

Navigating Complexity in Defense Procurement: The Instructed Neutral as a Tool for Collaborative Governance and Dispute Avoidance

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Abstract

This paper presents a preliminary and ongoing research inquiry into the possible institutionalization of an Instructed Neutral Third Party in defense procurement and complex public programs. Its purpose is to reassess defense procurement not as a linear sequence of needs assessment, tendering, contract award, and execution, but as a technical, relational, and institutional ecosystem in which public authorities, armed forces, industry, research bodies, prime contractors, SMEs, and international organizations jointly contribute to the production of operational capability. The study adopts a threefold methodology. First, it develops a theoretical reconstruction of the Instructed Neutral as a non-decision-making third party capable of facilitating informed dialogue without replacing public decision-makers. Secondly, it examines the legal space offered by Italian and European procurement law, including preliminary market consultations, collaborative agreements, technical advisory mechanisms, settlement tools, and defense-specific rules. Thirdly, it draws on selected comparative models of partnering, contractual escalation, procurement ombudsman mechanisms, and dispute boards. The main finding is that complex defense programs require stable procedural devices for early conflict detection, risk mapping, and collaborative realignment. A technically literate, independent, and procedurally accountable neutral may improve the circulation of information, reduce asymmetries, prevent escalation, and support lawful decision-making, provided that public responsibility, competition, confidentiality, and security constraints remain protected. The paper contributes to the field by proposing the experimental introduction of a Defense Procurement Facilitator as a sector-specific form of dispute avoidance. Its value lies not in privatizing public decisions, but in making complex decisions more traceable, cooperative, and resilient.

Keywords: defense procurement, instructed neutral third party, dispute avoidance, collaborative governance

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