

Mediation & Conflict Resolution

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Conflict Resolution

Two fundamental approaches:

Objective dimension

- Focuses on the incompatibility of values and the inherent nature of conflict
- Serious/long-standing conflicts are, by definition, "zero-sum"

Subjective dimension

- Emphasizes the perception of reality, national and international representations, mutual hostility, lack of trust, etc.
- In most cases, there is potential for a "positive-sum" outcome, as the notion of zero-sum is rooted in perception—and perceptions can change

The **objective view** of conflict is associated with **realism** and **structuralism**

The **subjective view** is associated with **pluralism**, **liberalism**, and most strands of **post-positivism** in International Relations (e.g., **constructivism**)

Theoretical Approaches

❖ Realism

Conflict resolution through the assertion of dominance and the pursuit of outcomes from a position of power.

❖ Pluralism / Liberalism

Resolution based on "positive-sum" outcomes, emphasizing cooperation and mutual benefit.

❖ Structuralism

Focus on systemic polarization and transformative change, often through the disruption of existing power structures.

❖ Constructivism

Seeking resolution through an understanding of the discursive framework of the conflict—that is, by interpreting and deconstructing the narratives and meanings (discourse) that shape the perceptions and dynamics of the confrontation.

When Are Conflicts Not Resolved?

Obstacles to Peaceful and Mutually Agreed Resolution

Five (5) levels of analysis:

1. **Obstacles related to both parties** involved in the conflict.
2. **Obstacles related to the specific characteristics of one party**, particularly when this party is a state.
3. **Obstacles related to the nature of the opposing party**, especially when it is not a state (e.g., a revolutionary, secessionist, or other type of movement).
4. **Obstacles stemming from third-party states** that, in various ways, become involved or act in support of one side of the conflict.
5. **Obstacles associated with the shortcomings and limitations of international organizations, international law, and the broader international society** (e.g., the United Nations) in effectively intervening to manage the conflict and promote a sustainable resolution.

When Are Conflicts Not Resolved?

Obstacles to Peaceful and Mutually Agreed Resolution

1. Obstacles related to both parties involved in the conflict

- **Intractable difference (e.g., territorial concessions)**
- **Deep-rooted mutual suspicion, historical memory, and narratives of victimization**
- **Reinforcement through cultural factors and collective identity**
- **Asymmetry of the conflict**
- **Influence of the internal/domestic factor**
- **Lack of international guarantees**

When are conflicts resolved?

Under what conditions do conflicts come to an end?

- (a) Through a **complete military victory**.
- (b) Through **international military intervention** that prevents one of the parties from suffering a certain (or near-certain) defeat by the other side.
- (c) Through the **capitulation/retreat of one party**, which accepts the terms or positions of the opposing side.
- (d) Through **relative, though not absolute, military superiority** of one party, which then opts not to pursue a full military resolution but instead chooses to negotiate from a position of strength.
- (e) Through the **cessation of armed conflict** without a clear victory for either side or unilateral withdrawal.

When are conflicts resolved?

Under what conditions do conflicts come to an end?

Cases

(d) Involving relative—but not yet complete—military superiority by one party, which subsequently chooses not to pursue a full military resolution but instead opts to negotiate from a position of strength; and

(e) The cessation of armed conflict without a decisive victory or unilateral withdrawal

may lead to:

- A final **peaceful resolution** (as a result of negotiations, mediation, etc.), or
- A **ceasefire without successful conflict resolution**, resulting in so-called "frozen conflicts" (e.g., Kashmir, Cyprus, Nagorno-Karabakh, South Ossetia, Abkhazia, or Transnistria).

When are conflicts resolved?

Under what conditions do conflicts come to an end?

Interpretations

- **Exhaustion / Mutually painful stalemate**
- **Transformation of the conflict**
- **Cessation of external support** (e.g., military or other forms of assistance)
- **Formal or informal mediation**

Methods for Peaceful Conflict Resolution

«Truck I Diplomacy»

➤ JUDICIAL METHODS OF DISPUTE RESOLUTION

❖ Judicial Methods of Dispute Resolution

- Arbitration (ad hoc tribunal) &
- Adjudication (permanent court, e.g., the International Court of Justice - ICJ)
 - Advantages and Disadvantages

➤ DIPLOMATIC METHODS OF DISPUTE RESOLUTION

- **Endogenous** (direct negotiations between the two parties)
- **Exogenous** (involving the mediation of a "Third Party" playing a central role)
- **“Good Offices”** (involving a facilitative or supportive role by a third party)

Methods for Peaceful Conflict Resolution

«Track I Diplomacy»

- **JUDICIAL METHODS OF DISPUTE RESOLUTION**
- **DIPLOMATIC METHODS OF DISPUTE RESOLUTION**

Five (5) Preconditions for Reaching an Agreement / Conflict Resolution

Stages / Steps Toward Agreement and Resolution

An Agreement Will Be Reached If...

«Track II Diplomacy»

(Alternative dispute resolution involving non-state actors, such as private individuals or NGOs)

Preconditions for Reaching an Agreement/Conflict Resolution

- ✓ **If the costs and sacrifices (casualties, destruction, economic burden, fear, insecurity, etc.) resulting from the continuation of the conflict have become unbearable**
- ✓ **If both parties have concluded that coercive methods aimed at imposing their positions on the adversary are ineffective and unlikely to succeed in the future.**
- ✓ **If the final positions of the two sides are not as diametrically opposed as initially perceived or officially stated (i.e., if there is room for mutual concessions through negotiation).**
- ✓ **If for both parties, the cost-benefit analysis of the agreement—compared to the expected outcomes of non-resolution—clearly favors the agreement.**
- ✓ **If the final settlement package is not perceived as unacceptable or unjust, but rather as reasonable, involving mutual and rational compromises from both sides.**

Steps Toward Reaching an Agreement or Conflict Resolution

- **from “parallel monologues”**
- **... to mutual trust**
- **... to a pre-negotiation / pre-mediation stage**
- **... through a strategy of “from easy to difficult issues”
and/or a comprehensive “package agreement”**
- **What really happens?**

An agreement can be reached if emphasis is placed on:

- ✓ **Tangible and measurable interests**, particularly the **costs of continued confrontation**
- ✓ **Divergent perceptions**, the **sense of threat**, and **collective identities** (promoting **deeper mutual understanding**)
- ✓ The pursuit of a **comprehensive resolution to the conflict**