

Fundamentals of border representation for border plenipotentiaries of the Republic of Armenia



Border Guard Troops of the National Security
Service of the Republic of Armenia



International Organization
for Migration



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National Security Service
of the Republic of Armenia**

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Fundamentals of border representation for border plenipotentiaries of the Republic of Armenia

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Fundamentals of border representation for border plenipotentiaries of the Republic of Armenia, Manual /A.A. Abrahamyan, A. E. Nalbandyan, ed. A.A. Abrahamyan.

This manual includes key provisions, skills and recommendations for coordinating and ensuring working and practical activities of border plenipotentiaries under the active Armenian legislation, international treaties, work experience of border guards and their foreign partners.

The manual is intended for servicemen of the operative and tactical unit under the Armenian NSS Border Guards Troops.

The manual can also be used to train other state agency servicemen operating at the border.

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CONTENTS

INTRODUCTION	4
Chapter 1	6
General provisions on activities of border plenipotentiaries	6
1.1. History and concept of the institute of border plenipotentiaries.....	6
1.2. The goals and functions of border plenipotentiaries.....	8
1.3. Staff structure of border plenipotentiaries.....	9
1.4. Basic activities of border plenipotentiaries	9
1.5. Rights and duties of border plenipotentiaries	15
Chapter 2.....	19
Protocol and rules of conduct for border plenipotentiaries.	
Negotiating.....	19
2.1. Compliance with the protocol	19
2.2. Negotiation skills and techniques.....	24
2.3. Methods and techniques of conflict management	37
2.4. Brief description of neighbouring countries.....	43
CONCLUSION.....	53
Appendix 1. Glossary of terms and concepts.....	54
Appendix 2. Legislative, sub-legislative and statutory acts.....	56
Appendix 3. List of references	57
Books, articles, research papers	57
Websites	57

INTRODUCTION

The institute of border plenipotentiaries takes on paramount importance for mutual compliance by neighbouring states with international treaties on state borders and security of borders and for maintaining friendly and neighbourly relations, as well as for peaceful resolution of incidents arising on borders and issues related to borders.

The detailed description of the peaceful resolution principle of disputes is reflected in many international legal instruments, including in the Charter of the United Nations and the 1970 Declaration on principles of international law, the Concluding Document of the Conference for Security and Cooperation in Europe (1975).

The activities of border plenipotentiaries integrate into the official agenda of public foreign relations agencies and their goals and tasks defined under the foreign policy of the state.

The governmental program on compliance with provisions of the Strategy for Maintenance of Border Security and Integrated Border Management of the Republic of Armenia approved by a presidential decree provides for the creation of the institute of border plenipotentiaries.

The Regulations on border plenipotentiaries of the Republic Armenia, approved by the Head of the National Security Service of the Republic of Armenia, define matters related to the organization of the activities of border plenipotentiaries of the Republic Armenia on border.

The activities of border plenipotentiaries count among the functions reserved for the Border Guards troops of the National Security Service of the Republic of Armenia related to the protection of the state interests on borders.

The activities of border plenipotentiaries imply a special kind of a conciliation procedure, and demand not only a sound knowledge of the legislation of the country in question, its international treaties and agreements on border issues, but also an understanding of its legal documents, history, customs, as well as ethnic and psychological peculiarities of the people who live in border areas.

This manual seeks to impart skills and knowledge required for organizing and maintaining the practical activities of border plenipotentiaries in compliance with the current legislation of our state, international treaties, the best practices of our colleagues from other countries, as well as the experience gained by Border guards over time.

The first chapter describes the formation and history of institute of border plenipotentiaries, main provisions defining their mission, tasks and functions of their work as well as the basics of their activities.

The second chapter states general questions of diplomatic practice and gives some idea on negotiation techniques and methods, settlement of conflict situations that integrates into the concept of conflict management, as well as details ethnic and psychological characteristics of people who live in the neighbouring countries, which is equally important for successful work with representatives of these countries.

The appendices provided in the final part of manual list conventions, laws and other statutory acts and contain a glossary of terms and bibliography, including web pages with additional materials for independent and a more profound study of the subject covered in this manual.

The knowledge imparted in this manual will certainly be useful to officers of modern Border Guards troops and other representatives of state structures presented on border.

Chapter 1

General provisions on activities of border plenipotentiaries

1.1. History and concept of the institute of border plenipotentiaries

The institute of border plenipotentiaries is a unique form of settlement of interstate disagreements on border issues and counts among the least studied subjects in the international legal science. The research fails to go beyond isolated statements quoted in training courses on international law and a few monographs.

The idea to create special border entities of so called boundary commissioners was suggested in 1920's in the USSR. Such commissioners were entrusted with investigating and resolving border related cases. Thus, a possibility was created for prompt resolution of border disputes without recourse to diplomatic channels. This initiative of the state met a good response from neighbouring countries and later established itself in the international legal practice.

Addressing border plenipotentiaries for settlement of small border conflicts (including of economic nature) and incidents was first set forth in the Agreement between the USSR and Poland on the Settlement of Border Conflicts dated August 3, 1925. Under this agreement, chief officers of relevant border military groups were to act as Soviet border plenipotentiaries. Decisions made by the representatives of two neighboring states were binding upon both parties. Disputable issues on which no agreement was reached were subject to the examination by foreign affairs departments of each country.

In the summer of 1925, the USSR and Persia reached a formal agreement on the appointment of border commissioners for each party. Following an exchange of notes between the governments of the USSR and Persia, the creation of border commissioners posts in both states was decreed in both states on August 14, 1927. Five border commissioners from each party were to be appointed along the entire length of the common borderline 'for the purpose of preventing any incidents and their prompt resolution'. However, it was explicitly stated that 'these commissioners are in no way delegated to make decisions on disagreements related to the delimitation of borders and territorial issues and hold no powers to initiate proceeding on any such issue'.

There were a total of seven agreements concluded by the USSR with five other states (Poland, Persia, Turkey, Afghanistan and China) on the settlement of border disputes and incidents through the agency of border commissioners.

The legal status and the competence of border commissioners are specified in great detail in the Soviet-Turkish Convention on Examination Procedure and Resolution of Borderline Incidents and Conflicts signed on July 15, 1937, which continues to be in effect as of now. The convention confers powers upon border commissioners to investigate and examine borderline incidents and conflicts. The number of border commissioners and their deputies (four of each from the USSR and two of each from Turkey) is set forth in the said agreement detailing their areas of activity, regulating border-crossing procedures, conduct of sessions, official registration of papers, etc. Unanimous decisions reached by border commissioners are binding upon the parties. Issues on which no agreement is reached become subject to examination through diplomatic channels.

By the time the Second World War broke out, the institute of border commissioners had been completely established. The international law established a cardinal principle for peaceful resolution of international disputes. The institute of border commissioners lived through a new development stage during the post-war period.

Obviously, the legal status of border plenipotentiaries cannot be defined as an independent international legal mechanism for peaceful resolution of international disputes as no such definition is set forth in Article 33 of the Charter of the United Nations or in any other international instrument. It can rather be referred to as an auxiliary instrument for prompt action, which combines the characteristics of individual mechanisms for the resolution of international disputes.

The most popular opinion expressed in the international legal literature is that the institute of border plenipotentiaries or commissioners is a unique form of a conciliation procedure for settlement of borderline incidents and conflicts.

However, the institute of border plenipotentiaries can hardly be referred to as a conciliation procedure in its traditional classical sense as only representatives of disputing parties take part in the settlement of incidents or conflicts on equal footing. Also, the peculiarity of this institute consists in the fact that its scope does not cover all interstate disagreements, but only addresses borderline conflicts and incidents of

local character. The authority of border plenipotentiaries does not extend to territorial disputes and disputes related to border delimitation. Unlike international conciliatory commissions which can produce only optional recommendations, coordinated decisions by border plenipotentiaries regarding the settlement of any given incident are definitive and binding.

1.2. The goals and functions of border plenipotentiaries

Primary goals, functions, appointment procedures and other matters related to the activities of border plenipotentiaries on border of the Republic of Armenia are defined by the Decree on Border plenipotentiaries.

The goal of border plenipotentiaries is to ensure compliance with treaty obligations on border security and settlement of borderline cases.

Border plenipotentiaries are to perform a number of tasks:

Preventive tasks ensure strict compliance with international treaties on border security; assistance in implementation of other international treaties on border issues; measures to prevent infringements of the established procedures and rules on border; maintenance of constant contacts with border plenipotentiaries of the neighbouring state at own section of the border and joint steps towards prevention of borderline incidents;

Tasks related to the peaceful resolution of borderline incidents through investigation and settlement of incidents, localization of their negative consequences, examination and resolution of various claims (property returns, indemnification etc.), that are consequence of borderline incidents;

Control tasks – exercise control on the maintenance of the state border in compliance with the provisions of international treaties; exercise control over implementation of decisions arrived at during border representation meetings and joint sessions; control over compliance with rules of border security etc.

Limits between three groups of tasks (functions) are rather conditional and often combine and intertwine.

1.3. Staff structure of border plenipotentiaries

A border representative staff must be formed to support the activities of the representative incorporating administration officers from the Border Guards troops unit on out-of-staff basis as appointed by the order of the commanding officer of the Border Guards troops of the National Security Service of the Republic of Armenia [8].

The following officers are appointed to incorporate the staff of the border representative:

- Deputy border representative
- Assistant to the border representative
- Secretary
- Military expert

If necessary, various experts can be involved in the staff.

Preparation, planning and implementation of border representation activities are done in coordination with the division of Border Guards troops responsible for the international activity.

1.4. Basic activities of border plenipotentiaries

The work of border plenipotentiaries hinges on knowing and complying with provisions and specifics of border security, as well as ensuring their strict implementation, settlement of all border issues and borderline incidents that may arise during their activities.

Border plenipotentiaries use various approaches and techniques in their activities. They are as follows:

1. Maintenance and control over Border security;
2. Investigation of borderline incidents;

3. Meetings with border plenipotentiaries;
4. Joint sessions with border plenipotentiaries;
5. Correspondence between border plenipotentiaries.

Let us examine more closely each of these activities carried out by border plenipotentiaries.

Maintenance and control over Border security

The Border security is covered in international treaties and governmental decrees of the Republic of Armenia on border security [4], which is defined as a procedure for crossing of borders, border maintenance, conduct of various activities, trade and other types of activities on Border. Border plenipotentiaries exercise control over compliance with border crossing procedures, the Border maintenance as defined under international treaties and economic activities in border areas.

Overall, the control over compliance with Border security is exercised by Border Guards troops units, commandant's offices, outposts, border squads, operational forces and techniques, as well by other military and civil competent authorities.

Commanders of units and divisions exercise control over compliance with Border security by engaging in military actions, operations and investigation activities, awareness raising and educational activities intended for the military personnel and local population, border maintenance in accordance with agreements concluded with neighbouring states.

Border plenipotentiaries ensure conduct of bilateral controls and additional surveys of border marks and boundary glades as well as make joint decisions with border plenipotentiaries of the neighbouring state on their repair, clearing or restoration.

2. Investigation of borderline incidents

A borderline incident means an incident on the border, resulting from illegal actions of its inhabitants, military personnel or authorities of any party taking the form of various infringements of the border security.

The investigation of borderline cases is a comprehensive and close examination of the incident which occurred on the border and caused an infringement of its security.

Borderline incidents can be classified into:

Deliberate or casual, inadvertent;

Depending on the forces, instruments, forms and implementation techniques employed, borderline incidents can be also classified as unarmed or armed; with or without transgression of the state border.

Borderline incidents include: firing shots across the border on persons, objects or territory; murders, infliction of wounds, physical injuries and other damage to health caused by shots fired across the border or in crossing the border, as well as violent actions against persons belonging to one party who are in the territory of the other party; illegal crossing of border by officials and private persons during their professional activity or related to it; deportation of the person into the territory of the neighbouring state; unintentional crossing of border by private persons, incidents involving offensive expressions and actions on border against the other party; moving, destruction or damage of border marks and other constructions; abduction, destruction or damage of state, private or other property on the territory of the other country; driving or passing of domestic animals across the border; breaking out of fires across the border, illegal negotiations across the border, etc.

The purpose of the investigation consists in establishing accurately the place and time of the incident, number of persons involved, nature of their actions, reasons for the occurrence of the incident, responsibility of the parties involved, presence of witnesses, finding substantial evidence and taking steps towards their preservation. Results of the investigation must be necessarily documented.

Investigations can be unilateral, conducted by border plenipotentiaries of one party only on its territory to reveal the circumstances under which the borderline incident occurred and to gather data and substantial evidence for a grounded claim to be addressed to the representative of the neighbouring party, or investigations can be conducted jointly by representatives of both parties.

Border plenipotentiaries or commissioners who conduct investigations must establish all persons involved in the investigated incident (perpetrators, victims and witnesses), thoroughly interrogate them by recording their testimony in minutes and occasionally resorting to the assistance of the public prosecutor or representatives of other competent authorities; reveal all substantial evidences related to the incident, take steps towards their preservation; conduct an expert evaluation, if necessary, using for this purpose experts and specialists; draw a layout of the incident area indicating on it every item available at the time of the investigation in the incident area to understand the circumstances and development of the incident.

Joint investigation is conducted by mutual decision of border plenipotentiaries or by the proposal of one representative and upon agreement of the other representative. A joint investigation must be supervised by the party in the territory of which it is conducted. Investigation can be full or partial; it may be conducted only on the border and in border areas within the limits specified in bilateral agreements. For example, the Convention on the examination procedure and settlement of borderline incidents and conflicts between the USSR and Turkey states that border commissioners of both parties can make joint investigations only within a three-kilometer strip on either side of the border line. The procedure of the joint investigation is defined by representatives in each individual case and is formally recorded to that effect. Joint investigations conducted by border plenipotentiaries, must not be regarded as judicial proceedings or any other similar action reserved for judicial or administrative authorities of each party.

After completing the investigation, border plenipotentiaries or commissioners hold joint sessions and take action to investigate and settle such incidents. Apart from border plenipotentiaries, secretaries and translators are allowed to attend sessions; occasionally, this extends to assistants (deputies) appointed to the section of the border where the incident in examination or that particular session take place. Experts, witnesses, victims and perpetrators are to be removed from the session room, if their presence is no longer needed. Upon resolving matters pertaining to representation of the parties, border plenipotentiaries or commissioners proceed to agree on the agenda for the joint session followed by the discussion of questions as planned.

If border plenipotentiaries come to an agreement on the question discussed, they make a decision and have it recorded in the minutes. Where representatives of both parties fail to achieve a consensus on any conflicts and incidents, such issues become

subject to a settlement through diplomatic channels. Border plenipotentiaries can suspend the examination of any issue and revert to it later, or limit themselves by entering opinions of each party into the minutes.

Cases of unsettled border conflicts or incidents must be submitted to the examination of diplomatic authorities by each party independently. At the same time, submitting any unsettled issue for the examination through diplomatic channels must not exclude its repeated examination for settlement by border plenipotentiaries.

Joint decisions by border plenipotentiaries are final and binding upon the parties and take effect upon signing the minutes pertaining to the question under examination. With the shortest possible delay, border plenipotentiaries must inform each other of any measures taken by them towards implementation of their joint decisions.

Tasks, rights and duties of border plenipotentiaries are defined in bilateral agreements and conventions with neighbouring states.

3. Meetings of border plenipotentiaries

Meetings of border plenipotentiaries, their deputies and assistants are very common in border representation. Meetings are conducted for various purposes: for mutual introduction of border plenipotentiaries and their staff members; for specification of procedures for reception and transfer of trespassers, animals, property belonging to any party; discussion and settlement of any disputable issues regarding the results of joint investigations; celebration of public holidays and memorial dates. Besides, meetings are necessary in all cases where a solution to existing problems calls for a personal interaction by border plenipotentiaries or their deputies and assistants.

Special meeting points must be established along the border. Where a meeting must take place outside any established points, the venue is chosen by mutual consent and agreement of border plenipotentiaries. To be more specific, representation houses must be constructed at any given section of the border with similar houses built on the territory of the neighbouring state.

4. Joint sessions of border plenipotentiaries

Joint sessions are conducted for discussion, examination and settlement of most complicated issues related to borderline incidents and other adverse circumstances on border where parties fail to reach a consensus and arrive at a common decision through correspondence, joint investigation, including where any such joint investigation is conducted by deputies or assistants to border plenipotentiaries due to individual circumstances of the case.

Joint sessions are conducted on the basis of the decision made at the previous session and recorded in the minutes, verbal agreement of border plenipotentiaries or a written offer to hold a joint session from one of the parties and the consent from another party.

As a rule, joint sessions are conducted at meeting points, alternating between our territory and that of the neighbouring state, or in an order defined under international treaties.

The main purpose of joint sessions for representatives consists in impartial settlement of the incident in question by means of a coherent, logical and evidentiary statement of the facts and arguments supported by relevant documents and substantial evidence. Joint sessions represent the most expedient way of settling incidents or resolving border issues, working out a viable solution and future activities for prevention of similar incidents.

During joint sessions, the border representative is entitled to bring up questions for discussion as agreed in advance; to make statements, claims, protests on incidents and other questions; to make decisions in compliance with powers and duties of his office; to disclose documents concerning cases in examination and to enclose them to the session minutes; to demand the inclusion in the session records of any documents announced by the border representative of the neighbouring state.

Questions beyond the authority of border plenipotentiaries are not subject to examination during any such joint session.

5. Correspondence between border plenipotentiaries

Apart from personal meetings, border plenipotentiaries and their deputies are also entitled to correspond for communication of written messages, information, statements, claims and protests. The correspondence must not contain language errors, must be drafted clearly and accurately and must not stray from its subject. The use of lengthy phrases, difficult terms or abbreviations is not recommended.

Reception and transfer of correspondence are to be carried out in special venues chosen to this effect by mutual arrangement.

To summarize the above, the work of border plenipotentiaries' staff to ensure border security is organized in a planned and systemic way based on the combination of various activities. Border plenipotentiaries and their staff officers are required to have a sound knowledge of guidelines, to exercise a streamlined approach to scheduling and implementation of border representation activities.

1.5. Rights and duties of border plenipotentiaries

In the Republic of Armenia, rights and duties of border plenipotentiaries are defined in the Decree on Border plenipotentiaries of the Republic Armenia.

The main duties of representatives are as follows:

- Protection of political, territorial, economic and other interests of the Republic Armenia on border; prevention of borderline incidents (border related issues) and their prompt settlement;
- Maintenance of border and border marks in proper condition;
- Control over compliance with border security rules established under treaties, agreements and conventions on border issues, preventing any infringements, forestalling any transgressions and eliminating their consequences;
- Enforcement of strict compliance with treaties, agreements, conventions on border issues by organizations and individual citizens of our country;

- Maintenance of regular relations with border plenipotentiaries of the neighbouring country.

In discharging their duties imposed by their office, border plenipotentiaries are entitled to:

- Prepare and carry out joint actions to ensure compliance with border security rules, settlement of any existing borderline incidents and issues with co-operating border guards troops;
- Take measures to investigate and settle any disputable border-related issues and incidents in case of their occurrence;
- Correspond with border plenipotentiaries of the neighbouring countries on settlement of disputable border-related issues and incidents covered by the scope of their activity;
- Cross the border and enter the territory of the neighbouring state with accompanying persons at a specified point as established under treaties, agreements, conventions and legal instruments each time with the permission of the border representative of the country in question in order to discharge border representation duties;
- Communicate in emergencies while in the border area in writing, by phone or through communication officers of the border representative staff with higher commanders;
- Wear the uniform established for border plenipotentiaries and carry a personal weapon;
- Move freely to a meeting point or a session venue by taking all security measures recommended by border plenipotentiaries of the neighbouring state;
- Return to own territory at any time.

In the absence of the border representative his deputy carries the same duties and rights. Otherwise, he fulfils his border representation duties under the direct supervision and control of the representative.

The assistant to the representative operates in line with instructions and orders received from the representative.

The assistant to the representative is entitled to:

- Follow an established procedure to summon border plenipotentiaries of the neighbouring state, their deputies, assistants for various statements;
- Make a unilateral investigation of individual disputed issues, incidents; handle the reception and transfer of people, animal, property etc.;
- Attend, if necessary, joint sessions of border plenipotentiaries of the parties;
- Exercise control over compliance with provisions of treaties, agreements, conventions related to border security rules;
- Report immediately to the representative on all actions taken, transgressions of border security rules and area changes supported by relevant documents.

The secretary of the representative must:

- Prepare timely and accurately all service paperwork completed during border representation activities;
- Know the situation on border and prepare in due course intelligence on any such situation for the representative.

The experts who specialize in other areas and become involved in matters demanding some special knowledge work under the supervision of border plenipotentiaries. They must:

- Give informed opinions on questions brought forward by the border representative;
- Prepare their opinions based on legislative norms currently in effect in the Republic Armenia and promote the best interests of the country;
- Fulfil all requirements laid down for staff members of the border representative office.

Border plenipotentiaries are forbidden to:

- Make statements on behalf of the government or other state or public organizations;
- Accept statements from the border representative of the neighbouring state on behalf of its government and other authorities;
- Express disappointment or satisfaction with the policy of the neighbouring state and in relation to any events affecting that country;
- Accept gifts from border plenipotentiaries of the neighboring state if it is not provided by the meeting protocol;
- Deviate from a meeting point, session and route on the territory of the neighbouring country;
- Make requests of personal nature to the border representative of the neighbouring state.

Thus, the structure, nature of activities and mandate of border plenipotentiaries have much in common with the activities and decisions of direct negotiations at non-diplomatic level. The institute of border plenipotentiaries is similar to the conciliation procedure, especially when in its combined and bilateral form as applied in agreements.

The institute of border plenipotentiaries is a special kind of conciliation procedure for settlement of border conflicts and incidents and represents a specific type of direct negotiations between the parties.

Chapter 2

Protocol and rules of conduct for border plenipotentiaries. Negotiating.

2.1. Compliance with the protocol

The diplomatic protocol (border representation protocol) is the form that takes any foreign policy action by the state, its representation agencies or the representative. Its rules are based on the so-called principle of 'international politeness' which implies respect and deference to everything that symbolizes and represents the state. Diplomatic protocol was created and developed based on this principle of mutual respect and politeness in the international dialogue. Rules of protocol must be observed in appointing heads of diplomatic missions, in presenting credentials, in conducting diplomatic visits and communications, in organizing various diplomatic receptions, welcome and farewell events for official delegations, in conducting negotiations, in convoking international conferences and meetings, in reacting to various kinds of festive and mourning events, in complying with the rules of conduct concerning the national anthem and national flag.

The rules of conduct and protocol developed so far virtually regulate all outward forms of diplomatic practice. It is important to bear in mind that application of protocol rules depends on the state of political relations with a particular country, and solemnities vary along with the number of officials etc.

Meetings and talks between the heads of public agencies and diplomatic representatives are an important form of interaction between the states. Similar meetings and talks are conducted for the purpose of maintaining and developing political, economic, trade, cultural, scientific, technical or other relations. Members of delegations seek to develop friendly relations and find out the position taken by any particular country on questions of interest.

The parties agree in advance on the date, hour and place of meeting or talks. The main subjects for discussion and the composition of the delegation are defined prior to negotiations. Any party can be the initiator of talks.

A diplomatic talk is a dialogue enabling both parties to state their positions with

a maximum number of arguments. Their persuasiveness is considerably higher, if references are used to support their arguments. It is particularly useful to use the knowledge of key events in the history of the interlocutor's country, as well as facts pertaining to the development of bilateral relations: legal relations base, key treaties and agreements of this country with any other third countries.

All talks must be recorded. Translation into a foreign language must be provided, if needed. As a rule, talks are not conducted in the office, but are held on special premises. Talks begin with the greeting of the host party and the introduction of visiting foreign guests to those present from our party. Then, visiting guests are invited to do likewise.

The talks are conducted in a calm tone even if the subject is unpleasant. During any talks, it is unacceptable to speak negatively about home and foreign policy of the interlocutor's country or make disapproving statements about specific individuals. It is not recommended to criticize governments of third countries which maintain diplomatic relations with the government of the interlocutor's country.

The duration of talks is planned by the receiving party. Existence of opposing positions and views must not lead to a change in the tone of conversation. If tea and coffee is served during the talks, it is recommended to ask the visitor his/her preference. If talks are of short duration, it is advisable to refrain from smoking. Smoking during talks is not forbidden with your interlocutor's prior consent. The move to end the talks is reserved for the receiving party.

Conduct of negotiations. Negotiations are mainly conducted through personal meetings, by correspondence, by phone and e-mail. In this section, we will dwell in greater detail on negotiations conducted through personal meetings.

Negotiations conducted through personal meetings must begin with preparation.

A negotiations agenda must be prepared to specify:

1. A place, date, time and ground rules for negotiations.
2. Participants, including foreign delegations, names and positions, if possible, the relevance of partners for the negotiation process, namely: capable of making a decision or otherwise, tends to make harsh statements, bad habits etc.

3. Prepare a list questions for the interlocutor. It is recommended to formulate questions as problems and to combine them in a certain sequence in order to meet time requirements specified in the ground rules of the meeting.

4. Prepare your alternatives to counter your interlocutor's suggestions, that is to say, envisage roughly the response of your partner.

It is common to prepare three alternatives:

- a) the most suitable and effective decision from the perspective of an economic and political benefit;
- b) less favourable, but satisfactory decision;
- c) the least appealing option, but still possible.

Prior to conducting negotiations it is recommended to split the delegation in two parts and role play a certain scenario of future negotiations to avoid errors and omissions during the actual talks.

5. To assign duties: who sees off, who welcomes, who ensures compliance with the protocol, i.e. who handles all organizational matters.

6. Draft a leisure program (entertainment events, countryside tours, fishing or picnics). In many respects, the continuation and success of negotiations may depend on this agenda.

7. Refreshments and souvenirs must be provided.

The entire course of negotiations must be regulated prior to their beginning. The receiving party must be the first to occupy their places in the conference room and await the visiting guests there. Positioning of places is also specified: the receiving party must take places with their backs to a window and facing the door, while your partners take places in front of you. No irrelevant conversations are acceptable during negotiations. If anything of importance occurs, the secretary must enter the room, pass a note and leave in silence.

Negotiations begin with introduction of the parties. Delegation members of the receiving party must be the first to introduce themselves. The head of the delegation

usually introduces the members of his delegation by announcing their names and positions, and then introduces himself in a manner of his preference. Visiting guests are introduced in the same order. All persons in the negotiation room must be introduced to each other (the parties shake hands). Sometimes introductions are made in a standing position. In such cases your partner is also expected to stand up and introduce himself. It is important to remember the names of delegation members. It is acceptable to look up the names of your interlocutors in their business cards, to ask for their names again, but it is unacceptable to confuse names: you can 'compromise' your cause in future negotiations.

The entire course of negotiations must be conducted by the same persons from each party. If negotiations are conducted by two persons from the same delegation, one of them must be put in charge. No interference with the actions of the leader is tolerated; he may not be interrupted etc. The leader must bear the entire responsibility. If the person conducting the negotiations made a statement that is not recommended, it is advisable to write a note and correct politely. It is a different matter when the head of the delegation gives the floor to individual members who make statements on specific questions and then speaks to sum up their statements. If someone comes late for negotiations, the head of the delegation must apologize before those present and explain the reason for the delay, introduce the person as a member of the delegation which takes part in negotiations and explain shortly the gist of the matter, before reverting to negotiations. It is not common to start negotiations by discussing the main subject. It is recommended to talk for a maximum of 3-4 minutes on general subjects (arrival, accommodation, weather etc.). These phrases, including greetings, help to establish a climate needed for negotiating.

The head of the delegation of the receiving party is the host of negotiations who supervises the sequence of questions, compliance with regulations and timely statement of questions. Sometimes intense action can grow into aggression as one party starts to 'preach' the other. The head of the delegation of the receiving party must remember that the person sitting in front of him is an equal partner, therefore his/her sovereign rights must be respected; sometimes the success of negotiations depends on how attentive you are as interlocutor. It is not recommended to interrupt your partner.

It is important to know that partners may have psychological characteristics which complicate the negotiating process.

Negotiation participants can be classified as follows:

1. Inattentive interlocutor. He/she is never fully confident of having understood everything and ready to make decisions. What must be done in this case to succeed in negotiations? Questions must be formulated shortly and accurately without philosophical arguments. When you feel that you have reached or you can reach an agreement, it is advisable to discuss intermediate results. If there is no certainty of successful outcome in negotiations, you can suggest signing a memorandum. You must prepare your arguments in advance, find the best solution and suggest signing a memorandum in duplicate. Your partner will have no choice but to agree with you.

2. Incompetent interlocutor. Such interlocutor can be easily identified by his/her behavior: he/she likes to shift papers, makes endless repetitions, often returns to the details of the same question and lingers in negotiating.

3. Talkative interlocutor. Such interlocutors can be of two types:

- a) A person with little knowledge who hides his/her incompetence;
- b) An expert ready to share his/her knowledge disinterestedly.

4. An interlocutor imposing his/her decision ('preacher'). It is necessary to check such partners as much as possible by defending one's position: 'Let us agree that we can do on our own everything that concerns our party...'

5. Aggressive interlocutor. Such interlocutor becomes excited during discussion of specific questions, starts swinging his/her hands etc. He/she can hardly be stopped at such times. In such cases it is recommended to wait, give him/her a chance to express himself/herself and then calm him/her down.

6. 'Regular guy'. Such interlocutor starts by giving many promises. It is necessary to keep a wary eye on such behaviour at once, as it is certainly tinted with a touch of adventurism. In general, such interlocutor must be kept at a certain distance as a future partner.

In negotiating discussion tactics must be well weighted in advance. Your tactics must tilt your future partner towards the decision that you seek to achieve. You should state well reasoned and considered ideas, and check your interlocutor's reaction during

negotiations to find out if he is ready to accept them or not. If he does not accept your offer, then 'throw in' the second idea prepared in advance. If your interlocutor does not accept your second idea, then offer a third option etc. If he finally accepts the option you offered, it means that you have succeeded in negotiations and obtained the best result.

Keep in mind that your statements must not 'corner' your interlocutor. Your statements must not be categorical. Your partner should see an alternative option. You should pay attention to this. If your interlocutor has to say 'no', then you should look for a mutually acceptable solution. This does not target your self-esteem or authority.

During negotiations, conversations are often written down. Recording may take place openly. Any such recording must reflect the spirit of the negotiations and all its basic elements. It is a collective work; therefore, the minutes must be discussed and agreed with all negotiation participants. Recorded minutes approved by heads of delegations are also needed for future work to let those unable to attend the negotiations familiarize themselves with its details.

Tape recording is acceptable only with the consent of the person sitting next to you at negotiation table; later you can offer him/her a copy.

2.2. Negotiation skills and techniques

Successful conduct of negotiations requires many skills: you must formulate accurately your thoughts, find convincing arguments, ask the 'right' questions, 'work around' the objections, resist manipulation attempts of your partner.

It is necessary to demonstrate internal force and confidence yet seeking to establish confidential relations with your partner and achieve a mutually beneficial agreement: 'my victory is your victory'.

However, it is equally important to understand who your partner is and choose your best negotiating style accordingly.

You must learn how to do this correctly and develop effective negotiating skills. You should and must learn how to achieve this.

Key components in preparing for negotiation

Define accurately the goal of forthcoming negotiations, i.e. the result you seek to obtain. How to formulate an objective? Do not prepare yourself for negotiations as a hard-fought competition where each party must defend its positions. Compare the interests underlying your position and those of your partner in negotiations. Be ready to protect both your interests and those of your partner and be guided by the spirit of cooperation. Prioritize your interests and determine their relative importance. Then, you can emphasize questions which are of most significance to you.

Answer the following questions:

- √ What is of greatest significance for me in forthcoming negotiations?
- √ For what reason?
- √ If I were my partner, what would be the most important thing for me?

In preparing for negotiations, work out some preliminary agreeable options (home work solutions) which you can bring up for discussion. It will raise the likelihood of a mutually acceptable solution through one of the options.

Each option must suit you but you should not disregard the interests of your partner.

In choosing possible options, answer the following questions:

- √ What option favours the interests of both parties to the greatest extent?
- √ What positive and negative aspects does this option entail?
- √ What arguments should be advanced to support this option?
- √ Is it possible to adjust your option and make it more acceptable, if negotiations lead to a discussion of your worst case scenario?

If your interests cannot be met through an agreement reached during negotiations (the option chosen by the parties), then define other possibilities to meet your interests.

Prepare the best alternative option to an agreement reached at negotiations (emergency landing). Such preliminary preparation is not a way to exercise pressure on your partner. It is a factor that gives you confidence and allows you to choose whether to continue or stop the negotiations. Remember that for negotiations to be considered successful, the chosen agreement option must be better than your 'emergency landing'.

Think over possible 'emergency landing' options for your partner to make such choice less attractive for him.

Always have a set of objective facts prepared (the reference to standards, legal norms, precedents etc.) for a weighty argument in favour of your option or to decline the option offered to you.

Also be prepared for how your 'independent arguments' may be received by your partner.

Negotiations reflect the movement of the parties towards each other; therefore, prepare a 'concessions portfolio' before beginning the negotiations. Analyze the value of mutual concessions and offers. In order to do this, you must first consider concessions which are insignificant for you, but hold great essence for your partner.

Consider in advance possible concessions suggested by your partner. It will allow preparing counter offers that will be favourable to you.

Let us consider the main principles of exchanging concessions.

Avoid easy and fast concessions and never make any gift of concessions as it may hamper the response from the other party. Accept a concession of an equal (or greater) value from the other party.

If you are persuaded to 'give in', obtain a reciprocal concession.

Do not accept the first offer of other party at once. It is better to give something later than to go back on one's promise.

Do not restrict yourself to a muffled objection, if your partner's offer is unacceptable

for you; deploy your opposing arguments.

Avoid any categorical statements such as “No, this is absolutely unacceptable for me...”

The main phrases used in negotiations should be ‘if’, ‘let’s suppose’, ‘If you agreed..., I would...’, ‘Let’s suppose we do as you propose... in this case...’ etc.

Plan in advance which obligations will be imposed on each party by the end of negotiations for each agreed option.

Make a rough schedule for meeting obligations by the parties by answering these questions: “How will you fulfill your obligations? How will the other party carry out its obligations? What action will be necessary for this purpose? What resources will be necessary for this purpose? Whether such resources are available? What is the deadline for fulfilling the obligations by stages and in their entirety? How you will supervise them? What sanctions will you apply for defaulted obligations?”

Certain types of questions are used during negotiations. A well-known rule says: “In case of two persons talking, the one who asks questions, holds a psychological advantage over the one who speaks much.”

In business interaction, it is important to distinguish two basic types of questions: open-ended and closed questions.

Open-ended questions invite to a dialogue and demand extended and informative answers from your partner. Such questions usually begin with interrogative pronouns *What, When, How, Where, Who* and *Which*. It is better to replace with questions starting with ‘Why?’ with phrases like ‘In which way...?’, ‘What is the reason...?’, ‘In which connection...?’ The use of ‘Why?’ in questions, especially as introduction, may be perceived as interrogation and cause your partner’s irritation. But the same pronoun can be applied as accompanying phrase in such combination: “It is very interesting. Why do you believe that ...?” or “I Understand. Why then...?” In this case your interest in your partner’s opinion will cause a favourable disposition in return.

Open-ended questions force your partner to speak.

Closed questions imply a short affirmative or negative answer. Closed questions are asked to verify facts, prompt a decision, obtain consent and sum up results: ‘Does it correspond to...?’, ‘Will you accept such an option?’, ‘Do you agree that...?’, ‘So, we have agreed on main points...?’

Such questions must be avoided at the initial stage of negotiations. They can cause negative reaction from your partner who may consider it as pressure.

If you must ask closed questions during negotiations, envisage a positive answer. If you give ‘no’ for an answer, your partner will subconsciously assume a negative mindset.

Hypothetical questions such as ‘What would you do, if..’ are asked quite often, but they can be discriminating, if the prospective situation is entirely beyond the experience of the person in question. Therefore, caution is advised with any such questions.

When preparing for negotiations it is useful to formulate open-ended questions to ask your interlocutor.

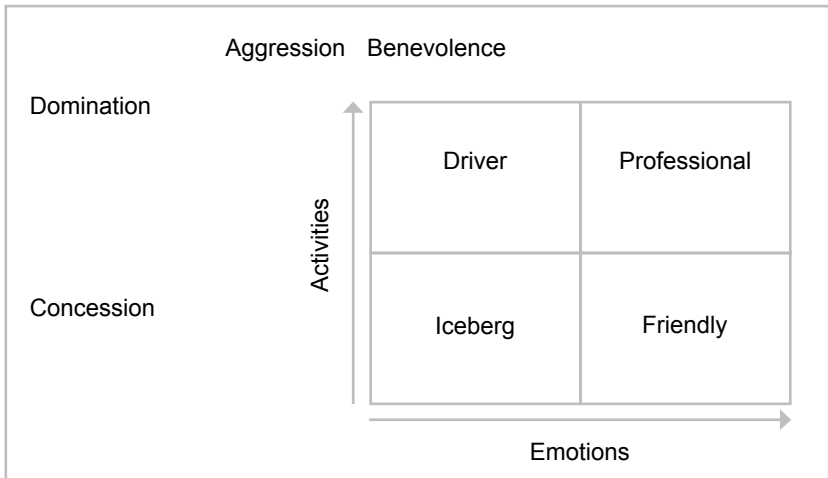
Questions recommended in negotiations

Question type	Purpose	Example
Leading question	Leading questions are used to prompt your partner to confirm or express a specific position.	“You are interested....isn’t it so?»
Directing question	Puts your partner’s thoughts in the direction you need.	“What would you do, I offered...?»
Alternative question	This type of question is used to obtain an answer based on two or more options.	«You would be more interested in....or....?»

Statement – question	A question follows a statement and demands your partner to think on the substance of your statement	«You offer is ... How exactly will you...?»
Point-blank questions	Such questions prompt your partner to formulate his position accurately	«Can you guarantee such a result?»
Gathering of information	Such questions give a clear idea of the situation	«Which specific tasks do you...?»
Questions asking for an opinion	Such questions cause an emotional response and may clear up a position.	«What do you think, is it...?»
Confirming question	Such questions are used to obtain a consent or to confirm disagreement on any specific subject	«Do you agree with it?»
Clarifying question	Such questions are used to clear up ambiguous, indistinct or noncommittal statements.	«You have told... what exactly do you mean?»
Including question	Such questions unostentatiously and subtly cause your partner to reflect on the matter	«I believe you are interested in establishing trusting relations, aren't you?»
Dissuading question	Such questions helps to obtain information in sensitive situations	«The past experience shows that ... does it happen on your end?»
Redirecting question	Such questions are used for a smooth transition to the next stage of the negotiation process	«And now I would like to talk about...., if you don't mind?»

Returning question	Such questions are used to transfer the negotiating initiative to your partner by answering his question by another question	«When can I await your....?» (In reply to a question: «When do you need it?)
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There is a multitude of negotiating styles. When preparing for negotiations, it is useful to learn basic behavior models for various types of negotiators and be prepared for an adequate response.



Let us give some explanation.

Domination is a tendency to control the situation and lead those around you. Apart from that, dominating personalities seek to be independent.

Tractability is a tendency to come under your partner's influence. People of such type have an internal need to follow others and adapt to the situation by avoiding any conflicts.

Aggression is a lack of sympathy for people. Aggressive persons are haughty, cold and mistrustful to others. If their interlocutor gets into trouble, they never fail to remind: "I warned you about it".

Goodwill is a positive, optimistic and trustful attitude in relations with people.

Characteristics of business partners	Recommended behaviour models
<p>Driving personality tends to dominate and manifest aggressive behaviour, is noisy, talkative and energetic. Such persons are inconsiderate, demanding and lack tact. They are not easy to deal with and may offend or even insult their interlocutors. Such persons have a tendency to push forward their interests by disregarding those of their partners and actually imposing their position. The driver personality seeks to score a victory at any cost.</p>	<p>To win the respect of the 'driver', you must raise your domination level to match that of your partner. To do this, you must sit up straight, look your partner straight into the eyes, listen with respect (but passively) and give direct answers. Your communication may be constructive only when the 'driver' realizes that you as his interlocutor stand on equal footing with him psychologically.</p>
<p>'Iceberg' personality: withdrawn, distant, cold, focused and unsociable. Such persons usually give short answers to questions, for example: «may be», «all is well», «probably». During negotiations, they show a passive behaviour and sceptical attitude and ask few questions.</p>	<p>Upon your first contact with an 'iceberg' personality, you should not try to dominate over him/her, it is better to gain trust gradually. Ask gently open-ended questions trying to get him/her to talk. Make sure that your eyes and head are on the same level as those of your interlocutor.</p>

<p>Friendly personality is outgoing, benevolent, optimistic and understanding. Such persons seek to draw attention and gain favour. Such persons are talkative and have a structural mindset. Such persons are not leaders by their nature and are inclined to submission: they may accept anything suggested by their partners in negotiations (putting their interests over their own), but are likely to put off their decisions at the slightest doubt to think it over once again or to ask somebody's opinion.</p>	<p>Initially, such persons have a positive mindset and show trust and willingness for cooperation. Therefore, they require an affable and friendly attitude without attempts to dominate. Once a climate of goodwill and trust is established, main issues of negotiations may be addressed.</p>
<p>A professional person is adaptive and open for cooperation. Such persons are not afraid to voice their opinions. They seek to hear an acknowledgement of their ideas from the interlocutor to be sure they are right. They lose patience from confused and evasive answers. They seek to serve both their own interest and that of their partners. They like to bargain in a business-like fashion and accept offers without hesitation if given compelling reasons.</p>	<p>The respect is of utmost importance for the 'professional'. Their interlocutors may win favour with them if their own domination level matches or is close to that of the 'professional'. Yet, it is not recommended to go beyond the confines of a professional dialogue. All arguments in favour of suggested options must be supported with proofs and specific facts as much as possible. It is advisable to pay attention to such persons without offending their feelings.</p>

Personal biases must be removed from professional relations with your partner; instead, a focus on the content of negotiations and creation of favourable working climate is required. Successful conduct of negotiations may be enhanced by determining the best negotiation strategy depending on the psychological type of your partner.

Another important rule in preparing for negotiations consists in formulating specific suggestions regarding the terms of cooperation and anticipate potential objections from your partner. Think of at least three convincing and strong arguments to counter each objection.

Your suggestions	Objections of your partner (possible options)	Your arguments (that must be difficult for rebut)
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The negotiating process can be pictured as a sequence of the following stages:

- Mutual definition of interests, views and concepts;
- Discussion of views, deployment of arguments to support any statements made;
- Coordination of positions and negotiating agreements.

Based on the above, effective negotiation rules can be formulated:

1. First discuss questions on which you have a shared position with your interlocutor, then proceed to questions that can cause small disagreements and finally address more complex issues.
2. Stay in control of the situation even when the other party manifests emotions. At early stages of negotiations follow a neutral policy. Excessive emotions negatively affect the decision-making process.
3. Apply argument-based persuasion techniques.
4. Accept views of your partners and keep an open mind to their objections and arguments. It will allow you to reach a mutually acceptable decision.
5. Keep written records: put on paper all your basic ideas, facts and data.
6. Maintain a good rapport with your partner, get him involved in discussions, consult him and listen to him.
7. Share trustworthy information. False information complicates your reasoning and may decrease the confidence level of your partner.
8. Regard your partner as a professional in what he does.
9. Communicate a positive emotional spirit and express benevolence.

10. Demand utmost effort. You can always downgrade but upgrading back is virtually impossible.
11. Build 'active' phrases. Do not say 'we can consider this option', say instead 'we will consider this option' or 'We must prepare this option», but 'We will prepare this option'.
12. Make your partner feel that he enters into favourable agreement and so do you.

Things that must be avoided during negotiations:

- Do not make assumptions.
- Do not accept the first offer.
- Do not express discontent.
- Do not take things personally.
- Do not preach.
- Do not give in to manipulation.
- Allow no familiarities.
- Do not show excessive emotion.
- Do not abuse body language.
- Do not make the impression that other party has lost, if you failed to reach an agreement.

Always remember that your conduct makes your interlocutor adjust his interaction model.

Form of address. Address your interlocutor by name as often as possible: it creates personal attraction (mutual disposition).

Paraphrasing. Reformulate your interlocutor's statements in brief and summarized phrases to communicate the gist of the matter. Begin with introduction phrases such as:

'In your opinion...,' 'In other words, you believe...,' etc. Thus, you provide a feedback and take the position of an equal partner.

Specifying questions. If you wish to specify something, do it at once: 'Did I understand you correctly that...?'. Listen to the answer attentively before deploying arguments in favour of own views.

Active listening. Give feedback; react after listening to your interlocutor by phrases such as: 'Yes, I understand...,' 'Of course...,' 'It is interesting ...' but certainly not by saying 'well' or 'aha'. Give your partner a chance to express his position.

Stimulating discourse. Derive a logical conclusion from your interlocutor's statement or make assumptions about the reasons underlying his statement: 'If we proceed on what you have told me, it will be...,' 'You seem to believe that...,' etc. Keep to an interrogative tone and refrain from assertive statements.

Non-verbal signals. Establish eye contact with your interlocutor, look him attentively straight into the eyes but do not stare or look away from him.

Maintain an 'open' posture, lean slightly forward; do not fold your arms. Encourage your interlocutor with nods or approving interjections (various version of "Uhu" sound).

Mirroring and echoing. Use replication (but not obvious imitation) of some characteristic postures, gestures and mimics of your partner with a small time shift. Use the same rate of speech, pitch, intonation and timbre as your partner.

To improve mutual understanding with your partner, apply echoing principle by repeating the words of his statement before your answer: '... I would like to specify' – 'You would like to specify...'

Summarizing. Sum up briefly the results of discussions at each stage of negotiations: 'As I understand, your main suggestions are...,' 'So, we have agreed on the following points...'

Let us now refer to negotiation techniques.

There are two basic techniques for negotiation: the technique based on positions and another one based on principles.

The negotiation method based on positions represents positions which are taken at the outset and then conceded in a certain order. Negotiations must begin with a statement of the starting positions which assumes a considerable overestimate of initial requirements. An extreme position is usually taken at first.

If partners proceed to negotiations based on their positions, they often start identifying themselves with their positions, protect their ambitions and lose the ability to reasonably assess the arguments advanced by their partners.

The purpose of a position based negotiations is to defend one's initial position to the utmost extent and with minimal concessions. Such negotiations resemble bargaining built around some game, which implies manipulating and pressurizing your partner.

The position based on bargaining is an inflexible negotiation method and is therefore inefficient. Such negotiations are known for the unpredictability of their outcome, waste of time, deterioration of mutual relations and likelihood of breaking the cooperation with your partners.

When partners resort to negotiation methods based on principles, they do not bargain about concessions but seek mutual benefit. Where their interests diverge, the parties seek results that can be justified without bias. In such negotiations, there is no overstating of initial requirements; instead they have a greater degree of openness.

In position-based bargaining participants hide their cards, while in principle-based negotiations they play their hand openly.

The scholars of the Harvard University (USA) have developed the following recommendations for conducting principle-based negotiations.

1. Separate disagreements from solvable problems.

People perceive the same things differently and have diverging views and positions. In negotiation, participants should respect the views of the other party without seeking to impose their own position. However, if your partner does not share your position, it

should not evoke negative feelings in his regard. This fact does not mean he treats you with little respect or trust.

2. Be tough in respect of the problem but stay soft with people.

Your reasoning must be firm but the form of expression should be soft.

3. Focus on benefits but not positions.

Irrespective of positions taken by your partners, the main focus should be on looking for mutually beneficial solutions.

4. Study closely the interests of the parties.

Only after defining where your mutual interests meet or coincide you can come to a mutually acceptable agreement. You must reconcile interests but not positions. Explain your interests and why they are important for you. Recognize the interests of your partner as a part of the agreement you reach.

5. Envisage several mutually beneficial options to choose from and make your decision later.

As you analyze options, do not take only the one that holds a benefit for you.

6. Do not establish rigorous limitations at negotiations.

What is a rigorous limitation? It is the worst acceptable option in any given situation which you would be willing to agree on. The reason for establishing a limitation is to prevent striking a bad deal, making hasty decisions i.e. keep your from taking unreasonable steps. But when a person starts keeping overly to his limitations, it restricts his initiative and imagination. It is more preferable to envisage the best alternative to an agreement obtained through negotiations.

7. Insist on using objective criteria.

To protect yourself from your partner's pressure, do not be affected by the situation or emotions. Determine in advance the objective standards that your agreement must meet.

2.3. Methods and techniques of conflict management

Basic stages in conflict. Conflict management.

Conflicting situations arise where parties have incompatible and opposing views, interests and positions.

A conflict can be perceived both adequately and inadequately or can be regarded from a false perspective. In the first case, parties assess correctly the existence of a real conflict, i.e. interpret it adequately. Where such perception is inadequate, the conflict is real, and while the parties realize the fact, their understanding is far from the reality of the situation. Where conflicts are perceived incorrectly, there is no dispute, although the parties are inclined to regard their relations as conflicting.

Let us consider the stages of a conflict:

1. Occurrence of a conflict situation.
2. The situation must be perceived as a conflict by at least one of participants.
3. Disputed conduct or interaction. These are actions with emotional coloring directed at each other which complicate the interaction.

At the stage where a conflict conduct occurs, two phases are possible: constructive and destructive.

The destructive phase of the conflict begins where dissatisfaction with solutions leads to a loss of control over joint efforts. The destructive phase can be broken down into two steps.

The first step is defined by seeking to overestimate own capacities and underestimate those of your partner, to assert oneself at your partner's expense with groundless critical remarks, disrespectful statements, gestures and opinions.

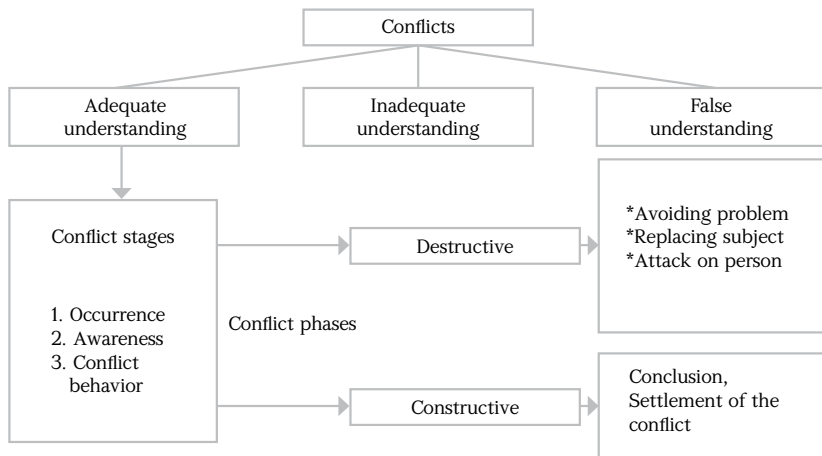
Usually such reactions are perceived as personal insults and trigger active counteraction mechanisms.

The second step is defined by hyperactivity, loss of self-control, distorted perception and blurred reactions. Apart from that, parties stray away from the problem, substitute the disputed subject, take to personal attacks and mutual insults. At this step, the process becomes uncontrollable and irreversible.

Instead, where the 3rd stage of the conflict is constructive, the next stage may entail a (partial or full) settlement of the conflict.

If, however, the conflict follows a destructive path, several dysfunctional implications are possible:

- Dissatisfaction, negative frame of mind;
- Reduced cooperation reduction between the team members;
- Perceiving the other party as your ‘enemy’ and regarding own objectives as positive and those of the other party as negative;
- Suspension of interaction and dialogue between conflicting parties;
- Increased animosity between the conflicting parties;
- Overestimating the ‘victory’ in the conflict and straying away from the real problem.



Main conflict types are: intrapersonal, interpersonal, intragroup, intergroup, social, interclass, intraorganizational, etc.

In practice, the conflict management is divided into three aspects: avoiding the conflict, suppressing the conflict and actually managing the conflict. Each of these

aspects is implemented through special techniques.

The benefit of avoiding the conflict consists in the fact that this decision is usually made without delay.

Avoiding a conflict is advisable where parties anticipate considerable losses from an expanded conflict; the problem underlying the conflict is trivial; other problems are more important and call for a solution; parties must cool down; parties must win time to gather necessary information and avoid making an immediate decision; other actors must be involved to settle the conflict; the opposite party is feared or the imminent conflict is not desirable.

Avoiding a conflict is not recommended where the underlying problem is crucial or when there are prospects of a very lengthy conflict.

Inaction may be an alternative way of avoiding a conflict. When this method is used, things are allowed to take their course spontaneously. Inaction is justified, if there is a complete uncertainty of potential developments, and implications are unpredictable.

Conflict management process hinges on a set of factors most of which can hardly be controlled. For instance, this may refer to views, motives and needs of individuals and groups. Existing stereotypes, perceptions, prejudices and biases may set at naught the efforts of those who seek solutions in conflict situations. Different agencies can be involved in searching solutions to conflicts depending on their type. These agencies are personnel management services, psychologist and the sociologist departments, trade unions, law enforcement authorities and courts.

Conflict management means an ability to keep a situation from reaching a level where it becomes a threat or gets out of control. Skilful management can lead to a settlement, i.e. elimination of the problem causing the conflict and restoration of mutual relations to the extent needed for maintaining the activities of the parties. It takes the form of settling or ending the conflict, forestalling its occurrence, reaching a consensus, easing the tension and suppressing or delaying the conflict etc.

There are many ways of preventing a conflict:

- Intrapersonal methods to influence a specific individual;
- Structural methods to prevent and eliminate organizational conflicts;
- Interpersonal methods to transform behavioural patterns in a conflict;
- Personal methods;
- Negotiations;
- Methods to influence an individual behaviour and to reach conformity with organizational roles considering the duties of the employees (manipulation of personnel is eventually possible);
- Methods to trigger aggressive patterns in extreme cases where all other options are exhausted.

Interpersonal methods imply choosing an adequate form of influence at initial or later stages of the conflict to correct individual behavioural patterns of those involved and to prevent damage to personal interests. Coercion and problem solving require some attention along with traditional patterns of conflict-related behaviour, such as adaptation (compliance), deviation, antagonism, cooperation and compromise.

Coercion means an attempt to impose own views at any cost. People who seek to achieve this have little concern for the opinions of others. Persons who use such approach usually behave aggressively and abuse power to exercise influence.

Coercion patterns can be influential in situations where leaders hold considerable power over subordinates. This pattern has the shortcoming of killing the initiative in subordinates, creating a great likelihood of underestimating essential factors as only one perspective is considered. Such pattern may cause indignation, especially with young and educated personnel. Problem solving means recognizing a possible divergence of views, a readiness to learn other opinions, find out the real reasons behind a conflict and choose actions acceptable to everyone involved. Those who use such a pattern do not seek to achieve an objective at the expense of others but find the best option to overcome a conflict situation. In difficult situations where a variety of approaches is essential for making a sensible decision, disputed opinions must be encouraged to handle the situation by using problem solving patterns.

The modern conflictology defines 5 behavioural strategies in a conflict situation depending on two basic factors: persistence degree in seeking to meet own interests and cooperation degree in seeking to meet the interests of others.

- Adaptation strategy where one party agrees with the another on all points but has an own opinion which he fails to voice (fear, hesitation, unwillingness);
- Avoiding strategy consists in dodging from a conflict situation;
- Rivalry (competition) strategy is an active opposition to the other party;
- The compromise strategy is a joint solution that satisfies both parties;
- Cooperation strategy is an attempt to reach a joint solution.

Personal behavioural aspects in conflict situations imply a conflict management process through problem solving in the following sequence:

- Problem definition in the categories of the objectives, but not decisions;
- Elimination (minimization) of causes triggering the conflict;
- Discovering a solution that would be acceptable to both parties of the conflict;
- Focusing on the problem and not on personal qualities of those involved in the conflict;
- Maintaining a climate of trust, increasing mutual influence and exchange of information;
- Creation of positive relations between those involved in a conflict situation, establishing personal appeal and hearing out the other party to minimize any display of anger and threats.

Thus, constructive negotiation is a communication process between equal and independent partners who inform each other of their basic interests and capacities to reach an agreement. Through concrete proposals on specific problems, negotiating

partners seek to meet their own interests and those of the other party. The negotiation process represents a coordinated exchange of proposals. Negotiations result in a planned solution to the problem, determining the share of each in the solution process and defining mutual commitments to undertake concrete action.

2.4. Brief description of neighbouring countries

The activity of border plenipotentiaries requires *inter alia* knowledge of the neighbouring country, its history, modern policies, economy, culture, armed forces, border protection, religion and the people living in its border areas.

This knowledge helps border plenipotentiaries to organize their border representation work correctly, to build relations with border plenipotentiaries of the neighbouring state, to avoid behavioural flaws, respect customs, traditions of the neighbouring people, as well as the practices and propensities of the border representation staff of the neighbouring country.

Georgia

Georgia borders Armenia in the north. Capital city: Tbilisi Population (as of 2012): 4,497,600. The main population: Georgians. There are also other ethnicities living in territory of Georgia: Russians, Armenians, Azerbaijanis, Adzharians, etc. The state language: Georgian. Length of border with Armenia: 265 km.

Georgia is a democratic state. Parliament is the national legislature; the executive power is reserved for the government.

The majority of Georgian population are orthodox Christians. The Christianity appeared in Georgia in the beginning of the Christian era, and was declared as the state religion in 337. Independent Orthodox Church formed in VIII century after receiving autocephaly. In 1811, after integration of Georgia into the Russian empire, the Georgian Orthodox Church became a part of the Russian Orthodox Church. The dogma of the Georgian Orthodox Church is identical to dogmas of other orthodox churches; main ceremonies and holidays are observed.

The Georgian orthodox church is headed by the Catholicos - the patriarch of all

Georgia, the archbishop of Mtskhetsi and Tbilisi whose residence is in Tbilisi, in the Sion cathedral. The Georgian Orthodox Church has 13 dioceses.

Azerbaijanis and Adzharians living in Georgia are Sunni Muslims.

A minority of Georgians profess a Greek Catholic creed and observe their ceremonies. The number Greek Catholics is under 10 thousand. Catholicism is mostly common in a number of villages in the west of Georgia: in the regions of Akhaltskha and Adigen. The apostolic leader of Greek Catholics reports to the Pope. The Greek Catholics profess Catholic dogma but preserve Byzantine ceremonialism and religious holidays.

The main holidays in Georgia are:

January 1 — New Year;

January 7 — Christmas;

March 3 — Mother's Day;

March 8 — International Women's Day;

May 9 — Victory Day;

May 26 — Independence Day;

November 23 — Giorgoba — Day of St George

End of October — holiday Tbilisoba;

Azerbaijan

Azerbaijan is a republic. Capital city: Baku. Population: 9,200,000, with Azeris making 82.7%. Other ethnic groups include Talysh people (500-800 thousand) living in compact communities in the southern region of Astara-Lenkoran, Lezghins on the border with Dagestan (250-500 thousand), Tats (about 100 thousand), and at least 230,000 Russians. The state language is Azerbaijani that uses a Latin-based alphabet. The President is the head of the state who is also the Chairman of Defence Council, Council of National Security and the State Council and the Commander-in-Chief of the armed forces.

The legislature is reserved for a unicameral parliament (Milli Majlis) consisting of 125 deputies elected for a term of 5 years.

The executive power is reserved for the cabinet of ministers headed by the prime minister who is appointed by the president with the approval of the parliament.

The bulk of Azeris are followers of Islam, Muslim believers include Shiites (60 %) and Sunnites (30 %) who mainly live in the north of Azerbaijan. Beside these two directions of Islam, there are many other variations professed by an insignificant number of Azeris. However, all Muslims of Azerbaijan share a view that they belong to a single people united by a common faith, traditions, history and interests in the modern world.

Religious Muslim holidays in Azerbaijan are common in Islam.

Beside religious holidays, there are also secular celebration days. They are as follows:

January 1-2 – New Year

March 8 – International Women's Day

May 9 — Victory Day;

May 28 — Day of Republic;

June 15 — Day of National Salvation;

June 26 – Day of Armed forces;

October 18 — State Independence Day;

November 12 — Constitution Day;

November 17 — National Revival Day;

December 16 — Border guards Troops Day;

December 31 — Global Solidarity Day of Azerbaijani People.

Iran

Iran is located in a south-western part of Asia between Oman-Persian gulfs in the south and the Caspian Sea in the north. Capital city: Teheran. Official language: Farsi. Population: 78,868,717 (as of census 2012).

Territory: 1,648,000 km². Iran borders on Armenia in the east. Length of border with Armenia: 45 km.

Since April 1979, Iran is an Islamic Republic. The constitution adopted in December 1979, is based on Shiite norms on the principle of clergy holding the Supreme power: *valie faghih*.

The government is defined as a concept of political aspiration of the nation following a single creed on its path to a religious purpose.

The leadership of the country is reserved for Rahbar – the leader (or Guardian Council). Rahbar holds the power to appoint higher judicial figures of the country, exercise control over armed forces, sign the decrees on the appointment and dismissal of the president, declare war, make peace and announce amnesties.

After Rahbar, the president is the highest official in the country who is elected for a term of four years by direct elections.

The administrative division of Iran includes 32 ostan (provinces) which are further divided into shahrestans (counties), into bakhshis (districts) and further into dehestans (subdistricts). Each dehestan has several settlements.

In Iran, chronology system follows the Iranian solar and the Muslim lunar calendars. The Gregorian calendar is also common.

Annual population increase: 2.9%. Notwithstanding linguistic and cultural variety, Iran represents a state with a single ethnic core. Over 75% of the population are Persians living in central, southern and eastern parts of the country. Large cities also have a large Farsi speaking population.

Azerbaijanis comprise some 8 million and live in the extreme northwest of the country as well as in the suburbs of Hamadan, Kazvin, Sava, Arala and Zenjan.

Over 3.5 million Kurds live in mountainous regions bordering on Turkey and Iraq.

Apart from these significant ethnic groups, Iran has a population of Armenians (150 thousand), Gilaki and Talysh people (1.7 million), Mazandarani people (1.1 million), Lurs (1 million), Baloch people – (about 700 thousand), Bakhtiari (800 thousand), Arabs (800 thousand), Qashqai (400 thousand), Turkmens (1 million), Tadjiks, Afghans, Ashfars, Karapapaks, Qajars and other nomadic tribes comprising about 17 % of the population.

Religion: Shia Islam. 90% of population: Muslims.

Islam which originated in the early VII century on the Arabian Peninsula is the official state religion of Iran.

Besides Islam, Christianity, Judaism, Zoroastrianism (pyrolatry) are widely professed.

The main religious holidays in Iran are: birthday and death of the Prophet Mohammed and 'sacred imams', holidays Ramadan, Eid al-Fitr (breaking of the fast), Eid al-Adha (festival of the sacrifice), Hadira (announcement of imam Ali as rightful successor of the Prophet); mourning days: ninth, tenth, thirteenth days of Muharram — the first month of the lunar year and the fortieth day of death of imam Husayn. Shia Muslims celebrate the day of mourning of death of imam Husayn, on these days, processions of religious fanatics engage in acts of self-flagellation using chains and knives.

The longest and massive holiday is the Persian New Year - Nowruz. It begins on March 20 and lasts for 13 days. First five days of this period and the thirteenth days are holidays.

Apart from these holidays, there are also other official holidays celebrated in Iran: Anniversary of the victory of the Islamic revolution of 1979 celebrated on February 11; Anniversary of Declaration of Iran as Islamic Republic by imam Khomeini (1979), celebrated on April 1.

Other memorial dates are:

Memorial Day for the victims of revolution of 1979;

Actions of the Iranian clergy against the Shah reforms under the leadership of Khomeini in the sacred city of Kuma in 1963 are celebrated as the beginning of the 'Islamic movement';

June 3 - Day of death of Imam Khomeini

June 28 - day of death of the party leader of the Islamic Republic of Iran Ayatollah M. Beheshti in a terrorist act in 1981;

August 30th - day of death of the president of Iran M.A. Radzhai and prime minister M.D. Bahonara in a terrorist act in 1981;

September 22 - day when the war with Iraq broke up and was declared by Khomeini as 'Great Jihad';

Turkey

Turkey is located at the junction of Europe and Asia. Capital city: Ankara Total area: 783,562 km². Total length of border with Turkey: 2,753 km. Population (as of 2012): 74,724,269. Official language: Turkish. Political system: parliamentary republic.

Under the Constitution, the legislature is a unicameral Great National Assembly (Majlis) housing 400 deputies. Deputies are elected by universal suffrage for a term of five years. The right to promote candidates is reserved only to officially registered parties. Military personnel have no right of vote. Suffrage is reserved to any person over 21 years.

The national parliament may adopt, change and cancel laws, supervise the activity of executive authorities, discuss and pass laws on the state budget and monetary issue, declare war, ratify treaties and agreements.

The executive power is implemented by the president of the country and the ministerial council headed by the prime minister.

The president is selected for a term of seven years from the members of the parliament and is virtually conferred unlimited power.

The local government is implemented through governors, district leaders and community foremen.

Elective local governments (provincial general council, municipal council, village council of elders and regional committee of elders) handle matters related to the local economy, finances, well-being, public health services, etc.

The administrative division of Turkey includes 67 provinces, 571 districts, 35,780 communities. Each province (vilayet) is divided into districts (ilce) which are further divided into (buckaks). A district encompasses some villages and settlements. The smallest administrative unit in the city is area (makhale), in a countryside — village (kyoy).

Annual population increase: up to 1 million or 2.5%. The male population (60/40%) prevails. Ethnic composition is rather homogeneous. Up to 80% (55 million)

Turks, Kurds about 18% (over 9 million), Arabs, Circassians (up to 150 thousand) 2% (up to 600 thousand), Greeks (120 thousand), Turkmens (200 thousand), Armenians (100 thousand), Laz people (500 thousand persons) etc. Overall, there are representatives of 25 national minorities in the country such as Yuruks, Georgians, Karakalpaks, Assyrians, Bulgarians, Bosnians, Jews, Gypsies, Albanians, Tatars and Gagauz people.

Irrespective of their ethnic origin, all citizens are considered members of a single Turkish nation.

The social and class structure of the Turkish society is typical for countries with an average level of capitalistic development.

Peasants make up the backbone of the social and class structure by comprising two thirds of the total population.

Capitalist businesses take up an increasing share of the country's economy.

In the modern Turkey, the religion holds a great value. According to the official statistics, 85% of the Turkish population professes Islam (Sunnites), and only 7 million persons (10% of the population) profess Shia Islam.

Every Muslim considers it a duty to buy a copy of the Koran, as it is thought to possess protective properties to fend off troubles and misfortunes. A paper scrap, a piece of fabric or leather with verses from Koran is considered to be the best talisman for luck. The Koran and supplementing suras are fundamental dogmas, ethics and morals in Islam.

The Muslim doctrine manifests itself in public, political, and home life. It strongly influences the formation of routine behavioural patterns, household habits, customs and ceremonies.

The Koran prescribes five prayers a day for all Muslims. These times are: near dawn, after midday, in the afternoon, just after sunset and around nightfall.

Prayer must be preceded by ablution i.e.: washing of the face, feet to an ankles, hands to elbows or rubbing of these parts with clean sand if water is not available.

After ablution it is forbidden to lie, look at women, consume alcoholic drinks or satisfy natural needs. If this interdiction is broken, the ritual must be performed anew. At the appropriate time, the muezzin calls believers to prayer from a minaret balcony.

Prayers are offered once believers hear the verses of the muezzin. During prayers, a few verses from the Koran are chanted. Believers accompany their prayers with kneeling and leaning their faces downwards.

Consumption of pork is strictly forbidden. Every year, Muslims fast for 30 days during Ramadan. A ban on eating, drinking or smoking is placed during the day. The ban lasts from sunrise to sunset.

Drinking alcohol during Ramadan is very much frowned upon. Vodka and wines are taken away from shops for the duration of the holy month of Ramadan. At full age, every Muslim if healthy and with means must perform a Hajj, a pilgrimage to Mecca, after which he receives the honourable title of 'Hajji'.

Marriages are entered into at an early age (12-16 years), especially in rural areas. The bride must be redeemed. The amount of the redemption, 'bride money' can be very high. Bride kidnapping is a common practice. A Turk may not marry a woman who professes a different religion, unless she converts into Islam.

Polygamy is officially forbidden. But the clergy constantly preaches the right to have four wives.

Islam justifies unequal status of women. In dividing the inheritance, the share of a man is equal to that of two women. In court, the testimony of a man is equal to that of two women. A man may easily divorce his wife by declaring his intention in the presence of two witnesses three times.

If there are guests in the house, women may come out to greet them only with the permission of the male host. If the male host is not in the house and women are alone, no male stranger may come in.

If meeting a female stranger, a man must not offer her a hand, look at her face or

address her. If a woman meets a man on her path, she is expected to give way and let him pass first. It is not acceptable for a stranger male to ask a Turk about the health of his wife and daughters.

In public places, women usually keep away from men. In shops, there may be two separate lines waiting for a single shop attendant and consisting of males and females.

As a rule, children are given two names. One name is given at birth by the imam and another is given in the honour of the father, a relative or a person of high standing. The second name can denote a quality of the child. For example, Mustafa Kemal ('kemal' means perfection).

At the age of 5-16 years, boys go through a circumcision procedure (sunnet) which is considered to be a big family holiday.

The burial ceremony has its specifics. Nobody wears mourning, it is not accepted to express mourning or regret about the person who died. Burial takes place on the day of death and must be completed before sunset. Music is not played at funerals. Women are not allowed to attend funerals.

The Nation Day is an official holiday which is celebrated on October 29 and 30 to commemorate the Declaration of the Turkish Republic on October 29, 1923.

On August 30, the festivities to mark the country's Victory Day are solemnly celebrated. In 1922, Turkish armies under the command of Mustafa Kemal Ataturk defeated the Greeks at the battle of Domlu-Pynare on this day. Military parades, public meetings, wreath-laying ceremonies, exhibitions, shows and sport events take place on these days.

Apart from that, New Year is celebrated on January 1. April 23 — the Independence holiday, when the Turkish Parliament started its work for the first time in 1920.

May 19 — Ataturk's holiday for youth and sports.

All public holidays are non-working days. Friday is a non-working day for Muslims.

Turkey holds celebrations to commemorate the liberation of its cities in Eastern Asia Minor from Russian armies, and the liberation of Western Asia Minor from the Greek, English and French armies.

Apart from public holidays, Turkey also celebrates religious holidays. The principle holidays are: Sheker-Bayram (the holiday of sweets) and Kurban-Bayram (the sacrifice holiday).

Sheker-Bayram is a three-day holiday that ends the fasting period of Ramadan. During celebrations, people exchange gifts, congratulate each other, make visits and eat much sweets. The main Muslim holiday Kurban-Bayram takes place ten days after the Sheker-Bayram and lasts four days. These religious holidays are non-working days.

CONCLUSION

The institute of border plenipotentiaries must be regarded as one of international legal mechanisms for peaceful settlement of disputes that represents an auxiliary and prompt method combining all characteristics of peaceful resolution of international disputes.

Border plenipotentiaries solve problems they face based on conclusions they make regarding the border security status and border representation work considering the number and extent of threats, past history of borderline incidents, willingness level and professional experience of border representation staff, as well as the established practice of mutual contacts with the border representation staff of the neighbouring country.

At any event, border representation activities for the settlement of all borderline incidents and resolution of border issues must be conducted with method and perseverance to further the interests of our state by showing a reasonable initiative, promptitude and diplomatic tact. The successful activity of border plenipotentiaries and their personnel depends on a sound knowledge of their duties and rights as well as a skilful use of both.

The analysis of past experience shows that where activities of border plenipotentiaries are conducted dynamically, continuously and in close contact and interaction with border plenipotentiaries of the neighbouring state, the border security status meets the requirements of international treaties concluded with neighbouring states.

Qualification level of a staff member supporting the activities of a border representative depends on his/her self-work, study of theory and practical skills obtained through the guidance of an experienced border representative and his/her staff members.

All officers who are involved in working with foreign delegations must know and apply the requirements and rules of the diplomatic protocol.

The authors of this manual believe that the materials presented here, including those highlighting legal matters, will be useful not only for those involved in border representation work but also for other categories of border officers who under the current conditions are involved in the defence and protection of the state border of the Republic Armenia.

Appendix 1. Glossary of terms and concepts

Stateless person is a person without citizenship, which represents a legal status for persons who are not nationals of any state.

Diplomatic protocol is a set of standard rules, traditions and conventions observed by the government, departments of foreign affairs, diplomatic, trading and consular representatives, diplomatic staff members and other officials involved in international dialogue.

Long-term solutions (for refugee problems) are means to relieve and resolve definitively the situation of refugees, so that they can live a normal life. This may refer to voluntary repatriation 'sur place' or resettlement.

Incident is any occurrence, misunderstanding or clash.

Borderline incidents are incidents on the border which result from illegal actions of citizens, military personnel or local authorities of any party expressed through various infringements of international treaties, border agreements or affecting the interests of the neighbouring states and related to violations of border security status or incurring of collateral or any other damage.

Conflict is a situation where parties have incompatible and opposing views, interests and positions.

Confrontation is a hostile opposition of two states, tense political relations fraught with threats of a military conflict.

The concept of the national security represents sets of officially accepted views regarding the security of the person, society and state from external and internal threats.

Convention is an international treaty, an agreement on any specific issue.

International treaty is an explicit and coordinated expression of will by two and more states concerning their mutual rights and duties in political and economic relations. Treaties may be called differently e.g. agreements, settlements, covenants, treatises, conventions, declarations or reports etc.

Migration is the movement of a person or a group of persons, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, economic migrants, and persons moving for other purposes, including family reunification.

Irregular migration is movement that takes place outside the regulatory norms of the sending, transit and receiving countries. There is no clear or universally accepted definition of irregular migration. From the perspective of destination countries it is

entry, stay or work in a country without the necessary authorization or documents required under immigration regulations. From the perspective of the sending country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country. There is, however, a tendency to restrict the use of the term “illegal migration” to cases of smuggling of migrants and trafficking in persons.

Border representative (border commissioner, border plenipotentiary, representative of border guards troops) is a supervising officer who holds appropriate powers and carries duties to maintain border integrity, strictly observe border security status, prevent and settle incidents, keep neighbourly relations with the other party along any given section (area) of the border.

Border representation is a type of service and military activity for the protection of the state interests on border.

Borderline incident is an incident which results from illegal actions on border.

Borderline provocation is a planned and organized action of armed groups of civilians who violate the border security status and seek to aggravate the situation on border and border territory and provoke a confrontation or war.

Protocol – 1. One of names given to international treaties. Multilateral or bilateral agreements can take this form;

2. A document containing consecutive records of discussion and decision-making process at sessions;

3. Set of rules regulating various diplomatic procedures.

Border representation protocol is a set of standard rules, traditions and conventions observed by border plenipotentiaries in a dialogue with their counterparts from neighbouring states;

Treaty is an agreement establishing any conditions, mutual relations, rights and obligations of the parties.

Tolerance Putting up with somebody or something

Installation of border marks is a component of demarcation works, a border designation on land with special clearly visible constructions. Installation of each border mark is done with exact definition of its geographical coordinates and drawing up of a report. Each border mark is indicated by a special symbol on a topographic map.

Conflict settlement represents taking a set of political, economic, military, border and other measures to terminate a conflict and maintaining of a peace between the conflicting parties until they reach and implement an agreement that excludes a possibility of a relapsing conflict.

Appendix 2. Legislative, sub-legislative and statutory acts

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5. Governmental Decree № 200-N dated 24.03.1998 on Approving the Procedure for Functions by Competent Authorities at Checkpoints on the state border of the Republic of Armenia
6. Presidential Decree № NH-37-N of 7.02.2007 on Approving the National Security Strategy of the Republic of Armenia
7. Presidential Decree № NK-174-NG of 03.11.2010 on Approving the Border Security Strategy and Integrated Management of State Borders of the Republic of Armenia
8. Regulation on border plenipotentiaries of the Republic of Armenia

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