must also be realized that each domain of application (e.g.,

labor-management, commercial, international, victim-offender) will require its own theoretical base for understanding and practice. The bottom line must always be that effective third-party intervention seeks to be an important ingredient of social change aimed at achieving greater harmony and equity between individuals and groups, both within and between societies.

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