



**PAKISTAN INSTITUTE FOR PARLIAMENTARY SERVICES**  
Dedicated to Parliamentary Excellence

# **Conflict Resolution and Negotiation Skills**

## **2016**



**Participants' Reader**





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## **Participants' Reader**

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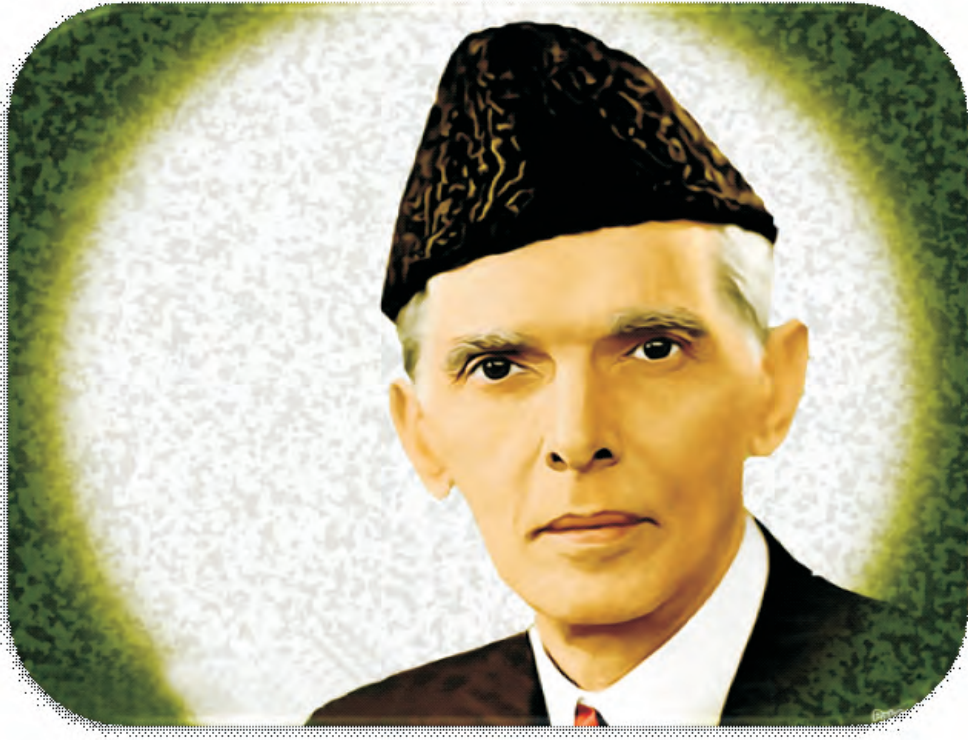
**PAKISTAN INSTITUTE FOR PARLIAMENTARY SERVICES**  
Dedicated to Parliamentary Excellence

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Father of the Nation, Quaid e Azam Muhammad Ali Jinnah said:



**Duty of the Government:**

You will no doubt agree with me that the first duty of a government is to maintain law and order, so that the life, property, and religious beliefs of its subjects are fully protected by the State.

...if we want to make this great State of Pakistan happy and prosperous we should wholly and solely concentrate on the well-being of the people, and especially of the masses and the poor.

Address, Constituent Assembly of Pakistan, Karachi, 11 August 1947

## ACKNOWLEDGMENT

Islamabad, 5th May, 2016

The father of the Nation, Quaid e Azam Muhammad Ali Jinnah said in his memorable first address to the Constituent Assembly of Pakistan on 11th August, 1947:

“You are now a sovereign legislative body and you have got all the powers. It, therefore places on you the gravest responsibility as to how you should take your decisions.”

Task of Parliaments as well as governments has become more complex as populations grew and maintenance of a sustainable society with appropriate provision of food, shelter, health, education and a secure environment became arduous. Members of the Parliament are expected to play the key role in provision of above-mentioned necessities and to liberate people from the shackles of poverty through the reaffirmation of the fundamental values of freedom, equality, solidarity, tolerance, and respect for the planet and shared responsibility. Parliamentarians are committed to be state-builders by working for provision of human rights to every citizen as envisaged in the Constitution of the country.

More importantly, Members of Parliament are conflict managers in their constituency, which are always expected to promote “unity in diversity,” as political leaders to maintain a tolerant and peaceful society. Their role as Members of Parliament of a federation all the more expects them to be effective negotiators to build agreements and consensus in day to day parliamentary business, in committees as well as during discussions on resource sharing, foreign policy, reviewing policies of governments and ensuring inter provincial coordination and harmony. Fundamental Rights provisions in national Constitutions are most important elements of state-building because they are the rights most readily recognized and acknowledged within a country. Members of Parliament thus have the imperative role of balancing provision of rights and state services to each strata of society managing disagreements and conflict situations.

We are pleased to share this PIPS READER on CONFLICT RESOLUTION AND NEGOTIATION SKILLS, which is a compilation of essential conceptual framework

in which a conflict can be managed and resolved. It extensively focuses on MPs orientation with regard to negotiation skills that make imperative part of their role as people's representatives. It will definitely build their insights to characteristics of modern day Leaders, of whom negotiation skills remain most important.

It is a compilation by the PIPS Research and Information Services Wing. Ms Tehseen Khalid, Senior Research Officers has compiled the Reader in the supervision of Mr Muhammad Rashid Mafzool Zaka, Director Research and I.T while it also incorporated activities designed by Mr Zane Asher Green, Design Consultant, and Ms Nadia Batool, formerly Training Specialist, USAID-PLSP.

We welcome any feedback and suggestions by the participants and readers of the handbook at: [research@pips.gov.pk](mailto:research@pips.gov.pk)

**Research and I.T Wing**  
Pakistan Institute for Parliamentary Services

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**GOAL**










Participants will understand the nature and stages of conflict as well as learn how to respond to conflicts and how to apply appropriate strategies to resolve conflicts effectively.

**OBJECTIVES**

By the end of the workshop, participants will be able to:

1. Discuss the definitions and assumptions about conflict;
2. Explain the causes, types, costs, outcomes and benefits of conflict;
3. Appreciate the importance of each conflict style and its consequence to normalize their behaviours in various situations;
4. Recognize the signs of conflict as well as assess the stage that the conflict is in;
5. Apply time-tested tips, techniques and strategies to resolve conflicts;
6. Appreciate the importance of their role, as parliamentarians, in conflict resolution;
7. Appreciate the importance of resolving conflicts through "Jirga".

KEY TO ICONS

		
Group-based task	Pair-based task	Individual-think task
		
Quiz	Facilitator-led discussion	Self-study
		
Lecturette	Reference task	Three-member task

# Session 1

## *The Nature of Conflict*

<b>OBJECTIVES</b>	By the end of this session, participants will be able to: <ul style="list-style-type: none"><li>● Define the term: “Conflict”</li><li>● Explain the causes, types, costs, outcomes and benefits of conflict</li></ul>
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## DEFINITIONS AND KEY POINTS

### DEFINITION 1

(Source: The Resolving Conflict Pocketbook by Max A Eggert and Wendy Falzon, Management Pocketbooks Ltd, 2004, Hampshire, UK)

Conflict happens when two or more parties (point 1, below), one usually with more power (2), assert that they have a right to a limited resource or a course of action (3) and those involved in the situation can frustrate the desires of the other(s) (4).

### Key Points:

1. Conflict can occur between more than two parties.
2. If one party has absolute power then there may be a need for conflict resolution but there is no negotiation. Might becomes right and what is wanted is just taken. Remember the old joke: 'Where does a 6-foot 6-inch, 20 stone man with a submachine gun sit in a packed underground carriage?' Answer: 'Anywhere he pleases!'
3. With an unlimited resource, such as the air we breathe, there would be no conflict. Usually if you put a price on something it can lead to conflict.
4. Each of the parties can counter or frustrate the requirement of the other(s). If they cannot then there will be no conflict, but point (2) above will still apply.

The content, requirements or fuels for conflict are:

- Two or more parties wanting a limited resource
- A perceived legitimacy to that resource by the parties
- Interdependency of the parties - they need each other
- No gross differences in power

### Key Point:

It could be said that if one party had absolute power and took the disputed resource from the other party or parties, there would still be conflict, because those dominated would feel aggrieved. This would be so, but in such cases any conflict resolution methods, and certainly the ones outlined here, would not help. A subject cannot negotiate with a dictator; only another dictator can do that.

**DEFINITION 2**

(Source: Harry Webne-Behrman's website, Academic Leadership Support, <http://www.ohrd.wisc.edu/onlinetraining/resolution/tools/outcomeid.htm>)

A disagreement through which the parties involved perceive a threat to their needs, interests or concerns.

Key points:

- A conflict is more than a mere disagreement - it is a situation in which people perceive a threat (physical, emotional, power, status, etc.) to their well-being.
- Participants in conflicts tend to respond on the basis of their perceptions of the situation, rather than an objective review of it. As such, people filter their perceptions (and reactions) through their values, culture, beliefs, information, experience, gender, and other variables. Conflict responses are both filled with ideas and feelings that can be very strong and powerful guides to our sense of possible solutions.
- As in any problem, conflicts contain substantive, procedural, and psychological needs to be negotiated. Substantive needs have to do with the "stuff" of the conflict... often the problem that we feel needs to be solved. Procedural needs relate to the process of addressing these substantive needs. Psychological needs relate to a fostering a safe environment, one in which people are willing to take the risks involved in honestly communicating their differences, concerns and potential similarities to one another. In order to best understand the threat perceived by those engaged in a conflict, we need to consider all of these needs.
- Conflicts are normal experiences within the work environment. They are also, to a large degree, predictable and expectable situations that naturally arise as we go about managing complex and stressful projects in which we are significantly invested.
- If we develop procedures for identifying conflicts that are likely to arise, as well as systems through which we can constructively manage conflicts, we may be able to discover new opportunities to transform conflict into a productive learning experience.





## CAUSES OF CONFLICT

### BELIEFS, VALUES, ATTITUDES AND MOTIVES

(Source: Conflict and Conflict Resolution - Healthy Outlooks Magazine, <http://www.westone.wa.gov.au/toolbox7/health/shared/resources/mag/conflict.htm>)

- **Beliefs**

What we believe about ourselves and others and about the way the world is. The way we think things are or should be - religious beliefs and that sort of thing.

- **Values**

We value what we think is important. What we think is right or wrong - freedom, education, money.

- **Attitudes**

The way we have learned to respond to people, things and situations because of what we believe and value - our attitude towards someone or something.

- **Motives**

Our reason for doing or saying something. The goals we are trying to achieve.

## CAUSES OF INTERPERSONAL CONFLICT

(Source: THE RESOLVING CONFLICT POCKETBOOK by Max A Eggert and Wendy Falzon, Management Pocketbooks Ltd, 2004, Hampshire, UK)

Conflict between individuals can also be brought about by:

- **Poor communication**

Where the parties are unable to express themselves, verbalize their needs, state the case adequately, provide logical and structured argument, or listen effectively, conflict can arise. The more limited the communication skills a person has, the greater possibility of physical violence.



- **Perceived differences**

Humans form groups naturally and so individuals need to distinguish their group from outsiders. This can lead to possible conflict between races, religions, political systems and, even, teams or departments at work.

- **Biological orientation**

This stems from the Darwinian concept of the survival of the fittest. Here it is suggested that conflict is both natural and healthy. Nature is red in tooth and claw. In the end the strongest survive and those aspects, which facilitate their survival, are perpetuated. Weak organizations go to the wall.

- **Spatial relationships**

Individuals seem to need their own space. Consequently, when there is overcrowding conflict usually increases.



## **BENEFITS, COSTS, OUTCOMES AND TYPES OF CONFLICT**

*(Source: The Resolving Conflict Pocketbook by Max A Eggert and Wendy Falzon, Management Pocketbooks Ltd, 2004, Hampshire, UK)*

### **BENEFITS OF CONFLICT**

Conflict promotes:

- Growth, through learning to overcome challenges in unison with others
- Creativity and innovation as solutions are suggested to overcome the differences between the stakeholders
- The development of interpersonal skills, as individuals strive to get on with each other in spite of their differences
- Mutual understanding of different values, aspirations and cultures (sometimes people are not trying to be difficult, they just have a different mind-set)
- Social change and progress, as society changes and develops and a culture unfolds

- Growth as the process of resolution overcomes the stagnation of the status quo (necessity is the mother of invention and conflict is one of necessity's prodigies)
- Originality and reflection when your viewpoint is challenged

**COSTS OF CONFLICT**

- Higher stress amongst the parties
- Lower productivity as effort and resources are redirected into the conflict and away from the work in hand
- Lower interpersonal cohesion as individuals - and their supporters - take sides and begin to stereotype each other
- Time spent in resolution is taken away from other, more important matters
- Inappropriate decisions are made to support the various causes and positions of the parties
- Status and ego become more important than reason and reality
- The possibility of increased costs to cover negotiation preparation, negotiation time, mediation and/or arbitration costs and, perhaps, legal costs

**OUTCOMES OF CONFLICT**

There are four possible outcomes from a conflict situation; only one produces a satisfactory result. This relates to a branch of mathematics called game theory where the outcome and the result can be measured as follows:

1. *Positive sum + 2 = Party A (+1) and Party B (+1) satisfied and conflict is resolved*
2. *Zero sum 0 = Party A is satisfied (+1) but Party B is resentful (-1)*
3. *Zero sum 0 = Party A is resentful (-1) but Party B is satisfied (+1)*
4. *Negative sum - 2 = Party A is dissatisfied (-1) and so is Party B (-1) and conflict continues*

These outcomes can be drawn as follows:

	<b>I win</b>	<b>I lose</b>
<b>You win</b>	(+2) Positive sum	(0) Zero sum
<b>You lose</b>	(0) Zero sum	(-2) Negative sum

In conflict resolution you work towards the positive sum where both sides are satisfied. In popular language, this is called a *win/win*, which obviously, is the best outcome for all concerned.

## TYPES OF CONFLICT

### 1. Personal

This is conflict within oneself.

#### Examples:

- You don't like your job anymore but you are nervous about leaving
- You don't want colleagues to take the credit for the work you have done and at the same time you are afraid to complain or there is no one to whom you can complain.

### 2. Interpersonal

#### Examples:

- Ideological Clashes
- Dispositional Clashes
- Cultural Clashes
- Religious Clashes
- Age Clashes
- Value Clashes

### 3. Organizational

#### Examples:

- Unions and Management
- Intra-and-Inter-company rivalry
- Executive competition for resources and top positions

### 4. Team/Technical

#### Examples:

- Sales and Production
- H.R. and Fiscal
- Research and Operations

### 5. National

#### Examples:

- Wealth Clashes
- Civil wars

### 6. International

#### Examples:

- The Cold War
- War against terrorism

## Session 2

### *Responding to Conflict*

<b>OBJECTIVES</b>	By the end of this session, participants will be able to: <ul style="list-style-type: none"><li>● Discuss how people respond to Conflict</li><li>● Appreciate the importance of Assertive communication in situations of conflict</li></ul>
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## RESPONDING TO CONFLICT



### CONFLICT STYLE AND THEIR CONSEQUENCES

(Source: Conflict and Conflict Resolution - Healthy Outlooks Magazine, <http://www.westone.wa.gov.au/toolbox7/health/shared/resources/mag/conflict.htm>)

Conflict is often best understood by examining the consequences of various behaviours at moments in time. These behaviours are usefully categorized according to conflict styles. Each style is a way to meet one's needs in a dispute but may impact other people in different ways.

**Competing** is a style in which one's own needs are advocated over the needs of others. It relies on an aggressive style of communication, low regard for future relationships, and the exercise of coercive power. Those using a competitive style tend to seek control over a discussion, in both substance and ground rules. They fear that loss of such control will result in solutions that fail to meet their needs. Competing tends to result in responses that increase the level of threat.

**Accommodating**, also known as smoothing, is the opposite of competing. Persons using this style yield their needs to those of others, trying to be diplomatic. They tend to allow the needs of the group to overwhelm their own, which may not ever be stated, as preserving the relationship is seen as most important.

**Avoiding** is a common response to the negative perception of conflict. "Perhaps if we don't bring it up, it will blow over," we say to ourselves. But, generally, all that happens is that feelings get pent up, views go unexpressed, and the conflict festers until it becomes too big to ignore. Like a cancer that may well have been cured if treated early, the conflict grows and spreads until it kills the relationship. Because needs and concerns go unexpressed, people are often confused, wondering what went wrong in a relationship.

**Compromising** is an approach to conflict in which people gain and give in a series of tradeoffs. While satisfactory, compromise is generally not satisfying. We remain

shaped by our individual perceptions of our needs and don't necessarily understand the other side very well. We often retain a lack of trust and avoid risk-taking involved in more collaborative behaviours.

**Collaborating** is the pooling of individual needs and goals toward a common goal. Often called "win-win problem-solving," collaboration requires assertive communication and cooperation in order to achieve a better solution than either individual could have achieved alone. It offers the chance for consensus, the integration of needs, and the potential to exceed the "budget of possibilities" that previously limited our views of the conflict. It brings new time, energy, and ideas to resolve the dispute meaningfully

**SELF-REFLECTION QUESTION**

*Think for a moment about when you are in a conflict. Do you usually want to avoid it or compete or do you find yourself accommodating, compromising or collaborating?*




## EMOTIONAL, COGNITIVE AND PHYSICAL RESPONSES

(Source: Conflict and Conflict Resolution - Healthy Outlooks Magazine,

<http://www.westone.wa.gov.au/toolbox7/health/shared/resources/mag/conflict.htm>)

These are important windows into our experience during conflict, for they frequently tell us more about what is the true source of threat that we perceive; by understanding our thoughts, feelings and physical responses to conflict, we may get better insights into the best potential solutions to the situation.

**Emotional responses:** These are the feelings we experience in conflict, ranging from anger and fear to despair and confusion. Emotional responses are often misunderstood, as people tend to believe that others feel the same as they do. Thus, differing emotional responses are confusing and, at times, threatening.

**Cognitive responses:** These are our ideas and thoughts about a conflict, often present as inner voices or internal observers in the midst of a situation. Through sub-vocalization (i.e., self-talk), we come to understand these cognitive responses. For example, we might think any of the following things in response to another person taking a parking spot just as we are ready to park:

- "Who does he think he is! What a sense of entitlement!"
- "I wonder if he realizes what he has done. He seems lost in his own thoughts. I hope he is okay."
- "What am I supposed to do? Now I'm going to be late for my meeting... Should I say something to him? What if he gets mad at me?"

Such differing cognitive responses contribute to emotional and behavioural responses, where self-talk can either promote a positive or negative feedback loop in the situation.

**Physical responses:** These responses can play an important role in our ability to meet our needs in the conflict. They include heightened stress, bodily tension,



increased perspiration, tunnel vision, shallow or accelerated breathing, nausea, and rapid heartbeat. These responses are similar to those we experience in high-anxiety situations, and they may be managed through stress management techniques. Establishing a and they may be managed through stress management techniques. Establishing a calmer environment in which emotions can be managed is more likely if the physical response is addressed effectively.

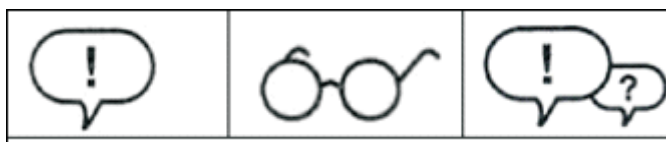
**SELF-REFLECTION QUESTION**

*Think for a moment about when you are in a conflict. What are your emotional, cognitive and physical responses?*

**MY EMOTIONAL RESPONSES**


**MY COGNITIVE RESPONSES**


*MY PHYSICAL RESPONSES*

### INTERPERSONAL BEHAVIOUR

(Source: Conflict and Conflict Resolution - Healthy Outlooks Magazine, <http://www.westone.wa.gov.au/toolbox7/health/shared/resources/mag/conflict.htm>)

Interpersonal behaviour is the way we behave when we interact with other people. It can be useful to think of our behaviour as being assertive, passive or aggressive. Usually, there will be some crossover of behaviour styles depending on the situation.

Learning how to be assertive rather than passive or aggressive improves your communication skills and will help you in conflict situations.

The table below explains some of the differences between these kinds of behaviour.

	<b>Passive</b>	<b>Assertive</b>	<b>Aggressive</b>
<b>Definition</b>	Communication style where you overly respect other peoples rights, views, opinions and ideas. You believe that their ideas etc are better than yours.	Communication style where you respect the rights of other people to have views, opinions and ideas. You believe your ideas etc are equal to theirs.	Communication style where you do not respect the rights, opinions, views and ideas of others. You believe that your ideas etc are better than theirs and you are always right.
<b>Characteristics</b>	? Let others make decisions for you ? Feel inferior	? Make own decisions ? Feel equal	? Make decisions for others ? Feel superior
<b>Verbal style and attitude</b>	? Small, soft voice ? Apologizing ? Inhibited ? ? Anxious	? Firm voice ? Direct ? Respectful ? Confident	? Loud voice ? Sarcastic ? Tactless ? Controlling
<b>Body language</b>	? No eye contact ? Stooped ? Anxious body movements	? Appropriate Eye contact ? Open relaxed posture	? Excessive eye contact (staring) ? Rigid, tense posture ? Threatening

<b>Others opinions of you</b>	? Pushover ? Don't know where you stand on issues ? No valuable opinions	? Respected ? Know your own mind ? Valuable opinions	? Overbearing ? Controlling ? Too pushy
<b>Others reaction to you</b>	? Feel frustrated with you ? Pity you	? Feel confident in you ? Trust you	? Feel annoyed or scared of you ? Resentful of you
<b>Possible outcomes</b>	? Feel angry ? Frustrated ? Inferior ? Low self esteem ? Not confident in making decisions and voicing opinions	? Has self respect ? Feels valued ? Confident in making decisions and voicing opinions	? Feels self important ? Feels guilty ? Overly confident in making decisions and voicing opinions

As can be seen by the different styles, people's reaction to you may be different.

Being *passive* might be a way of avoiding unnecessary conflict. But if you do it all the time other people may not see you as a valuable independent team member with interesting views and ideas. Instead they may see you as someone who just agrees with everyone else to keep the peace.

Being *assertive* is the ideal way to interact with others. It means that you are able to honestly express your feelings and opinions while being respectful of the feelings of others. With assertive communication you are voicing your ideas and inviting others to share their ideas with you on equal terms.

Being *aggressive* does not help a conflict situation. The person with whom you are interacting will feel humiliated and overpowered and will be unable to enjoy open and equal communication.

Once you know how you generally interact then you can work on changing those aspects of your interactions that you don't like.

**QUESTIONS**

*1. How do people with Passive Behaviour respond to conflict?*


*2. How do people with Assertive Behaviour respond to conflict?*


3. *How do people with Aggressive Behaviour respond to conflict?*


**TEST YOUR KNOWLEDGE**

1. A conflict is a situation in which people perceive a threat primarily to their \_\_\_\_\_.
  - a. Well-being
  - b. Prestige
  - c. Knowledge
  
2. Participants in conflict tend to respond on the basis of their perceptions, which is an \_\_\_\_\_ evaluation of the situation.
  - a. Objective
  - b. Irrational
  - c. Incomplete
  
3. Our perceptions are based on our values, culture, beliefs, norms, information, experience, gender, etc.
  - a. True
  - b. False
  
4. Conflicts are, to a large extent, \_\_\_\_\_ situations that naturally arise as we go about managing complex and stressful projects in which we are heavily involved.
  - a. Violent
  - b. Unexpected
  - c. Predictable
  
5. Conflict is often best understood by examining the consequences of various behaviours at moments in time.
  - a. True
  - b. False

6. \_\_\_\_\_ is a style that relies on an aggressive style of communication and the exercise of coercive power.
- Compromising
  - Avoiding
  - Competing
7. \_\_\_\_\_ ultimately leads to unexpressed views and pent-up emotions, which can fester like a cancer.
- Accommodating
  - Avoiding
  - Compromising
8. Collaborating is often called \_\_\_\_\_ problem solving.
- Win-Win
  - Win-Lose
  - Lose-Lose
9. If we compromise, we may feel OK about the outcome, but still harbour resentments in the future.
- True
  - False
10. Emotional responses are the feelings we experience in conflict, ranging from
- Gratitude to Appreciation
  - Patience to Humility
  - Anger to Despair
11. Self-talk helps us understand our cognitive responses.
- True
  - False
12. Which is not a physical response to conflict?
- Bodily Tension
  - Increased Perspiration
  - Laughter



13. \_\_\_\_\_ are based on the way we have learnt to respond to people, things and situations.
- Values
  - Beliefs
  - Attitudes
14. Conflict can arise when something we value is threatened. This situation is more or less similar to when we experience
- Anger
  - Fear
  - Depression
15. Wanting different things may cause conflict between the parties, which means that they have different
- Values
  - Beliefs
  - Motives
16. With \_\_\_\_\_ communication we are voicing our ideas and inviting others to share their ideas with us on equal terms.
- Passive
  - Assertive
  - Aggressive
17. When the parties are unable to express themselves or verbalize their needs, then the cause of conflict is
- Minimization
  - Denial
  - Poor Communication
18. Executive competition for resources and top positions is an example of Conflict.
- Organizational
  - Personal
  - Environmental

19. Which is not an example of International Conflict?
- a. The Cold War
  - b. War against terrorism
  - c. Civil Wars
20. Interpersonal Conflict is
- a. Within oneself
  - b. With another person
  - c. With the environment or society

**ACTIVITY**

**CONFLICT IN YOUR WORK ENVIRONMENT OR CONSTITUENCY**

*Consider your own work environment or constituency for a moment:*

- What are some key conflicts in your workplace or constituency?


- When do these conflicts normally tend to occur?


- How do people respond to these conflicts as they arise?


## Session 3

### *Stages of Conflict*

<b>OBJECTIVES</b>	By the end of this session, participants will be able to: <ul style="list-style-type: none"><li>● Describe the different stages of Conflict</li><li>● Assess the stage that the Conflict is in</li></ul>
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## STAGES OF CONFLICT

(Source: Adapted from Louis Kriesberg's Stages of Conflict, Beyond Intractability: A Knowledge Base on More Constructive Approaches to Destructive Conflict, <http://www.beyondintractability.org/action/essays.jsp?nid=2075>)

Most conflicts go through a series of stages, which may or may not occur in order. They start as latent conflict. They then emerge, escalate, de-escalate and are resolved-sometimes permanently, sometimes temporarily until they emerge or escalate again.

### 1. Latent Conflict Stage

In this stage, there are deep value differences, conflicting goals or significant injustice, which lie dormant and will potentially lead to an active conflict.

### 2. Conflict Emergence Stage

The significant tensions or grievances that have persisted over long periods of time result in a noticeable conflict.

### 3. Escalation and Institutionalization Stages

When a conflict reaches the escalation phase, it intensifies quickly. Escalating conflicts can turn into a spiral with each side continually provoking each other to raise the stakes, making the conflict more and more destructive.

### 4. Failed Peacemaking Efforts Stage

The repeated failure to negotiate an end to a conflict confirms its intractability. Often these failures discourage new attempts and create a burden of mistrust to be overcome. Consequently, the struggle continues.

### 5. Hurting Stalemate Stage

Once conflicts escalate for a while, the parties often reach a stalemate, neither party can win, but neither party wants to back down. At this stage, the parties have two options, continue to bleed each other dry or look towards resolution.

## 6. De-escalation Stage

Conflicts do not escalate indefinitely. Eventually, they reverse direction, decreasing in intensity until they are forgotten or resolved.

## 7. Negotiation Stage

In the negotiation stage, parties search for mutually beneficial ways of resolving their conflict. This stage must be timed and executed very carefully in order to avoid a return to the escalation stage.

## 8. Settlement Stage

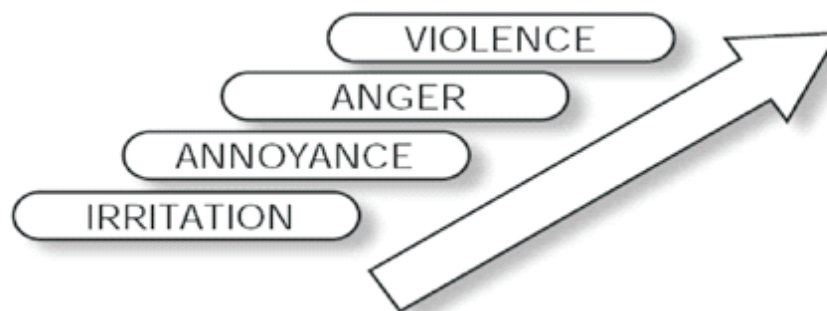
The settlement stage marks the end of the active conflict.

## 9. Peace building and Reconciliation Stage

In long-running inter-group conflicts, after successful negotiation, peace building and reconciliation are necessary to prevent a return to the conflict. In this stage, disputants begin to heal and to rebuild relationships, slowly putting their society back together.

### LEVELS OF CONFLICT

(Source: *The Resolving Conflict Pocketbook* by Max A Eggert and Wendy Falzon, Management Pocketbooks Ltd, 2004, Hampshire, UK)





**QUIZ**

1. *Give an example of conflicting goals:*


2. *Give an example of differing values:*


3. *What factors tend to escalate conflicts?*


4. *Why do peacemaking efforts fail most of the time?*




5. *What do you think are the consequences of not resolving conflicts?*


6. *What happens when neither party can win nor wants to back down?*


7. *When do conflicts reverse direction?*


8. *What is the purpose of the negotiation stage?*


9. *What factors can prevent conflicts from resurfacing?*


## Session 4

### *Managing Conflict*

<b>OBJECTIVES</b>	By the end of this session, participants will be able to: <ul style="list-style-type: none"><li>● Discuss the importance of conflict resolution</li><li>● Describe the basic requirements for dealing with conflict</li><li>● Appreciate the role of multi-track diplomacy in managing conflict</li><li>● Apply time testing strategies to resolve conflicts</li><li>● Prevent critical mistakes in conflict resolution</li></ul>
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**SMALL GROUP DISCUSSION  
IMPORTANCE OF CONFLICT RESOLUTION**

Discuss the following in your group for the next 15 minutes:

Why do we need to engage in conflict resolution?




## BASIC REQUIREMENTS FOR DEALING WITH CONFLICT

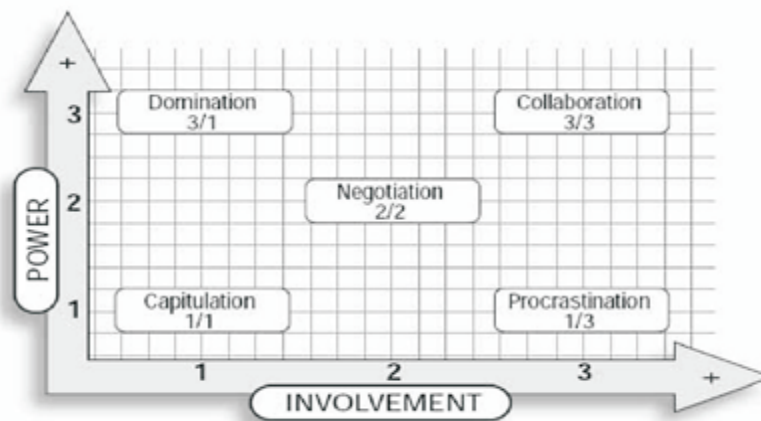
(Source: Conflict and Conflict Resolution - Healthy Outlooks Magazine,  
<http://www.westone.wa.gov.au/toolbox7/health/shared/resources/mag/conflict.htm>)

There are a number of ways you can handle conflict. Here are some techniques that can be useful for handling conflict situations at work.

### Identify the stage that the conflict is in

- In the early stages of conflict, people have disagreements and grumble at each other, but get over it quickly. There can be an atmosphere of tension.
- In the middle stages of conflict, people don't get over problems quite so quickly. The tension starts to build and people may start to become openly upset with each other.
- In the late stages of conflict, people are quite noticeably upset and tense with each other. There is a breakdown in communication.

### Have knowledge of the applicability of the appropriate conflict resolution style



## STYLES OF CONFLICT RESOLUTION

(Source: The Resolving Conflict Pocketbook by Max A Eggert and Wendy Falzon, Management Pocketbooks Ltd, 2004, Hampshire, UK)

### **Talk about the conflict - get it into the open**

You need to discuss the problem. If possible, it is best to talk to the person with whom you have the conflict, but it needs to be approached in a calm, open manner so opinions can be voiced without further escalating the conflict.

### **Use a discussion technique to come up with solutions**

Open and honest discussion helps to resolve conflict. Each person involved should be able to have their say and contribute to the discussion. Very often, conflict is caused by miscommunication where people have not given or received the message correctly.

### **Be assertive**

Chances are, the conflict exists because people were not assertive enough to deal with the problem in the early stages.

Aggressive and dominating people only make conflict situations worse, so be assertive - speak confidently and be prepared to say what you think is right.

Don't blame others for the conflict.

### **Respect the feelings of others**

Recognize that each person involved has feelings about the situation. Let each person speak their mind. Avoid blaming others. Be flexible and willing to arrive at a solution where everyone wins reaching a solution that is acceptable for all, requires people to be flexible. This involves:

- Being prepared to accept that your way might not be the best way
- Being willing to change your opinion and ideas and not being stubborn
- Accepting that other team members might not agree with you

- Accepting that you can't always have your own way
- Accepting whatever is the best decision for everyone involved, not just for you.

**Seek assistance if the conflict is causing problems**

If a problem cannot be resolved, seek assistance from your supervisor or an appropriate person in your organisation. Leaving conflict unresolved can affect your success and overall effectiveness at work.

## MAJOR STRATEGIES FOR CONFLICT RESOLUTION

(Sources:

- Strategies 1, 2, 4, 6, 7 and 8 taken from Harry Webne-Behrman's website, Academic Leadership Support,  
<http://www.ohrd.wisc.edu/onlinetraining/resolution/tools/outcomeid.htm>
- Principled Negotiation taken from The Resolving Conflict Pocketbook by Max A Eggert and Wendy Falzon, Management Pocketbooks Ltd, 2004, Hampshire, UK
- Active Listening and Empathy taken from Conflict and Conflict Resolution - Healthy Outlooks Magazine,  
<http://www.westone.wa.gov.au/toolbox7/health/shared/resources/mag/conflict.htm>)



### 1. SELF-AWARENESS AND PERSONAL CARE

These are essential to an effective approach to conflict management. The more we are aware of our own biases and "hot buttons," the more likely we can prepare ourselves mentally, emotionally and physically to respond in a preferred way. In addition, if we take good care of ourselves by exercising, eating properly and getting adequate sleep, then we will be able to listen well and clearly express our needs in attempting to work out a solution to the conflict. A few questions we can ask ourselves to deal with conflict situations appropriately include:

- a. What are some behaviours by other people that tend to be difficult for me to handle during conflict?
- b. How do I tend to respond when confronting such behaviours?
- c. How would I prefer to respond?
- d. How can I take good care of myself so that I can draw on that energy in times of stress?



- e. Are there trustworthy people (friends, co-workers, supervisors) in my work or personal environment who can guide me and help me stay "on track" in these situations?

**QUESTION**

*How are self-awareness and personal care essential to an effective approach to conflict resolution?*




## 2. IDENTIFYING MUTUALLY ACCEPTED GROUND RULES

"Ground rules" are statements that reflect people's best intentions regarding how they wish to treat one another in civil dialogue. They tend to be present in many positive social relationships, and they are reflected in ethical codes and "the golden rule."

Identify ground rules that work for all parties as you attempt to negotiate solutions to the conflicts before you, such as:

- One person speaks at a time.
- We will make a sincere commitment to listen to one another, to try to understand the other person's point of view before responding.
- What we discuss together will be kept in confidence, unless there is explicit agreement regarding who needs to know further information.
- We agree to talk directly with the person with whom there are concerns, and not seek to involve others in "gossip" or "alliance building."
- We agree to try our hardest and trust that others are doing the same within the group.
- We agree to attack the issues, not the people with whom we disagree.

## 3. IDENTIFYING SAFE SPACE AND APPROPRIATE TIME FOR NEGOTIATION

### Safe Space

In order to have a constructive conversation, people generally need to feel that they are in a "safe place," --a place where they can take the risks involved in honest communication about meaningful issues.

If possible, identify a private, neutral room in which to hold your conversation, preferably a space that isn't "owned" by one person or the other.

### Appropriate Time

Be sure that the time is also acceptable and appropriate. Do not try to negotiate a complex agreement in fifteen minutes! If time is limited, agree on a scope for this discussion and then set up an opportunity for follow-up. You might say, "Let's get started in the brief time we have available and then get together again."



#### 4. HARVARD NEGOTIATION APPROACH: PRINCIPLED NEGOTIATION

One of the most pervasive ideas about dispute resolution to emerge in recent years is the interest-based approach to negotiations advocated by the Harvard Negotiation Project book, *Getting to Yes*. It is a reference book written by Fisher, Ury and Patton that describes the principled negotiation (win-win negotiation) as a preferred alternative to positional bargaining.

Principled negotiation suggests that it is the agreement between the parties that counts and is important because it is founded on the mutual respect the parties have for one another.

When the parties can agree on the principles in a situation or on what is fair and what is right, then agreements come quickly and a win/win solution becomes possible. These are the steps suggested by Fisher and Ury:

**Step 1:** Don't take a position. To do so only leads to argument and causes difficulties with the other side, who will be forced to take a counter-position in response to yours?

**Step 2:** Separate the people from the problem. This prevents you attacking the opposition and holding them responsible for the situation. This minimizes difficulties caused by ego and status. It also helps to reduce emotions and mutual blame.

**Step 3:** Focus on interests. This moves the argument away from positions and towards solutions. By asking why? you can understand what is really wanted.

In this way you can put the problem before your preferred solution, and you can continue to be hard on the problem but soft on the people involved.

### **BATNA**

The best alternative to a negotiated agreement (BATNA for short) was developed, once again, by Ury and Fisher in order to help assess an offer. A BATNA helps to measure a proposal against a realistic alternative. With a BATNA you review what would happen if you did not get an agreement.

Basically, the better your alternatives to what is being offered, the stronger your position. Conversely, the fewer attractive alternative options you have, the less power you have.

### **A PROCESS FOR BATNAS**

**Step 1:** If you fail to agree, list all the options available to you. Take the best options and make them as realistic as possible. Work out what you have to do to make your short list possible.

**Step 2:** Put as many of your options as possible into effect.

**Step 3:** Assess all or any offers that you have. If they are an improvement on your BATNA then accept; if not, try and improve the offer and if this fails then fall back on your BATNA.

**Step 4:** Invent options for mutual gain. Here the more possible solutions you have the better, as this strategy broadens opportunities for both sides. Look for mutual gain and dovetail differing interests.

**Step 5:** Insist on objective criteria. Going for external standards avoids both ego and position stances. Take the view that you only want to do that which is right. Each difficulty is framed as an agreed search for objective criteria. In this way you do not yield to pressure but only to principle.



## GETTING TO YES

(Source: Getting to Yes highlights, [http://en.wikipedia.org/wiki/Getting\\_to\\_YES](http://en.wikipedia.org/wiki/Getting_to_YES))

Answer the 12 MCQs related to the following Harvard Negotiation Project Book's guidelines for greater insight into Principled / Win-Win Negotiation:

1. Don't bargain over positions
2. Separate people from the problem
3. Focus on interests, not positions
4. Invent options for mutual gain
5. Insist on using objective criteria

### MCQs

**1. Arguing over position produces unwise agreements, as more attention is paid to positions and less attention is devoted to meeting the underlying concerns of the parties.**

- a. True
- b. False

**2. Arguing over positions is more likely to**

- a. Promote controlling behaviour
- b. Result in one party giving in
- c. Threaten an ongoing relationship

**3. Putting oneself in other people's shoes is a good way of focusing on**

- a. Interests
- b. Relationships
- c. Positions

4. **Which is not an appropriate way to identify interests?**
  - a. Ask “Why? / Why not?”
  - a. Recognize and understand emotions as well as acknowledge them as legitimate
  - b. Identify the basic needs related to economic well-being, belongingness, recognition, etc.
  
5. **An important way to focus on interests is talking about them. How can a party talk about its interests effectively?**
  - a. Being soft on the problem and hard on the other party
  - b. Expressing its needs as explicitly and realistically as possible
  - c. Reacting to other party's emotional outbursts
  
6. **It is important to realize that each side has multiple interests by identifying shared interests and focusing on mutual options for gain.**
  - a. True
  - b. False
  
7. **For a wise solution, reconcile interests and not positions, as interests primarily define**
  - a. People
  - b. Problems
  - c. Intentions and emotions
  
8. **Creating one solutions-based text that both parties can try to amend and agree upon together is a wise suggestion for**
  - a. Inventing options for mutual gain
  - b. Using objective criteria
  - c. Avoiding bargaining over positions
  
9. **“Don't assume that there is a fixed pie and only one answer.” This is a good suggestion that motivates parties to**
  - a. Invent options for mutual gain
  - b. Focus on interests
  - c. Use objective criteria

**10. Which is a more appropriate advise for broadening one's options?**

- a. Be concrete but flexible
- b. Look through the eyes of different experts
- c. Never yield to pressure

**11. Which is a much appropriate way to insist on using objective criteria?**

- a. Use a third-party referee
- b. Identify shared interests
- c. Discuss each other's perceptions

**12. Which is not an appropriate way to deal directly with the people problem?**

- a. Allow the other party to let off steam
- b. Don't blame the other party for your problem
- c. Never use symbolic gestures



## 5. ACTIVE LISTENING AND EMPATHY

**Active listening** is not just hearing what someone else has to say. It means that you are listening and responding with your full attention and showing interest in what is being said. Good listening skills are vital in helping you to understand how people are responding to you, and for identifying their needs.

**Empathy** means recognizing and responding to someone else's feelings, not just listening to what they are saying. It requires you to have an understanding of the other person's situation and/or point of view.

Developing skills in active listening and empathy is a great way to avoid misunderstandings and find solutions to conflict situations. You'll be surprised at how much practicing just a few techniques can change things!

You can demonstrate **active listening** by:

- Making sure that you understand what the other person is saying. For instance, "I'm sorry, could you please repeat that?"
- Summarising or paraphrasing what the person is saying. For instance, "So you're saying that you would like me to tell you how it happened..."
- Clarifying the situation by asking for more information. For instance, "I'm not sure I'm following what you're saying. Could you just go through it again?"
- Encouraging the speaker by using expressions like "mm", "of course", "yes".
- Remaining calm.

You can show **empathy** by:

- Showing an understanding of how the other person feels. For instance, "I can understand how you must be feeling."
- Apologising, without taking the blame. For instance, "I'm sorry, the waiting must be very frustrating."
- Using a warm and friendly voice.



- Being sincere.

It is worth taking time to practice and use active listening and empathy. It will help all of your communications, both at work and at home.

**Barriers to active listening and empathy**

- Rehearsing or going over in your mind what you are going to say next, instead of listening to the other person.
- Interpreting what the other person is saying in light of your own experiences.
- Not listening carefully to information that you don't find interesting.
- Jumping to conclusions rather than actually listening to what is being said.
- Interrupting the other person, perhaps preventing them from getting their message across to you.
- Daydreaming.
- Listening to other conversations nearby or loud music.

By avoiding these barriers and treating other people with respect, you will be able to really hear and understand what the other person is saying.

**QUESTION**

*How can developing skills in Active Listening and Empathy help us in managing conflicts?*




## 6. APPROACHING PROBLEM-SOLVING WITH FLEXIBILITY

- a. Be sure to take one issue at a time, starting with an issue that both of you agree is worthy of discussion. Try to make it a "bite-table bite," rather than the most difficult issue of conflict.
- b. Generate several possible solutions to the problem, "brainstorming" ideas or otherwise making sure that all parties participate in the process. At this stage, it is important to defer judgments and evaluations of potential solutions, for to do so prematurely risks creating a "chilling effect" on the further generation of ideas. If one idea is rejected too quickly, other ideas may be similarly rejected without appropriate consideration. Even if you quickly identify an acceptable solution, it is useful to explore a few additional ideas before settling on the best answer to the problem.
- c. Clarify the criteria that you are using for evaluating options - sometimes, this can be an important insight for people as they negotiate, because they may have different notions of what they value in a good solution. For example, one person may value a quick solution, while the other wants one that is longer lasting. One person may want to do something that is inexpensive, staying within our current budget, while the other person may feel that it is okay to spend more today to save money and stress in the future.
- d. Good solutions to problems emerge from mutually acceptable criteria being applied in a clear decision-making process. Understand the power present in the room to solve the problems being presented... Sometimes, you may complain about a situation over which you have limited control. It may be important to acknowledge the larger issue or another concern that is beyond your control, but it is important to prevent such concerns from becoming "tangents" that take up your time and energy in less constructive ways. If it feels like the discussion has drifted into another area, check for clarification of the agenda at hand: "I'm confused. Earlier, we were discussing Issue A, now I hear you are raising some concerns in a new area... is this where we

want to focus, or should we return to Issue A?" This type of query can help clarify what the other person is intending, allowing you to either support this shift or express why you feel the original issue still needs your attention.

- e. Summarize these ideas in writing and restate them back to each other as you reach agreement regarding solutions to each of the problems being negotiated, to be sure everyone agrees with both the intent of the solution and its specific language. If it is appropriate to leave things a bit ambiguous, until other issues are discussed, this is fine; just be sure that at the end of the discussion there is a clear record that accurately conveys to all parties - as well as others who may have a need to understand how the problem has been solved - what you are now intending to do and how you plan to do it.



## 7. MANAGING IMPASSE WITH CALM, PATIENCE, AND RESPECT

During the negotiation process, people will commonly get "stuck" and feel sense of desperate frustration about what is occurring. At such times, it is important to consider the appropriate use of the following strategies:

- **When stuck, talk about how it feels...** set aside "the issue" for the moment.
- **Break the problem into more manageable elements.** Start with a "bite-able bite" that is also a shared concern... It probably feels overwhelming in its current form... build a sense of confidence.
- **When in doubt: RESTATE... RESTATE... RESTATE!** Be sure the other person knows you are making reasonable efforts to understand his or her point of view. By doing so, you greatly increase the likelihood that the other person will sense the integrity of your efforts, and respond positively.
- **Stay flexible - generate new options.** Affirm the value of continuing to explore better responses when people feel trapped by their thinking.

- **Clarify criteria: On what basis are we evaluating the various options before us?** Can we agree on criteria that are "mutually acceptable" to all parties, even if not fully shared by all?
- **Reaffirm the ground rules.** Again, these are frequently overlooked at times of impasse, to our collective detriment.
- **Take a structured break...or CAUCUS** (as appropriate). Be sure people go to the break with "homework" to do.
- **Explore alternatives to negotiating: BATNA, WATNA, MLATNA.**
  - a. Best Alternative to a Negotiated Agreement (BATNA) - what is the **best I** can expect if we don't come to a negotiated agreement?
  - b. Worst Alternative to a Negotiated Agreement (WATNA) - what is the **worst I** can expect if we don't come to a negotiated agreement?
  - c. Most Likely Alternative to a Negotiated Agreement - (MLATNA) - what is the **most likely** alternative if we don't come to a negotiated agreement?

This allows for an important reality check before determining not to negotiate further.



## 8. BUILDING AN AGREEMENT BASED ON THE “HALLMARKS” OF A GOOD AGREEMENT

As you come to the conclusion of the negotiation process, identify areas of agreement as clearly and specifically as possible, preferably in writing.

Then review the agreement in light of the following "hallmarks":

- Is it fair? Do all parties feel the agreement is fair and reasonable?
- Is the agreement balanced? Does everyone have a stake and role in its implementation?
- Are the action steps realistic? Do we have the time, energy, skills and resources to follow-through and implement this agreement?
- Is the agreement specific enough to proceed? Does everyone understand what we need to do and when we need to do it?
- To what degree is the agreement self-enforcing, or does it rely on others who were not present for the discussion? What do we do if others are unwilling to do things we hoped they would do in the agreement?
- Is the agreement future-oriented? In other words, have we considered what we will do if there are other problems or conflicts in the future?



## Session 5

### *Role of Parliamentarians in Conflict Resolution*

<b>OBJECTIVES</b>	By the end of this session, participants will be able to: <ul style="list-style-type: none"><li>● Appreciate the importance of their role, as Parliamentarians in Conflict Resolution</li><li>● Identify the areas where they can best assist in conflict resolution</li><li>● Discuss their role as mediators, facilitators or arbitrators in conflict resolution</li><li>● Appreciate the importance of resolving conflict through 'Jirga'</li></ul>
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## ROLE OF PARLIAMENT IN CONFLICT RESOLUTION

(Source: Adapted from CPI and WBI Study Group Observations on the Role of Parliament in Conflict-Affected Countries, Colombo, Sri Lanka, 25 – 29 October 2004)

**Answering the following pertinent questions can help you identify your role as a Parliamentarian in conflict resolution and peace-building initiatives**

*The “Strategy List” can help you answer the questions. You need to choose the techniques that best answer each question.*

<b>To assist in conflict resolution and peace-building initiatives:</b>	
1.	How can Parliament facilitate <b>PARTICIPATION &amp; REPRESENTATION</b> of the citizenry?
2.	How can Parliament create effective <b>COMMUNICATION LINKS</b> with the citizenry?
3.	How can Parliament promote <b>SOCIO-ECONOMIC EQUALITY</b> ?
4.	How can Parliament strengthen <b>MULTIPARTY POLITICS</b> ?

## STRATEGY LIST

*Write in front of each strategy the number of the question it best answers (See Strategy 1 as specimen):*

<b>No.</b>	<b>Strategy / Suggestion</b> <i>Parliament should endeavour to:</i>
<b>1</b>	Engage more readily with civil society (a reservoir of knowledge) to encourage a two-way flow of information and support efforts to ensure civil society participation – <b>Q 2 (COMMUNICATION LINKS)</b>
<b>2</b>	Encourage policies that address unequal social investments in order to achieve equality of opportunity and take affirmative action in favour of disadvantaged groups
<b>3</b>	Strengthen the Parliamentary committee system to hold public hearings, question anyone from the government, provide oversight of the budgetary process, provide oversight of the security sector to strengthen civilian control of the military, police services and intelligence sector, etc
<b>4</b>	Build a dialogue with the community with the help of a free, fair and responsible media
<b>5</b>	Bring conflicting parties to the negotiating table with the government to instigate confidence-building initiatives

6	Design electoral systems to ensure Parliament is as representative of the population as possible to allow the divergent groups to participate in decision-making
7	Seek to eliminate the anxieties and concerns of those suffering from shortage of resources by promoting a dialogue with their constituencies to explain the reasons behind the allocation of resources
8	Facilitate the media's work by encouraging the introduction of right to information legislation, ensuring freedom of speech and freeing up restrictions on public service broadcasting
9	Work side by side the government and the opposition to develop an approach to resolving violent conflict across party lines
10	Participate in international initiatives and processes. For instance, monitor the implementation of poverty reduction strategies by representing stakeholders effectively, listening to their concerns and by providing recommendations to decision makers on policy adjustments in line with budget constraints
11	Encourage consensus-based decision-making to build bridges between parties with conflicting interests
12	Promote a dialogue and facilitate third party mediated talks between stakeholders whose interests' conflict to mitigate conflict over resources
13	Encourage decentralization, whether in the form of federalism, devolution or administrative decentralization, to promote greater contribution, accountability and responsiveness
14	Take up a bill to revise the formula of distribution of royalty to ensure equitable allocation to a comparatively lesser developed province



**ACTIVITY**

**HOW CAN I HELP IN CONFLICT RESOLUTION?**

**Based on the previous exercise, as a parliamentarian:**

*1. What can you do to engage yourself in effective conflict resolution?*


*2. Identify the areas where you can best assist in conflict resolution:*


## THIRD PARTY INTERVENTIONS: MEDIATION AND ARBITRATION

(Source: The Resolving Conflict Pocketbook by Max A Eggert and Wendy Falzon, Management Pocketbooks Ltd, 2004, Hampshire, UK)



### INTRODUCTION

Obviously, it is best if those in conflict can resolve matters themselves. Sometimes, those involved, whether individuals, groups or even nation states, are so far apart - because of emotions, history, status, power differentials, etc - that they need help to find a resolution.

Third party intervention can be arranged by those concerned, or it can result from a prior contractual agreement. Alternatively, it may be imposed by law.

There are two types:

1. **Mediation:** The mediator helps both parties to understand the various positions of the stakeholders, in the hope that a mutually acceptable agreement is possible.
2. **Arbitration:** Usually the stakeholders make representations to the arbitrator, who then presents a solution, which is binding on all parties. Some forms of conflict suit mediation, others suit arbitration. It's difficult to arbitrate when emotions or relationships are involved, while mediation is not that useful when there are legal or contractual obligations. Broadly speaking, people with problems enjoy mediation and corporate bodies go to arbitration. But there are always exceptions.

### MEDIATION

It takes a special type of person to be a mediator. Not only must the individual be acceptable to both sides, but the person must also possess the qualities of a super person. Qualities required include:

- Interpersonal skills
- Good listening skills
- Excellent communication skills
- Impartiality and independence
- Counseling skills
- Flexibility
- Patience
- Creativity
- Persuasiveness and influencing skills

A good mediator must also have maturity, experience and knowledge of the process of mediation, and high personal ethical standards. The mediator's main role is to help the parties explore each other's position and needs, and to keep them focused on – and working towards - a resolution. The mediator must be infinitely involved with the issues and committed to the participants, while at the same time remaining independent and non-judgmental. This difficult balancing task has to be achieved while at the same time moving the process toward a conclusion that is satisfactory and welcomed by all concerned.

Problems with intervention abound. Does the mediator give advice or remain on the sidelines? Does he/she act as an advocate on behalf of one party to another? If there is an obvious difficulty or pitfall looming, does the mediator raise it with the parties or let them discover it for themselves? Should there be an intervention during arguments, and what if arguments result in violence?

### **THE MANAGER AS MEDIATOR**

Frequently, managers have staff who, for various reasons, don't get on. This can have an adverse effect on efficiency and productivity. Mediation will help, but also note:

- There are always at least two sides to every conflict
- People need their shout before they can consider another viewpoint
- Sometimes people prefer to wallow in the problem rather than be part of the solution
- Protagonists find it difficult to provide information that is not in their favour

- The first side you hear usually sounds the most plausible
- Protagonists think their position is the most logical/ appropriate
- Individuals expect you to take their side in every argument
- Once people take a position their egos get involved
- Most people find it difficult to admit they're wrong or to say sorry
- In conflict, some protagonists can be more interested in getting even than getting a fair resolution
- Having taken a position, it's difficult for protagonists to appreciate a viewpoint different from theirs for reasons of ego
- Sometimes it benefits the protagonists to maintain the conflict rather than solve it

### QUESTIONS

1. *Parliamentarians can be good mediators. What traits should they possess to mediate effectively?*


2. *What can be learnt from the topic: "THE MANAGER AS MEDIATOR"?*






## THE MEDIATION PROCESS

There are four basic steps in the mediation process:

### 1. Open

Opening begins the mediation. The mediator's role and the way the mediator would like to move forward in the process of resolution are set out. The rules of engagement are agreed, along with how the parties will relate to each other and how there should be mutual respect and an absence of blame.

### 2. Discover

The needs of each party, their aspirations and concerns are presented; misperceptions are clarified. Every effort is made to help the parties understand their own positions and those of the other stakeholders.

### 3. Unite

Once both sides have outlined their positions, options for solutions can be encouraged, generated and evaluated. Possible concessions and bargains can be suggested and reviewed. Tentative agreements and bargains can be struck and time frames can be agreed.

### 4. Close

This captures the mutual agreements, ensuring that all parties are satisfied and that the resolution is acceptable, pragmatic and perceived as fair. Sometimes a review process is built into the agreement. Agreements can be set down on paper or accepted verbally.



## ARBITRATION

Here an independent third party decides on the final outcome, which is legally or contractually binding on both sides. The parties go to arbitration knowing they have to abide by the final decision, even if they disagree with it.

Consequently, the arbitrator (unlike the mediator) is directly interested in the content, facts and reasons that resulted in conflict, because he/she must weigh all the evidence, arguments and surrounding factors before coming to a decision. There has to be a judgment, which the arbitrator feels, reflects the facts and is fair to all.

Arbitration is particularly useful when there is conflict over facts, a point of law or a contractual detail that can only be resolved by an expert's ruling. Thus, arbitration is usually employed in commercial situations. It offers little when the substance of the dispute is more emotional than objective. If the parties want justice or vindication, arbitration is not seen as satisfactory.

Arbitration also suits protracted conflict, when there is stalemate between the parties. This is because arbitration, unlike mediation, does not require co-operation between those in conflict. This is why, in some cases, once mediation has failed, arbitration is a viable alternative.

## ADVANTAGES OF ARBITRATION

- Both sides can put their case openly
- It does not need the goodwill or trust of the parties to move the process forward
- It does not require process skills to move the debate forward
- It allows for expert evidence to be heard
- The process is objective
- The process is open to third party inspection

- It can balance unequal power distribution between the parties
- The parties can use advocates if they feel inadequate or are not used to presenting their case or complex issues for themselves
- It can work to a fixed timetable
- The outcome can be binding in law on the parties

## DISADVANTAGES OF ARBITRATION

- It can be costly, which would disadvantage the financially challenged
- It does not take account of the emotional needs of the parties
- It encourages an adversarial approach, with each party taking the strongest and, consequently, the most extreme position they can; in addition, it calls for excellent verbal and presentation skills
- The process is fixed and allows for very little variation
- It may end in a lawful settlement, which might not be a just settlement
- It may settle the difficulties between the parties but the conflict, especially the emotional component, can remain
- It is possible for an outcome to be imposed that is thought to be unacceptable to those involved, and so the conflict is far from being resolved



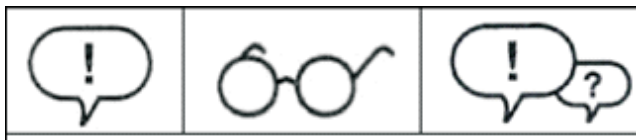
## SOME MANAGEMENT TACTICS

- Remain neutral at all times
- Work on the outcome, not on who is right or wrong or allocating blame
- Separate facts from emotions
- Separate history from hearsay
- Separate the people from the problems
- Test positions for credibility
- Suspend judgment for as long as possible
- Help the two sides respect each other
- Test what is acceptable to both sides

- Estimate what is the best and worst outcome for both sides
- Work out what it would cost for a protagonist to change their position
- Consider whether a change in viewpoint would cost the person in terms of loss of face or humiliation

### A POSSIBLE MANAGEMENT PROCESS

- See each party individually and in private, and take extensive notes
- Reflect on what the real issues are, how the situation has arisen and what is really important to the parties and why
- See each party again to clarify any issues arising, resolving matters of fact and using this period to help the parties gain respect for each other
- Reflect on possible outcomes and options that might be appropriate and that the parties would accept
- See both parties individually; leading with your reasons, state what you think might be reasonable in the circumstances, stressing the superordinate needs of the organization over and above those of the individuals concerned
- See both parties together, representing one to the other and presenting the outcome that you would like - working towards an agreement that is acceptable to both sides



## DOMESTIC MEANS OF CONFLICT RESOLUTION: JIRGA

(Source: *Towards Understanding Pukhtoon Jirga* by Hassan M. Yousafzai and Ali Gohar, January 2005, Published and Distributed by Just Peace International)

Sarkari Jirga refers to a Jirga sponsored by the government. In the tribal areas of NWFP, the British established a contract with the locals allowing them to settle all issues between themselves and the government through a local Jirga. This contract was pronounced through the “**Frontier Crimes Regulation of 1901 Act**” allowing a representative of the government to regulate the formation and reformation of Jirga(s).

Under Frontier Crimes Regulation (FCR) 1901, the magistrate, the political agent or his assistant can designate a group of elders to try a criminal or civil case. The FCR authorizes settlement of quarrels by this Jirga. The concerned government official nominates Jirga members, two or more depending on the nature and importance of the case, arbitrarily. The Jirga calls the parties, analyzes the evidence, and recommends a verdict to be considered for approval by the government authority. There is an appellate tribunal of the government that then examines the Jirga decision. This Jirga can recommend a maximum penalty of up to fourteen years imprisonment and pass awards based on the local traditions. The political agent can approve such recommendation and enforce the decision.

The main components of the Sarkari Jirga are:

- A government representative
- A case registered by one of the parties or cognizance of a situation by the government
- Written referral of the case to the Jirga nominated by the government official
- Recording of statements of the parties by the Jirga
- Visits to the disputed sites by the Jirga members
- Recording of further evidence by the Jirga members

- Presentation of recommendations to the government agent
- Consideration, approval, or disapproval of the recommendations
- Reference back to the same Jirga for reconsideration in light of new facts
- Announcement of the award
- Right of parties to appeal
- Implementation of the award

In this case, nomination of the Jirga members is the most sensitive element because selection of such members who lack the confidence of the community can put the whole process of Jirga at risk. Jirga members are selected from a panel of Malaks or liaison people maintained by the government. To maintain transparency, the government officials may ask the parties to mutually agree to nominate the members themselves. In case of a disagreement, parties are asked to nominate an equal number of Jirga members to represent their respective sides, and the government has the right to nominate the referee among them. In all cases, however, the decision of the Jirga members is unanimous. In case of a dissent by one of the members, the same is noted on records similar to the proceedings of a jury.

**QUESTION**

*What are the advantages of this indigenous system of conflict resolution and peace building?*


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Mr Muhammad Rashid Mafzool Zaka is a member of the pioneering team of the Pakistan Institute for Parliamentary Services, who envisioned and established the Research and Training Programmes as PIPS' Director (Research and Informational Services). He brings with him two decades experience in academia, research and parliamentary services. He holds an M. Phil. degree in International Relations and M.Sc in Strategic Studies with distinction from the top ranking Quaid e Azam University, Islamabad.

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