BUILDING BRIDGES

between citizens and local governments
to work more effectively together

THROUGH

MANAGING CONFLICT AND DIFFERENCES

PART I
CONCEPTS AND STRATEGIES

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FOREWORD

This series of training manuals coincides with the launch of the United Nations Centre for Human Settlements (UNCHS) Global Campaign on Urban Governance. The theme of "inclusiveness", reflecting the Campaign's vision and strategy, is deeply embedded in the themes and learning strategies covered by these manuals. While they have been planned and written to serve the developmental needs of non-governmental and community-based organizations, their leadership and staff, the context for learning implementation is consistently conveyed within the spirit and reality of widespread collaboration.

There is growing evidence and increased recognition of several themes that define and frame the urban governance agenda for the new century and millennium. The first, inclusiveness, implies that local governments and communities that want to be on the leading edge of social and economic change must recognize the importance of including everyone, regardless of wealth, gender, age, race or religion, in the process of forging decisions that affect their collective quality of life.

The second recognition involves shared leadership that cuts across the spectrum of institutional and community fabric. Ideally, these shared leadership forums will be based on mutual trust, open dialogue among all stakeholders, and a wide range of strategies for turning good ideas and common visions into concrete actions.

As described in the Prologue, this series of learning implementation tools has been a collaborative effort by Partners Romania Foundation for Local Development, UNCHS (Habitat) and the Open Society Institute. Major funding for the project was provided by the Open Society Institute's Local Government Initiative Programme with other financial support from UNCHS (Habitat) and the Government of the Netherlands. Partners Romania managed the project under its Regional Programme for Capacity Building in Governance and Local Leadership for Central and Eastern Europe. These responsibilities included field testing the Participatory Planning and Managing Conflict and Differences manuals in a training of trainers programme involving 18 participants from 13 Central and Eastern European countries and members of the Commonwealth of Independent States.

The initiatives for launching this series of training manuals came from two different regions of the world. The Steering Committee for the Regional Capacity Building Programme for Central and Eastern Europe identified conflict management and participatory planning as two of their region's training needs during their deliberations in 1997. In addition, a diverse group of NGO, CBO and local government leaders from across Sub-Saharan Africa met in 1998 and identified these topics, as well as others covered in this series, as important training needs.

Finally, I want to thank Fred Fisher the principal author of the series and the superb team of writing collaborators he pulled together to craft these materials. These include: Ana Vasilache, director of Partners Romania, who managed the process from Romania; Kinga Goncz and Dusan Ondrusek, directors of Partners Hungary and Slovakia respectively; David Tees, who has contributed to many UNCHS publications over the years; the trainers who participated in the field tests of the materials; and, the team of UNCHS staff professionals, headed by Tomasz Sudra, who brought their considerable experience and expertise to fine tune the final products.

Anna Kajumulo Tibaijuka
Executive Director
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PROLOGUE

There's a story lurking behind the development of these materials. It's worth taking a few moments to share with you. As indicated in the Foreword, this particular project had its initial roots in two major regions of the world, Central and Eastern Europe and Sub-Sahara Africa. But, efforts to develop and disseminate user friendly training materials started many years ago with the United Nations Centre for Human Settlements (Habitat) commitment to provide training materials for local government officials in developing countries.

The UNCHS Elected Leadership Series of training manuals, developed within the Local Leadership and Management Training Programme, was particularly popular. It includes 13 manuals designed to help local government elected officials increase their knowledge and skills in key leadership roles and responsibilities. The series, available in more than fifteen languages, is used worldwide, not only by local government elected officials but leaders in non-governmental and community-based organizations. It was the adaptation of this series by the social sector that prompted UNCHS (Habitat) to initiate this series.

Several factors contributed to the success of these learning materials. First, they were user friendly. Trainers could be trained to use the materials in less than two weeks with the second week devoted to their conducting workshops for elected officials representing either the host country or countries represented by the trainers. Second, UNCHS encouraged the adaptation of the materials to reflect cultural, linguistic and other differences represented by the user community. User groups were encouraged to make changes in the text, the training designs and the suggested delivery modes to meet the particular needs of constituents. Potential users of training materials are rarely given such explicit freedom to adapt and alter learning resources to meet the needs of their constituents. Third, the practical skill development orientation of the materials attracted the attention of other audiences. The leaders of the social sector, representing non-governmental (NGO) and community based (CBO) organizations, also found them useful in meeting some of their own staff development needs.

In response to the social sector's use of the Elected Leadership materials and their frequent requests for training assistance, Habitat's Local Leadership and Management Training Programme convened a select group of NGO/CBO leaders from 15 countries in Sub-Sahara Africa (23-28 November 1998) to advise Habitat on their training needs. They were joined by a number of local government managers from Kenya since one re-occurring theme in NGO/CBO leadership and managerial effectiveness deals specifically with their relationships with local governments. The participants to this work session, convened in Nakuru, Kenya, reached consensus on what they believed to be the management development needs of their organizations. These were subsequently translated into detailed curriculum development outlines for consideration under future funding opportunities.

More than a year prior to the Nakuru workshop, the Steering Committee of the Regional Programme for Capacity Building in Governance and Local Leadership for East and Central European Countries identified participatory planning and conflict management as two of their top priority training needs. While the constituents in this particular programme are primarily local governments, the training needs they identified coincided with some of the training needs identified by the NGO/CBO institutions participating in the capacity building strategy workshop in Sub-Sahara Africa.

Since UNCHS works with all these institutions, it made sense to combine the two efforts. Consequently, two of the manuals in this series are funded in large part by the Open Society Institute's Local Government and Public Service Reform Initiative with assistance from the Government of the Netherlands working through UNCHS.

Making democracy work at the local level

The manner in which the development of these learning materials has unfolded highlights several trends that are taking place worldwide. First, the possibilities for actually achieving local self-governing status around the world have never been better. The top- down, authoritarian governments in a large part of the world quickly collapsed after several decades of mismanagement and deceit. With their demise came opportunities for citizens to re-establish local self-governments to control the destiny of the physical place they called home. The Partners Romania initiative to build local government capacity through training is recognition of these shifts in the political landscape of these regions. It also recognizes the importance of linking local governments and community based institutions (NGOs/CBOs) in efforts to secure local self-governance processes and democratic values.

In other parts of the world, where local governments often exist on paper but central governments essentially control the process by denying access to resources, citizens have become restive, even angry. Increasingly, citizens are demanding a greater and more potent voice and influence in the way their communities function. Central governments have been loosening their grip on the governing process in recognition of their failures to deliver promises and under increasing pressure to restore power and resources to local governments and their networks of community based

institutions. Non-governmental and community based organizations have been effective advocates in efforts to restore the local self- governing process in many regions of the world. This project is recognition of the symbiotic relationship that often exists between local government institutions and the collective NGO/CBO networks at the community level.

The intended audience

It should be clear by now that the intended audience for these learning materials is diverse. Obviously, it includes the initial target NGO/CBO institutions and those individuals serving in leadership and management roles. Much of what is included in this series of manuals can also meet the training needs of local government elected and appointed officials and their professional and technical personnel.

There is an important intermediary audience that we want to focus on for a moment. It is the network of training providers who serve local governments and community organizations. These include designated local government training institutes, NGO umbrella support institutions, local NGOs or CBOs who see their roles as providing capacity building experiences for others, private sector training organizations, and, of course, individual trainers and consultants.

Our message to this collective audience of potential users is to be creative in the use of the materials and the identification of learning opportunities to serve the primary constituents outlined above. While training materials, such as these, are seen as the basic building blocks for designing and delivering skill workshops, their potential is much greater. For example, the Participatory Planning and Conflict Management manuals are designed to facilitate planned change efforts in the community. Other manuals in the series can become effective tools for helping NGO and CBO leaders implement organization development programmes. And, the creative trainer/consultant will see the series as a comprehensive set of tools she can use in many different ways to structure interventions at various levels of the community to meet client needs.

Finally, the series has been borne out of concern from grassroots organizations and leaders that their ability to serve the community is directly tied to their continuing commitment to learn. Equally important is the recognition that NGOs, CBOs and local governments have a responsibility to help others learn as well. The management literature is full of references to learning organizations. We urge all of you who partake of the information and ideas put forth in this series to think about the opportunities and responsibilities you have to create learning communities. Start by creating opportunities to use these training materials with management teams, neighborhood action groups, fledgling non-governmental organizations, and individual citizens who want to become more effective in serving their community.

ABOUT THIS MANUAL

The intent of this training manual is to look at options that can help individuals, groups, organizations, communities, and local governments resolve their differences before they become intractable and destructive. It can be used to:

- train local government officials, civic organization leaders and staff, and interested citizens in the fundamentals of negotiation, mediation and facilitated decision-making processes
- increase the knowledge and skills of those who are already working in these roles and believe they can benefit from additional training
- conduct orientation sessions for officials and citizens who want to know more about opportunities to manage conflict in their organizations and communities, and
- help train trainers to train others in the knowledge and skills associated with conflict management practices.

Opportunities to use these learning materials are limited only by the imagination of those who decide to put them to use. Conflict is endemic in just about every society and circumstance. While the culture in which it resides may require a unique or different approach to resolving conflict and, consequently, a modification of the ideas and tools put forth in this manual, we nevertheless urge you to think about how you can use these ideas and tools to your advantage.

At the risk of being accused of over-simplifying and trivializing the complexity of learning and applying conflict management methodologies, we want to relate a recent experience by one of the authors. He visited a rural elementary school and learned that ten to twelve year-old girls and boys were trained to work as peer mediators to help resolve conflicts between students. When these student mediators are ready to graduate to another school, they help to train their replacements. While these children are not expected to become instant experts at resolving difficult conflicts on the playground or in the community, there are two important messages in this medium. First, it demonstrates and conveys the potential for resolving differences through dialogue and discussion. More importantly, it helps to establish the norms and values of resolving conflicts at the time and place where they exist, by those who are party to the

conflict. Establishing conflict resolution norms and skills among the young seems like a reasonable investment in the future.

Part I includes a detailed look at a number of recognized approaches to managing conflict and disagreements within local governments and communities. The format of Part I suggests you stop from time to time to reflect on what you have been reading and how you might use the ideas and insights gained to improve the quality of life in your community. It's the literary equivalent of stopping along the road to smell the flowers.

Part II is designed to help you put these concepts, theories and strategies into practice. It includes training designs to help you and others learn how to manage this fascinating area with a bit less stress and much more success. It also includes tools you can use to manage conflicts and disagreements in different settings. For example, the conflict or differences might be between individuals or work units within the organization, between local governments and community-based organizations, or among various groups of citizens. The opportunities for conflict, it seems, are endless. The types of conflict or disagreement you want to help manage will determine the type of tool or tools you need to use. So, we urge you to be selective.

Consider this a voyage of discovery

We like to think of learning as a ***voyage of discovery***. Like all voyages this one will take you into new territories. From time to time we will be suggesting you take certain detours to make this *Voyage* more productive and enjoyable based on your individual perspective and needs. Or, you might decide to skip part of the journey because you've been there before. That's perfectly all right with us. After all, we prefer not to have bored passengers on board.

To help to get the most from this voyage of discovery, we will from time to time issue ***Travel Advisories***. These are intended to alert you to certain conditions we know about from the experience of field testing the materials and getting advice from many individuals who helped in the final production of this and other manuals in the series. We hope you will enjoy this voyage of discovery.

And last but not least, many thanks to all participants who put their signatures below (see hard copy only) and attended the Training of Trainers Programme in June 2000, to field test the manuals.
Fred Fisher

CHAPTER 1
INTRODUCTION

If this is the first time you have encountered a Travel Advisory and aren't sure what it means, we suggest you go back to the previous page where we have attempted to describe this metaphoric bump in your voyage of discovery. Now, for our first travel advisory.

Trying to tackle the business of managing conflicts and disagreements in a short training manual is difficult. First, there are many different schools of thought about conflict management and these schools seem to splinter very quickly into their own sub-school clusters of thinking. We've tried to introduce some of the more important approaches to conflict management.

Second, we have deliberately used the term *managing conflict and differences*, rather than **conflict resolution** because we believe conflicts and disagreements are important features of a dynamic organization, community and society. They represent the zest that helps us overcome the status quo and move on. Resolving conflicts and disagreements before they happen could be counterproductive. Authoritarian governments and organizations tend to keep these tendencies from surfacing. Unfortunately, conflicts and disagreements can also be destructive. However, they can, in most situations, be managed effectively.

Finally, this manual *is not* designed to prepare the reader to mediate a conflict between an airline crew and a gang of hi-jackers at ten thousand meters or emotionally charged ethnic conflicts across national borders. These situations are best left to professional mediators and negotiators.

Given these caveats, this publication has three purposes: (1) To help managers and others, who already find themselves managing conflict situations, to do it better; (2) to help the reader better understand the options available for managing conflicts and differences in various settings; and (3) to help those who decide to get professional help, such as the services of mediators, to be more selective and knowledgeable in their decisions and subsequent monitoring of performance.

We hope our assumptions about this complex topic and subsequent efforts to discuss them in a useful way will reasonably meet your expectations. If not, you may want to rethink this *voyage of discovery* and find yourself another tour guide.

CONFLICT. *It appears to be everywhere. We find it in our personal lives at home, between parent and child and between spouses. We find it at work between employer and employee. It's there between man and woman. We see religion against religion, nation against nation. It's the underlying theme throughout all of human history. With the increasing complexity of life on this planet, the exploding human population, and our possession of awesome weapons, which could trigger our total annihilation, conflict has become the critical issue of our time.*

THOMAS F. CRUMM

Crumm goes on to say: *It's not whether you have conflict in your life. It's what you do with that conflict that makes a difference.*[1] This manual will help those who use it to understand more fully what conflict is and how to resolve it more effectively. It is directed to a very special audience: those who want to build stronger, more viable, more productive communities. We're speaking of communities that value diversity, practice inclusiveness in their access to human and other types of resources, and nurture the culture of democracy. Specifically, this special audience includes:

- elected and appointed officials of local governments, those individuals who are entrusted with the management of local public resources
- the leadership and membership of local civic organizations, non-governmental and community-based organizations, among others
- citizens, whether they act as individuals or self-appointed teams in search of change within their community, and
- people who take on the responsibility to help others manage conflict, from professional mediators to facilitators, from civic organizations and neighborhood associations to caring public managers and elected officials.

Note: We will ask you from time to time to stop reading briefly to carry out two short tasks to: (1) reflect on what you have just read; and (2) jot down a few notes on how it relates to your own experience. We call these reflective cul-de-sacs, places where you can pull over, stop for a while, and think about the part of the journey you have just completed.

The first one of these is coming right up. Conflict has a bad reputation. Stop for a moment and think about your own feelings about conflict. When you see the word CONFLICT, or hear it spoken, what immediately comes to mind? Jot down in the space below a few words describing your thoughts and feelings.

Reflection time

Conflict has a bad reputation. Stop for a moment and think about your own feelings about conflict. When you see the word CONFLICT, or hear it spoken, what immediately comes to mind? Jot down in the space below a few words describing your thoughts and feelings.

Your reactions to the word *conflict* are probably like those of most individuals - mixed. We know conflict is inevitable, natural, and even important as an agent of change. But it can hurt, damage relationships, make us anxious, and end up in win-lose situations. Win-lose: that's what happens when conflicts get into the courts, the legal process for settling disputes. Someone wins; someone loses. There is only one thing worse than losing in a conflict, and that's winning. Winners must keep an eye over their shoulder expecting retaliation. "Don't get mad, get even". That's what we advise losers to do.

We often go out of our way to avoid direct conflict. We herd people of different religions, ethnic backgrounds, color, and economic status into enclaves so they don't confront each other. If we are managers, we hire people who "don't make waves". We are polite to our bosses when they reject a good idea, then we go home and take out our frustrations on the family. Well, you get the picture.

Conflict also has a good reputation. It fosters change. It is what helps us take on new challenges, create new ideas, and form new relationships. Conflict is natural and neither positive nor negative. It is only a contest to be won or lost when we make it so. Our natural world is shaped and molded by conflict, by surges of energy that shape our mountains, create our beaches, and paint our skies. Conflict is a gift of energy out of which we create new possibilities, new beginnings. Conflict is rarely about right and wrong. It's about acknowledgement and appreciation of differences. The art of democracy is conflict in action.

Conflict and democracy

Francis Lappe and Paul DuBois went into the American countryside to look for everyday expressions of democracy in action. They discovered a society, as they expressed it, "on the edge of a critical breakthrough in appreciating the contribution of everyday people to solving public problems".[2] They found citizens assuming power and redefining what works. They also learned that many communities didn't know how to come together to solve problems. Hopefully, the companion manual, *Building Bridges through Participatory Planning*, will address this issue in other parts of the world where it is also a challenge.

They also discovered conflict. There were those who believed that public life, active engagement in and with the community, means confrontation. Others said public life is the arena for discovering and encountering differences, for gaining new insights about ourselves and new perspectives for solving problems. Democratic governance, when it is working well, fosters and legitimizes competition and civil confrontation. Democracy is about making choices of who we are as a people or society and where we want to go. With this process comes the confrontation of ideas, values, and even visions of what the future should bring.

From the three years they spent probing the meaning of democracy in America, Lappe and DuBois defined what they saw happening in public life (the engagement of citizens, civic associations and public institutions)as the application of new skills for decision making and problem solving. They dubbed these skills the *Ten Arts of Democracy*. Five of them have direct application to what we will be discussing in this manual: the successful management of conflict. Conflict and democracy are inseparable. Together they create the field of energy that drives self-governance and productive change. We want to come back to these five "arts" in a moment to explore further their importance as skills for managing conflict and preserving democracy. But first, let's look at conflict and democracy from the perspective of transitional countries and transformational societies. Incidentally, this includes just about all of us.

Raymond Shonholtz, the Founder and President of Partners for Democratic Change, has brought to the former communist countries in Central and Eastern Europe new insights and skills for using conflict to forge democratic principles and values.

Democracy legitimates conflicts that are peacefully expressed and resolved. With the emergence of democratic ideology, the expression of conflict became ideologically acceptable within the transitioning democracies. In democratic society, conflict has the potential to bring the need to adopt new normative rules for social functioning into consciousness, not only the consciousness of the disputing parties but of the society as a whole… Contrary to the fear of conflict engendered by the old regimes, many citizens and leaders, especially minority group activists, independent media advocates and non-governmental leaders, understand democracy as setting the normative rules for utilizing conflict to effect orderly change.[3]

The interrelationship between democracy as a political lifestyle and conflict as a constructive transformational vehicle for bringing about change in the transitioning democracies in Central and Eastern Europe has been the foundation for much of the work and contributions of the Partners network. The focus has been on providing NGO and government leaders with an appreciation of conflict as a value in democratic society, the structural forms needed to manage conflict and change, and the skills involved in cooperative negotiations and problem solving. Much of what will be discussed in this manual will draw on the experience of Partners and similar organizations in their efforts to manage conflict constructively in numerous societal settings.

The arts of democracy

We said earlier that we would return for a moment to the Arts of Democracy, as described by Lappe and DuBois. These arts, or applied skills, help to forge the inevitable and productive link between democracy and conflict. Five are germane to this discussion.

- **Active listening**. This skill is central to managing conflict and differences. Without all sides to a conflict or difference being willing and able to listen actively to each other, there is little hope of finding common ground for resolution

- **Creative conflict**. Constructive, honest confrontation that honors diversity and creates environments where differences can be expressed brings conflict to the surface and focuses on solutions

- **Mediation**. In plain terms, mediation is a neutral listener playing a facilitating role. Or, as Edward de Bono describes it, the process of using a third party "to convert a two-dimensional fight into a three-dimensional exploration leading to the design of an outcome".[4] Mediation is a learned behavior, and we will return to its subtle process and skills in more depth later

- **Negotiation**. This is problem solving that meets some key needs of each party. We all engage in negotiation, every day of our lives. Some are better at it than others. Democracy provides a level playing field for those who want to negotiate from a principled perspective. More about this later as well

- **Public Dialogue**. Public dialogue is engaging in public discussions, in which differences are valued, on matters that affect all of us. These "public talks" are often made more productive by using neutral facilitators.[5]

Why conflict is important to democratic self-governance

Our discussion of managing conflict will take place within the context of local government and communities working more effectively together. Here are some of the reasons why conflict is important to the democratic process.

- Conflict means diverse stakeholder interests are represented at the decision making table

- Conflict helps to unearth new perspectives and to confront narrowly defined points of view. Conflict can help us see the consequences of our views through the eyes of those who disagree

- Conflict can help us better understand the ways we define problems and the consequences of our proposed solutions

- Conflict generates new alternatives and more options

- Conflict builds depth in community leadership and capacity

- Conflict focuses attention on those issues that need to be addressed in building more responsive and sustainable communities.

The challenge is to have depth of understanding and skills in the community to assure that conflict can be managed with equity and fairness as a routine way of doing business.

Managing conflict and participatory planning

This manual and its companion on participatory planning plow some of the same ground. They are both concerned about better communication, better decisions, and, in many cases, the use of an external specialist to help improve the processes of decision making and problem solving. Although the boundaries are becoming fuzzy and the roles increasingly blurred, there are some differences.

The first difference is the triggering events. Participatory planning has its roots in the need to increase public participation in government. Participation was, and still is, defined in some local governments as better communication between elected and appointed officials and citizens. It encompassed ways of getting information out to the public and information from citizens into the governing process. Information flowing from local government to citizens was helped by tactics like: public information, public meetings, newsletters and use of media, and open-door policies. Citizens became involved in communicating with their local governments through public hearings, citizen opinion surveys, advisory groups and committees, focus groups, and the use of community ombudsmen or complaint centers.

These collections of basically one-way processes of communication are important, but they seldom lead to significant changes in the way local governments operate. Nor do they encourage confrontation. They are simply polite ways of keeping each other informed. Somewhere in the middle ground between polite monologues pretending to be dialogues and confrontation are efforts to collaborate. These efforts run the gamut from advisory boards and commissions (concerned with specific issues)to neighborhood associations where the focus is more broadly defined in terms of the quality of life in their community microcosm. These public participatory mechanisms begin to distribute the power of decision making beyond the walls of the local government organization.

The participatory planning process gives public dialogue power of authority. Usually, these planning endeavors are more targeted, represent diverse interests, have official mandates to come up with recommendations, and use external specialists to assist the planning group make sound and reasoned decisions. The external specialists are called by many names, sometimes not polite, but mostly we refer to them as facilitators. If their daily rate of compensation is more than the mayor's, we call them consultants. Facilitators bring to the discussion skills and experience in group processes such as team building, collaborative problem solving, consensus building and ice breaking.

Participatory planning can also involve conflict, and skilled facilitators in group processes, interpersonal and inter-group dynamics, and organization development methodologies are usually adept at managing conflict situations as an integral part of their professional services. One conflict resolution school of thought and application has its roots in management and organization development, thus sharing many of the same skills and values we find applied in participatory planning. We will discuss this contribution to conflict management later when we look at specific approaches. Before we do, let's continue our discussion of the similarities and differences between participatory planning and the approaches most commonly used to manage conflict.

Negotiation and mediation

There are two specific roles and disciplines that define the conflict management territory more than others. They are mediation and negotiation. Within each of these approaches to conflict management, we discover an ever-widening range of views and recommendations about how they should be practiced. Since we will be discussing each in more detail later, we simply want to mention them briefly at this point in the discussion.

Mediators exist to help resolve conflicts. Typically, they are brought into situations where the parties involved have staked out their positions and find themselves unable to make progress toward decisions they can agree on and live with. Mediators rely on face-to-face exchanges although they have been known to engage in "shuttle diplomacy" when it is difficult to get principal stakeholders to sit together at the same table. Many mediators follow a more prescriptive methodology in applying their conflict resolution skills whereas planning facilitators take their cues from a more eclectic body of theory and practice. This comment will draw fire from those associated with emerging schools of thought about mediation but the observation is still valid. Most community-based mediators, which represent the core group of conflict managers we are addressing, follow a largely prescribed methodology in their practice.

While neutrality has been one of the core values defining the mediation process, that value has been questioned in recent years. We will return to this emerging dilemma later when we discuss mediation in more depth. One of the enduring strengths of mediation, despite recent reservations, has been its declaration of neutrality in working with adversaries in conflict. Negotiators, on the other hand, are usually clear about representing their clients since they normally are hired to represent one side or another in the process. However, you will see references to negotiators who bring conflicting parties together without representing one side or the other.

The mediator is expected to help resolve conflict in the best interests of all those involved in the mediation process. In this sense, the client is the conflict. Facilitators and negotiators are less concerned with neutrality (or the semblance of neutrality)and are likely to declare their allegiances if the parties involved do not already know them. They may, on

occasion, be advocates for a cause, a position, or a stand. Or, as third party intervenors, someone or some organization that clearly has a stake in the outcome of the process may hire them.

Are you confused?

If so, it is quite understandable at this point in the discussion. Even experts have difficulty drawing clear lines between these tools and disciplines. In reality, we all practice some form of these facilitating, mediating, and negotiating roles every day of our lives, unless we are hermits living on some deserted island or mountain top.

Let's see if we can summarize in a few words the essence of these various roles as represented by third-party conflict management activists. We recognize, of course, that all generalizations made about these professions, including this one, will be deemed faulty by someone.

- Public participation advocates see their primary role as preventing community conflict through expanded decision making and power sharing. Sometimes they are brought in to resolve conflict but they prefer to be pro-active

- Traditionally, mediators and mediation skills have been employed where conflict already exists. Their clients have already become frozen in their positions and want help in resolving differences. They recognize the importance of third party intervention to keep from being forced into the legal system where direct influence over the process and outcomes is no longer available to them

- Negotiators are expected to get the best deal for their clients with the least amount of immediate and long-term adverse affects. They are brought in to resolve differences and to minimize future conflicts.

Issues of power and culture

There are two issues that make the writing of this manual particularly challenging and at times very difficult. The first is the inevitable differential in sources of power and how it gets used in conflict situations. While power has been described as the ability to do something, this definition is too simplistic to do justice to the incredible array of interactive variables that are potentially available in most confrontations. Mary Cavanaugh, who conducted an in-depth study of power trends as conveyed in literature over the centuries, discusses power from five different perspectives:

(1) as a characteristic of the individual, based on motivation, and the individual as catalyst for change

(2) as an interpersonal phenomena, i. e., the ability of one person to move forces within another

(3) as a commodity, something to be acquired and expended in relation to trade-offs, costs, and consequences

(4) as a casual construct, putting power into the equation of cause and effect, and

(5) as a philosophical issue, raising issues of morality, values, and the relationship between power and responsibility.[6]

Reflection Time

While there are many other ways to arrange our viewpoints of power, just close your eyes and imagine a simple conflict you have experienced recently. Think about the POWER of each party's motivation to resolve the conflict or perhaps to keep it going and the dynamics of the various interpersonal interactions and how they influenced the outcome. For example, were you subordinate or superior in rank or position to the individual you had the conflict with? What about the power of monetary, emotional and other costs involved in either sustaining or resolving the conflict, and the power of values at stake in seeking resolution. What about the power of doing nothing in response to conflict. Sometimes this strategy can be very "powerful".

The issue of "power" differentials in the mediation of disputes and conflicts between individuals, organizations and community groups has become a major issue among those who mediate, as well as those who research and write about mediation. In the early days when mediation was becoming the process of choice among those who advocated alternative dispute resolution strategies, neutrality was widely embraced as one of its defining values and norms. Increasingly, this "badge of honour" has been called into question. The "effective" use of various power differentials, by the parties in dispute, is at the heart of the controversy. But, more about this issue later.

The other major issue that makes writing a "how to" manual about conflict management so difficult is **culture-that collection of values, norms, assumptions and behaviour that defines who we are from moment to moment and brings dignity, direction and a sense of belonging to our lives**. If we assume that this manual will travel across national and regional borders, we can also assume that just about anything we say about how to manage conflict will be inappropriate somewhere.

This dilemma leaves us with several choices. Some are less worse than others in terms of being useful. For example, we could be very general, academic, and abstract, a definition certain to evoke verbal confrontation from some quarters. It is probably safe, but also dull reading, and we suspect not very helpful. Or, we could qualify everything we say. We imagine this approach would include a series of "yes, but"; "on the other hand"; "however"; and "nevertheless" statements that might cover our biases but begin to read like an ecclesiastical confessional.

We have opted to take a few risks and describe a number of strategies and tools for managing conflict that might be useful as you consider ways to improve your track record in resolving disputes or to become more skillful in keeping out of disputes in the first place. In doing so, we also recognize that some of the tools and strategies will be inappropriate in some societal settings and cultural contexts. In these situations, we suggest you accept our apologies and either ignore the indiscretions or consider how you might take from the tool or strategy something you can use to manage conflict in our own back yard. You will see more references and discussions about these issues as we work through various alternatives so let's move on.

You will always find some Eskimos willing to instruct the Congolese on how to cope with heat waves
STANISLAUS LEC

Key points

- It's not whether you have conflict in your life. It's what you do with the conflict that makes a difference
- Conflict can be destructive, constructive or instructive. What we do with it is often a matter of choice
- Conflict and differences are integral functions within the democratic process. Democracy is a vehicle that allows conflicts and differences to be made visible and resolved through agreed upon and established means of public dialogue and action
- Four tools that help democratic institutions and communities manage their conflicts and differences effectively are active listening, constructive and honest dialogue, mediation and negotiation
- Participatory planning is another. We've devoted an entire manual to this process so we hope you use that manual as well in your efforts to manage conflicts and differences
- Power and culture are important issues to consider in any effort to manage conflict or differences. Understanding these issues is the first step in having them work for you, and not against you, in seeking mutual solutions to the conflicts and differences.

Endnotes

[1] Crum, Thomas F., **The Magic of Conflict** (New York: Simon and Schuster, 1987), p. 29.

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[3] Shonholtz, Raymond, "**Conflict Management Training: Transformative Vehicle for Transitional Societies**" in "*International Negotiation 2*", (1998) p. 3.

[4] De Bono, Edward, **Conflicts –A Better Way to Resolve Them** (London: Penguin Books, 1986), p. 4.

[5] Lappe and DuBois, **op. cit**., pp. 237-86.

[6] Mary S. Cavanaugh, "**A Typology of Social Power**", in A. Kakababse and C. Parker, *Power, Politics and Organizations: A Behavioral Science View* (New York: John Wiley and Sons, 1984)

CHAPTER 2
UNDERSTANDING THE NATURE OF CONFLICT

It is seldom the fault of one when two argue
SWEDISH PROVERB

Definition

It might be helpful to "define the territory" by providing some definitions of conflict, since experts in the field differ in perception of it. By the way, we will get to perceptions in a bit. They are also key players in conflict.

First, the viewpoint of Slaikeu and Hasson: "Conflict itself is not the problem; unresolved conflict is". The authors go on to say: "Conflict is an integral dynamic in the growth and development of living organisms and group. It occurs when the ideas, interests, or behavior of two or more individuals or groups clash".[1]

Another perspective is from John Crawley: "Conflict is a manifestation of differences working against one another".[2]

Peter Block says: "Conflict is the consequence of differences that exist and that need to be managed … Conflict is also: inevitable, neutral to positive, on the issue and not the person, and, a source of energy … Conflict is the result of differences, not the cause of them".[3]

Rensis and Jane Gilbert Likert, early proponents of the need and opportunities to manage conflict, have an interesting perception: "Conflict is the active striving for one's preferred outcome which, if attained, precludes the attainment by others of their own preferred outcome, thereby producing hostility". The Likerts go on to differentiate between two kinds of conflict: substantive rooted in the substance of the task, and affective derived from the emotional, affective aspects of the.... interpersonal relations".[4]

And finally Hocker and Wilmot define conflict as "an expressed struggle between at least two interdependent parties who perceive incompatible goals, scarce resources, and interference from the other party in achieving their goals".[5]

We could add many more definitions, increasing the options for thinking about conflict. You can begin to see how individual perceptions of conflict color the way individual authors define it. Conflict is "an expressed struggle"; for one authority and "a source of energy" for another. The Likerts talk about outcomes being blocked or precluded as the source of conflict. Crawley sees conflict as resulting from the manifestation of differences working against each other.

Reflection time

Are they quibbling over cause and effect relationships, or what? How do you accept the viewpoint that conflict is not the problem, only unresolved conflict is? Jot down your own definition of conflict before moving on.
How does your definition compare with those definitions stated above? Similarities? Differences?

Conflict involves interdependent relationships between those with differences. While it is theoretically possible to be "conflicted" about a relationship, if the other person or party doesn't believe there is a conflict, it probably doesn't exist. In all the conflicts we confront, those we generate on our own without the help of others may be the most difficult to manage.

Moving beyond the internal conflicts we all experience from time to time, we soon realize that conflicts happen at all levels of society:

- between individuals
- within families
- among organized groups like labor and management

- between countries, religions, and political ideologies, and
- within communities.

They result from:
- incompatible goals
- misinformation, the lack of information, and even the way we interpret information
- differences in values from life styles and religion to political ideologies and more
- principles we believe are right and must be upheld
- real or seemingly inequitable distribution of all kinds of resources
- the need to "save face"
- power, authority and influence and how they get used -and abused
- interference in achieving what we feel is rightfully ours or what we want from another, even when it isn't rightfully ours
- and many, many more sources.

You, no doubt, can add a few situations that have resulted in conflict based on your own experience.

Conflict is not always justified nor based on important concerns. Wars have started over minor matters of state or what others see as inappropriate behavior. Conflicts can be rooted in differences in values, norms of behavior, distribution of substantive goods, even fantasies. Finally, conflict has always found fertile ground and willing partners in inequitable power relationships, cultural differences, and the perceptions we harbor about others and the world around us. Perceptions are among the most influential but least talked instigators of conflict. Let's take a few moments and explore the meaning and importance of *perceptions.*

Reflection time

Perceptions

It has been said that *perceptions* are ninety-nine percent of *reality*. Well, maybe a bit less. But since perceptions are so important, this is a good place to begin when undertaking the challenge of managing conflict. If we think something is real, it's real, at least until we perceive it otherwise. Until that happens, we will act on our original perceptions.

The challenge is twofold or more depending on the number of individuals involved in the conflict. It is necessary to understand what the parties are thinking and what's behind the way they think in order to be effective in helping them resolve the conflict. If the approach you are using is negotiation, and you are the negotiators, then you must also try to understand your own perceptions of what is causing the conflict. This not only means putting yourself in the other person's shoes but spending some quality time in front of the mirror.

Fisher and Ury in *Getting to Yes*, their well known book about resolving differences through negotiation, say:

Understanding the other side's thinking is not simply a useful activity that will help you solve your problem. Their thinking **is** the problem. Differences are defined by the difference between your thinking and theirs… ultimately; conflict lies not in objective reality, but in people's heads. Truth is simply one more argument-perhaps a good one, perhaps not - for dealing with the difference. The difference itself exists because it exists in their thinking.[6]

The authors say that fears, for example, even if ill founded, are real fears; hopes, even if realistic, may end in divorce or war. Facts, even if established, may do nothing to solve a problem. Yes, perceptions are the reality we see and often act upon. If we decide to start somewhere else in managing conflict, these perceptions, however strange they might seem to us, probably will come back to haunt us.

Ethnic conflict can be a particularly difficult challenge. As Glen Fisher reminds us, "ethnic conflict rises from situations where there probably will be no agreement as to what is intrinsically rational and reasonable. Perceptions and reasoning do not conform to uniform standards... explaining perceptions then, especially ethnic-specific perceptions, is

a large part of the art of diagnosing ethnic conflict".[7] As conflict "resolutionaries", we are not only confronted with our own ethnic biases (or baggage)but the need to interpret ethnic conflict through the particular cultural lens of those who are caught up in the conflict. In other words, how do they perceive their world in relation to those with whom they are in conflict? We will return to the ethnic conflict issue later because it is so complex and important to community life and local government responsibilities.

Factors influencing perceptions

There are many factors that influence our perceptions of the world around us. Let's look at four.

1. ***We tend to filter what we see through our previous experiences***. One exercise commonly used in training programs on communication, interpersonal development, or more specific to our topic, *conflict management*, is to ask participants to describe what they see in a picture. Based on their past experiences, individual participants will describe what they see quite differently. For example, the picture may be of a beach. One person has fond memories of vacations on the shore; another remembers seeing his best friend drown in a vicious surf. Their perceptions of that same scene are colored by their individual experiences.

   We each carry a storehouse of images, sounds, smells, and touches that trigger our thinking and shape our perceptions when we are confronted with a new situation. These sensual perceptions are linked to past experiences with people, places, spaces, shapes, lights and shadows. All these are ready to activate our filters, influencing what we are seeing, feeling, hearing and experiencing at the time.

   One of the authors had an experience as a child that was both visual and smelly. The scene was one of poverty and filth. Although the two should not be linked together, we tend to do these kinds of irrational associations all the time. The smell was from a small bush that gave off an unusually strong odor. The author continued to relate the smell with poverty and filth, not the bush. And then one day, he encountered that same smell next to a very expensive home - a castle, in fact. You can imagine his shock when he realized his perceptions were totally out of sync with this new experience.

2. The foregoing leads us to the second factor that influences our perceptions: ***first impressions***. Our first impressions have a powerful impact on how we perceive the world from that point on. Why are they so powerful? John Crawley believes they:
   - carry immense emotional weight. We are forced in many of these cases to make tough decisions, and
   - are a way of making the unfamiliar more familiar. Right or wrong, how we perceive the past influences how we see the present, and our first impressions often establish the pattern by which future perceptions are secured.

3. Our perceptions are also influenced by ***how we organize what we see***. We constantly make connections between one image and another and perceive both images and their connection as being real. For example, most of us carry around certain images of people in uniform and what that means in the way we behave. If our experiences have been negative, we will often respond accordingly. If we need assistance from a policeman, for example, we may not be willing to ask for it based on past experiences. Our perceptions from past experiences get organized in such a way that they trigger our current behavior.[8]

4. Our perceptions, when reinforced, turn into ***stereotypes***, a process of generalizing about a group of people so that we see all members of that group as having similar traits, usually negative ones. And they turn into *prejudices, attitudes about a group or individual based on partial knowledge* .These are strongly connected to feelings and attitudes that have been reinforced, often from childhood, by constant messages based on perceptions that are negative and emotional. In ethnic conflicts, we need to be particularly aware of how we organize what we see from past experiences, which in part reinforce our patterns of prejudice and stereotyping about the world around us.

What to do

Here are some thoughts on how to confront our perceptions to get a more accurate fix on what is real or assumed as real from other perspectives, or to readjust them so they are more in tune with shared notions of reality. Again, we thank Fisher and Ury for the opportunity to pick their intellectual pockets.

- ***Put yourself in their shoes***. The Northern Cheyenne Native Americans are credited with the saying: "Do not judge your neighbor until you walk two moons in his moccasins". This is what we often think of as empathy.

- ***Don't deduce their intentions from your fears***. How many times have you interacted with ethnic minority members in your community and thought the worst about their motives and behavior? Substituting curiosity for fear can often take you into the heart of these kind of perceptual dilemmas.

- ***Don't blame them for your problem***. "My car broke down and it's all the mechanic's fault".

- ***Sit down and discuss your perceptions***, both ways.

- ***Find opportunities to act inconsistently with their perceptions***. If your adversary perceives you as dogmatic, be flexible but with honesty. If they perceive you as being unyielding in all matters concerned with the negotiation, offer something to change the perception.[9]

Perceptions are powerful paintbrushes we use to paint everyday reality. Sort through your memory bank and find a perception you've held for a long time and then gave up because it was determined to be no longer valid, or useful. Try to remember how that first impression, repeatedly reinforced into "reality", became implanted in your thinking. Jot down a few key impressions about why you kept that perception in place, and one or two things that encouraged you to let it go free.

It's difficult to beat a drum with a sickle
AFRICAN PROVERB

What causes conflict?

Conflict happens at all levels of interaction: internationally, within countries, between local governments and neighbours, in organizations and families, between individuals, even within ourselves. This statement might lead someone to conclude that any human trait this pervasive can't be all bad. But, what causes conflict? The Friends Conflict Resolution Program describes the causes this way: "Conflict emerges when disagreements, differences, annoyances, competition, and inequities threaten something important".[10] The following are a few examples that fit into these five categories:

- Differences in the goals we hope to achieve. A political agenda comes to mind immediately. Or, it might be goals that aren't clear

- Ideologies: we believe in this; you believe in that

- Divergent role definitions: "I thought you had responsibility for cleaning up the mess in the kitchen"

- And, overlapping roles. "I thought you were supposed to lock the door", said in anger after the horse has been stolen from the barn

- Turf or territory: "Get off my land!" Or, too many people in the same space

- Lack of information: "If you would have told me what you wanted me to do…" Or, misinformation. "You told me we had money in the bank". And, even mixed messages. The way some organizations are structured fosters all of these kinds of informational conflicts.

- Denial: "I'm ready to hit you and you deny anything is wrong with our relationship"

- Need to control: "No one respects my judgement any more"

- Lack of communication skills: "She never listens!"

- Personality styles: "Loosen up! You're the most uncreative person I've ever had to work with"

- Scarce resources: Conflicts over money, land, water, space, equipment, goods, qualified people, power and authority, and many more

- Procedures: “Why did you do it that way?” “Because, you told me to do it that way”. This could also be a breakdown in communications
- Time constraints. “I don’t have time to worry about this now”
- Selfishness: “Who ate my piece of cake?”
- Evil intent: “We’ll keep those people out of the neighborhood at any cost”
- VALUES! “I think women should have the right to an abortion, and you believe it is a sin”
- And, of course, misperceptions. Need we say more about perceptions?

Reflection time

Take a reflection break and see if you can put the examples of conflict just mentioned into the five categories the Friends Program uses to describe what causes conflict. Which ones are about:
Disagreements?
Differences?
Annoyances?
Competition?
Inequities?
Now, take a look at the situations where you have experienced differences with others or have been involved in a conflict of some kind recently. In which of these categories do these personal experiences with differences and conflicts fit? Jot down a brief description of the conflict and where it fits in this scheme of potential causes.

Conflicts can be caused and often are by more than one thing. There are many complicated, overlapping reasons. One example is why local government “x” can’t get along with local government “y”, or neighbors in “that” part of town are constantly at each other’s throats. To get at the real cause(s) of the conflict, we have to get beneath the symptoms to peel the conflict like an onion until we get to the core.

You may have noticed that the causes we have outlined have different weights and levels of difficulty when coming to resolve them. Misunderstanding facts probably is the least difficult conflict to resolve. Misunderstandings are often easy to verify through rational thought processes, and they are less personal. It’s when conflicts become more personal, value laden and judgemental that the prospect of resolving them becomes challenging.

There are many ways to think about the causes of conflict and those who write about conflict and make a profession out of helping to resolve conflicts all seem to have their own causal map that they carry about. We will be using one of the more popular conceptual maps of conflict causes in Book II of this manual. We suggest you check it out for more information and ideas on the causes of conflict and how to cope with them.

Conflict dynamics

There are some predictable stages in the development of conflict. By learning to identify them, we can often manage the conflict before it becomes counterproductive or unmanageable. Conflict management specialists define these stages differently. John Crawley talks about explosive conflicts and *constructive* conflicts. The constructive ones are those that are managed in the early stages of disagreement. Both start out in the same way: going from *ingredients-to-combinations and conditions-to-spark*. Ingredients are all the differences that are present in a situation, such as gender,

age, race, status, roles, religion, values and many more. Combinations and conditions are contacts between people, surrounding structures and the environment where they work and live. The spark is when differences produce a clash.

At this point in his description of the two kinds of conflict, Crawley creates a fork in the road. The fork leading to explosive conflict goes through fuse, the place where conflict smolders, known by defensiveness, confusion, proliferation of issues and inability to find a resolution. The road leads on to the explosion followed by counting the cost and repairing the damage. The second fork leads to constructive conflict. Stops along the way include heat followed quickly by cooling through defrosting or warming to one another and settling the conflict. Sounds like a tour from some remote desert - to a high mountain top - and finally to the shore.

Peter Block and his associates take a less thermostatic approach to conflict. They say conflict doesn't suddenly happen. It moves through five stages.

1. **Anticipation**. No conflict, but the stage has been set by a policy change or an unpopular decision made.

2. **Unexpressed Difference**. Tensions have started to build but the conflict is not out in the open. This is what others call latent conflict.

3. **Discussion**. Those involved begin to state their differences often to those who have similar thoughts without trying to identify or resolve the differences. As yet there is no focus.

4. **Open Conflict**. Differences become clear. Those involved think we're right; they're wrong.

5. **Open Non-Productive Conflict**. Both sides dig in. The outcome is seen as we win-you lose; they roll out their heavy artillery and get ready to blow the other side away. Latent conflict be damned: Manifest conflict is our destiny.[11]

Analyzing the conflict

One way to better understand conflict is to tear it apart, walk around it, crawl underneath it to see what is supporting it, and stand on the highest hill to get a better look at it. In other words, analyze the conflict based on what you already know about it and can find out about it with a good dose of curiosity and some keen detective skills. Here are some of the questions you might ask or ponder to understand the conflict before you decide to help resolve it.

- **WHO** has the most to gain and the most to lose by keeping the conflict going?

- **WHO** has the most to gain and the most to lose by solving the conflict?

- **WHO** is behind the conflict? Who is not directly involved in it but providing the ammunition.

- **WHAT** is the central issue causing the conflict? You will quickly find that this is difficult to find or to pin down. Like an onion, it will have many layers of complexity.

- **WHAT** would be the consequences of resolving the conflict? Would there be peace and tranquility at the expense of what else? Recognizing that conflict is not always bad, what will be lost on the way to resolving it?

- **WHAT** are the cultural aspects of this situation, if any, that I simply don't understand? If so, how can I get help?

- **HOW** long has the conflict been going on? Is it capable of being sustained over a long period of time, or will it die of its own weight before too long? No need to take on a crusade that is having a hard time surviving.

- **HOW** does the conflict manifest itself? Dead bodies in the street? Press releases denouncing the other party? Snide remarks about the opposition at social gatherings? All out warfare?

- **WHEN** does the conflict appear? Only on Fridays? After it rains? ALL the time?

- **WHERE** does it happen? Only on the shop floor? At the international border? Behind the other person's back?

- The list can go on and on, but the most important analytical question is **WHY? WHY?** does the conflict exist? Followed by **WHY? WHY? WHY?** And then, **WHY?** It's amazing what this simple inquiry will turn up, when we persist in asking it.

Reporters and detectives find the who, what, when, where, how and especially why questions to be their best friends in getting to the heart of a story or to the bottom of a crime. Conflict managers will also find these queries to be their best friends in getting to the core of conflicts and disagreements. Once the answers are forthcoming, it's amazing how far they can move us toward resolving conflicts and differences.

The road to Abilene

We want to end this discussion about understanding the nature of conflict by relating one of the great management parables of recent times. It takes us into one of the stranger dark corners of conflict, one in which we all have spent some time. Jerry Harvey, author of the *Abilene Paradox,*[12] claims that our inability to manage agreement is as likely to lead to disaster as our inability to manage conflict. By the way, this parable could just as easily be told as a family from Bishkek taking the train to Tokmak for lunch.

As Harvey tells it, the family is sitting around on a hot and dusty afternoon in a small town in Texas when his father-in-law says, "Let's get the car out and go to Abilene for dinner at the cafeteria". Jerry doesn't like the idea driving over a hundred kilometers in an old sedan with no air conditioning when the thermometer is well above 30c. When his wife chimes in that she'd like to go, he decides to agree. In a feeble attempt to head off a bad decision, he says, "I just hope your mother wants to go". "Of course I want to go", is the mother's response. So off to Abilene they go. Four hours later, after a terrible meal, they return home hot, tired and covered with fine Texas dust. They all settle in around the kitchen table and after a long period of deep and penetrating silence, Jerry remarks, "It was a great trip, wasn't it?" The remark was met with dead silence, the kind you can carve with a knife. Jerry's mother-in-law admits that she really didn't enjoy it. In fact, she wasn't keen to go in the first place. She only agreed because she felt pressured to go. Jerry couldn't believe what he was hearing. He knew he didn't want to go, but he wanted to please his in-laws. Then Jerry's wife speaks up, "Well, the only reason I said yes was to please you and my parents". Finally, her father speaks up "Hell, I never wanted to go to Abilene. I just thought you all were bored".

As Harvey points out, organizations and groups frequently take actions in contradiction to what they really want to do and defeat the very purpose they hope to achieve. They fear the risk of disagreeing and escalate the potential for greater conflict down the road. How many times, as a councilor or as a member of a community organization board, have you "taken the road to Abilene" in your inability to be authentic about your feelings and thoughts? As Peter Block states in his interpretation of the stages of conflict, when we learn how to identify the earlier stages, we can often see and manage the conflict before it becomes counter-productive. Sometimes conflict is masked in our inability to manage agreement. And, we take the train to Bishkek or the steamer to Belgrade.

Thomas Jefferson is reported to have said "differences of opinion lead to inquiry, and inquiry to truth". Harvey has turned this truism on its head by suggesting that "inquiry can lead to discovering differences of opinion, and just maybe the truth will set you free".

Reflection time

Think about a recent trip you took to "Abilene" resulting from your inability to manage agreement with your peers or colleagues. What were the consequences? What will you do the next time in similar circumstances?

Key points

- Conflict is defined in many different ways. It can be direct, indirect, positive, negative, internal, external, individual, or shared.
- How we cope with conflict and differences depends on our perceptions of conflict and the role it has played in our lives.
- Many factors influence our perceptions of conflict and consequently the ways we manage conflict: the filters through which we see previous experiences; our initial impressions, how we organize what we see; and the stereotypes, prejudices and attitudes we construct in our heads about others.
- Conflicts emerge when disagreements, differences, annoyances, competition, and inequities threaten something important.
- Conflict involves people, processes of thinking and doing, and perceived problems.

- The conflict manager's best friends are: Who? What? Why? Where? When? How? And then, Why? Why? Why?

- Think twice before you take the *Road to Abilene*.

Endnotes

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[4] Likert, Rensis and Jane Gibson Likert, **New Ways of Managing Conflict** (New York: McGraw-Hill, 1976), pp.7-8.

[5] Hocker, J. and W. Wilmot, **Interpersonal Conflict** (Dubuque, IA: William Brown Press), 1991, p.12.

[6] Fisher, Roger and William Ury, **Getting to Yes: Negotiating agreement without giving in** (Boston: Houghton Mifflin Company, 1981), pp.22-3.

[7] Fisher, Glen, **The Mindsets Factor in Ethnic Conflict** (Yarmouth, ME: Intercultural Press, 1998), pp.20-1.

[8] Crawley, **op.cit**., pp.21-3.

[9] Fisher and Ury, **op.cit**., pp.25-9.

[10] Friends Conflict Resolution Programs, **The Conflict Core: Overhead #11** (1997).

[11] Block, Petrella and Weisbord, **op cit**., p.130.

[12] Harvey, Jerry, **The Abilene Paradox**, Organization Dynamics, 3, 1974, pp.63-80 26

CHAPTER 3
OVERVIEW OF CONFLICT MANAGEMENT STRATEGIES

Unless we change our direction, we are likely to end up where we are headed
OLD CHINESE PROVERB

Conflict is complex. It is important, often destructive, energizing, inevitable, hidden, personal, organizational, public, international, risky, necessary, and liberating when resolved. Managing conflict involves changing direction; moving off the spot on which we find ourselves to achieve greater equilibrium with our surroundings. Fortunately, the options for managing conflict have expanded dramatically in recent years as more is understood about what works and what doesn't. Most, if not all, of the options involve some risk. They also require diligence in learning how to use them. And, they are challenging for those individuals qualified to step into conflicts with the commitment to help others seek resolution.

This manual is aimed first at those who would become mediators, principled negotiators, conciliators, and more effective, everyday problem solvers.

"Come to the edge of the cliff", he said
"We're afraid", they said
"Come to the edge of the cliff", he said
"We're afraid", they said
"Come to the edge of the cliff", he said
They came.
He pushed.
They flew.
GUILLAUME APPOLLINAIRE

Some options for managing conflict have been around for centuries, including war, royal decree, banishing the troublemakers to a new continent, diplomacy, and relying on a higher authority. Unfortunately, most of these strategies tended to be largely one way, often trampling those who had less stature, wealth, power, charisma, or connections. Then along came the age of psychological enlightenment. Of course, enlightened approaches to managing conflict existed long before the late 1940s and early 50s. But they seemed to be less well organized or institutionalized. Or perhaps it was lack of access to methods for marketing one's ideas.

Tavistock Institute in the UK during the 1940s started to research the issues of power and authority, factors at the center of personal, organizational and international conflicts. The National Training Laboratories (NTL)in the United States began offering "sensitivity training" workshops during which individuals of their own volition could get angry with each other and then figure out how to untangle the mess they created. It was known as learning by doing. The role of the facilitator began to emerge from these endeavors as a personalized strategy for helping others engage in more effective decision making and problem solving.

These disparate acts of understanding human behavior evolved quickly into research on group process, how individuals can work together more effectively. These efforts in turn began to change the way task-oriented organizations, private, public and nonprofit, operated. Integral to these new social technologies was concern about managing conflicts at various levels of human interaction. Finding new ways to manage conflict and making old strategies more effective became a growth industry.

"How to" books on negotiation began showing up on bookshelves in the 1960s. However, the strategies they advocated seemed more concerned with achieving a one-time advantage for the clever negotiator than reaching collective agreements free of lingering acrimony. More recently, negotiation has gained respectability though the efforts of authors and practitioners like Fisher and Ury who made principled negotiation a standard bearer in the business of reaching decisions where conflict lurks in the shadows. Nevertheless, these authors are currently under fire for advocating the use of their "principled" approach without modification in settings with cultural differences. We will look at these principles, accompanying strategies and the controversy later.

As we discussed earlier, there are obvious connections between public participation and mediation as an approach to conflict resolution. According to Susan Carpenter, these two approaches to more democratic and effective decision making and problem solving strategies emerged as related professions in the 1970s.[1] While this status as profession is recent, mediation as a process where those in disagreement call on a third party to help them reach decisions has been around since the 14th century. Arbitration and conciliation were not far behind, putting down their operational roots in the 15th century.[2]

Let's take a look at how these various strategies are organized and described by various contemporary writers and practitioners of conflict management. The field is divided into two separate but inter-related arenas. The first deals with options we can exercise when confronted with conflict, such as avoidance or collaboration. The second is concerned with skills and strategies for resolving conflict. There is a subtle difference between the two but a useful one to pursue for a few moments.

Conflict management styles

The conflict mode model that seems to have helped others organize their thoughts about individual behavior in conflict situations is a two-dimensional model describing five conflict management strategies.[3] The two dimensions are: (1) assertiveness, the extent to which the individual attempts to satisfy his or her concerns, and (2) cooperation, the extent to which the individual attempts to satisfy the other person's concerns. The five options are:

1. ***Competing***. Assertive and uncooperative behavior focused on personal concerns at the expense of others.

2. ***Accommodating***. Unassertive and cooperative behavior that neglects personal concerns in order to satisfy the concerns of others.

3. ***Avoiding***. Unassertive and uncooperative behavior that neither pursues personal interests or the interests of others.

4. ***Collaborating***. Both assertive and cooperative behaviors that emphasize working with the other party to satisfy both your concerns and theirs.

5. ***Compromising***. An intermediate position on both assertiveness and cooperation often referred to as splitting the difference, seeking a quick middle-ground position.

Guidelines to ponder

There is a tendency to put values on these options, but all have their uses in managing disagreements and conflicts. Let's look at what Thomas has to say about when and when not to consider the use of each. Remember the variables. For example **competing** is associated with assertiveness and lack of cooperation; **accommodating**, on the other hand, is high on cooperating and low on assertiveness.

Consider **Competing** when:
- You need quick, decisive action
- Some unpopular action needs to be implemented
- When you know you are right
- When options aren't available.

Collaborating may make sense when:
- Two heads are obviously "better than one", and the outcomes are enhanced by working together
- The concerns of both sides are too important to compromise
- You want to gain commitment from all involved
- You want to improve working relationships
- You are in a learning mode, e.g. want to test your assumptions and understand the other's point of view and possibly your own.

Avoiding conflict and disagreements is actually a good choice when:
- There are other more important issues to consider
- There is little chance of satisfying your needs and concerns
- You need to let people on either side of the conflict cool down
- You need more information
- When others can resolve the conflict more effectively.

Try **Accommodating** in those conflicts and disagreement situations when:
- You realize you are wrong
- The issues may be more important to others
- You want to build support for later on
- You want to minimize your losses
- Preserving harmony is important.

Finally, you might want to **compromise** when:

- The goals you will accomplish really aren't worth the hassle
- The opponents in conflict are committed to achieving different ends, such as in management - labour disputes
- Achieving interim solutions buy you time to work out complex issues
- When a quick solution is needed.

But, these suggestions might not fit the cultural context in which you are operating. Let's look at some of the cultural variations that have an impact on the use of different conflict resolution strategies.

Cultural variations

We mentioned in the opening chapter that the culture in which we are operating will influence the way we manage conflict. By culture, we mean those values, assumptions, norms and behaviours that define how we respond appropriately to life situations in particular settings. Just to make life interesting, these attributes might very well be defined differently in the same physical community. For example, the culture of a multinational corporation operating in the community might be different from the organizational culture of the municipal government. And, the students studying at a new university in the same community might have "invented" a different set of norms and behaviours based on an international curriculum, faculty and student body.

When we look at the model just described, we realize it defines several conflict management options that will vary in their use and appropriateness depending on the context within which they are used. In this sense, the model should not be seen as normative although the authors have a bias toward collaboration. Susan Schneider and Jean-Louis Barsoux relate an interesting case of how a management team made up of managers from several parts of the world might handle conflict and disagreements. For example, a manager from a country where power is unevenly distributed might be inclined to avoid conflict, referring it up the hierarchy where sooner or later there will be a confrontation. Another manager from a country that is more relationship oriented might be more inclined to take an accommodating stance toward conflict.[4]

Reflection time

We all use these options for managing conflict, some of us more often than others do. Take a look at your own experiences in managing conflict and note briefly one in each of the five categories.
An experience where I *competed*:
Where I was *accommodating*:
Where I *avoided* the conflict:
Where I *collaborated* with someone else:
Where I *compromised*:

After noting your personal experiences, review them from the perspective of: (1) the option you think you use most; (2) the one you think you use least when managing conflict; and (3) the conflict management strategy you need to improve upon.

Other variations

As we said earlier, this two-dimensional, five-option model was the springboard for others. Robert Quinn and his colleagues took these five strategies and collapsed them into three:

1. ***Non-confrontational*:** associated with either avoidance or accommodating;
2. ***Control*:** the competing approach; and
3. ***Solution-oriented*:** efforts to collaborate or compromise.[5]

Many of the conceptual models others have developed to help us understand the principles and practices of conflict management also attach formalized and often specific skill-based strategies to the options. Karl Slaikeu and Ralph Hasson, for example, describe four options and several strategies.[6]

1. ***Avoidance***

- No action to resolve the conflict

2. ***Collaboration***
   - Individual initiative
   - Negotiation by the parties
   - Mediation by third party

3. ***Higher Authority***
   - Referral up the chain of command, internal appeals and formal investigation - all organizational types of responses
   - Litigation: through the courts or higher-level public agencies

4. ***Unilateral Power Plays***
   - Physical violence
   - Strikes
   - Behind the scenes maneuvering

Slaikeu and Hasson's preferred path to managing conflict is no surprise. They recommend the strategies in this order: individual initiative; negotiation; mediation; use of higher authority, and finally power play/force. You may have noted that they don't recommend *avoidance* although it is an option. Here is a look at each of the options in more depth.

Avoidance options
At times, taking a "wait and see" approach or simply avoiding the conflict makes sense provided either of the options involve a conscious decision. We might decide, for example, that the passage of time might change the level of conflict. Of course, the conflict could get worse. Perhaps, other approaches to resolving conflict have been blocked for one reason or another. Or, it could be we need more information. The negative aspects of avoiding conflict can be considerable. By doing nothing, we can become more isolated from the situation, making the outcome more unpredictable. And, we may lose opportunities to influence what is transpiring.

Collaboration options
This option includes a number of strategies we will be pursuing in more depth in subsequent chapters. These are:

- ***Individual, group or organizational initiatives.*** These include informal discussions and problem solving facilitated at times by someone from within or external to the initiating party. This process is covered in detail in the companion manual on participatory planning.

- ***Negotiation.*** This is a bargaining process that can, but doesn't have to, involve professional assistance. If there are professionals, they represent clients on one side of the dispute, not both or all parties to the conflict. Negotiation is often seen as an interpersonal skill in which managers and others engage to arrive at the best decision possible from their individual perspective. W will look at it as a more intentional and structured dispute resolution process.

- ***Conciliation***. This involves an acceptable, neutral and impartial third party. Conciliation is often a stage of negotiation and mediation designed to lower tensions, improve communications and create an atmosphere of trust. In reality, it is difficult to set conciliation apart from either negotiation and mediation as third party assisted conflict resolution processes. More often, it is an on-going endeavor to maintain trust and open communication between those in conflict.

- ***Mediation.*** It is often characterized as an extension to and elaboration of the negotiation process. Mediation involves a third party helper who leaves the decision-making powers in the hands of the people in conflict. Mediation usually is employed when those in conflict feel they can no longer reach resolution on their own. The primary outcome of both negotiation and mediation is to arrive at integrative, win-win solutions.

Higher authority options
If negotiation-mediation strategies fail to achieve agreement, then there are other options available. They are all third-party decision-making processes which: (1) decrease the personal control those in dispute have over the outcome(s); (2) increase the involvement of external decision makers; and (3) increase the likelihood of win/lose and either/or decision-making approaches. While we won't be describing these techniques in any detail since they are not the most desirable ways to manage or resolve conflicts, it is useful to know what the options are. Hopefully, you and your clients can avoid them. They can be public-private, legal and extra-legal mechanisms for managing conflict decisions, not necessarily for resolving conflicts.

- ***Internal***. This is accomplished by administrative or managerial resolution. Someone in a position of higher authority makes the decision, known in some places as "kicking it upstairs". Supposedly, such decisions are based on facts and objective criteria. Those of us who have had supervisors and bosses know that these individuals don't always act objectively. This approach assumes an organizational format of some kind within which the conflict is being managed.

- ***External***. Arbitration is the next step before going to the judicial system for a decision. This usually is a voluntary, private process where those in conflict request the assistance of an impartial and neutral third party to make the decision. This decision can be either advisory or binding. The big difference between mediation and arbitration is the process of decision making. In mediation, the third party works back and forth between the parties in dispute helping those in dispute to make the decisions. In arbitration, the decision is out of the hands of those in dispute and in the hands of the arbitrator although the disputing parties may be able to jointly select the person or persons who will act on their collective behalf. Unfortunately, the results are either win-lose, or lose-lose. In the first case, one party is happy with the decision, or less unhappy than the other. In the latter, both are unhappy.

There are two other higher authority routes those in dispute can travel to arrive at a decision. The first goes through the judicial system (litigation) where the financial, time and reputational costs to those in dispute can be high. The second goes through the legislative process. Such disputes involve larger issues and broader populations. In both cases, the decisions are usually based on win-lose and either/or approaches.

Power play/force or extra-legal options
These include political actions, civil disobedience, worker strikes, physical coercion, and even violence, all of which are beyond the scope of this manual.

At either end of this continuum are conflict management options likely to produce outcomes that are either unpredictable, such as avoidance, or involve the use of power and force. In between are a number of options where decisions are made without the direct influence of those who are involved in the disagreement or dispute, such as decisions by higher authorities. Finally, we have collaborative options or strategies that give those in dispute opportunities to control or manage the decision making and problem solving process.[7] These are the options we will concentrate on from this point on.

Some common ground

John Crawley uses the term constructive conflict management to describe his approach to managing disagreements and differences. While it doesn't differ substantially from other approaches, Crawley's use of the word constructive gives his concepts and strategies a purposeful and developmental framework. His recipe for constructive conflict management includes four principles and actions:[8]

1. ***Clear perception and good judgement***. Be clear about what you see, how you judge, and how you react to people and situations. The key question to understand is: What's happening?

2. ***Self-awareness and control***. Understand and take charge of your own feelings and behavior. Ask yourself: How do I feel about this?

3. ***Ability to analyze and balance different views and positions***. Step back, take a balanced view and ask yourself: Am I being thorough and fair?

4. ***Openness to others***. Be ready to respond positively.

The basic aim of constructive conflict management is to seek resolutions, which achieve the best possible balance between you, others, the situation, and the consequences.

Focusing in on various options

W will be moving on to look in depth at three key conflict management strategies: *dialogues, principled negotiation and mediation*. We believe these three approaches hold considerable promise for helping others. Negotiation and mediation options tend to be largely defined by the literature and practice. What we are choosing to call *The Art of Dialogue and Other Important Inter-relational Skills* option is messier, thus difficult to lay out in any step-by-step format. Dialogue, as a collectivity of methods and experience, can be seen as time-defined bookends in relation to principled negotiation and mediation.

Historically, negotiation and mediation strategies have benefited from lessons learned in dialogues intended to reduce conflict and help individuals, groups and communities make better decisions. In more immediate historical terms, concerns about some aspects of both principled negotiation and mediation (as they are often defined and practiced)

have opened the door for a new wave of dialogue centered approaches to helping others work through conflict situations.

The intent in the following chapters is to be more specific about various options local governments, civic organizations, and communities can employ to manage their disagreements and differences more constructively. To set the stage for discussing the three options in more depth, we want to look at some interpersonal aspects of conflict management. At the heart of successful conflict management endeavors are some ideas and skills that help us communicate more effectively with those individuals who are also interested in resolving differences.

Key points

- Conflict can be complex. So are some of the strategies for managing conflict.
- Effective managers and others have been negotiating and mediating conflicts for centuries. It has been just recently that these skills have been associated with professionals who do them for a living.
- Based on degrees of assertiveness and cooperation, we can decide to compete, accommodate, collaborate, or compromise with those we are in conflict with or simply avoid conflict if it suits our needs.
- The cultural context will have an influence on the ways individuals, organizations and societies manage conflict and differences.
- Negotiation and mediation are among the most popular and frequently used collaborative strategies for resolving conflicts and differences.
- Mediation is the most user-friendly approach to third-party involvement in dispute resolution.
- When those in conflict or disagreement refer their case to higher authorities like litigators, arbitrators, and judges, they no longer have direct control over the outcomes.

Endnotes

[1] Carpenter, Susan, *The Blurring of Roles between Public Participation and Conflict Resolution Practitioners*, **Interact: the Journal of Public Participation**, Fall 1995, Volume 1, Number 1, p. 37.

[2] Moore, Christopher, **The Mediation Process: Practical Strategies for Resolving Conflict** (San Francisco, Jossey-Bass Publishers, 1986)pp. 19-21.

[3] Thomas, Kenneth, Conflict and Conflict Management, **The Handbook of Industrial and Organizational Psychology**: Volume II, Marvin Dunnette, Ed. (Chicago: Rand McNally, 1975), p. 234.

[4] Schneider, Susan C., and Jean-Louis Barsoux, **Managing across Cultures** (New York: Prentice Hall, 1997). Pp. 200-1.

[5] Quinn, Robert, Sue Faerman, Michael Thompson, and Michael McGrath. **Becoming a Master Manager** (New York: John Wiley and Sons, 1990), pp. 223-4.

[6] Shaikeu, Karl and Ralph Hasson. **Controlling the Costs of Conflict** (San Francisco: Jossey-Bass Publishers, 1998), p. 24.

[7] The options outlined by Slaikeu and Hasson are similar to those detailed by Christopher W. Moore in **The Mediation Process** (San Francisco: Jossey-Bass Publishers, 1986). We appreciate the opportunity to blend their ideas together in this discussion of conflict management options.

[8] Crawley, John, **Constructive Conflict Management** (London: Nicholas Brealey Publishing, 1992), p. 51.

CHAPTER 4
THE ART OF DIALOGUE AND OTHER IMPORTANT INTER-RELATIONAL SKILLS

Build your adversary a golden bridge to retreat across
SUN TZU

Before we begin to discuss specific conflict management strategies, we want to look at some ideas and skills that can help you be more effective in managing conflict. Since it would be impossible to cover all the knowledge and skills associated with interpersonal and intergroup effectiveness as they relate to conflict management, we won't even try. However, there are a few skills that are critical to communicating our ideas and convictions and building productive relationships often with adversaries. One of these is what we are calling the *Art of Dialogue*. In fact, we will return to it later as both an enduring and emergent process for managing differences and reaching consensus. But first, we want to discuss dialogue as a communication strategy. Since there has been so much written about communications, including sections devoted to this topic in other manuals in this series, we will refrain from being repetitive. Other topics that will be covered include relationship building, a skill that cuts across the range of conflict management strategies; the importance of being assertive; and how to cope with resistance.

The art of dialogue

Dialogue is an old idea, in fact, centuries old, and yet it has great relevance in today's chaotic world where communication merely skims the surface of meaning. Robert A. Baruch Bush and Joseph P. Folger have written a book about the *Transformative Approach to Mediation,* which seems to us to embody the spirit and process of meaningful dialogue as it relates to conflict management. In fact, their approach to mediation may be so far removed from the mainstream of that process, as defined by most practitioners, that we prefer to think of it in "dialogue" terms. We will get back to the transformative approach to resolving differences in another chapter, but first a closer look at the art of the dialogue.

Definition

William Isaacs, in an important book about *Dialogue and the Art of Thinking Together*, talks about the *fire of conversation*, thus capturing the intensity and potential energy of dialogue.[1] Dialogue, as Isaacs defines it, is *a shared inquiry, a way of thinking and reflecting together*.[2] He goes on to explain:

Dialogue is the way of taking the energy of our differences and channeling it toward something that has never been created before. It lifts us out of our polarization and into a greater common sense, and is therefore a means of accessing the intelligence and coordinated power of groups of people.

Dialogue fulfills deeper, more widespread needs than simply "getting to yes". The aim of negotiation is to reach agreement among parties who differ. The intention of dialogue is to reach new understanding and, in doing so, to form a totally new basis from which to think and act. In dialogue, one not only solves problems, one dissolves them. We do not merely try to reach agreement; we try to create a context from which many new agreements can come. And we seek to uncover a base of shared meaning that can greatly help coordinate and align our actions with our values.

Dialogue is a conversation in which people think together in relationship. Thinking together implies that you no longer take your position as final. You relax your grip on certainty and listen to the possibilities that result from being in a relationship with others - possibilities that might not otherwise have occurred.[3]

The practical power of dialogue

Dialogue, as described by Isaacs, is best explained by example. He relates two well-known contemporary dialogues that transformed the relational landscapes of their respective national environments. Both were borne out of longstanding and deep-seated conflicts. Over a number of years in South Africa, President de Klerk met privately with Nelson Mandela while he was still in prison to engage in dialogue about a totally new context for their country. They were not meeting to negotiate over how to solve problems as they existed at the time, but rather to create a shared future vision.

The other dialogue involved John Hume, the politician from Northern Ireland who spent many years in behind-the-scene conversations with Gerry Adams, the leader of Sinn Fein, the political wing of the Irish Republican Army. Says Hume: "Twenty five years we've been fighting violence. Five governments have failed to stop it. Twenty thousand troops and fifteen thousand policemen failed to stop it. So I thought it was time to try something else. Dialogue".[4]

These are dramatic examples of dialogue between leaders who had much to gain and also much to lose by coming together to resolve their individual differences so they might help forge new relationships for their people. One of the authors had an experience that is much more mundane yet demonstrates the potential of dialogue at the community

level. He had just taken a job as a city manager in a secondary city where there was a total breakdown of communication and cooperation between the city and its five surrounding rural local self-governments. With the concurrence and encouragement of the elected city officials, the city manager spent countless hours over many months meeting with the local elected officials in the surrounding communities. The intent was to listen to them and to understand the depth of their concerns that had not only closed the doors to effective communication between the governments, but had slammed them shut. Once these individual, one-on-one conversations had reopened the doors a bit, the city's elected officials joined the dialogue. Over time, with no formal agenda or actions, these politicians came to regain their trust in each other and to understand what had been driving them apart.

At the heart of the conflict was a legal practice the city had used for years to annex prime development land from the surrounding rural townships. While it was temporarily advantageous for the city to continue the practice, the long-term consequences carried a high price tag in terms of overall development of the region. As a result of the informal, non-problem solving conversations among the local leaders, the city council put a temporary moratorium on annexations. This formal action opened the door for an ongoing dialogue about regional collaboration and ways to work together. That moratorium still stands after more than 30 years and countless changes in political leadership in all six local governments. And the dialogue continues.

Lighting conversational fires can be a long and difficult process

The fruitful art of dialogue depends on patience and shared understanding, as demonstrated by the examples just given. In each case, the conversations lasted over long periods of time, even years. In this frantic world where quick, decisive actions are considered the hallmark of contemporary leadership, who has time to dialogue? And yet years of **re-action**, characterized by quick, decisive moves in each of these case situations, resulted in maintaining an unacceptable status quo. Without the courage to dialogue and explore new options, the years of reaction would no doubt continued. Dialogue, as defined by Isaacs, does not lend itself to prescriptive behaviour. In other words, he doesn't provide us with an easy step-by-step process to accomplish effective dialogue.

Daniel Yankelovich has spent forty years monitoring changes in American culture and public opinion. During that time he has been involved in or observed countless numbers of public and private dialogues. Over time he has come to value dialogue as a successful relationship building process that, when conducted effectively, leads to mutual understanding and respect. These in turn have the potential for triggering unforeseen successes. Yankelovich, like Isaac, makes clear distinctions between dialogue, decision-making discussions, and negotiation sessions that seek agreements leading to action. Dialogue has three distinct features that define it:[5]

1. ***Equality and the absence of coercive influences***: All parties to the dialogue are treated as equals and there is no coercion of any kind —no arm twisting, pulling rank, using sanctions, or other "forceful" influences. In the dialogue between de Klerk and Mandela, with one in power and the other in prison, it is a credit to both men that these two factors reigned supreme. Community dialogues are only possible when trust is established and those in authority remove their badges of authority and participate as equals.

2. ***Listening with empathy***: Empathy, according to Yankelovich, is the ability to think someone else's thoughts and feel someone else's feelings. Isaac says that a simple but profound capacity to listen is at the heart of dialogue. His kind of listening "requires us to not only hear the words, but to embrace, accept and gradually let go of our own inner clamoring".[6]

3. ***Bringing assumptions out in the open***: This is something that doesn't normally happen in decision-making workshops or discussions but is critical to healthy dialogue. It also requires those in dialogue to suspend judgement.

Over the years Yankelovich has witnessed and recorded a number of strategies that he believes aid the process of dialogue.

- Err on the side of including those who disagree
- Initiate dialogue through a gesture of empathy
- Check to assure that the three criteria listed above are in place and working
- Minimize mistrust before getting into the heart of the dialogue
- Separate the acts of dialogue and decision making
- Use specific experience to discuss general issues

- Get assumptions on the table and clarify them

- Focus on conflicts in values, not people

- Expose old scripts to a reality check. In other words, assess the assumptions, values, and norms that guide and drive us against current day reality.[7]

According to Isaacs, ***dialogue is a conversation in which people think together in relationship***. What we want to do now is explore some of the relationship issues involved in conflict management.

Building relationships

At the end of the last chapter we quoted John Crawley on his recipe for constructive conflict management. He identifies four principles or basic ingredients for his success recipe: (1) clear perception and good judgement; (2) self-awareness and control; (3) ability to analyze and balance views and positions; and (4) openness to others.

Roger Fisher and Scott Brown also emphasize the constructive nature of engaging in conflict management. In fact, they insist on using an *unconditionally constructive strategy* for building relationships that can withstand disagreements and conflict. **Unconditionality** leaves little room for ambiguity. Fisher and Brown say that being "unconditionally constructive" in a relationship with others means you will do only those things that are good for the relationship and good for you whether or not the other parties reciprocate.[8] They emphasize that the outcome of a particular transaction depends not only on negotiating skills but also on the ability to build a "good" working relationship, one that can deal well with differences.

What are those things that are both good for the relationship and us? Fisher and Brown list six that are, shall we say "unconditional". So read carefully.

1. ***Rationality***. Balance emotions with reason, even if those on the other side are acting emotionally. Emotion is important to relationships, but it needs to be in balance with reason. Too much emotion can cloud our judgement; too little dulls our motivation and understanding. When balancing emotion with reason, we tend to make fewer mistakes.

Author's note: Fisher and Brown are a bit too "unconditional" for us in their points about building the relationship. One could argue that Emotionality is as important as Rationality. To their credit, they do say they need to be balanced. Those who come from eastern cultures, such as India, will no doubt find the "unconditionality" of their strategy somewhat troubling as well. While these two authors represent an American need to have more clarity and direction, the Asian could no doubt tolerate more easily the ambiguity that often defines relationships and decisions in her part of the world.

2. ***Understanding***. Even if you are being misunderstood, try to understand. Here are some practical ways the authors suggest for us to increase our ability to understand.
   - Explore their thinking; always assume you need to know more about them
   - Start by asking yourself, "What do I care about?"
   - Don't be afraid to learn something new
   - Don't assume they share your concerns and priorities.

3. ***Communication***. Just because they aren't listening, doesn't mean you shouldn't consult with them before deciding on issues that affect them. Inquire, consult, and listen. Decision making to resolve conflict is always a collaborative venture. Communication begins to break down when you: assume there is no need to talk; begin to "tell" others what you think they need to hear; and engage in mixed messages, i.e. say one thing and mean another.

4. ***Reliability***. Even if they are deceitful, don't you be deceitful. Or as Fisher and Brown counsel, "be wholly trustworthy but not wholly trusting". Be predictable, honest, clear, reliable, but not naive.

5. ***Non-Coercive Means of Influence***: Even if they are trying to coerce, neither yield to it nor respond in like manner. Rather, be persuasive and open to persuasion. Managing conflict is not about winning; it's about problem solving.

6. ***Acceptance***. Even when they reject your concerns, respond by accepting them as worthy of your consideration. Care about those who sit across the table from you and be open to learning from them.[9]

Reflection time

These are very tough, "unconditional" mandates for behaving in an arena of disagreement and conflict. While they may sound a bit unrealistic, the authors remind us that these guidelines are about being effective. Think back to the last time you had a serious disagreement with someone. Got it firmly in mind? Good. Now, after each of these foundation stones for building an effective conflict resolving relationship, rate how well you behaved: 1 = dismal; 10 = surprisingly good.	
• Balancing emotion with reason …	
• Understanding the other person …	
• Communicating and consulting …	
• Being reliable …	
• Being persuasive-not coercive …	
• Accepting …	
• Caring and open …	
Total score	

What will you do to improve the score the next time you are managing disagreements or conflict?

.....

.....

Dealing with resistance

One sign of disagreement, or potential conflict, is resistance. Resistance in conflict management terms is an unwillingness to agree, for whatever reason. While resistance is often associated with reaching a final decision in the negotiation process, it is a response we often find in all kinds of interactive decision making approaches. Resistance is a potential in almost all phases of participatory planning endeavors from the initial contracting phase to reaching agreement on action plans. Since it is such a common response in many of the decision making approaches we are exploring in this two-part series, let's take a look at all the masks people wear to express their resistance without being clear about their resistance.

Resistance masks to look behind

- **The angry mask**. This happens when the resistance gets personal, like it often does in negotiation sessions that focus on positions, not interests; or people, not problems. More about this later when we discuss the art of negotiation.

- **The detail mask**. This is a reversible mask. One side says, "give me more detail" while the other overwhelms you with detail. The old expression, "Ask him for the time, and he tells you how to build a clock" applies here. Of course, the corollary is, "I'm not interested in the time, but I would like you to discuss the various kinds of clocks and watches you might have available".

- **The time mask**. Obviously this mask is associated with our clock metaphor. "The time's not right; I need more time to decide; let's not rush into this issue too quickly; it doesn't fit the budget cycle"; and other "timely" responses.

- **The intellectual mask**. "Hypothetically, it looks like", "theoretically speaking", "could you tell me more about the various methodologies we can use to reach a decision". It can be any abstract discussion that soars above the grit of making decisions.

- **The mask with no mouth**. Peter Block says this is the most difficult mask to remove. The other party is passive, gives you no reaction, and seems to be going along when in fact he or she may be in a panic state of flight, anger with wings. Silence should not be seen as consent.

- **The theologian mask**. This one has "should" written all over it. Other clues are "Those guys …" "Don't you understand …" "You need to know …".

- **The solution mask**. "I'm not interested in discussing the past; what's your solution?" In other words, "Let's not spend any more time discussing the issues. I want to know what you think the solution is". Implied of course is the unspoken phrase, "then I'll tell you how it should be!"

When one or more of these masks joins the discussion, try to understand why they have appeared and try to get behind them. It may be that those with whom you are working to arrive at a shared decision may feel vulnerable for one reason

or another or may feel they are losing control. Resistance is a common response when dealing with differences, or confronted by conflict. We all keep this box of masks handy just in case we feel the need to resist. But resistance can stand in the way of constructive conflict management, keeping us from resolving conflicts more quickly and effectively. Understanding what these masks are and why we use them can be helpful in keeping them in the box.[10]

Reflection time

How many of these masks do you have in your resistance closet? Which ones do you use? If you were to de-mask your resistance closet, which ones would you discard immediately? Which ones would you be able to shed over time?

Resistance responses
Peter Block recommends three steps to take when confronted with any of these many forms of resistance.

1. ***Pick up on the cues***. These are the ones that suggest resistance is getting in the way of productive dialogue. These messages may be as much non-verbal as spoken. Think about what you plan to say about the type of resistance you think you are confronting.

2. ***Name the resistance***. State what you are experiencing from the other person in non-judgmental, non-punishing language. For example, when they have put on the "detail" mask: "You are giving me more details than I need". Or, when they on an angry mask: "You seem to be angry?" Or perhaps, the mask with no mouth: "You are very quiet".

3. ***Be quiet***. Give the other person an opportunity to respond.[11]

Finally, don't take the resistance personally. It is not a reflection on you. Block also suggests we give our "resisting" partners in dialogue two of what he calls *good faith responses*. In other words, treat the resistance as an honest statement or inquiry, and respond accordingly "twice". For example, if the person questions your source of information, answer his or her concern. Not just once, but twice with a "good faith response". After that, name the resistance. And then be quiet. It's amazing how effective this three-part strategy can be.

And then, there are those just plain *difficult* people we sometimes confront on the road to making collective decisions. We will revisit these encounters of the "unkind" kind when we discuss negotiation strategies later. For now, let's look at another important interpersonal trait and skill, being assertive without being obnoxious.

Assertiveness

Assertiveness is an important conflict management skill and also a method of influence which is central to the negotiating process. It is also a skill that may not be as easily transported across cultural boundaries. Assertiveness certainly clashes with the notion of "saving face" which is important in many cultures around the world. Nevertheless, a research study conducted many years ago in three different countries indicated that assertiveness was one of the seven most dominant strategies managers used to increase their influence. The others were, just in case you are interested: reason, friendliness, building coalitions, bargaining, higher authority, and sanctions.

According to the researchers, assertiveness is frequently used when:
- Objectives are to benefit the organization
- Expectations for success are low; and
- Organization power is high.[12]

These reasons, documented nearly twenty years ago, suggest that assertiveness was seen at that time as another power source. While it is, we have learned much about this interpersonal and group phenomenon in recent years and how to use it to help make better collective decisions. It is from this perspective that we will address the issues associated with being assertive.

Assertiveness is a choice
Assertiveness fits into a pattern of behavior associated with power and influence. The other three types of behavior usually associated with *assertiveness* in terms of comparison are passive, aggressive, and manipulative, or passive/aggressive. Some comparative characteristics are:

1. ***Aggressive Behavior.*** *Based on a lack of respect for others; behaving in a way that violates the rights of others*. This is often a punishing behavior. At the negotiating table, it's often characterized by "you should"

and "you have to" kinds of outbursts. The "good news" aspects of aggressive behavior are the clarity with which the message is usually delivered, the strength of the commitment, and, the focus on results. The "bad news": it can be harsh, often engenders resentment and counter-attacks, and is most likely delivered by someone who doesn't listen very well. Aggressive behavior is not a good collaborating partner in participatory planning ventures or with someone you want to encounter when the honest intent is to resolve conflict or differences.

2. ***Passive Behavior.*** *Based on lack of respect for yourself; behaving in a way that violates your own rights*. This is often associated with "living a lie", not expressing what the person either wants or feels. Passive behavior is often seen as respectful, sensitive and empathetic. It is also seen as overly deferential, coming from someone with little self-respect. Passive behavior is not a good partner in most interactive decision making situations whether those involved are working collaboratively or managing to resolve conflict.

3. ***Manipulative or Passive/Aggressive Behavior.*** *Based on lack of respect for yourself and others; behaving in a way that violates the rights of others while appearing to deny your own*. This behavior manifests itself through imposing guilt on others, withdrawing or not reacting, inappropriate verbal statements, and a torrent of mixed messages aimed at controlling others. This is great stuff if your intent is to become the next dictator of some backwater republic. But, be assured that others will likely find this type of influencing behavior a bit unsavory.

4. ***Assertive Behavior.*** *Based on respect for self and others; behaving in a way that respects the rights of each party, and doesn't violate the rights of either*. Assertiveness is being clear and articulate about your wants, concerns and feelings; finding it easy to convey "I" messages; and balancing respect for one's self with others.

Assertiveness is knowing your strengths and limitations and choosing how to manage your feelings and the feelings of others. In case you have any doubt, we are recommending assertiveness as an appropriate skill and behavior for engaging in conflict management strategies. We also recommend it for collaborating with others in decision making and problem solving ventures based on a sense of your own strengths while valuing others.[13]

Being assertive is also about saying what you want. Some hints on "talking straight" are:

- Be clear about what you want
- Be specific
- Avoid words that are vague
- Keep the conversation positive and moving forward
- Check to assure you are being heard and understood. Questions are always appropriate. So is attentive listening.

Reflection time

Assertiveness is such an important skill for managing conflict that we want you to stop for a short while and look again at some of the attributes of each of the behaviors that were compared with assertiveness. Record below some of the specific assertiveness skills you want to improve upon.

Also list those other traits you might be using on occasion that you would like to minimize in any future efforts to manage conflict or work with others in a collaborative problem solving mode.

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Key points

- Dialogue has been described as a shared inquiry, a way of thinking and reflecting together

- Effective dialogues last over long periods of time, as purposeful conversations nurtured by patience, the absence of coercive influences, empathy and shared understanding.

- The art of building effective relationships is dependent on many things, e.g. , balancing emotions with reason, promoting mutual understanding, infusing the relationship with reliability, acceptance, clear communication patterns and an absence of coercion.

- Resistance to resolving conflicts and disagreements is masked in many forms. It is difficult to deal effectively with resistance if you don't recognize the mask that is being put forward

- To be effective in dealing with resistance, Peter Block suggests we pick up one the clues, name the resistance or the mask being worn, and then be quiet, waiting for the other person to respond

- Assertiveness is an important tool in managing conflict, but it might not cross cultural boundaries with ease

- Conflict management is a never-ending cycle that includes:
  - holding preliminary conversations to build trust and understanding
  - deepening those conversations to identify and define the issues
  - turning the issues inside-out, upside-down, redefining and reframing them to better reflect reality from different perspectives
  - engaging in mutual problem solving
  - agreeing on actions that help all parties meet their needs and preserve their dignity; and
  - following-up to assure the results that were expected have been achieved.

Endnotes

[1] William Isaacs, **Dialogue and the Art of Thinking Together** (New York: Currency Books, 1999), p.1.

[2] **Ibid**., p.9.

[3] **Op. cit**., p.19.

[4] *The New York Times*, August 24, 1994. p.24.

[5] Daniel Yankelovich, **The Magic of Dialogue** (New York: Simon and Schuster, 1999). pp. 41-44.

[6] Isaac, **op. cit**. p.83.

[7] Yankelovich, **op. cit**., pp. 127-8.

[8] Fisher, Roger and Scott Brown, **Getting Together** (Boston: Houghton Mifflin Company, 1988), p. xiv.

[9] **Ibid**., pp. 38-40.

[10] Our appreciation to Peter Block for helping us put a good face on this discussion. His book **Flawless Consulting** (San Diego: University Associates, 1981), Chapters 8 and 9.

[11] **Ibid**. , pp. 132-37.

[12] Kipnis et al., **Patterns of Managerial Influence**, Organization Dynamics, 1984. p.43.

[13] Many of the thoughts about assertiveness come from two excellent sources of ideas and wisdom. They are: Block, Peter, Tony Petrella and Marvin Weisbord, **Managing Differences and Agreements** (Plainfield, NJ: Designed Learning, 1985) and Crawley, John, **Constructive Conflict Management** (London: Nicholas Brealey Publishing, 1992).

CHAPTER 5
NEGOTIATION: ACHIEVING RESULTS WITHOUT THIRD PARTY INVOLVEMENT

Let us never negotiate out of fear, but let us never fear to negotiate
JOHN F. KENNEDY

Negotiation is one of the two most commonly cited and documented conflict management strategies being used and marketed around the world. Yes, marketed. As we quickly discovered, conflict management is big business. Of course, when something gains credibility in the market place through use and results, the need is also verified. There's a lot of conflict in the world. In the case of negotiation as a response mechanism, it may be more appropriate to talk about resolving differences. Negotiating is a much more common skill than mediation, for example, and doesn't always suggest the presence of conflict unless the negotiation gets nasty or the conditions that precede the negotiation process are contentious. For example, labor and management groups often engage in civil discussions over wages and their various points of view about equity in the sharing of resources. And, there are times when negotiations can be confrontational. On rare occasions, the discussions even break down forcing the parties to seek other means of resolution. But, we are getting ahead of ourselves in this discussion.

Before describing some of the negotiation skills required and the processes that characterize this approach to decision making, here are some definitions. While definitions may seem a bit academic, they actually reveal a lot about the authors as they introduce the concepts and strategies they are about to reveal.

Negotiation. Direct talk among the parties to a conflict, conducted with the goal of achieving a solution. The distinguishing characteristic is that the talk involves the parties themselves without the direct assistance of a third party. Negotiation may occur through representatives, such as attorneys. (Slaikeu and Hasson:1998, p. 202.)

What is negotiation? It is the use of power and information to affect behavior within a "web of tension". If you think about this broad definition, you'll realize that you do, in fact, negotiate all the time both on the job and in your personal life. (Herb Cohen: *You Can Negotiate Anything*, 1980, p.16.)

Negotiation. The process through which an elegant win/win solution is reached which meets the differing needs of the two or more parties involved. (Now, that's an optimistic and value laden definition!)(Vanessa Helps: *Negotiating: Everybody Wins*, 1992, p.1.)

Negotiation. The process by which we pursue the terms for getting what we want from people who want something from us. (Gavin Kennedy: *The Perfect Negotiation*, 1992, p.1)

Negotiation. A basic means of getting what you want from others. It is back-and-forth communication designed to reach an agreement when you and the other side have some interests that are shared and others that are opposed. (Roger Fisher and William Ury: *Getting to Yes*, 1981, p. xi.)

While some view negotiation as a life skill used in just about everything we do, others see it as a more formal process engaged in by competing interests at critical times in their relationship. In reality, we are talking about a set of principles, a process that involves a series of steps or stages, and skills that help us be effective as negotiators, decision makers and problem solvers.

Principles

Several negotiating practitioners from Australia take the life skill approach to negotiating, treating it as an "indispensable attribute for navigating life and for interacting with all kinds of people". According to these authors, negotiation requires a high level of awareness, observation and flexibility; an astute sense of timing; and a constant understanding of human differences. It's not simply about winning deals and battles.[1] They also outline a number of principles they believe are important for "good negotiators" to follow.

1. **Base negotiation on relationships**. This includes understanding each other's styles and needs, their priorities, what motivates them and their interests. If no rapport exists, the negotiations will be longer and less fruitful.

2. **Plan your relationships**. This principle is based on their notion that we need to make contacts and build networks across the spectrum of the business we're in. Another way to look at this is through the concept of identifying and involving stakeholders. From the perspective of local government-community interactions and managing conflict, this principle would have each of these major nodes of influence being more deliberate in how they build relationships before reaching the need to negotiate.

3. **Leave yourself open to ideas and suggestions**. This minimizes "jumping to conclusions" prematurely and improves opportunities to unearth new options that neither party may see when they enter into a negotiation process.

4. **Negotiate on substance, not position**. My position is clear; there are only two positions, black and white; and my position is black. It certainly rules out all those other colorful possibilities.

5. **Accept the legitimacy of the other party's position**. Even though the other party's interests and points of view are temporarily unacceptable to you, they are legitimate. Accepting doesn't imply agreeing.

6. **Separate the people from the problem**. Introducing personalities into a negotiation alters the ground rules. "He doesn't deserve his fair share of the inheritance because he's a scoundrel".

7. **Use questions appropriately**. For example, open-ended questions will help expand the amount of information and ideas available to both sides, increasing the opportunities to discover new options and solutions. Closed-ended questions, those answerable by a simple "yes" or "no", should be reserved for closing off a point and moving on. The authors make an interesting point about using a closed-ended question. If you don't know the answer to the closed-ended question you are about to ask, there's a 50 percent chance of ending up with disagreement. Closed-ended questions typically begin with "Can you …?", "Will we …?" while the open-ended ones usually start with "What …?", "How …?", and "Why …?"

8. **It is up to the negotiators to find the choices that exist**. Effective negotiations help those involved to gain a better understanding of each other's needs and to discover options in the process.

9. **Negotiate with the person with the authority**. Few things are more frustrating than to seem to have reached an agreement when the other party says she has to check with the boss for approval.

10. **Always negotiate on a clear understanding of your own "best alternative agreement"**. This is your fallback position, your next best decision. It may be as simple as adjourning the meeting rather than pushing for an agreement that is clearly out of reach. It's what Fisher and Ury, the long-standing recognized experts on negotiation, call BATNA: best alternative to a negotiated agreement.[2]

Create the right conditions

Successful negotiation begins long before those who need to hold a serious conversation sit down and start talking. Successful negotiations are based on solid research and meticulous preparation. The following "homework" assignments will increase the potential for both sides to declare victory.

- **Are the right people willing to participate?** If a critical stakeholder is missing, the chance of failure increases.

- **Are those who will be coming to the negotiation table in some way dependent on each other to meet their needs?** If not, why bother? They may be better off pursuing their needs and interests independently. There must be an awareness of interdependence even when they also have issues to discuss that are of more interest to one of the parties than the other.

- **Are the parties ready to begin negotiations?** For example, have they considered these questions?

- **Does each party come to the negotiations with good influencing skills and solid information and data to back them up?** If not, it could be a one-sided encounter assuring win-lose results and lingering bitterness on the losing side.

- **Are the initial issues to be addressed clear and initially agreed upon by both parties?** In other words, why have they decided to negotiate? Sounds simple, but clarity going in will increase the potential for resulting clarity and success. This doesn't mean the agenda won't change once the discussions begin. Even the key issues might change if both parties come with a will to engage in serious decision making and problem solving.

- **Do the parties really want to settle their differences, or are they more interested in continuing the mutual harangue?** There are reasons to be in conflict. Having verbal disagreements is often better than having no dialogue.

- **Is there an element of unpredictability in the outcome?** After all, if the outcomes are predictable, why negotiate?

- **Are there time pressures to settle differences and move on?** There's nothing like a deadline to help negotiators be serious in reaching agreements.

- **Are emotions running so high and deep between the parties that having a serious discussion is close to impossible?** If so, mediation might be a better option, perhaps with a dose of conciliation thrown in.

- While compromises are not always necessary in successful negotiations, **are the parties coming to the table with willingness to compromise?**

- Finally, **do those who want to negotiate have the skills and will to negotiate?**

The ultimate success of negotiating conversations is dependent on many things that happen before sitting down to resolve differences and make quality win-win decisions. Are the conditions right? Are the skills and will to negotiate in place?

Elements of negotiation

Ellen Raider and Susan Coleman have developed some of the most useful and innovative training materials on collaborative negotiation skills. They outline six elements that negotiators should consider.

1. **What are their "world views?"** These views are deeply held beliefs, attitudes and values resulting from one's ethnic and cultural roots, personality traits and life experience. The deeper these personal roots and traits, the more they represent zones of non-negotiability. The more these worldviews are known and respected, the less chance they will become "bones of contention" when negotiations get under way.

2. **What are their positions?** What are the demands, requests, and accusations that drive the need for negotiation? In other words, their initial position is the issue sparking the conflict.

3. **What are their needs and interests?** Positions are, more often than not, the first layer of the onion, symptoms of deeper problems needs or interests. Effective negotiators have the skills to distinguish between positions and needs and to focus on needs. These include effective problem-finding skills (how to peel the onion)and the ability to ask probing, non-accusing questions. Knowing the needs and concerns of the other party ill help unlock the door to potential solutions that meet these needs and concerns. Recognize positions, but explore the roots.

4. **What kind of climate exists between the parties in conflict?** Stormy, or just cloudy? Competitive or collaborative? Start with examining your own feelings: Are you comfortable about entering into negotiations? Tense? Hostile? Trusting? And, how do you perceive the mindset and emotions of those who will be sitting down on the other side of the table?

5. **Are the parties willing and able to engage in reframing the issues and concerns?** This is the point when those in conflict agree, explicitly or implicitly, to move beyond positions to needs and to acknowledge opportunities to help each other gain from the negotiations.

6. **What are the alternative "Chips" and "Chops" to put on the table?** These "C" factors have to do with satisfying or thwarting the priority needs of both sides. Recognizing that the positions put forth by each side are the initial needs they want to meet, chips are those things we can offer to satisfy the other party's needs. Their value, of course, is in the eye of the beholder or recipient of the offer. Bargaining chops, by contrast, are those threats and insults that result from withdrawing something of value to the other side from the table, or doing something that will damage their efforts to satisfy their needs.

Chops are essential tools, but they are not the kind to use when trying to maintain a collaborative negotiating relationship. They come in handy if it becomes necessary to "level the playing field" or to counter a chop from the other side. However, these counter punches or chops usually lead to loss of trust and win-lose decisions. It's a choice, but not a preferred one if you want to increase the chances of "winning" for both sides and going on to build a collaborating relationship that decreases the need to return to the negotiating table.[3]

Based on the Raider and Coleman model, here are the elements you can expect to experience in every successful negotiation.

- They begin with environmental factors or *worldviews*

- get down to the essence of being across the table from each other, *the positions and needs/interests*
- set the stage for serious exchanges, tending to climate and *re-framing* necessities, and
- end with an exchange of lots of *chips* and as few *chops* as possible.

Raider and Coleman use these anticipated elements to structure their planning for negotiations. They recommend following the script, just described, to prepare for negotiating. Successful negotiators plan their negotiating interventions by:

- defining an initial position and knowing as much as possible about the other party's position
- going through a series of "why" inquiries to peel the onion or to get to real interests and needs
- making assumptions and conducting inquiries to help in understanding the needs or interests of those who will sit across the table
- re-framing the conflict as a joint problem-solving venture, i.e., surmising how both sides can have their needs and interests satisfied
- getting their chips and chops in order, i.e., alternative ways to meet the other parties needs or thwart them, if necessary, while achieving their own
- consider the chips and chops the other side might have in store for them and what their potential responses will be.

Reflection time

When was the last time you negotiated with anyone about anything? Could have been to get a day off, to increase your budget or consulting fees, or, over vacation plans with a good friend. Focus on one negotiating event and jot down the "chips and chops" that were delivered from your side of the negotiation.	
CHIPS	CHOPS

Did we mention win-win?

One can't write about negotiating without mentioning the concept of win-win. Otherwise, someone is sure to bring it up as a gross oversight, and we don't need that admonition hanging over our heads. Briefly, the concept of win-lose, or win-win, depending on whether you are of the half-empty or half-full glass of water school of thinking, is based on zero sum economics. If we go into a negotiating situation believing "if you win, I lose" and winning becomes the focus of your energy, attention and determination you are likely to be blind to opportunities to expand the options for resolving the disagreement or conflict. Those options should include opportunities for both sides to come away satisfied that their needs have been reasonably met and that they have invented win-win solutions. It overcomes the naive notion that there are only winners and losers when we come to the negotiating table.

When we were field testing these learning materials, someone used the term shadow of the future to describe what happens to the winner when they come away from a negotiation based on win-lose, or zero sum, strategies. The good news is I won. The bad news is there's a shadow over my future as the other party plans their revenge.

The Herb Cohen perspective

Herb Cohen says the basic elements of negotiation is three: power, time and information. In order to influence the outcome, you must realistically analyze the others side's position, as well as your own, in light of these three interrelated variables. He defines power as "the capacity or ability to get things done … to exercise control over people, events, situations, oneself. As such, it isn't good or bad. It isn't moral or immoral. It isn't ethical or unethical. It's neutral".[4]

Cohen goes on to say: "Within reason, you can get whatever you want if you're aware of your options, if you test your assumptions, if you take shrewdly calculated risks based on solid information, and if you believe you have power".[5] Cohen's sources of power will look very much like many of the principles, elements and conditions of negotiation we

have discuss earlier. However, he describes them in what some might consider aggressive language. Certainly, we could defend the label of "assertive language". Because his descriptive style is so different from those who anchor their boats in more academic waters, it seems useful to provide some of Cohen's perspectives. He describes power as coming in many different shapes and sizes. For example:

- **The power of competition**. We wouldn't be in negotiation unless someone wanted something we already have
- **The power of legitimacy**. If you have some kind of legitimacy, flaunt it. Education, formal position, any other conferred status works here
- **The power of risk taking**. It's mixing courage with common sense
- **The power of commitment**. Always get the commitment of others in any upcoming negotiations. Involvement begets commitment; commitment begets power
- **The power of expertise**. The skills and knowledge of negotiating
- **The power of knowledge of needs**: Both yours and theirs
- **The power of rewarding and punishing**. This is, as others put it, "chips and chops".

Cohen adds to this ever growing list, the powers of persistence, precedent, persuasion, and attitude. They are worth pondering as we get ready to negotiate. His views of information are more conventional while time, for Cohen, equates more with timeliness and patience than having time to prepare thoroughly and effectively. His view of time is to take advantage of deadlines imposed by others, while never revealing your own, and taking actions only when they are guaranteed to be in your favor. In other words, the power of time is in being timely.

Stages of negotiation

In many ways we have been talking about the various stages of the negotiation process without talking about them directly. As indicated earlier, Raider and Coleman define negotiation as a four step process: ritual sharing; defining the issues; re-framing and prioritizing issues; and, problem solving and reaching agreement.

Another viewpoint about the stages of the negotiation process is from Designed Learning. In their interpretation of managing conflict through a negotiated process, they outline the following steps, identifying the skills needed to carry out each.

Step 1: Clearly articulate your own wants. Skill: assertiveness

Step 2: Hear and understand the other's wants. Skill: active listening.

Step 3: Identify areas of agreement and differences and acknowledge both. Skill: support and confrontation.

Step 4: Negotiation and action: arrive at a solution that meets as many of both parties' needs as possible. Look for ways to integrate and collaborate. Agree to act. Skills: problem solving/negotiation.

Step 5: Try it, review it, and renegotiate it. After the agreement has been implemented, review it from time to time to see if it is meeting people's needs.[6]

The Harvard approach to negotiation

Getting to Yes, a book based on the principles and skills associated with the Harvard University Negotiation Project, has become the standard bearer for designing and implementing negotiation training, and guiding those who go to the negotiating table to engage in collaborative decision making. The method Fisher and Ury advocate and use on a world-wide stage of application is called principled negotiation, a process that helps those in conflict make decisions on merit. To get to the *principled negotiation* strategy in their book, they take us on a side journey through two other approaches, soft and hard. Never mind the detours, they are interesting and help us decide why we should be on the principled high road to negotiation. The first two roads to agreement are called *Positional Bargaining*. They each warn the traveler *not to bargain over position*. Just to push the traveling metaphor a bit further, think about the *soft* road to positional bargaining as heading down a sandy beach while the *hard* road takes you over a rocky hill. Here are some ideas about who your traveling companions are, the conditions you will encounter, and the type of fuel used to get to your destination.

Soft road to agreement

- *Travelers are friendly*. Everybody hugs before getting in the car
- *The goal is agreement*. "Everybody agree? Great, let's go"
- *Travelers make concessions to get along*. "Mind if I ride on the fender?" "Naw"
- *They are soft on people and the problem*. "Sure, we can take your cousin's chickens to market. Just put them on the back seat"
- *They trust each other*. "I'm gonna doze off. Let me know when we get there"
- *Travelers change positions easily*. "Let's go over that dune". "Great, let's go"
- *Offers are made*. "Want me to drive?"
- *Each side discloses the bottom line*. "I've got to get to positional bargaining (PB) by five this afternoon"
- *Accept one-sided losses to reach agreement*. "I expected to pick up my sister but I reckon she can walk to PB"
- *Search for a single answer, once the other traveler will accept*. "You want to go swimming? Fine"
- *Insist on agreement*. "Only if everyone agrees"
- *Try to avoid a contest of will*. "This okay with everyone?"
- *Yield to pressure*. "Guess we better keep going"

Great trip. Only problem: there was no *there* when they got there.

Hard road to agreement

- *Travelers are adversaries*. "Don't bore me with small talk like you usually do"
- *The goal is victory*. "Who cares if your mother is dying; I gotta get to PB by evening"
- *Demand concessions as a condition for traveling together*. "You drive"
- *Hard on the problem and the people*. "No more riders and no stopping for lunch"
- *Distrust*. "Give me that road map"
- *Positions are dug in*. "As far as I'm concerned, there is only one way to get to PB"
- *Threats are made*. "Stop at the next petrol station, or else …"
- *Misleading on the bottom line*. "Not really interested in when we get there"
- *Demand one-sided gains as the price of agreement*. "I know we talked about splitting the cost of petrol, but I've decided you should pay"
- *Search for a single answer, one the other traveler will accept*. "Okay, you buy the petrol, I'll get the cokes and put more air in the tires"
- *Insist on position*. "That's the road to PB, you dummy"
- *Try to win a contest of will*. "This is the last time we travel together"
- *Apply pressure*. "Could you drive a little faster?"

Terrible trip, but they got there on time. The driver covered most of the costs and vowed never to offer that guy a ride again. And, the rider said: “Who cares, I got what I wanted”. However, the next time the rider needs to go to *position bargaining*, you can find him hanging around the bus stop.

Best alternative to solution
Fisher and Ury, of course, offer a better road to travel. It doesn't go to *positional bargaining*, or even through it, but directly to Solution, using Principled Airlines. Our mythical travelers have changed their plans, based on merit.

- **These travelers are problem solvers**. They realize it is cheaper and faster to go directly to Solution by air. They just haven't figured out, at this point, who will buy the tickets and what day they will travel

- **The goal is a wise outcome and reached efficiently, in a friendly manner**

- **They separated the people from the problem**. “Let's not worry about my wife and your mother right now, let's just complete our travel plans”

- **But they were soft on the people issue and hard on the problem**. “I'll take my wife out to dinner and you visit your mother in the hospital. We can still make the seven o'clock morning flight”

- **They proceed independent of trust**. Everyone decides to buy his or her own tickets

- **Focused on interest, not positions**. While one traveler wanted to go by auto and the other by train, they quickly decided neither was the best way to travel

- **Explored interests**. “Mind if I ride in the no smoking section?”

- **Avoided the bottom line syndrome**. “We leave on the seven o'clock plane or else”

- **Invent options for mutual gain**. “You can have my frequent flier miles if you'll take me to dinner at my favorite restaurant in Solution.” “Great! I only need 500 more miles for a free ticket”

- **Insist on objective criteria**. “Let's keep the cost within each of our travel budgets and decide to leave no later than Monday morning” [7]

As you can see, our travelers were very principled, reasonable, and open to options. They yielded to principle, not pressure, as they problem solved together. They invented new options for mutual gain, were clear about their mutual and separate objectives to be achieved during the trip, and agreed upon the criteria for achieving them and determining the impact of each.

All things considered (e. g., sick mother, nagging spouse, propensity for air sickness by one traveler and a bad case of train nostalgia by the other) their trip planning and implementation was very successful.

Reflection time

This is all wonderful, you say, but it isn't always this simple or easy. Sometimes we run into very difficult people on the other side of the table, right? Take a moment and reflect on how you have dealt with a difficult negotiator in the past. What was your primary strategy? Jot down your responses and then read on.

When the negotiations get tough
Sometimes you come across an unbelievably difficult adversary in your efforts to engage in collaborative decision making through the negotiation process. The resistance builds and the possibility of reaching any reasonable agreement without going to a third party is almost nil. What to do? Let's turn first to an old rabbinical parable for some insight.

And the Lord said to the Rabbi, “Come, I will show you hell”.

They entered a room where a group of people sat around a huge pot of stew. Everyone was famished and desperate. Each held a spoon that reached the pot but had a handle so long that it could not be used to reach their mouths. The suffering was terrible.

"Come, now I will show you heaven", the Lord said after a while.

They entered another room, identical to the first - the pot of stew, the group of people, the same long spoons. But, there, everyone was happy and nourished.

"I don't understand", said the Rabbi, "Why are they happy here when they were miserable in the other room, and everything was the same?"

The Lord smiled. "Ah, but don't you see?" he asked. "Here they have learned to feed each other".[8]

William Ury provides a five-step strategy for working with difficult negotiating partners who have driven you both to the brink of failure. Like the dining scene in the parable, the strategy is counterintuitive. It requires us to do the opposite of what we think will work or how we often fight back under such circumstances. Meet force with force. Punch with counter punch. Ury's breakthrough strategy is indirect action. Try to go around the resistance. Rather than drive a good idea into his rock-like brain, encourage your negotiating adversary to reach within. Help him break through his own resistance barrier. Breakthrough negotiation, Ury tells us, is the art of letting the other person have *your way*.

Step One, **Don't react**: This means controlling your own behavior. This is not easy, as we all know, when faced with an impossible opponent. Distance yourself from your natural instincts and raw emotions. Climb a tall tree, metaphorically, of course. At this point, Ury suggests we dust off our BATNA, the best alternative to a negotiated agreement or our best way to satisfy our interests without the other's agreement. This is a good place to begin the art of not reacting. Other possibilities include naming the behavior, something we talked about earlier under dealing with resistance. Buy time to think; don't make decisions on the spot.

Step Two, **Disarm your opponent**. Help them defuse their negative emotions. This is where you dust off all those communication skills you learned in your first experiential training workshop. Actively listen or hear your opponent out; paraphrase what you are hearing; acknowledge your opponents feelings; agree whenever you can; acknowledge the person, e. g., their authority and competence; and as they wind down, express your views in a non-confronting way.

Step Three, **Change the game**: Move back to mutual interests and away from positions. Re-frame, re-aim, and re-arm. Revisit the rules to which you agreed in the beginning; ask problem-solving questions, beginning with why, why, why. Tap the power of silence. Get back to pursuing options.

Step Four, **Make it easy to say yes**. Ury recites a Sun Tzu quote to make his point, "Build your adversary a golden bridge to retreat across". To do this you will need to start from where your opponents are, not where you would like them to be. Their resistance may be coming from several deep sources of doubt. For example, the idea is not their idea. It may in fact be yours, which makes it all the more galling. Your opponents may fear losing face when they go back to their constituents, or the pace of decision-making requirements might be overwhelming. If any of these or other concerns are standing in their way of getting back on track, help them build a switching station.

Step Five, **Make it hard to say no**. Help educate your opponents to the need to get back on track and to the potential consequences of walking away. Demonstrate that you have a BATNA and use it. Help your opponents realize there is a way out, and help them make that choice. Forge a lasting agreement, minimize your risks and build in a dispute resolution procedure. After scrambling back from a deep hole like this in the negotiation process, you need some assurance you won't be pushed back in.[9]

Sometimes negotiation also gets dirty

Being confronted with a tough negotiator is one thing; when they turn to unfair tricks it's a whole new ball game. Here are a few of the more common *dirty tricks* you might encounter on your way to a negotiated agreement.

Misrepresentation	A deliberate attempt to deceive the other party about the facts of a situation, authority to act or intentions.
Stressful Conditions	Choice of work environments intended deliberately to make you want to conclude negotiations quickly or concede too much.
Personal Attacks	A variety of behaviours designed to break down your self-esteem, make you doubt yourself, or question your ability to represent your own interests effectively.
Threats	Illegitimate attempts to coerce that often backfire, creating counter-threats that can unhinge a negotiation and destroy relationships.
Extreme Demands	Unrealistic proposals that can undermine the credibility of those making them and kill any possibility of negotiating successfully.

Escalation	Raising a new demand for every concession made in an attempt to force an early agreement by the other party to avoid facing another unexpected demand.
Unyielding Partner	Using an associate with an uncompromising position as an excuse for not agreeing to terms.
Lock-in Tactics	A gamble in which you intentionally give up control of a situation in order to convince the other side that it is impossible for you to yield to their demands.

The first defense when confronted with dirty tricks is to be able to recognize them and to name them. We discussed the kinds of resistance one can encounter in conflict situations in the last chapter. Think of dirty tricks as another form of resistance. Peter Block's recommendations regarding resistance are also germane when confronted with unfair tactics at the bargaining table. Pick up on the cues. In other words, recognize the ruse, then name it and be quiet. If the dirty trick continues, name it again. Block refers to these efforts as *good faith responses*. Combine the Block approach with Ury's first three steps of *don't react, disarm your opponent and change the game*, and those on the other side of the bargaining table will be less prone to engage in unfair tactics.

Martial arts and negotiation

We want to close this discussion of managing conflict without the aid of third party helpers by looking at the ancient practice of martial arts. There is a tendency to equate conflict with contest, particularly from the perspective of Western rational thinking. Conflict is not contested. It just is. Thomas Crum, who writes about the magic of conflict, says the martial art of Aikido offers a useful metaphor for shifting our way of thinking and acting in conflict situations.

Aikido, literally translated, means "the way of blending energy". In this light, all of life, including a physical attack, is energy with which to dance. Attacks are considered just another of the endless gifts of energy to be used creatively and harmoniously. …One important principle in Aikido is to honor and acknowledge the energy given, instead of opposing it …align with the direction and intensity of the attack … The second important element of Aikido is the principle of acceptance …. being in a position to direct the flow of energy instead of being pushed around by it. If the attacker comes with great forward momentum, I simply get out of the way and add my energy to his … Sensitivity to the attacker's energy and the timing of one's response accordingly are essential to the art of Aikido.

The attacker may not always do the expected and may indeed change the form of the attack at any time. Choosing to dance with the energy of the attacker allows one to be flexible enough to respond to the new form. The ability to dance keeps one from getting stuck on a particular strategy for resolution.[10]

Have you seen the not-so-subtle comparisons between what Ury was saying about negotiating with difficult people and the strategies employed in the martial art form Aikido? In fact, this is an ideal time to stop and give you an opportunity to reflect on these very different strategies for dealing with the energy of conflict be it physical, intellectual or psychological.

Reflection time

Review the last two discussions and jot down the contrasts and comparisons between the ideas of Crum, based on the ancient martial art *aikido*, and the words of the Harvard negotiating specialist.

Dissenting views

Or, perhaps we should call this "Getting to Yes, Maybe". The Harvard Project and its approach to negotiation have come under a scathing attack by other authors and practitioners of negotiation. The same can be said of other approaches to conflict management as well. But, first a look at what others have to say about negotiation in general and Fisher and Ury, specifically.

Kevin Avruch, in *Culture and Conflict Resolution*, takes on the field for its inattention to cultural differences in the research and application of conflict management concepts and strategies. But, he saves his wrath for the initial and popular book by Fisher and Ury, *Getting to Yes*. Granted, the success of their "principled" approach has spawned a virtual cottage industry of publications on how to negotiate with a little more class or perhaps too much class. The problems with *Getting to Yes* and its follow-up sequels are several. First they are written from an ethnocentric orientation, based on an "American, male, white, and middle class world" bias of how the world works.[11] For example, their advice to "separate the people from the problem" as they memorably put it assumes a rationalist posture with emotions something to be parceled out at appropriate times.[12] Secondly, it has been too successful and thus has infected other parts of the world without regard to cultural adaptation.

Alan Tidwell is more specific about his frustrations with *Getting to Yes* and other how-to publications. They "tend to undervalue context and situation in conflict … focusing much of their attention on perception and how parties see the conflict. He perceives this as not a way to understand the conflict but rather as a tool for persuasion. As Tidwell puts it, "this is unfortunate".[13] He is quick to denigrate the win-win approach to trivial status. "Generalized across all conflict contexts, the win-win discourse is not one of genuine conflict resolution, but rather a mechanism for persuading others that they have what they want, without really giving anything away. It is clever, but not very productive towards long-term resolution of conflict".[14]

Sounds to us like the deal one gets from buying a book on conflict resolution that tells you why nothing works but doesn't provide any options that ill. Our counsel is to be judicious in the tools you use to do anything constructive, including conflict management. What works in one place may, in fact, work in another or it may be a dismal failure. Be quick to learn new ways of doing things and even quicker in figuring out why it did or didn't work. In the spirit of inquiry, design your own approach, test it, refine it, share it with others, and quickly create a newer version.

Key points

- Negotiation is direct talk among parties who have disagreements with the expectation of achieving a solution
- Everyone negotiates, in one way or another, every day to meet their needs. Some just do it better than others
- Separate the people from the problem when negotiating
- Focus on interests and substance, not position
- Create the right conditions before entering into the negotiating process
- Know your competition, their view of the "world", their needs, positions and interests, and their willingness to engage in principled negotiation
- Expect the unexpected and be prepared to deal with dirty tricks if they come along
- Work toward a win-win solution, the mathematical equivalent of 1 + 1 = 3
- Managing disagreements through negotiating is a form of martial arts. Learning to dance with the energy of your adversary increases your flexibility and strengthens your responses. Pretty esoteric stuff, isn't it?
- Remember, writing about the art of negotiation and helping others learn how to do it better is big business. What works in one place may not work in another
- With that piece of sage advice, design your own approach to negotiating, recognizing it is a life-surviving skill. Test it, refine it, share it with others and quickly create a new version

Endnotes

[1] Fritz, Peter, Allen Parker, and Sherry Stumm, **Beyond Yes** (Sydney: Harper-Collins Publishers, 1998), p. xi.

[2] **Ibid**. pp. 87-102

[3] Raider, Ellen and Susan Coleman, **Collaborative Negotiation: Skills Training** (New Platz, NY: Ellen Raider International, 1992), pp. 2-2/2-7.

[4] Cohen, Herb, **You Can Negotiate Anything** (New York: Bantam Books, 1980), p. 50.

[5] **Ibid** . p. 54.

[6] Block, Petrella and Weisbord, **op. cit**., pp. 122-3.

[7] Our apologies and appreciation to the authors of **Getting to Yes** for the slightly bizarre example we have used to explain the differences between their versions on hard, soft and principled negotiations. Of course, we are talking about Fisher, Roger and William Ury, **Getting to Yes** (Boston: Houghton Mifflin Company, 1981), cover to cover.

[8] Shain, Merle, **Hearts That We Broke Long Ago** (New York: Bantam Books, 1985).

[9] Ury, William, **Getting Past No** (New York: Bantam Books, 1991), pp. 8-122.

[10] Crum, Thomas, **The Magic of Conflict** (New York: Simon and Schuster, 1987), pp. 42.

[11] Avruch, Kevin, **Culture and Conflict Resolution** (Washington, DC: United States Institute of Peace Press, 1998), p. 78.

[12] **Ibid**, p. 78.

[13] Tidwell, Alan C. **Conflict Resolved? A Critical Assessment of Conflict Resolution** (London: Pinter, 1998), p. 26.

[14] **Ibid**. p. 27

CHAPTER 6
MEDIATION

It's not enough to study them like beetles under a microscope; You need to know what it feels like to be a beetle.
FISHER AND URY

Mediation has a long history and an extensive audience of practitioners. The Bible refers to Jesus as a mediator between God and man: "For there is one God, and one mediator between God and man, the man Jesus Christ". (I Timothy 2:5). Christopher Moore, in his book on the mediation process, provides a succinct historical and cultural perspective on the practice of mediation. It also legitimizes the process as one that cuts across many cultural and geographic boundaries. The following is a brief synopsis of some of the more interesting examples Moore found in his research of mediation.[1]

- Religious leaders have long valued the process of mediating as a means of managing conflict. The Roman Catholic Church in Western Europe played a central role in mediating conflicts before the Renaissance. The clergy mediated family disputes, criminal cases, and diplomatic disputes among the nobility. Jewish rabbis have long performed mediation services for their members and key eastern religions have at their core a strong emphasis on social consensus, moral persuasion, and harmony.

- Diplomats have, since the Middle Ages and the emergence of nation-states, been used as third party mediators between parties in conflict.

- Mediation is widely practiced in modern-day China through People's Conciliation Committees.

- Latin American countries and Hispanic cultures in general have a long history of dispute resolution processes emanating originally from Spain.

- Mediation is used in many African countries to resolve disputes among neighbors.

- Mediation has also been documented as a practice in Arab societies.

- In South Pacific Melanesia there are counselors and committees that meet regularly "to maintain conditions of orderly debate" among those who have disputes to air.

- A number of religious sects who helped settle the North American continent were actively engaged in dispute resolution among their members. One sect, the Quakers, or Friends as they are often referred to, have a long history of pacifist tradition and community involvement in managing conflict. The Friends Conflict Resolution Programs is one of the longest running mediation programs in the United States. The initial training handbook on mediation practices, published in 1982,has been used to help prepare mediators on six continents.

The history of mediation is rich, long and expansive. And, it cuts across all sectors of societal interaction in many cultures and countries: education, religion, management-labor relationships, judicial systems, criminal justice, families, environment, communities, neighborhoods, and all levels of government. Young children even learn how to become peer mediators, intervening in school and playground conflicts.

Before going further on this voyage of discovery, we feel the need to issue a *travel advisory*. Mediation is a growth industry, probably because there is so much conflict in the world. More and more organizations and individuals are engaged in mediation as a profession. We applaud this move. We think those individuals, organizations, neighborhoods, countries, and regions who are parties to deep-seated, long standing, hate-ridden conflicts require, need, even deserve the very best help they can get when it come to someone helping them move closer toward resolving their differences. This manual is not designed to prepare individuals who strive to become professional mediators. At best, these individuals may find it interesting.

At the other end of the mediation spectrum are those who find themselves mediating differences in the office, over the back fence and between friends and colleagues who are locked in conflict and prepared to ask another person to help them mediate their way to an agreement. Mediation is both a life and work skill that comes in handy in a world where differences and conflicts have become norms of individual and organization behaviour. This discussion of mediation is therefore designed to help those who find themselves mediating to do it better.

It is also designed to help those managers and other professionals who want to bring more professional help to the conflict scene to make better decisions about the use of external conflict management specialists. This discussion

should help in these circumstances by defining the role of the third party mediator, what the process involves and what the parameters of mediation are all about.

Defining the process

As with other conflict resolution strategies and processes, we provide a few definitions from the perspectives of writers about, and users of, mediation.

Definition

Mediation. Any process for resolving disputes in which another person helps the parties negotiate a settlement. (Jennifer Beer: 1997, p.3)

Mediation is effective negotiation applied by a third party neutral in a confidential setting. (Raider and Coleman: 1992, p. 7-2)

Mediation is the intervention into a dispute or negotiation by an acceptable, impartial, and neutral third party who has no authoritative decision-making power to assist disputing parties in voluntarily reaching their own mutually acceptable settlement of issues in dispute. (Moore: 1986, p. 14)

Mediation is a practical process through which the facilitator helps the parties themselves check facts, share feelings, exchange perceptions and ideas, and work toward agreements. (Crawley: 1992, p. 177)

Again, the definitions provide us with some different perceptions of what this process is all about, but one factor is clear and accepted by all. Mediation involves a third party who is neutral until otherwise proven not to be neutral. Other words and terms, used by our panel of experts, help define the role of the mediator: impartial, confidential, acceptable to both parties, and helpful. As for the process itself, it is confidential, practical, intervening, voluntary, mutually fact finding, awareness raising, decision-making, and problem solving.

Raider and Coleman build a bridge between negotiation and mediation. In fact, they use the same basic building blocks to define both processes: worldview or values, climate, positions, needs, bargaining chips and bargaining chops. The expected behaviors of the negotiator and mediator are also similar: modeling informed, open and uniting behavior and expecting the same from those in dispute.[2]

Moore describes mediation as an extension and elaboration of the negotiating process. In each case the decision making is in the hands of the people in conflict. Mediation often emerges from failed negotiations where the two parties in dispute agree voluntarily to work with a third party intermediary. This person, or persons since mediators often work in teams of two or more, must be acceptable to the quarreling parties, and are expected to be impartial and neutral in their involvement. These personal qualities are becoming more rigorous and monitored as mediation becomes a profession with all the trappings of required training, credentialing, codes of ethics and gate keeping by those who have already made it through the gate.

The issue of neutrality

You will note that many of the definitions of mediation include the words “neutrality” or “neutral” as a key value underlying the process. In fact, we have just commented on the use of these terms as a norm in the mediation business. However, many academics and practitioners are questioning this as a truism of how mediation works, and even as an operational value that should guide the process. One argument says it is difficult if not impossible for mediators to shed all their life experiences, biases, and personal values when they step into this role. Consequently, it is difficult to remain neutral.

Another emerging school of thought contends that “mediation has turned into a dangerous instrument for increasing the power of the strong to take advantage of the weak”.[3] The argument goes something like this. Since the mediation process is informal and consensual and absent of procedural and substantive rules, it can magnify power imbalances between conflicted parties. For example, a domineering spouse in a divorce settlement might continue their manipulative and coercive behaviour during mediation thus making it difficult for the mediator to remain neutral. Or, if remaining neutral, the mediator sanctions an unjust settlement in favor of the more aggressive party. Has mediation, as a process trying to assure neutrality, effectively turned the clock back on certain social justice gains such as civil rights, gender equality, and consumer rights?

In some areas of the world, there is growing sentiment among mediators that neutrality is no longer a valid or workable norm. From our perspective, it raises issues of credibility among those parties who might be considering mediation as a dispute resolution alternative. It’s something to ponder as you consider the role of mediation as a conflict management process for your community.

Perspective

Jennifer Beer, of the Friends Conflict Resolution Programs, injects a touch of reality in her discussion of mediation.

In one sense, mediation is no big deal. People have been mediating for as long as people have been fighting and most of us pick up mediation skills from our everyday experience. In another sense, mediation as a formal process, has become commonplace only recently outside of labor and international disputes …. Using mediation for personal, organizational and public conflicts is still a fledgling idea.

Mediation can sometimes work spectacularly well. The participants resolve problems, let go their sense of grievance, and mend broken relationships. Occasionally, mediation sessions crash and burn, leaving parties feeling more angry and hopeless than before.
Usually, the outcome is less dramatic: people find answers to at least some of their concerns and walk away emotionally relieved, with an agreement that they will, for the most part, uphold.

Success lies partly in the mediator skills, but also with the readiness of the parties. If someone is bent on keeping a conflict going, even the most obvious solutions will not work. If everyone wants to see a conflict end, mediation can be a graceful and efficient way to do so.[4]

Where and when to mediate (and when not to!)

We mentioned earlier some arenas where mediation has been and is being used. Others include:

- Public interest, multi-party disputes that cut across political and geographic boundaries, i.e. new highway locations, siting of sanitary landfills, water rights
- Workplace disputes at all levels between individual workers, between departments, within management teams and elected boards, and between organizations
- Disputes with public agencies over non-compliance of standards and regulations
- Labor-management bargaining and grievance procedures
- Multinational, regional and ethnic disputes
- Victims meeting with offenders; meetings following domestic or street violence
- Efforts to understand and resolve acts of civil disobedience
- Family disputes, divorce, custody, generational alienation
- School peer mediation, parent-teacher conflicts
- Consumer disputes
- Just about anywhere there is unresolved conflict and those in contention are voluntarily willing to accept the help of a neutral third party with the will and skills to help those in dispute participate in mutual decision making and problem solving.

Conditions that help make mediation an appropriate intervention:

- Strong emotions have muddied judgement
- The parties know each other
- There is no great disparity in the power relationship between parties
- Those in conflict live together, work together, or for some other reason can't put distance between them
- One party feels uncomfortable about confronting the other without a third party present
- Those involved want to control the outcomes

- Maintaining the relationship is important
- Those in conflict feel they need the skills and support of a third party to work out their differences
- The need for a quick decision
- Confidentiality is important
- Lots of people are involved, e.g., a neighborhood dispute
- The parties want to avoid a formal, costly public procedure, e.g., litigation

Conditions that make mediation an inappropriate intervention:

- There are strong indications that one party intends to use the mediation to enflame the conflict or use it to achieve ulterior motives
- One party comes across in the preliminary discussions as not able to listen to others, or the party is too disturbed to work toward a collaborative agreement
- Something traumatic has just happened that will keep either party or both from useful participation
- A power balance exists that makes mutual decision making unlikely
- One of the parties, or both, would be better off working through other forums, e.g., the courts
- The main issue or dispute seems unresolvable through mediation
- Key parties are unwilling to participate in the process
- Neither side is ready to consider a settlement of their differences
- When there is no mechanism to assure implementation of the agreement.

Mediating roles

Effective mediators wear many hats, perform many roles, including:

- ***Communication Plumber***. Opens up communication channels between the parties and keeps them open
- ***Legitimizer***. Helps parties recognize the right to be involved
- ***Explorer***: Helps those involved uncover 43 ways, more or less, to approach a problem
- ***Reality Checker***: Keeps parties from going off into fantasyland in search of solutions
- ***Resource Networker***: Finds appropriate resources and links them to other helpers and options
- ***The Skill Builder***: Helps parties build good communication and problem solving skills
- ***Drill Sergeant***: Takes the initiative, if necessary, to keep the negotiations moving forward
- ***Master Carpenter***: Re-frames issues
- ***Facilitator***: Provides processes for achieving results and improving relationships
- ***Hair Shirt Tailor***: Does penance, if necessary, and takes the blame and responsibility for ideas and options that fizzle to shield and nurture the self-confidence of those involved. By the way, a hair shirt is made of rough animal hair and worn next to the skin as a show of repentance.
- ***Delegater***: “Sorry, I don't make decisions for my clients”.

- ***The "Secrets" Agent***: Responsible for keeping the procedures confidential.

Carrying out these roles require many personal traits and skills. The effective mediator is:

> Empathetic, respected, trusted, gentle, firm, impartial, impassioned, comfortable with emotions, trusting, understanding, self-aware, patient, confronting when necessary, flexible, professional, trustworthy, attentive, inquisitive, imaginative, fair, and blessed with a sense of humor.
>
> [Scary, isn't it?]

Reflection time

Review the 12 roles listed above and rate yourself on a scale of "one" to "ten" on how effective you think you are in performing each of the roles. 1 = not at all effective in performing this role; 10 = very effective in performing this role. Add up your total score and then make some decisions on areas where you might want to improve your effectiveness as a mediator.

Communication Plumber	1	2	3	4	5	6	7	8	9	10
Legitimizer	1	2	3	4	5	6	7	8	9	10
Explorer	1	2	3	4	5	6	7	8	9	10
Reality Checker	1	2	3	4	5	6	7	8	9	10
Resource Networker	1	2	3	4	5	6	7	8	9	10
Skill Builder	1	2	3	4	5	6	7	8	9	10
Drill Sergeant	1	2	3	4	5	6	7	8	9	10
Master Carpenter	1	2	3	4	5	6	7	8	9	10
Facilitator	1	2	3	4	5	6	7	8	9	10
Hair Shirt Tailor	1	2	3	4	5	6	7	8	9	10
Delegator	1	2	3	4	5	6	7	8	9	10
"Secrets" Agent	1	2	3	4	5	6	7	8	9	10
Total score:										

If you scored over 100, you are ready to join the ranks of the world class mediators society. If your score is between 50 and 100, it's time to think about some self directed learning program that focuses on areas of greatest need for development. If your score is less than 50, think about a different way to spend your free time. Perhaps you can train your mediating friends on the fine art of hair shirt tailoring.

Some models to consider

Mediation, in its proliferation as a conflict resolution medium of choice, takes on variations and permutations. Underneath all the new bells and whistles that latter day practitioners and theoreticians have added to the mediation process over the years, it has maintained a core set of values and strategies. We will provide a look at some of the better-known models, and you can decide what makes sense and what doesn't as you consider your own role in the mediation process. You will no doubt notice a remarkable similarity between mediation and negotiation. An effective mediator is a successful negotiator with tennis match vision and well-developed neck muscles.

> *Author's note:* We will be discussing in the next chapter some alternative approaches to dispute resolution that are often referred to mediation. The schools of thinking about conflict management are, as this is being written, in a dynamic state of flux. Consequently, any model that is put forth for consideration will, no doubt, be criticized by someone who may or may not offer a creditable alternative. Nevertheless, we believe the three models that follow provide a rich mix of ideas and insights about the process of mediation. We encourage you to take the best of what you think might work for you from each of the models and mold them into your own unique approach to mediating differences and conflicts.

The Raider and Coleman model

Warm-up Exercises. Every mediation intervention is preceded by some preliminary stage setting events. For Raider and Coleman they include:

1. Getting the parties to agree to mediation;
2. Getting the parties to trust the mediator; and
3. Getting the parties to trust the process.

These preliminary steps represent the contracting phase discussed in the *Participatory Planning Manual*, sometimes referred to as "building a problem solving relationship". They can cover personal acknowledgements; mutual understanding of the mediation process; wants and needs for all participating stakeholders; guidelines of engagement,

e.g., confidentiality and who makes the decisions; values; norms; and logistics. Raider and Coleman include a number of these issues in their first two stages of the mediation process.

STAGE ONE - Opening the Mediation

- Create the appropriate climate for mediation by preparing the physical environment; providing the right tools, e.g., flip chart, writing materials, and coffee; and, assuring privacy.
- Deliver the opening statement by including introductions; confirmation of names, spelling and what individuals prefer to be called; and the ground rules. For example:
  - Listen carefully. Avoid interrupting;
  - Treat each other with respect: no name calling, putdowns, or blame placing;
  - Communicate honestly. Lying is not helpful;
  - Work hard at problem solving.
  - Discuss the possible amount of time it will take and invite questions.
  - Who goes first? Or, if one person is angrier than the other is, ask that person to take the lead, but make sure it s okay with the other party. Angry people tend to want to vent or interrupt if not venting.

STAGE TWO - Defining the Issues: Understanding the Perspective of Each Side

- Listen carefully to each side's perspective
- Model active listening, probing questions, summarizing skills while taking in the essence of the dispute for different perspectives
- Highlight common ground
- Plan to achieve three outputs:
  - The party talking feels heard and understood by mediator;
  - The listening party will more likely hear other parties concerns when repeated by the mediator; and
  - Effectively demonstrate the opening behavior each is expected to use in follow-up phase.

STAGE THREE - Finding Solutions: Helping Them Understand the Perspective of Each Other

- Coach the parties to use informing and open behavior.
- Help them reframe positional language into the language of needs.
- Clarify assumptions.
- Help parties generate options using the brainstorming technique.

STAGE FOUR - Closing the Mediation: Testing the Solution and Writing the Agreement

- Encourage the parties to talk about how they will manage themselves, their relationship and their affairs surrounding the focus of the dispute in the future.
- Write up the agreement between the two parties; be sure it is balanced and have parties agree to it.
- Close the session.[5]

The friends mediation process (as described by Jennifer Beer)

As you will soon notice, the practice and philosophy of mediation differs from program to program and mediator to mediator. Some of the characteristics of the Friends Conflict Resolution Programs mediation process are:

- **Regarding Participants**. Voluntary; a variety of mediators; no representatives to advise the clients; and, co-mediators. Friends' mediators work in pairs.
- **Regarding Structure**. Flexible process; usually hold full sessions to 1.5 to 2.0 hours; hold separate meetings when needed; and strive for an informal, conversational tone.
- **Purpose and Focus**. Parties discuss general situation, not just immediate complaints; airing emotions, but no attacks; solutions are theirs since mediators do not craft solutions for the parties; success is more than problem solving and also helps improve future relations and confidence in handling conflicts; and valuing reconciliation.

Here is the anatomy of the Friends seven-step mediation process:

Preparation time (a pre-step step)

Review the case. Arrive early to set up the room, review notes, and arrange space for separate meetings. Discuss with co-mediator how to divide tasks, personal mediation styles, how to handle separate meetings, seating arrangements, and potential difficulties with the upcoming mediation. Meet the parties and seat participating individuals. Friends puts a lot of emphasis on seating arrangements, including in their manual eight separate diagrams of different arrangements with explanations of why and when each is appropriate.

STEP ONE - Opening Statement

Mediations are held in a neutral place at a time convenient to the parties. Sessions last approximately two hours. Mediators, usually two, open the session with a welcome and explanation of what will happen. Issues covered include:

- Welcome and words of encouragement

- Purpose of the mediation; the mediator's role
- Forms to be completed and logistics
- Confidentiality by the mediators
- What will happen?
- Explanation of possible separate meetings between mediators or between mediator and one of the clients, presenting it as a normal part of the mediation process
- Check for questions or concerns and ask if the parties are willing to proceed with the session. Get assent from each party before beginning.

STEP TWO - Uninterrupted Time
Each person takes a turn speaking while others listen, including the mediators. This provides an overview of the situation and a sense of the individuals and their personalities.

Guidelines include:
- Set a courteous, unhurried tone
- Ask listeners to respect each person's right to speak, listening for new insights.
- Ask speakers to tell their stories from their point of view. What's been happening and how does it affect you?
- Select someone to start, often leading off with most agitated party.
- Protect each person's speaking time.
- Formally end each speaker's turn. No comments, summaries or questions should come from the mediators at this time.

STEP THREE - The Exchange
The arguing and discussions begin. Mediators keep the discussions in bounds, making sure that each person is heard and each is protected. The Exchange is primarily about helping the parties move towards reconciliation, that point when they begin to acknowledge each other's perspectives and needs. Directing the Exchange includes:
- Start the Exchange
- Keep control of the session
- Include each person
- Accept but don't press for emotions
- Ask necessary questions
- Listen for interests and issues
- Refrain from finding solutions yet
- Don't shortchange the Exchange
- Watch for moments of understanding or reconciliation
- Summarize interests and concerns.

Separate Meetings
These meetings can occur at any time and have many uses; checking out a person's concerns; confronting unhelpful behavior; or helping people think through their options. Use separate meetings to:
- Support the people
- Control the process
- Solve the problem
- Consult with your co-mediator.

During the separate meetings:
- Assure people of confidentiality
- "We wanted to talk to you about …"
- Stay focused
- Be understanding but impartial
- Check what you are permitted to say to others
- When you go back to the table persuade people to speak directly or speak for them and confirm, out loud, what will happen next.

STEP FOUR - Setting the Agenda
Discussion shifts toward the future or what will happen from this point on. In setting the agenda:
- Summarize what has been accomplished so far
- List the issues to be negotiated:
  - State the topics to be discussed
  - Use positive, impartial language
  - Reflect each person's concerns

- Present problems as shared concerns whenever possible
- Be succinct and make statements easy to recall
- Agree on an agenda check for accuracy and completeness
- Agree on guidelines, i.e. how issues will be discussed, criteria for acceptable decisions.

STEP FIVE - Building the Agreement
Parties work through each issue on the agenda using the following process:
- Select an issue from the agenda
- Elicit options
- Evaluate and refine alternatives
- Test for agreement and explore consequences
- Write down tentative agreements.

STEP SIX - Writing the Agreement
A written agreement helps their promises take root. In the writing process:
- Review each point of the agreement. Is it: workable? readable? acceptable?
- Write out the final copy; read it aloud
- Have everyone present sign the agreement. Give each party a copy.

A good written agreement:
- Details specifics: who, what, when
- Is evenhanded and not conditional
- Uses clear, familiar wording
- Emphasizes positive action
- Deals with any pending proceedings
- Provides for the future.

STEP SEVEN - Closing Statement
This is a time to acknowledge these feelings and bring the session to a positive close.
- Acknowledge what has been accomplished
- Make pay or donation arrangements
- Review next steps and follow-up
- Wish the parties well.[6]

The Christopher Moore model
Moore tells us "mediator moves seem to blend together into an undifferentiated continuum of interaction".[7] Having said this, he outlines twelve specific stages: five concerned with work the mediator performs before joining the parties in joint session; and seven after the mediator begins working with the disputants.

STAGE 1 Initial Contacts with the Disputing Parties
- Making initial contact with the parties
- Building credibility
- Promoting rapport
- Educating the parties about the process
- Increasing commitment to the procedure.

STAGE 2 Selecting a Strategy to Guide Mediation
- Assisting the parties to assess various approaches to conflict management and resolution
- Assisting the parties to select an approach
- Coordinating the approaches of the parties

STAGE 3 Collecting and Analyzing Background Information
- Collecting and analyzing relevant data about the people, dynamics, and substance of the conflict
- Verifying accuracy of data
- Minimizing the impact of inaccurate or unavailable data.

STAGE 4 Designing a Detailed Plan for Mediation
- Identifying strategies and consequent non-contingent moves that will enable the parties to move toward agreement
- Identify contingent moves to respond to situations peculiar to the specific conflict.

STAGE 5 Building Trust and Cooperation

- Preparing disputants psychologically to participate in negotiations on substantive issues
- Handling strong emotions
- Checking perceptions and minimizing effects of stereotypes
- Building recognition of the legitimacy of the parties and issues
- Building trust
- Clarifying communications.

STAGE 6 Beginning the Mediation Session
- Opening negotiation between the parties
- Establishing an open and positive tone
- Establishing ground rules and behavioral guidelines
- Assisting the parties to vent emotions
- Delimiting topic areas and issues for discussions
- Assisting the parties to explore commitments, salience, and influence.

STAGE 7 Defining Issues and Setting an Agenda
- Identifying broad topics of concern to the parties
- Obtaining agreement on the issues to be discussed
- Determining the sequence for handling the issues.

STAGE 8 Uncovering Hidden Interests of the Disputing Parties
- Identifying the substantive, procedural, and psychological interests of the parties
- Educating the parties about each other's interests.

STAGE 9 Generating Options for Settlement
- Developing awareness among the parties of the need for options
- Lowering commitment to positions or sole alternatives
- Generating options using either positional or interest-based bargaining.

STAGE 10 Assessing Options for Settlement
- Reviewing the interests of the parties
- Assessing how interests can be met by available options
- Assessing the costs and benefits of selecting options.

STAGE 11 Final Bargaining
Reaching agreement through either incremental convergence of positions, final steps to package settlements, development of a consensual formula, or establishing of a procedural means to reach a substantive agreement.

STAGE 12 Achieving Formal Settlement
- Identifying procedural steps to operationalize the agreement
- Establishing an evaluation and monitoring procedure
- Formalizing the settlement and creating an enforcement and commitment mechanism.[8]

Moore's approach to mediation strikes us as being a bit too complicated and somewhat legalistic. Perhaps his approach to mediation is influenced by his work as an arbitrator. For example, Moore spends a lot of time preparing for mediation, collecting information and insights into the conflict, verifying the accuracy of the data, and working to minimize the impact of inaccurate or unavailable information (Stage 3 in his process).

His attention to detail and the complexity of his approach suggest a much lengthier and more expensive process than the two models outlined earlier. Two of mediation's redeeming features are: (1) it's ability to "cut to the heart of the conflict" rather quickly with a minimum of time lost in the process; and, (2) the relative inexpensive nature of the service when compared to alternatives. A faithful replication of Christopher Moore's approach might negate those two important attributes of mediation.

Perhaps you are wondering why we include his model based on these cautionary notes. We also believe he calls attention to some issues we would encourage you to build into any mediation activity. For example, Stage Five of his proposed process deals with building trust and cooperation. While all models imply these attributes, Moore is quite specific in his concern for these conciliatory endeavors.

Before closing the door on this discussion of mediation, we want to draw on one more mediation specialist. J. Haynes believes those experiencing conflicts often find difficulty agreeing on what the problems are that have caused the

conflict. Without defining the problems in a mutually acceptable way, it is difficult to seek solutions. The mediator's tasks in these situations are:

1. to locate areas of agreement on the problem;
2. to help the parties understand that their problem is not uniquely difficult and can be resolved; and
3. to concentrate on areas of common ground and get the parties to agree on the problem.

The three skills he uses to achieve these tasks are:

- ***Mutualizing***. This is the process of feeding back to the parties in conflict issues, ideas, and concerns that are true for both of them. This reduces the levels of animosity and resistance to the possibility of a joint problem definition.

- ***Normalizing***. This is offering statements about human experience that are relevant and similar to those of the parties in conflict. They are constant, gentle reminders that this is a real problem but not necessarily a difficult one.

- ***Selective summary***. This is feeding back only the information, ideas, and issues from a dispute that the mediator believes will move the dispute toward resolution.

The application of these skills requires the mediator to have a clear understanding about the common ground those in dispute are sharing. This means extensive inquiries by the mediator before encouraging dialogue between them.[9]

Mediation: A potentially powerful community building strategy

Third party conflict management interventions are powerful tools to use in building stronger, more viable, productive relationships and communities. The mediation process has proven to be one of the most effective strategies and one that can be learned by individuals of all ages and levels of formal educational achievement. While mediation is becoming recognized as a professional service to be made available through some formalized process, it is also a valuable life skill that can serve all of us well in our daily interactions with others. Mediation, in fact, takes place all the time between individuals and groups worldwide. Caring, compassionate persons who value peace and harmony and rarely think of themselves as mediators carry out most mediation efforts.

Conflict is a source of great energy. It can be productive or destructive. Mediation is a tool to help those with serious disagreements to channel conflict's energy for mutual gain.

As indicated earlier, we will be discussing in the following chapter some other conflict management models that have emerged largely out of the mediation camp. They are different enough to warrant special treatment before we end this conversation about ways to manage conflicts and differences.

Key Points

- Mediation has a long history as a process for resolving differences and conflicts.

- Mediation involves a third party to the conflict who is acceptable to all parties, who is impartial and neutral, and who has no formal decision making powers.

- The issue of neutrality in mediation is under fire from some quarters, but this controversy could undermine some of the credibility that mediation has garnered over the years

- Mediation is not a tool to be used in every conflict or disagreement situation. If you find this key point puzzling, go back to the discussion of When and When Not to Mediate

- Effective mediators perform many roles in their efforts to help others

- Mediation involves a structured process of helping those in conflict check facts, share feelings, exchange perceptions and ideas and work toward agreements

- Within this widely accepted process are many variations to consider

- Mediation is becoming a profession but this shouldn't deter those who want to help others with disagreements or conflicts to engage in more informal mediation processes

- But, they should know the limitations of swimming with sharks.

Endnotes

[1] Moore, Christopher W., **The Mediation Process: Practical Strategies for Resolving Conflict** (San Francisco: Jossey-Bass, 1986), p. 19-24.

[2] Raider, Ellen and Susan Coleman, **Collaborative Negotiation: Skills Training** (New Platz, NY: Ellen Raider International, 1992), p.7, 3 through 4.

[3] Moore, **op. cit**., p.6

[4] Bush, Robert A. Baruch and Joseph P. Folger, **The Promise of Mediation** (San Francisco: Jossey-Bass, 1994), p. 22.

[5] Beer, Jennifer with Eileen Stief, **The Mediator's Handbook: Developed by Friends Conflict Resolution Programs** (Gabriola Island, BC, Canada: New Society Publishers, 1997), p. iii.

[6] Raider, **op. cit**., p.7, 4 through 8.

[7] Beer, **op. cit**., p.4-61

[8] Moore, **op. cit**., p. 29

[9] Haynesk J. and G. Haynes, **Mediating Divorce** (San Francisco: Jossey-Bass Publishers), p. 193-207. 91

CHAPTER 7
OTHER CONFLICT MANAGEMENT THEMES

No matter how strong, one beam cannot support a house
CHINESE PROVERB

While negotiation and mediation as we have described various approaches in the last chapter are on center stage when it comes to responding to disagreements and conflicts in many parts of the world, they certainly don't represent the entire cast of conflict management characters. What we want to do in this chapter is look at one trend in conflict management that preceded the spate of negotiation and mediation books, articles and applied activities that started to appear in the 1980s, and follow this with more recent dissenting voices on the dominant trends in conflict management.

Organization development and planned change

One dominant theme in the literature and application of planned change and organization development strategies was conflict management. The focus of managing differences, as it revealed itself through these particular ideologies, was largely managerial: how to improve the effectiveness and efficiency of organizations. Within these contexts, conflict was often described as interpersonal, intergroup, and interorganizational. Here's how Richard Walton explained the role of conflict and its management at the interpersonal level of organizations.

"The premise is not that interpersonal conflict in organizations is bad or necessarily destructive and that either those directly involved or third parties must inevitably try to eliminate or reduce conflict. Interpersonal differences, competition, rivalry, and other forms of conflict often have a positive value for the participants and the social system in which they occur. First, a moderate level of interpersonal conflict may increase motivation and energy. Second, conflict may promote innovation because it highlights diverse viewpoints. Third, the principals may develop increased understanding of their respective positions, because the conflict forces them to articulate their views and to bring forth all supporting arguments".[1]

Walton outlined a number of techniques and strategies for managing conflict within organizational settings. These included dialogue where parties directly engage each other and focus on the conflict between them, including aspects of their relationship; bargaining over fixed-sum issues; problem solving; and relationship structuring. While Walton indicates that each of these approaches can be carried out without the involvement of a third party, he clearly sees the advantage of involving a third party in each of these approaches. Whether the third party performs more as a facilitator of group process and dialogue or mediator depends on the context of the conflict. "When the salient processes are strictly bargaining or a combination of bargaining and problem solving, then mediation is the relevant third party role".[2]

Role and image exchanges

One popular technique for resolving conflict or differences between individuals or groups in organizations is something referred to as role negotiation. Note the use of the term negotiation). Essentially, the parties in conflict identify the source of their conflict by listing changes they want to see made in their relationship. Typically, it involves each party stating what they would like the other party to do more of, less of, or differently; and what they are prepared to do more of, less of, or differently. These changes are then negotiated and agreed upon. Sometimes the changes are put in writing with agreement on how they will monitor progress toward achieving the new relationship. In many ways, the role negotiation is similar to some of the techniques outlined in the earlier chapter on mediation.

A variation on the role exchange involves an exchange of images, often used between sub-groups within organizations or between organizations that are experiencing conflict. For example, local government elected officials and their management staffs with the help of a third party facilitator, they would probably not use the term mediator, would analyze their relationships and negotiate new working arrangements.

One of the authors was involved as a "facilitator" to help two city governments resolve deep-seated conflicts between various levels of their respective organizations. These cities, although separated only by a river, represented different organization and community cultures, factors that contributed to their escalating differences. Ethnic minority enclaves dominated the one community. Their citizens had lower incomes and educational achievements, and they operated their local government through a complicated, competitive political process. The other community was characterized by families with higher incomes and education achievements; a monolithic class structure; and a professionally managed local government which claimed to be non-partisan in terms of political affiliation and the way it governed.

Both cities faced an increasingly competitive economic environment from other regions. Because of their inability to work together on issues related to economic and social development, they were becoming less and less competitive in the market place. When they realized their futures were so interdependent, the city leaders on each side of the river decided they needed to confront their conflicts and differences and learn to work together.

A local university-based public service institute with organization development facilitators was contracted to conduct a two and one half day conflict resolution and planning workshop involving the key leaders of each local government and community. The processes used to resolve the long standing conflicts included an exchange of images about each other, an extended dialogue about their similarities and differences, and specific action steps they could take, working together, to regain their economic competitive edge.

The workshop produced significant results that were tracked by the University team over an extended period of time. While not all the conflicts were resolved, the two communities were able to convert negative energy into a constructive force by collaborating on a series of program activities.

The image exchange process may be of interest for those who are experiencing similar inter-organizational or community conflicts. Each community group was asked to prepare three lists of information. (1) How they perceived their own local government and community; (2) How they perceived the other local government and community; and (3) How they thought the other group perceived them as a local government and community. These lists were put on large pieces of paper and displayed in a total group meeting.

The two groups alternated the presentation of their lists and took questions for clarification. After the reports, there was a long facilitated dialogue to help understand the differences in perceptions and how they had contributed to the escalating conflicts and tensions between the two communities. From these discussions, they identified areas of conflict that needed to be addressed to improve their collective economic competitiveness. Small work groups were organized to develop action plans for consideration by the entire group.

By comparison

When we look at the theories and experience to define the field of alternative dispute resolution (ADR) over the past quarter of a century and what was happening in the fields of organization development and planned change, we recognize considerable overlap in their basic assumptions and evolving social technology. ADR, as described by John Burton, is a phrase "to describe mediated out-of-court settlements or before-court interactions between parties to a dispute or conflict".[3] Of course, their motivations were different. ADR was designed to seek new ways to resolve differences between feuding parties and to relieve the formal legal system of cases that could be handled more efficiently and in many ways more effectively.

Organization development (OD) and planned-change theorists and practitioners were more concerned with helping managers and organizations become more effective and efficient through the application of behavioral science concepts and strategies. ADR focused more directly on unresolved conflict between individuals and groups with the intent to help them problem solve while OD was more concerned with individual and collective productivity. The organization development specialists focused their primary attention on decision-making and problem-solving processes and systems and viewed conflict as an issue to be addressed when it interfered with decision making and problem solving.

In each of these fields of facilitated and mediated assistance, the practitioners benefited from the work of behavioral scientists who were concerned about a whole range of issues from interpersonal growth and development to planned changes in complex social systems. Often this potpourri of social science experimentation and application was clustered under the label of human relations training. (For an excellent historical perspective on how these themes were played out over four decades in terms of Interactive Conflict Resolution, see Ronald J. Fisher's book by the same name.)[4]

The prescriptive, proactive, satisfaction model

Any attempt to summarize in a few paragraphs the essence of the conflict management movement that flows from the human relations school would be foolhardy. So, let's be a bit foolhardy. Since conflict management has spawned its own cadre of experts who rarely discuss efforts by others in parallel fields of endeavor, we will limit our discussion to their contributions.

Bush and Folger lay out four scenarios to describe the pluralistic nature of the mediation trade. The one that relates most closely to many of the skills associated with the general management and organization development arena is something they call the "Satisfaction Story". In a deliberate exaggeration of its achievements in conflict resolution, they describe mediation as "a powerful tool for satisfying the genuine human needs of parties to individual disputes …. mediation can facilitate collaborative, integrative problem solving rather than adversarial, distributive bargaining. It can therefore produce creative, "win-win" outcomes that reach beyond formal rights to solve problems and satisfy parties' genuine needs in a particular situation".[5] Could an organization development consultant have said it any better?

John Paul Lederach, who works internationally as a mediator and conflict resolution consultant, describes this genre of conflict management as the prescriptive model. "It reduces conflict resolution to technology - to technique and skill,

which become key aspects of both the training and of the subsequent application of the model".[6] The prescriptive approach presumes transferability and universality. In other words, it can be applied anywhere under any condition requiring the resolution of conflict between individuals, groups or institutions, broadly defined. The overall process is often treated like a training event, where the format and agenda is defined primarily by the trainer/mediator to meet predefined needs.

Kevin Avruch discusses the *problem-solving workshop* is closely aligned with Lederach's prescriptive model. In this conflict management strategy, "a third party brings conflicting parties together in a neutral and unthreatening setting to help them analyze the deeply rooted or underlying causes of their conflict; to facilitate unhampered communication between them; and to encourage creative thinking about possible solutions -literally, to problem solved".[7]

Both Avruch and Lederach, and a growing number of other conflict expert/practitioners, are concerned about the transferability and universality of this prescriptive, satisfaction-oriented, problem solving collection of conflict resolution models. As Avruch says, "conflict resolution has become an exportable commodity".[8] Behind that comment is fear that the commodity may not fit the culture or the needs of those who buy it. While Avruch appears to offer relatively little insight about how to "fix" this dilemma in any pragmatic way, Lederach is at least applying his concerns to conflicts in various places around the globe.

Transformative peacemaking

A new descriptive term has entered the lexicon of those concerned with finding ways to help others resolve conflicts in their personal lives, their communities and among global societies. It's conflict transformation or a reasonable facsimile of the word combinations. Lederach describes as well as anyone the evolution of this phase of peacemaking attempts.

Some years ago conflict management entered practitioner parlance. Heavily Western in conception, management pointed toward the idea that conflict follows certain predictable patterns and dynamics that could be understood and regulated. As in building a bridge over a raging river, or damming it up to produce electricity, we could channel conflict energy toward productive outcomes. The evolving concept was an effort to take account of the nature and role of conflict in relationships; it was natural and should be managed. Management as a concept recognized that conflict was not resolved in the sense of getting rid of it, but rather emphasis was placed on affecting the destructive consequences and components.[9]

He goes on to explain that it is improbable to manage human action and interaction in the same way we manage things in the physical world. Hence, management does not capture the broader sense of peacemaking, when it narrows its focus to the technical and practical side of the effort.

Over the years the idea of conflict transformation has emerged in the search for an adequate language to describe the peacemaking venture. Transformation provides a more holistic understanding, which can be fleshed out at several levels. Unlike (conflict) resolution and management, the idea of transformation does not suggest we simply eliminate or control conflict, but rather points descriptively toward its inherent dialectic nature … social conflict moves through certain predictable phases transforming relationships and social organization.[10]

According to Lederach, conflict changes communication patterns, thus affecting relationships and social organization. Increased tension means less direct exchange between those experiencing the conflict and increased indirect communication by which others are brought in, changing the primary relationship and the broader social context in which the conflict occurs. Conflict also transforms perceptions of self, others, and the issues in question. We will return to Lederach in a moment to look at how he conducts transformative peacemaking, but first, a look at another perspective on this approach to mediation.

Empowerment and recognition

No one can accuse Bush and Folger of being tentative about their commitment to transformative mediation. "The mediation process contains within it a unique potential for transforming people -engendering moral growth -by helping them wrestle with difficult circumstances and bridge human differences, in the very midst of conflict".[11] According to these authors, the transformative potential stems from mediation's capacity to generate two important effects: empowerment and recognition.

Empowerment is restoring to individuals the sense of their own value and strength and their own capacity to handle life's problems. *Recognition* is when individuals can both acknowledge and empathize with the situation and problems of others. Bush and Folger believe when these qualities become central to the practice of mediation, parties see conflict as opportunities for moral growth, and the transformative potential of mediation is realized.

The objectives to be achieved through mediation as problem solving, the prescriptive, satisfaction approach, are significantly different from those achieved through transformation. The core objective in problem solving is an

agreement that provides mutual satisfaction for all parties improving the parties' *situation* from what it was before. In transformative mediation, the core objective is improving *the parties themselves* from what they were before. Specifically, the authors tells us, transformative mediation is successful when the parties experience growth in both the capacity for strength of self and the capacity for relating to others. In other words, they achieve empowerment and recognition.[12]

These two centering strategies, as embodied in the transformative mediation process, are not unlike claims found in advertisements for personal growth seminars. While we applaud the intent and the values, we also find it difficult to see how Bush and Folger actually bring about transformation during the mediation process. Nevertheless, they do confront two of the nagging reservations about current approaches to conflict management: power distribution and cultural relevancy. Unfortunately, they come in the back door in their efforts to address both issues.

Lederach's elicitive model of mediation

Lederach, a firm believer in the transformative approach to mediation, is not one to rest on his rhetoric. He has taken his concerns for mediation's cultural relevancy on the road to some of the world's most difficult testing grounds including Cambodia, Somalia and Nicaragua. Lederach has fashioned an approach to mediation he calls the Elicitive Model. The base line of engagement is embodied in the title. He “elicits”, or draws out of the parties in conflict, their own sense of how to address the differences that are driving them further apart.

As Lederach explains it, he starts from the vantage point that training is an opportunity aimed primarily at discovering, creating, and solidifying models that emerge from the resources present in a particular setting, and responding to needs in that context.[13] In other words, he begins the intervention with constructing the model for intervening into the conflict from the materials the participants bring to the workshop, mainly their life skills and experience.

Conflict resolution, using the elicitive approach, is very much a group process and considerably more time consuming than those associated with the more direct problem- solving model. The difference is the perceived need to build the ark before embarking on the journey. The advantage of starting from where the parties in conflict are, conceptually, and not from where we would like them to be, is at least two fold. The conflict management ark is built from proven material and designed to navigate successfully in familiar terrain.

The disadvantage is the likelihood that the journey will not approach the horizon because the crew either fears the unknown or has no appetite for it. However critical one is of the ethnocentric models of conflict resolution we currently find in the market place, it is reassuring that they are under constant scrutiny often by the very people who invented them.

The elicitive model is based on a participatory design for creating appropriate models of conflict transformation. The design includes at least five interrelated kinds of activities. Although we will lay them out in as distinct, sequential elements, it is understood that the process, like action research, may be visited with the need to skip forward or shunt back as each step in the sequence is undertaken. The steps in Lederach's elicitive approach to conflict management are:

1. ***Discovery*:** Participants engage and interact with their own understandings of how conflict and their response to it operate in their own setting. These exercises are intended to be catalytic, helping people think about implicit knowledge as a resource. To do so, they need not only to discover their commonsense knowledge but also to be able to describe it. What do we do to resolve conflict in our midst? And, how do we do it?

2. ***Naming and categorizing***: This step puts the participants into the situation where they create their own theory from past experience and understanding. It reminds us of the contributions that Paulo Freire made to our understanding of the learning process. Freire envisioned social change, such as managing ethnic conflicts, as a process of personal and systematic transformation. The context in which he applied his ideas for bringing about social change was helping poor and disadvantaged people learn to read and write. Through a process Freire called conscientization , awareness of self in context, those who had been denied the opportunity to learn and communicate more effectively found themselves on a dual path of personal and social transformation. The process was so empowering that Friere was soon determined by the military dictators who held ultimate power at that time, to be a dangerous citizen of his own country, Brazil.

3. ***Evaluation***: Once participants have worked through discovering what conflict is and how it gets resolved from their own experience with it, and once they made their experience with conflict more explicit, they can begin to evaluate what helps and what doesn't from their experience in managing conflict.

4. ***Adapt/Recreate***: This is an opportunity to adapt their current ways of managing conflict or explore new ways often looking at practices from other cultures and settings.

5. **Practical Application**: This final stage in the training involves exercises to experiment with their new ideas and insights. From here they begin to use their new knowledge and skills in confrontational situations.

Lederach's approach is designed to honor the cultural differences that exist between the trainer and the participants and to use those differences as the baseline from which to explore new concepts and strategies for conflict resolution. The role of the trainer, in this context, shifts from delivering content and skill building about a recognized model of conflict resolution to facilitating the process of discovery and learning based on the experience of the learning community.

The one cautionary note Lederach sounds about the use of this model is the tendency of "culturally sensitive facilitators" to refrain from introducing other conflict management models for fear they will carry the potential power often assigned to expertise from abroad. Lederach believes a combination of the prescriptive and elicitive models is best suited when working with participants from other contextual environments.

"If the elicitive approach adapts a purist stance that does not encourage comparison, does not share full knowledge of others' approaches and ideas, it can be disempowering and narrow in the opposite direction, by keeping people ignorant".[14]

Perspective

The fields of conflict management, alternative dispute resolution, or whatever labels you prefer to assign to it, are being challenged from many fronts and are therefore changing. Mediation that has been perhaps more stable as a discipline and process for addressing disputes is beginning to re-invent itself from basic assumptions and values-to its operational style.

Given new insight about how the field is changing, we hope you now feel empowered to create your own strategy, based on the unique resources you personally bring to the situation and opportunities for service afforded by the lingering disputes that unsettle the potential for harmony in your midst.

Reflection time

Take a few moments and reflect on the variations of conflict management strategies we have just explored. What have you learned that will influence your own approach to managing conflicts with those you interact with, within your organization and within the community. Use the space below to record your "elicited" response. And then, state how you think you can change so you can put these new ideas into practice. (It's known as conscientization).

Key Points

- Two of the historical roots of conflict management are planned change and organization development.
- Role and image exchanges are two tools from that era that are still relevant strategies for managing interpersonal and organizational differences.
- Something called transformative peacemaking has grown out of a mix of conflict management strategies in an effort to bridge cultural gaps that have rendered some older models less effective.
- Empowerment and recognition are seen as two important results for those who engage in transformative mediation.
- Elicitive mediation is one of newest approaches to grow out of the restive hands of those who search for new ways to help others manage the conflict in their lives.

Endnotes

[1] Walton, Richard, **Managing Conflict: Interpersonal Dialogue and Third Party Roles: second edition** (Reading, MA. Addison-Wesley Publishing, 1987), p.4.

[2] **Ibid.**, p.11.

[3] Burton, John, **Conflict Resolution: Its Language and Processes** (Lanham, Maryland: Scarecrow Press, 1996), p.15.

[4] Fisher, Ronald J., **Interactive Conflict Resolution** (Syracuse, NY: Syracuse University Press, 1997)

[5] Bush, Robert A. Baruch and Joseph P. Folger, **The Promise of Mediation**, San Francisco: Jossey-Bass Publishing, 1994), p.16.

[6] Lederach, John Paul, **Preparing for Peace: Conflict Transformation Across Cultures** (Syracuse, NY: Syracuse University Press, 1995), p.52.

[7] Avruch, Kevin, **Culture and Conflict Resolution** (Washington DC: United States Institute of Peace Press, 1998), p.85.

[8] **Ibid**., p.102.

[9] Lederach, **op. cit**., p.16-7.

[10] **Ibid**. p.17.

[11] Bush and Folger, **op. cit.**, p.2.

[12] **Ibid**., p.84.

[13] Lederach, **op. cit**., p.55.

[14] **Ibid**., p **.** 70.

CHAPTER 8
FUTURE TRENDS AND SUGGESTED ACTIONS

When minds are the same, that which is far off will come
EAST AFRICAN PROVERB

Conflict management has become a "growth industry" in recent years, for a number of obvious reasons. First, there is more and more conflict in the world.

- violent civil wars
- transitions in fundamental governance systems, pitting the "old ways" of doing things against the new
- cross border disputes
- ethnic strife from backyard squabbles to wholesale carnage
- racially incited hatred
- domestic violence and family disputes
- gender, religious and generational conflicts of all sorts.

The list goes on, and on, and on.

Second, this escalating, multi-headed, ubiquitous, conflict monster has spurred individuals, civic organizations, local governments, national NGOs and international agencies to take action or just to react. Sometimes they enter the fray reluctantly; other times, they are motivated by moral imperatives. For whatever reasons, the collective numbers and weight of those concerned with and involved in conflict management have grown rapidly in recent years.

The third reason conflict management has become a growth industry is the technology available to engage in conflict management and resolution activities and the ease by which one can acquire the rudiments of the technology. When elementary school children can be trained to become peer mediators, there is hope that more mature, experienced, educated individuals can learn how to mediate and negotiate with reasonable levels of competence.

With growth, necessity and popularity come other things

Opportunities for community leaders and others to gain skills and experience in alternative dispute resolution strategies, such as mediation, have increased substantially in many parts of the world. One outstanding example of how these opportunities have increased in recent years is through the efforts of Partners for Democratic Change (Partners). Partners, an international NGO, is committed to building sustainable local capacity to advance civil society and a culture of change and conflict management worldwide. Since its inception in 1989, Partners' locally managed national centers have provided information, negotiation, and cooperative planning skills to thousands of civic, NGO, municipal, and national government leaders in nearly 40 countries. Partners is particularly strong in Central and Eastern Europe where they have established national centers and equipped their staff with skills to help bring about fundamental changes in processes of democratic decision making and conflict management.

The growing use and popularity of new social technology, i.e., conflict management, sparks increased efforts to improve the technology. As we have discussed in earlier chapters, knowledge about the negotiation process and skills needed to negotiate more effectively have changed dramatically in recent years as major universities and applied research centers have become involved. Mediation, although practiced for hundreds of years in all parts of the world largely by the religious and diplomatic elite in the early days, has taken on new significance in recent years. Opportunities to learn mediation skills and put them to use has filtered down into organizations and communities, thanks to organizations like Partners for Democratic Change.

The same is true with the art of conciliation, an equally old approach to resolving differences and managing conflict. Conciliation has been defined as "an applied psychological tactic aimed at correcting perceptions, reducing unreasonable fears, and improving communication to an extent that permits reasonable discussion to take place and, in fact, makes rational bargaining possible".[1] For some strange reason, most books on conflict management will mention and often describe the conciliation process but rarely if ever mention *reconciliation*. One exception is Bush and Folger who define it as parties having "their relationship fully restored".[2] Reconciliation has been described as the penultimate

restoration of a relationship that has gone bad. The Reconciliation Commission that operated in South Africa was designed to heal old wounds and to restore ethnic and racial harmony.

In recent years, conciliation has taken on significance as an integral and essential component of negotiation and mediation when necessary to reduce the emotional heat so often generated by conflict. Conciliation has also broken out as a freestanding process for building trust and productive relationships, to name just two of its intended consequences. As another variation on third party assisted conflict management strategies, and one that we believe will become more and more prominent in the future, let's take a quick look at conciliation.

Conciliation: Another essential tool for managing conflict

Conciliation is a third party managed process that helps those in conflict with relational issues, not content concerns. Moore calls conciliation "the psychological component of mediation in which the third party attempts to create an atmosphere of trust and cooperation that is conducive to negotiation".[3] Conciliation is designed to help lower tensions, improve communications, and explore possible solutions. Individuals often call on someone to help him or her become more *conciliatory* toward one another so they can make decisions on content concerns. Conciliation stops short of mediation but may set the scene, or conditions, for mediation.

Several problems are associated with the interpersonal dimensions of conflict. These relationship difficulties often require attention before progress can be made on the substantive aspects of a disagreement. These relationship-associated issues and concerns include five conditions.

1. ***Strong emotions***. These include anger, personal hurt, frustration, alienation, hopelessness, resentment, distrust, fear and more. For rational discussions of substantive issues to take place, these kinds of emotional currents must be addressed and, in some way, calmed. Louis Coser, nearly a half a century ago, made a distinction between *unrealistic* and *realistic* conflicts. He said unrealistic conflict exists when parties act as if they are in dispute when no real objective conditions for conflict exist. Realistic conflicts result from genuine conflicts of interest.[4] For negotiators and mediators, it is important to sort out the realistic from the unrealistic.

2. ***Misperceptions and Stereotypes***. Misperceptions will continue to be reality, in the mind's eye, until proven otherwise, no matter how distorted they might be. Stereotypes - "you've seen one, you've seen them all" - mindsets are more difficult to overcome since they are often mired in prejudice and hate. Nevertheless, they form a formidable barrier when trying to get to the substantive issues in a negotiated or mediated relationship.

3. ***Legitimacy Problems***. If one side doesn't see the other party or their interests and concerns as "legitimate", the potential of even getting the parties to sit down together is slim. "They-have-no-right-to-strike!" kinds of verbal outbursts reflect these kinds of legitimacy barriers.

4. ***Lack of Trust***. At the bottom of the pit of issues ripe for the skill of the conciliator is mistrust. When trust is missing and the ability to depend on or put confidence in the other party's truthfulness lacks, the negotiation/mediation process will be climbing a very steep mountain just to get to the substantive issues of the conflict. Trust is usually built in bits and pieces over a long period of time.

5. ***Poor Communications***. Clean, clear, honest statements would probably cut by 90 percent the time required to mediate or negotiate conflicts or the need to resort to these kinds of third-party-assisted decisions. This sounds like an inflated commercial, but think about it for a moment. If the parties in conflict were communicating cleanly, clearly, and honestly without the fog of misperceptions, mistrust, and emotional baggage like fear and anger, many negotiators and mediators would be forced into early retirement.[5]

Community Boards, a non-profit organization established in San Francisco a number of years ago, enlarged the original concept of conciliation to "go beyond hostility, suspicions and avoidance to address the dispute that divides them".

The primary focus of Community Boards conciliation is building or rebuilding a relationship so that the disputing people themselves can agree to address their differences. We believe strongly that the conflict belongs to the disputants, as does the responsibility for its resolution. Conciliation is most appropriate when disputants have or want an ongoing relationship. When it achieves its goals, conciliation lays the groundwork for resolving not only the current difficulty but also any future ones … Ideally, disputants will leave the session with new skills and knowledge that will empower them to deal effectively with each other and in relationships characterized by tension and conflict. Ideally, conciliation does not merely resolve disputes, it also enhances social relationships and can improve the quality of life in a community.[6]

Community Boards was founded on the following values:

- Acceptance of the positive side of conflict

- Peaceful expression of conflict in the neighborhood
- Individual and community acceptance of responsibility for conflict
- Voluntary resolution of conflict; and
- Neighborhood diversity and tolerance for differences.

The Community Boards' approach to conciliation, on the surface, seems a lot like mediation. The six step process looks like this:

Step 1: a neighborhood conflict precipitates a call to the Community Board for assistance;
Step 2: staff and community members interview everyone involved;
Step 3: if everyone agrees, a panel meeting is scheduled;
Step 4: the panel meeting takes place;
Step 5: in most cases, people reach an agreement; and
Step 6: staff or a panelist follow-up to see how the agreement is working.

The difference is in building relationships and conflict resolution skills as the primary order of business. It is not the resolution of a particular conflict, although this is also an intended consequence. Some would call efforts like these *capacity building*, building community capacity to work together more effectively.

Conflict management: A work in progress

We have discussed how the social technology of conflict management has been changing and will continue to change. We have also alluded to the movement that makes conflict management, as a skill and knowledge base, more democratic, meaning available to more and more individuals. But, the growing sense of importance and necessity to incorporate more sophisticated conflict management strategies into community development and civility maintenance endeavors brings pressure to somehow regulate and credential those who practice it. These two movements, (1) to increase the numbers of those who can manage conflict effectively as third-party intermediaries and (2) to regulate and credential those who provide mediating services, are in direct conflict, if that term is acceptable.

From what we can tell, standards are being established to credential mediators in certain political jurisdictions, but they are voluntary. For example, in the provincial jurisdiction where one of the authors resides, there is a Council of Mediators, which operates as a professional organization for those who work as mediators - part-time or full-time, paid or voluntary. This council has been instrumental in establishing a code of ethics and standards of conduct to guide the provision of services by its members. The council also has established standards for mediator credentialing, but is quick to point out that these standards are voluntary.

To become a voluntarily credentialed mediator in this provincial jurisdiction, the individual is expected to take a minimum of 22 hours of formal training in the principles and practices of dispute resolution alternatives. The mediator candidate must also participate as a co-mediator with disputing parties for a minimum of six cases totaling at least 12 contact hours.

There are other requirements to become a mentoring mediator, one who can train others, and a yearly minimum educational requirement of six hours to maintain the status of a credentialed basic mediator. W believe this is a practice that will continue to grow and become more binding in future years as those who practice the art of mediation want to make their work more professionally recognized and rewarding and the field more exclusive. It establishes an interesting conflict of values and norms for individuals who also want to see conflict management and resolution skills and practices become more egalitarian and widespread.

There is obviously much more we could be saying about the art and practice of managing conflict but we want to bring this dialogue to a close with the following reminder and some suggestions for action:

We don't always create the conflict that enters our lives, But we can always choose our response to those conflicts.

Suggested actions

For those who have been involved in this discussion, the response should include an active role in managing conflict, bringing about successful resolutions to disputes, and passing on to others the knowledge and skills required so they can also become involved in managing disagreements, disputes and conflicts in their domains.

As an NGO, CBO or local government leader, we suggest you consider the following actions, based on the ideas put forth in this manual.

1. ***Increase your capacity to lead and manage by improving your negotiation skills***. Recognize that much of what has been said about negotiation, mediation and other skill-based interventions is culturally biased toward

the country context of those doing the writing. However, don't reject these ideas too quickly. Take the good ideas and those tactics you believe will work for you and modify them to meet your needs. Think about negotiation as a personal empowerment tool and one you can share with others. Peter Block reminds us that the promise of empowerment is in its use as an alternative to negative politics and bureaucracy. As public leaders and managers, we can create opportunities for others to be empowered and to take more responsibility and ownership of their actions at all levels of organizations and all corners of our communities. Maybe even use your new skills in negotiating to help create opportunities for others.

Block, nevertheless, puts parameters on your role in empowering others.

You don't empower others. You don't give other people their freedom. You can't legislate self-esteem. *You begin with yourself*. You cannot give to others what you have not claimed for yourself. Claim your autonomy, your vision; declare the organization (*and community, we would add*) you wish to make. Live that out at every moment. Then, and only then, make it easy for others to do the same. Empowerment is a choice, not a tool.[7]

We all use negotiation skills in just about everything we do. We use them to assure the distribution of goods and services within the community are more equitable and just. We use them to create new visions with those who hold on to the past. Improving your own skills in negotiation and helping others improve theirs will build community capacity. Empowerment is a choice, so is democracy. They are intertwined.

2. ***Establish alternative dispute resolution (ADR) processes within the community if they don't already exist***. These are mediated out-of-court or before-court interactions between parties to a dispute or conflict. (Burton: 1997). Depending on the needs of your community, mediation can be a useful process tool for resolving disputes in such arenas as schools, family situations, neighborhoods, labor-management confrontations, environmental disagreements, child custody, and more.

   There are various mediation models outlined earlier. If none seem to fit your culture or needs, invent a new approach. Once you have a mediation process you think can work in the best interests of the community and citizens, train mediators and set up systems to put this alternative dispute mechanism in place.

3. ***Set in motion a series of transforming dialogues***. W talked earlier about the art of dialogue and its importance as a process for managing conflict and bringing about profound changes. While this manual is not written for those individuals who want to go out and engage in major geo-political conflict resolution efforts, there are substantial conflicts and disputes in most communities that are long-standing and deeply entrenched. They are also numerous enough that any one wanting to put their skills to work at dialogue and reconciliation will probably not be idle or bored.

So, the suggestion is not to take on deep-seated, multi-national, contentious, geo-political challenges after you have read this manual. Rather, we would suggest an undertaking that is a bit more modest but nevertheless challenging. It might include an ethnic minority community within your larger community that has been systematically shut out of the decision-making and resource-sharing loop for longer than any one can remember and therefore alienated from others in the community.

Or it might involve confrontation over sustaining a polluting industry for fear its closure will put a substantial number of citizens out of work. Or, it might be deep-seated antagonisms and distrust between the local government and community NGOs and CBOs. The possibilities are many in most communities so there is little need to elaborate.

Dialogue: the art of thinking together

If you remember, we used William Isaacs' definition of dialogue to describe the process earlier in the manual.

"*Dialogue* is about a shared inquiry, a way of thinking and reflecting together. It is not something we do *to* another person. It is something we do *with* people. Indeed, a large part of learning this has to do with learning to shift our attitudes about relationships with others, so that we gradually give up the effort to make them understand us, and come to a greater understanding of ourselves and each other".[8]

He goes on to say that "too many of us have lost touch with the fire of conversation. When we talk together, it is rarely with depth. We see our conversations as either opportunities to trade information or arenas in which to win points".[9] Just thinking about Nelson Mandela, a political prisoner at the time, and former President of apartheid South Africa de Klerk, sitting together and engaging in the *fire of conversation* over many years is inspiring. So is the story about John Hume and Gerry Adams and their fire of conversation that took place over many years, out of the limelight, to dialogue about stopping the violence in Northern Ireland. These are incredible stories of people with vision and patience,

individuals who stirred the ashes of discontent ever so gently in hopes of building trust and commitment to a greater good, together.

The lessons are clear in these stories. First, individuals can make a difference. Second, conflicts that have grown from the seeds of hatred over many decades cannot be unraveled and solved overnight or in a series of mediation sessions, regardless of good intent and high paid consultants. Third, while most of the talk we engage in to create conflict and dissention is cheap, the fire of conversation as characterized by the South African and Northern Ireland dialogues is priceless.

Finally, while the fire of conversation is fueled from within, the art of thinking together can benefit from a few basic dialogue tools and behaviour. Issacs suggests four:

- ***Voicing***: speaking the truth of one's own authority, what one really is and thinks
- ***Listening***: without resistance and imposition
- ***Respecting***: awareness of the integrity of another's position and the impossibility of fully understanding it
- ***Suspending***: assumptions, judgement and certainty

These four capacities for dialogue are based on the following principles:

- ***Unfolding***: There is a constant, implicate potential unfolding through and around us
- ***Participation***: I am in the world, and the world is in me
- ***Coherence***: Everything is already whole; I must look for the ways it is
- ***Awareness***: I am aware of the many voices within myself.

Key Points

- Managing conflict, differences and disputes will continue to occupy the minds and resources of many theoreticians and practitioners as they search for better ways to carry out a mandate to achieve peace in many parts of the world.
- Conciliation is a third-party strategy designed to help those in conflict situations that are based more on inter-relational concerns than specific issues.
- Conciliation must often deal with strong emotions, misperceptions, stereotypes, legitimacy problems, lack of trust and poor communications before it can begin to look at substantive issues.
- Light fires of purposeful conversation. Learn to hold dialogues about those issues that are important to our communities and our societies.

Reflection time

We have come to the end of our journey. Before we part our ways, take a few moments and reflect on how you might begin a dialogue in your community to resolve a long standing, deep rooted conflict. What is the conflict you will begin the dialogue on? Who, from all sides of the controversy, would you invite into the conversation? Are you prepared to invest in the time it will take to complete this long journey of mutual discovery? Are you willing to learn the art of thinking together, and to help others learn? Can you accept the principles involved in lighting the fire of conversation that will take you beyond the controversy? If you can answer these questions without hesitation, you are on the path to discovering peace.

Those who would have fruit, Must climb the tree
THOMAS FULLER

Endnotes

[1] Curle, A., **Making Peace** (London: Tavistock, 1971), p. 177

[2] Bush and Folger, **op. cit**., p. 97.

[3] Moore, Christopher W., **The Mediation Process: Practical Strategies for Resolving Conflict** (San Francisco: Jossey-Bass, 1986), pp. 124-52.

[4] Coser, L., **The Functions of Social Conflict** (Glencoe, IL: Free Press, 1956), p. 42

[5] Moore, **op. cit**.

[6] **Conciliation Handbook** (San Francisco: Community Boards, 1993), p.1.

[7] Block, Peter, **The Empowered Manager** (San Francisco: Jossey-Bass, 1987), p.xv.

[8] Issacs, William, **Dialogue and The Art of Thinking Together** (New York: Currency Books, 1999), p.9.

[9] **Ibid**., p.47.