Arbitration and Reconciliation in the Context of Pastoral and Marriage Dispute or Conflict

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Introduction

Over three crore cases are pending in various courts across the country and this 'unacceptable level' can be reduced by appointment of more judges and modernisation, law minister Mr Ashwani Kumar said. "Without doubt, it is true that a large number of cases are pending in courts. The number is over three crore. This is a matter of deep concern. This situation needs to be addressed. The unacceptable level should be reduced," he said in the Lok Sabha during Question Hour (*The Times of India,* New Delhi: Mar 7, 2013, 15.01).

The government said that 65,661 cases were pending in the Supreme Court until Dec 1, 2013. Then Law and Justice Minister Mr. Kapil Sibal also told the Lok Sabha that 44, 34, 191 cases were pending in all the 21 high courts of the country. "Delay in disposal of cases affects all sections of the society. In order to expedite the trial of court cases, legislative changes have been made in procedural laws which include provisions for limiting adjournments of court proceedings in criminal and civil matters", said Sibal. He said the government

had set up the National Mission for Justice Delivery and Legal Reforms to achieve the twin goals of increasing access to justice by reducing delays and arrears. This would also enhance accountability through structural changes and by setting performance standards and improving capacities (*The Times of India,* New Delhi: Dec 18, 2013, 19:59).

India has over 1,000 fast track courts set up to move the wheels of justice faster, and they have decided more than 3, 20, 000 cases in the past 11 years. However, a whopping 32, 00, 000 million cases are still pending, according to available official data. Kapil Sibal said in the Lok Sabha a total of 32, 92,785 cases were disposed of by the 1,192 fast track courts (FTCs) till March 2011. But there are also more than 32, 00, 000 pending cases in high courts and subordinate courts across the country (IANS Agency, New Delhi: Monday, Dec 23, 2013, 14:31). For ten years until March 2011, 49 courts of Tamil Nadu heard 3, 71, 336 cases.

As for marriage cases, once, India used to have one of the lowest *divorce rates* in the world. Being a society largely based on a traditional value system, couples were both legally and socially dissuaded from seeking a divorce. However, socio-economic changes, complemented by legal reforms in the last half a century, have enabled partners, especially women, to opt out of unequal and abusive marriages. The wave of globalization in the nineties ushered in further changes in the Indian social institution of marriage, especially in urban localities. Couples living and working in cities and metros, were exposed to more economic and relationship options, which prompted them to break out of unsatisfactory or unequal marriages.

Confucius said, "Marriage is the union of two different surnames in friendship and in love, in order to continue the posterity of the former sages, and to furnish those who shall preside at the sacrifices to heaven and earth, at those in the ancestral temple, and at those at the altars to the spirit of the land and grain". There is a saying "A happy marriage is a harbour in the tempest of life, an unhappy marriage is a tempest in the harbour of life".

1. Conflict/Dispute?

Conflict is a natural life fact. It is a result of different needs, interests and perspectives of the individuals and groups. Most people think that the conflict is an unusual situation and that it is always destructive. When one mentions the word conflict most people associate it with negative thoughts or uncomfortable situations. Conflict is a disagreement through which the parties involved perceive a threat to their needs, interests or concerns. However, conflict is both a danger and an opportunity. The word *conflict* comes from the Latin word *confligere* (to strike two things together, e.g., to strike flint and iron to get a fire). The Chinese word for conflict or crisis: an amazing example is that it consists of 2 symbols - one means danger and the other opportunity.

Modern social sciences have developed deep conflict analysis and successful methods and techniques of conflict resolution. Conflict is a part of our everyday experience. The most usual patterns we learn in the family, in the school and community as well as experiences in the work place teach us certain rules of behaviour and ways to deal with conflict. These ways are different and extreme: in some cultures it is

recommended to avoid the conflict, in others it is viewed as cowardice. The various ways members of the same family or the same group deal with conflict are also quite different. There is a great difference between these ways and the way the conflicts are treated and 'officially' resolved in the court. What is generally taken as an unwritten ground rule is that every conflict is resolved in a way that one side wins and the other loses. In the beginning it is hard to imagine co-operative conflict resolution, where there are no winners and losers but where all sides win. Mother Theresa said: *The world is full of conflict,* ***Choose peace of mind anyway.***

2. A Short History of Conflict Resolution

Conflict resolution is the process of attempting to resolve a dispute. War, or on a smaller scale, infighting was the earliest and most common method of conflict resolution for centuries. With the advent of civilization, war's younger brother, litigation, became the resolution tool of choice.

Then, at the beginning of the Cold War (1950s and 1960s) with the development of nuclear weapons and their threat to human survival, a group of pioneers from different disciplines saw the value of studying conflict, as a separate discipline, whether in international relations or in families. They saw the potential of applying developing approaches in fields as disparate as social psychology, industrial relations and systems conflict theory. After initial resistance, their ideas and findings began to be accepted and the field of conflict resolution grew and spread during the 1970s and 1980s.

In the 1970s Kenneth Thomas and Ralph Kilmann identified five main styles of dealing with conflict that vary in

their degrees of cooperativeness and assertiveness. They argued that people typically have a preferred conflict resolution style. These styles are:

a. **Competitive:** People who tend towards a competitive style take a firm stand, and know what they want. They usually operate from a position of power, drawn from things like position, rank, expertise, or persuasive ability. This style can be useful when there is an emergency and a decision needs to be made fast or when the decision is unpopular or when defending against someone who is trying to exploit the situation selfishly. However, it can leave people feeling bruised, unsatisfied and resentful when used in less urgent situations.

b. **Collaborative:** People tending towards a collaborative style try to meet the needs of all people involved. These people can be highly assertive but unlike the competitor, they cooperate effectively and acknowledge that everyone is important. This style is useful when you need to bring together a variety of viewpoints to get the best solution; when there have been previous conflicts in the group or when the situation is too important for a simple trade-off.

c. **Compromising:** People who prefer a compromising style try to find a solution that will at least partially satisfy everyone. Everyone is expected to give up something, and the compromiser he/she also expects to relinquish something. Compromise is useful when the cost of conflict is higher than the cost of losing ground, when equal strength opponents are at a standstill and when there is a deadline looming.

d. **Accommodating:** This style indicates a willingness to meet the needs of others at the expense of the person's own needs. The accommodator often knows when to give in to others, but can be persuaded to surrender a position even when it is not warranted. This person is not assertive but is highly cooperative. Accommodation is appropriate when the issues matter more to the other party or when peace is more valuable than winning or when you want to be in a position to collect on this 'favour' you gave. However, people may not return favours, and overall, this approach is unlikely to give the best outcomes.

e. **Avoiding:** People tending towards this style seek to evade the conflict entirely. This style is typified by delegating controversial decisions, accepting default decisions, and not wanting to hurt anyone's feelings. It can be appropriate when victory is impossible, when the controversy is trivial or when someone else is in a better position to solve the problem. However, in many situations this is a weak and ineffective approach to take.

In resolving conflict this approach or rules may be followed:

a. **Make sure that good relationships are the first priority:** As far as possible, make sure that you treat the other calmly and that you try to build mutual respect. Do your best to be courteous to one-another and remain constructive under pressure.

b. **Keep people and problems separate:** Recognize that in many cases the other person is not just 'being difficult' - real and valid differences can lie behind

conflictive positions. By separating the problem from the person, real issues can be debated without damaging working relationships.

c. **Pay attention to the interests that are being presented:** By listening carefully you will most likely understand why the person is adopting his or her position.

d. **Listen first; talk second:** To solve a problem effectively you have to understand where the other person is coming from before defending your own position.

e. **Set out the 'Facts':** Agree and establish the objective, observable elements that will have an impact on the decision.

f. **Explore options together:** Be open to the idea that a third position may exist, and that you can get to this idea jointly.

By following these rules, you can often keep *contentious discussions* positive and constructive. This helps to prevent the antagonism and dislike which so-often causes conflict to spin out of control (http://www.mindtools.com/pages/article/newLDR_81.htm).

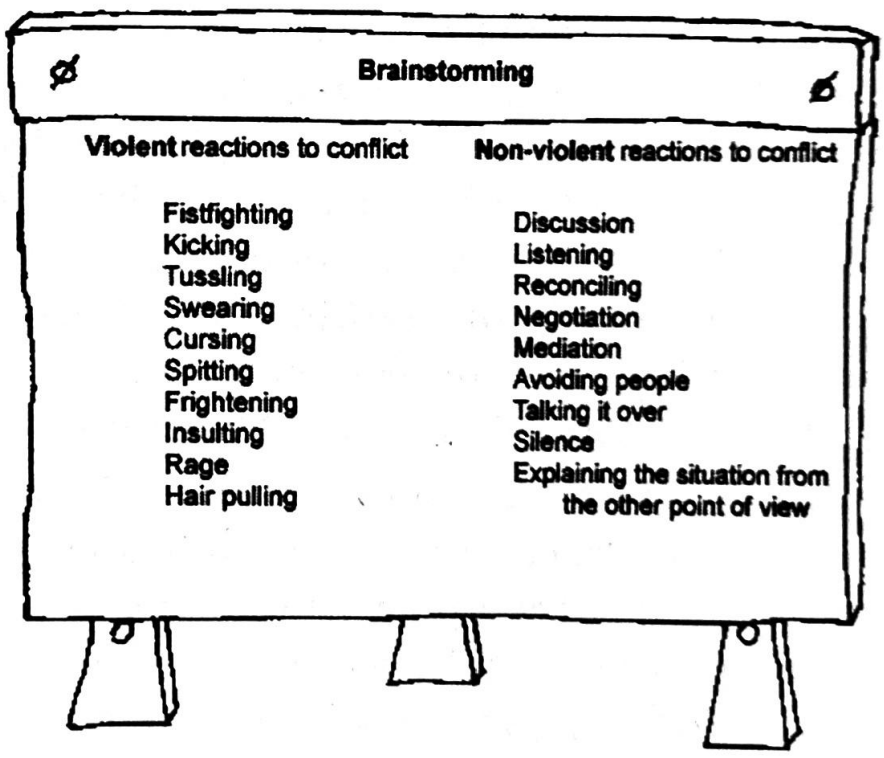
Conflict is a fact of life, no one is immune. Conflict is not necessarily bad or destructive. Conflicts are great catalysts for growth, agents of change and can be a positive force. The key question is: *How do we respond* when we are confronted? Without any governing principles or guidelines people will fight in ways that lead to chaos and emotional pain. We then sow the seeds for further discord by fighting improperly. If we can pre-decide the rules of engagement, we

have a much better chance of containing the negative outcomes and promoting the positive ones.

3. Different Levels of Conflict

It is important to notice the close relationship between different levels of conflict. Internal (intrapersonal) conflict influences the conflict among individuals (interpersonal) and *vice versa*. Both can influence or are influenced by conflicts in organisations or conflicts among ethnic groups (group conflicts). In each conflict situation we have to identify the sources of conflict on different levels before we choose particular skills and approaches to the process.

How do we behave in conflict? On the board under the headings 'Violent Reactions and Non-Violent Reactions to Conflict' we write down everything the pupils say, reminding them about what they noticed during conflicts in the school.



In the very nature of conflict, the purpose is *not* that one side must be destroyed, rather *both* sides are primarily interested in the achievement of their goals, they are *partners* in the resolving the problem they share.

4. Learning Peaceful Conflict Resolution

The turning point in peaceful conflict resolving is the transition from a position (requirement) to the interests of each side. Those who resolve conflicts attack the problem, and not the person. Accusing a person accelerates or widens the conflict and provokes self-defence. Attacking the problem leads to a resolution of the conflict. For example, the personal attack *You never do anything on time*! could be transformed into a communication without accusation: *Can you tell me how we can get this done on time?* Effective conflict resolution confers responsibility without accusation. Effective conflict resolution distances the person from the problem. The majority of conflicts arise because of bad situations, and not because of bad people. The majority of personal conflicts result from situations which people confront. The sides in a conflict which recognize this can join together their strengths in order to create different circumstances. The opponents can become partners in the course of working on changing the circumstances which pit one person against the other. Collaboration brings about decisions of bilateral benefit.

Everyone has heard the phrase 'looking at a problem with fresh eyes'. According to Dr. Badrinath Rao, associate professor of Liberal Studies at Kettering University in Flint, Michigan, United States, "The world needs to find new mechanisms to enable people to solve conflicts; the use of religion is one attempt at identifying a new approach. The

justice system in India is overburdened with cases – approximately 30 million cases at different levels in the judiciary – making speedy and cheap access to justice a major challenge facing India. Hence, the need to explore avenues for alternate dispute resolution, more specifically, from religious traditions."

"Because Hinduism emphasizes sacrifice, Dharmic obligations and self denial, Rao said, it provides the right values for resolving social disputes. In Rao's opinion, Hinduism's emphases on *Dharma, Karma* and *Satyagraha* and all of them provide potent tools for resolving conflicts. He explained the three principles thus: *Dharma*, which understood variously as the moral order, a principle that binds us all, righteousness, etc.; *Karma*, emphasizing the inevitability of the consequences of one's actions, tolerance and non-violence; and *Satyagraha* or truth force. Rao cites Mohandas Karamchand (*Mahatma*) Gandhi's use of non-violent resistance as addressing conflict resolution from the Hindu perspective. *His use of non-violent resistance was successful in showing the world an alternative to violence and armed conflict. Abrahamic traditions* typically have established rules for what is considered a virtue and what is considered a transgression" (Hibbard810.762.9865dhibbard@kettering.ed - Feb. 14, 2008).

If a conflict cannot be resolved by the parties in conflict or dispute, mediation by a third, neutral party (as in peer mediation) or arbitration (enforced resolution by a neutral authority) compromising or conciliation through dialogue are other options. Humour, judiciously used, can also effectively defuse conflict. You can avoid many confrontations and resolve arguments and disagreements by communicating in a playful or humorous way. Humour can help you say things that might

otherwise be difficult to express without creating a flap. However, it is important that you laugh with the other person, not at them. When humour and play is used to reduce tension and anger, reframe problems, and put the situation into perspective, the conflict can actually become an opportunity for greater connection and intimacy.

a. Dialogue is the key element in constructive conflict resolution. Dialogue is made up of two very different communication skills, both of which are essential listening with empathy and non blameful self disclosure. As Reuel Howe states in his book, The Miracle of Dialogue: "... it must be mutual and proceed from both sides, and the parties to it must persist relentlessly when two persons undertake it and accept their fear of doing so, the miracle working power of dialogue may be released".

b. Compromising looks for an expedient and mutually acceptable solution which partially satisfies both parties.

The Pastoral Constitution on the Church in the modern world *Gaudium et Spes,* promulgated by Pope Paul VI on 7th December 1965 in Section 2 'Certain Principles Governing Socio-Economic Life as a Whole', no. 68c reads: "When, however, socio-economic disputes arise, efforts must be made to come to a peaceful settlement. Although recourse must always be had first to a sincere dialogue between the parties, a strike, nevertheless, can remain even in present-day circumstances a necessary, though ultimate, aid for the defence of the workers' own rights and the fulfilment of their just desires. As soon as possible, however, ways should be

sought to resume negotiation and the discussion for reconciliation.

"Unfortunately, in an imperfect world there are no measures which can wholly prevent wrongs from occurring". Soon after the Second Vatican Council, Bishop Joseph Bernardin, wrote, "We should not be afraid, therefore, to examine closely our legal apparatus to see if it will stand the test of today's needs and aspirations. We must listen to those who insist that our procedures are not adequate. Then, on the basis of actual fact rather than emotion or an effort to prove some preconceived idea, we must decide whether changes are needed and, if so, what kind. Only in this way, will the Church's credibility remain intact" (Bernardin, "Due process in the Church," *Homiletics and Pastoral Review,* 69 (1969) 756-757).

c. The extra-judicial methods have assisted us in some good ways over the years, yet their merely voluntary nature has not always solved the issue of an alleged abridged right or perceived injustice" ["CLSA Experiment in Due Process," NCCCL p. 280]. Many of the post 1983 Code disputes that have arisen in the Church are in the area of employment practices. To deal with these cases, some dioceses have implemented a 'due process' system similar to that approved by the National Conference of Catholic Bishops (NCCB) of America. The CLSA conducted an experiment in due process designed to evaluate aspects of conciliation/mediation procedures in smaller. The same study also surveys the practicality of adding a limited administrative tribunal component to well-established due process

(conciliation / mediation / arbitration) systems. [*For a presentation made to the CLSA membership regarding this project, see "CLSA Experiment in Due Process Committee Report," CLSAP 56(1994)68-79*] (NCCCL p. 231).

5. The Rise of Alternative Dispute Resolution

Since 1980's Resolution of controversies through some alternative form of dispute resolution - typically refers to the use of *mediation, conciliation* and *arbitration* as alternatives to the traditional practice of adjudication. The two most widely used ADR systems are *arbitration* and *mediation.* These two ADR systems can be readily distinguished by understanding the role of the *neutral adjudicates* and makes a final binding decision on the merits. In *mediation,* the neutral does not make a decision on the merits, but is a facilitator to assist the parties to reach an agreement. Unless the parties in mediation agree, there is no decision. The terms *mediation* and *conciliation* are often used *synonymously,* but not always: In *mediation,* the third party is essentially a facilitator. His/her role is to help the parties see each other's point of view and to emphasize points of agreement; but it is not for him to suggest or promote particular solutions to the conflict. In *conciliation,* too, the third party is a facilitator, but in addition he/she may promote agreement by suggesting a solution and pointing out its advantages (NCCCL *p.1828, f.n. 57*).

The Gospel of Matthew 18:15-17 states "If your brother sins (*does something wrong*) against you, go and tell him his fault, between you and him alone. If he listens to you, you have gained your brother. If he does not listen, take one or two others along with you, that every word may be confirmed by the evidence of two or three witnesses. If he refuses to

listen to them, tell it to the church; and if he refuses to listen even to the church, let him be to you as a gentile and a tax collector." This gospel solicitude for reconciliation can be given institutional form through the creation of offices of conciliation (mediation) and arbitration. These offices are given a generic name *due process*, but the more commonly used and more technically accurate terms for the functions of these offices are *conciliation* and *arbitration.*

In *conciliation,* a neutral person mediates the dispute with the hope of helping the parties to reach a mutually satisfactory solution. In *arbitration,* the parties create a binding contract in which they voluntarily agree in advance to abide by the decision of the arbitrator. Where they have been established, these diocesan offices have proven to be somewhat effective in resolving administrative conflicts (NCCCL p. 1827-1828).

Macedonia has put into practice the extra-judicial means of resolving the conflict/dispute by means of arbitral system. The *Assemblies of God* employ the arbitration of disputes inasmuch as the Scriptures require Christians to take all disputes, which may arise (1) between any member of this church and the church itself, or (2) among the members of the church themselves to the saints and not to the civil courts (1 Cor 6:1 8). On 1 July 2006, the new *Austrian Arbitration Act* entered into force after revising the Vienna Arbitration Rules in order to maintain a reliable, convenient, straightforward and competitive arbitral framework.

6. Arbitration and Conciliation Act, 1996 of India

The law relating to Arbitration is contained in the Arbitration and Conciliation Act, 1996. It came into force on

the 25th day of January 1996 (Its predecessor was the 1940 Act). It provides for domestic Arbitration and also enforcement of foreign arbitral awards. It also contains the new feature on conciliation. It proceeds on the basis of the UN Model Law so as to make our law accord with the Law adopted by the United Nations Commission on International Trade Law (UNICITRAL).

When the parties agree to have their disputes decided with the mediation of a third person, with all the formality of a judicial adjudication that may be speaking broadly, is called as arbitration. Arbitration, therefore, means the submission by two or more parties of their dispute to the judgment of a third person called the 'arbitrator', and who is to decide the controversy in a judicial manner. 'Arbitration' is thus defined by Romilly M R in the well-known case of *Collins vs Collins*: "An Arbitration is a reference to the decision of one or more persons, either with or, without an umpire of a particular matter in difference between the parties." Law encourages parties as far as possible, to settle their differences privately either by mutual concessions or by the mediation of a third person.

Arbitration requires a dispute. An agreement to refer future disputes to arbitration is only an agreement, and not arbitration. Even where a dispute has arisen and the parties agree to have it decided by a third person that may not be arbitration unless that person is to act judicially. Thus the usual features of arbitration are the existence of dispute between the parties and their agreement to refer it to the decision of a third person with the intention that he shall act judicially.

Whatever be the type of dispute, the matter in dispute must be of a civil nature. Matters of criminal nature cannot be referred to arbitration. In most cases, reference to arbitration shuts out the jurisdiction of the courts, except as provided in the Act and since criminal courts cannot be deprived of their jurisdiction to try criminals, no criminal matter can be referred to arbitration. The second important feature of arbitration is the agreement between the parties to a dispute to refer the matter to arbitration.

The Supreme Court has passed the following observation on why arbitration should be preferred. "Arbitration is considered to be an important alternative dispute redressal process which is to be encouraged because of high pendency of cases in the courts and cost of litigation. Arbitration has to be looked up to with all earnestness so that the litigant has faith in the speedy process of resolving their disputes".

The Arbitration and Conciliation Act, 1996 of India has 9 main objectives. Nos. 6, 7 and 8 are of importance for us:

No. 6 permits an Arbitral Tribunal to use mediation, conciliation or other procedure during the arbitral proceedings to encourage the settlement of disputes.

No. 7 provides that every final arbitral award is enforced in the same manner as if it were the decree of the court.

No. 8 provides that a settlement agreement reached by the parties as a result of conciliation proceedings will have the same status and effect as an arbitree award on agreed terms on the substance of the dispute rendered by an Arbitral Tribunal.

7. What is involved in the Arbitration Process?

The arbitration process is a kind of dispute resolution procedure where an arbitrator listens to a dispute in a private setting and makes a final decision for the parties involved. The arbitrator will typically specialize in the specific dispute area, such as topics related to commercial businesses, topics related to employment matters, or even sports-related issues. The arbitration process does not occur in a courtroom and there is not an emphasis on the technicalities of the law like there would be in a courtroom proceeding. In addition, arbitration is usually binding, but if the parties decide beforehand to have a non-binding arbitration then that is allowed.

a. *Arbitration agreement is defined as 'an agreement' by parties to submit to arbitration all or certain disputes which have arisen or which may arise between them in respect of a defined legal relationship, whether contractual or not. The section requires that the dispute must be in respect of a defined legal relationship whether contractual or not. It follows that the discipline must be of a legal nature. If the matter or transaction is outside the known categories of relations under which legal rights or liabilities are likely to be created, it would not be an arbitrable matter. Disputes which can be referred to arbitration are (a) present or future disputes which are (b) in respect of a defined legal relationship, whether contractual or not. All matters with a civil nature, with a few exceptions, whether they relate to present or future disputes may form the subject of reference but not the dispute arising from and founded on an illegal transaction.*

b. *Agreement to be in writing: Section 7 (3) most emphatically prescribes that 'an arbitration agreement shall be in writing'. An oral agreement to submit a dispute to arbitration is not binding. If the agreement is in writing it will bind, even if some of its details are filled in by oral understanding.*

c. *Effect of Arbitration Agreement:* The Arbitration and Conciliation Act, 1996 is intended to help the parties to settle their differences privately by conciliation or by arbitration and thereby to spare themselves of wasteful and vexation litigations.

8. Conciliation

Part III of the Arbitration and Conciliation Act 1996 deals with conciliation. Conciliation means 'the settling of disputes without litigation'. Conciliation is a process by which discussion before parties is kept going through the participation of a conciliator. The main difference before arbitration and conciliation is that in arbitration proceedings, the award is the decision of the Arbitral Tribunal while in the case of conciliation the decision is that of the parties arrived at with the assistance of the conciliator.

S.61 points out that the process of conciliation extends to disputes, whether contracted or not. But the disputes must arise out of the legal relationship. It means that the dispute must be such as to give one party the right to sue and the other party the liability to be sued.

S.63 fixes the number of conciliators which may be one, two or three. Sub-section (i) of S.64 provides three rules for the appointment of conciliators.

a. If there is one conciliator in a conciliation proceeding, the parties may agree on the name of a sole conciliator.

b. If there are two conciliators in a conciliation proceeding, each party may appoint one conciliator.

c. If there are three conciliators in a conciliation proceedings each party may appoint one conciliator and the parties may agree on the name of the third conciliator who shall act as a presiding conciliator.

8.1. Principles of Procedure

The following are the principles of the procedure which are to be abided in conciliation proceedings.

a) The conciliator should be independent and impartial.

b) The conciliator should be guided by the principles of objectivity fairness and justice.

c) The conciliator and the parties are duty bound to keep confidential all matters relating to the conciliation proceedings. Similarly, when a party gives information to the conciliator on the condition that it be kept confidential, the conciliator should not disclose that information to the other party.

d) When the conciliator receives any information about any fact that relating to the dispute from a party, he should disclose the substance of that information to the other party

e) The parties should in good faith cooperate with the conciliator.

f) The conciliator is not bound by the rules contained in the code of Civil Procedure, 1908, or the Indian

Evidence Act, 1872 (S.66). However, he should not ignore the principles of natural justice.

g) The parties have freedom to fix by their agreement the place where meetings with the conciliator are to be held.

h) The conciliator may invite the parties to meet him or may communicate with them orally or in writing.

8.2. Procedure of Conciliation

The Conciliation Proceedings are initiated by one party sending a written invitation to the other party to conciliate. The invitation should identify the subject of the dispute. Conciliation proceedings are commenced when the other party accepts the invitation to conciliate in writing. If the other party rejects the invitation there will be no conciliation proceedings.

8.3. Submission of Statement to Conciliator

The conciliator may request party to submit to him a brief written statement. The statement should describe the general nature of the dispute and the points at issue. Each party should send a copy of such statement to the other party. The conciliator may require each party to submit to him a further written statement of his position and facts and grounds in its support. It may be supplemented by appropriate document and evidence.

8.4. Conduct of Conciliation Proceedings

The conciliator may invite the parties to meet him. He may communicate with the parties orally or in writing. He may meet or communicate with the parties together or separately. The conciliator may conduct the proceedings in such a manner as he may consider appropriate.

9. Settlement

The role of the conciliator is to assist the parties to reach an amicable settlement of the dispute. He may at any stage of the conciliation proceedings make proposals for the settlement of the dispute. Such proposals need not be in writing and need not be accompanied by a statement of reasons. When it appears to the conciliator that there exist elements of settlement likely to be accepted by the parties, he shall formulate the terms of a possible settlement and submit them to the parties for their observation. After receiving the observations of the parties, the conciliator may formulate the terms of a possible settlement in the light of such observations. When the parties have signed the settlement agreement, it becomes final and binding on the parties and persons claiming under them respectively.

S.74 provides that the settlement agreement shall have the same status and effect as an *arbitral award* on agreed terms under S.30. This means that it shall be treated as a *decree of the court* and shall be enforceable as such.

10. Termination of Conciliation Proceedings

S.76 lays down four ways of the termination of conciliation proceedings. These are:

a) The conciliation proceedings terminate with the signing of the settlement agreement by the parties.

b) The conciliation proceedings stand terminated when the conciliator declares in writing that further efforts at conciliation are no longer justified.

c) The conciliation proceedings are terminated by written declaration of the parties addressed to the conciliator to the effect that the conciliation proceedings are terminated.

The conciliation proceedings are terminated when a party declares in writing to the other party and the conciliator that conciliation proceedings are terminated.