

Legal Methods Conflict Resolution

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Abstract: *Article is about the legal methods conflict resolution. And also, this article explores aspects, concepts, types of conflict resolution.*

Keywords: *law, state, normative, history, theory.*

1. INTRODUCTION

Conflict resolution is a complex multi-step process, which, based on the diagnosis of conflicts, is expressed in the prevention, containment, and regulation of conflicts. Conflict management is characterized in developing strategies for conflict behavior, in suppressing or stimulating conflicts, in reducing the level of conflict destruction, in introducing the institution of mediation, in negotiations between conflicting parties.

Conflict mediation is understood as negotiation to resolve a conflict situation. Negotiations in this case are the main method of conflict resolution. Negotiations are a joint discussion by the conflicting parties with the possible involvement of a mediator of disputed issues in order to reach an agreement. They act as a continuation of the conflict and at the same time serve as a means of overcoming it. In the event that the emphasis is on negotiations as part of the conflict, they tend to be conducted from a position of strength, in order to achieve a unilateral victory. Naturally, such a nature of negotiations usually leads to a temporary, partial resolution of the conflict, and negotiations serve only as a supplement to the struggle for victory over the enemy. If negotiations are understood primarily as a method for resolving a conflict, then they take the form of honest, open debates, calculated on mutual concessions and mutual satisfaction of a certain part of the interests of the parties.

2. THE MAIN PART

The method of principled negotiations, or "negotiations based on certain principles", is characterized by four basic rules. Each of them constitutes a basic element of negotiations and serves as a recommendation for their conduct. "Make a distinction between the negotiators and the subject of negotiations," separate the person from the problem. "Negotiations are conducted by people with certain character traits. Discussion of them is unacceptable, as this introduces into the course of negotiations an emotional factor that interferes with the solution of the problem. Criticism of the personal qualities of the negotiators only exacerbates the conflict, or at least contributes to the search for ways to resolve it.

"Concentrate on interests, not positions." The positions of opponents can hide their true goals, and even more so their interests. Meanwhile, interests are always the basis of conflicting positions.

Therefore, instead of arguing about positions, it is necessary to investigate the interests that define them. Behind opposite positions there are always more interests in comparison with those that are reflected in these positions. In other words, behind opposing positions, along with contradictions, there are shared and acceptable interests.

"Develop mutually beneficial options." Interest-based bargaining facilitates the search for a mutually beneficial solution by exploring options that satisfy both sides. In this case, the dialogue becomes a discussion with an orientation - "we are against the problem", and not "I am against you." With this orientation, it is possible to use brainstorming. As a result, more than one alternative solution can be obtained. This will make it possible to select the desired option corresponding to the interests of the parties to the negotiating parties.

Find objective criteria. Consent as the goal of negotiations should be based on criteria that would be neutral in relation to the interests of the conflicting parties. Only then will it be fair, stable and lasting. If the criteria are subjective, that is, not neutral in relation to any side, then the other side will feel infringed, and therefore, the agreement will be perceived as unfair and ultimately it will not be fulfilled. Objective criteria stem from a principled approach to discussing controversial issues; they are formulated on the basis of an adequate understanding of the content of these problems.

Finally, the fairness of the solutions developed depends on the procedures used in the course of negotiations to resolve conflicting interests. Among such procedures: elimination of differences by lot, delegation of the right to decide to a mediator, etc. The last way to resolve the dispute, i.e. when a third party plays a key role, is widespread, its variations are numerous.

Take as an example the negotiation process between representatives of competing scientific schools. Suppose that the subject of negotiations is the question of the practical use of some scientific discovery. A positive decision, obviously, will be achieved if the above four requirements are met: if opponents are not distracted by mutual critical assessments of the subjective qualities of each, various kinds of shortcomings known to them, admitted in the course of scientific research; if they correctly determine the essence of the task before them, they will find a mutually acceptable aspect of the scientific discovery that can be recommended for practical implementation, as well as an agreed implementation mechanism; finally, if the implementation criteria are agreed. As for the latter, its importance can hardly be overestimated.

One of the main ways to resolve conflict - relic of a communication between people. This is the most common method and includes negotiation. Noun - Nosta and communication technology is widely describe - Sanaa in the literature. These issues, in particular - Fr. work D.Skott "Conflicts and ways of their pre - overcoming" D.Dena "Overcoming the differences." In the village - Lednov author, one of the pioneers in the field of conflict resolution, has developed a "4-step method". For me - the NIJ D.Dena, this method serves the acc - Sia between people and their fruitful coop to the state. It is based on two rules: "do not interrupt communication", because the refusal to communicate generates and means a conflict; "Do not use the power of games to you - to play in the struggle for power through coercion, threats, ultimatums." In the description by the author, the named method looks like this:

Step 1: Take time to chat.

Step 2: Prepare the conditions.

Step 3: Discuss the problem.

Step 4: Conclude a contract (if necessary).

This method works effectively if the conflicting parties are familiar with it. On the practical - ke is just one of the parties has to be Init - ATOR conversation. Often there is a need for Hugo - vorit the other side to take part in the dialogue. To do this, you need to take on some mandatory - CTBA: tell your opponent's vision of the situation; WHO - refrain from threats or pressure; from striving for a "win-lose" result; be careful - nym for conversation. The timing of the conversation should be chosen together.

It is fundamentally important to prepare suitable conditions for a conversation, which mean, in addition to time, also a place and a favorable environment for a conversation. The duration is determined by the BPE dialogue - Menem, necessary to achieve a breakthrough in smoothing the conflict. The content of the conversation USD - zhno kept secret since his untimely publicity creates rumors, gossip and strengthens the conflict. So, until that time, until: achieved a positive result should Observed - to be given the confidentiality of the conversation. The dialogue involves the successful completion of its ongoing compliance with the subject matter, excluded from the conversation elements - comrade, not related to the problem under discussion (colloquial - thief of a co-worker about the events of the day, etc.). During the conversation, one should constantly make gestures of reconciliation, not take advantage of the vulnerability of the other and, at the same time, not show unscrupulousness. Talk about waves - cabbage soup both sides of the issue should be carried out with a focus on win-win solution and elimination illus - zy concerning its results on a "wins - rysh-lose." The result of the dialogue - a contract describing - yuschy relations between the parties in the future, locking in writing a balanced, consistent behavior and actions for the implementation of conflicting interests.

The described methods of communication and negotiation before - believed to interaction of individuals, count - lektivov. In life, play an important role Conf - relic of occurring in an environment of mass communities, between - do not only small but also large groups. Co - course, and such conflicts can be resolved through negotiations and various types of communication. However, communication in such cases takes the form of not dia - log and mnogosubektnogo discuss problems. It's - different kinds of business meetings, seminars and con - ference, congresses, etc. Versatile and with the participation of numerous individuals and organizations A discussion - of controversial, vital to all issues, of course, provides a resolution of some con - flicts. A positive result of such CELEBRATION - Tille achieved under certain conditions. First, ensuring an objective consideration of the controversial issues; Secondly, the free dis - Denia all positions and points of view in the presence of Rabbi - GOVERNMENTAL opportunities to participate in the discussion of each subject; Third, registration of results dis - Denia in the form of recommendations, generalizing to identify common views and positions on certain Issues - himself. These forms are effective in resolving political,

ideological, scientific conflict problems. In these forms, the best course of action - by the democratic principles of discussion and solution - Niya conflicts. This ensures either the recognition of the position of the majority, or the achievement of agreement on issues of principle.

The use of positive methods of resolving conflicts embodied reach a compromise or consensus between the conflicting subjects. This - completion of forms of conflict mainly by the type of "win-win", "win-win", "win-win". They represent the implementation of styles of compromise and collaboration. Compromise means an agreement based on mutual concessions. For example, in the policy of compromise - a concession to certain requirements opposite - Noah side, giving up part of their claims in virtue of an agreement with another party. Distinguish compromise - sy forced and voluntary. The former are inevitably imposed by the prevailing circumstances. Ska - shall show the ratio of the opposing politi - FIR forces are not in favor of those who compromise. Or the general situation, which threatens the existence - NIJ conflicting parties (eg, mortal danger of a thermonuclear war, if it is ever to be unleashed for all mankind). The second, that is voluntary, compromises are made in Ba - ve agreements on specific issues, and respectively - exist some of the interests of all interac - interacting forces. On the basis of such trade-offs are a variety of party alliances and Politi - cal coalition.

Theoretical and methodological basis of compromise is the position of the dialectic of the combined pro - opposites as a form of regulation and time - resolving social contradictions and conflicts. The social base is the commonality of certain Institute - ests, values, norms (the so-called common great - fork games) as a prerequisite for interaction - nificant forces and institutions. In the case of a voluntary compromise holds common basic vzglya - rows, principles, norms and facing interaction - stvuyuschimi subjects of practical problems. The trade-off is carried out in order to achieve common Stra - strategic objectives of the tactics of social action to resolve the conflict.

If a compromise is forced ha - rakter, it can be:

- A. mutual concessions on certain issues in the name of ensuring the balance of private interests and goals (if the initiative comes from compromising one in conflict hundred - ron)
- B. in bringing together all the conflicting hundred - Ron to address some fundamental questions, svya - associated with their survival (if the initiative for a compromise - the mission is mutual).

Compromise technology

The technology of compromises is quite complex, in many ways unique, but still there is something repetitive in its structure. These are some of the ways I agree - Bani interests and positions: consultation, dialogue, discussion, partnership and cooperation. Use - vanie them to identify common values, if any, to find a convergence of views on certain issues, it helps to reveal the position at which the conflicting parties req - Dimo concessions, to develop "a mutually acceptable agreement on the" rules of the game ", or otherwise, norms and methods for further action in order to ensure a proper balance of interests and thus ureguli - Rowan conflict compromises Technology -. it is a kind of art in social management, to - torym has every experienced person, mature de - democratically organization.

Consensus

Consensus is a form of expressing agreement with the arguments of the opponent in a dispute. In the scientific literature, the concept refers to the social consensus agreement on the rules for resolving Conf - relic of. It is, in particular, the agreement with respect - but:

- a) principles of functioning of specific ICU - themes that embodied in the democratic structures of social control authorities;
- b) rules and mechanisms governing the allowed - of specific conflicts.

Consensus may be characterized by containing a - tion side (qualitative aspect) and level dos - tizheniya - degree of consensus (quantitative hundred - Ron).

Consensus becomes a principle of interaction between opposing forces in systems based on democratic principles. Therefore, the degree konsensu - ca - indicator of the development of Public democra - TII. Naturally, neither authoritarian nor, moreover, totalitarian regimes presuppose an appeal to the considered method of resolving social and political conflicts.

Consensus technology

The technology to achieve consensus - a special pro - Blema. It seems not easy, but the more difficult - nology compromises. Essential elements of this technology are as follows: a) spectrum analysis sotsi - cial interests and

expressing their organizations; b) ascertaining the identity of the fields and the differences, the lens - Foot coincidences and contradictions priorities prices - Nosta and goals of operating forces; justification of common values and priority goals, on the basis of which agreement is possible; c) systemic activity insti - Tutov authorities and socio-political organizational - tions in order to ensure public consensus on the - in relative standards, mechanisms and ways of regulating social relations and achieve the goals that are recognized universally significant.

Mediation in the negotiation process

The mediator in the negotiation process not only dol - wives perfectly know the specifics of the negotiations, the special - Nosta parties involved, but also the leadership - vatsya number of policy considerations universally - of nature. First, I must proceed from the fact that there is no absolutely right side in the conflict. For him, all the participants of the negotiation process are in the same position as subjects of expression determined - divided interests. Do not give the matter a mediator GSS - governmental assessment of these interests and, moreover, impersonate - dividing them into meaningful and consequential, good or bad. He must carefully and respectfully otne - stis to any stated position and bring it with - hold on to the other side, if you have no conditions of direct interaction. It is in the process of mutual recognition of other positions and D - mesons as a significant and respectable first opportunity arises friendly and would wish - vannogo discuss the existing problems.

Secondly, the mediator must initially take into account - Vat that the tasks facing it will have to solve in the process of direct communication with different lyud - E. It is impossible to foresee all possible si - tending to make the motives and motivations that for participative - Cove conflict "are essential here can potentially make a difference all without exceptions. - Niya factors and motives of their own human by - reference, including both objective and subjective, material and spiritual, ideal, . rational and other moments They should never be present exhaustive and, therefore, the characteristic of the expected developments in the conflict all - GDS will present a large proportion of the probability - Nosta.

Third, the rule retains the previous value of the Roman lawyers to begin consideration of disputes - to seek answers to the question: "Who needs it?" Only we can expect that in the midst of an attempt on the basis of accounting and matching the interests of parties to the conflict - -operation does not get bogged down in a variety of private views, illusions, prejudices of the people involved in the conflict. Properly understood interest of the participants Conf - relic of is the key to successfully resolve - Niya conflict, an indispensable condition of the agreement that has at a sufficiently strong foundation.

Thus, the requirements for the mediator politi - Skogen conflict (it may be an international organization , a separate state, authority, common - governmental organization or a politician) includes impartiality, objectivity, possession of leverage on hand, Zain - The interested in the peaceful settlement of the conflict. With regard to persons who are directly mediate, that is required of them deep into - some knowledge of the methods and means used in conflict resolution, self-control and independence from short-term political fluctuations, the way - Nosta withstand the pressure side. Considerable values - of a personal authority. On only you - sokih requirements for the person on the - intermediary, said the experience of Western countries. There is often in complex conflict situations, a large general - governmental Playing the role of arbitrator In progress - are Nobel laureates. In western Stra - tries in the midst of an institution of professional - nicknames.

In countries and areas where the prevailing traditional - naya social culture - these intermediaries, often a hundred - Elder, religious and tribal authorities.

Practical application of this method is not causing - a great difficulty. At first, a third party using a prepared project vyrabaty - Vaeth contract option and give it a composed Parties to the conflict. At the same time saying that the proposed alternative is not a reflection of the position of a mediator and does not require any action on it mandatory - Foot solutions. This project can be criticized, height - proves its own views on the on - absence of details, to offer their own versions. It is suggested to do the same to the other side. As a result of the return of multiple intermediary of another variant converted sides Dogs - Mr. an optimal agreement that hundred - novitsya acceptable to all.

Are of some interest formulated - bathrooms with the same professionals the basic principles of negotiation in various conflict situ - atsiyah. In the conduct of negotiations should take into account the principle that human beings are not com - Pewter and so, firstly, you must make a "distinction between the negotiating parties and the subject of negotiations." Second, should not be con - centered attention on the positions declared by teaching - ticipants. Compromises between the positions - s is unlikely to lead to a sustainable agreement. Therefore, one should "focus on interests, not positions." Thirdly, we must be prepared for a lot - numerical, unexpected and diverse hard - styam towards developing optimal solutions. By - it is expedient to "develop mutually beneficial options." Fourth, reduce the impact of volyunta - ism in the course of the negotiations may be paying attention to what's intransigence is

not up - sufficiently characteristic argument, and that the agreement should GTR - maps the some general rules of fair. Therefore - mu should "insist on using the lens - GOVERNMENTAL criteria."

Seven Steps to settle conflicts

Professor Charles Lixon, listing the seven main stages of the step-by-step method of resolving conflicts, characterizes them as follows.

The first stage is that no conflict can be resolved without revealing the true motives of the claims of the conflicting parties.

The second stage - need to find out what is the real problem, which is often hidden behind the set - gimi apparent.

The third stage - cancel the installation "Liu victory - the fight price" as the position of people who never win. The victory in the conflict - the same Nele - Fasting as good with his fists. The conflict will not run - give them settle.

The fourth stage - it is desirable to have several vari - Ants conflict resolution. These options need to be developed and evaluated in a specific situation.

The fifth stage - the choice of the best variant of settling - Niya conflict. And work better vari - anta, which as much as possible gives each of a hundred - Ron and thus real. The decision taken should be on - Zvolen move from conflict to settled - vaniyu conflict.

Sixth step - informing the parties on the proposition - niyah to resolve the conflict. Necessary when - draw the attention of opponents, to bring information to their attention and make sure that it is perceived.

Seventh step - to keep the relationship a hundred - Ron in settling the conflict.

Participants must evaluate the merits of the opponent's position, his value as a person. The last step allows, according to the author, to bring the matter to the end and prevent a collision of the parties.

Each of the specific techniques of overcoming and regu - lation of conflict is most relevant and effective, depending on the specific situation, but they are potentially useful in the emerging conflict. It's all about the art of using the most adequate way to resolve the conflict.

Services of professional mediators in the United States are in various conflict situations: in the case of conflict between enterprises and organizations - between themselves; the collision of interests of individual grazh - given or social groups, etc. To carry out practical activities designed private and gosu - civil service (special offices and departments), subsidized by the government, large firms, general - governmental organizations or individuals. Founded in 1983, the National Institute of solvable - sheniya dispute develops new Meto - rows and means of mediation, effective programs OCU - cheniya negotiation.

Most modern techniques of mediation to - rule in the normalization of relations between the conflicting parties and the achievement of concrete - Foot solutions to the problems facing them. These those - nicknames are often called contextual techniques of intervention and that they most often use a mediator. If the conflicting parties charged - are unrealistic demands to each other, the mediator usually seeks to actively change them, Demo - Rui, what is unrealistic and nekostruktivnost positions of the parties. When hostility is shown during negotiations, it becomes necessary to tightly control the situation, putting pressure on the representatives of the parties and explaining the consequences of non-constructive behavior.

With a multitude of issues discussed mediator usually seeks to identify priorities and to simplify the situation by determining the real and the false pro - Bloem, offering parties to discuss and bargain for what seems the most important.

The main characteristic of multilateral negotiations is that their participants are not two subjects (not two groups of negotiators), but several. The easiest way for multilateral negotiations is that, when the two entities are not dogs - RIVSH among themselves, turning to the third communication - Vai with it the opportunity to impartially examined - Niya controversial provisions. This is a forced situation generated by the difficulties of resolving the conflict. Another situation is possible when controversial on - decomposition affects the interests of the different actors. Then negotiations by nature become multilateral. There are other kinds of multilateral peregovo - ditch.

Varieties of multilateral negotiations

Variety 1. "Court of Arbitration"

This variety is exactly the one mentioned in the address of the two who did not agree to the third. WPRO - than possible and other situations when two Apella - ruyut to a third party. It is, firstly, the availability of posts - Janno existing appellate body (for example, the International Court of Justice, United Nations organizations such as "Amnesty Interneshinel," etc...). Second, organized specifically for on - Daubney case of international commissions and experimental - nye group.

In any case, it is believed that the uninterested party may have an impartial judgment on the litigants. Con - flicts either side subject to have laid - camping norms and express consent regardless of the benefits for themselves to follow them, because other ways of achievements - Niya agreement did not lead to the result, or dogs - Riva with a third party about such rules. This means that the desired agreements are preceded by prior agreements and agreements.

Multilateral negotiations such as "Arbitration" have their costs. First of all, it is that they demand their fees. This is an additional agreement,

and under any agreement there is always some concession. This is the most complex procedure, rules, forms coordination and monitoring the implementation of the articles of the contract, the cost in time and muc - Goa. And, apparently, all this is not accidental, since the parties have not found a sufficient tolerance to negotiate a tete-a-tete, and therefore have to pay the bills triple - governmental agreement.

Variety 2. "Divide the loot"

This kind of negotiation is a contract of accomplices. About - different words, when "hunting" is completed, they are divided up - bychu. International practice, by the way, knows a lot of such arrangements: the separation of spheres of influence, the division of colonies, etc. Here (whatever time.. - talk about justice and social ideals or were), the focus of the problem - how time - share "Easter pie". Most often, it administers - camping on the "lion's share": "The first extraction mine, because I - a lion!"

Whatever the logic or moved members of the division, but the principle of the unit, depending on the size of payment (in some cases by force, authority, influence, and so forth.), In the negotiations of this type is a determining mochi - tion.

Variation 3. "Simultaneous session" Such negotiations are multilateral in nature. In them, the subject, rates, claims and claims are interconnected. Bilateral negotiations resemble communicating vessels: as Init - tivy departed one partner, many came from Drew - Gogo as won one, lost so much else. Multilateral negotiations of this type are a more complex system. Here the loss of one is not mandatory - but winning another. In them, superiority over an obvious opponent can lead to the fact that in the end the implicit opponent will receive the largest "jackpot".

The aim of multilateral negotiations on the principle of "Simultaneous play" is the balance of power. Therefore, their tactics are the most difficult. They prac - tically never going to play to win as a victory over someone may suddenly turn proig - ryshem to another. Multilateral negotiations - a constant maneuvers, the constant movement of desks - ers to each other. In their plot, they are similar to a child's game, when the participants move around the presenter and freeze at his command. In many - party talks no conductor and no one to - Munday, besides their personal and public interest. Their maximum coincidence is the moment of truth. The participants in the negotiations are waiting for him. And when prozvu - cheat inaudible signal, all zamrut is put - Research Institute, which sought. Therefore, the aim of the maneuvers in the multilateral negotiations is the desire to take the most favorable - in relation to other teaching - ticipants negotiations - position.

This seemingly trivial consideration IME - is its own nuances. If there was a comfortable position with itself - the first beginning, there would be no need, and in multilateral negotiations. The fact is that this very position arises in the negotiations themselves. It arises as found in the process of discussing the weaknesses in the positions of the opponents, the differences between them, BPE - mennye agreements and alliances.

Multilateral negotiations are characterized by its - her tactics. This is a tactic of constant maneuver between groups that arise about a particular interest. A diverse group dynamics characterized - ized multilateral negotiations with the other side that they constantly arise various groups differing goals and objectives, cohesion and lasting existence. Therefore, multilateral negotiations have their own odds - we and procedural orders. If bilateral negotiations are a dialogue between the two partners, the multilateral negotiations - a general discussion. In bilateral negotiations, both participants work on the basis of their ideas about methods and tactics, and, as a rule, each side determines for itself the measure of the permissibility of one or another action. Many - party talks can not do without the general meeting protocol, secretariat, conduct of the relevant documentation, the chairman of the selection and - dividing it certain powers.

The chairman opens the conference, specifying in his speech the goals and objectives of the discussion. Mnogorandnye negotiations suggest that the role of pre - Chairmen alternately perform The interested representatives - the non- groups. Chairman watching reglamen - that announces speakers or deprive someone layers - Islands, announce decisions, attracts experts and declares closed the conference.

Of particular importance in the multilateral negotiations at - given the vote because it often determines the object - a bridge or unacceptability of a decision. To do this, selects counting and mandate - Noah commissions.

Thus, multilateral negotiations are complicated - Noah form of interaction. But they represented - lyayut themselves reliable tool to resolve difficult conflicts. All the features of de - lovogo communication discussed in this book, Pris - soup and multilateral negotiations. But other than that, for they tend to and what level mnogofaktor - Nosta at this stage of the discussion becomes much more complicated orders. Because more complex presented - etsya and preparatory work, the coordination of the proto - stakes, intentions, goals of participants, level of pre - stavitelnosti etc...

The plot of negotiations

The talks are a special kind of leader - Nost, which can be compared with the process of running which negotiators are simultaneous - but its active participants, form the pro - cession and in some respects become It was laid - nicknames, because often it becomes spontaneous, not - predictable. Having entered into negotiations, one has to either obey their laws, follow the rules of the game, or get out of it.

The negotiations are very multifaceted. They include their own stories of communication and interaction, tactical struggle and preparation of joint decisions, mistakes and difficulties, constructive results and actions and attempts to torpedo them, expression of goodwill and provocation. It noted above, that, like the rest - cue process, negotiations have their own biography. Regardless of whether at any particular operating system - Nové develop negotiations, they inevitably pro - go in its development stages, or phases.

Negotiation phases

They will be called relatively self parking - nye stage of negotiations, which is being implemented - etsya specific objective of the general negotiations. Cage - gives to the phase of the negotiations is characterized in accordance with the separate scenes, actions, so - tikoy.

Experience shows that usually all An attempt - ki pass any negotiation phase lead to the fact that the results obtained are either not - productive or substandard. So, if the two contracting parties A and B passed the agreement on the rules of negotiation and once when - stepped to the decisive part, this leads to the fact that an agreement becomes disordered - nym. It pressure of one of the partner or circumstances may penetrate neobscheznachimye odds - mulirovki.

A feature negotiation phase is the fact that in each - Doi of them ripen the result, which is followed by phase complication. Jumps in the negotiations, the desire to pass this or that phase do before - preliminarily, and, consequently, the main result motivated. This is, first of all, an understanding of the essence of the conflict and the nature of disagreements. Conceptually, this was discussed in the previous sections. In a procedural sense, a practical exposition of disagreements was given earlier in the form of an understanding of the nature of the conflict.

Start of negotiation (offer packages, spo - soby motivation to start negotiations)

The first phase of negotiations can be called "On - roan." She really characterizes the beginning of the re - dialects (However, this is the beginning does not occur by itself, and is realized as a result of targeted actions). This phase can be elected the following motto - conductive "Every start - good!" All its main sujet - you are connected with the desire to sit at the negotiating table of the enemy, to do at least something of his partner and a partner. We can say that at this stage the main goal is the negotiations themselves. In other words, if the negotiations begin, then, the main goal Set - Foot step is implemented virtually in full.

To start negotiations, i.e. opposition parties to the conflict agreed replaced by - a claim the overall solution to the problem, it is required first of all to encourage your opponent to negotiate. The most eff - cient way of motivation is The interested - be tween. All other methods of motivation (podtalki - .. Vanie negotiations by provoking those or other events, pressure, threats, etc.) may be shorter ways of finding an agreement, but they can not be regarded as reliable.

Ways to interest the opponent in the negotiations, quite a lot, and they are determined - Xia specific circumstances. Can be found on - conductive target to justify the mutual dependence, illustrated are undesirable or even destructive consequences that are coming, if it is time - Viva as it developed before the talks. You can refer to the opponent's mind

("better ASW - Hoi peace than a good war"), it is possible to appeal to the sanctions of different types (legal status, interna - native conventions, precedents in history, etc...). You can finally show possible benefit, koto - Paradise is much higher than the costs that on - are parties to begin negotiations.

In the case when the negotiations begin on mutually - imnoy agreement and interest, ext - the swarm will of the negotiators, the problems of motivation one of the other opponents usually do not arise. There is a mutual interest of the parties, but often one of the parties does not show, at least, Vidi - direct interest in the translation of the relationship in the control plane of the conflict at the negotiating table. Faure - mule of the "conflict resolution at a table ne - regovorov" must be understood clearly. Perhaps one partner is willing to bow to the wishes of Drew - Gogo discuss controversial issues. However, this is not ne - regovory. Recent involve primarily the reciprocal obligations voluntarily subordinated - nyatsya further mutually agreed solution - pits. Without this "negotiating table" may be, but sa - IIR negotiations, alas, does not happen.

Among the funds, which are designed to motivate the beginning of negotiations (when one of the possible or desirable partner shows no apparent interest but loyal measures listed - GOVERNMENTAL above, sometimes used are also those who races - rely on the verge of a loyal and sometimes for beyond general this face unsteady and changeable here kash.. - Dai party decides for itself, where the limit is admissible - Mykh action, in which cases, and depending on what purposes it can go beyond the moral assessment. - ki in this case, with the need to accompany the ongoing process.

Below we detail the methodology correlate dei - quences, including the limit of their admissibility, with nekoto - rymi principles of negotiation. And while nuzh - but to give aware of the fact that among the loyal action that motivate the partner to the negotiations may be that - Kie as enticement, inducement and coercion.

The easiest way is to lure the designation of such possible benefits that against - a nickname or a likely partner will suffice if - attractiveness to sit down at the negotiating table. Accordingly, an experienced negotiator will try to - camping possible to get these benefits so Obra - way that the they treated it as cheaply as possible or nothing at all cost. In some respects, this is similar to trading.

A situation is possible when it is not possible to put forward a tempting offer. Then it makes sense to denote the probability of the proposition - Nij or concessions in the future.

Packages, offers

To start negotiations it is essential to formulate the basic ideas and goals, as well as ve - probability of their realization in the form of a reciprocal proposition - zheny. These are called proposal bundles. They form the preparatory phase and serve as the beginning of negotiations. Let them have not yet implemented - camping at the round table, but the process of familiarization with the partner's position is started, then launched themselves ne - regovory.

The package of proposals should not contain over - Vyshen claims. Claims and claims Dolj - us to moderate. On the other hand, in the list of pre - expansions must be fully viewable position on the contentious issue. The skillful preparation of the initial package of proposals should make it clear to the opponent than, in principle, its possible partner post - pitsya in bidding for and what he is going to fight to the end.

The package of proposals includes: 1) a preamble, which specifies the purpose, interest, attitude towards the situation itself. Further, a position is formulated on aspects of the controversial position. The rationale is usually not given - it is up to the negotiation itself. Claims to the opposing side fit in as proposals.

As a rule, they highlight fundamental and secondary claims. The first ones are formulated directly and categorically, the second ones come as additions.

2) Expert assessments characterizing proposals.

3) Potential designs or calculations that focus on a desired or preferred option.

Luring methods

Methods of luring the enemy to the table peregovov - ditch a lot. These may include threat or pressure, authorization or encouragement, maximum favored nation treatment, or various embargoes on certain activities.

It does not exclude the situation when a possible partner does not see or does not understand his interest in the discussion - SRI of an issue. Then all forms of Agita - tion should aim at clarifying this interest. You can lure a partner to the negotiating table by starting negotiations with other partners. In some cases, this method works as a trap. This one can be called like this: "The division of the Easter cake." It provides an incentive to take part in obtaining a

share. From this usually very few people from the - proves. This method cannot be called good from a moral point of view or bad. Everything is determined by what, with whom and how it is shared.

Another technique, somewhat similar to the first one, can be called like this: "To all sisters by earrings." It is based on the formulation of some unifying

ideas, programs, a consortium of institutions, associative - tion, the formation of a joint bank (the ideas of savings - Nij, investments), distribution according to IU - swarm of participation in the program.

Let's call the next technique "Tell me, who is your friend?" Its implementation is related to the involvement of desks - inequality in the negotiations through preliminary under - Turning to them his business partners. In this situation, the partner is faced with the dilemma of either follows - Dowa continue their tactics of abstinence, and thus fall out of the already evolving process and to be alone, or succumb to the urge and start negotiations. At the first stage, it may even be negotiations on the inadmissibility of intrusion into his sphere of influence. But, nevertheless, these are already negotiations.

3. CONCLUSION

However, in reality they are not so effective and also fraught with the fact that under negotia - Worn process immediately fed bomb - the dominant force. When and what I will hide - resolutely consequences it will explode - only God knows. But the fact that it will work when poten - tial explosive device reaches a critical mass, or detonate the accumulated contradictions as a result of mutual efforts to force the adversaries were - CTBA, there is no doubt.

So, the first phase of negotiations is inherently self-sufficient. The stake in it is the negotiations themselves. And for the sake of this rate, anything that contributes to the conduct of an open dialogue can be at stake. Tue - heaven phase of negotiations begins immediately as roofing felt - to the contracting parties have entered into a process of - judgments. This phase can be named in accordance with the main goal that is being implemented at this stage of the negotiations. And it is called a regulation. That's the term we call all the ways soglasova - Nia, mutual obligation, organize, coordinate - ordination actions.

References:

1. Mukhamedov, K., & Anvarovich, K. A. (2021). THE ACTIVITY OF JUSTICE BODIES ON THE LEGAL EXPERTISE OF THE PROJECTS OF NORMATIVE LEGAL ACTS. *Psychology and Education Journal*, 58(1), 2099-2109.
2. Vladimirovich K. I., Anvarovich K. A. Experience Of The Justice Bodies In Foreign Countries In The Field Of Law-Making: A Comparative Legal Analysis //Psychology and Education Journal. – 2021. – Т. 58. – №. 1. – С. 2743-2748.
3. Vladimirovich, K. I., & Anvarovich, K. A. (2021). Experience Of The Justice Bodies In Foreign Countries In The Field Of Law-Making: A Comparative Legal Analysis. *Psychology and Education Journal*, 58(1), 2743-2748.
4. Хужаназаров, А. А. ЭЛЕКТРОН КҶ РИНИШДАГИ МАЪЛУМОТЛАРДАН ЖИНОЯТ-ПРОЦЕССУАЛ ИСБОТ ЈИЛИШДА ФОЙДАЛАНИШНИНГ УМУМНАЗАРИЙ АСОСЛАРИ.
5. Хужаназаров А. А. ЭЛЕКТРОН КҶ РИНИШДАГИ МАЪЛУМОТЛАРДАН ЖИНОЯТ-ПРОЦЕССУАЛ ИСБОТ ЈИЛИШДА ФОЙДАЛАНИШНИНГ УМУМНАЗАРИЙ АСОСЛАРИ.
6. Anvarovich K. A. Khaydarali Mukhamedov.
7. Mukhamedov, K., & Anvarovich, K. A. THE MONITORING OF LAW-MAKING ACTIVITY.
8. Mukhamedov K., Anvarovich K. A. THE MONITORING OF LAW-MAKING ACTIVITY.
9. Anvarovich, K. A. LEGAL EXPERTISE.
10. Anvarovich, K. A. THE PRINCIPLES OF CRIMINAL PROCEDURE.
11. Anvarovich, A., & Ulugmurodovna, L. EVALUATION OF THE RESULTS OF JUDICIAL COMPUTER AND TECHNICAL EXPERTISES BY THE INVESTIGATORS AND THE COURT.
12. Кудрявцев, И. В. (2019). Реализация защиты прав человека в Узбекистане. *Евразийский Союз Ученых*, (4-8 (61)).

13. Кудрявцев, И. В. (2019). Международные нормы и национальное законодательство обеспечения независимости судебной системы Республики Узбекистан. *European journal of law and political sciences*, (1-2).
14. Кудрявцев, И. В. ПРОБЛЕМЫ ВЗАИМОДЕЙСТВИЯ ЛИЧНОСТИ И ОБЩЕСТВА В ПОЛИТИКО-ПРАВОВЫХ УЧЕНИЯХ. *ЕВРАЗИЙСКИЙ СОЮЗ УЧЕНЫХ (ЕСУ)*, 45.
15. Kudryatsev, I. V. (2018). Civil society of Uzbekistan in the conditions of radical transformations. *Review of law sciences*, 2(1), 4.
16. Кудрявцев, И. В. (2019). Новое законодательство Республики Узбекистан по административным процедурам и административному судопроизводству. *Вестник юридического факультета Южного федерального университета*, 6(3), 65-70.
17. Mukhamedov K., Anvarovich K. A. THE ACTIVITY OF JUSTICE BODIES ON THE LEGAL EXPERTISE OF THE PROJECTS OF NORMATIVE LEGAL ACTS //Psychology and Education Journal. – 2021. – Т. 58. – №. 1. – С. 2099-2109.